

Exhibit 42



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From: <ewolters@nysenate.gov>
To: jwtighe@gw.dec.state.ny.us
Date: 5/6/2013 10:08 AM
Subject: Fw: S. 4688, Memo of Opposition
Attachments: Memorandum of Opposition NYCO amendment 2013.doc

FYI

Elizabeth A. Wolters
Legislative Director
Senator Elizabeth Little
310 Legislative Office Building
Albany, NY 12247
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----- Forwarded by Elizabeth Wolters/senate on 05/06/2013 10:08 AM -----

From: Elizabeth Little/senate
To: Elizabeth Wolters/senate@senate
Date: 05/06/2013 10:00 AM
Subject: Fw: S. 4688, Memo of Opposition

-----Forwarded by Elizabeth Little/senate on 05/06/2013 10:00AM -----

To: <bonacic@senate.state.ny.us>, <eadams@senate.state.ny.us>, <breslin@senate.state.ny.us>, <jdefranc@senate.state.ny.us>, <dilan@senate.state.ny.us>, <espailla@senate.state.ny.us>, <flanagan@senate.state.ny.us>, <fuschill@senate.state.ny.us>, <hannon@senate.state.ny.us>, <hasselt@senate.state.ny.us>, <hoylman@senate.state.ny.us>, <lanza@senate.state.ny.us>, <lavalle@senate.state.ny.us>, <little@senate.state.ny.us>, <nozzolio@senate.state.ny.us>, <omara@senate.state.ny.us>, <perkins@senate.state.ny.us>, <ranz@senate.state.ny.us>, <sampson@senate.state.ny.us>, <savino@senate.state.ny.us>, <masmith@senate.state.ny.us>, <stavisky@senate.state.ny.us>, <zeldin@senate.state.ny.us>
From: "David Gibson" <dgibso1@nycap.rr.com>
Date: 05/06/2013 09:21AM
Subject: S. 4688, Memo of Opposition

(See attached file: Memorandum of Opposition NYCO amendment 2013.doc)

Senator Bonacic and Members of the Senate Judiciary Committee,

For your information, we attach our memorandum of opposition to S. 4688, concerning an amendment to Article 14, NYS Constitution.

Thank you for your consideration of our views.

Respectfully,

David Gibson

Adirondack Wild: Friends of the Forest Preserve

David Gibson, Partner

Adirondack Wild: Friends of the Forest Preserve

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(See attached file: Memorandum of Opposition NYCO amendment 2013.doc)



Memorandum of Opposition

S. 4688

May 3, 2013

This resolution proposes to amend Article 14, Section 1 of the NYS Constitution to permit mining exploration and mining through a land exchange between NYCO, the mining company, and New York State. The bill represents second passage in the NYS Senate of an amendment of the NYS Constitution's Article 14 approved in the last Senate.

Adirondack Wild: Friends of the Forest Preserve again opposes this resolution because it fails critical tests of clear public benefit and limited scope in that it would establish a damaging Park-wide precedent. Furthermore, it is by no means necessary to amend the Constitution to accomplish the mining company's objectives of securing new mineral resources. There is no public necessity or need for this resolution. There are viable alternatives which this resolution fails to take into account. Furthermore, this resolution is highly misleading by suggesting that the future of the company and its economic activity in Essex County is at risk without it. That is demonstrably not the case.

The proposal as written encourages expansion of commercial activity onto the Forest Preserve and a designated Wilderness area, the Jay Mountain Wilderness. Rather than strengthen Article 14, the proposal significantly weakens it in that if this NYCO amendment were approved, it would encourage any land owner desirous of exploiting minerals, timber, or any development potential on adjoining Forest Preserve irrespective of whether viable alternatives existed. That is bad public policy. Such encouragement would represent a big step backward for the integrity of Article 14. A majority of New Yorkers will not accept it.

NYCO has a viable, functioning alternative to exploiting the Forest Preserve's Jay Mountain Wilderness (Lot 8). NYCO fully owns the Oak Hill Mine due east of its currently exploited Seventy Mine. Oak Hill Mine is fully permitted by the Adirondack Park Agency and NYS DEC. According to NYCO, the company estimates its Oak Hill Mine to contain 15-20 years of wollastonite reserve. By information and belief, NYCO started exploiting Oak Hill in 2012, and the amount of mineral delivered from Oak Hill will rival and then exceed Seventy Mine by 2016. We are informed by NYCO's president that the quality of mineral at Oak Hill is equal to that thought to exist on the so-called "Lot 8" in the Jay Mountain Wilderness Area, but compared with Lot 8 there is more overburden to remove in order to access it. Yet, the company is already exploiting Oak

Hill Mine today. Furthermore, NYCO informs us that it also intends to apply to DEC and APA to expand its current drilling and exploration for minerals to the south of the existing Seventy Mine site on lands it also owns. In summary, there are considerable permitted reserves of wollastonite already available on NYCO's land, and currently being exploited, and expected to last for 15-20 years.

Article 14 should only be amended if there is an overarching, overriding and clear public purpose and public benefit. **That is not the case here.** NYCO informs us that if this resolution and amendment are not successful, NYCO will simply shift its operations to Oak Hill from the current Seventy Mine site, as it is already doing. Whether this resolution is ultimately approved or not, the company's president tells us that the company has no intention of leaving New York State or Essex County.

The NYS Legislature should disapprove of this resolution because it represents an unnecessary exploitation of the Forest Preserve and the Jay Mountain Wilderness Area, because clear alternatives exist, and because no clear public purpose and benefit is achieved by it.

Adirondack Wild: Friends of the Forest Preserve advances New York's "forever wild" legacy and Forest Preserve policies in the Adirondack and Catskill Parks, and promotes public and private land stewardship that is consistent with wild land values through education, advocacy and research. For more information, please contact David Gibson, 518-469-4081, or go to www.adirondackwild.org.