

# Exhibit 18



PO Box 769 Lake George NY 12845 (518) 685-3088  
[info@protectadks.org](mailto:info@protectadks.org) [www.protectadks.org](http://www.protectadks.org)

**From:** Julia Tighe  
**To:** Elizabeth Wolters <ewolters@nysenate.gov>  
**Date:** 6/11/2012 6:03 PM  
**Subject:** NYCO and T. 40 implementing language  
**Attachments:** NYCO Constitutional amendment draft 5.10.12.docx; Township 40 implementing legislation 6-5-12.docx; NYCO Bill memo.docx

we will get you an updated bill memo for township 40 tomorrow.

**From:** Julia Tighe  
**To:** Michelle Milot  
**Date:** 5/21/2012 4:11 PM  
**Subject:** NYCO  
**Attachments:** NYCO Constitutional amendment draft 5.10.12.docx

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY  
proposing an amendment to article fourteen, section  
one of the constitution, in relation to  
a land exchange with NYCO Minerals, Inc.

Section 1. RESOLVED (if the Assembly concur), That section 1 of article XIV of the constitution be amended as follows:

- §1. Forest preserve to be forever kept wild; certain uses and exceptions authorized.

The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. Nothing herein contained shall prevent the state from constructing, completing and maintaining any highway heretofore specifically authorized by constitutional amendment, nor from constructing and maintaining to federal standards federal aid interstate highway route five hundred two from a point in the vicinity of the city of Glens Falls, thence northerly to the vicinity of the villages of Lake George and Warrensburg, the hamlets of South Horicon and Pottersville and thence northerly in a generally straight line on the west side of Schroon Lake to the vicinity of the hamlet of Schroon, then continuing northerly to the vicinity of Schroon Falls, Schroon River and North Hudson, and to the east of Makomis Mountain, east of the hamlet of New Russia, east of the village of Elizabethtown and continuing northerly in the vicinity of the hamlet of Towers Forge, and east of Poke-O-Moonshine Mountain and continuing northerly to the vicinity of the village of Keeseville and the city of Plattsburgh, all of the aforesaid taking not to exceed a total of three hundred acres of state forest preserve land, nor from constructing and maintaining not more than twenty-five miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than five miles of such trails shall be in excess of one hundred twenty feet wide, on the north, east and northwest slopes of Whiteface Mountain in Essex county, nor from constructing and maintaining not more than twenty-five miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than two miles of such trails shall be in excess of one hundred twenty feet wide, on the slopes of Belleayre Mountain in Ulster and Delaware counties and not more than forty miles of ski trails thirty to two hundred feet wide, together with appurtenances thereto, provided that no more than eight miles of such trails shall be in excess of one hundred twenty feet wide, on the slopes of Gore and Pete Gay mountains in Warren county, nor from relocating, reconstructing and maintaining a total of not more than fifty miles of existing state highways for the purpose of eliminating the hazards of dangerous curves and grades, provided a total of no more than four hundred acres of forest preserve land shall be used for such purpose and that no single relocated portion of any highway shall exceed one mile in length. Notwithstanding the foregoing provisions, the state may convey to the village of Saranac Lake ten acres of forest preserve land adjacent to the boundaries of such village for public use in providing for refuse disposal and in exchange therefore the village of

Saranac Lake shall convey to the state thirty acres of certain true forest land owned by such village on Roaring Brook in the northern half of Lot 113, Township 11, Richards Survey. Notwithstanding the foregoing provisions, the state may convey to the town of Arietta twenty-eight acres of forest preserve land within such town for public use in providing for the extension of the runway and landing strip of the Piseco airport and in exchange therefor the town of Arietta shall convey to the state thirty acres of certain land owned by such town in the town of Arietta. Notwithstanding the foregoing provisions and subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title, the state, in order to consolidate its land holdings for better management, may convey to International Paper Company approximately eight thousand five hundred acres of forest preserve land located in townships two and three of Totten and Crossfield's Purchase and township nine of the Moose River Tract, Hamilton county, and in exchange therefore International Paper Company shall convey to the state for incorporation into the forest preserve approximately the same number of acres of land located within such townships and such County on condition that the legislature shall determine that the lands to be received by the state are at least equal in value to the lands to be conveyed by the state. Notwithstanding the foregoing provisions and subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title and the conditions herein set forth, the state, in order to facilitate the preservation of historic buildings listed on the national register of historic places by rejoining an historic grouping of buildings under unitary ownership and stewardship, may convey to Sagamore Institute Inc., a not-for-profit educational organization, approximately ten acres of land and buildings thereon adjoining the real property of the Sagamore Institute, Inc. and located on Sagamore Road, near Racquette Lake Village, in the Town of Long Lake, county of Hamilton, and in exchange therefor; Sagamore Institute, Inc. shall convey to the state for incorporation into the forest preserve approximately two hundred acres of wild forest land located within the Adirondack Park on condition that the legislature shall determine that the lands to be received by the state are at least equal in value to the lands and buildings to be conveyed by the state and that the natural and historic character of the lands and buildings conveyed by the state will be secured by appropriate covenants and restrictions and that the lands and buildings conveyed by the state will reasonably be available for public visits according to agreement between Sagamore Institute, Inc. and the state. Notwithstanding the foregoing provisions the state may convey to the town of Arietta fifty acres of forest preserve land within such town for public use in providing for the extension of the runway and landing strip of the Piseco airport and providing for the maintenance of a clear zone around such runaway, and in exchange therefor, the town of Arietta shall convey to the state fifty-three acres of true forest land located in lot 2 township 2 Totten and Crossfield's Purchase in the town of Lake Pleasant.

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, the state may convey to the town of Keene, Essex county, for public use as a cemetery owned by such town, approximately twelve acres of forest preserve land within such town and, in exchange therefor, the town of Keene shall convey to the state for incorporation into the forest preserve approximately one hundred forty-four acres of land, together with an easement over land owned by such town including the riverbed adjacent to the land to be conveyed to the state that will restrict further development of such land, on condition that the legislature shall determine that

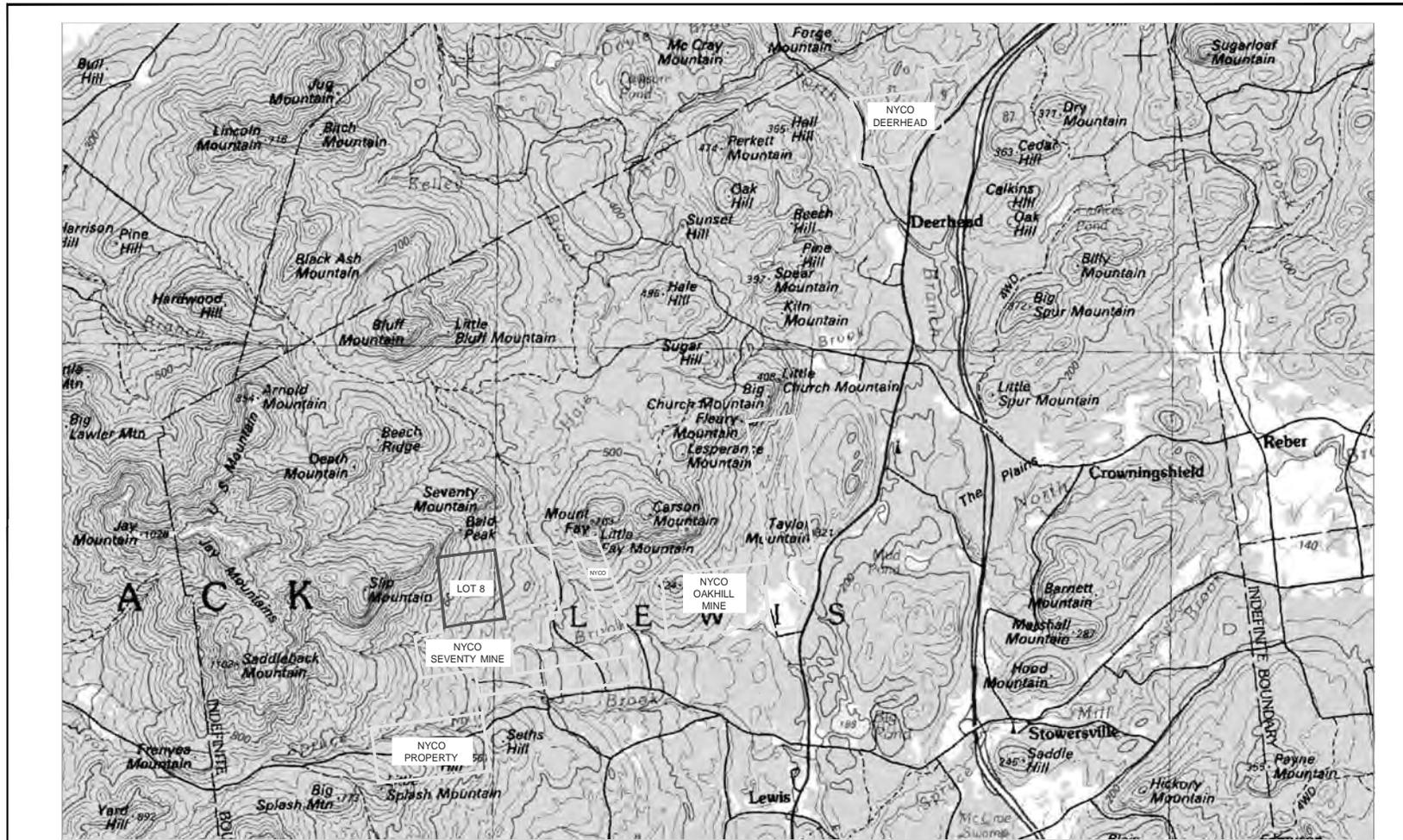
the property to be received by the state is at least equal in value to the land to be conveyed by the state.

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, the state may convey to National Grid up to six acres adjoining State Route 56 in St. Lawrence County where it passes through Forest Preserve in Township 5, Lots 1, 2, 5 and 6 that is necessary and appropriate for National Grid to construct a new 46kV power line and in exchange therefore National Grid shall convey to the state for incorporation into the forest preserve at least 10 acres of forest land owned by National Grid in St. Lawrence county, on condition that the legislature shall determine that the property to be received by the state is at least equal in value to the land conveyed by the state.

Notwithstanding the foregoing provisions, the state may authorize NYCO Minerals, Inc. to engage in mineral sampling operations, solely at its expense, to determine the quantity and quality of wollastonite on approximately 200 acres of forest preserve land contained in lot 8, Stowers survey, town of Lewis, Essex county provided that NYCO Minerals, Inc. shall provide the data and information derived from such drilling to the state for appraisal purposes. Subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title, the state may subsequently convey said lot 8 to NYCO Minerals, Inc., and, in exchange therefor, NYCO Minerals, Inc. shall convey to the state for incorporation into the forest preserve not less than the same number of acres of land, on condition that the legislature shall determine that the lands to be received by the state are equal to or greater than the value of the land to be conveyed by the state and on condition that the assessed value of the land to be conveyed to the State shall total not less than one million dollars. When NYCO Minerals, Inc. terminates all mining operations on lot 8 it shall remediate the site and convey title to such lot back to the state of New York for inclusion in the forest preserve. In the event that Lot 8 is not conveyed to NYCO pursuant to this amendment, NYCO nevertheless shall convey to the state for incorporation into the forest preserve not less than the same number of acres of land that is disturbed by any mineral sampling operations conducted on said Lot 8 pursuant to this amendment on condition that the legislature shall determine that the lands to be received by the state are equal to or greater than the value of the lands disturbed by the mineral sampling operations.

§2. RESOLVED (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

**From:** Julia Tighe  
**To:** Michelle Milot  
**Date:** 5/21/2012 4:14 PM  
**Subject:** Fwd: FW: Property Map  
**Attachments:** 5-15-12 NYCO Property.pdf



NOTES:  
 1.) BASE MAP FROM USGS 1:100,000 LAKE CHAMPLAIN SOUTH QUAD.  
 2.) PROPERTY LINE INFORMATION APPROXIMATED FROM ESSEX COUNTY REAL PROPERTY TAX MAPPING.



DATE	REVISIONS RECORD/DESCRIPTION

THIS DRAWING IS NOT TO BE USED FOR ENGINEERING PURPOSES

DRAWN BY: THT	LEWIS LAND OWNERSHIP
DESIGN BY: THT	NYCO MINERALS, INC
CHECK BY: THT	ESSEX COUNTY, NY
TOWN OF LEWIS	
PROJ. NO.: 14-00	
SCALE: AS SHOWN	
DATE: 08/1/00	



FIGURE 1

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§2. RESOLVED (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

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June 5, 2012

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Section 1. Article 9 of the environmental conservation law is amended by adding a new title 17 to read as follows:

TITLE 17–TOWNSHIP FORTY SETTLEMENT ACT.

Section 9-1701. Legislative purpose and intent.

Section 9-1702. Definitions.

Section 9-1703. List of disputed parcels.

Section 9-1704 Process for clearing title.

Section 9-1705. Office of the attorney general to file suit.

Section 9-1706. Conveyances to the state.

Section 9-1707. Adirondack park agency jurisdiction.

Section 9-1708. Notice of nonparticipation format.

Section 9-1701. Legislative purpose and intent.

1. During the last one hundred years, both the state of New York and private parties have claimed title to identical portions of township forty, Totten and Crossfield Purchase, in the town of Long Lake, county of Hamilton. Indeed, some private parties have occupied and improved a number of such parcels to which the state claims title and, in many cases, both the state and private parties have paid taxes on such parcels. In the last several decades, the state and some private parties have commenced litigation, at significant expense and with limited success, to establish their respective claims over disputed parcels. As a result of these long-standing claims to disputed parcels, the free transfer of the parcels has been inhibited, thereby creating economic and social hardship in the township which, in turn, has prevented both state and private parties from the full use and enjoyment of the parcels. The legislature has determined that the court

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system is not an appropriate forum to resolve these longstanding title disputes and that a legislative solution is required.

2. For these reasons and as authorized by article XIV, section 1 of the state constitution, the legislature finds that it is in the public interest to comprehensively and expeditiously resolve these longstanding title disputes in a manner which is fair and equitable. The legislature finds that it is in the best interests of the state of New York, the county of Hamilton, the town of Long Lake, and the private parties who claim title to portions of the township to resolve these title disputes in a structured and efficient manner that results in clarification of ownership interests, enhancement of public access to forest preserve lands, and the quiet enjoyment of private property.

3. The legislature further finds that resolution of these title disputes shall be accomplished in a manner that ensures the integrity of the forest preserve in the Adirondack park and results in a net increase in open space protection and recreational opportunities available to the public in the forest preserve.

4. The legislature further finds that the title disputes associated with township forty constitute a unique situation, found nowhere else in the state, and that consequently it is equitable and appropriate for the state to relinquish its claim of title to disputed parcels within the township. This relinquishment of claims to title is not intended to set precedent for the relinquishment of claims to title with respect to other lands owned by the state.

Section 9-1702. Definitions. For purposes of this section, the following terms shall have the following meanings:

1. "County" means the county of Hamilton.

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2. “Disputed parcel” means a parcel of land located in township forty to which both the state and a person claim title.

3. “Person” means any individual, firm, partnership, association, trust, or public corporation that claims title to a disputed parcel.

4. “Town” means the town of Long Lake, county of Hamilton.

5. “Township forty” means township forty, Totten and Crossfield purchase, in the town of Long Lake, county of Hamilton.

Section 9-1703. List of disputed parcels.

The following parcels of land, identified by the county’s 2010 assessment rolls and the county’s online mapping system as of April 5, 2012, and any subsequent conveyances therefrom, are the disputed parcels that are the subject of this title:

- 37.016-1-1.100
- 37.016-1-1.210
- 37.016-1-1.220
- 37.016-1-2
- 37.016-1-3
- 37.016-1-4.110
- 37.016-1-4.120
- 37.016-1-4.131
- 37.016-1-4.132
- 37.016-1-4.140
- 37.016-1-4.150
- 37.016-1-4.160
- 37.016-1-4.200
- 37.016-1-4.300
- 37.016-1-5
- 37.016-1-6
- 37.016-1-8.100
- 37.016-1-10
- 37.018-1-1
- 44.000-1-18
- 44.000-1-19
- 44.000-1-20
- 44.000-1-22

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- 44.000-1-26.100
- 44.000-1-26.111
- 44.000-1-26.112
- 44.000-1-26.121
- 44.000-1-27.112
- 44.000-1-27.113
- 44.000-1-27.120
- 44.000-1-27.211
- 44.000-1-27.212
- 44.000-1-27.220
- 44.000-1-28
- 44.000-1-3
- 44.000-1-4.111
- 44.000-1-4.121
- 44.000-1-4.200
- 44.000-1-8
- 44.000-1-9
- 44.000-1-10
- 44.000-1-11
- 44.000-2-32.100
- 44.000-2-33.100
- 44.000-3-1
- 44.000-3-10
- 44.000-3-11
- 44.000-3-12
- 44.000-3-13
- 44.000-3-14
- 44.000-3-15
- 44.000-3-16
- 44.000-3-17
- 44.000-3-2.100
- 44.000-3-2.200
- 44.000-3-3
- 44.000-3-4
- 44.000-3-5
- 44.000-3-6
- 44.000-3-7
- 44.000-3-8
- 44.000-3-9.100
- 44.000-4-1.100
- 44.000-4-1.200
- 44.000-4-1.300
- 44.014-1-10
- 44.014-1-11.100
- 44.014-1-12

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- 44.014-1-13
- 44.014-1-2
- 44.014-1-3.100
- 44.014-1-3.200
- 44.014-1-4.200
- 44.014-1-5
- 44.014-1-6
- 44.014-1-7
- 44.014-1-8
- 44.014-1-9
- 44.014-2-1
- 44.015-1-1
- 44.015-1-2
- 44.015-1-3
- 44.015-1-4
- 44.015-1-5
- 44.015-1-6
- 44.015-1-7
- 44.015-1-8
- 44.015-1-9
- 44.018-1-1.110
- 44.018-1-10
- 44.018-1-11
- 44.018-1-12
- 44.018-1-13
- 44.018-1-14
- 44.018-1-15
- 44.018-1-17
- 44.018-1-18
- 44.018-1-19
- 44.018-1-2
- 44.018-1-20
- 44.018-1-21
- 44.018-1-22.111
- 44.018-1-22.112
- 44.018-1-22.114
- 44.018-1-22.115
- 44.018-1-22.116
- 44.018-1-22.120
- 44.018-1-22.200
- 44.018-1-23.111
- 44.018-1-23.112
- 44.018-1-23.120
- 44.018-1-23.130
- 44.018-1-23.200

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- 44.018-1-23.311
- 44.018-1-23.312
- 44.018-1-23.320
- 44.018-1-27.110
- 44.018-1-27.200
- 44.018-1-28.100
- 44.018-1-3
- 44.018-1-4
- 44.018-1-5
- 44.018-1-6.100
- 44.018-1-8.100
- 44.018-1-8.200
- 44.018-1-8.300
- 44.018-1-9
- 44.018-3-1
- 44.018-3-2
- 44.018-3-2.100
- 52.006-1-13
- 52.006-1-18
- 52.006-1-19.100
- 52.006-1-19.200
- 52.006-1-19.300
- 52.006-1-20
- 52.006-1-22
- 52.006-1-23
- 52.006-1-24
- 52.006-1-25
- 52.006-1-26
- 52.006-1-27
- 52.006-2-1
- 52.006-2-10
- 52.006-2-11
- 52.006-2-12
- 52.006-2-13
- 52.006-2-14
- 52.006-2-15
- 52.006-2-16
- 52.006-2-17
- 52.006-2-18
- 52.006-2-19.100
- 52.006-2-19.200
- 52.006-2-2.121
- 52.006-2-2.122
- 52.006-2-2.123
- 52.006-2-2.124

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52.006-2-2.200

52.006-2-20

52.006-2-21.111

52.006-2-21.112

52.006-2-22.110

52.006-2-22.120

52.006-2-23.111

52.006-2-23.112

52.006-2-23.113

52.006-2-23.114

52.006-2-23.115

52.006-2-23.116

52.006-2-23.117

52.006-2-23.118

52.006-2-23.119

52.006-2-23.120

52.006-2-24./1

52.006-2-24.100

52.006-2-25.100

52.006-2-26.100

52.006-2-26.200

52.006-2-27

52.006-2-28.111

52.006-2-28.112

52.006-2-28.113

52.006-2-28.114

52.006-2-28.120

52.006-2-28.200

52.006-2-29

52.006-2-3

52.006-2-4

52.006-2-5

52.006-2-6

52.006-2-7

52.006-2-8

52.006-2-9

52.011-1-1

52.011-1-10.100

52.011-1-10.200

52.011-1-11

52.011-1-2.111

52.011-1-2.112

52.011-1-2.113

52.011-1-2.120

52.011-1-2.200

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52.011-1-4.200  
52.011-1-5  
52.011-1-6  
52.011-1-7.100  
52.011-1-8  
52.011-1-9.110  
52.011-1-9.120  
52.011-1-9.211  
52.011-1-9.212  
52.011-1-9.220  
52.011-1-9.230  
52.011-1-9.300

Section 9-1704. Process for clearing title.

1. Within thirty days of the effective date of this section, the department shall send a letter to each person claiming title to a disputed parcel listed in section 9-1703 of this article, informing the person that a constitutional amendment has been adopted and legislation enacted that authorizes a resolution of title issues on disputed parcels in township forty, including the disputed parcel to which the person claims ownership rights. The department shall send a separate letter for each disputed parcel. The letter shall describe the process for resolving title set forth in this title and state that, until such time as the state is estopped from asserting its claim of title to the disputed parcel pursuant to subdivision seven of this section, the person claiming title to the disputed parcel shall assume all the risk with respect to subdividing or adding new structures or improvements to the parcel. The department shall provide a copy of each such letter to the office of the attorney general.

2. Within ninety days of the receipt of the department's letter, a person shall, for each disputed parcel, either:

a. notify the department in writing, with a copy to the office of the attorney general and the town, (i) that he/she will participate in the process set forth in this title to resolve title to

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disputed parcel(s), and (ii) whether he/she intends to provide as a gift to the state a specified portion of a disputed parcel in fee simple without reservations for inclusion in the forest preserve or a conservation easement to the town restricting development over all or a specified portion of a disputed parcel, with a secondary right of enforcement in the state; or

b. provide the department with a notarized statement of nonparticipation as set forth in section 9-1708 of this article, indicating that he/she declines to participate in the process established by this title to resolve title to disputed parcels, and provide a copy of such notarized statement to the office of the attorney general and the town.

3. With respect to a parcel or conservation easement which the person intends to provide as a gift to the state or the town, respectively, as specified in paragraph a of subdivision two of this section, the town shall provide the person with an assessed value of the proposed conveyance, with a copy to the department, within one hundred and twenty days of the town's receipt of a copy of the notification concerning such gift.

4. Within twelve months of the date of the letters sent by the department pursuant to subdivision one of this section, all persons who are participating in the process set forth in this title to resolve title to disputed parcels shall convey to the state any land which such persons expressed an intent to so convey pursuant to paragraph a of subdivision two of this section, and convey to the town any conservation easements which such persons expressed an intent to so convey pursuant to paragraph a of subdivision two of this section, and make payment to the town due pursuant to subdivision five of this section.

5. Persons participating in the process set forth in this title to resolve title to disputed parcels shall pay the town an amount of money that approximates the state's administrative costs

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in resolving the disputed parcels situated within township forty. The payment amount for each individual disputed parcel shall be the sum of: (a) a flat rate of two thousand dollars per parcel; and (b) an amount equal to the total assessed value of the parcel, including structures and improvements situated thereon, as determined by the two thousand twelve town assessment, less the assessed value of any portion of such parcel conveyed to the state in fee or any conservation easement conveyed to the town pursuant to paragraph a of subdivision two of this section, divided by the total assessed value of all disputed parcels, including structures and improvements situated thereon as determined by the two thousand twelve town assessment, multiplied by two hundred thousand dollars. The town shall use all such payments to acquire land for inclusion in the forest preserve pursuant to subdivision six of this section.

6. Within eighteen months of the date of the letters sent by the department pursuant to subdivision one of this section, the department shall identify lands for the town to acquire for inclusion in the forest preserve. Subject to legislative approval, such lands shall have open space and recreational values equivalent to or greater than the open space and recreational values of the disputed parcels to which the state is estopped from asserting a claim pursuant to subdivision seven of this section. The town shall use all payments acquired pursuant to subdivision five for the acquisition of such lands. Such lands shall be conveyed from the owner directly to the state.

7. Upon legislative approval of the lands to be provided to the state pursuant to subdivision six of this section and the subsequent completion of such conveyances to the state, and except as provided in paragraph b of subdivision two of this section and section 9-1705 of this article, the state shall be estopped from asserting any claim of title to the disputed parcels based upon (i) facts or actions that occurred prior to the effective date of this title, and (ii) deeds,

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tax sales or other documents that predate the effective date of this title.

Section 9-1705. Office of the attorney general to file suit.

The office of the attorney general, within twenty-four months of a person's failure to comply with the requirements of subdivisions two or four of section 9-1704 of this article with respect to a particular disputed parcel, or within twenty-four months of a person's filing of a notice of nonparticipation pursuant to paragraph b of subdivision two of section 9-1704 of this article with respect to a particular disputed parcel, shall commence an action in a court of competent jurisdiction pursuant to the real property actions and proceedings law to determine title to such parcel. Nothing contained in this title shall be applicable to such action. Failure by the office to commence such action within such time frame shall not subsequently prevent the office from commencing such an action or create a presumption against the state's claim of title.

Section 9-1706. Conveyances to the state.

Nothing contained herein shall be interpreted as at any time preventing any person claiming a disputed parcel from offering to convey any such parcel or interest in any such parcel to the state, provided the state may, solely in its discretion, decide whether to accept any such offer.

Section 9-1707. Adirondack park agency jurisdiction.

Nothing contained herein shall be interpreted as altering or affecting the regulatory jurisdiction of the Adirondack park agency over any land located within township forty.

Section 9-1708. Notice of nonparticipation format.

The format for the notarized notice of nonparticipation described in paragraph b subdivision two of section 9-1704 of this title shall be as follows:

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NOTICE OF NONPARTICIPATION

TOWNSHIP FORTY, TOTTEN AND CROSSFIELD PURCHASE

TOWN OF LONG LAKE, COUNTY OF HAMILTON

Name(s):

Mailing address(es):

Telephone number(s):

Description of township forty disputed parcel:

I (we) elect to not participate in the special proceeding to resolve title issues regarding the above-referenced parcel as authorized by title seventeen of article nine of the environmental conservation law. I (we) understand that: within twenty-four months of my (our) filing of this notice the office of the attorney general shall commence an action in a court of competent jurisdiction to determine title to such parcel; nothing in title seventeen of article nine of the environmental conservation law shall be applicable to such litigation; and failure by the office of the attorney general to commence such action within such twenty-four month time frame shall not subsequently prevent such office from commencing such an action or create a presumption against the State's claim of title.

(Notarization)

§2. Effective date. This act shall be effective upon the passage of an amendment to article XIV, section 1 of the state constitution authorizing legislation to resolve contested title in township forty, Totten and Crossfield purchase, in the town of Long Lake, county of Hamilton.

1. Purpose or General idea of the Concurrent Resolution:  
Passage of this resolution constitutes first passage of a measure to be put on the ballot at a general election to amend Article XIV, Section IV of the Constitution, authorizing a land exchange with NYCO Mineral, Inc. (NYCO) to enable NYCO to continue its wollastonite mining operations in the Town of Lewis, Essex County.
  
2. Summary of Specific Provisions:
  - a. NYCO would be allowed to do exploratory drilling to determine the quantity and quality of the wollastonite vein on Lot 8, Stowers Survey, Town of Lewis, Essex county ("Lot 8"), which is currently in the Forest Preserve. Lot 8 totals approximately 200 acres.
  
  - b. NYCO would share the data and information derived from the exploratory drilling with the Department of Environmental Conservation ("Department"). The Department would then appraise the value of Lot 8.
  
  - c. The State would then convey Lot 8 to NYCO and in exchange therefore NYCO would then convey to the Department for inclusion in the Forest Preserve at least the same number of acres as is contained in Lot 8, provided that the legislature would be required to determine that the lands to be received by the state would be equal to or greater than the value of Lot 8, and provided that in no event would the value of the land to be conveyed to the State be less than one million dollars. The Department's appraisal of Lot 8 and the one million dollar floor value will ensure that the exchange parcel coming into the Forest Preserve will total significantly more than 200 acres.
  
  - d. If exploratory drilling occurs but the land exchange does not ultimately occur, NYCO would be required to convey to the State for incorporation into the Forest Preserve acreage that would be at least the same number of acres that was disturbed by the exploration activity, provided that the legislature would be required to determine that the lands to be received by the state would be equal to or greater than the value of disturbed acreage, and such conveyance would be subject to legislative approval.
  
  - e. At the end of NYCO's mining operation on Lot 8, NYCO would be required to convey Lot 8 back to the State for inclusion in the Forest Preserve.
  
3. Justification:  
The goal of this resolution is to achieve first legislative passage of a concurrent resolution authorizing a vote in a general election on amending Article XIV, Section 1 of the Constitution to allow a land exchange between the State and NYCO. Second passage could occur in the next legislative session in either 2013 or 2014. Voter approval of the constitutional amendment proposal would then be required.

NYCO is the world's foremost producer and supplier of wollastonite (calcium metasilicate), which is a rare, white mineral having commercial application as a

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reinforcement or additive in ceramics, paints, plastics, friction products and various building products. Wollastonite provides strength and improved performance due to its needle-shaped structure. It is inert, bio-soluble and non-hazardous, and is an ingredient in the replacement of asbestos and other man-made-fibers.

The Lewis mine produces 60,000 tons of wollastonite annually—a little more than 8% of the annual worldwide production. However, NYCO's mine is approaching the end of its pit life because the wollastonite vein extends onto adjacent Forest Preserve land.

NYCO mines wollastonite on a 260 acre tract in the Town of Lewis, Essex County, with processing facilities in Willsboro, Essex County. It has 95 full time employees and has an annual payroll of \$4,600,000. It has 63 vendors within a 100 mile radius and spends \$2,300,000 locally per year. It pays \$260,000 in local taxes. Indirect economic benefits to the area are considerable. Thus, the closure of the Lewis mine would have devastating effects on the local economy. Ninety-five full time jobs and significant tax revenue would be lost in one of the more economically depressed area of the State.

NYCO's main competition comes from China, India, Finland, and elsewhere in the United States. In order to remain competitive, NYCO must mine as efficiently as possible and ensure customers of long-term reserves. However, recovery from the Lewis mine is now low, as NYCO approaches the end of pit life. Moreover, mining costs have tripled over the past ten years. The wollastonite deposit on NYCO's land has become more expensive to mine because interburden layers of other minerals have become more prevalent and increasing amounts of overburden must be removed to access the wollastonite. In contrast, the wollastonite mine extending under Lot 8 appears to be relatively close to the surface with relatively small amounts of interburden.

The expected life of the current mine is three years. It is estimated that mining the ore in Lot 8 could extend the mine life by between thirteen to fifteen years.

4. Prior Legislative History:

A concurrent resolution authorizing a land exchange with NYCO received first passage in 1981 (S. 5819/A.8522) but received no further action.

5. Fiscal Implications:

None.

6. Effective Date:

The amendment authorized by the concurrent resolution would not take effect until second passage of an identically worded concurrent resolution and subsequent voter approval at a general election.