

Town of Caroline Resolution ___ of 2017: Joining an Article 78 Proceeding Challenging DEC Permitting for Cargill Mine Shaft #4 because of Insufficient Environmental Review.

WHEREAS, the Town of Caroline recognizes that Cayuga Lake is a natural resource of tremendous economic and social value in our area for fresh water supply, fish and wildlife habitat, and recreation; and

WHEREAS, on August 16, 2017, NYSDEC issued Cargill a permit to construct Shaft #4, without considering that it will connect to, and enable expansion of, Cargill's salt mining operations under Cayuga Lake; and

WHEREAS, in 1975 New York enacted the State Environmental Quality Review Act (SEQRA), providing a process to systematically consider environmental factors early in the planning stages of projects that are directly undertaken, funded or approved by local, regional and state agencies; and

WHEREAS, environmental review early in the planning stages allows a project to be vetted, and modified as needed, to avoid adverse impacts on the environment¹; and

WHEREAS, SEQR discourages the "segmentation" of projects, meaning that the environmental review of a single action or project should not be divided into various activities or stages as though they were independent, unrelated activities, resulting in a less complete environmental review than would be required for the single action or project²; and

WHEREAS, separate of evaluation of environmental impacts of shaft construction and mine expansion at Cargill is segmentation;

WHEREAS, "the majority of salt mines succumb to collapse and flooding", leading to increased lake salinity and potentially catastrophic effects at ground level^{3,4,5}; and

WHEREAS, the 1994 collapse of the Retsof salt mine in Livingston County provides an example of various adverse impacts and some of the factors implicated in a major salt-mine collapse of similar geology to the Cargill Salt Mine^{6,7}; and

WHEREAS, the "carbonate beam supporting the overlying rocks in the area north of the present mine under the Cayuga Lake has been eroded out or greatly thinned," resulting in "a geological condition with more risk than the Retsof mine was in before it collapsed"^{6,7}; and

WHEREAS, there are unreviewed adverse impacts that involve various ways in which substantial quantities of salt would be brought into contact with local water resources, not only during current mining operations but also during the post-operational period after the mine is closed and abandoned; and

WHEREAS, these and other potential adverse impacts on the environment are clearly reasonably related to the proposed activity and have not been considered under SEQR; therefore be it

RESOLVED that the Town of Caroline shall join an Article 78 proceeding with other local stakeholders to request proper environmental review under SEQR of Cargill's Mine Shaft #4 Project as part of Cargill's salt mining operations under Cayuga Lake, and further

RESOLVED that a copy of this resolution be forwarded by the Town Clerk to Governor Andrew Cuomo, NYSDEC Commissioner Basil Seggos, Senator James Seward, Senate Leader John Flanagan, Senate Minority Leader Andrea Stewart-Cousins, Assemblywoman Barbara Lifton, Assembly Speaker Carl Heastie, Assembly Minority leader Brian Kolb, and Tompkins County Legislature Chair Michael Lane.

Literature Cited

¹ 6 NYCRR Part 617; SEQR Handbook, 3rd Edition, 2010, Introduction.

² 6 NYCRR617.2(ag); SEQR Handbook, 3rd Edition, 2010, Ch. 2.

³ Berest, P., Brouard, B, and B. Feuga. 2004. Dry Mine Abandonment. Solution Mining Research Institute Tech. Conference Paper. <http://www.brouard-consulting.com/sites/default/files/smri-wichita.pdf>

⁴ Michalski, A. 1/31/17 comment letter to DEC.

⁵ Vaughan, R. 12/9/16 comment letter to DEC.

⁶ Ferguson, A. and J.K. Warren. 8/16/17 response to Cathles' second open letter to Gov. Cuomo.

⁷ Kappel, W.M., Yager, R.M., and T.S. Miller. The Rets of Salt Mine Collapse. USGS. <https://pubs.usgs.gov/circ/circ1182/pdf/14Retsof.pdf>