

Dear Cayuga Lake Supporter,

Great news! We received notice on 13 June that Judge Rowley of the NYS Supreme Court has ruled in our favor on Cargill's motion to dismiss our Article 78 case against the NYS DEC and Cargill!! We will get our day in court to challenge the lack of a DEIS being completed for the Shaft #4 project.

You can read the Court decision and Order, here:

https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=c8wJID_PLUS_OR9UqgcYQZYBMwA==

The shaft is **clearly** related to continued mining under Cayuga Lake. In a 2016 application to the Tompkins County Industrial Development Agency (IDA), Cargill stated that Shaft No 4 was required to enable another 30 years of mining northward under the lake. In that application, Cargill stated that it required a \$640,000 sales tax waiver from Tompkins County as well as a \$8M grant from the Empire State Development Corporation.

The Tompkins County IDA granted the requested **\$640,000 tax waiver** and the Empire State Development Corporation **approved a grant to \$2M** to Cargill for this project.

These actions are jaw-dropping when we now learn that CLEAN consultants, calculate that Cargill's gross revenues from the sale of salt mined from the one-mile tunnel leading to Shaft 4 (and an essential part of the project for which Cargill requested \$8.6M in subsidies) are in the range of \$86M to \$116M. In other words, Cargill appears to be grossing from the 1-mile Shaft 4 tunnel roughly twice the \$45M budget that Cargill included in their 2016 application to TCIDA. We think Cargill needs to answer some questions about the project budget and why the people of New York were asked to subsidize it?

Our Article 78 asks the Court to declare that the NYS DEC should have required a DEIS on the shaft and looked at the environmental impacts of the shaft AND continued mining and global mine stability. Our expert opinions from renowned

geoscientists continue to point out grave dangers to Cayuga Lake if Cargill is allowed to proceed without any Environmental Impact Statement.

Next steps?

The newly proposed schedule has Cargill's reply to our original December petition due on 13 July. Oral arguments are now scheduled for 13 September. With this new extended schedule, we can only hope that Cargill does not break ground on the Shaft 4 project. If that occurs we'll need all supporters to join in halting construction.

So stay tuned and please consider making any gift that you can to our fiscal sponsor, the Chris Dennis Environment Foundation <https://cleancayugalake.org/donations/>. Our expenses in this litigation are substantial and we appreciate any support you can offer.

Thank you, for your support!

Clean the Lake.
Protect the Lake.