



The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224
By e-mail to: Ashley Dougherty

14 February 2024

Dear Governor Hochul,

We contacted you in October of 2023 to notify you of a [petition we launched that urges you to protect Cayuga Lake](#). It emphasizes the need to close Cayuga Salt Mine in 2024 rather than allow it to be sold to an as yet unknown buyer.

The petition has >3500 signatures but the list of 1162 signatories who reside in New York is attached.

Cayuga Lake serves as a vital source of drinking water for approximately 100,000 people and plays a significant role in driving the local economy through recreational activities. Either a mine collapse or simply the flooding of the mine at decommissioning could lead to a significant increase in the salinity of the lake water over the longer term. The salinity levels in Cayuga and Seneca Lakes have been higher than the rest of the Finger Lakes for more than half a century due to salt mining at the south end of each lake.

In the case of Lake Peigneur, a shallow 1125-acre lake in Louisiana, the water of this formerly freshwater lake remains undrinkable 44 years after a Texaco drilling rig accidentally connected the lake to the salt mine underneath it. When the Retsof Salt Mine collapsed in Livingston County in 1994, two “rubble chimneys” formed and created sinkholes at the surface. Given the similar geology, a collapse in the Cayuga Salt Mine might connect the mine to the lake via rubble chimneys or by the widening of joints or fractures in the bedrock.

According to [The Deal](#), Cargill has hired Deutsche Bank to sell Cayuga Salt Mine. We worry that Cargill could announce a sale any day without there having been any regulatory oversight or consideration for the communities that depend on the lake. In 54 years of oversight, the DEC has never required Cargill to conduct a single environmental impact statement (EIS), whereas American Rock Salt has been required to do two EISs on their newer, safer, and more productive mine in Livingston County.

Flooding of the 6-level mine under Cayuga Lake should not be permitted. In June 2023, Cargill—the largest private corporation in North America—agreed “without prejudice”¹ to a DEC request to [submit an application](#) to modify its mining permit to [allow flooding](#) of the southernmost 150 acres of the 6-level mine under Cayuga Lake. On 17 January 2024, DEC sent Cargill a [Notice of Incomplete Application \(NOIA\)](#) asking for more information about this

¹ This seems to imply that Cargill plans to initiate or continue the gradual flooding of the S3 area whether or not the DEC approves the application or not.

dangerous project. According to an [August 2023 Boyd report to DEC](#), “The [flooding] system is to be finished in the fourth quarter of 2023.”

American Rock Salt and other risk-averse salt mine operators pump their shaft leakage and any other waters to the surface. Eminent evaporite geologist consultant, John K. Warren, emphasizes the need to “stay in the salt” to mine salt safely [\[see PDF pages 2, 24, & 26 of this Warren report\]](#). Water, even when mostly saturated, dissolves salt. Water storage in an active salt mine is similar to storing matches in a gunpowder factory. Although water disposal was not a factor in the catastrophic mine failure at the Retsof Salt Mine in 1994, our technical consultants point out that public domain seismic data indicate far less protective bedrock above portions of Cargill’s current mining area than existed at the two collapse zones at Retsof. Were the Brodsky Hearings of 1995 held in vain? We can’t afford to allow a second such failure to occur under Cayuga Lake.

We worry that the DEC may no longer be able to implement a well-informed, hands-on approach to the regulation of Cayuga Salt Mine. A new amendment added [Cargill’s mining permit in 2021](#) introduced language indicating that the DEC’s long-standing third party mining consultant would now be *managed* by Cargill:

“The Consultant is Cargill’s consultant and Cargill is responsible for funding and managing the consultant.”

As of the 2021 mining permit, DEC has, in effect, allowed the fox to guard the hen house: Cargill is now able to edit all draft consultant reports and recommendations being sent to the DEC by the third-party mining expert. This makes no sense and exposes both the DEC and NY State to unwanted legal liabilities.

According to our legal advisors, SEQRA requires that the proposed storage of up to 360M gallons of not-fully-saturated brine at the south end of Cayuga Salt Mine be regarded as a material change, a Type I action. Therefore, a permit modification cannot be approved by simply adding a new condition to Cargill’s permit indicating that Cargill will “monitor conditions carefully as flooding proceeds” or similar *laissez-faire* words to that effect. In 2011-12, Cargill abandoned its mining in the S3 area and gave up any plans to mine in the 2100 acres of permitted reserves south and east of this area upon experiencing a series of mine-threatening microseismic events. This is precisely the sort of area where roof-rock weakening flooding should not be allowed.

Cargill’s Expanded Environmental Assessment study of the mine—produced in 2000—took a more-or-less geology only approach. We ask that the DEC ensure that Cargill be required to conduct a comprehensive EIS that covers:

- the proposed (but-already-commenced?) flooding of the southern S3 portion of the mine
- mining into geologically-anomalous areas at the north end of the mine
- the ongoing effects of Cargill’s surface operations on Cayuga Lake

-the ongoing adverse effects of road salt being applied within the Cayuga Lake watershed and elsewhere

-subsidence risks to shoreline properties, to infrastructure in the City of Ithaca floodplain, and for opening brine pathways between a flooded mine and Cayuga Lake and/or the artesian aquifer between the mine and the lake

-alternative closure plans for the mine, and

-the structuring of financial assurance/environmental bonding such that a) the bond is long-term (lasting until the mine voids have completely closed), and b) the bond isn't limited to paying out future reclamation or remediation of damage costs but can also pay out generous compensation to all stakeholders who are harmed by the degradation of the water quality in Cayuga Lake, and by the degradation of aquifers within the lake's watershed and/or of the lake's tributaries.

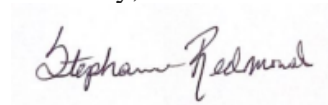
We realize that proposed Webb-Kelles (S.7736 A.8250) legislation or your emergency executive authority may be needed for an environmental bond to be applied in this more comprehensive longer-term manner. DEC currently requires Cargill to post only \$3.5M in financial assurance. As mentioned in the petition, we recommend that Cargill or any new owner be required to post an environmental bond in the amount of \$10B. Cayuga Lake is invaluable, and the bond may need to last >200 years and not be simply returned after the mine shafts are plugged as currently envisioned.

We further hope that the Cargill Family—which reportedly has the largest family group of billionaires on the planet—may be persuaded to agree that—once the mine voids have closed—the residual of the environmental bond be converted into the Cargill Trust Fund for the Protection of Cayuga Lake and Seneca Lake. This would establish a lasting conservation legacy in the eastern U.S. following 54 years of lake-damaging salt extraction from under and near Cayuga Lake as well as several decades of solution mining at the south end of Seneca Lake.

It is clearly within your purview as governor with executive authority over the DEC to require that DEC perform all substantive and procedural steps, leading to and including an environmental impact statement, in order to have proper evaluation of Cargill's application for a mine permit modification for their Cayuga Salt Mine and for any extension of their mine permit, which expires in April 2024.

Thank you for your attention to these matters. We trust in your commitment to safeguarding our natural resources and preserving the well-being of our communities.

Sincerely,



Stephanie Redmond

On Behalf of Cayuga Lake Environmental Action Now (CLEAN)
CLEAN Program Manager

CC:

- John O’Leary, Deputy Secretary for Energy and the Environment
- Ashley Dougherty, Asst Secretary for the Environment
- Caitlin Stephen, Senior Policy Advisor for Energy and the Environment
- Elizabeth Morabito, Regional Representative for the Finger Lakes
- Harris Weiss, Regional Representative for the Southern Tier
- Anna Kelles, Assemblyperson, 125th NYS Assembly District
- Rachel May, State Senator, 48th NYS Senate District
- Lea Webb, State Senator, 52nd NYS Senate District
- Aileen McNabb-Coleman, Chair, Cayuga County Legislature
- Mike Enslow, Chair, Seneca County Board of Supervisors
- Daniel Klein, Chair, Tompkins County Legislature
- Jeannette Moy, Commissioner, OGS
- Basil Seggos, Commissioner, DEC
- Dereth Glance, Regional Director, DEC, Region 7
- Timothy Walsh, Regional Director, DEC, Region 8

Petition signers resident in New York State:

See attached