



31 October 2023

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re: Please [Protect Cayuga Lake](#): oppose Cargill's reported plan to sell Cayuga Salt Mine

Dear Governor Hochul:

I write you on behalf of Cayuga Lake Environmental Action Now (CLEAN) to strongly urge you to please **Protect Cayuga Lake and Stop the Sale of Cayuga Salt Mine as well as require its owner Cargill to post a \$10B Environmental Bond with New York State until the mine voids have geologically closed.** A [petition we recently launched](#) on this critical issue for the Finger Lakes Region has already gathered more than 1,700 signatures.

To be clear, those of us at CLEAN advocate for a permanent closure of the mine as the only long-term solution for protecting Cayuga Lake as a resource and New York State treasure. Salt-mining beside and under a lake was dangerous for lake water health when it started 107 years ago and is only more risky today. But we appreciate that practical action must often be measured. As such, the asks below present some of the ways that government oversight can effectively ensure that a secret sale of rights pertaining to such an important state resource doesn't happen.

As was made clear by notable environmental experts and community leaders [at a press conference last week](#), the salt mine poses a great risk to Cayuga Lake. Cargill has been mining salt under Cayuga Lake for decades but, as mining has proceeded further and further north, mining is now taking place under a geologically risky area. Our consultant, John K. Warren, PhD, has concluded that no mining should occur under such a geological area because there is the possibility of a catastrophic hydraulic connection occurring between the lake and the salt mine. A hydraulic connection, such as that which occurred in 1980 between Lake Peigneur in Louisiana and a salt mine underneath it, is possible here pursuant to Dr. Warren's research. Lake Peigneur has been a saline lake with undrinkable water ever since the accident.

Dr. Warren is perhaps the world's best known evaporite geologist. In 2017, Dr. Warren gave a comprehensive presentation regarding the risks associated with mining north under Cayuga Lake to six Region 7 DEC officials, four of whom are no longer at Region 7. Unlike American Rock Salt which has two geologists on staff at their Hampton Corners Salt Mine, Cargill, to our knowledge, has never had a geologist on staff at Cayuga Salt Mine. Safe salt mining requires a delicate mix of understanding the geology and excellent engineering. American Rock Salt has done two Environmental Impact Statements (EISs) since 2000. Cargill has never done an EIS during the 53 years they have owned Cayuga Salt Mine.

Why sell now after recent investments?

In July 2023 *The Deal* reported that Cargill had hired Deutsche Bank to sell Cayuga Salt Mine and possibly all four of Cargill's salt mines in the U.S. Following a \$50M upgrade at the Cayuga Salt Mine, this sudden desire to sell is worrisome. In January 2023 Brian Sikes became Cargill's new CEO and President. Formerly, Sikes had headed Cargill's salt division; thus, he may appreciate the legal and environmental risks associated with Cargill's salt mines better than his predecessor. In 2022, Cargill closed their salt mining operation at Avery Island, Louisiana, following an out-of-court settlement with the families of two miners who had been crushed to death in that mine. Cargill's salt mine in Cleveland, Ohio, has water intrusion problems similar to those at Avery Island and, thus, may not be capable of being sold as a result. I have listed various possible reasons for selling at the CLEAN web site.

Why require a \$10B Environmental Bond?

Cayuga Lake is an invaluable resource. There is no amount of money that could restore the lake to freshwater once it has been salinated. Cargill consultants have estimated that the gradual geologic closure of the mine could take up to 200 years. This slow-moving process could at any time begin to release saturated brine—up to 10 times the salinity of seawater—into the lake. The bond needs to remain in escrow long after the mine is closed, and it needs to reflect the future value of the lake. In the future, Cayuga Lake's water will have a higher valuation than \$10B.

The current level of financial assurance that Cargill is required to post with New York State, \$3.5M dollars, appears to be grossly inadequate for motivating Cargill to manage the mine and its operations on the surface in ways that are sufficiently protective of Cayuga Lake.

For example, it appears that Cargill may have a problem setting an allowable mining distance around Anomaly B as required by permit condition 10.¹ DEC's consultant Boyd has pointed out this issue², and it remains unclear whether the issue has been resolved. The mine should not be offered for sale without a clear, protective, and publicly transparent resolution of this issue.

And to compound this problem regarding Anomaly B, the public has as yet had no access to any studies supporting the shrinking of Anomaly B by about 60% from its original 2010 depiction by Cargill consultant RESPEC. The attached map shows how Cargill is already mining underneath the original 2010 depiction of Anomaly B and not respecting a 1000-foot setback from Anomaly B, which is the size of the setback used for the Frontenac Point Anomaly and for Anomaly D.

Dr. Warren has written in a 2021 affirmation to the NYS Courts:

The trough of thin bedrock that's been mapped from Anomaly A through Anomaly E, combined with the inevitable sagging or subsidence into the mine void beneath it, creates a recipe for eventual unwelcome changes, especially in

¹ NYSDEC Permit, ID 0-9999-00075/00001, signed by Elizabeth Tracy on Feb 12, 2021. Expires on 4/23/2024. 11 pages. Condition 10 is on page 4.

² John T. Boyd Co. April 2023. 2022 Annual Report Review Cayuga Mine, Cargill, Inc., Seneca and Tompkins Counties, NY. 12-page report sent to Matthew Podniesinski dated April 17, 2023, signed by Dr. Vincent Scovazzo.

the amount of water entering the mine workings. Continual testing is needed above the areas already mined, and based on my professional experience I recommend that further mining beneath the trough of thin bedrock be discontinued.³

We don't know whether or not the Mine Manager has read this warning, but suspect that with a \$10B bond, all mining under the trough of thin bedrock near the center of the lake would halt.

Whereas federal Mine Safety and Health Administration inspectors are allowed to make quarterly inspections--each one sometimes lasts weeks--our understanding is that NYSDEC has had to settle for an annual meeting with mine officials and DEC's mine consultant in Lansing after which NYSDEC officials are invited on a tour of the mine. At a more granular level, a water sample collected by a CLEAN contractor on September 30, 2023, at Cargill's SPDES Outfall 001 tested at a NYSDOH certified lab was determined to contain 56,925 mg/L chloride. This concentration of stormwater runoff being released into Cayuga Lake is almost three times the salinity of seawater and significantly exceeds the 40,000 mg/L chloride limit that DEC currently allows at this outfall.⁴ This company should not be allowed to convey its mineral rights, its management failures, or its environmental liabilities onto another company.

Some climate change models anticipate the loss of about 68% of the planet's freshwater. As sea-level rise drives tens of millions of people inland, it is critical that the 2.1 trillion gallons of freshwater in Cayuga Lake remain fresh and hopefully become less saline than at present.

Cargill can afford to post this size of bond, whereas a new owner possibly could not. In May 2023 Cargill reported more gross revenue than any other privately-owned company in North America: \$177B for fiscal 2023, up from \$134B in fiscal 2021.

A bond of this magnitude is necessary. For example, when a Texaco drilling rig accidentally flooded the salt mine under Lake Peigneur, Texaco only paid damages to the owners of the flooded salt mine and to the owners a botanic garden that lost 65 acres of land and trees sucked down into the mine. However, the mine workers who lost their jobs and their pension benefits, failed to win any compensation in court. Similarly, the nearby communities that lost their freshwater lake also received nothing from Texaco or the mine owners.

According to Wikipedia, the family included 14 billionaires in 2016. Ideally, the Cargill family would agree that the bond be structured such that any balance remaining after paying out monies for the remediation of the mine and surface operations at closure and after paying out damage awards following any catastrophic mine collapse, that the balance could be poured into a Cayuga and Seneca Lakes Trust Fund. The income from this trust fund could then fund the improvement and protection of New York's two largest and highly salt-impacted Finger Lakes in perpetuity.

³ John K. Warren. June 17, 2021. Affidavit filed with Tompkins County Clerk. Index no. EF2021-0422. Page 4 of 97.

⁴ Two prior samples collected by CLEAN at Outfall 001 in July both tested at <40,000 mg/L chloride as did grab samples collected by Cargill for the months Jan through June 2023 as indicated by a FOIL report from NYSDEC.

The bond could be written such that at mine closure, a portion of the corpus could be used to endow the Finger Lakes Salt Mining Museum at Portland Point. This museum could document the 132 years of salt mining at the south ends of both lakes and enhance the acceptability of the deal by continuing to recognize over the longer term that the role that Cargill has played in providing significant economic benefits to nearby communities.

Lastly, the Office of General Services (OGS), under a Consent Order with Cargill still in effect, and which is under your authority, must approve any transfer of Cargill's right to any buyer its mining rights on state land under Cayuga Lake. Your powers to instruct OGS to withhold approval of any transfer until conditions such as the long-overdue need for an EIS and a determination as to whether Cargill is complying with its mining permit are met seem apparent. We ask you exercise your lawful authority to take that step. Please inform CLEAN whether or not you will exercise your executive authority that OGS refrain from transferring any rights to mine on state lands until proper reviews are completed.

In summary, we write to ask that NYS:

- 1) Pending the completion of a satisfactory EIS, imposes a moratorium on any sale of the mine by Cargill;**
- 2) Requires Cargill to pay for and for DEC to contract for and oversee an EIS of the mine that looks carefully at all possible impacts on Cayuga Lake and that includes formulation of a closure plan that maximizes protections of Cayuga Lake;**
- 3) Implements a moratorium on all mining at Cayuga Salt Mine until such an EIS is completed;**
- 4) Ensures retraining opportunities and generous benefits for all employees in the event Cargill decides or is required to close Cayuga Salt Mine;**
- 5) Requests that OGS refrain from transferring any rights to mine on state lands unless authorized to do so by the Governor;**
- 6) Requires Cargill to post a \$10B Environmental Bond prior to any sale of the mine and to be maintained until all mine voids have geologically closed.**
- 7) Requires Cargill to close the mine in the event Cargill finds no well-qualified buyer or an EIS confirms that a brine-filled mine at its current size already puts the lake at risk of long-term salinization.**

We look forward to learning your thoughts regarding our requests.

Respectfully,



John V. Dennis
President, CLEAN

www.savecayugalake.org
www.cleancayugalake.org

Attached/Enc: Cargill 3-year mine plan Cayuga Mine sent to DEC Jan 10, 2023. CLEAN's overlay is the 2010 RESPEC map of Anomalies A, B, C & D (as red ovals) and a more understandable legend replacing Cargill's legend.

CC:

Ashley Dougherty Asst. Sec. for Environment; NYS Exec Chamber (pls pass to Gov Hochul)
Basil Seggos, Commissioner, NYSDEC Albany
Edward Hampston PE, Director Bureau of Water Compliance, NYSDEC Albany
Monica Moss, Permit Writer, NYSDEC, Albany
Matthew Podniesinski, Chief, Bureau of Resource Management & Development, NYSDEC
Dereth Glance, Regional Director, NYSDEC, Region 7
Timothy Walsh, Regional Director, NYSDEC, Region 8
Christopher Otis, Mined Land Reclamation Specialist, NYSDEC, R8
Margaret Sheen, Regional Attorney, NYSDEC, R7
David Bimber, Regional Permits Administrator, NYSDEC, R7
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Jonathan Stercho, Deputy Regional Permits Administrator, NYSDEC, R7
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Anna Kelles, NYS Assembly member for District 125
Rachel May, NYS Senator for the 53rd District
Lea Webb, NYS Senator for the 52nd District

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