

Draft Resolution in which the Town of Ulysses would go on record opposing the flooding of the S3 portion of Cayuga Salt Mine within the Town's jurisdiction

1 WHEREAS the Town of Ulysses and other towns possess significant home-rule authority to regulate aspects of community life, as outlined by the [NYS Department of State](#), and

2 WHEREAS this authority is subject to limitations, including adherence to the Constitution, consideration of matters deemed of state concern, and compliance with state legislation or preemptive policies, and

3 WHEREAS the Town of Ulysses acknowledges the presence of the Cayuga Salt Mine beneath Cayuga Lake and the Cayuga Nature Center within its jurisdiction, and

4 WHEREAS salt mining has occurred in the Cayuga Salt Mine for decades under various agreements with the NYS Office of General Services (OGS), including a Consent Order Modification Agreement dated January 12, 1995, permitting Cargill, Incorporated, to continue mining operations; however, there is not and never has been any agreement with the Town of Ulysses, and

5 WHEREAS Cargill, Incorporated, has applied for a permit modification to store brine in the S3 area of the Cayuga Salt Mine, as indicated in a NYS Department of Environmental Conservation 'Notice of Incomplete Application' (NOIA) dated January 17, 2024, and

6 WHEREAS all of said S3 area of the mine lies within the municipal boundaries of the Town of Ulysses, as shown in the attached map and

7 WHEREAS the Town of Ulysses understands from said NOIA document that the proposed storage of brine in the S3 area of the Cayuga Salt Mine is expected to “reach the roof of the southern limit of the mine” in ten years and that the usable life of the overall “sump” or S3 area will be about 15 years, and

8 WHEREAS the ability to monitor and enter this planned flood zone or to repurpose these voids for other uses will end once these areas are flooded, the Town of Ulysses believes that such flooding should be halted until such time as an Environmental Impact Statement (EIS) has assessed whether or not Cayuga Lake can be better protected from future salinization by keeping the under lake mine areas dry for as long as possible, and

9 WHEREAS in the John T. Boyd review of the 2014 Cargill Annual Report to DEC, p. 12, it is written that “RESPEC notes that “Salt dissolution near the injection point on the 4-level is visible and pillars are being undercut...which can possibly result in mine collapse. And noting “A major collapse in this area could have a significant effect on Cayuga Lake’s shoreline and the mine shafts.”” An EIS is needed to determine whether or not flooding in the S3 area could pose the same sort of risks to the west shore of Cayuga Lake, and

10 WHEREAS in 1980 an accidental hydraulic connection between Lake Peigneur and the salt mine 1500 feet beneath it resulted in a vortex sucking an oil rig, 11 barges and 65 acres of a

botanic garden including many ancient trees down into the mine---and this being an area of land larger than the portion of Taughannock Park that is situated east of Route 89--- a similar or larger vortex resulting from a mine collapse could be catastrophic for some portion of the Town of Ulysses' landscape, and

11 WHEREAS Lake Peigneur as a result of the 1980 salt mine flooding has been a saline lake ever since and any similar increased salinization of Cayuga Lake might also be irremediable, and

12 WHEREAS the Town of Ulysses or their representatives have been unable to find any evaluation of the impacts of flooding of the mine or a closure plan, nor has any closure plan been reviewed by Ulysses for mining under the town, and

13 WHEREAS the Town of Ulysses finds, to the extent that the current consent order or lease fails to grant permission to Cargill, Incorporated, for any activity within the Town of Ulysses, that no permission to store brine in the S3 area of the Cayuga Salt Mine has been or can be granted, and

14 WHEREAS the Town of Ulysses believes that the proposed storage of brine in the S3 area of the Cayuga Salt Mine exceeds the scope of activities permitted under the existing consent order or lease for salt mining, and

15 WHEREAS the Town of Ulysses has learned from a DEC communication to Senator Lea Webb's office that Cargill, Incorporated, began unilaterally flooding the S3 area in June 2023 without any modification of either its mining permit granted by DEC or of the Consent Order with OGS, and

Now, therefore, be it RESOLVED as follows:

1. RESOLVED that the Town of Ulysses finds that the proposed storage of brine in the S3 area of the Cayuga Salt Mine does not fall within the permission granted under the consent order or lease "to mine rock salt," and, furthermore, that storage of brine in the S3 area would be a violation of the current consent order or lease.

2. RESOLVED that the Town of Ulysses finds, to the extent that the current consent order or lease fails to grant permission to Cargill, Incorporated, for any activity within the Town of Ulysses, that no permission to store brine in the S3 area of the Cayuga Salt Mine has been or can be granted.

3. RESOLVED that the Town of Ulysses finds, to the extent that storage of brine in the S3 area of the Cayuga Salt Mine is a material change in mine management, it should be subject to the State Environmental Quality Review Act (SEQRA) and would need to be evaluated in an Environmental Impact Statement (EIS) prior to any modification of the mine permit.

4. RESOLVED that the Town of Ulysses finds that the Town needs to be regarded as an interested party whenever a mine permit or consent order regarding Cayuga Salt Mine is up for renewal or modification.

5. RESOLVED that the Town Clerk shall forward a copy of this Resolution to the following: the Hon. Kathy Hochul, Governor of the State of New York; the Hon. Andrea Stewart-Cousins, Majority Leader, New York State Senate; the Hon. Carl E. Heastie, Speaker, New York State Assembly; the Hon. Lea Webb, New York State Senator; the Hon. Dr. Anna Kelles, New York State Assemblymember; Sean Mahar, Interim Commissioner, Department of Environmental Conservation; Jeanette M. Moy, Commissioner, Office of General Services; Dereth Glance, Regional Director, Region 7, Department of Environmental Conservation; Timothy Walsh, Regional Director, Region 8, Department of Environmental Conservation; Matthew Podniesinski, Chief, Resource Development Section, Bureau of Resource Management & Development, Department of Environmental Conservation; Hon. Dan Klein, Chair, Tompkins County Legislature; Hon. Mike Enslow, Chairman of Seneca County Board of Supervisors; the Association of Towns of the State of New York; and the Tompkins County Council of Governments, Hon. Ruth Goff, Supervisor, Town of Lansing; Hon. Michael Reynolds, Supervisor, Town of Covert.