

STATE OF NEW YORK
SUPREME COURT : COUNTY OF TOMPKINS

In the Matter of the Application, CAYUGA LAKE ENVIRONMENTAL ACTION NOW (CLEAN), an Unincorporated Association by President JOHN V. DENNIS, and LOUISE BUCK, BURKE CARSON, JOHN V. DENNIS, WILLIAM HECHT, HILARY LAMBERT, ELIZABETH and ROBERT THOMAS, and KEN ZESERSON

Petitioners,

For a Judgment Pursuant to Article 78 of the New York Civil Practice Laws and Rules

vs.

**AFFIDAVIT
OF LOUISE
BUCK
IN SUPPORT
OF PETITION**

Index No.

THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, and CARGILL INCORPORATED

Respondents.

State of New York,
County of Tompkins, ss.:

LOUISE BUCK, being duly sworn, deposes and says:

State of New York, County of Tompkins, ss.:

LOUISE BUCK, being duly sworn, deposes and says:

1. I am Louise Buck and I live year-round at 1162 East Shore Drive, about a mile South of Bolton Point and ½ mile North of East Shore Park and the Cornell Sailing Club. I am on the Bolton Point water supply and so I drink lake water, but

- not sourced from the lake at my home. My home is at water's edge and I use the lake daily for activities such as kayaking, sailing, swimming, paddle boarding, birding, and enjoyment of the lake's other wildlife and scenic offerings.
2. I am active in the Community Science Institute's Cayuga Lake HABs Monitoring Program as a HABs Harrier for a stretch of shoreline in the vicinity of my home where harmful algal blooms have been observed.
 3. I have been a member of CLEAN for some years in support of its efforts to hold Cargill and the DEC accountable to their legal and civic/moral responsibilities to maintain the ecological, recreational, economic and cultural integrity of our precious Cayuga Lake in the context of under-the-lake salt mining.
 4. As a natural resources and environmental management professional since the 1970's, for some 30 years on the faculty at Cornell through the present, I am intimately familiar with the intended purpose and process of conducting an environmental review. Some of the agencies that are meant to regulate them may sometimes become too chummy or hesitate to enforce when faced with claims of 'saving jobs' or offering other economic advantage to the state and local communities.
 5. Perhaps because I am so close to it in this case, but also because of the extraordinary value of Cayuga lake to our region, and the inexplicable level of risk that the DEC appears to be tolerating in the face of this industry's activities, I

feel truly alarmed by the current situation. It is difficult to understand how it is that Cargill is not required to commit to the full NYS SEQR process given the level of threat of its actions and its plans to mine salt where recognized structural weaknesses in the bedrock have been identified by acclaimed scientific experts.

6. Thus, I prepare this affidavit in attempt to stake out my 'standing' as an interested party in CLEAN's current lawsuit. I am concerned that my property values will be severely affected when our lake becomes salinized by virtue of a 'mistake' that Cargill makes while mining on or into fault lines or other anomalies. This will affect my legacy to my sons and their families, and we will all be the poorer for it. We come from a line of forebears who settled in the Finger Lakes in the early 1700's; the ruination of Cayuga Lake by risky salt mining sadly will disrupt this ancestral continuity as well. Just as importantly though, I volunteer to enter this suit on behalf of the countless others who depend on the lake for numerous values and do not happen to live right on its shores.

7. Concretely, as an interested party I remain concerned that DEC's permit modification for Cargill's under-lake mining operation has not established adequate setbacks that apply to all anomalies identified north of Taughannock Park. Further, DEC should ensure that it closely manages technical consultants paid for by Cargill to analyze the situation. The new permitting process appears to introduce an unacceptable conflict of interest by allowing Cargill to manage a consultant that is hired to review its operations and its annual report to DEC.

This affidavit is based on information available to me at this time, including sources cited in the appended exhibits. Should additional information become available, I reserve the right to determine the impact, if any, of the new information on my opinions and conclusions and to modify or supplement this affidavit if necessary.

Sworn to before me this ____ day of June 2021.

Notary Public, State of New York

EXHIBIT A