

BINGHAMTON REGIONAL SUSTAINABILITY COALITION • CATSKILL CITIZENS FOR SAFE ENERGY • CATSKILL MOUNTAINKEEPER • DAMASCUS CITIZENS FOR SUSTAINABILITY • DELAWARE RIVERKEEPER NETWORK • EARTHJUSTICE • ENVIRONMENTAL ADVOCATES OF NEW YORK • NATURAL RESOURCES DEFENSE COUNCIL • NEW YORKERS FOR SUSTAINABLE ENERGY SOLUTIONS STATEWIDE • OPEN SPACE INSTITUTE • RIVERKEEPER, INC. • SIERRA CLUB ATLANTIC CHAPTER • THEODORE GORDON FLYFISHERS, INC.

November 4, 2008

Commissioner Alexander B. Grannis
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233

Dear Commissioner Grannis:

Our groups write with several requests relating to the conduct of the State Environmental Quality Review Act (SEQRA) process for the Draft Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program (DSGEIS) by the Department of Environmental Conservation (DEC or the Department).

First, we request the addition of at least two locations to the upcoming series of hearings DEC plans to conduct on the Draft Scope for the DSGEIS. Notably, not a single hearing is currently scheduled to take place within the New York City watershed, notwithstanding the potential for impacts to that critical resource from gas drilling within the Marcellus Shale formation. Further, the closest hearing available to consumers of the New York City drinking water supply is located more than 100 miles away in Sullivan County. We therefore request that hearings be added in at least one location within the watershed (e.g., Margaretville) and one location within New York City.

In addition, we request that, to the extent it is not already planned, all scoping hearings be transcribed, taped and broadcast via webcast on DEC's website. This will ensure that the maximum number of interested parties is able to observe the proceedings.

We further request that DEC retain, at the industry's expense, one or more outside consultants to assist in the preparation of the DSGEIS. In light of the formidable resource constraints faced by the Department – which are likely to only grow in the coming months – we have serious questions as to DEC's ability to devote adequate staff time and expertise to ensure that the DSGEIS is as complete and thorough as it must be in accordance with SEQRA.

Moreover, although we recognize that the Department has significant experience regulating natural gas drilling activities within the State, we respectfully submit that

many of the technical aspects of horizontal well drilling and hydrofracturing associated with development of the Marcellus Shale formation are new, different from, and potentially more complicated than, those associated with conventional vertical well drilling. We therefore believe that DEC would benefit from the advice of one or more consultants with specific expertise in and experience with these technologies. To avoid any suggestion or inference of impropriety, the industry should pay for, but have no role in selecting, or guiding or overseeing the work of, such independent consultant(s). At the very least, DEC should charge back the costs of preparing the GEIS, as is contemplated in 6 NYCRR § 617.13.

Thank you for your consideration of these requests. We look forward to continuing to work together on this important matter.

Sincerely,

Chris W. Burger, Chair
Binghamton Regional Sustainability Coalition

Catskill Citizens for Safe Energy

Ramsay Adams, Executive Director
Catskill Mountainkeeper

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Damascus Citizens for Sustainability

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cc: Ms. Judith Enck
Senator Carl L. Marcellino, Chair, Environmental Conservation Committee
Senator Thomas K. Duane
Senator Frank Padavan
Assembly Member Robert K. Sweeney, Chair, Environmental Conservation
Committee
Members of the Assembly Environmental Conservation Committee
Assembly Member James F. Brennan
Assembly Member Felix Ortiz