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CAMPAIGN FOR THE ENVIRONMENT • COMMUNITY ENVIRONMENTAL DEFENSE
COUNCIL, INC. • CONCERNED CITIZENS OF OTSEGO • CROTON WATERSHED CLEAN
WATER COALITION • DAMASCUS CITIZENS FOR SUSTAINABILITY • DELAWARE
RIVERKEEPER NETWORK • EARTH DAY NEW YORK • EARTHJUSTICE • EARTHWORKS’
OIL & GAS ACCOUNTABILITY PROJECT • ENVIRONMENTAL ADVOCATES OF NEW YORK
• LEAGUE OF WOMEN VOTERS OF NEW YORK STATE • NATIONAL WILDLIFE
FEDERATION • NATURAL RESOURCES DEFENSE COUNCIL, INC. • NEW YORK PUBLIC
INTEREST RESEARCH GROUP • NEW YORKERS FOR SUSTAINABLE ENERGY SOLUTIONS
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GORDON FLYFISHERS, INC.

December 3, 2009

Governor David Paterson
Executive Chamber
State Capitol
Albany
New York 12224

Dear Governor Paterson:

We are writing to you on an issue of critical importance to all New Yorkers – how
to assure the protection of the State’s drinking water supplies and other irreplaceable
resources in the face of a recently proposed Department of Environmental Conservation
(DEC) program for industrial gas drilling that would employ risky new drilling
techniques across New York State.

As you know, New York’s water resources are among the state’s most remarkable
and irreplaceable natural assets. Across the state, public and private water systems
provide our residents with clean and abundant drinking water at reasonable cost. And our
streams and rivers, among many other benefits, offer unparalleled opportunities for
recreation. Even without taking into account their ecological value, these water resources
– which have benefitted from extensive federal, state and local clean-up programs and
infrastructure investments over the past four decades – are essential to public health
protection and the state’s long-term economic prosperity.

Nevertheless, these state water resources will be confronting their greatest risk in
many years if the pending proposal to drill in the Marcellus Shale – which would employ
a controversial technology called “hydraulic-fracturing” – is allowed to proceed as
currently envisioned in DEC’s Draft Supplemental Generic Environmental Impact
Statement (DSGEIS). This is not a purely theoretical risk. The use of hydraulic
fracturing has led to known or suspected contamination in water supplies across the country, including right next door in Pennsylvania.

The undersigned groups represent a range of environmental, public health, conservation and good government interests from Western New York to Long Island. Some of our organizations differ on the ultimate issue of whether, where and how drilling could be allowed to proceed in New York. But all of us agree on one point: the DSGEIS, which proposes to allow gas drilling using hydraulic fracturing in the Marcellus Shale and elsewhere in New York State, is fatally flawed and must be abandoned.

The DSGEIS fails to conform to the most basic requirements for such documents, as set forth in the State’s Environmental Quality Review Act. For example, the document:

- Fails to include any meaningful assessment of the cumulative impacts of drilling assuming a reasonable worst-case full build scenario.
- Fails to include any meaningful assessment of alternatives, including limitations and/or prohibitions on drilling.
- Fails to properly consider the potential for contamination of drinking water supplies and aquatic habitats as a result of spills and/or subsurface migration of contaminants. The extent of this particular inadequacy has been recently underscored by Toxics Targeting’s report identifying more than 270 drilling-related spills and accidents in New York.
- Fails to fully assess the significant potential air quality, traffic and noise impacts associated with widespread industrial gas drilling – in many cases relying on the earlier 1992 GEIS, which was itself significantly flawed.

Simply put, the analyses and conclusions presented in the current document do not provide a basis for any rational decision-making as to such fundamental questions as the safety of widespread hydraulic fracturing practices in New York.

For these reasons, we call upon you to take additional time to re-examine the implications of this hydraulic fracturing proposal and to ask that your Administration develop a new draft environmental statement and a comprehensive regulatory proposal that can more effectively balance the desire for natural gas extraction with the costs and risks of a widespread program of hydraulic fracturing.

Specifically, we respectfully urge you to take the following actions:

(1) Direct DEC to set aside its current draft document and commit to a twelve month moratorium on the issuance of any new permits for hydraulic fracturing in the Marcellus Shale or similar formations in New York State.

(2) Request that U.S. Environmental Protection Agency (EPA) Region II convene a panel of experts on water quality to analyze proposals for hydraulic fracturing in New York State and to assess the potential impacts of such
activities on water resources in New York, utilizing the precautionary principle as the foundation for its analysis. If deemed appropriate, this could be coordinated with the larger new examination of the risks of hydraulic fracturing to be undertaken by EPA in accordance with the recently enacted provision sponsored by Rep. Maurice Hinchey.

(3) Direct DEC to develop a new draft environmental impact statement that contains all appropriate and legally-required analyses and to propose a comprehensive rule-making package that would accompany the new draft and that would be designed to fully insure the protection of the state’s most valuable water and other natural resources.

In sum, we believe that how you handle this issue will largely determine the environmental and public health legacy of your first Administration. We appreciate the difficult economic challenges facing New York State and recognize the enormity of the task of preparing a balanced state budget under these circumstances. But as New Yorkers have become aware of the implications and problems of hydraulic fracturing, their initial excitement has been replaced by apprehension, suspicion and growing demands for a new, precautionary principle-based approach to hydraulic fracturing. We firmly believe that it would be an error of historic proportions if the DEC were to push through an industrial hydraulic fracturing gas drilling plan in anything like its present form. Surely it is worth taking another twelve months to reassess and redesign this program, before taking steps that could place the state’s priceless and irreplaceable resources in jeopardy.

We urge you in good faith — and with every hope of an environmentally sustainable and successful Paterson Administration — to provide the leadership this situation requires. We ask that you heed the outpouring of public comments on this complex issue and direct the preparation of a new draft EIS and proposed regulations that are fully protective and provide for a sustainable future for our state’s water bodies and other ecological resources, so that the final program will truly be in the best long term interests of New York State, its natural resources and its 19 million residents.

Sincerely,

Harry Levine, President
Advocates for Springfield

Chris Burger, Chair
Binghamton Regional Sustainability Council
Thomas B. Wilinsky
Catskill Citizens for Safe Energy

Ramsay Adams
Ramsay Adams, Executive Director
Catskill Mountainkeeper

Adrienne Esposito
Adrienne Esposito, Executive Director
Citizens Campaign for the Environment

Helen Slottje
Helen Slottje, Managing Attorney
Community Environmental Defense Council, Inc.

Amanda Byrnes
Amanda Byrnes
Concerned Citizens of Otego

Marian H. Rose
Marian H. Rose, Director
Croton Watershed Clean Water Coalition

Barbara Arindell
Barbara Arindell, Director
Damascus Citizens for Sustainability

Tracy Carluccio
Tracy Carluccio, Deputy Director
Delaware Riverkeeper Network
Elizabeth Broad, Deputy Director  
Earth Day New York

Deborah Goldberg

Deborah Goldberg, Managing Attorney  
Earthjustice

Gwen Lachelt

Gwen Lachelt, Director  
EARTHWORKS’ Oil & Gas Accountability Project

Katherine Nadeau

Katherine Nadeau, Water & Natural Resources Program Associate  
Environmental Advocates of New York

Betsy Swan, President and Roberta Wiernik, Natural Resources Specialist  
League of Women Voters of New York State

Curtis Fisher, Regional Executive Director  
National Wildlife Federation

Kate Sinding, Senior Attorney  
Natural Resources Defense Council, Inc.

Cathleen Breen, Watershed Protection Coordinator  
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New Yorkers for Sustainable Energy Solutions Statewide

Kate Mendenhall, Executive Director
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Nicole Dillingham, President
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James Simpson, Staff Attorney
Riverkeeper, Inc.

Lisa Wright, Member
Shaleshock Citizens Action Alliance

Susan Lawrence, Chapter Chair
Sierra Club Atlantic Chapter
Adrian Kuzminski, Moderator
Sustainable Otsego

John Barone, Vice President of Conservation
Theodore Gordon Flyfishers, Inc.

cc: DEC Commissioner Alexander B. Grannis