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COMMITTEE TO PRESERVE THE FINGER LAKES • COMMON CAUSE/NEW YORK • CONCERNED
CITIZENS OF TIOGA COUNTY • CROTON WATERSHED CLEAN WATER COALITION • DAMASCUS
CITIZENS FOR SUSTAINABILITY • DELAWARE RIVERKEEPER NETWORK • EARTHJUSTICE •
EARTHWORKS OIL & GAS ACCOUNTABILITY PROJECT • ENVIRONMENT AMERICA •
ENVIRONMENT NEW YORK • ENVIRONMENTAL ADVOCATES OF NEW YORK • FIRST
PRESBYTERIAN CHURCH OF COOPERSTOWN • FLY CREEK/OTSEGO NEIGHBORS • FOOD AND
WATER WATCH • FRACK FREE CATSKILLS • GAS DRILLING AWARENESS FOR CORTLAND
COUNTY • GRAY PANTHERS • KEEP COCHECTON GREEN • KEUKA CITIZENS AGAINST
HYDROFRACKING • LANDOWNERS AGAINST NATURAL-GAS DRILLING • NATURAL RESOURCES
DEFENSE COUNCIL • NEIGHBORS OF THE ONONDAGA NATION • NEW YORK RESIDENTS
AGAINST DRILLING • NEW YORKERS FOR SUSTAINABLE ENERGY SOLUTIONS STATEWIDE •
NYH2O • OTSEGO 2000 • RIVERKEEPER • ROSEBOOM OWNERS AWARENESS RESPONSE
AGAINST FRACKING • SHALESHOCK ACTION ALLIANCE • SIERRA CLUB ATLANTIC CHAPTER •
SULLIVAN AREA CITIZENS FOR RESPONSIBLE ENERGY DEVELOPMENT • THEODORE GORDON
FLYFISHERS • TROUT UNLIMITED • UNITED FOR ACTION • UNITED FOR ACTION -
WESTCHESTER

March 29, 2011

Governor Andrew Cuomo
Executive Chamber
State Capitol
Albany
New York 12224

Dear Governor Cuomo:

We are writing to you on an issue of urgent importance to all New Yorkers – assuring that New York State does not rush to allow risky new drilling techniques in the Marcellus and Utica Shale formations unless the protection of the State’s drinking water supplies and other irreplaceable resources can be demonstrated.

Specifically, we ask that you clearly confirm that the New York State Department of Environmental Conservation (DEC) will be allowed both adequate time and resources to fully and properly evaluate the full range of potential risks associated with new natural gas development utilizing hydraulic fracturing, or “fracking,” before issuing a revised draft Supplemental Generic Environmental Impacts (DSGEIS) pursuant to Executive Order 41 (EO 41). Simply put, the arbitrary June 1, 2011 target date established by former Governor David Paterson in EO 41 is wholly inadequate to allow for the development of an appropriately comprehensive or legally sufficient revised DSGEIS.

As you know, New York's water resources are among the state's most remarkable and irreplaceable natural assets. As such, you have properly referred to them as "sacrosanct." 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 fishing, hunting, and other outdoor 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 generations if the pending proposal to drill in the Marcellus and Utica Shale formations utilizing horizontal fracking is allowed to proceed as currently envisioned in DEC's DSGEIS. This is not a theoretical risk. Gas development using fracking has led to numerous cases of known or suspected contamination in water supplies across the country, including right next door in Pennsylvania. But the risks are not limited to water quality. Gas development has also contributed to air pollution, habitat fragmentation, landscape industrialization, health impacts, and a variety of other serious impacts wherever it is inadequately regulated.

The undersigned groups represent a range of environmental, public health, conservation, sportsmen, and good government interests from across New York State. Some of our organizations differ on the ultimate issue of where, how, or even if, drilling should be allowed to proceed in New York. But all of us agree on one point: DEC must not be rushed to issue a revised DSGEIS; rather, it must be given both the time and the resources necessary to correct the many fatal flaws that plagued the initial DSGEIS and to ensure that the full measure of risks to public health and the environment are thoroughly investigated.

Although of course New York's drinking water and other resources will not be safe and secure unless your Administration promulgates comprehensive rules and limitations *before* allowing high volume hydraulic fracturing to proceed in New York, we are today writing to discuss the more immediate, interim step of the DSGEIS. In light of the devastating staffing and budgetary cuts to which DEC has been subject over the past several years, the highly complicated and technical nature of the issues, the dearth of existing independent scientific research, and the numerous deficiencies in the current DSGEIS, the June 1, 2011 target date for the revised document is, as *The New York Times* put it, "a ridiculously short time frame." Given that the department is still processing the over 13,000 comments received on the original DSGEIS in Fall 2009, there is simply no responsible way that DEC can be expected to issue a proper revised document in anything close to that timeframe.

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 natural gas development, 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. Moreover, a rushed decision – one made without due deliberation and proper consideration of all relevant factors – would rightly erode the public's confidence in the ultimate decision made. Surely it is worth taking as much time as is necessary to reassess and redesign this program, before taking steps that could place the state's priceless and irreplaceable resources in jeopardy.

Sincerely,

Lynn Marsh and Andy Minnig
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Melanie Steinberg, Outreach Coordinator
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Albert E. Caccese, Executive Director
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Katherine Nadeau, Water & Natural Resources Program Director
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Joan Walker and Kerry Cubas, Core members
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Gas Drilling Awareness for Cortland County

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Theodore Gordon Flyfishers, Inc.

Katy Dunlap, Eastern Water Project Director
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Susan Van Dolsen and Ellen Deixler, Grassroots Organizers
United for Action - Westchester

cc: DEC Commissioner Joseph Martens