



The League of Women Voters of New York State
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THE LEAGUE OF WOMEN VOTERS *of New York State*

July 18, 2011

Commissioner Joseph Martens
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1011
joemartens@gw.dec.state.ny.us

Attn: dSGEIS Comments
Bureau of Oil & Gas Regulation
NYSDEC Division of Mineral Resources
625 Broadway, Third Floor
Albany, New York 12233-6500
dmnsgeis@gw.dec.state.ny.us

Dear Commissioner Martens:

We are writing to request that the public comment period with respect to the updated draft SGEIS be extended beyond the sixty (60) day period to one that enables a full review of all comments and to further allow time for additional targeted scientific study and analysis of those points raised during the comment period which indicate that drilling in the Marcellus shale, as currently proposed, will, or is likely to, impair the environment, human health and property value or any of the foregoing, in a material way. Based upon the experience from the review of the SGEIS in 2009, we recommend a review period of no less than 150 days, which can be extended if the issues raised during the comment period indicate that such an extension, for further review and inquiry, is in the best interests of New York's residents.

Specifically, as it relates to the environment, human health and property values, we have concerns about the potentially unsafe impacts of the methane gas, myriad chemicals and naturally occurring radioactivity materials released or otherwise emitted, either individually or in combination at various points during the drilling lifecycle. We will be reviewing the document you release, in full in August, to determine if the State has thoroughly addressed the risks and potential impacts of the foregoing throughout the drilling lifecycle. We hope that this document will include a response that resolves the concerns raised in the letter sent to you by the undersigned, dated June 9, 2011, a copy of which is attached hereto.

During the past several months we have performed a preliminary review of drilling leases with residential property owners. Our findings, relating to the allocation of the risk of loss, appear consistent across the leases reviewed thus far. It appears that while certain (but not all) leases obligate the driller to pay for cut

timber or displaced crops, the leases are otherwise silent as it relates to an indemnification from the driller for property damage, environmental damage or damage to human health that may result from the drilling lifecycle activities. Accordingly, unless the State has developed a mechanism for obligating the drilling companies, at the point of issuing the drilling permit, to create a fund to mitigate any and all such loss, to the benefit of municipality in which the drilling occurs and to the individual property owners associated with their drilling pool(s), then, by default, it will become the financial burden of the property owner and municipality, (and by extension, the taxpayer) to pay for these potentially unmanageable costs.

Property owners and taxpayers cannot afford to pay for any of the above mentioned costs associated with drilling whether resulting from un-negotiated drilling leases or insufficiently collected financial reserves. The cost of adverse impacts associated with drilling (whether, for example, from degradation of public or private roads, air pollution, or water contamination), should be minimized through careful planning on the part of the state, certain enforcement of the regulations, at the cost of the drillers, at the thousands of well sites anticipated throughout the state; and, to the extent damage, casualty or other adverse impacts arise, the costs of remediation will be borne entirely and reliably by the drilling companies permitted to do business in our state. We ask that no permit be issued before this payment allocation is put in place.

The League of Women Voters appreciates the caution with which the DEC has moved thus far on unconventional drilling. To this end, we hope you will continue this positive trend with a thorough review that imposes a minimum comment period of 150 days which may be extended if such an extension is indicated to secure an outcome that inures to benefit of all taxpayers, all voters and all residents of our great state.

We thank you for consideration of this issue and would be happy to meet or speak with you. We look forward to your response.

Sincerely,



Betsey B. Swan
President
LWVNYS



Elisabeth N. Radow
Chair, Committee on Hydraulic Fracturing
LWVNYS

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