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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

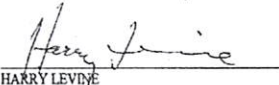
activities on water resources in New York, utilizing the precautionary principle as the foundation for its analysis. If deemed appropriate, this could be coordinated with the larger new examination of the risks of hydraulic fracturing to be undertaken by EPA in accordance with the recently enacted provision 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

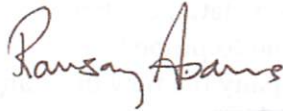
Harry Levine, President  
Advocates for Springfield



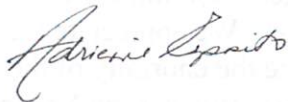
Chris Burger, Chair  
Binghamton Regional Sustainability Council



Thomas B. Wilinsky  
Catskill Citizens for Safe Energy



Ramsay Adams, Executive Director  
Catskill Mountainkeeper



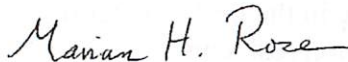
Adrienne Esposito, Executive Director  
Citizens Campaign for the Environment



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



Amanda Byrnes  
Concerned Citizens of Otego



Marian H. Rose, Director  
Croton Watershed Clean Water Coalition



Barbara Arindell, Director  
Damascus Citizens for Sustainability



Tracy Carluccio, Deputy Director  
Delaware Riverkeeper Network



Elizabeth Broad, Deputy Director  
Earth Day New York



Deborah Goldberg, Managing Attorney  
Earthjustice



Gwen Lachelt, Director  
EARTHWORKS' Oil & Gas Accountability Project



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  
New York Public Interest Research Group





Michael Lebron and Stanley Scobie, Principals  
New Yorkers for Sustainable Energy Solutions Statewide



Kate Mendenhall, Executive Director  
Northeast Organic Farming Association of New York, Inc.



Joe Levine, Chair  
NYH2O




Nicole Dillingham  
President, Otsego 2000

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Otsego 2000



James Simpson, Staff Attorney  
Riverkeeper, Inc.



Lisa Wright, Member  
Shaleshock Citizens Action Alliance



Susan Lawrence, Chapter Chair  
Sierra Club Atlantic Chapter

*Adrian Kuzminski (ks)*

Adrian Kuzminski, Moderator  
Sustainable Otsego

*John Z Barone*

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

cc: DEC Commissioner Alexander B. Grannis