

Adirondack Mountain Club
Comments on dSGEIS to the Assembly Standing Committee on
Environmental Conservation

October 15, 2009

The Marcellus Shale formation lies beneath a large portion of Western and Central New York. While ADK reveres the Adirondack and Catskill Mountain ranges for their grandness, there are many valuable State Parks, Wild life Management Area and State Forests in Central and Western New York that are extremely important to our members, especially in our Western New York chapters.

Hydraulic fracturing, or hydro-fracking, is currently the energy industry's preferred method of gas extraction and almost certainly would be widely used in energy projects in the Marcellus Shale. Industry experts declare hydraulic fracturing as "the best means for producing economic volumes of natural gas from the Marcellus Shale."¹

ADK is concerned about the State of New York leasing land for these environmentally disruptive drilling practices. While certain entities are entitled to their existing lease rights on state managed forest land, we would oppose any effort by the state to grant new or expanded leases to private entities for oil, gas or mineral exploration. Hydraulic fracturing under state managed forests and state parks is inconsistent for their intended purpose.

While fracking fluids consist mostly of water and sand, they also contain chemicals that act as lubricants and surfactants. In 2005, under the so-called Halliburton Exemption, hydro-fracking was exempted from provisions of the Safe Drinking Water Act, based on industry assurances that the process is safe. Recent incidents in Wyoming and Colorado have caused many to question those assurances. Congress is currently considering legislation to repeal the exemption and restore EPA oversight. The bill's sponsors include New York Senator Chuck Schumer and New York Congressman Maurice Hinchey.

Even without hydro-fracking, gas production is an industrial activity with a number of potential environmental consequences. It requires cutting trees, clearing land, building roads and moving heavy equipment. It creates numerous opportunities for spillage of waste and pollutants and the contamination of surface and groundwater. It is noisy and dirty. Even with no environmental mishaps, each gas-well site will leave a sizable scar on the landscape that will take years to heal.

¹ *Natural Gas Assessment, New York State Energy Plan 2009*, p. 14.

Based on actual and potential environmental impacts, ADK believes that gas exploration and extraction is inconsistent with state parkland. We are encouraged that the 2009 Executive Energy Plan does not recommend natural gas extraction on state-owned parklands² because that activity would be inconsistent with the public trust state parkland doctrine.³ Under this doctrine, the state holds state parkland in trust for the people of New York and cannot use it for any commercial or industrial purpose inconsistent with its use as a public park without the express approval of the Legislature. We take the plan as a commitment by the administration to firmly resist any claims to drilling rights in the Allegany State Park and to protect other state parks from exploitation. DEC must take this plan into consideration as it receives requests for permits to drill in State Parks.

However, we are concerned that the plan recommends the study of potential private gas exploration on state-owned land not protected under the public trust state parkland doctrine.⁴ This includes thousands of acres of state forests scattered across central New York, western New York and the Southern Tier. In particular, state forest lands traversed by the Finger Lakes Trail and the North Country National Scenic Trail should be off limits to gas exploration and drilling.

The original intent of preserving forest areas and state parks in this region, such as Allegany State Park, Letchworth State Park, and Watkins Glen State Park, is to provide a natural experience to the public for recreation and scenic values. The potential increase in man's industrial existence cannot be ignored. The cumulative impacts of all processes and stages of natural gas drilling must be minimized.

State Parks in Western New York are valuable to the State's tourism economy. New York's state park system provides visitors with a near wilderness experience that is often more accessible than the more distant lands of the Adirondacks and Catskills. State parks are also family friendly places for the public to learn more about how to safely recreate in the backcountry before they venture to the Adirondacks and Catskill.

These forest lands are very important to the health of New York's ecology as well as to the health of New York's residents. The Finger Lakes Trail is a valuable natural recreational destination for many ADK members, especially for our Western NY chapters. This trail system runs right over the Marcellus Shale formation and provides a remote and natural experience that is easily accessible to western New York's ADK members who prefer to stay close to home for recreational outings. This trail system also attracts tourists into this area of the State because it is also part of the North Country National Scenic Trail System.

ADK wants appropriate measures to be taken by regulatory agencies to ensure the protection of these forest lands' scenic and recreational character. One measure ADK suggests to ensure this protection is to require a SEQR review for each proposed well. A general environmental

² *Draft 2009 New York State Energy Plan*, p. 51.

³ Williams v. Gallatin, 229 N.Y. 248; Friends of Van Cortlandt Park v. City of New York, 95 N.Y.2d 623.

⁴ *Draft 2009 New York State Energy Plan*, p. 51.

assessment form (EAF) is insufficient for companies with multiple proposed wells. Site specific oversight is necessary to guarantee the protection of New York's valuable resources.

ADK understands the economic hardships facing New York State but stresses that we must not allow our unique historic and natural environment to be sacrificed to industrialization for short term energy resource opportunities. Other wells drilled in Pennsylvania's Allegheny National Forest were drilled during the period that energy prices were at their highest. These wells are mere miles from New York's border and of similar depth and width of the Marcellus Shale in Western New York under Allegany State Park. As industry experts claim that it is not worthwhile to drill in these areas, past trends show oil reserves will become economical to tap if the price is high enough. The damage that has been done in Allegheny National Forest must not be replicated in Allegany State Park and State Forests in New York that are intended to serve New Yorkers and tourists with recreational opportunities.

ADK strongly believes that economic growth and environmental sustainability can be achieved with cooperation between state and local governments, residents, and the environmental community. Thank you for the opportunity to express our concerns and opinions. Please feel free to contact me with any questions.

Respectfully submitted,

Neil F. Woodworth
Executive Director

Allison D. Beals
Dir. of Government Relations & Conservation

cc: Judith Enck
Valerie Grey