



**Testimony on the Draft Scope for the
Supplemental GEIS**

December 4, 2008

Thank you for the opportunity to speak today. My name is Bruce Ferguson, and I represent Catskill Citizens for Safe Energy. We are a not-for-profit, all volunteer organization that was formed in response to the prospect of imminent gas extraction in our region. We've seen the devastating effects that shale gas extraction has had on other parts of the country, and we do not want to see that same devastation here. We believe that New York State can, and must, do better.

We love this part of the country that we call home. We treasure the magnificent Delaware River, and our farms and fields and forests. And for many of us, this land and landscape provide us with our livelihood. Here in Sullivan County agriculture and tourism are the two most important sectors of our economy. We also have a vibrant second home market that comprises a quarter of our housing stock and an even greater portion of our property tax base.

All of these economic sectors are rooted in the unspoiled landscape, clean air, and pure water that we enjoy. Environmental degradation could destroy our farms, and even aesthetic changes could have a devastating effect on tourism and the second home market—consider the fact that prospective home buyers tell us that 'landscape and views' are *the most important* factors that lead them to consider purchasing homes in our area.

And the Catskills is also of critical importance to millions of people who live well beyond its borders. Seventeen million Americans in four states rely on the Delaware River Basin for their drinking water; and the Catskill Preserve is one of the largest contiguous wilderness areas in the Northeastern United States. I think we can all agree that we cannot afford to endanger these precious and irreplaceable assets.

Catskill Citizens will be submitting detailed written comments, but today I'd like to call attention to just a few of the concerns that we feel are not adequately addressed in the Draft Scope.

1. *The Draft Scope is predicated on the unwarranted assumption that hydraulic fracturing is a safe method of extracting shale gas.*

Hydraulic fracturing was not addressed in the 1992 GEIS, which contains just a single reference to the process and describes it as “experimental.” The fact is, that although ‘fracking’ has been used for decades, it has never been properly studied. The gas industry claims that there have been over one million instances of fracking without adverse consequences; but this assertion is not supported by science. It merely represents the industry’s own self-congratulatory assessment. Unfortunately, over the last year we’ve heard the New York State DEC parrot this unsupported claim without offering any credible evidence to establish its veracity. Independent investigators who have studied the matter tell a very different story; they have uncovered, and continue to uncover, numerous instances of health and environmental problems linked to fracking.

There has been only one full-scale investigation of hydraulic fracturing—a 2004 report by the Environmental Protection Agency, which concluded that the process is safe and doesn’t warrant further study. However, it’s clear that this study was shaped by politics, not science. Damaging information was redacted from the final report, apparently at the urging of the office of Vice President Dick Cheney who, of course, is a former CEO of Halliburton, the company that perfected fracking and still profits from its use today.

Rep. Henry Waxman, who will be chairing the Energy and Commerce Committee in the next Congress, said that the EPA made “a faith-based leap to conclude that injecting toxic materials underground posed little or no threat.” He concluded that “the unanswered questions in the EPA’s report cry out for further study.” Catskill Citizens agrees with Representative Waxman. Hydraulic fracturing needs to be properly studied. Peer-reviewed scientific studies that assess its health and environmental risks should be made a part of the S-GEIS, and these studies should be completed before drilling gets underway.

2. *Instead of attempting to identify to safest way to extract gas, the Draft Scope seems to be concerned with identifying minimum acceptable standards of operation.*

As a case in point, consider the Draft Scope’s treatment of “Fluid Handling at the Well Site.” There can be no doubt that storing toxic fluids in enclosed containers, or employing closed-loop drilling, are safer alternatives to the use of open pits that are subject to leaking and flooding, and inevitably release cancer-causing volatile organic

compounds into the atmosphere. Nevertheless, the Draft Scope suggests that open pits should be considered as allowable in most, if not all, circumstances.

Natural gas *consumption* may be safe and reliable, but natural gas extraction is inherently dangerous and always polluting. The health and welfare of New Yorkers should not be endangered so that foreign-owned and out-of-state gas companies can extract natural gas on the cheap.

The Draft Scope should be amended to require the identification and the implementation of “best management practices” in all phases of gas extraction.

3. The Draft Scope is flawed in its consideration of cumulative impact.

First, it explicitly excludes the impact that the construction of hundreds of miles of pipelines would have on our environment, ostensibly because pipelines are the responsibility of the Public Service Commission and not the DEC. Clearly, pipelines and pipeline construction have the potential to negatively impact our environment in any number of ways, and this must not be ignored. The regulatory role of the PSC is not a reason to exclude an important component of gas extraction from review; it may be a reason to partner with the PSC in developing the S-GEIS.

Second, the Draft Scope’s discussion of “Community Character” is sketchy and does not seem to recognize the need to consider the impact of concentrated industrial activity on local communities. One of the lessons to be learned from shale gas extraction in Western states is that rapid, intensive industrialization can wreak environmental havoc and economic dislocation. The S-GEIS must consider the level of activity that small communities can sustain without suffering undue harm.

4. The Draft Scope fails to address the lack of resources that will prevent the DEC from properly regulating the Marcellus Shale gas play.

Those of us who have become concerned with the prospect of gas extraction in our area have been confronted with the inadequate staffing and funding of the DEC at every turn. Last summer we asked the Department to schedule a public meeting here in Sullivan County to educate the public, but we were told that the Department didn’t have the resources to accommodate us. The Department also claimed that it didn’t have the staff to respond to pertinent questions submitted in writing. One DEC Director complained to me that the Department didn’t even have the money to cap the thousands of uncapped wells in the state!

This meeting in Loch Sheldrake is the last Draft Scoping session. Requests to have additional meetings in such critical areas as the New York City watershed and New York City itself have been denied. Why? You guessed it—the DEC lacks the resources to hold the meetings.

In 2007 the DEC had just 19 well inspectors who were responsible for regulating 14,000 existing oil and gas wells, as well handling 600 permits for new wells. With the advent of the Marcellus Shale gas play it is widely anticipated that the number of permit applications, and the number of new wells, is going to rise dramatically in coming years, and there is no indication that the DEC will have the resources to safely regulate this increased drilling activity.

The Draft Scope must take a hard look at what resources the DEC will need to regulate the Marcellus gas play without putting New Yorkers at risk.

Catskill Citizens complete written testimony will soon be available online at www.catskillcitizens.org.