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**ROGER D. BRADSTREET**

*Supervisor, Town of Nelson*

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January 9, 2011

Commissioner Joe Martens  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

RE: Comments on the Draft Supplemental Generic Environmental Impact Statement

Dear Commissioner Martens:

Thank you for the opportunity to provide comments on the revised Draft Supplemental Generic Environmental Impact Statement on Oil, Gas and Solution Mining issued this fall by the Department of Environmental Conservation.

I am chairman of the Madison County Natural Gas Development Working Group, an ad hoc committee constituted in September 2010 by Madison County Board of Supervisors Chairman John M. Becker to research and report to the Board of Supervisors on all facets of natural gas activity that may impact our County.

The group consists of 11 professionals from a variety of disciplines, including the natural sciences, fire service, agriculture, health, gas industry, health, education and journalism, and elected officials. This non-partisan body is neither pro- nor anti-drilling, interested only in seeking out the most accurate and reliable sources on which to base any decisions or actions taken by the county to protect its citizenry, infrastructure and natural assets, and to maximize any potential economic and community development benefits that may occur as a result of natural gas development.

*As a result of our research to date:*

o The working group compiled a list of concerns expressed by residents at a series of public meetings held around the county in areas most heavily impacted by natural gas activity to date (**Attachment 1**). Those concerns revolve primarily around preservation of water quality, as well as environmental and quality of life impacts.

o Chairman Becker enlisted the County Attorney's Office to develop template solicitation legislation and registration form for towns to either adopt as-is or to revise and enact as seen fit (**Attachment 2**). The group quickly came to the realization that the first point of contact for many residents is the land agent who solicits leases for the drilling companies. Many of the encounters reported were unethical at best and

potentially illegal at worst. A solicitation policy allows municipalities to know who is doing business in their community and for what purposes.

○ The Madison County Board of Supervisors Public Health Services Committee proposed the attached resolution, which was accepted and approved by the Madison County Board of Supervisors, urging the extension of the moratorium on high-volume hydraulic fracturing of natural gas wells and directing the New York State Commissioner of Health to conduct a health impact assessment (**Attachment 3**). The goal of that resolution is to preserve the health and safety of residents and our natural resources to the greatest degree possible.

○ The Madison County Board of Supervisors passed a resolution urging the reform of compulsory integration. This resolution was sponsored by the Planning, Economic Development, Environmental and Intergovernmental Affairs Committee urging the reform of existing compulsory integration law (**Attachment 4**). The group – and indeed the Madison County Board of Supervisors – feels repeal of compulsory integration is not a viable option. It is unanimously agreed among Madison County officials that reform of the ratio of consenting landowners should be changed from 60 percent to 80 percent, the calculation of royalty percentages for non-signing landowners should reflect the average of signed landowners, integration hearings should be moved to the communities affected, and the election period should be extended to 28 days from the current 21.

*In addition to those items documented in detail in the attachments enumerated above:*

○ Our group recommends that community representatives or groups such as planning boards, town boards, supervisors and/or town road superintendents should be advisory to the well site location process. Significant local input prior to final siting of well pads would address significant concerns that are particular to the very local community and which may be unknown to drillers and the DEC;

○ The state should institute an ombudsman program to resolve conflicts among landowners, developers, regulators and other stakeholders. One ombudsman for each 20 active well pads is the recommended ratio. Ombudsmen would comprise a committee or council advisory to DEC regulators;

○ Perform a health impact study based on data from Pennsylvania;

○ Provide funding for county departments of health for new human resources to help landowners and others interpret water quality data and other new demands on DOH units that will result from natural gas development activities;

○ Make water quality data from pre- and post-drilling studies public;

○ For the initial phase of development, approve only five sites in the first year and five in the second year. Sites should be completed, instrumented, and have scientific studies designed by a consortium of operators, regulators and independent academic scientists to be undertaken during this phase. Site visits by all interested stakeholders

should be arranged. These sites could be used to train new DEC employees for the next phases of development, should data support further development;

○ The DEC does not have the resources to meet the pace of permitting and development the extent gas companies will want, and the dSGEIS does not require adequate notice of activities. Communication with localities needs to improve, instead of requiring interested parties to look up permits for sites subject to EIS;

○ The need for a mitigation fund that helps pay for negative community impacts; our group is advocating for a damage recovery fund for natural gas to mitigate similar impacts;

○ Air testing in the vicinity of compressor stations is essential to make sure air quality is not compromised;

○ Adequate resources will be necessary to address the ancillary activities of drilling operations that bring with them the hazards associated with transient populations;

○ Wastewater containment and disposal operations and facilities need to be professionally designed to ease the DEC's burden in adequately enforcing requirements;

○ Distances from surface water bodies and wells need to be standardized using best scientific practices, as there has been no science involved in the setbacks developed;

○ Flowback water to be stored must be in closed-loop systems and not open pits; the disclosure of any dangerous contaminants within the drill cuttings should result in a determination of disposal sites – whether public landfills, pits or others;

○ Full disclosure of additives used in the high-volume hydraulic fracturing process is needed; use of organic additives is preferred.

***An important issue that lies outside the DEC mandate***

Local municipalities should be assured that new tax revenues would be applied locally, as the bulk of impact will be felt by the communities in which development activities are undertaken. Payments-in-lieu-of-tax agreements should be allowed, as long as the value of these exceeds income from current tax structures.

***In conclusion***

I cannot overstate our intense focus on our primary mission and goals: to protect the health and well-being of the people who make Madison County their home and to preserve our County's natural resources and intrinsic beauty (**Attachment 5**).

Again, our non-partisan group does not take a position on any natural gas development activities or drilling techniques, but we feel strongly that agencies responsible for overseeing these activities must leverage to the greatest degree possible any mechanisms possible to ascertain that all those involved in the industry are required to adhere to the safest practices established for their respective disciplines.

**Bradstreet Comments on dSGEIS**  
**January 9, 2012**  
**Page 4 of 4**

Should you have any questions or require further information, please do not hesitate to contact me. All contact information appears in the letterhead on page one and signature block below.

Sincerely,

*Handwritten signature: Roger D. Bradstreet, dated Jan 9, 2012, with initials RDB.*

Roger D. Bradstreet, Chairman  
Madison County Natural Gas Development Working Group  
Supervisor, Town of Nelson  
c/o Madison County Board of Supervisors  
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RDB:mec

*Enclosures: 1. Report of concerns voiced at a series of public meetings held Sept. 24, 2010; 2. Madison County Template Solicitation Policy provided to town supervisors; 3. Madison County Board of Health resolution requesting the extension of the moratorium on high-volume hydraulic fracturing of natural gas wells and directing the State Health Commissioner to conduct a health impact assessment; 4. Madison County Board of Supervisors resolution in support of reform of compulsory integration laws. 5. Roster and mission of Madison County Natural Gas Development Working Group.*

cc: Madison County Board of Supervisors Chairman John M. Becker (email)  
Assistant to the Chairman Mark Scimone (email)  
Members, Madison County Natural Gas Development Working Group (email)  
Assemblyman William Magee (with attachments)  
Senator David J. Valesky (email, with attachments, hard copy to follow)