

DELAWARE-OTSEGO AUDUBON SOCIETY, INC.

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Bureau of Oil & Gas Regulation
NYSDEC Division of Mineral Resources
625 Broadway, Third Floor
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November 21, 2008

I am writing on behalf of our organization regarding the pending draft scope for a Supplemental Generic Environmental Impact Statement (dSGEIS) on the oil, gas and solution mining regulatory program. Please consider this letter as formal comments on this document.

Our primary concerns with expanded hydro-fracturing gas exploration and production in NY State are potential ground and surface water contamination; storage and disposal of above ground production fluids; and impacts to wildlife habitat.

The draft scope does appear to identify ground and surface water contamination as an issue that will be addressed in the dSGEIS, and we would emphasize the importance of a thorough and unbiased examination of such potential contamination. The chemicals and techniques used in this relatively new production method are largely unknown and untested in NY, and it is essential that all possible dangers to our waters are assessed prior to permitting of wells.

Also, in regard to water quality, we believe an the scope should consider the benefits of testing the quality of water wells, springs and surface waters in the vicinity of possible gas wells prior to permitting and gas drilling. This would provide a means of assessing impacts as production proceeds, in order to mitigate damages, and to improve permitting for future wells.

The draft scope discusses potential impacts on significant habitats and endangered, rare or threatened species and states that "*negative impacts from oil and gas activities on significant habitats are uncommon because the habitats are relatively small and scattered*". The cumulative impacts of well-drilling on the environment should also be addressed in the dSGEIS. An isolated instance of gas drilling may have minimal impact; however, multiple drilling sites across a broad area may adversely affect species already in precipitous decline such as grassland birds through fragmentation and habitat disturbance from service roads, pipelines and construction activities.

Although the draft scope discusses potential impacts on significant habitats and endangered, rare or threatened species, there is no specific consideration in

either the scope or the existing GEIS of possible impacts on other wildlife. The use of open lagoons to store production fluids is a particular threat to waterfowl and other wildlife. The known materials in these fluids are toxic, and the unknown materials may be even more so. It is imperative that these issues be added to the scoping document, and examined in the dSGEIS.

In addition to this direct threat to wildlife, fragmentation and habitat disturbance from drilling sites, service roads, pipelines and construction activities may be significant and long-term. The draft scope should include these impacts among the issues to be addressed in the dSGEIS.

The likelihood of large scale drilling operations in central NY, including our Chapter area of Delaware, Otsego, Chenango and Schoharie Counties, necessitates a full assessment of all likely environmental impacts from this potentially damaging activity. We urge the department to include the issues raised above, and those raised by others, in the scoping document and dSGEIS.

Sincerely,

Andrew Mason, Conservation Chair