

April 10, 2011

Dear DRBC Executive Director and Staff,

The DRBC's proposed restriction to natural gas drilling in the Delaware watershed is a de facto ban to development of domestic energy resources and usurps the protected property rights of Pennsylvania citizens and business owners.

As we near the end of this extended public comment period, we have heard rumors that the DRBC has given assurance to the anti-development lobby that these proceedings will continue to be slow-walked. Although I'm leery to give weight to such a rumor, it does put into perspective the recent circumstances of this case. After kowtowing to the delay tactics of those who are against domestic energy production, the DRBC granted their request for more time for public comment. Now, we are told that after regulations are reissued based on these comments that another comment period will commence, et cetera.

This delay tactic attempts to do by proxy what the DRBC hasn't the capacity to do through its limited authority—prevent a single new well from producing shale gas in the Delaware River basin. By raising uncertainty indefinitely, it looks like the anti-development lobby has found a friend in the DRBC to help send energy jobs and investments elsewhere.

If you disagree, prove me wrong. Get on with it and let the board vote on the regulations after this round of comments. Continuing this indefinite cycle of delay is no longer credibly seen as anything but arrogance or incompetence. Perhaps it is both.

Sincerely,

Erling R. Salvesen, III  
Managing Director, Pennsylvania Commercial Action Network

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Commission Secretary DRBC P.O. Box 7360 25 State Police Drive  
West Trenton, NJ 08628

Dear DRBC Commission,

As long as this period for commenting is open, I'll take the opportunity to voice my concerns. I understand that the DRBC is facing serious scrutiny from a variety of angles and the pressure is building for you to move forward with a decision.

From our perspective, the Commissions' proposed rules do not present a fair approach to all interested parties, including landowners, developers and local governments, just to name a few. Several aspects of the rules are unreasonable and will more or less lead to a de facto ban on drilling. A perfect example of these onerous hurdles is requiring a 500 foot setback from all waterways, without defining what is considered a water way. You have heard the other arguments against this rule before, so we will not bother to add my own personal contentions.

We believe for any progress to be made toward a resolution of the current standstill, the DRBC must issue regulations without delay. The draft regulations as currently written are clearly not a happy medium and instead are some of the most hostile to the industry that have been written. Passing them would at least remove the uncertainty of when this review period would end and allow proponents of domestic energy development to begin seeking legal and political recourse to ending the unscientific partisanship at the DRBC. Continuing to delay issuing regulations, without making significant revisions that would lift the de facto ban, is the worst thing the DRBC can do.

Rather than working in conjunction with the Department of Environmental Protection, the DRBC has focused more on its own agenda. By pushing rules that are blatantly egregious (compare the DRBC's 500 foot setback from any waterway to the DEP's 150 foot setback from PA's high quality streams), the DRBC implies that the DEP is incapable of setting environmental policy and enforcing its

standards. Since the outset of Marcellus Shale development in PA, the DEP has expanded its body through several hiring periods and by the addition of regulatory natural gas offices in Scranton and Williamsport. The DEP is more than qualified to handle drilling regulation and it is important that the DRBC not alienate other agencies with their proposed rules.

The demand for energy in the United States is a complex problem. It must be solved with clean, affordable sources that come largely from within our borders. Natural gas and the Marcellus Shale in particular fit all of these needs and luckily, Pennsylvania is in position to be a leader for decades to come. Many areas where Marcellus Shale is being developed have struggled for years to find a sustainable economic driver that can provide good-paying jobs in communities. These communities are now doing better than ever. We must ensure other communities have the opportunity to benefit as well or else we'll be dealing with higher unemployment rates and young people fleeing our state.

Please consider this in your deliberations.

Sincerely,

Matthew Balazik Managing Director, Pennsylvania Commercial  
Action Network

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