



Protecting the future of the Catskills

April 12, 2010

Via Electronic Mail

Commission Secretary – DRBC
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RE: Public Comment – Stone Energy Dockets
Nos. D-2009-013-1 and D-2009-018-1

Dear Ms. Schmitt and Commissioners:

We submit the following comments on behalf of Catskill Mountainkeeper regarding Draft Dockets D-2009-013-1 and D-2009-018-1. Catskill Mountainkeeper is an advocacy organization representing the 6,000 square mile region of the Catskill Mountains in New York. We are the voice for the Catskill Mountains and the Upper Delaware Region we are opposed to the Stone Energy Company permits under consideration by the DRBC for shale gas extraction.

Over the past two years communities across Pennsylvania and New York have been facing the steep learning curve involved with Marcellus Shale development. In New York our governor saw the worth of creating a new set of regulations for horizontal drilling and hydraulic fracture. During this process it has become apparent there is a real need to take a closer look at how industry has been using a new combination of technologies that makes this development possible. In the relatively short time frame since perfecting these technologies in the Barnett Shale of Texas and the past fifteen years of use across the country including Pennsylvania, problems have occurred with ground and surface water.

Some of the problems that have occurred are related to practices that the Delaware River Basin Commission does not have authority over. However ground or surface water contamination related to poor drilling practices, mistakes, or lack of state or federal regulation will have a direct impact on what the DRBC is responsible for overseeing, the quality of water in the Delaware River.

The Delaware River is a river deserving of special protection status and your commission has wisely decided to create gas drilling specific regulations. Creating regulations that will prevent any degradation of this important river and its environs is a huge responsibility.

One of the most important aspects of this issue is the lack of cumulative impact analysis. All across the United States there has been a lack of complete analysis associated with the impacts of industrial gas drilling. The Marcellus Shale, which is the largest natural gas deposit in terms of geography in the United States, holds the potential of industrialization of landscape potentially causing irreparable harm to some of the last wild

places and agriculturally important regions in the East. This is the main reason to carefully analyze the issue and try to create a comprehensive system of overseeing and evaluating the permits to drill in this region.

We are seeing New York revamp its regulations; the EPA starting a comprehensive study and Pennsylvania DEP wanting new wastewater regulations. These actions speak to the need for a closer look at this activity and more comprehensive oversight if it is to be carried out. The simple fact that Pennsylvania's wastewater regulations are in need of an overhaul related to this activity should speak to the need for holding off on these permits until the DRBC has a better understanding of the wastewater issues across the state.

This development has been happening in other parts of Pennsylvania and before there has been anything close to a full build-out, we are seeing an overload to certain basins' capacity to deal with the wastewater. Rather than playing catch up to a problem it is essential that your commission has done the comprehensive planning to try to prevent exactly what is happening in other parts of the state.

I have also attached a technical memorandum produced by Tom Myers PHD Hydrologic Consultant. In this document he outlines the need for monitoring wells to protect ground water from contamination and to deal with problems when they occur. Simply testing private wells is not a recognized best management of ground water. A monitoring well can help identify more quickly if contamination has happened. It can identify the possible direction of contamination and depth of the source. These are vital pieces of information and speak to the need for monitoring wells in the region if we are going to allow this activity to happen in the Delaware River Basin. A complete monitoring well system plan should be included in your newly developed drilling regulations. This is standard practice in the mining industry and is a cost the gas company's must bear for doing business in an area in need of special protections.

Again, the need for proper monitoring wells points out the fact that these dockets should not be permitted until complete regulations are in place.

You have under your responsibility one of the most spectacular natural resources in the East. The Delaware River Basin not only provides water for major metropolitan areas, it has some of the most intact ecosystems in the east. Again this is why it would be extremely premature to segment permits out at this point in time. These permits should be evaluated under the new regulations that are being developed not before.

DRBC needs to adopt changes to its Water Code either through the not yet adopted Flexible Flow Management Plan or other vehicle. Should require that an "ecoflow" model be used to determine conservation pass-by flows in all waterways based on habitat needs of the stream's species; and DRBC must fully analyze and adopt regulations requiring standards for the re-use of flow back before the practice is allowed.

The Stone Energy water withdrawal project raises significant questions concerning the potential effect of this and other withdrawals on the flows of the Delaware River. In order to fully assess and understand the impacts of these consumptive and depletive uses and out of basin diversions, the DRBC should conduct an evaluation of how required flow objectives at Montague, NY and Trenton, NJ may be affected cumulatively. New York's management of the New York City Delaware River Reservoirs could require substantial alteration based on water consumed by natural gas development in the Watershed. This could affect the drinking water volume and quality for 7 to 9 million New York City residents. Section V, Depletive Water Use Budget, Recommendation 13, of the 1982 Good Faith Agreement requires such an analysis and we request that the DRBC fulfill this requirement.

Stone Energy should publicly disclose all of the chemicals that will be used in hydraulic fracturing with a goal of no use of toxic, hazardous, or potentially dangerous chemicals. A comprehensive analysis which

includes the cumulative effects of the water resource impacts of the full build out of all shale gas projects in the Watershed, including the withdrawal of water from the West Branch of the Lackawaxen River and the development of the M1 well, should be completed prior to approval of any natural gas projects in the Delaware River Watershed.

This commission is at a critical point in history. Our country has a history of trashing energy producing regions of the country and we facing one of the greatest challenges this river basin has ever encountered. With responsible decision-making you may be able to change the course of history. It is our belief that the course of history should be placing these special protection waters in highest regard and giving them in the best protections possible by not handing out permits for gas drilling activities prematurely.

Thank you for your consideration on this important issue.

Regards,

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Appendices submitted under separate cover

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