

*TOWN OF ULYSSES*

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December 19, 2011

Governor Andrew Cuomo  
NYS State Capitol Building  
Albany, NY 12224

Subject: COMMENTS ON THE REVISED DRAFT SGEIS FOR GAS DRILLING

Dear Governor Cuomo,

The Town of Ulysses, in accordance with its 2009 Comprehensive Plan and the concerns of town residents who have shown overwhelming opposition to high volume slickwater hydraulic fracturing (HVHF), voted on August 12, 2011 to prohibit HVHF as a land use within the Town. We understand that the age of energy derived primarily from fossil fuels is in our past and believe that New York State needs to develop and promote cleaner, renewable forms of energy. The lack of a comprehensive national energy policy and exemptions for the natural gas industry from many critical Federal environmental regulations puts a great deal of pressure on states to permit the relatively new technique of HVHF to remove natural gas from shale formations. Having followed this emerging situation for several years, the Town of Ulysses appreciates the complexity of this issue and understands the immensity of the task put forth to the Department of Environmental Conservation to regulate and monitor gas extraction using HVHF. To this end, the Town of Ulysses has submitted comments on the revised draft sGEIS, and is especially concerned about the following:

- The State must fully protect the constitutional right to Municipal Home Rule and as such clarify that municipal zoning laws are in no way superseded in relation to natural gas drilling and associated activities, before any such activities might be permitted in NY State. The Town of Ulysses has spent hundreds of hours and considerable funds to create a Comprehensive Plan and Zoning Laws that match the sentiments of the strong majority of our residents. Zoning has been in place in this town since 1972. The economy of our Finger Lakes community thrives on our quiet rural residential nature and tourism based on wineries and the natural beauty of our area. Allowing drilling near these key economic generators would forever change the character of our area. Municipalities must retain the right to decide for themselves which land uses are appropriate, and the revised draft sGEIS needs to clearly state this.
- Staffing at the DEC and other State agencies that will be involved once HVHF is permitted in NYS is completely inadequate at the present time to properly regulate and monitor drilling operations, air quality, water quality, health effects, water withdrawals, transport of hazardous materials and radioactivity associated with the natural gas industry.
- Municipalities must be kept aware of drilling and permitting activities within their borders to help protect the health and quality of life of their residents and to assist the DEC in monitoring the potential dangers this industry poses.
- Finally, we ask you as Governor, to place a hold in issuing draft regulations for HVHF until the supplemental Generic Environmental Impact Statement (sGEIS) has been completed. Issuing regulations BEFORE the determination of environmental impact is not only illogical but defeats the purpose of performing the GEIS. Regulations should not be issued until both funding for needed staffing is in place and such staff are hired and trained.

We respectfully submit the attached comments sent to the DEC for your information and urge that the State continues the moratorium on allowing drilling using HVHF anywhere within New York State until the revised draft SGEIS comments are fully addressed and the most current, objective and best science is incorporated into the document, to ensure the safety and health of NYS residents and the environment.

Respectfully,

Roxanne Marino on behalf on the Town of Ulysses Board