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Paterson orders re-opening of public comment on fracking document

By Jon Campbell • jcampbell1@gannett.com • December 13, 2010, 7:05 pm

The document that will guide the state's permitting of a much-debated [natural gas extraction](#) process will be re-opened for public comment, [Gov. David Paterson](#) ordered Monday.

In an [Executive Order](#), officially released Monday after it was partially revealed on Saturday, Paterson called on the state [Department of Environmental Conservation](#) to release a revised draft "on or about June 1, 2011" of its [Supplemental Generic Environmental Impact Statement](#), with at least a 30-day comment period to follow.

The SGEIS, a draft of which was released in September 2009, will outline the state's [plan](#) for awarding permits for [high-volume horizontal hydraulic fracturing](#), a technique in which a mix of water, sand and chemicals is blasted deep underground to fracture shale formations and release natural gas. The original 800-page draft was followed by a set of public meetings and a 60-day comment period that flooded the DEC with over 13,000 public comments.

High-volume hydrofracking won't take place in New York until the DEC finalizes the guidelines, according to Paterson's order. The governor originally placed the practice on hold in July 2008 when he ordered to DEC to begin drafting the permitting document.



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Parts of New York -- including the Southern Tier and sections of the Catskills Region -- sit atop the [Marcellus Shale](#), a mile-deep, gas-rich formation that had previously been unattainable.

Environmental groups in Albany, which have been critical of the potential effects hydrofracking has on land, air and water, had been [calling](#) for a second comment period for months, with some hinting at legal action if a final SGEIS were released without one.

"New York's draft plan to oversee fracking was fatally flawed and wouldn't protect our waters or our health," said Katherine Nadeau, a program director for [Environmental Advocates of New York](#). "Re-releasing a revised draft plan for public comment will give New Yorkers another opportunity to demand the strongest possible protections."

Both sides approve

While the order adds an additional hurdle for the document to clear, both landowner and industry groups were supportive because it gives the clearest timeline yet for a finalized version. Officials from the DEC and the Governor's Office had been coy about offering any guess at an end date for the document's review.

"From the landowners' perspective, we're happy that we have a roadmap to the completion of the SGEIS," said Scott Kurkoski, attorney for the [Joint Landowners Coalition of New York](#). "We're pleased that the governor is placing his [trust](#) where it belongs, and that's with the DEC's oil and gas experts."

Paterson's announcement came after he vetoed a bill that would have halted new permits for all forms of hydrofracking until May 15. The natural gas industry urged the governor to veto the bill because it didn't differentiate between vertical and horizontal fracking. Vertical has been permitted in New York since 1982, while horizontal is a newer [technology](#) that hasn't yet been employed in the state.

"The governor clearly supports science-based analysis and decision-making, as do we," said Brad Gill, [executive director](#) of the Independent Oil & Gas Association of New York. "We look forward to working with the public, our elected officials and those with differing viewpoints to conduct a more measured and reasoned public discussion on those issues."

Environmental groups said they will look to Gov.-elect [Andrew Cuomo](#), who takes office in January, to honor Paterson's order. Some joined legislators in a protest outside Paterson's New York City office on Monday, blasting the governor for vetoing the moratorium bill.

Nadeau said Paterson's decree matches Cuomo's campaign rhetoric.

"During the campaign, the Governor-elect said that he 'would not support any drilling that would threaten the State's major sources of drinking water,'" Nadeau said. "He has also said that 'any drilling in the Marcellus Shale must be environmentally sensitive and [safe](#).' Continuing this Executive Order would be a good first step to protecting New York from fracking dangers."

A spokesman for Cuomo did not return an e-mail seeking comment.