

# OTSEGO 2000

July 15, 2009

New York State Division of Mineral Resources  
Department of Oil and Gas Regulation  
625 Broadway, Third Floor  
Albany, NY 12233-6500

RE: Otsego 2000 Position Paper on Natural Gas Drilling in the Otsego Lake Watershed  
and Otsego County

Dear Members of the Division of Mineral Resources:

Otsego 2000 is extremely concerned about the draft regulations proposed by the DEC for horizontal high-water volume drilling addressed in the DEC's Final Scoping document issued February 6, 2009. We find the proposed regulations to be grossly insensitive to the serious environmental risks associated with this technology. Accordingly, Otsego 2000 has adopted a Position Statement on Gas Well Regulations, attached hereto which outlines our concerns and suggested changes to the proposed regulations.

We summarize those concerns as follows:

1. Disparate Treatment for the New York City Watershed- The proposed regulations purport to single out New York City's drinking water reservoirs for special treatment, yet offer no such protection for other drinking water sources. We find this to be offensive since there is no reason for one class of New Yorkers to be given special environmental protections at the expense of another class. For example, in our opinion, Lake Otsego located in Otsego County, which serves as the reservoir and drinking water source for the Village of Cooperstown, deserves the same level of protection as New York City's water supply.
2. Disparate Treatment of Drinking Water Sources - The proposed regulations provide municipal wells more environmental protection than municipal surface drinking water sources. For example, the regulations require that gas wells be set back 1000 to 2000 feet from municipal wells, yet a gas well may be drilled as close as 50 feet from a "surface water" source of drinking water such as a lake or reservoir. Such discrimination is arbitrary and insupportable. Location of gas wells near any municipal water source must be treated similarly under the regulations.

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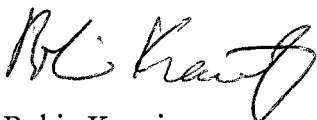
3. Failure to Adopt Current Best-Regulatory Practices - While horizontal drilling and hydro-fracking of gas-bearing shale formations is untested in New York State, it has been done extensively in other states, notably Texas and Colorado. Yet the New York State regulations have willfully ignored the lessons learned in other states with respect to risk of environmental contamination. For instance, in Colorado a gas well must be set back at least a half mile from a lake, not the 50 feet proposed in New York State.

To correct these and other flaws in the proposed regulations, Otsego 2000 calls for the following:

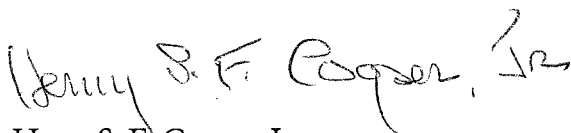
1. A moratorium on horizontal high-water gas drilling in the Lake Otsego Watershed and Otsego County;
2. A one mile buffer zone prohibiting such drilling within one mile of Lake Otsego and designated tributaries, and
3. Site specific environmental review under SEQRA of any horizontal gas drilling permit application in the Lake Otsego Watershed.

Otsego 2000 joins the National Resources Defense Council and many local, regional and statewide environmental protection groups urging caution and more thorough analysis before adoption of generic regulations for the Lake Otsego Watershed and Otsego County.

Respectfully submitted,



Robin Krawitz  
Executive Director



Henry S. F. Cooper, Jr.  
President, Board of Directors