



STATE OF NEW YORK  
**EXECUTIVE CHAMBER**  
ALBANY 12224

**DAVID A. PATERSON**  
GOVERNOR

December 6, 2010

Ms. Carol Collier  
Executive Director  
Delaware River Basin Commission  
P.O. Box 7360  
West Trenton, New Jersey 08628

Re: Proposed Regulation of Natural Gas Hydraulic Fracturing and Associated Activities

Dear Ms. Collier:

I write to request that the Delaware River Basin Commission halt its efforts to enact regulations covering certain elements of natural gas extraction activities within New York State.

New York is presently proceeding with a careful and comprehensive review of the broad array of scientific and technical issues associated with high volume hydraulic fracturing. Indeed, horizontal hydraulic fracturing to produce natural gas is not underway in New York, and will not be underway until completion of this review. Chief among the items being assessed are the potential risks and technical remedies necessary to assure the protection of the biological, chemical and physical integrity of the State's surface and ground waters. A supplemental environmental impact statement review is underway, as are efforts to develop the regulatory, engineering, financial assurance, enforcement and staffing elements of any potential program. As you know, New York has determined that separate environmental reviews would be necessary for any natural gas projects that might be proposed within the unfiltered New York City drinking water watershed, a watershed that comprises a significant portion of the Delaware River basin within New York.

DRBC appears intent on going forward with a regulatory program that would not have the advantage of the full investigations and public deliberations taking place in New York. Your proposed program, covering only a very small portion of New York State, could well conflict with the technical and regulatory protocols ultimately adopted in New York, causing confusion, duplication, redundant regulatory fee assessments, differing regulations in different locations and possible mismanagement. It would make far more sense for DRBC to participate in the New York process and assist in making the program as effective as possible, certainly before undertaking unilateral action. Importantly, given that there is a gubernatorial transition underway, it is appropriate that the DRBC avoid upsetting the transition process and policy prerogatives of the in-coming Governor.

We look forward to discussing these concerns before any action is undertaken and ask that you contact Peter Iwanowicz, Acting Commissioner of the New York State Department of Environmental Conservation and Deputy Secretary to the Governor for the Environment at 518-402-8540 to discuss this matter at your earliest convenience.

Sincerely,



David A. Paterson

- cc: Hon. Chris Christie, Governor of New Jersey
- Brigadier General Peter DeLuca, Commander U.S. Army Corps of Engineers, NAD
- Hon. Jack Markell, Governor of Delaware
- Hon. Edward Rendell, Governor of Pennsylvania
- Senator Schumer
- Senator Gillibrand
- Representative Hinchey
- Representative Bishop
- Representative Israel
- Representative Engel
- Representative Hall
- Representative Murphy
- Hon. Michael R. Bloomberg, Mayor of New York City
- Commissioners of DRBC