

Dear Commissioner Grannis,

As you know, the NYS DEC has received over 14,000 comments on the draft Supplemental Generic Environmental Impact Statement governing natural gas extraction through high-volume hydraulic fracturing. These comments point out a number of areas in which the draft needs significant revision, including its lack of an Executive Summary and lack of analysis of cumulative impacts, both of which are required under SEQRA.

I know that DEC staff are reviewing these comments, and I trust that they will respond to them carefully and thoroughly, and attempt to bring them into compliance with the law, which will require some additions. In *Webster Associates v. Town of Webster*, 59 N.Y.2d 220, 228 (1983), the New York Court of Appeals ruled that "the omission of a required item from a draft EIS cannot be cured simply by including the item in the final EIS." Thus, the letter of SEQRA may require additional comment periods, but the spirit of SEQRA certainly does.

As I am sure you are aware, there are no laws preventing additional comment periods and you may, at your discretion, decide to hold another round of public comment. Such additional comment periods have been used on occasion, most recently in 2008 and 2009 in regards to burn barrel regulations. For those, you received only 1,800 public comments, and yet a second comment period was held. Gas drilling has aroused much more intense public interest and generated more than 12,000 *more* public comments, and thus certainly deserves as much or more opportunity for public input.

I am sure that the DEC is feeling pressure to "get on with it" from gas companies and the few large landowners (<6% of our county residents) who stand to profit greatly from gas drilling, but the risks to the environment, human health, and our vibrant communities are too great to not be sure that NY "gets this right."

Because of the importance of this issue to many residents of New York State, the obvious desire for public input in the development of the regulations, and the extent of the revisions that ought to be made, I am asking you to hold a second round of public comment after the initial set of revisions have been made.

Thank you,