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# State continues cautious drilling approach

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Acting DEC Commissioner Joseph Martens talks hydro...: Acting Department of Environmental Conservation Commissioner Joseph Martens talks about the agency's ability to oversee drilling for natural gas.

Written by **Nick Reisman** nreisman@gannett.com

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ALBANY -- Gov. Andrew Cuomo's choice to lead the state Department of Environmental Conservation said Tuesday the state must be careful before allowing an extraction process for natural gas.

However, Joseph Martens, an open-space advocate whose nomination to become commissioner of the agency is still pending before the Senate, also suggested before a legislative budget committee that the state won't wait for the Environmental Protection Agency to release its study on hydraulic fracturing.

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The method requires a mixture of chemicals, water and sand to break through rocks and extract the gas underneath. Energy companies and some property owners want to move forward with the practice, commonly known as hydrofracking, in order to drill for natural gas in the Marcellus Shale formation

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Environmentalists and some residents fear the process could lead to a poisoned water table.

"We're looking at all of these issues and taking them as seriously as we can," Martens said during questioning from Assemblywoman Barbara Lifton, D-Ithaca. "We won't undertake drilling until it can be done safely."

Still, Martens' approach on Tuesday was different than his comments last year at Union College in Schenectady, when he said the state should allow the Environmental Protection Agency to complete its own, separate study on hydrofracking.

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Sen. Thomas Libous, R-Binghamton, said he remains concerned that the permitting process would be delayed.

"We really need to have a commissioner that's going to be serious about the permitting process," he said. "It's going to be a tremendous answer to our economic problems not only in upstate New York, but throughout the state."

Cuomo himself has been non-committal on hydrofracking, saying it must be done safely, but also that the region is in need of economic development.

Martens, who has been acting commissioner since Cuomo nominated him, said after testifying that the long-expected report by the agency, known as the draft Supplemental Generic Environmental Impact Statement, was nearly complete and could be released as early as June.

Completing the impact statement by June 1 would be in line with an executive order issued by Gov. David Paterson and continued by Cuomo that prohibits drilling permits until the review process is complete.

The agency is combing through thousands of comments from the public as it completes the report.

"I think it's fair to say they're taking every single comment seriously," Martens said. "It will, I'm sure, take a look again at cumulative impact. I think it will be up to the public again when we release the final draft whether or not DEC has done a good job."

There are concerns from both environmental advocates and businesses associated with natural gas development about whether the agency has sufficient staff to complete the report and regulate the permitting process.

The agency's staff has been cut by 849 workers since April 2008

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"We're focusing on the supplemental GEIS right now," Martens said. "We're devoting a lot of manpower to complete the process for the SGEIS."

The application process for permits may be another matter.

"Do we have enough manpower? We will only review applications to the extent that we have staff to do so," Martens said. "If we get thousands of applications, no, we won't have the staff to do so."

Those cautious answers on the issue were well-received by environmentalists and business interests.

"I think that acting commissioner Martens is doing the right thing when he says we need to be cautious and proceed slowly," said Katherine Nadeau, the water and natural resources program director at Environmental Advocates of New York. "We're excited to work with him and the Department of Environmental Conservation going forward."

Dan Fitzsimmons, a Conklin landowner who serves as president of the Joint Landowners Coalition of New York, called Martens' statements "encouraging."

"The DEC is still on the right track, and it shows that they have faith in what they're doing," Fitzsimmons said. "I think they're going to go about this in a scientific way. There were some questions about that, but now we see that's the way they're going to go."

Also on Tuesday, the Common Council in Buffalo voted unanimously to ban hydrofracking over concerns that the method could pollute Lake Erie. Local lawmakers said they need to be concerned about pollution before any jobs the drilling would create.

"We know it's a business," said Richard Fontana, councilman for the city's Lovejoy District. "We know it creates some jobs, but we think the benefits don't outweigh the negatives in this situation. It's just too dangerous to the water supplies."

Buffalo joins Pittsburgh as the only major cities in the country to ban hydrofracking.

**Press & Sun-Bulletin staff writer Jon Campbell and WGRZ-TV reporter Michael Wooten contributed to this report.**

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