

1 STATE OF NEW YORK

2 COUNTY OF BROOME

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4 In the Matter of a Public Hearing regarding
5 Broome County Generic Lease of
6 Oil and Natural Gas Mineral Rights

7 - - - - -

8 A Public Hearing held at 236 Washington Street,
9 Binghamton, New York, on the 14th day of October, 2010,
10 commencing at 2:00 PM.

11

12 BEFORE: FRANK EVANGELISTI
13 Acting Commissioner of Planning

14

15

16 REPORTED BY: CZERENDA COURT REPORTING, INC
17 71 State Street
18 Binghamton, New York 13901-3318
19 KEVIN P. CALLAHAN
20 Shorthand Reporter
Notary Public
Binghamton - (607) 723-5820
(800) 633-9149

21 ALSO PRESENT:

22 WILLIAM GIBSON, Broome County Law Department.

23

24

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1 MR. EVANGELISTI: We are ready to
2 start. The public hearing will begin with
3 Bill Gibson from the Broome County
4 Department of Law. He's going to make a few
5 opening remarks, and then I'll give
6 instructions to the speakers, and then we'll
7 turn it over to the audience. Thanks.

8 MR. GIBSON: Thank you, Frank.

9 As Frank said, my name is William
10 Gibson. I'm an attorney with the Broome
11 County Law Department.

12 Presently the mineral rights for,
13 approximately, 20 percent of the land mass
14 in Broome County are privately leased.
15 Broome County is considering leasing the
16 mineral rights to land it owns located
17 underneath the following parts of the
18 county-owned property: The Greater
19 Binghamton Airport, Broome County Landfill,
20 Broome County Parks, Broome County flood
21 control watershed management units, the
22 former Broome County Landfill, Broome County
23 Public Safety Facility, the Broome County
24 Highway Facility and Broome County Central

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1 Foods.

2 The Broome County Legislature has
3 pending before it a resolution to declare
4 itself the lead agency in connection with
5 the environmental review of a generic lease
6 of oil and gas mineral rights to
7 county-owned land. In connection with a
8 full environmental assessment form has been
9 prepared which lists the provisions that
10 would be incorporated into any lease of the
11 mineral rights of county-owned land. This
12 is what we call the generic lease or the
13 generic terms.

14 The environmental assessment form
15 is available on line, and a copy is
16 available for inspection in the lobby here
17 and a copy is available in the offices of
18 the Broome County Legislature in the county
19 office building.

20 The action involved is the adoption
21 of the generic lease or the lease of the
22 mineral rights for more than 100 acres of
23 county land. It is a type 1 action pursuant
24 to the Environmental Conservation Law and

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1 regulations, and by definition Broome County
2 Government is the only involved agency and
3 is legally the lead agency.

4 The purpose of today's hearing is
5 to receive comments regarding the proposed
6 generic lease and the terms that are
7 included. The terms that are proposed to be
8 included into this generic lease are, 1, no
9 surface rights to any parkland, no surface
10 rights to the impoundment areas of the
11 Broome County watershed management units, no
12 surface rights to portions of the landfill
13 and airport that would be designated
14 pursuant to the charts of the environmental
15 assessment form, no surface rights to
16 property the county has acquired through
17 foreclosure that it intends to subsequently
18 sell, and no surface rights to land that the
19 county has retained the mineral rights to
20 and sold the surface rights.

21 All extraction of natural gas and
22 oil is subject to the review and issuance of
23 a permit by the New York State Department of
24 Environmental Conservation pursuant to the

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1 present generic environmental impact
2 statement and any subsequent supplemental
3 generic environmental impact statement and
4 will be subject to site-specific analysis.

5 The use of county roads will be
6 subject to Chapter 100 of the Broome County
7 Code. Rights of ingress and egress to
8 conduct surface activity and to install
9 gathering lines will be subject to the
10 approval of the New York State Public
11 Service Commission and/or the Department of
12 Environment Conservation.

13 The location of any surface
14 activity must be approved in advance by
15 Broome County and after the hearing today
16 and the receipt of written comments, the
17 record will be reviewed in connection with
18 the preparation of findings to be considered
19 by and ultimately adopted by the Broome
20 County Legislature.

21 These findings may require a full
22 environmental assessment of the action or
23 could result in a determination that the
24 proposed generic terms and lease will not

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1 result in a significant impact on the
2 environment.

3 Frank will give instructions as to
4 the speakers. We encourage you to provide
5 your information so that we can consider it
6 in developing the record.

7 Thank you.

8 MR. EVANGELISTI: Thank you, Bill.

9 The first several rows of seating
10 are reserved for registered speakers. If
11 you have a number card, please, come and sit
12 in one of the reserved seats until your
13 number is called. Having a number assigned
14 does not guarantee that you will have an
15 opportunity to speak.

16 Your printed instructions for
17 speakers sheet indicates how to submit
18 written comments, the deadline, the address
19 and the e-mail address.

20 I will say this is a public
21 hearing. There will not be a question and
22 answer session. This is our opportunity to
23 get your comments on the record.

24 When directed, please, proceed to

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1 one of the microphones near the stage and
2 await your turn. Each speaker will have
3 three minutes to speak. I will give you a
4 30-second warning prior to the end of your
5 time. The hearing will end at 4:00 PM
6 regardless of where we were in the speakers
7 list.

8 Applause, interruptions and cell
9 phone conversations that distract from the
10 speakers will only lessen the amount of
11 public comment that we can record, so,
12 please, be respectful of the process and the
13 other speakers. Significant disruptions of
14 any kind will result in removal from the
15 property.

16 Please, begin your remarks by
17 stating your name and place of residence.
18 After speaking, please, submit your
19 completed number card to a county staff
20 person. If you have a written version of
21 your comments, it would be helpful if you
22 could also provide them, as well. For the
23 benefit of the stenographer and the
24 audience, please, speak slowly, clearly and

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1 into the microphone.

2 At this time I'd like to ask
3 speaker 1 to come up to this microphone and
4 speaker 2 to come to up that microphone.
5 I'll have you speak immediately when speaker
6 1 is ended.

7 MR. ALLEN: If the attendance by
8 county officials is any indication of their
9 regard for the public and what the public
10 has to say --

11 MR. EVANGELISTI: Can you begin
12 your remarks by stating your name and place
13 of residence.

14 MR. ALLEN: My name is is Donald
15 Allen. I'm a resident of the Town of Maine
16 in Broome County and I'm offended by the
17 fact that virtually nobody but you are
18 representing the town -- the county and want
19 to hear what the people have to say. If
20 that's any indication, this probably will be
21 a waste of time for all of us.

22 The questions I respectfully give
23 you highlight the major problems fracking
24 creates. The fact that frackers have yet to

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1 answer any of these satisfactorily is reason
2 enough for the legislature to postpone
3 considering fracking in Broome County until
4 answers are offered.

5 The fracking industry's stonewall
6 policy of denial of any problems while
7 asking for a blank check by the approval of
8 the generic lease is enough to make any
9 reasonable government branch scream hold it.
10 But one question is the fact that there are
11 no acceptable answers to it makes the basic
12 concept of fracking the elephant in the room
13 and as such an absolute nonstarter.

14 The question is: What happens to
15 the toxic and radioactive fracking fluid
16 that is created? The frackers have answers,
17 but none of them really deal with the
18 problem.

19 Assuming none of it spills by
20 accident, hundreds of millions of gallons of
21 unrecovered fracking fluid will be brought
22 to the surface and hundreds of millions of
23 gallons will stay in the ground, and proof
24 is mounting every day that pollution

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1 contaminates wells and surface water
2 supplies.

3 The fracking fluid that is brought
4 to the surface can either be moved or
5 dispersed into the environment. That is no
6 solution at all because it remains toxic
7 waste. The frackers' unworkable plans for
8 waste are test pools until the VOCs
9 evaporate from the air we breath and then if
10 they can hide the toxic sludge in landfills
11 where it will be deployed into the
12 environment. In addition, the test pools
13 will overflow in the heavy rains, pump it
14 back down an empty hole. Out of sight will
15 make it out of mind, but eventually it will
16 migrate and poison the aquifer.

17 Recycle it, meaning pumping it back
18 down into new wells, but as new fragments
19 will be added to replace that lost
20 underground, the total volume of fracking
21 fluid in the environmental just increases.

22 Distill it, evaporate it or VOC
23 contaminates in the air flush questionably
24 clean water into the river, and that still

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1 leaves undisposable toxic radioactive
2 sludge. Broome County will be in the same
3 hole as the entire nuclear industry stuck
4 with tons of radioactive waste that toxic --

5 MR. EVANGELISTI: Thirty seconds.

6 MR. ALLEN: -- lifestyles has
7 measured in millennium. It can't be moved
8 because no one will accept it. It can't be
9 buried because we don't know how to do so
10 safely and, obviously, it can't be kept
11 around because after decades of trying we
12 really don't know how to contain it.

13 If the discussion of fracking began
14 not with money but at the end with mountains
15 and reservoirs of toxic waste, would anyone
16 even consider allowing fracking to happen in
17 anyone's backyard? Absolutely not. And
18 that's what this discussion may focus.

19 Fracking creates huge amounts of
20 toxic waste which cannot be disposed of in a
21 safe way. Broome County will wind up with a
22 giant --

23 MR. EVANGELISTI: That's your
24 time.

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1 themselves about natural gas development and
2 the process.

3 The Joint Landowners Coalition of
4 New York, Incorporated, supports and
5 encourages any and all efforts that advance
6 and promote the safe and responsible
7 development New York's natural gas reserves.
8 Developing New York's natural gas will
9 benefit all individuals and communities in
10 New York.

11 As gas development commences in
12 New York, it is the policy of the Joint
13 Landowners Coalition to not officially
14 endorse or critique any lease offers. The
15 Joint Landowners Coalition with offer itself
16 as a resource available to all potential
17 lessors to provide them with information
18 that will be important in their efforts to
19 secure rewarding and proactive leases.

20 One thing that I see in standing in
21 line is there's so many people that have not
22 educated themselves properly in this
23 subject, and they're affecting the rest of
24 us who have looked into it. I just hope

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1 that we stick to the science and keep going
2 with that.

3 Thank you.

4 MR. EVANGELISTI: Thank you.

5 If I could have speaker 3 at this
6 microphone and if speaker 4 could make his
7 or her way to that microphone.

8 MS. LACEY: Can you hear me?

9 My name is Chris Lacey, and I live
10 in the Town of Chenango in Broome County.

11 Oil and gas companies have used
12 fracking since the 1950s and now we're told
13 we need more time to study it. The DEC has
14 studied it. The EPA is studying it, and now
15 in order to sign a gas lease Broome County
16 needs to read and pay for another study.

17 We have all witnessed the economic
18 decline in the Southern Tier. We have seen
19 our business community devastated by high
20 taxes, overregulation and labor law. Young
21 people move away to find jobs. We retirees
22 move away to avoid crippling taxes. And now
23 Marcellus offers Broome County the
24 opportunity to regain the prosperity that we

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1 once knew. But instead of celebrating this
2 opportunity, we are trapped in a
3 never-ending cycle of delays.

4 Broome County needs to expedite the
5 SEQRA process, set strict parameters for the
6 study and complete it in a timely manner,
7 add no additional time to the lengthy delays
8 and moratoriums we are already in. Do not
9 let the antidrilling crowd highjack this
10 process.

11 SEQRA mandates that you consider
12 environmental, economic and social factors
13 as having equal weight. When all the
14 studies have been completed and the results
15 show that hydrofracking will not destroy
16 life as we know it, the antidrilling crowd
17 will just demand more studies. They're not
18 interested in studies. They're interested
19 in the delay. Delay while New York State
20 goes broke. Delay while people move out of
21 Broome County to find jobs elsewhere. Delay
22 while our farmers go bankruptcy and lose the
23 land that had been in their family for
24 generations. Delay while President Obama

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1 lends billions of dollars to Mexico and
2 Brazil so that they can drill for gas and
3 oil. Delay while America buys oil from
4 people who want to kill us.

5 Marcellus isn't the boogeyman.
6 Marcellus is the key to energy independence
7 for America and economic survival for
8 New York State.

9 Thank you.

10 MR. EVANGELISTI: Thank you.

11 Speaker number 4.

12 MS. PRICE: Carolyn Price. I live
13 in the Town of Windsor and am a production
14 assistant for the movie GAS ODYSSEY.

15 I want to commend Broome County
16 Executive Barbara Fiala, Broome County
17 Attorney Joseph Sluzar and the Broome County
18 legislators for the countless hours you have
19 put into researching and studying how to
20 develop the natural gas in our county safely
21 and responsibly.

22 Our local newspaper the PRESS & SUN
23 BULLETIN did a natural gas drilling survey
24 and posted the results on-line on

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1 September 16, 2010. 1,107 people answered
2 the question do you favor or oppose natural
3 gas drilling in New York's portion of the
4 Marcellus Shale. 61.7 percent said they
5 favored. 38.3 percent said they opposed. A
6 copy of this survey's results are included
7 with the packet I'm giving you. Yes, many
8 of Broome County's residents support the
9 development of natural gas.

10 I'm also giving you copies of
11 numerous letters and guest viewpoints
12 written by people of Broome County from
13 Vestal, Binghamton, Kirkwood, Chenango
14 Forks, Windsor, Endwell, Endicott,
15 Harpursville, Port Crane, Apalachin, Port
16 Dickinson Johnson City, Glen Aubrey,
17 Chenango and Conklin.

18 Here are a few examples of what
19 Broome County residents are saying.
20 Everything mankind has ever done has
21 benefits and risks, and this time the
22 benefits outweigh the risks. Drilling
23 benefits could include jobs, additional tax
24 revenue and the use of clean and renewable

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1 energy for all New Yorkers.

2 Gas drilling has the potential to
3 bring billions of dollars and thousands of
4 jobs to this area. We must appreciate what
5 we have and use it to become independent of
6 those countries that could care less if we
7 have oil or gas and could cut off our supply
8 at a moment's notice.

9 Harvest natural gas with
10 appropriate safeguards. We want gas
11 exploration but only with complete and
12 strict state oversight. It's time to move
13 past the hysteria, distortion and fables
14 presented by the small minority of so-called
15 environmentalists.

16 For the economic survival of our
17 community and our state, we need to move
18 this process forward now. The Southern Tier
19 once again has the opportunity to provide
20 well-paying jobs and create a strong and
21 stable economy for our residents.

22 As a community that eventually
23 needs to be drilled for natural gas,
24 shouldn't we stop working against each other

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1 and team up to ensure that safe drilling is
2 achieved? This is a wonderful point made by
3 a Chenango Forks resident.

4 You as Broome County leaders have
5 already shown your commitment to working
6 together by appointing the leader of the
7 Binghamton Regional Sustainability
8 Coalition --

9 MR. EVANGELISTI: Thirty seconds.

10 MS. PRICE: -- to your ad hoc
11 natural gas education committee. We need
12 more working together. We don't need what
13 happened a few days ago to a family in the
14 Town of Windsor who had a friends of natural
15 gas sign burned up.

16 You as Broome County leaders have
17 shown your dedication to thorough research
18 and study. You have my support to be the
19 lead agency with respect to a generic lease
20 of oil and natural gas mineral rights on
21 county-owned land.

22 Thank you.

23 MR. EVANGELISTI: Thank you.

24 May I, please, have speaker number

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1 5 at this microphone and speaker number 6 to
2 this microphone.

3 MS. LEWIS: My name is Ann Lewis.
4 My husband and I own farmland in the Town of
5 Maine and have lived there for 46 years.
6 Some of our children and our grandchildren
7 and great-grandchildren also live in the
8 Town of Maine.

9 We like living in the country and
10 care greatly for our land and we also
11 support the development of safe and
12 responsible drilling for natural gas in
13 Broome County and many other parts of
14 New York State.

15 My husband and I are on the
16 steering committee of a local gas coalition,
17 so I am today not only expressing my views,
18 but I'm representing over 140 taxpaying
19 landowners with over 3,500 acres and twice
20 that many voters.

21 Most of those who are opposed to
22 the development of Marcellus Shale live in
23 cities or villages here in Broome County or
24 elsewhere. I challenge these people to

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1 travel in the rural areas of Broome County
2 or surrounding counties and take a look at
3 homes and other buildings throughout the
4 countryside. The dairy business is almost
5 nonexistent in Broome County.

6 Safe and responsible drilling will
7 give these farmland people new hope and new
8 life. This income will give them the
9 ability to put a new roof or new siding on
10 their home or barn or shore up the
11 foundations of some of their buildings.
12 These families will be able to keep their
13 farms that they have held for many
14 generations and be able to pass it to the
15 next generation.

16 For those living in the cities and
17 villages, the new expenditures that the
18 rural folk will make in the long run will
19 help you, as well. Businesses will thrive.
20 Some of your jobs or your retirement will be
21 safe. Read the morning newspaper. And your
22 taxes may be lower.

23 You city dwellers enjoy heating,
24 cooking and cooling with natural gas. Why

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1 don't we use our own resources instead of
2 getting them from elsewhere?

3 I also support the resolution
4 establishing Broome County as the lead
5 agency for conducting a SEQRA environmental
6 review on the grounds that it represents an
7 effort to promote safe and responsible
8 development of New York's natural gas.

9 Thank you.

10 MR. EVANGELISTI: Thank you.

11 Speaker number 7.

12 MR. LEWIS: My name is Don Lewis.

13 I live in the Town of Maine and I'm a
14 landowner there in the Town of Maine.

15 I support safe gas drilling in
16 New York State and I also support Broome
17 County for the lead agency for safe
18 drilling.

19 Thank you.

20 MR. EVANGELISTI: Thank you.

21 If I could have speaker 7. Are you
22 speaker 7? And speaker 8 proceed to this
23 microphone. Are you ready?

24 MR. NOLAN: Ready.

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1 MR. EVANGELISTI: Okay.

2 MR. NOLAN: My name is Ray Nolan.

3 I'm a resident of the Township of Lisle in
4 Broome County.

5 I'm here because of the
6 announcement which discussed or asked for
7 discussion regarding selection of lead
8 agency for the purposes of SEQRA review.

9 SEQRA really doesn't concern itself
10 with whether a proposed action is popular or
11 not. It is a state law that requires a
12 complete documentation of facts so that
13 proper decisions can be made bringing
14 environmental concerns into the mix of
15 social and economic concerns during
16 decision-making.

17 With that in mind, the attorney
18 mentioned a full EAF had been prepared, and
19 I don't think that's the case. Part 1 has
20 been prepared by the sponsor. Now, the
21 sponsor's position is that signing a lease
22 is an innocuous sort of action which carries
23 with it no impact whatsoever. I would tend
24 to disagree with that, which is why I'm

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1 here.

2 The execution of the lease in
3 addendum A states that there will not be any
4 resultant change in land use or activity on
5 the land and the Department of Environmental
6 Conversation to manage those impacts.

7 Now, selection of lead agency in a
8 type 1 action, as I'm sure you know,
9 requires a consultation with other potential
10 involved agencies. If the county is going
11 to lease publicly-owned mineral rights and
12 defer to the DEC for management of the
13 impact resulting from the lease, then the
14 DEC, I would think, would be an involved
15 agency.

16 I'm fairly certain that they would
17 defer to the county for lead agency for
18 this. I'm not sure because to defer to the
19 department for management of impacts for a
20 lease when there isn't even a document with
21 us yet seems to me a bit premature.

22 Now in part 1 there are many blanks
23 on part 1. The project sponsor's position
24 as to the lease being innocuous is well

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1 represented by those blanks.

2 So, I bring these concerns to you
3 because I would hate to see Broome County
4 expending rare resources in defending itself
5 against a challenge --

6 MR. EVANGELISTI: Thirty seconds.

7 MR. NOLAN: -- on the grounds of
8 sufficiency in the compliance of the State
9 Environmental Quality and Review Act.

10 I do hope that the county will take
11 a harder look at the way it is proceeding
12 with SEQRA and not simply accept its own
13 position that the legislature can declare
14 itself as the lead agency without any
15 further confirmation with other potentially
16 involved agencies. Once again, a lease,
17 common sense demands that we look at the
18 impacts.

19 Thank you.

20 MR. EVANGELISTI: Thank you for
21 your comments.

22 Speaker number 8.

23 MS. RAPP: My name is Sue Rapp.
24 I'm a resident of Vestal.

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1 While it is true that conventional
2 gas drilling has been done in the state for
3 60 years, horizontal hydrofracking in the
4 Marcellus Shale is not a 60-year-old
5 technology. In fact, the technology is
6 still being developed, and there are over
7 1,000 documented cases of water
8 contamination across the country where
9 horizontal hydrofracking has been used to
10 extract gas.

11 Because the Marcellus Shale is full
12 of heavy metals and radioactive materials
13 such as Radium-226, the production grind
14 from every single frack of an
15 unconventionally-drilled well brings to the
16 surface dangerous contaminants, toxic
17 chemicals and radioactive material.

18 There currently is in place no
19 known practical way to get these toxins out
20 of the millions of gallons of waste water
21 created by the drilling process. What is
22 supposed to happen? What will happen to us
23 here?

24 The drilling and the hydrofracking

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1 of each well should be continually inspected
2 in order that the dangers to our aquifer
3 that could develop with the use of the
4 current technology might be minimized.

5 At present New York State DEC
6 currently has no inspectors, no inspectors.
7 Remember that in 2005 the Halliburton
8 loophole gave the gas companies federal
9 exemption from the Clean Water & Clean Air
10 Act. Isn't that astonishing. Isn't it
11 astonishing that those who are most likely
12 to pollute the air and the water are not
13 regulated by the laws regarding the air and
14 the water.

15 Now we have the spectacle of the
16 Broome County Legislature telling us that
17 their proposed leasing of public lands to
18 the gas companies will not have a
19 significant adverse environmental impact.
20 They don't know that. No one knows that.

21 Thank you.

22 MR. EVANGELISTI: Thank you.

23 Can I have speaker 9 here and
24 speaker 10. If you would proceed.

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1 MR. KURKOWSKI: My name is Scott
2 Kurkowski. I live in the Town of Maine. I
3 also represent the Joint Landowner Coalition
4 of New York working with 38 landowner
5 coalitions in over 800,000 acres throughout
6 the state. They're a nonprofit organization
7 dedicated to natural gas development through
8 education and best environmental practices.

9 We're guided by science and by the
10 scientists, people like Terry Engelder, the
11 lead geologist on the Marcellus Shale, who
12 recently gave a presentation to the
13 Groundwater Protection Council entitled,
14 over one million hydraulic fracturing
15 stimulations within the USA without
16 compromising fresh groundwater.

17 Professor Engelder relies on the
18 principles of fluid dynamics and hydrology
19 to show why groundwater has not been
20 contaminated from hydrofracking in over 60
21 years and one million wells hydrofracked.

22 We also listened to the Susquehanna
23 River Basin Commission, the agency charged
24 with protecting the Susquehanna River Basin.

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1 They say there is no science that shows that
2 the hydrofracking fluids can migrate into
3 our aquifers. They also addressed the
4 amount of water used by hydrofracking. The
5 SRBC says that even at the height of
6 production in New York and Pennsylvania the
7 effects on the Chesapeake Bay would be
8 immeasurable.

9 I listened to comments at the EPA
10 hearings in this room and thought how easy
11 it is to raise a problem with one industry
12 without considering the impact of another.
13 I agree that we need to put more money and
14 resources into the development of renewable
15 energy sources, but for now solar and wind
16 simply cannot come close to satisfying our
17 energy needs.

18 The Clean Air Task Force recently
19 released its report. Pollution in
20 coal-fired power plant emissions will cause
21 an estimated 13,500 premature deaths
22 nationwide and, roughly, 945 in New York
23 this year. As you know, we have a
24 coal-fired power plant in our backyard. How

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1 much better will our lives be if we simply
2 converted to natural gas?

3 Even the National Sierra Club
4 acknowledges that natural gas is the best
5 bridge until we can sustain ourselves with
6 renewable energy.

7 We know that our country must
8 achieve energy independence. Since
9 President Nixon we've been trying to do
10 that, reduce our dependence on foreign oil,
11 but OPEC, Hugo Chávez and the coal industry
12 don't want to see that happen.

13 Broome County is the focus of a
14 world-class gas company, and, in my opinion,
15 Broome County recognizes that fact and has
16 acted appropriately to prepare for the
17 opportunities that will come to our region.

18 I commend the council for its work
19 on natural gas, especially the County
20 Executive, Barbara Fiala, and County
21 Attorney Joseph Sluzar. They have devoted a
22 tremendous amount of time and energy to
23 examine these issues.

24 I am happy to see that the county

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1 is requiring safe drilling and an
2 independent consultant to function as an --

3 MR. EVANGELISTI: Thirty seconds.

4 MR. KURKOWSKI: -- environmental
5 monitor. Those requirements will help
6 protect all Broome County.

7 So, natural gas is the right choice
8 for the environment. It's the right choice
9 for our nation. It's the right choice
10 economically since it will produce jobs and
11 tax revenues that will benefit all of our
12 citizens and it is clearly the right choice
13 for Broome County.

14 Thank you.

15 MR. EVANGELISTI: Thank you.

16 Speaker 10.

17 MR. PARILLO: I'm Alex Parillo,
18 field representative and apprenticeship
19 coordinator for Laborers' Local 785. I live
20 here in the City of Binghamton at 98 Main
21 Street. We represent, roughly, 1,000 active
22 construction craft laborers with hundreds of
23 retired members and affiliated contractors.

24 I've come today to express our

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1 feelings on Broome County's proposed generic
2 lease of oil and gas mineral rights. At
3 this time the Laborers feel it is the
4 county's role in discussing its options very
5 proactively while other legislative bodies
6 within our state, in our opinion, have sat
7 on their hands and continue to take our tax
8 dollars all the while ignoring what is
9 possibly one of our region's best possible
10 economic development packages.

11 There is no mystery that our state
12 is in a financial crisis. We have seen
13 contracts and projects cancelled and
14 unfunded across our region all the while
15 seeing an increase in applications and a
16 decrease in placement opportunities right
17 here in this industry.

18 More and more financial
19 responsibilities are being passed down to
20 county and local municipalities from the
21 state and federal level. At this time we
22 have only two choices: Pass those costs on
23 to our already overburdened and
24 underemployed taxpayers and cash-strapped

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1 businesses or cut spending.

2 The workers we represent cannot
3 afford to pay more, and cuts in spending
4 will only decrease our ability to help our
5 friends and neighbors and deepen the immense
6 hole we are digging with our decrepit, aging
7 and outdated infrastructure. Our schools,
8 bridges, roads and rails and utility systems
9 are falling apart, and we can only afford to
10 do what we can.

11 Although there is much controversy
12 surrounding the concept of natural gas
13 extraction, we are confident the New York
14 State Department of Environmental
15 Conservation will have a complete set of
16 guidelines for operators to follow soon.

17 In addition, as landowners,
18 businesses, legislators, labor leaders and
19 other members of our community continue to
20 band together, educate, inform and protect
21 our state, we believe we can get this done
22 and get it done right.

23 Some of you say that it is not the
24 best monetary deal for us or that drilling

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1 is dangerous or that we should wait. While
2 the jury is still out on all these
3 decisions, one thing is for sure. Our
4 legislative leaders in Broome County
5 continue to educate themselves and their
6 constituents on every possible option to
7 revitalize our area with all our concerns in
8 mind.

9 In closing, we support our county's
10 interest in leasing our lands as it will
11 help ease the strain on our taxpayers, help
12 out their budget and bring jobs and
13 continued tax revenue for years to come. We
14 thank them for taking a true, honest and
15 proactive stance on what will continue to be
16 a developing industry in our area.

17 Thank you.

18 MR. EVANGELISTI: Thank you.

19 If I could have speaker 11 to this
20 microphone and speaker 12 to this
21 microphone.

22 MR. ROBERTS: My name is Lawrence
23 Roberts. I'm speaking for my wife, Pat, who
24 has had the flu. We live in Vestal.

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1 My first concern is the way that
2 Resolution 27 tries to separate out the act
3 of leasing from the environmental impact of
4 the exploration or extraction in itself. It
5 is as if one has nothing to do with the
6 other.

7 According to SEQRA, you can use
8 segmentation when, one, information on
9 future projects is too speculative; two,
10 future phases may not occur; three, future
11 phases are not functionally independent on
12 the current basis.

13 To argue, as the county does in
14 this case, that future phases of
15 hydrofracking may not occur or you believe
16 it is just applicable seems to be misguided
17 at best and duplicitous at worst. And to
18 say future phases like hydrofracking and the
19 environmental damage it may cause are
20 functionally independent of drawing up a
21 generic lease is playing with words,
22 especially when you have before you a lease
23 that's nongeneric and stipulates two wells
24 to be drilled within two years of signing.

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1 The argument that segmentation
2 between leasing and extraction is justified
3 under SEQRA is just wrong and undermines the
4 whole intent of the act, but my bigger
5 concern is this. The county really needs
6 money. We have to honestly consider,
7 however, the environmental risk, and
8 arguing, as some people have, that we have
9 to take these risks to get the monetary
10 reward ignores the magnitude of the risk.

11 Those who believe these risks are
12 too great are not just environmentalists or
13 tree huggers. We are voters who want to
14 keep on having clean air and clean water and
15 the more we learn of the risks involved the
16 larger our numbers are.

17 The legislature seems to think that
18 hydrofracking is inevitable. It is not.
19 You probably don't even notice it now, but
20 we can't smoke in this building nor in other
21 federal or state buildings. Once upon a
22 time we could, and breathing in second-hand
23 smoke seemed inevitable, but it wasn't.
24 Hydrofracking will turn out to be what

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1 smoking was in our lifetimes, something we
2 began by believing was a bit risky but
3 essentially a private matter which
4 ultimately turned into an activity banned in
5 all common areas.

6 What we share now in the county are
7 communal water sources and air.

8 MR. EVANGELISTI: Thirty seconds.

9 MR. ROBERTS: It's not so strange
10 to think that something that can harm them
11 will be banned.

12 MR. EVANGELISTI: Thank you.

13 Speaker number 12.

14 MS. LEWIS: My name is Barbara
15 Kane Lewis. I'm a landowner and live in the
16 Town of Barker in Broome County.

17 Since I have just three minutes, I
18 will address only two of the many concerns I
19 have about this proposed lease. First, I am
20 concerned about whether Broome County can
21 legally undertake to drill under its parks
22 and public land without the prior approval
23 the New York State Legislature. It is my
24 understanding that the New York State Parks

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1 Department has determined that any
2 municipality seeking to lease public lands
3 or parklands for oil and gas extraction even
4 if the activity is all subsurface must first
5 obtain permission from the state legislature
6 by requesting a parkland alienation bill.

7 Further, state parks require that
8 any revenues received from mineral or gas
9 extraction must be used either to purchase
10 more lands or to improve existing parklands.
11 The position of state parks is that the
12 integrity of publically-held parks and
13 recreation land must be maintained.

14 My second major area of concern is
15 about the environmental impact statement
16 attached to Resolution 72. Part 2 entitled,
17 project impacts, has been left completely
18 blank. This part of the form covers such
19 areas as impacts on public health, waste
20 disposal, impacts of the change in land use
21 from agricultural to industrial, impacts of
22 increased transportation and emissions, use
23 of herbicides and other chemicals, removal
24 of trees and vegetation, noise impacts, odor

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1 impacts, effects on water, rivers, streams
2 and watersheds and change in the need for
3 community services.

4 I realize that the county has the
5 view that a negative environmental
6 assessment is all that is required. While
7 this may legally be true, I believe with all
8 my heart that a decision of this magnitude
9 should not be undertaken unless all of these
10 areas are carefully evaluated.

11 Please, consider very carefully all
12 the possible environmental effects before
13 you continue to entertain any offers for
14 lease. The people of Broome County deserve
15 accurate preplanning to insure that our
16 health and our safety are not being
17 jeopardized, that our roads will sustain the
18 truck traffic, that dangerous substances
19 will be properly handled and that noise and
20 other impacts will not interfere with the
21 enjoyment of normal daily life here in
22 Broome County. Do not rush to support gas
23 drilling.

24 MR. EVANGELISTI: Thirty seconds.

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1 MS. LEWIS: Communities all across
2 the state are waiting until further
3 information is known about the process and
4 the dangers. We should wait, too.

5 I support clean air and clean
6 water. We all deserve it and our children
7 deserve it. Without it our county cannot
8 thrive and grow, no economic improvement can
9 take place. As one gentleman stated at the
10 last hearing, without water I'm done.
11 Without clean water and air we may all be
12 done. Please, make sure that you do not
13 jeopardize the clean air or clean water of
14 Broome County.

15 Thank you.

16 MR. EVANGELISTI: Thank you.
17 Thank you for your comments.

18 Could I have speaker number 13 to
19 this microphone and speaker number 14 to
20 this microphone. Are you ready?

21 MS. EATON: I'm Kathleen Eaton
22 from the City of Binghamton, Broome County,
23 New York, representing four generations of
24 family presently living in Broome County.

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1 I understand that people want
2 money. What I don't understand is what
3 people will do for money. We're living in a
4 world that only has 1 to 2 percent of its
5 water immediately drinkable. We have the
6 stewardship of an abundance of quality water
7 for ourselves and beyond. I do not
8 understand what in the world makes us think
9 that we can risk that sustainable water for
10 a nonsustainable scheme that jeopardizes the
11 drinking water here and downstream serving
12 19 million people.

13 This weekend I had the good fortune
14 of meeting a first cousin from Arizona. My
15 cousin had lots of information about our
16 mutual great-grandfather's time in the late
17 18 and early 1900s. It seems my
18 great-grandfather would serve in the US
19 Army, then get out and after a while then
20 re-up.

21 He served in the Calvary in some of
22 the driest parts of this country, Arizona,
23 New Mexico, Wyoming, Oklahoma. Along the
24 way he homesteaded acres of land and created

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1 with his family a ranch in the northern
2 desert of Nevada. Income was not easy to
3 come by then as now, so he re-upped for the
4 Spanish-American War and served in both Cuba
5 and the Philippines.

6 When I asked how all this wonderful
7 information was known, the reply was that my
8 cousin's grandmother had done extensive
9 research because her rancher Army father had
10 died when she was just 12 years old. She
11 spent years attempting to get US government
12 benefits for her father's service to this
13 country. Eventually she was told that the
14 malaria that caused his early death was not
15 a war-related injury. Of course, it had
16 nothing to do with going from the desert of
17 Nevada to the jungles of Cuba and the
18 Philippines. The government was not
19 responsible.

20 Assuming responsibility has become
21 a lost art and ethic. An accident, say,
22 loss of an aquifer, would probably never be
23 resolved within the lifetime of anyone here
24 today. Yet anyone here today runs the risk

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1 of the loss of water due to the industry of
2 hydrofracture drilling.

3 How wise is it that we turn over
4 our finite natural resources to companies
5 that can operate --

6 MR. EVANGELISTI: Thirty seconds.

7 MS. EATON: -- outside of the laws
8 that every other industry must abide.

9 Are we, the citizens of Broome
10 County, responsible? Are the folks who sign
11 leases for their lands responsible? Are our
12 county administrators and legislators
13 choosing to assume the responsibility for
14 the future and well-being of our
15 groundwater, wells and aquifers? Is the
16 natural gas energy company going to change
17 their mode of operation and proclaim we are
18 honorable --

19 MR. EVANGELISTI: That's your
20 time.

21 MS. EATON: -- and responsible for
22 protecting your waters from any damage that
23 may occur?

24 MR. EVANGELISTI: That's your

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1 time. Thank you for your comments.

2 Speaker number 14, please, begin.

3 MS. SLOTTJE: Hello. My name is
4 Helen Slottje. I'm an attorney with the
5 Community Environmental Defense Council. We
6 are a pro bono public-interest law firm and
7 we are here today representing the public
8 trust in the air, water and natural
9 resources of Broome County.

10 As an attorney, I'll first turn my
11 comments towards the legal defects in the
12 matter before us today. First, we are here
13 to consider the lead agency in an EAF, but
14 lead agency for what? An improperly defined
15 project. You have set up a generic lease
16 process where you do not consider the terms
17 of the lease, the identity of the lessee or
18 the drilling process. This is an improper
19 segmentation of the process and, thus, not
20 proper.

21 As any member of the Landowner
22 Coalition can tell you, we've heard from
23 some today, the identity of the lessee and
24 the terms of the lease are vitally

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1 important. To completely ignore these facts
2 and to propose a, quote, unquote, generic
3 lease where many of the terms don't matter
4 and the identity of the lessee is
5 unimportant is irresponsible.

6 Secondly, the notice for the
7 hearing is defective on a number of counts.
8 You have not notified any other involved or
9 interested agencies. You're proposing to
10 turn over regulation of this process to the
11 DEC, but they're not notified. There
12 doesn't appear to be any notification to the
13 towns that are otherwise involved. And the
14 notice also speaks of a preference to Broome
15 County residents, and I believe that it has
16 discouraged community participation in this
17 matter.

18 Because you're talking about
19 leasing parklands that are, in fact, the
20 public trust for the benefit of all the
21 people of New York, all people of New York
22 should be invited, encouraged to attend this
23 hearing. This is a matter of statewide
24 import, and your news release and public

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1 notice have discouraged public
2 participation, and that is improper.

3 Furthermore, your public notice
4 states that the SEQRA review is a review of
5 the leasing itself, not of the actual
6 drilling. As I discussed before, SEQRA
7 review requires consideration of all
8 reasonably foreseeable actions, which in the
9 case of oil and gas lease would include
10 drilling. Therefore, you have not satisfied
11 the public notice requirements.

12 Secondly, I'd like to address some
13 of the other issues we've heard here today.

14 MR. EVANGELISTI: Thirty seconds.

15 MS. SLOTTJE: We've talked about
16 economic development. I would encourage the
17 county to look at the headwater study and
18 Professor Krudenberg (phonetic) of the
19 University of Wisconsin Management in his
20 paper Mining the Data where he discusses the
21 resource first and the actual connection
22 between resource extraction and poverty.

23 We've heard about energy security.

24 I would talk about water security, food

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1 security, health security, farmland
2 protection, agricultural land and being
3 encouraged for agricultural means.

4 MR. EVANGELISTI: That's your
5 time. Thank you very much for your
6 comments.

7 If I could have speaker 15 to this
8 microphone and speaker 16 to this
9 microphone. Please, begin.

10 MR. FURMAN: My name is Vic
11 Furman, and I'm here to seek information on
12 safe and responsibility drilling.

13 And I would like to talk a little
14 bit about the statement that was made
15 earlier about coal ash. My wife died at the
16 age 42 from endocrine cancer of the
17 endocrine system. We lived right next door
18 to GAF, which was our power plant, its own
19 power. We couldn't take a glass of milk out
20 to the picnic table without black coal ash
21 covering the top of that milk in a matter of
22 minutes. I strongly believe that this is
23 what killed my wife.

24 To put gas against coal is a huge

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1 improvement. Coal ash, if you look it up
2 on -- anywhere on the web, coal ash most
3 places is unregulated. The Sierra Club has
4 a lawsuit in Congress right now or in the
5 Supreme Court right now to put a label on
6 that. I definitely support that.

7 But in comparison, safe drilling
8 for natural gas and coal is night and day.
9 Hydrofracking, it's been proven to not come
10 up from 5,000 feet down and get into our
11 water tables. Safe, responsible drilling,
12 closed-loop drilling, is the way to go.

13 Thank you.

14 MR. EVANGELISTI: Thank you for
15 your comments.

16 Speaker 16.

17 MS. LAWSON: My name is Robin
18 Lawson. I live in Vestal New York and I
19 want to go on record saying that I grew up
20 on a farm, my dad's farm. He's 85 years old
21 and he would die before he'd sell his land
22 and his soul to the gas man.

23 In today's economic environment it
24 is certainly necessary to find ways to

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1 minimize the financial impact to the
2 taxpayer. Gas drilling and its potential
3 income may seem attractive on the surface;
4 however, act in haste and this community may
5 spend several decades or longer repenting
6 the quick decisions made today.

7 We do not know with any degree of
8 certainty that fracking does not cause
9 groundwater contamination. Our neighbors in
10 Pennsylvania are just discovering that it
11 has, in fact, contaminated groundwater and
12 streams.

13 We only have to look at Endicott
14 and what happened with the IBM chemical
15 contamination to see how contamination can
16 affect property values and crime rates again
17 resulting in a community throwing more money
18 away to fix what has been broken by an
19 outside vendor that has nothing invested in
20 the safety and the care of our community.

21 However, if this community decides
22 to make the unfortunate decision to move
23 forward with drilling, we ethically should
24 have, number one, legislation in place that

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1 will hold the gas companies accountable for
2 any and all environmental impacts they may
3 cause by setting funds aside to cover
4 potential cleanup and healthcare services.

5 Number two, county gas profit money
6 set aside for the inevitable cleanup and
7 health issues the gas companies won't cover
8 set aside for this purpose and this purpose
9 only.

10 Number three, any members of
11 government who will potentially benefit
12 personally or have families that will
13 benefit personally from gas drilling must
14 make the ethical decision to recuse
15 themselves from any and all decisions
16 regarding gas drilling in this community.

17 As a postscript, full environmental
18 assessment done by those who will not
19 benefit in any way from gas drilling.

20 Do not let the drill baby drill
21 crowd highjack this issue.

22 Thank you.

23 MR. EVANGELISTI: Thank you for
24 your comments.

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1 If I could, please, have speaker 17
2 here and speaker 18 to this microphone.

3 MR. BURGER: My name is Chris
4 Burger, a landowner in the Town of Barker.

5 Some of my lawyer friends tell me
6 that it is a good thing to establish
7 conditions that are nonnegotiable for any
8 lease that the county might wish to enter
9 into; hence, I support the establishment of
10 the county legislature as lead agency in a
11 concept of generic EAF.

12 These same lawyers, however, point
13 out that this particular generic EAF does
14 not go nearly far enough to establish the
15 needed protection for the county from
16 problems we know of much less the growing
17 list of problems that continually come to
18 light seemingly on a daily basis, which I
19 guess is my main point here. Why create
20 this document now?

21 It's interesting how so some people
22 can be so convinced that gas drilling in
23 tight shale formations is safe while others
24 are so equally convinced that it is not.

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1 Most people find themselves smack in the
2 middle. For most people it's far from clear
3 that this form of gas extraction can be done
4 safely.

5 What is certain is that there are
6 still many questions to be answered yet.
7 Anyone who tries to tell you differently is
8 trying to sell you something. All but the
9 most adamant gas drilling supporters argue
10 caution, caution, caution. It would be wise
11 for the county to follow suit.

12 In fact, to its credit, the county
13 legislature at least is doing precisely
14 that. It has formed a committee to do
15 research, a committee that I am honored to
16 serve on. We have much work to do. The
17 county legislature in its wisdom also
18 rejected the first lease proposal in August.
19 I suspect that it was not so such a no not
20 never decision but rather no not now. The
21 legislature was exercising the degree of
22 caution the issue demands.

23 I expect nothing less some two
24 short months later. My suggestion would be

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1 to hold off on those actions including the
2 establishment of a generic EAF. We have
3 some time. More knowledge will only serve
4 to improve this form if and when it is
5 needed.

6 My final comment has nothing to do
7 with the environment but unintended
8 consequences. Make sure that leasing of
9 county property cannot be used to force
10 people owning land around the county
11 property into compulsory integration. This
12 would be adding insult to injury, especially
13 those living around the landfill and
14 airport. Hopefully, you've thought of this
15 already.

16 Thank you very much for listening.

17 MR. EVANGELISTI: Thank you for
18 your comments.

19 Speaker number 18.

20 MR. WARD: Good afternoon or good
21 morning. My name is Jim Ward. I live in
22 Chenango Forks. I'm a landowner and also
23 have a farm.

24 I bought my land to live off the

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1 land and I've been trying to do that for the
2 last 10, 11 years. I support natural gas
3 drilling. We want to make sure it's safe.
4 We would like to get it underway. We want
5 the DEC, EPA, whoever else to have proper
6 science protecting our land, and I'll be the
7 first one there to watch and make sure our
8 land is protected.

9 I wasn't going to speak today, but
10 I e-mailed and I decided that I better get
11 up here because I encourage everybody to do
12 the same. I encourage everybody to support
13 Broome County and that they do safe drilling
14 and let Broome County be the lead person and
15 county to take this endeavor over.

16 I'm not the greatest speaker, but I
17 want to make sure everybody gets up and
18 everybody can go around and see the signs
19 friends for natural gas. They're popping up
20 more and more. People are tired, and
21 they'll have time to go to meetings. I go
22 to meetings trying to learn and I suggest
23 that Broome County invite the people of the
24 State of New York to learn a lot of

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1 different things.

2 There's very -- a lot of people are
3 very educated, have the true facts, have the
4 science. They put their time and their own
5 money into this effort, and I would
6 appreciate that people listen to them and
7 also that people do not destroy other
8 people's property. People have taken signs
9 off my property, which, number one,
10 they're -- to me they're destroying my
11 property. It was something that I was doing
12 to show my rights and as a landowner as
13 living off the land just like they used to
14 do when America first started.

15 So, I just want to suggest that
16 everybody work together to support safe
17 drilling and let's have everybody get along.

18 Thank you and have a nice day.

19 MR. EVANGELISTI: Thank you.

20 Can I, please, have speaker number
21 19 to this microphone and speaker 20 to this
22 microphone. Is there a 19? Are you 20?

23 MR. SHEPHERD: Yes.

24 MR. EVANGELISTI: Okay. Please,

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1 begin.

2 MR. SHEPHERD: I'm Julian
3 Shepherd. I'm representing the local group
4 of the Sierra Club.

5 I want to speak to the
6 environmental assessment form. I've read
7 quite a number of them in the past and I
8 often find small- to medium-sized errors and
9 I find a number of them here and I really
10 wish people could get it right.

11 First of all, out of the 5,600
12 acres of county land, the EAF says, there's
13 only 36 acres of wetlands. This is taken
14 from Article 24, Freshwater Wetlands Law,
15 which covers any wetlands above
16 12.5 acres. If you take into account all
17 the wetlands that are on the US Fish &
18 Wildlife Service wetlands inventory, you'll
19 find there's a whole lot more. And I think
20 it's disingenuous to simply cite Article 24.

21 You also cite Article 25, which is
22 tidal wetlands, and I don't think that's a
23 problem here at least until the Greenland
24 Ice Cap melts.

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1 The second thing is the bedrock
2 category is not even checked off. On the
3 previous EAF you said, no, there's no
4 bedrock exposures. There are on county
5 property. One example is the Roundtop
6 Picnic Area. You may not be going to drill
7 there, but, nevertheless, get it right on
8 the EAF.

9 Also, you've taken into account in
10 the EAF the integration aspect. You say,
11 oh, there's a lot of leasing on neighboring
12 lands, so we're going to get integrated on
13 the Broome County Lands anyway. You don't
14 take any account of the opposite direction,
15 which I think is what Chris was alluding to.
16 Namely, you don't take in the fact that if
17 you allow gas leasing, you're effectively
18 integrating all the neighbors, too, and you
19 better take that into consideration in this
20 EAF.

21 I don't quite -- if this is the
22 last EAF before the gas drilling starts on
23 county lands, something is missing. I think
24 the excuse is that this is just for leasing,

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1 not for drilling. But if this is the last
2 EAF that the county is going to do, it's
3 woefully inadequate because it's got to
4 consider all these other effects of the
5 actual drilling. Perhaps, I'm mislead
6 there, but I don't know.

7 In any case, I think a negative
8 declaration by this is -- by this particular
9 EAF is pretty disingenuous. In general, I
10 think that the county --

11 MR. EVANGELISTI: 30 seconds.

12 MR. SHEPHERD: Thank you.

13 -- the county lands, I think that
14 little account has been taken of the damage
15 that's going to be done to the surface in
16 all the lands at the county. There's going
17 to be heavy trucking, pipelines, roadways,
18 drill pads, and I think all of that is going
19 to add up to the fact of I don't want to see
20 drilling done in this county.

21 MR. EVANGELISTI: Thank you for
22 you time.

23 If I could have speaker 21 to this
24 microphone. Speaker 21? And speaker 22 to

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1 this microphone. Is there a speaker 23?
2 So, is there a 33, speaker 33? Is there
3 anybody less than 33? Do we have a Bingo
4 yet? No, just kidding. If I could have 33
5 to this microphone and 34 to this
6 microphone.

7 MS. LOEB: Hello. I'm Rema Loeb
8 from Afton.

9 Some of my children reside and work
10 or have businesses in Broome County. Many
11 of my friends live here. The project of --
12 I'm sorry. The prospect of risking the
13 safety of water from a sole-source aquifer,
14 Clinton Street Ballpark, seems the height of
15 recklessness.

16 I've heard officials admit that
17 hydrofracking is not safe but that there is
18 an acceptable risk. Yes, we take a risk
19 when we use our cars, but that's our own
20 choice, not an action that will impact
21 others.

22 To whom is the risk to our air and
23 water from hydrofracking acceptable? Those
24 who will make enough money on leases to move

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1 away as some have said they will or those
2 who will be stuck here? When decisions are
3 being made concerning public lands, these
4 are on behalf of everyone. The county is
5 its people, and watersheds and parks don't
6 belong only to officials.

7 There is a Superfund site in
8 Colesville that is said to be a federal
9 matter. Then why is the county leasing this
10 site without input from the EPA and why is
11 the county ignoring policy already set by
12 the state parks department concerning
13 lawsuits and alienation of park use? What
14 is the big rush with this leasing without
15 looking at potential harm?

16 With 17 inspectors and staff being
17 further cut, we cannot look to the DEC for
18 protection. A reading of the Council of
19 Scientific Society Presidents representing
20 1.4 million scientists in many disciplines
21 makes it clear that hydrofracking is not a
22 good idea and, in fact, may hasten climate
23 change.

24 Wherever we live Broome County is

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1 still part of planet Earth and will be
2 impacted by these activities. If we will
3 not rely on the science but become blinded
4 by faulty economics, see the Bards Report,
5 then why not have a referendum. A poll was
6 mentioned, and by what agency and where and
7 how large the sample?

8 The gas is not going anywhere. Let
9 the people decide on an issue so serious and
10 with great potential to harm this and future
11 generations. If this method of drilling --

12 MR. EVANGELISTI: Thirty seconds.

13 MS. LOEB: -- happens, it will
14 only be because we allow it.

15 Thank you.

16 MR. EVANGELISTI: Thank you for
17 your comments.

18 Do we have a 34? Do we have a 35?
19 35. Do we have 36? This is 35. Do we have
20 36? 37?

21 You're number 35, is that correct?

22 MR. HANG: Yes.

23 MR. EVANGELISTI: Please, begin.

24 MR. HANG: Greetings. My name is

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1 Walter Hang. I'm the president Toxics
2 Targeting, Inc., an environmental database
3 firm located in Ithaca, New York, that has
4 mapped and profiled more than 6,400 known
5 and potential toxic sites in Broome County
6 including landfills, brown fields, leaking
7 tanks and spills, permitted pollution
8 discharges and hazardous waste generators.
9 I'm pleased to provide several maps of toxic
10 sites concerned for your review.

11 I testified on July 19, 2010, to
12 oppose Broome County's proposed leasing of
13 public properties for natural gas
14 extraction.

15 Toxics Targeting has identified a
16 wide range of natural gas fires, explosions,
17 polluted water supply wells, evacuated homes
18 and massive uncontrolled waste water
19 releases documented by the New York State
20 Department of Environmental Conservation's
21 own spill data, as well as additional
22 information compiled by county health
23 departments in the Southern Tier.

24 I believe it is entirely premature

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1 to consider leasing Broome County's public
2 property until adequate gas drilling
3 regulations are adopted.

4 Just yesterday Governor Patterson
5 said right here in Binghamton that he was
6 not sure the DEC would adopt the final
7 supplemental generic environmental impact
8 statement during his administration. Until
9 a final SGEIS is adopted to safeguard the
10 environment and public health, there is a
11 de facto moratorium on horizontal
12 hydrofracking in New York's entire Marcellus
13 Shale formation including Broome County.

14 Regarding the resolution, I
15 respectfully urge the Broome County
16 Legislature not to designate itself as lead
17 agency for any state environmental quality
18 review that might be conducted regarding any
19 proposed leasing agreement. With all
20 respect, Broome County fundamentally lacks
21 the technical wherewithal and experience to
22 conduct such a review. Assessing the
23 potential environmental and public health
24 impacts of the proposed leasing would be an

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1 enormously complex undertaking.

2 DEC worked for years to undertake
3 an SGEIS, and it's draft proposal has
4 received withering criticism. More than
5 10,000 citizens, elected officials, as well
6 as local, state and national environmental
7 groups have publicly called for its
8 withdrawal.

9 The US Environmental Protection
10 Agency recently held a hearing in this very
11 room regarding the scope of its proposed
12 national hydrofracking investigation.
13 Detailed comments were submitted over two
14 days by engineers, environmental
15 consultants, the City of New York, top-level
16 executives with decades of experience in the
17 oil and gas industry, academics,
18 environmental groups and hundreds of
19 concerned citizens. The breadth --

20 MR. EVANGELISTI: Thirty seconds.

21 MR. HANG: -- and sophistication
22 of those comments was impressive to say the
23 least.

24 The Broome County Legislature

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1 simply must not designate itself as lead
2 agency pursuant to the resolution. The
3 county has repeatedly proposed to lease its
4 property. Leaving aside any potential
5 conflicts of interest, there can be no
6 question that the technical challenges for
7 this task far exceed the county's
8 wherewithal.

9 I propose the lead agency for any
10 review be shared by DEC and the New York
11 State Department of Health. That is
12 precisely what EPA Region 2 proposed in its
13 12/30/09 letter to DEC.

14 MR. EVANGELISTI: Thank you for
15 your comments.

16 Do we have a 36? 37? Are we --

17 Excuse me, ma'am. What number are
18 you?

19 MS. LAWRENCE: 37.

20 MR. EVANGELISTI: 37. If there's
21 a 38, please, proceed to this microphone.
22 Thank you.

23 MS. LAWRENCE: According to those
24 who are in favor of gas drilling now, they

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1 say, we have science on our side.

2 MR. EVANGELISTI: I'm sorry,
3 ma'am. If you could state your name.

4 MS. LAWRENCE: Oh, I'm sorry.
5 Cecile Lawrence. I live in Apalachin about
6 one mile from the Broome/Tioga border. I
7 get my water from the sole-source aquifer
8 that's under Broome and Tioga Counties.

9 According to the pro-drillers or
10 the ones who want drilling now, they say, we
11 have science on our side. Science,
12 according to them, says no documented
13 evidence of contaminated water.

14 The politicians say who know
15 knowing about science, a science corrupted,
16 bought and sold, a consortium, a science of
17 100 percent impossibility, a quackery
18 feeding the desperate and greedy.

19 Res ipsa loquitur. It is obvious
20 something some is wrong. Shut it down
21 before you kill us all, like Hitler's
22 science-based plan to exterminate the Jews,
23 like the English invading plan to
24 exterminate the indigenous people of the

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1 Americas because the people living here were
2 inferior people according to their science.

3 Not the science for which
4 biologists, chemists, geologists true to
5 their calling will speak who never say
6 anything to a certainty except be careful.
7 You cannot lose by slowing down or even
8 banning. You cannot lose anything except
9 money ill gotten from the same source that
10 drove us into the present financial crisis.

11 With the forces of nature no
12 certainly can ever exist. Then mix in human
13 imperfection. When you have even a bit of
14 unsilenced evidence, you must say, stop. Do
15 not continue to do what generations later
16 realize, as Sandra said last night in
17 Elmira, is the unthinkable, slavery, the
18 killing of the Jews, the genocide of
19 indigenous people, the nontreating black men
20 for syphilis, the fraud-filled injections
21 into the bodies of brown people, the Fiji,
22 Guatemala, eugenics choice of Jamaica for
23 their research as ground zero for the
24 creation of monsters by race mixing, on and

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1 on. Then that was triumph. Now it is
2 unthinkable.

3 This is the poison tree of the
4 science from which comes the word fruits
5 that those who want to make money from
6 drilling speak even if they do it out of
7 desperation, which does not excuse them.

8 MR. EVANGELISTI: Thirty seconds.

9 MS. LAWRENCE: Every single human
10 being has the responsibility to get the
11 information necessary to protect us all even
12 if those with temporary power do everything
13 to keep the information hidden.

14 Let us not be the new Germans to
15 our own selves. The thing speaks for
16 itself. Do no harm. No leasing. Safe
17 drilling is an oxymoron.

18 MR. EVANGELISTI: Thank you for
19 your comments.

20 Speaker number 38, please, begin.

21 MR. MILLER: Hello. My name is
22 Kevin Millar. I'm from Owego, New York.

23 And I guess I -- after looking at
24 this document, I'm really quite puzzled

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1 about why a SEQRA is even necessary for a
2 lease that does not exist. I think that the
3 SEQRA process is premature to the whole
4 issue.

5 And the issue of segmentation
6 that's been gone over, I don't think that
7 SEQRA phases are functionally independent of
8 correct phases is really an accurate way of
9 portraying this document.

10 Also, the alienation of parkland
11 has been got into. A letter from the Office
12 of Parks of New York State pretty clearly
13 says that it's their opinion that for any
14 alienation even underground you must get
15 New York State Legislature approval.

16 Looking on-line at some of these
17 documents I was looking for a particular
18 question that was on the last EAF, and it
19 was in part 2, which someone commented was
20 not filled out. On that page 20, question
21 20, was possibly the reason why that part
22 was not filled out. That question says and
23 was answered in a negative last time, is
24 there or is there likely to be public

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1 controversy related to potential adverse
2 environmental impacts.

3 Thank you.

4 MR. EVANGELISTI: Thank you for
5 your comments.

6 I want to take a moment. Is there
7 anybody with a number lower than 39? Okay.
8 Is there a 39?

9 MR. FREY: I have 21.

10 MR. EVANGELISTI: You have 21. If
11 you could, please, step forward. We're
12 asking people to state their name and place
13 of residence.

14 MR. FREY: I'm David Frey. I'm a
15 Broome County resident in the City of
16 Binghamton.

17 I attend Binghamton University and
18 I work with many of the environmental groups
19 on campus, and every single one of those
20 groups see this as a problem. They see
21 hydrofracking in general as a problem, and
22 going forward on our public land is
23 something that we cannot see happen.

24 I've heard many people talk about

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1 this, and this needs to go to a vote. This
2 needs to go to a referendum where the people
3 can decide.

4 So far we've seen about 6 percent
5 of the people leasing their land out,
6 6 percent, and now the county is saying, all
7 the people want to do this, because it's all
8 our land. And when that goes forward, that
9 does say that all the people or at least
10 half the people in this county want to go
11 forward with that.

12 So, right now it seems like we're
13 trying to decide between water and money.
14 Money, if we -- let's say we get a couple of
15 dollars. Let's say we get a couple
16 thousands dollars. Okay. So, that lasts a
17 couple of years. That's just a shock
18 economic. Say we get 100 jobs. Five years
19 they're all gone. How are we going to let
20 our economy grow naturally if we're just
21 throwing money at it? Trying to get it
22 going real quick, it's not going to work.
23 We cannot just use it as an opportunity to
24 destroy our land just for temporary

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1 measures.

2 Our water is something that we rely
3 on. Let's say we go through with this and
4 we destroy our water. We're looking down at
5 Dimock right now. We're seeing they're
6 building a six-mile pipeline, six miles for
7 one town with a couple hundred people.

8 We have at least 50,000 people in
9 just the City of Binghamton. Where is that
10 water going to come from? If our water is
11 contaminated, how much will a pipeline for
12 every single citizen of Binghamton be to
13 bring in water for our city?

14 This is something we really can't
15 do. I mean, we can't give up our water. We
16 can't even make the mistake. They say,
17 okay, it's just a mistake what happened in
18 Dimock. How do we know that will never
19 happen again? How can we tell that
20 something like that can't happen when we
21 continue to see it happen? We continue to
22 see this frack fluid leak out of vans or of
23 trucks. We continue to see the fluid. We
24 continue to not know where it's ending up.

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1 that are here should stay in this country.
2 They shouldn't be allowed to go anywhere
3 else. And if we're supposed to take all
4 this risk, why should we give it away? It
5 should be a federal matter.

6 And I believe that we need to be
7 protected, and we're asking for protection
8 and with a champagne policy when we only
9 have beer money and we only have beer laws.
10 Nobody is trying to restore the laws that
11 will protect us, and we really don't have
12 them.

13 Binghamton is a perfect example of
14 a law that you can't even enforce. When we
15 had a spill of the train in '88, Binghamton
16 had a law passed if a train spilled and
17 derailment that they will be notified in 15
18 minutes. That in our own paper has been
19 proven --

20 MR. EVANGELISTI: Thirty seconds.

21 MS. LISEK: -- unenforceable. So,
22 this is what happens with laws and what
23 happens when things go wrong, laws that are
24 unenforceable. And so, people are looking

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1 for things to be done right. We need to ask
2 what will happen when things go wrong.

3 Thank you.

4 MR. EVANGELISTI: Thank you for
5 your comments.

6 Is there anybody with a number
7 lower than 44? Do we have a 44?

8 Very good. Please, approach the
9 microphone. And for you folks who came
10 late, we're asking everybody to state their
11 name, their place of residence and that
12 they'll have three minutes to give their
13 comments.

14 Thank you. Please, begin. Are you
15 ready?

16 MR. LITTLE: Yes.

17 MR. EVANGELISTI: Please, begin.

18 MR. LITTLE: James Little,
19 Endicott.

20 I recommend compulsory integration
21 with three traditional options and one
22 nontraditional option. One is
23 nonparticipating owner. Two, participating
24 owner.

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1 MR. EVANGELISTI: Could I ask you
2 to state your place of residence.

3 MR. LITTLE: I did. Endicott.

4 MR. EVANGELISTI: Oh, I'm sorry.
5 I missed that. Go ahead.

6 MR. LITTLE: Three, straight
7 royalties. Four, leases to related entity
8 and get treated as industry insider, the
9 benefits being you don't have to wait for
10 the well to pay off, collect royalties right
11 away and then collect the full 100 percent,
12 not the 12 to 18 percent the county is
13 currently considering.

14 The further terms of lease are
15 important. You can contact any landowner
16 coalition.

17 I feel that fracking is so new that
18 really the county should wait until the
19 industry develops safer fracking
20 technologies or better yet develop
21 alternative energy.

22 I think New York is special
23 compared to other states in the country
24 because we've got 20 percent of the world's

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1 fresh water supply, single-source aquifers,
2 Finger Lakes, rivers, lakes ponds, ponds,
3 Great Lakes. That gas isn't going anywhere.
4 I just feel we should wait, hold off until
5 they come up with something better.

6 Thank you.

7 MR. EVANGELISTI: Number 45. Do
8 we have a 45? 46? Are there in other
9 registered speakers here today? Is there
10 anybody who is interested in speaking after
11 hearing this testimony and would like to
12 register to speak.

13 I want to keep this public hearing
14 open for the next 45 minutes should anybody
15 come and wish to speak. Anybody in the
16 audience that wishes to speak, please, go
17 out to the lobby and fill out the speaker
18 cards so that we have your information.

19 If you fail to turn in our
20 speaker's card, please, see Stacy or Gayle
21 and turn it in or turn it in at the front
22 desk.

23 I want to thank everybody for your
24 comments. Anybody who has comments that

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1 they don't wish to read into the microphone,
2 please, feel free to send them by mail or
3 e-mail. The method and details for doing
4 that are in the instructions for speakers,
5 which is in the lobby. And I want to thank
6 everybody. Thank you.

7 (Whereupon a short break was taken)

8 MR. EVANGELISTI: We have another
9 speaker. If you could, please, state your
10 name and your place of address.

11 MR. VANDIVER: Yes. I'm Jim
12 Vandiver. I live in Denver, Colorado. I'm
13 currently employed and represent Inflection
14 Energy in the land department and I've been
15 involved with land issues in the oil and gas
16 industry since about 1975. As such I'm very
17 familiar with mineral rights, leasing issues
18 and the current status of leasing in
19 New York associated with Marcellus Shale and
20 other shale planes that are potentially
21 viable in the state.

22 Inflection applauds the efforts of
23 the Broome County Executive to move forward
24 with a lease of county mineral rights in

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1 these very difficult and challenging times
2 in New York State.

3 It's no secret to Broome County
4 that the development of shale resources in
5 New York is at a standstill and has been at
6 such since July of '08 when Governor
7 Patterson issued a directive when improving
8 '08 legislation requiring the New York State
9 Department of Environmental Conservation to
10 update the SGEIS statement relative to
11 natural gas well drilling in New York State.

12 The practical consequence of this
13 directive was to bring shale development in
14 New York State to a grinding halt as the DEC
15 slogs through the process of developing a
16 draft SGEIS and wads through the thousands
17 of public comments concerning that draft.

18 As I stand here now no one can
19 predict when the DEC will the finish the
20 SGEIS process, and it seems likely that it
21 will be well into 2011 before DEC begins
22 issuing permits to develop shale resources
23 in the state. Consequently, there is
24 virtually no market for mineral rights and

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1 land leasing in New York State. It's at an
2 absolute standstill notwithstanding
3 Inflection's efforts.

4 In contrast, adjoining Pennsylvania
5 there's been considerable land leasing,
6 exploration and development activity
7 resulting of billions of dollars in the
8 State of Pennsylvania and the creation of
9 almost 90,000 new jobs.

10 Until recently Inflection has been
11 dedicated solely to New York, which has made
12 business development extremely difficult.
13 Inflection and its partners have tried to
14 develop other natural gas plays in New York
15 State that do not rely upon hydrofracking,
16 but those efforts have been unsuccessful.

17 Although some of us remain
18 optimistic that Broome County may be rich in
19 shale resources, it seems equally clear that
20 there are no other viable natural gas plays
21 in Broome County.

22 Now, I need to underscore the fact
23 that we can only say Broome County may be
24 rich in shale resources --

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1 MR. EVANGELISTI: You have 30
2 seconds.

3 MR. VANDIVER: -- because no one
4 has developed a horizontal well been
5 stimulated with high-volume hydraulic
6 fracturing. The only way to determine that
7 viability in Broome County is to drill.

8 We appreciate the efforts of Broome
9 County to move forward with leasing in these
10 difficulty times. We also appreciate the
11 efforts of Broome County to address its
12 efforts to lease mineral under the SEQRA
13 early on in the process.

14 Our attorney Tom West will be
15 providing comments to Broome County
16 concerning the environmental review process.

17 MR. EVANGELISTI: Thank you for
18 your comments. If you could, please,
19 provide those to a staff member.

20 Are there any other speakers for
21 this public hearing? I will stay here.
22 We'll keep the hearing technically open
23 until 4:00. Thank you.

24 (Whereupon the evening session was

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1 held)

2 MR. EVANGELISTI: Hello, everyone.
3 We're going to get started.

4 My name is Frank Evangelisti. I'm
5 the acting commissioner of planning for
6 Broome County. And to begin the public
7 hearing we have William Gibson from the
8 Department of Law of Broome County giving an
9 overview of the SEQRA process.

10 MR. GIBSON: Thank you, Frank. As
11 Frank said, my name is William Gibson. I'm
12 an attorney with the Broome County
13 Department of Law.

14 Just a few comments about this
15 evening's hearing. Presently, the mineral
16 rights for, approximately, 20 percent of the
17 land mass of Broome County are privately
18 leased. Now Broome County is considering
19 leasing the mineral rights to land located
20 underneath the following county-owned real
21 property: The airport, the Broome County
22 Landfill, Broome County parks, the Broome
23 County flood control watershed management
24 units, the former Broome County Landfill,

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1 the Broome County Public Safety Facility and
2 the Broome County Highway Facility and the
3 Broome County Central Foods.

4 The Broome County Legislature
5 presently has pending a resolution to
6 declare itself the lead agency in connection
7 with the environmental review of a generic
8 lease of oil and gas mineral rights to
9 county-owned land. In connection with this,
10 part 1 of a full environmental assessment
11 form has been prepared which lists the
12 provisions that would be incorporated into
13 any lease of the mineral rights of
14 county-owned land. The EAF is available
15 on-line, and a copy is available for
16 inspection out in front in the lobby and at
17 the offices of the Broome County Legislature
18 in the county office building.

19 The action involved is the adoption
20 of the generic lease for the lease of
21 mineral rights for more than 100 acres of
22 county land. It is a type 1 action. By
23 definition Broome County government is the
24 only involved agency and is legally the lead

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1 agency.

2 The purpose of this evening's
3 hearing is to receive comments regarding the
4 proposed generic lease and the terms that
5 would be included. The terms that are
6 proposed are no surface rights in any
7 parkland, no surface rights to the
8 impoundment areas of Broome County watershed
9 management units, no surface rights to
10 portions of the landfill and the airport, no
11 surface rights to property the county has
12 acquired through foreclosure that it intends
13 to resell and no surface rights to property
14 that the county has retained the mineral
15 rights on and sold the surface rights.

16 All extraction of natural gas and
17 oil in New York State is subject to review
18 and issuance via permit by New York State
19 Department of Environmental Conservation
20 pursuant to the present generic
21 environmental impact statement and the
22 proposed subsequent supplemental generic
23 environmental impact statement. In
24 addition, specific applications for permits

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1 with the subject of site-specific analysis
2 by the DEC.

3 The use of county roads in
4 connection with any lease would be subject
5 to Chapter 100 of the Broome County Code.
6 Rights of ingress and egress to conduct
7 surface activity and to install gathering
8 lines will be subject to approval of the
9 New York State Public Service Commission
10 and/or the DEC. The location of any surface
11 activity must be approved in advance by
12 Broome County. These are the proposed terms
13 of the generic lease.

14 After the hearing today and the
15 receipt of written comments, the record will
16 be reviewed in connection with preparation
17 of findings that will be considered by and
18 ultimately adopted by the Broome Community
19 Legislature. These findings may require a
20 full environmental assessment of the action
21 or they could result in a determination that
22 the proposed generic terms and lease will
23 not result in significant impact on the
24 environment.

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1 We encourage your comments about
2 the terms of the lease. Any suggestions
3 that you may have will be reviewed.

4 Thank you.

5 MR. EVANGELISTI: Before we begin,
6 I just want to give instructions to the
7 speakers. The first few rows have been
8 reserved for registered speakers. If you
9 have a number card, please, sit in one of
10 the first few rows until your number is
11 called. Having an assigned number does not
12 guarantee that you'll have an opportunity to
13 speak. Although, based on this afternoon's
14 hearing, I think we'll be able to get to all
15 the speakers.

16 Your printed instructions for
17 speakers sheet indicates how to submit
18 written comments should you not be able to
19 speak tonight.

20 This is a public hearing. There
21 will not be a question and answer session.
22 When I direct you, please, proceed to one of
23 the microphones near the stage and await
24 your turn. Each speaker will have three

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1 minutes to speak. I'll give you a 30-second
2 warning prior to the end of your time. The
3 hearing will end at 8:30 regardless of where
4 we are at in the speakers list.

5 Applause, interruptions and cell
6 phone conversations that distract from the
7 speakers will only lessen the amount of time
8 for public comment, so, please, be
9 respectful of the process and of the other
10 speakers. Significant interruptions of any
11 kind will result in removal from the
12 property.

13 Please, begin your remarks by
14 stating your name, place of residence.
15 After speaking, and this is important, I
16 want to stress this, I didn't, I wasn't
17 diligent this afternoon in stressing this,
18 after you speak, please, give your completed
19 number card to a county staff member,
20 there's somebody by each of the microphones,
21 so that we can get the proper spelling of
22 your name. If you have a written copy of
23 your comments, it would be helpful if you
24 could provide those, as well.

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1 For the benefit of the stenographer
2 and the audience, please, speak slowly. I
3 recognize that people feel that they're
4 under a time limit, but it's more important
5 that your comments be clearly recorded. And
6 also speak very clearly and make sure that
7 you're speaking into the microphone. If the
8 stenographer can't hear you, then he won't
9 be able to make your comments part of the
10 public record.

11 So, to begin I would like to ask
12 speaker number 1 to approach this microphone
13 and speaker number 2 to approach this
14 microphone.

15 Speaker number 1, please, begin by
16 stating your name.

17 MR. ROVENTE: My name Fred
18 Rovente. I have a farm in the Town of
19 Binghamton. My brother has got a farm in
20 the Town of Maine, and we're both property
21 owners that are going to be neighbors of the
22 leasing on the county land, mine in Aqua
23 Terra and my brother out in the Town of
24 Maine.

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1 I rise today in favor of gas
2 drilling and the Broome County Legislature
3 to be the lead agency for gas leasing on
4 county-owned lands.

5 I have no prepared remarks for this
6 session, but I would just like to state that
7 I live on the New York/PA border. I have
8 neighbors in Pennsylvania and could almost
9 see a well from my house. There's --
10 they're putting a well in on Saddlemire
11 Road, which is not very far from me, and I
12 believe that gas drilling is the right thing
13 for New York State.

14 Everything that can be said for it
15 has been said. Everything that can be said
16 against it has been said, and there's
17 absolutely no new information that anyone
18 who is pro-drilling can pass along to
19 anybody who is against drilling which will
20 change their mind, and for the most part
21 there's no information that anybody who is
22 pro-drilling can be convinced otherwise, you
23 know, from the guys who are against
24 drilling.

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1 Again, I will end up being a
2 neighbor eventually if the county -- three
3 sides of my property, my small farm, is
4 boarded by Aqua Terra, and, again, my
5 brother is out in the Town of Maine. And
6 he's alongside drilling for the county out
7 there.

8 So, we have -- we believe that gas
9 drilling is something that should happen
10 within New York State and we're not -- we
11 don't live in the City of Binghamton. We're
12 going to be neighbors of gas drilling.
13 We're very much in favor of it.

14 That's really all I came here to
15 say. Thank you.

16 MR. EVANGELISTI: Thank you.

17 Speaker number 2.

18 MR. PRICE: My name is Aaron
19 Price, and I'm from the great Town of
20 Windsor, New York.

21 Development of the Marcellus Shale
22 of the natural gas industry is crucial to
23 the future of Broome County, crucial to the
24 future of all of the Southern Tier.

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1 Generations to come depend on us to make the
2 right decisions, to be guided by wisdom, not
3 fear.

4 Natural gas can power our homes,
5 our businesses, turn on the lights as far
6 away as Albany or as close as Allendale
7 Road. It can help lessen our dependance on
8 energy imports and it can bring back the
9 hope of a better, brighter tomorrow that
10 once characterized the value of opportunity.

11 In the early 1900s men of vision
12 like Thomas Watson and George F. Johnson
13 invested in this community, and their
14 investment, their foresight fueled decades
15 of growth, decades of jobs and decades of
16 prosperity. Somewhere in Broome County
17 right now are the smart, capable men and
18 women who will build the companies of
19 tomorrow around the energy of today, natural
20 gas.

21 Time is short for this county, for
22 this region, maybe even for this nation. I
23 would encourage the leaders and citizens of
24 Broome County, Democrats or Republicans, to

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1 set side all partisan politics to work
2 together for the greater good.

3 What Broome County once was in the
4 '60s, the '70s and the '80s it can be again.
5 For the Southern Tier of New York
6 alternative energy is no alternative. Wind
7 and solar can never equal natural gas'
8 ability to revitalize this area.

9 I support the development of the
10 Marcellus Shale and I fully support
11 designating the Broome County Legislature as
12 the lead agency with respect to a generic
13 lease of oil and natural gas mineral rights
14 on county-owned land. Let your voice be
15 heard, those who want our area to grow and
16 prosper.

17 Thank you.

18 MR. EVANGELISTI: Thank you.

19 If I could, please, have speaker
20 number 3 to this microphone and speaker
21 number 4 to this microphone.

22 Speaker number 3.

23 MS. WILEY: My name is Gerri
24 Wiley, Binghamton, New York, Green

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1 Sanctuary.

2 Broome County elected
3 representatives, wherever you are, your plan
4 leaves me confused. You asked to be a lead
5 agency. This sounds like an honor, although
6 I ask you what honor is there in selling our
7 public land to private industry? What honor
8 is there in listening to the will of the
9 people you represent and then disregarding
10 it? What honor is there in using a legal
11 loophole to evade the spirit of New York
12 State's environmental review process
13 requiring an environmental impact
14 assessment?

15 What honor is there in planning to
16 do business with a company with a poor track
17 record? What honor is there in your
18 praising organizations and businesses
19 engaging in green practices -- there's a
20 certificate from that annual event you
21 conduct -- while you support the fossil fuel
22 industry? What honor is there in gathering
23 the mounting evidence of damage to water,
24 air and soil and yet not saying no to

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1 leasing county land for drilling? What
2 honor is there in allowing the
3 transformation of this richly-blessed county
4 land into an industrial zone?

5 We need you, Broome County
6 Legislature, to be a lead agency in forging
7 a path to a sustainable future protecting
8 our beautiful land, our health and our
9 long-term economic well-being for future
10 generations. This takes vision, love and
11 commitment.

12 The citizens of this county want to
13 be proud of our leadership. We will help
14 you reach this goal. Please, work with us.
15 The first step in this process is to ban gas
16 drilling on or under our public land.

17 Thank you.

18 MR. EVANGELISTI: Thank you.

19 Speaker number 4.

20 MS. MARTIN: My name is Carol
21 Martin. I live in Harpursville, New York.

22 I'm here to protest the leasing of
23 Broome County parks, landfills and
24 properties to the oil and natural gas

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1 companies. Hydrofracking is not safe and
2 should not be done until the drilling
3 companies can find a way to do it under the
4 same rules and regulations that the rest of
5 the country has to follow.

6 I live near the Colesville
7 municipal landfill. It is a Superfund site.
8 Some of the chemicals dumped here are
9 benzene, toluene, chromium, chromium
10 compound, trichloroethylene, just to name a
11 few. These chemicals are considered by the
12 EPA and the DEC to be hazardous to human
13 health, hence the Superfund site.
14 Strangely, these are some of the same
15 chemicals found in fracking fluid, and
16 fracking fluid is considered safe. How can
17 this be?

18 Broome County wants to lease this
19 35-acre landfill and a few of the other
20 county sites because they say they may be
21 compulsory integrated. So, for about
22 40 acres of land that might possibly be
23 integrated, Broome County wants to hurry up
24 and lease this land so as not to miss out on

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1 the signing bonus. That is the reason for
2 the rush. This property should never be
3 disturbed and should never be leased for any
4 reason. What are they thinking?

5 According to Broome County's own
6 figures, only 2.7 percent of all parcels in
7 Broome County have been leased. 97 percent
8 of the parcels in Broome County have not yet
9 been leased. Maybe Broome County residents
10 really don't want drilling after all.

11 I know Broome County constituents
12 truly love their parks. Also Broome and
13 Tioga County are situated on a sole-source
14 aquifer. These Broome County towns include
15 Conklin, Kirkwood, Binghamton, Johnson City
16 and Endicott. The only drinking water for
17 over 200,000 people is at risk because there
18 could be an accident just as the one in
19 Dimock. Twelve families are getting
20 drinking water from another source at the
21 time cost of \$12.5 million.

22 What will it cost Broome County --

23 MR. EVANGELISTI: You have 30
24 seconds.

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1 MS. MARTIN: -- to pay for the
2 drinking water of 200,000 residents? Is
3 this the legacy that the Broome County
4 Legislature is hoping for? Believe me, if
5 there is a spill and the water is ruined,
6 all the Broome residents will know everyone
7 in the Broome County Legislature by name,
8 and they will hold them personally
9 responsible.

10 Thank you.

11 MR. EVANGELISTI: Thank you for
12 your comments.

13 If I could have speaker 5 to this
14 microphone and speaker 6 to this microphone.
15 Is speaker 6 in the house? Thank you.

16 Five, please, begin.

17 MR. GORMAN: Hello. My name is
18 Tom Gorman. I live on Horan Road in the
19 Town of Vestal about five miles from here.

20 I'm the second generation of
21 Gormans on Horan Road. We've been there for
22 56 years. I'm a graduate of the Vestal
23 School System and Binghamton University. I
24 work for the New York State Tax Department

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1 for 31 years, 21 as a manager.

2 I am retired now to buy an 83-acre
3 farm. I have raised and sold Christmas
4 trees since 1977. I have restored an old
5 farm house and a barn in that time. I have
6 no intention of ever leaving my land.

7 I am in favor of drilling. I
8 believe it can be done in an entirely safe
9 manner. I say this because I have visited
10 the natural gas well site in Pennsylvania
11 and seen the best practices of the industry.
12 These practices include a closed cycle for
13 processing water and chemicals, a four-step
14 system to prevent spills, an earthen berm,
15 10-millimeter plastic topped by felt and
16 covered by a hard plastic surface. The
17 chemicals used for fracking have been
18 produced. None are carcinogenic.

19 I urge the legislature to study the
20 best practices of the industry. I believe
21 these practices should be the drilling
22 standard required in the lease. Obviously,
23 you can tell I'm in favor of the county
24 regulating the lease.

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1 I recommend that each legislature
2 visit a well site. I know some have. The
3 rest should follow suit. It is an eye
4 opener.

5 Well, on to the financial aspect of
6 a prospective lease. Broome County, as we
7 know, is facing a difficult financial time.
8 The revenue raised by the property taxes we
9 pay is insufficient to meet expenses. Next
10 year's budget is certain to require a raise
11 in property taxes.

12 Broome County is presented a rare
13 opportunity by this prospective lease. It
14 is a revenue raiser that will not come out
15 of the pockets of its struggling residents.

16 MR. EVANGELISTI: You have 30
17 seconds.

18 MR. GORMAN: Okay. I urge the
19 legislature to complete a lease of Broome
20 County's natural gas rights and I thank the
21 legislature for giving me the opportunity to
22 state my position.

23 MR. EVANGELISTI: Thank you for
24 your comments.

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1 Speaker number 6.

2 MR. MICHAEL: My name is Jerry
3 Michael. I live in Chenango Bridge and I
4 have a small Christmas tree farm in Whitney
5 Point.

6 I think it's entirely appropriate
7 that Broome County take the lead in
8 developing a generic lease for mineral rules
9 on county-owned properties. We are right in
10 the middle of the Southern Tier Marcellus
11 Shale deposit. We have the most to gain if
12 this resource is extracted without
13 significant environmental degradation and
14 the most to lose if it is not.

15 Environmental concerns with the
16 hydrofracking process are largely based on
17 the relative newness of the process and the
18 mistakes made by one company in one
19 community to the south of us. New York
20 State has had the benefit of two years to
21 observe and learn from the mistakes made by
22 our neighbors in Pennsylvania, and our DEC
23 regulations will forbid the practices that
24 have caused problems there.

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1 Furthermore, some of the natural
2 gas coalitions in Broome County have drawn
3 up leases that impose even greater
4 restrictions on drilling than were in the
5 original DEC draft regulations.

6 Lastly, I urge the county to
7 develop the generic lease with all possible
8 haste and to accept the latest offers from
9 Inflection Energy unless we can get a better
10 one on a portion of county-owned land.

11 The pain level from budget cutting
12 at every level of government is increasing
13 every day and promises to be much worse in
14 years to come. Who would have thought the
15 state would be talking about the arbitrary
16 reduction of pensions and retiree medical
17 benefits for public employees? I heard it
18 on the news this afternoon. Who would have
19 thought that the county would have to close
20 the Finch Hollow Nature Center used and
21 loved by thousands of children every year,
22 including my grandchildren. Times are
23 tough, and our natural gas resource is the
24 only game in town.

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1 MR. EVANGELISTI: Thank you for
2 your comments.

3 If I could, please, have speaker 7
4 to this microphone and speaker 8 to this
5 microphone. And don't forget, folks, to,
6 please -- I see you're turning your number
7 card in already. All right.

8 Speaker 7.

9 MR. ROMER: My name is Evan Romer.
10 I'm from Windsor.

11 The aquifer underlying Broome
12 County is what is known as a sole-source
13 aquifer, and here is what the New York State
14 DEC says about Broome County's aquifer on
15 its website. The towns surrounding the
16 Clinton Street ballpark valley aquifer
17 system are heavily dependent upon
18 groundwater for their drinking water supply.
19 If in the near future substantial
20 contamination occurs, grave consequences
21 would ensue. The existing wells could not
22 be relocated to deeper depths because the
23 bedrock underlying the entire system yields
24 little usable water. The Susquehanna River

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1 would be the only possible alternative water
2 source. However, the feasibility of this
3 plan is questionable. Initially, the river
4 would have to be tapped for supply and then
5 treated for any bacteria. Because of the
6 close interrelationship between the aquifer
7 and the river, base flow exchange of
8 hazardous chemicals could continually occur
9 and further contaminate the water supply.
10 Completely removing these chemicals on a
11 large scale, if possible, would be very
12 expensive, and the water quality would still
13 be questionable. The possibility of a
14 severe drought in the area, which has
15 occurred in the past, would further promote
16 base flow conditions and severely limit the
17 amount of river water available for use.

18 And still quoting from the DEC, in
19 summary, using the Susquehanna River as a
20 long-range alternative to the aquifer system
21 is a questionable option and would
22 ultimately not be cost effective. Besides
23 the aquifer there are no feasible
24 alternative sources of drinking water

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1 available which would be sufficient to
2 supply the needs of the pertinent
3 communities. That's the end of the quote
4 from the DEC website.

5 Now, the environmental assessment
6 Resolution 72 that we're addressing today
7 does not address the consequences of gas
8 drilling itself but rather the consequences
9 of the mere action of signing a lease.

10 While it's true that the New York
11 State DEC is preparing a supplemental
12 generic environmental impact statement on
13 drilling, that is a generic environmental
14 impact statement. It does not address the
15 specifics of Broome County or its parklands,
16 and in particular the SGEIS in its present
17 form provides no protection for sole-source
18 aquifers. Protection for New York City's
19 drinking water, yes. Special protection for
20 Syracuse's drinking water, yes. Special
21 protection for sole-source aquifers, no.

22 Without safe drinking water Broome
23 County cannot prosper. Rather than relying
24 on generic GEIS, Broome County should

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1 carefully study the impact of drilling under
2 Broome County and in particular under a
3 sole-source aquifer and should present the
4 results of that study to the public before
5 making any decision on the issue.

6 Rather than considering leasing
7 public land, Broome County should be joining
8 the other New York State counties that
9 already have resolution calling for a
10 moratorium on hydrofracking.

11 MR. EVANGELISTI: Okay. Thirty
12 seconds.

13 MR. ROMER: Our county government
14 should also carefully consider whether it
15 even has the authority to use public
16 parkland without the approval of the state
17 legislature. The state office responsible
18 for that question has issued a statement
19 that just as the county cannot sell any of
20 its parkland without the approval of the
21 state legislature, the same goes for
22 leasing.

23 Thank you for your time.

24 MR. EVANGELISTI: Thank you for

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1 your comments. Okay.

2 MR. ABDELAZIM: Good afternoon.

3 My name is Tarik Abdelazim. I live in the
4 City of Binghamton. I'm director of
5 planning, housing and community development.
6 I'm here on behalf of Mayor Ryan's
7 administration to provide some brief
8 comments on the pending resolution before
9 the Broome County Legislature.

10 First, according to the DEC
11 website, the lead agency will make every
12 reasonable effort to involve project
13 sponsors, other agencies and the public in
14 the SEQRA process. The city wants to, once
15 again, commend the legislature, specifically
16 Chairman Dan Reynolds, for meeting this
17 challenge.

18 By hosting a public hearing on this
19 gas lease the first time around, the
20 legislature finally created a space for
21 residents to share their input, concerns and
22 feedback. With that being said, I need to
23 ask if the legislature is the designated
24 lead agency and required by SEQRA to host a

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1 public hearing, where are they? Since this
2 is not actually hosted by the lead agency,
3 the city assumes the legislature will host
4 another public hearing on this resolution in
5 compliance with SEQRA.

6 Second, the county's use of
7 segmentation is creative, reasonably
8 defensible but certainly debatable. By
9 segmenting the legislative action of
10 generation of a generic lease from the
11 actual industrial activities that the lease
12 allows, they can very easily complete the
13 long EAF and declare a negative declaration.
14 Basically, because of this approach, this
15 environmental review, this public hearing,
16 it really applies to signing a piece of
17 paper, and that's disappointing given the
18 magnitude of the issue.

19 So, for the record, though the city
20 understands the reasoning used by the
21 county, the city disagrees with its
22 decisions to segment the signing of the
23 lease from the industrial drilling that the
24 lease allows.

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1 Even looking at the single action
2 in question, will it result in any social,
3 environmental and economic impacts that must
4 be examined under SEQRA? That's the
5 execution of the lease. In order to make a
6 proper determination, the lead agency, the
7 public interested parties need to know the
8 specific terms of the lease. However, there
9 is no copy of the official lease right now.
10 There's just general lease terms, a range of
11 payments and vague commitments.

12 This raises legitimate concerns
13 particularly when reviewing comments made by
14 the county executive regarding the DEC's
15 draft supplemental GEIS. In her December
16 2009 letter County Executive Barb Fiala
17 identified some very valid concerns about
18 deficiencies in the DEC's draft document.
19 She strongly recommended the DEC to require
20 by permit closed-loop drilling system, frack
21 blowback and containment --

22 MR. EVANGELISTI: Thirty seconds.

23 MR. ABDELAZIM: -- recognizing our
24 topography and flood risks. She also raised

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1 serious concerns over gathering lines.

2 So, what if the supplemental GEIS
3 failed to adequately address these issues?
4 The lease is the county's only mechanism to
5 protect against these risks, public and
6 environmental health.

7 So, the city is not even sure
8 without knowing the exact terms and the
9 state's supplemental GEIS still unfinished
10 that the county can make a declaration. So,
11 the city questions both the validity of this
12 EAF and the negative declaration.

13 MR. EVANGELISTI: Thank you,
14 Tarik. That's three minutes. Thank you.

15 Can I, please, have speaker 9 to
16 this microphone and speaker 10 to this
17 microphone.

18 Speaker 9, you can begin.

19 MR. GLAUBER: Thank you. My name
20 is Donald Glauber. I'm a resident of over
21 23 years in the Town of Vestal. I work as a
22 psychologist in the community both in
23 Binghamton University and elsewhere.

24 I have to say I'm confused why

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1 another lease has been initiated by the
2 county after both the information provided
3 in the previous public hearing that was
4 pulled the day after and the overwhelming
5 evidence that was provided in the same forum
6 to the federal Environmental Protection
7 Agency.

8 As an earlier speaker in favor of
9 gas drilling made the point, no new
10 information seems to be available to
11 persuade one side or the other. So, in
12 terms of my area of specialty, psychology, I
13 to raise the question about motivation.
14 Obviously, one of the primary driving forces
15 here is economic.

16 I would raise the question for
17 those people who keep repeating that it's
18 the best way and only way to solve our
19 economic woes in this county, how many of
20 those people are large landowners who stand
21 to profit immensely and who potentially have
22 other places they're willing to move to if
23 their own drinking water is contaminated?

24 Those people who make the argument

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1 there's only been isolated instances of
2 water contamination have not done their
3 homework in terms of Colorado, Texas,
4 Virginia and the other places fracking has
5 been done.

6 People who are also claiming that
7 the fracking fluid is not very toxic have
8 probably not looked at the four pages of
9 fine print list of chemicals that are in the
10 New York State environmental impact
11 statement as an appendix of some of the
12 chemicals we can expect to see.

13 Just last week a good friend of
14 mine who lives in Pennsylvania in Montrose
15 Township who is financially limited very
16 reluctantly signed a lease in order to raise
17 funds to send his wife to school to become a
18 teacher, the dream of her life. He had
19 thought it prudent after having a very
20 comprehensive contract to get a very
21 expensive water test to protect himself
22 against possible contamination. And the
23 most respected water tester who tested his
24 water and said it was clean and viable just

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1 informed him last that he tested a well that
2 has been contiguous to a hydrofracking area
3 and has found fracking fluid in the drinking
4 water.

5 So, I would suggest that those
6 people who stand to profit significantly be
7 willing to put some of their money in escrow
8 to pay their neighbors whose water might
9 become contaminated, they're so certain of
10 the safety. Similarly --

11 MR. EVANGELISTI: Thirty seconds

12 MR. GLAUBER: Thank you. And,
13 similarly, I would suggest that if the
14 members of the county legislature who seem
15 more motivated by the economic recovery and
16 unreceptive to other forms of economic
17 recovery that are available in this
18 community such as solar, which I know is
19 going full steam in New Jersey because of
20 support of their legislature, if they're
21 convinced that it's so safe, I'd like to
22 bring up gallons of water from the homes
23 that have fracking bleed and see if they're
24 willing to drink that water with great

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1 confidence that there's contamination.

2 MR. EVANGELISTI: That's your
3 time. Thank you very much.

4 The next speaker.

5 MR. LaCLAIR: Hi. My name is
6 Andre LaClair. I'm a resident of the Town
7 of Fenton, a landowner.

8 I have, perhaps, ten quick comments
9 here. First, I'll try to be succinct. In
10 my opinion, the legislature, the
11 legislature, not the county government in
12 general, should be the lead agency. And,
13 therefore, they should be the ones that
14 completed and filled out the environment
15 assessment form, which I see at the website
16 which is not complete. And questions that
17 are answered, in my opinion, are answered
18 incorrectly.

19 There's no generic lease for the
20 public to review. It's hard for us to make
21 intelligent comments on a proposed deal
22 other than what we read in the paper.

23 I think that the proposed deal is
24 worse than the previous one. It sends a

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1 negative implication to private landowners
2 who still are attempting to negotiate a
3 lease.

4 I don't know if the legislature
5 understands the implications of pooling
6 associated with shale gas pooling
7 conventions. The way this is done, the way
8 it's done is completely different as far as
9 the geometries associated with the drilling
10 in a horizontal fashion. And how does that
11 come into play with adjacent private lands
12 and the issues of pooling that may occur and
13 differences in leases or lack of leases in
14 the case of compulsory pooling thereof?

15 How will we address environmental
16 justice issues for residents that are
17 adjacent to county lands that don't want to
18 participate in this process and because of
19 the pooling conventions may be forced into
20 something they're not comfortable with?

21 I think that there's going to have
22 to be an independent environmental impact
23 statement on a site-by-site basis. We can't
24 take a gross county-wide collection of

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1 segmented properties each with its own
2 unique topography, geology and ecological
3 features and have a good generic lease that
4 applies to all of them, in my opinion,
5 without a considerable amount of effort.

6 All the legislators need to be a
7 part of the process. Those portions of the
8 county whose representatives have been
9 recused from being part of this is improper
10 and it's incorrect and it does not reflect a
11 democratic republic form of government.

12 Finally, what will the process be
13 for --

14 MR. EVANGELISTI: Thirty seconds.

15 MR. LaCLAIR: Okay. What are we
16 going to do to approve specific leases and
17 the conditions for those specific parcels?
18 And I'm assuming the generic lease itself
19 doesn't have that adequate content. Who is
20 actually going to conduct that? That's
21 something that the public has a right to
22 know.

23 That's about it. Thanks.

24 MR. EVANGELISTI: Thank you,

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1 Andre.

2 If I could have speaker 11 to this
3 microphone and speaker 12 to this
4 microphone.

5 Speaker 11, when you're ready,
6 please, begin.

7 MR. PERKUS: Thank you. My name
8 is Benjamin Perkus. I'm a resident of the
9 Town of Chenango and I'll just make a couple
10 of quick comments.

11 My first is just dismay that the
12 legislature isn't here for us to address
13 them. This is what we thought we were going
14 to be doing, was addressing the legislature,
15 and without them to address it's unclear who
16 is going to be receiving and viewing these
17 comments, if they'll be heard at all.

18 And people speak about all kinds of
19 environmental concerns. I'm very concerned
20 myself. I'm going to speak just
21 specifically related to the compulsory
22 integration issue. And if it has been
23 proposed the county land lease is going to
24 stipulate that no surface operations will

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1 occur on the leased properties, then by
2 definition it's going to be forcing the
3 drilling to occur on neighboring properties.

4 So, we have situations where people
5 who maybe don't want leasing, who don't want
6 gas drilling near them, but because they
7 leave near a Broome County park, for
8 instance, there's going to increased
9 likelihood that they could be compulsory
10 integrated because of these percentages.

11 So, it doesn't seem fair to those
12 people, and just the whole process seems to
13 lack kind of a transparency. It gives the
14 feeling of kind of the legislature and the
15 administration versus -- you know, that
16 they're siding with the small percentage of
17 people who are landowners who for obvious
18 financial reasons want drilling to occur and
19 there's not any type of a general voice for
20 the people who don't want it to occur.

21 And finally, I'd just like to
22 question and I'd like it to be transparent,
23 as well. The county attorney, to my
24 understanding, is a mineral rights lawyer

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1 and was hired several years ago. So,
2 obviously, this has been in the works for
3 quite a long time. And I would also want it
4 to be transparent whether the attorney
5 himself in the terms of a lease would be
6 benefitting from continued royalties from
7 the leasing from the money that would come
8 from that as many lawyers who make these
9 arrangements get some percentage on an
10 ongoing basis. I just want to make sure
11 that it is revealed exactly what terms
12 Mr. Sluzar would be getting these services,
13 as well.

14 Thank you.

15 MR. EVANGELISTI: Thank you for
16 your comments.

17 Speaker number 12, you can begin.

18 MS. DISTIN: Thank you. My name
19 is Lisa Distin.

20 First, I would like to say that I
21 thought I was going to be in front of an
22 entire panel of legislators who were going
23 to listen to Broome County citizens and I am
24 really surprised that they're not here, but

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1 I would like to thank Jason Garner. I see
2 he just came in. He is our local
3 legislator. Thank you, Jason.

4 I am a wife, a mother and a
5 business owner here in Broome County. I
6 have been researching both sides of the
7 hydrofracking issue for the past several
8 months. I have attended public meetings at
9 the Broome County Legislature's Office and I
10 have attended various other meetings in the
11 area listening to gas drilling companies and
12 to many other experts in the field on this
13 subject. I've spoken to many of my
14 concerned neighbors and even dedicated
15 citizens in Pennsylvania.

16 I even got my hands on an
17 Environmental Protection Agency letter to
18 the DEC dated December 30, 2009, which
19 states clearly, and I quote, greater
20 emphasis needs to be placed on the potential
21 health impacts that may be associated with
22 gas drilling in hydrofracking. The
23 Environmental Protection Agency suggests
24 that the New York State Department of Health

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1 join New York State DEC as the co-lead on
2 the SEQRA document. And I still quote them
3 as writing, not only does the Department of
4 Health have expertise to offer on health
5 impacts, but it would delegate a primary
6 enforcement responsibility of the Safe
7 Drinking Water Act by the Environmental
8 Protection Agency. And I further quote them
9 by writing, this is of direct interest to
10 the Environmental Protection Agency as we
11 are responsible for overseeing the
12 Department of Health implementation and
13 enforcement of the drinking water program.

14 So, I ask you, wherever you are,
15 why are you even considering actually
16 leading a state environmental quality
17 review? This is clearly a conflict of
18 interest to the citizens of Broome County.
19 So, Broome County, if you are for or against
20 high-volume hydrofracking here in Broome
21 County, let's let the major professional
22 agencies who already exist to co-lead,
23 meaning the Department of Conservation, the
24 Department of Health. They need to do their

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1 job to protect us.

2 We cannot forget that our land, our
3 water and our air are precious to all of us
4 who are here. We cannot forget our children
5 and grandchildren's futures.

6 MR. EVANGELISTI: Thirty seconds.

7 MS. DISTIN: We are the ones who
8 deserve this protection and safeguarding
9 from these agencies who exist now to protect
10 all of us. And remember, all of our futures
11 are at stake.

12 Thank you.

13 MR. EVANGELISTI: Thank you.

14 May I, please, have speaker 13 to
15 this microphone and speaker 14 to this
16 microphone.

17 I'll just take a moment to remind
18 people to turn in their number cards after
19 they've spoken.

20 Speaker, if you're ready, please,
21 begin.

22 MR. HUSTON: Hi. My name is
23 William Huston. I've lived in the area
24 for -- in Broome county for, let's see, 12

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1 years now, coming up on 13.

2 I think that it's -- I'm just going
3 to reiterate some points that I heard
4 before. I think that it's somewhat
5 disingenuous, to say it mildly, that the
6 legislators are not here. I heard that
7 Jason Garner is. I'm wondering are there
8 any other legislators here? Hands? I don't
9 see any. And that's because there's a
10 budget hearing going on right now over at
11 the county building.

12 I tried to present these comments
13 because at the budget hearing we were given
14 four minutes. However, the chair of the
15 legislature asked -- refused to grant me one
16 side.

17 I presented the legislature, all
18 the legislators, with a cease and desist
19 letter that was also a petition that was
20 signed by 97 people. And, basically, it's
21 asking the -- here's what it says: Broome
22 County government, you are hereby ordered to
23 immediately cease and desist all activity
24 around drilling revenue from shale gas

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1 extraction on the collectively-owned common
2 land of Broome County until such a time as
3 you can demonstrate the following: One,
4 that you have the constitutional authority
5 to do so. I say that the answer is no.
6 That, number two, that there is a public
7 mandate. Clearly, there is not. Three,
8 that this activity shall provide a public
9 benefit. All we've heard is that the
10 general fund is going to fill their coffers
11 a little, but this highly risky activity,
12 I'd like to hear how it's going to benefit
13 the people of Broome County. I've yet to
14 hear that. Four, that this activity can be
15 done safely. Everything that we've seen is
16 that it cannot. Five number, that there
17 will be no quality of life impacts, which I
18 doubt that's something they can show because
19 certainly there are going to be major
20 quality of life impacts.

21 I was present for the entire EPA
22 hearings, and consistently the number of
23 speakers anti-drilling to pro-drilling was
24 more than two to one against. This is what

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1 comments.

2 MR. HUSTON: Thank you.

3 MR. EVANGELISTI: Speaker 14.

4 MR. WAGE: I'm Charlie Wage. I'm
5 a resident of Broome County. I'm a forester
6 for 33 years and natural resource
7 environmental attorney for 23 years.

8 I'm here, I guess, to answer the
9 question I believe was asked, should the
10 county legislature be lead agency under the
11 State Environmental Quality Review Act. And
12 my answer, my opinion to that is no because
13 the legislature is that. It's the
14 legislature. The legislature creates laws.

15 As the constitutions are created,
16 there's three branches, the judicial, the
17 legislative and the executive. The review
18 of SEQRA is an executive branch of
19 government responsibility. At the county
20 level I believe that would be the Broome
21 County Department of Planning & Economics,
22 and probably the Department of Health at a
23 minimum would want to review this SEQRA.
24 They can go together as a joint lead agency

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1 if they like, but I don't believe the county
2 legislature is the appropriate forum.

3 If the legislature should be chosen
4 as the lead agency, then I would provide
5 that it must be full representation, not as
6 in the past when they voted on whether or
7 not they're going to accept the lease they
8 excluded certain members of the legislature
9 because they're a member of the land groups
10 or whatever. I propose that anyone on the
11 legislature has some bias one way or
12 another, and whether they're for or against
13 shouldn't -- on their own property shouldn't
14 effect in the way that they represent the
15 people.

16 I believe that the SEQRA process
17 should be a site-by-site analysis, not one
18 generic over the whole county and apply to
19 the manner that they can do a complete and
20 full study of each location that's proposed
21 for a drilling site that the county is going
22 to be involved in.

23 And that I'll rest. Thank you.

24 MR. EVANGELISTI: Thank you for

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1 your comments.

2 If I could please have speaker 15
3 here and speaker 16 to this microphone.

4 Speaker 15, please, begin.

5 MS. PERKUS: Yes. My name is
6 Elaine Perkus. I live in Broome County.

7 Thank you for holding this hearing
8 today. I definitely expected many more
9 legislators to be here. I'm so surprised
10 and disappointed. I was looking for many
11 more legislators to be here absolutely.
12 What a disappointment.

13 I would like to request that Broome
14 County not be the lead agency for this SEQRA
15 process. From what I understand, there are
16 many places throughout Broome County that
17 have not been cleaned up and dealt with
18 properly for the health of this county.
19 Therefore, this county is simply not
20 qualified in a responsible manner to be the
21 lead agency for this SEQRA regarding the
22 lesing public lands.

23 I am getting more and more educated
24 on this crucially important topic and as I

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1 do I have had the opportunity to meet
2 several people who live over the border in
3 Pennsylvania who have been impacted in a
4 severely negative way from gas drilling in
5 the Marcellus Shale.

6 In fact, Bradford County, for
7 instance, is having a social problem where
8 the blue-collar families simply cannot
9 afford to pay the skyrocketing rise in their
10 rent because of the gas drillers coming to
11 town. They cannot afford it. They, then,
12 are evicted out of their homes and those
13 with children have their children taken away
14 from them by the Social Services Department.

15 Hey, folks, what's wrong with this
16 picture? Is this what we have come to in
17 the name of progress? Just for one minute
18 close your eyes and imagine you are a
19 blue-collar worker with a family renting a
20 home. All of a sudden a new industry comes
21 to town, and you are evicted out of your
22 home. That is traumatic and stressful,
23 right? Then to top it off your precious
24 children are taken away from you by the

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1 Social Services Department.

2 Or imagine you turn on your tap
3 water and you can't drink your water or
4 imagine that you have heavy truck traffic
5 going past your door 24 hours a day.
6 Imagine you and your family cannot leave
7 your home because of a very toxic odor
8 prevailing in your neighborhood. And
9 imagine that you didn't want to lease your
10 land but because the county leased their
11 land, you had no choice.

12 How are you feeling? Do you feel
13 betrayed, unsupported? Do you feel that
14 your county's priorities came a bit out of
15 whack?

16 Okay. Open your eyes now and --

17 MR. EVANGELISTI: Thirty seconds.

18 MS. PERKUS: -- I challenge each
19 and every one of you that is representing
20 us, the people of this county, to look
21 deeply into your hearts and into your
22 conscious and go forward with truly caring,
23 protecting and representing this community
24 with the very best you have to offer.

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1 Thank you.

2 MR. EVANGELISTI: Thank you for
3 your comments.

4 Is there a 16? Speaker 17? Okay.
5 Is there a speaker 35? Speaker 39? Anybody
6 less than 39? Is there a 40? Very good,
7 sir. And if there's a 41, if you can,
8 please, approach this microphone.

9 MR. LOEB: I'm Dr. Eric Loeb. I
10 live in Afton just across the Broome County
11 border, but I have many connections to
12 Broome County. I was a Broome County
13 resident in 1975 and '76.

14 I was a Broome County employee for
15 almost 11 years and I am Broome County
16 retiree. I'm a psychologist and I have a
17 professional practice in Broome County. I
18 shop in Broome County. My place of worship
19 is in Broome County. Many of my clients,
20 many, many of my friends and seven close
21 family members live in Broome County.

22 Lawyers for the New York State
23 Department of Parks have opined in a letter
24 to Chenango County that drilling under parks

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1 constitutes alienation of public property
2 and requires permission of the state
3 legislature.

4 Scientists, other than those
5 affiliated with gas companies, hydrologists,
6 geologists, physicians, endocrinologists,
7 et cetera, have warned repeatedly of the
8 dangers of hydrofracking. The Council of
9 Scientific Society Presidents representing
10 over 1.4 million scientists in over 150
11 disciplines raised serious questions about
12 hydrofracking in a full page letter last
13 May.

14 Methane may burn clean, but it's a
15 greenhouse gas 25 times more powerful than
16 carbon dioxide, and much escapes during
17 drilling, processing and transportation.

18 There's a worldwide shortage of
19 potable water, and it's been characterized
20 as the next oil. Drinking water for all
21 three of the Triple Cities and part of Tioga
22 County is supplied by only one aquifer. If
23 it costs \$12 million to supply drinking
24 water to 18 families in Dimock,

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1 Pennsylvania, how much would it cost to
2 supply drinking water to the Triple Cities
3 and beyond? That is an unacceptable risk.

4 The burden of proof must be on the
5 gas companies. We stopped the incinerator.
6 We stopped the nuclear waste dump. This
7 will only happen if we let it happen.

8 I'm appalled that Broome County
9 would consider leasing public land for gas
10 drilling. I'm appalled that Broome County
11 would risk its parks. I'm appalled that --

12 MR. EVANGELISTI: Thirty seconds.

13 MR. LOEB: -- Broome County would
14 risk its water. There have been at least
15 five major accidents connected with gas
16 process in the last six months, a pipeline
17 explosion in California, another in Texas, a
18 gas well explosion in West Virginia, a gas
19 well blowout in Pennsylvania and a few days
20 ago a spill of fracking fluid on a
21 Pennsylvania road that was estimated to run
22 up to 30 miles. They told us it was safe to
23 drill in the Gulf, too.

24 Thank you.

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1 MR. EVANGELISTI: Thank you for
2 your comments.

3 Speaker 41.

4 MR. WEST: Thank you very much.

5 My name is Tom West, and I'm an
6 attorney from Albany, New York. I'm an oil
7 and gas attorney and an environmental
8 attorney. I've been practicing under the
9 State Environmental Quality Review Act for
10 more than 30 years. I also represent
11 Inflection Energy.

12 I'm here tonight to speak about the
13 State Environmental Quality Review Act
14 process, but before I do I want to echo the
15 remarks of Jim Vandiver this afternoon that
16 New York State is dead in its tracks. We
17 have a moratorium on development. And while
18 that is occurring, while New York State is
19 setting the highest environmental standards
20 anyplace in the country, if not the world,
21 the risk capital has left the state. And
22 there are other plays being discovered as we
23 speak, and these other plays are attracting
24 that risk capital. So, the reality is it

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1 may be years to come before industry comes
2 back to New York.

3 I want to commend County Executive
4 Barbara Fiala for attempting to bring
5 industry back and to get some economic
6 development in this county where it is
7 sorely needed in very difficult times.

8 I want to commend Inflection Energy
9 for sticking it out in New York and being
10 willing to lease in these very uncertain
11 regulatory times.

12 I want to also commend Broome
13 County as an agency for going forward with
14 the SEQRA process as early as possible
15 because that's what the law teaches us.
16 You're supposed to look at the environmental
17 impacts as early on in the process as
18 possible.

19 I want to respectfully disagree
20 with those speakers this afternoon and those
21 speakers this evening who have suggested
22 that this is illegal segmentation for Broome
23 County to consider its leasing effort
24 separate and apart from the actual drilling

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1 effort, and let me explain why I disagree.

2 SEQRA does allow independent review
3 of a series of actions under circumstances
4 where the lead agency explains the reason
5 why it's going through independent review
6 and the review is no less protective of the
7 environment. The test is very simple.
8 Information on the future projects need to
9 be speculative. The future phases have to
10 be such that they may not occur, and there
11 has to be functional independence.

12 Now, the environmental assessment
13 form that is really the subject matter of
14 this hearing tonight explains in detail why
15 it is speculative --

16 MR. EVANGELISTI: Thirty seconds.

17 MR. WEST: -- for certain projects
18 to occur. We don't know if Marcellus Shale
19 is real in Broome County and we won't know
20 until wells are drilled. We won't know
21 where those wells are drilled and we won't
22 know what standards they'll be drilled under
23 until the DEC completes that process.

24 And it's very important for me to

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1 stress my final point which is that by
2 reviewing the leasing independent from the
3 drilling, it's not less protective of the
4 environment. The DEC will impose --

5 MR. EVANGELISTI: That's your
6 time.

7 MR. WEST: -- the most
8 comprehensive standards. Thank you.

9 MR. EVANGELISTI: Thank you.
10 If I can have speaker 42 and 43.
11 Is there a 42 or 43? Is there anybody who
12 has not registered but after hearing the
13 testimony is moved to speak?

14 Okay. What number are you?

15 MR. SILBERMAN-CROM: 50.

16 MR. EVANGELISTI: Okay. Is there
17 anybody less than 50?

18 MR. McGRATH: Yeah. 46.

19 MR. EVANGELISTI: Okay. I'm
20 sorry. I'm sorry. I got a little ahead of
21 myself there. Is there anybody less than
22 46?

23 Okay. 46, please.

24 MR. McGRATH: My name is John

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1 McGrath. I live in Kirkwood, New York.

2 And as many of the speakers before
3 me have said, I'm pretty much shocked that
4 Broome County would call a meeting on gas
5 drilling and leasing and the executive, the
6 legislators, nobody shows up for the
7 meeting. I think that's very disturbing,
8 but I will proceed as though the legislature
9 is here.

10 I'm very surprised that the Broome
11 County government is even considering this
12 ridiculous lowball offer from Inflexion
13 energy in view of the fact that just three
14 months ago a hearing was held at the county
15 office building, and at that time Broome
16 County government received a resounding
17 mandate from the Broome County residents to
18 reject an offer of \$3,000 an acre. Why in
19 the world would the legislature and the
20 executive think that this offer would be
21 okay since it's less than that offer?

22 If this deal were accepted, you'd
23 have to get \$3,700 an acre for the balance
24 of the 2,400 acres that was in the original

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1 offer, which was determined to be
2 unacceptable. You'd have to get \$9,500 an
3 acre for the balance of the 2,400 acres to
4 get the going rate of \$5,500 an acre in this
5 area as reflected by the Fortuna, now
6 Talisman, offer for the lease with
7 Friendsville, and parts of Broome County
8 property were included in that deal. I
9 wonder if Inflection is ready to sign up to
10 an agreement to pay those amounts at a
11 future date.

12 Furthermore, the current offer of
13 20 percent royalties states that it's less a
14 share of the production cost, which could be
15 as much as 30 cents per thousand cubic foot.
16 Thirty cents out of the current rate of
17 about \$4 or a little bit less for natural
18 gas is about 7.5 percent. If you take that
19 of the 20, that's 12.5 percent, which is,
20 essentially, less than the compulsory
21 integration rate.

22 MR. EVANGELISTI: Thirty seconds.

23 MR. McGRATH: I don't know why
24 this was placed in front of the people. It

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1 appears to me to be smoke and mirrors and a
2 regurgitation of the original offer that was
3 made by Inflection, which was determined to
4 be unacceptable. This disguised version
5 seems to be presented to give Broome County
6 some sort of a solution to their budget
7 issues.

8 MR. EVANGELISTI: Thank you.
9 That's your three minutes. Thank you for
10 your comments.

11 Are you speaker 47?

12 MR. MATTHEWS: I'm 47.

13 MR. EVANGELISTI: Very good.
14 Please, begin.

15 MR. MATTHEWS: I'm Richard
16 Matthews. I'm a lifeline Broome County
17 resident.

18 I live in the Town of Chenango on
19 John Smith Road. I've been there for 35
20 years. I live in John Smith's old farm
21 house from 1850. I drink spring water out
22 of that hill and have done so for 35 years
23 and have had it tested, and it's high
24 quality, pure water. And we live just down

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1 the watershed. There's a big aquifer,
2 wetlands off Route 12. You have a property
3 on Johnson Smith that you're talking about
4 leasing. It's disappointing to me.

5 The other part of this for me is
6 that for the last three years we've been
7 working with folks in Dimock, Pennsylvania,
8 representing the Neil Rose Conservancy, who
9 has a property there, 128 acres of natural
10 preserve, which now is in the middle of
11 nine -- along Carter Road where the 12
12 houses are, but the 12 houses are just the
13 surface issue.

14 There's nine square miles of
15 contaminated aquifer in Dimock now, and
16 three years ago I heard a lot of this same
17 talk down there about there's best
18 practices, the gas industry wants to be good
19 neighbors.

20 And the gas industry's cards down
21 there are on the table. They want to
22 maximize gas production. They want to
23 maximize profit. The environmental issues
24 are way down on their priority list.

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1 So, the failure in Dimock is, one,
2 the gas companies but even more so the
3 Pennsylvania Legislature. They have failed
4 the people down there. And the evidence --
5 the feel tonight with one legislator here
6 is -- I just question are we learning from
7 what our neighbors in Pennsylvania have gone
8 through or are we not?

9 That's all I have to say.

10 MR. EVANGELISTI: Thank you for
11 your comments.

12 If I could take a minute here
13 because we've had some people enter after my
14 introductory comments to just remind people
15 of the process that after you're done
16 speaking, please, turn in your number card
17 to one of the two county staff members who
18 is sitting near the microphone so that we
19 get the correct spelling of your name.

20 And I want to take a moment to also
21 say that all the comments tonight and all
22 the written statements that I have received
23 and will continue to receive up until the
24 25th will be provided to the Broome County

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1 Legislature for their review.

2 So, with that we'll move on to
3 speaker number 48. Is 48 here? Do we have
4 a 49?

5 MS. MATTHEWS: I'm speaker 49.

6 MR. EVANGELISTI: Very good. Come
7 forward, please. Please, state your name.

8 MS. MATTHEWS: Good evening. I'm
9 Theresa Matthews, and I was lured to Broome
10 County in 1972 by the previous speaker,
11 number 47, Richard Matthews, because of the
12 beauty of this area.

13 I grew up in the Bronx, I'm proud
14 to say, and when I saw the beautiful,
15 pristine area that this was, I was pleased
16 to leave my beloved New York City to live
17 here.

18 As Richard told you, we are proud
19 owners of two properties, one in the Town of
20 Chenango where we raised our children since
21 1975, and a small lakeside property in the
22 Town of Silver Lake Township where there is
23 a gas drilling frenzy going on right now.
24 And we have experienced firsthand what

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1 happens at the beginning of the process.

2 Our lovely little community in
3 Silver Lake was invaded by helicopters
4 dropping wires and sling loads for about two
5 weeks while we sat on the dock with our
6 grandchildren. And when we hiked in the
7 woods, there were helicopters going right
8 over the tree tops with big sling loads of
9 wires that are then strung by migrant
10 workers who don't speak English who will
11 come on any property because they don't have
12 a map in front of them telling what property
13 has leased or hasn't. It's quite
14 frightening. My daughter-in-law was --
15 encountered a group of these people when she
16 was out running, and it was -- she was quite
17 frightened by the whole situation because
18 they had explosives and they couldn't speak
19 to her. So, that's just one cultural
20 aspect.

21 What happens when the drilling
22 starts, they'll come and do seismic testing,
23 and that involves quite a bit of activity
24 that is difficult to live through.

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1 And that being said, to go back to
2 where we are here in New York, living on a
3 hill top on John Smith Road that was started
4 in the late 1700s by a -- and living in a
5 house that was built by John Smith, we have
6 seen quite a few things happen over the
7 years in terms of the way water can work.
8 In the first few years that we lived there
9 we had some torrential rains that came down
10 the hillside and cut that road in half.

11 And just in November of 2006 you
12 might remember that there were several roads
13 in Broome County that were damaged by very
14 heavy rains. John Smith Road was one of the
15 worst damaged roads in the county.

16 MR. EVANGELISTI: Thirty seconds.

17 MS. MATTHEWS: And the reason that
18 I bring this up is that with the open pits
19 that are used for fracking, on the top of
20 John Smith Road, which is one of the
21 properties that is on of the list to be
22 leased by the county, if you have an open
23 pit and we have heavy rains like we
24 experience on a pretty regular basis here,

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1 those pits will overflow. And that water
2 will come down the hill and that water will
3 go into the aquifer on Route 12 that serves
4 the entire Town of Chenango. And I want you
5 to consider that as you're thinking about
6 leasing the county property lands.

7 MR. EVANGELISTI: Thank you.

8 That's your time. Thank you.

9 Do we have a 49? Number 50? And
10 there's a 51?

11 So, 50 could possibly come over to
12 this microphone and 51 here.

13 And are there any numbers less than
14 50 and 51 that we've skipped over?

15 Please, begin.

16 MR. SILBERMAN-CROM: Hi. My name
17 is Isaac Silberman-Crom. This is the first
18 time I've done this, actually. I'm a senior
19 at Binghamton University, actually, a
20 cofounder of a group called Binghamton
21 Environmental. We're trying to educate
22 people on this whole issue, I guess.

23 I think it's important to consider
24 the perceived benefits of what this process

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1 is going to bring. We think it's going to
2 bring lot of jobs locally. I don't see that
3 as being the case. I think there's a bunch
4 of specialized positions that are going to
5 be imported. It happened -- this area had
6 high industry once before with IBM,
7 boom/bust scenario. As we saw, industry can
8 come, do what they please and then leave.
9 They have no ties to this land.

10 Unlike -- I'm not going to be cocky
11 enough to suggest that my time here has
12 given me intimate ties with the land, but as
13 a student I feel that I have a lot of
14 connection to this area. Industry doesn't
15 have that.

16 I think you need to think beyond
17 the money. I think that there's no
18 substitute for clean water. I think we've
19 seen in Pennsylvania adequately that it
20 might not be inevitable, but it's likely
21 that our drinking water gets contaminated,
22 and I don't think that that's in any way
23 acceptable.

24 That's all. Thank you.

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1 MR. EVANGELISTI: Thank you.

2 Number 51.

3 MR. ALISHANSKAS: Hi. I'm John
4 Alishanskas. I'm a farmer in Chenango
5 County, New York, Norwich New York, and I
6 need to drill for natural gas to pay my
7 bills, but I also don't believe in
8 hydrofracking.

9 I'm a class CA waste treatment
10 operator. I've been taught how to raise
11 bacteria to maintain a good media for it and
12 I'm going to tell you that thermal coat
13 bacteria in a digester that grows methane
14 gas is very similar to the bacteria that
15 grows the natural gas in our aquifers or
16 below our aquifers.

17 If you took a pail of shale that's
18 told to be impervious and covered it with a
19 membrane and fracked it, I'd doubt if you'd
20 get much gas out of it. There's no holes in
21 it. It's impervious. You have bacteria
22 there that produces gas. So, why are we
23 plugging it with water because thermal
24 coated bacteria is very sensitive to hydro

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1 loading? It's very sensitive to organic
2 loading and it's very sensitive to
3 temperature.

4 MR. EVANGELISTI: I'm going to
5 interrupt you and ask you to slow down a
6 little bit. I'm afraid the stenographer
7 will have trouble keeping up.

8 MR. ALISHANSKAS: Okay. The other
9 thing is that we are being financially
10 attacked. An example, XTO Corporation the
11 most recent sale to the Chesapeake Bay for
12 \$30 billion, it was sold on 92,000 acres.
13 The purchase price is \$5 to \$250 generally
14 with an average -- with an price of maybe
15 \$3,000 on its high end.

16 If you average that to \$500 an
17 acre, that would be a \$46 million purchase.
18 That difference is about a 650-to-1 ratio of
19 profitability. Chesapeake Bay is going to
20 double that number for a profit range, and
21 now you're coming up to a 1,304 rating of
22 profitability, which would be \$652,000 per
23 acre of profit. So, why are we allowing
24 land man, foreign agents a lot of times, to

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1 come in to purchase our minerals at a
2 pittance? This is crazy.

3 The other end of the coin is
4 natural gas, when you burn it and add a
5 little heat, it's almost 100 efficient on
6 burn, very little carbonization, which,
7 again, is another fraud being perpetrated on
8 us about carbonization.

9 But anyhow, gasoline right now is
10 18 percent efficient. So, that means
11 82 percent of your gasoline before we put in
12 the ethanol for the green is going to the
13 pollutants of the air, but nobody is talking
14 about that. We don't talk about that other
15 end of the coin of clean air. Clean air is
16 the number one thing you do when you get to
17 an emergency situation. Make sure they're
18 breathing and got clean air. So, where do
19 we balance water? Where do we balance air?

20 The powers that be are setting --

21 MR. EVANGELISTI: Thirty seconds.

22 MR. ALISHANSKAS: -- up the
23 infrastructure to natural gas right now, so
24 we're going to do it.

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1 I'm going to give you information
2 that supports other free energies, perpetual
3 motion, the Pogue carburetor, patent number
4 2,026,798, with 205 miles to the gallon.
5 That was a 1930 patent or '36 patent. It
6 was on the Sherman Tank. The powers that be
7 hide this kind of information from us.
8 Magnetic motors are being built as we speak.

9 Anyhow, I will you a pile of
10 information. You're more than welcome to
11 give me a call to verify my backup on this.

12 MR. EVANGELISTI: Thank you for
13 your comments.

14 MR. ALISHANSKAS: Thank you.

15 MR. EVANGELISTI: Do we have
16 speaker number 52? Speaker number 53? Are
17 there any other registered speakers who have
18 not spoken yet tonight? Is there anybody
19 who wishes to go out and register?

20 Oh, I'm sorry. Yes, your number?

21 UNIDENTIFIED SPEAKER: I don't
22 have a number, but I'd like to speak.

23 MR. EVANGELISTI: Okay. If you
24 could just go up to the lobby and give

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1 them -- get a card and fill it out. We'll
2 have plenty of time for you to speak.

3 Is there anyone else who wishes to
4 speak who is or is not registered?

5 Okay. No pressure on how fast you
6 fill that out.

7 UNIDENTIFIED SPEAKER: Were any
8 legislators at the afternoon session?

9 MR. EVANGELISTI: Yes, there were
10 legislators at the afternoon session. I
11 have a little trouble seeing who is here,
12 but there were legislators, a number of
13 legislators at the afternoon session, yes.

14 UNIDENTIFIED SPEAKER: Given the
15 absence of the legislators is it possible
16 that another session can be scheduled where
17 they might be present?

18 MR. EVANGELISTI: I'm not
19 anticipating another session, but, as I
20 said, they will be given a full verbatim
21 copy of the comments.

22 Sorry. Your number now?

23 MR. LITWAK: 52.

24 MR. EVANGELISTI: Very good.

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1 Please, begin.

2 MR. LITWAK: My name is Seth
3 Litwak. I'm a student at Binghamton
4 University and I usually don't speak in
5 front of audiences, but this issue has
6 become so important to me that I just
7 thought I would get up here and just say a
8 few words.

9 Basically, I'm a student, but you
10 guys must think like, oh, we're going to
11 leave here and -- I'm a junior right now --
12 I'm going to leave here in a year and not
13 care at all about Binghamton, Broome County,
14 everything about it. However, like I'm
15 contemplating staying here. I love it here.
16 I love Binghamton University. I love the
17 school. I love the town, everything about
18 it.

19 However, if hydrofracking goes
20 through, you're going to lose a lot of other
21 industries. It's going to affect every --
22 no student is going to want to stay because
23 the water is going to be polluted, numerous
24 other problems, health issues. Why would we

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1 want to stay if these issues are going to
2 occur?

3 Additionally, how are you going to
4 bring in other industry? What industry is
5 going to want to come to this city? How are
6 you going to develop in other ways? One to
7 two years these oil companies or going to be
8 gone.

9 Why do you guys feel that it's -- I
10 mean, it seems like everyone here is -- a
11 lot of people here are against
12 hydrofracking, which is a very good thing.
13 And I don't know why the county is even
14 thinking about leasing publicly because it
15 seems ridiculous when I hear all the
16 complaints.

17 But, yeah, like any of your
18 executive or your legislators, no one is
19 hear to even hear our comments.

20 But, yeah, that's pretty much all I
21 have to say is like how are you going to
22 attract Binghamton students, other
23 industries? Like why would -- what
24 incentives do they have to come if this

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1 place is going to be torn apart and the
2 clean water is going to be gone?

3 MR. EVANGELISTI: Is there anyone
4 else who wishes to speak. Please, come
5 forward.

6 Okay. Please, state your name.

7 MR. ELDER: Yeah. My name is Dave
8 Elder. I don't have any affiliation. I
9 live in Vestal and I grew up here.

10 And my first -- I have a basic
11 thought which is that if the -- the natural
12 gas industry is telling us that this process
13 doesn't pollute the water. And if that was
14 actually true, then why would they have
15 sought and needed and gotten from the
16 Bush/Cheney Administration an exemption from
17 the Clean Water Act?

18 The second -- my second thought is
19 I first heard about this back in April of
20 2009. I listened to -- I happened to catch
21 on the TV on a Sunday morning in late April
22 a presentation by a number of scientists who
23 have looked at the water quality in a number
24 of western states, Colorado, Wyoming and

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1 Oklahoma among them, and they found in every
2 case elevated levels of known carcinogens
3 which are toxic chemicals which are used in
4 this process.

5 So, when I first saw that, I
6 thought, they're thinking of doing this
7 here? No, no way. And I sent an e-mail to
8 the DEC and I've been involved since then in
9 trying to make my neighbors aware of what
10 the problems are with this particular
11 process.

12 The other thing I had to say is
13 does everybody know what's happening in
14 Dimock and what has happened in Dimock?
15 Right now it is my understanding that the
16 State of Pennsylvania is building a pipeline
17 from Montrose to Dimock so that the people
18 in Dimock will now have water.

19 If the gas fracking process didn't
20 contaminate their water and it didn't
21 contaminate the Meshoppen Creek, then what
22 did? And is it just a coincidence that all
23 those toxic chemicals that are found in
24 their water -- they found in Meshoppen Creek

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1 now are the same toxic chemicals which are
2 used in the gas fracturing process?

3 If I were a DA and I was looking at
4 the culprit, I think Cabot Energy would be
5 the people that I would be calling.

6 MR. EVANGELISTI: Thank you for
7 your comments.

8 Is there anyone else who is
9 registered and wishes to speak? Is there
10 anyone else who would like to go out and
11 register to speak?

12 What I'm going to do is take a
13 break until there are more registered
14 speakers. We will keep the public hearing
15 open until 8:30. If any other people wish
16 to speak, just go out to the front lobby,
17 get a number card, sign in. If somebody
18 else arrives, we'll have them sign in.

19 I do want to thank everyone for
20 coming out tonight. If you chose to not
21 speak tonight, you still have an opportunity
22 to provide written comments. The details
23 for how to do that are provided in the
24 instruction to speakers sheet.

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1 And I want to thank everybody for
2 coming out. Thank you.

3 (Whereupon a short break was taken)

4 MR. EVANGELISTI: The public
5 hearing has come to a close. Thank you very
6 much for your participation.

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1 STATE OF NEW YORK :

2 COUNTY OF BROOME :

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4 I, KEVIN CALLAHAN, Shorthand Reporter, do
5 certify that the foregoing is a true and accurate
6 transcript of the proceedings in the matter of in the
7 matter of a public hearing regarding Broome County
8 generic lease of oil and natural gas mineral rights,
9 held in Binghamton, New York, on October 14, 2010.

10

11

12

13

KEVIN CALLAHAN

14

Shorthand Reporter

15

Notary Public

16

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