



-
-
-
-
-
-
-
-
-
-
-

- [Home](#)
- [Sports](#)
- [People](#)
- [Features](#)
- [Business](#)
- [Govt.](#)
- [Forum](#)
- [Schools](#)
- [PSA](#)
- [Calendar](#)
- [History](#)

For your convenience, we have installed the link below to make donations to this website easier. Now you can utilize your PayPal account or your credit card.

[Make a Donation](#)

- [Government](#)
- [Schools](#)
- [People](#)
- [Business](#)
- [Features](#)
- [History](#)
- [Sports](#)
- [Forum](#)
- [Calendar](#)
- [Classified Ads](#)
- [Home](#)

We also have a [Business Card Page](#).
Click [here](#).

The Marcellus Watch



Burdett journalist Peter Mantius reports that Sugar Hill and four other state forests in Schuyler County are among those that could be changed forever by a plan to let gas drillers hydrofrack in them and criss-cross them with construction roads and gas gathering lines.

Left: Peter Mantius

Lost in the Woods

By Peter Mantius

BURDETT, Oct. 25 -- It's open season on New York's state forests.

State regulators are asking for public comment by Nov. 26 on a proposal to let gas drillers hydrofrack the forests and criss-cross them with construction roads and natural gas gathering lines.

In Schuyler County alone, this could affect -- or decimate -- more than 10,000 acres in five state forests: Sugar Hill, Coon Hollow, Cinnamon Lake, Beaver Dam and Goundry Hill.

Most of this land was acquired about 80 years ago for about \$4 an acre. The forests are used by hikers, hunters, horseback riders, snowmobilers and others.

The idea of industrializing any portion of them would appear to violate both the spirit and the letter of the Depression-era laws passed to assemble and protect them. Those special woodlands, the laws said, shall be “forever devoted to reforestation and the establishment and maintenance thereon of forests for watershed protection, the production of timber and for recreation and kindred purposes.”

The New York State Department of Environmental Conservation apparently isn't worried about every fine point in dusty old statutes.

Applying an extraordinarily broad legal interpretation, the agency is prepared to expand the list of legal “kindred purposes” to include so called high-volume hydraulic fracturing, toxic wastewater storage in ponds, underground natural gas storage, heavy trucking and widespread road and pipeline construction.



This comes from the same agency that warns state forest hikers:

“Don't litter! Stay on designated trails. Do not cause damage by heedlessly trampling trail side vegetation.”

So littering is bad, but hydrofracking is OK? Surely, this agency is lost in the woods.

(On Oct. 21, Gov. David Paterson abruptly fired Alexander B. “Pete” Grannis, the DEC's commissioner, after a dispute over proposed deep cuts. Grannis said Paterson budget officials had slashed his agency's staff to less 3,000 employees, its lowest level in two decades. According to a recently leaked DEC memo, those cuts -- and 209 more Paterson recently mandated -- compromise the agency's ability to oversee future enforcement of hydrofrackers and “our ability to maintain the ‘green’ certification for our state forests.”)

But the seeds for this plan to open the state forests for industrialization were planted long ago.

In fact, natural gas drillers already operate 132 active wells on state forest lands, including several in southwestern Schuyler County. And gas companies hold extensive lease rights in Schuyler's state forests.

But the existing “vertical” wells -- though disruptive to the forests -- are nowhere near as invasive as wells that are fracked.

The term fracking has become shorthand for the technique characterized by “horizontal” drilling thousands of feet along a shale layer and the use of 4-5 million gallons of water per well, mixed with sand and toxic chemicals.

Fracking is the preferred, if not the only, technique used to tap the Marcellus Shale, an exceptionally rich natural gas deposit that runs through New York's Southern Tier, most of Pennsylvania and parts of Ohio and West Virginia.

The practice of fracking the Marcellus Shale is occurring throughout Pennsylvania.

Although it is currently illegal in New York, DEC officials have said they are close to adopting highly controversial rules that would permit it throughout upstate New York as soon as this spring.

Those draft rules for the use of hydrofracking establish a standard of one drilling well pad per square mile, or every 640 acres. But the 338-page draft New York State Strategic Plan for State Forest Management says it would be OK to place a well pad every 80 acres in the state forests.

Each well pad, which can accommodate several wells, takes up about 4 acres and requires a road and a gas pipeline and a pond to hold toxic brine.

"It's hard to see how that enormous level of ecosystem disruption could be anything but a gross violation of the DEC's mandate to preserve our state forests for future generations," Catskill Citizens for Safe Energy wrote in a letter to Paterson.

The DEC draft strategic plan proposes to divide state forests into four categories, based on their suitability for gas drilling. Certain portions of the forests would be totally off limits. Others areas, not so.

While three of the four categories would limit or ban well pads, only one of the four categories would prohibit gas line rights of way.

That would appear to undermine one long-standing agency priority, which is described in the draft strategic plan:

"Much of the legislation authorizing acquisition of state forest lands has specifically prohibited DEC from entering into any long-term leases or selling any real property rights, including utility rights of way. This demonstrates the intent to minimize development or fragmentation of these lands."

But that legislative intent to avoid slicing up the state forests goes only so far because oil and gas exploration is specifically exempt from laws covering rights of way in those forests.

Small towns like Danby in Tompkins County, where one-quarter of the town falls within the Danby State Forest, are left feeling exposed by the laws that so clearly defer to energy development interests.

The town board of Danby, which is about 10 miles south of Ithaca and 25 east of Watkins Glen, sent a six-page letter to the DEC in response to the draft strategic plan for the forests.

In their letter, Danby officials applaud the draft's ecological stances on several issues, such as water purity. They highlight statements in the DEC draft such as these: "The important role forests play in producing high quality fresh water cannot be overstated. Forests serve as nature's filters and regulate water flow by storing rainfall and releasing it into streams at a more even rate."

But the Danby letter points to “a significant disconnect” between those sensitivities and the intent to usher in intense hydrofracking with especially close well pad spacing.

In response, the Danby group is trying identify areas of local state forests that could be marked as out-of-bounds for gas drilling. “We’re trying to network with contiguous towns to adopt the same broad standards,” said Danby Supervisor Ric Dietrich, co-author of the Danby letter.

Meanwhile, Rachel Treichler, an attorney in Hammondsport, said she has been reviewing the constitutionality of allowing intensive fracking in state forests.

“The law already explicitly grants leases for oil and gas,” Treichler said. “The best arguments against (fracking the forests) are its cumulative effects and its fragmentation of the forests.”

Pennsylvania is one step ahead of New York in fracking its state forests. But being first has come at a price.

On June 3, a natural gas well blowout in the Moshannon State Forest allowed natural gas and wastewater to escape uncontrollably for 16 hours.

“Make no mistake, this could have been a catastrophic incident,” said John Hanger, Secretary of the Pennsylvania Department of Environmental Protection. “Had the gas blowing out of the well ignited, the human cost would have been tragic, and had an explosion allowed the well to discharge wastewater for days or weeks, the environmental damage would have been significant.”

New York needs to take a common sense approach. At the very least, the DEC should honor its primary function -- environmental conservation -- and mark as off-limits for both hydrofracking and gas pipelines the vast majority of our state forests.

To contact the DEC on its strategic plan for New York’s state forests:

WRITE: Rob Messenger and Justin Perry

Bureau of State Land Management

625 Broadway, 5th Floor

Albany, NY 12233-4255

CALL: 518-402-9428

EMAIL: stateforestplan@gw.dec.state.ny.us

Comments are due Friday, Nov. 26, 2010.

Peter Mantius (pmantius@gmail.com) was a financial, legal and political reporter at The Atlanta Constitution for 17 years and editor of two business weeklies in the Northeast.

Photo in text: A gas drilling well crowns a hill in Pennsylvania’s Loyalsock State Forest. **(Pennsylvania Department of Conservation and Natural Resources photo)**

Note: This is the 15th column by Peter Mantius, To see his first column, click [here](#). To see his second column, click [here](#). To see his third column, click [here](#). To see his fourth column, click [here](#). To see his fifth column, click [here](#). To see his sixth column, click [here](#). To see his seventh column, click [here](#). To see his eighth column, click [here](#). To see his ninth column, click [here](#). To see his 10th column, click [here](#). To see his 11th column, click [here](#). To see his 12th column, click [here](#). To see his 13th column, click [here](#). To see his 14th column, click [here](#).

© The Odessa File 2010
Charles Haeffner
P.O. Box 365
Odessa, New York 14869

E-mail publisher@odessafile.com