

Tompkins County Council of Governments Gas Drilling Task Force (TCCOG-GDTF) Minutes – July 21, 2011

Attending: Darby Kiley, Eric Rosario, Carol Chock, Kathy Halton, Ric Dietrich, Jennifer Tiffany, Marie McCrae, Art Pearce, Fred Conner, Joe Wilson, Liz Cameron, Richard Driscoll, Lawrence McCann, Ed Marx, Liz Thomas

(note – by a quick email vote, we've changed the TANG acronym to TCCOG-GDTF)

Community Impact Assessment and Land Use Analysis

Art Pearce presented a proposal to complete a study of the potential impact of hydrofracking on communities and land uses like that done for Middlefield, NY

(<http://www.otsego2000.org/documents/forwebsiteMiddlefieldLandUseAnalysis-Greenplan.pdf>). The full proposal is below (appendix A). The TCCOG-GDTF voted unanimously by those members present to recommend that TCCOG move forward with this study as the results would benefit all municipalities within Tompkins County. See draft resolution below in Appendix B.

Responding to the sGEIS

A large part of the latest draft of the supplemental Generic Environmental Impact Statement (sGEIS) was released at the beginning of August (1000+ pages). Municipalities will need help to understand the technical aspects of the document in order to respond during the comment period which is expected to start at the beginning of August.

TCCOG-GDTF plans to assist municipalities and other task forces by the following:

- TCCOG-GDTF will do its best to provide specific comments to refer to or draw from in order for local municipalities and task forces to draft their own sets of comments for the sGEIS
- Comments will be divided up by topic area not in order of the sGEIS Table of Contents.
- Aggregating individual comments:
 - The TCCOG-GDTF will create a google document that can be accessed/added to by all those interested in contributing to the list of comments. Municipalities/task forces/individuals will be able to draw from this ever-growing list.
 - If you are not comfortable working with google docs, send suggested comments to Liz.graeper.thomas@gmail.com and she will add them to the list.

- A good source of aggregated comments is already at:
[http://www.sourcewatch.org/index.php?title=2011_SGEIS_Flaws\(NY\)](http://www.sourcewatch.org/index.php?title=2011_SGEIS_Flaws(NY))
- Those who contribute comments need to attribute their name to the comment in case there are questions.
- Liz will set up a separate listserv for people working on these comments. ANYONE is welcome to join and help (citizen, municipal official, staff, university). We'll need all the help we can muster. This listserv WILL encourage dialog and discussions related to the sGEIS and submitting comments.
- TCCOG-GDTF, other task forces, and municipalities should urge the DEC to have public hearings across the drilling region again.
- TCCOG-GDTF supports the public information meeting organized for July 25th at the Women's Community Building and suggests there be one in August and possibly September depending on the time line of the comment period.
- Work needs to be done quickly based on the projected time lines.

Municipalities should refer back to the comments submitted for the last draft to see if they have been answered and if not, submit them again.

TCCOG-GDTF hopes to work with professionals and other knowledgeable sources to develop the list of comments:

- Dr. Tony Ingraffea – engineer – technical information
- Chip Northrup – Oil & Gas technical information
- TC Water Resources Council – water quality
- Bill Kappel – USGS
- Steve Penningroth – Community Science Institute - water
- TC Department of Planning
- TC Department of Health
- Catskill Mountainkeepers
- Dr. Susan Christopherson – Community and Economic Impacts
- Health issues - ? Adam Law?
- Air quality ?
- TC Environmental Management Council?
- Other communities

Road Protection

- The Road Protection Committee is closing in on recommendations for Towns to use.

- The County is nearly ready with its Road Preservation Law and will go to public hearing soon.
- Recently a leaked Department of Transportation document outlined more serious economic outcomes for road degradation than that used by the DEC.

Progress Report – Darby Kiley

Darby continues to assemble the list of tools municipalities can use to answer the “what, why, and how” questions. She and Art have also given their mapping presentation in Ulysses, Dryden and Lansing with Danby, Newfield and Enfield still to go.

Community Impacts and Assessment – Carol Chock

- Carol gave an excellent review of parts of her subcommittee’s work on assessment, taxation, and property values and mortgage lending. Excellent notes from this group are at http://www.tompkins-co.org/tccog/Gas_Drilling/Focus_Groups/LandValues_Assessment.html. County Assessor, Jay Franklin felt the County and State are not yet equipped to handle the commencement of drilling from an assessment and taxation point of view.
- Carol brought an outline of concerns (appendix C below or at http://www.tompkins-co.org/tccog/Gas_Drilling/Focus_Groups/Assessment%20Documents/Concerns.pdf).
- The White Paper by Greg May titled *Gas and Oil Leases Impact on Residential Lending* is available at http://www.tompkins-co.org/tccog/Gas_Drilling/Focus_Groups/Assessment%20Documents/White%20Paper.pdf
- Next meeting of the Assessment Working Group: August 15th 10:30 at assessment office

Announcements:

- Beginning in October, Darby will scale back her hours working for the County/Gas Drilling Task Force as she transitions into a new planner position in the Town of Ulysses.
- The City of Ithaca has a model letter requesting the withdrawal of the sGEIS. Contact Eric Rosario for a copy (erosario@cityofithaca.org).
- Liz Cameron, Director of Environmental Health at the TC Department of Health made the task force aware of a shortfall in the Advisory Committee formed by DEC

Commissioner Martens on High Volume Hydraulic Fracturing. The committee is charged with

- o developing recommendations to ensure DEC and other agencies are enabled to properly oversee, monitor and enforce high-volume hydraulic fracturing activities;
- o developing recommendations to avoid and mitigate impacts to local governments and communities; and
- o evaluating the current fee structure and other revenue streams to fund government oversight and infrastructure related to high-volume hydraulic fracturing.

However, the Advisory Committee does not have representation from local governments nor local Departments of health. The letter in Appendix D is recommended to be sent to the Commissioner urging this representation oversight to be changed. Anyone sending this letter can find the addresses for the carbon copied names through Kathy Wilsea at the County kwilsea@tompkins-co.org.

- There is some confusion about the authority of TCCOG-GDTF and who can be members, how votes should be taken or recommendations made. Liz will refer to the co-Chairs of TCCOG for answers.

Next TCCOG-GDTF meeting: August 18 3:00-4:30

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Appendix A

Proposed Analysis

“Community Impact Assessment:

The Potential Impact of Hydrofracking on Land Use, Community Character, and the Economy in Tompkins County”

Background:

A common comment in the community is that the debate over gas drilling and hydrofracking is so polarized that people are not at all sure what to believe and suspect that the truth lies somewhere in between the extreme statements voiced by each side. And yet landowners, municipal officials, educators, business owners, and economic development agencies are now, and will continue to be, put in the position of making decisions that will ultimately shape its cumulative impact on Tompkins County. What information source can they turn to for a reasoned and careful assessment of the issues? For many decision makers these will be the most important and far reaching choices they will ever make. Where do they find the information they need in order to make sound choices?

In 2010 the Tompkins County Council of Governments created a Task Force on Gas Drilling to research concerns regarding natural gas drilling and hydrofracking in Tompkins County. The Task Force formed several “working groups” to focus on specific issues and the County hired a regional planner to help coordinate this work and then deliver presentations to member municipalities highlighting key findings and recommended actions. Much of this work has been completed and it can provide an excellent base for producing the report that the community now needs.

The Middlefield Land Use Analysis

A Rhinebeck, NY consultant, GREENPLAN, Inc., recently completed a study of the potential impact of hydrofracking on Middlefield, NY. This study offers a good starting point for the analysis that is needed for Tompkins County. In fact, it is more than a starting point: while it needs to be updated to incorporate changes contained in the revised dsGEIS, it probably represents 1/2 of the work that needs to be done for Tompkins County.

The Middlefield Land Use Analysis (May 10, 2011) is “intended to provide background information on the potential effects of adopting a comprehensive plan and zoning amendments” designed to limit hydrofracking. The study covers a comprehensive list of topics, some in detail, some more superficially. The 78 page report includes the following sections:

- Regional Land Use Trends
- Town Planning and Zoning
- Land Resources
- Water Resources
- Plants, Animals, and Ecosystem Services
- Air Quality
- Agriculture
- Visual Resources
- Cultural Resources
- Tourism
- Transportation
- Energy Trends
- Noise
- Public Health
- Energy Boomtown Effects
- Community Character
- Conclusions and Recommendations

Tompkins County Community Impact Assessment

An Impact Assessment for Tompkins County can start with this Middlefield analysis and;

- 1) update it to incorporate changes in the latest dsGEIS
- 2) make it specific to Tompkins County and its municipalities through research, editing, and the incorporation of data and materials already assembled by the Tompkins County Planning Department and the various municipal Planning Departments.
- 3) expand it to more fully address the possible impacts of gas development on the county’s economy and community character by incorporating the findings and recommendations of the various TCCOG Working Groups, including the land use, mapping, road use, public safety, and assessment/land values working groups.

4) elaborate on the various actions that municipalities and landowners can take to avoid or mitigate the negative impacts of hydrofracking.

Proposal

The Impact Assessment for Tompkins County can be prepared quickly if full use is made of the work already done by GREENPLAN, Inc., the TCCOG Gas Drilling Task Force, and the Tompkins County Planning Department. The goal would be to have a completed report ready for distribution in November, 2011.

-TCCOG: Commission the study and appoint a Steering Committee to negotiate a contract with GREENPLAN, INC. to complete the study. The Steering Committee will oversee the study and act as the principal local contact for GREENPLAN. INC. TCCOG to assign its dedicated regional planner to assist in incorporating the work done by the various TCCOG Working Groups, including the mapping, road use, land use, and assessment/land values working groups. Funding for the study is to be raised from various sources, including private foundations, community members, and other local entities.

-Tompkins County Planning Department: assist GREENPLAN, Inc. in making the analysis specific to Tompkins County by providing data and materials already assembled by the Tompkins County Planning Department.

-GREENPLAN, Inc.: For a fee not to exceed \$10,000, undertake this study and act as the lead consultant by completing additional research and analysis as needed to produce a comprehensive report, and coordinating the editing of the report to incorporate the work done by the various TCCOG working groups and the Tompkins County Planning Department.

The Middlefield study can be found at:

<http://www.otsego2000.org/documents/forwebsiteMiddlefieldLandUseAnalysis-Greenplan.pdf>

Art Pearce
Member, TCCOG Gas Drilling Task Force
Chair, Mapping Working Group
July 21, 2011

APPENDIX B

Draft Resolution to Commission a Community Impact Analysis

Whereas the Tompkins County Council of Governments has previously determined that it is in the best interest of its member municipalities to undertake an examination of the potential impact of hydrofracking on this area and to that end formed a Gas Drilling Task Force , and

Whereas the various working groups of the Gas Drilling Task Force have been gathering and analyzing information related to hydrofracking for the last year and such information is available to be included as part of a summary report, and

Whereas the Gas Drilling Task Force has endorsed a proposed analysis entitled “Community Impact Assessment: The Potential Impact of Hydrofracking on Land Use, Community Character, and the Economy in Tompkins County” (attached) to be completed by an outside consultant,

Now, Therefore, Be It Resolved

That the Tompkins County Council of Governments agrees to commission the proposed analysis to be completed by GREENPLAN, INC for a fee not to exceed \$10,000, contingent on securing funding for the study from various sources, including private foundations, individuals, and other local entities, and

That the Tompkins County Council of Governments forms a steering committee, to be appointed by the co-chairs, to negotiate the contract with the consultant, secure the necessary funding, oversee the study, and act as the principal local contact for the consultant.

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Appendix C

Tompkins County Council of Governments, Task Force on Gas Drilling Assessment and Land Valuation Subcommittee

Outline of Concerns 7-20-11

A) Gas Leases affect the ability to mortgage property.

- Leasing, even without wells drilled
- Affects individuals, lenders, market
- SONYMA, VA mortgages in addition to private market
- Underwriting requirements
 - Setback to dwelling
 - Ancillary activities
 - Title Insurance
 - Secondary Market
 - Adjacent properties
 - Compulsory integration

B) Lease Information unavailable

- NYS is a “race” state
- Market and govt. need complete, timely, information
- Initial lease, extensions, memoranda
- SONYMA mortgages affected
- Confirm agreement of extensions by both parties

C) Ramping up affects banks, markets

- Prior drilling had effect on individual properties
- New drilling at scale to affect the market
- Anticipation/perception affects market

D) Insufficient systems to measure and tax production

- Production value formula set in 1978
- Formula set for different production decline curve
- Values too low
- Discount rate at 17%, competing activities at 8-10%
- Production self-reported by gas companies and meters unverified
- Timing of production reports not in sync with local tax cycle
- Severance of subsurface rights, NYS unprepared to tax or track

APPENDIX D

DRAFT July _____, 2011

Mr. Joe Martens, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010
Reference: High-Volume Hydraulic Fracturing Advisory Panel
Dear Commissioner Martens:

This letter is in regards to the newly created High-Volume Hydraulic Fracturing Advisory Panel that will be charged with:

- developing recommendations to ensure DEC and other agencies are enabled to properly oversee, monitor and enforce high-volume hydraulic fracturing activities;
- developing recommendations to avoid and mitigate impacts to local governments and communities; and
- evaluating the current fee structure and other revenue streams to fund government oversight and infrastructure related to high-volume hydraulic fracturing.

We are pleased that the New York State Department of Environmental Conservation has created this panel, as we are concerned about impacts to local governments and County Health Departments from high volume hydraulic fracturing. Among other impacts, we are concerned about the costs this activity will impose on local governments and County Health Departments for oversight and infrastructure. However, reviewing the list of initial members of this panel, it is noteworthy that there is not a single member from a local government or a County Health Department included on the panel. Since the panel is charged with developing recommendations to avoid and mitigate impacts to local governments and communities, it is important that local government and County Health Department representatives be included on the panel. We strongly urge you to appoint additional members to the panel from these groups, especially local governments and County Health Departments in the Finger Lakes Region and Southern Tier, which will be directly affected by high volume hydraulic fracturing.

Sincerely,

Cc: Governor Andrew Cuomo; State Comptroller Thomas DiNapoli, NYS Senators Dean Skelos, Brian Kolb, Thomas O'Mara, James Seward, and Michael Nozzolio; Speaker Sheldon Silver; Assemblywoman Barbara Lipton; Chair of Senate Committee on Environmental Conservation Mark Grisanti; Chair of Assembly Committee on Environmental Conservation Robert Sweeney; Attorney General Erik Schneiderman; U.S. Senators Charles Schumer and Kirsten Gillibrand; Representative Richard Hanna and Representative Maurice Hinchey; EPA Administrator Lisa Jackson, EPA Region 2 Administrator Judith Enck; New York State Association of County Health Officials (NYASCHO); the Tompkins County Board of Health; Tompkins County Legislature chair Martha Robertson; and Tompkins County Council of Government co-chairs Don Barber and Herb Engman.