

How to Make Effective Written Public Comments on the DEC's Draft Supplemental Generic Environmental Impact Statement (SGEIS)

I. Remember the broader context of decision making

- a. The legal/regulatory framework for the Draft SGEIS is the state's environmental review process. This process has three underlying purposes:
 - i. Most generally, to *protect the environment*
 - ii. More specifically, to *incorporate the consideration of environmental factors* into existing planning, review and decision-making processes.
 - iii. To enable these planning and decision making processes to strike a "*suitable balance of social, economic and environmental factors*"
- b. Remember the fundamental purpose of the Draft SGEIS is to "analyze negative environmental impacts and to propose measures to mitigate such risks".
- c. There are other policy and legal arenas – especially the court system, multiple state agencies, and local, state and federal legislatures – likely to become more engaged in addressing particular aspects of the full range of issues involved in gas drilling.

II. Read the Draft SGEIS – see <http://www.dec.ny.gov/energy/58440.html>

- a. It's very long – read the parts of greatest interest to you
- b. Use the online search options or detailed table of contents for both online and paper copies. The general contents include: *Introduction* – 5 pages, *Description of Proposed Action* – 38 pages; *Proposed SEQRA Review Process* – 14 pages; *Geology* – 36 pages; *Natural Gas Development and High Volume Hydraulic Fracturing* – 158 pages; *Potential Environmental Impacts* – 163 pages; *Mitigation Measures* – 112 pages; *Permit Process and Regulatory Coordination* – 10 pages; *Alternatives* - 11 pages; Also: *Glossary, Bibliography, Consultants, Bibliography, Appendices*

III. Written Draft SGEIS comments – are now accepted through December 31, 2009

- a. *All written comments will be acknowledged and read* by the DEC. They - along with the DEC's response to all comments - will also become part of the Final (as opposed to the current Draft) SGEIS.
- b. The DEC is *most likely to respond to your comments* (going beyond mere acknowledgement) in the Final SGEIS if you identify specific "environmental" impacts, then indicate why the Draft SGEIS fails to adequately analyze the impact or why any proposals to mitigate the impact are inadequate. It is easier to comment effectively if you know what the Draft SGEIS actually says about the issue of concern.
- c. The DEC is *more likely to make changes in response to your comments* if you can include information, evidence, methodological and data critiques, or specific suggestions that the DEC has not already taken into consideration.
- d. Be aware that the environmental review process is not about which arguments pro or con have the most supporters. Unlike elected officials, both DEC and the courts who will likely review these issues are very unlikely to respond to "pure" public opinion, ie. without evidence supporting the opinion.

IV. For more guidance on how the DEC is likely to respond to different kinds of comments, see <http://www.dec.ny.gov/permits/56407.html>

Comments may be submitted via mail: ATTN: dSGEIS Comments, Bureau of Oil & Gas Regulation, NYSDEC Division of Mineral Resources, 625 Broadway, Third Floor, Albany, NY 12233-6500

Email: dmnsgeis@gw.dec.state.ny.us

Online at : <http://www.dec.ny.gov/cfm/x/xtapps/SGEISComments/>