



## Delaware River Basin Commission

25 State Police Drive

PO Box 7360

West Trenton, New Jersey

08628-0360

Phone: (609) 883-9500 Fax: (609) 883-9522

Web Site: <http://www.drbc.net>

**Carol R. Collier**

Executive Director

**Robert Tudor**

Deputy Executive Director

June 28, 2013

*Via U.S. Mail*

Commissioners of Wayne County  
Court House Annex  
925 Court Street  
Honesdale, Pennsylvania 18431

Dear Commissioners:

Thank you for your letter of June 13, 2013, which I have circulated to the Delaware River Basin Commissioners. In it, you express your frustration with the duration of the moratorium that the Commissioners established pending their adoption of regulations to ensure natural gas development in the Basin proceeds without harm to shared water resources. The Commission recognizes that some of your constituents and other property owners in the Basin have leased their subsurface rights to natural gas exploration and production companies and would like to realize the full economic benefit of their leases. The Commission also recognizes that promoting economic development is one of its water management goals.

At the same time, the scientific and policy questions that the Commission must resolve in the course of preparing natural gas regulations are extremely complex, and the stakes for the larger region are high. Over 15 million people in four states rely on waters of the Basin for drinking water, recreation, commercial, industrial and other uses. The Commission's various responsibilities include protecting the shared water resources on which the present and future public health and economy of the region depend. It is vital to the future of the entire region for the Commission to strike the appropriate balance between the use of the region's water resources for one purpose, natural gas exploration and production, and competing uses of the same water resources for drinking water supply and to meet other human, economic and ecological needs. Indeed, the environmental agency of one of the Commission's members, New York State, began preparation of its Supplemental Generic Environmental Impact Statement (SGEIS) for high-volume hydraulic fracturing in 2008, almost three years before the Commission issued its first draft regulations, and has yet to finalize the SGEIS. The Commission's own review is benefiting from, among other things, New York's ongoing evaluation and work being performed by other federal and state environmental and health agencies.

In your letter, you state that the Delaware River Basin Commission should follow a regulatory path similar to that taken by its sister agency the Susquehanna River Basin Commission by limiting its focus to water quantity regulation and water quality data collection and analysis. Geographically, however the two basins are very different. In contrast to the Susquehanna River which flows through New York, Pennsylvania and Maryland sequentially, the Delaware River

forms a 330-mile boundary between states. Since the Commission's formation in 1961, its members have used the Commission's regulatory authority to coordinate their efforts to maintain and improve water quality in the shared waters. The non-tidal main stem – some 200 miles in length – is characterized by outstanding water quality and subject to an anti-degradation management program adopted by unanimous votes of the Commission over the course of fifteen years, between 1992 and 2007. Congress has likewise recognized the outstanding value of this resource by designating approximately 150 miles of the non-tidal main stem Delaware River as Wild and Scenic. All members of the Basin community have a common interest in ensuring that the potential introduction of an industrial activity in the drainage area to these waters occurs only in a manner that does not cause a substantial adverse effect on the outstanding value and vital ecological functions that these waters provide.

I assure you that the Commission is committed in good faith to completing this process as soon as we reasonably can in a manner that serves the best interests of all the Basin's water users.

Very truly yours,

A handwritten signature in black ink that reads "Carol R. Collier". The signature is written in a cursive, slightly slanted style.

Carol R. Collier

c: Senator Lisa Baker  
Representative Sandra Major  
Representative Michael Peifer  
Representative Frank Farina  
Governor Tom Corbett  
Delaware River Basin Commissioners