



PIKE COUNTY OFFICE OF COMMUNITY PLANNING

April 15, 2011

Delaware River Basin Commission
Ms. Carol Collier, Executive Director
P.O. Box 7360
Trenton, NJ 08628-0360

Dear Commission Members and Ms. Collier,

On behalf of the Pike County Planning Commission and our Office of Community Planning, I would like to express our thanks to you for providing opportunity for the public and local and county governments to review and comment on the Draft DRBC regulations which apply to both Marcellus as well as other natural gas shale plays within the basin. We appreciate the extra time allotted to the comment period.

While we are aware of the rights which every property owner has in regard to the natural resources on and under their lands, we also understand that clean, potable water resources are a critical need of every person who lives in the Delaware River Basin and that these water resources are owned by all residents. (*We all live downstream!*) The fact that these water resources both surface and groundwater do not stop at political boundaries - municipal, county, or even state - stresses the need for all residents and government entities to work together to conserve and manage the resource for all who live in the Basin.

The statutes in Pennsylvania currently in place preempt most if not all of the authority of local municipal government from land use regulation related to oil and gas activities in the Commonwealth. The PA Department of Environmental Protection, the state agency which enforces the provisions of the PA Oil and Gas Act, has also taken county conservation districts out of the regulatory process giving them no jurisdiction over gas and oil activities. Thus, as you well know, any regulation of gas and oil interests in Pennsylvania as they relate specifically to our water resources will be left to PA DEP and the Delaware River Basin Commission.

We wish to recognize the critical role that the Commission currently plays in water resource conservation in the Basin for all of our residents. The Commission's Natural Gas Development Regulations, which you will ultimately approve, are critically important to us at the county and local government level since we essentially have no land use or regulatory authority over these operations and their potential quality and quantity impacts to our existing high quality and exceptional value water resources in Pike County.

The DRBC's role, as per legislation enacted by the United States and the four basin states, places the Commission squarely in the role of legal authority over water quality and quantity throughout the Basin. We see the DRBC regulations and the PA DEP regulations, currently existing and proposed for future, as complementary providing a matrix which will help to address potential impacts to the resources.

As drafted, the new Article 7 of the DRBC's water quality regulations provide critically important oversight and tracking of natural gas development projects within the Basin and the cumulative impacts these activities may have on the water quality and quantity particularly in the Upper Basin. It should be noted that we do not see the PA DEP regulations and enforcement of the PA Oil and Gas Act as anything close to assessing the cumulative impacts to our water resources. Your Commission MUST play this critical role, and so we encourage your full implementation of the proposed DRBC drafted regulations particularly as they relate to water withdrawals and wastewater controls.

We offer for your consideration the following comments both specific to the Article 7 drafted regulations and to the role of the DRBC in relation to the state parties to the compact.

Of specific concern to our Planning Commission and County is the enforcement of the regulations at the state level. We ask that the DRBC work with the PA DEP to reinstitute the authority of our County Conservation Districts under their state delegation agreements to provide local oversight on the PA Chapter 102, Erosion and Sediment Control, and Chapter 105 Regulations related to Natural Gas Development activities.

Implementation and enforcement of both state and DRBC regulations as this activity moves forward is a concern. With budget and manpower cuts, the most critical aspect of the regulations – their implementation – is at risk. We encourage the DRBC to work with local partners wherever possible to integrate local concerns in the process and to consider potential local partners for implementation.

Public lands within the Delaware Water Gap National Recreation Area provide millions of dollars to our local economy in tourism visitation each year. Public lands in Pike County and the Upper Delaware region as a whole play a critical role in our region's economic health. We recognize that our State forest, game and park lands, as well as the private lands within the Upper Delaware Wild and Scenic River Corridor will not be exempt from oil and gas activity. We encourage the Commission not to use "Approval by Rule" for NG applications within PA State forest, state park, state game lands or any area where the National Park Service has a management interest. Additional scrutiny and review of these applications is important.

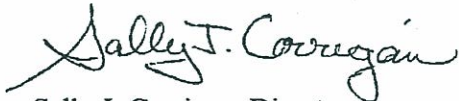
Additionally, we would encourage a restriction on surface drilling activities within the legislative boundary of the Upper Delaware Wild and Scenic River Corridor and no implementation of "Approval by Rule" in these areas.

We appreciate the integration of our local municipal governments and the County Planning Commission into the requirement for public notice procedure in the application process.

Additional Provision – Our Planning Commission offers a suggestion as to an additional provision which the Commission may want to consider. We realize that typically any land use regulations and ordinances can be amended at points in the future if background, experience or new technologies might warrant a change in regulation – either less or more stringent. We realize that these amendments can usually be accomplished at any point in time. We are, however, suggesting that a provision be written into the regulations that would require review, evaluation and modification of regulations at regular intervals to determine if revisions are needed. This will allow coordination with state entities including both New York and Pennsylvania. It could also take into consideration the regular review and opportunity to integrate into the regulations new best management practices.

Our Planning staff would be happy to provide more detailed discussion on any of the above comments should you require. We can be reached at 837 Route 6, Shohola 570.296.3500. Thank you for the opportunity to comment.

Sincerely,



Sally J. Corrigan, Director
Pike County Office of Community Planning

837 Route 6, Unit 4 • Shohola, PA 18458
Phone (570) 296-3500 • Fax (570) 296-3501

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