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RECEIVED/DELAWARE RIVER  
BASIN COMMISSION

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February 23, 2011

Commission Secretary  
Delaware River Basin Commission  
P.O. Box 7360  
25 State Police Drive  
West Trenton, NJ 08628

Dear Commissioners:

The economic livelihood of residents of the upper Delaware River basin is threatened. Our growth has all but halted, our manufacturing has disappeared and our schools are losing enrollment. We now have an opportunity to turn it all around with natural gas, an industry already creating tremendous economic advancements in neighboring parts of Pennsylvania. Unfortunately, while drilling is already safely taking place in most of Pennsylvania under regulations developed by the state and the Susquehanna River Basin Commission, the draft regulations finally released by the DRBC are flawed and must be corrected.

These regulations would impose a 500 feet setback from any waterbody, however tiny, limiting drilling to no more than 0.5% of the land typically found in this area and, even worse, making it impossible to reach those sites with access roads. No other industry has to live by such arbitrary rules. Indeed, the 500 feet setback is several times what the states have adopted and attempts to impose a public water supply standard on any water body, which will have the practical effect of prohibiting drilling everywhere in the upper basin. These additional, duplicative standards should be completely removed.

These regulations, which would insert the DRBC into entirely new matters of land use, forest management and habitat protection, display an absurd level of concern with forest removal. They would largely prohibit clearing of more than 3 acres of land for a well pad, even though 5 acres are required and drilling companies already have a cost incentive to avoid forested areas. More to the point, two-thirds of our area is already wooded and forest cover is growing by the year. There is no threat and no need for new regulation. We are annually adding more forest cover than will ever be removed as a result of gas drilling. All proposed standards related to forest removal, habitat protection and similar items, all of which are already regulated by the states, should be deleted.

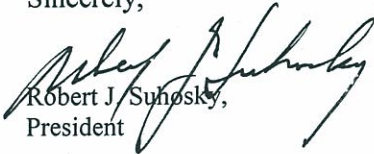
It is suggested, in the introduction to the draft regulations, that duplication of state regulations would be avoided by agreements between the states and the DRBC. There are numerous contradictions to this policy statement throughout the regulations and particularly with respect to Section 7.5, which should be removed in its entirety. The regulations also empower the DRBC to regulate land use for the first time, taking away still more of our property rights and treading all over what has always been the prerogative of the states. This is simply intolerable as we have far too many agencies already involved in land use decisions, making it nearly impossible to do business in the Northeast and especially in areas of special protection waters. Our economic future cannot be sacrificed to a purist vision that leaves our region in pastoral poverty.

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These regulations, incredibly, establish no deadline for the DRBC to act on applications and give the Executive Director new unbridled authority to stop almost anything, anytime, for almost any reason. They are far too amorphous and subjective. The requirement for master planning by drillers is a prime example, as technology is changing so rapidly as to make it pointless. It is a back-door attempt to identify cumulative impacts that cannot be measured in advance, when it is, instead, continuous monitoring that is needed. The regulations must be more objective throughout, with realistic standards, far less discretion on the part of the Executive Director and concrete deadlines for DRBC decisions.

These regulations, in their current form, will deprive us of the best opportunity we have to turn things around economically. They must be revised to reflect the balance intended by the Compact, which says "the government, **employment, industry, and economic development of the entire region** and the health, safety, and general welfare of its population are and will continue to be vitally affected by the use, conservation, management, and control of the water and related resources of the Delaware River Basin." The economic part of this mission has been totally ignored in the draft regulations and this cannot stand.

Sincerely,

  
Robert J. Suhosky,  
President