

**Conservation Advisory Commission**  
**Suggestions Concerning Natural Gas Exploration in Vestal**  
December 10, 2005

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To: Town Board  
From: Conservation Commission  
Subject: Suggestions concerning Natural Gas Exploration in Vestal

The CAC again discussed issues relating to the drilling for natural gas. We are aware, and pleased, that the Town Board took a position opposing the leasing of drilling rights for the Tracy Creek State Forest. In an effort to be proactive, rather than reactive, about possible future natural gas exploration in Vestal, we wish to bring three issues to the Town Board's attention. Although you may already be aware of these issues, we would rather err on the side of being overly inclusive.

1. In its resolution opposing drilling leases on state forest lands, the Broome County Legislature cites the Hewitt Amendment that allowed New York to acquire lands for state forests. According to our County Legislature, drilling for natural gas is not consistent with the purpose and use of state forestlands, as specified in the Hewitt Amendment, and the Legislature questions its legality.
2. The state has two separate review processes for natural gas on state lands. There is one review process for a lease to allow explorations, and this review process does not address the impact of heavy equipment traveling on town roads that might not designed be for such traffic. If natural gas is discovered, there is a second review process, handled by separate agencies, for establishing the facilities needed to get the gas to storage and market facilities. The facilities usually require the construction of an underground pipeline that will extend well beyond the area immediately affected by drilling. The state stands to benefit financially by allowing construction of the needed facilities. With such a conflict of interest, the state is not likely to be impartial about the impact of constructing a pipeline. Thus, if gas were discovered in the Tracy Creek Forest, a pipeline would be constructed from the Forest through Vestal to either an existing pipeline or a storage facility. The bottom line is that drilling on state land would impact the town both through traffic beyond the design capacity of its roads and the construction of an underground pipeline.
3. If a private property owner in Vestal signs an agreement for gas exploration rights to their property, Vestal would be faced with the same problems of heavy equipment traveling on its roads and the pressure to allow construction of a pipeline. However, there are three important differences.
  - i.* The conditions for determination of the drill site would be based upon town regulations. The drilling operation, which can be day and night, can be expected to generate considerable noise and light pollution. Although the noise pollution is regulated by town code, the location of the drill site and the other impacts on neighboring properties should also be regulated.
  - ii.* If gas were to be discovered, the property owner, in effect, would be selling the gas to the drilling company. Should this sale be subject to local taxes? If so, at what rate?

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**Suggestions on Natural Gas Explorations (Cont.)**

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*iii.* At some point, the drilling equipment and, if constructed, the pipeline will no longer be needed. The Town has an interest in not allowing abandoned heavy equipment to lie around compromising safety. Removing it and a pipeline could cause a second disruption to large parts of the Town. Should Town law not specify conditions to be met in such a situation? Also what penalties could be imposed if the law is not followed?

Based upon these considerations, the CAC recommends that Vestal's Board consider two actions:

1. draft legislation that regulates these activities in a manner that the Board feels appropriate, and that it does so before the need arises.
2. urge our state representatives to change the law so that there is a single, comprehensive review process for gas drilling on state lands, rather than the two required by current law.

Richard E. Pastore  
Chair

Cc: Town Engineer  
Town Attorney  
Planning Board  
Zoning Board of Appeals