



Soil and Water Conservation Districts Role In Natural Gas Development in NYS

**Prepared by the Upper Susquehanna Coalition
At the Request of the State Soil and Water Conservation Committee**

**Adopted by the NYS Soil and Water Conservation Committee
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Background on SWCDs:

Soil and Water Conservation Districts (SWCDs) are authorized under state law as local natural resources management agencies. SWCDs coordinate and implement programs in cooperation with federal, state and local agencies. SWCDs serve urban, suburban and rural landowners and communities. SWCDs generally have been designated the local, management and implementing agency to protect water resources from non-point water pollution in the areas of agriculture, construction activity, silviculture, stream banks, and road banks. This is accomplished by providing technical assistance relative to natural resource conservation and water quality to individual landowners, groups and units of government in the County, protecting and improving water quality with programs for nonpoint source pollution sources and problems.

With the completion and approval of the *Supplemental Generic Environmental Impact Statement On the Oil, Gas, and Solution Mining Regulatory Program* by NYSDEC, NYS will undoubtedly experience an increase of drilling permits and associated drill pad and pipelines, resulting in the need for monitoring of natural resource impacts and agricultural expertise at the local level. In order to respond to citizen concerns on natural resource impacts such as drainage problems, trench settling, soil compaction, stormwater runoff, stream crossings and wetland impact, SWCDs should be involved. SWCDs have the necessary knowledge and expertise to monitor and provide technical recommendations to mitigate environmental issues in regard to natural gas exploration (including well pad development and associated pipeline activities). SWCDs historically have been the local contact for landowners and agricultural producers in regard to non-point source pollution and natural resource concerns. This is not new to SWCDs because many are already active in the field with pipeline issues and agricultural remediation as well as erosion and sediment control reviews.

Potential District Roles:

Environmental Scoping/Planning Phase:

1. Provide Technical Assistance to gas companies in the planning phases of access roads, well pad locations and pipeline routing.

As new plans are developed by gas companies for siting access roads, well pads and pipeline infrastructure, SWCDs can provide technical assistance in the environmental review phase. Participating in the review and assessment of these sites prior to permitting can provide insight to potential land disturbance problems and mitigation associated with access roads, well pads and pipeline right-of-ways prior to construction. SWCDs have an extensive working history

with the affected lands, the distinct soils, and soil and water conservation systems in their counties and can assist in minimizing impacts to land resources by being involved in the pre-project planning. This can be accomplished by reviewing preliminary plans of pipeline construction right of ways, access roads and well pads, and supplementing them with site specific information, including recommendations on the siting of containment systems utilized by the gas companies to store both fresh and/or waste water.

2. Provide Technical Assistance to gas companies regarding permitting requirements (permit guidance).

Gas companies have been focusing their efforts in Pennsylvania where regulations pertaining to gas exploration and production are different from New York State. Due to the newly released SGEIS by NYSDEC, companies will not be as familiar with NYS regulations and requirements, therefore SWCDs can provide assistance to companies with the necessary permits required to work in the county, including all state programs and permits administered by DEC (Phase II Stormwater Construction General Permits, Dam Safety Regulations, Protection of Waters Permits), Public Service Commission (thru the Department of Public Service), and pertinent local laws.

3. Review of Erosion and Sediment Control Plans for well pads, pipelines, staging areas, and access roads.

Currently, NYS DEC regional staff are finding significant deficiencies in stormwater plans. DEC staff are also experiencing increased workload due to the requirement that gas companies complete these basic Stormwater Pollution Prevention Plans. There are likely to be plans that are not reviewed timely due to workload constraints. To help address deficiencies that might arise as a result of gas companies' inexperience with the NYS General Construction Permit with respect to well pad and pipeline construction, these companies can utilize local SWCD offices for technical assistance prior to submitting plans. SWCD staff can work with construction permit applicants to improve Erosion and Sediment Control Plans.

4. Provide technical assistance on delineating wetlands and sensitive areas

Construction Phase:

5. Provide Technical Assistance to gas companies on the requirements contained in the Department of Agricultural & Markets "Guidelines for Construction and Restoration activities at Natural Gas Well Drilling Sites in Agricultural Areas"

6. Erosion and Sediment Control Field checks

With limited resources at NYS DEC regional offices, routine spot checks on current regulated construction and development activities are intermittent. With the increase in the number of plans due to gas activities; the regional offices will feel an even bigger strain to complete inspections on well pads and pipeline sites. SWCDs employ natural resource professionals in all 62 counties in NY; many are Certified Professionals in Erosion and Sediment Controls (CPESC). SWCDs are ideal partners for reviewing plans and making compliance checks and site visits. This would include conducting inspections of erosion control practices on project access roads, well pad sites and pipeline rights of ways through the duration of the pipeline construction and land restoration on all agricultural properties in conjunction with regional oversight provided by the Dept. of Agriculture and Markets and other State agencies (i.e. Dept. of Public Service (DPS)).

7. SWCDs CPESCs personnel providing services as "third party monitors/inspectors"

Due to current Phase II stormwater regulations gas companies will be required to conduct periodic construction site inspections; SWCD CPESC personnel are eligible inspectors.

Restoration and Monitoring Phase:

8. Upon request of landowners, gas companies, DPS, and NYSDEC, SWCD's can provide monitoring and mitigation of natural resources upon access road, pipeline and well pad completion. This may include:

- a. Monitoring pipeline rights of ways across active agricultural fields for crop yields, soil compaction, drainage issues and trench settling.
- b. Providing services such as wetland restoration including planning (i.e., watershed assessment for the identification/prioritization of wetland and stream mitigation sites) permits, designs and construction, construction oversight, plantings, monitoring and other associated activities.
- c. Providing technical assistance in the preparation and review of the DPS Environmental Management and Construction Plan for pipeline development.

- d. Providing technical assistance with planning, permits, design, construction, and construction oversight of stream rehabilitation and restoration activities. These activities, could include: fish passage and habitat enhancement, culvert replacement, rock rip rap and natural stream structures.
 - e. Hydroseeding and mulching for sediment and erosion control.
 - f. Provide seeding and soil amendment recommendations on critical areas and agricultural lands.
9. Provide technical assistance with Water testing.
- a. This may include baseline data testing for private drinking water supplies and
 - b. Providing indicator testing and baseline data for watershed groups.

Training:

10. Provide Erosion and Sediment Control training for gas companies and contractors.
SWCDs have trained certified staff capable of holding NYSDEC endorsed 4 –hour Contractor Erosion and Sediment Control Trainings to meet Phase II Stormwater requirements. Gas activities will require individuals to be trained on this topic and District's that are capable to:

- 11. Provide monitoring and restoration training for gas companies and 3rd party inspectors.
- 12. Provide Wetland delineation and sensitive area training for gas companies and 3rd party inspectors.
- 13. Provide training to gas companies on road drainage issues and repairs.

Education:

- 14. Provide technical assistance to landowners and landowner coalitions on technical addendums that need to be included in leases (i.e. Dept of Ag & Markets " Guidelines for Construction and Restoration activities at Natural Gas Drilling Sites in Agricultural Areas" and " Pipeline Right-of-Way Construction Projects – Agricultural Mitigation through Stages of Project Planning, Construction/Restoration and Follow up Monitoring."
- 15. SWCDs should be involved in Natural Gas Task Forces/Advisory Boards formed at the County Level to provide technical expertise in many of the issues addressed.

In the end each District and its Board will decide their degree of involvement in natural gas activities.