



NEW YORK STATE SENATOR

Mark Grisanti

## Water withdrawal bill to hit Assembly floor-Politics on the Hudson

MARK GRISANTI May 3, 2011

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A bill giving the state power to regulate massive water withdrawals from most New York streams and rivers is set to come up for an Assembly vote today, and the Senate's Environmental Conservation chair said he expects his house to act soon.

Assemblyman Robert Sweeney, D-Babylon, said he expects the legislation – which would require the state Department of Environmental Conservation to create a permit program for withdrawals over 100,000 gallons – to pass easily.

The bill, which was proposed by the DEC, has been the subject of debate in the environmental community, with most groups supporting it, but some worrying that it would encroach on landowner's rights. The state currently operates on a "riparian rights" system, which allows the owner of land adjacent to lakes and rivers to have fair use of that waterfront.

DEC Commissioner Joseph Martens, speaking after a gathering marking today's environmental lobbying day, said he believes the bill will actually enhance the current riparian rights.

"I respectfully disagree with the opponents, who for some reason argue that it would affect riparian rights," Martens said. "Right now, anyone who wants to withdraw huge amounts of

water in 70 percent of the state of New York don't have any regulation on them. By putting a water bill in place, one of the things that DEC is going to be looking at is existing users—people who now use the resource—and hopefully protecting them, possibly by putting limitations on the new users.”

While the legislation isn't industry specific, natural gas companies are hoping to tap into the state's portion of the Marcellus Shale, and will need millions of gallons of water for high-volume hydraulic fracturing, a controversial technique used to break tight rock formations and release gas. That type of hydrofracking is on hold in New York as the DEC constructs its permitting guidelines.

The Independent Oil & Gas Association has not taken a position on the bill, but it has been begrudgingly supported by the state Business Council.

Sen. Mark Grisanti, R-Buffalo, said he wasn't certain when the bill will come up for a vote in the Senate, but said he expects it to pass easily when it does.

Sweeney also announced a bill would be introduced in the Assembly today that would firm up the current hydrofracking moratorium, extending it to June 2012. A few hundred people (pictured) marched from the Capitol to the DEC offices and back today, calling for an outright ban.

Grisanti, who heads the Senate Environmental Conservation Committee, wasn't keen on the idea. He said he expected it would be defeated in his committee, if it got that far.

“I think the answer is more along the lines of whether it's safe or not, and coming up with the necessary safeguards to put in place,” Grisanti said. “You're kind of putting the cart before the horse if you put a moratorium in place before the (DEC) study results come back.”