



April 24, 2013

The Honorable Andrew M. Cuomo
Governor of New York State
Second Floor, State Capitol
Albany, New York 12224

Dear Governor Cuomo:

We write to urge you to scrap the Revised Draft Supplemental Generic Environmental Impact Study (“Revised Draft SGEIS”) due to a clear conflict of interest on the part of Ecology and Environment Engineering PC (“Ecology and Environment”), a state contractor that prepared a key portion of this critically important review document. Regardless of this firm’s expertise on purely technical matters unrelated to policy formulation, Ecology and Environment’s participation in a trade association and lobbying effort in support of authorizing high volume hydraulic fracturing (“fracking”) in New York fundamentally disqualifies the firm and its work for the Revised Draft SGEIS.

Ecology and Environment was selected by the New York State Department of Environmental Conservation (“DEC”) to prepare the socio-economic impact analysis as a technical consultant in support of the Revised Draft SGEIS review.¹ A fifty million dollar (\$50,000,000) contract, which upon information and belief may include responsibility for the socio-economic impact analysis, was approved on March 31, 2011.² According to the Office of the State Comptroller, apparently \$1.49 million has been spent to date on this contract.³ The report was provided to the DEC in August 2011.⁴ The New York Times reported that the study cost \$223,000 in an article that raised conflict of interest concerns about Ecology and Environment due to its ties to the drilling industry.⁵ The Times piece noted that Ecology and Environment touts its track record in obtaining permits.⁶ At that point in time, however,

¹ *Revised DRAFT SGEIS on the Oil, Gas and Solution Mining Regulatory Program*, NYSDEC. Accessed at www.dec.ny.gov/energy/75370.html?showprintstyles.

² Open Book New York, Office of the State Comptroller, accessed at www1.osc.state.ny.us/transparency/contracts/contracttransactions.cfm?Contract=DEC01-D007617-3350000.

³ Open Book New York, Office of the State Comptroller, accessed at www1.osc.state.ny.us/transparency/contracts/contractresults.cfm?sb=v&a=0&ac=&v=ecology+and+environment&vo=B&cn=&c=-1&m1=0&y1=0&m2=0&y2=0&am=0&b=Search.

⁴ *Economic Assessment Report for the Supplemental Generic Environmental Impact Statement on New York State’s Oil, Gas, and Solution Mining Regulatory Program*, dated August 24, 2011, prepared for NYSDEC by Ecology and Environment, Inc. Accessed at www.dec.ny.gov/docs/materials_minerals_pdf/rdsgeisecon0811.pdf.

⁵ *Before Release, a Hydraulic Fracturing Study for the State Draws Skepticism*, Mireya Navarro, *The New York Times*, September 2, 2011.

⁶ *Id.* See Ecology and Environment website, which includes this claim: “We specialize in quickly navigating the permitting process and helping clients maintain construction schedules by identifying regulatory permits early in the planning process,

there was no indication that Ecology and Environment was lobbying in support of fracking in New York.

By letter dated April 22, 2013, the Independent Oil & Gas Association (“IOGA”) wrote to you “representing an industry and profession in crisis” to express its concern over your administration’s deliberations about fracking, suggesting that public debate was other “than fair consideration based on science and real-world experience.”

The letter is “[r]espectfully submitted on behalf of IOGA of NY’s members,” signed by the group’s executive director, and endorsed by its members, including Ecology and Environment, Inc.^{7,8} An IOGA spokesperson confirmed that Ecology and Environment is a member of the industry trade association.⁹ According to records maintained by the Joint Commission on Public Ethics, IOGA was registered as a lobby client for the years 2010, 2011 and 2012.¹⁰

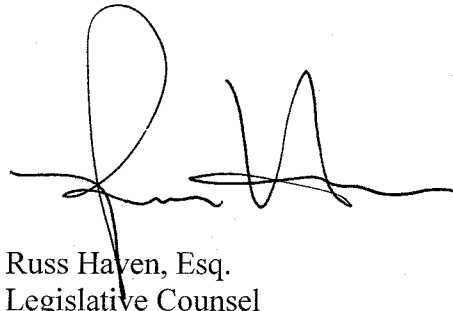
We believe that New Yorkers deserve a truly independent review of the socio-economic impacts of fracking in the state. Ecology and Environment’s lobbying position demonstrates that it is not an objective analyst on this subject.

Accordingly, Ecology and Environment, as a member of a trade association that is aggressively lobbying on behalf of hydraulic fracturing must be deemed an interested party with a conflict of interest and its work prepared under state contract and its work and any portions of the Revised Draft SGEIS that relied on such work must be excised from the review and performed by a truly independent entity.

Respectfully submitted,



Rebecca J. Weber
Executive Director



Russ Haven, Esq.
Legislative Counsel

incorporating realistic permitting timelines, and ensuring that permits are obtained within that project schedule.” See www.ene.com/Services/permitting.

⁷ IOGA Letter to Governor Cuomo, dated April 22, 2013. Accessed at www.scribd.com/doc/137334508/Letter-from-IOGA-of-New-York-to-Governor-Andrew-Cuomo-Regarding-Natural-Gas-Development.

⁸ Ecology and Environment, Inc. appears to be the corporate affiliate of Ecology and Environment Engineering PC, both having offices at 368 Pleasant View Drive, Lancaster, New York 14086. See New York State Department of State corporate registry at www.dos.ny.gov/corps/bus_entity_search.html.

⁹ *NY’s Fracking Consultant Belongs to Gas-Industry Trade Group*, Jon Campbell, *Gannett News Service*, April 22, 2013. Accessed at www.pressconnects.com/article/20130422/NEWS11/304220044.

¹⁰ Research of Joint Commission on Public Ethics database of lobby clients performed April 23, 2013.