



Joint Landowners Coalition of New York, Inc.

To foster, promote, advance and protect the common interest of the people as it pertains to natural gas development through education and best environmental practices.

PO Box 2839
Binghamton, NY 13902

April 24, 2017

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: Oil & Gas Development in New York State

Dear Mr. President,

Congratulations on your victory. We are confident that your presidency will restore common sense to government. I am writing with a plea for help for thousands of landowners in Upstate New York who have had their property rights deprived by our state.

I am the President of the Joint Landowners Coalition of New York, Inc., a group of 70,000 landowners with more than one million acres available for oil and gas development in New York. We are a coalition of landowners and generational farmers who care deeply for the environment and the land. We believe that with strong regulatory oversight, it is possible to balance natural gas development and protection of the environment.

On December 17, 2014, Governor Andrew Cuomo and our Department of Environmental Conservation made a decision to ban high volume hydraulic fracturing in New York. We believe the Governor has illegally taken our private property rights for his political gain.

Governor Cuomo's decision was completely at odds with earlier findings from state and federal environmental regulators that hydraulic fracturing has been used safely for decades. In fact, Governor Cuomo's decision overturned two earlier findings from New York state environmental regulators, in 2009 and 2011, that hydraulic fracturing in the Marcellus Shale could be conducted safely under stringent regulations.

The Cuomo administration's decision was heavily influenced by a network of well-funded environmentally active foundations and anti-fracking groups. To justify the ban, the state produced a 184-page literature review of recently published research papers. But, there were significant and undisclosed ties between some of the research used in the review and the organizations formed to support the ban.

New York is so controlled by environmental extremists that our state cannot even approve basic pipeline infrastructure necessary to supply natural gas to New York communities that currently rely on propane and oil. New York has also impeded interstate commerce by obstructing the transportation of natural gas from Pennsylvania and to New England states.

The Constitution Pipeline received Federal Energy Regulatory Commission approval in December 2014. In April 2016, New York denied a water quality permit required for construction of the project which would have supplied New York's Southern Tier with a sorely needed energy source. The \$700 million pipeline was projected to support 2,400 direct and indirect jobs, generating \$130 million in labor income for the region and \$13 million in annual property tax revenue.

The Millennium Pipeline Company, L.L.C. obtained FERC approval to construct and operate 7.8 miles of a lateral pipeline in Orange County, New York in order to provide transportation service to the Valley Energy Center (the Valley Lateral Project). In December 2016, Millennium Pipeline was required to take New York to federal court because DEC missed two deadlines to act under rules set by FERC and the Natural Gas Act and Clean Water Act. Millennium Pipeline says the state is sitting on a water quality permit necessary to move forward with the project.

On April 8, 2017, New York's DEC denied water quality certificates for the Northern Access natural gas pipeline being developed by National Fuel Gas Supply Co. and Empire Pipeline Inc. The project is a 96.5-mile gas pipeline from Sergeant Township in Pennsylvania to National Fuel's compressor station near Elma, NY. Ronald J. Tanski, President and CEO of National Fuel Gas Company said: "We are highly concerned about the ability of utilities in the state to meet the future energy needs of their consumers and the businesses and industries that drive the state's economy. New York's continued denial of permits for energy infrastructure projects is simply not sustainable, as it will have the effect of reducing New York's energy reliability, lead to higher costs for consumers and be a limiting factor in the ability for industry to locate or expand in the state."

New York State's obstruction of FERC approved projects is in direct conflict with the federal government's need to satisfy the public need for energy, both in our state and in neighboring states. Moreover, our Governor's anti-fossil fuel campaign is creating an energy crisis in our region. We believe the federal government must assert its rights over federally approved pipeline projects.

We also believe there should be support for legislation introduced by United States Congressman Tom Reed (NY-23). Congressman Reed has proposed the Defense of Property Rights Act. The Act has widespread support from property rights advocates throughout the country, concerned that the EPA and our government have overstepped their bounds. The Act states that government may not take private property, including oil, gas and mineral rights, without just compensation. The Act will allow all landowners aggrieved by Governor Cuomo's hydraulic fracturing decision to pursue Fifth Amendment claims for the taking of their mineral rights. Congressman Tom Reed said: "Far too often private property owners are left on the sidelines while local, state and federal governments make decisions for them on what they can and cannot do with their property. This is not right; it is not fair; and it is not the American way. These actions by government entities often leave our neighbors and friends with property that is worth much less, hurting their families and leaving them little choice but to accept the lower value. This legislation would allow our friends and

neighbors the option to seek compensation for their loss and provide a more fair process in our court system.”

President Trump, we ask that you intervene to help us in New York. We are home to the Marcellus and Utica shales, the largest natural gas deposits in the world. But, they remain untapped in New York because of the political aspirations of our Governor. The nation is on a path towards energy independence but our country’s progress is threatened by New York’s conflicting agenda.

As you know, our landowners in Upstate New York gave you overwhelming support in the election. We believe you understand the plight of our Upstate communities and are aligned with us on a common sense, all of the above energy policy. We urge you to address these issues in New York, for the good of our communities and our nation.

Thank you for all that you are doing to Make America Great Again.

Most Respectfully,

Joint Landowners Coalition of New York, Inc.

A handwritten signature in cursive script that reads "Daniel Fitzsimmons".

By: _____
Dan Fitzsimmons, President
607 775-5821

cc: Mr. Reince Priebus, White House Chief of Staff