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April 15, 2014

The Honorable Andrew M. Cuomo
Governor
Executive Chamber
New York State Capitol
Albany, NY 12224

Dear Governor Cuomo:

We applaud you for Executive Order 125 and your detailed letter to federal agencies expressing your concern about New York's growing role as a transportation center for Bakken crude. We urge you to take the next step and ask the New York State Department of Environmental Conservation ("DEC") to require the industry to perform the full environmental impact review mandated by state law.

Your worries about the safety of the brittle and accident prone DOT-111 rail cars used to haul Bakken crude, as well as the industry's inadequate existing spill response infrastructure, are well taken. The National Transportation Safety Board has warned that the DOT-111s pose an "unacceptable public risk." You have asked five federal agencies to intervene to prevent public peril and ordered your New York State agencies to study the transportation risks. While the industry proceeds with its risky enterprise we believe the state needs to go beyond examining this issue in a study that will, ultimately, have no teeth.

Over the past two years, New York has become one of the largest crude oil transportation hubs in the nation. Oil companies ship billions of gallons of highly volatile Bakken crude on ships, river barges, and by rail through our cities, towns and villages and store its crude within feet of our homes, businesses, and schools. Regrettably, the DEC has issued permit after permit for this industrial expansion without requiring the environmental impact review required by law.

Currently, DEC is reviewing an application that has statewide, national and global significance. Global Companies, LLC ("Global") has proposed to import, for the first time, Canadian tar sands oil into New York, heat this oil at its Albany and New Windsor Terminals, and then ship it down the Hudson. Although DEC issued a preliminary finding that Global's Albany proposal will have no significant environmental impacts, the DEC recently announced that it is conducting a "comprehensive review" of that determination in which the agency asked Global for more information on the potential impacts of heavy crude oil spills in the Hudson River, the financial resources to cover a cleanup, and the liability insurance it carries, among other requests.

We appreciate the June 2nd public comment extension on Global's permit application, but without the best available information about the project and its impacts statewide, or even the means to adequately disseminate that information, the public has little to comment on. Moreover, there is no assurance that the information requested of Global will be made available for public review in a timely manner, as the DEC did not provide Global with a deadline to respond to the information request.

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Global has stated, in its most recent submission to the Securities and Exchange Commission, that it views the Albany Terminal as an integral part of its “virtual pipeline” moving oil from the western United States and Canada to east coast refineries, and it is apparent that Global’s New Windsor facility is another key part of their plan. The environmental, public health, and safety impacts of Global’s proposed virtual Keystone XL pipeline warrant a full, comprehensive public review.

We, and many others, are arguing that the U.S. Department of State must address the devastating environmental costs associated with tar sands oil and the proposed Keystone XL pipeline: in particular, the impact that extract and transport of such fuel will have on our changing climate. Since Global and other companies view New York State to be a primary route to market for tar sands oil the same examination being sought for Keystone XL must be done here.

Indeed, your administration’s commitment to reducing greenhouse gas pollutants 80-percent by 2050 will be severely undermined if Global’s tar sands oil proposals are allowed to proceed without the full environmental review they deserve. New York cannot maintain its leadership role on addressing the impacts of our changing climate while at the same time allowing a virtual Keystone XL pipeline to proceed without full review of its associated greenhouse gas pollution.

As you are aware, Global has consistently resisted all efforts by local elected and public health officials in Albany to obtain detailed information about its proposal. Most recently, the company redesigned its project for the express purpose of eliminating review by the Albany City Planning Board. Moreover, despite repeated requests from DEC and affected communities, the company has yet to develop an acceptable Public Participation Plan, as is required by DEC’s Environmental Justice Policy.

Common sense and black letter legal precedent require that DEC rescind its negative declaration and require a full environmental impact statement for Global’s related Albany and New Windsor tar sands proposals.

Governor Cuomo, the people of New York deserve better. We hope that you will urge DEC to require a full environmental impact statement for Global’s Albany and New Windsor proposals, thus providing affected communities the vital environmental and public health and safety information to which they are entitled.

Respectfully,

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