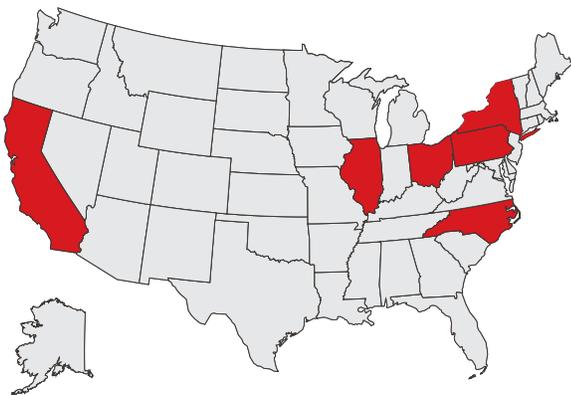


## Fracking: Community Defense

Communities around the country are confronting an explosion in hydraulic fracturing—commonly known as “fracking”—and other controversial extraction techniques for oil and natural gas that are linked to air pollution, water contamination, and public health issues. For too long, these communities have had little or no defense against the companies that come in and start fracking without regard for its impact on the place or the people who live in it. If local citizens don’t want fracking, or want to restrict it, their voices should be heard and respected. NRDC’s Community Fracking Defense Campaign defends that right.

The Community Fracking Defense Campaign combines the grassroots power of communities with the expertise of NRDC’s policy and legal team. Our goal is to support communities as they fight fracking in their backyards while empowering others to protect their health, environment, and way of life from fracking. We help residents and local leaders craft effective local anti-fracking laws, defend those laws in court, and take other steps to preserve and protect community rights and local control.

**States where NRDC’s Community Fracking Defense Campaign is currently active**



### ESTABLISHING STRONG LEGAL PRECEDENTS



- NRDC is helping citizens in a number of New York towns—including Wales, Canandaigua, and Amherst—draft laws to limit or prevent fracking within their borders. These ordinances are designed to withstand potential legal challenge. We have already helped the citizens of Scipio pass a ban on all heavy industry, including fracking.

- NRDC and allies have fought to uphold New York municipalities’ right to limit oil and gas development locations, including prohibiting such development entirely, under their so-called home rule authority. When a drilling company challenged the citizens of Dryden and Middlefield, NRDC represented a coalition of environmental and non-profit groups as amici in support of their rights.

- NRDC and our local partners, Catskill Citizens for Safe Energy, defended the free speech rights of the citizens of Sanford, NY. Over residents’ objections, Sanford’s Town Board declared its support for lifting New York’s moratorium on fracking. The Board then passed a “gag rule” prohibiting citizens from discussing fracking at Town Board meetings.

- NRDC and Catskill Citizens, on behalf of all Sanford residents, challenged the rule under the First Amendment. As a result, the Board rescinded the rule.



- In North Carolina, the Mining and Energy Commission is developing rules on chemical disclosure, compulsory pooling, and other topics that would have significant impacts on North Carolina communities. NRDC is watching the rulemaking process closely, as well as potential legislative attempts to undermine communities’ right to protect themselves from fracking.



Defending residents’ free speech rights against fracking in Sanford, New York.



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**Stay up to date on NRDC’s Community Fracking Defense work at [www.nrdc.org/land/fracking-community-defense](http://www.nrdc.org/land/fracking-community-defense).**



Oil development in Monterey County, California.

## CRAFTING EFFECTIVE LOCAL PROTECTIONS

■ NRDC worked with Aromas Cares for the Environment to help draft and secure fracking protections for San Benito County, California. In July 2013, the Board of Supervisors voted 5-0 to update the county's oil and gas ordinance to add new notice, chemical disclosure, bonding, insurance, water testing, and other requirements for

fracking operations. NRDC continues to work with residents in San Benito County fighting to pass even greater limits on fracking through the ballot initiative process.



■ In Monterey County, NRDC helped draft and present to local decision makers an ordinance that would ban fracking in areas identified as too sensitive to frack and is offering legal and science-based support to local groups pushing for a 2-year county-wide moratorium on fracking.

■ NRDC helped the Baldwin Hills community of Los Angeles County—home to the United States' largest urban oil field—secure important safeguards as oil exploration and extraction, including fracking, plowed forward. We negotiated a settlement with the County Board of Supervisors that required mitigations and benefits such as reduced drilling of new oil wells over the next 20 years, increased air quality monitoring, stricter noise limits, and mandatory recurring health and environmental justice assessments as new drilling progresses.

■ NRDC has also publicly testified, met with the Mayor, and offered scientific and legal resources in support of a City Council of Los Angeles motion to update the city's zoning laws and put a moratorium on fracking within city limits. NRDC has also worked with Los Angeles residents suffering from oil and gas related health impacts to publicly share their stories.

■ NRDC will continue to champion and assist city council leaders in their effort to protect public health and pass a moratorium on fracking and other well stimulation activities in Los Angeles.



■ In North Carolina, NRDC teamed up with local attorneys from the Southern Environmental Law Center to aid our partner

Clean Water for North Carolina (CWFNC), represented by the Duke Environmental Law Clinic. We helped draft a local ordinance to address residents' many concerns about hydraulic fracturing. In May 2013, with the encouragement of local groups like CWFNC, Anson County established a five-year moratorium on fracking. Other cities and counties are also exploring opportunities to establish local safeguards.

## PRESERVING COMMUNITY RIGHTS AT THE STATE LEVEL



■ In Illinois, NRDC established fundamental legal protections for communities that were facing fracking without any safeguards. For the first time, the state's recent fracking law, the Hydraulic Fracturing Regulatory Act, ensures citizens' rights to public hearings concerning proposed permits, to appeal permits that are granted, and citizen enforcement against violations of law or permit. The law also imposes bonding and insurance requirements to hold drilling companies financially accountable for damage they may cause and more.

## NEXT STEPS



■ In a pivotal case before the Pennsylvania Supreme Court, NRDC submitted an amicus or "friend of the court" brief on behalf of seven Pennsylvania municipalities opposing a draconian state law that severely restricted local governments' rights to limit or enact protections against fracking. Late last year, the Court held that the law violated the Environmental Rights Amendment of the Pennsylvania Constitution. NRDC is now working with other Pennsylvania groups to explore what additional community protections this amendment may guarantee.



■ In Ohio, NRDC is helping communities enforce their traditional land use powers over oil and gas development. We submitted a "friend of the court" brief on behalf of Broadview Heights, Euclid, Mansfield, North Royalton, and Amesville in support of the City of Munroe Falls and their right to enforce a local ordinance against drilling companies.



■ NRDC is carefully tracking the implementation of Illinois' fracking law, SB 1715, and pushing the state to make regulations as protective as possible. We want to ensure that citizens' rights to oversee their own communities—defined in the legislation—are not diminished in the regulations.



■ NRDC is calling on the governor of California to institute an immediate moratorium on fracking so the state can study the risks and impacts and determine whether—and if so, how—communities can be protected. In the meantime, we are working with state agencies to ensure that regulations are as strong as possible to protect residents who are exposed to fracking now.