

Approaching Local Governments to Take a Stand on Fracking

Several local governments in North Carolina have chosen to pass ordinances or resolutions that either prohibit fracking or express opposition to it. Though the state legislature made local ordinances potentially vulnerable to pre-emption by industry petitions in Senate Bill 786, passing a resolution or ordinance sends a powerful message about how a local jurisdiction will receive fracking in the community. It may feel intimidating to approach local officials to urge them to pass an ordinance or resolution, but with the right approach, the whole process can be empowering.

- Know what you're talking about. It sounds simple, but having the ability to speak clearly about fracking and what it could mean to your community is essential. You don't need to know "everything", but you do need to hone in on what you think will be the most important consequences and explain them to your elected officials. Topics to pay particular attention to are infrastructure, emergency response and local services. The more you can tailor your argument to specific local needs and concerns, the more officials will listen.
- Meet with elected officials face to face. Do your homework and figure out which of your board members are most likely to be sympathetic. Make an appointment to meet with them. Elected officials are required to abide by open meetings laws, so they are used to discussing things "off line" in ones or twos (the "quorum" number varies for each local government). Offer the elected officials confidentiality, so that they have political protection while they consider whether or not to act and talk to their peers.

Encourage the elected officials to invite along key staff members who they believe to be sympathetic. These are professionals whose job it is to know the outcomes of different policy choices. This will help you get a deeper understanding of the potential consequences of passing a resolution or ordinance, as well as provide you additional information about what arrival of the fracking industry could mean for your local government.

These initial meetings will help you gauge your likelihood of success. This may take more than one meeting—one to give them background and make your case, then another after they've had a chance to think about it more and do their own asking around, or if they want to bring in another board member or staff to join discussions. Be patient.

- Tap in to what makes your town/county special. Most local elected officials are there because they have a genuine interest in serving their community and a desire to make their town/county a better place to live. They love it there, just like you! It is typically easier to find common ground in discussions about local issues because things are rarely framed in ideological terms.
- Talk about fairness. Local officials loathe appearing to favor one group or part of the community over another. Fracking and similar heavy industries most frequently have negative impacts on rural areas, low income communities, and communities of color. Get your elected officials to think about whether it is fair that these groups suffer the ill effects of an industry that will primarily serve to make wealthy landowners, contractors and out of

state corporations even more wealthy. Fracking in North Carolina would also infringe on landowner rights, which should be emphasized to win over public officials of all parties.

- As mentioned above, it is critical to think about infrastructure, emergency response and other local services. Some of the primary responsibilities of local government include public safety, housing social services, building and maintaining local roads and often, providing water. Fracking has big implications for each of these, so these are more likely to catch the attention of local government elected officials and staff. [SEE TEXT BOX BELOW]
- Understand the culture of your area. Who lives there? How will your proposal look to them? Remember that most local officials will be more responsive if they help to draft a proposal.
- What is the “mission” of your town/county? Not every town or county has a written mission, but many do. Talk about how fracking ties in with or violates that mission.
- Don’t just show up at a public meeting and spring a proposal for a resolution or ordinance that the board and staff haven’t heard about. This could greatly reduce your chances of success. Officials like to be informed BEFORE a controversial issue comes up.
- There is strength in numbers! If you know of other concerned community members, form a local group, if you don’t already have one, to attend meetings with you.
- Educate yourself about rules and process. Staff and elected officials are typically more than happy to help you understand how things work – that is part of their job! Having that knowledge will demystify the process for you, and increase your credibility.
- Be sure your elected officials understand that there is no longer a requirement to pass protective ordinances unanimously. A simple majority is all that’s required.
- If you’ve developed a relationship with a few local officials and would like some help drafting an ordinance, Clean Water for NC (919-401-9600) will be glad to get in touch with the collaborative legal team working on ordinances!

Fracking: Infrastructure Impacts Cost Local Governments Dearly

As the year 2014 marches on, California has been mired in a historic drought, with surface reservoirs and underground aquifers reaching historic lows. As if that were not bad enough, it was discovered in early October that 3 billion gallons of fracking wastewater have contaminated Central California aquifers. Wastewater entered the aquifers through at least nine injection waste disposal wells used by the oil industry. (San Diego Free Press, October 15, 2014)

Pro-fracking advocates frequently cite “severance” taxes as a boon to local economies and a way to pay for infrastructure wear and tear. Unfortunately, extraction taxes are far from adequate to cover the damage. “In 2012, the State of Texas took in approximately \$3.6B in severance taxes from all oil and gas produced in the state....Texas DOT estimated that the damage to Texas roads from drilling operations now totals \$4B” (Deborah Rogers, “Externalities of Shale: Road Damage”). **Local governments in NC are prohibited from taxing fracking companies, and there is no provision in state law to set aside funds from state severance taxes to help localities pay for infrastructure costs.**