

FreshWater Accountability Project

Dedicated to preserving
and protecting our *freshwater*,
a basic human need, belonging to us all.

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- **FOR IMMEDIATE RELEASE** -

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PROPERTY OWNERS SUE CONSERVANCY DISTRICT

Leasing for Fracking and Selling Water from Seneca Reservoir "Last Straw"

Lea Harper and her husband Steve, property owners near Seneca Lake in Guernsey County, filed suit in Franklin County Common Pleas Court yesterday after two years of effort and organizing to stop the Muskingum Watershed Conservancy District (MWCD) from leasing public land and selling public water for horizontal, hydraulic, high-volume slick water fracturing (fracking).

The "final straw" came last February, when the conservancy district approved the lease of Seneca Lake, the third largest inland lake in Ohio, to Antero Resources for fracking. The MWCD subsequently approved a pipeline to siphon two million gallons a day of reservoir water to sell for fracking, thus destroying the water forever to reap conservancy district profits. So far, the MWCD has made \$78 million in bonus payments for leasing and projects to make hundreds of millions more in royalties plus hundreds of thousands of dollars in windfall profits by selling reservoir water.

In a final attempt to avoid the lawsuit, environmental organizations and concerned citizens organized to testify to the MWCD Conservancy Court, which has a governing role over the MWCD staff and board. The court declined to hear the pleas of those organized to protest the conservancy district's decisions. After exhausting all attempts to avoid litigation, the Harper family has petitioned for a declaratory judgment from the court asking for a determination of the legitimacy of the MWCD to engage in the risky and poorly-regulated industrial practice of fracking.

The lawsuit also seeks a ruling on whether the conservancy district has violated the terms of the deed which gave federal land to the MWCD for public stewardship, and whether the Ohio Department of Natural Resources has a legal responsibility to consider environmental effects likely to be caused from fracking. The plaintiffs provided the conservancy district and ODNR copies of a hydrogeological study of Seneca Lake which concludes that the lake water is at unusual risk from pollution due to a legacy of unrecorded drilled gas and oil wells in the lakebed. A further risk is posed by a buried coal mine adjacent to Seneca Lake next to the dam.

The FreshWater Accountability Project (www.FWAPOH.com) and Southeast Ohio Alliance to Save Our Water (SOASOW), both founded by the plaintiffs, have questioned the US Army Corps Engineers for allowing fracturing, which they consider to be a dangerous and destructive practice, in close proximity to many dams in the conservancy district. FWAPOH and SOASOW have demanded a federal

rulemaking to provide for a comprehensive emergency plan to respond to catastrophic emergencies including migration of toxic and radioactive fluids, earthquakes and subsidence.

"It's unfortunate that the MWCD has left us with no option except to sue," states plaintiff, Lea Harper. "Horizontal hydraulic fracturing is now a huge industry in Ohio, which is highly unregulated, dangerous, polluting and especially destructive to scarce freshwater resources. The fracking industry has detrimentally affected other valuable industries such as agriculture and recreation, and has decreased property values in areas where it takes place. Some insurers and mortgage lenders will not insure or lend on property that has been fracked. For a conservancy district to actively solicit and engage in such a destructive industry as fracking is unconscionable – a total betrayal of the promise to act for public benefit that justified the MWCD's ability to tax property owners within its huge domain."

"My clients are well-informed democratic and environmental advocates. They have gone to enormous lengths to represent the public to counteract the MWCD's unilateral and self-serving decisions that have exposed thousands of acres of public land to the environmental and public health burdens of fracking," said Toledo attorney Terry Lodge, legal counsel for the Harpers. "Until legislative and regulatory requirements are restored in Ohio to protect our environment, property rights and health, there will be more lawsuits demanding justice, civil rights and protections against this new, temporary, and highly destructive multi-national industry. Fracking is destroying local assets while building the infrastructure to export the products overseas to the highest bidder. An increasingly angry public is organizing to protect their neighborhoods, health and property values. People are becoming more mobilized, aware and equipped to offset corporate greed and environmental destruction. The Harpers are just the beginning – there will be many more brave Ohioans who will stand up to protect themselves against the fracking industry despite the fact that much of our political system has succumbed to it."

The lawsuit also names the Ohio Department of Natural Resources and Antero Resources Appalachian as defendants. Plaintiffs appreciate the ongoing efforts of colleagues and organizers who have opposed the MWCD's continued leveraging of public assets for profit by catering to the fracking industry. This includes the Food and Water Watch, Buckeye Forest Council (fiscal sponsors of FWAPOH), Ohio Sierra Club, Stewards of the Land, Center for Biological Diversity, Frack Free Ohio, People's Oil and Gas Collaborative (POGCO), Ohio Citizen Action, Guernsey County Concerned Citizens, Ohio Environmental Council, and many other individuals and organizations concerned about civil and property rights, public health and the environment.

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The FreshWater Accountability Project is committed to preserving clean water and to pre-empting possible environmental degradation while establishing accountability on behalf of those who may be detrimentally affected and deserve compensation if their water and quality of life are adversely affected by hydraulic fracturing activities, including injection wells, frack waste "recycling," and solid waste disposal. This also includes the spreading of toxic and radioactive "brine" (frack waste) on public roadways.