

Resolution Number 09-15-2014

BOARD OF ALDERMEN OF THE TOWN OF MARSHALL, NORTH CAROLINA

RESOLUTION OPPOSING HYDRAULIC FRACTURING

WHEREAS, hydraulic fracturing, or “fracking” is a method of extracting natural gas that involves injecting a mixture of water, sand, and a complex combination of toxic chemicals at an extremely high pressure to break up shale or other rock formations; and

WHEREAS, fracking often uses horizontal drilling, an unconventional and highly controversial technology only recently applied to natural-gas extraction on a large scale; and

WHEREAS, fracking requires millions of gallons of water per well, increasing demand on regional water supplies, and

WHEREAS, fracking operations produce toxic wastewater that requires disposal in special treatment facilities that do not exist in Western North Carolina; and

WHEREAS, scientific and regulatory authorities in other states have established documented links between fracking and contamination of drinking water wells, contamination of surface water, degradation of air-quality, an increase in greenhouse-gas emissions, increased incidents of earthquakes, and many other adverse environmental and health impacts; and

WHEREAS, fracking operations cause air, water and noise pollution detrimental to property values and future economic growth; and

WHEREAS, the cost of mitigating future environmental damage, including the management of leaking wells after they close, is not funded; and

WHEREAS, on June 4, 2014, Governor Pat McCrory signed the Energy Modernization Act, lifting the moratorium on fracking and allowing permits to be issued in early 2015; and

WHEREAS, the North Carolina General Assembly has allocated funding to the Department of Natural Resources to explore for the presence of shale gas in Western North Carolina and such exploration is scheduled to begin this summer; and

WHEREAS, Western North Carolina has diverse and abundant natural resources, including state and national parks and national forests, that are enjoyed by millions of people every year and that provide a basis for the region’s multi-billion dollar tourist economy; and

WHEREAS, the municipal water supply for the Town of Marshall is obtained exclusively from water wells supplied from groundwater; and

WHEREAS, the Town of Marshall has a vested interest in protecting the region’s natural resources, both because of their intrinsic value and because they bring tourists and new residents to the region; and

WHEREAS, gas wells are often close to surface waters that could be impacted by elevated sediment runoff from pipelines and roads, alteration of stream flow as a result of water extraction, and contamination from introduced chemicals or the resulting wastewater; and

WHEREAS, The French Broad River is classified as “Class B” waters, meaning that it is recognized by the State of North Carolina as a river where frequent and organized human body contact is occurring; and

WHEREAS, the French Broad River supports outdoor sports of all kinds, whitewater rafting, gentle canoeing, swimming, tubing, kayaking, and fishing; and

WHEREAS, the French Broad River watershed is home to many threatened, rare and endangered species including the Appalachian Elktoe mussel, Mountain Sweet Pitcher Plant, the Hellbender salamander and the Bog Turtle; and

WHEREAS, the wise stewardship of our natural resources involves protection of water supplies and water resources for generations to come; and

WHEREAS, state law allows fracking companies to seize valuable property rights from individual landowners who do not wish to have that activity beneath their property by allowing involuntary “pooling”; and

WHEREAS, we, as a town believe we should have the right to pass legislation restricting fracturing in our town should we choose; and

WHEREAS, the Energy Modernization Act purports to restrict local governments from regulating or restricting fracking in their jurisdictions; and

WHEREAS, Section 5 of the North Carolina Constitution states that “It shall be the policy of the State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions . . . to control and limit the pollution of our air and water . . . and in every other appropriate way to preserve as part of our common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty;”

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of the Town of Marshall that:

The Town of Marshall believes that fracking in the Town of Marshall, Madison County and in Western North Carolina would be contrary to the need to preserve the region’s natural resources for the region’s health, economy, and quality of life; urges the state not to explore future horizontal hydraulic fracturing in any part of North Carolina, specifically in Western North Carolina, Madison County and the Town of Marshall; calls on the General Assembly to re-instate the ban on fracking throughout the state, but specifically in Western North Carolina, Madison County and the Town of Marshall; calls on the General Assembly to re-instate the authority of local governments to regulate fracking and its impacts if local elected officials deem it necessary.

BE IT FURTHER RESOVED that copies of this resolution are sent to our legislative delegation and to the leadership of the

North Carolina General Assembly.

Adopted this 15th day of September, 2014.

Lawrence Ponder, Mayor
Town of Marshall, North Carolina

Attest:

Karen Kiehna, Town Clerk