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FLOW Local Ordinance Program Brings Fracking Protection to Two Michigan Townships

Michigan Communities Seek Regulation of Horizontal Hydraulic Fracturing for Natural Gas

TRAVERSE CITY, MI – Two Michigan Townships—Cannon Township and Gun Plain Charter Township—signed up with FLOW to develop regulatory ordinances on horizontal hydraulic fracturing, or “fracking.” FLOW is the Great Lakes Basin’s only public trust policy and education center. These townships, in Kent County and Allegan County respectively, are taking the lead in protecting their community from the industrial land-use impacts and potential risks of fracking.

Fracking for oil and natural gas is exempt from many regulatory laws at both the federal and state levels, including the Clean Water and Safe Drinking Water Acts, the Great Lakes Compact and Michigan’s Water Withdrawal Act. These townships are setting a precedent by being the first in the state of Michigan to develop fracking regulation ordinances in consultation with FLOW. Despite zoning prohibitions to regulate drilling, construction production, and operation of oil and gas wells, townships still do maintain legal authority to regulate ancillary activities, including roads, truck traffic, pipelines, flow lines, gathering lines, location of wells, disclosure of chemical use, air pollution and more. Moreover, townships can rely on other sources of authority such as police power ordinances.

Last week, Cannon Township enacted a fracking moratorium and will not consider any requests for fracking activities for a period of six months, so that the township has an opportunity to study potential impacts. On Wednesday, May 22, FLOW held the first of three educational meetings with Cannon Township officials and community members to facilitate the development of a fracking ordinance there. In this process, FLOW works with the township to determine what areas of concern are most pertinent to the community to regulate. FLOW will facilitate this same fracking ordinance development program in Gun Plain Township, and the first meeting there is scheduled for June 19.

“Whether you are for or against fracking, the important things for communities to know are the impacts we face with this high-impact and water-intensive technology, and be prepared in advance to handle it,” remarks FLOW’s founder and chair, Jim Olson.

Gun Plain Township was one of several townships present at the March 18 Allegan County Supervisors meeting at which FLOW was invited to present an educational overview of legal strategies and tools for local communities to regulate fracking. FLOW has delivered a similar educational overview program a dozen times throughout Michigan in the past three months. This informational presentation is based on FLOW’s November 2012 report, “[Horizontal Fracturing for Oil and Natural Gas in Michigan: Legal Strategies and Tools for Communities and Citizens](#).” FLOW’s report highlights legal strategies and policies designed to assist local governments in safeguarding their communities against the unprecedented and cumulative impacts of fracking.

Horizontal fracking requires injecting a cocktail of up to 21 million gallons of water and over 750 chemicals under high pressure into wells in order to fracture deep shale formations and release oil and natural gas. A review of literature on fracking and its associated risks reveals several concerns: (1) massive water withdrawals; (2) groundwater contamination; (3) surface spills and leaks; (4) wastewater management; (5) land-use impacts; (6) truck traffic and burden on infrastructure; (7) lack of public disclosure.

The Collingwood/Utica deep natural gas shale formation spans across Michigan's Lower Peninsula; since May 2010, around 752,260 acres of Michigan's state land has been leased for oil and gas development. Grassroots and citizen organizations throughout the state have expressed their concern about fracking in their communities. While there are no producing fracking wells in either Cannon or Gun Plain Townships, most state lands in both counties and a significant portion of private lands have already been leased for exploration. In response to concerned citizens, these townships are taking preventative action with FLOW's assistance. FLOW encourages other concerned citizens and coalitions to alert their township Supervisors and examine the need for similar regulatory ordinances to protect against the industrial impacts of fracking.

For more information:

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