

The October formal protests to the BLM regarding the potential Wayne lease sales highlight concerns by Ohio University, the City of Athens, Athens City Council, Burr Oak Regional Water District, Hocking River Commission, Athens Conservancy, Athens County Commissioners, and others, totalling 48 individuals, organizations, and official bodies. See all at [http://www.blm.gov/es/st/en/prog/minerals/protests\\_information.html](http://www.blm.gov/es/st/en/prog/minerals/protests_information.html) Some excerpts follow.

From Burr Oak Regional Water District letter: “The Burr Oak Regional Water District (BORWD) is a regional water system that supplies potable water to 25,000 households, small and mid-size businesses and school districts in parts of four Ohio counties, including Athens, Hocking, Perry, and Morgan. The BORWD—at an expense exceeding \$15 million—recently converted its raw water supply from surface water to groundwater, by developing a well field near the Hocking River and constructing a ‘state-of-the-art’ groundwater treatment facility. We are extremely concerned about the potential for contamination to the aquifer that the BORWD is now totally dependent on for its raw water supply if oil and gas drilling is permitted. The parcels of the Wayne in Athens County in question are located directly along this aquifer. The BORWD believes there would be a serious and catastrophic health risk to the people and communities that depend on this water source if contamination occurs.”

The Hocking River Commission (“linking Fairfield, Hocking and Athens Counties through stewardship, education, and recreation”) letter of Oct. 6, 2011 states, “The Hocking River Commission has worked to improve the water quality of the Hocking River by addressing both non-point and point sources of pollution entering the river and is now protesting the oil and gas leases based on the potential negative environmental consequences of drilling and attendant activities and processes. As the above referenced parcels are adjacent to the Hocking River or its tributaries and the drilling technology known as hydraulic fracturing may have multiple deleterious consequences, such as potential pollution of the Hocking River and its underlying aquifer, extremely large withdrawals of water required for drilling, large retention ponds which may contain chemicals of a proprietary nature whose make-up is known only to the operator, surface runoff and erosion from drilling and attendant activities. HRC believes the drilling and use of chemical slurry in the fracturing process is a potential risk to the public, health, safety and welfare. HRC is also concerned about the vast quantities of water necessary for hydraulic fracturing and the potential consequences of overdrawing water from the aquifer and/or Hocking River. The freshwater aquifer under the Hocking River is the sole water source for the cities of Nelsonville and Athens and the Le-Ax Rural water district, which serves the Village of Albany plus 6750 rural customers in 17 townships in 4 counties. Over 40,000 citizens rely on this aquifer as their primary water source.”

The letter goes on to question the legality of the sales, based on the 2006 LRMP, ROD and FEIS and states, “However, none of these documents contain the site-specific analysis necessary to satisfy NEPA’s requirements, especially that for a ‘hard look’ at the impacts. Moreover, circumstances have changed and new information has arisen since the 2006 FEIS was completed, necessitating further analysis. See 40 C.F. R. 1502.9(c)(1): supplemental EIS must be prepared

when there are significant new circumstances or information. High-volume horizontal hydraulic fracturing, or “fracking,” differs significantly in many respects from conventional oil and gas drilling and the hydraulic fracturing, which was used in previous years. The 2006 LRMP FEIS touches only very briefly on directional drilling and fails to provide any analysis of the potential environmental impacts of directional drilling. Moreover, the more specific practice of high volume directional (or “horizontal”) hydraulic drilling/fracturing is nowhere mentioned in the FEIS” The letter concludes, “More study is needed and protections for the public health, safety, and welfare need to be in place before the practice is allowed to negatively impact irreplaceable public resources. For these reasons, the Hocking River Commission is protesting the leasing of Parcels 41, 42, 43, 44, and 45 in the Wayne National Forest.”

The Athens Conservancy letter addresses potential economic impacts of lease sales: “Tract A-8103 also borders on the Hockhocking-Adena Bikeway, which is the second biggest tourist attraction in Athens County. Siting of drilling equipment within view of the bikeway, or any accident that resulted in pollution of the water or soil along the bikeway, could have a serious economic impact on a region in which tourism is a major source of income. Even if the drilling equipment were located out of view of the bikeway, the noise it produced could decrease the desirability of the bikeway for recreation and thus its ability to attract tourists to the county. Furthermore, water or air pollution resulting from hydraulic fracturing in any of the Athens County tracts, all of which are close to the Hocking River upstream from Athens, could have a major negative effect on the local economy. This in turn would impact the Athens Conservancy since the effectiveness of the Athens Conservancy as an organization is dependent on a healthy local economy. We rely heavily on private donations from local residents in order to continue to acquire open space land for preservation and manage the preserves we already own. The threat to the water supply for the city of Athens is a grave concern. The only aquifers suitable for public water supplies in our area are the highly permeable glacial outwash deposits along the Hocking River. The clay soils in the surrounding hills cannot produce anywhere near the flow volume needed. Consequently, any drill site near the Hocking River is especially dangerous because a spill of hydrofracturing fluid could quickly find its way into the public water supply for the city of Athens and Ohio University.”

The Athens Conservancy discusses the lack of protection provided by Ohio law and then the issue of accidents: “Furthermore, accidents have occurred in the course of drilling and hydrofracturing in other states that have exposed people and natural biotic communities to toxic chemicals. There is no reason to assume that accidents would not happen here if horizontal hydrofracturing is permitted.

“In an experimental study conducted by a US Forest Service soil scientist in West Virginia, recently reported in a peer-reviewed scientific journal (*Journal of Environmental Quality* 40:1340-1344 [2011]), it was demonstrated that hydrofracturing fluid can cause severe damage to forest vegetation. ‘During application [of hydrofracturing fluid], severe damage and mortality of ground vegetation was observed, followed about 10 d[ays] later by premature leaf drop by the

overstory trees. Two years after fluid application, 56% of the trees within the fluid application area were dead.’ In a separate study of a drilling operation in West Virginia, severe damage to trees and understory vegetation was observed as a result of accidental aerial release of fluids due to loss of control of the drill bore (USFS Technical Report NRS-76). If such an accident were to occur in tract A-8103, it could devastate the Athens Conservancy’s Bluebell Preserve.”

Ohio University President Roderick McDavis’ letter states, “It is our duty as an institution of higher education to lead and support our campus and greater community as we seek safe living conditions, healthy economies and fertile lands where we live and work. The potential December 7, 2011 sale of the publicly owned lands referenced above poses a threat to a healthy living and learning environment at Ohio University.

Ohio University is currently unable to support a practice that is not strictly regulated and highly accountable. We request the withdrawal of the lease sale until a comprehensive, objective environmental and economic analysis is conducted and the absence of risk to our water supply, community health, and local economy can be assured.”

And the City of Athens cover letter (details and references also submitted) states, “The City of Athens has an interest in these sales because our city’s water supply, economy, safety, and public health will all be severely harmed by the sales....The City of Athens drinking water supply is a sole source aquifer continuous with the aquifer under and nearby--downhill and downstream of--the Wayne parcels to be sold. It is also adjacent to and recharged by the Hocking River, which will be deleteriously impacted by these sales.

“The water table in our well fields ranges from surface level to 20’ below the surface throughout the year. The aquifer that feeds Athens’ water supply is shallow, averaging a maximum of 60 feet below ground level. It is therefore especially susceptible to pollution from surface level and near-surface level contamination.

“Water withdrawals will threaten our water supply: According to the Atlas of Reported Withdrawals by County for Athens County, Ohio, the county’s public water systems already use 99% of total withdrawals for public use daily. Athens City currently draws close to 5 million gallons a day, which is sometimes close to the capacity of the aquifer to recharge. Diminished water in the river has historically resulted in diminished availability in city wells. The city is already withdrawing close to the total water available per day on many days of the year. The 2-10 million gallons of water per well used for this method of drilling and production will severely jeopardize our water supply.

“Toxic and radioactive chemicals used in drilling, fracking, production, and waste storage will threaten our water supply: Many hundreds of highly toxic chemicals injected into wells for deep shale drilling and horizontal fracturing, including known carcinogens and neurotoxins at rates of tens of thousands of gallons per well, threaten our water supply from underground migration,

flowback spills, leaks, and waste storage. Flowback water and sludge also will likely contain high levels radioactivity, which our city's water treatment facility can neither monitor nor adequately remediate.

“Any waste storage will be adjacent to or immediately above the riparian aquifer. Because chemicals used by the gas and oil industry for drilling, fracturing, and production are exempted from regulation by the SDWA, Clean Water Act, and RCCRA, these levels are neither monitored nor reported.

“Any accident would cause rapid and irremediable harm due to proximity to the surface and porous sand and gravel that overlie our aquifer.

“**The City of Athens** requests that BLM withdraw the protested parcels from the December 2011 Competitive Oil and Gas Lease Sale because this sale will violate ORC 743.25, NEPA, and NFMA and will irreparably impair the drinking water supplies and economy of the City of Athens, Ohio.”

Finally, Athens City Council's letter, in addition to stating concerns expressed by others excerpted here, states, “BLM's and Forest Service's reliance on the 2006 Forest Plan FEIS in the leasing for this new technology does not live up to the letter and spirit of the National Environmental Policy Act (NEPA) that all major federal actions assess the impact of the actions on the environment. We are concerned that the proposed technology and in fact the Utica Shale exploitation are so new that the negative impacts on our water source are real and must be considered...The required NEPA work and potential mitigation must be completed before the leasing process. We trust that you will see that the 2006 FEIS is inadequate to protect our water. We request the withdrawal of the lease sale until the proper environmental analysis is conducted and our water supply is protected.”