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Lafayette, CO, Adopts First-in-the-State Community Bill of Rights

In 2013, the residents of Lafayette, CO, approved a Community Bill of Rights to their City’s Charter that banned commercial oil and gas extraction within the City, while removing corporate “rights” and state preemptive authority. The first rights-based ordinance to be adopted within the state of Colorado, the law was promptly attacked by the Colorado Oil and Gas Association (COGA) through a lawsuit filed in county court. Through that lawsuit, the Oil and Gas Association contends that the ordinance is invalid because it is preempted by the state’s Oil and Gas Act, which is the state statute through which the state government permits oil and gas extraction.

Lafayette is not the first to be sued in Colorado for taking a stand against extraction. In 2012, the City of Longmont was sued by COGA after the people of Longmont adopted a ban on the practice of hydro-fracking within the City. Later, the State of Colorado joined the lawsuit at the direction of Colorado’s Governor, John Hickenlooper.

(Community Bill of Rights - pg. 2)

Highland Township, PA, Residents Assert Rights, Fight Back Against Proposed Injection Well

In January 2013, supervisors in Highland Township, PA, passed a Community Bill of Rights prohibiting injection wells within the municipality. The supervisors took this decisive action after Seneca Resources announced its intention to inject toxic chemicals - byproducts from fracking - into the ground.

Recently, in January 2014, Seneca Resources received a permit from the U.S. Environmental Protection Agency (EPA) that approved the siting of the injection well, in clear violation of the Community Bill of Rights. Township supervisors held a public meeting in February to determine next steps, and community members packed the town hall to voice their continued opposition to the well.

(Highland - pg. 2)

In This Issue

Lafayette, CO, Adopts First-in-the-State CBOR **pg 1**

Highland Township, PA, Residents Assert Rights, Fight Back **pg 1**

Lawsuits Claim Corporate Rights **pg 2**

PCRN Grows Its Membership **pg 3**

Town Meeting: NH Communities Advance Community Rights ... **pg 4**

Ohio Community Rights Network **pg 4**

San Miguel County, NM, Residents Advance CBOR to Ban Fracking **pg 4**

Political Resistance for Local Democracy **pg 5**

County Petitioning in Oregon **pg 5**

Oregon’s CRN **pg 6**

Community Rights Resisted by Illinois Pols **pg 6**

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(Community Rights - from pg. 1)

The lawsuits have spurred organizing across the state towards a state constitutional amendment that would recognize the right of communities - like Lafayette and Longmont - to have greater local control over issues such as oil and gas extraction, mining, genetically modified organisms (GMOs), and a variety of other issues across the state. That amendment was formally proposed in January, passed a State Legislative Council meeting in February, and may appear on the ballot for Colorado voters in November of this year. The “right to local self-government” amendment is being proposed by the Colorado Community Rights Network (COCRN), a coalition of groups working to advance Community Rights within Colorado.

CELDF is currently assisting legal counsel for East Boulder Citizens United (EBCU) to intervene in the Lafayette litigation, making the case for Community Rights.

(Highland - from pg. 1)

Residents instructed their supervisors to enforce the Ordinance, beginning with a letter to Seneca Resources informing them that the proposed injection well shall not proceed as it violates the Community Bill of Rights, and that the permit from the EPA is also not valid as it violates the prohibitions within the Ordinance.

With support from surrounding communities and CELDF, folks in Highland Township stand ready to assert their rights and defend the ordinance, which places the rights of Highland’s residents above the claimed “rights” of Seneca Resources.

Lawsuits Claim Corporate “Rights” Supercede Community Rights

In early 2013, the Mora County, NM, Board of County Commissioners worked closely with CELDF to draft and adopt the country’s first county-level Community Bill of Rights, which bans all commercial oil and gas extraction within Mora County. In addition to the ban, the Ordinance also removes certain legal rights and powers from oil and gas corporations within the County, and refuses to recognize state and federal drilling permits that would violate the Ordinance.

(New Mexico - pg. 3)

(New Mexico - from pg. 2)

On November 11, 2013, oil and gas corporations fought back - filing a lawsuit in federal court demanding that the Mora Ordinance be overturned because it violated the corporations' constitutional "rights" to drill in Mora County. On January 10, 2014, a second lawsuit was filed - by a subsidiary of Shell - demanding that Mora County pay the value of leases owned by the corporation within the County. CELDF has agreed to defend both lawsuits on behalf of the County, as has the New Mexico Environmental Law Center (NMELC). Both lawsuits have been filed in federal court.

PCRN Grows Its Membership and Educational Workshops

2014 began with a bang for the Pennsylvania Community Rights Network (PACRN). The board expanded its membership, adding numerous folks who have long been working to confront and overturn unjust laws within their communities.

A new website for PACRN is also being rolled out. This will help to increase the visibility and reach of the Network, as well as provide resources and tools for communities working to protect themselves and establish Community Rights.

In addition, the Pennsylvania Community Rights Workshop (PACRW) was hosted by two communities. The PACRW is a Pennsylvania-specific version of CELDF's Democracy School, detailing the history of Pennsylvania's constitutional and political structures to help communities understand how we've arrived at a system that denies communities and nature their fundamental rights - and also what we can do to change that system to recognize those rights.

Shale Justice, in conjunction with a recently-formed partnership with PACRN, hosted a PACRW in Selinsgrove in February. The Carbon County Chapter of PACRN hosted a Community Rights Workshop in March, with folks from four counties attending.

2014 is shaping up to be an active and expansive year for PACRN. Contact us to get involved. For more information, write info@pacommunityrights.org.

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Town Meeting: New Hampshire Communities Advance Community Rights

Four New Hampshire towns took up the issue of Community Rights at Town Meeting in March. Alexandria, Hebron, Barrington, and Danbury considered warrant articles to expand the rights of the communities to local democracy and sustainability.

In Alexandria, Danbury and Hebron, the communities are threatened with industrial wind turbines. At Town Meeting, residents in all three towns adopted Community Bills of Rights Ordinances asserting



their rights to local self-governance and banning unsustainable energy projects. The Ordinances were voted in by 320 to 119 in Alexandria, 264 to 124 in Danbury and 88 to 17 in Hebron.

Communities around Newfound Lake and elsewhere in Grafton County face industrial wind turbines, which threaten the environment, unspoiled ridgelines, and local economies that rely on tourism. Residents witnessed the devastation from turbines in the nearby Town of Groton. When they learned of the turbines coming to their communities, they contacted the Community Environmental Legal Defense Fund (CELDF) for assistance.

Barrington, threatened with gravel mining and water withdrawals, brought forward a similar Community Bill of Rights Ordinance to protect their community. Faced with opposition from some town officials, the measure did not gain the majority of votes. Residents understand their work is part of a longer-term effort to recognize the rights of communities and nature, and are planning on moving the Ordinance forward again at Town Meeting in 2015.

For more information on Community Rights organizing in New England, contact Gail Darrell, at gail@celdf.org.

Ohio Community Rights Network

With a successful founding convention on November 16, 2013 in Columbus, OH, the OHCRN is rapidly moving forward. Twenty-four residents attending the convention completed and signed the Columbus Declaration, and seated their 12 member Board of Directors – one from each of the counties represented. In January, the Board of Directors ratified the organization's by-laws and selected officers.

With growing numbers of permits issued by the state for fracking and injection wells, OHCRN members declared their priority to organize County Chapters and advance Community Rights. Board members are actively recruiting County Coordinators and other residents in their counties. For more information on how to get involved with the OHCRN, contact Tish O'Dell at info@ohcommunityrights.org.

San Miguel County, NM, Residents Advance a CBOR to Ban Fracking

The San Miguel County Commissioners in New Mexico have revealed themselves to be, by major-

ity, pro-drilling. When a six month county-wide moratorium expires in June, the Commissioners have indicated they intend to adopt a regulatory oil and gas ordinance that will allow fracking, and will do nothing to assist the community's rights to say "NO" to fracking and to protect their water.

As residents in San Miguel County are being approached by oil and gas industry representatives to lease their mineral rights for drilling, a local grass-roots group, Committee for Clean Water, Air and Earth (CCWAE,) is working with CELDF to bring a Community Bill of Rights (CBOR) ordinance forward in San Miguel County. The CBOR would ban drilling, fracking, and related activities, as a violation of the community's rights to clean air and water, their right to local self-governance, and the rights of nature.



For more information on CELDF's organizing in New Mexico, contact Kathleen Dudley at kathleen@celdf.org.

The Built-In Political Resistance to Local Democracy

Athens, OH

When the Athens Community Bill of Rights (CBOR) initiative banning fracking and related activities was kept off the ballot in November 2013 by gas industry interests, residents rebounded immediately, collecting 870 signatures to qualify a similar CBOR for the May ballot.

In February, residents were denied approval of the

initiative for the May election, as state law specifies citizen-led initiatives for ordinances are allowed in general elections (November) only. Although this information was not provided to residents when they filed, the Athens County Board of Elections did approve the initiative for the November 2014 ballot. Community members have begun their campaign in support of the CBOR.

Youngstown, OH

Youngstown residents have been relentless in their determination to advance a Community Bill of Rights (CBOR) Charter Amendment initiative banning fracking and related activities in their City.

Facing roadblocks by the Board of Elections, such as misinformation as to the correct date for the submission of petition signatures, and being outspent by industry supporters by a margin of 3-1 (\$90,000 vs. \$3,000) in the last election, residents faced sub-zero temperatures this winter as they gathered signatures to place another CBOR Charter Amendment on the ballot this May. The Board of Elections recently verified the submitted signatures.

The recent West Virginia drinking water contamination, as well as a new well that has been permitted one mile from Youngstown's drinking water source, has brought a heightened sense of urgency to the Community Rights campaign. Organizers expect that urgency to push them to a win this spring.

County Petitioning Efforts Move Forward in Oregon

There are now three active initiative campaign efforts in Oregon. The Freedom from Pesticides Alliance in Josephine County is gathering signatures for the Freedom from Pesticides Bill of Rights. If adopted, the ordinance will protect the rights of people and natural communities to be free from the most toxic classification of pesticides. The group is looking to qualify for the November 2014 ballot.

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The Benton County Community Rights Coalition, and Lane County's Support Local Food Rights, are seeking to protect their local farm and food rights from GMOs and their accompanying pesticides. Both efforts are moving closer to petition circulation with each planning to qualify for the November 2014 ballot.

For more information on the active campaigns, see:
Freedom from Pesticides Alliance - www.freedomfrompesticidesalliance.org/
Benton County Community Rights Coalition - <http://bentonccrc.org/>
Support Local Food Rights - <http://www.localfoodrights.com/>

Oregon's Community Rights Network Takes Shape

On January 25th, delegates from nearly a quarter of Oregon's counties – Benton, Jackson, Josephine, Lane, Lincoln, Marion, Multnomah, Yamhill – gathered in Eugene as part of the Oregon Community Rights Network (ORCRN) to continue the work launched in Corvallis in September 2013.

In September delegates from those same counties, brought together by CELDF, signed the Corvallis Declaration of Community Rights: (http://www.celdf.org/downloads/ORCRN_Corvallis_Declaration.pdf).

At the January meeting the network adopted bylaws, elected a council of delegates, and discussed how best to support active Community Rights efforts, foster new Community Rights efforts, and build towards state constitutional change to recognize the right to local self-government.

Community Rights Resisted by Illinois Pols and their Pals

Last fall, when Johnson County, IL, residents and farmers approached their County Commissioners with concerns about their community being targeted for fracking by the fossil fuel industry, the commissioners told them they would need to find out what the rest of the residents thought. They offered to place a question on the ballot, but on second thought they said the concerned citizens should position for a non-binding resolution to allow voters to advise the commissioners what they thought should be done.

And so they enlisted the assistance of CELDF and our associate Community Rights Organizer, Natalie Long. They collected over one thousand signatures and placed this question on the ballot for a March 18th vote:

“Shall the people’s right to local self-government be asserted by Johnson County to ban corporate fracking as a violation of their rights to health, safety, and a clean environment?” YES ____ NO ____

Despite protests of neutrality and objectivity from the commissioners, they decided not to wait for the outcome of the vote and announced plans to form a “fracking oversight committee,” the purpose of which was ostensibly to prepare for the inevitability of fracking. When their inconsistency was pointed out during public meetings, the commissioners at last tipped their hand and turned invective and name calling toward the citizens.

Then, in late February, the Vienna Times/Goreville Gazette reported with some fanfare the establishment of an opposition group to the county citizens’ initiative, headed up by two of the county commissioners, the chamber of commerce, two industry-funded state legislators...and apparently the newspaper itself. That same day, the publisher of the Vienna Times/Goreville Gazette rejected thousands of paid inserts delivered by Southern Illinoisans Against Fracking Our Environment (SAFE) as the paper simultaneously published full-page ads urging voters to vote “no” on March 18th.

Money and disinformation created their intended outcome. The measure failed by a 7% margin.

The corporate-state opposition to community and citizen’s rights is by now well-known. The “frackgate” scandal in Ohio is just one example of how our communities have been surrendered as resource colonies by state and federal governments. In Johnson County, IL, the people have exposed the same disease within the body politic, simply by daring to ask that their rights be protected.

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