

WE BEAT Shell! We stopped one of the biggest corporations in the world from usurping the water from our appalachian aquifer. The People won!

To paraphrase Dereck Eck in the Corning leader nearly three years ago: In his decision Judge Kenneth Fisher voided both the bulk water sale agreement and the lease deal for the water loading station. and blocked any more water withdrawal deals until the village complies with the state's Environmental Quality Review Act (SEQRA). This happened only after a David vs. Goliath effort by a small group of people dedicated to seeing that the source of life, water, is preserved for life, not fracking. (introduce the plaintiffs including Sierra Club, Phe, and CPNY)

Shell oil and gas (Swepi), I will henceforth call them Shell, and Painted Post would have to start from scratch if both decide that they would still want to go ahead with this deal. I have some concerns about a new contract being formed and would like to explain why in a somewhat circuitous manner.

Water water everywhere and all the boards did shrink.

Water water everywhere nor any drop to drink.

Climate change will create a time of massive ocean rise, causing destruction to more than the shrinking of boards, and with the diminishment of potable water in the world to about 1%, the consumption of water for anything but life sustenance, including those aspects of agriculture and some industry, is untenable. Agriculture and industry must use water in ways that are non polluting and return the water to the rain cycle, or a closed loop system of reuse.

“From a well cited Wikipedia article on water commodity: [\[5\]](#) Global [institutions](#), including the [UN](#), warn of the impact of a growing global population and the effects of [climate change](#) on the ability of people to access freshwater.[\[3\]](#) This makes the debate over improving current and future water provision an urgent one and therefore thrusts discussion over approaches to water governance into the foreground to avert a looming crisis.” THAT CRISIS is here.

Fortune Magazine:“Water promises to be to the 21st century what oil was to the 20th century: the precious commodity that determines the wealth of nations”[\[6\]](#)

The film Blue Gold, made in 2009 prior to the hoopla over fracking's consumption and contamination, makes several valid points about the trend since the early 1990's to view water as a commodity.

It points out water commodification as part of the paradigm whereby developing nations with unsustainable debts are forced to sell their resources without any chance of ever getting out of the trap. These countries have already been forced to pay the debts with cash crops and minerals profiting mega corporations, and are now being further squeezed for still other mega corporations who are extracting their survival needed water.

We are reminded of times when the people do win: for example in the poor nation of Bolivia. Bechtal water corporation, after disallowing the people of Bolivia to even use rain barrels to

capture water for drinking. Bechtal was forced out by huge waves of the populous going head to head against riot attired military, the government wisely ceded to the desire of the people and restored the ownership of the water back to those people.

In this country and worldwide The Nestle corporation, including Poland Spring, is currently making a million dollars for every dollar spent purchasing water from communities, and those citizens now have to buy back their own town's water. AT NO COST Nestle is withdrawing 200,000 gallons of water a day from Lake Michigan. Meanwhile, the people of Flint Michigan two hours away are still suffering from lack of water, and sadly supporting the profits of Nestle by buying their bottled water, what choice do they have?

A very scary report just last week.

“A new [analysis](#) (in the journal Science Advances ) reveals that global water scarcity is a far greater problem than previously thought, affecting 4 billion people (REPEAT 4 billion people)—two-thirds of the world’s population—and will be “one of the most difficult and important challenges of this century.”

There is a suspicious lack of reports on the relationship between fracking, aquifer depletion, and droughts.. If we were to figure 1000 wells being drilled on a given day, a very conservative number globally, at 5 million gallons per well, that would account for 5 billion gallons of water permanently removed from the water cycle of the world in one day, enough for every person in the world to have over half a gallon to drink.

The SRBC and the New York DEC are passing out water withdrawal permits to the energy industry and others for more water than the aquifers contain.

One excellent report on frack water consumption was released in April 2013.

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## **Report warns of water depletion due to fracking**

...The Western Organization of Resource Councils says water used in the process of hydraulic fracturing, or fracking, is reaching a crisis point in Western states. A ...37-page report, titled “Gone for Good,” warns of continued diminished water supplies in areas that have been hit hard by drought in recent years. The report also states that the data currently available and processes used to track energy industry water used for fracking are not sufficient, and that the “current level of water use for oil and gas production simply cannot be sustained.” - ...

The following has always been my contention:

“There has been a lot of talk about pollution, but, in the long run, (water shortages) could be a more serious threat,” LeResche said. “Unless our states take real action soon, we stand to watch our agricultural economies, and even our human habitation of some places, disappear. Ninety-

nine percent of rural Americans rely on groundwater for their domestic needs, as do 51 percent of all Americans.” -

Now back to Shell and concerns about the contract with Painted Post.

In late 2013 departing Shell CEO Peter Voser said the failure of Royal Dutch Shell’s huge bet on US shale was a big regret of his time as chief executive of the company.

“Shell has invested at least \$24bn in so-called unconventional oil and gas in North America. But it is a bet that has yet to pay off. Its North American upstream business has struggled to turn a profit and in August 2013 Shell announced a strategic review of its US shale portfolio after taking a \$2.1bn impairment.”

“Unconventionals did not exactly play out as planned,” Mr Voser said.

Shell did start to divest:

For example, In August 2014 Shell energy received \$120 million for a sale to Rex Energy of 22 percent of its Marcellus portfolio.

according to Morningstar analyst Stephen Simko. “Shell has slowed its pace of permitting new wells this year, but still received about 75 permits to drill in counties where it has a joint venture agreement with Ultra Petroleum Corp. Outside of the joint venture, on 8/14 Shell was currently running only one rig in the Marcellus,

"Despite so many people having so much success in the Marcellus, it doesn't seem Shell, despite buying so much acreage, caught on to too much of it," he said.

..."Shell does not talk optimistically very often about Appalachia," Mr. Simko said.

In late 2014 Shell sold its former Appalachian basin headquarters in PA to [XTO Energy Inc.](#) (Exxon Mobil) for about \$3.7 million.”

Just this month:

Shell profits drop 80% as oil price bites

By [David Campbell](#) 04 Feb, 2016

[Royal Dutch Shell’s](#) full-year profit dropped 80% last year to \$3.8 billion (£2.6 billion) versus \$19 billion in the previous year,...Chief executive Ben van Beurden said: ...‘We are making substantial changes in the company, reorganising our upstream, and reducing costs and capital investment, as we **refocus** Shell,...

Now if I may make some very broad conjectures. Shell has very few wells in PA at this time, yet it has 8 sources of water withdrawal permits in PA, and it still has a permit to withdraw water from Morning side heights in Gang mills (funny that for that site neither the county nor the state

is listed, yet for all the PA sites both county and state are listed, the Painted Post site has been removed from the srbc water portal) . When visiting Wellsboro PA in 2013 a young woman pointed out to me that Shell had water withdrawal sites near each of it's planned wells that she showed me. She also showed me the containment vessals for the withdrawn water from Painted Post. The biggest tanks I have ever seen, gargantuan.

If Shell as SWEPI LP decides to strike a water withdrawal deal with Painted Post, and are to write a new contract, the people must watch very carefully for the wording of this contract and keep in mind that:

1. Shell is withdrawing a great deal of its capital from ventures in the Marcellus Shale, it's well numbers are low, and in addition to the sales mentioned above there have been other sales from Swepi to other fracking companies.
2. Shell is in the business of selling plastic for the manufacture of water bottles.
3. Shell had been withdrawing water prior to the appeal, possibly along with the 9 other sites but has few wells (granted wells use inordinate amounts of water).
4. According to *Bloomberg News*," the worldwide scarcity of usable water worldwide already has made water more valuable than oil. " A gallon of bottled water now has beat the cost for a gallon of gasoline.
5. Considering Shell's admitted desire to *refocus*, considering that they are looking for new ways to create profit, I ask that the citizens here **make certain** that if SWEPI and Painted Post draw up a new contract, that the details are not such that Shell can use us as a way to get into the much more profitable than oil or gas Blue Gold market, or that they cannot sell the water withdrawn to other companies for any reason, *and* to make sure that water not used by Shell in PA be returned to our depleted aquifer.

If Time allows:

The public policy of the state of new york must be followed according to Judge Fisher's decision:

Excerpted here: NY public policy declares that: comprehensive planning be undertaken for the protection, conservation, equitable and wise use and development of the water resources of the state to the end that such water resources be NOT Wasted and shall be adequate to meet the present and future needs for domestic, municipal, agricultural, commercial, industrial, power, recreational and other public, beneficial purposes.