A Strategy for Controlling Natural Gas Exploitation in Central New York

Contributed by mike bernhard
Wednesday, 21 January 2009

Opponents of unregulated gas drilling should recognize three existing conditions in order to develop successful strategies to limit the damage caused by the wave of gas drilling about to break over us, and to better prepare to defeat future corporate assaults on our region and our planet.

1. The energy industry is the richest and most powerful in the world. The prostration before it of our federal and state governments is nearly complete. In the US, the Energy Policy Act of 2005 (EPACT '05) adopts corporate "investment opportunities" as federal policy. In New York, the Oil, Gas and Solution Mining Act of 2005 specifies how state agencies are to serve energy corporation interests, including the use of Eminent Domain (or compulsory integration:same thing). 2. The major political parties are of no use in developing regulation of the industry. Federal legislation (EPACT'05) was passed with the votes of Presidential candidate Obama. On the last day of the 2007-2008 session, NYS legislation sought by corporations to provide drive-up permitting for horizontal drilling passed the Democrat-controlled Assembly with only six dissenting votes, and was signed by the governor. 3. The decades-long destruction of regulatory authority and capacity has left economic and environmental policy to be constructed by leasing contracts between powerful cash-rich corporations and disintegrated, stressed out, every-man-for-himself landowners. As a result of the success of the neo-liberal political establishment, appeals to environmental ethics and social solidarity in the abstract have little effect on the capacity of the energy corporations to arrange leases and use the state-granted eminent domain process on "uncontrolled properties". These conditions, widely recognized by activists in this struggle, create "back holes" for public action: 1. Hoping to motivate regulatory action on the part of federal and state agencies has as much chance of success as "negotiating" environmental responsibility with the corporations themselves: zero. 2. Expecting that a crop of "new-style" candidates on the major party ballot lines will deliver legislation any different from that produced by their party compatriots already in office is optimism bordering on delusion. 3. Trying to stem the tide of landowners willing to lease(or sell)their properties, or pressured by the threat of eminent domain to do so, is to fall into the trap set by the neo-liberals that would have us focus on contracts-between-unequals as the source of public policy The strategies we need to develop are ones that leverage our efforts for maximum effect. I see two "fulcrums" for leveraging our power. 1. The efforts of landowners coalitions focus is on how to divide the booty and protect themselves from personal harm (and their neighbors lawsuits). So far, the vast majority of citizens (non-lessors), who will bear the social and environmental costs, have not been engaged at all. We must arouse them to understand that this will affect them and that they need to push for policy changes to protect themselves, their villages, and their towns*. But their aroused power-in-numbers has to be applied to the fulcrum of local governments. Those bodies are directly accountable to all voters (not just landowners), somewhat less committed to the sold-out party apparatus, and more vulnerable to alternative-party and independent candidates. As explained elsewhere**, local governments will be facing real costs (school crowding, emergency services, road maintainance)and have certain real powers*** regarding surface land uses (roads, property taxes) that give them more of a role to play than most people realize. 2. In order to eventually affect state policy, we have to gain allies across the state, not just where gas drilling will happen. To affect national policy, ditto. But in order to ally with others we have to stop thinking that the problem we have is gas drilling, and the problem they have is electric transmission lines. We can only create a broad movement when we , and they, identify the problem as a political system dedicated to the servicing of corporate goals at the expense of regular people. (In particular, the vesting of decision-making - permitting - authority in unelected agencies like the Public Service Commission, or in departments within agencies, like the DEC's Division of Mineral Resources must be replaced by permitting by local, elected (and de-electable) representative governments or direct democracy.) Thus, my strategy has two components. First, a drive to inform our communities (landowners who have signed bad leases, landowners facing compulsory integration, and renters and homeowners) of the impacts of gas-drilling that they will face and pay for. This will provide the numbers to make a success of a demand for a moratorium, which is a specific legal term that denotes a pause during which time the impacts of a given activity can be studied so as to enable changes to zoning, planning, tax laws, and fee structures. Moratoria are time-outs called by one level of government in the face of permitting decisions made by a higher level of government, not a means of expressing general opposition to a permitted activity. Second, we need to develop a widespread recognition that the problem is the process, and not the outcome that we don't like. The divisions wrought by struggles around specific outcomes (say,industrial windfarms)have to be healed by recasting them as struggles against corporate power and the undemocratic permitting processes abetted by the exercise of eminent domain by the state or by the permitted corporation. I have said nothing of tactics for mobilizing the citizenry who need to make demands, first, on their local governments. Those tactics get developed by groups familiar with the circumstances in their own communities. Many failing campaigns against these corporate assaults are just a bundle of tactics (form letters, media events, testifying before commissions) unevaluated by coherent strategies (or even clear goals). Such limited "practical" campaigns against unwanted outcomes fail to usefully involve the many citizens who won't be seeing a transmission tower in their yard, or who appear to have a different problem (a dump, a supercenter, etc). And, universally, they fail in their limited objectives. Of course, I hope strategic thinking is appealing, and clarifying. At the least I hope it provides a starting point for considering what it is we want to achieve and how we might get there, before we set out. Thanks for listening.