



For Immediate Release  
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**BREAKING NEWS: XTO's Frack Water Withdrawal Put on Shelf**  
**by Delaware River Basin Commission**

*West Trenton, NJ* – Yielding to intense public pressure, the Delaware River Basin Commission (DRBC) has tabled action on the draft permit for a water withdrawal for XTO's natural gas wells at its May 11 Public Hearing. XTO is a subsidiary of ExxonMobil, who owns large leaseholdings for natural gas development in New York State.

0.25 million gallons of water per day for at least 5 years was proposed to be withdrawn from the Oquaga Creek, a trout stream in Broome County, NY that flows to the West Branch of the Delaware River. The water was to be used to hydraulically fracture XTO's gas wells they plan to construct in the region. The company has no gas drilling permits and has filed no applications for drilling with the DRBC or New York State. Both the DRBC and New York have moratoriums in place.

DRBC is developing natural gas regulations and is not issuing any drilling permits in the meantime; New York has a hold on its generic permit for hydraulically fractured-horizontally drilled gas wells while it completes its environmental review. One of the arguments against moving the water withdrawal ahead was that it was premature -- there was no justification for the water since gas drilling is on hold here and is not a *fait accompli* in the Delaware River Watershed; XTO has no need for the water at this time. Also, with only 10 working days notice and no local public hearing, the regional constituency in New York was all but removed from participating in the public input process regarding this substantial withdrawal from their local creek that would fuel large scale gas drilling if it were given the green light.

Since April 28 when the DRBC announced their intention to vote on the water withdrawal at their regularly scheduled May 11 meeting where a Public Hearing would be held on the draft permit, thousands of letters have been pouring into the DRBC against the proposal. The lack of the opportunity for public participation in the decision making was roundly criticized since there was only 10 working days notice of the vote on the withdrawal and no hearing in the Oquaga Creek or Broome

County/Delaware County, NY region. Action alerts to urge comments on the project to the DRBC were issued by many organizations, including Delaware Riverkeeper Network's website.

The DRBC voted unanimously at 6:00 pm at the close of the Public Hearing to keep the public record open from now until a public hearing is held in the Broome County, NY region within 30 days. The date, time and place of the Broome County public hearing will be announced soon.

"People rallied to stop ExxonMobil's water grab and to protect Oquaga Creek, a beautiful trout stream in the headwaters of the Delaware River. The Commission members heard the peoples' voice and relented, tabling action on the proposed permit. This is what the public can do when they organize with a unified voice. Thank you to all who spoke up," said Maya van Rossum, the Delaware Riverkeeper.

"Oquaga Creek is filled today with native and stocked trout and people are out fishing for them. With this reprieve, that can continue and the downstream West Branch will continue to receive the Oquaga's much needed cold water flows that help offset the discharges from Cannonsville Reservoir, giving good quality water and habitat to many miles of the West Branch Delaware. We will all continue to fight for the Delaware River Watershed to be frack free so that the natural assets of this region can continue to thrive and the River's water quality can remain exceptional," said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.

DRN submitted extensive comment to the DRBC at the public hearing in opposition to the proposed withdrawal. The comment letter included reports from two technical experts, hydrogeologist Peter Demicco and ecologist Piotr Parasiewicz. DRN concluded that the project would result in substantial adverse impacts to the Oquaga Creek, the West Branch of the Delaware River and the water resources of the Delaware River. In DRN's comment, the application was shown to be wholly deficient and approval by the DRBC would violate the DRBC's regulations and procedures. DRN recommended that the permit be rejected on these grounds.

DRN also advocated that water withdrawals should not be considered while the DRBC is developing its natural gas development regulations which are under review by the agency after the close of public comment on the Draft regulations April 15, 2011. DRN pointed out the need for New York State to complete its environmental review of hydraulically fractured horizontally drilled gas wells before water is committed for gas drilling in the State and that the Commission needs to complete a cumulative impact analysis and comprehensive environmental review before finalizing the draft regulations and that in the meantime, the moratorium on natural gas projects must remain in place. At the Hearing, DRN criticized the DRBC for shutting out the public from the project review.

DRN is legally challenging the only other water withdrawal that has been approved for gas drilling in the Delaware River Basin. Last year Stone Energy received approval from the DRBC to withdraw 0.70 mgd from the West Branch Lackawaxen River in Wayne County, PA for gas well development. DRN's challenge is presently in U.S. District Court of New Jersey.

Delaware Riverkeeper Network's Public comment can be viewed at:

<http://www.delawariverkeeper.org/resources/Comments/XTO%20Comment%205.11.11.pdf>

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