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Denton Group Launches Signature Drive To Try To Ban Fracking


By TEXAS TRIBUNE & JIM MALEWITZ • FEB 20, 2014

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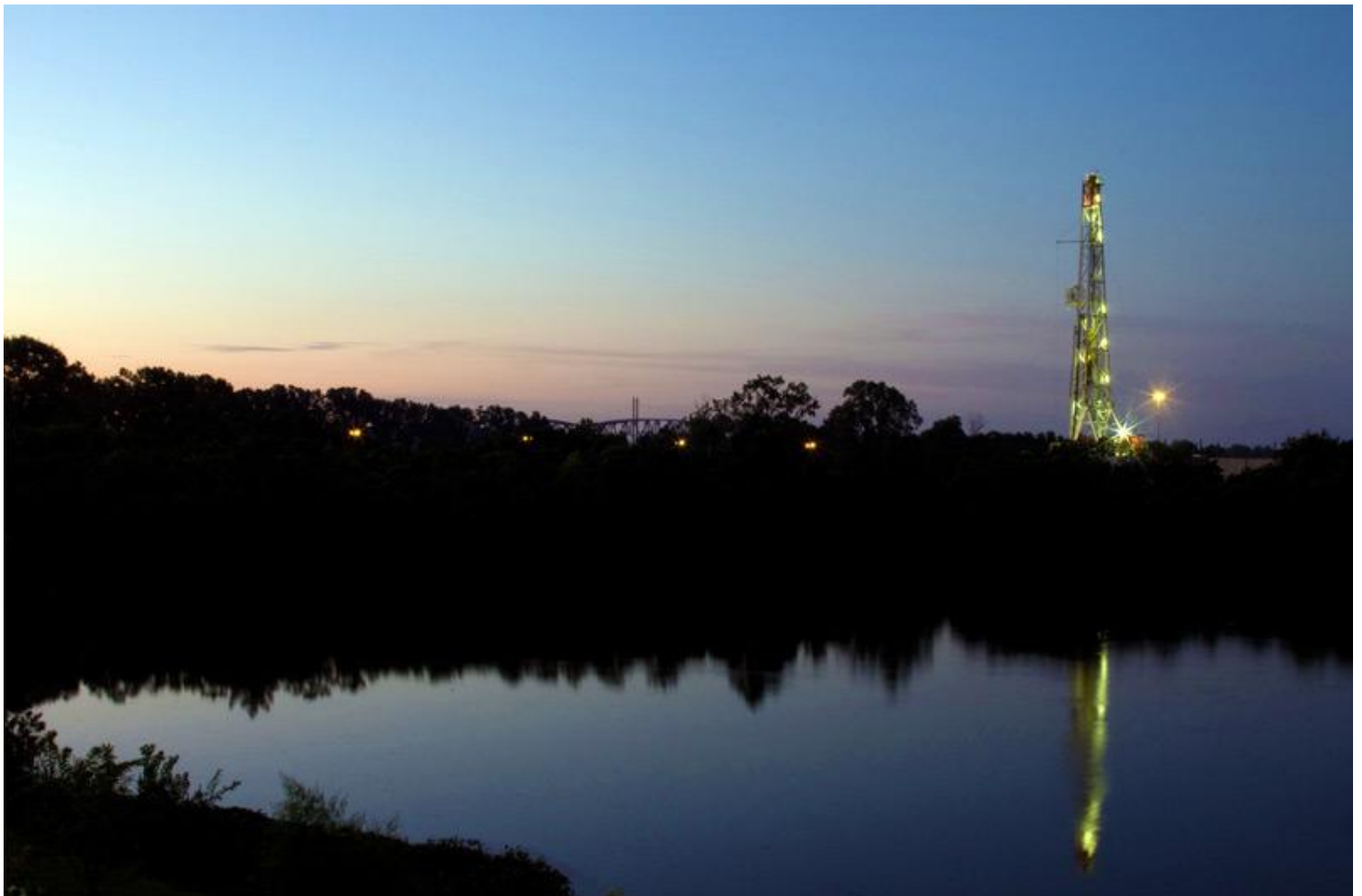
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A group of concerned Denton residents is aiming to close the city's doors to hydraulic fracturing.

The organization, called the Denton Drilling Awareness Group (<http://frackfreedenton.com/>), on Tuesday announced it was gathering signatures for a ballot initiative that would ban the method of oil and natural gas extraction – widely known as fracking – inside city limits.



With voters' approval, Denton, which sits atop the natural gas-rich Barnett Shale, would become the first major Texas city to ban the practice, the group said, and the first U.S. city to do so after previously permitting drilling.

“We are out of options. The city is allowing fracking to happen right in our backyards,” Cathy McMullen, a member of the group, said in a statement. “When fracking-impacted residents call with problems, the city passes the buck.”

Property rights vs. mineral rights

The proposal would not prohibit drilling outright; it would apply only to fracking, which involves blasting apart rock with millions of gallons of chemical-laced water. Violators would be charged with a misdemeanor and fined up to \$2,000 per day.

With a population of more than 121,000 and pockmarked with more than 270 natural gas wells, Denton is one of several Texas cities wrangling with questions about where to allow drilling (<http://www.texastribune.org/2013/10/18/dallas-debate-shows-city-power-limit-drilling/>) and how strictly to regulate a practice no longer relegated to sparsely populated outposts. Disputes have pitted drillers and mineral owners against residents who are concerned about noise and impacts on the environment, roads and public health.

As drilling increasingly moves into urban areas, said Jim Bradbury, an environmental and eminent domain lawyer in Fort Worth, tension is growing between property rights above ground and sub-surface mineral rights, which have long taken precedence in Texas law.

“This Denton case seems to be hitting right at that,” he said. “This is going to press the law and policy further to the limit.”

Critics say Denton's rules aren't strict enough

This is not the first time Denton's drilling regulations have come into question.

In January 2013, Denton updated its drilling rules, which included adding 200 feet to its previous 1,000-foot buffer between homes, schools, parks and hospitals. Local public health and environmental groups, however, say the updates did not go far enough in regulating new wells and that they allow companies to continue working on wells drilled under the old rules.

Last October, the city filed a lawsuit against Dallas-based driller EagleRidge Energy for allegedly drilling two wells without permission — and too close to a housing development. But the city withdrew the lawsuit (<http://www.texastribune.org/2013/10/21/denton-wants-restraining-order-against-driller/>) five days later after a district judge denied the city's request for a temporary injunction against EagleRidge. The city is now in “standstill” agreement with EagleRidge (<http://www.cityofdenton.com/home/showdocument?id=17816>), which says the company will not drill at new well sites while it negotiates rights at existing sites.

EagleRidge representatives did not immediately respond to requests for comment on the ballot initiative campaign.

The petition's organizers must gather 571 signatures within 180 days to place the initiative on the ballot. Adam Briggie, a University of North Texas philosophy professor who is part of the effort, said he doubts the initiative will be ready for the city's May election, so it might slip to November if Denton does not hold any special elections beforehand.

Bradbury said he would not be surprised to see the initiative succeed in Denton, where the University of North Texas has fostered a "creative class" of voters. But such an outcome would undoubtedly irk mineral owners and possibly spark a legal battle, putting city officials in an awkward position.

"I think it's good that these issues are bubbling up to the surface," Bradbury said.

--By Jim Malewitz with The Texas Tribune

This article originally appeared in The Texas Tribune. (<http://www.texastribune.org/2014/02/18/denton-group-seeks-local-fracking-ban/>)

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