

Fracking ban up for vote - Denton Record-Chronicle (TX) - October 26, 2014 - page EDIT01

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On Oct. 19, this paper urged **Denton's** residents to vote "no" on the fracking ban, because "we can come up with a better plan" and write "reasonable regulations."

With all due respect, the **Denton** Record-Chronicle's editorial is an insult to the **Denton** citizens who have spent more than four years working with the city and industry to do just that.

As a result of those efforts, we actually have reasonable regulations in our city code. But because of state-vested rights laws, they don't apply to huge swaths of **Denton's** land area. Fracking occurred less than 200 feet from homes after the city adopted an ordinance requiring a 1,200-foot buffer. Without the ban, this will happen again and again on over 10,000 acres and hundreds of frack sites within city limits.

The city also passed a temporary moratorium just this year. But the very first time industry challenged it, the city granted an exception.

As reported in this newspaper, ban opponents tricked our neighbors into signing a petition opposing the ban and then published their names in an ad without their permission. We call this perfidy the epitome of "unreasonableness." But the editorial dismisses this behavior as just what happens when things get political, implying that ban supporters are equally to blame for ban opponents' lies.

Actually, it is representative of the fracking industry's practices when its interests are thwarted: They make "stuff" up. It's sad to note that all the money behind their deceptive campaign could have been spent on better practices to protect **Denton** residents. They are not investing in our community. They are exploiting it.

The editorial references the fracking industry commissioned study regarding the ban's economic impacts. Even if we accept their numbers (we don't), the industry's own report shows that fracking accounts for only 0.2 percent of the local economy, 0.25 percent of the workforce, 0.5 percent of tax revenues, and 0.2 percent of our school district's budget. That's why City Council member Kevin Roden wrote that the ban would have "no perceivable impact on our local economy."

Further, the industry's own report shows that fracking is an economically unproductive use of our land. Every acre of fracking means not just more pollution, but less tax revenue. Less school funding in exchange for exposing our children to toxins and hazards. That's what they've been calling "responsible."

The editorial also raises the fracking industry's favorite specter: huge lawsuit costs. Make no mistake; after the ban is passed, the industry will sue the city. But we don't have to guess how

much it will cost. Other cities around the country are defending bans against industry lawsuits. How much has it cost them - \$38,000 to \$125,000 - is a small fraction of **Denton's** \$4 million already set aside for legal costs, far less than the millions industry claims, and money well spent to protect our air, water and property.

The editorial fails to mention that Texas home-rule cities, like **Denton**, are Texas tough. As the most comprehensive legal analysis of this issue states: "Texas common law generally favors municipal authority to regulate oil and gas activities. ... Every direct challenge to a city's police powers has been soundly defeated."

Unsurprisingly then, legal precedent favors the ban. Texas courts have already upheld Houston's more restrictive ordinance (which bans all drilling). And the city didn't owe anything to mineral owners.

The **Denton** ban applies only to hydraulic fracturing (a secondary recovery process), not drilling. After the ban, **Denton's** 281 gas wells will continue to produce gas. The ban mirrors the long-standing legal tradition of prioritizing health, safety and welfare when it conflicts with maximization of property rights. It does so without depriving mineral owners of all economically viable uses of their property.

Finally, the editorial nods at industry's misleading connection to energy independence. **Denton** only produces natural gas, not oil, and the U.S. only imports a small fraction of its natural gas needs. Ninety-seven percent of that is from Canada. None of it is from the Middle East. If you crammed all of Texas' gas wells into the 7 percent of its land area that is developed, **Denton** would still have three times as many wells as the average city. We're doing far more than our fair share.

In sum, the fracking industry and city government have both clearly demonstrated that the fracking ban is the only "better plan" left to us. It is the only way to close the loophole allowing fracking less than 200 feet from homes.

The editorial, like the industry, acknowledges there is a problem with fracking in **Denton**, but it offers no viable, concrete solutions. Like industry, the editorial makes vague suggestions that would allow business as usual to continue.

We have played that game for too long. And we have paid the price with our health, our safety and our property values. To continue down that path is the real irresponsible choice. Enough. Vote for the fracking ban.

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YES

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