

Butte fracking ban fails

Board of Supervisors fails to vote on the controversial practice

Tom Gascoyne, Chico News & Review, 2-12-5

After nearly five hours of discussion, public input and professional testimony on the proposed countywide ban of hydraulic fracturing, or fracking, the Butte County Board of Supervisors failed on Tuesday (Feb. 10) to adopt an ordinance that has been more than 10 months in the making.

Instead, the board directed county staff to craft an ordinance calling for conditional-use permits for fracking so each project can be considered on an individual basis. The supes also called for an ordinance that would ban the deposit of fracking waste in Butte County storage wells.

The latter has already been written, county Counsel Bruce Alpert told the board, and will come before the supervisors within the next few months. The use-permit ordinance will be crafted and brought back later in the year, he said.

Fracking is the practice of using high-pressure water, sand and acidic chemicals to crack underground shale formations and free the gas and oil deposits trapped beneath them. It has been linked to earthquakes and the contamination of underground water supplies. But it is also seen as a means of helping make the country energy independent.

According to a 2009 editorial in The New York Times, the federal government does not have the authority to regulate fracking. That's because of a provision inserted into the 2005 federal energy bill by then-Vice President Dick Cheney, a former executive at Haliburton—the company that invented fracking in the 1940s.

However, last year California adopted its own fracking regulation—Senate Bill 4—which will go into effect on July 1. It requires a use permit, an environmental impact report, advanced public notice and nearby water-well testing before, during and after a fracking operation.

Local ordinances, however, will take precedence over the state law, Alpert said.

The Butte County effort was initially backed by four of the five supervisors who gave Alpert direction to write up an ordinance last April. The latest meeting was standing-room-only with a large number of fracking opponents who, one after another, asked the supervisors to pass the local ordinance. These same folks, calling themselves Frack-Free Butte County, gathered enough signatures in 2014 to get a similar initiative on the June 2016 primary ballot.

But Alpert said that the ballot initiative is flawed “and will not be held up by courts if it were to pass.”

It was suggested that the group gather signatures for a petition that would reflect Alpert's ordinance and put it before the voters as well, but activist Dave Garcia said that would most likely prove too confusing for the voters.

Chico State geology professor Todd Green said there are not many reservoirs of natural gas in Butte County. He was not suggesting that fracking won't take place in the county, but if it does, it would be through already-established gas fields. There are 32 active gas wells in Butte County, he said, with no new ones drilled in more than 25 years.

Steve Bohlen, appointed by Gov. Jerry Brown as the state oil and gas supervisor and head of the Division of Oil, Gas and Geothermal Resources (DOGGR), addressed the meeting as well.

While DOGGR's mission is to regulate drilling, operations, maintenance and abandonment of gas and oil wells, he said, it is also to "encourage utilization of all methods and practices to increase ultimate recovery. You are in gas country."

But he added that the county has a lot of subsurface basalt that makes drilling for gas here very difficult.

"The U.S. has become energy independent for the first time in 60 years because of fracking," he said.

However, the state has not been regulating hydraulic fracturing and, as such, there is a lack of information concerning the wells that have been fracked over the years.

Once the public comment period was over, Supervisor Larry Wahl said he couldn't support a ban on fracking. Supervisor Steve Lambert said that, while he is not a fan of fracking, he did not want the county to "become a trendsetter."

"What I heard today is there is a bigger issue here than Butte County," he said. "Butte County does not lead the cause. If we are doing this for our own reasons, then I'm on board. But I feel like we're trying to make this a big cause."

Supervisor Maureen Kirk made a motion to adopt the ordinance, but lacking a second from the other supervisors, the motion died.