

# Temporary fracking ban rejected by Monterey County supervisors

**Jim Johnson, Monterey County Herald, 3-18-15**

SALINAS -- Arguing there's no evidence of an immediate threat to public health, a split Board of Supervisors declined on Tuesday to move ahead with a temporary ban on the controversial oil extraction technique known as fracking, at least until the state finalizes its own rules.

Asked to consider a 45-day urgency ordinance prohibiting hydraulic fracturing, or fracking, and other similar oil well stimulation techniques — as unanimously recommended by the county Planning Commission nearly 11 months ago — a narrow board majority indicated they preferred to allow the state to finish implementing its regulations for well stimulation treatment, which could take effect this summer.

Supervisor Simon Salinas, whose South County district includes active oil fields, counseled waiting on any local rules until the state has a chance to complete its work.

“We can't regulate the (oil and gas) industry county by county,” Salinas said. “I think we ought to give (the state) a chance and then monitor it.”

Supervisor John Phillips indicated doubts about whether the county could find there was a legal basis for a moratorium, which requires an immediate threat to public health or safety. Phillips noted that there is no known fracking operation, nor any fracking applications, in the county, and argued that any attempt to secure a use permit would stretch beyond implementation of the state's rules.

“I question whether there's a basis for the moratorium,” the retired judge said. “If not, let's just wait until (the state rules are finished).”

During more than an hour of public comment, oil industry representatives, oil field workers and others spoke against a local ban and praised the economic impact of energy production, while a number of speakers argued the potential environmental damage of fracking should outweigh other considerations, and openly doubted the state's capacity for monitoring its effects.

The supervisors also heard a report on the state's developing regulations and county staff work on local Title 21 land use rule changes related to oil and gas exploration in Monterey County.

The state Division of Oil, Gas and Geothermal Resources is expected to certify an environmental impact report on fracking on July 1, when the state's new rules are set to take effect.

Supervisor Jane Parker proposed allowing county staff to return later with a rationale for the temporary ban, but the board voted 3-2 against with Supervisor Fernando Armenta joining Salinas and Phillips in the majority.