

Another Voice / *Environment* *Small towns need help dealing with fracking issues*

BY RONALD FRASER

Natural gas drillers are champing at the bit to bring the heavy industrial, high-volume hydraulic fracturing technology to New York's Marcellus and Utica shale formations – and possibly to the Southtowns. If Gov. Andrew M. Cuomo gives drillers the green light, are the Southtowns governments ready to use their planning and zoning powers to ban this drilling within their towns or invite the drillers in?

As New York towns gained land use planning and zoning authority to protect the safety, health and well-being of their residents and environment and to avoid conflicting land uses, only the larger municipalities added professional staff planners. Most rural towns did not. This may not be a problem when issuing special use permits for dog kennels and junkyards.

But it matters a lot when rural towns with limited onboard planning expertise are up against a wide range of complex, risky, land use decisions – and when the Independent Oil and Gas Association of New York is telling these officials, all is OK, don't worry.

Once a town officially adopts a comprehensive or master land use plan – and most Southtowns have, usually with help from a professional planner – future land use decisions and zoning decisions must then be compatible and harmonious with the planning guidance and policies in the adopted plan. In the Southtowns, these plans typically stress the town's rural lifestyle and

natural environment and do not provide for heavy industrial activities with serious environmental and human health risks attached.

Some town officials mistakenly equate high-tech fracking wells with familiar, old-fashioned, shallow, vertical gas wells. However, the risks to water sources and human health from one of these wells, using 5 million to 8 million gallons of toxic fracking fluids, is about 500 times greater.

Others believe the state Department of Environmental Conservation will protect the town when, in fact, the DEC's primary mission is to promote oil and gas development. Legal responsibility for protecting lives and property in the Southtowns rests not with the DEC but with the elected members of each town board.

To date, the Town of Wales has banned high-volume hydraulic fracturing drilling while Holland has hung out a drillers-are-welcomed sign. The Town of Colden has enacted a moratorium.

Without professional help upon which to make their decisions, Southtowns officials are likely to underestimate the risks until it is too late. One source of technical advice is the land use planning assistance offered by the Erie County Department of Environment and Planning. That is a good first stop for Southtowns officials still wondering what to do.

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