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Experts agree: Fracking moratorium 'symbolic'

By Steve Reilly • sreilly@gannett.com • November 30, 2010, 7:55 pm

The state Assembly's vote in favor of a six-month moratorium on hydraulic fracturing, a controversial drilling technique essential to tapping the natural [gas reserves](#) of the Marcellus Shale, is drawing mixed reactions from legislators and advocates on both sides of the drilling debate.

"We already have a de facto moratorium on horizontal hydrofracking in the Marcellus Shale, and as far as I'm concerned, this really was a big mistake from the beginning," said Ithaca-based anti-drilling activist Walter Hang.

The moratorium, if signed into law, would overlap with an already existing ban on the use of high-pressure hydraulic fracturing in horizontal wells, which has been on hold in the state for 2 1/2 years.

In July 2008, Gov. [David Paterson](#) issued an executive order halting permits for horizontal hydraulic fracturing until the state Department of Environmental Conservation completes its review of the draft Supplemental Generic Environmental Impact Statement.

While the new moratorium would last until May 15, 2011, few expect the DEC to complete its review of the draft SGEIS before then. In all likelihood, the SGEIS will be challenged in court.

The new moratorium would also extend the current ban to include hydraulic fracturing in both vertical and horizontal wells.

"It was a badly drafted bill," said Assemblywoman Donna Lupardo, D-Endwell, who voted against the moratorium.

Lupardo said Assembly members who supported the bill "felt the need to send a message on behalf of the people who are concerned about hydrofracking," but did not understand the consequences of banning vertical drilling.

"This should not be viewed as a referendum on gas drilling -- the bill itself had problems," she said. "As important an issue as this is, I think it's important to pass legislation that really gets to the heart of what we want to do, and I think this misses the boat."

The moratorium was passed by the [state Senate](#) in August with only nine senators -- including Sen. Thomas Libous, R-Binghamton -- voting against it.



A Chesapeake drilling rig in Laceyville, Pa.

After the Assembly's 93-43 vote Monday, the bill is currently awaiting the approval of the governor who said he was undecided on whether to sign it.

"The legislative action, I think, is well intended, but whether or not we need it is uncertain," Paterson said in an interview Tuesday with Gannett's Albany Bureau.

"In many ways, this is political cover, this is window dressing," Hang said. "You ask anyone, and they basically say this is a symbolic victory."

Hang feels the moratorium fails to address any of the substantive issues involved in the state's review of the environmental impacts of natural gas drilling.

"I really believe that it is a well-meaning effort," Hang said, "but it's completely separate from the main challenge at hand, which is withdrawing the fatally flawed draft of the SGEIS, revising the scope and then coming up with a final that can adequately protect the public health and the environment."

Brad Gill, executive director of the Independent Oil and Gas Association of New York, agreed with Hang, at least in part.

Gill said many legislators who supported the moratorium were ill-informed about the difference between vertical drilling, which has been used for decades, and horizontal drilling, which is more controversial.

They simply wanted to pass the bill to send a message, he said.

"We had over 800 wells permitted and drilled last year, and over 90 percent of those wells were hydraulically fractured," he said. "But those are not the wells that the oppositionists are concerned about."

The moratorium would put the 300 businesses and 5,000 jobs across the state that rely on vertical drilling in danger, according to Gill.

"Despite our best efforts, I believe that a very large portion of the Assembly either didn't understand it or didn't care that they didn't understand it," he said. "But again, that's so typical of New York."