Post-Auction Blues as a Ballot Initiative Debuts

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This article is written by Maryann Lesert

Protestors, Disruptors, Petitioners unite as the Michigan House of Representatives Natural Gas Subcommittee recommends that the State lease all of our remaining public land – 5.3 million unleased acres – to drastically increase oil and gas extraction. And fracking, as one protestor's sign attests, "is Good Bye Pure Michigan."

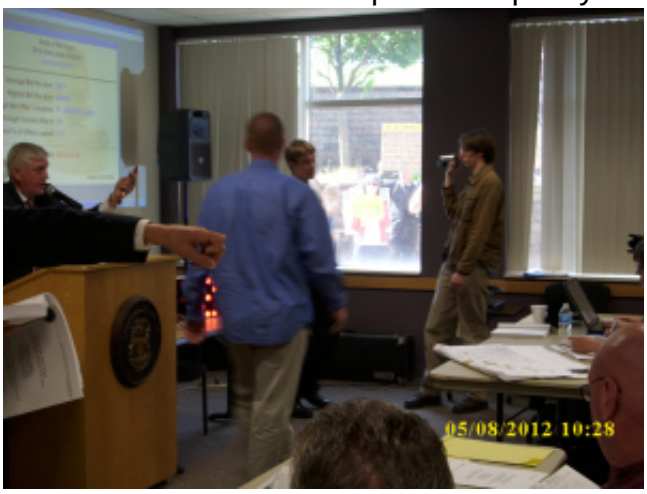
On May 8, the Michigan Department of Natural Resources (MDNR) offered over 108,000 acres of state land in 23 counties to bidders interested in purchasing 5-year mineral rights leases for oil and gas drilling, including 23,400 acres in Barry County with nearly the entire Yankee Springs Recreation Area (just east of Gun Lake) up for bid.

Grand Rapids, Ann Arbor, Muskegon, and Kalamazoo residents attended and took part in the protest alongside people from Barry and Oakland counties there to voice their disapproval of the DNR's offering of well-known recreation areas. Some drummed and chanted as bidders walked into the building to register. Others entered the auction room and stood up during the bidding process to make statements about the wrongness of auctioning off public land, the dangers of injecting known toxins into land, water, and ecosystems, and fracking's excessive use of

water.

Though state auctions of mineral rights have occurred for decades, Mary Uptigrove of the DNR Mineral Management Division, when asked if the twice-yearly auctions usually drew much public attention, said she had never seen anything like the May 8 protest. “No, nothing like this, and I’ve been here for nine years.” Auctioneer Bob Howe of Sheridan Realty & Auction Co. agreed, noting that two years ago the MDNR had the largest auction ever in terms of money taken in, with a record $178 million for less acreage than the current May 2012 auction, which earned $3.5 million. The difference? Two years ago there was a frenzy of speculation, and our state legislators have obviously been hard at work, paving the way for the“natural gas renaissance [that] is upon us.”

The auctioneer progressed through the first few ‘A’ counties: Alpena, Antrim, and Arenac, rather quickly after some tense moments when over half of us who took seats around the perimeter of the room – 3-4 writers and videographers and about 20-30 members of the public – were forced to vacate our seats. Twenty-five minutes before the auction began, DNR staff claimed there was no room for anyone but registered bidders. I held up my press pass, explaining that I had called to verify that press would be allowed to attend this “open” meeting, but was again told to leave the room due to the 60-person capacity.



Many of us registered as bidders and re-entered the room. Others gathered outside the auction room's open door (presumably to maintain the meeting's "open" status) making noise. "But this is wrong," one woman's voice projected over the opening bids. "This is supposed to be a public meeting and they're auctioning off public land. Isn't there anything we can do to stop this?"

When Barry County came up to bid, protestors who had been in the building's lobby moved into the walled courtyard outside the lower-level auction room, pounding on makeshift drums, chanting anti-fracking chants, and banging on the windows as the auctioneer prattled on and bidders continued to bid, though alertness levels definitely rose.

Amid continuous chanting and glimpses of protestors and their colorful signs through the windows (before one of the auctioneers pulled the blinds closed), a young man in a suit was the first to stand up.

Walking to the windows and pulling back the blinds, he said, "What are they doing out there?" calling attention to the protestors. "Wait," he said as the one uniformed DNR officer in the room at that point pulled him away. "What are they doing?" As he was escorted out in front of the bidders' tables, he called out, "What are you doing selling off Yankee Springs?"

A few moments later, a second young man in a dress shirt and tie strode in front of the auctioneer to say, "We don't believe in the myth of safe fracking. Fracking will poison the water."

More security came in stages as more protestors entered the room, forced to register as bidders in order to be admitted. The auctioneer's auction-calling and the "Ho!" and "Here!" bid acknowledgments from his assistants were accompanied by a steady stream of noise from the protestors outside, who were eventually observed but not interfered with by several Lansing police officers.

Debra Grodan Olson, a Michigan lawyer with strong ties to the Circle Pines Center in Delton registered as a bidder, hoping to save several 40-acre parcels up for bid near Circle Pines, an educational recreation and retreat center focused on peace, social justice, and environmental stewardship. In a late-night letter to Governor Snyder, Olson expressed “concern for the values – ecological, wildlife, water, riparian, property, and community – at stake and threatened by the leasing of mineral rights for state lands, wetlands, creeks, streams, and lakes” all treasured, she noted, “far beyond any return the state might expect from selling lease rights to these lands.” Her auction-day goal, knowing she was unable to save all of Yankee Springs, was to prevent the land and lakes near Circle Pines from being drilled under.

As the parcels within Yankee Springs Recreation Area went up for bid, it was clear that Olson’s presence made a difference. Bidder #124 (bidders were identified by numbered cards) routinely opened the bidding at $30 per acre – above the $12 minimum – and it was clear that he was willing to go up to $375 and $380 per acre whenever Olson or occasionally others cross bid. In the end, he made an all-out sweep across Yankee Springs as more protestors rose.

One young man jumped up on an auction table, calling out as two DNR Officers approached him. “This theft of public land is a short term fix for the companies that created our energy crisis. The extraction process poisons our water and air. You will not succeed.”

Only one protestor was arrested for disrupting the auction, though his repeated verbal comment: “We’ve got every right to be here,” came in direct response to a bidder from the opposite side of the room who, conversing back and forth with the auctioneer, chuckled through a complaint: “If you keep these guys out of the room, we’ll be fine.”

The tension and excitement of Olson’s cross bidding came to an end as she packed up to leave, and the last few parcels went quietly unopposed at the $12 per acre minimum. All but one or two of two hundred eleven 40-to-160-to-200-acre parcels of Barry County’s public land went to two bidders – Rich Patterson of Meridian Land & Energy and Amos Fowler of Pteradon Energy – most of them for $12 to $30 to $60 per acre.

One of the last protestors to stand up for Barry County, a young woman, walked up the center

aisle clapping her hands together in broad strokes as she chanted, “How about that Hal Fitch. How about that Hal Fitch.” I understood and appreciated her reference to MDEQ’s Director of Oil, Gas, and Minerals and her nod to the Department’s lack of protection of public land. But as we left Barry County and the drums subsided and the stand-up disruptions ceased, I gave in to grief.

One of the most beautiful places in the world – to me, anyway, after three years of hiking Yankee Springs’ trails – had fallen to the F-bomb of all F-bombs: Fracking. For three winters I had dedicated my Sundays to watching the snow fall over Deep Lake or drifting silently in the silver-green air of the Pine Grove. I had ushered in each spring with the Long Lake boardwalk where mounds of new soil bulge above the water and sprout with ferns and ivy and tiny new flowers.

No matter how much we cared or researched or hoped to stop public lands from oil and gas development, Yankee Springs and the equally treasured Lake Orion rec area in Oakland county were “won” by the oil and gas industry – along with land just as important to locals in 21 other counties. It was tempting to believe that none of it – the shouting and the art and the bidders who tried to save the land – did any good. But of course it did.

One hundred people witnessed, made statements, and were escorted out by armed conservation officers. A few of us stayed to the bitter end, watching previously passed-on parcels go up for bid at $6 per acre instead of the first-round minimum of $12 (Talk about grief!).

There was a resurgence that kept us going when Oakland County's recreation areas came up to bid. The drumming and chanting returned and more protestors rose at key moments. One dark haired young woman stood and said in a quietly penetrating voice: "This is my homeland. You are poisoning the water for our children and grandchildren. For your own children and grand children." And as she willingly turned toward the door with her officer escort, she said, "Ban fracking now," and it hung in the air.

Still, our outrage at the future damage to landscapes and ecosystems that comes with the distributed industrialization of fracking did not stop the industrializers from winning. So what next?

We form a people's movement to ban fracking. We bypass Michigan legislators and the Big Greens – environmental organizations such as The National Resources Defense Council and the Sierra Club and the Clean Water Action Council –groups that support frack reform bills which rely on what New York environmental activist and writer Robert Jereski terms "Regulationism: an undue faith in the promise of regulating a noxious processes that distracts from the need to stop it."

In Michigan, reform bills call for a moratorium, but only within two specific geological layers, the Utica and Collinwood shale layers; they call for a fracking panel to study the safety of hydraulic fracturing with industry funding and participation (green washing and junk science, anyone?). And in the greatest hypocrisy of regulationism, newly introduced House Bill 5565, touted as the bill that will finally require frackers to disclose the chemicals used in the fracking process (the industry has been exempt from regulation and disclosure of "trade secret" chemicals since 2005), HB 5565 actually devotes 2/3rds of its language to detailing the process the industry will use to continue to keep chemicals secret. (Section 61535 sets up conditions for withholding chemical identities.) What's worse: the bill requires healthcare providers to sign a confidentiality

statement, a “gag” order, before receiving chemical data needed to treat their patients (Section 61537).

And House Bill 5565 is touted as stronger regulation? Thanks, but no thanks. Who needs more regulation when it is clear that regulating the gas and oil industry, and fracking in particular, means more secrecy and exemption. “Safe fracking” is a myth which subjects us, reform bill after reform bill, to what Jereski (regulationism) refers to as “the tyranny of low expectation.”

About that Bypass: Let’s Ban Fracking – A Ballot Initiative to Ban Fracking in Michigan

At the protest on May 8, petitioners introduced the public to a new state-wide ballot initiative to ban horizontal hydraulic fracturing in Michigan. A ballot initiative drafted by the most grass roots of grass roots efforts, a committee of people from around the state who were galvanized by the Michigan DNR’s auction of entire recreation areas and by the Michigan Natural Gas Subcommittee’s recommendation that the State employ all sorts of unconventional oil and gas extraction methods on all remaining public land.

Germany, France, and Bulgaria did it, and so did Vermont, when that state’s legislators passed a ban on fracking on May 4. Now the Committee to Ban Fracking in Michigan (http://letsbanfracking.org) is hoping that Michigan will be the first to offer the people the chance to decide whether or not we will allow fracking and its industrializing force to spread across the Great Lakes State.

As the Committee’s Press Release states, “petitioners are required to submit 322,609 valid signatures from Michigan voters by July 9 to the Bureau of Elections in order to place the proposed amendment on the ballot in November.”

The petition reads: “A proposal to amend the Constitution by adding a new Section 28 to Article I to read as follows:

To insure the health, safety, and general welfare of the people, no person, corporation, or other entity shall use horizontal hydraulic fracturing in the State. ‘Horizontal hydraulic fracturing’ is defined as the technique of expanding or creating rock fractures leading from directional

wellbores, by injecting substances including but not limited to water, fluids, chemicals, and proppants, under pressure, into or under the rock, for purposes of exploration, drilling, completion, or production of oil or natural gas. No person, corporation, or other entity shall accept, dispose of, store, or process, anywhere in the State, any flowback, residual fluids, or drill cuttings used or produced in horizontal hydraulic fracturing."

To Sign or Circulate the Petition:

To find a location where you can sign the petition (it must be signed in person) or to contact a city, county, or area coordinator, go to the Let's Ban Fracking website. Click on "Volunteer" to view a list of area coordinators. See "Events" for a list of signing events.

Note: This is not an online petition. Public pressure petitions gather signatures online, often linked to emails from environmental organizations that use strong words such as "Fracking must stop!" Online petitions serve only one purpose. They are sent to legislators to put pressure on them to respond with legislation. Here in Michigan, where legislators have recommended that all 5.3 million acres of our remaining public land be "used" for oil and gas extraction, public pressure will fall on frack-hungry ears.

Author Bio:

Maryann Lesert is an author and Associate Professor of English at Grand Rapids Community College, researching fracking for an environmental writing project. She belongs to Ban Michigan Fracking (www.banmichiganfracking.org), an educational organization working toward local and statewide bans on hydraulic fracturing.

Hyperlinked Sources:

The U.S. House Energy & Commerce Committee Report, April 2011, "Chemicals Used In Hydraulic Fracturing." PDF. 14 pgs. See List of 29 Known Carcinogens, Safe Drinking Water Act Contaminants, and Hazardous Air Pollutants, pg. 10.

http://house.michigan.gov/sessiondocs/2011-2012/testimony/Committee6-4-24-2012.pdf

The Michigan House of Representatives Natural Gas Subcommitee Report on Energy and Job Creation, April 2012. PDF. 26 pages. See; Conclusion & Recommendations, pgs. 20-22.

http://democrats.energycommerce.house.gov/sites/default/files/documents/Hydraulic%20Fracturing%20Report%204.18.11.pdf

House Bill No. 5565, Introduced by Reps. Brown, Bledsoe, Lipton, Bauer, Tlaib and Byrum, April 24, 2012. A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,”(MCL 324.101 to 324.90106) by adding sections 61506d, 61531, 61532, 61533, 61534, 61535, 61536, and 61537.

http://www.legislature.mi.gov/documents/2011-2012/billintroduced/House/pdf/2012-HIB-5565.pdf

Website for the Committee to Ban Fracking in Michigan.

http://letsbanfracking.org/

Educational Website for Ban Michigan Fracking.

www.banmichiganfracking.org