

Star-Telegram

Oct. 25, 2007

Resident's lawsuit seeks to block Trinity Trees gas drilling permit

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[HTTP://WWW.STAR-TELEGRAM.COM/NEWS/STORY/279752.HTML](http://www.star-telegram.com/news/story/279752.html)

A Fort Worth woman on Wednesday made good on her promise to sue the city over a permit for natural gas drilling along the Trinity River.

Melissa Kohout, who frequently walks her dog along the river's hike-and-bike trail, asked a district court judge to block the city's gas drilling permit for the Trinity Trees site.

Kohout and her attorney, Jason Smith, argue that the city violated its own drilling ordinance when it granted the permit to Chesapeake Energy. The city gave Chesapeake a high-impact drilling permit, which is required for drilling near homes, schools, churches and parks, even though the company didn't apply for one. That showed favoritism to Chesapeake and deprived residents of their right to protest the permit, the suit says.

"My client objects to the city giving preferential treatment to Chesapeake ... especially since Chesapeake got this special treatment at the cost of the public's right to petition their government," Smith said.

Kohout is not seeking money damages, the suit says.

City officials say the trail is not a park under the city drilling ordinance because it is owned by the Tarrant Regional Water District. The water district signed a waiver allowing the permit, as required under city rules for high-impact wells.

The lawsuit notes that city of Fort Worth attorneys referred to the trail system as a park during a 1995 zoning case over a topless bar, although that case was decided on other issues.

"Kohout is glad the City of Fort Worth did not allow a topless bar to be near the Trinity Trails ... but is perplexed why it allowed drilling near the Trinity Trails contrary to its own ordinance," the suit says.

City Attorney David Yett said no favoritism was shown because Chesapeake got a stricter permit than it applied for. The high-impact permit requires Chesapeake to preserve more trees and use a closed-loop system to handle drilling mud, instead of an open pit.

As for whether the trail system is a park, "That's a fact question for the court to decide," Yett said.

Chesapeake spokeswoman Julie Wilson said, "Chesapeake and the city of Fort Worth did everything strictly in accordance with applicable ordinances and are comfortable with the validity and appropriateness of the permit we've been issued."

The debate over the 8-acre drilling site, covered with old-growth oak and pecan trees, has become a rallying point for opponents of natural gas drilling.

Many residents mistakenly thought it was a park. There are benches nearby, and until recently "park hours" signs had been posted among the trees, but the land has never been publicly owned. A developer was planning to build an office complex there until Chesapeake bought the land in January for more than \$15 million.

The company originally planned to clear-cut 2.3 acres, but decreased the size of the proposed drill pad as protests heated up. More than 1,200 people signed a petition opposing the drilling plan, and City Councilwoman Wendy Davis used a public meeting about the site to call for rewriting the city's drilling regulations.

Chesapeake's latest plan calls for clearing 1.4 acres and donating \$500,000 to the city tree farm. Last week, a contractor began planting screening trees and shrubs on the perimeter of the site.

On the Web

To see a copy of the lawsuit or letters between Melissa Kohout and city officials, go to the *Star-Telegram's* Barnett Shale blog at:

startelegram.typepad.com/barnett_shale

Other online sources:

www.Trinitytrees.org

www.askchesapeake.com

www.fortworthgov.org

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