

Mr. Edward Hanlon
Science Advisory Board Staff Office
US Environmental Protection Agency
(Mailcode 1400R)
1200 Pennsylvania Ave., NW
Washington, DC 20460-4164

Dear Mr. Hanlon:

As a stakeholder in the study on the "Potential Impacts of Hydraulic Fracturing on Drinking Water Resources," I ask you to consider the constitutional issues that may result from any rule or regulation that would effectively end - or significantly reduce - the use of hydraulic fracturing to produce oil or natural gas.

In the "Environmental Justice" Section of the "Draft Plan to Study the Potential Impacts of Hydraulic Fracturing on Drinking Water Resources," the committee makes the following comment on Page 49: "Stakeholders have raised concerns about the environmental justice implications of gas drilling operations, noting that people with a lower socioeconomic status may be more likely to consent to drilling arrangements because they may not have the resources to engage with policymakers and agencies to affect alternatives. Additionally, drilling agreements are between landowners and well operators, implying that tenants and neighbors may have little or no input in the decision-making process." The committee proposes "to address these concerns (Page 50)."

Given the abundant judicial review of well-established mineral rights law in the State of Texas, I object to this proposal, and to any consideration by the committee or EPA regarding any purported lack of "input" by any tenants or neighbors regarding someone's mineral rights. So long as the rights of tenants and neighbors are respected and not infringed upon in accordance with Texas state law, there is no basis for the EPA to address any purported lack of tenant and neighbor input.

Finally, as a stakeholder, I request that you consider these issues, and keep me updated on all future meetings and releases of any and all further reports or regulations considered and/or drafted by the advisory committee.

Signed,

Rebecca Davies
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