

Enviros say BLM is overlooking drilling impacts to endangered species

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The latest battleground in the war over hydraulic fracturing is set to play out in California, where the Center for Biological Diversity plans to sue the Bureau of Land Management for approving oil and natural gas drilling projects without first analyzing the potential impacts of fracking on endangered and threatened species.

CBD late yesterday sent a 60-day [Notice of Intent to Sue](#) to top Interior Department officials. It argued that BLM should evaluate impacts and implement policies to protect a suite of sensitive species in the face of growing industry interest in tapping the Monterey Shale formation that stretches from Northern California hundreds of miles south to the Los Angeles area.

The 27-page notice of intent -- sent to Interior Secretary Ken Salazar and BLM California State Office Director James Kenna, among others -- says BLM needs to consult with the Fish and Wildlife Service on Endangered Species Act fracking issues and update old resource management plans in the state before issuing oil and gas drilling permits on public land.

"Specifically, BLM continues to issue oil and gas leases and drilling permits that allow intensive, controversial, and environmentally destructive hydraulic fracturing techniques, but the agency relies on outdated biological opinions that fail to evaluate the substantial impacts these techniques -- and the consequent increase in drilling these techniques facilitate -- may have on ESA-listed species," the notice of intent said. "If BLM does not reinitiate consultation and halt ongoing oil and gas leasing and drilling activities within 60 days of this letter, the Center intends to file suit under the ESA citizen suit provision."

Erin Curtis, a BLM spokeswoman in Sacramento, Calif., said the agency is evaluating the allegations in the notice of intent and that "commenting at this point in time is not something we'd be able to do."

But CBD's notice of intent highlights a regulatory gap in the oversight of fracking -- the oft-controversial technique of injecting water, sand and chemicals underground at high pressure to create fissures in tight rock formations that allow oil and gas to flow to the surface.

While BLM is currently developing a rule that would require chemical disclosure and set standards for well design and wastewater disposal for fracking operations on federal lands, California does not require any type of permitting for hydraulic fracturing and therefore has no data on the number of fracked wells in the state.

Two state bills -- a moratorium and a chemical disclosure requirement -- died in a legislative committee this month, leaving the Golden State one of the most unregulated fracking hot spots in the country. Many California drillers, however, do voluntarily disclose fracking fluids, with the exception of those deemed trade secrets ([EnergyWire](#), Aug. 17).

Most of CBD's concerns outlined in its notice of intent center on growing industry interest in specific sections of the Monterey Shale formation in south-central California, particularly in the San Joaquin Valley in portions of Monterey, Fresno, Kern and Kings counties.

The federal Energy Information Administration has estimated that the Monterey formation could hold up to 15 billion barrels of oil. Like in many deep shale formations, fracking and advances in directional drilling techniques have made the resources there economically accessible for the first time.

BLM in the past few years has leased more than 150,000 acres for oil and gas development in this region of the state, according to agency statistics provided by CBD.

"While BLM has authorized oil and gas leases and drilling in both the Hollister and Bakersfield areas for decades, new and intensified drilling techniques ... have substantially increased the economic feasibility and the environmental risks of drilling," the notice of intent said.

But BLM has not conducted adequate analysis to determine potential impacts on a suite of endangered species ranging from California condors to San Joaquin kit foxes, said Brendan Cummings, CBD's senior counsel and public lands program director in Joshua Tree, Calif. Instead, he said the agency is relying on biological analysis in resource management plans in the region that are more than a decade old.

"A fracking boom could push some of California's most beloved endangered species over the edge," Cummings said. "Yet the federal government is leasing out large tracts of our public lands for drilling with no real consideration of the risks fracking development poses to the California condor and other imperiled animals. That's bad for wildlife, and it's a tremendous breach of trust."

Tupper Hull, a spokesman for the Western States Petroleum Association in Sacramento, Calif., said he had not seen the CBD notice of intent to sue and declined to comment on it.

But Hull defended the use of hydraulic fracturing to tap valuable resources trapped in tight rock formations in California and elsewhere.

"It's a technology that has been used in California successfully for more than 60 years, and it has never been associated with any environmental harm," he said. "I don't know enough to say whether this [pending] lawsuit has merits, but it appears the concerns about hydraulic fracturing have been exported from other places to California."

Still, Cummings said BLM needs to not only analyze fracking's potential impact to endangered and threatened wildlife, but also the impact of disturbing potentially thousands of acres of federal lands in the state for energy development.

"Not only do dangerous chemicals used in fracking pose a direct threat to wildlife, but fracking is making important habitat areas, where it was previously not cost-effective to drill, a prime new target for oil companies," he said. "Our government needs to protect endangered species habitat, not auction it off to be fracked by oil companies."