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Activists urge US agency to rescind oil, gas leases on ruling

09 April 2013

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HOUSTON (ICIS)--Two activist groups on Tuesday are urging the US Bureau of Land Management (BLM) to rescind oil and gas leases in central California after a judge ruled that the federal agency did not adequately consider the environmental impacts of hydraulic fracturing before auctioning off about 2,700 acres of land.

“At a minimum, no drilling or development can occur on the leases until and unless the agency completes a much more thorough environmental review on the impacts of fracking,” said Brendan Cummings, senior counsel at the Center for Biological Diversity.

“The right course of action here is to wait for all the environmental analyses that meet the judge’s specifications to occur,” said Nathan Matthews, associate attorney with the Sierra Club, adding that the BLM can then reoffer the leases with conditions in regards to the review.

Hydraulic fracturing, or fracking, involves the injection of large amounts of a water mixture into deep rock formations to create passages through which gas and liquids can flow.

The Center for Biological Diversity and the Sierra Club had filed a suit against the BLM and US Interior Secretary Ken Salazar for selling four leases in September 2011 for oil and gas production in Monterey and Fresno counties.

In a 31 March ruling that was made available on Monday, federal judge Paul Grewal said the BLM violated the National Environmental Policy Act, which requires agencies to take a “hard look” at every significant aspect of environmental impact of a proposal and to inform the public prior to taking action.

However, Grewal rejected the groups’ claim that the BLM violated the Mineral Leasing Act of 1920, which allows the agency to grant leases for the “economically sound and stable” development of federal mineral resources.

Grewal ordered the parties to submit a joint plan of action and reconvene in court on 15 April.

“Our position is that the law requires the leases to be rescinded,” Cummings said. “The federal Bureau of Land Management, which issued the leases, will likely argue otherwise.”

David Christy, a spokesman with the BLM, said that “it is a little early in the process to answer that question” on the agency’s course of action.

“Since we just got [the ruling] yesterday, we’ll be talking to the Department of Justice [DOJ], who handles the legal matters like this,” Christy said. “We’ve got to analyse that internally and talk to the DOJ.”

Still, the groups said the judge’s ruling is the first court opinion to “find a federal lease sale invalid for failing to address the monumental dangers of fracking”, adding that the decision “recognises that fracking poses new, unique risks to California’s air, water and wildlife”.

“In an era of dangerous climate change, the Obama administration should not sell off our public lands to be fracked for fossil fuel development that will only speed up global warming,” Cummings said. “We hope this court ruling acts as a wake-up call that steers the federal government away from sacrificing California’s public lands for dangerous oil development.”

Matthews added that he “can’t imagine any scenario” in which such production could occur following a thorough environmental impact study.