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Lawsuit aims to keep more land from fracking

Protection of 17,000 acres sought

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Still celebrating one landmark legal victory, two environmental groups have filed a new lawsuit to protect an additional 17,000 acres of Central California agricultural and ranch lands from oil and gas “fracking.”

The lawsuit against newly appointed Interior Secretary Sally Jewell and the Bureau of Land Management asserts the government auctioned oil-drilling leases on the land in December without sufficiently considering the dangers hydraulic fracturing, or fracking, poses to watersheds, endangered wildlife and air quality.

According to the suit, BLM sold leases to the property without a full environmental review, reasoning that only one test well would be drilled and complete analyses could be delayed until further development.

Nearly 6,000 acres of the land is in vineyards and rolling ranch land in South Monterey County. About 1,500 acres lies in Fresno County with the remainder, more than 10,000 acres, in San Benito County.



South Monterey County land near Lockwood-San Ardo Road ,... (NIKKI NEDEFF/Special to The Herald)

“The federal government has to stop shrugging off the dangers of fracking pollution to California’s public lands,” said Brendan Cummings, an attorney for the Center for Biological Diversity, which joined the Sierra Club in filing the lawsuit.

“Fracking and drilling in these beautiful places threatens precious wildlife habitat and endangers the whole Salinas Valley watershed,” he said. “By opening up this land to oil

exploration, the Obama administration is putting our air and water at risk of contamination by dangerous fracking chemicals.”

The land is part of the Monterey Shale formation, 1,750 square miles running from inland Monterey County to Southern California and containing the majority of the nation’s shale reserves, an estimated 15.4 billion gallons of oil.

Extracting the oil was considered cost-prohibitive until the development of hydraulic fracturing, which uses millions of gallons of water and chemicals to break the shale and extract the prize. With the fossil fuel, industry experts say, will come thousands of jobs.

Environmentalists argue the process consumes huge amounts of a limited water supply, may trigger earthquakes and pollutes air and waterways with hundreds of different chemicals, some of them carcinogenic.

The two environmental groups previously sued over an earlier BLM lease sale. On April 7, a federal judge in San Jose froze the leases on about 2,500 acres in South Monterey County, agreeing with the groups that the government violated a key environmental law by selling the contracts without a full environmental review of fracking.

It was the first time a court ruled a federal lease sale invalid for failing to address the risks of fracking.

Over the objections of the environmental groups, and while the earlier case was being litigated, BLM proceeded in December with the sale of drilling rights on the larger, 17,832-acre tract. The Center for Biological Diversity and Sierra Club filed a protest, which was again dismissed.

Thursday's lawsuit is an effort to halt the December sale. Court costs will be paid by the local Ventana Chapter of the Sierra Club, which originally requested the complaint

Rita Dalessio, conservation chairwoman of the chapter, said the legal points in the new suit are similar to the last, arguments that have already been upheld by a federal judge.

"Ventana Chapter members have serious concerns about our rare coastal habitat and scarce water supplies being sacrificed for energy sources," Dalessio said, "especially when there have not been adequate scientific studies of long-term harmful impacts."

The legal challenges come at a time when state legislators and regulators are focusing on the oil- and gas-recovery technique as well. The Assembly Natural Resources Committee this week passed legislation by Assemblyman Mark Stone, D-Scotts Valley, that would require disclosure of the source and amount of water used for a fracking operation, as well as plans for disposing of the tainted byproduct.

In addition, the state Department of Oil, Gas and Geothermal Resources is weighing new fracking rules. The agency has scheduled several meetings around the state to take public input, including a Monterey workshop slated from noon to 8 p.m. Tuesday, April 30, at the Hilton Garden Inn, 1000 Aguajito Road.

Michael Brune, executive director of the Sierra Club, said "the Obama administration needs to double down on clean energy."