



Enviros Sue To Stop Calif. Offshore Fracking Permits

By Michael Lipkin

Law360, San Diego (February 19, 2015, 4:07 PM ET) -- The Center for Biological Diversity sued federal offshore drilling regulators on Thursday seeking to stop fracking off the coast of California, arguing the agencies were “rubberstamping” permits without analyzing the environmental impact of the oil drilling.

The environment group claims U.S. Department of Interior agencies approved oil companies’ development plans for offshore drilling in the 1980s, but never asked for revisions to those plans once the companies sought permission to frack beginning in the mid-1990s. The plans don’t even mention fracking, but federal law requires permit requests to follow those plans in order to be approved, according to the suit.

The Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement have developed a pattern of “rubberstamping permits to frack with no analysis of the environmental impacts, no determination of whether such activities are consistent with the plans governing oil development ... and no public involvement,” the complaint said.

CBD said that while it was seeking to stop offshore fracking in California, given the agencies’ actions, the case could affect oversight for all federally permitted offshore fracking.

The agencies allegedly violated the Outer Continental Shelf Lands Act, the National Environmental Policy Act and the Coastal Zone Management Act.

CBD also attacked the agencies’ use of categorical exclusions to approve the permits without an environmental impact review.

“Every offshore frack increases the threat to our fragile ocean ecosystems,” Miyoko Sakashita, a CBD attorney and director of its oceans program, said in a statement. “The Interior Department is turning a blind eye while oil companies frack wells and dump chemicals into our oceans.”

The Department of Interior declined to comment.

In addition to fracking not showing up in any of the relevant plans governing offshore drilling, CBD claims the agencies never made the permits publicly available or shared them with state regulators, who only recently learned that fracking was happening off the coast. The Interior agencies were allegedly required to consult with the state to see if offshore fracking qualified as a major amendment to the plans.

CBD sued the same agencies last month in D.C. district court, claiming they were stonewalling its request for information on how much hydraulic fracturing activity has been permitted in the Gulf of Mexico.

CBD claims the agencies authorized fracking for at least 115 wells in the Gulf in 2013 alone, or about 15 percent of wells completed for production that year.

Yet the agencies have failed to respond to the group's Freedom of Information Act request seeking information on where fracking is taking place in the Gulf, BSEE's role in permitting the activity and what environmental reviews the agency performed before permitting it, according to the complaint.

The CBD has previously urged the federal government to halt all offshore fracking and has claimed the public has been kept in the dark about approvals not only in the Gulf, but in the Pacific Ocean as well. Last January, the U.S. Environmental Protection Agency directed California offshore oil and gas drillers to disclose what fracking chemicals are discharged into the ocean.

The CBD and several other environmental groups sued California regulators in November, claiming the state violated the California Environmental Quality Act by allowing Aera Energy LLC to drill in South Belridge Oil Field in Kern County without first carrying out a required environmental review.

The CBD is represented by in-house attorneys Miyoko Sakashita and Brendan R. Cummings.

Counsel information for the defendants was not immediately available.

The case is Center for Biological Diversity v. Bureau of Ocean Energy Management et al., case number 2:15-cv-01189, in the U.S. District Court for the Central District of California.