

For Immediate Release: July 14, 2017

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ENVIRONMENTAL GROUPS DEFEAT TRUMP ADMINISTRATION'S ATTEMPT TO DISMISS CASE ON OFFSHORE FRACKING AND ACIDIZING

SANTA BARBARA—Today, the federal court in Los Angeles issued an order ruling that the Environmental Defense Center (“EDC”) and Santa Barbara Channelkeeper (“Channelkeeper”) prevailed against the federal government’s effort to dismiss their case. In November 2016, the groups filed a lawsuit challenging the failure of the federal government to analyze and disclose the potential risks and impacts caused by fracking and acidizing from offshore oil platforms in southern California, including the Santa Barbara Channel.

In April 2016, the federal government filed a motion attempting to dismiss the case and prevent the court from addressing the merits. The government took the incorrect position that EDC and Channelkeeper could not challenge their programmatic analysis and instead must wait for individual permits that approve fracking and acidizing. The court rejected this argument and ruled in favor of EDC and Channelkeeper on all grounds.

The court determined that the agencies’ analysis allows the use of fracking and acidizing “without restriction” offshore California. In addition, the court ruled that this action is appropriately in front of the court now because even if future permits are required, the agencies have made their final determination that these actions do not impact the environment, and the government will not be required to revisit that decision. Therefore, EDC and Channelkeeper have the right to challenge the federal government’s decision in court.

“We are thrilled that the court saw through the government’s attempt to avoid the merits of this case,” said Maggie Hall, Staff Attorney with EDC. “The federal government’s own analysis makes clear that the agencies have approved the widespread and unlimited use of fracking and acidizing. This action could not be more in need of the court’s review.”

The lawsuit alleges that the Bureau of Ocean Energy Management (“BOEM”) and Bureau of Safety and Environmental Enforcement (“BSEE”) violated the federal Endangered Species Act (“ESA”) because they failed to consult with the expert wildlife agencies regarding potential impacts from these well stimulation techniques to at least 25 threatened and endangered species, including whales, sea otters, fur seals, sea turtles, marine and coastal birds, fish, and abalone. The lawsuit also seeks to compel the agencies to prepare an Environmental Impact Statement (“EIS”) under the National Environmental Policy Act (“NEPA”) that will fully evaluate and disclose the potential impacts on the marine environment, including toxic discharges of frac flowback fluid and extending the life of the existing oil platforms.

“The impacts of offshore fracking and acidizing have never been meaningfully analyzed,” said Kira Redmond, Executive Director of Channelkeeper. “These practices will extend the life of existing oil platforms in a sensitive marine environment, which is still recovering from the May 19, 2015 Plains All American Pipeline rupture that devastated California’s coastline. We need information to understand the potential impacts of these practices so that appropriate measures can be implemented to protect the diverse web of marine life off our coast.”

EDC previously sued BOEM and BSEE after learning that the agencies had approved more than 50 permits allowing offshore well stimulation, including fracking and acidizing, without any environmental review. That lawsuit led to a settlement agreement requiring the agencies to prepare the first ever environmental review of offshore fracking and acidizing. Unfortunately, the resulting analysis failed to meaningfully address the potential impacts to the marine environment.

The use of offshore fracking and acidizing in the Santa Barbara Channel poses significant risks to the sensitive marine environment. The Santa Barbara Channel harbors such incredible biological diversity that it has been dubbed the “Galapagos of North America.” Acidizing and fracking are both potentially dangerous oil production processes involving the injection of large amounts of water and chemicals into the ground in order to fracture or dissolve rock. More information can be found in EDC’s [Dirty Water: Fracking Offshore California](#) report.

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The Environmental Defense Center, a non-profit law firm, protects and enhances the local environment through education, advocacy, and legal action and works primarily within Ventura, Santa Barbara, and San Luis Obispo counties. Since 1977, EDC has empowered community-based organizations to advance environmental protection. EDC’s focus areas include protection of the Santa Barbara Channel, ensuring clean water, preserving open space and wildlife, and addressing climate and energy. Learn more about EDC at www.EnvironmentalDefenseCenter.org.

Santa Barbara Channelkeeper is a grassroots non-profit organization dedicated to protecting and restoring the Santa Barbara Channel and its watersheds through science-based advocacy, education, field work and enforcement. Learn more about Channelkeeper at www.sbck.org.