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FEDERAL JUDGE HALTS OFFSHORE FRACKING PENDING FURTHER REVIEW

Judge orders review under Endangered Species Act and Coastal Zone Management Act

LOS ANGELES—A federal judge issued an order today declaring that the federal government violated environmental protection laws when it approved permits for fracking and acidizing (otherwise referred to as “well stimulation treatments,” or “WSTs”) from platforms offshore California. The judge agreed with the Environmental Defense Center (“EDC”) and Santa Barbara Channelkeeper (“SBCK”) that the government failed to conduct adequate consultation with the U.S. Fish and Wildlife Service regarding potential impacts to threatened and endangered species. The judge also held that the federal government must provide the California Coastal Commission with an opportunity to review fracking and acidizing before allowing such practices. Accordingly, the court issued an injunction prohibiting the Bureau of Ocean Energy Management (“BOEM”) and the Bureau of Safety and Environmental Enforcement (“BSEE”) from approving any plans or permits for the use of well stimulation treatments offshore California.

EDC and SBCK filed a lawsuit in November 2016, 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. The lawsuit also alleged that fracking and acidizing can harm species protected under the Endangered Species Act (“ESA”), such as the blue whale and the Southern sea otter, and that such activities must be stopped until the U.S. Fish and Wildlife Service and National Marine Fisheries Service can conduct their review to ensure that these species are not harmed.

In ruling in favor of EDC and SBCK, the court issued an injunction “to prevent the irreparable harm” that will occur if BOEM and BSEE issue well stimulation permits before the Fish and Wildlife Service completes its review.

“We are pleased that the court has put a halt to the risky practice of fracking and acidizing off our coast,” said Maggie Hall, Staff Attorney at EDC, which represents EDC and SBCK in this matter. “This ruling ensures that no further permits will be issued until potential impacts to threatened and endangered species, including the Southern sea otter and Western snowy plover, are considered.”

EDC previously filed a lawsuit to stop fracking and acidizing in the region after discovering, through a series of Freedom of Information Act requests, that more than fifty permits had been issued by the

federal government without any public or environmental review. When the government failed to conduct full environmental review or consult with Fish and Wildlife Service, EDC and SBCK had no choice but to file this lawsuit.

EDC's and SBCK's lawsuit alleged that BOEM and BSEE violated the Endangered Species Act because they failed to consult with the expert wildlife agencies regarding potential impacts from these well stimulation techniques to at least twenty-five threatened and endangered species, including whales, sea otters, fur seals, sea turtles, marine and coastal birds, fish, and abalone. This process is essential to ensuring BOEM and BSEE meet their legal requirement to avoid jeopardizing the continued existence of these species. If the expert wildlife agencies conclude fracking and acidizing is likely to jeopardize species, these practices cannot occur as proposed.

The court also ruled in favor of the State of California's claim that fracking and acidizing cannot occur offshore California until the Coastal Commission has an opportunity to review the potential harm to our State's coastal zone. The Commission's review will require a full public hearing process.

"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 2015 Plains All American Pipeline rupture that devastated our coastline. We need information to understand the potential impacts of these practices so that appropriate measures can be implemented to protect marine life, our coast, our communities, and our economy."

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 SBCK at www.sbck.org.