

Interior defends plan for drilling on Calif. public lands

Ellen M. Gilmer, Environment & Energy Publishing, 9-9-15

Government attorneys pushed back last week on allegations that the Interior Department has not fully considered risks from hydraulic fracturing on public lands in California.

In a court filing, Justice Department attorneys argued that environmentalists' challenge to Interior's plans to allow drilling and fracking on certain public lands is "vague and ambiguous."

The challenge came earlier this summer when the Center for Biological Diversity and Los Padres ForestWatch sued Interior's Bureau of Land Management for approving a resource management plan that allows drilling across the Central Valley, San Joaquin Valley, southern Sierra Nevada and the state's central coast.

The groups say the agency failed to consider unique environmental impacts that accompany fracking, which is expected to be used on most wells in the region.

The resource management plan was crafted in 2012 and adopted by the agency's Bakersfield office last year. It allows oil and gas development on 1 million acres of federal surface land and mineral estate. The environmental groups, represented by Earthjustice, say the plan forecasts 100 to 400 new wells per year over the next 10 years but considers the environmental impacts of only 40 new wells per year.

The lawsuit, filed in June in the U.S. District Court for the Central District of California, alleges that BLM violated the National Environmental Policy Act by failing to update the resource management plan with new information from research into fracking's impacts.

DOJ's response lays out a slew of defenses, arguing that the environmental groups did not properly challenge the resource management plan before it was finalized, that they lack standing to bring the suit and that the plan was drafted in compliance with NEPA.

The neighboring U.S. District Court for the Northern District of California was receptive to a similar environmental argument in 2013, when it required BLM to conduct fresh environmental studies for two oil and gas leases in Monterey County. In the U.S. District Court for the District of New Mexico, however, a judge handling a similar case has indicated a preference for trusting BLM's discretion on when and whether new review must be done.