

Environmentalists get a win in California fracking case

Sharon Abercrombie | Apr. 23, 2013 Eco Catholic

California environmentalists had a great reason to celebrate Earth Day a full two weeks early thanks to a federal court judge, Paul Grewal. The San Jose judge presented them with a major gift April 8, when he ruled that the Bureau of Land Management broke the law by leasing 2,700 acres of land in Monterey and Fresno counties to oil and gas drillers without taking into account the environmental impacts of hydraulic fracturing, also known as fracking.

"This is a watershed moment, the first court opinion to find a federal lease sale invalid for failing to address the monumental dangers of fracking," said attorney Brendan Cummings, who argued the case for the Sierra Club and the Center for Biological Diversity, the suit's plaintiffs.

Cummings underlined Grewal's decision that "fracking poses new, unique risks to California's air, water and wildlife that government agencies can't ignore."

Nathan Matthews, the Sierra Club's attorney, said the court recognized that fracking is different from the oil and gas development that California has known thus far. The Bureau of Land Management had argued that oil and gas production on the new leases would be no different from what they have seen in the pre-fracking past and that there would be the same level of production and environmental impacts. "The court recognized that fracking and modern unconventional production have changed the game," Matthews said.

Monterey County objected to the lease sale in 2011 after the local water agency opined that fracking would put municipal water supplies at risk. The area is home to "America's salad bowl," a major agricultural center. Much of the country's veggies come from there, and water pollution from fracking would impact both the price and quality of food, officials said.

Local landowners joined the outcry, fearing the lease would start a fracking boom. Fracking involves blasting water, sand and toxic chemicals into underground rock formations and has been linked to water and air pollution in other states.

[A recent study from the Colorado School of Public Health](#) [1] says fracking contributes to neurological and respiratory problems in people living near fracked wells and puts them at a higher risk for getting cancer.

The court requested that the plaintiffs and the Bureau of Land Management come up with the next steps for a solution. Cummings said he wants the solution to be "no fracking on these leases for the foreseeable future."

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[1]

<http://cogcc.state.co.us/library/setbackstakeholdergroup/Presentations/Health%20Risk%20Assessment%20of%20Air%20%20HMcKenzie2012.pdf>