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Contact:

David Abelson, Western Resource Advocates, (303) 859-1807, david@crescentstrategies.com

Drew Bush, The Wilderness Society, (202) 429-7441, drew_bush@twrs.org

Kristina Johnson, Sierra Club, (415) 977-5619, Kristina.Johnson@sierraclub.org

Ted Zukoski, Earthjustice, 303-996-9622, tzukoski@earthjustice.org

Aileo Weinmann, National Wildlife Federation, 202-797-6801, WeinmannA@nwf.org

Melissa Thraillkill, Center for Biological Diversity, 415.436.9682, ext. 313 mthraillkill@biologicaldiversity.org

Groups Join Forces to Save Water, Communities and Wildlife from Bush-era Oil Shale Proposals

DENVER, CO - A consortium of groups joined forces this week to put the brakes on Bush-era regulations and land management plans to fast-track development of oil shale, a dirty fossil fuel that threaten water resources, communities and wildlife in the West. Oil shale development would also contribute to climate change.

The groups filed two suits in U.S. District Court for Colorado alleging that the Bureau of Land Management (BLM) under the Bush administration violated the National Environmental Policy Act in drafting regulations for a commercial oil shale program without, by their own admission, having sufficient information on the environmental impacts. The suit also charges that the BLM violated federal procedure by amending 12 resource management plans in Colorado, Utah and Wyoming to allow oil shale and tar sands development on nearly two and one half million acres of land without the opportunity normally afforded the public to file an administrative appeal, or “protest,” of the decision. Furthermore, the Bush administration failed to ensure that taxpayers receive a fair return from oil shale lease royalties, in violation of Federal Lands Policy Management Act and the Energy Policy Act of 2005.

“The oil shale regulations do not ensure a fair rate of return to federal taxpayers,” said Karin P. Sheldon, Western Resource Advocates’ executive director. “Nor do the regulations protect communities, western water or the environment. With low royalty rates and broad the consequences for our climate, the leasing rules would subsidize global warming.”

The opportunity to impose lease rules arrived last October when a spending limitation enacted by Congress to give the oil shale industry more time to conduct research and development expired. “The BLM – in its stampede to beat the clock before the inauguration - is threatening wildlife, water and wilderness by opening up millions of acres of public land to destructive, unproven oil shale and tar sands development,” said Earthjustice attorney Ted Zukoski, one of the attorneys who filed today’s suits on behalf of the groups. “In this mad rush, public rights have been trampled and private interests rewarded.”

Attempts worldwide to develop commercial-scale oil shale operations capable of producing significant amounts of transportation fuel have failed, with the most recent Colony Oil Shale project in Colorado crashing disastrously on Black Sunday of 1982 putting more than 2,000 people out of work in a day.

“Bush’s BLM shortchanged the people of Colorado, Utah and Wyoming, putting politics ahead of good governance,” said Dave Alberswerth, senior energy policy advisor with The Wilderness Society, said. “Unfortunately, proposing this fuel whose time may never come as national energy policy perpetrates a cruel hoax on Americans suffering due to hard economic times. We can’t even harvest oil from shale and, even if we could, the environmental consequences would be disastrous.”

Producing a liquid fuel from oil shale entails heating solid rock to temperatures in excess of 600°F to liquefy the kerogen inside for conversion into synthetic petroleum fuels. Because of the large amounts of energy needed to heat and process oil shale, as many as 10 new coal power plants might be needed in the West, leading to increased emissions of greenhouse gases that contribute to climate change.

Availability of water to produce oil shale is also an issue. The BLM estimates that in Colorado alone, oil shale could even consume more water than the Denver Metro area, home to over 2 million people. "Oil shale threatens to destroy wildlife and fish habitat, poison our air and water, and dry up rivers in the West," said Sierra Club executive director Carl Pope. "This is one of the dirtiest and most wasteful forms of energy in the world. We need energy policy that's based on sound science. Such policy would not fast-track development of untested and dangerous fuels like oil shale."

Through its own research, the consortium has concluded that oil shale will bring neither energy independence nor lower gas prices, but will hasten global warming pollution. “The BLM admits it is entering the land of the unknown, practically giving the public’s land away to promote dirty energy production” says Melissa Thraikill, staff attorney for the Center for Biological Diversity. “The Bush administration’s refusal to follow the law in issuing these final regulations is evidence of their intent, even in its final days, to ignore and politicize science in order to cater to big oil’s desires” said Thraikill.

On January 6, the consortium also sent notice of their intent to sue the Bush Administration for violations of the Endangered Species Act. If the government does not respond to those allegations within sixty days, the claims will be added to the suit filed today. Craig Thompson, chair-elect of the National Wildlife Federation board of directors and a former oil shale worker states, “What the rush for oil shale development will bring is an impoverished landscape in which scarce water and stressed wildlife are pushed past the brink,” adding “Why the rush now, despite objections from Governors Freudenthal and Ritter, along with Senators Ken Salazar and Mark Udall?”

The Biodiversity Conservation Alliance, Center for Biological Diversity, Center for Native Ecosystems, Colorado Environmental Coalition, Defenders of Wildlife, Earthjustice, National Wildlife Federation, Red Rock Forests, Sierra Club, Southern Utah Wilderness Alliance, Western Colorado Congress, Western Resource Advocates, The Wilderness Society and Wilderness Workshop filed the suits.