

No Free Pass for Fracking

Last year, an appeals court [upheld an injunction](#) obtained by the state of California and non-profit organizations blocking the Department of the Interior from authorizing hydraulic fracturing – aka fracking – and other exotic oil extraction techniques on oil platforms off the coast of California without conducting environmental review.

On June 5, the U.S. Supreme Court denied a hearing for the American Petroleum Institute and Exxon in their bid to overturn the appeals court ruling.

It was the final act in a courtroom drama that began in 2014 when the Center for Biological Diversity, Wishtoyo Foundation, Environmental Defense Center and Santa Barbara Channelkeeper sued to halt fracking off the coast of California.



Ten years to victory. This 2013 report from the Environmental Defense Center sounded the alarm on offshore fracking and lay the groundwork for the legal win and halt to the practice in 2023.

Two years later, the California Coastal Commission and the state Attorney General [filed a lawsuit](#) challenging the Department of the Interior’s finding of “no significant impact” to the environment from fracking, acidizing, and other advanced well-stimulation treatments off the coast of California. In 2022, the Ninth Circuit held that the agency had violated the National Environmental Policy Act, Endangered Species Act, and the Coastal Zone Management Act.

Offshore fracking first came into full public view at a February 12, 2014, meeting of the Coastal Commission at the Cliffs Resort in Pismo Beach. The Commission announced its investigation into the controversial practice after learning that fracking had been occurring along California’s coastline for years with no analysis of its potential environmental impact and that permits for fracking operations in state and federal waters were being issued unbeknownst to the Commission, the state agency with jurisdiction over the offshore oil and gas industry.

The Santa Lucia Chapter of the Sierra Club rallied our members to that meeting, letting Commissioners know that you wanted them to use the full weight of their authority to protect California's coastal environment and communities. Multiple oil and gas industry representatives at the hearing assured the commissioners that the process was sufficiently regulated and posed no threat to the environment. Our chapter director replied: "Fracking's backers like to claim that the process can be done safely and cleanly and without harm to human health and the environment. They say that while clinging to fracking's exemptions from the Clean Air, Clean Water, and Safe Drinking Water Acts. They say that while making payoffs to families in legal settlements in exchange for non-disclosure agreements that forbid every member of a family, including children, from ever talking to anyone about fracking for the rest of their lives.... The burden is on the oil companies and regulators to prove that what they are doing is not causing harm, and is maintaining and enhancing the marine environment in accordance with Chapter 3 of the Coastal Act. They have not done so."

Oil industry reps tried to point to existing and proposed EPA regulations on the discharge of pollutants from oil rigs as the solution to the problem. Coastal Commission staff pointed out that the EPA's regulations are inadequate to meet the requirements for resource protection set by the California Coastal Act.



In February 2014, Sierra Club California organizer Michael Thornton, along with more than two dozen other speakers from the Center for Biological Diversity, Ocean Foundation, Surfrider, the Environmental Defense Center, the office of Senator Hannah-Beth Jackson and the public, came to Pismo Beach to urge the Coastal Commission to take action to halt fracking from offshore oil rigs.

The EDC filed suit shortly afterward, charging that the federal government had issued more than fifty offshore fracking permits with no public notice or environmental review.

On June 5, California Attorney General Rob Bonta said “One of our prized jewels is our beautiful coastline, and with today’s decision, we are able to continue protecting it from harmful fracking. The science and the law were on our side, and the Supreme Court agreed that there was no reason to continue this litigation.”

“Protecting the health of the ocean is essential to conserving the ecosystem upon which Chumash people have thrived for more than 10,000 years,” said Mati Waiya, executive director of the Wishtoyo Foundation, which works to protect Chumash heritage and the environment. “We celebrate the court’s decision, which by upholding environmental laws, honors the rights of our people and protects our precious coastal resources.”