

## PROGRAMMATIC ENVIRONMENTAL ASSESSMENT OF OFFSHORE FRACKING REVEALS NO SIGNIFICANT ENVIRONMENTAL IMPACTS

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On May 27, 2016, the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) jointly prepared and released a programmatic environmental assessment of the potential impact of various well stimulation treatments (WSTs) – including hydraulic fracking – on the Outer Continental Shelf (OCS) in the Southern California Planning Area. The study specifically evaluated the impacts of offshore fracking on 43 active lease areas and 23 associated oil and gas platforms, and found that the environmental impact of future WST activities on OCS resources in Southern California would likely be negligible.

The BOEM and BSEE had earlier agreed, on January 29, 2016, to a temporary prohibition on the issuance of new offshore fracking permits in the Southern California OCS until such detailed programmatic environmental assessment was conducted.

### The Proposed Action

The BOEM and BSEE jointly propose to allow for the use of certain WSTs at the 43 active lease areas in the OCS, thereby reversing the temporary ban on the issuance of new fracking permits. According to the two agencies, the proposed action is necessary given that the use of WSTs – including hydraulic fracturing – will allow for more efficient, improved resource extraction at both new and existing Southern California OCS wells, enabling a level of oil and gas recovery that non-WST methods are incapable of.

### Environmental Impacts

The programmatic environmental assessment conducted by the BOEM and BSEE measured the environmental impacts of various well stimulation treatments, or WSTs, as defined by Senate Bill #4 (SB4). Under SB4, a WST is any treatment of a well designed to enhance oil and gas production or recovery by increasing formation permeability. This WST definition necessarily includes fracturing treatments.

The assessment considered four different WSTs, and all except one involved a fracturing process: **hydraulic fracturing, acid fracturing, and the diagnostic fracture injection test**. The assessment further considered the impact of these WSTs on numerous factors, such as air quality, water quality, marine and coastal animal life, the fishing industry, tourism, and more.

The BOEM and BSEE limited their environmental forecast to the impact of an additional 5 annual WST fracking permit approvals for the affected areas. This permit approval estimate was based on a conservative interpretation of the existing record of WST approvals as well as an extrapolation of the present level of extraction activities.

### WST implementation and alternatives.

Several implementations of the proposed action were considered. In order of *least restrictive* to *most restrictive*:

- Use of the studied fracturing and non-fracturing WSTs would be allowed;

- Use of WSTs would be allowed, but only with certain depth limitations for fracturing WSTs;
- Use of WSTs would be allowed, except for those WSTs involving open ocean discharge of waste fluids; and
- Use of the studied WSTs would not be allowed.

Ultimately, the programmatic environmental assessment revealed that the least restrictive WST – allowing blanket use of the four fracturing and non-fracturing WSTs – would have negligible potential impacts and pose a minimal risk to the environment. The more restrictive implementations (such as the addition of a depth limitation or outright disallowance on WSTs) would have only marginal effects on the potential environmental impact and risk. As such, the proposed action of the BOEM and BSEE does not require additional limitations on implementation of the four studied WSTs.

Though the state of the industry may limit new fracking applications generally, the results of the programmatic assessment – that the studied fracturing WSTs have no significant impact on the environment – should ease the limitations on the issuance of new fracking permits.

To speak with an experienced California environmental attorney, contact Bick Law LLP.