

KEEP THE SESPE WILD & FREE

The Newsletter of the Keep the Sespe Wild Committee

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FRACKING IN THE SESPE

Fracking is an abbreviation for hydraulic fracturing, a technique used by the oil and gas industry where pumping pressurized fluids deep into the ground opens up the pores in the rock and allows more oil and gas to come to the surface than otherwise.

Fracking has been in use by the industry for decades, but has recently become an issue of concern across the nation, since the high price of fossil fuels, combined with new drilling technologies, has led to explosive growth in the drilling of new oil and gas wells in many parts of the country.

In particular, fracking allows the improved extraction of oil and gas from shale, found in Pennsylvania, North Dakota and also in Southern California. Our local shale is known as the Monterey Shale, which occurs in parts of Ventura County – including the Sespe Oilfield north of Fillmore – as well as under Los Angeles, around Santa Maria and in the western San Joaquin Valley.

Estimates of the oil that may be recoverable from the 1,750 square miles of the Monterey Shale run as high as 15.4 billion gallons, which is equivalent to as much oil as is exported by Saudi Arabia in a decade. The oil shale resources in Southern California total an estimated two thirds of those in the entire lower 48 states.

We are on the verge of an unprecedented oil boom in Southern California, redrawing the map of global oil imports and exports, shifting the US from being a high-volume oil importer to becoming substantially self-sufficient from domestic wells. There will be benefits in terms of domestic jobs, and consequences regarding the potential for pollution and global warming from an explosion in the use of fracking technologies.

THE RISKS OF FRACKING

Fracking has been unregulated so far. The Bush Administration specifically exempted fracking from the Safe Drinking Water Act in the 2005 Federal Energy Policy Act. The industry claims that the injection of fracking fluids has never polluted drinking water aquifers, as fracking usually takes place at depths many thousands of feet lower than most drinking water supplies.

The fracking fluids pumped into the ground are the matter of concern. The risks include well casing leaks at depths where water tables are located, and (more likely) spills of fracking fluids at the surface, before they are injected underground. The industry jealously guards the formulas of their fracking fluids as a trade secret,

regardless of the fact that they are being pumped deep into the ground, mixing with the multiplicity of naturally-occurring compounds that are present, and regardless of the fact that these fluids will eventually return to the surface along with the oil that is being extracted.

Oil and gas are found in the Monterey Shale from between 7,000 and 15,000 feet deep. A 2011 report to Congress stated that from 2005 to 2009 a total of 750 different fracking chemicals were used by 14 major oil and gas corporations. While some of these chemicals may be harmless, others include methanol and benzene. About 25% of fracking chemicals are known to cause cancer, and many others affect the nervous, endocrine, immune and cardiovascular systems.

A New York Times article by Sean Lennon (son of John and Yoko) states that industry studies show that 5% of well casings can leak immediately, and 60% will leak over a 30-year period. "There is no such thing as pipes and concrete that won't eventually break down."

The New York Times stated separately on 2.4.13 that the Monterey Shale will require more intensive fracking and deeper horizontal drilling, a dangerous prospect in a seismically-active region like California.

FRACKING IS ONGOING IN THE SESPE

There is a history of fracking in the Sespe Oilfield going back to the 1960's, way before the public had any notion of what this meant.

You can go to the website of the Ca. Department of Conservation, Division of Oil, Gas & Geothermal Resources – search for DOGGR – and at the home page click on Online Mapping System. This will pop up a map of California. Once you find the area you are interested in, zoom in, and at some point a bunch of little black dots will appear, each one being a well. There is a key which explains which black symbol refers to what sort of well – active, dry, capped, etc. You can then click on each dot, and the name of the well and its operator will pop up; further info is available for each well – production info, well records and well info, some of it as far back as 1919. It is a fascinating map to look at.

All of the wells in the Sespe Oilfield within Los Padres National Forest are now (it wasn't always thus) operated by Seneca. There are about 100 of them. There are another 100 or so wells in the Sespe Oilfield on private land adjacent to the forest, divided between several operators.

Seneca participates in a voluntary industry listing of the fracking that occurs at four of their Sespe Oilfield wells, including the chemicals used.

Fracfocus.org is the industry website for this voluntary disclosure of fracking chemicals. You can zoom in on a map of the US to locate a well, and a list of the chemicals used in fracking there. Four are listed by Seneca in the Sespe Oilfield, though the large-scale map bears the number 7. The four Sespe Oilfield wells listed by Seneca as current fracking locations are named Oak Flat, White Star, Frankel and Thornbury-Geis.

REGULATION OF FRACKING IN CALIFORNIA IS ON THE WAY

Several pieces of legislation have been introduced in Sacramento to begin to address some of the issues mentioned above about industry fracking procedures.

Sen. Hannah-Beth Jackson has introduced SB-395, which will require that water and chemicals injected underground by well operators be regulated as hazardous materials when they come back to the surface. Wells that are fracked have a separator at the surface, to separate the oil from the mix of water and fracking fluids. The bill will give the Ca. Dept. of Toxic Substances Control regulatory control over the waste fluids, to ensure their safe storage, transport and disposal.

Sen. Fran Pavley's SB-4 will require well operators both to provide 30-days' notice to regulators before fracking operations commence, and to disclose the fracking chemicals to be used.

Ventura County Supervisor Steve Bennett recently testified at hearings in Sacramento on draft fracking regulations by the state Division of Oil, Gas & Geothermal Resources. "Ventura County is California's oldest oil production zone. The fact that there is a wide variety of wells, aging components, means that fracking requires some special scrutiny. In Ventura County I hear three concerns: one, contamination of our aquifers; two, the use of scarce fresh water; three, that lack of disclosure is creating a crisis of confidence in government at all levels." He also suggested additions to the draft regulations. "Consider adding notification of property owners and people that have wells that could be affected."

Many of Ventura County's oldest wells may in fact not be listed on the state's websites; older wells are certainly more susceptible to leaking well casings and cement.

The South Coast Air Quality Management District is to vote in April on its own first-time fracking regulations.

The Sierra Club is suing the State of California, asking for a moratorium on further wells into the Monterey Shale until the state's draft regulations are finalized and in effect. There is a concern that some companies might speed up and expand their fracking operations before proposed regulations are in place. New York State has a fracking moratorium in place at present.

Local governments do have the power to regulate fracking in their jurisdictions. Regulation enforcement will be vital.

A New York Times editorial on 6.6.12 mentioned a report by the International Energy Agency, titled "Golden Rules for a Golden Age of Gas." The report stated that shale can be safely drilled, but noted that "regulators and the industry will have to be much more aggressive in protecting the water and the air from pollutants released by the process."

AN OIL DRILLING BOOM IS COMING

There are plans on the horizon for hundreds of new wells to be drilled locally into the Monterey Shale. At a cost of around one million dollars to drill each new well, a lot of money will soon be put towards expanding the local oil industry. Proposals are in place to drill beneath the farmland of the Oxnard Plain, using horizontal drilling and steam to frack the oil deep down. While steam may sound innocuous, any liquid pumped under pressure into oil-bearing rock will bring with it particles of a multitude of naturally-occurring chemicals when it comes back to the surface. This will occur even as the industry is working to develop "safe" fracking fluids. (Horizontal drilling is where drilling goes down into the oil-bearing rock, and then sweeps in a gradual curve from a vertical wellshaft to a horizontal one, often continuing for a long distance.)

New drilling in the Sespe Oilfield, and at other locations within Los Padres National Forest between Piru and Ojai, will require full evaluation by the US Forest Service under NEPA, the National Environmental Protection Act. This is a lengthy review process with the opportunity for public comment and an appeals process.

However, drilling new wells on private lands in Ventura County is a much simpler and faster process. No environmental impact reports, no public comment. The required zoning clearance can be approved in a few weeks.

There have at this point been no new wells in the Los Padres Forest segment of the Sespe Oilfield for years. We have learned that Seneca plans 300 new wells in the Sespe Oilfield, and Vintage Petroleum another 500, multiplying by a factor of four the wells now in use. Many more will be proposed in other oilfield areas between Fillmore, Santa Paula and Ojai. The onslaught is coming.



A quiet pool on the upper Sespe in springtime.

THINK TWICE BEFORE YOU BUY THAT PASS!

If you visit National Forests that have been charging a "standard amenity" fee since 2005 to visit a High Impact Recreation Area (HIRA), you should no longer have to fear getting a ticket if you don't pay that fee, unless you actually use developed facilities.

HIRAs have been a vital part of the largest forest fee programs in the nation, such as the Adventure Pass, the Rose Valley HIRA being the only one in Ventura County.

Forest Service Deputy Chief Leslie Weldon issued a memo last May to all forests, which said: "I am directing that you not enforce standard amenity recreation fees or issue notices of required fees for any portion of a large area that has been proposed for elimination from the recreation fee program."

The places within HIRAs that were "proposed for elimination from the recreation fee program" were identified in letters from the Washington Office to the Regional Foresters based on an internal review conducted in 2011. That review, in turn, was based on the Forest Service's interpretation of the Federal Lands Recreation Enhancement Act (REA) as allowing them to charge a standard amenity fee at any site where six specific amenities are present (table, trash, toilet, interpretive display, developed parking, and security), regardless of whether the amenities are actually used, and regardless of how scattered or distant they might be.

Turns out, that interpretation was wrong.

APPEALS COURT WEIGHS IN ON FEES

In February, 2012, about a month after the agency had completed their internal review, the federal appeals court for the 9th Circuit invalidated their review criteria. The judges ruled unanimously that the section of the law that prohibits fees for general access, passing through without using facilities and services, or camping in undeveloped areas actually means what it says: "the REA clearly contemplates that individuals can go to a place offering facilities and services without using the facilities and services and without paying a fee." (Decision in *Adams v USFS*)

The Deputy Chief's May 2012 memo came three months after the court provided that clear guidance, yet she still directed the forests to stop enforcing fees only where the amenities are not present, regardless of whether a visitor actually uses them, or how scattered they are.

That approach clearly appears to violate the law, but when a federal agency is violating federal law, you can't just call the sheriff and have the district ranger arrested. As a citizen, your only recourse is to file a lawsuit. And that is what a number of concerned and committed citizens have done, in Arizona, Colorado and recently, California.

Even under their flawed interpretation, the USFS Washington Office seems to be having trouble getting the Regional Foresters to do as they are told. Documents

obtained under the Freedom of Information Act show that in October 2012, the Deputy Chief sent out a follow-up to her May memo instructing the Regions to report to her by November 15 what they had done to comply with her May directives. An enclosure to that follow-up memo said:

"Beginning immediately [October 10, 2012] the region will no longer issue Notice of Required Fee, Violation Notice, or Citation for non-payment of recreation fees at sites or areas where fees will be eliminated as a result of the SAF [HIRA] Area review. This will be communicated internally only with an emphasis on ensuring that no citations are written at sites/ areas where fees will be eliminated."

"Move forward immediately with installing, removing, and moving fee related signs on the applicable forests."

"Notify the public that beginning January 1, 2013, fees will not be enforced at sites and areas identified for removal in the SAF [HIRA] Area review. Without this advance notification many people who have purchased annual (e.g. Adventure) Passes may be upset when they learn that their favorite sites/ areas for which they purchased a Pass are now free. This could result in a large number of requests for refunds, which the region may not be able to accommodate, and an increase in the number of complaints resulting in potential negative press."

So far, silence. Thus it's back to court again - the only recourse when an agency is not following the law.

The third lawsuit, challenging the implementation of the Adventure Pass on four forests in southern California - the Angeles, Cleveland, Los Padres, and San Bernardino - has been put on hold by the court until April 1 to allow confidential settlement discussions, which are currently underway. We'll let you know the details of the settlement as soon as we can.

Despite persistent citizen action, negative publicity and now litigation, the Forest Service has yet to bring all their fee programs into compliance with the law, or to notify the public that they have stopped enforcing fees at many sites, even if the "fee required" signs are still up.

This is what you may not be charged a fee for on National Forests or BLM lands:

- (A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.
- (B) For general access . . .
- (C) For dispersed areas with low or no investment . . .
- (D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.
- (E) For camping at undeveloped sites that do not provide a minimum number of facilities and services [at least five of these nine things: table, toilet, fire ring, trash container, designated sites, drinking water, access road, security, fee collection by an employee or agent]
- (F) For use of overlooks or scenic pullouts.

(Our thanks to the Western Slope No Fee Coalition for this story.)