



September 8, 2022

VIA ELECTRONIC SUBMISSION

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Re: The Bureau of Land Management’s Failure to Comply with Federal Law in Issuing Oil and Gas Drilling Permits on Public Land in California

Dear Officials of U.S. Bureau of Land Management (“BLM”), U.S. Department of Interior (“DOI”), and U.S. Environmental Protection Agency (“EPA”):

On behalf of Center for Biological Diversity, The Wilderness Society, Patagonia, the Natural Resources Defense Council, the Chalon Indian Council of Bakersfield of the Chalon Indian Nation, the Central California Asthma Collaborative, Friends of the Earth, Leadership Counsel for Justice and Accountability, and the Center on Race, Poverty, and the Environment, we write to alert you to BLM’s routine violations of the National Environmental Policy Act (“NEPA”), the Federal Land Policy and Management Act (“FLPMA”), the Mineral Leasing Act (“MLA”), and Clean Air Act when issuing oil and gas drilling permits in the San Joaquin Valley, California. The residents of the San Joaquin Valley—predominantly low-income communities



and communities of color—already face dire environmental and public health conditions, including breathing some of the dirtiest air in the nation, experiencing pervasive and severe drinking water contamination, and facing increasing water scarcity. Oil and gas drilling exacerbates these serious problems.

BLM has routinely shirked proper analysis of drilling impacts at every stage of its oil and gas management process, including by claiming to perform that review at the third and final stage when issuing drilling permits. Yet, BLM’s Bakersfield Field Office continues to issue permits for new oil and gas wells on public lands without providing affected communities an opportunity to review and comment on the permits before they are approved, without evaluating the impacts to environmental justice communities, without accurately evaluating the air emissions from these new wells, and without addressing water quality and scarcity concerns, among other serious legal violations of NEPA, FLPMA, the MLA, and the Clean Air Act. Furthermore, it is important for BLM to consider that *any* new oil drilling is inconsistent with keeping warming under 1.5 degrees. The administration should be phasing out oil drilling on public lands to help prevent the worst climate catastrophes, including on public lands that BLM manages. To the extent BLM does proceed with issuing APDs, the recent passage of the Inflation Reduction Act makes it even more essential that the Biden administration takes strong action to reform the permitting program in order to limit the impacts of any additional oil and gas development on public lands.

On August 29, 2022, we sent a letter providing BLM with detailed technical comments pertaining to BLM’s failure to meet its statutory obligations for the following recent drilling permits:

<u>Field Office</u>	<u>Federal Lease Numbers</u>	<u>Operator</u>	<u>Well Numbers</u>	<u>NEPA Number</u>
Bakersfield Field Office	CACA004999, CAS019301C	California Resource Production Corporation	King 1008V, King 1009V, Sarrett Fee 1118FVH, Sarrett Fee 1145LVH, Sarrett Fee 1146TVH,	DOI-BLM-CA-C060-2022-0112-EA



			Matthew Fee 1113LVH	
Bakersfield Field Office	CAS0019275A	Innex California Inc.	KMDU 42-30	DOI-BLM-CA-C060-2022-0071-EA

However, our review of permit files has found that the issues we flagged in these recent permits are pervasive. We will continue to track the approval of drilling permits, submit individual public comments, and will file suit on individual permits if BLM does not cure the violations of federal law. We urge you, as officials of BLM, DOI, and EPA, to step in to ensure that the Bakersfield Field Office remedies the serious shortcomings in the drilling permit approval process to bring the procedures into compliance with BLM’s statutory obligations under NEPA, FLPMA, the MLA, and the Clean Air Act.

The attached summary provides a high-level overview of the shortcomings of the permit approval process and the potential solutions recommended by environmental justice and community groups in their comments. We welcome the opportunity to discuss the attached measures and other proposals that BLM, DOI, and EPA may adopt to protect San Joaquin Valley residents.

Sincerely,

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Shortcomings in BLM's Drilling Permit Approval Process and Recommended Solutions

I. Public Participation:

- **Issue:** BLM provides no public review and opportunity to comment on environmental assessments for drilling permits before they are approved.
- **Recommended Solutions:**
 - BLM must provide advance notice and adequate time for communities to access, review, and comment on environmental assessments;
 - BLM must provide sufficient information about the environmental consequences of drilling and associated activities;
 - BLM must translate all relevant documents to Spanish and provide Spanish interpreters at any public meetings on the permits;
 - BLM must engage with community-based organizations and coordinate with community leaders to schedule public meetings;
 - BLM must allow a minimum 30-day public comment period for environmental assessments; and
 - BLM must review and respond to public comments.

II. Environmental Justice:

- **Issue:** BLM does not consider impacts to environmental justice communities near drilling activity.
- **Recommended Solutions:**
 - BLM must assess the public health impacts of issuing drilling permits, including methods of improving monitoring and safety controls at oil and gas sites to mitigate the adverse public health impacts;
 - BLM must employ a level of analysis that adequately captures information on environmental justice impacts;
 - BLM must analyze fence line impacts and cumulative burdens (to air quality, water quality, and public health risk) from new oil and gas wells;
 - BLM must assess whether its actions conflict with California's statewide policies to phase out oil and gas production and protect vulnerable communities; and



- BLM must discuss project alternatives that include appropriate mitigation strategies to offset the environmental justice impacts, including putting restrictions or conditions on drilling permits that would protect communities.

III. Air Quality:

- **Issues:**

- BLM fails to provide accurate air emissions estimates in its environmental assessments because BLM's typical estimates of per-well emissions are unsupported and unrealistically low; and
- BLM fails to conduct Clean Air Act conformity review for the aggregated effects of all drilling permits.

- **Recommended Solutions:**

- BLM must calculate the expected emissions from each individual project;
- BLM must analyze the aggregated emissions for drilling permits it issues in its conformity analyses; and
- BLM must also support emissions estimates with underlying data, calculations, and any underlying assumptions.

IV. Water Quality and Quantity:

- **Issue:** BLM fails to analyze the impacts to water quality and scarcity from approving new drilling permits.

- **Recommended Solutions:**

- BLM must carefully consider the direct, indirect, and cumulative impacts of issuing drilling permits on water scarcity and water quality;
- BLM must analyze whether the well operator is likely to use waste pits as a part of its wastewater management;
- BLM must analyze whether the well operator is likely to inject wastewater into usable sources of drinking water;
- BLM should identify and analyze whether shallow fracturing will occur, and should disclose this information in material available for public comments; and
- BLM must consider alternatives and mitigation measures that would protect water quality and quantity.



V. Greenhouse Gases and Climate Change:

- **Issue:** BLM fails to consider the climate impacts of its drilling permit decisions.
- **Recommended Solutions:**
 - BLM must properly analyze and quantify the direct, indirect, and cumulative greenhouse gas pollution that would result from the construction and operation of the proposed wells, including applying the social cost of greenhouse gases metric; and
 - BLM must meaningfully consider alternatives that reduce greenhouse gas emissions consistent with 1.5 degrees Celsius climate targets.

VI. Species:

- **Issue:** BLM fails to consider the impacts of drilling permit approvals on the imperiled Temblor legless lizard.
- **Recommended Solution:**
 - BLM must properly analyze the impacts of oil and gas development on the imperiled Temblor legless lizard.