

Lawsuit Filed to Block Loud Oil Exploration in Arctic Seas

ANCHORAGE, Alaska, May 7, 2008 (ENS) - Alaska Natives and conservation groups filed a lawsuit in federal district court in Anchorage Monday to stop noisy oil and gas exploration planned for this summer in the Chukchi and Beaufort Seas above the Arctic Circle.

Seeking a preliminary injunction to prevent seismic surveying in the Arctic Ocean, the lawsuit alleges the federal government violated the National Environmental Policy Act by issuing permits to Shell Oil and British Petroleum prematurely, before completing an Environmental Impact Statement.

It also charges that the National Marine Fisheries Service, NMFS, violated the Marine Mammal Protection Act by issuing an Incidental Harassment Authorization that allows Shell to "take" by harassment several species of seals and whales during seismic surveys conducted to determine where oil and gas is located.

Under the law the government may authorize the incidental taking by harassment of only "small numbers" of marine mammals. The lawsuit claims that the NMFS illegally authorized Shell to harass more than 40,000 marine mammals, including nearly 40 percent of the beluga whales in the Chukchi Sea and more than 20 percent of the endangered bowhead whales that feed and calve in these waters.

Air guns such as this are towed behind seismic survey vessels. Pressurized to 2000+ psi, they release the pressure at intervals ranging from every 10 to every 60 seconds, blasting sound across the ocean. (Photo courtesy [Rice University](#))

Seismic work uses underwater air guns that generate extremely loud noise, the lawsuit claims. A single blast is 10 times louder than a rocket launch, the plaintiffs point out, and the blasts occur every 10 to 15 seconds for days, weeks and even months at a time.

These sounds carry through the water for hundreds of miles and have been known to cause permanent hearing loss in marine mammals. They can disrupt feeding, migration, social bonding, and predator avoidance, and have been associated with stranded whales.

The lawsuit claims these sounds can interfere with Native Alaskans' ability to hunt for these subsistence food sources, particularly the bowhead whale.

"Oil operations will not just hurt our community 'Tikigaq' Point Hope, but will hurt all of the hunting communities," said Luke Koonook Sr. who has been a whaling captain since the early 1970s and is from the Native Village of Point Hope, a federally recognized tribal government.

"If oil is found, there are going to be lots of ships going back and forth and this is going to interrupt the animals' migratory routes. They won't come around anymore," said Koonook. "We hunters will have a hard time finding the food we are used to eating; it is going to hurt our way of life."

The plaintiffs suspect that the National Marine Fisheries Service will issue additional permits to allow Shell, BP and several other companies to harass seals and whales throughout this summer and fall.

"The federal government must stop pandering to the oil companies and start giving these mammals, that are already living in stressed conditions, the protections they are due," said David Dickson, Western Arctic and Oceans Program director at the Alaska Wilderness League. "We are asking them to follow the law."

This summer and fall up to five companies are expected to conduct various types of seismic surveys using nine seismic source vessels that will fire air guns around the clock. This is the highest level of seismic operation to date. In 2006, three companies operated in the Chukchi Sea.

"Imagine trying to function with a jackhammer thundering on and off outside your window, night and day," says Dr. Lance Barrett-Lennard, senior marine mammal research scientist at the Vancouver Aquarium Marine Science Centre. He uses this analogy to describe the "deafening torment" endured by whales in areas of oil and gas exploration.

Although oil companies are required to use shipboard observers to monitor the surface of the water and order seismic air guns to shut down when marine mammals come close enough to suffer physical injury, the plaintiff group say these measures are inadequate.

Monitoring reports from 2006 and 2007 show that scores of seals, several gray and bowhead whales and about 50 walrus were exposed to high noise levels before air guns were shut down.

Many more animals may have been exposed during rough seas, fog, and rain when they are hard to spot, or during periods of darkness when observers were not on watch, the plaintiffs say.

Last September as part of separate litigation, the Ninth Circuit Court of Appeals issued a temporary injunction blocking Shell from drilling for oil in the Beaufort Sea because of risks to polar bears and endangered whales. A final ruling in that case is expected any day.

The plaintiffs' complaint was based, in part, on the lack of information about wildlife populations and habitat that would enable adequate evaluation of effects on bowhead whale migration and feeding.

Since that ruling, Shell has conducted aerial surveys and discovered that about one-third of the total population of bowhead whales feeds in that area off the north coast of Alaska in the Beaufort Sea.

"All of the marine mammals of the Arctic are under severe threat from global warming and should not be subjected to further harm," said Brendan Cummings, Oceans Program director with the Center for Biological Diversity.

The Chukchi and Beaufort Seas support endangered bowhead whales, beluga whales, gray whales, several seal species, Pacific walrus, polar bears, and about 100 fish species. Endangered humpback whales have begun to migrate into these waters in recent years.

"Inupiat subsistence hunters have said that offshore seismic testing has seriously harmed Chukchi and Beaufort Sea marine mammals in the past, and has actually caused them loss of hunting," said Faith Gemmill, campaign organizer for REDOIL, one of the plaintiff groups.

The REDOIL Network, is an Alaska Native grassroots organization that resists unsustainable fossil fuel development and includes members of the Inupiat, Yupik, Aleut, Tlingit, Gwich'in, Eyak and Dena'ina Athabaskan tribes. REDOIL, which stands for Resisting Environmental Destruction on Indigenous Lands, joined the lawsuit because of concerns about the effects of seismic activities on Native Alaskans.

"These communities live from the bounty of the seas," said Gemmill. "It is immoral for the federal government to permit activities that threaten their livelihood."

