

Anchorage Daily News

January 13, 2005

Judge OKs NPR-A drilling

Environmental groups' suit to win more wildlife protection fails

By Wesley Loy
Anchorage Daily News

A federal judge has ruled against a coalition of environmental groups that sued the government seeking to increase wildlife protections in the National Petroleum Reserve-Alaska. In a ruling issued Monday, Judge James K. Singleton Jr. of Anchorage said the plaintiffs failed to make their case that the government, which is leasing land for oil and gas drilling in the reserve, violated environmental and other laws.

Groups including the Audubon Society, Northern Alaska Environmental Center, Wilderness Society, Natural Resources Defense Council, Sierra Club, Alaska Wilderness League and the Center for Biological Diversity sued U.S. Interior Secretary Gale Norton early last year. They later asked Singleton to block a planned lease sale in the northwest NPR-A, one of three sections in the Indiana-sized reserve. The 8.8-million-acre northwest section is a remote, roadless expanse of tundra south of Barrow.

The judge denied the injunction request, and the U.S. Bureau of Land Management, an Interior Department agency that acts as landlord for the reserve, went ahead with the June 2 lease sale, which drew nearly \$54 million in winning bids from oil companies. Singleton, however, forbade the companies to proceed with

any exploratory drilling or other disruptive activity until the lawsuit had been resolved.

That happened Monday, with the judge ruling that the BLM had fulfilled the law in developing its leasing plan.

Stan Senner, executive director of Audubon's Alaska chapter, said the environmental groups might appeal.

"We're disappointed in the decision. We think the BLM did a bad job," Senner said.

The groups, in their lawsuit, argued that the BLM had taken an all-or-nothing approach to the question of how much land to lease and hadn't adequately considered more balanced options.

Audubon had pushed for an alternative excluding "habitat hot spots" from industry activity. For example, Audubon suggested permanent protection for 266,575 acres at Kasegaluk Lagoon, which the organization said is important for bears, beluga whales and molting Pacific black brant, a migratory goose.

BLM officials ultimately chose to make virtually the entire 8.8 million acres of the northwest section available to drillers, Senner said.

"The wildlife resources are tremendous," he said. "The petroleum reserve is big enough that we have a chance to balance oil development and protect wildlife habitat. This is a place where we can really do both."

But Singleton ruled that the BLM correctly followed laws including the National Environmental Policy Act and the Endangered Species Act in making its leasing decision.

Oil companies had encouraged the BLM to make the entire territory available for lease, emphasizing its official designation as a petroleum reserve.

Government officials said they did take the reserve's rich wildlife into account. In announcing the leasing plan for the northwest section early last year, Norton said 7.23 million acres would be opened to drillers, with leasing on the remaining 1.57 million acres deferred for a decade pending environmental studies.

The plan bars permanent surface structures along coastal areas, deepwater lakes and rivers.

Despite its name, the petroleum reserve has never produced significant oil or gas since President Harding set it aside for its oil potential in 1923. Most North Slope oil production has come from Prudhoe Bay and other oil fields farther east along the coastal plain.

But companies, led by Conoco Phillips, have found oil in the reserve's easternmost section, and exploratory drilling continues.