

2. OFFSHORE DRILLING: Enviro groups, native Alaskans ask court to hold firm on state leasing decision (05/28/2009)

Ben Geman, E&E senior reporter

Environmentalists and native Alaskans are urging an appellate court not to reverse a decision to vacate the Interior Department's 2007-12 offshore oil and gas leasing plan while Interior revises an environmental analysis underpinning the program.

However, the groups said in a **court filing** today that they would not oppose a clarification that would apply the vacatur only to areas in Alaska's Beaufort, Chukchi and Bering seas while Interior revises the study. The five-year plan also encompasses areas in the Gulf of Mexico and includes a proposed sale off the Virginia coast.

At issue are the effects of an April **ruling** by the U.S. Circuit Court of Appeals for the District of Columbia that found Interior had improperly analyzed the "relative environmental sensitivity" of different areas slated for inclusion in the 2007-12 outer continental shelf plan.

The court vacated the plan and ordered a new analysis.

But Interior earlier this month **urged** the court to clarify the scope of the ruling and said vacating the plan would be harmful. Interior said the court should have sent the plan back for the new environmental review without vacating.

The American Petroleum Institute, intervenor in the case, also has asked the court to revisit its decision to toss out the leasing plan.

Interior said vacating the plan would raise doubts about future lease sales and call into question 487 leases already sold in the Chukchi Sea and 1,854 Gulf of Mexico leases.

But the groups that challenged the leasing plan said it would be damaging for the court to allow the leases sold in the Chukchi Sea in February 2008 to stand, citing harms from seismic work and other concerns. That sale was the only Alaskan sale to date under the current 2007-12 program, but others are planned.

The parties that challenged the 2007-12 leasing plan -- the Native Village of Point Hope, the Alaska Wilderness League, Pacific Environment and the Center for Biological Diversity -- also say vacating the plan is fundamental to a fair reanalysis of environmental sensitivities and decisions about where to lease that are based on the review.

Leaving the plan in could prejudice Interior in favor of reaching the same conclusions about which areas to lease following the new environmental sensitivity analysis, they said in the filing.

"When an agency conducts an environmental analysis after a decision has already been made, there is a greater risk that the agency will continue to move forward in the face of environmental harm," the filing states. It adds that once companies have paid Interior for leases, the agency is less likely to reverse course than if it were starting on a "level playing field."

The groups also submitted a lengthy statement from Native Village of Point Hope President Caroline Cannon that expresses a number of concerns about the effects of oil and gas development on subsistence whaling and other aspects of Inupiaq life.

"I am very concerned about oil and gas activities in the Chukchi Sea, Beaufort Sea, and Bering Sea. Not only am I concerned about these activities because of the possible impacts to my health and the health of my children and grandchildren, but those areas are the source of our food and the source of resources that are central to our cultural traditions. Those areas are also the home to animals that we do not eat, but nevertheless respect and revere," Cannon said in support of vacating the leasing program, including the cancellation of current Chukchi Sea leases.



ClimateWire

ENVIRONMENT
& ENERGY DAILY

Greenwire

 Land Letter

E&ENEWS PM

EETV

The Premier Information Source for Professionals Who Track Environmental and Energy Policy.

© 1996-2009 E&E Publishing, LLC [Privacy Policy](#) [Site Map](#)
