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OFFSHORE DRILLING: Group to sue Interior over Shell's Arctic plans

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In the wake of the massive oil spill in the Gulf of Mexico, environmentalists today announced plans to sue the Obama administration over its failure to force preparation of an analysis of how an Arctic spill would affect the imperiled polar bear.

The Center for Biological Diversity sent a "notice of intent" to Interior Secretary Ken Salazar over his approval of Shell Oil Co.'s drilling plans in the Beaufort and Chukchi seas. Environmentalists have long opposed the leases, due in part to their proximity to habitat for the polar bear, Steller sea lion and bowhead whale.

In approving the drilling plans, the Interior Department concluded that the risk of a large oil spill from exploratory drilling was so remote, there was no need for a full analysis under the Endangered Species Act. Environmentalists say that was a poor choice, particularly given the current spill from BP PLC's exploratory well in the Gulf of Mexico.

"While Salazar's conclusion that exploration drilling in the Beaufort and Chukchi seas posed little risk of a large oil spill was dubious at the time it was made, in light of the recent catastrophic oil spill occurring in the Gulf of Mexico from BP's exploration drilling, such a position is now clearly untenable," said Rebecca Noblin, the group's Alaska director.

The notice of intent is the first formal step toward a lawsuit. Under the ESA, the department has 60 days to respond before the group can file suit.

In its assessment of the Arctic leases, Shell concluded that "a large oil spill, such as a crude oil release from a blowout, is extremely rare and not considered a reasonably foreseeable impact." The Fish and Wildlife Service did not consider a large oil spill as part of its ESA analysis.

That stance echoes the assessments of the rig that exploded two weeks ago, leading to large oil spill in the Gulf.

Interior exempted BP's calamitous Gulf of Mexico drilling operation from a detailed environmental impact analysis last year, after three reviews of the area concluded that a massive oil spill was unlikely, The Washington Post reported.

The Minerals Management Service gave BP's lease at Deepwater Horizon a "categorical exclusion" last year, allowing it to be approved without preparing new environmental analyses that would normally be required under the National Environmental Policy Act.

In one assessment, the agency estimated that a "large oil spill" from a platform would not exceed a total of 1,500 barrels and that a "deepwater spill" would not reach the coast. In another assessment, it defined the most likely large spill as totaling 4,600 barrels and forecast that it would largely dissipate within 10 days and would be unlikely to make landfall.

The Gulf oil spill is flowing at roughly 210,000 gallons a day, according to the National Oceanic and Atmospheric Administration.

The BP exploration plan for the Gulf lease said that an accidental oil spill could cause impacts to beaches, wetlands and nesting birds but repeatedly called it "unlikely" that a spill would occur and said that due to the distance to shore and the response capabilities that would be implemented, "no significant adverse impacts are expected."

Alaska Natives and Alaska environmental groups also this week appealed U.S. EPA's permits for the Shell exploration wells.

Audubon Alaska, the Center for Biological Diversity and eight other groups asked the environmental appeals board to reconsider EPA's Clean Air Act permits that will allow Shell's drilling and support vessels to emit air pollutants when the company begins the project this summer. The groups say the emissions could harm people and wildlife in the Arctic and contribute to climate change.