

## **Environmental Exemptions for 49 Gulf Drilling Projects Challenged in Court**

**NEW ORLEANS, Louisiana**, May 29, 2010 (ENS) - The Center for Biological Diversity Thursday filed a lawsuit against Interior Secretary Ken Salazar and the Minerals Management Service to strike down the agency's exemption of 49 Gulf of Mexico drilling projects from all environmental review. The suit was filed in the Fifth Circuit Court of Appeals in New Orleans.

Just like BP's Deepwater Horizon drilling plan, all 49 plans named in the lawsuit state that no environmental review is necessary because there is essentially no chance of a large oil spill, and if a spill were to occur, it would be quickly cleaned up with no lasting damage.

"Secretary Salazar continues to exercise extremely poor judgment in approving these plans without meaningful environmental review," said Miyoko Sakashita, oceans director at the Center. "He seems to have learned nothing from the oil pouring out into the Gulf of Mexico."

The ongoing oil spill began April 20 when the Deepwater Horizon oil rig leased by BP exploded and burned for 36 hours before sinking to the seafloor about 50 miles southeast of Louisiana.

Now, 40 days later, at least 480,000 barrels and up to 760,000 barrels of oil from the broken wellhead have spilled into the Gulf of Mexico, according to a new calculation issued Thursday by a government-appointed technical team.



**The Deep Draft Caisson Vessel built by Exxon Mobil for oil production in the Gulf of Mexico. At 75 stories tall and moored in 4,800 feet of water, this is the world's deepest drilling and production platform. May 26, 2010 (Photo courtesy U.S. Coast Guard)**

By comparison, the Exxon Valdez spilled 257,000 barrels of oil in Alaska in 1989.

"Since Salazar is unwilling to shut down the use of environmental waivers that even the President has denounced, we are asking the courts to do so," said Sakashita.

All drilling in the 49 plans would occur off the coasts of Texas, Louisiana, and Mississippi.

These coastal areas provide habitat for an array of imperiled species, including the Kemp's ridley and leatherback sea turtles,

the sperm whale, the piping plover, the gulf sturgeon, and the bluefin tuna - and they are the very same areas hurt by the Deepwater Horizon oil spill.

Nineteen of the plans were exempted from environmental review after BP's Deepwater Horizon exploded on April 20. Many are deepwater or ultra-deep-water drilling operations, including plans by the Brazilian state-owned company Petrobras to drill at 7,150 feet and Anadarko to drill at more than 9,000 feet.

By comparison, the Deepwater Horizon had finished drilling the ill-fated well at 5,000 feet when the explosion occurred.

The Center is represented in the suit by Tulane Environmental Law Clinic.

The Center has also filed a lawsuit in district court in the District of Columbia challenging the policy underlying the decisions to exempt Gulf drilling from environmental review, and has initiated a legal action to require compliance with marine mammal and endangered species protection laws that have also been ignored in the Gulf.

Also this week, the Center for Biological Diversity filed a formal scientific petition to protect Atlantic bluefin tuna under the U.S. Endangered Species Act.

Already imperiled by overfishing because of their value in the lucrative sushi trade, Atlantic bluefin swim in the Gulf of Mexico. Now oil from the damaged Deepwater Horizon well is fouling the tunas' habitat during spawning season, the group warns.

"The oil will have devastating effects on eggs and larvae floating in the sheen, and will even harm adult tunas breathing oil into their gills, the Center said in a statement. "Also, heavy use of dispersants threatens tuna and dispersed oil is known to be toxic to fish."

Catherine Kilduff, author of the petition and oceans attorney for the Center, said, "Endangered status for bluefin tuna could mean enhanced protections for all fish and wildlife in the Gulf."



**Bluefin tuna for sale at the Tsukiji Fishmarket in Japan** (Photo by M.T. Kayahara)

Protection under the Endangered Species Act would require federal agencies such as the Minerals Management Service, the agency that oversees offshore drilling, to avoid jeopardizing the bluefin tuna, and it would protect critical habitat.

"Oil rigs are scattered throughout essential breeding habitat for bluefin tuna, and protections could force reforms of the Interior Department's lax environmental oversight of the oil industry by limiting drilling to avoid adverse effects on fish and their habitat," Kilduff said.

There are two imperiled populations of Atlantic bluefin tuna - one spawns only in the Gulf of Mexico while the other spawns in the Mediterranean Sea. The Center's petition seeks endangered status for both populations, which have collapsed due to intense overfishing.

Despite attempts to set global and national quotas for bluefin tuna, fishing fleets of many countries are tempted by the money to be made by catching the large tunas. One single tuna fetched \$177,000 in the fish market this year.

In 2007, fishermen reported catching 34,514 tons of eastern Atlantic bluefin tuna, exceeding the allowable catch by about 5,000 tons. Scientists estimated the actual catch was likely about double the reported amount.

"Bluefin tuna encounter thousands of deadly hooks while migrating across the Atlantic, and now an oil spill will welcome home the survivors," said Kilduff.

"Bluefin tuna need the protection of the Endangered Species Act, which can provide an important safety net before bluefin tuna disappear entirely from the ocean," she warned.

Able to migrate across entire oceans, bluefin return to their native spawning grounds to breed. Weighing close to a ton and reaching 13 feet, the bluefin is among the fastest of all species, swimming at speeds over 55 miles per hour. The center says that bluefin tuna are threatened by overfishing, capture for tuna ranches, and changing ocean conditions due to global warming.

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