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LAWSUIT SEEKS STRINGENT ENDANGERED SPECIES ANALYSIS FOR OFFSHORE DRILLING



A beached sperm whale lies in the surf near Port Aransas, Texas, on the U.S. Gulf Coast in 2008. (Photograph by Rachel Denny Clow, Corpus Christi Caller-Times/AP)

By ALLISON WINTER of **Greenwire**

Federal agencies must not assume a large oil spill is unlikely in weighing the effects of proposed drilling projects on endangered species, according to a lawsuit filed by environmentalists yesterday.

The Center for Biological Diversity's lawsuit targets allegedly lax analyses by the Interior Department's offshore regulator.

Filed in the U.S. District Court for the District of Columbia, the lawsuit accuses Interior Secretary Ken Salazar of falsely assuming spill risks in the Gulf of Mexico were too remote to jeopardize endangered whales and turtles. Such an assumption, the group says, led to the issuance of a drilling permit to BP PLC for the ill-fated well that has fouled the Gulf with crude after a April 20 rig explosion.

"While Salazar's conclusion that exploration drilling in the Gulf posed little risk of a large oil spill was dubious

at the time it was made, in light of BP's calamity that position is completely untenable," said Miyoko Sakashita, the group's oceans director. "The public deserves disclosure and a full analysis of the true impacts of oil drilling off our coasts."

Interior did not immediately return requests for comment.

At issue is the former Minerals Management Service's work on exploratory drilling in the Gulf. The agency has since been carved up by the Obama administration and remained the Bureau of Ocean Energy Management, Regulation and Enforcement.

Interior exempted BP's drilling operation from a detailed

environmental impact analysis last year, after three reviews of the area concluded that a massive oil spill was unlikely.

In its analyses prior to approving the exploratory drilling, Interior concluded a spill would have "discountable or insignificant effects" on endangered species because of the "extremely low" likelihood of oil reaching habitat. Similarly, it said that Gulf oil activities were unlikely to jeopardize protected species offshore -- including sea turtles, sperm whales and Gulf sturgeon.

The new lawsuit adds to a previous complaint the group filed over Interior's National Environmental Policy Act analysis.

In May, the center filed a suit seeking to stop Interior from exempting offshore drilling plans from certain environmental reviews. The Sierra Club, the Gulf Restoration Network and Earthjustice

also filed their own lawsuit in May against Interior for exempting BP and other oil companies from disclosing worst-case scenarios for spills and blowouts in the Gulf of Mexico.

The new lawsuit focuses on threats to endangered species -- including leatherback, loggerhead, green, hawksbill and Kemp's ridley sea turtles, Gulf sturgeon and sperm whales. The lawsuit says Interior should have undertaken a full consultation process with the Fish and Wildlife Service and National Marine Fisheries Service, as required under the Endangered Species Act.

The lawsuit asks the judge to set aside Interior's previous decisions and policies, enjoin Salazar from using such categorical exclusions in the future and requiring him to conduct a "full and adequate analysis" of the environmental effects of lease sale authorizations in the Gulf.

"Such an order is necessary to afford the sensitive species and ecosystems of the Gulf, as well as the individuals and communities dependant on those resources, of the procedural and substantive protections

to which they are lawfully entitled and, in light of the Deepwater Horizon spill, which they so desperately need," the lawsuit states.

MMS gave BP's lease for the Deepwater Horizon project 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 15,000 barrels and that a deepwater spill would not reach the coast. In another assessment, it defined the most likely large spill as totaling 46,000 barrels and forecast that it would largely dissipate within 10 days and would be unlikely to make landfall.

But the "oil spill in the Gulf of Mexico far surpasses even the worst case scenarios," the lawsuit says. Federal officials estimated the Gulf spill -- currently capped -- was gushing 35,000 to 60,000 barrels per day.

Reporter Patrick Reis contributed.

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