

AlaskaDispatch

News and voices from the Last Frontier

Alaska oil lobbyist sues over polar bear habitat

By Patti Epler

An Alaska oil development trade group has filed suit to overturn the federal government decision to designate much of Alaska's Arctic coast as critical polar bear habitat.

The Alaska Oil and Gas Association quietly filed a notice of intent to sue two months ago and then followed through with the lawsuit on Tuesday. It is the first of several lawsuits that are expected to be filed over the U.S. Fish and Wildlife's decision last year to protect polar bear habitat. Gov. Sean Parnell and Arctic Slope Regional Corp. both publicly trumpeted their 60-day notices and are expected to file similar lawsuits in the next couple weeks.

The lawsuits all are aimed at clearing the way for offshore oil development in the Arctic, which likely would



be much more difficult with the critical habitat designation in place. For that reason, environmental groups are just as staunch in their support of the Fish and Wildlife designation and on Wednesday said they would seek to intervene in the federal court lawsuits once all are finally filed and presumably consolidated.

In November, in response to legal action brought by

conservation groups, the Fish and Wildlife Service designated more than 187,000 square miles in the Chukchi and Beaufort seas as critical habitat for the polar bears. Environmental groups say Alaska polar bear populations are dropping and the bears have been listed as threatened under the Endangered Species Act.

The federal government's action means that agencies like the Bureau of Ocean Energy Management, Regulation and Enforcement, which approves offshore drilling permits and other activities, must consult with Fish and Wildlife Service before it can issue permits. Although not necessarily a deal breaker for oil companies seeking permits, it's another bureaucratic step and gives drilling opponents another foothold in efforts to prevent development.

In making the habitat designation, the federal wildlife agency said it is concerned that the bears are at risk due to disappearing sea ice.

But AOGA, in its lawsuit, argues that the worldwide polar bear population is "abundant" and that there is "no evidence of an overall decline in the global polar bear population or its historical range."

AOGA contends the government did not adequately address the economic impacts of designating such a large area off Alaska's coast as

critical habitat. The trade group also alleges the Fish and Wildlife Service did not use the best scientific data available.

But environmentalists say there is plenty of evidence that the polar bear populations in Alaska are declining and the bears need help so they don't succumb to the impacts of climate change, which is linked to oil development.

"The critical habitat designation for the polar bear is really the one positive thing the Fish and Wildlife Service has done for the bear," said Brendan Cummings, senior counsel for the Center for Biological Diversity. He said it is "soundly based on science and the law and they certainly mapped out and designated the right areas."

Cummings said AOGA's complaint appears to be based on science that is decades old and not the most recent studies.

The fate of the polar bear also is being addressed in federal court in Washington, D.C., where conservation organizations

filed suit against the federal government in an effort to have the bears' status elevated from threatened to endangered, which would provide more protection. Pro-development groups are also involved in that case which was argued late last month.

Contact Patti Epler at [patti\(at\)alaskadispatch.com](mailto:patti(at)alaskadispatch.com)