

THE HILL



Environmental group plans to sue Interior Dept. over polar bear habitat

By Ben Geman

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The Center for Biological Diversity is planning a lawsuit against the Interior Department that alleges federal actions to spur oil-and-gas development in Alaska are running afoul of the polar bear's Endangered Species Act (ESA) protections.

The planned lawsuit is the latest wrinkle in a legal, lobbying and PR battle over whether Royal Dutch Shell and other companies should win approval to drill in icy Arctic waters off Alaska's coast.

Late last year, Interior designated 187,000 square miles in the Arctic as "critical habitat" for polar bears, which are listed as a "threatened" species under the ESA.

But the Center for Biological Diversity alleges that Interior must now conduct a new analysis to see if offshore oil-and-gas leasing thus far and development plans would destroy or harm the critical habitat, which the group believes is indeed the case.

The Center on Thursday filed a formal "notice of intent" to sue Interior.

"[I]f polar bear critical habitat is to actually help polar bears survive the very difficult future we have given them, the Interior Department simply cannot authorize offshore oil development in the middle of that very same habitat," said Rebecca Noblin, the Center's Alaska director.

The Center also alleges some onshore oil-and-gas leasing and development in the National Petroleum Reserve-Alaska will require new analysis.

The group says Interior's offshore drilling and land management agencies – which are called the Bureau of Ocean Energy Management, Regulation and Enforcement, and the Bureau of Land Management — must consult with its U.S. Fish and Wildlife Service about whether leasing and development actions would be harmful to the bears.

Here's the acronym-heavy phrasing from Thursday's letter that threatens the lawsuit:

"An appropriate remedy that would prevent litigation would be for BOEMRE, BLM and FWS to initiate formal consultation under ESA Section 7 regarding the effects of leasing, exploration and development activities on polar bear critical habitat. Moreover, BOEMRE, BLM and FWS must rescind or suspend all relevant permits, leases and authorizations that 'may affect' polar bear critical habitat pending the completion of such consultation."

The Center says oil-and-gas development will affect the bears' habitat in several ways, such as when vessels and drilling rigs disturb sea-ice and onshore habitat.

The letter to Interior also notes that oil-and-gas development leads to greenhouse-gas emissions that are linked to global warming, which is diminishing the sea-ice on which the bears rely