

Lawsuit challenges Alaska petroleum reserve access

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ANCHORAGE, Alaska — An Army Corps of Engineers permit granting ConocoPhillips access to leases within the National Petroleum Reserve- Alaska has been challenged in federal court by seven residents of Nuiqsut, the only village within the reserve.

The lawsuit filed Wednesday by nonprofit environmental law firm Trustees for Alaska contends the Corps violated the Clean Water Act by not explaining why it reversed its original decision to deny ConocoPhillips' request for a bridge and above-ground pipeline access across the Colville River.

The lawsuit also claims the agency did not consider new information about the effects of petroleum development.

Nuiqsut residents in an announcement of the lawsuit said petroleum development on the Colville River Delta is harming their subsistence life of hunting and fishing.

"We are surrounded by drilling projects, and we are having to travel farther and farther to hunt for caribou because they are being driven away from our traditional hunting areas," said Jonah Nukapigak.

Nuiqsut is an Inupiat Eskimo village of 428. The village is 625 miles north of Anchorage and 160 miles southeast of Barrow.

Nukapigak, a whaling captain, said in the lawsuit that 90 percent of his diet comes from hunting or fishing. He and other plaintiffs said they catch whitefish in the Nigliq Channel of the Colville River throughout the year.

Curt Biberdorf, a spokesman for the Corps in Anchorage, had no immediate comment on the lawsuit.

The Corps permit granted in December 2011 was hailed by Alaska lawmakers as an important step for development within the NPR-A, clearing the way for its first oil production and encouraging development by other leaseholders.

The reserve was originally created by President Warren Harding in 1923 and covers 23 million acres, an area slightly smaller than Indiana. Interior Secretary Ken Salazar signed off last week on a management plan splits the reserve roughly 50-50 between conservation and oil development.

The permit is for access to ConocoPhillips' CD-5 field on the eastern edge of the petroleum reserve, an extension of the company's Alpine Field. Oil pumped from within the reserve would cross the Colville River to infrastructure already in place at Alpine.

The Corps in February 2010 had denied a permit for a bridge and said buried pipe would be less environmentally damaging.

ConocoPhillips appealed, and the Corps sought a review of the proposal by the Environmental Protection Agency and the U.S. Fish and Wildlife Service.

The Corps ultimately concluded an above-ground pipe presented less of a risk to the river's ecosystem. The permit also gave ConocoPhillips the ability to build a drill pad, a six-mile access road, four bridge crossings, including a 1,405-foot bridge across the Nigliq Channel, two valve pads with access roads, and new pipeline support structures.

More than half of the fish caught by Nuiqsut residents come from the Nigliq Channel, the plaintiffs said.

“The Nigliq Channel is one of the most important places we fish and it is the most important way we access other subsistence resources,” said Martha Itta, another plaintiff. “A project that threatens the Nigliq Channel is a threat to our community and our way of life.”

The permit included 22 special conditions intended to minimize the impact to the environment within the Arctic Coastal Plain. Among them is an agreement to allow other companies that develop leases within the petroleum reserve to use the river crossings rather than build additional crossings.

At least one other challenge to the Corps permit may be filed. Rebecca Noblin, an attorney for the Center for Biological Diversity, said her group has filed a 60-day notice of its intent to sue over violations of the Endangered Species Act from the permit.