



OIL AND GAS:

Alaska Natives challenge drilling plans in petroleum reserve

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A group of Alaska Natives yesterday filed a lawsuit challenging the Army Corps of Engineers' approval of an access road and bridge into the National Petroleum Reserve, arguing that the government failed to explain why it abandoned a less environmentally harmful alternative.

The lawsuit from seven residents of the Inupiat village of Nuiqsut on the North Slope argues that the corps violated the Clean Water Act in December 2011 when it granted a permit to ConocoPhillips Alaska to pursue what would be the first commercially producing oil well in the 23-million-acre reserve (E&ENews PM, Dec. 19, 2011). The case was filed in the U.S. District Court for the District of Alaska.

In addition, the Center for Biological Diversity yesterday announced it will file its own lawsuit arguing that the corps violated the Endangered Species Act by failing to consult with biologists over impacts to federally protected marine species including bowhead, fin and humpback whales.

The village plaintiffs said the corps' permit would allow ConocoPhillips to build through vital fishing and hunting grounds, forcing them to travel farther to feed their families.

The village's 416 residents, most of them Inupiat Eskimo, feed themselves primarily by hunting bowhead, caribou, seals, moose, waterfowl and fish, according to the North Slope Borough, the county-level government that includes Nuiqsut.

About half of the Nuiqsut labor force is employed by the Kuukpik village corporation, which has joint ventures with several oil and gas support services.

"Oil and gas drilling in the Colville River Delta has already had major impacts on our way of life and our ability to hunt and fish near our community," said Jonah Nukapigak, a plaintiff in the case. "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."

The lawsuit says the corps failed to show how the bridge and aboveground pipeline were the "least environmentally damaging practicable alternative," as required by the Clean Water Act. The corps failed to explain why it abandoned an earlier decision to require ConocoPhillips to build an underground pipeline and airlift supplies to a roadless drill site, the lawsuit alleges.

The corps' permit authorizes ConocoPhillips to fill about 60 acres of wetlands to construct

a drill pad, a 6-mile access road, four bridge crossings and new pipeline support structures. One of the bridges, running 1,405 feet across the Nigliq Channel of the Colville River, would be the first major channel crossing in the delta.

The permit also includes 22 conditions aimed at minimizing impact on the environment within the Arctic Coastal Plain, including a provision requiring other oil companies to use the same bridge to limit future impacts.

Plaintiffs said the Colville River Delta is the largest and most complex in the Arctic Coastal Plain and is home to more than 100 birds and fish species and the Teshekpuk Lake and Central Arctic caribou herds. The Nuiqsut village gets more than half its fish from the Nigliq Channel, they said.

The corps in Alaska could not be reached for comment this morning.

“[This] decision is entirely consistent with the mission of the Corps of Engineers’ regulatory program, which is to protect the nation’s aquatic resources while allowing reasonable development,” Kevin Morgan, the corps’ regulatory division chief for the Alaska District, wrote in a January 2012 agency bulletin. “It’s indicative of a program that is fair, flexible and balanced.”

At the time, the corps argued that additional information from ConocoPhillips and state and federal agencies demonstrated that an aboveground pipeline posed the smallest risk to the aquatic ecosystem. Such was the argument of Interior Deputy Secretary David Hayes in a May 2011 letter to Col. Reinhard Koenig of the Army Corps’ Alaska District.

Proponents of the \$600 million project say the roadless alternative is uneconomical and conflicts with years of environmental review and community support.