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ALASKA ESKIMO WHALING COMMISSION AND INUPIAT COMMUNITY OF THE
ARCTIC SLOPE SEEK COURT REVIEW OF OFFSHORE DRILLING PROPOSAL
GROUPS CONCERNED OVER REDUCTION IN SAFEGUARDS AND FAILURE TO CONSIDER
CUMULATIVE IMPACTS

The Alaska Eskimo Whaling Commission (AEWC) and the Inupiat Community of the Arctic Slope (ICAS) filed a petition for review today of the Minerals Management Service's (MMS) decision to approve an offshore exploration plan submitted by Shell for the Beaufort Sea.

The petition, filed in the federal Ninth Circuit Court of Appeals, asks the court to overturn the approval by MMS because MMS failed to consider the cumulative impacts of Shell's plan to drill in both the Beaufort and Chukchi Seas, and because MMS removed safeguards for bowhead whales that the National Marine Fisheries Service had included in reviewing a 2007 Shell plan to drill in the Beaufort Sea. The Ninth Circuit in 2008 rejected the 2007 plan approval.

George Edwardson, President of ICAS, stated that, "Shell wants to drill wells and drive its fleet of vessels straight through the bowhead whale migration. What happens if there is a major oil spill? We have an obligation to protect our people."

ICAS is a sovereign regional tribal government representing local communities on the North Slope.

Harry Brower, chairman of the AEWC, said "People want the oil and gas, and we understand that. But the government and the offshore operators need to understand that development has to be done in a way that does not threaten our subsistence livelihood and culture. We depend on the bowhead whale for food."

AEWC, representing 11 coastal subsistence whaling villages, has co-managed the bowhead whale subsistence hunt for decades under a cooperative agreement with the federal government. For most of this time, the AEWC also has mitigated offshore oil and gas impacts to marine subsistence uses through its annual Conflict Avoidance Agreement (CAA), working in cooperation with developers and the federal government.

The groups said they prefer working cooperatively with the federal government and developers on scientifically sound, comprehensive management of arctic development. "We do not like law suits," Brower stated. "But we will use them as a last resort when our government and the developers do not work with us to protect our interests."

In 2007, MMS approved Shell's drilling program in the Beaufort Sea, but the 9th Circuit Court of Appeals enjoined that project because MMS failed to disclose the potential impacts to the bowhead whale and subsistence communities. Shell has now submitted a new plan, and MMS once again approved drilling pursuant to a cursory environmental assessment.

Brower noted that Shell agreed to the hunters' request for a halt in operations during the bowhead whale subsistence hunt by Nuiqsut and Kaktovik. However, Brower stated, "Even though this proposal has some protection for our hunting, it would allow Shell to dump thousands of barrels of drilling muds, cuttings, and other waste into Camden Bay, including cooling water full of biocides. Our whales feed and rest in Camden Bay, and care for their young there. We are very concerned that these discharges will harm the whales."

The Camden Bay drilling proposal for 2010 and beyond is paired with a similar proposal for the Chukchi Sea. In 2007, Shell wanted to drill only in the Beaufort Sea. In 2010, Shell plans to drill in both the Beaufort and the Chukchi Seas.

Edwardson stated that the project has only gotten worse since 2007. "Both the Beaufort and Chukchi Seas are critical for the bowhead whale, but MMS ignores the combined impacts." Edwardson also expressed concerns about pollution and impacts to human health, stating that "the air emissions alone are like 3.5 million cars operating for a year. MMS should have required better protections for air quality and the health of our children"

AEWC and ICAS are represented in the case by Chris Winter a public interest attorney based in Portland, Oregon.

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