Shell Files Pre-Emptive Offshore Drilling Lawsuit

DAN JOLING,Associated Press

ANCHORAGE, Alaska (AP) — Shell Oil Co. is taking the offensive against environmental groups that have put legal roadblocks in the company's path to offshore drilling in the Arctic Ocean.

The Houston-based company on Wednesday sued 11 Alaska Native or environmental organizations that have challenged Arctic offshore drilling at various regulatory steps, starting with the sale of leases and continuing through nearly every permit Shell has needed to dip into the petroleum wealth believed to be in the Chukchi Sea off Alaska's northwest coast and the Beaufort Sea off the state's north coast.

The lawsuit would initiate the inevitable court review of Shell's Chukchi Sea oil spill response plan, said Shell Alaska spokesman Curtis Smith.

"This pre-emptive action is an attempt to avoid challenges on the eve of summer drilling operations by organizations that have historically used last-minute legal maneuvers to delay properly approved operations," Smith said by email.

Attorney Whit Sheard, of Oceana, an environmental group named in the lawsuit, called the lawsuit "fairly frivolous."

"They're just trying to circumvent the normal timeline that we're allowed under the process to look at the decision the federal government made, evaluate whether it's legal and then exercise — or not exercise — our option to litigate," he said.

Attorney Brendan Cummings of the Center for Biological Diversity said Shell's lawsuit is unlikely to succeed. It appeared to be an attempt to intimidate drilling plan opponents, he said.

"Shell probably would not have filed this case if they did not have real fear about whether the spill plan would survive legal scrutiny," he said. His group continues to review the spill plan approval for its legality.

Shell, in a second Alaska lawsuit, targeted Greenpeace only, and late Thursday a federal judge issued a temporary restraining order aimed at keeping the environmental group's activists off Shell drilling ships destined for Arctic waters.

U.S. District Judge Sharon Gleason in Anchorage signed the 14-day order but declined to expand it to other Shell facilities, as requested by the company.

Actress Lucy Lawless and other Greenpeace activists last week boarded the drill ship Noble Discoverer in New Zealand before it left for the West Coast, where it will undergo cold-weather modifications. The activists were arrested Monday and

charge with burglary.

Gleason's order bars activists from interfering with the operation or movement of the Noble Discoverer when it enters U.S. waters or a second Shell drilling ship, the Kulluk, which is in Seattle. Shell plans to use the Kulluk in the Beaufort Sea.

Gleason declined to extend the restraining order to other Shell facilities as requested by the company but set a March 14 court date for a hearing on Shell's request for an injunction. Greenpeace spokesman James Turner said Shell's proposed restraining order would have been one of the broadest and most restrictive in U.S. legal history, applying to gas stations, regional offices or other venues around the country.

Shell hopes to drill up to three exploratory wells in the Chukchi during the short open water season this summer and two wells in the Beaufort. Both drill ships require a flotilla of support vessels, including spill response boats and gear, and the company wants legal challenges settled before amassing equipment and personnel.

The Bureau of Safety and Environmental Enforcement approved Shell's spill response plan two weeks ago over the objections of critics who say oil companies have never demonstrated that they can clean up a spill in water where skimmers, boom and other equipment are affected by ice, which can range from slush to floes. Drill sites in the Chukchi are more than 1,000 miles from the nearest Coast Guard station and northern Alaska lacks infrastructure considered routine elsewhere, such as multiple deep water ports, major airports or accommodations for spill response workers.

Shell counters that its spill response team is largely self-contained. Shell support vessels will carry a capping stack that could be lowered over an underwater blowout if blowout preventers fail, as they did in BP's Deepwater Horizon disaster in the Gulf of Mexico. If a drill ship is damaged in a blowout, the second drill ship can drill a relief well, the company said. Response equipment staged in the fleet can be on the scene within an hour.

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