

BPing the Arctic?

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In 2010, the Obama administration was considering giving Shell a permit to drill exploratory wells in the Beaufort and Chukchi seas of Arctic Alaska. BP's tragic Deepwater Horizon spill brought dangers of offshore drilling to the public's attention, and Shell's Arctic Ocean drilling was suspended for 2010. But Shell continued to pressure the Obama administration to grant them the permit. I wrote a blog piece in May 2010 for TomDispatch.com about Shell's proposed Arctic drilling. Many thanks to Tom Engelhardt, the piece was widely distributed, and was translated in French and German. In August 2010, I founded ClimateStoryTellers.org to write on this subject, and presented stories on the Arctic, desert, forest, ocean, and more by storytellers from Arctic to Australia, including Arctic Voices contributors Rosemary Ahtuanguaruak, Christine Shearer, and Chie Sakakibara. In September 2010, ClimateStoryTellers.org joined the coalition United for America's Arctic (ourarcticocean.org) to fight Shell's proposed drilling in the Beaufort and Chukchi seas. The story that follows is adapted from a series of blog pieces I wrote beginning in May 2010 on Shell's proposed drilling in the Beaufort and Chukchi seas. An abridged version of the last section, dated June 10, 2013, was published as a letter to the editors, "Can Shell be Stopped?" in the June 6, 2013 issue of The New York Review of Books.



MAY 25, 2010. Bear with me. I'll get to the oil. But first you have to understand where I've been and where you undoubtedly won't go, but Shell's drilling rigs surely will—unless someone stops them.

Millions of Americans have come to know the Arctic National Wildlife Refuge, even if at a distance, thanks to the massive media attention it got when the Bush administration indicated that one of its top energy priorities was to open it up to oil and gas development. Thanks to the efforts of environmental organizations, the Gwich'in Steering Committee, and activists from around the country, George W. Bush fortunately failed in his attempt to turn the refuge into an industrial wasteland.

While significant numbers of Americans have indeed come to care for the Arctic Refuge, they know very little about the Alaskan Arctic Ocean regions—the Chukchi Sea and the Beaufort Sea—which the refuge abuts.

I came to know these near-shore coastal areas over the past decade and realized what the local Iñupiat had known for millennia: these two Arctic seas are verdant ecological habitats for remarkable numbers of marine species. They're home to an estimated ten thousand endangered bowhead whales, thirty-six hundred to forty-six hundred threatened polar bears, more than sixty thousand beluga whales, Pacific walrus, three species of seals, and numerous species of fish and birds, not to mention the vast range of "non-charismatic" marine creatures we can't see, right down to the krill—tiny shrimp-like marine invertebrates—that provide the food that makes much of this life possible.

The Iñupiat communities across the Arctic coast of both seas—Kaktovik, Nuiqsut, Barrow, Wainright, Point Lay, Point Hope, and Kivalina—depend on the rich bounty of the Arctic Ocean for subsistence foods. And their cultural and spiritual identities are inextricably linked to the seas and its creatures.

Unfortunately, as you've already guessed, I'm not here just to tell you about the glories of the Alaskan Arctic, which happens to be the most biologically diverse quadrant of the entire circumpolar north. I'm writing this because of the oil. Because under all that life in the Arctic seas, there's something our industrial civilization wants, something oil companies have had their eyes on for a long time now.

If you've been following the increasing ecological devastation unfolding before our collective eyes in the Gulf of Mexico since BP's rented *Deepwater Horizon* exploratory drilling rig went up in flames (and then under the waves), then you should know about—and protest—Shell Oil's plan to begin exploratory oil drilling in the Beaufort and Chukchi seas this summer.

On March 31, standing in front of an F-18 Green Hornet fighter jet and a large American flag at Andrews Air Force Base, President Obama announced a new

energy proposal, which would open up vast expanses of America's coastlines, including the Beaufort and Chukchi seas, to oil and gas development. Then, on May 13, the United States Ninth Circuit Court of Appeals handed a victory to Shell Oil. It rejected the claims of a group of environmental organizations and Native Iñupiat communities that had sued Shell and the Interior Department's Minerals Management Service (MMS) to stop exploratory oil drilling in the Arctic seas.

On May 14, I called Robert Thompson in Kaktovik, an Iñupiat community along the Beaufort Sea coast. "I'm very stressed right now," he told me. "We've been watching the development of BP's oil spill in the Gulf on television. We're praying for the animals and people there. We don't want Shell to be drilling in our Arctic waters this summer."

As it happened, I was there when, in August 2006, Shell's first small ship arrived in the Beaufort Sea. Robert's wife Jane caught it in her binoculars from her living room window, and I photographed it as it was scoping out the sea bottom in a near-shore area just outside Kaktovik. Its job was to prepare the way for a larger seismic ship due later that month.

Since then, Robert has been asking one simple question: If there were a Gulf-like disaster, could spilled oil in the Arctic Ocean actually be cleaned up?

He's asked it in numerous venues—at Shell's Annual General Meeting in The Hague, Netherlands, in 2008, and at the Arctic Frontiers Conference in Tromsø, Norway, that same year. At Tromsø, Larry Persily—then associate director of the Washington office of Alaska Governor Sarah Palin, and since December 2009, the federal natural gas pipeline coordinator in the Obama administration—gave a twenty-minute talk on the role oil revenue plays in Alaska's economy.

During the question-and-answer period afterward, Robert, typically, asked: "Can oil be cleaned up in the Arctic Ocean? And if you can't answer yes, or if it can't be cleaned up, why are you involved in leasing this land? And I'd also like to know if there are any studies on oil toxicity in the Arctic Ocean, and how long will it take for oil there to break down to where it's not harmful to our marine environment?"

Persily responded: "I think everyone agrees that there is no good way to clean up oil from a spill in broken sea ice. I have not read anyone disagreeing with that statement, so you're correct on that. As far as why the federal government and the state government want to lease offshore, I'm not prepared to answer that. They're not my leases, to be real honest with everyone."

A month after that conference, Shell paid an unprecedented \$2.1 billion to the MMS for oil leases in the Chukchi Sea. In October and December 2009,



A polar bear hunts a bearded seal resting on sea ice in Beaufort Sea. (Photograph by Steven Kazlowski, August 2007.)

the MMS approved Shell's plan to drill five exploratory wells—three in the Chukchi Sea and two in the Beaufort Sea.

It would be an irony of sorts if the only thing that stood between the Obama administration and an Arctic disaster-in-the-making was BP's present catastrophe in the Gulf of Mexico.

This isn't the first time that America's Arctic seas have been exploited for oil. Throughout the latter part of the nineteenth century, commercial whalers regularly ventured into those seas to kill bowhead whales for whale oil, used as an illuminant in lamps and as candle wax. It was also the finest lubricating oil then available for watches, clocks, chronometers, and other machinery. Later, after petroleum became more widely used, whale baleen became a useful material for making women's corsets.

In 1848, when the first New England whaling ship arrived in Alaska, an estimated thirty thousand bowhead whales lived in those Arctic seas. Just two years later, there were two hundred American whaling vessels plying those waters, and they had already harvested seventeen hundred bowheads.

Within fifty years, an estimated twenty thousand bowhead whales had been slaughtered. By 1921, commercial whaling of bowheads had ended, as whale oil was no longer needed and the worldwide population of bowheads had, in any case, declined to about three thousand—with the very survival of the species in question.

Afterward, the bowhead population began to bounce back. Today, more than ten thousand bowheads and more than sixty thousand beluga whales migrate through the Chukchi and Beaufort seas. The bowhead is believed to be perhaps the longest-lived mammal. It is now categorized as "endangered" under the Endangered Species Act of 1973 and received additional protection under the Marine Mammal Protection Act of 1972.

It would, of course, be unforgivably ironic if, having barely outlived the first Arctic oil rush, the species were to fall victim to the second.

Iñupiat communities have been hunting bowheads for more than two millennia for subsistence food. In recent decades, the International Whaling Commission has approved an annual quota of sixty-seven whales for nine Iñupiat villages in Alaska. This subsistence harvest is deemed ecologically sustainable and not detrimental to the recovery of the population.

My first experience of a bowhead hunt in Kaktovik was in September 2001. After the whale was brought ashore, everyone—from infants to Elders—gathered around the creature to offer a prayer to the creator, and to thank the



King eider ducks migrate over frozen Chukchi Sea, Point Barrow. (Photograph by Steven Kazlowski, May 2009.)

whale for giving itself up to, and providing needed food for, the community. The *maktak* (whale skin and blubber) was then shared among community members in three formal celebrations over the year to come—Thanksgiving, Christmas, and Naluqatuk (a June whaling feast), two of which I attended.

And it's not just whales and the communities that live off them that are at stake. Oil drilling, even at a distance, has already taken a toll in the Arctic. After all, the survival of several Arctic species, including polar bears, walrus, seals, and sea birds, is seriously threatened by the widespread melting of sea ice, the result of climate change (caused, of course, by the burning of fossil fuels).

In addition, millions of birds use the near-shore Arctic waters, barrier islands, coastal lagoons, and river deltas for nesting and rearing their young in spring, and for feeding in summer before they start migrating to their southern wintering grounds. When the Arctic wind blows in one direction, nutrient-rich freshwater from the rivers is pushed out into the ocean; when it blows in the other direction, saltwater from the sea enters the lagoon. This mixing of freshwater and saltwater creates a nutrient-rich near-shore ecological habitat for birds, many species of fish, and several species of seals. If oil drilling begins in the Arctic seas and anything goes wrong, the nature of the disaster in the calving, nesting, and spawning grounds of so many creatures would be hard to grasp.

With the *Deepwater Horizon* crisis in the Gulf of Mexico ongoing, scientists are beginning to worry about hurricane season. It officially begins on June 1 and doesn't officially end until November 30. Any significant storm entering the Gulf would, of course, only exacerbate the disaster, moving oil all over the place, while hindering cleanup operations. Now, think about the Arctic Ocean, where blizzards and storms aren't seasonal events, but year-round realities and—thanks (many scientists believe) to the effects of climate change—their intensity is actually on the rise. Even in summer, they can blow in at eighty miles per hour, bringing any oil spill on the high seas very quickly into ecologically rich coastal areas.

The Native village of Point Hope and REDOIL (Resisting Environmental Destruction on Indigenous Lands) joined fourteen environmental organizations in sending a letter to Interior Secretary Ken Salazar. In light of the oil spill in the Gulf of Mexico, it urged him to reconsider his decision to allow Shell to proceed with its drilling plan. That same week, Secretary Salazar finally ordered a halt to all new offshore drilling projects and asked Shell to explain how it could improve its ability to prevent a spill—and, if one happens, how it would effectively respond to it in the Arctic.

Shell responded publicly that it would employ a pre-made dome to contain

any leaking well and deploy chemical dispersants underwater at the source of any oil leak. From what I understand, both methods have been attempted by BP in the Gulf of Mexico. The dome has so far failed, developing hydrates and becoming unusable before ever being placed over the leak. Scientists now believe that those toxic chemical dispersants have resulted in significant ecological devastation to coral reefs and could be dangerous to other sea life. None of this bodes well for the Arctic.

There is, I'm beginning to realize, another crisis we have to face in the Gulf, the Arctic, and elsewhere: How do we talk about—and show—what we can't see? Yes, via video, we can see the gushing oil at the source of BP's well a mile below the surface of the water, and thanks to TV and newspapers we can sometimes see (or read about) oil-slicked dead birds, dead sea turtles, and dead dolphins washing up on coastlines. But what about all the other aspects of life under water that we can't see, that won't simply wash up on some beach, that in terms of our daily lives might as well be on Mars? What's happening to the incredible diversity of marine life inhabiting that mile-deep water, and what cumulative impact will all that oil have on it, on the ecology of the Gulf of Mexico, and possibly—in ways we may not yet be able to imagine—on our lives?

These are questions that desperately need to be asked and answered before we allow oil ships to head north and drilling to spread to America's Arctic Ocean. Keep in mind that there, unlike in the temperate and tropical oceans where things grow relatively fast, everything grows very slowly. On the other hand, toxins left behind from oil spills will take far longer to break down in the frigid climate. As bad as the Gulf may be, a damaged Arctic will take far more time to heal.

President Obama and Secretary Salazar should stop this folly now. It's important for them to listen to those who really know what's at stake—the environmental groups and human rights organizations of the indigenous Inupiat communities. It's time to put a stop to Shell's drilling plan in America's Arctic Ocean for this summer—and all the summers to come.

[On May 27, President Obama suspended Shell's Arctic drilling plan for 2010. But that was only the beginning of a long story that has no end in sight—like all good stories, it became more like a large onion with many layers to peel.]

September 16, 2010. I noticed on *HuffPost Green*, the environmental page of *Huffington Post*, a Shell Oil ad placed conveniently above one of my earlier blog posts, titled, "Letter to Young Americans." Here is a quick read: The ad says, "Let's Go," asking all of us to join in. My story asks all young people to

join in. The ad says, “Go Further,” telling us to progress into the future. My story says, “Start the climate revolution now,” for the purpose of a brighter future. The ad and the story outwardly appear to be saying the same thing and peacefully cohabiting in the *HuffPost* Greenscape.

Then I thought further. The ad says, “Let’s Make What We’ve Got.” Let’s split this into two parts. I’d say, because Shell likes to “take” more than they “make,” we could replace one with the other. And “What We’ve Got?” Oil is what we’ve got. So to get at the essence of the story, the line should read, “Let’s Take the Oil We’ve Got.” My story, on the other hand, talks about getting off of fossil fuels—oil and coal—and starting a clean energy revolution. So you see, in spite of the superficial similarities, the ad and the story are actually heading down two different roads.

About the oil that we’ve got—resource expert Michael Klare has stated that there is no easy oil anymore, only “extreme energy” in faraway places like the Arctic or in deep oceans, and it comes to us with great devastation.

That’s why Shell wants to “Go Further,” literally—in distance, not in time. Actually, Shell wants to go quite far, all the way to the Beaufort and Chukchi seas of Arctic Alaska to get the oil that is there. And they want you to support them in their journey, which is why they say, “Let’s Go.”

I also saw that two columns to the right and about an inch down, there was a news story, titled, “Alaska Sues Feds to Lift Arctic Drilling Suspension.” Here is how that story came to life. Interior Secretary Ken Salazar visited Arctic Alaska, and his itinerary included a town hall meeting in Barrow (the northernmost Iñupiat community in Alaska), a stop at the National Petroleum Reserve—Alaska, and a flight over the Beaufort and Chukchi seas. Then a few days later, there appeared a story in the *Los Angeles Times* with one of my much-published polar bear reflection photos along Beaufort Sea with the headline, “Salazar: Arctic Oil Drilling Must Wait.”

But the story couldn’t end there, either.

There is a lot of money at stake for Shell. They have already spent more than \$2 billion in lease sales and probably several hundred million already in other operations and public relations in the Arctic communities, and outside. Did Shell arm-twist the Alaska state government? From my decade-long experience working on Arctic Alaska issues, all I can say is—most likely. So there you have it. The State of Alaska is so willing to allow Shell to go drill in the Beaufort and Chukchi seas that it sues the Feds to lift the Arctic offshore drilling ban.

Back to the ad: Shell wants to “Go Further.” As it happens, Shell has actually

gone very far—all the way to the Sakhalin Island, on the Sea of Okhotsk in Far Eastern Siberia, to drill for oil.

On December 2, 2005, Claude Martin reported about Shell’s Sakhalin operation in the *New York Times*, “The oil pipeline will cross over 1,000 wild rivers and tributaries, many of them important to salmon spawning. In addition, despite public protests, a million tons of dredging waste has already been dumped into Aniva Bay—an area crucial to the livelihood of the island’s indigenous community—and has led to the destruction of the local fishery. To make matters worse, an oil platform is being built at the very spot off Sakhalin where the last 100 critically endangered Western Pacific gray whales feed. By Shell’s own estimates, there is a 24 percent chance that there will be a major oil spill during the life of the 40-year project.”

Things actually got really bad for Shell in Sakhalin. When Shell bought the Sakhalin leases in 1996, the price of oil was \$22 a barrel and little attention was paid. But five or six years ago, as the price of oil went through the roof, everyone began paying attention, including Vladimir Putin. Moscow sided with the Sakhalin Island environmentalists, and there was even a threat of a \$50 billion lawsuit against Shell. In 2007, Shell was forced to give up half of its control of the Sakhalin operation to the Russian energy giant Gazprom. In a CNN story, a Sakhalin local commented about Shell, “The company did everything that was good for them and not good for us.”

Shell’s “Let’s Go” ad was not only occupying the space above my earlier post but also placed in multiple places all over the *HuffPost Green*, including the banner, and it was all over progressive and conservative media outlets. Shell spent a lot of money on this ad.

No matter how many “Let’s Go” ads we see on *HuffPost Green* and elsewhere, we must decipher the intent and stop Shell’s plan to drill in the Beaufort and Chukchi seas of America’s Arctic.

November 26, 2010. On November 24, the Obama administration designated 187,157 square miles (approximately 120 million acres) in Arctic Alaska as a “critical habitat” for polar bears threatened by disappearing sea ice due to climate change.

During the Bush administration, three environmental groups—Center for Biological Diversity, Natural Resources Defense Council, and Greenpeace—filed a lawsuit against the US Department of Interior to protect polar bears and their habitats. On May 15, 2008, the US Fish and Wildlife Service (FWS), a division of the Department of Interior, listed polar bears as a “threatened species” under the Endangered Species Act. Then, on October 29, 2009, the FWS proposed

200,541 square miles in Arctic Alaska to be designated as “critical habitat” for polar bears. Subsequently, existing US Air Force structures, communities of Barrow and Kaktovik, and some territorial waters that were incorrectly estimated were excluded, resulting in 187,157 square miles for the final designation. This was a hard-won victory for the environmental community.

The designated habitat includes three ecozones—sea ice, barrier islands, and onshore denning habitat. Polar bears use these areas for feeding, finding mates, denning, and raising cubs. It is their homeland where they live and survive. Nearly 95 percent of this designated habitat is in the sea ice of the Beaufort and Chukchi seas of Arctic Alaska.

In March and April 2002, Robert Thompson and I camped on the Canning River Delta along the Beaufort Sea coast in the Arctic National Wildlife Refuge for twenty-nine days to observe a polar bear den. We saw the mother bear and her two cubs play near the den once. But during that whole time, we had only four calm days. The rest of the time, a blizzard blew steady, with a peak speed of 65 miles per hour, and the temperature hovered around minus 45 degrees Fahrenheit with the windchill dropping it to minus 110 degrees Fahrenheit.

Can you imagine, in such a climate, anyone doing a cleanup operation after a major oil spill like the one we had earlier this year in the Gulf of Mexico?

The Arctic Refuge coastal plain along the Beaufort Sea coast is the only land conservation area in the US for denning polar bears. Unlike grizzly or black bears that require a real den on a hillside, polar bears build their dens in temporary snow banks onshore, or on the sea ice offshore. Pregnant females go in these temporary dens in October to November, give birth during December to January, and nurse their cubs inside the den until March or April, at which point they emerge from the dens with usually one or two cubs. At that time, the mother has not eaten for five to seven months, and they critically require good spring ice for seal hunting to feed themselves and to nurse their cubs.

About sixteen hundred polar bears roam the Beaufort Sea of the US and Canada, and about two thousand to three thousand polar bears roam the Chukchi Sea of the US and Russia.

Arctic warming has changed everything for these bears. They’re stressed about their home on the melting sea ice, and their food—the seals that critically depend on sea ice as well.

If Shell is given the permit to drill in the Beaufort and Chukchi seas, there is no doubt they’ll affect the bears during their denning time. If disturbed, a pregnant female bear will abandon a den. But more importantly, think about

their food—bearded and ringed seals that are in abundance in those seas. Those seals eat fish, and the fish eat smaller creatures, going all the way down to the nearly invisible plankton. A major spill from Shell’s drilling operation would cause havoc on the food chain from the very bottom to the very top predator—the polar bears. A major oil spill from an offshore drilling operation in the harsh Arctic environment is not just a possibility, it’s inevitable.

Between the time Shell’s drilling plan was suspended in late May and now, the only things that have changed are: Shell has spent a lot of money on ad campaigns; Alaska Congressional delegations have revved up their rhetoric of job-and-economy; and the Arctic has gotten perhaps a tad bit warmer. But the fact remains, as Robert Thompson always says, “No one knows how to clean up an oil spill underneath the Arctic ice.”

The question remains: Will the President deny or grant Shell the permit to go drill—and destroy—the critical habitat of polar bears that he just designated? Let us hope he will do the right thing.

December 8, 2010. Shell placed another ad, “We have the technology—Let’s go,” conveniently underneath one of my blog posts on the *HuffPost Green* page.

So, what are we supposed to do with what the ad says? To search for answers, I looked at a recent post by Ralph Nader titled, “Institutional Insanity.” In it, Nader writes about how Republican lawmakers would make outrageous statements that journalists do not question. Nader asserts, “Mute Democrats and mindless reporters make insane Republicans possible.” But most importantly, he writes, “The American people deserve to have reporters ask one question again and again: ‘Senator, Representative, Governor, President, would you be specific, give examples and cite your sources for your general assertions?’”

Since the Obama administration is currently considering permitting Shell to drill in the harsh environment of the Beaufort and Chukchi seas of Arctic Alaska, I’d urge all journalists to raise Nader’s question verbatim as it relates to the “technology” that Shell is talking about.

In his book, *After the Ice: Life, Death and Geopolitics in the New Arctic*, Alun Anderson, former editor-in-chief of *New Scientist*, quotes directly from a 339-page report that was published in 2008 by the Mineral Management Service (MMS) of the George W. Bush administration, “Floating production systems for the Beaufort Sea, Chukchi Sea, and North Bering Sea are not considered to be technically feasible, even with continuous ice management. No floating production structures could be economically designed to stay on station with multiyear ice loads found in the Beaufort and Chukchi seas.”

Anderson also quotes Michael Paulin, lead author of the MMS report, “What happens if you are under ice for nine months of the year? And what do you do to work over your wells or correct something or repair something? That’s a challenge. In the Gulf of Mexico . . . those things all can be done using remote vehicles. If you are covered with ice, how are you going to do that? You’d better think about it because you need to prove that you could do that in the Arctic.”

This was the conclusion of a major report produced by a pro-oil administration just two years ago.

Is any journalist asking either the Obama administration or Shell the details of a possibly secret technology that Shell might have developed since the MMS report was published? The administration must ask Shell all of the questions addressed in Anderson’s book and ask the company “to be specific, give examples, and cite sources for their general assertions.”

In his book, Anderson does not advocate one way or the other whether we should or shouldn’t drill in the harsh environment of the Arctic seas. In fact, he seems ambivalent about the subject. In some cases he shows excitement about all these futuristic technologies that Russia is employing for Arctic resource explorations, while in other parts of the book he writes about ecological and cultural devastations that these extreme energy projects might bring.

We all know that Arctic sea ice is melting rapidly due to climate change. But here is the crucial point we must address: the Arctic Ocean continues to be covered in solid ice for eight to nine months of the year. While that still remains the case, Arctic sea drilling will always be very destructive, no matter what technology Shell or any other company proclaims that they have.

Shell doesn’t have any technology to address the concerns raised in Anderson’s book. No such technology exists. What they do have is a multi-million-dollar ad campaign and a well-funded public relations team.

[In response to a lawsuit brought by Iñupiat and environmental organizations, on December 30, 2012, the Environmental Appeals Board of the Environmental Protection Agency revoked part of Shell’s major source air quality permit. Subsequently Shell abandoned their 2011 drilling plan. But the story couldn’t end there, either.]

August 15, 2011. One of the riskiest and most destructive extreme energy oil exploration projects on the planet is moving toward implementation without scientific understanding or technical preparedness—Shell’s oil drilling in the Arctic Ocean of Alaska.

On August 4, the US Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE), which replaced the MMS in 2012, conditionally approved Shell’s plan to drill up to four exploratory wells in the Beaufort Sea of Arctic Alaska starting July 2012. A *Los Angeles Times* editorial correctly opined, “Shell Oil’s conditional permit to drill exploratory wells off Alaska should not have been granted. The hazards of drilling in such waters are in some ways worse than operating thousands of feet underwater. . . . It’s too early for any approval, conditional or otherwise.” Shell still needs several more permits including an air quality permit from the Environmental Protection Agency before they can do any drilling in the Arctic seabed. We must stop it.

I’ll tell you how BOEMRE is ignoring science to fast track Shell’s dangerous drilling plan.

On May 4, 2011, Shell submitted their revised Beaufort Sea Exploration Plan (EP) with BOEMRE—two exploratory wells in 2012, and two in 2013. Then on May 12, they submitted their Chukchi Sea plan—three exploratory wells in 2012, and three in 2013. They’ve upped the ante; instead of the five wells that they had asked for in the past, now they’re asking for ten. On July 5, BOEMRE deemed Shell’s Beaufort application “submitted” and on August 4 conditionally approved it.

The BOEMRE press release about the permit begins with the announcement that Shell’s Beaufort exploratory wells would be in “shallow water.” This is a key argument you’ll hear from Shell and BOEMRE and it goes like this: BP’s *Deepwater Horizon* was operating at a depth of 5,000 feet while Shell’s Arctic wells would operate in shallow water with depth of about 120 feet. The pressure is lower at shallower depth, sure, but don’t buy this argument. I’ll explain below that drilling in the harsh ice covered environment of the Arctic Ocean is actually worse than drilling in the subtropical Gulf of Mexico.

BOEMRE director Michael Bromwich wrote in the press release, “We base our decisions regarding energy exploration and development in the Arctic on the best scientific information available.”

Here is how I’d reinterpret Bromwich’s comment: “We know that we have too many gaps in our scientific understanding of the Arctic Ocean. If Shell kills the ocean out there, we can always say our knowledge was limited—honestly, we didn’t know. But if we do an appropriate and thorough scientific study of the Beaufort and Chukchi seas we might find out that Shell shouldn’t really go there to drill. So we based our permit on the best *scientific information available*.”

The press release also states, “BOEMRE found no evidence that the proposed

action would significantly affect the quality of the human environment. Therefore, BOEMRE determined that an Environmental Impact Statement (EIS) was not required, and issued a Finding of No Significant Impact (FONSI), a key step in the approval of the EP.”

What BOEMRE has done instead is an Environmental Assessment (EA).

I spoke with Erik Grafe, an attorney with the Earthjustice office in Anchorage to understand the EA versus EIS process. “EA is a small internal report that a federal agency produces, whereas, an EIS is a thorough process: an extensive draft report is produced and the public is invited to comment on it. This process also offers alternatives—if the proposed action is deemed environmentally destructive then other options are explored. Through full public participation and a rigorous process a final EIS is produced,” Erik told me.

The National Environmental Policy Act (NEPA) states, “an Environmental Impact Statement must be prepared if substantial questions are raised as to whether a project . . . may cause significant degradation of some human environmental factor.”

On July 15, 2011, fourteen environmental organizations and Resisting Environmental Destruction on Indigenous Lands (REDOIL) sent a letter to James Kendall, regional director of BOEMRE, Alaska. The letter demands that BOEMRE “must prepare a full EIS to analyze and disclose the effects of the proposed drilling.” To substantiate their demand the letter states, “The proposed activity threatens a number of significant effects, including effects to endangered bowhead whales from drilling and ice-breaking noise, effects from a very large oil spill, and cumulative effects, and has the potential to harm subsistence activities that are of central cultural significance to Arctic coastal communities. NEPA requires these effects to be analyzed in an EIS.”

The letter also points out, “The recommendations of National Commission on the BP *Deepwater Horizon* Oil Spill also strongly support preparation of an EIS for Shell’s exploration plan.”

BOEMRE rubber-stamped Shell’s plan a fortnight later, without doing an EIS.

In 2009, when the MMS granted Shell five exploratory drilling permits in the Beaufort and Chukchi seas, the agency concluded that a large spill was “too remote and speculative an occurrence” to warrant analysis, even though it acknowledged that such a spill could have devastating consequences in the Arctic Ocean’s icy waters and could be difficult to clean up.

Last year *Rolling Stone* reported on what BP had put in their exploration plan application for *Deepwater Horizon* that the MMS had rubber-stamped.

The article reads, “BP claims that a spill is ‘unlikely’ and states that it anticipates ‘no adverse impacts’ to endangered wildlife or fisheries. Should a spill occur, it says, ‘no significant adverse impacts are expected’ for the region’s beaches, wetlands and coastal nesting birds.”

The government and corporations are making the United States into the town of Punxsutawney, where in each new drilling cycle we would awake to the same set of cruel lies that lead to the destruction of our environment.

In 2010, the National Marine Fisheries Service completed a biological opinion recognizing the importance of Camden Bay and its surrounding areas in the Beaufort Sea as a feeding and resting area for endangered bowhead whales. Shell’s wells would be near Flaxman Island and Brownlow Point, west of Camden Bay—mere miles away from the feeding and resting area. Shell would drill there from July 10 through October 31, while bowhead whales would migrate through there from beginning of September through mid-October—an unfortunate crossing of paths.

A joint press release, dated August 4, 2011, by twelve environmental organizations and REDOIL states, “Shell estimates close to 5,600 migrating bowhead whales, almost half the population of the species, could be exposed to sound and disturbance from the drilling and icebreaking that could cause them to change their behavior and avoid the feeding area. This could harm the population, particularly mothers and young calves, and could affect Alaska Native communities that rely on the bowhead whale and other species to sustain their subsistence way of life.” This is one example where oil, ecology, and human rights will collide with Shell’s drilling plan.

Now consider the larger gap in our knowledge of the Arctic Ocean ecology. In March 2010, Secretary Salazar had asked the US Geological Survey (USGS) to conduct a special review of information to better understand the marine environment of the Beaufort and Chukchi seas, and specifically asked to examine the “effects of exploration activities on marine mammals; determine what research is needed for an effective and reliable oil spill response in ice-covered regions; evaluate what is known about the cumulative effects of energy extraction on ecosystems; and review how future changes in climate conditions may either mitigate or compound the impacts from Arctic energy development.” After a thorough yearlong process in late June 2011 the USGS released a comprehensive assessment.

I learned from the August 4 press release that the USGS report reinforces the fact, “we need a basic understanding of the Arctic Ocean ecosystem before we can drill there.”

Leah Donahey, Western Arctic and oceans program director at the Alaska Wilderness League told me, “With hundreds of pieces of key information missing, inadequate synthesis of existing scientific data and a need to gather additional types of information such as traditional knowledge from Alaska Natives, the USGS report argues that now is the time to be conducting rigorous scientific analysis on the impacts of drilling in the Arctic Ocean.”

BOEMRE is ignoring the basic fact that scientific knowledge is necessary before any drilling is approved, while the USGS report states that without detailed scientific knowledge “it is difficult, if not impossible” to make informed decisions about oil and gas development in America’s Arctic Ocean.

This is what I’d call fast tracking—the MMS did that for BP, and now BOEMRE is doing it for Shell.

During George W. Bush’s presidency Arctic science was suppressed and manipulated to promote Arctic drilling. The Obama administration is now walking on the trail that was blazed by his predecessor.

First, here is a story from the Bush era. Opening up the coastal plain of the Arctic National Wildlife Refuge to oil drilling was a top priority of President Bush. During 2001–02, I spent a lot of time in the Arctic Refuge and had many conversations with Fran Mauer, then the lead wildlife biologist with the refuge office in Fairbanks.

In 2001, a US Senate Committee asked then-Secretary of Interior Gale Norton detailed information about the Porcupine River Caribou Herd (PCH) that calve in the Arctic Refuge coastal plain where drilling was proposed. Norton asked the Fish and Wildlife Service to prepare a report on the caribou—Fran Mauer was assigned the task.

Fran prepared the caribou report and sent it to Norton. After a few months he was sent a faxed copy of the report that Norton had sent to the US Senate. Fran was horrified—Norton had replaced his report with something else entirely. Fran went to the Public Employees for Environmental Responsibility (PEER), who then started an investigation. On October 21, 2001, in a front-page story in the *Washington Post*, Michael Grunwald exposed Norton’s mischief: “[W]hen Norton formally replied to the committee, she left out the agency’s scientific data that suggested caribou could be affected by oil drilling, while including its data that supported her case for exploration in the refuge, documents show. Norton also added data that was just wrong.”

Norton’s letter to Senator Fran Murkowski dated July 11, 2001, states, “Figure 2 shows the extent of [caribou] calving during 1983–2000. Concentrated calving occurred primarily *outside* of the 1002 Area [where drilling was proposed] in

11 of the last 18 years.” Whereas, Fran Mauer’s original report states, “Figure 2 shows the extent of calving during 1983–2000. . . . There have been PCH calving concentrations *within* the 1002 Area for 27 of 30 years.” “This went way beyond spin,” said PEER national field director Eric Wingerter. “They manipulated the data in an attempt to manipulate Congress. Norton’s big mistake here was getting caught.” Wingerter also called for Norton’s resignation. In 2006, Norton resigned following an ethics scandal—no relation to oil drilling; and then a few months later joined Shell—to promote oil drilling.

Fast forward to right now. Dr. Charles Monnett, a wildlife biologist with BOEMRE and one of the country’s top Arctic scientists, was suddenly suspended on July 18. Ten days later PEER filed a scientific misconduct complaint on behalf of Dr. Monnett.

In 2006, Dr. Monnett and a colleague published a seven-page article in the peer-reviewed journal *Polar Biology*. The article reported sightings of four drowned polar bears in the Beaufort Sea in 2004. With Arctic warming sea ice is melting at an unprecedented rate creating large expanses of open water. At times polar bears are swimming much longer distances, but after finding no sea ice to rest or feed, they are dying of exhaustion. Dr. Monnet brought all these to the world’s attention.

The Interior Inspector General is apparently investigating that five-year-old paper.

“Ever since this paper was published, Dr. Monnett has been subjected to escalating official harassment, culminating in his recent virtual house arrest,” said PEER Executive Director Jeff Ruch. “This is a cautionary tale with a deeply chilling message for any federal scientist who dares to publish groundbreaking research on conditions in the Arctic. . . . Despite bold rhetoric about respecting science, this case illustrates that federal scientists working in controversial areas today are at greater risk than during the Bush administration.”

On July 28, Suzanne Goldenberg wrote (published with my polar bear photo taken along the Beaufort Sea coast) in the *Guardian*, “The Obama administration has been accused of hounding the scientist so it can open up the fragile region to drilling by Shell and other big oil companies.” Exactly a week later the administration did grant Shell the permit.

Caribou is a signature species of the Arctic National Wildlife Refuge, while polar bear is a signature species of the Arctic Ocean. Unsurprisingly, Mauer and Monnet are silenced by successive administrations to promote destructive oil drilling in the Arctic.

Leah Donahey walked me through a few facts about Shell's spill response plan. Shell claims that they'll be able to recover 95 percent of oil spilled in Arctic water using mechanical containment and recovery efforts. However, the June 2011 USGS report states that in broken ice conditions, the amount of oil that could be cleaned up using mechanical recovery techniques is estimated at a mere 1–20 percent. Recovery rates for the *Deepwater Horizon* spill was 3 percent, and for the *Exxon Valdez* spill it was 8–9 percent.

Did Shell lie? Heck, yes!

Oil companies put whatever in their exploration and spill response plans and if all goes well the federal agency will rubber stamp it. Consider this: In their *Deepwater Horizon* exploration plan that the MMS had approved, BP pledged that they would protect sensitive species including walrus, sea otters, and sea lions—all coldwater species not found in the Gulf of Mexico. They did a cut-and-paste from some Arctic document—this we found out, after the spill.

Shell's worst-case oil spill discharge is based on conditions in the Arctic on August 1, when the ocean is mostly free of sea ice, temperatures are above freezing, there is nearly twenty-four-hours of daylight and storms are few and less severe. But they plan to drill from July 10 through October 31. By early to mid-October the Arctic Ocean freezes over and it's mostly dark with extremely cold temperatures and severe blizzards. I spent an enormous amount of time up there in all seasons and I can tell you that the difference between August 1 and October 15 is like this: you'll feel like you're on two different planets.

BP had stated in their exploration plan for *Deepwater Horizon* that they would be able to handle a worst-case scenario of a spill that discharges 162,000 barrels a day, nearly three times more than the highest spill per day that actually happened in the Gulf blowout.

If you thought the clean up effort of the *Deepwater Horizon* spill was a nightmare, think again. For Shell's Arctic operation, the nearest Coast Guard station is more than one thousand miles away. "It'd take a week to eighteen days for response vessels to arrive on site, and thirty-nine to seventy-four days to drill a relief well. This means any spill occurring well before October could mean cleanup would be pushed into the nine months when the Arctic Ocean is completely covered with ice," Leah told me. "In fact, Shell admits that it cannot safely or effectively respond to any spill that would occur more than twenty-one days into the Arctic drilling season."

How would Shell deal with this problem? "Shell plans to leave the spilled

oil until spring comes and the ice thaws. This 'leave in place' plan is no plan at all," Leah explained.

So far, I've only mentioned oil in the water, and oil underneath ice, but what about methane?

BP's *Deepwater Horizon* disaster released an enormous amount of methane that created massive dead zones. Methane sucks oxygen from water and chokes all life to death. Methane concentrations in areas of the Gulf had reached one hundred thousand times more than normal with hotspots that reached a million times more than normal—no life could ever survive that.

Both the Beaufort and Chukchi seas have large but unknown quantities of methane underneath their sea floors. Already large quantities of methane have been escaping rapidly in the East Siberian Arctic Shelf due to warming of subsea permafrost there. Also know that methane is twenty times more potent as a greenhouse gas than CO₂. Scientists are very worried about a potentially massive amount of methane escaping from both terrestrial and subsea permafrost due to Arctic warming. If that happens it'd be catastrophic for the planet.

Now imagine Shell's operation causes a spill on October 1 that begins spewing oil and methane. According to Shell's brilliant "leave in place" plan, the spilled oil will float all over, in the ocean, underneath the ice. And, unlike in the Gulf of Mexico where part of the methane could move up the water column and then escape into the air, in the Arctic Ocean in mid-October there is no chance of escape as the water is covered over with ice, except for a few patches of *polynyas*—open water between sea ice. Trapped methane would certainly accelerate the creation of huge dead zones. Come summer, after the ice thaws, when Shell finally gets ready to deal with the spill, instead of finding an Arctic Ocean bursting with new life—seal pups, fish, birds, polar bears—we would find an Arctic that is dead, totally dead.

Marine scientist Samantha Joye visited the Gulf seafloor nearly eight months after BP's blowout. We saw her inside a tiny submarine and she exclaimed, "Yeah, it looks like everything is dead."

Also know that everything grows very slowly in the Arctic Ocean compared to temperate and tropical oceans. A dead Arctic sea will take much longer to heal.

Did BOEMRE do a methane study in the Beaufort and Chukchi seas? Heck, no!

The July 15 letter to James Kendall that I mentioned earlier states, "NEPA requires an analysis of the incremental effects of Shell's proposed Beaufort Sea drilling when added to other past, present, and reasonably foreseeable future actions."

So, what else is Shell planning beyond their Beaufort Sea drilling? As I mentioned above Shell also submitted an exploration plan on May 12 to drill six exploratory wells in the Chukchi Sea of Arctic Alaska—three in 2012 and three in 2013.

The Beaufort and Chukchi are two adjacent seas, one north and the other west and northwest of the terrestrial landmass in Arctic Alaska. For animals like endangered bowhead whales and threatened polar bears there is no border—they migrate freely through both seas.

One of the crucial things the July 15 letter points out is the “cumulative effects” that Shell’s multi-sea, multiyear drilling plans will have on the Arctic Ocean ecology and on the Iñupiat communities. The letter continues on to say, “If Shell drills its wells in both the Beaufort and Chukchi seas in 2012 and 2013, as it intends, bowheads may encounter Shell’s exploration activities in both seas over two consecutive years. Thousands of bowheads will be potentially affected by the drilling, ice management, borehole seismic surveying, and vessel traffic, and the danger of a biologically significant impact will be especially high if cows and calves are exposed to the multiple disturbances.”

The Chukchi Sea Lease Sale 193, however, is caught up in a lawsuit brought by four Iñupiat and eleven environmental organizations in the 9th Circuit US District Court for the District of Alaska—the Native Village of Point Hope, City of Point Hope, Iñupiat Community of the Arctic Slope, REDOIL, Alaska Wilderness League, Center for Biological Diversity, Defenders of Wildlife, National Audubon Society, Natural Resources Defense Council, Northern Alaska Environmental Center, Oceana, Pacific Environment, Sierra Club, The Wilderness Society, and the World Wildlife Fund. I wrote a fourteen-page standing declaration in support of that lawsuit.

Leah Donahey explained to me that after the court makes their decision, first the Lease Sale 193 has to be approved, and then BOEMRE has to deem the exploration plan “submitted” before any permit is considered or issued.

One of the crucial permits Shell still needs for both their Beaufort and Chukchi operations are air quality permits for their drill ships *Noble Discoverer* and *Kulluk* that they intend to use. Sarah Saunders of Earthjustice gave me a timeline of where that process is: On March 31, 2010, the EPA issued the final air quality permit for the Chukchi Sea, and on April 9, the one for the Beaufort Sea. Then on May 3, a group of Iñupiat and environmental organizations filed a petition for review of both permits with the Environmental Appeals Board (EAB) of the EPA. Separately the Alaska Eskimo Whaling Commission and Iñupiat Community of the Arctic Slope filed petitions for review of the permits—on May 3, for the Chukchi permit and on May 12, for the Beaufort permit. On December



Residents of Grand Isle, Louisiana, mourn the loss of their lifestyle and wildlife that has been dramatically impacted by BP’s oil disaster. This image was first published in “The BP Oil Disaster: A Year in Photography” by Erika Blumenfeld, in *Al Jazeera*, April 23, 2011. (Photograph by Erika Blumenfeld, 2010.)

30, 2010, the EAB issued its order denying in part the petitions for review and remanding the permits back to the EPA. On July 1, 2011, the EPA released the revised draft permits for public comments, which were due August 5.

But why all the fuss about air quality permits?

“The fleet of large vessels Shell plans to use for its Beaufort Sea operations will emit large amounts of air pollution that could harm human health and the environment, and significantly degrade the Arctic’s clean air. Shell will emit these pollutants into a rapidly changing Arctic environment and in relatively close proximity to Alaska Native villages. . . . Shell may emit up to 336 tons per year of NO_x and up to 28 tons per year of PM_{2.5} (fine particles). Both of these pollutants are harmful to human health. . . . NEPA requires BOEMRE to analyze the effects of these emissions,” I learned from the July 15 letter.

You see, slowly, incrementally, and cumulatively, Shell might kill the Arctic Ocean. The government would be a partner in that crime if they give Shell the permit to do so. Inupiat and environmental organizations are determined to fight Shell and the government—legally and by taking their protest to the streets.

Summer, 2012. The campaign to stop Shell’s drilling in the Beaufort and Chukchi seas had reached a chaotic state during the first half of 2012. Greenpeace had used creative and courageous “monkey wrenching” as part of their ongoing global *Save the Arctic* (www.savethearctic.org) campaign. On February 21, while a Shell-sponsored event was taking place inside the National Gallery in London, a group of Greenpeace pranksters successfully installed a 131-foot long banner on the facade of the museum with text “It’s No Oil Painting: Save the Arctic” over an image of an oil rig and a marred Shell logo. Greenpeace activists were also arrested on several occasions: after they boarded the *Noble Discoverer* drillship trying to prevent it from leaving a New Zealand dock; after they boarded the support icebreaker *Nordica* in Sweden; and after they temporarily shut down more than seventy Shell gas stations across the UK, Denmark and Germany. Several environmental groups had also gathered more than a million letters that were sent to President Obama. There was even a *Polar Bear Uprising*—a dance party in polar bear costumes that took place in eight cities across the US.

On July 20, I gave an interview “Looming Deadline Creates Window for Protests to Stop Shell’s Arctic Drilling” to Amy Goodman and Juan Gonzalez on *Democracy Now!* On August 30, the Obama administration gave Shell the approval to begin drilling in the Arctic Ocean. Shell however was only permitted to do “tophole” drilling and was not allowed to penetrate the oil-bearing zones until the spill containment barge was certified and located in the Arctic (which didn’t happen).

Shell had spent a lot of money on ads, including, “Let’s Go” and “We Have the Technology” that I mentioned earlier. We found out later, without a major disaster, that Shell didn’t “have the technology”—to deal with the harsh northern climate. On its way up to the Chukchi Sea, the *Noble Discoverer* drillship encountered the notorious Aleutian winds and ran adrift in Dutch Harbor on July 14, along the southern Bering Sea coast. After receiving the permit, Shell began drilling in the Chukchi Sea, but within 24 hours, the ship encountered an ice floe nearly the same size as five New York boroughs put together (30 miles x 10 miles) and was forced to disconnect from its seafloor anchor and temporarily halt operation on September 10. After finishing a brief preliminary drilling season, *Noble Discoverer* was back in Dutch Harbor only to make headlines again when the engine caught fire on November 16, which created a plume of black smoke, and a blast from an explosion that was felt 200 yards away by Unalaska ports director Peggy McLaughlin. Then on New Year’s Eve, the *Kulluk*, the other drillship Shell had used, while being towed from Dutch Harbor to Everett, Washington, encountered strong winds and high waves, and broke free from two tow ships, and ran aground in ecologically and culturally sensitive habitat off of the Sitkalidak Island in the Gulf of Alaska.

It’s January 2013. The Coast Guard’s criminal investigators began probing into *Noble Discoverer*’s potential violation of federal law with regard to safety and pollution discharge. Shell also violated the Clean Air Act by “exceeding emissions limits, failing to conduct necessary inspections, and violating other terms of the orders,” and was issued two separate Notices of Violation by the Environmental Protection Agency.

On February 27, Shell announced that it would not drill in Alaska’s Arctic seas in 2013. Following month, damaged *Noble Discoverer* and *Kulluk* went from Alaska to Asia, for major repairs.

Shell’s mishaps are dissuading other companies that also bought leases in Alaska’s Arctic waters. On March 15, the Norwegian company Statoil indicated that it might abandon plans for drilling in the Chukchi Sea altogether, after previously saying that it would postpone until 2015. On April 10, ConocoPhillips announced that it would “put its 2014 Alaska Chukchi Sea exploration drilling plans on hold.”

There will be calm in the Arctic Ocean this summer. It’s a good time to reflect on the Obama administration’s role in the oil companies’ drilling plans and look forward to a more just future for the Arctic.

Last year, the administration gave fast-track approval to Shell’s drilling permits for the Arctic, and in doing so violated several important environmental laws,

including the National Environmental Policy Act (NEPA). As I noted before, the NEPA requires the government to do an Environmental Impact Statement (EIS) if there is reason to believe that a proposed activity will significantly affect the quality of the human environment. As the essays in *Arctic Voices*—and Shell’s recent violations of the Clean Air Act—make clear, such drilling would have a severe impact on the local Iñupiat people. But the administration did not prepare an EIS for Shell’s operation in the Beaufort and Chukchi seas.

Moreover, it is a violation of the Marine Mammal Protection Act to allow Shell to drill in water that is home to more than ten thousand endangered bowhead whales, nearly four thousand threatened polar bears, and tens of thousands of walrus (currently being considered for endangered status).

Meanwhile, the extent of sea ice in August–September of last year set a new record low—18 percent less than the previous record set in 2007. Rapidly receding sea ice is having a devastating effect on the Arctic’s marine ecology and its coastal indigenous communities. A week after President Obama announced in his State of the Union speech that his administration is committed to fighting climate change, on February 19, the Alaska Wilderness League, Greenpeace, and the Sierra Club published an ad in *USA Today* with the heading: “President Obama, your climate legacy will start when Shell’s Arctic drilling stops.”

May 2013. The White House released the “National Strategy for the Arctic Region.” President Obama began his introduction to the document with these words: “We in the lower forty-eight and Hawaii join Alaska’s residents in recognizing one simple truth that the Arctic is an amazing place.” He could have continued that sentence with—*to make huge profits by drilling in the Arctic Ocean*. He did exactly that in the next paragraph: “Our pioneering spirit is naturally drawn to this region, for the economic opportunities it presents.” After some lip service on environmental conservation, finally on page 7, the true intent of the report is revealed: “The region holds sizable proved and potential oil and natural gas resources that will likely continue to provide valuable supplies to meet U.S. energy needs.” If *this* National Strategy for the Arctic Region moves forward as planned—it’ll ensure large profits for Big Oil, for a while; advance the neoliberal agenda of a plutocratic nation state, and other nations will soon follow; and long-term devastations for human and nonhuman communities across the whole planet, not just the Arctic.

We will fight. We must fight.

Teshkepuk in the Arctic’s Biggest Wetland

STEVE ZACK *and* JOE LIEBEZEIT



In 2006, I was able to return to Arctic Alaska because of the generous financial support from Tom Champion, chairman of the board of Alaska Wilderness League. I spent nearly four months, mostly in the Western Arctic, including Utukok River Upland, Teshkepuk Lake Wetland, Kasegaluk Lagoon, and the Iñupiat community of Point Lay. That year, the George W. Bush Administration tried very hard to sell off the entire Teshkepuk Lake Wetland to Big Oil. The conservation community put together a unified voice and presented a website of the campaign—Save Teshkepuk Lake (savetlake.org). After returning home, I scanned some of my photos and twelve of them became the photo gallery of the site. One of those photos—Known and Unknown Tracks (plate 18)—created a minor controversy: no exploration company should have had permits to cause those 3D seismic tracks. The homepage stated: “The Bush administration tried to sell the area as part of an oil and gas lease sale held on September 27, 2006. The federal courts, however, ruled that the plan was illegal, and the critical wildlife habitat around Teshkepuk Lake was removed