

Greens sue Interior over oil drillers' right to harass polar bears

By Heather Richards

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Seven environmental groups sued the Biden administration today for allowing oil and gas operators to harass polar bears on Alaska's North Slope, claiming violations of the Endangered Species Act and other laws.

The Fish and Wildlife Service finalized five-year incidental take regulations for drillers earlier this year in response to a request from the Alaska Oil and Gas Association, as the previous regulations had expired ([Greenwire](#), Aug. 4).

The regulations are needed for industry to lawfully conduct its operations in the Beaufort Sea and along the Arctic coastline where they may interact with protected wildlife.

The rules, and the environmental impact reviews that undergird them, allow operators to harass — but not seriously injure or kill — imperiled southern Beaufort Sea polar bears and Pacific walrus. That means operators may frighten, antagonize or disturb the animals by drilling, building roads and conducting seismic testing, as well as other activities.

But in a [lawsuit](#) filed today in the U.S. District Court for the District of Alaska, the Sierra Club and several other groups say those operations could actually harm or kill and that the federal regulations, and an underlying biological opinion by FWS, fail to protect the bears under the ESA, Marine Mammal Protection Act and other federal laws.

The groups criticize how the wildlife agency calculated the likelihood that oil activities could seriously injure or kill bears and cubs, as well as the finding that impacts don't threaten the population. They also argue that regulators failed to include enough mitigation measures to ensure the least impact possible to wildlife.

"Relying on bad math to gloss over the injury or death of newborn polar bear cubs for the sake of oil industry profit isn't just morally wrong, it's also unlawful," Sierra Club Arctic campaign representative Mike Scott said in a statement. "We hope that the court will hold the Fish and Wildlife Service accountable to its mission and reject this harmful regulation."

Other organizations that joined the lawsuit are the Alaska Wildlife Alliance, the Alaska Wilderness League, the Center for Biological Diversity, Defenders of Wildlife, Environment America and Friends of the Earth.

A spokesperson for the Interior Department declined to comment on the lawsuit. FWS said in its final regulations this summer that the agency believed industry would "impact no more than small numbers of animals." The agency also said the impacts would "have a negligible impact on these species or stocks, and will not have an unmitigable adverse impact on the availability of these species or stocks for taking for subsistence uses by Alaska Natives."