

Duck Island injunction fails

Judge James A. von der Heydt has declined to grant an injunction halting exploratory drilling from Duck Island in the Beaufort Sea

Notice of the decision was sent to the lawyers in the case last week, after consideration of

supplementary briefs submitted Friday, December 15. The injunction was asked by three Arctic Slope villages — Barrow, Kaktovik, and Nuiqsut — and two individuals, Herman Rexford and Ralph Ahkivgak, who fear potential damage to subsistence hunting and fishing. Specifically, they have charged that the Corps of Engineers acted improperly in issuing the permit for building of the gravel island and the conduct of drilling there; that water quality and other protective laws were not properly complied with, and that improper notice was given to residents of the area.

Alaska Legal Services lawyer Donald Clocksin said, 'This is not a decision on the merits of the case, only a denial of preliminary injunction.' Asked what will happen next, he said, 'I guess we get some more 'discovery' — some more facts, and file a motion for summary judgment.'

The Duck Island well is located about three miles offshore from the mouth of the Sagavanirktok River; it is an Exxon well.