

# No halt to drilling!

## **Judge says oil companies will suffer**

North Slope Natives have suffered a setback in their efforts to temporarily stop oil drilling from an exploratory well in the Beaufort Sea.

Concerns for the effects of noise, helicopter activity, and possible oil leaks on sea mammals and fish have prompted three Native villages and two individual Eskimos to bring suit in both federal and state court against Exxon's Duck Island well.

In a hearing last Friday in state court, Judge Victor Carlson denied a motion by the villages of Barrow, Nuiqsut, and Kaktovik and Herman Rexford and Ralph Ahkigvak asking for a preliminary injunction to halt the drilling. The controversial well is located three miles offshore from Sag (Sagavanirktok) River on a man-made island in the Beaufort Sea.

According to Exxon lawyer Richard Gantz, a pause in the drilling would cost as much as \$60,000 per day and could total up to \$20 million. Closing down a well takes from 10 to 12 days, and an "equal amount of time to start it up -- providing the hold hasn't been lost."

In denying the injunction, Judge Carlson noted that harm could result on either side of the question, but that the harm to the oil company was immediate and certain, whereas the harm to wildlife was not so apparent.

Judge Carlson noted that it was winter and most of the sea mammals involved are not in the area. The well is to be finished by May 1. Ruled the Judge, "The balance must be struck in favor of the defendants."

"I am not commenting on other issues," he added. "Only on the preliminary injunction."

Donald Clocksin, Alaska Legal Services attorney representing the Natives, said that

this was only the opening round. "We will file a motion for summary judgement as soon as possible," he stated. A summary judgement, he explained, "means that the important facts of the case are not in dispute, only the legal issues are being challenged."

A second case involving the same Natives against the same oil well but with a different defendant will be heard in federal court December 7.

The federal case names as defendants Exxon and the U.S. Corps of Engineers, charging that the Corps of Engineers issued the drilling permit to Exxon in violation of federal environmental laws.

States the complaint: "No environmental impact statement was prepared, water quality certification was not obtained, . . . (and) the impact of the activity on endangered species was not considered." In addition, "improper notice was given, say the Natives."

The sales in the Beaufort Sea, especially in the Point Thompson area, have been the object of apprehension by Arctic Slope Natives for some time. In September the State of Alaska postponed the Point Thompson oil lease sale, which had been set for October 17. One of the reasons for this postponement was opposition by Natives to the sale. The re-

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# ● Setback in suit

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cently filed suit raised apprehension by state officials that it might herald general Native opposition to oil development. Not so, said Donald Clocksin, of Alaska Legal Services, who is representing North Slope Natives in the suit. "We have no desire to shut down drilling; only to make sure that the project is safe and in compliance with all the safeguards required by law."

Three projects are under scrutiny by environmental and Traditional Use departments of the North Slope Borough. They are, beside the Exxon Duck Island Unit: ARCO's West Dock, a 4200-foot causeway and dock which was extended in 1975; EXXON's proposed ice island experiment; and the proposed gravel island project near Nia-kuk Island.