

Shell, Greenpeace spar over Arctic drilling safety zones

April 29 2015, by Dan Joling



In this April 17, 2015 file photo, with the Olympic Mountains in the background, a small boat crosses in front of an oil drilling rig as it arrives in Port Angeles, Wash., aboard a transport ship after traveling across the Pacific. Royal Dutch Shell hopes to use the rig for exploratory drilling during the summer open-water season in the Chukchi Sea off Alaska's northwest coast, if it can get the permits. Attorneys for Royal Dutch Shell PLC presented testimony to a federal court judge Tuesday, April 28, 2015, that the company needs safety zones around its Arctic drill fleet to prevent Greenpeace USA activists from endangering company workers and themselves. (Daniella Beccaria/seattlepi.com via AP, File)

Attorneys for Royal Dutch Shell PLC presented testimony to a federal court judge Tuesday that the company needs safety zones around its Arctic drill fleet to prevent Greenpeace USA activists from endangering company workers and themselves.

An attorney for Greenpeace told U.S. District Judge Sharon Gleason that Shell's request would usurp the maritime authority Congress gave to the Coast Guard and harm free speech rights of Greenpeace activists, who have the right to approach Shell vessels to draw attention to harmful drilling in the Arctic.

Judge Gleason after a seven-hour hearing said will consider additional briefs before deciding whether to grant Shell's request for an injunction banning Greenpeace from approaching Shell's Arctic fleet through Oct. 31, which covers the 2015 drilling season. A ruling could come within a week.

Shell is seeking federal approval to use two drill vessels for exploratory drilling this summer on federal leases in the Chukchi Sea off Alaska's northwest coast. A Shell manager testified Shell has spent upward of \$7 billion on its Arctic project.

Arctic drilling is strongly opposed by conservation groups, including Greenpeace, that say polar regions are being hammered by climate warming at twice the rate of the rest of the planet and would be severely harmed by industrial development. The groups say oil companies have not demonstrated the ability to clean up a spill under the best of circumstances, much less in remote, cold waters far from infrastructure such as ports and Coast Guard bases.

An injunction would give Shell a tool to take action against protesters in civil court rather than criminal court.



In this April 17, 2015 file photo, protesters watch from Ediz Hook as a flotilla of kayakers paddle out to meet the Arctic offshore oil rig Polar Pioneer piggybacked atop the cargo deck vessel Blue Marlin as it arrives at Port Angeles, Wash. The platform will eventually be towed to Alaska for exploratory drilling in the Chukchi Sea after being outfitted in Seattle. Attorneys for Royal Dutch Shell PLC presented testimony to a federal court judge Tuesday, April 28, 2015, that the company needs safety zones around its Arctic drill fleet to prevent Greenpeace USA activists from endangering company workers and themselves. (Keith Thorpe/The Peninsula Daily News via AP, File)

Attorney Jeffery Leppo told Judge Gleason the company could seek contempt citations for illegal, direct actions taken by Greenpeace, such as boarding vessels in transit.

Activists from Greenpeace International this month boarded a heavy lift ship carrying the Polar Pioneer, a vessel without propulsion that Shell

plans to use this summer in the Chukchi Sea, as it crossed the Pacific from Malaysia to a staging area in Washington state. Greenpeace past actions and statements are a concern for future actions, he said.

"These aren't empty threats and puffery," he said.

Shell is seeking a 1,000-meter safety zone around most of its fleet and 1,500 meters around drill vessels.

David George, Shell's Alaska maritime assurance manager, said that much space is needed to safely operate large vessels that don't maneuver well. The Noble Discover is 572 feet long. The Polar Pioneer, a Transocean Ltd. semi-submersible drilling unit, is 300-by-400 feet and taller than the Statue of Liberty.

Towing adds another element that limits maneuverability, George said, and Greenpeace vessels operating close by would be a distraction to crews focusing on safety.

Greenpeace Arctic campaigner Mary Sweeters testified that halting Shell drilling is a top priority for her organization and that peaceful protest that breaks trespass or other laws are a tool used to draw attention to the group's causes. Images of protests shared on social media are powerful tools, she said, and Shell's injunction request would hamper the Greenpeace mission.

"It would make our work very difficult, probably close to impossible," she said.

Shell's proposed safety zones exceed the 500-meter limit that can be granted by the Coast Guard would seriously impinge on the organizations free speech rights, said attorney Matthew Pawa. Shell presented no expert testimony that the larger safety zones are needed, he said.

"All you've got is one guy from Shell who says, 'Trust me. I know better than the Coast Guard,'" Pawa said.

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