

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

SHELL OFFSHORE INC., a Delaware corporation, and SHELL GULF OF MEXICO INC., a Delaware corporation,

Plaintiffs,

v.

GREENPEACE, INC., a California corporation, and JOHN and JANE DOES 1-20,

Defendants.

Case No. 3:12-cv-00042-SLG

**AMENDED PRELIMINARY INJUNCTION ORDER**

This court entered a Preliminary Injunction Order as sought by Shell Offshore Inc. and Shell Gulf of Mexico, Inc. ("Shell") and against Greenpeace, Inc., also known as Greenpeace USA, on March 28, 2012, with respect to all United States territorial waters and ports.<sup>1</sup> For the reasons set forth in detail in the March 28, 2012 Preliminary Injunction Order and in the Order re Pending Motions entered on May 29, 2012, including this court's findings that Shell has demonstrated that it is likely to succeed on the merits, that it is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in favor of Shell, and that a preliminary injunction is in the public interest, the Preliminary Injunction Order of March 28, 2012 is AMENDED at this time to include the Exclusive Economic Zone of the United States ("EEZ") and certain aviation facilities in Barrow, Alaska, and IT IS ORDERED as follows:

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<sup>1</sup> Docket 87.

1. This order applies to each of the following:
  - a. To the vessels listed below when located within all United States navigable and territorial waters (i.e., within 12 miles of the baseline shore), when located on waters within the United States Exclusive Economic Zone (i.e., within 200 miles of the baseline shore) and when located in port within the United States and its territories:

- i. *Noble Discoverer*
- ii. *Kulluk*
- iii. *Nordica*
- iv. *Fennica*
- v. *Toisa Dauntless*
- vi. *Tor Viking II*
- vii. *Harvey Explorer*
- viii. *Harvey Spirit*
- ix. *Harvey Sisuaq*
- x. *Aiviq*
- xi. *Nanuq*
- xii. *Guardman*
- xiii. *Klamath*
- xiv. *Arctic Challenger*
- xv. *Tuuq* (formerly known as *Z Big 1*)
- xvi. *Lauren Foss*
- xvii. *Corbin Foss*
- xviii. *Arctic Endeavour*
- xix. *Point Oliktok*

- b. All buoy and anchor systems placed within the United States Exclusive Economic Zone of the Chukchi Sea and the Beaufort Sea for the *Noble Discoverer* and the *Kulluk*.

- c. The ERA Alaska hanger located at Wiley Post Will Rodgers Memorial Airport Lot 5 Block 100, Barrow, Alaska; and the former ERA Alaska passenger terminal located at 1751 Ahkovak St., Barrow, Alaska.
2. With respect to each of the above-described vessels, property, and facilities, Greenpeace, Inc. (also known as Greenpeace USA) and its officers, agents, servants, employees, and attorneys, and all others who are in active concert or participation with Greenpeace, Inc. (also known as Greenpeace USA) and/or its officers, agents, servants, employees, and attorneys, (collectively “Greenpeace”), who receive actual notice of this order by personal service or otherwise, are enjoined from:
  - a. Breaking into or trespassing on the vessels, property, and facilities;
  - b. Tortiously or illegally interfering with the operation, movement, or progress of the vessels, property, and facilities;
  - c. Barricading, blocking, or preventing access to or egress from the vessels, property, and facilities; and
  - d. Tortiously or illegally endangering or threatening any employee, contractor or visitor of Shell or any of its affiliates who is present on, or as they enter or exit, the vessels, property, or facilities.
3. Greenpeace, Inc. (also known as Greenpeace USA) and its officers, agents, servants, employees, and attorneys, and all others who are in active concert or participation with Greenpeace, Inc. (also known as Greenpeace USA) and/or its officers, agents, servants, employees, and attorneys, (collectively “Greenpeace”), who receive actual notice of this order by personal service or

otherwise, are enjoined from entering the safety zones established by paragraph 4 of this Order.

4. The following safety zones are established:

a. From the date of this order until October 31, 2012, while in transit upon U.S. navigable and territorial waters (i.e., within 12 miles of the baseline shore), and in transit on waters within the United States Exclusive Economic Zone (i.e., within 200 miles of the baseline shore) around the following vessels (including surface and subsurface areas):

- i. *Noble Discoverer*: 1000 meters (m).
- ii. *Kulluk*: 1000 m.
- iii. *Nordica*: 500 m.
- iv. *Fennica*: 500 m.
- v. *Toisa Dauntless*: 500 m; 1000 m when towing.
- vi. *Tor Viking II*: 500 m; 1000 m when towing.
- vii. *Harvey Explorer*: 500 m.
- viii. *Harvey Spirit*: 500 m.
- ix. *Harvey Sisuaq*: 500 m
- x. *Aiviq*: 500 m; 1000 m when towing.
- xi. *Nanuq*: 500 m.
- xii. *Guardzman*: 500 m.
- xiii. *Klamath*: 500 m; 1000 m when under tow.
- xiv. *Arctic Challenger*: 500 m; 1000 m when under tow.
- xv. *Tuuq*: 500 m; 1000 m when under tow.
- xvi. *Lauren Foss*: 500 m; 1000 m when towing.
- xvii. *Corbin Foss*: 500 m; 1000 m when towing.
- xviii. *Arctic Endeavour*: 500 m; 1000 m when under tow.
- xix. *Point Oliktok*: 500 m; 1000 m when towing.

b. Each of the above-listed safety zones in subparagraph (a) shall be reduced to 100 meters for vessels transiting through narrow channels designated as piloted waters.

c. From July 1, 2012 through October 31, 2012, at drilling locations, during drilling operations and while completing drilling operations, when upon U.S. navigable and territorial waters (i.e. within 12 miles of the baseline shore) and upon waters within the United States Exclusive Economic Zone (i.e. within 200 miles of the baseline shore) in the Beaufort and Chukchi Seas, around the following vessels (including surface and subsurface areas);

- i. *Noble Discoverer*: 1500 m.
- ii. *Kulluk*: 1500 m.
- iii. *Nordica*: 500 m.
- iv. *Fennica*: 500 m.
- v. *Toisa Dauntless*: 500 m; 1000 m when towing.
- vi. *Tor Viking II*: 500 m; 1000 m when towing or anchor handling.
- vii. *Harvey Explorer*: 500 m.
- viii. *Harvey Spirit*: 500 m.
- ix. *Harvey Sisuaq*: 500 m.
- x. *Aiviq*: 500 m; 1000 m when towing or anchor handling.
- xi. *Nanuq*: 500 m.
- xii. *Guardman*: 500 m.
- xiii. *Klamath*: 500 m; 1000 m when under tow.
- xiv. *Arctic Challenger*: 500 m; 1000 m when under tow.
- xv. *Tuuq*: 500 m; 1000 m when under tow.
- xvi. *Lauren Foss*: 500 m; 1000 m when towing.
- xvii. *Corbin Foss*: 500 m; 1000 m when towing.
- xviii. *Arctic Endeavour*: 500 m; 1000 m when under tow.
- xix. *Point Oliktok*: 500 m; 1000 m when towing.

d. From June 25, 2012 through October 31, 2012, in the airspace to an elevation of 3,000 feet above ground level and in a 0.5 nautical mile radius from: (i) the *Noble Discoverer*, the *Kulluk*, the *Fennica* and the *Aiviq* (i.e.,

the helideck equipped vessels); and (ii) all other vessels identified in subparagraph 4(c) above while helicopter hoisting is being conducted at that vessel.

5. Pursuant to this court's Temporary Restraining Order, Shell has deposited with the clerk of court a cash bond in the amount of Five Thousand Dollars (\$5,000.00). Shell shall maintain the deposited cash bond for purposes of this Amended Preliminary Injunction.
6. This Amended Preliminary Injunction is effective as of the date of this order and shall remain in effect until October 31, 2012 unless modified by further order of this court. Greenpeace USA may by motion seek to modify this order so as to permit Greenpeace to more closely monitor Shell's activities within the safety zones established by this order at such specific times, locations, and conditions that this court may order after each party has been accorded an opportunity to be heard on any such motion.

DATED at Anchorage, Alaska this 29th day of May, 2012.

/s/ Sharon L. Gleason  
United States District Judge