



Public Comment of Martin Robards before the U.S. Commission on Ocean Policy – August 22, 2002.

Thank you for the opportunity to provide testimony regarding OCS oil and gas development to this commission. I am Martin Robards, Alaska Ecosystem Manager of The Ocean Conservancy. I have worked in Alaska as a biologist for 12 years, including 3 in the Prudhoe Bay oilfield. I have a Master's degree in Fisheries Conservation. Last January, The Ocean Conservancy, along with Sierra Club, Greenpeace, Arctic Connections, Trustees for Alaska, Alaska Wilderness League, Natural Resources Defense Council, The Wilderness Society, Earth Justice Legal Defence Fund, National Environmental Trust, Northern Alaska Environmental Center, Alaska Community Action on Toxics, and the Alaska Center for the Environment provided comments to the Mineral Management Service on the Outer Continental Shelf (OCS) Oil and Gas Leasing Program. I have provided copies of that testimony to commission staff as it provides a good synthesis of the background behind our concerns.

Offshore oil and gas development off Alaska endangers the fragile marine environment including endangered species, seabirds, and marine mammals, rich fishing grounds, national parks, wildlife refuges, forests, and wilderness areas. Statewide, the fishing industry provides more private sector jobs than any other source and a large portion of coastal residents rely on marine resources for subsistence. And unlike oil and gas, if managed properly Alaska's fisheries have the potential to be a perpetually sustainable asset to Alaska's economy.

Coastal communities are also at risk from potential blowouts and pipeline oil spills. Toxic sediments and cuttings disposed at sea during exploratory drilling, noise pollution generated by vessel traffic, drilling, platform work and seismic testing, and the laying of miles of pipelines in or on the seafloor adversely affect marine life. Even small amounts of oil can have negative impacts. Oil pollution increases susceptibility to diseases in fishes, inhibits phytoplankton productivity, and interferes with reproduction, development, growth, and behavior of many other species.

Fierce climatic conditions, high winds and seas, sea ice, and cold temperatures challenge offshore technologies and spill cleanup far beyond present capabilities. Yesterday, I talked to the Alaska Department of Environmental Conservation who confirmed that no successful full-scale spill response exercises had been conducted in broken ice conditions. Furthermore, the

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Exxon Valdez oil spill of 1989 taught Alaskans and the world harsh lessons about the ability to clean up a significant

oil spill. Scientific studies of the Exxon Valdez oil spill show continuing, long-lasting and significant damage to fish, wildlife, and subsistence.

The Minerals Management Service asserts that this offshore drilling is necessary to satisfy US energy demands and to reduce reliance on oil imports. However, MMS fails to mention that the US has only three percent of global oil reserves. Therefore, the US will never drill its way to energy security and independence, even if every last drop of oil is drilled from federal waters off the coast of Alaska. Furthermore, the impacts of burning oil, on our health and that of the environment warrant serious consideration – respiratory problems, carbon dioxide emissions and their potential links to sea-level rise for example (as Senator Stevens rightly mentioned yesterday). This is particularly the case when we lag in embracing what will ultimately be the need for the inevitable alternatives. Weaning ourselves of oil, rather than developing ever riskier oil reserves such as in Alaska's OCS is good for our environment, our health, and national security.

In summary, Alaska's seas are too productive and sensitive to threaten with OCS oil and gas development. Alaska's seas are economically important, sustaining over 100,000 jobs and Alaska is the only state in the nation where large portions of coastal residents depend on marine resources for subsistence. If moratoria are in place along the remainder of the U.S. coastline (except the Gulf of Mexico) then logic would dictate that at very least Alaska should be similarly exempted from leasing. Alaska shoulders more risk than any other state in the U.S., and the Alaska sale areas constitute the vast majority of acreage proposed for leasing. This is both unacceptable and dangerous to Alaska's unique environment.

Therefore, we urge the commission to call for Alaska's *immediate* inclusion in the moratorium on offshore oil and gas development.

**THE OCEAN CONSERVANCY ** SIERRA CLUB **
GREENPEACE, INC. ** ARCTIC CONNECTIONS **
TRUSTEES FOR ALASKA ** ALASKA WILDERNESS LEAGUE **
NATURAL RESOURCES DEFENSE COUNCIL ** THE
WILDERNESS SOCIETY ** EARTHJUSTICE LEGAL DEFENSE
FUND INC. ** NATIONAL ENVIRONMENTAL TRUST **
NORTHERN ALASKA ENVIRONMENTAL CENTER **
ALASKA COMMUNITY ACTION ON TOXICS **
ALASKA CENTER FOR THE ENVIRONMENT ****

January 25, 2002

Mr. Ralph V. Ainger
Minerals Management Service (MS-4010)
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**RE: Outer Continental Shelf Oil & Gas Leasing Program: 2002-2007
Draft Environmental Impact Statement**

Dear Mr. Ainger,

Thank you for the opportunity to comment on the Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2002-2007 Draft Environmental Impact Statement (DEIS). (66 FR 54279-54282). These comments are offered on behalf of our organizations and the numerous members of: The Ocean Conservancy, Sierra Club, Greenpeace, Inc., Arctic Connections, Trustees for Alaska, Natural Resources Defense Council, The Wilderness Society, Northern Alaska Environmental Center, Earth Justice Legal Defense Fund, Alaska Wilderness League, Alaska Community Action on Toxics, National Environmental Trust, and Alaska Center for the Environment.

Alaska's OCS waters host endangered species, productive marine life and rich fishing grounds. The proposed leasing would occur along spectacular national parks, wildlife refuges, forests and wilderness areas. Statewide, the fishing industry provides more private sector jobs than any other source and a large portion of coastal residents rely on marine resources for subsistence. And unlike oil and gas, if managed properly Alaska's fisheries have the potential to be a perpetually sustainable asset to Alaska's economy. The proposed lease sales threaten these sensitive marine and coastal environments.

This proposed leasing program is a "major federal action" requiring the preparation of an EIS, as mandated by the National Environmental Policy Act (NEPA), 42 U.S.C. Sec. 4321-4370d. NEPA's purpose is to promote efforts "which will prevent or eliminate damage to the environment," 42 U.S.C. Sec. 4321, to inform the public of environmental consequences, 40 C.F.R. Sec. 1500.1(b), and to "help public officials...take actions that protect, restore, and enhance the environment." 40 C.F.R. Sec. 1500.1(c). To be

sufficient under the law, an EIS must assess the direct, indirect and cumulative impacts of the project and its alternatives. 40 C.F.R. Sec. 1508.7, 1508.8, 1508.9(b), 1508.25(c)(1)-(3).

MMS has produced a five-year leasing plan and attendant draft EIS for large areas of Alaska's marine waters that fails to satisfy the above-listed requirements of NEPA. Among other flaws, the proposed 5-Year Plan fails to consider a reasonable range of alternatives regarding the geographic extent of planning areas, and number and size of lease sale areas considered for Alaska. While eight sales are currently proposed for Alaska (DEIS p. 2-1), this sharply contrasts with the fact that MMS held only one lease sale in Alaska from its last 5-Year Plan, due to local, regional and national public objections. Information gained since that time regarding lack of oil spill response capability, cumulative impacts, climate change, wildlife values, and other issues further substantiates our concerns.

The proposed oil and gas lease sales endanger the fragile marine environment off the coast of Alaska. Productive marine ecosystems, marine mammals, sea birds, and coastal communities are all at risk from potential blowouts and pipeline oil spills. Additionally, marine life is threatened by toxic sediments and cuttings disposed at sea during exploratory drilling, noise pollution generated by vessel traffic, drilling, platform work and seismic testing, and the laying of miles of pipelines in or on the seafloor. Even small amounts of oil can negatively affect marine life. Oil pollution increases susceptibility to diseases in fishes, inhibits phytoplankton productivity, and interferes with reproduction, development, growth, and behavior of many species.

The inclusion of most of the Alaskan areas *prominently* ignores the inability to respond to an oil spill in ice conditions. Fierce climatic conditions, high winds and seas, sea ice, and cold temperatures challenge offshore technologies and spill cleanup far beyond present capabilities. Recent oil-spill drills by both oil companies and contractors have confirmed their inability to effectively respond to a spill in broken ice and open water conditions that prevail for most of the year in the Beaufort and Chukchi Seas, Hope Basin, Norton Sound and Cook Inlet. The Exxon Valdez oil spill of 1989 taught Alaskans and the world harsh lessons about the ability to clean up a significant oil spill. Scientific studies of the Exxon Valdez oil spill show long-lasting and significant damage to fish, wildlife, and subsistence.

A single large spill based on the number of proposed exploration and development wells and percentage risks given in the DEIS can be regarded as likely to happen. (DEIS Tables 4.1e, 4.6c). However, irrespective of this, smaller persistent spills can have a dramatic impact to the marine environment. For example, based on current sub-sea buried pipeline technology, persistent leaks of up to 100 barrels a day could go unnoticed, particularly if under ice where sheening wouldn't be noticed (U.S. Army Corps of Engineers, 1999. Final EIS, Beaufort Sea Oil and Gas Development/ Northstar Project, page 8-37).

MMS makes assertions throughout the DEIS about the impacts of oil spills on the offshore environment, the animals that live there, and the people who depend on those animals for subsistence. Yet MMS makes these assumptions in the absence of any clearly stated information on the amount of oil that will be produced as a result of the

various leasing alternatives in this plan, compared with the existing situation without the new sales, and the resulting spill risks.

The DEIS asserts that this offshore drilling is necessary to satisfy US energy demands and to reduce reliance on oil imports. However, MMS fails to mention that the US has only three percent of global oil reserves. Therefore, the US will never drill its way to energy security and independence, even if every last drop of oil is drilled from federal waters off the coast of Alaska. A true “No Action” alternative would present a comprehensive view of energy efficiency and alternative renewable fuels.

The DEIS’s analysis of the no action alternative does a woefully inadequate job of analyzing the various pros and cons of alternative fuels that would replace oil under this scenario. An example of this inadequate analysis is section 4.7.3.2 where nuclear power and wind power are examined. The DEIS blithely dismisses the potentially devastating impacts of nuclear power, whereas it paints a dismal picture of wind power. This sort of analysis appears throughout the DEIS, is deficient and misleading, and should be rewritten or struck from the FEIS.

Oil development off the coast of the Arctic National Wildlife Refuge poses risks to the Porcupine caribou herd, bowhead whales, fish, polar bears, and migratory birds using the refuge coastline, lagoons, and barrier islands. Offshore exploration and development would cause pollution, aircraft and vessel noise and related industrial activity, and oil spills degrading the Refuge, even if there were no construction of infrastructure within its boundaries. In the future, there would be intense pressure to construct sprawling onshore airports, pipelines, roads, docks, and other support facilities in the Refuge. In light of these threats to our national treasure, MMS should exclude the entire OCS area offshore of the Arctic Refuge from the Beaufort Planning Area.

Internationally significant brant molting areas are located along the Beaufort Sea coast in the Teshekpuk Lake area of the National Petroleum Reserve-Alaska. This area is sensitive to aircraft and other disturbances caused by industrial activities and infrastructure, as well as oil spills. We strongly support the exclusion of tracts in the spring bowhead lead zone around Barrow, but because of the above-listed concerns, we also urge the MMS to pursue the “no sale” alternative for the entire Beaufort Sea planning area.

The Norton Basin is a rich part of the Bering Sea ecosystem with among the highest (unacknowledged by MMS) primary productivity rates in the world. It is a major migratory zone for millions of seabirds and thousands of marine mammals, spawning grounds for king crabs, feeding areas for Pacific salmon, herring and other fish, and provides critical habitats for the threatened spectacled eider. We strongly oppose the Norton Sound “special sale” as currently proposed, particularly because MMS views the sale as a precedent that could be followed in other frontier areas. We outlined our specific concerns with this approach in our September 20, 2001 letters on the draft 5-Year Program.

Oil leasing in the arctic waters of the Chukchi Sea/Hope Basin threatens critical spring bowhead and beluga whale migration routes, staging and molting areas for migratory birds, polar bear and walrus habitats including in Russian waters, and Cape Krusenstern National Preserve. We support the deletions proposed in the Chukchi polynya in the Chukchi Sea Planning Area, and the tracts in the vicinity of Barrow in the Beaufort Sea Planning Area, but these actions are not adequate to protect sensitive coastal resources.

We strongly support the exclusion of the Gulf of Alaska area from the plan because leasing in this area threatens the wildlife and wilderness values of Glacier Bay and Wrangell-St. Elias National Parks, Tongass and Chugach National Forests, and the rich fishery and migratory birds in the world-class wetlands of the nearby Copper River Delta. The final 5-Year Program also appropriately excludes lease sales in the rich fishery area of Bristol Bay (N. Aleutian Basin), and the contiguous United States areas that are subject to the nation-wide leasing moratoria.

The proposed Cook Inlet lease sales still pose oil spill and other risks to rich fisheries, declining populations of sea otters, depleted population of beluga whales, and critical habitat for endangered Steller sea lions, as well as the coastlines of Chugach National Forest, Lake Clark and Katmai National Park and Preserves, and the Becharoff, Alaska Peninsula, Kenai, and Alaska Maritime National Wildlife Refuges. We find that the proposed plan still encompasses Shelikof Strait within the Cook Inlet Planning Area (Map 6), and although leasing is not currently proposed, we urge that Shelikof Strait be totally removed as a Planning Area in light of the major importance of this area to the State's economy from fisheries and the marine ecosystem.

The eight proposed enormous sale areas have the potential for dramatic and lasting impacts to the waters of and adjacent to the State of Alaska, to the fish and wildlife, and to the people of Alaska who depend upon healthy ocean ecosystems for economic and cultural survival. We do not find that the environmental impacts of past, present, and future offshore exploration and development on fish, wildlife, wilderness and subsistence are adequately analyzed by the DEIS. In particular, the DEIS underestimates the potential for major significant effects to the environment from pollution, noise disturbance, oil spills, greenhouse gas emissions, and support structures on coastlines.

The DEIS failed to evaluate alternatives and lease sale stipulations for seasonal drilling restrictions for exploratory and production drilling, noise buffers from vessels, aircraft, etc., or double-walled pipeline technology for the buried sub-sea pipelines. The DEIS fails to analyze the environmental impacts of any mitigation measures, including lease sale stipulations.

We provide detailed comments in the attached document on inadequate environmental impact analysis for the following issues:

- I. Oil Spill Information**
 - a. Lack of oil spill response capabilities**
 - b. Disconnect between data and conclusions**
 - c. Impacts to marine and coastal environment from spilled oil**

- d. In-situ burning of spilled oil**
- e. Lessons from the Exxon Valdez oil spill**
- II. Additional Impacts to Fish, Wildlife and Habitats**
- III. Impacts of Infrastructure**
- IV. Impacts to Alaska Native Communities**
- V. Cumulative Impacts**
- VI. Air Emissions and Global Warming**
- VII. No action alternative not sufficiently developed**
- VIII. Environmental assessment of Lower Cook Inlet**
- IX. Wilderness impacts**
- X. Supporting information in maps and figures in Vol. II.**
- XI. Conclusions**

Thank you for this opportunity to comment. These comments supplement prior letters and testimony we submitted on the 5-Year Program (Natural Resources Defense Council et al. February 1, 2001 and September 20, 2001), on three Beaufort Sea Sales (Sierra Club et al. November 5, 2001), and during the DEIS public hearing (Anchorage, Alaska (12/3/01)) which are hereby incorporated by reference.

Sincerely,

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