



National Oil Spill Commission Recommendations on the Arctic Ocean

The marine environments of America's portion of the Arctic Ocean -- the Chukchi and Beaufort Seas -- are among the least understood in the world. This wide swath of ice-covered ocean waters -- flowing counter-clockwise from Canada toward Russia - is home to one-fifth of the world's threatened polar bears, as well as seals, migratory birds, endangered bowhead whales, several other types of whales, Pacific walrus and much more. The Inupiat people who live on Alaska's North Slope call the Arctic Ocean "their garden." The bowhead whale is the foundation for the Inupiat people's subsistence culture.

To date, there is no offshore, rig-based oil and gas development in the waters of America's Arctic Ocean, but several oil companies have leased portions of this abundant marine environment. Shell Oil Company is pushing to move forward with exploratory drilling in the Beaufort and Chukchi Seas in 2012.

Last spring's disastrous *Deepwater Horizon* explosion and spill illustrated the extreme dangers and risks of offshore drilling. Lessons learned from that spill are especially relevant for the Arctic Ocean where drilling is a high-risk activity due to the isolated, undeveloped location, extreme weather and massive expanses of drifting ice. The Gulf tragedy also brought to light the incredible mismanagement of the federal offshore drilling program run by the Minerals Management Service (MMS) (now BOEMRE), particularly in Alaska.

Historically, decisions regarding where and when to drill have been made by MMS with minimal environmental review and without substantive consultation from agencies with expertise in ocean science (such as the National Oceanic and Atmospheric Administration) and those that also respond to spills (Environmental Protection Agency and U.S. Coast Guard). Overall, oil spill contingency planning has overstated response capacity and set unrealistic goals. The Gulf oil spill highlighted many of these issues. As a result, President Obama created the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, a group tasked with producing recommendations on how we can prevent -- and mitigate the impact of -- any future spills that result from offshore drilling.

The Commission released its final report and recommendations in early January 2011. The report not only addressed problems with offshore oil drilling in the Gulf, but also made recommendations regarding drilling in the Arctic Ocean. The Commission specifically concluded that there are "serious concerns" and "special considerations" regarding Arctic drilling and oil spill response. Key recommendations by the Commission are highlighted below:

1. **BOEMRE needs to gather missing data to inform its Arctic Ocean management decisions.** For frontier areas like the Arctic, the Commission calls for collection of "data on prevailing environmental conditions on a broad geographical scale, not just at individual lease sites."ⁱ In addition, the report recommends "an immediate, comprehensive federal research effort to provide a foundation of scientific information on the Arctic."ⁱⁱ
2. **BOEMRE should address the lack of spill response preparedness before approving drilling plans in the Arctic Ocean.** The Commission report explains: "The remoteness and weather of the Arctic Frontier create special challenges in the event of an oil spill."ⁱⁱⁱ The Commission made three recommendations regarding what should be considered before BOEMRE approves plans:

- Interior should ensure that the spill response plans proposed by industry are adequate for each activity they undertake and the underlying financial and technical capabilities have been satisfactorily demonstrated in the Arctic.
 - The Coast Guard and the oil companies operating in the Arctic should carefully delineate their respective responsibilities in the event of an accident, including search and rescue, and then must build and deploy the necessary capabilities.
 - Congress should provide the resources to establish Coast Guard capabilities in the Arctic, based on the Coast Guard’s review of current and projected gaps in its capacity.^{iv}
3. **The United States needs to strengthen its application of the National Environmental Policy Act to oil and gas decision making, especially in the Arctic.** The Council on Environmental Quality and the Department of the Interior should revise and strengthen the NEPA policies, practices, and procedures to improve the level of environmental analysis, transparency, and consistency at all stages of the OCS planning, leasing, exploration, and development process.^v
 4. **The Department of the Interior needs to strengthen interagency consultations in the OCS oil and gas decision-making process.** The Commission specifically recommends “...expanded coordination and cooperation on scientific research efforts with NOAA, the U.S. Geological Survey, and other agencies with relevant expertise [that] can improve the quality of science available for OCS decision-making.”^{vi}

Conclusion

Despite well-known challenges facing any spill response in the Arctic Ocean, Shell’s proposed plans for exploration in the Arctic’s Beaufort Sea and its oil spill response plans are severely deficient. Before any oil and gas activities are allowed to take place in the Arctic’s challenging frontier area, it is imperative that the Commission’s recommendations be fully addressed and applied.

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ⁱ National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, *Deep Water: The Gulf Oil Disaster and the Future of Offshore Drilling Report to the President at 263* (January 2011) (Commission Report or Report), *available at* <http://www.oilspillcommission.gov/final-report>.

ⁱⁱ *Id.* at 303.

ⁱⁱⁱ *Id.* at 303.

^{iv} *Id.* at 304.

^v *Id.* at 262.

^{vi} *Id.* at 263.