

ALASKA WILDERNESS LEAGUE * EARTHJUSTICE

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Offshore Drilling Reform Must Not Leave Alaska Out in the Cold

WASHINGTON – Today, as oil gushes into the Gulf of Mexico for the eighty-fifth day, the House Natural Resources Committee will take an important step toward the critically needed overhaul of offshore drilling regulation as they mark up the Consolidated Land, Energy, and Aquatic Resources Act of 2010 (CLEAR Act). The CLEAR Act contains revisions to the oil and gas development process that are key to ensuring potential development in our oceans, especially in the fragile Arctic environment, takes place only after sound scientific review and careful environmental consideration. The bill would improve environmental review throughout the process, promote alternative energy development, and fully fund the Land and Water Conservation Fund, the Historic Preservation Fund, and the Ocean Resources Conservation and Assistance Fund.

The *Deepwater Horizon* tragedy has spurred quick Congressional action on offshore oil and gas reform, and during this important time there are several provisions that are key to ensuring that in areas such as Alaska – home to some of our nation’s most unique and fragile natural treasures – the right decisions based on sound science are made before environmental damage is done.

The failures at Minerals Management Service, and their affects in the Gulf and Alaska, illustrate the need for an overhaul of the agency that allows science to guide the process. Ultimately, comprehensive legislation is needed to establish a new management system that protects the health and sustainability of our oceans ecosystems as a whole, rather than focusing primarily on the development of offshore oil and gas resources. The former MMS office in Alaska has repeatedly failed to analyze and disclose the effects of proposed offshore oil projects in Alaska – particularly in America’s Arctic Ocean.

The Government Accountability Office released a report earlier this year that shows that Alaska’s MMS office has long been plagued with a range of problems – from withholding key information from environmental analysis staff to the suppression or alteration of science on environmental issues.

“The BP spill in the Gulf has given all these problems a new urgency as we watch with horror what happens when oil companies are allowed to do as they please,” said Kristen Miller, director of government affairs for Alaska Wilderness League. “We must not move forward on making decisions about potential development in America’s Arctic until all lessons from the BP spill have been applied to our regulatory system, until oil spill prevention and response technology is proven on-the-ground for real world conditions, and until there is enough information in place to ensure that we can protect our nation’s only Arctic ecosystem.”

“As the BP disaster has shown us, offshore oil drilling remains a hazardous threat to our oceans and our coastlines,” said Jessica Ennis, Legislative Associate for Earthjustice. “We need caution, not carelessness, in any offshore drilling plan. Much more science is required before any plans to drill in the sensitive waters of the Arctic Ocean can proceed. Congress has a tremendous opportunity to step up environmental protections in the law and ensure that a tragedy such as that which occurred in the Gulf of Mexico never happens in our Arctic Ocean.”

In order to more fully address the problems that continue to plague the federal government’s oversight of offshore drilling in Alaska and elsewhere, Congress should make the following additional changes to current law as this process continues:

- Congress should establish that basic scientific study and information should be completed before areas can be leased or drilled, something which is particularly important for places like the Arctic Ocean where major fundamental information gaps about the environment and affected species remain.
- The law should be strengthened to ensure full compliance with the National Environmental Policy Act (NEPA) at all stages of the offshore process, especially in frontier areas such as the Arctic, in areas in which the new technology is being used, or in situations where there could be significant impacts to the ocean and coastal resources. The public should be able to review and comment on the agency’s proposed decisions and key agencies such as the Commerce Department must be given more meaningful opportunities to shape the environmental review.
- The law should require that lease sales be small and specific enough to ensure that environmental effects can be more accurately assessed while still considering the greater ecosystem.
- Rather than getting an exclusive right to explore and develop upon obtaining a lease, companies should simply get an exclusive right to submit plans that could be approved if the companies can prove that they can drill without harming the environment. Changes should make clear that the Secretary can deny plans and cancel leases if companies cannot meet this standard, without having to pay exorbitant sums to oil companies.
- The law should clarify that judicial review of the Secretary’s compliance with NEPA is available at the 5-year program stage, as it is at other stages of the OCSLA process.
