

Chukchi Sea Lease Sale 193

The Chukchi Sea

The remote and pristine Arctic Ocean off Alaska's North Slope is comprised of the Chukchi and Beaufort Seas. These waters are known as the least understood area in the world. The Chukchi is the Arctic's westernmost sea and supports approximately one-tenth of the world's remaining polar bear population. It is also part of the spring and fall migration routes for endangered bowhead and beluga whales, a feeding area for gray and finback whales and Pacific walrus, and an important habitat for migratory birds. The Inupiat people of the North Slope depend on the marine life of the Arctic – particularly the bowhead whale – for the survival of their ancient subsistence culture.



Sale 193 Supplemental Environmental Impact Statement (SEIS)

Under the Bush administration, roughly 80 million acres in Arctic waters were opened to unprecedented levels of environmentally risky oil and gas development as part of the 2007-2012 offshore drilling plan. Although six lease sales were scheduled under that plan, only one occurred – Chukchi Lease Sale 193 – before the plan was declared illegal by the DC Circuit Court of Appeals. In March 2010, the Obama administration cancelled all future lease sales in the Arctic Ocean, citing a lack of information to support moving forward there, and yet kept the nearly three million acre Chukchi Lease Sale 193 intact.

In July 2010, an Alaska district court ruled that the environmental analysis for Lease Sale 193 was inadequate and sent it back to the Department of Interior (DOI). According to the court, the agency had identified hundreds of instances of missing information in their Environmental Impact Statement (EIS) during their National Environmental Policy Act (NEPA) analysis. However, they failed to explain whether that missing information was important to its decision or whether the agency should or could obtain that information. The court directed DOI to redo its original analysis and fill in those important blanks before moving forward on leasing decisions.

Despite this ruling, DOI Bureau of Ocean Energy Management, Regulation and Enforcement's (BOEMRE) Alaska office – an office documented by Congress' General Accountability Office as having fundamentally flawed decision-making practices – seemed to want to keep its foot on the gas. On October 12, 2010, just a few months after the court's ruling, the office released a draft supplemental EIS (SEIS) in response to the court's order. Rather than furthering the Obama administration's commitment to sound science, however, this draft appeared designed to justify the earlier decision to hold Lease Sale 193. This draft document made an across-the-board determination that none of the missing information was essential to a reasoned choice about whether and how to lease, and thereby declined to gather any of the information. In fact,

BOEMRE acknowledged it cannot make basic assessments of the lease sale's impacts in light of data gaps, but it concluded in the draft SEIS that *not one piece of information* identified as missing in the original EIS is essential to the lease sale decision.

On May 25, 2011, BOEMRE released a second draft of a court-ordered redo of the environmental analysis for Lease Sale 193. Once again, the agency identified hundreds of instances where it lacks scientific information about the Arctic Ocean – such as the migration patterns of whales and habitat use of walrus, beluga, fish and other species – but has determined that this information was not necessary to make decisions about whether companies, like Shell Oil, could drill exploration wells. BOEMRE's second SEIS also states that a very large oil spill could occur from drilling in the Chukchi Sea. This second draft found it could take 74 days or longer to clean up a “very large spill” and that such a spill could discharge 58-90 million barrels of oil into the ocean and have a flow rate similar to the Deepwater Horizon spill.

In what has come to seem like *déjà vu*, the government released a final draft SEIS on August 18, 2011 that once again fails to take into account crucial gaps in information about this pristine, abundant marine environment. In the final SEIS, BOEMRE states “that while many statements of incomplete or unavailable information were broadly relevant to the important issues at hand, none were essential for a reasoned choice among alternatives.”

The final SEIS also ignores the U.S. Geological Survey's Arctic Science Initiative, released in June, that exposes huge gaps in information about the Arctic Ocean – from simple species counts of marine mammals such as the threatened polar bear and the endangered bowhead whale to information about currents and tidal systems. It is critical that this missing information is gathered before the lease sale is deemed complete. A final decision on the lease sale is expected in October 2011.

Following are several examples of missing information about the Chukchi Sea:

Specific Basic Science:

- * **Beluga Whales:** Fall and late-summer migration patterns are largely unknown and winter migration and feeding areas are completely unknown. In the original EIS, BOEMRE justifies the lack of information on beluga whales with this: “Much information is already known on the general *habits of the many species of birds* [sic] that use the Chukchi Sea.” Beluga whales are most definitely not a species of bird. The only update provided in the draft released in May stated: “Significant impacts could occur to belugas and/or walrus through the loss of large numbers of individuals in the event of a large oil spill,” and then referred to the original EIS.
- * **Bowhead Whales:** Most information about feeding and migration is based on studies in the Beaufort Sea even though the leases under consideration are in the Chukchi Sea. The May draft SEIS talks about the impact of a spill on endangered species: “In the event of a VLOS [Very Large Oil Spill,] significant effects on endangered cetacean species (including bowhead, fin, and humpback whales) and polar bears could occur through several mechanisms, specifically inhalation of toxic fumes from freshly spilled oil, loss of seasonal habitat, reduction in prey, and contamination of prey. Spill response and cleanup activities can also displace each species from important habitat areas.”
- * **Pacific Walrus:** There is no known information on the migration of this species.
- * **Marine and Coastal Birds:** Existing information is outdated or completely lacking for the Chukchi Sea. Yet, “several species or species-groups have a high probability of experiencing substantial negative impacts” and “[t]he risk that several regional bird populations could experience significant adverse impacts is high” in the event of an oil spill, according to the original EIS.

- * **Fish:** There are many environmental impacts for species of fish that BOEMRE dismisses. For example, the original EIS talks about the impacts on discrete populations of fish: “Given a lack of contemporary abundance and distribution information, large oil spill effects on rare or unique species (including potential extirpation) could occur, but would likely go unnoticed or undetected.”

Collect Essential Information

BOEMRE should take actions in the Arctic Ocean that are consistent with the Obama administration’s commitment to science-based decision making. The agency must ensure that the information required for informed decision making is available, that systemic failures in regulatory oversight - made evident by the *Deepwater Horizon* accident - are addressed, and new decisions, including whether to cancel, amend, or affirm Chukchi Sea Lease Sale 193, are made taking into account what we have learned. BOEMRE's first priority must be protecting the wildlife and people whose survival is linked to the Arctic Ocean.

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