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1026 W. 4th Ave., Suite 201 Anchorage, AK 99501 (907) 276-4244 (907) 276-7110 Fax Email: ecolaw@trustees.org
Web address: www.trustees.org

May 1, 2008

Via U.S. Mail and Facsimile: (202) 208-7242

Mr. Randall B. Luthi, Director
Minerals Management Service
U.S. Department of the Interior
1849 C Street, N. W.
Washington, D.C. 20240

Via U.S. Mail and Facsimile: (907) 334-5202

Mr. John Goll, Regional Director
Minerals Management Service, Alaska Region
3801 Centerpoint Drive, Suite 500
Anchorage, AK 99503-5820

RE: North Aleutian Basin, Proposed Oil and Gas Lease Sale 214, Call for Information and Nominations and Notice of Intent to prepare Environmental Impact Statement, issued April 8, 2008

Dear Mssrs. Luthi and Goll:

This letter is submitted on behalf of Nunamta Aulukestai, Alaska Wilderness League, Center for Water Advocacy, Defenders of Wildlife, Pacific Environment, The Wilderness Society, and World Wildlife Fund to address the Minerals Management Service's ("MMS") simultaneous Call for Information and Nominations ("Call") and Notice of Intent ("NOI") to prepare an Environmental Impact Statement ("EIS") for the proposed oil and gas Lease Sale 214 in the North Aleutian Basin. This simultaneous process does not make sense for proposed Lease Sale 214 for the reasons identified below. As such, we request that MMS rescind the NOI until information is gathered from industry and others in the Call, and various scientific research projects and studies are complete.

As you know, the Call is used to identify the proposed sale area, help identify areas of potential oil and gas development, identify potential environmental effects and potential use conflicts, assist in the scoping process for the EIS, develop possible alternatives to the proposed action, develop lease terms and conditions/mitigating measures, and identify potential conflicts between oil and gas activities and the ACMP. 73 Fed. Reg. ("Call/NOI"), 19095, 19096 (April 8, 2008). As MMS states, it

uses the information submitted in response to the Call for several purposes. Expressions of industry interest are used to further define the areas of potential for oil and gas development. Comments on possible environmental effects and multiple-use conflicts are used to analyze environmental conditions in and near the Call area.

Leasing Oil and Natural Gas Resources: Outer Continental Shelf, U.S. Dept. of the Interior, MMS, p. 17 (Feb. 13, 2006).

The NOI, on the other hand, seeks comments on the scope of the EIS, including significant issues to be addressed, reasonable alternatives, potential mitigation measures, and relevant information that should be considered. Call/NOI at 19096. As a result of scoping, MMS must “determine the scope and significant issues to be analyzed in depth in the [EIS],” “identify and eliminate from detailed study the issues which are not significant . . . ,” and “indicate the relationship between the timing of the preparation of the environmental analyses and the agency’s tentative planning and decisionmaking schedule.” 40 C.F.R. § 1501.7(a)(2), (3), and (7).

While MMS may have conflated these processes in other cases, it does not make sense to do so in this case. As the Alaska Region of the National Marine Fisheries Service (“NMFS”) stated in its April 10, 2006, Comments on MMS’ Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2007-2012,

[T]he proposed leasing schedule is unrealistically ambitious and would not allow for necessary environmental research to support NEPA analysis and MMS’s leasing process. The [Alaska Region] recommends deletion of these areas and initiation of a comprehensive research program to support future plans subsequent to the 2007-2012 plan. (emphasis added)

NMFS’ comments emphasize the significant sensitivity of the lease sale area and MMS’ inability to justify a lease sale during this planning period.

The lack of adequate scientific information leaves the public at a loss to participate in a meaningful way in the scoping process. As it stands, the public has information about the purported area of interest for leasing (5.6 million acres leased in Lease Sale 92), but it must synthesize other raw data in order to provide informed scoping comments for an EIS. Thus, the information gathered with the Call provides important information that would be useful to the public in providing scoping comments.

The lack of scientific information also was highlighted in the Call/NOI: MMS and NMFS began collaboration on a study of the North Pacific right whale in 2007; MMS contracted to modify an ice-ocean circulation model for Bristol Bay; MMS proposed research in fiscal year 2008 on subsistence food harvest and sharing activities, studies of juvenile and maturing salmon, and nearshore mapping of juvenile salmon and settling crab; and MMS has also proposed studies for fiscal year 2009. Call/NOI at 19096. This significant information is necessary for the public to provide informed scoping comments.

In addition,

Recoveries of coded-wire tags from salmon taken in the Bering Sea and Aleutian Islands Groundfish Fisheries indicate that there is a potential for ESA-listed stocks from the Lower Columbia River and the Upper Willamette River to be taken in the BSAI groundfish fisheries. The tagged fish recovered were surrogate fish for these ESA-listed stocks.

Studies of salmon bycatch in the BSAI groundfish fisheries have shown salmon from the Pacific Northwest may spend portions of their lifetime in the Bering Sea and are vulnerable to being incidentally taken in the BSAI groundfish fisheries.

Melanie Brown, Fishery Program Specialist, NMFS (personal communication, April 30, 2008). The scoping process should therefore be delayed until these ongoing genetic studies determine the extent of the use of the Bering Sea by ESA-listed salmon stocks.

Further, MMS has committed to obtaining and analyzing information before proceeding with proposed Lease Sale 214. *See Petroleum News*, "Oil and gas development could reinvigorate Alaska's Bristol Bay region," Alan Bailey (March 30, 2008) (John Goll, director of the MMS Alaska region said, "What we are starting here is really a long process ... looking at all of the issues, and decisions on whether the sale will be held or not will not be made for about two years or more."); KTUU News Broadcast, Steve MacDonald, "Feds reveal plan for Bristol Bay oil, gas lease sale" (April 8, 2008) ("It is going to take us a couple of years to sort through whether to have a sale in this area or not," said Alaska Regional Director for the Minerals Management Service John Goll. "They and we want to make sure it can be done properly -- if it can be done properly.")

Since the information gathered in the Call will inform the scoping process in that MMS and the public will better know the areas of industry interest and more time will result in more scientific information being available to MMS and the public, decoupling the Call/NOI will result in a more informed and focused scoping process. In addition, because MMS has noticed the Call early in the 2007-2012 planning process, there may be sufficient time to gather sufficient information to carry out the EIS process for the anticipated 2011 lease sale.

Moreover, there are environmental justice concerns with proceeding too hastily with this lease sale process. As the U.S Environmental Protection Agency ("EPA") noted in its December 27, 2006, Comments on Draft EIS: Chukchi Sea Surveying Activities in the Chukchi Sea Planning Area, Oil and Gas Lease Sale 193 and Seismic,

EPA recognizes that the voluminous amount of information that has been prepared in various NEPA documents for oil and gas activities in the Alaska Arctic, both onshore and offshore, throughout 2006 has put a strain on local communities' abilities to adequately review and respond to proposed activities that directly affect their quality of life and, in particular, their subsistence way of life. In recent weeks public input has been solicited for the Beaufort Sea Oil and Gas Lease Sale 202 EA and Finding of No Significant Impact, the MMS OCS 5-

Year Program for 2007-2012 and the accompanying 5-Year Program Draft EIS, the NOI for a Programmatic EIS for seismic activities in the Chukchi and Beaufort Seas, an NOI for a Supplemental EIS for the Northeast National Petroleum Reserve-Alaska (NPR-A) Integrated Activity Plan, and this Lease Sale 193 Draft EIS. The public review and comment periods have at times occurred during critical whaling and other subsistence activity seasons when many of the key individuals in the communities were likely unavailable, and they have all occurred in such rapid succession that thoughtful and meaningful reviews, which the agencies ask for and expect, have undoubtedly been constrained. More importantly, it is understandable that the pressure to review, comment on and ultimately live with the rapid pace of industrial activities creates stress and other adverse impacts to individuals living in the area. The Draft EIS does not present adequate information to support the statements about the urgency to conduct Lease Sale 193 at this time. EPA recommends that the MMS reconsider the proposed schedule for the lease sale, the accompanying NEPA process requirements, and the myriad of other overlapping resource development planning processes that are currently underway in the area and strive to achieve more balance in the (sic) both the planning schedules and in the impacts to residents' daily lives.

These same issues exist in Bristol Bay. The Call/NOI comes at the beginning of the fishing season, which constrains the ability of local communities and individuals to provide scoping comments. It also comes before any significant information is available about the human health impacts of proposed oil and gas exploration, development and production activities in the area.

In sum, there is simply no need to stunt the important environmental and public review process surrounding Lease Sale 214. We thus request that MMS rescind the NOI while letting the Call process and scientific information-gathering continue until at least early 2009.

If MMS decides to proceed with the process as it has been noticed despite the myriad reasons for decoupling the Call/NOI processes in this case, the deadline for scoping comments should be extended until November 2008 with scoping hearings to be held in the fall (late September/October). The July 7, 2008, scoping comment deadline falls in the middle of fishing, hunting, and subsistence activities: (1) the herring fishery is in May (underway); (2) sockeye and king salmon fishing occurs for a month or more in June and July; (3) the subsistence moose hunting season is August 10th to September 10th; (4) the caribou hunting season is after September 10th; and (5) subsistence berry picking occurs as the berries ripen, but most intensively between fishing and moose hunting. Thus, any scoping hearings between now and July 7, 2008, will provide little notice during a very busy time for local communities that are gearing up for subsistence activities, and a comment deadline of July 7, 2008, marginalizes and severely limits the comments from the communities most affected by Lease Sale 214.

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We appreciate your attention to this matter and look forward to a response by May 22, 2008. If you have any questions, please don't hesitate to call me at (907) 276-4244, ext. 110.

Very truly yours,



Vicki Clark, Legal Director
Trustees for Alaska

Terry Hoefflerle-Executive Director
Nunamta Aulukestai

Cindy Shogan, Executive Director
Alaska Wilderness League

Harold Shepherd, Executive Director
Center for Water Advocacy

Richard Charter, Co-chair, National OCS Coalition
Defenders of Wildlife

Whit Sheard, Alaska Program Director
Pacific Environment

Eleanor Huffines, Alaska Regional Director
The Wilderness Society

Margaret D. Williams, Managing Director, Bering Sea Program
World Wildlife Fund

cc: Ted Boiling, General Counsel, Council on Environmental Quality