

Alaska Native Claims on Oil Land

The filing of the Alaska Native Land Claims in 1968 put a cloud on the title of all land in Alaska. Going back to the original understanding of Congress that the Natives of Alaska were not to be disturbed in the use and possession of their lands, the Native organizations were able to bring about a land freeze in 1968 until the claims were settled by Congress. At that time, the oil industry supported the Native Land Claims, which was finally resolved in 1971 and opened the way for further development and the construction of the Trans-Alaska
(See BEAUFORT, Page Eight)

It was in 1974 that the Governor first proposed the sale of the Beaufort Sea tracts. But because of unresolved ownership claims in the offshore area, action on the sale was delayed until 1977 when the State and Federal government agreed to have a joint sale while the dispute is being still resolved in court. The sale was first scheduled for February, 1978, and later set at December, 1979.

The Point Thomson Sale

In March, 1978, the State announced a 5-year schedule for oil and gas leasing in Alaska, calling for a limited acreage sale in the Point Thomson area in October, 1978, and a second Beaufort Sea sale in April, 1982. After conducting hearings in various North Slope communities, the state postponed the sale. Factors affecting this decision were strong opposition by the villages and the North Slope Borough.

Federal and State Leasing Responsibilities

In 1953 Congress passed the Outer Continental Shelf Lands Act which put the Secretary of Interior in charge of developing the Offshore areas. The Interior Secretary formulated three major goals for the OCS program:

- a. The orderly and timely development of mineral resources to meet the energy demands of the nation.
- b. Protection of the marine and coastal environment.
- c. Receipt of a fair market return for lease mineral resources and rights conveyed.

In 1978 the OCS act was revised to compensate for fishing gear damaged or other losses from OCS operations. Further, the act requires the Interior Department to coordinate and consult with governors and local government officials in regions that might be affected by OCS leasing and operations. Further, the Act authorizes the Secretary to enter into cooperative agreements with affected States for such things as jointly exchanging information and available expertise, facilitating permitting procedures, joint planning and review, and forming joint surveillance and monitoring agreements regarding OCS oil and gas operations, both onshore and offshore. The revised act also requires the Secretary to enforce the standards of the Clean Air Act, and to require the use of best available and safest techniques.

Project coordination

The DEIS introductory material ends with a section on the relationship between the Beaufort Sea proposal and other on-going projects. Among them listed the following:

1. The Alaska Natural Gas System: Any gas produced from this proposal probably would be shipped through the proposed Alcan gas line along with the dominant Prudhoe Bay gas.
2. The Trans-Alaska Pipeline. Any Beaufort Sea oil would be fed into this pipeline in the late 1980's or early 1990's when Prudhoe Bay production is expected to decline. Here the DEIS appropriately points out the significant "discounts" to oil royalties that would appear as a result of the "West Coast oil glut" in the case that it still exists.
3. State of Alaska's 5-year Oil and Gas Leasing Schedule. This 5-year plan has been drawn up by the Commissioner of the State Department of Natural Resources and submitted to the Advisory Committee on Oil and Gas Leasing, but has not yet been submitted for public comment before submission to the Legislature.
4. The Prudhoe Bay Oil and Gas Development. Because the area of the proposed sale is adjacent to the Prudhoe Bay field, the proposed development will be an extension of that field and will use the Prudhoe Bay facilities to a large extent.
5. National Petroleum Reserve-Alaska. This area covers about half of the North Slope and contains excellent oil and gas possibilities. In theory, NPR-A gas or oil might be transported through the Trans-Alaska or Alcan Pipelines.
6. Arctic National Wild-

life Range Management Plan. The Wildlife range was established as an environmental preserve in 1960. Possible changes in its status as a result of D-2 legislation in Congress puts this whole area up in the air regarding oil and gas exploration.

7. Arctic Slope Regional Corporation Oil and Gas Leasing. ASCR has title to 4.3 million acres on the Slope. During the past year, it drilled three unsuccessful wells—two in the foothills and one at Eagle Creek. Another well will be drilled soon.

8. The Alaska Coastal Management Program. According to Federal legislation, any Federal permitting or licensing action will have an impact on the State's coastal properties must be consistent with the rules and provisions of the State's coastal program. Alaska's coastal program is expected to be approved by the spring of 1979.

9. The North Slope Borough Coastal Zone Management Program. Although absent at this point in the report, it is covered later on. The NSB has already issued its Phase One of its CZM program covering the area between the Colville and Canning Rivers. The Borough's recommendations greatly limit the area available for lease (See map).

The decisions to be made on the proposed sale are important not only for the state and nation in the area of environmental protection and energy development, but especially for the democratic process of cooperating planning. The citizens of Alaska

that will participate in the upcoming hearings will have a lot to say about the importance of local participation in planning the use of local resources. Taking into consideration all the on-going plans, proposals, and projects in their Arctic homeland, their considerations will be a considerable factor on what to do with the possible resources lying under the Beaufort Sea.

As one reads through the more than 500 pages of the Beaufort Sea Draft Environmental Impact Statement (DEIS)—complete with a packet of 11 full-color maps and charts—one begins to wonder why the Department of Interior went to all the trouble (and taxpayers money!) to produce such a document. The first impression is that it was written in great haste merely to meet a deadline. The second impression is that it was edited by people who are far removed from the subject matter and even from the sources they are referring to. The document is badly written, filled with errors of every sort, and although it attempts to be candid about the prospects of the lease sale coming up in December, it should not be used as a basis for any serious discussion.

EIS Process Faulty

The reason for such a document is that it is a legal requirement which must be filed before state and federal officials decided what to do about the Beaufort lease sale. Required by the National Environmental Policy Act (NEPA) of 1971, the EIS process was intended as a decision-making tool. But with the coming of Nixon's "Project Independence," aimed at making the U.S.

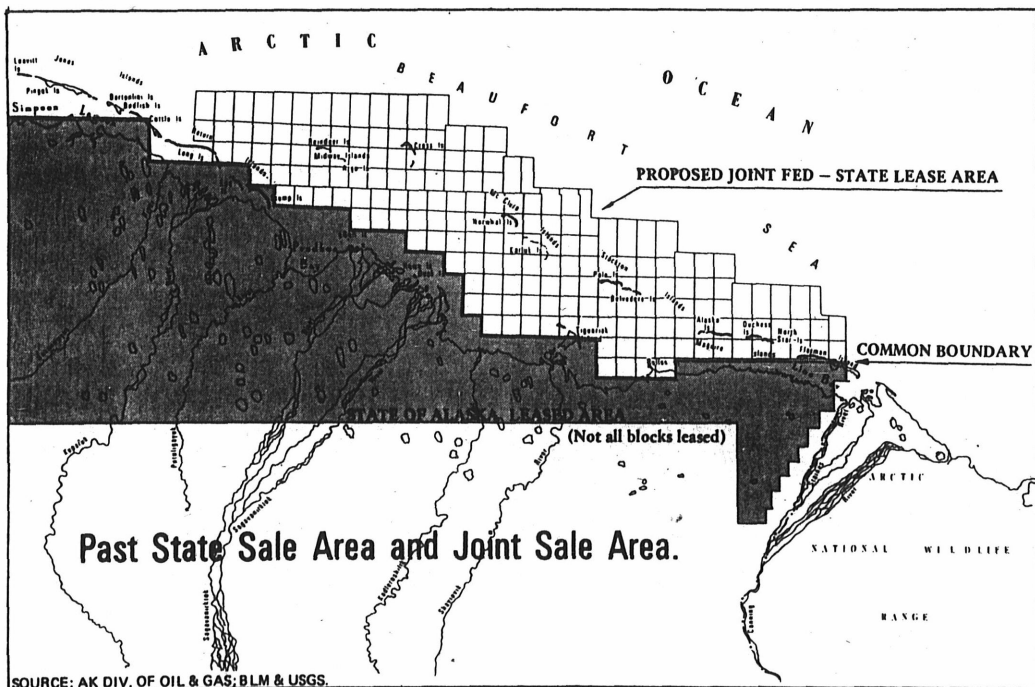
quickly energy independent, it was quickly gutted by Congress. That happened in 1973 when Vice-President Spiro Agnew cast the deciding vote that cut through NEPA requirements and opened the way for the construction of the Trans-Alaska Pipeline. From that point on, the EIS has been merely a disclosure tool of limited value.

The Story of OCSEAP

Included in the rushed energy program was a new urgency, to develop the oil and gas in the Outer Continental Shelf which had been delegated to the Bureau of Land Management (BLM) of the Department of Interior in 1953. In 1974, deciding that it was not equipped to conduct basic research, BLM approached the National Oceanic and Atmospheric Administration (NOAA) of the Dept. of Commerce to do the research necessary for the offshore EIS statements. The headquarters of this new program, the Outer Continental Shelf Environmental Assessment Program (OCSEAP) was located in Boulder, Colorado, with an Alaska Project Office in Fairbanks.

The Alaskan Offshore Research

Since 1975, the Alaskan OCSEAP program has employed some 55 principle researchers of different disciplines in about 60 Beaufort research projects utilizing some 400 personnel at a cost of \$20 million. This effort has resulted in the publication of about 180 papers of original research in the Bulletins of the Alaska Project Office. Two Beaufort Synthesis meetings of the researchers involved were held in order to help decide which areas of inquiry needed more attention. These inter-disciplinary meetings were held in 1977 (See BEAUFORT, Page Nine)



The area of the proposed Beaufort Sea Federal/State lease sale. Residents of the North Slope will be asked for comments on the sale at hearings next month in Kaktovik, Nuiqsut, Barrow, and Fairbanks. It is expected that between 500 million and 1,250 million barrels of oil are in the area of the proposed sale and between 875 billion and 3,125 billion cubic feet of natural gas.

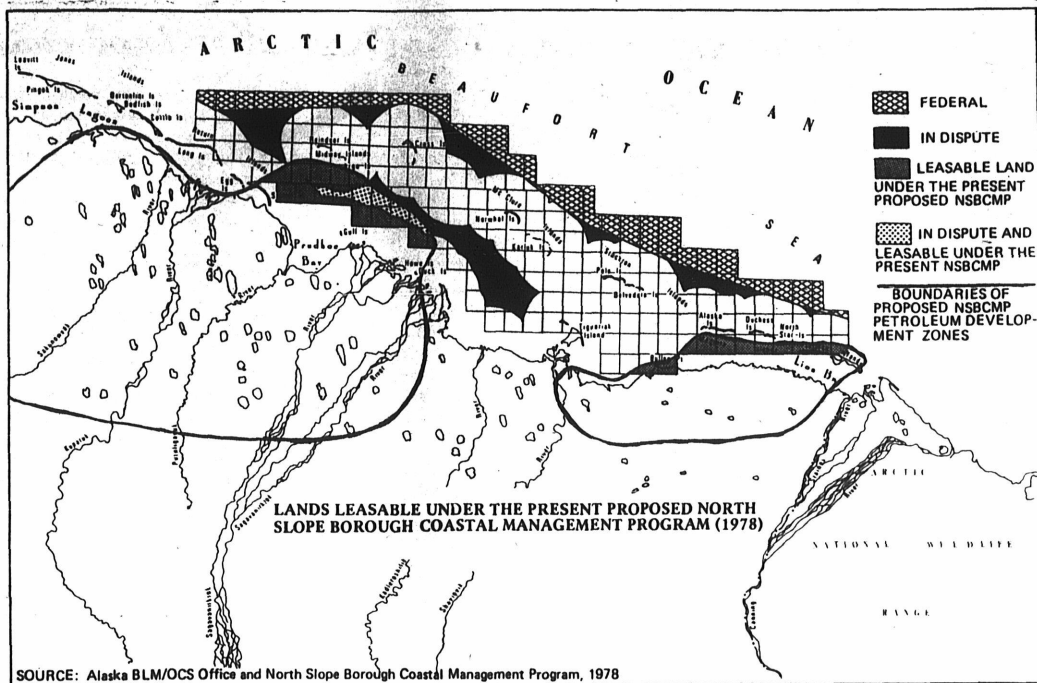
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(Continued from Page Eight) and 1978 and again resulted in important publications.

The importance of the OCSEAP effort cannot be denied in planning for the Beaufort Sale. In 1976, for example, the Project Office published in their #11 Bulletin a paper entitled "Prototype Beaufort Sea Technology Scenario" by Edwin S. Clarke which was a study of how the oil and gas industry would go about the exploration and development of the Beaufort Sea. On the basis of this study, Pat Dobey, then the Petroleum Manager of the State Department of Natural Resources approached the Federal Government and persuaded it to restrict the sale from the previous acreage that extended to the edge of the shelf to the present limits. Dobey also relied on OCSEAP information to write his State pre-leasing regulations which have since been ignored by the new chief of the Division of Minerals and Energy Management, Tom Cook.

OCSEAP Research Ignored

The plan was, of course, that the results of all this research—regarding ice movement and mechanics, arctic industry technology,



The outlined area on this map shows the areas suitable for leasing in the Coastal Zone Management Plan of the North Slope Borough. It is the position of the Borough that the sale should be delayed until oil operators have developed and demonstrated environmentally safe technologies in the Prudhoe Bay lease area.

oceanography, sedimentation, permafrost, marine mammals, birds, and other marine biota, and the many other important areas of concern—would somehow be reported or at least reflected in the Beaufort Draft EIS statement. In comparing the documents, however, one cannot help but

conclude that the BLM editors of the EIS mistreated the original research, did not understand it, or failed to even read it. The Clarke paper referred to above, for example, is not even mentioned in the bibliography. One wonders why the OCSEAP Synthesis Report itself was

not more directly utilized by the DEIS and even included as an appendix.

An Exercise in Biomythology

It is because of this carelessness that the DEIS has been labelled as an exercise

in biomythology. Would not the OCS program be better served by more fully utilizing these credible research papers which certainly are more clearly written products than the revisions of the BLM editors?

The packet of eleven (See BEAUFORT, Page Eleven)

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four-color maps which make up Volume III of the DEIS offer the most apparent examples of the liberties taken with research (It should be pointed out that the Department of Interior makes no claims as to the accuracy of its maps. There is a disclaimer on the bottom of each which reads: "ATTENTION USER: This visual graphic has been prepared for an environmental impact Statement from existing sources and is NOT a produce of original scientific research...THE BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF INTERIOR, does NOT guarantee the accuracy to the extent of responsibility or liability for reliance thereon.)

Properly forewarned, the reader is confused on Graphic #1, Environmental Geology, with some arrows pointing off in opposite directions with the inscription, "Area of Potentially Higher Than Normal Formation Pressures (Question Marks are in Areas with Few Observations)." These graphic descriptions are unintelligible to the average person.

The confusion is compounded on Graphic #2, Marine Food Web Sources, on which the arrows designated for showing 1) erosion of coastal peak banks and 2) river changes that contain nutrients get switched on the maps with the result that the Canning, Sag, and Kavik Rivers are shown eroding the coastal peak banks and large river discharges where there are not rivers at all.

These are simple mistakes and easier to explain than the designation of the Narwhal Island Boulder field on the same map. The Boulder Field is a relatively recent discovery, a real oasis of sea life amid the flat and silt-laden bottom of the Beaufort Sea. It lies in the middle of the proposed sale area and should be vigorously protected pending further study on its importance in the Beaufort food chain. The map delineates only part of the Boulder Field, ignoring the research provided by OCSEAP studies which show it extending into several other blocks.

Graphic #4 is titled "Bird Resources" but obviously refers to only some marine

waterfowl and leaves out other important species such as cranes, loons, geese, brant, ptarmigan, owls, and the peregrine falcon. This last oversight may be explained by the fact that the peregrine habitat is listed on Graphic #6, entitled "Terrestrial Mammals!" The Terrestrial Mammal map notes, remarkably, that the arctic fox and grizzly bear have been sighted only in the immediate vicinity of the Prudhoe Bay oil fields.

Graphic #7, Food Web Matrix, is probably the most defective chart in the bunch, with glaring mistakes evident even to the non-professional. It is a cross-referenced graph lining up prey and predator. For one thing, the raven is served up the longest list of prey, exceeding the appetite of the wolf, wolverine, bear, and fox all put together. Included in the long list of unfortunate prey of this "killer" bird are caribou, moose, fox and seal!

Invertebrate Importance Ignored

A much more serious omission on this chart is its failure to properly relate the invertebrate population to one another or to relate it to the vertebrate population at all. Predator relationships are much more intensive on

this level of sea floor organisms and the fact that they "fuel" the food systems of the vertebrates—birds, fish, and mammals—indicates that they should have been given much greater consideration. They are the types of organisms most apt to be impacted by oil development, and critical to the survival of most other arctic species.

The Land Status Map

Graphic #8 is entitled "Land Status" referring to federal and state, and native allotment ownership patterns. But it also contains detailed site-specific extractions from the North Slope Borough's Traditional Land Use Inventory (TLUI). This is an ongoing program aimed at delineating sites and areas of cultural significance to the Inupiat. This program, conducted by the Inupiat themselves, focuses on the historical knowledge and present uses of the land by the local people. This knowledge is transferred to map form at the North Slope Borough. Even at this stage of development, the TLUI represents a large area of continuous traditional land usage by the Inupiat.

One would infer from looking at the DEIS map that these few sites—chosen as

representative—are, in fact, the only Inupiat use-sites within the proposed sale area. In contrast to the details provided on this map, the TLUI lists hundreds of sites, both inland and within the lease-sale tracts themselves.

Graphic #9, Sociological Considerations - Traditional Land Usage, refers to 1974-75 data compiled by the Arctic Environmental Information and Data Center (AEIDC) for the Arctic Slope Regional Corporation land selections. This data, the compilation of which began in 1972, was the forerunner of the TLUI. Graphic #9 presents an array of data on a regional basis covering the entire North Slope Borough. What this map purports to present is the current subsistence activity areas of the Inupiat. The map falls short of this goal, however. In none of the maps is caribou land use clearly indicated. In this map, the caribou hunting areas and the other land hunting areas are highly questionable. According to the map, for instance, there is no hunting of caribou in the Barrow area or even near Anaktuvuk Pass. The sea-hunting indications are equally questionable. The map makes no distinction between the hunting of beluga or bowhead whales. It has

the residents of Point Hope whaling at Cape Lisburne rather than south of their community. And, finally, there is no mention at all of walrus hunting on the North Slope. One wonders about what possible utility such a map could have in the EIS process other than to fill up expensive space.

Lease Delay Indicated

It does little good to say that the quality of these graphs is or is not typical of the DEIS as a whole or of EIS statements in general. The fact is that these colorful and expensively-done graphics are certainly the most readable and attractive part of a long and sometimes tedious report. Because they are the part that people will become the most familiar with, they deserve the best treatment, not the worst.

The government itself is not satisfied with the Beaufort Sea DEIS and NOAA has notified the Alaska Project Office to "clean it up" before the hearings begin in Kaktovik on May 15. If the DEIS treatment of North Slope Borough information is any indication of the way other research is being handled by BLM—whether through lack of time constraints or any other reason—this only supports the argument that the lease should be delayed. The government just hasn't done its homework.