

Hearings a sham, the public is being had, Watt will go his way

By MICHAEL I. JEFFERY
Alaska Legal Services

Mr. Jeffery represented the villages of Kaktovik, Wainwright, Anaktubuk Pass the Native Village of Point Lay recently during hearings on the Draft Supplement to the Final Environmental Impact Statement on the proposed five-year leasing schedule for oil exploration.

Testimony from the rural areas of Alaska is really important for the consideration of the plans of the Department of the Interior to completely change the way offshore oil and gas leasing is done. The testimony from the village people and other North Slope residents is clear: the sales planned in the Arctic Ocean should not be held during the next five years. The government and the oil industry are moving too fast in having offshore leasing in the Arctic Ocean. The technology to drill safely and to clean up oil spills in all ice conditions may be developed over the next few years, but it is not available yet; and the people are saying that the leasing must be stopped until things can be done safely.

It is a matter of process—of how things get done. The government does not give us the choice of taking out these Arctic Ocean sales. If we have to choose among the alternatives in the Draft Supplement, the "No Action" alternative (alternative no. 3) is the best, because the proposed new lease sale schedule is far worse than what we have now. The new five-year schedule speeds up the sales in the Arctic Ocean, and it adds an extra sale in the Beaufort Sea.

The "streamlined" OCS process proposed by the new administration shows that the government is no longer interested in paying attention to the environmental and social problems that are caused by offshore leasing. The Environmental Impact Statement process established over 10 years ago is supposed to make sure that the public and the decision-maker have some idea about what will happen to local people, and to the earth, water, air and wildlife from the proposed activities.

Now we find the government admitting in the Draft Supplement that it will simply put together these EIS statements from "existing information". And these EIS statements will now cover the entire "planning area" (that means, for example, all of the Beaufort Sea!) instead of a smaller area that has a high chance of being leased.

I do not know if there are areas of the U.S. in which the existing information could be put together in a way to really show the effects from leasing huge areas offshore. But I do know that in Alaska, and especially on the Arctic Slope, this information is simply not available. Even the Draft Supplement admits that "critical" information about leasing in the Beaufort Sea and Chukchi Sea will be "lacking" in time for the environmental statements about these sales.

We are also told that new the geohazard information (which simply means how dangerous the leasing will be in a certain area) will no longer be developed by the government. The oil companies will simply be asked to find out this information before they apply for permits to go ahead with their lease activities. Not only will the information be gathered by the very organization that wants to go ahead with the project, but the information will not be available to the public for comment. The basic decision to go ahead will have been made by the government based on the sham environmental impact statements and the hearings based on the inadequate information provided by such documents.

The Draft Supplement is real clear on one point. The new schedule is going to mean a lot more oil in the water. In the Final EIS on the existing five year lease schedule we were told (on page 146) that we can expect 3.59 spills over 1,000 barrels in the Beaufort Sea, and 7.35 spills over 1,000 barrels in the Chukchi Sea during the lease activities. Such information is staggering.

But consider the information in the Draft Supplement (on page 26): because of the huge new areas opened for leasing in Secretary Watts' new schedule,

we can expect 30.69 spills over 1,000 barrels, including 10.86 spills over 10,000 barrels, in the Beaufort Sea. And we can expect 16.49 spills over 1,000 barrels in the Chukchi Sea, including 7.18 spills over 10,000 barrels. It all adds up to disaster for the whales, the fish, the marine mammals, and the birds that use the Arctic Ocean. That means a disaster for the health of the people of the Arctic, too.

Yet the government proposes to go right ahead with these plans. In recent articles in the Anchorage Daily News and the Fairbanks Daily News Miner we have read that Secretary Watt will definitely go ahead with this dangerous new leasing schedule. Governor Jay Hammond points out that Secretary Watt is "ignoring most of the state's concerns" in going ahead with the schedule.

The government seems to have abandoned any concern for a trust responsibility for the Native people affected by the drilling. And the issue of the Inupiat Eskimo title to the area of the offshore waters beyond the state's three mile limit remains unresolved.

Looking at the whole situation reminded me of the writings of the Old Testament prophet Habakkuk. He stood on the watchtower, praying about the situation of Israel, with the Babylonians sweeping across the land. The Lord answers his cry for help, showing that the Babylonians will fall:

For still the vision awaits its time; it hastens to the end

—it will not lie. If it seems slow, wait for it; it will surely come, it will not delay.... [T]he arrogant man shall not abide.

Habakkuk 2:3-4.

And that is what we are faced with here. The government is arrogantly proposing to rush ahead with the proposed leasing schedule, no matter what is said in the comments or these public hearings. And when the new "streamlined" process is in effect, the government will rush ahead with the lease sales without any meaningful effort to consider the environmental and social cost of what it is doing.

A recent comment from Don Gamble and Max Fraser of the Canadian Arctic Resources Committee about recent environmental hearings in Canada seems to apply equally well here:

Successive EAR [Environmental Assessment and Review] hearings have served more as a stage for the venting of public frustrations than an effective means of ensuring rigorous environmental assessment and control. There is every reason to believe that the concerned public is being had.