

Borough intends suit on drilling

INTENT FILED

The North Slope Borough is considering filing suit to stop new State and Federal regulations that allow year-round exploratory drilling for oil and gas in the Beaufort Sea.

North Slope Borough Attorney Harold Curran says a notice of intent to file suit has been submitted in Federal Court. This gives the Borough the option of challenging the new federal regulations at the end of 60 days.

MAYOR RESPONDS

North Slope Borough Mayor Eugene Brower also has expressed his disapproval of the new state regulations to the man who made them — John Katz, Commissioner of the

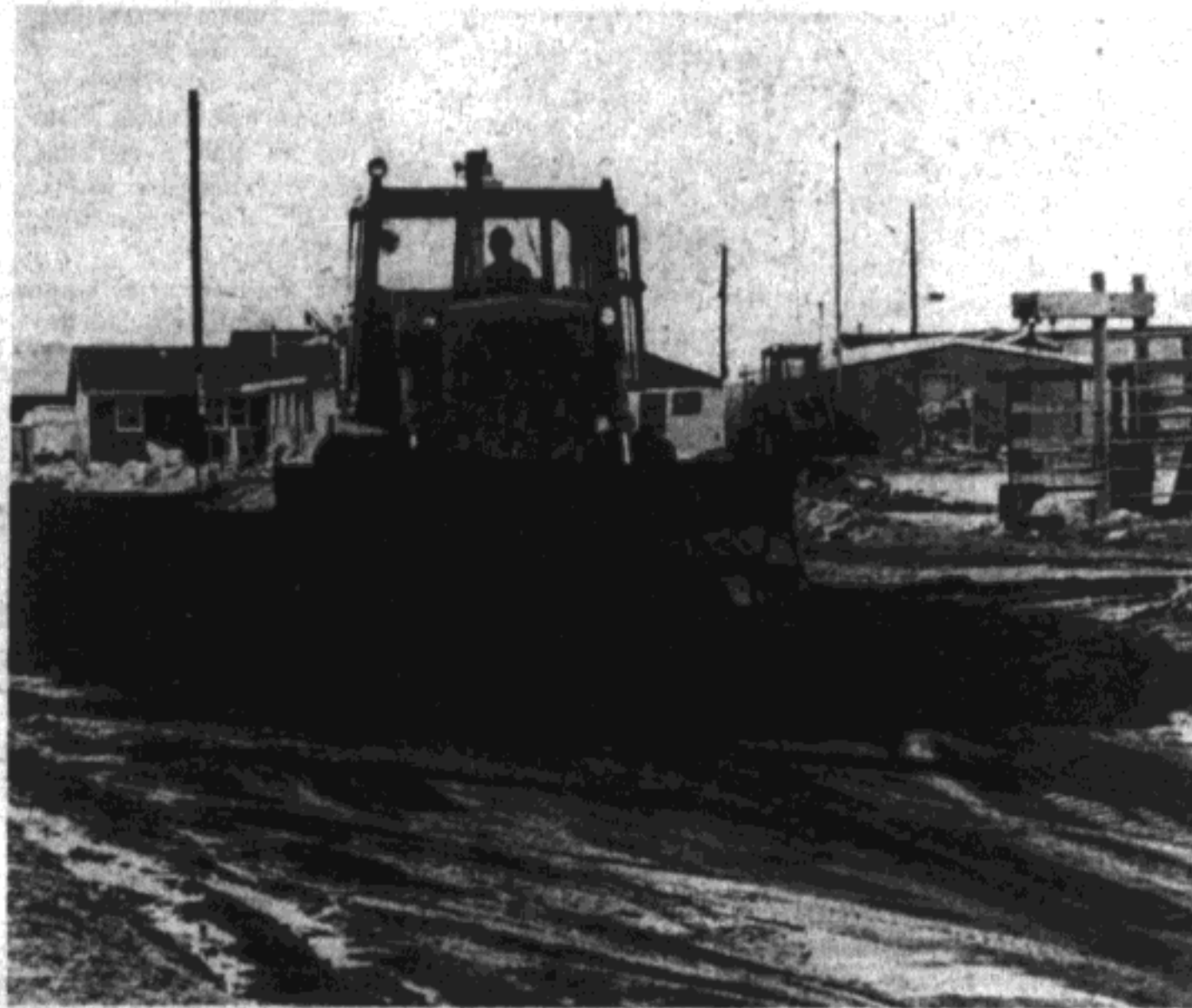
Alaska Department of Natural Resources (DNR).

In a letter sent May 17, the Mayor wrote: "I am very disappointed, dissatisfied and strongly opposed to your recent decision regarding off-shore seasonal drilling restrictions."

In asking the commissioner to reconsider, the mayor made it clear that the courts were an option, "... unless we can achieve an agreement on this issue, it appears more than likely that your decision will be addressed by our attorneys."

Katz announced the new drilling regulations for state oil leases in the Beaufort

(Continued on Page Eight)



Battling break-up — Borough crews work hard to keep Barrow streets dry and passable during the soggy spring break-up.

Borough fears drilling effects even if no oil

(Continued from Page Seven)
Sea in time to replace the original restrictions scheduled to expire this spring.

The original restrictions prohibited all exploratory drilling from March 31 to Nov. 1. This provided some protection for the marine environment, and particularly the bowhead whale, during crucial breeding and migratory months. The new state regulations remove this protection.

As Mayor Brower wrote, the commissioner's decision may win him a spot in Inupiat history, "You (Commissioner Katz) may be remembered by our children and grandchildren as the driving force behind the decline of our culture and the elimination of the bowhead whale."

THE NEW REGULATIONS

The new state regulations allow year-round exploratory drilling with just two conditions. One is that from May 15 to Nov. 1, drilling is not allowed below what is called the "threshold depth." The other is that beyond the Bar-

rier Islands, drilling must stop during the fall bowhead whale migration.

Federal government oil leases are primarily beyond the Barrier Islands and the federal regulations are similar to the state's beyond-the-islands condition. The federal government allows drilling for all but two months of the year. Those two months are in the fall, supposedly to make way for the bowhead whale migration.

ABOVE THE THRESHOLD

Summer drilling is kept above a threshold depth because geologists think the chances of striking oil above this imaginary point are slim. The state and federal governments are willing to gamble that if the oil companies drill above it, they will not hit oil.

Without hitting oil, they say, there will be no summer oil spills. However, if the geologists guess wrong and oil is discovered and an oil spill does occur, even the state admits that it may be impossible to clean up.

"The State (DEC-Depart-

ment of Environmental Conservation) believes that lessees (oil companies) do not currently possess adequate capability to clean up oil in broken ice," reads an excerpt from the new DNR drilling regulations.

BEYOND THE THRESHOLD

Even if oil is not struck above the threshold level, noise and other disruptions that come with drilling operations may harm the marine environment. "Whenever you have drilling, you have noise," says Attorney Curran. "That noise may cause problems as serious as any oil spill for migrating whales or existing marine life. We really don't know what harmful effects occur."

The Alaska Supreme Court reached the same conclusion in a recent ruling on the original 1979 Beaufort Sea Oil and Gas Lease Sale.

Regarding the purpose of the old restrictions banning summer drilling, the High Court writes, "... what is known about the whales is that they are definitely not present in the lease area

during the winter months when drilling is to be allowed. In addition, the March 31 cutoff allows approximately 60 days for conducting any necessary oil clean-up operations following a spill ..."

No longer will there be any 60-day period for oil clean-up. A fact which makes even the fall ban on drilling beyond the Barrier Islands during the fall whale migrations, too little, too late. Or as Mayor Brower put it in his letter to Commissioner Katz, "The limited fall drilling and testing restrictions are not adequate to protect the bowhead from negative impacts."

"If they can do it, cleaning up an oil spill will take time," says Curran. "When do you stop the drilling to assure that no oil will be on the surface when the fall whales migrate? The day whales are seen? Two days before? A week? A month?"

OTHER OPTIONS - TOO LITTLE, TOO LATE?

Short of a law suit or a drastic change in the new regulations, Curran sees a strong

Borough role in the implementation phases of the new regulations as the only other hope for some protection for the bowhead whale.

In this regard, the state has called for a study of the effects of "noise and other disturbances on the bowhead whale behavior and on the migration." The study is to be made in consultation with the National Marine Fisheries Service (NMFS) and is contingent on "adequate funding and trained personnel."

This year the NMFS cut off all funding for bowhead whale census operations. This supports the opinion of Mayor Brower that the noise study will, once again, prove too little, too late.

"I submit that adequate federal and state personnel will not be available to implement the study or the program, and I seriously question the ability of the state and federal governments to develop and implement a study and program in a timely manner. When the necessary agreements are finally reached, it may be too late."