

A Cloud remains on Beaufort Sea oil and gas lease sale

The Beaufort Sea Lease sale happened on schedule on December 11, 1979. The total amount of high bids received by the state and federal governments was \$1,059,119,635.02. The federal government reviews the bids for up to 60 days (30 days on antitrust issues and 30 days on economic issues) and the state government will issue leases in 30 days or less.

But there is a cloud on the sale. On December 7, Federal District Court Judge Aubrey Robinson decided that the North Slope Natives and environmental groups had made a "substantial showing" that the sale violated several federal laws. He said that he would allow the sale to happen, but he scheduled a final hearing on the case on January 3, 1980, and he said that he reserved the power to cancel any leases under federal control.

State court judges said that the sale appeared legal under state law, but a final hearing on the case was scheduled for February 19, at either Fairbanks or Barrow. The courts are still looking at the issue, and the high bidders

may still find out that they acted too soon in a sale that does not comply with the law.

Federal judge Aubrey Robinson said that the plaintiffs in the three cases before him had made a "substantial showing" that the Secretary of the Interior's approval of the sale was "arbitrary and capricious". It violates the Endangered Species act because bowhead whales will be jeopardized, the Secretary has not "insured that the sale will not jeopardize the bowhead's existence," and an "irretrievable commitment of resources" will have been made before a biological opinion about the sale has been issued.

Also, there is substantial showing that the Environmental Impact Statement violates the National Environmental Policy Act, since cumulative impacts, significant mitigation alternatives, and various management alternatives were all not adequately analyzed in the EIS. But since the final hearing is on January 3, and any leases issued could be cancelled by the judge, Judge Robinson refused to actually stop the

lease sale.

He said that he felt the sale is illegal (though this is not a final decision) so that anyone bidding at the sale should know that leases could be cancelled later by the judge. No one appealed that

decision, and an agreement was reached that notice would be given to the plaintiffs if any leases were going to be issued before the final hearing.

The state court decision announced December 7 was much

worse for the plaintiffs. Not only did the judge refuse to stop the sale, but he decided that the plaintiffs would not be harmed by it, the government and oil companies would be harmed