

October 22, 2010

National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling
Fourth Floor
One Thomas Circle, NW
Washington, DC 20005
BPDeepwaterHorizonCommission@hq.doe.gov

Submitted via USPS and via email

**Re: Policy Recommendations for Oil and Gas Activities on the Outer Continental Shelf
including the Arctic**

Dear Commissioners,

The *Deepwater Horizon* blowout and oil spill in the Gulf of Mexico brought to light fundamental flaws in the United States' approach to oil and gas activities in the Outer Continental Shelf (OCS). This Commission must confront those flaws in its final report to the President and its recommendations to improve management and guard against future oil spills. In doing so, the Commission should address the special circumstances, risks, and threats posed by conducting oil and gas operations in the Arctic, a frontier region with active OCS leases that industry has targeted for exploratory drilling.

Although the BP disaster involved a deepwater well in the Gulf of Mexico, it revealed systemic weaknesses in the United States' administration of OCS oil and gas activities. These weaknesses affect all possible phases of the OCS process—from initial planning efforts to post-spill restoration—and they apply equally to all OCS operations, regardless of well depth. Indeed, some of the world's most well-known OCS blowouts have involved shallow water operations. The *Deepwater Horizon* spill also underscored the difficulty of stopping and responding to a major oil spill, even in the readily accessible and temperate waters of the Gulf of Mexico.

The weaknesses and difficulties exposed by the BP disaster would be magnified in the severe environment of the Arctic Ocean, and it is in Arctic waters that the Commission's recommendations could make the biggest difference. The Arctic is home to vibrant communities that depend on healthy, functioning ecosystems to support their subsistence way of life. Arctic waters provide vital habitat for iconic wildlife, including whales, walrus, fish, polar bears, and migratory birds. Scientists know very little about this remote and rapidly changing region. It is known, however, that the Arctic is subject to harsh conditions including extreme cold, hurricane-force storms, rapidly changing pack ice, and extended periods of complete darkness. Given these realities, on-water operations in the Arctic OCS pose exceptional risks and challenges. At this time, there is no demonstrated capacity to respond to a major oil spill in Arctic waters; representations by the industry that it could respond effectively to a worst-case spill simply are not supported. Because an oil spill in the Arctic could have disastrous consequences for both Arctic people and ecosystems, it is imperative that regulators and operators take every precaution to prevent such a spill from happening.

To address concerns about the administration of oil and gas activities on the OCS, including the Arctic, the Commission's final report to the President should prioritize the following recommendations:

- Change the law, regulations, and/or policies governing OCS oil and gas operations to prioritize protection of the marine environment, and place oil and gas decisions within a more comprehensive framework that considers ecosystem health and other ocean uses. Implement those changes with substantive, enforceable standards.

- Reform implementation of the National Environmental Policy Act in the context of offshore oil and gas activities to ensure that all relevant agencies engage in the process and that regulators conduct meaningful analysis of site-specific impacts at all phases of the OCS Lands Act process.
- Revise the requirements governing spill prevention and response to strengthen response planning standards, enhance review and oversight of OCS drilling, and ensure that oil spill risk assessments and spill prevention technologies reflect environmental conditions, particularly in the Arctic.
- Follow through on the Administration's commitment to science by implementing a comprehensive research and monitoring plan designed to provide the basic understanding of the marine environment before decisions are made about whether to allow offshore activities and, if so, under what conditions.
- Address shortcomings in the Natural Resources Damage Assessment process; and structure related restoration efforts to ensure that post-spill restoration and monitoring efforts are transparent, integrated, and science-based.
- Ensure adequate funding and time to carry out the above recommendations.

Documents attached to this letter develop the foregoing recommendations in more detail. In the case of recommendations regarding restoration, more detailed recommendations can be found in the written testimony of Stan Senner to the National Commission dated September 27-28, 2010, available on the Commission's website.

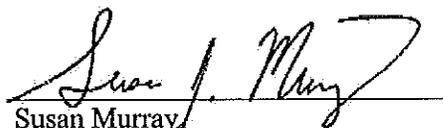
We urge the Commission to prioritize the forgoing recommendations as it develops options and prepares its final report for the President. In doing so, the Commission should address the systemic flaws in the administration of OCS oil and gas activities, as well as the special risks and challenges that accompany oil and gas exploration and development in Arctic waters.

With respect to the Arctic, the Commission should recommend delaying additional oil and gas activity until: laws, regulations, and policies governing OCS oil and gas activities and oil spill prevention and response are reformed; critical science gaps are filled; oil spill prevention and response capabilities are in place and have been shown to work effectively in Arctic conditions; and government regulators have prepared comprehensive, updated environmental analyses for proposed activities.

Sincerely,



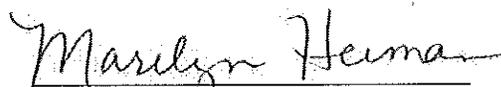
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