

From: Wilder, James
Sent: Friday, January 26, 2007 8:33 AM
To: Cranswick, Deborah
Cc: Newbury, Thomas; Schroeder, Mark; Smith, Caryn; Burwell, Michael; Buechler, Casey R.; Salyer, Michael
Subject: Shell EP: Polar bear issues and NEPA concerns

Hi,

I have some serious concerns with the current NEPA process for Shell's EP, particularly with respect to polar bears. Despite repeated requests over the last many weeks that polar bear issues be addressed by Shell in their EP, and despite John Goll's letter dated Sept. 5, 2006 outlining the new regional policy for protecting polar bears, and despite the new ITL on Planning for the Protection of Polar Bears, and despite the Lease Sale 202 analysis that clearly showed the potential for significant impacts to polar bears as a result of oil spills during the open water period, and despite the proposed listing of the polar bear as threatened under the endangered species act, and despite verbal assurances that Shell would address these concerns during the "completeness" review, Shell has completely ignored polar bears in their EP and associated ODPCP. There is nothing in the "completed" EP to demonstrate that polar bear concerns were seriously considered, much less addressed.

Again, I must ask why the EP was deemed "complete" and why the clock is already ticking on our 2-week NEPA analysis before our concerns and requests for critical information have been addressed? We are already 50% through our allotted NEPA analysis time, and yet I have not been able to write a single word because I am still expending my energies trying to get the critical information I requested weeks ago, and because I have had to meticulously read through the "completed" EP and ODPCP to understand what the document Shell submitted actually said. In addition to numerous discrepancies and contradictions throughout that document, it is clear that Shell completely ignored the issues I raised during the completeness review, as well as those of other analysts.

Prior to the EP being deemed "complete", I would think that management would have wanted to help mitigate the NEPA time crunch by addressing the concerns their analysts raised during the "completeness" review and by providing the critical information they requested in a timely manner. Instead, requested information has not been provided and yet management decided to start the clock on this 2-week NEPA process anyway. As a result, we were all effectively shot in the foot before we even began, and several analysts are still left with serious unresolved issues.

Furthermore, as I have pointed out before, I also have concerns about our NEPA process for work such as this. This MMS office uses a tiered EIS process, which streamlines documentation for large, complex projects required under NEPA. Our tiered process involves breaking up a complex, long-term project into a series of incremental steps to address broad issues first and to consider more detailed, location-specific issues in subsequent stages as more specific information becomes available. The tiered concept assumes that subsequent environmental documents will be required to focus the analysis on site-specific, project-level issues, impacts, and appropriate mitigation measures developed. In this instance, I definitely do not feel that this has been the case. This is not the Gulf of Mexico. I think that the NEPA analysis that has been performed for the lease sales is not focused enough to adequately address the specific issues associated with site-specific activities. For these reasons, I believe it is incumbent upon MMS to carefully review, analyze, and mitigate (as appropriate) any activities which industry proposes. It is extremely difficult to do this when we are repeatedly denied the specific information we have requested for this particular project. And yet we are half way through this NEPA review and still have not been provided with the info we requested and we are still trying to make sense out of what Shell is proposing to begin with.

Now we are in an extreme time crunch and under intense pressure to get this EA done, regardless. Yet we were hamstrung before we even began. Shell did not bother to address the polar bear issues that were raised during the "completeness" review, and FO deemed that acceptable. Why then should I assume that Shell will address those issues after the NEPA process is finished, when there is nothing in their plan to suggest they have even considered polar bears in the first place? For example, in the polar bear portion of their "effects" section, Shell writes:

Fuel or oil spills can reduce the ability of seals to insulate themselves resulting in higher stress levels and energy needs. Death due to hyperthermia and/or ingestion of oil may occur.

Polar Bears: Polar bears mainly move with the pack ice to hunt seal as summer nears. Thus, polar bears may occur near the drill locations during summer when the pack ice is nearby.

However, drilling will likely occur during the open-water seasons when the pack ice is well offshore making encounters with polar bears few to nonexistent.

Fuel or oil spills may have similar effects to polar bears as to seals (above).

That's it. It is obvious to me that Shell did not read, much less consider the new polar bear ITL. There is no mention anywhere in their EP that polar bear aggregations during the open water period are vulnerable to oil spills and there is certainly no discussion anywhere in the ODPCP about what they intend to do to mitigate that threat. And yet two of the largest polar bear aggregations on the Beaufort Sea coast (as pointed out in the 202 EA) are likely to be greased if there is an oil spill. To be blunt, considering FO's apparent refusal to hold Shell accountable for addressing the concerns we raised during the completeness review process, and despite the recent 202 analysis, John Goll's letter, the polar bear ITL, and the polar bear's ESA status, I have zero confidence in FO's commitment to mitigate potential impacts once the NEPA review is finished.

With respect to facilitating the NEPA review of their proposed activities and the extreme pressure we are under to complete the NEPA review within the next 4 days, Shell has done little to help themselves, and MMS has not helped them to help themselves. Considering all of the above, and that the current NEPA process appears broken, I strongly urge management to suspend this NEPA review until Shell addresses our concerns (in writing) and provides us with the info we requested weeks ago during the "completeness" review.

Also, Shell's proposed activities will need to be covered by ESA conferences. I do not see how MMS can pass the "red face" test on this project when the polar bear issues which have been raised have been repeatedly and completely ignored by both Shell and MMS.

Thank you for your time, jw