

# Outer Continental Shelf Permitting for Oil and Gas Exploration



# Who Drives the Bus?



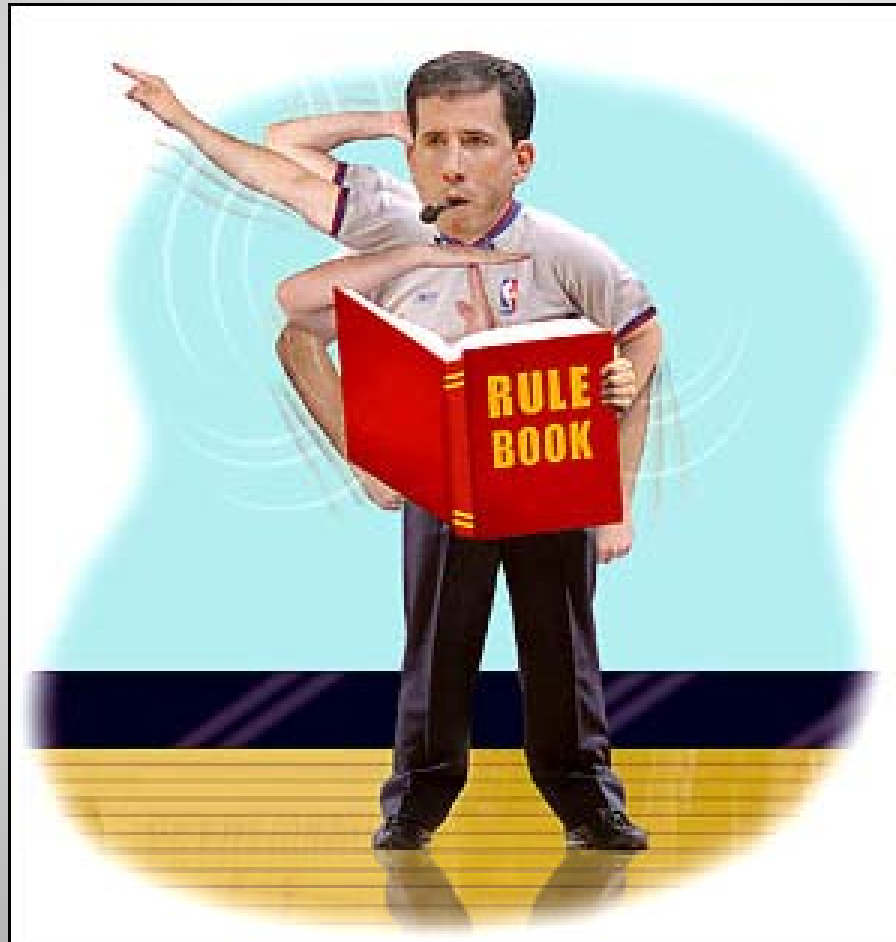
# Federal Agencies

- Minerals Management Service
- Environmental Protection Agency
- U.S. Coast Guard
- U.S. Fish & Wildlife Service (Dept. of Interior)
- National Marine Fisheries Service (NOAA)
- U.S. Army Corp of Engineers
- Ocean and Coastal Management (NOAA)

# Where Do You Start?



To Play the Game You Have to Know  
the Rule Book



# How Do the State and Coastal Districts Get Involved?

Through the Coastal Zone Management Act  
(CZMA) and the Outer Continental Shelf Lands  
Act (OCSLA) Section 3

# Federal Laws

- Outer Continental Shelf Lands Act
  - 30 C.F.R.250 / 30 C.F.R. Part 254
  - Clean Water Act /Clean Air Act
  - 15 C.F.R. 930
  - National Environmental Protection Act
  - Oil Pollution Act of 1990
  - 33 C.F.R. Part 154
  - Coastal Zone Management Act
- and many, many, many more

# Who Participates?



# Alaska Coastal Districts

- North Slope Borough
- Northwest Arctic Borough
- Bering Straits CRSA
- Aleutians East Borough
- Bristol Bay CRSA

# State of Alaska Agencies

- Department of Natural Resources
  - Office of Project Management and Permitting (OPMP)
  - Division of Coastal and Ocean Management (DCOM)
  - Division of Oil and Gas (DOG)
- Department of Environmental Conservation
  - Spill Prevention and Response Division (SPAR)
  - Water Division
  - Air Quality Division
- Department of Fish & Game – Habitat Division
- Alaska Oil and Gas Conservation Commission (AOGCC)

# Start with the Basic Building Blocks



KNOW THE RULES

COMMENT EARLY  
AND OFTEN

# Opportunities to Participate

- MMS Five Year Lease Plan Environmental Impact Statement (EIS)
- MMS Lease Sale EIS
- MMS Exploration Plan – ACMP Consistency Review
- MMS Exploration Plan – Environmental Assessment / Finding of No Significant Impact (FONSI)
- EPA Air Quality Permit

# More Opportunities to Participate

- EPA NPDES Arctic General Permit Renewal slated for 2011 /Ocean Discharge Criteria Evaluation Document
- DNR Oil and Gas Lease Sales (Nearshore Alaskan Waters)
- Point Thomson EIS
  - Onshore facility with potential for affects to the Beaufort Sea
  - Looking at cumulative impacts of development in Camden Bay

# Comment Early and Often

- MMS Five Year Plan EIS
  - MMS Lease Sale EIS
    - MMS Project Specific Environmental Assessment

NEPA anticipates and allows “tiering” of EISs and EAs from prior analysis, so if you wait until the project specific phase EA and the consistency review.....you may be out of luck.

# Too Much to Handle?



# Shell OCS Example

MMS Exploration Plan – Consistency Review

MMS Exploration Plan – Environmental  
Assessment

EPA NPDES Arctic General Permit Authorization

EPA Prevention of Significant Deterioration (PSD)  
Permit

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Application for Permit to Drill (APD)

# Special Circumstances North Aleutian Basin

- No NPDES General Permit in place
- Current MMS Five Year Lease Plan is in question due to litigation in the DC Circuit Court
- Nearby Cook Inlet NPDES General Permit is also currently in litigation

# Special Circumstances for Northwest Arctic Borough and Bering Straits CRSA

- Hope, Norton and Navarin Basins not currently on the radar?
- Those basins may not be addressed during renewal of the NPDES Arctic General Permit.

# Future Renewal NPDES Arctic General Permit

- Currently under EPA jurisdiction, but Alaska will theoretically receive authority in the fall of 2011 (same timeframe as renewal)
- Beaufort Nearshore (state waters to 3 miles)
- Beaufort Offshore
- Chukchi Nearshore (state waters to 3 miles)
- Chukchi Offshore

# Big Picture Issues

- U.N. Convention on the Law of the Sea (UNCLOS)-needs to be ratified by U.S. Senate
- Collaboration between U.S. & Canada in mapping the Outer Continental Shelf
- Disputed boundary between U.S. & Canada
- UNCLOS raises the issue of coordination of environmental standards on either side of the international border

# A Brief History Lesson

Before the construction of the TransAlaska Pipeline, Esso (which became Exxon) attempted a transit of the Northwest Passage with the USS Manhattan without obtaining Canadian authorization. Result was the passage of the Arctic Waters Pollution Protection Act. These regulations were updated this past year.

[http://archives.cbc.ca/science\\_technology/transportation/topics/2349-13648/](http://archives.cbc.ca/science_technology/transportation/topics/2349-13648/)

# Big Picture NOAA

- NOAA Ocean Policy Commission
  - Trend towards ecosystem management
  
- NOAA – U.S. Fish and Wildlife Service Polar Bear Critical Habitat Designation
  - Requires consultation with USFWS for any federal action
  - Marine Mammal Protection Act standards already exist