

## Issue Network

On January 9, 2007 President George W. Bush signed a memorandum making it possible for the Minerals Management Service (MMS), a bureau within the Department of Interior (hereinafter Interior), to consider leasing for oil and gas exploration federally-managed portions of the Outer Continental Shelf (OCS) in Bristol Bay near Alaska's Aleutian islands.<sup>1</sup> Prior to January 9 the area had been among those protected by an executive withdrawal signed in 1998 by then-President Bill Clinton,<sup>2</sup> a withdrawal that President Bush retained for areas around much of America's coastline<sup>3</sup> (see Appendix A). Subsequent to President Bush's actions, on June 29, 2007, Interior Secretary Dirk Kempthorne approved MMS' 5-year leasing program for 2007-2012 which includes a proposed lease sale in 2011 for a designated portion of what is defined by MMS as the North Aleutian Basin planning area, an area that includes Bristol Bay and adjacent waters connected to the Bering Sea (see Appendix B).<sup>4</sup>

Today the question of whether plans will be halted for oil and gas exploration in Bristol Bay will depend on the effectiveness of actions undertaken by those actors positioned to be the most influential on this issue – the Alaska Marine Conservation Council (AMCC); borough governments; Alaska Natives; MMS, the Interior, and President Bush; Alaska's federal legislators Ted Stevens, Lisa Murkowski, and Don Young; and Governor Sarah Palin.

### Actors

**AMCC** – AMCC is a thirteen year-old Anchorage-based non-profit devoted to “protect[ing] the natural diversity and integrity of Alaska's marine ecosystems by working with the coastal communities whose well-being depends on healthy oceans.”<sup>5</sup> AMCC is Alaska's central voice opposing oil and gas development in Bristol Bay and coordinating opposition efforts from Alaska Native organizations, fishing groups, villages, local governments, and others

in the Bristol Bay area (see Appendix D for a list of these groups).<sup>6</sup> For general policy goals AMCC collaborates with a range of state and national environmental groups including Greenpeace. When defining specific goals, such as in comments on MMS' 5-year leasing program, AMCC works most closely with the conservation-focused World Wildlife Fund.<sup>7</sup>

AMCC's interests extend beyond environmental and local and state concerns. AMCC's message against development in Bristol Bay includes economic concerns, reflecting the organization's interest in both sustainable fisheries and fishing communities. AMCC also emphasizes Bristol Bay's value to both Alaskans and non-Alaskans, such as its support of a \$2 billion a year commercial fisheries, a way of life in remote Alaskan Native villages, and exceptional biodiversity.<sup>8</sup>

***Borough Governments*** – The governments of three boroughs near Bristol Bay – Aleutians East Borough, Lake and Peninsula Borough, and Bristol Bay Borough – have taken positions supporting leasing. On December 5, 2006 the leaders of the three boroughs sent a letter, in conjunction with twenty-five other Alaska Native organizations and local governments, to President Bush urging him to release the area from the executive withdrawal (see Appendix E for a list of signatories).<sup>9</sup> Additionally, the Aleutians East Borough, the borough closest to the planned lease area, (see Appendices B and C) provided detailed, location-specific “action alert” letters residents could mail to MMS (see Appendix F for an example). These letters emphasize the benefits of development but also call for more discussion of potential impacts on fisheries.<sup>10</sup>

The three boroughs, especially Aleutians East Borough, have strong economic interests in encouraging OCS development although they also have an equally important interest in protecting their fisheries resources. The borough governments anticipate they will benefit from oil and gas development through necessary infrastructure development on local lands, job

creation especially for youth, and local taxes.<sup>11</sup> The financial reality is also that borough governments themselves will receive much of the revenue from development rather than local citizens,<sup>12</sup> which may explain why no borough has spoken in opposition of development.

***Alaska Natives*** – The politics of the remote Aleutian communities and governments is further complicated by their sole-industry focus (on fisheries) and the semi-subsistence lifestyles of the area's Alaska Native population (composing approximately 70% of Lake and Peninsula Borough, 40% of Bristol Bay Borough, and 30% of Aleutians East Borough).<sup>13</sup> While many Alaska Native organizations, including tribes, corporations, and villages, have sided against OCS development projects, some tribes and corporations support development.<sup>14</sup> This divide likely stems from different visions of progress for the remote communities. Current Native villagers have access to the rich resources of Bristol Bay but they also face energy costs so prohibitive they cannot afford ice for their fishing vessels and their communities lack the processing facilities for the handling of whole salmon, limiting their commercial output to canned salmon for Asian markets.<sup>15</sup>

***MMS, the Interior, and President George W. Bush*** – Institutional inertia and the pro-development stance of President Bush, give MMS and the Interior an interest in supporting a lease sale within the North Aleutian Basin planning area. In 1985, then-Interior Secretary Donald Hodel announced MMS would start a lease sale for the area now designated for lease in 2012,<sup>16</sup> and in 1988 Lease Sale 92 was held.<sup>17</sup> Before the MMS could move forward, however, the results of the Exxon Valdez oil spill prompted Congress to place a legislative moratorium on leasing activities within the North Aleutian Basin planning area.<sup>18</sup> After the moratorium was removed, even though Clinton's executive leasing withdrawal was still in place, MMS included the area for potential leasing in its proposed 5-year program.<sup>19</sup>

***Alaska Federal Legislators Ted Stevens, Lisa Murkowski, Don Young*** – Alaska’s three federal legislators have expressed varying degrees of decisiveness about whether Bristol Bay should be opened to leasing. Senator Ted Stevens (R) is supportive of development, being instrumental in the removal of the Congressional moratorium for the North Aleutian Basin planning area from the 2003 Interior appropriations bill.<sup>20</sup> Lisa Murkowski (R) has punted on the subject, calling for Alaskans to express their views on the pros and cons of development and indicating to the AMCC that she currently has equal stacks of papers from constituents on both sides of the issue.<sup>21</sup> Representative Don Young (R) has not yet addressed the current debate. Although he considers helping to create the Trans-Alaska pipeline his greatest Congressional achievement,<sup>22</sup> and although he has repeatedly scored 0% with the League of Conservation voters,<sup>23</sup> he may end up siding with concerned locals against development. AMCC believes he is currently undecided,<sup>24</sup> and his choice to live the remote-village-lifestyle,<sup>25</sup> in addition to a Congressional statement he has made indicates he has a strong connections with local interests as well as non-commercial fishermen, both sport and subsistence.<sup>26</sup>

***Governor Sarah Palin*** – Alaska Governor Sarah Palin (R) applauded President Bush for removing the executive leasing withdrawal for the North Aleutian Basin planning area.<sup>27</sup> This aligns with her husband’s employment as a production operator on the North Slope.<sup>28</sup> However, she also describes herself as part of a Bristol Bay commercial fishing family, indicating she may consider fisheries’ impacts.<sup>29</sup>

### **Action Channels**

AMCC views potential federal legislation to either permanently protect Bristol Bay, or at a minimum restore the annually-renewed Congressional moratorium on leasing in the North Aleutians Basin planning area, as the most important action channel. AMCC plans to target

Alaska legislators, especially Representative Young as ranking member of the House Committee on Natural Resource, and West coast legislators whose states rely on Alaska fisheries, as potential leaders to either pass the current Bristol Bay Protection Act (H.R. 1957) or to draft a more detailed bill for next session. AMCC is also hopeful that the incoming 2009 president can be persuaded to re-instate the executive leasing withdrawal, especially with this election cycle's focus on environmental issues.<sup>30</sup> These legislative and executive action channels can be used by nationally-recognized groups like AMCC as well as local organizations like Alaska Native corporations; however, the reputation and broader member-base of national groups will give them more influence over non-Alaskan federal legislators and the President.

Gaining Governor Palin's support is also a main action channel, although she will be most interested in her constituents' views. Under the OCS Lands Act, a state governor has the authority to recommend to the Secretary of the Interior the size, timing, and location for lease sales.<sup>31</sup> AMCC believes that MMS would be unlikely to complete a lease sale in a state where the governor is in opposition, especially since multiple state permits will be required. The organization is currently asking its members to write to Governor Palin.<sup>32</sup>

Should the 2011 lease sale approach, opportunities for public comment to MMS and Alaska governmental agencies involved with permitting will present another action channel. Any interested actor can attempt to influence MMS' and Alaska's decisions although the agencies will have little reason to respond unless a significant majority of locals are against leasing. Additionally, during governmental actions that require compliance with environmental statutes, such as the National Environmental Protection Act (NEPA) and Endangered Species Act (ESA), litigation will provide an action channel. AMCC is well-connected to seek a lawsuit in conjunction with Bristol Bay-area groups but views this tactic as a last resort.<sup>33</sup>

## Legislative History

### I. 99th to 107th Congressional Sessions (1985-2002)

- A. **12/85** → Interior Secretary Donald Hodel announces MMS will go ahead with Lease Sale 92 for oil and gas exploration of more than 5.6 million acres of OCS within North Aleutian Basin planning area, including Bristol Bay and adjacent waters<sup>34</sup>
- B. **86** → MMS temporarily halted from completing Lease Sale 92 pending conclusion of lawsuit filed by the state of Alaska and approximately 20 Native, fishing, and conservation groups challenging compliance with NEPA, ESA, and OCS Lands Act<sup>35</sup>
- C. **10/5/88** → 9th Circuit Court ruling in favor of Interior and removal of injunction preventing MMS from completing Lease Sale 92 allows MMS to accept bids<sup>36</sup>
- D. **3/24/89** → Exxon Valdez spills 11 million gallons of crude oil into Prince William Sound<sup>37</sup>
- E. **7/12/89** → Representative and Chairman of the House Committee on Appropriations Sidney Yates (D-ILL), and Minority Leader Silvio Conte (R-MA), discuss on House floor potential expansion, to include North Aleutian Basin planning area, of OCS areas under legislative moratorium from oil and gas development activities; reasons indicated for expansion include concern about Exxon Valdez oil spill and potential environmental impacts of oil and gas development in OCS<sup>38</sup>
- F. **10/23/89** → President George H.W. Bush signs annual Interior appropriations bill that includes the list of OCS moratorium areas and this year includes the North Aleutian Basin planning area; moratorium officially prevents Interior from spending appropriated funds on leasing, approval, or permitting for oil and gas exploration or drilling within the planning area, halting Lease Sale 92<sup>39</sup>
- G. **7/29/91** → Alaska legislature passes joint resolution opposing oil and gas development in Bristol Bay, requesting a federal buy-back or credit plan for leases purchased during Lease Sale 92 and supporting continuation of Congressional moratorium on oil and gas development in North Aleutian Basin planning area<sup>40</sup>
- H. **6/12/98** → President Bill Clinton withdraws North Aleutian Basin planning area from consideration for OCS oil and gas leasing until June, 2012 pursuant to executive authority existing under the OCS Lands Act as of 1953, referencing list of OCS moratorium areas listed in the 1997 Interior appropriations bill for fiscal year 1998<sup>41</sup>

### II. 108th Congressional Session (2003-2004)

- A. **3/20/03 – 7/10/03** → Senator Ted Stevens (R-AK) works with other senators in Committee on Appropriations to remove moratorium for North Aleutian Basin planning area from appropriations act<sup>42</sup>

- B. **11/10/03** → George W. Bush signs 2003 Interior appropriations bill for fiscal year 2004 that does not include moratorium for North Aleutian Basin planning area<sup>43</sup>

### III. 109th Congressional Session (2005-2006)

- A. **2/9/06** → MMS releases for public comment Draft Proposed Program for OCS oil and gas leasing from 2007-2012 (5-year program) which includes potential lease sales in both 2010 and 2012 within North Aleutian Basin planning area should the president lift executive leasing withdrawal<sup>44</sup>
- B. **8/25/06** → MMS releases for public comment Proposed 5-year Program in conjunction with associated Draft EIS; Proposed Program includes a smaller area than in Draft Proposed Program for potential leasing, the area corresponding to that previously designated for Lease Sale 92, in response to public comments on February report including a comment from Alaska Governor Frank Murkowski; Governor Murkowski's comment requested that the smaller area be offered for leasing and that the president remove the executive leasing withdrawal of North Aleutian Basin planning area<sup>45</sup>
- C. **11/14/06** → MMS releases for public comment Revised Proposed 5-year Program and EIS<sup>46</sup>
- D. **11/29/06 and 12/1/06** → Forty local, state, and national groups (including governments, native organizations, and fishing organizations) send letter to President George W. Bush urging him to maintain executive leasing withdrawal of North Aleutian Basin planning area<sup>47</sup>
- E. **12/4/06** → Speaker of the House-designate Nancy Pelosi (D-CA) issues press release criticizing the anticipated action of President George W. Bush in lifting the executive leasing withdrawal of North Aleutian Basin planning area<sup>48</sup>
- F. **12/5/06** → Representatives from three Bristol Bay-area governments, with support from twenty-five other local groups (including governments, native organizations, and fishing organizations) send letter to President George W. Bush urging him to lift executive leasing withdrawal of North Aleutian Basin planning area.<sup>49</sup>
- G. **12/7/06** → Six subsistence and commercial fishing organizations, claiming to represent 128 communities send letter to Alaska Governor Sarah Palin to clarify their position against leasing in North Aleutian Basin planning area<sup>50</sup>

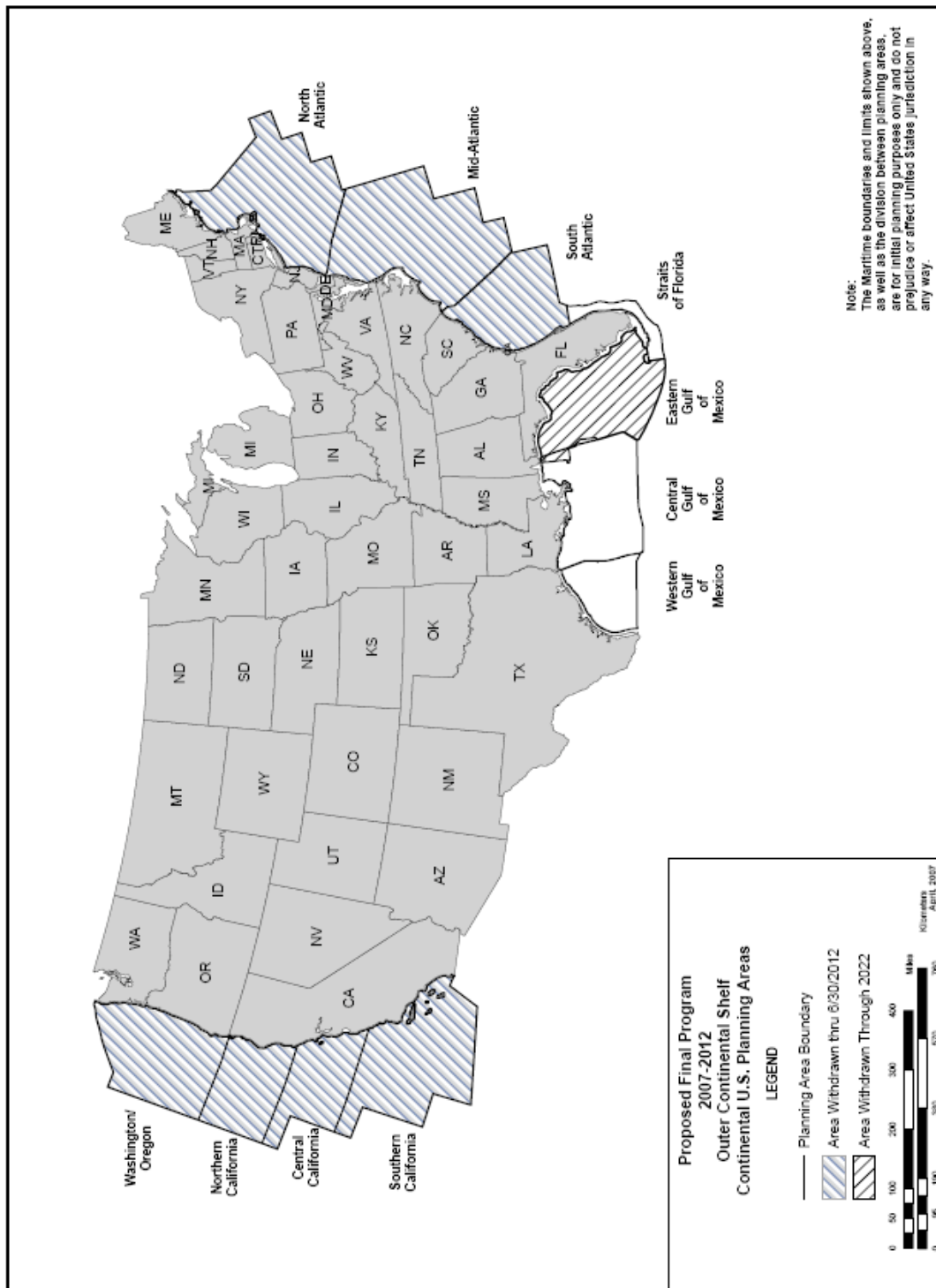
### IV. 110th Congressional Session (2007-2008)

- A. **1/9/07** → President George W. Bush lifts the executive leasing withdrawal of North Aleutian Basin planning area<sup>51</sup>

- B. **1/9/07** → Governor Sarah Palin and Senator Ted Stevens issue individual press releases supporting President Bush's removal of executive leasing withdrawal; Governor Palin indicates that development will be good for Alaska's economy as long as it does not harm fisheries<sup>52</sup>
- C. **4/19/07** → H.R.1957, Bristol Bay Protection Act, sponsored by Representative Jay Inslee (D-WA) and cosponsored on same date by Representatives Wayne Gilchrest (D-MD) and Maurice Hinchey (R-NY), introduced into House and referred to Committee on Natural Resources<sup>53</sup>
- D. **4/07** → MMS completes Proposed Final 5-year Program and Final EIS; Proposed Final Program includes a proposed rather than potential 2011 lease sale for the area corresponding to that previously designated for Lease Sale 92 within North Aleutian Basin planning area<sup>54</sup>
- E. **4/26/07** → H.R.1957 referred to Subcommittee on Energy and Mineral Resources<sup>55</sup>
- F. **5/4/01** → S. 1311, Bristol Bay Protection Act, sponsored by Senator John Kerry (D-MA), introduced into Senate and referred to Committee on Energy and Natural Resources<sup>56</sup>
- G. **6/3/07 – 6/7/07** → Representative Don Young (R-AK) speaks in House in opposition of reinstating a Congressional moratorium for North Aleutian Basin planning area<sup>57</sup>
- H. **6/7/07** → House Committee on Appropriations approves Hinchey's amendment to the committee report for 2007 Interior appropriations bill for fiscal year 2008 that would require MMS to complete scientific studies in North Aleutian Basin planning area, require the General Accounting Office to complete an economic analysis, and require greater coordination between MMS and other federal agencies like the Fisheries and Wildlife Service, before going ahead with lease sales<sup>58</sup>
- I. **6/28/07** → "Oversight hearing on 'The Minerals Management Service's Proposed 2007-2012 Program for Oil and Gas Leasing on the Outer Continental Shelf.'" held in House Subcommittee on Energy and Mineral Resources<sup>59</sup>
- J. **7/1/07** → MMS 5-year program for OCS oil and gas leasing becomes effective after June 29 approval by Interior Secretary Dirk Kempthorne; program includes proposed 2011 lease sale in North Aleutians Basin planning area<sup>60</sup>
- K. **10/10/07** → Jose Serrano (D-NY) becomes 40th and most recent cosponsor of H.R. 1957; related S. 1311 continues to have no cosponsors<sup>61</sup>

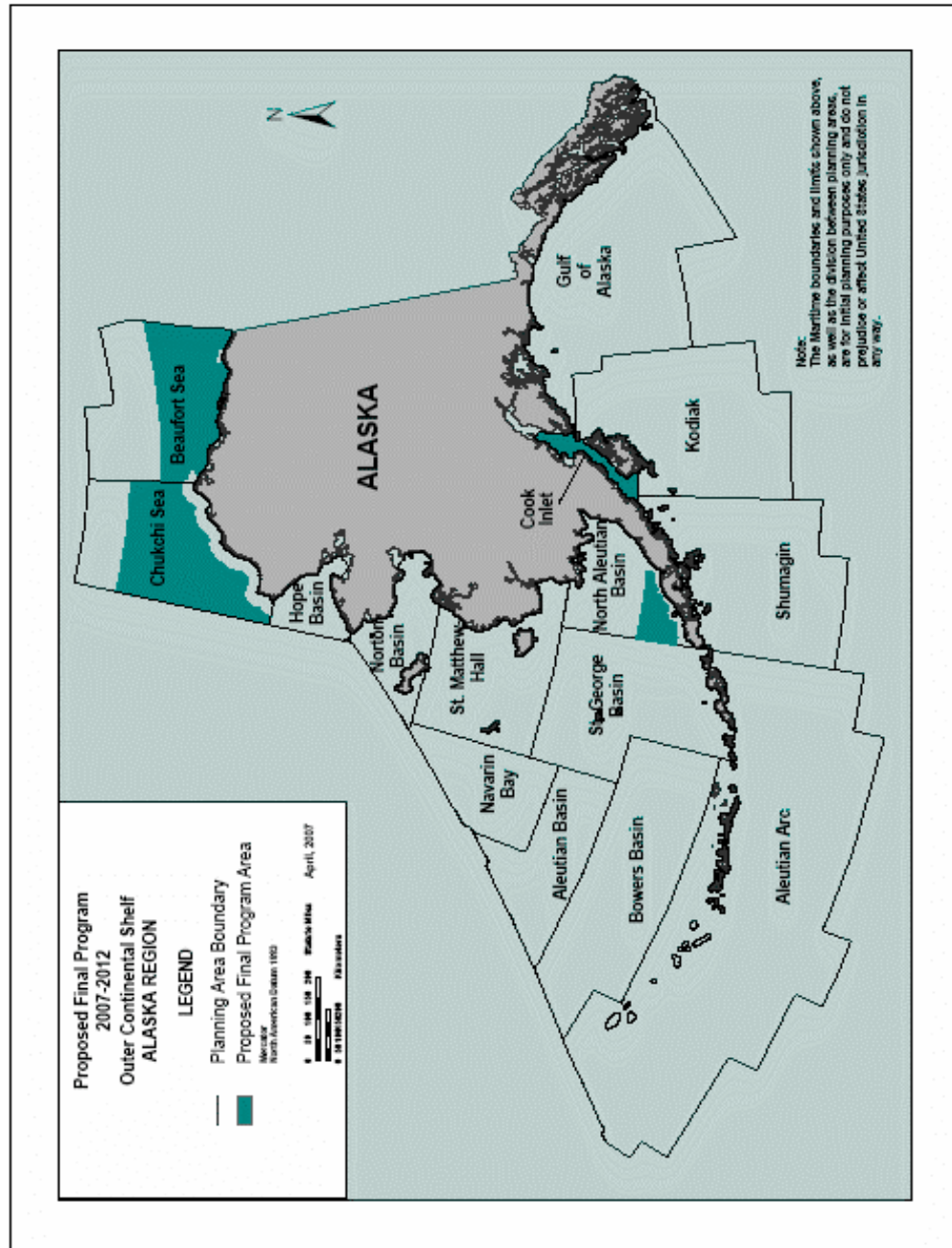


## Appendix A: Map of OCS Planning Areas Under Presidential Withdrawal and Congressional Moratorium



Source: Minerals Mgmt. Serv., US Dep't of the Interior, 5-Year OCS Leasing Program, <http://www.mms.gov/5-year/> (last visited Oct. 17, 2007).

## Appendix B: Map of OCS Planning Areas near Alaska in MMS Proposed Final 2007-2012 Program



Source: Minerals Mgmt. Serv., US Dep't of the Interior, 5-Year OCS Leasing Program, <http://www.mms.gov/5-year/> (last visited Oct. 17, 2007).

## Appendix C: Map of Alaska's Boroughs



Source: U.S. Census Bureau, Alaska County Selection Map,  
[http://quickfacts.census.gov/qfd/maps/alaska\\_map.html](http://quickfacts.census.gov/qfd/maps/alaska_map.html) (last visited Oct. 20, 2007) (water body

names added).

## **Appendix D: List of Groups Who Have Taken Positions Opposing Oil and Gas Exploration in Bristol Bay as of January 2007**

- Akiak Native Community
- Alaska Independent Fishermen's Marketing Association
- Alaska Intertribal Council
- Alaska Longline Fishermen's Association
- Bering Sea Fishermen's Association
- Bristol Bay Coastal Resource Service Area
- Bristol Bay Driftnetter's Association
- Bristol Bay Economic Development Corporation
- Bristol Bay Native Association
- Chevak Native Village
- City of Dillingham
- City of Nondalton
- City of Pilot Point
- Chignik Bay Tribal Council
- Chignik Lagoon Native Corporation
- Chignik Lake Village
- Choggiung Ltd. Village Corporation (Dillingham)
- Crewmen's Association
- Curyung Tribal Council (Dillingham)
- Egegik Tribal Council
- Igiugig Tribal Council
- International Bering Sea Forum
- Kijik Native Corporation
- Kongiganak Traditional Council
- Kotlik Tribal Council
- Levelock Village Council
- Manokotak Village Council
- Naknek Native Village
- Native Village of Ekuk
- Native Village of Goodnews Bay
- Native Village of Nunam Iqua
- Native Village of Nunapitchuk
- Native Village of Perryville
- North Pacific Fisheries Association
- Ohogamiut Traditional Council
- Paug-Vik, Inc.
- Pilot Point Traditional Council
- Platinum Traditional Council
- Port Heiden Native Village
- Twin Hills Native Village
- Ugashik Traditional Council
- United Catcher Boats
- Yupiit of Andreafski

- Yukon River Drainage Fishermen's Association

Source: E-mail from Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council to Diane Sherman, "RE: ACF Presentation this summer – follow-up" (Oct. 17, 2007).

### **Appendix E: List of Groups Who Have Taken Positions Supporting Oil and Gas Exploration in Bristol Bay as of January 2007**

- Akutan Traditional Council
- Agdaagux Tribal Council
- The Aleut Corporation
- Aleutian Pribilof Island Community Development Association
- Aleutian Pribilof Islands Association
- Aleutians East Borough
- Aleutians West Coastal Resource Service Area
- Becharof Corporation
- Belkofski Tribal Council
- Bristol Bay Native Corporation
- Bristol Bay Borough
- City of Cold Bay
- Eastern Aleutian Tribes
- False Pass
- Isanotski Corporation
- Kodiak Island Borough
- Lake and Peninsula Borough
- Nelson Lagoon Corporation
- Nelson Lagoon Tribal Council
- Pauloff Harbor Tribe
- Peter Pan Seafoods
- Qagan Tayagunin Tribal Council
- City of Sand Point
- Shumagin Corporation
- Unga Tribal Council
- Karen Montoya
- Aleutians East Borough
- Aleut Families Sharing A Fishing Tradition

Source: Letter from Dan O'Hara, Mayor, Bristol Bay Borough, to George W. Bush, President (Dec. 5, 2006); E-mail from Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council to Diane Sherman, "RE: ACF Presentation this summer – follow-up" (Oct. 17, 2007).

## Appendix F: Example of “Action Alert” Letter Provided on Aleutians East Borough Website for Residents

### Draft Letter For AEB Resident - Nelson Lagoon -

Comment Deadline is November 24, 2006

\_\_\_\_\_, 2006

Ms. Renee Orr  
5-Year Program Manager  
Minerals Management Service  
MS 4010, Room 3120  
381 Elden Street  
Herndon, VA 20170  
Phone: 703-787-1215

Mr. James F. Bennett  
5-Year DEIS  
Chief, Branch of Environmental Assessment  
381 Elden Street, Mail Stop 4042  
Herndon, Virginia 20170-4817

Re: Comments on Proposed 5-Year Plan for Outer Continental Shelf (OCS)  
Oil and Gas Leasing Program for 2007-2012

Dear Ms. Orr:

I am a resident of the Aleutian East Borough (AEB). I live in the Village of Nelson Lagoon, which is the closest community to the proposed North Aleutian Basin lease sale area. Since I live and work in this community, I will be the most impacted resident in the United States relative to the proposed North Aleutian Basin lease sale; therefore, I believe my comments on the Proposed 5 –Year Program should be given great weight by the Mineral Management Service (MMS).

I support the MMS’s Proposed 5 -Year Plan for the 2007-2012 OCS Oil and Gas Leasing Program and the Proposed Program Option for the North Aleutian Basin which offers for leasing consideration only that area offered in the 1998 Lease Sale 92.

Leasing in this area of the North Aleutian Basin will benefit the local economy, provide good paying jobs, expand local infrastructure, and contribute to the national energy supply needs. Based on the data provided by MMS, this area will provide a source of natural gas. Natural gas is a clean energy source, and does not present an oil spill concern or catastrophic risk to our commercial fisheries.

MMS has proposed two leases sales be held for the North Aleutian Basin in 2010 and 2012. I recommend that an additional lease sale be held in year 2009, to expedite development of this important national gas supply, provided MMS can complete all the baseline studies, environmental assessments and ensure protections are in place to address residents concerns.



While I support oil and gas development in the North Aleutian Basin Lease Sale 92 area, I am concerned that the Proposed 5-Year Plan does not adequately describe the potential impacts or mitigation measures to protect the commercial fisheries. The value of the commercial fishery resources to the people of the Aleutians East Borough and its municipalities is the backbone of our economy. In the last five years, the exvessel value of the fishery resources, crab, salmon, bottomfish, averaged \$132,484,562 and 633,393,371 pounds per year, most of which is harvested in the Bering Sea. The Village of Nelson Lagoon's economy and my personal livelihood rely heavily on the success of its commercial fisheries, since we are all involved in commercial fishing.

In the final 5-year plan, please add a description of the potential oil and gas leasing impacts to our commercial fisheries and add mitigation measures to protect the commercial fisheries. The final 5-year plan should clearly state and include these important facts and findings:

- Commercial fishing and subsistence have supported the people of the Eastern Aleutians Islands and Alaska Peninsula for centuries.
- Commercial fishing and subsistence must continue to support the people of the Eastern Aleutians Islands and Alaska Peninsula after the oil and gas is depleted.
- Maximum protection and priority must be given to fishery resources.
- Exploration and development must be conducted in an environmentally safe manner.
- Federal funding must be provided for studies on effective protection of local fishery resources and the environment. Federal funding must be provided for studies on maximizing economic opportunities for the residents.
- Lease stipulations must be included requiring oil and gas companies to provide employment and business opportunities to the residents of the Aleutians East Borough.
- Adequate lease stipulations must be added to mitigate any potential adverse social and environmental impacts.

I am currently reviewing the 5-Year Program Environmental Impact Statement (EIS). This is a very lengthy document and warrants careful consideration and review. I may provide additional comments on this document under separate cover.

Please contact me at (907) [redacted] - [redacted] if you have any questions regarding my comments. I would appreciate being added to MMS's distribution list for all notifications related to the 5-Year Program and corresponding EIS, so that I may remain informed on this issue.

Sincerely,

[redacted]  
[redacted]

Cc: Governor Murkowski (Governor of Alaska)  
Office of the Governor  
Box 11001  
Juneau, AK 99811

John Goll (MMS Regional Director for Alaska)  
Mineral Management Service  
Alaska Regional Director  
3801 Center Point Drive, Suite 500  
Anchorage, AK 99503-5823

Source: Aleutians East Borough, Draft Letter for AEB Resident – Nelson Lagoon,  
[http://www.aleutianseast.org/index.asp?Type=B\\_BASIC&SEC={834A8F8B-F64E-4D6F-B058-00D18480F441}](http://www.aleutianseast.org/index.asp?Type=B_BASIC&SEC={834A8F8B-F64E-4D6F-B058-00D18480F441}) (click on hyperlink “9-20-06 OCS Draft Letter for NLG Residents.doc).

## Endnotes

<sup>1</sup> See Memorandum on Modification of the June 12, 1998, Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing, 1 Pub. Papers 19 (Jan. 15, 2007) [hereinafter Memorandum on Modification]; Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Pub. L. 109-54, 119 Stat. 499, 521-22 (2005).

<sup>2</sup> Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing, 34 Weekly Comp. Pres. Doc. 1111 (Jun. 12, 1998) [hereinafter Memorandum on Withdrawal].

<sup>3</sup> See Memorandum on Modification, *supra* note 1; Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, 119 Stat. at 521-22; Minerals Mgmt. Serv., US Dep't of the Interior, 5-Year OCS Leasing Program, <http://www.mms.gov/5-year/> (last visited Oct. 17, 2007).

<sup>4</sup> See Ala. Marine Conservation Council, Latest News, <http://www.akmarine.org/our-work/protect-bristol-bay/latest-update> (last visited Oct. 17, 2007).

<sup>5</sup> Ala. Marine Conservation Council, Who We Are, <http://www.akmarine.org/who-we-are/> (last visited Oct. 20, 2007).

<sup>6</sup> Personal communication between Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council and Diane Sherman (Oct. 17, 2007); see E-mail from Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council to Diane Sherman, "RE: ACF Presentation this summer – follow-up" (Oct. 17, 2007).

<sup>7</sup> See Ala. Marine Conservation Council, Maps, Fact Sheets, & More!, <http://www.akmarine.org/our-work/protect-bristol-bay/map-gallery> (last visited Oct. 19, 2007).

<sup>8</sup> See Ala. Marine Conservation Council, Top 10 Reasons to Protect Bristol Bay from Offshore Oil & Gas Drilling, <http://www.akmarine.org/our-work/protect-bristol-bay/top-10> (last visited Oct. 19, 2007).

<sup>9</sup> Letter from Dan O'Hara, Mayor, Bristol Bay Borough, to George W. Bush, President (Dec. 5, 2006); E-mail from Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council to Diane Sherman, "RE: ACF Presentation this summer – follow-up" (Oct. 17, 2007).

<sup>10</sup> Aleutians East Borough, Draft Letter for AEB Resident – Nelson Lagoon, [http://www.aleutianseast.org/index.asp?Type=B\\_BASIC&SEC={834A8F8B-F64E-4D6F-B058-00D18480F441}](http://www.aleutianseast.org/index.asp?Type=B_BASIC&SEC={834A8F8B-F64E-4D6F-B058-00D18480F441}) (click on hyperlink "9-20-06 OCS Draft Letter for NLG Residents.doc").

<sup>11</sup> See *id.*; Letter from Dan O'Hara, Mayor, Bristol Bay Borough, to George W. Bush, President (Dec. 5, 2006); E-mail from Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council to Diane Sherman, "RE: ACF Presentation this summer – follow-up" (Oct. 17, 2007).

<sup>12</sup> Personal communication between Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council and Diane Sherman (Oct. 17, 2007).

<sup>13</sup> U.S. Census Bureau, Alaska County Selection Map, [http://quickfacts.census.gov/qfd/maps/alaska\\_map.html](http://quickfacts.census.gov/qfd/maps/alaska_map.html) (last visited Oct. 20, 2007).

<sup>14</sup> See E-mail from Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council to Diane Sherman, "RE: ACF Presentation this summer – follow-up" (Oct. 17, 2007); Letter from Dan O'Hara, Mayor, Bristol Bay Borough, to George W. Bush, President (Dec. 5, 2006).

<sup>15</sup> Personal communication between Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council and Diane Sherman (Oct. 17, 2007).

<sup>16</sup> See Press Release, Murkowski Comments on the Lifting of the Presidential Moratorium on the Outer Continental Shelf (Jan. 9, 2007), available at <http://murkowski.senate.gov/pressapp/record.cfm?id=267351>.

<sup>17</sup> Ala. Marine Conservation Council, History of Protection, <http://www.akmarine.org/our-work/protect-bristol-bay/history-of-protection> (last visited Oct. 18, 2007).

<sup>18</sup> See Department of the Interior and Related Agencies Appropriations Act, 1990, Pub. L. 101-121, 103 Stat. 701, 720 (1989); Ala. Marine Conservation Council, *supra* note 17.

<sup>19</sup> See Minerals Mgmt. Serv., US Dep't of the Interior, Public Connect, <http://ocsconnect.mms.gov/pcs-public/> (search "Quick Search" for "5-year") (last visited Oct. 17, 2007); Minerals Mgmt. Serv., US Dep't of the Interior, Draft Proposed Program: Outer Continental Shelf Oil and Gas Leasing Program 2007-2012 10 (2006), available at: <http://www.mms.gov/5-year/PDFs/DPP2007-2012.pdf>.

<sup>20</sup> See Press Release, Senator Stevens Commends Decision to Lift Bristol Bay Moratorium (Jan. 9, 2007), available at <http://stevens.senate.gov/public/index.cfm?FuseAction=NewsRoom.PressReleases> (search "Browse by" for "Month" "January" and "Year" "2007" and follow hyperlink for "Senator Stevens Commends Decision to Lift Bristol Bay Moratorium"); Conrad Burns, S. Rep. 108-89 (2003); Library of Cong., S. 1391, <http://www.thomas.gov>

(follow hyperlink “Search multiple, Previous Congresses”; then check “108” and search for “1391 PCS” and follow hyperlink “Bill Summary and Status”; then follow “All Congressional Actions”).

<sup>21</sup> See Press Release, Murkowski Comments on the Lifting of the Presidential Moratorium on the Outer Continental Shelf (Jan. 9, 2007), *available at* <http://murkowski.senate.gov/pressapp/record.cfm?id=267351>.

<sup>22</sup> Don Young: Congressman for all Alaska, <http://donyoung.house.gov/bio.htm> (last visited Oct. 19, 2007).

<sup>23</sup> League of Conservation Voters, Representative Don Young (R-AK At-Large), <http://www.capwiz.com/lcv/bio/keyvotes/?id=181&congress=1101&lvl=C> (last visited Oct. 20, 2007).

<sup>24</sup> Personal communication between Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council and Diane Sherman (Oct. 17, 2007).

<sup>25</sup> See League of Conservation Voters, *supra* note 22.

<sup>26</sup> 101 Cong. Rec. E3612 (daily ed. Oct. 27, 1990) (statement of Rep. Young).

<sup>27</sup> Press Release, Ala. Office of Governor, Governor Palin Welcomes Lifting of Bristol Bay Lease Moratorium, (Jan. 9, 2007) (on file with author), *available at* <http://gov.state.ak.us/archive.php?id=54&type=1>.

<sup>28</sup> Ala. Office of Governor Palin, Biography, <http://gov.state.ak.us/bio.php> (last visited Oct. 20, 2007).

<sup>29</sup> Press Release, Ala. Office of Governor, Governor Palin Welcomes Lifting of Bristol Bay Lease Moratorium, (Jan. 9, 2007) (on file with author), *available at* <http://gov.state.ak.us/archive.php?id=54&type=1>.

<sup>30</sup> Personal communication between Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council and Diane Sherman (Oct. 17, 2007).

<sup>31</sup> See 43 U.S.C.S. § 1341(a) (LexisNexis 2007).

<sup>32</sup> Personal communication between Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council and Diane Sherman (Oct. 17, 2007).

<sup>33</sup> *Id.*

<sup>34</sup> See *Tribal Vill. of Akutan v. Hodel*, 792 F.2d 1376, 1878 (9th Cir. 1986); Ala. Marine Conservation Council, *supra* note 17.

<sup>35</sup> See *Tribal Vill. of Akutan*, 16 Env't. L. Rep. 20245 (D. Ala. 1986), *aff'd*, 792 F.2d 1376 (9th Cir. 1986), *vacated*, 480 U.S. 943 (1987), *remanded to* 869 F.2d 1185 (9th Cir. 1988); *Tribal Vill. of Akutan*, 792 F.2d at 1378 n1; Ala. Marine Conservation Council, *supra* note 17.

<sup>36</sup> See *Tribal Vill. of Akutan*, 869 F.2d at 1195-96; *Tribal Vill. of Akutan*, 859 F.2d 662, 664 (9th Cir. 1988); Ala. Marine Conservation Council, *supra* note 17.

<sup>37</sup> Timothy Egan, *Elements of Tanker Disaster: Drinking, Fatigue, Complacency*, N.Y. Times, May 22, 1989, *available at*: <http://query.nytimes.com/gst/fullpage.html?res=950DE0DA1138F931A15756C0A96F948260>.

<sup>38</sup> 101 Cong. Rec. H3589 (daily ed. Jul. 12, 1989) (statement of Rep. Yates); 101 Cong. Rec. H3598 (daily ed. Jul. 12, 1989) (statement of Rep. Conde).

<sup>39</sup> See Department of the Interior and Related Agencies Appropriations Act, 1990, Pub. L. 101-121, 103 Stat. 701, 720 (1989); Ala. Marine Conservation Council, *supra* note 17.

<sup>40</sup> See E-mail from Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council to Diane Sherman, “RE: ACF Presentation this summer – follow-up” (Oct. 17, 2007).

<sup>41</sup> Memorandum on Withdrawal, *supra* note 2; see 43 U.S.C.S. § 1341(a) (LexisNexis 2007); Department of the Interior and Related Agencies Appropriations Act, 1998, Pub. L. 105-83, 111 Stat. 1543, 1562 (1997);

<sup>42</sup> See Press Release, Senator Stevens Commends Decision to Lift Bristol Bay Moratorium (Jan. 9, 2007), *available at* <http://stevens.senate.gov/public/index.cfm?FuseAction=NewsRoom.PressReleases> (search “Browse by” for “Month” “January” and “Year” “2007” and follow hyperlink for “Senator Stevens Commends Decision to Lift Bristol Bay Moratorium”); Conrad Burns, S. Rep. 108-89 (2003); Library of Cong., S. 1391, <http://www.thomas.gov> (follow hyperlink “Search multiple, Previous Congresses”; then check “108” and search for “1391 PCS” and follow hyperlink “Bill Summary and Status”; then follow “All Congressional Actions”); Personal communication between Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council and Diane Sherman (Oct. 17, 2007).

<sup>43</sup> See Department of the Interior and Related Agencies Appropriations Act, 2004 Pub. L. 108-108, 117 Stat. 1241 (2003); Ala. Marine Conservation Council, *supra* note 17.

<sup>44</sup> See Minerals Mgmt. Serv., US Dep’t of the Interior, Public Connect, <http://ocsconnect.mms.gov/pcs-public/> (search “Quick Search” for “5-year”) (last visited Oct. 17, 2007); Minerals Mgmt. Serv., US Dep’t of the Interior, Draft Proposed Program: Outer Continental Shelf Oil and Gas Leasing Program 2007-2012 10 (2006), *available at*: <http://www.mms.gov/5-year/PDFs/DPP2007-2012.pdf>.

<sup>45</sup> See Minerals Mgmt. Serv., *supra* note 44; Minerals Mgmt. Serv., US Dep’t of the Interior, Proposed Program: Outer Continental Shelf Oil and Gas Leasing Program 2007-2012 33 (2006), *available at* <http://www.mms.gov/5->

year/PDFs/ProposedProgram2007-2012.pdf; Minerals Mgmt. Serv., US Dep't of the Interior, Outer Continental Shelf Oil and Gas Leasing Program: 2007-2012: Draft Environmental Impact Statement (2006), *available at* [http://www.mms.gov/5-year/2007-2012\\_DEIS.htm](http://www.mms.gov/5-year/2007-2012_DEIS.htm).

<sup>46</sup> See Minerals Mgmt. Serv., *supra* note 44.

<sup>47</sup> Letter from David Harsila, President, Alaska Independent Fishermen's Marketing Association et al. to George W. Bush, President (Dec. 1, 2006), *available at* <http://www.akmarine.org/our-work/protect-bristol-bay/Dear%20Mr.%20President%2012-01-2006.pdf>; see Ala. Marine Conservation Council, *supra* note 7..

<sup>48</sup> Press Release, Pelosi: Our Coasts Need Lasting Protection from Oil and Gas Drilling (Dec. 4, 2006) (on file with author), *available at* <http://www.house.gov/pelosi/press/releases/Dec06/Oil%20and%20Gas.html>.

<sup>49</sup> See Letter from Dan O'Hara, Mayor, Bristol Bay Borough, to George W. Bush, President (Dec. 5, 2006); E-mail from Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council to Diane Sherman, "RE: ACF Presentation this summer – follow-up" (Oct. 17, 2007).

<sup>50</sup> Letter from H. Robin Samuelson, President and Chief Executive Officer, Bristol Bay Economic Development Corporation, et al. to Sarah Palin, Governor (Dec. 6, 2006), *available at* <http://www.akmarine.org/our-work/protect-bristol-bay/Palin%20LS92%2012%207%2006.pdf>.

<sup>51</sup> See Memorandum on Modification, *supra* note 1; Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Pub. L. 109-54, 119 Stat. 499, 521-22 (2005).

<sup>52</sup> Press Release, Ala. Office of Governor, Governor Palin Welcomes Lifting of Bristol Bay Lease Moratorium, (Jan. 9, 2007) (on file with author), *available at* <http://gov.state.ak.us/archive.php?id=54&type=1>; Press Release, Senator Stevens Commends Decision to Lift Bristol Bay Moratorium (Jan. 9, 2007), *available at* <http://stevens.senate.gov/public/index.cfm?FuseAction=NewsRoom.PressReleases> (search "Browse by" for "Month" "January" and "Year" "2007" and follow hyperlink for "Senator Stevens Commends Decision to Lift Bristol Bay Moratorium").

<sup>53</sup> Library of Cong., H.R.1597, <http://www.thomas.gov> (search "Search Bill Text" for "Bill Number" "HR1957" and follow hyperlink "Bill Summary and Status"; then follow "All Information") (last visited Oct. 18, 2007).

<sup>54</sup> See Minerals Mgmt. Serv., *supra* note 44; Minerals Mgmt. Serv., US Dep't of the Interior, Proposed Final Program: Outer Continental Shelf Oil and Gas Leasing Program 2007-2012 4 (2007), *available at* <http://www.mms.gov/5-year/PDFs/MMSPProposedFinalProgram2007-2012.pdf>; Minerals Mgmt. Serv., US Dep't of the Interior, Outer Continental Shelf Oil and Gas Leasing Program: 2007-2012: Final Environmental Impact Statement (2007), *available at* [http://www.mms.gov/5-year/2007-2012\\_FEIS.htm](http://www.mms.gov/5-year/2007-2012_FEIS.htm).

<sup>55</sup> See Library of Cong., *supra* note 53.

<sup>56</sup> Library of Cong., S. 1311, <http://www.thomas.gov> (search "Search Bill Text" for "Bill Number" "S1311" and follow hyperlink "Bill Summary and Status"; then follow "All Information") (last visited Oct. 18, 2007).

<sup>57</sup> See Rose Ragsdale, *Bristol Bay Leasing May be in Jeopardy*, Petroleum News, Jun. 10, 2007.

<sup>58</sup> See *id*; E-mail from Kelly Harrell, Friends of Bristol Bay Project Director, Ala. Marine Conservation Council to Diane Sherman, "RE: ACF Presentation this summer – follow-up" (Oct. 17, 2007).

<sup>59</sup> *Oversight Hearing on "The Minerals Management Service's Proposed 2007-2012 Program for Oil and Gas Leasing on the Outer Continental Shelf" Before the Sucomm. on Energy and Mineral Res. of the H. Comm. On Natural Res.*, 110th Cong. (Jun. 28 2007), *available at* [http://resourcescommittee.house.gov/index.php?option=com\\_jcalpro&Itemid=32&extmode=view&extid=69](http://resourcescommittee.house.gov/index.php?option=com_jcalpro&Itemid=32&extmode=view&extid=69).

<sup>60</sup> See Ala. Marine Conservation Council, *supra* note 4.

<sup>61</sup> See Library of Cong., *supra* note 53; Library of Cong., *supra* note 56.