

STATEMENT FOR THE RECORD

Public Hearings on Proposed BLM Regulations
Concerning Oil and Gas Exploration in "PET 4."
October 27, 1976

(My name is Ogden Williams. My address is

. I am a former practicing attorney in New York City,
and a former U.S. Government official in Washington DC and overseas.
I am testifying as an interested citizen, and not on behalf of any
interest group.)

The Naval Petroleum Reserves Production Act of 1976 enacts
two clear concerns of the U.S. Congress: That oil and gas reserves
in PET 4 be explored, and that environmental values in PET 4 be
protected. The BLM proposed regulations now under review deal with
the second of these two Congressional purposes, and the question
is whether they adequately do the job and fully meet the requirements
of the Act.

In general I think there is much to praise in the proposed
BLM regulations. There is, however, one major potential loophole
which clearly should be addressed. I refer to the last sentence
of Section 2361.2 (page 17) which now reads:

"In addition, permits need not be obtained by those Federal,
State, and local agencies for activities which are specifically
exempted therefrom by written cooperative agreements with the
Bureau of Land Management; however, such uses will be subject to
stipulations."

One wonders why BLM established a strict requirement for
use permits, and then promptly exempted from the permit requirement
some of the very groups which will be most directly involved in
oil and gas exploration. If "written cooperative agreements" are
intended to be as rigorous as normal use permits, then why not use

the normal permit procedure ? If they are in fact intended to be less rigorous, then the BLM will not be fully responding to the responsibilities placed upon the Secretary of the Interior by the Congress.

It may be argued that "written cooperative agreements" will provide as much environmental protection as would the use authorization procedure. This I doubt. Clearly if permits are required before specific actions are taken, problems can be raised and resolved before damage is done. To the contrary, if exploration operations can proceed under general overall guidelines - which is what "written cooperative agreements" would end up being - actions will be taken and unnecessary damage will be done which no later review will be able to cure. Control must exist before the fact, not after the fact. Control must relate to proposed specific actions, and not be merely the giving of broad general guidelines for proposed overall programs. In short, Section 2361.2 in its present form weakens the control capability of the authorized officer, and thus fails fully to meet the intent of the Act.

Some may contend that the permit procedure will be more cumbersome than a general guideline procedure, and thus slow the rate of oil and gas exploration. My reply is that if Congress intended the exploration to proceed at the greatest speed and without regard to environmental safeguards, it would have said so. It specifically did not authorize such an approach, and on the contrary clearly enjoined the Secretary of the Interior to protect the environment as well as explore for gas and oil. This may be cumbersome, but it is what the Act demands.

My comments are not merely theoretical. Experience on the Trans Alaska Pipeline is at our disposal. There Alyeska can be and is

bound to stipulations which State or Federal agencies can and do ignore. Overseers of TAP feel that this is a substantial weakness in their oversight program, and have expressed their opinion to me in unmistakable terms that the same loophole should not be permitted in PET 4. Their recommendation to me, and mine to this hearing, is that there should be no exceptions to the permit requirement in the proposed BLM regulations now under review. Accordingly I urge that the last sentence of Section 2361.2 (page 17) be stricken in its entirety. Otherwise I believe the proposed BLM regulations will be less than fully responsive either to the intent of the Congress or to the public interest.

I request that this statement be made part of the record.

Stullman
O. Williams