
From: John <jsandr@matnet.com>
Sent: Monday, August 19, 2013 11:00 AM
To: dogcomments (DNR sponsored); Pawlowski, Bob J (DNR)
Subject: public comment on proposed oil and gas regulations

Mr. Palwowski, please acknowledge receipt of this email. Thank you. John Strassenburgh

August 18, 2013

Department of Natural Resources
Division of Oil and Gas, Attention: Bob Pawlowski
550 West 7th Avenue, Suite 1100
Anchorage, Alaska 99501-3560

Via email to DOG.Comments@alaska.gov

Dear Mr. Pawlowski;

These are my comments on proposed changes to DNR's regulations for authorizing oil and gas exploration and development.

I have taken a look at HB 129, the "Dear Alaskan" overview letter,^[1] and the proposed regulations, and I am concerned.

Section 1 of HB 129, Stipulation (3), states that DNR has a "constitutional duty to *continue to analyze and consider all factors material and relevant to what is in the public interest after the lease sale phase, including the cumulative impacts of the project and to provide the public with timely and meaningful notice of its cumulative impacts assessment in order to ensure the constitutional principle of maximum use consistent with the public interest.*"

I don't think the proposed regulations accomplish this.

In order to determine whether it is in the public interest for DNR to authorize oil and gas exploration or development, it is first necessary to conduct a thorough and meaningful analysis and evaluation of the effects that such action would be expected to have on communities, subsistence, fish and wildlife, local economies, other non oil and gas resources such as our water, land, and air, and so on.

Unfortunately, the proposed regulations preclude such an analysis. This because of the enormous geographic size of the areawide designations and because the opportunity for meaningful public participation is greatly curtailed.

1. Turning first to the large geographic area that would be considered and authorized under these proposed regulations.... The larger the geographic area that is under consideration, the more difficult and less meaningful the identification and evaluation of impacts would become. The "Dear Alaskan" letter on page 3 states that for the North Slope, "a single geographic area for exploration will not exceed 1.875 million acres."

This is a huge area. And 200,000 acres, or 312 square miles, is also a large area, but begins to become a reasonable and manageable size. In large areas, there would be great variation of human use, subsistence values, habitat values, fish and wildlife populations, etc. It's one thing to open a large area to leasing for possible exploration or development and then within that broad area evaluate and authorize individual oil and gas projects. It is altogether different, for the large geographical areas the proposed regulations contemplate, to "review and authorize oil and gas exploration or development across a geographical area rather than by individual project." (page 2 of Dear Alaskan Letter).

I object to this broad brush approach to authorizing oil and gas exploration and development because it is not sufficient to conduct a reasonable and meaningful analysis of the impacts. Such an analysis is essential to determining whether the disposal of our public resources is in the public interest.

2. The large geographic area designations proposed in these regulations also greatly diminishes the public's ability to meaningfully participate in the process. As the area under consideration becomes larger, the tendency is for the public comment to become more general and less meaningful and less relevant to the actual impacts that will eventually result from future development. The rubber hits the road on individual projects or narrowly defined development areas. That's where the specific impacts can be identified, so that DNR can avoid them or establish mitigating measures. These proposed regulations deprive the public of the opportunity to participate at this meaningful level, and they also limit the information available to DNR to enable it to avoid or mitigate adverse impacts and otherwise act in the public interest.

The Public Review Draft of the regulations, on page 9, indicates in (b) that "The department will consider timely written comments provided during the notice period." This is a bare bones statement. I've commented on proposed state actions several times in the past, and have always received back a written response from the agency that I am commenting to. I think it is important for the agency to go on record with a written response to comments, and such a requirement, if not elsewhere in Administrative Code, should be added here. I also think it is important to make comments available to the public, and the Administrative Code should include that as well.

In conclusion, I think that the statement at the bottom of page 3 and top of page 4 of the "Dear Alaskan Letter" is telling: "*The proposed regulations will help DNR meet the growing demand for exploring state lands.....*" Section 2 of HB 129 begins with "*(o) the director may approve.....*" The key word is *may*. DNR is not required to diminish either its capacity to collect and evaluate information or data relevant to oil and gas exploration and development or the ability of the public to meaningfully participate in the process.

If DNR has complete, accurate information and a meaningful public process, and considered both in good faith, then generally the result is good public policy. If DNR steamrolls the process, which in my opinion is what these proposed regulations would do, the expected result would be bad decisions that are not in the public interest. The public is not well served with these proposed regulations, and I hope that DNR revises them to address the concerns I have expressed in this letter.

Thank you for this opportunity to comment.

Sincerely,
John Strassenburgh
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ⁱ⁽¹⁾ Letter dated July 12, 2013 from William Barron, entitled “Opportunity to Comment on Proposed Oil and Gas Regulations.”