

or some successor administration becomes deeply committed to the act's policy goals.

Those goals are broadly stated in the act as ringing exhortations which may never prove enforceable. But they may have enough content to be an effective guiding influence for policy-making in any national administration inclined to embrace them.

Lynton K. Caldwell, professor of public and environmental affairs at Indiana University, observed that judges have had to become the true enforcers of NEPA because of the lack of commitment on the part of those in power. In his view, this failure of commitment is at-

tributable to an overriding economic orientation molded by the depression of the 1930's. He suggested that, perhaps only if controls on economic growth are instituted to curb consumption and resource depletion, will NEPA become truly effective.

The 3-day conference held in early June by the Environmental Law Institute (ELI) and the Center for Administrative Justice was attended by about 140 persons from federal and state government, environmental law groups, private consulting firms, and the like. Frederick R. Anderson, director of the ELI, said that the conference—like the Leggett hearings of last fall—had pointed up for him

the bureaucracy's acceptance of NEPA. "The bureaucracy has swallowed the hook," he told *Science*.

But Anderson expressed concern that the Supreme Court, by its 28 June decision overturning a lower court ruling in *Sierra Club v. Morton*, may have set back efforts to have the agencies follow NEPA precepts in their broad-scale planning. In this important case, the U.S. Circuit Court of Appeals for the District of Columbia ruled last year that the Department of the Interior and other agencies must issue a "programmatic" impact statement covering coal development on federal lands for the entire Northern Great Plains region. Or, in

## Kachemak Bay: Oil Spill Leads Alaska to Reverse Drilling OK

A small but dramatic oil spill from a drilling rig stuck in Kachemak Bay in lower Cook Inlet, Alaska, has led to the resolution of a bitter 3-year battle over plans to drill for oil beneath some of Alaska's richest marine habitat. As a result, the state has reversed its position on drilling in the bay and is now planning to buy back a lease it sold 3 years ago. Many Alaskans, however, see this as a classic case of doing the right thing for the wrong reason (*Science*, 18 July 1975, p. 204). The state's fishermen and environmentalists believe the lease should never have been sold in the first place.

The subject of the dispute was 5000 acres of sea bottom in Kachemak Bay that were leased in 1973 as part of a much larger sale by the state of offshore drilling rights in the lower Cook Inlet area. At the time of the sale, local fishermen and marine scientists warned that even a relatively small oil spill in the bay could be disastrous for the area's important fishing industry. And some scientists working for the Alaska Department of Fish and Game and the National Marine Fisheries Service argued against the sale on grounds that Kachemak Bay is an important nursery area for the nationally important Gulf of Alaska fishery.

The sale of the Kachemak Bay lease became a major issue in the 1974 gubernatorial campaign. The victor, Jay Hammond, who won by a slim margin, urged that the state buy back the leased land in the bay in order to protect its ecology.

Ironically, fishermen sued the state after Hammond's election, claiming that the sale of drilling rights was illegal. Among other things, they argued that there had been insufficient notice of the sale and inadequate time for them to be heard. Last summer a district court in Anchorage dismissed the suit on procedural grounds. The fishermen appealed to the Alaska Supreme Court, asking it to order the lower court to hear the case on its merits. By early May the court still had not ruled. But now the issue may be moot.

Shortly after the lease sale, the new leaseholders contracted for an exploratory oil rig to drill test wells. The rig, called the *George Ferris*, arrived in Kachemak Bay about the time the lawsuit was filed and has since sat idle.

On 4 May the *Ferris*'s owners announced that they were going to move the rig further up Cook Inlet to drill for another company while the Kachemak Bay suit was being re-

solved. But as the rig was being prepared to be towed out of the bay, its legs became mired in the 80-foot-deep mud of the sea floor. Two of the legs broke during attempts to free the rig, leaving it anchored in the mud and subject to flooding by the tides which were running 20 feet or more.

So there was the *George Ferris*, stuck in the mud, with more than 30,000 gallons of diesel fuel on board. Two oil containment booms were rigged while work crews tried to drain the fuel tanks into barges and boats, and the Coast Guard was notified of a potential spill.

The state's newspapers carried front-page stories detailing the rig's problems and quoting a host of authorities on the dangers facing the aquatic environment if the oil escaped. Most of the oil on board was successfully drained, but, as the waters rose higher in the spring flood tides, oil from machinery and tank walls was washed into the sea. Then a work boat accidentally pushed an oil containment boom aside, allowing oil to flow into the open water where it created a slick more than 2 miles long. Alaska's newspapers carried aerial photos of the rig trailing the oil slick across Kachemak Bay and quoted biologists who were worried about the hazards posed to seabirds, shrimp, crab larvae, and other aquatic life.

Faced with evidence of potential disaster, the sometimes lethargic Alaska state legislature acted swiftly during the last 2 weeks of its session to authorize the governor to buy back the Kachemak Bay acreage. The new law gives the state a year to negotiate with the leaseholders for a mutually agreeable buy-back price. If no agreement is reached, the law authorizes the state to condemn the leases.

Although the spill was minor, a little oil goes a long way on water, and it was a dramatic example of what could happen. The incident leaves a sour taste in the mouths of many scientists and officials who—although pleased that the legislature acted—had argued that the Kachemak Bay area was too valuable a habitat to put at risk. In the words of one state official who has been dealing with the issue from the start, "It was just dumb luck that the spill wasn't 30,000 gallons or 30,000 barrels."—MARK PANITCH

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