

**Section 810 of ANILCA Public Hearings  
application for exception by  
Amoco of seasonal drilling**

**Kaktovik**

**1986**

1 MINERALS MANAGEMENT SERVICE  
2 949 East 36th Avenue, Room 110  
3 Anchorage, Alaska 99508  
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9 TESTIMONY ON THE SECTION 810 OF ANILCA PUBLIC HEARINGS  
10 APPLICATION FOR EXCEPTION BY AMOCO OF SEASONAL DRILLING  
11

12 June 26, 1986

13 KAKTOVIK/NOOIKSUT  
14

15  
16 ROBERT BROCK  
17 MICHAEL BAFFREY  
18 Minerals Management Service  
19 Anchorage, Alaska

20 Interpreter: ARNOLD BROWER, JR.  
21 Chairman  
22 ALASKA ESKIMO WHALING COMMISSION  
23 Kaktovik, Alaska

24  
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329 F Street, Suite 206  
Anchorage, Alaska 99501  
(907) 276-4188

TABLE OF CONTENTS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Opening Statement by Robert Brock	3
<u>TESTIMONY OF:</u>	
Wayne C. Smith	7
Nolan Soloman	11/46
Loren Ahlers	14/45
Isaac Akootchook	17
Benjamin P. Nageak	18
Thomas Albert	21
Erik Smith	32
Sam Taalak	35
Archie Brower	37
Patsy Tukle	38
Alfred Linn	39
Mike Philo	41
Arnold Brower, Jr.	42/46

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P R O C E E D I N G S

June 26, 1986

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2  
3 MR. BROCK: I'd like to welcome you all to the  
4 hearing. My name is Bob Brock and I'm a representative of  
5 the Minerals Management Service. And I've been designated  
6 to chair this hearing.

7 I'm out of Anchorage, Alaska. On my right is Jeff  
8 Walker, and Michael Baffrey over here by the tape  
9 recorder. The formal part of this hearing, on the record,  
10 if somebody wants to ask questions later on we'll go off  
11 the record and have a question and answer period.

12 But the formal part of the hearing is strictly a  
13 testimony type process. I've got a few remarks here that  
14 I need to make first. On April 3, 1986 AMOCO submitted a  
15 request to the Minerals Management Service for an  
16 exception to the seasonal drilling stipulation.

17 That was a requirement that was in Sale 87, Beaufort  
18 Sea oil and gas lease sale. The exception was to drill  
19 during the whale migrations. Minerals Management Service  
20 prepared an environmental assessment and what was called  
21 an 810 analysis of the effect on subsistence. 810 is a  
22 part of the ANILCA. Alaska National Interest Land  
23 Conservation Act.

24 And so we prepared an 810 analysis, or the analysis  
25 on the subsistence issue for the Erick and Belcher sites.

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1 There's a map over here if anybody is interested in  
2 looking at a map to see where these sites are. We found  
3 that approval of the exception would have no significant  
4 effect on the National Environmental Policy Act.

5 However, we did find that there was a potential  
6 significant restriction on subsistence uses on the Erick  
7 site under the Alaska National Interest Land Conservation  
8 Act law. Erick is located about 12 miles from Kaktovik.

9 The measuring stick or the thresholds used under the  
10 ANILCA Act are extremely low and the slight chance that  
11 such interference may cause the whale to be inaccessible  
12 caused the determination of a significant restriction of  
13 subsistence use.

14 It is anticipated that the possibility of such a  
15 restriction occurring on the Bowhead whale harvest is  
16 extremely low. According to the data collected over the  
17 past 20 years there has not been a recorded strike of a  
18 whale within six miles of the drilling location at Erick.

19 Based on other studies it is doubtful that whales  
20 more than two miles from the drill site will be deflected  
21 from the migration route. And if they are deflected, such  
22 a deflection would be no more than one mile. However,  
23 there is that slight chance that such interference may  
24 happen and would cause a significant restriction of use.

25 Section 810(a)(2) of ANILCA requires that when such a

1 finding is made a public hearing will be held in the  
2 vicinity of the area involved. That is why we're here  
3 today, to hold that public hearing. On May 23, 1986  
4 the Minerals Management Service granted approval to AMOCO  
5 for this one-time exception. It was a conditional  
6 approval.

7 Some of those conditions that were included in the  
8 approval is that the State has not yet made their  
9 consistency determination, so it was conditioned upon the  
10 State consistency determination. It was also conditioned  
11 on that we must write up the results of this hearing and  
12 complete the required process under the 810(a)(3) of  
13 ANILCA, to determine if that should be changed.

14 The third condition tells AMOCO to avoid any  
15 potential conflict with subsistence whaling. Now their  
16 commitment to the oil whaler working group, as it's  
17 referred to, should meet that one condition. But it's not  
18 completed from my understanding, at this point.

19 The purpose of this hearing is to receive your views,  
20 comments, and suggestions on the 810 summary evaluation  
21 and analysis. We have copies of that 810 analysis over  
22 here if anybody has not seen it. An official verbatim  
23 transcript will be made of the hearing. Everything that  
24 is spoken while the hearing is in session will be recorded.  
25 To assure a complete and accurate record of the hearing it

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1 is necessary for one person to speak at a time. And the  
2 others should remain as quiet as possible. Copies of this  
3 transcript will be available through the Minerals  
4 Management Service Library, at telephone number 261-4621.  
5 This is not an adversary proceeding. No one will be placed  
6 under oath.

7 However, presentations should be relevant and to the  
8 point. Speakers will not be questioned unless  
9 clarification of fact is necessary. However, if we do ask  
10 some questions that should not be interpreted that we have  
11 by any means reached a decision by us or the Minerals  
12 Management Service.

13 We are not here to answer questions. The purpose of  
14 the hearing is to receive your information, not to  
15 exchange views. We are present to obtain as complete an  
16 understanding as possible of all the views of the  
17 interested parties. If you would like to have an informal  
18 discussion after the hearing, we will close the record and  
19 we will stay and answer any questions that you have on  
20 this particular proposal.

21 Speakers will be called upon in the order that  
22 they've registered, and I believe at the present time we  
23 have two people registered. If you would like to speak  
24 and have not yet registered, please do so with Mike  
25 Baffrey over here by the tape recorder. If you wish to

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1 submit additional comments or if you have your comments in  
2 writing just give Mr. Baffrey a copy of them.

3 The department will accept written comments and  
4 statements from anyone who would prefer to make written  
5 comments, or from anyone who is unable to attend the  
6 hearing, or from anyone who would like to supplement their  
7 oral comments.

8 Written comments and statements should be addressed  
9 to: The Regional Director, Alaska OCS Region, Post Office  
10 Box 101159, Anchorage, Alaska 99510, Attention Michael  
11 Baffrey. The comment period closes July 7, 1986. All  
12 written comments received by that date will be included as  
13 part of the hearing record and will all be granted the  
14 same consideration.

15 Would you like to translate that to --  
16 (Mr. Brock's Opening Statements and Remarks Translated to  
17 Inupiat by Mr. Arnold Brower, Jr.)

18 MR. BROCK: Thank you. Leave that there so we  
19 can both use it. The first, we'll go right into the  
20 testimony. The first testifier we have is Mr. Wayne G.  
21 Smith.

22 MR. SMITH: Is that on?

23 MR. BROCK: Yes. When you're testifying please  
24 state your name, address, and who you represent, please.

25 MR. SMITH: Good evening. My name is Wayne

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1 Smith. I'm from Anchorage, Alaska. I'm representing  
2 AMOCO Production Company, and I appreciate the opportunity  
3 to discuss our plans for drilling in the eastern Beaufort  
4 Sea in 1986.

5 I'm District Manager for AMOCO Production Company,  
6 Anchorage district, and I'm responsible for AMOCO's  
7 Alaskan production and drilling operations.

8 AMOCO is a leading OCS leaseholder in the state of  
9 Alaska. The investment in these leases reflects AMOCO's  
10 commitment to the future exploration and development of  
11 new oil reserves for the state of Alaska and the nation.

12 AMOCO as operator for several partners is currently  
13 considering drilling the Erick prospect in the Beaufort  
14 Sea during the 1986 season. AMOCO has submitted an  
15 environmental report for the Erick prospect to the  
16 Minerals Management Service which discusses the  
17 environmental effects of exploration activities at Erick.

18 AMOCO has also submitted extensive written materials  
19 to the state and federal government agencies on the Erick  
20 prospect. AMOCO has prepared two studies particularly  
21 relevant to the issues of this hearing. They are a  
22 detailed analysis of subsistence impacts prepared by  
23 Hooks, McCloskey and a review of the effect of oil on  
24 Bowhead whales. We are submitting copies of these for the  
25 record. We have copies of these but we left them on the

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1 plane so we'll give them to you tomorrow.

2 MR. BROCK: Okay, thank you.

3 MR. SMITH: We don't plan to discuss these  
4 documents in detail at this hearing. This statement is  
5 intended only to summarize our plans.

6 Erick will be drilled using an Arctic designed  
7 drilling vessel. AMOCO plans to support this vessel with  
8 ice class supply boats and a larger ice class vessel for  
9 ice breaking duty. Supply boats will be operating out of  
10 Herschel Island and the helicopters will be operating out  
11 of Deadhorse, Alaska.

12 AMOCO believes that its activities in the Beaufort  
13 will not have a substantial effect on subsistence  
14 activities of the Bowhead whale. We will certainly do all  
15 we can to minimize any effects which might occur. AMOCO  
16 is looking forward to participating in the oil whalers  
17 group activities during our drilling operations.

18 Coordinating the activities of our supply vessels,  
19 ice breakers, and helicopters with the whaling activities  
20 in the area by the planned radio communication system will  
21 allow us to know where the whalers are located, and thus  
22 avoid unnecessary interference with their activities.

23 AMOCO and other oil industry companies have worked  
24 closely with the people of Kaktovik, Nooiksut, and  
25 Barrow, the Alaska Eskimo Whaling Commission, and the

1 North Slope Borough to achieve this goal.

2 I want to thank you for the opportunity to present  
3 our comments and I will be available to respond to any  
4 questions you may have after the hearing. Thank you.

5 MR. BROCK: Thank you, sir.

6 (Mr. Wayne G. Smith's Statement and Comments Translated to  
7 Inupiat by Mr. Arnold Brower, Jr.)

8 MR. BROCK: Thank you. Would you people standing  
9 like to -- I think we've got a couple of chairs up in the  
10 front here, and a couple of other chairs there. Would you  
11 like to come on in and sit down?

12 UNIDENTIFIED SPEAKER: We're quite comfortable  
13 here, thank you.

14 MR. BROCK: Okay. The next testifier will be Mr.  
15 Brower.

16 MR. BROWER: Perhaps maybe I'd like to defer my  
17 testimony and my comments until maybe the folks from  
18 Kaktovik have had a chance to.

19 MR. BROCK: Okay. Has anybody else registered,  
20 Mike?

21 MR. BAFFREY: No.

22 MR. BROCK: Is there anybody else here, before  
23 Mr. Brower speaks, is there anybody else here that would  
24 like to make --

25 MR. SOLOMAN: I'd like to register.

1 MR. BROCK: Why don't you just come on up and  
2 have a chair and --

3 MR. SOLOMAN: I don't have it written down but  
4 I'd like to --

5 MR. BROWER, JR.: (Translation to Inupiat)

6 MR. BROCK: We'd like to get the name and let  
7 him --

8 MR. BAFFREY: Would you make an announcement that  
9 you're going to pass it around, if they want.

10 MR. BROCK: We will pass this sheet around again  
11 to see if anybody would like to sign up and make sure that  
12 we get your name down. Why don't you put it on that  
13 clipboard and pass it around.

14 MR. BROWER, JR.: (Translation to Inupiat)

15 MR. NOLAN SOLOMAN: My name is Soloman. I'm a  
16 whaling captain, also a commissioner for Kaktovik. And  
17 I've represented Kaktovik for quite a number of years.  
18 And since AMOCO and also whalers here, we've been working  
19 hand-in-hand. When AMOCO proposed to have a whale tagging  
20 we opposed it. We opposed everything they did because we  
21 didn't want them to tag a whale while they're migrating.  
22 And also we tell them that it's our hunting area.

23 I'd like to leave this just as little bit short as I  
24 can. Because I want to talk a little bit more later on.  
25 When we had a meeting over at the oil company we draw up a

1 map. You guys have a map of this here, of the whales  
2 caught. And also we were talking about consultation  
3 between the oil company and the whalers here.

4 And they promise us that if we work together we'll  
5 get something done. So, okay. So when we was over there  
6 we draw up just a small part of our map here and we told  
7 them that we would put our whaling activities together  
8 here, and draw up more map of this here. This is just a  
9 little part of it. And right now they're trying to use  
10 this unfinished map.

11 Just recently we went and got the original map we got  
12 to compare this map here. We have a map of something like  
13 this. And right now they're saying that about 10 miles or  
14 somewhere that 20 years that we never hunted in these  
15 areas. Well, we've been hunting everywhere. And that  
16 doesn't mean we doesn't hunt there because there's no  
17 little black dot there.

18 And we have a map here, it's done, and it goes all  
19 the way up through Camden Bay. The places where we hunted  
20 and lost our whales. And there's a lot more dots here  
21 then. I don't know why AMOCO is so fast trying to draw up  
22 a map like this so we could go by it. I think this  
23 consultation it needs to be worked at. As well as boats  
24 later on.

25 And I would like them to see this map and photograph

1 it and use this instead of this document. Because this  
2 document here you're going to take it home to Anchorage  
3 somewhere and tell the people, here, this is where the  
4 Kaktovik have been hunting. And here's Erick right here.  
5 They've never hunted before. That's full of bologna.

6 We've been hunting way up in here. All the way down  
7 here and we told them, it's never been done. So, I'd like  
8 to just stop right there and I'd like to say a little bit  
9 more because we're the hunters and we don't want our  
10 hunting way of life be treated as an oil rig somewhere  
11 down there, and then we have to stop our whaling and all  
12 that sort of stuff. And I want to thank you.

13 MR. BROCK: Are you going to leave us a copy of  
14 your map?

15 MR. SOLOMAN: I will leave it after, because this  
16 is the original and I have to have a copy of it.

17 MR. BROCK: Okay. So you'll send us a copy of  
18 the map?

19 MR. SOLOMAN: We will send it to you.

20 MR. BROCK: Okay, very good. Do you want to  
21 translate that?

22 (Mr. Nolan Soloman's Statements and Comments Translated to  
23 Inupiat by Mr. Arnold Brower, Jr.)

24 MR. BROCK: Thank you. The next one?

25 MR. SMITH: Could I make just one statement.

1 This is not our map.

2 MR. BROCK: Oh, okay. I think that map that  
3 you're referring to is a Minerals Management Service map.  
4 I'm not positive but I think it is, isn't it? Yes, it is.  
5 But just to clear the record on that.

6 MR. BAFFREY: Our map is in there.

7 MR. BROCK: This map you had was an MMS map.  
8 Just so everybody will know that. The next testifier  
9 is --

10 MR. SOLOMAN: Even though if it's an  
11 (indiscernible) map, this is the original. If you have  
12 others that's not so.

13 MR. BROCK: Okay. Well, that's the reason I  
14 wanted to be sure and get a copy of your map so that we  
15 can make sure that ours is correct. Mr. Mayor?

16 MR. AHLERS: My name is Loren Ahlers,  
17 representing the City of Kaktovik as Mayor. On behalf of  
18 the community of Kaktovik I would like to say that we  
19 probably totally are opposed to drilling activities during  
20 the migration of the Bowhead whale.

21 There are many reasons for this. Some of them have  
22 already been shown in the past of the activities of the  
23 oil companies in seismic operations that have happened  
24 during the hunting season. And the disturbances caused,  
25 and the lack of us being able to take whales. I'm not

1 going to go into any of the scientific aspects of this. I  
2 don't understand a lot of it. Other people here, I'm  
3 sure, will testify that do understand it, and I hope on  
4 our behalf.

5       There is one thing that seems very important to me.  
6 In your letter from the Minerals Management Service to Mr.  
7 Smith of AMOCO Production Company you list stipulations  
8 that cover the okaying of this permit, or this allowing to  
9 be drilled. And the very first one states exploratory  
10 drilling and testing and other down hole exploratory  
11 activities during the 1986 Bowhead whale fall migration is  
12 authorized only as long as the behavior study of Bowheads  
13 is being actively pursued. What you're saying when you  
14 say that is they can drill. It doesn't matter how much of  
15 a problem or how much impact they're having on the whale.  
16 That as long as they continue to document this impact that  
17 they can go ahead and do it.

18       If they run the whales back to Canada or totally  
19 block them you're not saying anything that can stop this  
20 from happening. You are saying that as long as they  
21 continue to document and study that they can go ahead and  
22 do this. That is wrong. If it shows, no matter at what  
23 stage of the drilling operation, that they are having an  
24 effect on the migration of the whale the drilling  
25 activities should be stopped. And that should be placed

1 in this stipulation.

2 To study the whale is probably a necessity for the  
3 future of all of us. The production of oil, the finding  
4 of oil is a necessity, we all know that. And that's  
5 something that we have to live with. But to do it in ways  
6 that will create minor disturbances is a real necessity.  
7 We should cover that and be prepared to stop the activity  
8 should we be bothering them, and find another way to do it  
9 that is not causing that much impact.

10 MR. BROCK: Without putting you on the spot can I  
11 ask you a question. If that was so stated in there would  
12 that change your opinion of the study and the whaling?

13 MR. AHLERS: No, sir. Primarily I would not like  
14 to have this done at all.

15 MR. BROCK: Okay. I was just wondering if that  
16 was the factor. Just for my own --

17 MR. AHLERS: As has happened in the past with all  
18 types of public hearings that we've had, our overall  
19 feelings have very, very seldom been taken into major  
20 consideration. This, I can see happening again.

21 My feelings are that with the possibility, with the  
22 very high possibility of this permit being approved, or  
23 this okay of being able to drill this Erick Island, or  
24 Erick hole or whatever it is; I am almost positive that  
25 you will go ahead and issue this permit to do so.

1 I would like to see you add to your stipulations when  
2 this is done that should the scientific people show that  
3 this is causing an impact on the whales and disturbing  
4 them, then that operation should be shut down immediately.  
5 I think that's a very, very important happening. And I'm  
6 going to conclude with that.

7 MR. BROCK: Thank you, sir.

8 MR. AHLERS: Thank you.

9 (Mr. Ahlers Statements and Comments Translated to Inupiat  
10 by Mr. Arnold Brower, Jr.)

11 MR. BROCK: Thank you, sir. The next speaker is  
12 Isaac Akootchook, or Takootchook? Am I close? I'm having  
13 a little hard time reading it.

14 MR. BROWER, JR.: I think he's going to tell you  
15 himself.

16 MR. BROCK: Okay, good. I hope I didn't do too  
17 bad.

18 MR. AKOOTCHOOK: I don't have any reading, but my  
19 name is Isaac Akootchook, and I've been here since, I born  
20 here and I know this place. Why you guys going to  
21 drilling and whatever activity.

22 Because I against that drill you guys going to work  
23 on down there. Because we have subsistence hunt for  
24 living up here. I've got a lot of questions to you  
25 people, but maybe later on and after the testimony we

1 have --

2 MR. BROCK: Excuse me. You can speak in Inupiat  
3 and Arnold Brower can translate.

4 MR. AKOOTCHOOK: Maybe I'd better speak in  
5 Eskimo, my language and Arnold is going to get it on,  
6 okay.

7 MR. BROWER, JR.: My rates go up.

8 MR. BROCK: He pays for this, right?

9 MR. AKOOTCHOOK: TESTIMONY IN INUPIAT.

10 MR. BROCK: Thank you.

11 MR. BROWER, JR.: I'll try to make it somehow.  
12 First that's Isaac Akootchok. He's impressing the main  
13 topic, or expressing that they are subsistence. And it's  
14 critical to his life in Kaktovik. In other words, he  
15 can't go without this kind of -- subsistence is a way of  
16 life. You take a portion of it out then you take so much  
17 of his life away; suspend it so to speak.

18 So in light of the events that's happened and if this  
19 thing is going to go through, he knows from past  
20 experience that there is going -- he's going to encounter  
21 real hardship. And cooperative measures should be  
22 implemented in there so that no drilling during the  
23 subsistence hunting period. So that their subsistence and  
24 what he needs to get for his family, and the food can be  
25 caught.

1           As a result they don't derive any benefit from the  
2 product that will be found here. Whether the price of  
3 oil, gas will not go down or anything. And this problem  
4 has never been looked at or nobody's tried to solve the  
5 problem.

6           And if there's an accident here then the folks here  
7 can -- the oil companies can pick back up their stuff,  
8 clean it up, and go away and leave the debris of mess and  
9 stuff that will have to be, just be left there. And  
10 they're going to have to live with it.

11           So these things he would like to know that -- he's  
12 concerned. And that the whales will go too far offshore  
13 if the activity exists there. Which is this -- I guess  
14 this point in the hardship factor that if it goes out too  
15 damned far then you don't go out. The meat will spoil  
16 even if it's caught. For instance, because of the  
17 activity last year there was no harvest, no whale caught.  
18 Because of interference on the subsistence.

19           So he'd like to see that the quota for the  
20 subsistence whaling be completed and afterwards then they  
21 can start the drilling. But whatever, these things are  
22 not just mere stories that they make up, but this is,  
23 they're talking about their way of life. Their own living  
24 right now. What they know.

25           And this way by interference during the migration you

1 can suspend or infringe upon the eating habitats of the  
2 whales. So in the last two seasons it's been different,  
3 and those -- the cause of these two different seasons is  
4 quite noticeable. So he don't wish to see any activity at  
5 all during the subsistence whaling.

6 MR. BROCK: He said early on something about  
7 nobody tried to solve the problem. What was the problem  
8 there? I missed that point.

9 MR. BROWER, JR.: Well the benefit is -- nobody  
10 gets any benefit here because the product is the only  
11 benefit.

12 MR. BROCK: Oh, I see; okay. Thank you. The  
13 next speaker is Benjamin, and I'm not going to try the  
14 last name.

15 MR. NAGEAK: My name is Benjamin P. Nageak. I'm  
16 a subsistence specialist for the Department of Wildlife  
17 Management, North Slope Borough.

18 I'd like to make some clarifications on page 12. On  
19 the -- back about a year and a half ago I approached the  
20 Kaktovik whalers and Nooiksut whalers about the  
21 recording of the harvests of the Bowhead whales in years  
22 past. As a result the whalers pointed out on a map where  
23 whales were harvested. And as a clarification on the  
24 mid-page 12, the figure on appendix 3 shows the recorded  
25 locations of whale strikes by Kaktovik/Nooiksut whalers,

1 should be locations of harvested whales.

2 And this map was intended as a history of Bowhead  
3 whales caught by the Nooiksut and Kaktovik whalers. This is  
4 not a complete record of harvests. It is not done  
5 completely. There has to be some more whales that were  
6 harvested that weren't put on the map, but we didn't have  
7 the time the last time I was here to really make out the  
8 locations of the whales. And this was never intended to  
9 say that this is just the place where people whaled.

10 The Kaktovik whalers whale a wide range from Anderson  
11 Point maybe to all the way over towards the Demarcation.  
12 And this was never intended, this map was never intended  
13 to be restrictive for the whalers. So I'd like to clarify  
14 that. Thank you very much.

15 MR. BROCK: Thank you.

16 (Mr. Nageak's Statements and Comments Translated to  
17 Inupiat by Mr. Arnold Brower, Jr.)

18 MR. BROCK: Between your map and Mr. Soloman's  
19 map there can we update our map to make it current, either  
20 tonight or in the next few days so we'll be sure and have  
21 the correct information?

22 MR. NAGEAK: Right.

23 MR. BROCK: Okay. Thank you. Mr. Albert?

24 MR. ALBERT: My name is Tom Albert. I work in  
25 the Department of Wildlife Management, North Slope

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1 Borough, and I've got a number of fairly specific  
2 comments.

3 If I understand you right you're soliciting some  
4 comments on this 810 document that was attached. But what  
5 I'd like to do is just, if you've got a copy of it I'll  
6 just go through it a little bit with you. It's a real  
7 interesting one. I had the opportunity to read it on the  
8 plane coming over here.

9 And on the very first page of it which seems to be  
10 page 9, at the end of the first paragraph it notes about  
11 the research program will rely partly on opportunistic  
12 observations of tagged whales. And I've never seen the  
13 research proposal but I saw the application for a permit,  
14 and it certainly mentioned that they were going to do more  
15 than opportunistic observations.

16 If only opportunistic observations are going to be  
17 done, not real directed observations, then I don't see any  
18 reason to tag the whales. But anyway, to go over to the  
19 next page, page 10, there's several interesting things on  
20 that one. In the second paragraph is noted that the last  
21 sentence or so, risk of an oil spill is negligible.

22 And minimal increases in the risk and all that. I  
23 guess what one defines as negligible maybe is different to  
24 different people. And I haven't seen any evidence to say  
25 that it's negligible. I grant that it's low, but

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1 certainly I don't think it's negligible. If it wasn't  
2 negligible then there would be no need for any of this  
3 stuff. So I think you've got a problem there.

4 In the third paragraph on page 10, in the second  
5 sentence. It says, "A recent study indicates a significant  
6 behavioral response is not likely until whales approach a  
7 drill ship closer than one to four kilometers", and cites  
8 Dr. Richardson's work. This statement about one to four  
9 kilometers before you get a meaningful response is also  
10 presented in the first page of the cover letter, dated  
11 June 10, that came from Allan Powers.

12 It's interesting, if you turn to Table 1 which is  
13 supplied with this document, on Table 1 it shows that as  
14 far as drill ship noise playbacks were concerned the  
15 approximate radius of strong or frequent reactions is six  
16 kilometers. So on the one hand one says that significant  
17 response behaviorwise is one to four kilometers, and then  
18 in the very same document you have another table that says  
19 it's six kilometers. So one might wonder what the problem  
20 is here.

21 And a playback experiment is not the real world, of  
22 course, or real life. Now I want to also mention  
23 something that's very interesting on page 10, this very  
24 same sentence in the third paragraph. It talks about a  
25 drill ship. And continually through this document it

1 talks about responses to drill ships. I don't know  
2 whether that's an intentional thing or maybe just an  
3 editorial oversight.

4 As most of us well know the major noise source coming  
5 from this operation is probably not going to be the  
6 drill ship, but the ice breaker that's associated with it.  
7 So I don't think it's fair for you to go ahead and dwell  
8 page after page on this one to four kilometer thing,  
9 response to a drill ship; when you know that the ship out  
10 here is going to be serviced by an ice breaker most of the  
11 time, which is going to make a lot of noise. And whose  
12 reactions whales react to we don't really have a very good  
13 idea of yet.

14 I think that whoever wrote this, I'm sure it wasn't  
15 an intentional misrepresentation. But nevertheless it  
16 seems to be a quite clear misrepresentation of what's  
17 going to happen. Unless an ice breaker is not going to be  
18 there. It's our understanding that it will be.

19 On the next page, page 11, in the second paragraph.  
20 The paragraph there that concerns the potential to reduce  
21 the population of harvestable resources. The very first  
22 line of that second paragraph on page 11 says, "The  
23 proposed study does not have the potential to reduce  
24 population", and so on. I'm not sure whether this refers to  
25 the drilling operation or to the research study that's

1 going to go along with it.

2 Now if it refers to research study --

3 MR. BROCK: It's the research study, yes.

4 MR. ALBERT: Okay. If it does refer to the  
5 research study and says it does not have the potential to  
6 reduce the population, that may be true. However, whether  
7 or not it's going to interfere with the health, let's say,  
8 of given individuals is something that's not clear and is  
9 a concern that we do have.

10 The next sentence it says, "Oil spills are not  
11 considered a risk", is something that I don't think you  
12 have any right to say. I don't think you have any data to  
13 really say that. It's a matter of opinion, I guess.

14 And then a little bit further in that paragraph it  
15 talks about man-made noises and they're not likely to  
16 cause mortality or hinder reproductive success. But in  
17 this paragraph I wonder why there's no mention made to  
18 whether it's going to interfere with the feeding of the  
19 animals. The use of this feeding area.

20 From my own point of view the noises that are being  
21 generated are more likely to have an impact upon use of  
22 this feeding area than outright killing of the whale or  
23 hindering its reproduction. So I think you unfortunately  
24 left out that which may well be the major impact of this  
25 man-made noise to the whale itself. That is to its use of

1 the feeding area.

2 In the last paragraph on page 11, about halfway  
3 through it you talk about, a sentence that seems very  
4 confused to me. It says, "Bowhead whales have the  
5 potential to react to drill ship noises within one to four  
6 kilometers." And then in parentheses it says, "with a  
7 potential up to 12 kilometers." If anybody is here that  
8 can explain that sentence to me it would be helpful.

9 The potential to react with a potential up to 12.  
10 And once again I'd call you attention at this stage of the  
11 game to Table 1, which in this very own document here,  
12 that cites six kilometers as a distance to get a  
13 significant reaction. The approximate radius of strong or  
14 frequent reaction.

15 On the next page, page 12 I guess it is, the first  
16 paragraph, about eight or ten lines down. It says, "If  
17 Bowheads were to deflect off their migration course", and so  
18 on. "This should not be more than a maximum of one to two  
19 kilometers." I don't understand where you got those  
20 numbers. And since the one to four kilometers that you  
21 cite on the page before is at variance with the other data  
22 that you present in this document, I wonder whether this  
23 one to two kilometers has any bearing on reality.

24 Further down in that paragraph, the first one on page  
25 12, down near the end of that first paragraph it talks

1 about it's possible that the drilling noise could be heard  
2 by whales in the vicinity of the harvest area. That's an  
3 extraordinarily conservative approach. It's possible.  
4 You know that there's going to be an ice breaker out there  
5 making a lot of noise. And to say or imply that the noise  
6 is not going to travel just a few miles, that's not fair.

7 If you restrict it strictly to the drill vessel, as  
8 seems to be done here, that is very misleading. Whoever  
9 put this document together either made a mistake or is  
10 trying to mislead. I assume it's a mistake. I don't  
11 think you can say that it's possible that these animals  
12 are going to hear something. It's for sure unless their  
13 deaf. They're going to hear plenty.

14 So anyway, if -- one other illustration that's  
15 interesting here is the -- I don't see a page number on it  
16 but the copy I have has been xeroxed a lot of times. It's  
17 the figure that shows the whale sightings and the whale  
18 harvest locations or strikes. And Mr. Nageak already  
19 referred to the error here about strikes and harvests. If  
20 you have the document, if you open it up for that figure  
21 I'm going to call your attention to something real  
22 interesting.

23 It lists the sightings of Bowheads whales -- I'm just  
24 taking the document at its face value now. And the  
25 sources are the good work that Don Youngblood has done

1 over the years from 1980, '81, '82, '83, '84, and '85.  
2 Six years of sightings. Now you've got to figure that 4,400  
3 whales, at least, are coming by here every year. And  
4 we've got six years. At six times four, that's 24,000  
5 whales have come by here and how many dots are on that  
6 page?

7 It is so small in comparison to what's really going  
8 on that I don't think you can take a drawing like this,  
9 with the very few sightings that have been made, and draw a  
10 whole lot from it. It's nice. It's what we've got. But  
11 out of fairness, just out of simple fairness, you should  
12 put a notation down here saying that although we only saw  
13 150, or 300, or whatever these dots represent. I can't  
14 read them. We estimate there was something like 24,000  
15 whales passing. And we only saw a tiny fraction of them.

16 And just out of simple fairness that should be done.  
17 And finally to Table 1. Table 1 is of gold mine  
18 information as we know, but on the full scale seismic data  
19 that are presented there, which are mentioned in the text  
20 here also. It says the approximate radius of a strong or  
21 frequent reaction to full scale seismic is three  
22 kilometers. And that's not right.

23 If you look at a report that was prepared by  
24 Youngblood, Versig, Schwartz, and Keen, the Minerals  
25 Management Service report, OCS Study MMS 850076, October

1 of '85 or the same document minus the appendix which was  
2 submitted to the International Whaling Commission  
3 Scientific Committee this year, as Scientific Committee  
4 Document 38 PSI, Observations on the Behavior of Bowhead  
5 Whales in the Presence of Operating Seismic Exploration  
6 Vessels in the Alaskan Beaufort Sea, you'll find that the  
7 abstract or the summary agrees with what's presented  
8 there. Three kilometers and seven and a half kilometers.

9 If you read the document very carefully you find  
10 something else. And the Scientific Committee of the  
11 International Whaling Commission, at which I attended this  
12 year, did read it and made fairly strident comment about  
13 this paper and the way the data are presented. If you  
14 read the document carefully, as was done by the  
15 subcommittee that I participated in, you'll find that these  
16 three and a half or seven kilometer, or whatever they are,  
17 findings are just not all that close.

18 Let me give you an example. The total avoidance  
19 reaction or the strong reaction thing here is listed as  
20 three kilometers. If you go to the report and look at the  
21 data that are in the report you find that the avoidance  
22 reaction in two out of four instances was either 10  
23 kilometers or something unknown but greater than 7.2  
24 kilometers. The ship turned on its gun at 7.2 kilometers  
25 and the Bowheads turned and fled.

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1           So the data that are being used here, it's not fair  
2 what you're doing. And I challenge you folks, MMS, to go  
3 back to your own reports and do not read the summary on  
4 page 26, but go into the text of the report and find these  
5 data. And these data were found by the IWC Scientific  
6 Committee and resulted in its fairly strong comments.

7           The concluding statement that I would make is about  
8 the radio tagging study that AMOCO is proposing to fund.  
9 I've made numerous comments on this study and I'll make  
10 them again here. I have been hoping that someone would  
11 come along and do a radio tagging study of Bowhead whales  
12 that was well designed, and well funded, and going to do a  
13 good job. First of all I've never seen the research  
14 proposal. Has anybody here seen the research proposal for  
15 this project? I ask you folks, have you seen it? I've  
16 seen the application for a permit, which we made extensive  
17 comments on.

18           And that document proposed, in my opinion, to tag too  
19 many whales too soon. It did not prove very sensitive to  
20 concerns about the effects on the whale in that it would  
21 not propose to follow the whales any further west than  
22 Point Barrow. And we could detect no commitment on  
23 anyone's part to do the study more than one year. So I  
24 would ask you, does MMS possess a copy of the research  
25 proposal? And if it does I'd like to see one.

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1 that's an under estimate.

2 MR. BROWER, JR.: Oh. (Further Translation of  
3 Mr. Albert's Statements and Comments by Mr. Arnold Brower,  
4 Jr.)

5 MR. BROCK: Thank you. Mr. Erik Smith? Just a  
6 second. Let's have this one and then we'll go to you,  
7 sir. Okay, Sam Taalak. Okay, thank you. Go ahead, Mr.  
8 Smith.

9 MR. SMITH: My name is Erik Smith and I'm here  
10 from Anchorage representing Trustees for Alaska and  
11 Friends of the Earth Alaska. I have some comments about  
12 the procedures that the Minerals Management Service is  
13 using, and then some comments about the decision that you  
14 seem to have already made.

15 On the procedures, first of all Section 810 requires  
16 the Minerals Management Service to make some evaluations,  
17 to hold the hearings, and make some findings, and then  
18 make its decision. I think it's totally inappropriate and  
19 illegal for the service to make its decision on condition  
20 that it later makes certain findings.

21 Those findings and -- this hearing is almost a sham  
22 if the service has already made its mind up. So it's my  
23 opinion and my organization's opinion that the Minerals  
24 Management Service has basically made a travesty out of  
25 its decision process by making its decision before it has

1 its hearing.

2 MR. BROCK: I'd just like to point out that we  
3 didn't. We made a conditional decision. But that's -- I  
4 don't want to --

5 MR. SMITH: Quite frankly I think if you make a  
6 decision on condition that you're going to make an  
7 evaluation you've biased your analysis because you've  
8 already pretty much decided to do it already.

9 Second comment on procedures is that the service has  
10 appropriately made a decision that there may be a  
11 significant restriction of subsistence resources for  
12 people in Kaktovik and Nooiksut. I find it difficult to  
13 understand how the service could not make a decision that  
14 there may be a significant impact on the environment and  
15 prepare an environmental impact statement.

16 So it is our opinion that the service ought to go  
17 back and go through the full environmental impact  
18 statement process. That would require it to do  
19 considerably more evaluation and probably have another  
20 hearing.

21 Turning to the substance of the decision, first of  
22 all for the reasons expressed by Dr. Albert, I do not  
23 agree that the only reason why there may be a significant  
24 restriction is because the whales may be displaced further  
25 away so that the people who are whaling can't get to the

1 whales.

2 It seems like there's enough of a risk from the noise  
3 activity itself, and enough of a risk from the possibility  
4 of a spill that there may be a significant restriction on  
5 subsistence resources.

6 Second of all, we remain adamantly opposed to lifting  
7 the seasonal drilling restriction and letting the  
8 companies in there. We understand the difficulties that  
9 you have to find out what the drilling may do to the whales  
10 without actually drilling. But there's an element of  
11 destroying the village to save it here.

12 It's our opinion that the value of the subsistence  
13 activity and the whales themselves is so great that the  
14 risk is not worth it. And that the Minerals Management  
15 Service should not be allowing these kinds of activities  
16 during the time that the whales are present and the  
17 whaling is going on.

18 Third, in terms of the findings that the service is  
19 supposed to make under Section 810 of ANILCA. It's our  
20 opinion that this is not in the public interest, for  
21 reasons I just set forth. That it is difficult to meet  
22 the other two conditions about the stipulations, and about  
23 the minimum amount of land necessary for the restriction.  
24 Again, for the reasons I've stated.

25 So I guess in sum it is our opinion that this is an

1     unwise decision by the Minerals Management Service and  
2     it's a decision that seems to already have been made  
3     before the people here have been able to have a hearing,  
4     and before the other people can submit written comments.  
5     Thank you very much.

6     (Mr. Smith's Statements and Comments Translated to Inupiat  
7     by Mr. Arnold Brower, Jr.)

8             MR. BROCK: Thank you. Sam? Would you repeat  
9     your name, sir?

10            MR. TAALAK: I'm Sam Taalak from Nooiksut,  
11     whaling captain. During the meeting at (indiscernible) in  
12     Anchorage earlier this year between the Nooiksut/Kaktovik  
13     oil companies, as far as could be determined AMOCO made  
14     no objections on the AEWC opposition to tagging and  
15     further noise distribution research.

16            AMOCO has not, to my knowledge, made a specified  
17     program on how they will conduct the research. That is,  
18     an example, it's a question do they hope to approach the  
19     individual whale and shoot off noise and see their  
20     reaction. I'm led to believe that researches are  
21     being done, assuming the evaluation report was based on  
22     prior research.

23            Duplicity can do nothing but harm because of possibly  
24     only three months intense research, at the most. My  
25     people have researched the whale for 10,000 years for

1 noise disruption and we know why it is. The evaluation on  
2 page 10 has some pretty basic orientations on whale  
3 disruption on different decibel levels. Showing the  
4 ship, seismic, and air. I find these inapplicable.

5 The underlying fact of waiving the number four  
6 stipulation on a one-time basis will only lead to the  
7 repetitious action hereafter. For this reason I want to  
8 abide by the earlier consensus wherein the AEW  
9 Kaktovik/Nooksut and the oil, the major oil industries.  
10 One of the concessions was to proceed to drill when 75  
11 percent of the migrating whales have passed. We were all  
12 in agreement to this.

13 Therefore I would stress the importance of the  
14 alternative on page 13, 5, not waiving the stipulation;  
15 number 5 on page 13 is self-explanatory in this case, an  
16 all whale research -- yeah, I rest on that.

17 MR. BROCK: Did you say that you were in favor of  
18 this when 75 percent of the whales have passed?

19 MR. TAALAK: They have passed.

20 MR. BROCK: Yes, when they pass. Okay. I just  
21 wanted to make sure I understood that.

22 MR. TAALAK: That was the earlier consensus we  
23 made with the oil people, ourselves and everybody. We  
24 were in agreement with that.

25 MR. BROCK: Okay. Thank you, sir.

1 MR. TAALAK: I'll give a short interpretation in  
2 my language on this. (Repeat of statements and comments  
3 in Inupiat)

4 MR. BROCK: Thank you. Is there anybody else  
5 that has come in that has not registered that would like a  
6 chance to say something? Sir?

7 MR. BROWER: My name is Archie Brower, I'm a  
8 resident of Kaktovik. I wasn't going to testify tonight  
9 after I listened to what people had to say this evening.  
10 There's one thing that concerns me on the research program  
11 and the tagged whales not being talked about.

12 There's some feeding areas between here and the  
13 border that the whales feed on. And my concern is if  
14 these research programs are going to be monitoring that  
15 tagged whale, from what I understand possibly will be some  
16 ships or recordings that are going to be put out in front  
17 of the whales. And if they get into these areas where  
18 they're going to be feeding they're going to scare the  
19 whales away from their feeding area.

20 And they won't be feeding for a long time until they  
21 get to where they're going to feed in the area close to  
22 Barrow, from what I understand that the research has been  
23 done. And for this purpose, and from what I hear this  
24 evening, I'm not in favor of this drilling at Erick right  
25 now. The whales are going to be hungry if they're not

1 feeding and if this program goes on it will scare the  
2 whales away from their feeding area. Thank you.

3 MR. BROCK: Thank you. Are you ready to testify  
4 Mr. Brower?

5 (Mr. Archie Brower's Statements and Comments Translated to  
6 Inupiat by Mr. Arnold Brower, Jr.)

7 MR. BROCK: What did you say?

8 MR. BROWER, JR.: You already know what I said.  
9 I was just interpreting what Archie brought up.

10 MR. BROCK: Oh, I'm sorry.

11 MR. TUKLE: My name is Patsy Tukle, from  
12 Nooiksut. (Statements and Comments in Inupiat)

13 MR. BROCK: Thank you.

14 (Mr. Tukle's Statements and Comments Translated From  
15 Inupiat to English)

16 He'd like to go fall hunting for the whale this year  
17 as done in the past. And that he anticipates and knows  
18 that the drilling may harass and have significant impact  
19 to the hunting again in the area where they hunt by  
20 Prudhoe Bay, and sometimes even closer up to Flaxman  
21 Island.

22 The activity of the helicopters and the other boats  
23 in the air vicinity of the drill ship have caused  
24 significant impact in that whales that were sighted  
25 sometimes way south of the drill site and then some way

1 far north, barely that you can't hardly see the drill ship  
2 from where you're sighting the whales. And that poses a  
3 significant threat.

4 However, that he would be happy when the operations  
5 would be closed down in good weather days since whaling is  
6 done on good weather days. But overall he opposed the  
7 drilling activity during the whaling migration.

8 MR. BROCK: What was his name? I missed it.

9 MR. BROWER, JR.: Patsy Tukle.

10 MR. BROCK: Okay. Is there anybody else that  
11 didn't register that would like to testify? Sir?

12 MR. LINN, JR.: My name is Alfred Linn, Jr.

13 MR. BROCK: Alfred who?

14 MR. LINN, JR.: Alfred Linn, Jr., I'm a son of a  
15 whaling captain. And under subsistence Section 810 of the  
16 Alaska National Interest Land Conservation Act -- what I'm  
17 opposed to is the proposal of the study of the whales by  
18 -- they're contracted by AMOCO. Now, if they study the  
19 whale it will really -- while we're whaling and they're  
20 doing the study it will really be very much -- can't find  
21 the word. If they're doing the study of the whale,  
22 they're following the whale, it will just mess up our  
23 whaling. Just like year we had a ship there where we're  
24 whaling. We had a ship there. It was Western Anchorage  
25 ship, out of Anchorage. Here we are, we sighted a whale,

1 now that very ship was the one that messed up our whaling.

2 After we sghited the whale that ship was within the  
3 vicinity of our whaling. That was very -- I would say  
4 that was not so very good. That's why I'm very opposed to  
5 even the study of the whale. Why should you people study  
6 the whales during our whaling season?

7 Although AMOCO say they want to study the whales  
8 while we're whaling. They want to put communicators in  
9 those ships with us. Now I would say they're trying to  
10 appease us. You know you say, okay, we'll put you guys on  
11 the ship. We'll put some of you guys on the ship to work.  
12 You know, we'll pay you guys to work. Sure, I would see  
13 this as an appeasement to our fears of interrupting our  
14 whaling.

15 That's not right. We, as Inupiaq, have a right to  
16 our subsistence and I would say that even the studies of  
17 the whale -- I'm even opposed to the studies of the whale.  
18 Because that will be interrupting our whaling. It's not  
19 right. I'm very opposed to even the waiver of -- even the  
20 waiver of this -- I would ask the federal government not  
21 to waive stipulation number four.

22 Stipulation number four is -- you know, I would say  
23 that the people that does this is -- it's wrong. As the  
24 letter stated, the environmental assessment under the  
25 National Environmental Policy Act, it's stated there an

1 analysis of the possible effects on subsistence activities  
2 under Section 810 of ANILCA, as compared with standards  
3 used to determine environmental effects under NEPA, the  
4 thresholds used under ANILCA are extremely low. As a  
5 consequence we find that approval of the one-time  
6 exception of stipulation number four for only the Erick  
7 prospect may significantly restrict subsistence uses.  
8 That means us. It will restrict us from whaling. That's  
9 why I'm very much opposed to your waiver. Thank you.

10 MR. BROCK: Thank you.

11 (Mr. Linn, Jr.'s Statements and Comments Translated to  
12 Inupiat by Mr. Arnold Brower, Jr.)

13 MR. BROCK: Is there anyone else that would --

14 MR. BROWER, JR.: Can we have a break?

15 MR. BROCK: Oh, okay. I've got about 9:20.

16 Let's take about a 15 minute break.

17 (Off Record)

18 MR. BROCK: Sir?

19 MR. PHILO: My name is Mike Philo, P-h-i-l-o.

20 And I work for the Department of Wildlife Management in  
21 Barrow. I just want to bring together two comments that  
22 I've heard other people make earlier this evening.

23 Dr. Albert has mentioned about the proposed study in  
24 the lease area. And I want to emphasize again about how  
25 that study has been approved by Minerals Management

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1 Service without the rigorous scientific review that such  
2 proposals should have. And I think the danger is that if  
3 this goes by this year then next year other oil companies  
4 will also be presenting the same type of plan. And I just  
5 don't think there's going to be such a thing as a one-time  
6 waiver. That it will set a dangerous precedent that is  
7 going to cause trouble in years to come.

8 MR. BROCK: Now are you with the North Slope  
9 Borough or the State?

10 MR. PHILO: The Borough.

11 MR. BROCK: The Borough, okay. Thank you.

12 (Mr. Mike Philo's Statements and Comments Translated to  
13 Inupiat by Mr. Arnold Brower, Jr.)

14 MR. BROCK: Did you want to testify, sir? Is  
15 there anybody else that would like to testify that hasn't?  
16 Do you want to testify Mr. Brower?

17 MR. BROWER, JR.: I guess I don't have to move?

18 MR. BROCK: No, you can testify from right there.  
19 You don't have to get up and walk around the table.

20 MR. BROWER: First of all I'd like to, for the  
21 record, state my name, Arnold Brower, Jr. I'm Chairman of  
22 the Alaska Eskimo Whaling Commission. That, for the  
23 record, that we will submit a written comment to Minerals  
24 Management as indicated in the printout that was handed  
25 out here.

1           And briefly I would just like to go over some things.  
2           And so far that I support all the verbal testimony given  
3           at this meeting except for the testimony given by the  
4           AMOCO representative. My reasons are from a conservative  
5           standpoint.

6           The Alaska Eskimo Whaling Commission has been  
7           suppressed into a quota system and has developed a  
8           management plan of Bowheads in all facets of Bowhead  
9           activity. The number one concern is its availability, how  
10          many whales are there; if so, if a number is there for the  
11          minimal amount that we found 4,417 from the last count.  
12          How can we best keep them from declining and enjoy the  
13          resource.

14          We must be aware of its health, food, size,  
15          population, the AEWC quota, and any research to it. We  
16          know of two feeding areas in the Alaska Beaufort Sea. One  
17          around Kaktovik and another just east of Point Barrow.  
18          These have been identified by the scientific community at  
19          least within the North Slope Borough.

20          The environmental impact statement should have  
21          covered all significant impacts and I question the source  
22          of the environmental impact statement submitted to MMS. I  
23          find it difficult that shouldn't the -- those kind of  
24          activities should not harass people trying to find food  
25          for their winter supply. And it's a hardship when other

1 activity prevents the Eskimo from subsistence.

2 So I would submit to MMS, or this agency that's  
3 having the hearing, to submit in their deliberations not  
4 to permit drilling during subsistence hunting. Enough of  
5 hearings are harvested by MMS in the state of Alaska to  
6 substantiate our opposition to drilling activity.

7 I feel that we are backed to a corner with nothing to  
8 defend ourselves, with except maybe a one-sided judicial  
9 system that wants us to bargain for alternate decisions.  
10 From what I just witnessed here this evening I believe and  
11 sense an irresponsible act to decide on the basis that MMS  
12 did.

13 We respectfully submit to you to adhere to the  
14 residents of Nooiksut and Kaktovik's testimonies and not  
15 waive the stipulations and allow Natives the subsistence  
16 right. Subsistence, if you define it, is liquidity in  
17 life. For instance a human cannot live without its  
18 organs, liver, kidney, heart. It's just the same thing in  
19 the Eskimo culture. It's just like that. An integral  
20 part of a way of life. And this is what we are talking  
21 about.

22 And I would like, for the record, to say again that  
23 with proper rationale, with proper EIS, with proper  
24 recording, with proper documentation, scientific and known  
25 things, proper presentation to MMS should be done before

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1 making analysis or making decisions to allow drilling  
2 during subsistence hunting, especially near a feeding  
3 habitat zone.

4 (Mr. Arnold Brower, Jr. Translates his Statements and  
5 Comments to Inupiat)

6 MR. BROCK: Thank you. Anybody else have any  
7 comments? Mr. Mayor, did you want to make the last  
8 comment?

9 MR. AHLERS: Yes, sir. I would just like to make  
10 a quick statement. I would like the record to show that  
11 not one person who is a resident of the North Slope has  
12 given testimony approving of the lifting of stipulation  
13 number four.

14 If the Minerals Management Service does grant this  
15 request, then it seems to me like it's another blow to the  
16 process of these people protecting what's rightfully  
17 theirs.

18 The people who are going to be most affected are them  
19 and they should have the final say. I hope that the  
20 Minerals Management Service will take that into great  
21 consideration when they make their decision.

22 Finally, I would like to thank the Minerals Management  
23 Service for allowing us the opportunity to voice our  
24 opinions and give comments. Thank you very much.

25 (Mr. Loren Ahlers' Statements and Comments Translated to

1 Inupiat by Mr. Arnold Brower, Jr.)

2 MR. BROCK: I, too, would like to thank --

3 MR. BROWER, JR.: If I might maybe add one more  
4 comment to my testimony, my verbal testimony?

5 MR. BROCK: Okay, go ahead.

6 MR. BROWER, JR.: I want to speak briefly on the  
7 research. From what I've already analyzed on the  
8 research, habituation, noise studies. All you have to do  
9 is ask the Alaska Eskimo Whaling Commission office and we  
10 will give you precisely the information that you need on  
11 the kind of noise --

12 (Portion of testimony missing due to tape change)

13 I want to stress the weight of the permit that you  
14 issued. Is too light to waive the permit to waive the  
15 stipulation. The benefits you want to receive from it,  
16 the knowledge you want to receive from it is too light.

17 I'm not saying that you should go ahead and make it  
18 heavier, but for the intent of the program I feel it's  
19 just a sham, a ramrod deal.

20 MR. BROCK: I missed what you said by what was  
21 too light?

22 MR. BROWER, JR.: The weight. The noise  
23 habituation studies.

24 MR. BROCK: Oh, okay, the studies. Did you want  
25 to say something Mr. Soloman?

1 MR. SOLOMAN: Yes. (STATEMENT IN INUPIAT)  
2 (Translation of Mr. Soloman's Statement to English by Mr.  
3 Brower, Jr.)

4 My prices are continually going up.

5 MR. BROWER, JR.: Maybe, Nolan, you can better  
6 address your speech in English.

7 MR. SOLOMAN: My last statement was that I --

8 MR. BROCK: Would you come up closer to the  
9 microphone so we can hear you. Because the people might  
10 want to be able to get that last part.

11 MR. SOLOMAN: The last statement I made, I want  
12 to thank everybody that comes up here, especially the  
13 villagers. And also I want to thank the people from  
14 Alaska, especially from AMOCO, and from Minerals  
15 Management. And we know we've been working together,  
16 past, all this winter together here and also over the oil  
17 company.

18 For me, it's hard for me to see that when you make  
19 statements, oral or written statements, that you only use  
20 just a light portion of it. And then just to show that  
21 map that you guys drew up here, it just shows just a  
22 little bit of it. And trying to use that against us, and  
23 I'm going to be assured that we're going to get a copy.  
24 The North Slope Borough is going to make a copy, and also  
25 for the record for the AEWC office. And this, too, we

1 will be using. It's up to date and it's for the record,  
2 for Kaktovik. And I forgot to mention that I think  
3 Nooiksut had never finished theirs so probably Nooiksut  
4 will finish theirs also. And, again, thank you.

5 MR. BROCK: Thank you. And I'd just like to  
6 emphasize that we'd certainly like to get that and to be  
7 able to use it on this before July the 7th. So I'd hope  
8 that you can get that map to us because that's one of the  
9 reasons we're here is to get that kind of information.

10 And I would like to thank you for the opportunity of  
11 being here. I think this is my fourth trip back to  
12 Kaktovik and I always enjoy it. I never get to stay long  
13 enough. But thank you much for having us, and we'll be in  
14 touch.

15 And now I'd like to open this -- to go off the record  
16 and we will answer any questions that you may have.

17 MR. BROWER, JR.: I think I'd like to point out  
18 one thing. I hope when you go outside that you will look  
19 at the agricultural and the pasture outside and see if you  
20 can find any pasture, and cows feeding, and vegetables  
21 growing.

22 MR. BROCK: Okay.

23 MR. BROWER, JR.: And maybe remember those.

24 MR. BROCK: I'll be sure and check. Thank you.

25 \* \* \* HEARING CLOSED \* \* \*