

**Outer Continental Shelf
Oil and Gas Leasing Program
1997-2002
(5-Year Program)**

Public Teleconference

Barrow

1996

Teleconference Sites

**Point Lay
Point Hope
Wainwright
Kaktovik
Nuiqsut**

1 UNITED STATES DEPARTMENT OF THE INTERIOR
2 MINERALS MANAGEMENT SERVICE
3
4

5 OFFICIAL TRANSCRIPT - PUBLIC HEARING

6 DRAFT ENVIRONMENTAL IMPACT STATEMENT
7 OUTER CONTINENTAL SHELF OIL AND GAS
8 LEASING PROGRAM - 1997-2002

9
10 Barrow, Alaska
11 Thursday, March 21, 1996
12 7:00 o'clock p.m.

13 TELECONFERENCE SITES

14 Point Lay
15 Point Hope
16 Wainwright
17 Kaktovik
18 Nuiqsut

19 MINERALS MANAGEMENT SERVICE PANEL MEMBERS

20 Mr. James Shaw, Acting Regional Director,
21 Minerals Management Service

22 Mr. Bob Brock, Regional Supervisor for Leasing
23 and Environment

24 Ms. Phyllis Casey, Coordinator, Five-Year Plan

25 Mr. Ray Emerson, Chief, Environmental Assessment Section

Frank Lindley, Biologist

Proceedings recorded by electronic sound recording. Transcript produced by transcription service.

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1 BARROW, ALASKA - THURSDAY, MARCH 21, 1996

2
3 (Tape No. 1 of 3)

4 (On record at 7:13 p.m.)

5 MR. SHAW: Good evening, everyone. I'd like to begin
6 by welcoming all of you to this public hearing on the Draft
7 Environmental Impact Statement and decision document for the
8 Proposed Outer Continental Shelf Oil and Gas Leasing Program
9 for the years 1997 through 2002. This document is commonly
10 referred to as the five-year program.

11 I would especially like to welcome all of you who are
12 joining us via teleconference. I realize it's not necessarily
13 the most fun thing in the world to even come to such a hearing
14 when you can see what's going on, but it's a real commitment to
15 come out and participate in a hearing like this via
16 teleconference, and I thank you all for joining us tonight.

17 My name is Jim Shaw. I'm the acting Regional
18 Director for the Alaska Outer Continental Shelf Regional Office
19 of the Minerals Management Service. I'm on assignment to that
20 position from my real job as the Associate Director of Minerals
21 Management Services Royalty Management Program. I'm
22 particularly pleased to be here tonight and have a chance to
23 meet and work with you and to experience your life here in the
24 Arctic. I came to Alaska and this assignment on a completely
25 voluntary basis, and I really appreciate this opportunity.

1 With me here tonight is Bob Brock on my right. Bob
2 is the Regional Supervisor of Leasing and Environment and is
3 responsible for the Alaska portion of the Draft EIS and
4 decision document. Also with me on my left is Ray Emerson, who
5 is Chief of our Environmental Assessment Section. Also with us
6 here from MMS tonight are Phyllis Casey, who is our Coordinator
7 of the five-year plan here in the Alaska Regional Office, and
8 Frank Lindley, who is sitting over by the sign-in sheet, as a
9 biologist in our office.

10 This proposed five-year program that we're here to
11 talk about tonight includes five proposed lease sales in
12 Alaska -- excuse me -- includes five proposed leases sales
13 in -- yeah in Alaska, including two in the Beaufort Sea. One
14 is a near-shore focused sale in 1998, and the other is a wider
15 programmatic sale in the year 2000 -- excuse me. The other is
16 a -- and then we also have a combined Chukchi Sea/Hope Basin
17 sale in 2002. It also includes proposed sales in the Cook
18 Inlet and the Gulf of Alaska.

19 Several maps have been posted around the room which
20 show the five proposed sale areas under this five-year program,
21 and more detailed maps of each the Beaufort and Chukchi/Hope
22 Basin sales. The Draft Environmental Impact Statement and
23 decision document, which is what we're having the hearing about
24 today, were distributed in early February to interested
25 parties, including the North Slope Borough, The Alaska Eskimo

1 Whaling Commission, various tribal entities, and local
2 villages.

3 Before I turn the meeting tonight over to all of you
4 who came, I'd like to highlight some of the more significant
5 aspects of the five-year program and then have a little process
6 discussion on how I'd like to conduct the hearing tonight. My
7 thoughts on process may vary somewhat from the hearings in the
8 past, so it would be useful to have a brief process discussion.

9 First of all, the program. This proposed program is
10 going to shape offshore leasing over the next five-year period,
11 1997 through 2002, because no lease sales can be conducted
12 unless it's included in the five-year program that's approved
13 by the Secretary of the Interior. Even if a proposed sale is
14 included in the five-year program, it doesn't necessarily mean
15 that the lease sale is going to occur. It only means that if
16 it's not in there, it can't occur.

17 For example, the last five-year plan, the one that
18 we're operating on today, had six lease sales proposed in that
19 five-year plan. Only three are still possible, and it is --
20 there is still some chance that not all three of those will
21 occur.

22 A proposed sale area may not be larger than the
23 program area that's addressed in the five-year program.
24 Following approval of the five-year program, there will be an
25 additional study and environmental review of each individual

1 lease sale, including opportunity for public input and review,
2 before any leasing would occur.

3 In developing this program, the MMS placed a high
4 priority on consensus-based decision-making. For Alaska, this
5 meant the formation of the Alaska Stakeholders Task Force,
6 which is a diverse blend of stakeholders from around the state
7 who develop specific recommendations for the draft five-year
8 program. These recommendations were accepted by the Secretary
9 of the Interior in developing the proposed program that we're
10 here to talk about tonight and is a part of the Draft
11 Environmental Impact Statement.

12 Mr. Delbert Rexford, whom you know as the Special
13 Assistant to the Mayor of the North Slope Borough, and Chuck
14 Degnin with the Bering Straits Coastal Resource Service Area,
15 were members of that Stakeholders Task Force and were
16 instrumental in bringing their concerns about subsistence, oil
17 spill risks, and impact assistance to the forefront of that
18 Task Group's discussions. Mr. Rexford will be talking about
19 the Task Force later this evening.

20 Burton Rexford, who's Chairman of the Alaska Eskimo
21 Whaling Commission, and Art Ivanof with Menolak -- Maniilaq --
22 excuse me -- has added to the Stakeholders Task Force to
23 increase representation of Native and subsistence interests.
24 The Task Force will be meeting again in May to develop final
25 recommendations for this proposed program.

1 The Minerals Management Service is very aware of
2 many of the significant concerns of the North Slope Borough,
3 Alaska Eskimo Whaling Commission, tribal interests, and
4 individual villages regarding proposed offshore oil and gas
5 leasing from the many earlier meetings that we've had. I
6 understand that these concerns include the impact of noise on
7 bowhead whales and subsistence hunting and oil spill response
8 in broken ice conditions, among others.

9 And we are particularly sensitive to the frustrations
10 expressed at recent public hearings for the proposed Beaufort
11 Sea OCS Sale Lease 144, where many of you believe that you give
12 MMS comments, but nothing ever changes and that your concerns
13 are not addressed.

14 I want all of you to know that for the proposed
15 Beaufort Sale 144, our Regional Office has made significant
16 progress in addressing these issues through incorporation of
17 indigenous knowledge in the Final Environmental Impact
18 Statement and the development of new and more stringent
19 mitigation measures. We have been very pleased that the Mayor
20 of the North Slope Borough has been willing to continue to work
21 with us to resolve these issues. And at his recommendation, we
22 are continuing to work with the Alaska Eskimo Whaling
23 Commission and local villages to come to final resolution.

24 It is unfortunate that much what has been achieved
25 over the last several months for the proposed Sale 144 is not

1 reflected in the Draft Environmental Impact Statement that
2 we're here to talk about tonight. That's because the documents
3 you have for this meeting have been developed several months
4 ago while we're still working on the changes to the Beaufort
5 Sale 144 and its mitigation measures. However, what we're
6 doing with Sale 144 will set the foundation for this Final
7 Environmental Impact Statement as we respond to the comments
8 and concerns that we receive in the public comment period.

9 Regarding the process for tonight's hearing, I would
10 like to provide as much opportunity as we can for open
11 discussion of the issues and certainly welcome and offer the
12 opportunity for any and all interested parties to participate
13 in a discussion as well as formal statement of comments. While
14 I don't want or expect to turn the forum into an extensive
15 debate or argument, I would certainly like to encourage
16 dialogue.

17 I will entertain any questions from people wishing to
18 testify or form the audience, and will provide opportunity for
19 both members of our staff from MMS and others from the audience
20 an opportunity to respond if that's the more fruitful way of
21 getting at an issue than simply listening to testimony.

22 At the recommendation from the North Slope Borough,
23 we've connected the outlying communities to this hearing by
24 teleconference. The MMS has a staff representative in each of
25 these communities. As agreed to by the North Slope Borough and

1 village coordinators, tonight we're going to rotate the
2 opportunity to give formal testimony as well as to ask
3 questions in this order:

4 We'll first go to Point Lay, then Point Hope, then to
5 Wainwright, Kaktovik, Nuiqsut, and finally here in Barrow.
6 After everyone in the villages has had a chance to give
7 testimony, we'll go around and make another poll of each
8 village in case someone has come in later and still has a
9 comment or question or concern or would like to testify.

10 I also want to point out that anyone who's unable to
11 testify tonight but would like to testify verbally as opposed
12 to providing written comments, will also have an opportunity to
13 testify by teleconference at April 9th in the hearing that
14 we'll be holding in Anchorage. That public hearing will start
15 at noon.

16 I appreciate that with five villages and those of you
17 here tonight in Barrow, that this meeting could become lengthy.
18 I certainly am not going to do anything to limit testimony or
19 discussion. On the other hand, while many of you may want to
20 endorse the previous testimony of someone, long testimony that
21 merely repeats issues and concerns that have already been made
22 will certainly increase the size of the public record but will
23 probably not improve or facilitate decision-making or resolution
24 of the issues. I would think it would be more beneficial to
25 spend as much time as possible on discussing issues instead of

1 repeating them.

2 The MMS staff that are located in each of the
3 outlying communities are also available to discuss issues and
4 concerns during the meeting tonight. I encourage you and the
5 villages to participate in dialogue with them. Their notes
6 from your discussions with them will be made a part of the
7 official public record. So if you're more comfortable in
8 talking with them on an individual basis than commenting
9 through the teleconferencing facilities, you can be assured
10 that your comments are going to be a part of the public record.

11 There is an interpreter here tonight who can provide
12 interpretation for anyone, including those in the communities
13 connected by telephone, who would like to make their comments
14 in Inupiat. We do not plan to have all testimony provided in
15 English translated back into Inupiat; however, if there's a
16 specific request on particular testimony to do so, we will do
17 that.

18 All the testimony tonight, as well as the discussion,
19 as well as our answers to any questions, is being recorded and
20 an official transcript of the hearing will be made. Written
21 statements will also become a part of the official record, or
22 for the outlying communities, you can give written statements
23 to the MMS representative. And as I said earlier, the MMS
24 staff notes of those folks in the outlying villages, their
25 notes will also be a part of the official record.

1 Just to reiterate, although it's in the documents
2 that you have, the official comment period for the Draft
3 Environmental Impact Statement and the decision document will
4 close on May 9th of this year. Until that time, anyone can
5 continue to submit written comments or statements, and as I
6 said, there'll be one other opportunity at the teleconference,
7 then, on April 9th.

8 These comments should be sent to the address that's
9 posted there on the wall, and it's over on the table as you
10 signed in. It's on the back of page 1 in Volume 1 of the Draft
11 Environmental Impact Statement. And although that gives you
12 the Washington, D.C., address, you can certainly mail comments
13 to our office in Anchorage as well and we'll make sure that
14 they're forwarded to the appropriate people.

15 And finally before continuing, I'd like to extend my
16 personal thanks to the North Slope Borough Mayor's Office and
17 the individual mayors and village coordinators in each of the
18 outlying villages for their assistance in setting up this
19 hearing tonight and providing the teleconferencing facilities.

20 Our recorder tonight is Rich Carl. He's asked me to
21 remind each of you that will be providing a statement or giving
22 testimony or asking questions to please state your name. And
23 so that he can make sure the record is correct, would you
24 please spell it also, so that he will have your proper -- your
25 name spelled right in the records instead of having to guess at

1 it.

2 Now, before we go ahead, I'm going to ask our
3 interpreter tonight James.....

4 MR. PATKUTOK: Patkutok.

5 MR. SHAW:Patkutok to go ahead now and give my
6 opening remarks in Inupiat to make sure that if there's anyone
7 out there that didn't understand it, that they'll know why
8 we're here tonight and what we're going to do. James?

9 MR. PATKUTOK: Thank you, Mr. Jim Shaw.

10 (Tape No. 1, Log No. 0913)

11 (Mr. Patkutok, Interpreter, translating)

12 (Tape No. 1, Log No. 2950)

13 MR. SHAW: Thank you. The next thing we'd like to
14 do, if he's on, is to go to Mr. Delbert Rexford to make some
15 opening remarks. Mr. Rexford, are you on the phone yet?

16 (No audible response - Pause)

17 MR. SHAW: I guess he's not on the line yet. So
18 we'll go ahead and go to Point Lay. And as I turn it over to
19 Point Lay to give us any comments, testimony, or ask any
20 questions, I would like to mention that those of you who do
21 have a statement that they would like to give to the record
22 tonight, if they happen to have a written copy of it, it would
23 be very useful if you could give that, those of you in the
24 villages, to your MMS coordinator, and those of you here, if
25 you could give it to the court reporter, it would make it

1 easier in finalizing the transcripts.

2 So with that, we'll go to Point Lay.

3 MS. THOMPSON-ROLLINS: Hello. My name is Vera.....

4 (Side comments)

5 MR. SHAW: Speak as close to your microphone as you
6 can, please.

7 MS. THOMPSON-ROLLINS: It's Vera. Can you hear us?

8 MR. SHAW: We can just barely hear you. You talk
9 loud, and we'll be real quiet and listen.

10 MS. THOMPSON-ROLLINS: Vera Thompson-Rollins. Can
11 you hear me now?

12 MR. SHAW: Yes.

13 PUBLIC TESTIMONY OF MS. VERA THOMPSON-ROLLINS (Point Lay)

14 Okay. We don't -- our remaining testimony person
15 just left for home. I don't know if he'll be back. You might
16 need to put him later on the list. I'm really -- I don't
17 get -- was this village coordinator from Point Lay a resident?
18 I start out my for testimony. Maybe he'll be back by then.

19 Point Lay, first of all, our village Mayor noticed
20 that Point Lay was not on our latest map that you brought up
21 here. That was one of the concerns. And we are not a whaling
22 town but really would consider your respect to hear other
23 villagers who do go whaling. And my concern was when then --
24 what? Oh, the list of the planning areas? They didn't have
25 any dates on them, which was my concern because they said later

1 on they would have dates.

2 The most important thing I -- the most -- the point I
3 have with that is because of whaling in other communities and
4 the only time we would be concerned is we do have beluga
5 whaling here. And knowing that the oil does a considerable
6 amount of damage, like all the latest news we have been hearing
7 on the Aleutian area about all the fowl that were hurt.

8 And maybe you can go ahead and put Amos on the bottom
9 of the list, unless he have a written testimony he can give to
10 Dan, because we are having a very bad time. You are coming in
11 real clear, but you are having a bad time hearing us with our
12 comments.

13 MR. SHAW: Okay. We will go back to Point Lay later
14 so that if someone does come in later, we can catch them.

15 PUBLIC TESTIMONY OF MAYOR MIKE NEVILLE (Point Lay)

16 This is Mayor Mike Neville. I was concerned about
17 Point Lay not being on the map for the proposed program. And
18 us not being on the map, would that -- would the map be shown
19 to like certain people that -- you know, because there might be
20 people who might not be familiar to Alaska and would not know
21 that Point Lay would not be on the map. And we would like to
22 know if, because we're not on the map, would we be forgotten on
23 the list? That's such as oil left in the sea or something like
24 that.

25 But we did not -- one of our major points, then,

1 since we are in a lagoon, we would raise some concerns about
2 oil spills and certain things that could affect the habitat
3 around here. Thank you.

4 (Pause)

5 PUBLIC TESTIMONY OF MS. JENNINGS (Point Lay)

6 Jennings (indiscernible). When there was an oil
7 spill with Exxon, it's taken many, many years through fighting
8 the moneys that are tied up in court concerning the Exxon oil
9 spill. Should there be any cleanup actually that should be
10 done here on our coast, we'd like to know how and when funds
11 could become available for cleanup. We cannot put the cleanup
12 off for several months or several years. It has to be done
13 right away. That was the concern that I'd heard earlier as we
14 were planning for this teleconference.

15 (Pause)

16 PUBLIC TESTIMONY OF MR. JOSH TUCKER (Point Lay)

17 Hello, this is Josh Tucker. I'm a Village
18 (indiscernible) Coordinator here and a resident of Point Lay.
19 And I used to work on tugboats out of Kotzebue and Nome, and I
20 know it affects the animals down there. There's no more
21 belugas going into Kotzebue Sound any more because of all of
22 the heavy boating traffic down there. And it's even getting
23 same way in East Phillips Bay for the Butlin (ph) people on
24 beluga.

25 And I was wondering, we going to take those --

1 consideration when the animals start migrating either up this
2 way or back down to where they come from, or where they winter.
3 And it's going to affect our village because we have to
4 compensate (sic) a lot on beluga. And I just wanted to see
5 what kind of -- what they got as far as that. Thank you.

6 (Pause)

7 MR. TUCKER: I think that a couple of our testimonies
8 went out, but if Amos comes back later, maybe we'll find a
9 place for him. Thank you.

10 MR. SHAW: Great. Well, thank you very much. Those
11 were all excellent comments and appreciated. Okay. Do we have
12 Point Hope?

13 MAYOR KOOSUK: Yeah. Good evening. This is Point
14 Hope.

15 (Pause)

16 MAYOR KOOSUK: Hello?

17 MR. SHAW: Yes. Go ahead. You have the floor.

18 PUBLIC TESTIMONY OF MAYOR RAY KOOSUK, SR. (Point Hope)

19 Good evening. My name is Ray Koosuk, Sr. Last name
20 K-o-o-s-u-k. I'm a whaling captain and also the Mayor of Point
21 Hope. I strongly oppose the Hope Basin lease sale and the
22 Chukchi Sea lease sale. The reason, the migration routes of
23 the marine mammals.

24 The mammals are the bowheads, buoy whales, beluga,
25 walrus, and eel and many of other sea mammals that migrate up

1 north and migrate back south. And I know I speak for the rest
2 of the whaling captains and the Elders in opposing these two
3 lease sales, especially the months of the migration routes,
4 which is May and then September. And I understand that they
5 are the two months you'll be out there, you know, exploring for
6 oil.

7 So I oppose the Chukchi Sea and also the Hope Basin
8 lease sale. Thanks.

9 PUBLIC TESTIMONY OF MR. RICK TUGROYLUK (Point Hope)

10 Hello. My name is Rick Tugroyluk, Jr., a resident of
11 the Native village of Point Hope. Last name is T-u-g-r-o-y-
12 l-u-k. I first want to thank you for the opportunity to
13 testify on behalf of the Native villagers. I've got more or
14 less a lengthy testimony here, but I feel I need to read it if
15 you don't mind me spending 10, 15 minutes?

16 MR. SHAW: Go ahead.

17 BY MR. TUGROYLUK (Resuming):

18 Did you not code an offense against peace and
19 security of mankind? Article 1. Offense against the peace and
20 security of mankind that is defined in this code are criminal,
21 are crimes under International law for the which the
22 responsible individual shall be punishable.

23 Article 2. The following acts are an offense against
24 the peace and security of mankind.

25 Number one. Any act of aggression impugning the

1 employment of the authority of the state upon force against
2 some other state for any purpose other than that naturally
3 occurring, occurring in self-defense, or in pursuit of a
4 petition or recommendation by complaint originated of the
5 United Nations.

6 Number two. Any threat by the authority of a state
7 to further the acts of aggression against another state.

8 Number three. The preparation by the authority of
9 the state for the appointment of armed forces against any other
10 state for any purpose other than national or correct use of
11 self-defense or in national -- or in the pursuit of a petition
12 of recommendation by complaint origins of the United Nations.

13 Number four. Encroaching with the territory of the
14 state from within territory of another state by armed bands
15 acting for any political purpose.

16 Five.

17 (Side comments)

18 MR. TUGROYLUK: Okay.

19 BY MR. TUGROYLUK (Resuming):

20 The undertaking -- number five. The undertaking or
21 interpreted encouragement by the authority of the state of
22 activities interpreted to format similar in the -- in another
23 state.

24 By the way, I will -- because of communicate --
25 because of the way I speak, I would like to send this in

1 writing because this, like I said, is very lengthy.

2 Number six. The undertaking or encouragement by the
3 authority of the state or territory activities in another state
4 or the tolerance by the authorities of a state organized
5 activity of another state.

6 Number seven. Acts by the authority of a state in
7 violation of its obligation under the treaty in which it's
8 designed to ensure it's national peace and security by the
9 means of restriction of limitations on arraignment or on the
10 (indiscernible) or on formation or of another restriction of
11 another states character. Number six. By authority of a state
12 resulting in the -- of the international law of a territory
13 belonging to a state or territory of the international or the
14 redeemed.

15 Number nine. Acts by the authority of the state or
16 by private individuals committing -- in which intent to destroy
17 in whole or in part of a nation in whole or in part a nation of
18 racially or religious movement. Such including number one,
19 killing members of the group. Number two. Causing serious
20 body or medical harm to many members of the group. Number
21 three. Imposing measurable intent to prevent births within the
22 group. Number four. Transferring children of the group to
23 another group. Number ten. Inhuman acts by the authority of
24 the state or by private individuals against any general
25 population such as murder or extermination or equivalent for

1 exploration and previous racial, religions or cultural groups
2 with such acts commended inclusion or in connection with the
3 other offense defined in this article.

4 Number eleven. Acts in the violation of law or
5 custom of war.

6 Number twelve. Acts which conclude (sic), number
7 one, conspiracy to commit any of the offenses defined in the
8 preceding paragraphs of this article. Number twelve. Acts
9 which constitute, one, direct attempts to commit any of the
10 offenses defined in the preceding paragraphs article. Number
11 three. In the commission of any of the offense defined in the
12 preceding paragraphs of this article.

13 Article three. In fact that a person acts as the
14 head of state or as the responsible government does not relieve
15 themselves of the responsibility or commit any of the offense
16 defined by this code.

17 Article four. The fact that a person charged with an
18 offense of this code acts pursuant to the order of this
19 government or his sup- -- public superiors does not relieve him
20 from the responses provided by moral choice with the choice --
21 facts upon responsible to him. Are you still there?

22 MR. SHAW: Yes.

23 (Pause)

24 MR. NASH: Yeah. This is Adam Nash for the
25 coordinator of Point Hope. We don't have anyone else to

1 testify at this time so you can go on to the next village.

2 MR. SHAW: Great. Well, thank you very much. Do we
3 have anyone in Wainwright now?

4 (Pause)

5 COORDINATOR: Hi. This is Wainwright. I will be the
6 village coordinator for tonight. And here I have with me Mayor
7 Oktullik and myself along with personnel from MMS, George
8 Allen. And I believe our Mayor has got a testimony, if he
9 could.

10 PUBLIC TESTIMONY OF MAYOR ELUK OKTULLIK (Wainwright)

11 Good evening. Good evening from Wainwright. This is
12 Eluk (ph) Oktullik, O-k-t-u-l-l-i-k for the record. Good
13 evening.

14 MR. SHAW: Good evening.

15 BY MAYOR OKTULLIK:

16 There -- I came in here today and -- without not too
17 much support from our village about some of the people that
18 have tried to give a summary on this case -- on this proposed
19 Environmental Impact Statement. As you know we're on the
20 Chukchi Sea in the Hope Basin in the Beaufort area and also we
21 are in other -- the northern basin and also across there is the
22 Russian area.

23 But I think for my case I would have to oppose oil
24 and lease sales in this area because it affects our migration
25 routes for sea mammals and sea birds. And it would pretty well

1 impact those type of resources that we utilize to keep
2 ourselves in health and strength.

3 And also to the Beaufort Sea, I believe, even though
4 most of this sea mammals and sea birds go over there to nurse
5 their young, also land animals. This type of structure what is
6 happening in oil and lease sales could not probably -- possibly
7 work if certain oil spills and certain things happen like that
8 without new oil spill. Other than that, good evening. Thank
9 you very much.

10 MR. SHAW: Thank you.

11 COORDINATOR: I believe that -- I think we're
12 supposed to have other people coming, but I guess they're all
13 out busy shopping for themselves. So this concludes testimony
14 from Wainwright, and if we can come up with more probably on a
15 later date, possibly on the Anchorage hearing.

16 MR. SHAW: Okay. Great. Thank you very much. So
17 we'll transfer then to Kaktovik? You've got the floor now.

18 COORDINATOR: Good evening.

19 MR. SHAW: Good evening.

20 COORDINATOR: This is Kaktovik. I have here with us
21 Vice Mayor Herman Aishanna, President for KIC; President
22 Rexford; Roulett Swager (ph); and also our MMS staff, Mike
23 Burwell.

24 (Pause - Side comments)

25 MR. REXFORD: Good evening.

1 MR. SHAW: Good evening.

2 PUBLIC TESTIMONY OF MR. ^{FEN}BURTON REXFORD (Kaktovik)

3 This is ^{Fen}Burton Rexford. Spelled R-e-x-f-, as in
4 Frank, -o-r-d. I'm the President of the village corporation,
5 Kaktovik Inupiat Corporation. We have 112 Native shareholders
6 in this region. We are opposed to offshore drilling, to any
7 activity on the coast from the demarcation point to the Hope
8 Basin area.

9 The impact would be greatly felt if there is oil
10 spills in this area. We experienced several impacts during
11 exploratory drilling offshore near Canadian border. In the --
12 that particular year, we were not successful or had very hard
13 time in catching our whale when there was activity with the,
14 what we call SSBC, the drilling rig off Canada. And it
15 diverted way offshore; made it very difficult for our whalers
16 to get our quota.

17 Therefore, I am also requesting for a preference,
18 that we would prefer to reconfigure it or request that the area
19 of Kaktovik be excluded from lease sale to about 50 miles or
20 more to Hope Basin area, to exclude this from the sale or from
21 the -- what we call exclusion, or deferral.

22 The -- we are also very adamantly opposed in the case
23 there is an oil spill because we know that they cannot or will
24 not be able to clean oil spills in the ice-infested waters. We
25 also know that it will impact, if there is an oil spill, on the

1 200,000 or more caribou that we depend on because they come to
2 the Arctic Coast to lick on the salt when they reach the Arctic
3 Ocean, as their mineral deficiency has reached at the very high
4 point in May during calving season. If an oil spill occurs
5 offshore, it will definitely go on-shore or nearer the shore.
6 They will lick that saltwater and the 200,000 caribou will be
7 hurt, will be made to extinction. The caribou that we depend
8 on.

9 When -- the Mayor will also be over here giving a
10 written comment. But the Mayor and I believe we depend on
11 bowhead, walrus, bearded seal, beluga. The experience -- we
12 know the experience of the smaller animal, the crull, the
13 smaller fish, that they're not catching crab any more down
14 there. And if that occurs here, the chain link is very small,
15 and it will definitely affect our marine mammals. So I -- we
16 definitely oppose offshore drilling or to exclude this area for
17 lease sale. Thank you very much.

18 (Pause - Side comments)

19 PUBLIC TESTIMONY OF VICE MAYOR HERMAN AISHANNA

20 FOR MAYOR LON SONSALLA (Kaktovik)

21 Good evening. My name is Herman Aishanna. I'm the
22 Vice Mayor of Kaktovik. Our Mayor was worried about his boy,
23 so he went home for as little while, so I'll read his written
24 comment for him. Our Mayor's name is Lon Sonsalla, S-o-n-
25 s-a-l-l-a. My last name is Aishanna, A-i-s-h-a-n-n-a. He

1 wrote,

2 "Number one. We still believe there is an
3 inherent conflict between offshore drilling and
4 the viability of biological resources on which
5 we depend on. We obtain food from the ocean and
6 our lives depend on the health of the ocean.

7 "Number two. I would strongly recommend a
8 Barter Island deferral larger than the Barter
9 Island deferral that is an option for this five-
10 year plan. I would recommend that extending the
11 deferred area at least 50 miles west of Barter
12 Island.

13 "Number three. We have not been convinced
14 that an oil spill could be cleaned up either
15 under the ice or in broken ice. And yet on page
16 99 of your decision document, it say vague
17 production on the Beaufort Sea, on the Chukchi
18 Sea, Hope Basin program area would introduce the
19 risk of oil spill that could harm natural
20 resources including marine mammals and other
21 wildlife in and near the Arctic planning area.
22 An oil spill is a very real possibility that
23 could do serious harm to the waters in the
24 arctic.

25 "Number four. Impact monies need to

1 actually reach the communities impacted. Page
2 96, paragraph 3 under comments you write, 'The
3 state of Alaska and the North Slope Borough urge
4 that OCS revenues be shared in affected state
5 and local communities.' I agree wholeheartedly.
6 The people who have to deal with the negative
7 impacts need to be treated."

8 And the final one:

9 "Number five. This logic expressed in
10 Kaktovik that offshore exploration and
11 production is less dangerous than on-shore work
12 in the arctic. And yet on page 72 of the
13 decision document in the second paragraph under
14 the chart it says all the on-shore production
15 has to be more dispersed than offshore. It's
16 impacts on natural ecosystems can be
17 significant.

18 "We could believe that acts of production
19 could be done in ANWR. It would be far safer
20 than drilling in ice packed seas because the
21 ground does not move around on-shore."

22 And that's the end of our written comment from the
23 Mayor Lon Sonsalla. I thank you very much for listening to
24 this brief comment. As my own comments, I wholeheartedly back
25 our Mayors' written comments. They're just like taking the

1 words out of my mouth. Thank you very much.

2 MR. BURWELL: I think that's all the testimony here
3 from Kaktovik. I thank everybody for testifying. This is Mike
4 Burwell.

5 MR. SHAW: Great. Thank you very much. We're
6 getting excellent comments. Okay. We're ready for Nuiqsut.

7 PUBLIC TESTIMONY OF MR. JOE AKPIK

8 Oh. Committee, I'd like to thank Bob Brock for
9 coming to hear our comments on this proposed lease sale. By
10 the way, my name is Joe Akpik Seutuk. My last name is spelled
11 A-k-p-i-k. And I'm referring to mostly in that Sale No. 170,
12 proposed Lease Sale 170. That would probably affect us folks
13 here in Nuiqsut and Kaktovik and along the Prudhoe Bay area.

14 And just one thing that I would like to stress is to
15 monitor our sea mammal whale (in Inupiat). I would like to
16 stress that these sea mammals to be tested on account of our
17 lifestyle and our -- for our health. That these sea mammals be
18 tested -- have an extensive testing on our natural resources
19 that be affected on that Lease Sale 170. At least three
20 entities. (In Inupiat.)

21 So, Mr. Ray Emerson, I would like to comment that --
22 to be documented that these should be tested, the sea mammals
23 that will be affected in that area. I would strongly say that
24 these should be monitored and tested to see if there is any
25 depletion. That in reference to what possible -- what do we

1 call that? -- cancer or among our people that were caused from
2 (in Inupiat).

3 Another good reason why, in reference to this on-
4 shore, that the oil fields -- we have this north-northeast wind
5 that blows in from the Prudhoe Bay area. And that there's a
6 possible hydrocarbon fallout (in Inupiat) bringing from this
7 pressure blow-outs. (In Inupiat.) Why aren't they doing
8 something? (In Inupiat.)

9 For the committee, I would like to stress again to
10 monitor and do some extensive testing of sea mammals and our
11 fisheries that would affect all along the coast from Kaktovik
12 all the way up to Barrow and along there. For people in Point
13 Lay, beluga should be tested, and what we eat. Whales. (In
14 Inupiat.) Three, contracted environmental research to be done
15 for any possible cancer or any sickness or anything that would
16 affect our people. Thank you, committee. (In Inupiat.)

17 PUBLIC TESTIMONY OF VICE MAYOR LEONARD LAMPE (Nuiqsut)

18 Committee, my name is Leonard Lampe, and I'm Vice
19 Mayor for City of Nuiqsut. I'd like to, for the record show
20 that Nuiqsut still opposes Lease Sale 144. As the committee
21 knows, the City of Nuiqsut, the Native Village of Nuiqsut, and
22 the Kupiiq (ph) Corporation have jointly passed a resolution
23 opposing Lease Sale 144 unless a new deferral area be created
24 for the Colville Delta and Cross Island breeding grounds. Up
25 to today, there is no deferral area for these. There are only

1 proposed deferral area for Cross Island but nothing for the
2 Colville Delta. So therefore, we are still opposing Lease Sale
3 144.

4 We also would like to be on record that this is also
5 a fishing community here as well as a whaling community. And
6 the deltas of the Colville and the Milne channel are very
7 important and we'd like to see those as possible deferral
8 areas.

9 We'd also like to ask why are they still possible
10 deferral areas? Why aren't they already deferred areas as we
11 requested? We'd also like to ask why deferrals are larger than
12 others deferral areas? Like in Kaktovik, it's approximately 80
13 miles deferral area. Barrow pretty much is deferred all along
14 their whaling grounds. And Nuiqsut has 60. I'd like to know
15 the pattern of how deferrals are made.

16 On our subsistence areas -- on subsistence
17 information, I'd like to thank you for that as well. But I'd
18 also like to refer to a Ninilchik Cultural Plan on the harvest
19 areas. And Jim will be taking a copy of that back.

20 The areas need to be larger for the whaling, the
21 fishing area as well as the seal -- again we oppose this lease
22 sale until a deferral area be considered and made into a
23 deferral area. Not a possible deferral area for the Colville
24 Delta as well as the Cross Island. And I thank you for the
25 time.

1 FURTHER PUBLIC TESTIMONY OF MR. JOE AKPIK (Nuiqsut)

2 I've got one more here. I need to mention -- Joe
3 Akpik again -- Kuvlum Unit, Hammerhead Unit, and Sandpiper
4 Unit. Those are active leases that I would stress to your
5 committee that they would monitor our sea mammal, especially in
6 the summertime. And our ducks, our eider ducks might be
7 affected. And I know of people in Barrow, eat eider ducks
8 so -- and we eat lees Cisco, Nuiqsut, and all the other fish
9 that we eat here. So I would stress that the Environmental
10 Impact Statement be documented through our -- in which to
11 protect our health and our lifestyle. Thank you.

12 (Pause)

13 MR. AKPIK: We're going to come back in the second
14 round. Thank you again.

15 MR. SHAW: Okay. Thank you very much. Is Mr.
16 Delbert Rexford on the phone yet?

17 (No audible response)

18 MR. SHAW: Okay. Well, we're going to move and get
19 some comments and dialogue or testimony going here then. I
20 have from the sign-up sheets some of you that have indicated
21 interest, so we'll start with Mr. Charles Okakok. Is he here?

22 (Off record)

23 (Tape Change - Tape No. 2 of 3)

24 (On record)

25 PUBLIC TESTIMONY OF MR. CHARLES OKAKOK (Barrow)

1 Good evening. Charley Okakok. Last name spelled
2 O-k-a-k-o-k. I'm Wildlife Director for the Native Village of
3 Barrow and tribal government for Barrow. And today I would
4 like to thank you for coming here to listen to our comments and
5 whatever questions we have. And thanks for bringing the
6 oranges. They look the ones the ones they used for the oil
7 spill exercises they have at Prudhoe Bay.

8 Anyway, under -- just this afternoon, I got to going
9 through a little bit of what you have on Volume 2, page 346, on
10 bowhead whale. I believe there were some comments made earlier
11 about that. And there's been -- you know, these are incorrect
12 statements -- some incorrect statements in here, I believe.
13 And I think that there should be more studies before these
14 statements are made. Like on the behavioral studies, that they
15 have on the bowheads:

16 "...may habituate to noise from distant ongoing
17 drilling, dredging, seismic operations."

18 That was Richardson, in 1985, A and B. But avoidance does
19 occur. I mean, this is a -- statements like these are saying
20 one thing here, and then going back and saying another. You
21 know, it's -- what are you basing your in- -- where are you
22 getting these information from? It's like the 40 percent of
23 sublethal effects on the population of the bowhead whale, each
24 year, is coming from subsistence hunting which -- where are you
25 getting these numbers? And then you're saying that 20 -- the

1 five-year lease program is going to cause 20 percent of bowhead
2 population to swim around industrial noise.

3 You're saying the noise has an effect on the bowhead
4 whale. Why not just say that? It's -- you know, the effects
5 are -- on oil spills from -- you're saying has sublethal
6 effects on up to 20 percent of the population. You're basing
7 that on this and then saying that 40 percent of the population
8 has sublethal effects from bowhead whale hunting.

9 And you know, this is some sort of document here
10 that, you know, is going against our bowhead whale -- our
11 subsistence whaling. And to attack, in this way, our cultural
12 way of life is detrimental to things of this nature, meetings
13 like this. And you ask not to have any arguments or anything.
14 And then here, you have arguments in here that are presented
15 that need to be argued.

16 And these books that came late for some people and
17 not giving them enough time. Maybe a couple more weeks,
18 another month to look through this. They could see the effects
19 that the oil lease program is going to have on our way of life.

20 And also I had on -- under your environmental
21 regulations under protection -- under your Code of Federal
22 Regulations, under 40 C.F.R., Part 435, Oil and Gas Extraction,
23 Points or Categories, Subpart A, Offshore, stipulates that
24 there should be no oil sheen or nothing on the waters. And
25 still we see oil sheen on the waters from the drill rigs. And

1 that should be sufficient enough to stop that program right
2 there, even at the Kuvlum, the other projects that you have.
3 According to your Code of Federal Regulations.

4 It's also stated under 40 Code of Federal Regulations
5 Part 435.50.5152, which is the Agricultural and Wildlife Water
6 Use, Subcategory B, I believe it is. And that's to protect our
7 subsistence way of life, I believe. And according to that
8 there should be no oil sheen or oil spill. And that should
9 stop all activities according to the Code of Federal
10 Regulations if you don't care to and should. Thank you.

11 MR. SHAW: Okay. Thank you. Next person on the list
12 is Eugene Brower. Is he here?

13 (Pause)

14 PUBLIC TESTIMONY OF MR. EUGENE BROWER

15 FOR EDWARD ITTA (Barrow)

16 Good evening. My name is Eugene Brower. B-r-o-w-e-r
17 is the last name. I'm a whaling captain from Barrow, Alaska.
18 Tonight I'm representing the Barrow Whaling Captain's
19 Association which has 44 registered whaling captains with the
20 Alaska Eskimo Whaling Commission along with their 450-plus crew
21 members. And I'm here to represent Edward Itta who's our
22 Whaling Captains Association President who's out of town at
23 this time. I'm here to speak on his behalf on this -- your OCS
24 five-year lease sale.

25 And for the past 17 years, the Barrow Whaling

1 Captain's Association has been making an official statement --
2 official statements, I should say, instead of one, opposing any
3 lease sale in the Chukchi Sea and the Beaufort Sea for various
4 reasons.

5 You didn't want redundancy on the statements being
6 made by different whaling captains. You're going to hear them,
7 repeatedly, over and over. And the different people and
8 whaling captains from the different villages making the same
9 statement over and over, maybe in a little different manner.
10 But most of the concerns that are issued -- that are brought to
11 your attention are the same concerns in all three village or in
12 all the other villages that are -- that live -- that subsist
13 off the ocean, both the Chukchi Sea and the Beaufort Sea.

14 Just take these oranges, for example. You guys can
15 grow these and eat them any time you want to. Our mainstay of
16 food come from the Chukchi Sea and the Beaufort Sea. During
17 the spring when the weather starts warming up and the ice
18 starts breaking up, it starts bringing the animals so we can
19 replenish our supplies for the winter. You get the bowhead,
20 you get the walrus, the seal -- bearded seal, eider ducks, fish
21 of different species that we subsist off of in the summer time
22 that come up from the Chukchi Seaside.

23 In the fall time, we get the ducks -- the eider ducks
24 as say by a person from Kok -- from Nuiqsut. You get the
25 brant, old squash, fish of different species and the bowhead

1 here in Barrow. Yet none of those are -- these things are
2 taken very lightly on you OCS booklet here.

3 Our biggest concern is the bowhead. You make some
4 real light statements which are wrong and very offensive to us
5 in your books \$4 starting off at page 346 through 348. And
6 most of your conclusion is very wrong.

7 And you're trying to put the blame on the bowhead
8 dispersement to the fall whalers in the three communities,
9 Kaktovik, Nuiqsut and Barrow. Before we started our fall hunt
10 which starts late in August and part of September, you have a
11 lot of -- quite a bit of seismic activity that's ongoing off
12 this ocean in the Beaufort Sea side. As soon as you get open
13 water, you get seismic activity which is causing great
14 displacement on the bowhead route and the bowhead feeding
15 areas. Yet, you're trying to put the blame on the fall hunt.
16 On the fall hunters saying that they're the ones that are
17 affecting the bowhead migration. We may be dumb, but we ain't
18 stupid.

19 And for you to be making these kind of statement on a
20 lease sale study is very wrong. Thinking that we don't read
21 these books. We do. For the past 17 years we've coming to
22 different agency heads before you making these different type
23 of statements. Yet, they are taken very lightly. Just like we
24 come -- we can put a recorder out here to play these different
25 statements we've made in the past over and over. Yet, you,

1 people don't hear them they might go on a tape recorder but
2 that -- the tape recording goes on a shelf and collects dust
3 back in D.C. or wherever it's put away. It's getting old. So
4 if you're going to making statements that affect out livelihood
5 either the Chukchi Sea side or the Beaufort Sea side, do it
6 with some merit. Don't be making irrational statements that
7 have no basis. No scientific basis to be writing this type of
8 literature. That's wrong. That's just one section that's bad.
9 You've got other sections that are bad in there.

10 The statement on your page -- Section IV-347 states
11 on the bottom section:

12 "The hunting of bowhead whales by Alaska Native
13 subsistence hunters currently is the major
14 effects-producing agent on the bowhead whale
15 population."

16 Who the hell made that statement? What did he base that thing
17 on? What kind of study has that person or the company done to
18 make a statement of that nature? You put a little blurb in
19 there saying that the seismic activity has no impact on them.
20 Yet, you're putting the whole blame on us Natives that hunt the
21 bowhead for livelihood.

22 If I get a little blown up out of shape, don't mind,
23 because I get a little carried away at times. After going to
24 these things for 17 years, it gets frustrating. Just like
25 you're talking in the wind and nobody hears you. Hopefully you

1 might make some impact or changes to these things and correct
2 these problems. This whole section of the bowhead whale
3 section has to be rewritten in it's entirety. Put the blame
4 where it is and don't make irrational statement that have no
5 scientific basis that's going to back it up.

6 I said earlier, we've been opposing the offshore
7 lease sales for various reasons. One of them is that the oil
8 industry has not shown us that they have the capability or the
9 equipment to do an oil spill clean up in the ice invested
10 waters, the ocean or on the barrier islands. They have tried
11 to make some demonstrations in the past but they have not
12 worked, even under so-called ideal conditions which are far in
13 between in the Arctic.

14 Also the traditional knowledge that have been --
15 already been given by the elders and the hunters in the past
16 hearings have been ignored and not used. Because the reports
17 are orally given by the elders and not written down. Like the
18 western people with the college degree. Maybe if we had the
19 college degrees behind our back a mile long, you would listen
20 to us saying yeah, what you're are saying has got merit.

21 Ours is the firsthand knowledge of being out in the
22 ice. Out in the ocean, of serving, watching and learning.
23 Ours is not textbook, ours is practical, physical experience.
24 Not some over flights with a helicopter or an aircraft and make
25 an assumption that this is happening. We make our statements

1 from practical physical experience. And we don't make those
2 statements very lightly.

3 The whaling captains here in Barrow have always
4 maintained that the lease sale should be in the mainland first.
5 Where it's dry, where anything go wrong you can the equipment
6 over there to contain an oil spill of any magnitude. Also you
7 guys talked about, early about trying to stop the United States
8 dependency on fur and oil.

9 Why doesn't the Department of the Interior help the
10 State of Alaska open up ANWR, which is in the mainland? Which
11 is safe. Quit listening to these so-called Friends of Earth,
12 Audubon Society that don't live here in the Arctic. They live
13 down there where it's nice and warm. They've got four seasons
14 and we've only got two, winter and summer. Who are they to
15 tell us how we should live our lives?

16 We don't go down to Washington, D.C., saying you
17 can't cut or kill chicken, cattle, or plant your gardens to
18 grow. Who are these people trying to tell us how we should
19 live our lives up here? They don't give a damn about us. It's
20 hard for us to try and talk rationally with you because it's my
21 frustrations that's building up by coming to you different
22 people year after year. Year in, year out, making statements
23 hoping somebody would listen.

24 In closing the Chukchi Sea and the Beaufort Sea oil
25 sale should be removed from the upcoming lease -- the five-year

1 lease sale OCS plan. These two oceans produce the main food
2 supply for the Inupiat people living off the two oceans. And
3 these two oceans are our garden. They may not produce oranges
4 or apples or sauerkraut or cauliflower, cattle or chicken, but
5 they produce the food that keeps us alive. You may not like
6 how we eat it, but the good Lord put these animals in this
7 region so that we, the Inupiat, can live off these animals.
8 Thank you. Do you have any questions?

9 MR. SHAW: No. And thank you very much. Those were
10 excellent comments, and I think you'll find in the Final Impact
11 Statement we'll take them into account.

12 MR. BROWER: Thank you.

13 MR. SHAW: Craig George.

14 (Pause)

15 PUBLIC TESTIMONY OF MR. CRAIG GEORGE (Barrow)

16 Good evening. My name is Craig George. I'm a
17 wildlife biologist with the Department of Wildlife Management.
18 And I guess tonight I'm on my own behalf since the bureau does
19 not have official comments as yet on this five-year program.

20 I appreciated your introduction and some of the
21 changes you've made like going to this consensus system of
22 conflict resolution. That's a step in the right direction.
23 And you told us earlier that you're going to incorporate a lot
24 of the comments from the traditional knowledge of a sense into
25 the following documents and we'll look forward to seeing that.

1 I have a number of specific comments. Particularly I
2 think I'll focus on the ones I touched on earlier on this
3 Cumulative Effects Section. And as Eugene pointed out, there's
4 a number of problems with it. The -- and I'll just touch on
5 some of the important ones. The statement on page IV-347:

6 "Most whales are expected to avoid such
7 activities at one to four kilometers but for
8 others, avoidance may occur at ten to twenty
9 kilometers."

10 I think, as you know, most -- this is of drilling structures.
11 Most of the captains here disagree with this.

12 And I'll have additional comments on this, but I
13 think it's important to separate these effects by time of year.
14 Migrating whales apparently, from what I've heard from the
15 whaling community, are more sensitive to noise than they are
16 during the summer feeding period like in the Canadian Arctic.

17 This thing that Eugene touched on, "Hunting is the
18 major effect-producing agent on the bowhead whale population,"
19 is sort of antagonistic and somewhat inflammatory statement and
20 unsubstantiated. If you're talking about strictly mortality,
21 you may or may not be right. This is the -- in the bowhead
22 whale book which MMS largely funded we did a section in here on
23 mortality and morbidity. And you'll see here's a photograph of
24 a strike from a large ship propeller. This is not an outboard
25 motor. This is a very large vessel.

1 We've seen that at least in three cases. There was a
2 whale landed this fall that had the flukes lacerated, again, by
3 a very large vessel. Here's another animal with killer whale
4 bites on it. That's an effect-producing agent. We don't know
5 what the mortality rate is but it may exceed what the hunt is
6 taking. We found -- these are just animals that have survived
7 killer whale attacks. We've found at least seven or eight
8 animals with these kinds of lacerations on the flukes and
9 flippers.

10 So when you make a statement like this be very
11 careful and realize that it may work in your disfavor because
12 it's difficult to work when these kinds of inflammatory
13 statements are made. I think it angers the local people and is
14 counter productive in that sense.

15 I think also I know Doctor Albert has always said and
16 I think it's absolutely true, that the best thing that can
17 happen to an animal is that it either be domesticated or
18 hunted. Those are the animals that people care about. Those
19 are the ones that we take care of and that's certainly the
20 case, I think, with bowheads. They're well cared for and has
21 the most regulated hunt in the history of mankind, I think,
22 considerable amount of study. That sort of thing.

23 Take for instance the North Atlantic white whale.
24 Here's another very bowhead like critter on the east coast of
25 the U.S. It's been protected from hunting for over a hundred

1 years yet the population is still at -- it's only a couple --
2 three, four hundred animals at the most, and it's not
3 increasing. The main reason is that -- well, another problem
4 is that the habitat, of course, the North Atlantic has been
5 severely affected. They're having problems with ship strikes
6 and net entanglement.

7 And that was another point I wanted to make, that one
8 of the first things we learn as wildlife biologists is that
9 hunting isn't really as serious a problem, or it actually can
10 be beneficial to a population in some cases, as habitat
11 quality. That is absolutely the most important thing. I think
12 that analogy between bowheads and North Atlantic white whales
13 is a good example.

14 Here's a herd increasing under a hunt where as the
15 North Atlantic white whale, despite lack of a hunt for over 100
16 years has not increased at all mainly because of degradation
17 and habitat.

18 The statement here, that the hunt is typically
19 conducted by heavy skiffs powered by outboard motors, that's
20 only the fall hunt. I did some quick tallies and roughly 80
21 percent of the whales are taken during the spring hunt. And so
22 the small hunt is a much smaller portion of that. And --
23 anyway, that statement's incorrect.

24 Whoever wrote this describes use of modern whaling
25 guns. That's, again, a misnomer. These are the same guns that

1 were manufactured -- I mean they're currently manufactured but
2 the design is a century old now. It's -- there's really not
3 modern weaponry with the possible exception of the new
4 projectile that's used which we're working with to try and
5 reduce the number of animals that are -- to reduce the time to
6 death for the animals that are struck. I don't know if that's
7 what he's referring to but the shoulder gun itself is not,
8 quote, modern.

9 Animals often die after a strike. I don't know,
10 it's -- again, this is unreferenced. I don't know where
11 they're getting their information. Let's see. There's again
12 on that section on page 348:

13 "Whales are likely to strongly avoid whale boats
14 and the noise associated with them."

15 Again, there's no evidence of this anywhere in the literature
16 and in fact, in the -- I just was looking at these figures
17 again in the bowhead whale book which of course, MMS largely
18 funded.

19 And if you look at the -- this is from our own
20 acoustic work which began in 1985. We've estimated the number
21 of whales that are passing within two miles of the ice edge.
22 And that helps us correct our population estimates to include
23 offshore whales. In 1985, we estimated that about 46 percent
24 of the whales were within this two mile range, the following
25 year 19 percent. I -- that is most were off shore. It jumps

1 around 65 percent, 88 percent. And in 1993, when we had our
2 most successful count, 93 percent of the animals -- of the
3 whales migrated right along the lead edge.

4 If the hunt is having such a big effect on bowheads,
5 why aren't they moving further off? Over the last ten years
6 they've moved closer. The point is that there's a very -- I
7 think what we're seeing, in a way to integrate some of the --
8 what the whalers are seeing and what some of these reaction
9 studies have done, and what I've witnessed doing the whale
10 census for 15 years, pulling it all together, it seems like
11 there's very different reactions between a short-term
12 disturbance, like a hunt or a strike on a whale, and an ongoing
13 low level disturbance or even high level like a seismic boat or
14 drill ship in operation or something like that where the animal
15 can detect it several hours ahead and begin perhaps deflecting
16 because it's uncertain about what the noise is.

17 In the spring hunt here, these guys can tell you
18 every opportunity is taken to keep the qu- -- the hunt as quiet
19 as possible. And the whales migrate right up the lead edge as
20 long as things are very quiet. If there was an ongoing
21 disturbance, like a lot of snow machine noise or aircraft noise
22 or something like that, I think you'd see the same thing.

23 So anyway, the point is that statements like this
24 that the hunt is having some -- you know, is the greatest
25 influence -- effect-producing agent on the population, I think

1 you might want to rethink that. And certainly look at the
2 difference between short-term effects and long-term effects.
3 This hunt has been going on for at a thousand years and
4 probably a lot longer than that. And the whales keep migrating
5 by.

6 So obviously they're not too highly affected. And
7 years ago, the harvest levels were at least as high as they are
8 now and, you know, over a hundred years ago, so this -- your
9 estimate, the activity,

10 "Hunting activity is estimated to have lethal
11 effects on .89 percent of the bowhead whale
12 population."

13 For one, I think I pointed that out earlier, that the wrong
14 population was estimated -- was -- estimate was used. And also
15 if you make that calculation, you've got to make sure you
16 increment the population at 3 percent annually. Because our 15
17 year time series of estimates have shown that -- I'm pretty
18 sure we sent you all those papers that the population since
19 1978 to 1993 has increased at about 3 percent a year. Okay.

20 Then this point here that hunting activities are
21 expected to have sublethal effects on 40 percent of the
22 population each year. Like Eugene mentioned, you need to cite
23 the reference. And I think, over -- very detailed description
24 of how you calculated that and I think you'll find that really
25 the disturbance rate from the hunt is not nearly as high as you

1 think because it's intermittent. And the whales don't perceive
2 it as a big threat or they wouldn't come by here, you know.

3 Another statement,

4 "Many more whales would experience a significant
5 level of disturbance due to the subsistence
6 hunting activities by Alaska Natives."

7 Again, this is -- these statements are all through here and
8 they're not going to help people cooperate. And they have to
9 be substantiated and in many cases I don't see how -- where the
10 evidence is for making these statements.

11 And then to kind of top off the section, you're
12 saying that oil spills would affect 20 percent of bowhead whale
13 population, that's half what the hunt would affect, again, is
14 highly speculative. I just want to make the point that an oil
15 spill is indiscriminate. Once the oil is released, it'll
16 affect, as you know, indiscriminately as many animals that are
17 in the area. If they're constricted to a lead, could be a huge
18 portion of the bowhead population. If it's during summer open
19 water period when not a lot of whales are around, maybe it
20 isn't that many.

21 But the point is that with the difference with the
22 hunt is that it's highly regulated. Only a certain number of
23 animals can be taken each year. So there's a huge difference
24 there. The hunt can not possibly, under certain circumstances,
25 affect as many whales as a major oil release.

1 And animals all have they're vulnerable periods. I
2 think we're seeing that with this -- the oil release in the
3 Bering Sea where these eiders that congregate in the winter are
4 all over wintering and even a small release during those
5 periods can affect thousands or hundreds of thousands of birds
6 they're so tightly compacted. I don't know if you've seen the
7 photographs of them, how they over winter but they're in a raft
8 with tens or even hundreds of thousands of birds in them.

9 And then you've heard to the statement again that oil
10 spill clean up technology is still -- in broken ice conditions,
11 unless I've missed something is still inadequate. As far as I
12 know no one really has the capability of operating equipment
13 out here. We sure learned a lot about how well the equipment
14 works during the gray whale rescue where a lot of the -- these
15 fantastic machines didn't really work as well and basically
16 hand tools are what worked in that operation.

17 So anyway, as a private citizen I guess I'd have to
18 support the no-sale alternative until there's good evidence
19 that it could be done in a safe manner. So I guess that's all
20 I have.

21 MR. SHAW: Craig?

22 MR. GEORGE: Yeah.

23 MR. SHAW: Thank you, Craig.

24 MR. GEORGE: Yep.

25 MR. SHAW: Comments. Nate Olemaun?

1 PUBLIC TESTIMONY OF MR. NATE OLEMAUN (Barrow)

2 Good evening. My name is Nate Olemaun, Jr., O-l-e-
3 m-a-u-n. I am a whaling captain, and I want to speak of my
4 last 26 years' experience with the oil company and hearings
5 like this, being a past elected official for 17 years. I now
6 hold the title of Mayor Emeritus.

7 On one of the statements that was said earlier
8 blaming the whaling crews hunting bowheads, depleting them up
9 here written down in your book as brought out by Eugene Brower.
10 The federal government tend to accuse the minority of something
11 they haven't done. They overlook what their own people have
12 done. What we call the yankee whalers during the commercial
13 whaling, they were the ones that depleted the bowhead whales up
14 here for the oil and baleen.

15 There were hundreds of ships coming up, but you
16 overlook them. There's nothing mentioned, probably, in your
17 report about them. But yes, it happened yesterday. We
18 couldn't write about it. The Eskimos are killing off the
19 whales. When they put us on quota system, they said there was
20 few hundred whales. That came from your government. (In
21 Inupiat.)

22 And we heard from Nuiqsut about not having anything
23 done in Colville River Delta, keeping it off limits for
24 whaling -- I mean for oil development. Not too long ago we had
25 an oil spill in Russia. Same area we're in, you know in Arctic

1 Ocean, through their river. What if that had happened in
2 Colville River? It would have wiped out their whole lifestyle.
3 They moved from here to Barrow to be in their former village,
4 to live off the land because they knew what it was. But if you
5 have a big oil spill in that river, there's no place but in
6 that river like in Russia. They're going to have to move some
7 place again. (In Inupiat.)

8 Also recently, you had a oil slick that killed over a
9 thousand King Eiders. The same birds that we hunt up here
10 during our spring hunt. But they were able to save a little
11 bit over 200. It affected over a thousand birds. And they
12 traced that to a tanker. If they drill offshore up here, it
13 won't be coming from a tanker. It will be coming from
14 underground. At least a tanker, you could hold it, you could
15 pump it out but I don't know what you're going to do with the
16 oil that's coming off from the bottom of the ocean. You have
17 no technology. (In Inupiat.)

18 Seismic testing. We have talked against it for over
19 20 years now. This is 28 years since they discovered the oil.
20 And they started about '66, 30 years ago or something like
21 that. Seismic -- we are against it up here, but since our
22 government won't be able to do it up here at the full level,
23 they decide to do it off course, off California, to the gray
24 whales to see what the effect is.

25 I'll tell you what the effect is. Where they're

1 testing is open water, and we have ice about nine months out of
2 a year up here. In open water, your seismic testing is going
3 to go up in the air. When you do it up here in the ice pack,
4 it's going to keep bouncing down. It's not going to escape.
5 It's going to affect our mammals as long as that noise goes in
6 the distance. That's what we don't want to see up here, any
7 offshore drilling. (In Inupiat.)

8 There's a lot of unexplained reasons why you have the
9 white whale which is the family of the bowhead whale going on-
10 shore, pilot whales, dolphins. You don't bring those out up
11 here. They're dying by hundreds. But you don't bring them up
12 in public hearings like this. We have to bring them up to say
13 we're not killing them off by hundreds and thousands. We're
14 living with them. We know what we need and we get what we
15 need. Sometimes we don't get that at all. We live with our
16 nature. (In Inupiat.)

17 For so many years now we have opposed offshore
18 drilling. From Hope Basin, you heard from (in Inupiat) Chukchi
19 Sea, Arctic Ocean, Beaufort Sea. That is the route, as they
20 have stated earlier, of all sea mammals. Of all ducks,
21 everything that we live off. We know the season that they're
22 coming in. We don't go by calendar dates. We don't predict
23 them. But we know it's time for them to be reaching our
24 villages.

25 And we prepare year around, especially to hunt

1 whales, to be ready so we could have our umiak skin from
2 ugruks, that's bearded seal and fat from ringed seal.
3 Everything from the ocean is used to prepare us to go whaling.
4 We just don't get in a lund boat with the outboard and go. We
5 use traditional umiak boats, skin boats. So does our other
6 whalers from St Lawrence on up to Kaktovik, Point Hope.

7 So our garden, as stated so often, is the ocean. The
8 migrating path is from your proposed sale. You have bowhead,
9 gray whale, walrus, beluga, fish, bearded seal, ringed seal,
10 polar bear, to name some. And that is in the path of the place
11 where you want to drill. And we don't mind drilling in -- on-
12 shore.

13 Here, the whole nation is fighting to open a big
14 prospect of oil on-shore at ANWR. In lieu of that, you want to
15 go from Hope Basin all the way to Beaufort Sea disregarding all
16 the marine mammals which are protected by you, our federal
17 government. Which the Natives can only hunt. You want to
18 jeopardize that. (In Inupiat.)

19 I've been involved with oil industry. I went to work
20 at Prudhoe in 1970 working week on week off until 1980. And I
21 worked three more years here in Barrow for the oil industry. I
22 know what they are talking about. I had hands-on experience.
23 I know the areas they are talking about. They were mentioned
24 back in the '70s. But they had to get backing from Washington,
25 D.C., for you folks to come up here, for them to open them.

1 And the land we want to open up, not offshore, you want to keep
2 shut.

3 I think we better open a dialogue where we could
4 communicate. I don't want to go back and say over 200 years
5 they've been breaking what treaties they have signed and were
6 under that law too. And they want to keep breaking them. It's
7 not for our benefit to have offshore drilling. Our benefit is
8 to live in harmony with our sea mammals offshore.

9 Because they had promised there be a lot of jobs at
10 Prudhoe for North Slope people. Not even 1 percent of the
11 Slope population from the time it opened until right now work
12 at Prudhoe, I know that for a fact. I don't think we have
13 anybody in the villages that go and work for Prudhoe with the
14 oil companies. There's some that work with our regional
15 corporation subsidiaries that have contracts out in Prudhoe,
16 but that's a Native corporation not the oil company from
17 Lower 48.

18 And when they built the pipeline, the four companies
19 that formed Alyeska promised Natives that they would be in
20 training for management slot and what not. Or be hired by --
21 up to 15 percent of the man force. Once they signed it, that
22 was set aside until a couple years ago. Then they said, oh, we
23 better renegotiate and make sure we have Natives after the job
24 was done 20 years later. And these are the same oil companies
25 that want to see you open the offshore lease sale. (In

1 Inupiat.)

2 I'm on the mailing list, whenever you have a study
3 done. And I've got, from day one, a copy at least of every
4 study done by Minerals Management. I didn't see these until I
5 came in this afternoon for the workshop. I didn't hear about
6 this meeting until lunch time from my son who works for the
7 Wildlife Department.

8 There -- I appreciate what you have done. This is
9 the first time the villages being connected up for
10 teleconference with the staff instead of North Slope Borough
11 staff to work the teleconference. That I have to give you
12 compliment for. That's the first time that I know of this
13 being done. And that's the way it should be. They say we have
14 gone to technology and need to improve more -- better
15 communication. I think the North Slope Borough government buys
16 up all the newest technology nobody takes advantage of and they
17 just talk about it.

18 But you're the first one that I know of that realize
19 that we have teleconference center in each village. North
20 Slope Borough is praised or envied a lot by states, by our
21 nation, by third nations, by nations because we brought modern
22 technology to every village. We didn't get no help from the
23 state. We didn't get no help from the Federal government.

24 When they say we couldn't establish this form of a
25 government for our own people, we went to court -- following

1 you culture of following the procedures to say, yes. We can do
2 it. Oil companies were against us. Your government was
3 against us. We were living in a third nation. But we have
4 come a long way from that. (In Inupiat.)

5 So as a whaling captain, I oppose, and I have always
6 opposed, any offshore drilling. Whether it was the state
7 within they're three miles, whether it was OCS, Minerals
8 Management, I oppose anything from Kaktovik down to Hope Basin
9 area. If you want to drill, you open up ANWR. And I'll hang
10 around because I heard we have a second chance later. Thank
11 you.

12 MR. SHAW: Thank you very much. Michael Pederson?

13 PUBLIC TESTIMONY OF MR. MICHAEL PEDERSON (Barrow)

14 Good evening. I ask you to bear with me because my
15 testimony is quite lengthy. And I just want to say beforehand
16 that according to this schedule and according to the Draft EIS,
17 you guys are going to be coming up here several more times.
18 And if you guys don't listen to our concerns, you guys are
19 going to keep hearing the same old things, and we're going to
20 keep telling you the same old things until you guys listen.

21 My name is Michael Pederson and I am the Natural
22 Resources Specialist for the Arctic Slope Native Association
23 Limited. ASNA is the regional nonprofit tribal consortium
24 dedicated to striving for Native self-determination with
25 headquarters in Barrow. ASNA provides services under a Public

1 Law 93-638 contract to the tribal members in the following
2 communities: Anaktuvuk Pass, Atqasuk, Kaktovik, Nuiqsut, and
3 Wainwright.

4 It is my understanding that this Draft Environmental
5 Impact Statement for the proposed Outer Continental Shelf Oil
6 and Gas Leasing Program for 1997 to 2002 describes the
7 environmental impacts that could result from the sale of oil
8 leases in the Arctic OCS.

9 ASNA also supports the comments from the North Slope
10 Borough, the Alaska Eskimo Whaling Commission, The Whaling
11 Captains Associations of Barrow, Nuiqsut, Kaktovik, Wainwright
12 and Point Hope as well as other local organizations based on
13 the North Slope. We also support the comments you will hear
14 tonight from the residents of Kaktovik, Nuiqsut, Wainwright,
15 Point Lay, Point Hope and Barrow. These are the communities
16 that will be directly affected by the proposed action in the
17 Draft EIS.

18 The indigenous population in the coastal communities
19 of the Arctic are dependent on subsistence resources: marine
20 mammals, land animals, fish, and migratory waterfowl for their
21 food. Some of the concerns on the Draft EIS that I had written
22 notes on.

23 On page three of the Executive Summary, MMS
24 acknowledges that the effects on subsistence hunting and the
25 Alaska Native culture are a concern and that social changes

1 among the Natives of the North Slope of Alaska will occur. The
2 major concern in this area is that of subsistence. The
3 traditions in our Inupiat culture allows us to continue living
4 as our ancestors have, with few modern western conveniences,
5 and a strong subsistence base. Subsistence within our Inupiat
6 culture can best be described as our way of life.

7 Additionally, ASNA is concerned with potential
8 impacts to wildlife. An oil spill will not only affect marine
9 mammals but also land animals, fish migratory waterfowl whose
10 habitat will be directly affected by an oil spill. Not to
11 mention other resources coastal communities rely on. On page
12 four of the Executive Summary, MMS states that:

13 "There is a greater number of potential oil
14 spills in Alaska."

15 Why is that compared to other areas where there is
16 proposed OCS activity? Is it because OCS development in the
17 Arctic is unpredictable due to weather and ice conditions? An
18 adequate oil spill and prevention plan needs to be developed
19 and implemented to the satisfaction of the whaling captains,
20 subsistence hunters and residents of the Arctic coastal
21 communities.

22 Again, on page 4 of the Executive Summary, MMS states
23 on Cultural and Subsistence Activities:

24 "The cultural and subsistence activities of
25 Native communities in Alaska are likely to be

1 affected by both routine development and oil
2 spills. Increasing urbanization may result in
3 changes to Native culture that may be permanent.

4 "Noise and disturbances associated with
5 routine development activities and accidental
6 oil spills could interfere with some subsistence
7 hunting activities. Some subsistence resources
8 could be rendered available (sic) or undesirable
9 for up to two years."

10 In this case, ASNA is requesting that MMS needs to
11 add rules or develop agreements with the tribal villages to
12 sort out potential conflicts between the oil industry and
13 subsistence hunters. MMS did something to protect the
14 commercial fishing activities in Cook Inlet. MMS added a
15 requirement that oil company activity be restrictive -- be
16 restricted if it would result in unreasonable conflicts with
17 fishing.

18 Why can't the same requirement be added in the Final
19 EIS dealing with subsistence activities on the North Slope?
20 the rule could mean seasonal restrictions on boat activity or
21 placement of oil platforms to avoid interference with
22 subsistence activities, such as bowhead whaling.

23 After reviewing the Draft EIS further, it looks like
24 there is some effort on MMS's part on page D-3, \$F, under
25 Assume Mitigating Measures. The whaling community will no less

1 hold MMS and possibly the National Marine Fisheries Service to
2 this section which states:

3 "Subsistence Whaling and Other Subsistence
4 Activities. This stipulation is designed to
5 reduce disturbance effects on Native lifestyles
6 and subsistence practices from oil and gas
7 industry activities by requiring industry to
8 make reasonable efforts to conduct all aspects
9 of their operations in a manner that recognizes
10 Native subsistence requirements and avoid
11 adverse effects on local subsistence harvest and
12 cultural values.

13 "It requires industry to conduct all
14 exploration, development and production
15 activities in a manner that minimizes any
16 potential conflicts with subsistence activities,
17 especially the bowhead whale hunt. This
18 stipulation also requires industry to contact
19 potentially affected Native communities and the
20 AEWC to discuss possible siting and timing
21 conflicts and to assure that exploration,
22 development and production activities are
23 compatible with subsistence whaling, and do not
24 result in interference with other subsistence
25 harvests."

1 On page 6, MMS states that,
2 "Disturbances to archaeological sites is
3 anticipated, and those disturbances may result
4 in the loss of archaeological data."

5 That is not acceptable. Protection of these sites is
6 necessary. We, the Inupiat Eskimos on the North Slope, are
7 still learning about our past history which is not in written
8 form.

9 In the draft EIS, where -- areas where the proposed
10 lease sales will occur are an important bowhead whale feeding
11 area. On page iii-26, you state that:

12 "Bowheads apparently feed throughout the water
13 column...."

14 And that,

15 "They have been observed feeding during their
16 spring and fall migration."

17 We know that they feed and recent scientific research confirms
18 that.

19 On page iii-84, MMS does not state that the bearded
20 seals are used for subsistence purposes. The skin is used to
21 cover our traditional whaling boats, the Umiaks. This is not
22 even mentioned in the Draft EIS, but MMS mentions a totally
23 different publication.

24 This is a very important resources (sic) to whaling
25 captains along with the good dried meat and seal oil that is

1 made from ugruks. MMS does not once mention the subsistence
2 activities associated with the walrus, polar bears and caribou.
3 On page iii-82 and 83, you state how important the beluga whale
4 is as subsistence resource. Why not for all the other animals
5 that we hunt?

6 MMS is correct in stating that on page iii-121, that

7 "Despite modernization, Inupiat society
8 continues to be based on a subsistence oriented
9 culture, with the bowhead whale hunt as an
10 integral element in that culture. Whaling
11 remains at the center of Inupiat spiritual and
12 emotional life. It embodies the value of
13 sharing, association, leadership, kinship,
14 arctic survival, and hunting prowess.

15 "The ramifications of the whale hunt are
16 more than emotional and spiritual. Meat
17 sharing, particularly of the bowhead but also of
18 other subsistence resources helps to integrate
19 the society by joining both giver and receiver
20 to a living tradition and bonding them together.
21 For the North Slope Inupiat, the spirit of the
22 people, their social organizations, and the
23 subsistence hunt are integrated."

24 We will use all available resources to continue our traditions
25 based on our culture. The mainstay in our culture has always

1 been and will always continue to be the bowhead whale.

2 The Cumulative Analysis considers impacts to the
3 environment when the proposed action is added to past, present
4 and reasonably foreseeable future actions or activities. The
5 problem that I had in reviewing this section, especially the
6 bowhead whale section, is quite lengthy. I had to read then
7 reread this section to fully try and understand what was
8 written.

9 On page IV-346, MMS states that:

10 "Oil and gas activities could affect this
11 species through noise disturbances."

12 It has been shown by research and said numerous times by
13 whaling captains in Kaktovik, Nuiqsut and Barrow that oil and
14 gas activities does indeed affect the bowhead whale.
15 When that drilling rig was located just north of Dease Inlet, I
16 actually saw bowhead whales avoid that drilling rig when I
17 participated in one of MMS's aerial surveys. Whales were
18 swimming further north during the fall migration and all the
19 whales that were harvested during that fall were many miles to
20 the north from where the whales were caught in previous years
21 and in later years.

22 MMS also states that:

23 "There has been no documented evidence that
24 noise from OCS operation would serve as a
25 barrier to migration."

1 We do know that noise affects the migration routes of the
2 bowhead whale. People have been telling MMS this exact same
3 thing for years and years.

4 On page IV-347, MMS states that:

5 "The hunting of bowhead whales by Alaska Native
6 subsistence hunters currently is the major
7 effects-producing agent on the bowhead whale
8 population."

9 It is true that we hunt the bowhead whale for subsistence
10 purposes and have done so for several generations. The impacts
11 of our subsistence hunt are far less than the impacts that will
12 occur to whales once this proposed action finally occurs.

13 In addition, the seismic activity that you guys
14 permit will be ongoing for, what, 60 days or more? The
15 subsistence hunt of bowhead whales is only probably about 30
16 days. Residents in Kaktovik and Nuiqsut hunt for the bowhead
17 whale beginning in mid-August up until end of September, early
18 October. And the Barrow whalers start hunting in October, late
19 September. And that only goes on until the quota is fulfilled.
20 And that is far less time than the seismic activity that's
21 going to be happening.

22 On page IV-347, MMS states that:

23 "Alaska Natives are allowed this level of
24 harvest under the supposition that it still
25 provides for the slow growth of the endangered

1 bowhead whale population."

2 Results show that bowhead whale growth is a direct result of
3 very well funded, scientific research taken on by the North
4 Slope Borough and MMS, who, after decades and million -- many
5 millions of dollars later, have showed that under local
6 control, the bowhead whale population has increased.

7 Scientists from around the world peer reviewed the
8 North Slope Borough census techniques and results. For the MMS
9 to tell us that hunting the bowhead whale is the main cause for
10 it's slow reproduction capabilities is a blow to the whaling
11 captains, many of whom have hunted the bowhead whale since they
12 were kids.

13 On page IV-348, MMS states that:

14 "The hunt for bowhead whales by the Alaska
15 Natives typically involve the pursuit of the
16 whales in heavy skiffs powered by outboard
17 motors and paddles."

18 Most whaling captains use umiaks and paddle-power when hunting
19 whales in the spring. During the fall hunt, modern boats are
20 used due to the dangerous ice weather and open water conditions
21 that exist. It is very unreasonable for MMS to tell us that
22 subsistence hunting is a form of overt harassment to bowheads.
23 What about the Incidental Take Permits that you issue? That
24 alone is more than enough harassment.

25 On page IV-348, MMS' views about traditional hunting

1 practices shows a very tremendous amount of neglect on your
2 part. Whoever was in charge of this section definitely doesn't
3 realize how important the bowhead whale is in our culture,
4 doesn't spend the time observing the traditional hunt or even
5 worked with whaling captains or other biologists.

6 Scientists like Dr. Tom Albert and Craig George have
7 received the respect of our whaling captains because of their
8 many years of involvement and their trust of our traditional
9 knowledge has resulted in our trust of their expertise.

10 Of all the effects associated with the five-year
11 program, MMS states that:

12 "It is estimated to cause up to 20 percent of
13 the bowhead whale population to swim around
14 sources of industrial noise each year."

15 We have been telling you that for years too. A majority of
16 bowhead whale pass Point Barrow on their spring migration to
17 their summering grounds in the Eastern Beaufort Sea, and again
18 pass Point Barrow on their fall migration as they return to
19 their wintering grounds.

20 For MMS to state on page IV-348 that it is improbable
21 that many whales would encounter an oil spill in the Alaska OCS
22 is simply not true. MMS goes on to state many things. MMS
23 states that what is being proposed, to have lease sales, do
24 exploration, development and production, and to state that no
25 lethal effects are anticipated due to federal oil and gas

1 activities is a bunch of bull.

2 MMS blames all the potential effects in the Draft EIS
3 on the subsistence hunter, the whaling captains, their crews
4 who feed the communities. Are we the only ones MMS is going to
5 blame? The only effects MMS wants us to believe is that noise
6 is the only impact on the bowhead whale, noise that will be
7 created by all this activity being proposed in the Draft EIS.

8 After reviewing all the pertinent sections of the
9 Draft EIS on just the proposed action and cumulative effects,
10 The MMS appears to be stating that there will be indeed impacts
11 to wildlife and the sociocultural elements in Alaska. When MMS
12 mentions a probable oil spill, MMS states that only a small
13 number of marine mammals will die. Do you actually believe
14 that only a small number of marine mammals will die? And that
15 only marine mammals will be impacted?

16 That is not the only thing that's going to happen if
17 an oil spill occurs and we all know that. Do we need to remind
18 MMS again, and again of the Exxon Valdez oil spill in Prince
19 William Sound? Do you realize that effects of that oil spill
20 are still ongoing and it has been over seven years since that
21 accident?

22 In 1992 and 1993, the Alaska Department of Game,
23 Division of Subsistence conducted a study in Kaktovik on wild
24 resource harvests -- harvests. By weight it showed a marine
25 mammal harvest of 68 percent with the largest resource being

1 the bowhead whale. Fish accounted for 13 percent of the
2 subsistence harvest and land animals accounted for 17 percent.
3 the other 3 percent came from birds, bird eggs and wild plants.
4 In Nuiqsut, fish accounted for 33 percent of the subsistence
5 harvest, 33 percent came from land animals, 32 percent came
6 from marine mammals and 2 percent from other resources.

7 MMS funded in part and published An Investigation of
8 the Sociocultural Consequences of Outer Shelf Development in
9 Alaska. Volume V includes chapter on Kaktovik and Nuiqsut.
10 This is OCS study MMS 95-014. This was a three year study
11 completed by ADF&G, Division of Subsistence on the effects of
12 oil and gas development on -- in Alaskan communities.

13 The study concluded that impacts of the Exxon Valdez
14 oil spill on subsistence uses and the social and cultural
15 systems they support do exist. This illustrates the potential
16 negative consequences of OCS development for coastal
17 communities. Impacts include lower and less varied subsistence
18 harvests, deep concerns about the safety of subsistence foods,
19 reduced sharing, disrupted transmission of subsistence skills
20 to young people, fears about the long-term health of resource
21 populations and prolonged litigation over damage claims.

22 These are some of the same concerns that you are
23 hearing tonight. Relevant major findings in Nuiqsut and
24 Kaktovik lie in the area of marine mammal resource harvests.
25 Both communities hunt for a large portion of their subsistence

1 harvest from the marine environment. And that environment is
2 in close proximity to former, present and in federal lease
3 sales areas that are occurring in the Beaufort Sea.

4 In Kaktovik, residents are concerned about
5 subsistence harvests area being explored and developed by the
6 oil industry. Concerns on long-term access to these hunting
7 areas and the sustainability of locally resources is unclear.

8 In Nuiqsut, residents responded that lower
9 populations of fish, marine mammals, land animals and birds
10 will occur to OCS development. Contamination will occur and
11 the disruption of resource migration patterns are expected.

12 So that study, it has lots of good information about
13 OCS development, community concerns. It shows harvest of each
14 marine mammals species by percentage, by weight. So I think
15 you should take a look at that before you put out your Final
16 EIS.

17 As stated before to the MMS, impact funds should be
18 made available to those communities located in the lease areas
19 to compensate them for the possible loss of subsistence
20 resources as well as other potential impacts to the
21 sociocultural and socioeconomic structures of their
22 communities.

23 Most communities on the North slift -- North Slope
24 survive on a mixed cash/subsistence based economy. Subsistence
25 is one way of putting food on the table for most residents

1 where job opportunities are few. Impact funds should not be
2 made after the fact but should be made available now. As
3 residents of the North Slope are dealing with several proposed
4 oil industry activities.

5 For example, a public hearing was held in Nuiqsut on
6 Lease Sale 86A just last week. Then tonight's public hearing
7 on the Draft EIS for OCS activities up to the year 2002. And
8 next week, another round of meetings to discuss BP's Northstar
9 Unit are taking place.

10 I am not aware of any impact funds being made
11 available to coastal or other communities where OCS lease sales
12 have been held. As residents, we comment on proposed and Draft
13 documents to voice our concern, but in the final documents,
14 none of our concerns seem to be addressed. And if they are
15 addressed, they are not addressed where we can fully appreciate
16 your response to them.

17 Seismic work affects subsistence bowhead activities
18 in Kaktovik, Nuiqsut, and Barrow. Impacts to the Nuiqsut
19 whaling captains are severe since their whaling camp is located
20 on Cross Island, 70 miles northeast of Nuiqsut and only 9 miles
21 north of Endicott. They have been the -- right smack in the
22 middle of oil industry activity for the past several years and
23 according to this Draft EIS, they will continue to be in the
24 middle of activity in the future.

25 The need for adequate oil spill clean up technology

1 in the Arctic is still a major concern for those of us that
2 live here. If an oil spill does occur in the Arctic OCS, the
3 surrounding environment includes habitat for several species of
4 marine and land animals, migratory water fowl, and several
5 species of fish that are used for subsistence purposes. It
6 might prove helpful if the MMS offers some tract for lease but
7 withdraws other tracts because of environmental concerns and
8 impacts to subsistence activities. Defer or delete those areas
9 that provide the greatest opportunity for subsistence
10 activities.

11 ASNA continues to be opposed to offshore oil
12 development especially in the harsh arctic environment of the
13 OCS and the great environmental risks offshore development
14 presents. The Inupiat residents who live up here are not quite
15 yet assured of the clean up technology the oil industry has and
16 that it will work effectively in the Arctic. More effort
17 should be looked at developing on-shore resources.

18 I'm aware that MMS will incorporate into the Final
19 EIS recent changes that were demanded by North Slope Borough
20 officials in Sale 144 EIS. Those changes are not reflected in
21 this Draft EIS. However, I do look forward reviewing them in
22 the Final EIS if that is indeed the case. And I tell you now,
23 I will be looking at that document.

24 I urge the MMS to work with all the communities so
25 that we, if we have to, can help shape development to safeguard

1 local subsistence land and resource interests by working
2 together with local, state, federal and oil industry
3 representatives.

4 The subsistence uses for all marine animals --
5 marine mammals, land animals, migratory water fowl and fish
6 must be protected so that the future use of these subsistence
7 resources will continue by our residents who depend on these
8 resources to maintain their traditional customs based on our
9 Inupiat culture.

10 Thank you for providing the opportunity for ASNA to
11 testify at this hearing.

12 MR. SHAW: Thank you very much.

13 (Off record)

14 (Tape change - Tape 3 of 3)

15 (On record)

16 PUBLIC TESTIMONY OF MR. FRANK SMITH (Barrow)

17 My name is Frank Smith. I'll try to keep Bob awake.
18 I'll try to make this lively. I've been a resident of Barrow
19 for only four years. I don't depend on subsistence economy.
20 I'm -- in fact I'm a vegetarian. I must confess to being an
21 omnivorous reader, however.

22 I was reading a magazine a couple of days ago and
23 there was a picture of a reef off the lees. It's manatee
24 country down there. And in the picture there was a long dotted
25 line and it ran from one edge of the frame to the other. And a

1 horizontal one that ran away from the coast. Across the reef
2 and away from the coast. Was from seismic survey that had been
3 done in the 1950s by oil companies searching off the lees of
4 Honduras. And you could see the dotted lines at I would assume
5 five to ten fathoms of water at least -- 50 years old.

6 This is a much less rich community here -- sea floor
7 community. The water is much colder. We have a very short
8 food chain because of the temperature of the water. So we go
9 from a benthic community to a megafauna with almost nothing
10 intervening.

11 The impact survey that I've seen kind of ignores any
12 impact on this benthic community on which the cetaceans are
13 dependant for their food. It ignores the effects of drill
14 waste, of platform anchors, of spills, cuttings. Just seems to
15 totally ignore it as if these were of no consequence
16 whatsoever. I point out that the oil companies on the North
17 Slope, for instance in Flaxman Island, one oil company
18 intentionally destroyed 40,000 gallons of drill waste, cuttings
19 and blow out, rather than containing it within a holding pond
20 just to conceal the amount of their strike from the
21 competition.

22 Many, many years later, when the state finally
23 located enough witnesses that hadn't been spirited away far
24 enough by this oil company, I think the fine to the company was
25 about \$5,000. Talking about priceless resources. Priceless

1 resources on which this culture depends that state put a value
2 of \$5,000 on it. When this suit was finally settled for the
3 blow out, the deliberate discharge of a thousand barrels of
4 waste and petroleum. And then the deliberate concealment of
5 that blow out and the witnesses to it.

6 Craig George talked about cetaceans earlier. Talked
7 about what's happened to the Northern white whale, which I
8 believe is the closest relative of the bowheads which people on
9 the North Slope are dependant. Whaling that occurred -- that
10 terminated a hundred years ago and which only lasted for about
11 40 or 50 years if memory serves, has effectively wiped out that
12 population. It's down under perhaps 400 members from a
13 population that supported a take of the thousands during
14 whaling seasons 150 years ago.

15 I find the MMS EIR -- or EIS rather, peculiar in
16 other facets. It doesn't mention the gray whale at all, as far
17 as I can tell. Yet there's opposition to the Macaws, a tribe
18 which has historical legal rights to taking gray whales.
19 There's opposition to their taking a couple whales a year off
20 the coast of Washington, where they've lived for many, many
21 centuries. The gray -- I've seen gray whales swimming amongst
22 bowheads, not 50 feet off shore, right here in Barrow. And
23 there's no mention of the impact of these cetaceans or on their
24 food supply. There's virtually no mention of what would happen
25 if these bowheads were driven under the ice pack to a point

1 where they couldn't break through and get air. You're talking
2 about drowning perhaps a huge number of bowhead whales.

3 It's ironic too, that we've come to this point
4 because actually the development of petroleum resources in the
5 United States a hundred years ago was the salvation of the
6 bowhead whales. Probably given another 10 or 15 years, they
7 would have been hunted to extinction for their oil. And that
8 process was stopped because the bottom dropped out of the oil
9 and particularly the baleen market with the advent of plastics
10 at the turn of the century. And now the same petroleum
11 industry's threatening these bowhead whales.

12 Other people have mentioned the effects on the
13 mikliks, Nachiqs, ugruks, so I don't need to go into that. But
14 I hope that you folks will pass along the feelings of the
15 people here. People are afraid because the largest spills in
16 history have been maritime -- or as I think nate might have
17 mentioned, riverain spills that have wound up being oceanic
18 spills in the Soviet Union.

19 The OCS report that MMS has put out again, minimizes
20 the effects of these spills. The, I think, Pemex blow-out in
21 the Gulf of Mexico dwarfed the Exxon Valdez and people in
22 Alaska -- that's much rich, richer ecosystem in the Prince
23 William Sound of course then it is up here. It dwarfed the
24 Exxon Valdez. The Exxon Valdez was nothing compared to that
25 spill. But these things are just being pass over as if they're

1 of no consequence.

2 I suggest too, perhaps I think my friend, Mr. Brower
3 is gone, but I take issue with him. I am an omnivore. I do
4 read everything. And I read just a week ago a Green Peace
5 study, that Green Peace absolutely supports the cultural
6 dependance of the Inupiat people on bowhead whaling. They're
7 not adverse to it at all, but they published a far more
8 readable, far more intelligible survey on the impact of oil
9 drilling on marine mammal resources in the Arctic in the Arctic
10 Ocean, Beaufort Seas, Chukchi Seas, Bering Seas than I see
11 here.

12 It seems to me to be oil company flack, to tell you
13 the true. And the oil companies that dumped that 40 gallons --
14 40,000 gallons rather -- of oil from Flaxman Island are the
15 same ones that the MMS expects to trust with the Inupiat
16 peoples' food supply and the basis of their cultural existence.
17 The thing that's preserved them from the degradation of the
18 majority culture.

19 I hope that these things are considered. Thank you
20 very much.

21 MR. SHAW: Thank you, sir. Do we have anyone else
22 here at this time?

23 (Pause)

24 PUBLIC TESTIMONY OF MR. EARL HINKLER (Barrow)

25 I'll be brief. It's getting late. When we started

1 these back 17 years ago I could stay up a little later. Now
2 I -- my bedtime seems to have moved up.

3 I'm Earl Hinkler, Deputy Planning Director for the
4 North Slope Borough. Like Craig George, I'm making comments
5 kind of unofficially at this point. Because we will be working
6 with Wildlife Management and the other departments to help
7 coordinate the written comments.

8 I just want to say that people are here tonight and
9 they've been here through these 17 years because they do care.
10 And we would just hope that you would share in that caring. We
11 had two of our people here tonight, Susan Atos and Vera
12 Williams with their daughters. I don't know if you saw them
13 sitting over there. They came because they -- after a long day
14 of work-- because they care.

15 And I think the progress that's been made is
16 reflected in 144 in incorporating the traditional knowledge as
17 scientific information. Not opinion as was mentioned today.
18 If you take the over 43 whaling captains that Eugene Brower was
19 talking about representing and say that they've had maybe 25
20 years of experience a piece, that's like 1,000 years of
21 experience in whaling out here on this ice and in these
22 conditions. And that is scientific knowledge.

23 Just one example. People used to think that the only
24 whales that were going by were the ones you could see but the
25 whaling captains said there were more. They were under the

1 water and when scientists came up with acoustic techniques they
2 discovered that there were a lot more whales going by. That
3 just verified the local knowledge which is scientific in many
4 respects.

5 And so we're happy that a Seismic Synthesis and
6 Mitigating Measures Workshop is being proposed for winter '97.
7 I guess I would just share Mike Pederson concern though if this
8 progress is being made in 144, that it be fully reflected in
9 the EIS and possible even delay of the Alaska part of this or
10 whatever it takes to fully integrate the process and progress
11 that's being done in 144.

12 Because again, people have cared and have come here
13 and testified now for 17 years, and I think it would be
14 everybody's desire that this information be accepted as
15 scientific and be put on the same level or a higher level than
16 some of the outside consultant work that you're relying on.

17 And I then just wanted to add one, you might call it
18 an anecdotal but I was -- on the matter of oil spills and the
19 ability of the industry to deal with oil spills in broken ice
20 conditions. Ralph Davis and I of the staff participated in the
21 annual oil spill exercise over at Prudhoe this -- last summer.
22 I was known this was going to happen. The companies were fully
23 prepared. This was summer conditions, open water, moderate
24 winds. And yet they did not use oranges that time. They used
25 hula-hoops.

1 And unbeknownst to everyone working there, hula-hoops
2 broke through the -- actually the booms broke and hula-hoops
3 were heading west toward Barrow and Nuiqsut before anyone
4 discovered that. And these were ideal conditions. It did
5 demonstrate a lot to us. There was a lot of organization and
6 there were a lot of things to be impressed with. But I think
7 exercises like this that we participate in still leaves some
8 doubts as to the ability of the industry to deal with spills in
9 even more severe conditions.

10 So finally, we just ask -- I just ask you as fellow
11 professionals and people working in this area to stick your
12 neck out if necessary in spite of the bureaucracy, in spite of
13 the inertia and show that you do care about this area because
14 there is a lot to care about. A lot at risk and a lot to be
15 gained by working closely with the people and with this
16 indigenous scientific knowledge that has accumulated through
17 the years. Thank you.

18 MR. SHAW: Thank you. Yes.

19 PUBLIC TESTIMONY OF MR. HARRY BROWER (Barrow)

20 Good evening. My name is Harry Brower. B-r-o-w-e-r.
21 I'm a resident here in Barrow. I've lived here all my life. I
22 just want to get on the record to show that I support the
23 Barrow whaling captain's comments, Mr. Pederson's comments and
24 the other people from the communities in the outlying villages.
25 And I just want to get on record that I share their support.

1 And that I have a little -- I kind of read through
2 the Volume 1 document from the Draft EIS on the sea ice. It's
3 on page IV-76. It's -- right there it states that,

4 "Sea ice is a principal environmental factor
5 affecting offshore development in the Arctic."

6 I think I'd like to see that in bold print whenever you mention
7 Alaska's OCS. Maybe the Secretary of the Interior will realize
8 what -- it's the main principal effect -- environmental factor
9 affecting offshore development. And realize why we are so
10 adamantly opposed to the offshore development.

11 Now, that -- you know there are probably other things
12 that I could talk about regarding the sea ice conditions, you
13 know, from past experiences or observations out here. Like for
14 instance was that -- I think it was around 1972 or 3 or some
15 few years back that there was this heavy ice here. And there
16 was these ice-breakers trying to get through and they got stuck
17 out there and there was no way that they could get them out. I
18 think you folks need to take some consideration into doing some
19 research on the ice studies that were done in that year.

20 I think it was right after the Manhattan when
21 through. That big ship that went here and then the following
22 year there was these ice-breakers that were trying to do
23 research out there and trying to go through the polar cap.
24 Which they got stuck out there. The -- I think that one lost
25 the prop and they couldn't get it to work again. And they

1 abandoned that ship for a while. And I'm not sure when they
2 ever recovered that ship or not.

3 So that's -- it's just something that I'd like to see
4 probably, like I mentioned earlier regarding having this in big
5 bold print whenever you mention Alaska's OCS regarding the sea
6 ice. It's the principal environmental factor affecting
7 offshore development in the Arctic. Thank you.

8 MR. SHAW: Thank you. Do we have anyone else here
9 waiting for an opportunity to testify?

10 (No audible response)

11 MR. SHAW: Okay. Before we go back and check with
12 the outlying communities again, I guess the one observation I
13 would like to make. I guess can thank all those who testified
14 so far as the first -- one thing -- single thing that has come
15 to the -- clearest to me is how much people do care. And it
16 has been a long evening. And I do really truly appreciate the
17 people who have come. We've gotten some outstanding feedback.
18 A lot of good information.

19 I know some of you are going to follow up with some
20 written comments, and we appreciate that. And now, we'll take
21 the challenge to make the Final Environmental Impact Statement
22 better to make sure that we learn and take into account the
23 things that we've heard tonight.

24 With that, let's go back and check in with the
25 villages, if they haven't fallen asleep. And see if we've had

1 people show up there that are still waiting for a chance to
2 testify. Point Lay, are you still there?

3 COORDINATOR: We're still here, and I don't think we
4 have any more people to testify, but I'd like to thank the
5 people that did show up even those that did not have any
6 testimony. Good night.

7 MR. SHAW: Great. Thank you very much. Point Hope?

8 COORDINATOR: This is Point Hope and everybody has
9 gone home.

10 MR. SHAW: Okay. Great. Thank you. Wainwright?

11 COORDINATOR: This is Wainwright. Everyone has gone
12 home.

13 MR. SHAW: Okay. Thank you very much. Kaktovik?

14 COORDINATOR: There's still two of us here but we're
15 ready to go home too.

16 MR. SHAW: Okay. Thank you very much. Nuiqsut?

17 COORDINATOR: Yeah, Nuiqsut here. We also would like
18 to thank everybody for taking the time to testify tonight. And
19 also thank those ones that backed up other testimonies and we
20 look forward to working with MMS. We know you have a new face
21 on some of these issues and we look forward to working you --
22 with the agencies on resolving some of these concerns. And
23 also thank you for taking the time to listen to these comments.
24 And hopeful that you will seriously think about this lease sale
25 with all the comments you've heard tonight. Thank you.

1 MR. SHAW: Thank you. Okay. Last call. Do we have
2 anyone else here with a comment they'd like to make?

3 (No audible response)

4 MR. SHAW: Well, it has been a long evening. I thank
5 you very much for coming. James?

6 PUBLIC TESTIMONY OF MR. JAMES PATKUTOK (Barrow)

7 Yes, Mr. Shaw. I'd like just one comment. In -- I'd
8 like to mention something about if you decide to drill out here
9 on our ocean, and you decided to tackle the sea ice. For
10 instance, if you directed your drill rig out there and the sea
11 ice decided to come in, wouldn't that be a lot of waste of
12 money? You know, putting up your rig out there and the sea ice
13 crushes and demolishes your rig? I mean that's just something
14 to think about too. That's just my comment.

15 MR. SHAW: Okay. Great. Thank you. Well, again,
16 thank you very much for those you who came. We appreciate it.
17 And we will take the challenge on to do a better job with the
18 final. So thank you and for those of you in the field, again,
19 thank you very much. Have a good evening. And we're signing
20 off.

21
22 (Whereupon, the proceedings in the above-entitled
23 matter were adjourned at 10:30 p.m.)
24
25

