

**Beaufort Sea Oil and Gas Lease
Sale 144**

Public Hearings

Barrow

1995

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DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
949 East 36th Avenue
Anchorage, Alaska 99503

OFFICIAL TRANSCRIPT

PUBLIC HEARING

BEAUFORT SEA SALE 144 DRAFT EIS

Assembly Chambers
Barrow, Alaska

Wednesday, November 8, 1995
8:00 o'clock p.m.

MMS PANEL MEMBERS

Mr. Bob Brock, Regional Supervisor for Leasing and Environment
Mr. Rance Wall, Regional Supervisor for Resource Evaluation
Mr. Jeff Walker, Special Assistant to the Regional Director

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

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1 BARROW, ALASKA - WEDNESDAY, NOVEMBER 8, 1995

2
3 (Tape No. 1 of 3)

4 (On record at 8:10 p.m.)

5 MR. BROCK: Good evening. I certainly want to
6 welcome all of you here. My name is Bob Brock. I'm the
7 Regional Supervisor for Lease and Environment with the Alaska
8 Region of the Minerals Management Service.

9 And before I introduce the panel members, I want to
10 thank, first, your tolerance. We're -- the plane was late, and
11 I want to thank your tolerance for not leaving us and still
12 showing up to the hearing. It's very important, and I'm glad
13 that you were able to wait for us. And I'd also like to thank
14 Tom Albert and the North Slope Borough for their assistance in
15 getting us here from the plane and making some of the
16 arrangements. We really appreciate that effort.

17 With me on the panel tonight is Rance Wall, who is
18 the Regional Supervisor for Resource Evaluation. That is the
19 group that tries to determine how much oil and gas resources
20 there are in the area we're talking about. And Jeff Walker, on
21 the -- right here beside me, is the Special Assistant to the
22 Regional Director of the Alaska Region.

23 This is our third and final public hearing on this
24 particular sale. We held one in Anchorage October 26th; we
25 were in Kaktovik last night; and we were in Nuiqsuit the night

1 before.

2 The purpose of this hearing is to receive your views
3 and comments and suggestions on this Draft Environmental Impact
4 Statement. Our goal is to make this as good a document as we
5 can and to present the facts of the area in the document.

6 The map behind me on the wall here shows the area
7 we're talking about; it's the area in red and green, is the
8 area that's being offered. It starts three miles from the
9 shoreline and goes offshore. The first three miles are State
10 waters, and this has nothing to do with anything on shore; it's
11 strictly offshore we're talking about.

12 The area covers about 9.5 million acres in the entire
13 area. There have been three prior sales that have covered this
14 general area, and a fourth one that covered part of the area.
15 There were -- there has been about 28 holes drilled in -- off
16 of leases in that -- in those -- in some of those leases, and
17 there is still some leases out in the area from the previous
18 sales. In fact, there's four leases out there that have looked
19 at potential development, although no development at this point
20 in time has been started, nor has any development plans been
21 approved.

22 The Minerals Management Service has the
23 responsibility to fulfill the mandates set out in the Outer
24 Continental Shelf Lands Act and the Oil Pollution Act. In
25 addition, we have the -- a number of other laws that we follow:

1 the National Environmental Policy Act, the Clean Air Act, the
2 Clean Water Act, Occupational Health and Safety Act, Coastal
3 Zone Management Act, and many others. In addition, Minerals
4 Management Service has in place a whole host of operating
5 regulations designed to make offshore operations as clean and
6 safe as possible.

7 The -- this document on Sale 144, the Draft
8 Environmental Impact Statement, has been about three years in
9 the making. We have been up a number of times in the past
10 during the call for nominations, during the scoping process for
11 this EIS. I think many of you participated just recently in a
12 workshop to look at the Environmental Impact Statement and
13 acquaint you with the way it's written. But you're asked one
14 more time to take a look at it and give us your comments on how
15 we have prepared this document.

16 It's -- I've asked people to sign in; I'd like to be
17 sure that everybody has signed in. And if you've -- if you
18 want to testify, it's good to check that you'll testify, but
19 before we leave here tonight, I will make sure that everybody
20 that wants to testify has a chance to testify. So I'll start
21 with that, but then we'll proceed with making -- with just
22 calling for individuals that might not have checked whether
23 they wanted to testify or not.

24 Rich Carl, over here on the end, is the Court
25 Reporter that we have. He's making a verbatim transcript of

1 this -- of these proceedings, and copies of the proceedings can
2 be arranged through him at Executary Court Reporting Services.

3 The comment period for this particular Draft
4 Environmental Impact Statement closes November 20th, 1995. Any
5 written comments that you would like to send in addition or in
6 place of spoken testimony tonight should be sent to: The
7 Minerals Management Service, 949 East 36th Avenue, Room 308,
8 Anchorage, Alaska 99508. Remember, the 20th is the closing
9 period for these comments.

10 With that, I'll -- I think that the first testifier
11 on the list there is Burton, and I'll start the testimony at
12 this point in time. So thank you all, and, Burton, you're on.

13 (Pause - Side comments)

14 **PUBLIC TESTIMONY OF MR. BURTON REXFORD**

15 Thank you. The Alaska Eskimo Whaling Commission, to
16 the Minerals Management Service public hearing on the OCS
17 Proposed Notice of Sale, Beaufort Sea Natural Gas and Oil Lease
18 Sale 144. Barrow, Alaska; November 8, 1995.

19 First of all, I'd like to welcome you to Barrow, all
20 Minerals Management personnel. My name is Burton Rexford, the
21 Chairman of Alaska Eskimo Whaling Commission. Thank you for
22 giving the AEWC the opportunity to speak to review the Proposed
23 Notice Sale 144 in the offshore waters of the Beaufort Sea.

24 The AEWC was formed in 1997 (sic) -- 1977 by the
25 whaling captains living in subsistence whaling communities of

1 Gambell, Savoonga, Little Diomedede, Wales, Kivalina, Point Hope,
2 Wainwright, Barrow, Nuiqsut, and Kaktovik. Our primary goal is
3 to protect Alaska Eskimo subsistence whaling as it relates to
4 the year-round tradition and the cultures of Siberian Yupik and
5 Inupiat Eskimos.

6 The area being proposed for OCS lease sale 144
7 includes the traditional subsistence whaling areas of the
8 bowhead whale for the communities of Wainwright, Barrow,
9 Nuiqsut, and Kaktovik. The bowhead whale is an extremely
10 important resource for Inupiat culture.

11 The AEWC has, and will, continue to oppose any OCS
12 activities that have a negative impact on the bowhead whale,
13 its migration, or on our subsistence hunting. The AEWC
14 especially would like to address No. 12 -- I guess that's on
15 the sale of notice that you are referring to?

16 MR. BROCK: Yeah.

17 BY MR. BURTON (Resuming):

18 These terms and stipulation -- Stipulation No. 1,
19 Protection of Biological Resource, under this proposed notice
20 of Sale 144. This area is an area of biological sensitive
21 habitats which includes a variety of marine mammals. One very
22 important aspect of any OCS lease sale is that we consider the
23 bowhead whale a mitigating factor. The AEWC is most concerned
24 with adverse impacts that exploration through development and
25 production to termination of any OCS drilling will have on the

1 bowhead whales' migration route as well as their feeding areas.

2 The AEWK realizes that the bowhead whale is not the
3 only marine mammal affected by this activity. There are
4 numerous marine life that the subsistence users in the coastal
5 communities depend on, such as walrus, ring and bearded seal,
6 and many species of fish, not to mention the waterfowl all
7 which migrate through this area.

8 At this time, we will address Stipulation No. 1.
9 Some -- Protection of Biological Resources 1, 2, 3, and 4.
10 AEWK would like to share the following statement from a study
11 put together by Dr. John W. Richardson in 1990. This was his
12 abstract in the Fifth Biological Conference of North Slope
13 Borough's sponsored meeting:

14 "Sound is transmitted very efficiently
15 through water. Underwater noise created by
16 ships and other human activities often can be
17 detected many kil -- kilometers away, far beyond
18 the distance where human activities would be
19 detectable by other senses.

20 "The long distance over which calls and
21 other naturals underwater sounds can be detected
22 are doubtless and major reasons for many marine
23 mammals including bowhead whales, use calls to
24 communicate they probably also listen to natural
25 sounds to obtain information about their

1 environment. Relevant natural sounds might
2 include surf noise noise indicating the presence
3 of shoreline or shore ice noise and sound from
4 killer whales.

5 "Concern has risen that manmade noise may
6 have a negative effect on marine mammals. It
7 may do so by raising the background noise level.
8 Such interfering with detection of calls from
9 con -- conspicuous or other important natural
10 sounds. Manmade noise can also lead to
11 disturbing reactions ranging from brief
12 alterations in behavior to short or long-term
13 displacement.

14 "There has also been speculation that
15 extremely strong noise might cause hearing
16 impairment that occurs in terrestrial mammals
17 under some conditions. The major sources of
18 industrial noise to which bowheads are exposed
19 are aircraft and ship traffic, ice-breaking
20 seismic exploration, marine construction, and
21 offshore drilling. Often the EIS statements for
22 offshore activities deal with only the area
23 under consideration, but the impacts may be felt
24 at greater distance from the area of the lease
25 sale.

1 "Many species migrate between the Navin
2 Chukchick (sic) -- Chukchi, and Beaufort Sea
3 planning areas. It is not possible to separate
4 the impacts of one area from the subsequent
5 behavior of the animals in another area.

6 Drilling activity in one area of the
7 Arctic, waters can have an impact whenever
8 animals from that area travel and migrate. It
9 is important to recognize that interaction
10 between these areas not limited to annual
11 migrations."

12 Stipulation No. 4, Industry Site, specifically,
13 bowhead whale monitoring program. As noted here, MMS conducts
14 over-flight surveys of the bowhead migration each fall. At the
15 same time, NMFS requires OCS operators holding letters of
16 authorization to monitor the impacts of their activities on
17 bowhead whale migration.

18 Coordination among MMS and OCS operators and NMFS on
19 the subject could do a great deal to conserve financial
20 resources for the parties involved and to promote reliable
21 scientific research on interactions between marine mammals and
22 offshore operations.

23 Stipulation No. 5, Subsistence Whaling and Other
24 Subsistence Activities. In order to inform management
25 decisions to be made, it is imperative that you fully take into

1 account comments made by all organizations and individuals
2 throughout the lease sale process, from the beginning to the
3 end.

4 The people who live in the impacted areas are the
5 most knowledgeable about its environment throughout the year.
6 This is the one area that this lease sale will impact and
7 affect all the people of the Arctic Slope. We will be so very
8 impacted by changes both socially and economically.

9 Stipulation No. 5. To your proposed notice of sale
10 you make an attempt to address these impacts by requiring that
11 leases -- lessees meet with the AEWC and affected communities.
12 The results of these meetings are to be reported in the
13 Exploration Plan or the Development and Production Plan. This
14 is a good start, however, it will not alleviate conflicts. Our
15 communities prefer not to have conflicts with the MMS or with
16 the OCS operators. However, we know that they will arise.

17 Therefore, we must agree to a mechanism for resolving
18 conflicts, not merely reporting them, unless you resolve
19 conflicts when they arise. therefore, we must agree to a
20 mechanism for resolving conflicts not merely reporting them --
21 again. Unless you resolve conflicts when they arise in this
22 area, you only invite more conflict.

23 We strongly encourage the MMS to work with our
24 communities and interested OCS operators to create a dispute
25 resolution mechanism. Such as an independent or mutual --

1 mutually agreed upon arbitration panel. This way could -- we
2 would have a place to take conflicts when they arise and to
3 have a compromise worked out.

4 The present proposal is good effort in this area.
5 However, if you give us nothing more than an opportunity to
6 comment, with no assurance that our comments will be acted on,
7 you do no more than pay lip service to our concerns.

8 This is where we live. That ocean out there is
9 garden from which we gather our food. We are leasing our
10 garden for industrial development. If you expect any
11 cooperation from our subsistence hunters, you will involve us
12 in your process in a meaningful way.

13 We look forward to seeing you -- your next draft of
14 Stipulation No. 5. The AEWC has made strides -- great strides
15 in protecting the bowhead whale and its environment over the
16 past 18 years by supporting extensive scientific research on
17 the bowhead whale biology. Costs millions of dollars in
18 research, and the most effective and humane techniques for
19 taking bowhead whales within the context of our aboriginal
20 hunt.

21 The Alaska Eskimo Whaling Commission believes
22 strongly that the MMS and the Oil and Gas Development interests
23 that it represents should be held to no less of standard of
24 quality and integrity in its research than the AWCN and North
25 Slope its required to meet in its efforts to protect the

1 bowhead whale and our traditional bowhead subsistence hunt.

2 In conclusion, the Alaska Eskimo Whaling Commission
3 supports the idea that onshore resources should be developed
4 before any on -- offshore activities occurs. The Arctic is our
5 home and we know it and understand it. Thank you again for
6 this opportunity to speak on this very important issue.

7 MR. BROCK: Thank you, Bert. Can we have a copy of
8 that statement?

9 MR. REXFORD: Yeah. On page 4B-36, during your
10 statement in the EIS book:

11 "Bowhead likely temporarily changed their
12 individual swimming path as they approach or are
13 closely approached by seismic vessels."

14 This statement I don't believe.

15 (Pause)

16 MR. BROCK: Where is that statement?

17 MR. REXFORD: Oh, 4B-36. Yeah. In the first
18 paragraph.

19 (Pause)

20 MR. BROCK: You don't believe they will change their
21 direction, or you don't believe they will temporarily change
22 their direction?

23 MR. REXFORD: They don't temporarily --

24 MR. BROCK: Oh, okay.

25 MR. REXFORD: What I'm saying, I guess is it's not

1 temporary.

2 MR. BROCK: Okay that's w- --

3 MR. REXFORD: Yeah.

4 (Pause)

5 MR. REXFORD: 'Cause we had that experience with
6 Nuiqsut whalers when the area of concentrate of seismic was
7 west of Camden Bay. And, we tried everything to remedy the --
8 the issue, but we failed -- AEWC failed.

9 MR. BROCK: We will -- we will be back in touch with
10 you on -- on that stipulation you were talking about.

11 MR. REXFORD: I have a follow-up statement on the
12 OCS --

13 MR. BROCK: Oh, okay.

14 MR. REXFORD: Maggie will do it.

15 **PUBLIC TESTIMONY OF MS. MAGGIE AHMAOGAK**

16 My name is Maggie Ahmaogak, Executive Director to
17 AEWC. I wish to submit to MMS the proposed regulations
18 governing the small tanks of marine mammals, harassment takings
19 incidental to specified activities referring to §228.4 of the
20 Code of Federal Regulations, incorporating any plan of
21 cooperations relating to incidental harassment or takes
22 occurring in an area of subsistence hunting.

23 I'd like to read a portion of the most important part
24 that has been sent to NMFS and as draft regulations to be
25 incorporated within that Code of Federal Regulations:

1 "One the issues that the AEWC has focused
2 on heavily with regard to open -- open water oil
3 and gas operations in the Arctic, is the need
4 for clear guidelines governing interactions
5 between oil and gas operators and subsistence
6 users. Much of this work is formalized in the
7 Marine Mammal Protection Act Amendments of 1986
8 and 1994.

9 "The AEWC strongly encourages MMS to
10 incorporate within all Beaufort Sea and Chuckchi
11 Sea lease sales protection for marine resources
12 and subsistence activities consistent with the
13 statutory requirements of MMPA.

14 "Of particular concern are interactions
15 between fall subsistence bowhead hunters and
16 offshore oil and gas operators. Based on its
17 experience with these issues the AEWC believes
18 that by focusing on two specific areas, MMS
19 could contribute to the reduction of tensions
20 related to subsistence and industrial
21 interactions in the Arctic OCS and promote
22 research on environmental impacts of offshore
23 operations.

24 "First, MMS should consider requiring as a
25 condition of its lease sales in the Beaufort and

1 Chuckchi Seas, that purchasers and their
2 affiliates subcontractors successors and assigns
3 operating in an area where subsistence
4 activities might be affected make a good faith
5 effort to obtain the agreement of
6 representatives of subsistence users to the
7 relevant plan of operation.

8 "By imposing this requirement, that will
9 encourage offshore operators to work with local
10 subsistence users on development of mitigation
11 measures that protect subsistence users and are
12 consistent with operational objectives. The
13 AEWC has a long history of working cooperatively
14 with members of the exploration of production
15 industry to develop such measures."

16 The second area where MMS could make an important
17 contribution is that of research of impacts of OCS operations
18 on fall migrating bowhead whales. MMS conducts over-flight
19 surveys of the bowhead migration each fall. At the same time,
20 NMFS requires OSC operators undertaking activities in the area
21 of the bowhead migration, to monitor the impacts of their
22 activities on the migration.

23 What nation among MMS, OSC operators, and NMFS on
24 this subject could do a great deal to conserve financial
25 resources for the parties involved and to promote reliable

1 scientific research on interactions between marine mammals and
2 offshore operations?

3 With this, we'd like to also supplement copies of the
4 draft regulations that have been already supplemented for
5 incorporation into the Code of Federal Regulations. Thank You.

6 MR. BROCK: Thank You.

7 MS. AHMAOGAK: Mm hmm (affirmative).

8 MR. REXFORD: Harry will point out the Nuiqsut
9 whalers. Whale 107 and whale 108.

10 (Side comments)

11 MR. REXFORD: Nineteen -- what year was that, Harry?

12 MR. BROWER: 1991.

13 MR. REXFORD: '91?

14 MR. BROWER: Mm hmm (affirmative).

15 MR. BROCK: Both?

16 MR. BROWER: Yeah, both of them. These were whales
17 taken by Nuiqsut whalers from where they were known, you know.

18 MR. BROCK: In other words, you're pointing out the
19 distance.

20 MR. BROWER: Yeah. This is how.....

21 MR. BROCK: Yeah.

22 MR. BROWER:far they were out.

23 MR. BROCK: How far is that? What's the.....

24 MR. BROWER: I'm not sure how far we are from.....

25 MR. REXFORD: Nuiqsut Whalers claimed, it was 35

1 miles out.

2 MR. BROCK: It was 35 miles.

3 MR. REXFORD: Thirty-five, forty miles.

4 MR. BROCK: And that was in '91.

5 MR. BROWER: Mm hmm (affirmative).

6 MR. REXFORD: Thank you, Harry.

7 MR. BROCK: Thank you.

8 (Pause - Side comments)

9 MR. BROCK: We got a copy of this -- of these
10 locations down at the -- since this meeting, didn't we? Didn't
11 our office get a copy of those locations?

12 MR. REXFORD: I'm not sure.

13 MS. AHMAOGAK: Maybe the areas specified as the
14 islands in his previous statement, you may have gotten the
15 coordinates for those islands.

16 MR. BROCK: Is there any chance we could get that
17 map?

18 MR. REXFORD: Yeah, I think it can be made available.
19 Where's the dot.....

20 (Side comments)

21 MR. TOM ALBERT: Harry Brower put the map
22 together.....

23 (Laughter)

24 MR. TOM ALBERT:and he -- Harry needs to put
25 more (inaudible - cough) and write some sort of a.....

1 MS. AHMAOGAK: That report identified 11 islands and
2 (in Inupiat). Those islands, I think, that have the
3 coordinates for -- within your EIS has the Point Barrow, Nuwuk
4 from there as the -- where the bowheads' natural habitat
5 localization areas. Ilutkwok (ph) Island, Tepkaluk (ph)
6 Island, Cooper Island, Martin Island, and east beyond Martin
7 Island.

8 MR. BROCK: Okay.

9 MS. AHMAOGAK: Those are -- what?

10 (Side comment)

11 MS. AHMAOGAK: Tepkaluk (ph).

12 MR. BROCK: Okay. Well, we'll work with Tom to see
13 if --

14 MS. AHMAOGAK: Yeah.

15 MR. BROCK: -- we can't get that then.

16 MS. AHMAOGAK: Mm hmm (affirmative).

17 MR. BROCK: We appreciate that. Thank you very much.
18 Or Harry.

19 The next one that I have down that wants to make a
20 comment is Michael -- and I'm not sure what that -- is that
21 P-e-e-l-e-y-a-n?

22 MR. PEDERSON: Pederson.

23 MR. BROCK: Okay.

24 (Pause - Side comments)

25 **PUBLIC TESTIMONY OF MR. MICHAEL PEDERSON**

1 Good evening. Welcome to Barrow. My name is Michael
2 Pederson, and I'm the Natural Resource Specialist for the
3 Arctic Slope Native Association. ASNA is a nonprofit tribal
4 consortium dedicated to the cause of Native self-determination
5 with headquarters in Barrow. We provide services under a
6 Public Law 93.638 contract to the tribal members in the
7 following communities: Anaktuvuk Pass, Akucumsuk (ph)
8 Kaktovik, Nuiqsut, Point Lay, and Wainwright. ASNA supports the
9 comments of the Alaska Eskimo Whaling Commission and North
10 Slope Borough, our local municipal government.

11 Several species of marine mammals, fish, and water
12 fowl are the main biological products of the Arctic Ocean and
13 are used extensively for subsistence purposes. The indigenous
14 population in the coastal communities are dependent upon the
15 subsistence resources for their food as well as their cul --
16 cultural continuity.

17 An oil spill can threaten the arctic marine ecosystem
18 primarily through effects on marine mammals, migratory water
19 fowl, and coastal stocks of migratory fish. Out of the 28
20 exploratory wells that have drilled, only nine have been
21 determined to be producible, but none of which is considered
22 commer -- commercially viable under current economic
23 conditions. This appears to be some reasoning to explore
24 elsewhere, such as on-shore.

25 ASNA disagrees with the draft EIS in identifying the

1 Beaufort Sea as having an average marine productivity
2 environmental sensitivity to coastal habitats and sensi --
3 sensitivity to marine habitats, and marine biota. The Beaufort
4 Sea's ecosystem is one that is depended on by subsistence users
5 from the communities of Barrow, Nuiqsut, and Kaktovik.
6 Residents from these communities also share their subsistence
7 resources with other coastal communities, as well as
8 communities located inland, and with relatives who live in the
9 urban areas of Alaska.

10 ASNA does agree with the U.S. Environmental Protection
11 Agency in identifying this area as having high environmental
12 hazards and agrees with the U.S. Fish and Wildlife Service to
13 create a coastal buffer in case you decide to allow leasing to
14 protect the coastal resources such as fish stocks.

15 ASNA also agrees with other organizations in the draft EIS
16 that say that there is a high potential of oil spills in the
17 Arctic, and that there is inadequate oil spill cleanup
18 technology available at this time. Winter ice conditions are
19 severe and unpredictable.

20 ASNA agrees with the State of Alaska and the North
21 Slope Borough to exclude lease plots off of Point Barrow, which
22 is a bowhead whale migration corridor. Migration occurs in
23 both the spring and fall. This has been in the past in other
24 lease sales and it is recommended that this area continues to
25 be off limits to lease sales.

1 The Kaktovik deferral areas should also be off limits
2 to lease sales as has been in the past. That area is a known
3 bowhead whale feeding area. Scientific research has shown that
4 bowhead whales caught by whaling captains in Kaktovik have been
5 feeding as they migrate from the eastern Beaufort Sea.

6 Our Inupiat culture and our way of life needs to be
7 protected from the effects associated with petroleum
8 development, including our subsistence life style. And the
9 residents of the North Slope Borough is not going to sit down
10 and watch developments happen without input from us.

11 One thing that you guys need to consider also is when
12 you do lease sales, you guys should have a federal revenue
13 sharing program so that impact funds can be distributed to
14 those communities.

15 ASNA is pleased to see that the Borough deferral area
16 is outside the proposed sale area, but the area north of Dease
17 Inlet is critical habitat for several species of marine
18 mammals, and this is an area that is heavily traveled by and
19 used by subsistence hunters from Barrow. Several fish camps
20 are located down river from Dease Inlet.

21 The alternatives not included in the draft EIS are
22 concerns that the subsistence users have including all the
23 deferrals listed and they should have been adequately
24 addressed.

25 No matter what happens in the Beaufort Sea, the

1 adoption of mitigation measures affecting the potential of oil
2 spills and noise has to reduce the risk to bowhead whales
3 during their migration, both in spring and fall.

4 I want to reiterate that our culture and subsistence
5 mainstay is the bowhead whale, and that the whaling captains as
6 well as other subsistence users should have input on decisions
7 that will directly impact us by oil development. I believe
8 that MMS should have considered more lengthily a seasonal
9 drilling restriction in their draft EIS.

10 On March 28, 1994, a scoping meeting was held in
11 Barrow. Some of the concerns that I addressed at the time,
12 included the following related to Lease Sale No. 144. In Lease
13 Sale 144 the communities whose subsistence activities will be
14 affected are Nuiqsut, Kaktovik, and Barrow. Each fall whaling
15 crews from Nuiqsut travel to Cross Island to hunt for bowhead
16 whales. This is the only location available to the Nuiqsut
17 whaling captains besides Nora Island where they can hunt for
18 bowhead whales during the fall.

19 In Kaktovik, the whaling crews ventures out to sea to
20 hunt for bowhead whales. They also hunt bearded seals, beluga
21 whales, and fish for Arctic Sisco, Arctic char, and salmon.
22 All these animals are hunted for subsistence purposes. The
23 area in Lease Sale 144 is also an area heavily used by fall
24 migrating bowhead and beluga whales.

25 Areas such as Camden Bay have been identified as

1 feeding areas for bowhead whales, and beluga whales have been
2 observed following the bowhead whales during their spring
3 migration. Beluga whales stay closer to the shore than bowhead
4 whales do, but both bowhead and beluga whales migrate in the
5 open leads along the coastline. This area, the Beaufort Sea,
6 is also home to polar bears, bearded, ringed and spotted seals,
7 and walrus -- walruses which the Inupiat people also hunt for
8 subsistence.

9 In the past several years, the Beaufort Sea has seen
10 exploration activities come and go, such as the Kuvlum
11 Prospecting, Arco's Cabot site, which did not yield any
12 significant finds. Any obstacles, such as exploratory drilling
13 rigs, will affect the migration routes of the marine mammals
14 which our communities depend on for subsistence.

15 It's not just the food, but we use other portions of
16 the animals for Eskimo drums and bearded seal skins to cover
17 our traditional umiaks during the spring bowhead whale hunt.
18 Local arts and crafts are also made with certain parts of the
19 animals we hunt. It is not only from the seal in which we
20 gather our food, but on the land as well where we hunt for
21 caribou, moose, wolves, wolverines, and foxes.

22 If you -- if you go ahead with lease sales and
23 developments begin displacements of the animals we hunt will
24 occur, our Native hunters will have to travel long distances to
25 provide the traditional foods for their families. We have seen

1 this happen to the Nuiqsut whaling crews at Cross Island when
2 exploration activities such as seismic testing, force the
3 whaling crews had to travel more than 30 miles in search of
4 bowhead whales, at times running into stormy weather as they
5 returned from a successful hunt and, in the end, only being
6 forced to cut loose a bowhead whale that they had been towing
7 so that they can make it back to Cross Island safely.

8 What concerns us is if development proceeds, how will
9 the people living on the coast survive if there is an oil spill
10 or even a blow-out? We all know the results of the Exxon
11 Valdez oil spill in Prince William Sound. Some communities
12 down there have had to forego their subsistence life style
13 immediately after the oil spill. I have heard this frustration
14 first hand from the people living in those communities.

15 We have been told time and time again that the
16 necessary equipment will be available in the case of an oil
17 spill. That is not good enough. The Beaufort Sea is very
18 unpredictable both during the summer and winter. Icebergs and
19 the ice pack itself is a dangerous force to reckon with.
20 Dangerous conditions do exists, and we feel that offshore
21 exploration is not a possibility that should be further
22 explored. Other alternative sources of fields should be
23 explored such as developing potential on-shore resources.

24 In closing, ASNA opposes any type of exploration and
25 development in Arctic OCS. ASNA prefers alternative two, in

1 the draft EIS which is no sale. The marine mammals that live
2 in the Beaufort Sea provides for our sustenance as well as
3 terrestrial animals. The sea is our garden and that is true.
4 It has been said again and again. So how many more times do we
5 have to repeat it?

6 The MMS went to great lengths to develop this draft
7 DIS, but in the end, the impacts of any decision that is made
8 will be on our doorstep. So I urge you to take the necessary
9 steps to pro- -- if you proceed with the lease sale, to provide
10 for the protections we need to continue our subsistence
11 lifestyle across the Beaufort Sea from Barrow to Barter Island.
12 Thank you.

13 MR. BROCK: Thank you. Can we have a -- okay, good.

14 MICHAEL PEDERSON: Yeah.

15 MR. BROCK: Bill A-d-a -- and I'm not sure what's the
16 letters after that.

17 BILL ADAMS: M-s.

18 MR. BROCK: I expect it is.

19 **PUBLIC TESTIMONY OF MR. BILLY ADAMS**

20 Good evening. I have a bad cold today and I happen
21 to have this cold for several days now. I haven't received any
22 kinds of books or anything as part of the community. There's a
23 lot of people out there that needs to get some of this
24 information.

25 I just found out there was a meeting today, and right

1 off the bat I wrote down what was in my mind and inside of my
2 me, in a few short minutes.

3 My name is Billy Adams. I was born and raised in
4 Barrow, Alaska, and I'm 30 years old. I live a subsistence
5 lifestyle, and I'm a whaler who depends on the bowhead whale
6 for food, just like the many other Inupiat people who live by
7 the ocean.

8 I work for the North Slope Borough Search and Rescue
9 Department. Through my personal observations during offshore
10 searches, I have witnessed what the current can do in a few
11 short hours. If a spill were to occur offshore oil and other
12 foreign substances could travel great distances. Other --
13 other problems such as ice pile-ups and similar weather
14 conditions could endanger the lives of people and wildlife.

15 Which the Native people depend upon from the ocean.
16 An oil spill clean-up in this matter will be impossible in the
17 Arctic Ocean, even in the short several months. One cannot
18 imagine what the impact can do to the wildlife and the li- --
19 and to the wildlife and the lives of the people that depend on
20 the ocean for food.

21 I can remember when a seismic ship was doing some
22 work near Barrow during the fall whaling season. In that year
23 we did not spot any whales because the noise was disturbing the
24 migration route of the bowhead whale. If there should be any
25 development in the Arctic, it should be done on the land where

1 the oil can not go far into the oceans current or under the
2 ice. Thank you.

3 MR. BROCK: What year did you say that you -- you
4 didn't see any whales?

5 MR. ADAMS: That was probably in 1986.

6 MR. BROCK: 1986.

7 MR. ADAMS: To my recollection. Thanks.

8 MR. BROCK: Thank you.

9 JEFF WALKER: Thank you.

10 (Pause)

11 MR. BROCK: Gene Brower.

12 **PUBLIC TESTIMONY OF MR. EUGENE BROWER**

13 I'm going to speak in my Native tongue first. My
14 name is Eugene Brower.

15 (Speaking in Inupiat)

16 This Lease Sale 144, gentlemen, was brought -- my
17 name is Eugene Brower. I'm a whaling captain in Barrow, past
18 President of the Barrow Whalers. We have come before you time
19 and time again objecting to the lease sales off the ocean, off
20 the Beaufort Sea.

21 Looking in this draft impact statement you've made
22 here, there's no mention of the whaler's observations that have
23 been given to you time and time again on these draft EIS
24 statements that you come here to hear from us or to present to
25 us.

1 Different whalers from Barrow or from the different
2 villages have come before you and told you of their
3 observations, their experiences out in the ocean. And what
4 they've -- they go through to get the bowhead. There is not
5 one mention of any of that statement from previous statements
6 by any -- anybody in this book.

7 Now we have a different class of people again before
8 us just to hear the environmental impact statement. It's never
9 the same people that come before us. And we speak like a
10 broken record before you. Whatever we say is never put -- is
11 never inputed in this book what so ever.

12 Maybe if we have the fancy degrees of being doctors
13 or an expert of so-and-so, you can put our statements in the
14 book. But you don't use the book from the real people that
15 give you the real live experiences as to what they've observed,
16 the knowledge they have of the area they're involved with, none
17 of that is ever inputed into the statement.

18 It's just like on your page 4, Summary of Effects on
19 Biological Resources. You have a statement in there that says
20 'The bowhead whales exposed to noise-producing activities and
21 oil spills would experience temporary effects. However, oil
22 spills would result in lethal effects to a few individuals with
23 the population recovery within one to two years.' Now, that's
24 a lie if I ever saw one. Based on what scientific knowledge
25 are you making that statement?

1 For years, we the people up there, through our
2 government here, the North Slope Borough, with our scientific
3 people that work with the Municipality and the people up here,
4 have brought study after study before you, the government, and
5 the IWC, and we have had to prove every statement we make with
6 a back-up and a back-up on top of it. Yet, here on the draft
7 statement, you can easily just make a statement that if there's
8 an oil spill that the bowhead is going to recover in one to
9 three years.

10 Where we have been managing through AEWC and our
11 local whaling associations on managing the bowhead for the past
12 17 years, using scientific knowledge and our own common sense
13 for management. You say that the noise is not going to
14 displace the migration route. In the past, we have had
15 different whaling captains that have left us now, and some that
16 are currently alive that have come before you time and time
17 again to give their observations, their experiences, on the
18 displacements of the migration run of the bowhead.

19 Based on seismic activity that has been done over at
20 Prudhoe, off Simpson, off of different areas on the Beaufort
21 Sea. Here in Barrow, not too long ago, we had that experience
22 of the Arctic Rose, a seismic boat that did a high frequency
23 reso -- resolution study off Cooper Island. During that fall
24 season, my fellow whalers had to go far out to go look for the
25 bowhead whale. That was stated on one of our environment

1 impact statements that we have before you.

2 In the following year, or the year after it, the
3 platform drilling ship Cabot was put out there to do some
4 drilling. Just from the noise from that drilling ship sitting
5 idle, you could not find the bowhead whales where you normally
6 find them. They had to farther and farther out, and if I'm not
7 mistaken, a chance to be corrected, the four whales that were
8 caught when the drilling platform was out there were caught off
9 Cape Simpson. That's almost 60 miles to the east of us, where
10 we found the bowhead.

11 Those were brought to you guys' attention on the map
12 and in previous statements, yet, not one mention of them in
13 this book. You are going through different things. There is
14 very loose, very lightly written draft statement. You talk
15 about effects of the bowhead are most likely -- that there
16 are -- that you are saying -- you very like -- activities are
17 seismic activities are going to have a likely effect on the
18 bowheads.

19 When have seen it, when the seismic activity is going
20 on to the east of us, where the migration route off -- off here
21 in Barrow are farther out than the normal migration route.
22 That's on -- it looks like 4B-34, potential effects of noise
23 and disturbance. Very lightly, you speak very lightly of the
24 displacement of the bowhead route.

25 The following page, you got a big paragraph there.

1 You got a -- third and fourth paragraph of that page. It's
2 very lightly written. We've got actual case experiences up
3 here in Barrow where I made reference to the Arctic Rose, that
4 did the high frequency resolution off Cooper Island on a couple
5 tracts of land, or parcels of land out there and that drilling
6 platform. Then -- then you are saying that there are going to
7 be about 273 drill -- ah, drillings out there. Production
8 service wells to be drilled for the next 24 years once the
9 lease sale goes into -- once you make the lease sale. That's
10 pretty close to 12 drillings per season.

11 And you are saying that's going to be a minimal
12 impact on migration run of the bowhead? From all the activity
13 that is going to be done during -- during the 12 drillings per
14 season? Whether during the winter time or in the spring, when
15 you got open -- open water out there to do the drilling?

16 That is going to have a tremendous impact because of
17 our experience. We've told you that time and time again. The
18 subsistence harvest patterns are going to change, are going to
19 be heavily impacted up here. North Slope, Kaktovik, and
20 Nuiqsut, and also Barrow. Because Barrow hunts during the
21 spring and the fall time.

22 You've heard from us here in Barrow. You've heard
23 from the villages in Kaktovik and Nuiqsut, that the migration
24 route is affected when you have seismic activity. But it seems
25 like our federal government doesn't hear that. It's no where

1 stated in this --this statements made by actual hunters,
2 whalers that have made their observations and brought they
3 say -- and brought their views to you.

4 You talk about different birds, species of birds.
5 They are going to be affected. Different species breed around
6 those islands that are out there.

7 You barely speak -- it might have been five of 4D-4,
8 effects on the bowhead whale. You speak lightly of it. You
9 think that -- you say that the bowheads are going to be
10 displaced a little bit, but they are going to be coming back.

11 It's -- it's frustrating to come here. To come
12 before you to make a statement on the issue of the bowhead.
13 Or -- or our subsistence way of life up here. Time and time
14 again we've come before you to make this different -- to make
15 this very same statement. That we prefer that you go on the
16 mainland first, then go to the ocean.

17 This is -- you -- you live down in Anchorage or back
18 in D.C. or elsewhere where you won't be impacted. We're the
19 ones that are living up here, that are going to be heavily
20 impacted by whatever happens out there.

21 True, Barrow might be the cosmopolitan city of the
22 north, but the Inupiat people that live up here, that live off
23 the subsistence lifestyle, want to keep living that lifestyle.
24 And if you have any questions, I can answer some questions
25 if -- if you have them at this time.

1 MR. BROCK: Not right now, but thank you very much.

2 MR. BROWER: And I hope in the future, that the
3 statements that we make, whether it's written or not, or have
4 been tape recorded or not just put on some shelf so they can
5 collect dust or archives without being inputted into this
6 planning. I mean, its -- you guys weren't the same guys that
7 were here last time around.

8 MR. BROCK: I was, but

9 MR. BOWER: But your cohorts are not

10 MR. BROCK: I've -- but yeah, but we try to work them
11 in -- I'm not -- sometimes we don't give the proper credit to
12 where we get it, but we do try to work those statements in but
13 we are not.....

14 MR. BOWER: You never see them in there. You never
15 see them in this book.....

16 MR. BROCK:But we don't -- we haven't.....

17 MR. BOWER:there's nothing in there.

18 MR. BROCK:been giving it the proper credit
19 that needs to, and that's something we are going to change.

20 MR. BOWER: When? We'd like to see the change when
21 you say we are going to see the change. That's another broken
22 record for you, that you are going to see a change. There's
23 never a change. Thank you.

24 MR. BROCK: Thank you.

25 (Pause)

1 MR. BROCK: Jim.....

2 (Pause - Side comments)

3 **PUBLIC TESTIMONY OF MAYOR JIM VORDERSTRASSE**

4 Thank you, gentlemen. My name is Jim Vorderstrasse,
5 Borough City Mayor. I'd like to go on record as supporting the
6 Alaska Eskimo Whaling Commission, the North Slope Borough, and
7 the other people who have testified here tonight.

8 I've been hearing the testimony for many, many years.
9 And I guess my question tonight would be, are you the gentlemen
10 that make the decision on whether they have the lease sale or
11 not?

12 MR. BROCK: The Secretary of Interior ultimately
13 makes that decision. No, we're not the people. We -- all
14 we -- our goal is to make sure this is as honest and forthright
15 a document as we can so that the decision-makers have that
16 information.

17 BY MR. VORDERSTRASSE (Resuming):

18 All right. I -- I've been reading through this
19 document the last couple days trying to develop some comments
20 and it's -- it's overwhelming. There's a lot of things in here
21 that have been studied and you have graphs and probabilities of
22 how much oil would be spilled in worse case scenarios or worst
23 -- or some other instances. But who knows?

24 I think back on the Valdez spill. Did -- did you
25 ever imagine it would be that bad when it happened? Did they

1 ever have that? And I just don't think that you can really
2 imagine how bad it could be and how it could affect this
3 environment here. And why are we willing to risk going out
4 there in the ocean for a hundred days of cheap gasoline down in
5 the Lower 48. I just don't think it's worth it.

6 And I -- I don't know if you gentlemen would be here
7 if in fact something like that did happen, to clean it up. Or
8 try and clean it up. I just think there are other -- many
9 other things that should be instituted before we go to that
10 extreme.

11 And I know you've drilled 28 holes already, and nine
12 have proved possibly that there might be oil there, or they --
13 they're not commercially viable at this time. But are we
14 really to risk what could happen to the environment here? And
15 maybe never bring it back to the way it was. Is it that
16 important?

17 And, we know that even though you have these
18 different graphs and stuff that -- it might not truly be a
19 worst case scenario if there was an accident, and I would
20 sincerely hope that you would really take a look at it.

21 And these people up here I've -- myself included --
22 I've seen over, over, and over again. They come and testify
23 and we're the people that live here, and yet we don't seem to
24 get the attention that I would think you would give someone in
25 their own backyard. It happens in our own backyard. And it

1 seems like it's a -- it's a done deal.

2 Before -- it just goes ahead anyway, no matter what
3 we say. Even though I don't think that I've ever heard anyone
4 testify for an oil sale -- offshore oil sale here. Well,
5 that's my comments. Thank you.

6 MR. BROCK: Thank you, sir. Tom Albert.

7 **PUBLIC TESTIMONY OF MR. TOM ALBERT**

8 My name is Tom Albert. I work for the Borough's
9 Wildlife Management's Department. And if you don't mind, I
10 would like to read my statement. I've got it enclosed in these
11 three documents, and I'll just begin with page 1.

12 (Laughter in the background)

13 Anyway. Thanks a lot for coming here. And -- these
14 reports I'm just going to refer to them as some examples of
15 something and -- as I think as a couple of people have already
16 pointed out, we've all been doing this for a long time, and one
17 might wonder whether -- whether it's worth it or not.

18 When this draft environmental impact statement was,
19 you know, on the way, or before it got here, I was convinced --
20 in fact, I would have bet money -- but I'm glad I didn't --
21 that this one was going to be different than the many, many
22 other ones that I've seen over the last 16 almost 17 years now.
23 Sixteen years or so.

24 If I had to bet, I would have bet the following
25 things. That for once, this Environmental Impact Statement

1 would not only have the standard scientific statements about
2 seismic noise, that is: Bowheads don't react until they're 7.5
3 kilometers away. But it would also had (sic) some statements
4 in there that the Borough, the AEWG had made, or that the
5 individual whaling captains have made here. They don't believe
6 this; no one that lives around here believes that 7.5
7 kilometers is the magic number for seismic boats.

8 But I read through the bowhead sections in here, and
9 I was really -- I really kind of got mad that this one was the
10 same as all the rest. It doesn't si- -- if you can find one
11 reference in here to what anybody around here has ever said in
12 the bowhead sections, point it out to me. I've read them, kind
13 of fast, I might have missed it. That -- that really is a
14 shame.

15 I also thought that this EIS was going to incorporate
16 significant amounts of data from the BBN Noise Study which is
17 this big report -- this one here -- 1987. I thought it was
18 going to incorporate some findings in response to two drilling
19 platforms, the Corona and the Hammerhead platforms in the fall
20 of 1986. I can't even find it even listed in here even as a
21 reference.

22 I've read every one of the reports that have come out
23 over the last many years on monitoring up here. This is by far
24 and away the best -- the so called SWEPI Report, done by LGL
25 for Shell. The rights to Corona and Hammerhead. And in my

1 opinion, the only reason it was so good is because for those of
2 you that remember back when we had seemingly endless head-
3 banging sessions with the various agencies and industry groups
4 trying to pressure Shell into doing a good job. Finally, they
5 did agree to do a good job and they did. It was an excellent
6 report. It shows plenty of bowhead impacts. Is it cited in
7 this EIS? I can't find it.

8 The third thing I thought sure was going to be in
9 this report was after the standard bowhead whale feeding study,
10 done for MMS by LGL, are the -- the eastern part of the
11 Alaskan Beaufort Sea, which now has almost become chiseled in
12 gold.

13 I thought for sure in this EIS, you would also site
14 the report by the North Slope Borough Science Advisory
15 Committee. Seventeen experts who spent three days reviewing
16 this thing, who concluded that the data in this feeding study
17 report do not support the reports conclusion. If you are a
18 scientist, you know what that means. That's a very nice way of
19 saying, you stretched the data, and if you want to get real
20 smart, you could say somebody might of lied.

21 Here's 17 experts that we paid to review this report,
22 that worked for various universities around the country. We've
23 given you copies of this report, and it's never done any good.
24 But just in case I've got a few more for you anyway.

25 MR. BROCK: Could I -- could I have the year of that

1 report, Tom?

2 MR. ALBERT: Of what report?

3 MR. BROCK: That blue one.

4 MR. ALBERT: 1987, the same as the feeding study. It
5 was reviewed soon after it. Anyway, none of that is in this
6 EIS. That one flabbergasted me.

7 Anyway, another thing I want to comment on is the
8 response of bowheads to noise in relation to drilling and
9 seismic ships. And the third thing I wanted to mention was
10 this feeding study report.

11 Now let's -- let's take a look at the EIS -- if
12 you've got one -- if you open it to Arti -- §4B-36 and B-35, I
13 want to show you something. Something scary. Anyway, if you
14 open it -- if you look -- for whoever pays any attention -- if
15 anybody does to these types of comments, the §IV B-35 and 36,
16 that's where it talks about bowhead responses to drill ships,
17 approaching ships, and ice breakers and seismic and so on. Let
18 me cite a couple of examples.

19 On 35 page it says that 'most bowheads respond when a
20 seismic boat is 7.5 kilometers or closer.' This 7.5 number is
21 one of the -- it's like a universal constant or something --
22 speed of light or something. This'll soon appear in the
23 handbook of chemistry and physics as a constant, I guess,
24 because it is quoted so often. But there is nobody in this
25 room who believes it.

1 Now if you go back and read the original papers that
2 this was based on reports, in most instances where they studied
3 the whales with the approaching seismic boat -- or the seismic
4 boat off or whatever -- there was another seismic boat boom --
5 booming in the background.

6 Very few of the so called control animals in those
7 studies were ever free of seismic sounds. But anyway, on page
8 35, we've got the 7-point kilometer thing. And it also says on
9 page 35, that bowheads exhibit strong avoidance when the boat
10 gets within a few kilometers. That's probably less than 7.5.

11 Well, let's go look at some real data that don't
12 (sic) appear in this -- in this report. If you look at the
13 SWEPI Report, this green thing, that was done in the 1986
14 drilling and so on at -- at Corona and Hammerhead, on page 45
15 of the Intergration and Summary Section of the SWEPI Report,
16 they note that approaching seismic boat cause strong responses
17 at 12 miles for a group of four to seven whales which moved
18 strongly away. That's 24 kilometers.

19 So who ever was doing the 7.5 kilometers calculation
20 forgot to put this in. And interestingly enough, it's the same
21 guys, Dr. Richardson and his colleagues. I can't understand
22 it. So there's a strong response at 12 miles. Does that ever
23 get quoted in these EIS type documents? Don't hold your
24 breath.

25 Another thing, on page 116 of the Behavioral

1 Observations Section of that SWEPI report, it notes that
2 there's an increase in the call rate after seismic boats stop,
3 in bowheads. After the seismic boats stops, their call rate
4 increases. This is when the whales are 60 miles away from the
5 boat, 110 kilometers away. So here's -- here's whales that are
6 60 miles away changing their call behavior when a seismic boat
7 stops. Does that ever get into this document? I can't find
8 it. All we have in here is 7.5 kilometers and a few kilomters.

9 Needless to say, the people -- all the -- the whaling
10 captains, the guys that go out and hunt the whales around here,
11 they don't believe the 7.5 kilometer thing. Let me ask you,
12 why are none of their comments in here? If you want to put
13 down the 7.5 chiseled-in-gold comment, why isn't it followed by
14 another statement that says, however we have been repeatedly
15 told for the past 10 years at 722 meetings, that the whale --
16 that the whaling captains -- the hunters that go out, feel that
17 the reaction is on the order of a 10 miles or more? Why isn't
18 that in there? Does anyone care to try answer the question?
19 Why isn't it in there?

20 BROCK: I believe it's used, but I don't think it's
21 given its proper -- its proper response.....

22 ALBERT: It's not in here.

23 BROCK:but I'm -- I'm -- I'm going to have to
24 do some checking.

25 ALBERT: Okay, Bob, it's -- it's not in here, believe

1 me. I read it real close. Okay. Let me ask you, is there any
2 chance that any of these comments will get into the final
3 Environmental Impact Statement? You got -- we know the old
4 7.5's going to get in there. That's -- I tried to erase it,
5 okay, you -- it's -- it's -- it's an indelible ink in that
6 book, I know it. Are any of these other numbers going to get
7 in there? They're true. John Richardson, they're the guys
8 that reported them, and I gave you the exact pages they occur
9 on.

10 MR. BROCK: Yes, well I'm going to -- I'm going to
11 find out what -- what the deal is on those.

12 MR. ALBERT: Okay.

13 MR. BROCK: I will, and I'll get back to you.

14 MR. ALBERT: All right. That -- man, that'd be great
15 if -- if something like that ever happened.

16 BY MR. ALBERT (Resuming):

17 But anyway, let's take a look at the response to
18 drill rig noise and ice breaker noise. On page -- in EIS on IV
19 b-36 in paragraph 3 where it talks about drill rigs and ice
20 breakers, it says 'approaching whales may slightly change their
21 migration speed and swimming direction so as to avoid the noise
22 source.'

23 Slightly change speed and swimming direction. What's
24 that mean? Well, let's take a look. It also mentions, that
25 the BBN noise study -- this white report down here -- says that

1 bowheads are likely to respond to ice breakers at somewhere
2 between one and 15 miles.

3 Now, if you go and get the BBN report and look at it
4 yourself, on page 317 of the BBN report. They speculate --
5 that -- that this is an estimation report. Okay, modeling type
6 right report. But instead of the 1 to 15 models, it says that
7 at least some bowheads will be displaced in response to an ice
8 breaker now at 25 miles. This means the diameter of 50 miles.

9 It also says that probably one-half of them, will be
10 displaced at 11 miles. Which means a 22 miles diameter zone.
11 Fifty percent of them are going to be displaced. That's a
12 whole lot different than the one to 15 mile thing. Same
13 report, okay. You can look it up on page 317 in that report.

14 Let's go look in the SWEPI report. This LGL report
15 done for Shell on the 1986 Corona and Hammerhead stuff. If you
16 look on page 45 of the Integration and Summary section of the
17 SWEPI report, they give their principal finding. This is
18 pretty strong for John Richardson and his colleagues,
19 "principal finding." None, no bowheads were seen closer than
20 9.5 kilometers, 6 miles, and few were within 9 miles, 15
21 kilometers.

22 That's a lot different than what is in the EIS which
23 says one to four miles and -- and things of that nature. In
24 the SWEPI report, it also notes, that they followed one whale
25 for 6.8 hours. I'm sure most of you guys have heard of this

1 whale. They followed it for 6.8 hours, as it approached the
2 drill rig at Hammerhead, turned north and went around the
3 thing. They -- they followed it through an arc of about 90
4 degrees or so.

5 The bottom line is, that over those almost seven
6 hours. The thing stayed 23 kilometers, or about 12 miles away.
7 That's pretty good evidence of what at least one whale did that
8 somebody watched. I can't find that report even referenced in
9 this document. And if you produce the final Environmental
10 Impact Statement, just out of fairness. That kind of stuff
11 should be in here. It's not fair to say 7.5 kilometers all the
12 time for seismic. And one to four, or something like that for
13 a drill rig. That's just not right.

14 If you look at the thing that was done in relation to
15 Kuvlum. Everybody remembers Kuvlum Copact study for ARCO?
16 They have some interesting stuff, too. And I don't know
17 whether that is cited in here. But anyway, the bowheads that
18 were seen averaged 24 miles away from that drill rig --
19 averaged 24 miles away. The bowhead calls -- and they did a
20 lot of acoustics -- peaked at 19 miles away. So at 19 miles,
21 there was something significant going on the calling rate of
22 these animals. And they were averaging 24 miles or so away.

23 Belugas averaged 47 miles away. They really stayed
24 away from this thing. And beluga calls peaked at 60 miles.
25 This is on page 3 of the May 14, 1999 (sic) 1993 report on the

1 Kuvlum project which reported on drilling in the summer or
2 fall -- and fall of 1992.

3 There is some real significant impacts that just
4 don't seem to get included here. This thing -- this feeding
5 study -- Bob, you probably remember this. The long time ago --
6 I think it was like in the mid-80's -- the Borough was going to
7 sue MMS to delay a lease sale. There was a big panic and a
8 bunch of people -- all of us -- went to Washington and so on
9 and met with a lot of chiefs. And finally got worked out in
10 the big interior building, that if the Borough would back off
11 the Minerals Management Service would agree to do a very good
12 study on this -- on the feeding area around Barter Island
13 because that's what we were all arguing about at that time.

14 But as is often the case, you know when you get into an
15 agreement like that where you do your part first, you've got to
16 hope the other guys does his part. MMS did do this, paid for a
17 study -- you guys paid for it, a million or two million, what
18 ever it was produced a great big report which is great. You
19 know, life -- and some time I'm going to get a wood stove and
20 take care of some of these things when I retire. But the fact
21 is, the bottom line of the 560 pages, or what ever it was --
22 was, that -- that area around Barter Island over there, is not
23 a significant. It produces less than one percent of the
24 nutritional requirement of the bowhead herd. Or less than 2
25 percent, something like or -- it some insignificant amount.

1 When the people in Kaktovik found out about this,
2 they all blew a gasket. People like me, we all got upset. You
3 know, what's going on here? All the bowhead whales that get
4 caught at Kaktovik have full stomachs. People see them feeding
5 over there. So we gave that to our science advisory committees
6 I told you, and they -- 17 people divided up for 3 days and
7 went over that report chapter by chapter. And I'll give you
8 another copy of this report which said something that I only
9 ever saw them say about one other report that they've ever
10 reviewed which basically said -- didn't basically, it actually
11 says it -- that -- that the data in the report don't support
12 the reports conclusion. That's terrible to say about a
13 scientific study. One might wonder whether the 1.9 million or
14 whatever it was, maybe you should ask for the money back, or
15 part of it. It's probably too late now. But that, you know,
16 that's pretty tough.

17 Now, out of common fairness, scientific fairness,
18 whoever writes these EIS'. This was not written by a bunch of
19 yokels who live in Houston, Texas or something like that. This
20 was written by -- just look at the names of the people that
21 wrote this -- they were good scientists. None of them worked
22 for the Borough, they don't have any real ax to grind. They
23 are all university employees from all over the United States.
24 And they just dumped all over that thing. And they concluded
25 something that needs to be put in here. If you want to cite

1 that thing -- this thing to say that area of there is no good
2 as a feeding area, then out of fairness, you've got to cite
3 this. That's just normal scientific behavior.

4 So -- so if the final Environmental Impact Statement
5 is produced -- I'm sure it will be, I sure hope that you put
6 in some of the comments that people make here. The generic
7 comment from the whaling captains is they don't believe 7.5
8 kilometers. And they have on-the-ground experience. They
9 can't tell you whether the bowheads are 10.9 miles away, but
10 they know they are a long ways away, more than 10 miles.

11 And -- if you -- anyway. I -- I sure hope that when
12 you revise this document, that you take some of these things
13 into account. And one of the reasons that there's so few
14 people in this room tonight is because the answer that we get
15 when we ask people to come out is 'why should I?'

16 You know, if you remember back, Bob, you used to come
17 back up here in the mid-'80s. There used to be a lot of people
18 come to these things. Cause people thought it was worth
19 something. But now most people feel, why should I give up
20 watching the Lone Ranger or something like that on the T.V.?
21 Cause this is not nearly as interesting, and it's not going to
22 do any good.

23 If you revise this final EIS and none of these things
24 have been changed. It's like Eugene Brower pointed out and so
25 on -- Burton and so on. Then that sells (sic) tells us

1 something real significant. It just tells us that, you know,
2 you guys are doing your job jumping through a hoop coming up
3 here. We are doing our little job telling you our thing and
4 it's for nothing. It shouldn't be that way. Thanks a lot.

5 MR. BROCK: Thanks a lot, Tom.

6 (Off record)

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

8 (On record)

9 **PUBLIC TESTIMONY OF MR. CRAIG GEORGE**

10 My name is Craig George and I am a wildlife biologist
11 with the Department of Wildlife Management. As you can see, I
12 have a smaller pile than Tom -- things to read. Anyway, I
13 wanted to start by just correcting a few technical errors. The
14 population estimates that are given in the bowhead section are
15 out dated, they're incorrect. And I can provide -- the current
16 estimate is 8,000 animals. I'll give you the proper reference
17 later.

18 But a more significant error is the -- the omission -
19 - or the -- of the rate of increase information. It says in
20 there that there's no clear trend in the population. And that
21 the increase in number of animals seen during the population
22 census work that we do here in Barrow is attributable to
23 changes in techniques. That's flat wrong. It's -- there's a
24 clear significant trend increase in the population since 1978
25 and I think the most current estimate is 3.1 percent per year.

1 So that's a fairly important problem there. That's on page 3B-
2 10, and I've got a -- some publications to leave with you on
3 that.

4 We've heard a lot about traditional knowledge this
5 evening. I can tell you that it's a -- local knowledge, we've
6 used it extensively in shaping our population work that we've
7 here. And I think our success is largely attributable to using
8 the local expertise. There's nothing mysterious about
9 traditional knowledge. Wildlife biology is largely an
10 observational science. And, it's real simple, the person -- or
11 the -- who has the most number of observational hours has the
12 best data. It's just kind of how it works and the cumulative
13 hours of observation of the whaling community just dwarfs
14 anything that's been done by the scientific community. And the
15 thing is it's not written down in to a black and white format
16 that can be cited easily. But in some cases, it is we report
17 it -- information in our various reports and cite the
18 reference. And I'm sure you know Sue Morris' paper on summer
19 records of bowheads whales on the northeast Chuckchi Sea. This
20 is largely an accumulations of local sightings that I've
21 collected and she's collected and other people have that --
22 that contradicts the -- basically what's said in this document
23 that bowheads all summer in Beaufort Sea -- in the eastern
24 Beaufort Sea.

25 Every year, and more and more commonly, guys like

1 Billy and Carl, sitting over here, give me recent -- you know,
2 sightings of bowhead whales summering in our area. And those
3 are all summarized in this paper. I didn't see this cited
4 there. You can have that? Anyway, the take-home here is that
5 we recommend that you listen to what -- and -- what people have
6 said here this evening and take it to heart.

7 Regarding the feeding section in here. Probably one
8 of the most important things we've learned from doing the
9 population work here is you need a long time series of
10 estimates. You need to stick with the project for at least 10
11 years to see trends through all the variability. And, we have
12 some new information on the number of whales that have been
13 feeding at Kaktovik and at Barrow and I can provide those
14 later. We've seen an interesting change in that early in the
15 late '70s and early '80s when people first started reporting on
16 feeding habits of bowhead whales in the spring, all the whales
17 had empty stomachs. So it became cast in concrete that
18 bowheads don't feed in the spring. That was common scientific
19 knowledge. Well, more and more we are seeing oceanographic
20 changes, whatever. I'm sure it's cyclic or may be random, but
21 some years, all the whales here have been feeding in the
22 spring. So anyway, we can -- we can give you new information
23 there.

24 And I think that a big problem with the feeding
25 study, the '85/'86 study that Tom, you know, spent a lot of

1 time discussing may have been just that. That they hit a
2 couple years where -- I know that '85 was a year of heavy ice
3 cover that reduces the primary productivity, the whales didn't
4 hang out there. That's well known. I think it's cited in here
5 now that years with high ice concentrations in the east drive
6 the whales out and they're here sooner. They return -- you
7 know, their return migration happens sooner.

8 Tracy's report, I believe he's MMS, is that right?
9 Steve Tracy. Yeah, I've we've talked extensively about -- I've
10 spoken to him about how bowheads react to heavy ice cover, it's
11 pretty clear from your data that -- that in heavy ice years
12 whales are further offshore. And you guys, I think, were being
13 too careful in not stating that emphatically but if -- if you
14 plot the information it's -- it's, I think, pretty dramatic.

15 Here it is -- I -- I took the information from your
16 reports and plotted it and there's a very strong relationship
17 between ice cover, ice savarity and the kind of mean distance
18 offshore. Anyway, that's something that could have a
19 tremendous effect on feeding and that sort of thing.

20 The section on oil spill contact, kind of like Mayor
21 Vorderstrasse mentioned. My gut feeling about that is that
22 it's grossly underestimated. For instance, the discussion --
23 and I'm just basing that on an intuitive feeling, not
24 scientific data, but I can't imagine how in the base cases
25 spill -- oil spill that gets into a spring lead season, can't

1 be anything but catastrophic. You know, really -- really bad.
2 And, you know, I've -- I've read the scenario, and maybe it's
3 right that just a few animals will be affected, but to me, that
4 is absolutely -- you know, like a year like 1983, here's a
5 report, 1983, you can have that.

6 We estimated using acoustic data that 93 percent of
7 the whales passed within two miles of the lead edge. That's 93
8 percent of 8,000 animals were in a -- in a tiny, tiny little
9 constricted area. If you introduced oil into a situation like
10 that, you could affect a large number of animals.

11 I guess that completes my comments and I have a
12 number of publications to give to you guys.

13 MR. BROCK: Thank you.

14 MR. GEORGE: Thank you.

15 MR. BROCK: Thank you very much.

16 (Pause - Side comments)

17 MR. BROCK: Edward I-t-t-a; is that correct?

18 MR. ITTA: Yeah.

19 (Pause - Side comments)

20 HARRY BROWER: Excuse me, Bob?

21 MR. BROCK: Yes, sir.

22 HARRY BROWER: It would help the hearings, we've been
23 kind of waiting and wanting to mention some -- make some
24 comments on that. I can either.....

25 MR. BROCK: Okay. Well, while we're waiting for

1 Mr. -- Itta?

2 MR. ITTA: Itta.

3 MR. BROCK: Itta? Well, why don't you come on down,
4 sir?

5 (No audible response)

6 MR. BROCK: Oh, okay. Is he here, Mr.....

7 MR. ITTA: I'm right here.

8 MR. BROCK: Do you mind if this other gentleman goes
9 ahead, sir?

10 MR. ITTA: I'd like to go ahead and do mine.

11 MR. BROCK: Okay. We'll get you next, okay?

12 EDWARD HOPSON: All right.

13 MR. BROCK: Oh. Okay. Did you want to testify?

14 MR. HOPSON: Yes.

15 MR. BROCK: Okay. I'll -- you're right after this
16 gentleman over here.

17 **PUBLIC TESTIMONY OF MR. EDWARD ITTA**

18 Good evening. I'm Edward Itta, President of Barrow
19 Whaling Captains Association and personally, I'd like to just
20 state for the record Tom its almost 300 times, I think, we've
21 been at these meetings. And I don't say that in jest.

22 I'm the President of the local Barrow Whaling
23 Captains Association, and we are 44 captains strong, and we
24 consist from anywhere from 550 to 600 active whalers and their
25 families that we represent here. I'd made some comments

1 specific to your EIS statement and I will follow up with a
2 written report.

3 MR. BROCK: Thank you.

4 BY MR. ITTA (Resuming):

5 But between the -- my colleague Eugene and Tom and
6 Burton, I think it's all pretty much been said, but what I want
7 to make a comment about here is going to be very brief, and
8 then I'll make a statement.

9 You've heard time and again the frustration that we
10 feel of generations, of ages of information that have been
11 gathered up here. The wisdom of the ages just thrown out, like
12 it didn't matter. And we are tired of that, very tired. Of
13 all those whalers that use pack this assembly room when the
14 offshore stuff first started, we just have a very few left. Our
15 elder whalers, Burton, Eugene, and Nate. And we still come
16 because we have faith that something is going to happen.

17 That -- I wish to impart to you that -- and
18 acknowledge, that we oppose any offshore activity. Period. A
19 couple of reasons. We know that you don't have the technology.
20 Not even close, to do an oil spill plan actively and
21 proficiently. And that, secondly, we don't have any confidence
22 at all that the oil industry can operate safely under our
23 conditions up here because it has never been proven to us.
24 They have tried to show us some open water oil spill response
25 which were wolferly (sic) inadequate. And none of those are

1 mentioned in your EIS report.

2 Now we know that ex- -- exploratory action has to
3 happen first before you do development. But we have always
4 stated, that if there's an interest in doing exploratory,
5 surely they must have a conceptual plan for development. Such
6 as how are they going to transport this oil? And where?

7 And -- and it's amazing that those considerations are
8 not even taken into account by the Secretary of Interior, who
9 so adamantly opposes development on ANWR, when he doesn't even
10 consider and supports OCS activity but does not consider the
11 development aspects of the infrastructure that will be needed
12 to transport this oil, should there be oil offshore. I want
13 that clear.

14 The -- the second portion of my comments has to do
15 with traditional knowledge and wisdom gained up here. And how
16 it feels to not even be acknowledged at all in your report.
17 When we've had such high hopes after the last two meetings that
18 perhaps we are finally going to get some accounting, up here.

19 That's about the extent of my comments. But I want
20 you to take what I have said, and I want to share with you the
21 feeling that you give to us when you leave us out in the cold
22 like this. And that is to turn your back on us and -- and not
23 show the respect that I feel we are due. And I want you to
24 feel that very emphatically.

25 By my last statement, which is, that I'm going to

1 recommend to our association that we never associate with any
2 of these activities here any more because you have, in fact
3 turned your back on us. And I'm turning my back on you, unless
4 I am assured, unless I see in the final report that our
5 comments have been taken seriously. And our scientist's
6 comments have been included in here.

7 So at this time, I'm going to put my jacket on. And I
8 turn my back, but I'm still willing to come back when I see our
9 comments in this EIS. And I thank you.

10 MR. BROCK: Thank you, sir.

11 (Pause)

12 MR. BROCK: Sir, I'm not sure what your name is, so
13 I'm not sure what

14 (Inaudible response)

15 MR. HOPSON: Which one is it? This one?

16 COURT REPORTER: Yes.

17 **PUBLIC TESTIMONY OF MR. EDWARD HOPSON**

18 My name is Edward E. Hopson. I am speaking on my
19 own, however I'm a member of the Barrow Whaling Association and
20 retired. I'm going on 76. I'm 75 years old, been a whaler all
21 my -- all this time, ever since I was old enough, except for
22 the time that I served four years in the World War II. I was
23 in the service, a veteran of World War II.

24 I found out about this meeting about a half an hour
25 before 8:00 p.m. when Burton came on the radio and said that

1 they were going to start at 8:00 p.m. and now it was 7:30 p.m.
2 Otherwise, if he hadn't announced I wouldn't have missed this
3 meeting. I'm very concerned, one of the elders, and I have a
4 reason to be concerned. I want to support all those
5 testimonies that I heard, all of them. I want to back all --
6 all -- all -- all the testimony that I heard.

7 I -- if I had known earlier, I might -- I might a
8 have a little written statement, or testimony to offer but
9 that -- I didn't have enough time. I felt that I just want to
10 offer some help if I can to -- to my people here.

11 At one time, when I had a little authority with
12 Arctic Slope Regional Corporation, we came in support of
13 exploration inside the Barrier Island, but not off-site. We
14 came on record we -- to support that. We each felt that even
15 though we felt it was dangerous, it was better than going
16 outside the Barrier Islands.

17 Now the thing is, in my time, here in Barrow, I have
18 seen in mid-winter when ice was about six - seven foot thick
19 frozen down, how far out -- offshore from the beach it froze I
20 don't know. It very quietly all of a sudden, ice is pushed up.
21 Breaking the power line, go up the hill. That must be what
22 about what, 20 feet high? Steep bank? Ice go right up. It
23 barely missing -- cover some of the houses close to the edge.
24 It happened two times in my life time here in Barrow.

25 The impact of that ice -- the strength of that ice.

1 I don't how -- how it is. You don't -- you have never
2 experienced it. I don't know if even the strongest rig that
3 anchored well in the bottom of the ocean would stand that. I
4 doubt if it will. So powerful.

5 And then -- another thing, too. Are you aware --
6 does the Congress -- aware that you are going -- getting ready
7 to sell leases on the ocean? When they say no-no to on shore
8 exploration or development on some proven resource? No-no?
9 There's a lot of statements that I'd like to correct, including
10 our biologist here in Barrow.

11 Let me say something about -- permit myself. It
12 might be out of subject but, there is no calving grounds for
13 caribou. Make a note, everyone of you. Like people claim,
14 that on ANWR there's -- there's a calving ground for the
15 porcupine herd. Caribou will have found -- wherever it --
16 what -- whenever it ready to -- ready for it and -- and --
17 and -- and then right there wherever they are. There is no
18 calving ground for caribou. That's -- I'd like to make that
19 understood.

20 Now the concern here -- I came -- I'm probably the
21 oldest here now. But I came because I'm concerned there are
22 many, many elders that are not here that are probably listening
23 on the radio. This devel- -- this exploration on -- on
24 offshore is very dangerous. Nobody knows that, I suppose -- I
25 suppose that whether we talk like man opposing it, you're going

1 to go ahead and do it anyway. I think that's happened before.

2 There has not been any -- anyone that I know in my
3 Native community that would say, okay, go ahead try their well
4 out there. Not in the whaling community, or are we talking
5 about -- we talking about our renewable resource? And it
6 should be managed by -- it's -- it's been managed by the Eskimo
7 Whaling Commission contract with the north. Otherwise, we
8 wouldn't be under the -- under the -- under any United States.

9 If -- if we haven't -- if our Eskimo Whaling
10 Commission have been worked to get the -- to -- to have a
11 cooperative management with the United States. And we like
12 that. And the reason, when -- when the whaling was band. We
13 went ahead, North Slope Borough, all the Native communities got
14 together and start counting -- counting the population of
15 bowhead. And they proved that there is more than -- more than
16 what they -- what they thought it was when they -- when they --
17 when they declared a ban on whaling.

18 Now that we are do- -- our whaling commission is
19 doing well managing it. And the population is increasing as
20 far as we know. And the thing that is going to -- to stop us
21 from -- from that resource which is very important, not only
22 the whale, not only the bowhead, but all the other animals:
23 seal, walrus, you name it -- waterfowl.

24 We all felt that Valdez accident on the Sound was
25 large, but that's a -- let's say something happened in the

1 water, in mid-winter. You have no -- the industries will tell
2 us when they have a public hearing. Also, I remember, we don't
3 have technology. We don't develop technology unless we get
4 over there. You've got to give us permission to go out there
5 so we can find technology to take care of any -- any accidents.

6 It is -- let me say that it is impossible in winter
7 time under ice when something happens. I -- I am sorry. I
8 have to apologize. I don't have a written statement but I came
9 here, wait for -- I've been here since 8:00 p.m. waiting my
10 time, and now it's after 10:00 p.m.

11 I want to stay here to express -- with hopes that I
12 can be of help to this -- to this. We still -- all the whaling
13 community still opposes offshore exploration or development.
14 Development especially, I believe. How are you going to get it
15 up there into the market?

16 Why is -- there's a lot of unexplored territory on on
17 shore. There are some proven resources, oil and gas, on shore,
18 which can be done a lot easier than if you have a -- either a
19 small or large accident on the on-shore, you can do something.
20 Accident under ice, and heavy ice, there's no way that there is
21 anybody, I believe, will ever, ever find a way to clean that
22 accident under ice.

23 I -- I -- I'm saying this because I'm really
24 concerned and I'd like to preserve that whaling for -- for my
25 children, and for their children, and their children forever.

1 And I thank you for the opportunity to speak.

2 MR. BROCK: Well I.....

3 MR. HOPSON: Thank you.

4 MR. BROCK:thank you for your patience, sir, in
5 waiting. Just -- so everyone will understand. And I'm not
6 making -- I'm not justifying this, but we do operate under the
7 OSC Lands Act which is an offshore law, Congress passed it and
8 Congress does review our -- the plan the Interior Department
9 puts forth every five years and they -- they can either
10 disapprove it or take no action on it at all. And they did --
11 they did not disapprove it the last five years and that's what
12 we are operating on.

13 The -- the ANWR bills and the other bills are before
14 Congress but there isn't a bill there. But I don't work on
15 that section of it, so I don't want -- you know, I just work on
16 one portion of it. I'm -- and the other portion of the law has
17 not passed yet. So, you know, I'm -- I'm not making an excuse,
18 I'm just trying to explain that I can't get involved in that --
19 in that area of it.

20 MR. HOPSON: Yeah.

21 MR. BROCK: I'm strictly in the offshore.

22 MR. HOPSON: All right.

23 MR. BROCK: And that's.....

24 MR. HOPSON: Now, now like I've said it's a lot of --
25 it's a lot of information that you're supposed to know.....

1 MR. BROCK: Right.

2 MR. HOPSON: I guess it's a -- it's been said over
3 and over -- all these -- all these hearings, and -- and it
4 seems like you never even hear about it. And, I think, as far
5 as I know, unless something changed, would always have --
6 we'll -- we'll be -- be always be opposing the offshore
7 exploration or development. And thanks again.

8 MR. BROCK: Thank you. Sir?

9 **PUBLIC TESTIMONY OF MR. CHARLIE OKAKOK**

10 Good evening. My name is Charlie Okakok. I work
11 with the Native village of Barrow tribal government and work as
12 their wildlife director.

13 MR. BROCK: Sir, could I get you to spell your last
14 name, I.....

15 MR. OKAKOK: O-k-a-k-o-k.

16 On January 24, 1983, President Ronald Reagan
17 published a federal Indian policy which stressed two related
18 themes. One, that the federal government will pursue the
19 principle of Indian self government. And two, that it will
20 work directly with tri- -- tribal governments on a government
21 to government basis.

22 One of the principles was to meet these two
23 objectives -- was EPA in keeping with federal trust
24 responsibility will assure that tribal concerns and interests
25 are considered whenever EPA's actions and or decisions may

1 affect the environment on their lands. Another of the
2 principles was, the agency will strive to assure compliance
3 with environmental statutes and regulations on Indian lands.
4 Direct EPA actions through ju- -- judicial and administrative
5 process will be considered where a significant threat to human
6 health on the environment exists.

7 On March 14, 1994, Carol M. Browner, the current head
8 of the EPA, reaffirmed the validity of that policy. On July
9 14, 1994, EPA pub- -- published a memorandum on tribal
10 operation actions. One of the action items was each assistant
11 and regional administrator should take steps to increase
12 implementation and management of and insure compliance with
13 environmental programs where such environmental programs do not
14 exist. The agency in carrying out its trust responsibilities,
15 must work in partnership with tribes on a government-to-
16 government basis to ensure the protection of tribal human
17 health, natural resources, and environments.

18 There are key legal issues, including jurisdiction
19 over programs through inherent or aboriginal and through
20 delegated authority from Congress. The environmental laws:
21 one, the Clean Water Act; two, Safe Drinking Water Act; three,
22 the Clean Air Act; four, CERCLA, known as super-fund; RCRA;
23 FIFRA; TSCA; EPCRA; and the Pollution Control Act are the
24 programs that authorizes the EPA to treat tribes as states.

25 EPA has regulatory and enforcement authority on

1 Indian lands and authority to expend financial resources on
2 Indian's lands under various reg- -- federal statutes. EPA is
3 also responsible -- responsible for NAPUC (ph) compliance for
4 its project on Indian lands.

5 Although MMS say there are incompliance with these
6 laws, MMS continues to issue leases even if there are
7 mitigating circumstances under an EPA. The issues concerning
8 the livelihood of the effective areas should be at detriment in
9 having these sales in the Beaufort and Chuckchi Seas.

10 One of the leading issues is the subsistence hunting
11 of whales. Whales are protected under the Marine Mammal
12 Protection Act and the Endangered Species Act and should enjoy
13 protection under these laws. In the event of an oil -- oil
14 spill, god forbid, the protected species of whale is in serious
15 danger as they already are in the endangered species list.

16 We of the area in the proposed lease area sale will
17 be great -- greatly impacted and should be protected under
18 these laws and the EPA. Under your studies it is ex- --
19 expected to render subsistence activities unavailable or
20 undesirable for one or more periods of one or two -- one to two
21 years in the event there is an oil spill. Are the leas- --
22 leasing agencies ready to compensate the subsistence users for
23 that period that are undesirable and un- -- unavailable for the
24 subsistence activities?

25 Also affected would be the bird species which are

1 protected by the Migro- -- Migratory Bird Species Act. The
2 birds nest in our area offshore and travel south to their
3 wintering area. Any oil spill would be devastating to the --
4 to our bird species. Not only will the subsistence hunter be
5 affected, the hunters of our birds south along the migration
6 routes will also be affected.

7 The polar bear also protected by the Marine Mammal
8 Protection Act is one of the animals that would be affected if
9 there was to be an oil spill. Also through the industrial
10 activities. Polar bears reproduce only once every three years.
11 They den along the coast which is designating for a lease sale.
12 Any activity would be a deterrent to the population of the
13 polar bear.

14 Displacement of caribou is expected during drilling
15 activities. Caribou are the main staple of the diet of the
16 proposed lease sale area inhabitance. The impact of dis- --
17 displacement would be addressed as the subsistence hunter will
18 have to go further to be able to catch the caribou. If and
19 when there is drilling activities, the subsistence hunter
20 should be compensated for extra gas and food that they will
21 need to get the caribou.

22 Fish are also one of the main staples of our diet
23 which will be affected during drilling activities -- during
24 drilling activities. One of the questions arise as to the
25 impact drilling -- impact the drilling activities will cause to

1 our subsistence fishing, is that leasing agency prepare to
2 compensate subsistence fishers?

3 All the sea mammals will be -- will be impacted
4 during drilling activities. The circle of life as we know it
5 will be impacted. Are the leasing agencies ready and willing
6 to compensate our subsistence users? Thank you.

7 MR. BROCK: Thank you, sir.

8 (Pause)

9 MR. BROCK: Mr. Brower. I can't read it. Rodney?
10 Is that the way?

11 MR. JOHNNY BROWER: Johnny.

12 MR. BROCK: Oh, Johnny. Okay.

13 (Pause)

14 **PUBLIC TESTIMONY OF MR. JOHNNY BROWER**

15 For the record, my name is Johnny Konuk Brower. I am
16 from a little village in Barrier area, Igulkarluk (ph), Inupiat
17 whaling community. I am speaking here as an individual, and I
18 am also representing my family that has whaling -- whaling
19 activity agendas each year -- twice a year. And, specifically,
20 I wasn't informed of this meeting, but I was listening on the
21 radio and it started to sound like something was going on so I
22 got interested in finding out what's going -- what's going on.

23 As a active Inupiat subsistence person in the
24 community and very active in whaling, I don't know why we don't
25 get any information through letters for this kind of meeting.

1 It seems like somebody wants a general arena of certain people
2 at times. And I'm not very fond of certain -- certain type of
3 arena meetings only.

4 I would like to -- if I -- if I could be -- if I
5 could push a debate, I -- I-- I'm always interested in some --
6 some sort of -- some sort of participation. I've just got --
7 I -- my statement will be informal and my testimony will be
8 informal myself. There will be a lot -- a lot of whaling
9 activity and subsistence in terms of the hardship in fall time
10 whaling. And -- and the I guess, problems in subsistence
11 hunting in some areas, sometimes.

12 Anyway, I grew up here in Barrow. I grew up mostly
13 in Eagle (indiscernible), called Browerville, for educating
14 people. And I went to school in Oregon. And I was the
15 president of my Inupiat people from Alaska North Slope region
16 in the state of Oregon. I have been a very outspoken person in
17 Oregon. Very active, sometimes I get invited to speak in
18 meetings, and etc. Some of my past activities -- but I've been
19 living up here in the North Slope since I got out of school,
20 other than going out for college every now and then.

21 According to some of the activities we've had here in
22 the North Slope, the beginning part, I'm not very fond of this
23 whale census activity taking place here in the North Slope
24 country because somebody on a hearsay basis made it public that
25 there is only 947 whales. And there is no record of that

1 person's testimony or why they mouthed off 947 whales. And
2 this kind of insult to my Inupiat people, and my Inupiat tribe
3 is very ugly according to my -- according to my feelings and
4 nature.

5 There are times that I would like to express it very
6 profoundly but I take -- I make -- I make a demand to withheld
7 it a lot. At times in facing some hard -- unnecessary
8 hardships is very ugly and unnecessary intrusions are very ugly
9 but we humble ourselves in an organized fashion when they
10 conduct a tribal meeting about the situation that arise and
11 why -- why it's like that.

12 And I for one -- one of the persons who courageously
13 disagree with the census study because the facts and findings
14 that somebody said 947 whales and never had seen a whale or
15 even had been out in the ocean area. They are probably still
16 just living in the city to this day.

17 Anyway, about this seismic activities and the
18 drill -- drill ships, personally myself I co-captain for my --
19 for my whaling captain a lot in certain seasons and experience
20 good whaling seasons and sometimes hardship cases. But we make
21 do and make the best of it even if its a hardship case.

22 We have experienced that drill ship out here -- just
23 out quite a ways from Barrow. Usually we encounter whales from
24 the point at the farthest sometimes maybe 12 miles. My
25 information and understanding in sightings and -- and traveling

1 in bo- -- hunting and pursuing whales, 12 miles from the point
2 is usually quite distanced for fall times at various seasons.
3 With that drill ship, we -- we went out maybe 10 days in a row,
4 we went out whaling, but we would -- we would go past that --
5 that drill ship that -- out there and the first sea mammal we
6 would encounter would be between to seven to 10 miles north
7 side of that drill ship and it would only be a -- it would --
8 they would only be grey whales.

9 Very specerie (sic) -- very specifically in my mind
10 they are very noted because I can recall and use them if I have
11 to -- to make a testimony or a statement. And, seven -- seven
12 to 12 miles north side of that drill ship we -- we encounter
13 very few grey whales. And, when we get passed around 17 miles,
14 in a great distance, we could see the different types of the
15 blows that the whales use when they come up for air. And, if
16 your -- if you understand what type of a blow it is, you could
17 either pursue it or just say it's another whale that's --
18 that's not specifically for consumption to our taste.

19 And, in 17 miles, we would with -- with my fellow
20 whaling activity crew, we would -- we would sight bowhead
21 whales that -- the closest north side of it 17 miles. And
22 that's quite a ways. But to be able to harvest and bring some
23 food home, to be able to share with the community, we go to a
24 great distance and great hardship.

25 We didn't ask for those but that's we -- that's what

1 we deal with every so often. Things happen in a very -- even
2 though when we don't when we want them to -- or if we don't
3 like them, they come around.

4 It would -- it would be nice if the United States of
5 America would treat us like real American people and instead of
6 just stepping on us and stomping on us and using us for general
7 information and information gathering that they could put on an
8 environmental statement impact paper that can be circulated
9 from office to office so people don't have to come to Alaska to
10 use the information or say I have this-- I have this knowledge
11 because I read this from the impact statement. So it could
12 bring somebody else, maybe in Dallas, Texas or Boston,
13 Massachusetts or in the certain university.

14 All these -- all these things that are being gathered
15 and written down and collected from very professional people in
16 tribal, traditional ways, these people that speak for -- speak
17 in these meetings, they to me, they have the doctors degree of
18 knowledge in the areas on what I wanted to do and learn to do
19 when I was very young. But what I got for education in the
20 state of Oregon, wasn't qualified to fit very useful in a
21 subsistence and traditional way of life, but I can use it for a
22 useful -- usefulness in some of the areas that I -- that I get
23 into sometimes.

24 And, the whales from -- the whale activities we
25 hunted that one -- one year from my own -- from my own

1 experience in harvesting and helping harvesting other whaling
2 captains in -- in the same general area, we would move -- move
3 around in crews. We hunt in crews. And we help each other
4 when somebody gets -- when somebody strikes a whale, we would
5 help -- we -- we -- we'd cooperate if they'd put the whale out
6 of its misery. And then cooperatively tow it back to town to
7 be butchered and harvested for consumption.

8 And, I'm not -- I for one, I don't think we should be
9 forced into these kinds of categories against our own free
10 will. In some ways in -- there's a lot -- lot of things that
11 are -- I want to say that are -- they've already been said on
12 some of these well protected federally made laws, but I guess
13 when Congress passed the bill that they want to integrate the
14 Arctic Natural Wildlife Reserve, because it is a very unique,
15 beautiful place that would be considered a place to go to and
16 do something or even do some -- a place to go do some hunting.
17 Or just enjoy the view.

18 Now, there's a lot of talk -- there's a lot of talk
19 that people are asking, 'Can you help support us?', endorse the
20 drilling in the area where the Congress has bill -- passed the
21 bill. And in the ar- -- general visiting areas where wild
22 animals are very endangered. Not just sea mammals, land
23 animals in some sense, bird species-wise, stellar eiders, they
24 do a lot of nesting in the background, back woods of the
25 Barrow, even though there is no woods around here. Our back

1 woods are the rivers and lakes.

2 We do a lot of traditional harvesting and gathering
3 in our -- in our traditional ways. And in -- it's very
4 disturbing. For years and years, all these conductions of
5 meetings and nobody relaying anything to Congress or when they
6 head back to D.C. or some place where they are going to do all
7 their work to -- to finalize the statements. They don't --
8 they don't say these people are living in the endangered area
9 and what they're hunting, it's endangered -- so endangered that
10 if they could deplete it.

11 Being a Native and having nothing to hunt is very
12 embarrassing. Native enjoy gathering food, and hunting for
13 food. It's the only livelihood a lot of people have. I
14 presume most of you -- you have some sort of a budgeted agenda
15 for an office or a committee that -- that lives -- that lives
16 off getting paid conducting these meetings. Traveling to long
17 distance places, like to Barrow and other places. We, we
18 Native people who -- who come here to speak, to help you write
19 these impactment -- environmental impactment statements. We
20 don't get paid for this.

21 It would be nice -- it would be nice if your -- your
22 budgeted plans for your office and committees, if they
23 sufficiently fund people for helping you for doing these
24 things. It would be okay for me. It's -- a lot of people
25 have withheld and hold back for a long time, and in some ways

1 it's noticeable eventually that it's getting to a point of
2 where I'm getting sick and tired of it -- it's too much.

3 It's going to a meeting -- meeting after meeting
4 after meeting after meeting, it's -- I don't get nothing out of
5 it, but I put my two cents into it. What do you get out of it
6 for conducting these meetings?

7 MR. BROCK: What do I get out of it?

8 MR. JOHNNY BROWER: Yeah.

9 MR. BROCK: This is my job. Yes.

10 BY MR. JOHNNY BROWER (Resuming):

11 Most of us Natives up around here, the only livelihood and
12 job we have at times is only subsistence hunting. And I know,
13 in some different foreign countries, they have rules and
14 regulations where there the hunting areas are within the
15 jurisdiction of the law and it's well enforced, and it's well
16 protected.

17 If they set aside something similar to ANWR, it's
18 their religion to practice to keep it that way because it was
19 designated and conducted and set aside and placed as the law
20 that this area is a safe -- a good place -- a good place called
21 wilderness. A habitation of wild animals and etc. It's not
22 just for -- not for --- it's not just for bird species, not
23 just for caribou species, but within their water districts,
24 also.

25 A lot of fish, belugas, seals, polar bears, whales.

1 A lot of stuff we harvest around here, they're seasonal
2 migrators. They come up when summer is starting. And when the
3 summer is full bloom, their general duty is to nest, raise
4 their young. And they have only a certain limited season to do
5 that. And after that is done, they raise their young to a
6 point where -- where they can fly off and start doing their own
7 things, and then nature takes place from there.

8 I, myself, would like to see a very strong ruling
9 to -- to be able to protect these subsistence territories for
10 subsistence hunters. Especially the Native way of life.

11 Looking for oil and wanting to do more oil drilling
12 is getting -- getting to a point where who wants to listen to
13 anybody? We'll go ahead and do our drilling anyway. It seems
14 to be that type of an attitude.

15 State of Alaska doesn't consider the Inupiat people
16 very much. I think the Inupiat people should have the right
17 the rightful ownership of the oil and the money. God knows,
18 they -- truly they deserve it. And they shouldn't be deprived
19 of it, either. And in any other meetings or gatherings of
20 information, personally, myself in my own feelings, I would
21 like to see my tribal -- my tribal agency offices being
22 notified that they may be able to place it within -- within the
23 Native community. That way the Native people would be able to
24 understand what's going on. Instead of like the elder Mr.
25 Hopson just stated.

1 I heard -- I heard Burton Rexford talking on it --
2 about it on the radio. That's how I found out about on --
3 about the meeting. I wasn't informed. I heard about it on the
4 radio after the meeting got started.

5 I think these kind of ugly intrusions and insults
6 into our Native way of life. That's -- that's -- that's got to
7 come to a stop. We've had enough of it. And believe me, when
8 they start practicing what they want to do, when they start
9 speaking and saying they are going to do something about it.
10 You'll understand the impact effect of it. Thank you very
11 much.

12 MR. BROCK: Thank you, sir. Mr. Oleman.

13 **PUBLIC TESTIMONY OF MR. NATE OLEMAN, JR.**

14 Hello. My name is Nate Oleman Jr., I'm a whaling
15 captain. Briefly in Inupiat.

16 (Speaking in Inupiat)

17 What I just stated was even though I want to give my
18 testimony in Inupiat, I can't do that right now because you
19 don't have a translator on board. And I want you to understand
20 what I'm going to say. And I'll speak in your Native tongue,
21 since I can't speak in my Native tongue.

22 MR. BROCK: Thank you. We appreciate that.

23 BY MR. OLEMAN (Resuming):

24 This has been a whaling community, prior to
25 establishment of government entities. First we started off

1 with the Native village of Barrow, with their tribal board and
2 BIA was involved. And, City of Barrow was incorporated with
3 their city council and their commissions. Then, not too long
4 ago, North Slope Borough was established with their North Slope
5 Borough assemblymen, and they have 15 departments and 12
6 commissions.

7 In fighting for our rights up here, we had to
8 establish governments. And, to this day, those three are still
9 in existence. But we have to address to other entities here
10 locally in Barrow which I'll name off: ICAS with their
11 regional tribal board; ASNA with their regional tribal board;
12 BIA; State of Alaska and their legislation; BLM; Alaska Native
13 Hospital; the Weather Bureau; and to the Land Clai- -- Lands
14 Claims Act, UIC emerged with their board; ASRC with their
15 regional board.

16 And then when we were told to stop whaling from
17 Barrow, AEWC emerged. They have their regional board; we have
18 our own Barrow Whaling Captain Association with the support
19 from UAA, and we work closely with Barrow Volunteer Search and
20 Rescue. Also, from the establishment from the North Slope
21 Borough, North Slope Borough School District was established
22 with their school board. We have the flex (sic) with their DEW
23 line, and we have Aquamac TC. We also have to deal with our two
24 U.S. Senators and our Representative in Barrow alone to fight
25 for our rights to hunt.

1 For our subsistence, we have over 40 agencies that we
2 have to deal with every day. That is not going out of Barrow
3 to go see someone else; that's just in Barrow alone. That's
4 not counting the numerous nonprofit organizations, like the
5 Alaska Legal Service, and we have a lot of businesses. We did
6 this to respond to the oil companies that came in, the federal
7 agencies that keep coming up, like you, for whaling, IWC, State
8 and rest of the world that have shown interest in our community
9 for drilling rights within our backyard.

10 We also have new organizations that emerge to answer
11 local issues that are taken up from local concerns. And from
12 the local issues, it goes to the State, they show interests and
13 are very watchful of what we are doing. Our nation is watchful
14 or what we are doing; so is the rest of the world. We get a
15 lot of news media from a local issue, which was the alcohol
16 Proposition 1, the Sobriety Movement and Freedom Council.

17 When we have an issue locally, it starts from local
18 to state to our nation, to the world. We were a small
19 community that didn't have any form of a government; now we
20 have over 40. That's not addressing what we have to respond to
21 the state, to our nation, to Washington D.C. or to the world
22 organizations.

23 In closing, I (sic) opposing the offshore lease sale.
24 You had come up here on November 10, 1989, with your five-year
25 OSC plan, we were aware of that. I have made numerous

1 statements since I've been up here. I have been an elected
2 official for 17 years. And I have made a lot of statements to
3 you to different organizations and I'm -- I'm opposing the
4 offshore lease and go ahead and open up ANWR, because both of
5 them will bring money to your government. That's the intent,
6 is to get some money from the lease or from ANWR. They both
7 serve the same purpose. I'd rather have ANWR open up on-shore
8 versus offshore. Just leave our whaling alone. Thank you.

9 MR. BROCK: Thank you, sir. Max?

10 **PUBLIC TESTIMONY OF MR. MAX AHGEAK**

11 Good evening. My name -- for the record, my name is
12 Max Ahgeak. I'm the President of our local village
13 corporation, UIC. The area that is being proposed for -- for
14 sale, for exploration, development, and production of oil and
15 gas are the prime hunting grounds for our shareholders of our
16 marine mammals.

17 This sale concerns us very much because of the ever-
18 changing conditions of our ocean. The currents and the ice
19 conditions are always changing at a moment's notice. I don't
20 believe that this draft proposal will ensure that our
21 subsistence lifestyle will not be jeopardized by the
22 development of oil and gas in Arctic waters. For that reason,
23 we are against exploration on our ocean which we depend on for
24 our substance -- subsistence lifestyle, which we treasure because
25 of our culture. And I'll be following through with a written

1 statement. I just wanted to make a short comment. Thank you.

2 MR. BROCK: Thank you, sir.

3 (Pause)

4 MR. BROCK: Did you want to make a comment?

5 MS. CARROLL: Yes.

6 MR. BROCK: Okay, you're on.

7 **PUBLIC TESTIMONY OF MS. MARIE ADAMS CARROLL**

8 Thank you for this opportunity. My name is Marie
9 Adams Carroll. I am -- I didn't realize there was a meeting
10 going on, with a hearing on Lease Sale 144. I work with Public
11 Information, and it's a little embarrassing. It seems that
12 there wasn't very much advertisement about this meeting.

13 I wanted to say, first off, that I wanted to make a
14 brief statement. I support the comments of the North Slope
15 Borough Wildlife Management Department office studies that
16 they've been involved with. I've been involved with marine
17 mammals since 1978, over 15 years, working first with the
18 Alaska Eskimo Whaling Commission, and now I'm working with the
19 Alaska Beluga Whale Committee. And it seems to me like it's
20 just frustrating to come here year after year, every time you
21 come here, and not seeing any results of the hard work that
22 we've put into this.

23 We've spent millions of dollars from our community to
24 address the concerns that we have with offshore oil and gas
25 development and our subsistence hunting. None of that is

1 addressed; none of that is acknowledged. It is disheartening,
2 and as Edward Itta said, we might as well turn our backs on you
3 cause we haven't seen any results from all that hard work.

4 The other thing I wanted to -- briefly state is with
5 the continuing debate over ANWR. It seems like a sham, that
6 this administration, and I'm talking about President Clinton's
7 administration, who propose to keep ANWR closed. He's willing
8 to threaten endangered species, just offshore from ANWR. It
9 really does make us feel that no one really listens to us. We
10 don't have the environment with -- on our side with this issue.
11 We don't have the Humane Society, or any of those other
12 conservationists on our side, like the Gwich'in have with the
13 ANWR issue.

14 So we don't get the attention that we should be
15 getting here because we're dealing with bowhead whales.
16 Population of 8,000 bowhead whales. And our President is
17 claiming to be an environmentalist, trying to protect over a
18 100,000 caribou. It is very disheartening to see that on this
19 end of the world.

20 So I hope you carry this message. I strongly -- I'm
21 strongly in opposition to oil and gas development offshore
22 because if anything happens with that our way of life is going
23 to be shattered. All of the dreams that I have for my
24 children -- and I have three boys that we're raising up here,
25 that I want to have them live up here where my heritage is and

1 to learn the subsistence life that we grew up with. That's
2 going to be shattered because you're unwilling to listen.

3 This administration, President Clinton who proposes
4 to be an environmentalist, is willing to put our lives on the
5 line. And I am -- I guess I'm very disheartened by the whole
6 affair. The publicity, you know, that comes out of ANWR. And
7 here we are, the only people trying to protect offshore marine
8 mammal resources.

9 Do we have the environmentalist crying in front of
10 President Clinton? No we don't. We're the only ones that cry
11 to protect our own lives and resources up here. And its -- I
12 think its totally unfair for you to come here year after year
13 and all this hard work, there is nothing to show for it.
14 Nothing to show for it. Not in your EIS statements.

15 In fact, I was looking at it, and I saw the same
16 person who is cited in your document that the Clinton
17 administration uses to protect the porcupine caribou herd to
18 say that if an oil spill occurs near Kaktovik, it's only going
19 to have maybe up to a years impact on caribou hunting in
20 Kaktovik area, near the offshore area.

21 And it seems to me like if the President had been on
22 the other side of the issue on ANWR, he would have said the
23 same thing. He would have used the information the way he
24 wanted -- he wants to and that is, you know, it's just seems to
25 me that there's no real hard look at the information that

1 you've presented -- you been presented with from the North
2 Slope Borough Wildlife Management Department, our researchers,
3 and the university scientists that have done the reviews.

4 That -- you know, I've talked with the Department and
5 they do a lot of work because I work with them on other issues
6 so I just wanted to say, I strongly oppose offshore development
7 and basically, I hope that President Clinton realizes that the
8 caribou are not the only issue up here. The Gwich'in aren't
9 the only people up here. There's Inupiat who depend on
10 offshore marine mammal resources that you are putting on the
11 line. And you are putting our lives on the line because of
12 that. Thank you.

13 MR. BROCK: Thank you, Marie. Arnold Brower?

14 **PUBLIC TESTIMONY OF MR. ARNOLD BROWER, JR.**

15 For the record, I'm Arnold Brower Jr. I'm a tribal
16 council member for the Native village of Barrow and work as a
17 Special Assistant to the North Slope Borough Mayor.

18 I've been working in the Borough since its conception
19 in 1972 and I have dealt with these issue and testimony like
20 everybody else that -- like all the distinguished colleagues
21 and associates and whaling captains before me. Their
22 distinguished statements and I support all of them.

23 I want to emphatically tell you that you have not
24 convinced my people. You have not convinced us that you will
25 do a good job offshore. You have not taken any technology up

1 here to tell us and convince us that you will do it safely,
2 soundly, and environmentally sound manner.

3 I think the Badahma (ph) project has indicated to us
4 at least that they are trying and they can do a very --
5 pipeline system. But things of that nature need to come to us,
6 that we may look at it and see that it is environmentally
7 sound. That it will not threaten our livelihood.

8 I think that many people here have already discussed
9 the misstated 'the sea is our garden.' We harvest what we eat
10 from the sea. We don't harvest crops in the Arctic. We don't
11 plant and do farming on land like everybody else. That's why
12 it's so critical that we maintain our culture and protect our
13 interests in the ocean.

14 All our fish, all our seals, all the walrus, marine
15 mammals, polar bear, they've already discussed that. It's our
16 life. Inupiat way of life. That's what we are Inupiat.

17 Until we see something that says it can be done
18 safely. To this day it is no drilling. Do not drill offshore
19 for any kind of development until you find technology and bring
20 it here and show us. Here is the model.

21 I think that -- I applaud that you have come here and
22 at least have got some statements and testimony from our
23 people, and this is why we don't want it, because we thrive on
24 the Arctic Ocean. And I would like to send that message real
25 clear to your department, that there shall be no drilling. We

1 don't want any drilling.

2 You have no system, no technology to prove that you
3 can -- to development of any kind of that nature in the Arctic.
4 Thank you very much.

5 MR. BROCK: Thank you. Harry Brower, Jr.

6 **PUBLIC TESTIMONY OF MR. HARRY BROWER, JR.**

7 Good evening. For the record my name is Harry
8 Brower, Jr. I'd just like to comment that the comments I make
9 are my personal comments. I'd like to start with the --
10 stating that I'm in opposition the offshore lease sale.
11 Another thing is -- another reason for that is I've had
12 personal observations on bowhead whales being diverted further
13 out from shore due to seismic activity.

14 Just in that many years, one of the drill ships
15 shi- -- sitting out there in idle, I've had personal
16 observations from that in a -- in a -- using a GPS as to where
17 the kill location sites of whales were in -- in noted on -- on
18 the maps that the kill sites are a lot further offshore than we
19 normally hunt. In the good season that's -- that without any
20 ship movement out there or without any seismic activity out
21 there, it's really eas- -- easily noted or readable on the
22 maps.

23 I've got -- we've placed two maps up there, ones for
24 Barrow area which includes -- also includes Nuiqsut and
25 Kaktovik areas. I can point out to you some of the areas that

1 are -- you know, that have diverted the whales due to the
2 seismic activity. The furthest one is for Nuiqsut, it's on the
3 first map there. And the-- the -- the -- I think it's No. 107,
4 that is just a second location that was given to us. And that
5 was on the map. The first location was not even on the map,
6 where the kill site of the whale was. That's just some of the
7 information I'd like to share -- share with you on the -- on
8 the harvest locations.

9 Then, in this document, your EIS -- it goes to say
10 that there's -- talking about those bowhead -- mig- -- north
11 wood mig- -- spring migrations. That most of the whales or all
12 whales just keep moving up north into the Canadian border and
13 to the McKenzie Delta. But that's not true.

14 Also -- from my personal observation, I've seen
15 whales sitting here in the middle of the summer, when we are
16 out hunting bearded seals on the ice edge. They're here during
17 the summer, too, so this statement here in the book isn't true.
18 And I don't know why it wasn't noted, maybe it's due to the
19 lack of literature that was written by the people that
20 formulated the EIS. Anyway, that's one of the comments I
21 wanted to make.

22 Another one is regarding subsistence harvest
23 patterns. I've -- I've worked for the North Slope Borough
24 Wildlife Management for the past three years. I'm fairly new
25 to the Borough, even though I've lived here all my life. In

1 fact, I've been into the harvest documentation project for the
2 Borough it's fairly recent and new, too.

3 In just reading the statement on 3C-9, its -- it
4 talks about -- in the middle of the paragraph -- or the
5 paragraph here:

6 "Subsistence activities which are assigned the
7 highest cultural value by Inupiat provide a
8 sense of identity as well an important economic
9 activity. The importance of hunting to the
10 maintenance of the cultural identity is expected
11 to grow in the near future as social pressures
12 associated with oil development build."

13 Then it goes on:

14 "Inupiat's scope and concerns regarding oil
15 development for Sale 144 can be divided into
16 four categories: One, direct damage to
17 subsistence resource habits or subsistence
18 resources and habitats. Two, disruption of
19 subsistence species during migration. Three,
20 disruptions of access to subsistence areas. And
21 four, loss of Native foods."

22 I think that's a good -- one of the statements I
23 would support from my own observations from doing the harvest
24 loca- -- kale site locations on bowheads. I can see that is
25 true. Just -- just to see this in the book and from my own

1 personal observations. I think I'd still -- I still say
2 I'm.....

3 MR. BROCK: What page was that on, sir? Just so
4 I.....

5 JEFF WALKER: 3C-9

6 MR. HARRY BROWER, JR.: Wha- -- 3C-9.

7 MR. BROCK: 3C-9. Okay. Thank you.

8 MR. HARRY BROWER, JR.: Yes.

9 BY MR. HARRY BROWER, JR. (Resuming):

10 But then like Dr. Albert said -- there's some other
11 comments that were made by Dr. Albert earlier, saying there's a
12 lot of studies that were not incorporated into the document.
13 And I think that's a shame that they weren't included. You
14 know, there's a lot of literature there that could have been
15 useful for making these decisions.

16 And as to the -- regarding the IWC. There's a --
17 we're limited to harvest bowheads cause they're on the
18 endangered species. And we're now in the quota -- they have a
19 quota system placed for bowhead whales. And then -- and
20 regards to the IWC on 3C-11, it states:

21 "Barrow whalers in the fall only if they do not
22 get their quota during their previous spring
23 hunt."

24 I think that's a misleading statement.

25 There's quotas that are in place to the communities,

1 but then there's transferable strikes that are -- that can be
2 transferred to the community that will hunt during the fall. I
3 think this is a very misleading statement. And I think it
4 should be corrected.

5 And for another instance would be a -- if an oil
6 spill occurred in a whale -- some whales get killed by the oil
7 or whatever from ingest- -- from the food that they eat. They
8 ingest that. And what kind of restrictions are going to come
9 from IWC? Just because of the oil spill?

10 The first thing that'll probably be is to stop
11 whaling. Because of the oil spill that occurred. I think that
12 are some of the things you need to keep in mind as -- when you
13 are thinking about the OSC and the lease sale.

14 I think I -- I think I'd like stop here and just
15 thank you folks for coming up here to hear comments and I hope
16 you hear what everybody said. Just put one ear -- put one
17 finger in one ear and just shake your head a little bit and
18 maybe you'll file it up in your brain cells there.

19 (Laughter)

20 MR. HARRY BROWER, JR.: Thank you.

21 BOB BROCK: Thank you. And thanks for your help this
22 evening. Mr. Edwardson.

23 **PUBLIC TESTIMONY OF MR. ROBERT EDWARDSON**

24 Good evening. For the record, my name is Robert
25 Edwardson and I'm -- I'm a member of Native village of Barrow

1 and I -- the reason why I'm here is I've been listening to this
2 on the air and I've started whaling ever since I was going on
3 10 years old and my ancestors are blue-blood whalers on my
4 mother's side. And on my father's side, my grandpa was from
5 Norway and our -- these people's concerns are very real.

6 We are the experts of the ice. Us Inupiat, and Dr.
7 Albert's statements, and all -- all these people's statements
8 are very true and they come from the heart and they work hard
9 and I believe the Department of Interior, the Canadian
10 government has devastated us in all fashions.

11 Way from the 1800s, beginning when they went
12 commercial whaling, that the Inupiat has been devastated very
13 much and has done a lot of harm to it -- to our people and I
14 believe that the United States and Canadian government had
15 worked hand in hand to -- to eliminate some of our very
16 powerful kinds of people that had existed in the past, which
17 were Shamans. And that is why the government had a ship called
18 the U.S.S. Titus to come up here to eliminate some of our
19 stronger people, and they took them out seven miles out in the
20 sea and shot them.

21 I mean that -- the kind of devastation we've been
22 going through since -- and this was for commercial whaling.
23 When it's on behalf of the Canadian government and the United
24 State's government, it's all right, it's okay for them to do
25 so. But when it's our turn, or it's been our lifestyle, the

1 Canadian government and the Americans have just devastated us.
2 They've stomped over us, like our Mayor said, that it's our --
3 you know, our backyard.

4 You're in our backyard and our ocean is our -- our
5 table, our food table, and I believe there is no technology you
6 have out -- anywhere in this world that can handle that Arctic
7 ice pack. And I worked for the oil industry. I've helped
8 build the Trans-Alaska Pipeline in all ways, in their
9 engineering, and I believe that the lease sale is not in the
10 best interests of the Inupiats. It's only in the best
11 interests of the national debt. That is the only reason why
12 you folks want to go out there, to pay your national debt. And
13 the only reason why you have a national debt is you learn just
14 to take. Take, take; that's all you do, take from the people.

15 And in God we trust. Believe me, Inupiats believe in
16 God very much. And they respect the American flag, and the
17 Canadian flag. That is why we had followed all these entities
18 that Mayor Oleman, former mayor, had mentioned earlier to -- in
19 respect to the United States Constitution. In respect to it.
20 And what do we get? All we do -- all they do is they go stomp
21 right in and go ahead anyway.

22 And I think it's about time that the United State and
23 our Senators, that they quit being so selfish and look at the
24 reality of it. The reality of it is why America is going
25 broke, because they take and take. They give to other

1 countries but they don't -- they only take from the Inupiat.
2 They take, they've been devastated us for long time.

3 And I believe that the Secretary of Interior should
4 finish his job first before they can even have another lease
5 sale by settling Edwardson v. Morton case that was a trespass
6 case we had in Prudhoe Bay. And I believe that the oil -- the
7 big giants or oil giants, just because they're people that want
8 to drive their cars in the Lower 48 doesn't have the right to
9 stomp over us and go spill oil in -- on our table.

10 And it's -- you know, we've been more reasonable to
11 the United States and the Canadian government of cooperating
12 and creating all these entities just to satisfy you folks. I
13 think that it's -- that the United State's government is too --
14 the revenues that they owe us that is so -- why the America is
15 broke, 'cause they take. They -- they've never given.

16 They never give to us, very little maybe. Right now,
17 according to Title 25 we're supposed to be getting 12.5 percent
18 of total production. And what do they give us today is only
19 very little. It's a drop in the bucket of what they're
20 producing.

21 And I think those oil giants better fight better here
22 and that we are going to go after them. That if they too go
23 out we are going to go after them in the strongest way. That
24 we will pray to our God that we may win this case against them,
25 cause they do -- they do owe us some revenues for already one

1 case. And I think that the oil giants should have respect to
2 the Inupiats. And the Department of Interior has his job to do
3 to go collect on behalf of the Inupiats from -- from the oil
4 giants.

5 (Off record)

6 (Tape Change - Tape No. 3 of 3)

7 (On record)

8 BY MR. EDWARDSON (Resuming):

9 And it is a very good document that the -- first
10 leaders of the country had wrote. And I believe if the
11 American people live by that Constitution, that they wouldn't
12 be broke today. They tried to make too many shortcuts and that
13 is why they're -- they're hurting today. They forget their
14 God, being selfish.

15 And I believe that the Secretary of Interior should
16 fulfill that Edwardson v. Morton trespass case and to pay our
17 corporation, our regional corporation for the trespass and the
18 revenues that the Department of Interior owes us in the name
19 of -- just responsibility. That the job description is
20 prescribed for Department of Interior.

21 And I thank you for -- folks for coming but you're
22 supposed to notify the entities prior to coming. Like a 30 day
23 notice is required by law to -- in order to have an OCS hearing
24 or of any kind of hearing. And I do respect you folks for
25 listening, and I hope that -- may God help you to carry this

1 message to the Department of Interior and the oil giants, that
2 the Inupiats are being tired -- they're tired of being stomped
3 over. They are very gentle people. They are more than always
4 cooperating. And I think that at least the government owes us
5 that much.

6 And I hope our President Clinton takes this very
7 seriously. And I believe we have a wonderful country, that we
8 are under an American flag, and I am a great respecter of the
9 American flag 'cause I had tried to join the military, and I
10 didn't pass my physical. But I am a respecter of the American
11 government. Thank you.

12 MR. BROCK: Thank you, sir. Do we have anybody else
13 that would like to testify? This is all that have signed up.
14 Yes, sir.

15 MR. ALBERT: Can I have one more comment?

16 MR. JOHNNY BROWER: Sure.

17 **PUBLIC TESTIMONY OF MR. JOHNNY BROWER**

18 For the record, again, Johnny Brower. From my past
19 experiences in work in Prudhoe Bay and traveling around, in
20 reading the news the last 35 years, I wouldn't think I would
21 want to live the way some folks has (sic) lived quite some
22 years -- long time ago and have to abandon their village and
23 then make a new -- new land selections to reestablish their
24 village.

25 And I don't think I would want my community to be

1 covered with a runway, covering and hiding Inupiat land use
2 history material in the same way that it had been conducted in
3 the past in Colville River Delta. And I think it's about time
4 we take out the dirt and start doing some real American stuff.

5 I, for one, would like to keep my -- keep my status
6 as a Native in my culture and the way -- and the ways of
7 subsistence hunting. And I would like to say, "America, wake
8 up. Start protecting your own Native people." I think it's
9 time to have a new awakening. Thank you.

10 MR. BROCK: Thank you. Mr. Albert.

11 **FURTHER PUBLIC TESTIMONY OF MR. TOM ALBERT**

12 I'm Tom Albert, Borough Wildlife Department. I
13 forgot to note a thing or two. But in any event, if you'd --
14 who ever's going to review this for you folks down there. On
15 page 3B-11 -- 3B-11 is where it mentions the Beaufort Sea
16 feeding study. And that's where the North Slope Borough
17 Science Advisory Committee report should be also mentioned.
18 And I'll give you two copies of that.

19 On page 4B-35, in the last paragraph -- 4B-35 last
20 paragraph it talks about high resolution seismic not likely to
21 have significant effects on bowheads. There's no justification
22 for making a statement like that. If you want to make a
23 statement like that you should put some supporting
24 documentation down. It's just inappropriate to say something
25 like that, last paragraph on 4B-35. If you want to say it has

1 no effect, then -- then you need to cite something.

2 On page 2-5, it talks about a site-specific
3 monitoring plan. And on page 4B-41, it talks about mitigating
4 measures which again talks about the monitoring plan. Let me
5 ask you, Bob, or whoever. Does anyone -- do you know whether
6 these monitoring plans will be reviewed in a normal scientific
7 fashion? That is peer-reviewed. Will the program proposal
8 study design be reviewed and will the final report be reviewed?
9 Do -- do you know?

10 MR. BROCK: That's my impression but no, I don't know
11 that for a fact.

12 MR. ARNOLD: Okay, I don't think.....

13 MR. BROCK: It's --- but that's my impression.

14 MR. ARNOLD:any of them have been earlier.

15 BY MR. ARNOLD (Resuming):

16 The noise and the lead study that's been referred to
17 a couple of times here and the one that was conducted for you
18 by LGL. As you know, after a big hassle that we, you know,
19 rattled your cage on several years ago. MMS established a
20 scientific review board to review the reports of that group.

21 So, in your final Environmental Impact Statement, I
22 hope that you'll put in there whether or not these site-
23 specific monitoring plans are going to be peer-reviewed in
24 their proposal stage and in their report stage. Because if
25 they're not, I'm pretty such what we're going to get. And

1 that's a standard "no adverse effect noted" study.

2 If they're peer-reviewed, and actually good studies
3 they'll probably be like that SWEPI study I talked about for
4 the Corona and Hammerhead thing. The best study that I ever
5 saw done up here in -- in offshore monitoring. Which clearly
6 showed impacts which of course is not even mentioned in the
7 EIS. But I hope in the final EIS, it is. Anyway, thanks.

8 MR. BROCK: Thank you, sir. We appreciate it. We
9 appreciate all of you coming tonight. Nobody else -- anybody
10 else to testify? If not, we will close. I want to thank
11 everybody for coming and I definitely want to thank the North
12 Slope Borough for their assistance in helping us around and
13 getting this -- getting this set up and thanks to all the
14 villages that were involved in this -- these weeks public
15 hearings because we do take this job serious..... Did you want
16 to testify, sir?

17 MR. RONALD BROWER, SR.: Yes.

18 MR. BROCK: Okay, hang on just a minute. We just
19 got somebody come in and -- and I don't -- I won't close it --
20 you just made it in time, sir.

21 MR. RONALD BROWER, SR.: Where should I stand?

22 MR. BROCK: Just any one of those mikes right there
23 will do.

24 MR. RONALD BROWER, SR.: Thank you.

25 **PUBLIC TESTIMONY OF MR. RONALD BROWER, SR.**

1 Good evening. My name is Ronald H. Brower, Sr. I
2 have testified previously in your other reports, and your other
3 presentations and your testimony in Barrow previously.

4 I've been listening on the radio while I'm working on
5 a project here and I came over as soon as I got done. Sorry
6 for my delay.

7 MR. BROCK: It's okay.

8 BY MR. RONALD BROWER, SR. (Resuming):

9 One of the things that I am concerned about is
10 that -- and not having received the notice nor a copy of the
11 document, is a concern that none of the reports or
12 recommendations from the previous meetings have even been
13 considered or taken into account in your reports.

14 In my last report here to -- or discussion with you
15 having a chance to review the documents. It was my observation
16 that the data that you are utilizing is some what 20 years or
17 so years old and that there's been advance in technology.
18 Additional research has occurred over the past 20 years which
19 is not even taken into account in the documents that you
20 prepared or present for public comment.

21 There's a first -- being a representative for our
22 villages AFN for the North Slope region. All of our villages
23 are unanimous in their objection to offshore development.
24 Further, the Innupiak in Alaska, Canada, and Greenland have met
25 and have addressed various concerns regarding our homelands.

1 And one of the things that have come up and I'm sure it's not
2 reflected in your documents is the President Clinton's
3 initiative with regard to the Arctic Council and the formation
4 of the Arctic Council which would be primarily to enhance or to
5 protect the Arctic environment from a global perspective.

6 Even more important is the development which results
7 from the Earth summit in Rio de Janeiro of June '92 which
8 includes the issue or agenda 21. Which is a major action for a
9 worldwide sustainable development. It describes options for
10 combating degradation (sic) of the land, air, and water.
11 Conserving forests and diversity of species of life. It dealt
12 with poverty (sic) and excessive consumption, health,
13 education cities and governments, business people, trade
14 unions, scientists, etc.

15 And it showed what needed to be done to reduce
16 wasteful and inefficient consumption patterns in some part of
17 the world. Out of the -- this agenda 21, the United was-- the
18 United States was a participant in the development and the
19 declaration of the protection of the Arctic environment.

20 It was recognized that the ecosystems and
21 environmental threats do not respect national boundaries and
22 that collective actions should be -- would be more effective
23 than actions of an individual state of which we are dealing
24 with here.

25 The Arctic environment protectional (sic) -- Arctic

1 Environmental Protection strategy was a plan that was adopted
2 for regional cooperation among the second polar countries to
3 provide for the protection, enhancement, and restoration of the
4 Arctic environment and sustainable utilization of the natural
5 resources.

6 These same ministers met again in Nuuk and adopted
7 the Nuuk declaration on environment and development in the
8 Arctic. While AEPS is primarily addressing actions among
9 governments, it also recognizes the special relationship of
10 indigenous peoples to their Arctic homeland.

11 One of the objectives of the strategy is to recognize
12 and to the extent possible, seek to accommodate the traditional
13 cultural needs, values, and practices of the indigenous
14 peoples. The Nuuk Indigenous People Secretariat was
15 established within the AEPS to facilitate communication and
16 enhancement -- enhancement of the participation of the
17 indigenous peoples.

18 One of the goals is to develop areas of concern which
19 were presented by representatives of ICC, the Sami (ph) Council
20 and the Russia Federation of Association of peoples of the
21 north, Siberia and the Far East of Russia Federation. And to
22 this, ICC had completed an analysis that would -- that was
23 utilized in enhancing the goals of the AEPS.

24 In one of those objectives is related to indigenous
25 peoples in the -- was to maximize and to protect the

1 traditional, cultural, and social, and other developments
2 within indigenous peoples.

3 As I understand it, your report once again does not
4 reflect those views which the United States has obligated
5 itself to. And it would be important that prior to -- that
6 before issuing this environmental statement that you get in
7 contact with the Department of State to ensure that the
8 principles that the United States have agreed to, to protect
9 the indigenous people, not only in Alaska but throughout the
10 circumpolar Arctic by these agreements to which the United
11 States is a party to, should be applicable in your process.

12 Because you are not including one of the primary
13 goals that has been identified here which is to en- -- protect
14 and enhance indigenous cultures in -- in their cultural and
15 traditional and sustainable use of the natural resources.

16 In our case, the major resource we are relying on is
17 the bowhead whale. And the comments I have listened to,
18 indicate that the -- none of the concerns in the Arctic area,
19 have been properly addressed, especially in light of these
20 international agreements which the United States has reached to
21 protect the indigenous peoples, and their use of the resources
22 for sustainable development. It has to coincide with the
23 agreements that have been reached and the development of the
24 Arctic environmental protection strategy. And you should give
25 that serious concern as it addresses our concerns. Thank you.

1 MR. BROCK: Thank you. And could we be sure -- be
2 sure and get you to sign in please so that we have your address
3 on. Thank you very much. That's very good. Now, we will
4 close the hearing. Thank you all for participating and we are
5 going to be back in touch with the North Slope Borough and all
6 three villages that have been involved in this so far and to --
7 to work harder on this traditional knowledge, indignious
8 knowledge topic. That's -- that's something that we're really
9 trying to put an effort into and you'll see some changes in it.
10 Thank you very much. Off the record.

11
12 (Whereupon, the proceedings in the above-entitled
13 matter were concluded at 11:30 o'clock p.m.)
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C E R T I F I C A T I O N

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)
_____)

I, CINDY S. CARL, do hereby certify:

(1) That the foregoing pages contain a full, true, and correct transcript of proceedings in the above-entitled matter, transcribed by me, or at my direction and supervision, to the best of my knowledge and ability.

(2) That I have been certified for transcript services by the United States Courts.

(3) That I was certified for transcript services by the Alaska Court System prior to January 1, 1993.

SIGNED AND CERTIFIED:

BY: Cindy S. Carl
Cindy S. Carl
Certified Court Reporter

DATE: 12/5/95

