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PROGRAMMATIC DEIS SEISMIC SURVEYS
IN THE BEAUFORT AND CHUKCHI SEAS
PUBLIC HEARING/MEETING

Nuiqsut, Alaska
Taken April 17, 2007
Commencing at 7:35 p.m.

Volume I - Pages 1 - 42, inclusive

Taken at
Kisik Community Center
Nuiqsut, Alaska

Reported by:
Mary A. Vavrik, RMR

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A-P-P-E-A-R-A-N-C-E-S

James F. Bennett
Chief, Branch of Environmental Assessment
Minerals Management Service
Ken Hollingshead
Fisheries Biologist
National Marine Fisheries Service
Albert Barros
Community Liaison
Minerals Management Service

Taken by:

Mary A. Vavrik, RMR

BE IT KNOWN that the aforementioned proceedings were taken at the time and place duly noted on the title page, before Mary A. Vavrik, Registered Merit Reporter and Notary Public within and for the State of Alaska.

1 P-R-O-C-E-E-D-I-N-G-S

2 MR. BENNETT: Good evening. Thank you all
3 for coming. My name is Jim Bennett. I'm with the
4 Minerals Management Service of the U.S. Department of the
5 Interior back in Washington; actually, Herndon, Virginia.
6 I'm here with Albert Barros, the community liaison for our
7 regional office in Anchorage, Minerals Management Service,
8 and Ken Hollingshead, who is a fisheries biologist with
9 the National Marine Fisheries Service, part of NOAA. And
10 Mary Vavrik is our court reporter here tonight.

11 We're here for a public hearing for this document,
12 Programmatic Draft Environmental Impact Statement on
13 Seismic Surveys in the Beaufort and Chukchi Seas, Alaska.

14 (Translated by Delbert Rexford.)

15 MR. BENNETT: We would like to ask, Annie,
16 if you are willing to give us a blessing.

17 (Blessing offered by Annie Lampe.)

18 MR. BENNETT: Thank you very much. The
19 two federal bureaus that are here tonight, Minerals
20 Management Service and the National Marine Fisheries
21 Service -- now, you may know the Minerals Management
22 Service from lease sales in public hearings past here, but
23 this is not a lease sale. This is not a document for a
24 lease sale. This is a draft EIS focused on seismic
25 surveying in the Beaufort and Chukchi Seas. Both Minerals

1 Management Service and NMFS have a role to play. We need
2 to issue a permit for seismic activities, and NMFS needs
3 to review the application under the Marine Mammal
4 Protection Act to determine whether incidental harassment
5 or incidental take authorization is appropriate.

6 For seismic -- do you want me to break for the
7 translation?

8 MR. DELBERT REXFORD: Yeah, please.

9 (Translated By Delbert Rexford.)

10 MR. BENNETT: Okay. Real quickly, for
11 seismic surveying in 2006 we prepared a programmatic
12 environmental assessment to address both of our agencies'
13 responsibilities under the law. For 2007 we determined
14 that we needed to do a more thorough look, and we prepared
15 this environmental impact statement. I would just want to
16 remind everybody that this is focused on seismic surveying
17 and it's not an impact statement that addresses leasing
18 and drilling and exploration and production. Those also
19 go through an environmental process, which is separate.

20 But we are here tonight to hear from you as far as
21 your concerns and comments on this document are concerned.
22 We want everyone who is here and wishes to speak to have
23 an opportunity to speak, and we will be recording
24 comments, and they will be on the record. And you can
25 also --

1 First, the document itself is available here in town
2 at several locations, including the library and here at
3 City Hall. It's also available on the Web at that
4 address, www.mms.gov/alaska. If you wish to provide
5 written comments, Albert has some forms in the back that
6 you can fill out that are preaddressed and you can just
7 mail them in. Those would be perfectly acceptable. And
8 the close of the comment period is May 14th.

9 MR. DELBERT REXFORD: May 14th at what
10 time?

11 MR. BENNETT: Close of business. May 14th
12 is when we would need to receive the comments in our
13 office.

14 (Translated By Delbert Rexford.)

15 MR. BENNETT: With that, I'd like to
16 reiterate that we're here to hear from you. We can answer
17 some questions with regards to points of clarification,
18 but if we want to get into some discussions, we can take
19 care of that after the formal portion of the public
20 hearing is over. So with that, I'm going to open the
21 floor. (to Mr. Hollingshead) Do you want to make any
22 comments before we get started?

23 (Translated By Delbert Rexford.)

24 MR. BENNETT: With that, I'm going to open
25 the floor. I don't think we have a --

1 MR. HOLLINGSHEAD: National Marine
2 Fisheries Service has undertaken this with Minerals
3 Management Service, this environmental impact statement,
4 to look at the resources of the Beaufort and Chukchi Sea,
5 the impacts on those resources, and also on the
6 subsistence needs of the communities that inhabit along
7 the Beaufort and Chukchi Seas. We have a number of
8 different alternatives that can come down, so we are
9 looking for comments on which of the alternatives. Some
10 give very great protection for bowhead whales and other
11 marine mammals; others give more standard protection that
12 we have in the Lower 48. So we are looking for comments.
13 We're looking for serious review of this document. As Jim
14 said, we have comments until May 14th, 2007.

15 (Translated by Delbert Rexford.)

16 MR. DELBERT REXFORD: We are kind of in
17 the blind because the alternatives you speak of are not
18 readily available for review.

19 MR. BENNETT: Just to clarify, the
20 alternatives are included in this document and they are
21 explained. Maybe Ken can just give you folks a real quick
22 rundown of what the alternatives are.

23 MR. DELBERT REXFORD: Can I just ask the
24 participants if they know what you are talking about?

25 MR. BENNETT: Sure.

1 (Translated by Delbert Rexford.)

2 MR. DELBERT REXFORD: They are under the
3 impression that is your first trip here to Nuiqsut, and
4 they are not totally knowledgeable about your proposed
5 activity. And so that's why I commented earlier that they
6 may be in the blind on this end.

7 MR. BENNETT: A quick rundown might be in
8 order.

9 MR. DELBERT REXFORD: That would be as a
10 matter of professional courtesy to the community
11 participants.

12 MR. HOLLINGSHEAD: Giving it briefly so
13 you can translate it, under the Marine Mammal Protection
14 Act, before there is -- there is a requirement that if you
15 take, harass, injure or kill a marine mammal, you need to
16 get an authorization from the National Marine Fisheries
17 Service. The determination that National Marine Fisheries
18 Service has to make, there are two primary ones: That the
19 impact on the marine mammal stock and species is
20 negligible; there is not a significant impact. The second
21 one, which is critical for the people here, is that it
22 does not have an unmitigable adverse impact on the
23 subsistence uses of those marine mammals. So we make both
24 of those determinations before we issue a permit.

25 For this year, the only permit application that we

1 are processing currently is for Shell to conduct large
2 scale seismic operations in the Chukchi Sea and possibly
3 one in the Beaufort Sea which would start after the
4 bowhead whale hunt is over.

5 They also have a what's called shallow hazards
6 seismic, which is a smaller air gun, a smaller area. So
7 we are currently reviewing that. It will soon be open for
8 public comment. So that's the kind of operation that we
9 look at.

10 MR. DELBERT REXFORD: I just need one
11 clarification. You made a second comment. One is on the
12 impact of marine mammal stock, that one determination may
13 be negligible, meaning minimal.

14 MR. HOLLINGSHEAD: Correct.

15 MR. DELBERT REXFORD: And the second one
16 was what?

17 MR. HOLLINGSHEAD: Not have an unmitigable
18 adverse impact on subsistence uses of marine mammals.

19 MR. DELBERT REXFORD: Would you explain
20 what the difference in those two are because I need to do
21 that with proper --

22 MR. HOLLINGSHEAD: Negligible impact on a
23 marine mammal means not to have a significant impact that
24 we look at as being an impact on reproduction, survival,
25 et cetera. So it's a large impact. An impact on a

1 subsistence use can be a more minor impact. Deflecting
2 animals, the bowheads, offshore can be a significant
3 impact on the -- on the community.

4 MR. DELBERT REXFORD: Okay. One is on
5 reproductive stock and the other is on actual subsistence
6 activities.

7 MR. HOLLINGSHEAD: Correct.

8 MR. DELBERT REXFORD: Okay. Thank you for
9 the clarification.

10 (Translated by Delbert Rexford.)

11 MR. DELBERT REXFORD: And on the shallow
12 seismic activities, what's your comment?

13 MR. HOLLINGSHEAD: They will be using a
14 smaller source that should not have as great an impact,
15 but they want to do a close-to-shore survey, shallow
16 hazards.

17 (Translated by Delbert Rexford.)

18 MR. TONY CABINBOY: How close to the
19 shore? How close are you talking about?

20 MR. HOLLINGSHEAD: I think it's in the
21 Sivulliq lease sale area for that shallow hazard, so it's
22 fairly -- it's in their lease site. So it's offshore.
23 It's in federal waters. So it will be, what, three
24 miles.

25 MR. BENNETT: More than three miles.

1 MR. HOLLINGSHEAD: More than three miles
2 offshore, but in their federal lease sale areas. I would
3 have to look up exactly where that lease sale is. These
4 would be the same area that Shell has been to this
5 community to discuss.

6 MR. DELBERT REXFORD: Do you have an
7 overhead projection of where they propose? That would be
8 very informational.

9 MR. BENNETT: I'm afraid we don't. We
10 were supposed to get some maps today, but --

11 MR. DELBERT REXFORD: As a federal
12 government agency, it's three miles and beyond and not
13 within State waters.

14 MR. BENNETT: Correct.

15 MR. DAVID SMITH: We have a map over here
16 that shows Shell's activity, and it shows the three-mile
17 limit.

18 MR. HOLLINGSHEAD: This application is
19 still under review by the National Marine Fisheries
20 Service. When we expect it will be publicly available in
21 a couple of weeks, then it will be available for review
22 for 30 days, and we will see that the community gets that
23 copy.

24 (Translated by Delbert Rexford.)

25 MR. DELBERT REXFORD: That's the intent of

1 the shallow water area is three miles and wherever it's
2 shallow?

3 MR. HOLLINGSHEAD: Yes. Shallow
4 hazards --

5 MR. DELBERT REXFORD: Shallow hazards,
6 which is less noise causing, less disruptive, as I
7 understand it.

8 MR. HOLLINGSHEAD: Shallow hazard is for
9 more localized. What they look for are areas where there
10 might be a potential to ensure that there is no leaked oil
11 spills, unexpected oil spills, no archeological resources,
12 no cultural resources. There are certain areas. I'm not
13 in MMS, so I really am not qualified to talk on that
14 subject. But it's a small air gun. Shell is talking
15 about reducing it to like about 40 cubic inches, which in
16 the Lower 48 is now less than any we even consider looking
17 at. They just get a de minimis interpret -- de minimis
18 and then go out and do the work.

19 Shell and the National Fisheries Service are looking
20 at this. Also the North Slope Borough wildlife department
21 is currently reviewing this application also to make sure
22 that it's going to be okay.

23 (Translated by Delbert Rexford.)

24 MR. HOLLINGSHEAD: Moving on to the
25 environmental -- back on to the EIS --

1 MR. TONY CABINBOY: Could you hold on a
2 second? That three-mile -- off the three-mile coastline,
3 before that time -- you say after whaling they want to do
4 the seismic operations, is that correct, after the whaling
5 season?

6 MR. HOLLINGSHEAD: That's correct.

7 MR. TONY CABINBOY: After the whaling
8 season is our season for qaaqtaq. The Arctic cisco comes
9 through from Canada along the coast there. I'm pretty
10 sure that's going to have some type of effect on it,
11 wouldn't you think, if they are doing seismic at the same
12 time that the fish are coming through? They will be
13 disturbing their routes to come here to our fishing
14 grounds where we do our subsistence fishing.

15 MR. HOLLINGSHEAD: That is an issue that
16 is taken up with Shell. What we are working on is the
17 permit for the marine mammals. There are a number of
18 resource issues that are taken up between the various
19 communities and Shell for their authorizations to do that.
20 So unfortunately, I'm limited to just the marine mammals
21 issue. And really what we are here for tonight is the
22 EIS.

23 MR. BENNETT: That is one of the topics
24 that is addressed in the EIS, fisheries, along with other
25 resources, as well, even the socioeconomic onshore

1 effects. So that is one of multiple resources that is
2 addressed in this document.

3 MR. HOLLINGSHEAD: And we did have a
4 discussion with Leonard today about the same subject. We
5 did talk about this, too.

6 MR. BENNETT: But that concern -- I'm glad
7 you voiced -- that concern is a good concern that we need
8 to make sure that we have on the record so that we fully
9 address it in the final EIS.

10 (Translated by Delbert Rexford.)

11 MR. HOLLINGSHEAD: On the environmental
12 impact statement --

13 MR. DELBERT REXFORD: Wait. I thought
14 this is the DEIS.

15 MR. HOLLINGSHEAD: Correct. Draft
16 environmental impact statement. A lot of attention was
17 given to effective mitigation to protect the resources of
18 the Beaufort and Chukchi Sea, so there are alternatives
19 that address that. I won't get into the specifics of
20 decibel levels, sound levels, but essentially they range
21 from what we have in the Lower 48 to simply protecting
22 against injury over to protecting bowhead whales during
23 migratory periods, protecting bowhead whales and gray
24 whales during concentrated feeding areas.

25 We are concerned about areas that become not

1 opportunistic feeding areas but concentrated feeding areas
2 that the animals need to get their sustenance for their
3 migration out of the Beaufort and Chukchi Sea, but we also
4 are concerned about the subsistence whaling of bowhead
5 whales, but not only bowhead whales, but also for the ice
6 seals or the ringed seals mostly and the sealing -- the
7 sealing subsistence needs that we have there. So we have
8 addressed all of that. We also addressed the fisheries
9 resources and the impacts. A lot of new science is going
10 into impacts on fishery resources from sounds in the
11 ocean. So we have incorporated a lot of that, the latest
12 science being done by scientists in the universities.

13 MR. DELBERT REXFORD: University of Alaska
14 Anchorage, Fairbanks, or which university?

15 MR. HOLLINGSHEAD: This one is Cornell
16 University and University of Maryland.

17 (Translated by Delbert Rexford.)

18 MR. HOLLINGSHEAD: Thank you.

19 MR. BENNETT: Okay. Well, like I
20 mentioned, we would like to hear from you. So I'm going
21 to open the floor up to anyone who wants to make a
22 statement for the record. Please raise your hand.

23 MR. DELBERT REXFORD: I've got a question
24 for you. Is it safe -- is it safe to utilize that map
25 there so that they can visualize it here for them to

1 comment?

2 MR. BENNETT: Sure, I think that map would
3 help.

4 MR. DELBERT REXFORD: I think it would be
5 good for the participants because we are talking about
6 something and we are --

7 MR. BENNETT: This is not our map, but
8 it's a map of the area with the Beaufort Sea and the
9 various communities, and it shows the leases that Shell
10 currently has. However, it's referenced from a geographic
11 standpoint, but it is -- our draft environmental impact
12 statement covers all of that area. Our draft
13 environmental impact statement is intended to cover this,
14 the seismic activities in all of this area, as well as in
15 the Chukchi sea, not just the existing Shell leases.

16 (Translated by Delbert Rexford.)

17 MR. BENNETT: Again, I want to open the
18 floor up to anyone who would like to make a comment for
19 the record.

20 MR. JIMMY NUKAPIGAK: First of all, how
21 come we have never been notified on the public hearing?
22 It's never been posted that we never hear, so quite a few
23 whaling captains are not here either, so --

24 MR. BENNETT: We tried to give as much
25 notice as possible, and I have seen postings around town.

1 And it was -- you were notified --

2 MR. BARROS: We sent fliers up and asked
3 them to be posted, and there was two ads in the Arctic
4 Sounder for two weeks in a row, and then this afternoon
5 Mr. Smith did announce on the CB radio that the public
6 hearing was occurring today. We had contacted the Native
7 Village two weeks ago -- three weeks ago letting them know
8 that we were coming to town and requested a meeting with
9 them, as well, so hopefully the word would have gotten out
10 that way. So we did try our best to get the word out
11 through the normal channels.

12 (Translated by Delbert Rexford.)

13 MR. TONY CABINBOY: How soon are you
14 talking about after -- after the whaling season of Nuiqsut
15 that they will begin the seismic; how many days? Is it
16 the day after or two days, or do you know?

17 MR. HOLLINGSHEAD: That information is
18 still preliminary. As I mentioned, we have not announced
19 that the application has been accepted by the National
20 Marine Fisheries Service, but the proposals have been put
21 forward by them that they plan to work in the Chukchi Sea
22 until they have agreements either with -- conflict
23 avoidance agreements for seismic or the season is over.
24 That's what we have been led to believe. So they would
25 plan to do that. If there were other arrangements, right

1 now we are unaware of it and we would have to look at that
2 in our review of their application, which is somewhat
3 separate from this document.

4 MR. TONY CABINBOY: Just for the record,
5 when we are -- when we have done our whaling and we are
6 cutting and butchering the whale getting ready to head
7 back home, the whales are still migrating out there. You
8 know that, right? Do you know that at all?

9 MR. HOLLINGSHEAD: We do know that, yes.

10 MR. TONY CABINBOY: Okay. That's why I'm
11 asking how many days are you talking about after the
12 whaling has -- Nuiqsut has gotten their quota or Kaktovik
13 has gotten their quota. How many days are they planning
14 on starting their seismic after the hunt is over?

15 MR. HOLLINGSHEAD: We are trying not to
16 get into a debate on that. We are just trying to answer
17 specific questions. And what I suggest is that you look
18 at what happened in 2006 where each of the villages --
19 Kaktovik, Nuiqsut and Barrow -- had what were called
20 blackout areas where there were certain areas when no
21 seismic could occur for each of the villages. So those
22 were what worked last year and, as noted, that -- the
23 conflict avoidance agreement is between Shell and the
24 Alaska Whaling Commission and the whaling captains, and so
25 that's between them as to what they want to do. So the

1 position given to us by Shell may not necessarily be what
2 comes out in the final arrangement. But our job is to
3 make sure there is no unmitigable adverse impact on the
4 subsistence whaling.

5 (Translated by Delbert Rexford.)

6 MR. DELBERT REXFORD: So nothing is
7 concrete.

8 MR. HOLLINGSHEAD: That's correct. I
9 would suspect that we have another 75 days before any
10 final decisions will be made.

11 (Translated by Delbert Rexford.)

12 MR. DELBERT REXFORD: I assume this is the
13 NMFS 75-day period and not the comment period deadline.

14 MR. BENNETT: Correct.

15 MR. HOLLINGSHEAD: These are two separate
16 actions, related but separate. The EIS comment period
17 ends May 14th. We will have a 30-day comment period on
18 Shell's seismic application sometime starting within maybe
19 two weeks from now, and that will run for 30 days. We
20 then have a 45-day period after that -- that was where I
21 counted the 30 and 45 to get 75 -- for National Marine
22 Fisheries Service to make a decision, including the review
23 of any success in a conflict avoidance agreement.

24 (Translated by Delbert Rexford.)

25 MR. DELBERT REXFORD: I condensed it.

1 MR. TONY CABINBOY: I have another
2 comment. Even after the quota -- well, after we are done
3 butchering, waiting to leave the island, we can still see
4 whale blows one two to miles off Cross Island. And that
5 map shows that's a three-mile federal boundary, water
6 boundary line. You call that the shallow -- the shallows,
7 is that what you call it?

8 MR. HOLLINGSHEAD: No.

9 MR. TONY CABINBOY: Okay. Well, just for
10 the record, those whales are still within vision, you
11 know, within our vision. We can see them right there one
12 to two miles. And I'm concerned about that if -- you
13 know, if we leave and then they start their seismic, that
14 they will be -- there will be some disturbances there, and
15 it's just not going to be good for -- you know, for the
16 future. It's -- I think it would be a good idea that they
17 had -- had a whale watcher out there, say, after whaling,
18 and when they have seen the whales go by and are pretty
19 sure that there are no more might be a good time to start
20 their seismic then.

21 MR. HOLLINGSHEAD: Thank you.

22 (Translated by Delbert Rexford.)

23 MR. JIMMY NUKAPIGAK: On your lease sale,
24 these are the migrating routes that come all the way from
25 Canada all the way to Barrow right where your lease sales

1 are. These are the migrating route of the whale.
2 Especially the feeding grounds are in most of those areas.
3 We had experienced one time in Barrow there was a wreck
4 out there in fall whaling, so we didn't sight no whales
5 until we go further out to deeper sea, which will really
6 affect our migrating route on whales.

7 Like in the past what happened, there was a wreck out
8 near Point Barrow, so all the Barrow whalers had to go
9 further out to deeper sea to find the whales. It really
10 could affect all our marine mammals, our seal, ringed
11 seal, fishes that migrate from Canada, the Arctic cisco.
12 So it really could be impacting on these lease sales. I
13 really oppose all your lease sales within the Arctic
14 waters because -- why not open them to ANWR where it can
15 be safe on land instead of in our sea?

16 So I really oppose this lease sale, what you are
17 trying to presentation [sic]. So I disagree with all
18 the -- all the leases you had on the EIS activities.
19 These are the migrating routes where our whales are on
20 feeding grounds in most of these areas outside the barrier
21 islands. So it is really going to affect our way of life
22 up here.

23 MR. HOLLINGSHEAD: Thank you.

24 (Translated by Delbert Rexford.)

25 MR. BENNETT: Any other comments for the

1 record?

2 MR. DAVID SMITH: Would the lack of a
3 conflict avoidance agreement affect any of the decisions
4 that the government would make?

5 MR. HOLLINGSHEAD: If there is a signed
6 conflict avoidance agreement, the National Marine
7 Fisheries Service presumes that there is not going to be
8 an unmitigable adverse impact on the subsistence uses of
9 the bowhead whales. We still have to make that decision
10 for other subsistence uses; beluga whales, for example.
11 For example, for beluga whales, we have a prohibition on
12 operation of seismic in the Chukchi Sea before July 1st to
13 protect the spring beluga and the spring bowhead. We have
14 other stipulations to protect that. Before the fall
15 bowhead, the conflict avoidance agreement usually allows
16 us to make that decision.

17 If there is not a signed conflict avoidance
18 agreement, that responsibility falls back on the National
19 Marine Fisheries Service to make that decision. So it
20 then leads to more analyses on our part, on the part of
21 the federal government, to see what happened in the past,
22 what the results were, was it successful, is additional
23 mitigation necessary. And we have to make those
24 decisions, and then we have to sell that to the
25 administrators that would be responsible for signing

1 permits, et cetera.

2 MR. DAVID SMITH: In our internal
3 discussions here, being an outsider, I have the feeling
4 that many of the captains feel there will be no conflict
5 avoidance agreement signed.

6 MR. HOLLINGSHEAD: I have heard that from
7 the Kaktovik people. I've heard it not directly here from
8 the community here, but through the AEWG in regards to
9 Nuiqsut. As I said, we still have 75 days, and hopefully
10 there will be some agreements. If not, National Marine
11 Fisheries Service will have to make those determinations
12 and determine what the mitigation measures would be to
13 protect the subsistence harvest.

14 MR. DAVID SMITH: So what you're saying
15 is --

16 MR. DELBERT REXFORD: Excuse me, David.
17 I've got a lot of translation to do before we lose the
18 dialogue.

19 (Translation by Delbert Rexford.)

20 MR. DELBERT REXFORD: Is this going to be
21 a discussion dialogue or a public hearing?

22 MR. BENNETT: It is a public hearing, and
23 we are open for comments on the draft EIS.

24 MR. HOLLINGSHEAD: It really should not be
25 for discussion, but -- it should not be open for

1 discussion, but there is real need for the community to
2 know what is going on.

3 MR. DELBERT REXFORD: Thank you. I'm glad
4 you clarified that. That's why I asked the question.

5 (Translation by Delbert Rexford.)

6 MR. HOLLINGSHEAD: You have more, Dave?
7 You're fine. Okay.

8 MR. BENNETT: Other comments?

9 MR. JOE ERICKLOOK: (as translated) My
10 name is Joe Ericklook. I grew up here. I am glad that
11 life is easier today compared to the past when life was
12 difficult after the White Man came and introduced himself
13 to this area. The assistance that the community has
14 received includes the transportation of bowhead whales,
15 which is up to 60 miles from here.

16 MR. DELBERT REXFORD: And he appreciates
17 that assistance. He is very grateful and appreciative
18 that you are here. He's happy that you're here. There
19 has been some improvements in comparison to 50 years ago
20 or 70 years ago that he's referring to, in that there's
21 improvement in today's standard of living. That's what
22 he's referring to. And he appreciates your coming here.
23 He just wants to express his appreciation and gratitude
24 that there has been some benefits to improving the
25 standard of living over his lifetime.

1 MR. BENNETT: Thank you. Anyone else?

2 MR. JIMMY NUKAPIGAK: I've got a question
3 on the seismic activities. Whale migrate through late
4 October. That's about the latest, right, Delbert?

5 MR. DELBERT REXFORD: Yeah.

6 MR. JIMMY NUKAPIGAK: So some of these
7 whales, the big ones, might be migrating till late October
8 out in deeper sea. Whale migrate that I know in my
9 lifetime, but the activities that is going to be happening
10 is really going to affect our marine mammals out there,
11 especially bearded seals. Out there seals, in fall time
12 they gather on the floating ice. We've seen that before.
13 They are feeding on fish and some other species. That's a
14 feeding ground for marine mammals like seals, bearded
15 seals. It's really going to affect our feeding grounds,
16 especially on the migrating of the whale.

17 I'm really opposed to what's going to be happening on
18 these activities by Shell in the Arctic waters. I'm
19 really opposed.

20 (Translated by Delbert Rexford.)

21 MR. BENNETT: Thank you. I'm sorry for
22 the interruption. We're having a recording problem, and
23 it will take us a couple minutes to get back on the
24 record. So we can take a break. What I would like to do
25 is extend an invitation. We will be here. If you want to

1 have some discussion, we can do that. And then when the
2 reporter is back on line, we can continue the formal
3 testimony if anyone else would like to speak. Okay?

4 (Off the record.)

5 MR. BENNETT: We are back on the record
6 here, and I'd like to open it up and again ask if there is
7 any comments on this draft EIS for the record. Now, if
8 there no more comments for the record, we can still
9 discuss any points you would like to. We would be willing
10 to stay here to discuss them. But I want to make sure we
11 have an opportunity for anybody who wants to speak for the
12 record with regard to this public hearing on this draft
13 EIS, please come forward.

14 (Translated By Delbert Rexford.)

15 MR. DELBERT REXFORD: I've got a question.
16 I'm a translator. Am I excluded from making comments?

17 MR. BENNETT: No, I don't think you're
18 excluded.

19 MR. HOLLINGSHEAD: Not at all.

20 MR. DELBERT REXFORD: I'd like to
21 relinquish my translating services to make comments.

22 For the record, Delbert Rexford from Barrow. I'm
23 here on another project, but I'd like to make comments
24 specifically on the proposed draft environmental impact
25 statement. For those of us that have not reviewed the

1 draft environmental impact statement, we are very
2 concerned that over the last 30 years that we have opposed
3 offshore drilling has fell on deaf ears by the federal
4 government in pursuit of oil and gas exploration,
5 development, and production.

6 The biggest fear that we have as Inupiat people
7 dependent on the marine mammal resources both in the
8 Beaufort and Chukchi Sea, namely the bowhead whale, the
9 beluga whale, the walrus, the bearded seals, the ringed
10 seals, the spotted seals and migratory fishes from as far
11 as Canada and other parts of Alaska will be adversely
12 affected by the proposed activity.

13 We are -- we do not fully understand as laymen the
14 extent of the -- if there is going to be an IHA and how
15 that's going to be implemented in these respective
16 communities: Kaktovik, Nuiqsut, and Barrow. I'm sure
17 that the discussions between the Alaska Eskimo Whaling
18 Commission and the respective whaling communities and
19 their captains in the conflict avoidance agreement have
20 discussed blackout periods where activities shouldn't
21 occur.

22 In the event that CAAs are not agreed to either by
23 Barrow, Nuiqsut or Kaktovik, NMFS, as stated earlier by
24 Ken, has the fiduciary trust responsibility of protecting
25 our resources under their review of the draft

1 environmental impact statement.

2 We have for the last 30 plus years opposed offshore
3 development, namely because the garden is our sea [sic].
4 It is our life. It sustains our culture and identity as
5 Inupiat people within whaling communities and other
6 communities that are dependent in trade and barter of the
7 whales and marine mammals that we catch.

8 My concern is in the recent Alaska Eskimo Whaling
9 Commission conference and convention in Anchorage, the
10 executive director was stripped of her administrative
11 authority as a negotiator between the oil and gas industry
12 and Alaska Eskimo whaling communities in the ten whaling
13 communities. So if there are conflict avoidance
14 agreements that have been agreed to at the guidance of the
15 Alaska Eskimo Whaling Commission, it needs to revert back
16 to each respective whaling community.

17 We have until May 14th to provide public comment. We
18 haven't reviewed the draft EIS in the proposed areas.
19 Although there will be local decision of proposed shallow
20 hazard seismic activities to identify cultural potentially
21 archeological sites or culturally relevant sites to
22 protect those areas, we're still concerned. Specifically
23 we share Arctic cisco, qaaqtaq, from Nuiqsut to other
24 villages, and we are concerned about that, too. The
25 decibels of the noise that are used in the air guns, will

1 they damage the ability of the fish? Will they migrate to
2 a different area if it should occur during this critical
3 migration period of the Arctic cisco from Canada to the
4 Colville River delta and up the river? That's one of the
5 concerns.

6 For the record, in 1989 when ARCO placed the Cabot
7 drilling rig 22 miles east of Barrow with in sight of
8 barrier islands, as Jim Nukapigak stated earlier, we had
9 to go 80 miles east before we sighted whales. And these
10 are the concerns that we would like to express for the
11 record. These things have occurred. You can look at the
12 statements of records as presented by various
13 organizations at Barrow and other organizations to verify
14 that. You can also verify that with LGL Richardson.
15 What's his first name?

16 MR. HOLLINGSHEAD: John.

17 MR. DELBERT REXFORD: John Richardson who
18 said and prepared a study that the greatest disturbance on
19 bowhead whales is the bowhead whalers. But we as whalers
20 from Barrow have experienced having to go 80 miles further
21 east to catch whales. And the three whales that we
22 harvested that fall were spoiled when we got them to
23 Barrow, so all we could harvest was the muktuk. So in
24 essence -- in essence, if there is going to -- if there
25 is -- there is that potential impact, if something should

1 occur out on the Beaufort Sea or Chukchi Sea, these are
2 the things we are concerned about, for the record.

3 And as Jimmy and others over the last 30 years, we
4 have opposed offshore seismic, offshore oil and gas
5 exploration that could be detrimental to our cultural
6 identity as Inupiat people in the seas that we go to.

7 Unlike the Lower 48 where you can grow groves and
8 groves of trees in orchards, apples, oranges and other
9 fruits or in the ground, potatoes or vegetables or cattle
10 or raise cattle, beef, we don't have that luxury that the
11 Lower 48 and the farmers have or the Continental 48.

12 And so for the record, I'd like to state that I am
13 opposed to any proposed activity -- as an individual. I
14 represent no organization. As Delbert Rexford -- of any
15 seismic activities that may be detrimental to the welfare
16 of the marine mammal resources and migratory fisheries
17 that we are dependent on to sustain our cultural identity.
18 Thank you very much.

19 MR. HOLLINGSHEAD: Thank you.

20 MR. BENNETT: Thank you.

21 MR. DELBERT REXFORD: I don't think that
22 needs translation.

23 MR. BENNETT: Are there any other comments
24 for the record? Hearing none --

25 MR. ISAAC NUKAPIGAK: Why wasn't this

1 community notified of this meeting that NMFS was coming in
2 to hear -- to hear comments from this community pertaining
3 to this draft environmental impact statement that you did?

4 MR. BENNETT: Could you repeat the
5 response you gave earlier?

6 MR. DELBERT REXFORD: For the record,
7 that's Isaac Nukapigak, president of Kuukpik Corporation.

8 MR. ISAAC NUKAPIGAK: Not only president,
9 but also I'm with the Nuiqsut Whale Captains' Association.

10 MR. BARROS: We sent out -- we reserved
11 the hall and sent fliers out and asked them to be posted.
12 There are a couple around the community. And I worked
13 with Sheila from the Native Village of Nuiqsut to set
14 up -- to try to get a government-to-government meeting.
15 We did meet with them today, and also we had two ads in
16 the Arctic Sounder two weeks in a row, last week and the
17 week before.

18 MR. ISAAC NUKAPIGAK: You know very well
19 that we don't very often receive the Arctic Sounder here.
20 We receive it, like, nearly once a month. And how do you
21 expect to -- besides that, we haven't seen the draft
22 environmental impact statement that you were -- how do you
23 expect us to give an adequate comment?

24 MR. BENNETT: As far as the document
25 itself, it's -- it was distributed to two or three places

1 here in town.

2 MR. ISAAC NUKAPIGAK: It seems to me
3 that's just a rush for you guys. You guys are pushing.
4 Besides that, we don't have no -- we are far apart with
5 Shell on the conflict avoidance agreement. There are a
6 loss of issues that we have.

7 MR. HOLLINGSHEAD: For the record, the
8 copies that I mailed out went to the -- in the beginning,
9 the --

10 MR. ISAAC NUKAPIGAK: When did you send it
11 out? The mail service in the Bush is --

12 MR. HOLLINGSHEAD: We sent it out priority
13 mail --

14 MR. ISAAC NUKAPIGAK: Though you sent it
15 priority, it takes a good nearly two weeks to receive a
16 priority mail, or first class.

17 MR. BENNETT: It's also posted -- it was
18 sent out at least a couple weeks ago, and it's also posted
19 on the Web, and the comments remain open until the 14th of
20 May. The comment period remains open until the 14th of
21 May.

22 MR. ISAAC NUKAPIGAK: How do you expect us
23 to provide an adequate comment? You guys -- the federal
24 government is just pushing too fast. How can we provide
25 an adequate comment to review and to analyze the draft

1 environmental impact statement without -- without --
2 because we have got a deadline here by May 14th, and
3 that's -- how do you expect an individual to -- to review
4 that draft and look and find the adverse impacts that's
5 going to occur to give adequate comment?

6 (Translated By Delbert Rexford.)

7 MR. HOLLINGSHEAD: For the record, I
8 mailed them, all the environmental impact statements, out
9 priority mail on the 22nd of March. Copies went to the
10 Trapper School library, the village coordinator, the
11 Native Village of Nuiqsut, the Kuparuk Village
12 Corporation, and the mayor of the city. One of the
13 restrictions that we have is that when we have only post
14 office boxes, we cannot send a Fed Ex package to you. I
15 have in the past to Barrow have been able to get street
16 addresses so we can send Fed Exes. If -- I suggest that
17 if a faster delivery is needed that we start using street
18 addresses, if that's possible.

19 (Translated By Delbert Rexford.)

20 MR. HOLLINGSHEAD: That does not help with
21 this situation, but it may help in the future for getting
22 NEPA documents, National Environmental Policy EISs out to
23 people.

24 MR. ISAAC NUKAPIGAK: Who was the leading
25 agency that provide -- that did the draft environmental

1 impact statement pertaining to the open water seismic for
2 exploration?

3 MR. HOLLINGSHEAD: Because both the
4 National Marines Fisheries Service and Minerals Management
5 Service have permitting responsibilities for seismic, we
6 are co-agencies or -- we are co-agencies, co-preparation
7 agencies in this EIS. So on this EIS you will see both
8 Minerals Management Service and NOAA.

9 MR. ISAAC NUKAPIGAK: I understand that,
10 but who was your contractor?

11 MR. HOLLINGSHEAD: It was written
12 in-house. It was --

13 MR. ISAAC NUKAPIGAK: Well, if it was
14 written in-house, why didn't you try to work with the
15 affected community by providing traditional knowledge?
16 We -- for the record, I'm the whaling captain and the vice
17 president of the Nuiqsut Whaling Captains' Association.
18 An incident that occurred that happened in 1989 when a
19 real act -- when there was a lot of activity going on in
20 the Beaufort Sea during the seismic and the exploration
21 that was conducted by -- which was -- I do believe was
22 Chevron of the old Hammerhead. Now that Shell had picked
23 up the leases. We had problems. The whales were diverted
24 in 1989. We had to go further, further, further north.

25 We had no -- for the safety when one of our whaling

1 captains harvest his first harvest of a whale as a
2 captain, we had no choice to cut off. We lost the whale
3 because there was so much activity going on out in the
4 Beaufort Sea.

5 I mean, these are concerns that the federal
6 government needs to listen to. And here you are -- and
7 here you guys are working on this environmental impact
8 statement that's -- that we -- how do you expect us to
9 provide an adequate comment when this thing is done by --
10 in-house by the federal government without giving us an
11 opportunity to express or provide traditional knowledge of
12 the conditions that we know of the -- as the whalers? I
13 mean, this is just a fast track that the federal
14 government is looking at.

15 MR. HOLLINGSHEAD: Last year we put this
16 document out as a programmatic environmental assessment
17 and was available for comment at that time.

18 MR. ISAAC NUKAPIGAK: But you guys are
19 doing that in-house. Just because a guy that holds a
20 degree in black and white thinks that he's smarter than us
21 Native that live and knows the tradition -- this is a fast
22 track. That's all you guys are looking at. Just because
23 the federal government has to -- the lease authority to
24 lease the Beaufort Sea. Hey, what about us? We are
25 trying to survive. You guys need to consider -- you guys

1 need to listen to us seriously. We could have been able
2 to provide some real good information, traditional
3 knowledge.

4 MR. HOLLINGSHEAD: We would appreciate
5 that information if it's not already in there. To give
6 you an example is that just the past two days we have
7 heard about large whales coming down from the north. We
8 have never -- that was never provided to us previously.

9 MR. ISAAC NUKAPIGAK: If the federal
10 government would start listening to us that -- the whalers
11 that knows. There is two different stock that migrates.
12 And here you guys are putting a fast track on this. I
13 think the federal government needs to start looking at
14 slowing down a bit. Just because President Bush passed
15 the energy policy, hey, you guys are playing with our --
16 our lives. This is our Garden of Eden that we depend on.

17 If you look at the surveys that's been done by our
18 municipal government of each household what they -- our
19 daily diet, I mean, if you look at it, 30 percent is
20 marine mammals. That's -- that's just the bowhead. And
21 you have another 30 percent that we depend on fish.

22 A very good sample what you heard, the Arctic cisco
23 is there, a fish that migrates from the MacKenzie. And
24 every year nearly 40,000 pounds of that is being harvested
25 by this community. And it's shared among the whole North

1 Slope. And here you guys are proposing to do a fast track
2 of preparing this environmental impact statement. What
3 are the impacts?

4 You guys are dealing with our lives. And I hope you
5 guys better -- I hope that you guys understand that. I
6 heard enough of what the oil companies say. We guarantee
7 we will provide you employment opportunity. Just another
8 one of those broken promises. We ain't going to benefit
9 out of it. We will feel the impact, especially the way
10 this -- this impact, how it's been created by the federal
11 government. We ain't going to get a penny out of that,
12 even though they are allowing some lease sales that had
13 occurred in the Beaufort Sea. Who is going to benefit?
14 The coastline of Louisiana. Come on. Give us a break.
15 You need to start doing your homework. You guys are
16 playing with our lives, our subsistence lifestyle that we
17 depend on.

18 Living in a rural area is hard when everything is so
19 expensive, when everything has to be flown in and limited
20 jobs are being provided. That's why my folks depend on
21 subsistence lifestyle. When you get our -- this -- the
22 retail store where one gallon of fresh milk is almost 20
23 bucks. If you want to have a good, decent meal, you know,
24 it's very expensive. And here you guys are -- that's our
25 Garden of Eden that you are -- that you guys are playing

1 with.

2 I think you guys -- the way I see it, you guys need
3 to -- I think you guys need to slow down. The proposed --
4 that Shell proposing, that's just four to six nautical
5 miles from where I hunt to feed this community, especially
6 when the bowhead whales are being listed as endangered
7 species. We see what happened during the -- in the
8 late '90s, the late '80s. It sure was an impact. And
9 even the Arctic cisco is finally starting to come back in
10 recent years. I, as the President of Kuukpik, I haven't
11 seen that, the environmental impact statement. How do you
12 expect us to provide an adequate comment?

13 Thank you very much. I hope you guys listen.

14 MR. HOLLINGSHEAD: Thank you.

15 (Translated By Delbert Rexford.)

16 MR. ISAAC NUKAPIGAK: I'm very opposed to
17 what you guys are proposing.

18 MR. DELBERT REXFORD: I asked him if he
19 was for or against this proposed activity, and he
20 responded because he didn't say it earlier. So --

21 (Translated By Delbert Rexford.)

22 MR. DELBERT REXFORD: For the record,
23 Flora Ipalook, one of the elders in the Village of
24 Nuiqsut. She said that she was raised here and she's been
25 living here, and over the years she has personally

1 consumed qaaqtaq, Arctic cisco. And the liver is a
2 delicacy for her, but over the past couple of years there
3 has been discoloration of the liver in Arctic cisco.
4 Although the fat contents are still evident, there appears
5 she hasn't had any liver from the qaaqtaq for the past two
6 years because of the discoloration of the liver from its
7 normal color to a darker, blackish color in some cases.
8 And she's making that as a part of the record.

9 And she stated that -- I asked her if she was --
10 where she stands on the issue of the proposed seismic
11 activity. She said she doesn't support it and doesn't
12 like it.

13 MR. BENNETT: Okay. Are there any other
14 comments for the record?

15 MR. ISAAC NUKAPIGAK: What you are
16 proposing on your draft, Shell is planning to do their
17 open water seismic and exploration during the time there
18 is a -- Beaufort Sea is -- during the open water season.
19 That's the time that we will be out whaling. We know
20 there will be impact. I've seen their kind of operation,
21 and I'm not very -- I'm not very pleased, so much activity
22 that they will have so much vessels. That's going to
23 divert the bowhead from its regular migratory route. Same
24 time the Arctic cisco will be spawning coming in as a
25 little spawn from the MacKenzie.

1 I mean, these are studies that needs to be looked at.
2 Using the air guns, what type -- how much psi friction is
3 going down that's going to affect, will have the impact on
4 the fish, the marine mammals? You guys need to look at
5 it. You guys need to look at these studies. And if there
6 is impact, what's our compensation? Nothing. No damn
7 federal government is going to have no mercy on us.

8 (Translated By Delbert Rexford.)

9 MR. BENNETT: Thank you.

10 MR. HOLLINGSHEAD: That was discussed
11 earlier in the evening. We did discuss that earlier in
12 the evening by the other gentleman here.

13 MR. JIMMY NUKAPIGAK: I want to make
14 another comment on the environmental impact statement.
15 We, as a community, we would like to be part of the
16 environmental impact statements, but from our traditional
17 knowledge we have. So next time you going to make any
18 environmental impact statement, make sure you come to us
19 first and talk with us and we will be part of that
20 environmental impact statement that you are presenting in
21 the future, you know, because Minerals Management make its
22 own way without our comment.

23 What I'd like to see is Minerals Management should
24 communicate with government to government that lives up
25 here, not from all the way from Washington, D.C. or

1 whatever, you making the decision. We would like to be
2 part of our -- the environmental impact statement, to be
3 part of the black book. Otherwise, you know, we Inupiat
4 have been telling you about our traditional knowledge what
5 Mother Nature can do out there. Never know what Mother
6 Nature will do next decade since the global warming is
7 happening now.

8 So I really oppose which activities will be within
9 our Arctic waters because it really affects our way of
10 life all the way to Canadian border to all the way to the
11 Chukchi Sea. So if you are going to make another
12 environmental impact statement through the MMS, we would
13 like to be part of it before you make your presentation to
14 the government.

15 MR. DELBERT REXFORD: He reiterated what he
16 stated earlier in opposition to the proposed activity,
17 also emphasizing that there needs to be -- oops.

18 (Translated By Delbert Rexford.)

19 MR. BENNETT: Anyone else? Okay. Make
20 this the last call for comments before we close the
21 meeting. Hearing no other comments, I think we are -- we
22 can close the record. And again, we are available here to
23 discuss items. If you would like to informally, you are
24 welcome to do so. And May 14th for the close of the
25 comment period.

1 Thank you very much. We really appreciate your
2 patience. We appreciate you coming tonight and sharing
3 your views with us, thank you.

4 (Proceedings adjourned at 9:20 p.m.)

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REPORTER'S CERTIFICATE

I, MARY A. VAVRIK, RMR, Notary Public in and for the State of Alaska do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that the proceedings were reported stenographically by me and later transcribed under my direction by computer transcription; that the foregoing is a true record of the proceedings taken at that time; and that I am not a party to nor have I any interest in the outcome of the action herein contained.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my seal this _____ day of _____ 2007.

MARY A. VAVRIK,
Registered Merit Reporter
Notary Public for Alaska

My Commission Expires: November 5, 2008