

PUBLIC HEARING
FOR
DRAFT ENVIRONMENTAL IMPACT STATEMENT
MINERALS MANAGEMENT SERVICE
PROPOSED ARCTIC MULTI-SALE

Nuiqsut, Alaska

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Kisik Community Center
Nuiqsut, Alaska

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22
23 BE IT KNOWN that the aforementioned proceedings were
24 taken at the time and place duly noted on the title
25 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. LOMAN: Good evening. We are
3 going to start now. I think we have got most
4 everybody in and signed up. And before we do
5 anything, we are going to have a prayer to start our
6 meeting and steer us hopefully in the right
7 direction.

8 (Prayer offered by Virginia Kasak.)

9 MR. LOMAN: Thank you very much. My
10 name is Jeffery Loman. I'm the Deputy Regional
11 Director for Minerals Management Service. Thank you
12 for coming. Tonight I'd like to start out by
13 introducing my team. Keith.

14 MR. GORDON: My name is Keith Gordon.
15 I'm a NEPA coordinator for the Minerals Management
16 Service, and I'll attempt to give you some answers
17 on the draft EIS if you have some questions.

18 MR. KENDALL: Good evening. My name
19 is Jim Kendall. I am the Chief of the Environmental
20 Division for MMS Headquarters out of Herndon,
21 Virginia just outside of Washington, D.C.

22 MR. ELI NUKAPIGAK: Eli Nukapigak.
23 I'll be interpreting this as best as I can for MMS.

24 MR. BARROS: I'm Albert Barros. I'm
25 community liaison for Minerals Management Service

1 for Alaska Region.

2 MR. LOMAN: Just a quick word on
3 interpretation. If there is anybody that doesn't
4 understand what I'm saying in English, just stop me
5 and I'll turn to Eli and ask him to translate. If
6 you are comfortable talking to me in Inupiaq, Eli
7 will translate for us. That's up to you. So -- but
8 it is up to you to let me know. Stop me. I don't
9 mind. I've worked through an interpreter many
10 times, and the important thing is that we
11 understand, the government understands what you have
12 to say about this draft Arctic multi-sale
13 environmental impact statement that the Minerals
14 Management Service has prepared.

15 In the fall of 2007 I was here. Some of my
16 other colleagues were here, and we took scoping
17 comments from this community, as well as the other
18 communities in the North Slope Borough that are
19 along the Arctic coast: Point Hope, Point Lay,
20 Wainwright, Barrow, Nuiqsut, and Kaktovik. And we
21 also did a scoping meeting in Anchorage.

22 And since that time, we have taken those
23 comments; we have developed what we think is a
24 reasonable range of alternatives to the prepared
25 action, which is four offshore oil and gas lease

1 sales, two to take place in the Chukchi Sea, two to
2 take place in the Beaufort Sea. That's the proposed
3 action, in short.

4 And the alternatives, very briefly, include
5 the no action alternative, and then -- which the law
6 requires us to analyze. And the no action
7 alternative is not have any of these oil and gas
8 lease sales at all. During scoping comments, some
9 people said that's the alternative they support. We
10 must analyze it, give it serious consideration, and
11 they will support it no matter what.

12 The law also requires us to develop a
13 reasonable range of alternatives in addition to the
14 proposed four sales. In a planning area chosen by
15 the agency, we have developed a number of
16 alternatives that are easiest described as separate
17 deferral areas where there would be no leases
18 offered. For example, when we were here in the fall
19 of 2007, many people said there are areas around
20 Cross Island that are very important to subsistence
21 whaling, and you should not allow any activity to
22 occur there. And Alternative 4 in this draft EIS
23 has a deferral area for Cross Island. There is a
24 number of other deferral areas, as well.

25 (Interpreted.)

1 MR. LOMAN: Thank you. So now we are
2 taking comments at these public hearings on this
3 draft environmental impact statement. We had a
4 hearing in Anchorage a couple of weeks ago. We are
5 also conducting government-to-government
6 consultation meetings with Native governments and
7 local governments, and we had a meeting today in
8 Nuiqsut with the Native Village of Nuiqsut, and it
9 was a very productive meeting with a number of very
10 serious and substantial issues that were raised for
11 the agency to address in a final document.

12 For example, we talked about what happened
13 in 1985 when whaling crews had been reported to --
14 had to -- were forced to go further out, and two
15 boats were lost. Fortunately, there was no loss of
16 life, but there was the loss of vessels, and the
17 ability to take whales was limited to one, and it
18 was a dangerous situation. And it is believed that
19 that was caused because of the exploration drilling
20 that was going on simultaneous to the whaling
21 activities, and that impact forced the whalers to go
22 further out and put themselves into danger.

23 (Interpreted.)

24 MR. LOMAN: So the leaders told us
25 today that we have to analyze what took place in

1 1985 in detail to see how the implications from
2 those activities would play out on the proposed
3 alternative and the other alternatives. And I think
4 probably the broader question is, can exploratory
5 drilling and subsistence activities occur
6 simultaneously. We know that if they can't, the
7 window by which drilling takes place is so limited
8 that a weather event could eliminate drilling for
9 the entire open water season.

10 So that's an example of some of the major
11 issues that were brought out in our
12 government-to-government consultation meeting. It
13 was very productive. And you can be very proud of
14 the leaders and the work that they put into that. I
15 was very impressed.

16 Tonight we're here to get your comments on
17 this draft environmental impact statement. And I'd
18 like to start, or propose that we start, by taking
19 the comments as you see fit as a group by the Elders
20 first, followed by the whaling captains, and then
21 others, rather than going row by row, so that the
22 Elders can provide what they have to say sooner
23 rather than later and we give them the respect that
24 is due them.

25 (Interpreted.)

1 MR. EDWARD NUKAPIGAK: My name is
2 Edward Nukapigak. I've got a question before you
3 start. My question is on those two -- two of
4 these -- out of those four lease sales, where are
5 those two lease sales? Is that in the area of Cross
6 Island? Where are the locations?

7 MR. LOMAN: The proposed areas?

8 MR. EDWARD NUKAPIGAK: Yes.

9 MR. LOMAN: We can show you that on a
10 map and --

11 MR. EDWARD NUKAPIGAK: That way you
12 give an idea to this community where those two
13 proposed sales are.

14 MR. ELI NUKAPIGAK: We would have to
15 put those alternatives too, the four alternatives.

16 MR. LOMAN: They are described in the
17 document. The alternatives are described both on a
18 map and on -- in a narrative.

19 MR. EDWARD NUKAPIGAK: The majority
20 of these local people here don't have your document,
21 your EIS draft. The majority of these Elders don't
22 have any idea of the concept of the draft EIS.

23 MR. LOMAN: Okay.

24 MR. EDWARD NUKAPIGAK: So that leaves
25 many of these Elders out of the loop of what your

1 EIS proposes on the lease sales.

2 MR. LOMAN: I can explain it. I
3 might have to read a little. The first alternative
4 -- and the law requires us -- the National
5 Environmental Policy Act requires us to consider a
6 no action alternative. Under this alternative there
7 will be no proposed lease sales between 2007 and
8 2012, or during that five-year program. In other
9 words, these four proposed sales would not take
10 place.

11 Alternative 2, which is the proposed
12 alternative, the Beaufort Sea -- Alternative 2 in
13 the Beaufort Sea, the proposed actions for sales 209
14 and 217 would offer for lease the entire program
15 area, and this program area encompasses
16 approximately 6,123 whole or partial blocks covering
17 33,194,467 acres. And you have the map? I have the
18 map. It's actually on the very front. The sale
19 area is on the very front of the book cover in the
20 Beaufort and the Chukchi.

21 If you could, sir, make a copy of the
22 cover. That's the map of the proposed sale area.

23 It's a very significantly large area in the
24 Beaufort, and it is right on the line of where state
25 waters and federal waters or the three-mile limit

1 exists in the Beaufort.

2 In the Chukchi, they have already decided
3 through the Secretary of Interior, the past
4 Secretary of Interior, to do a 25-mile deferral, 25
5 miles because of bowhead migration issues along the
6 Chukchi coast.

7 So that's a brief description of the
8 proposed action with respect to the Beaufort. The
9 alternatives include a Beaufort Sea/Barrow
10 alternative. And under this alternative, we would
11 offer all of that area that I just described in the
12 Beaufort Sea except for an area located offshore of
13 Barrow, and this deferral area joins the area of
14 where the state waters of Alaska has deferred recent
15 sales, and it would extend basically from Barrow out
16 into Harrison Bay.

17 Alternative 4, Beaufort Sea/Cross Island
18 deferral, this alternative excludes an area located
19 near Cross Island, and that deferral consists of 41
20 whole or partial blocks or approximately -- the
21 deferral area includes 207,641 acres that would be
22 eliminated from the sale.

23 Alternative 5 is a Beaufort Sea/eastern
24 deferral. This area consists of 80 blocks or
25 approximately 283,795 acres which would be deferred,

1 and that is in the eastern area of the Beaufort.

2 The sixth alternative in the Beaufort is a
3 deep water deferral area, and it removes 24,097,633
4 acres of deep water area in the Beaufort planning
5 zone.

6 (Interpreted.)

7 MR. LOMAN: I would like to ask the
8 first person that would like to provide testimony
9 about the draft Arctic multi-sale EIS, you can do it
10 from your chair as long as we can hear you. We have
11 a recorder here, so it may be helpful to move to the
12 front and take a seat in the front so that the
13 recorder can take your testimony. If the recorder
14 can't hear you, then we will have to stop and fix
15 the problem. We would ask you to state your name
16 and spell your name so the recorder can get it
17 accurately.

18 Now I would like to ask, who would like to
19 go first amongst our group of Elders that are here?

20 If nobody would like to go right now, then
21 I would go to Elders or whaling captains or both.

22 MR. ARCHIE AHKIVIANA: Good
23 evening. My name is Archie Ahkiviana,
24 A-H-K-I-V-I-A-N-A. Good evening. My name is Archie
25 Ahkiviana. I am the Nuiqsut Commissioner to Alaska

1 Eskimo Whaling Commission. I am testifying today on
2 behalf of AEWG and my fellow whaling captains from
3 Nuiqsut.

4 The first thing I want to say is that you
5 don't need this draft EIS because you need to stop
6 leasing out there for a while. There is already too
7 much activity happening. Nobody in the federal
8 government is doing anything to look out for the
9 interests of the people that live up here. The AEWG
10 protects our interest through CAA, and it works real
11 good. Last year we were in -- last year we all got
12 our whales in less than a week because there was no
13 disturbance. And that was because AEWG and the CAA,
14 not because of anything you guys did for us.

15 Back in the years before CAA got working,
16 there was a lot of disturbance. We couldn't be out
17 hunting for sometimes a month, sometimes several
18 months, still couldn't catch all our whales. One
19 year we didn't get any whales because of the seismic
20 activities. Even though it was open water, we
21 didn't get any whales. Another time I lost a whale.
22 That was the time there was activity on the east
23 side of Cross Island, Hammerhead project. We had to
24 travel 30 miles out in order to sight any whales at
25 that time. But nobody from federal government or

1 the oil companies cared about that. But we care
2 because we need to be able to hunt and live up here.

3 We have -- we have many affidavits from my
4 whaling captains testifying to the damage to their
5 hunting from the high levels of activity during
6 the '80s and the early '90s. If you keep these
7 lease sales and trying to pile on more and more
8 activity, it's just what's happened before. We will
9 not be able to have successful hunts. Whales will
10 be lost. Our hunters will be put to serious risk
11 during that time. Some hunters almost got killed
12 because of the travel so far out in the ocean. That
13 was the time when they were diverted out of their
14 migrating route.

15 Then there is the drilling issue. Why do
16 we want to let people come up here and dump all
17 their drilling waste into our water? They don't
18 need to get -- do that, no way up in the Arctic.
19 Why do we want to let them do it here? We don't
20 want that. We take our food out of the water. You
21 let one company come up here and start dumping all
22 the stuff in the water, next thing there is other
23 companies dumping stuff, too.

24 Then what happens when our fish get
25 contaminated? What happens to our marine mammals

1 that don't want to come over here anymore because
2 they turned the water out into a dump? Where are we
3 supposed to get our food? If they want to go out
4 there and drill, let them care of their own waste --
5 let them take care of their own waste. Don't dump
6 it in our water.

7 And what about oil spills? You and your
8 oil companies keep telling us about all the
9 state-of-the art oil spill containment and cleanup
10 equipment. When are you going to do the cleanup
11 demonstrating that works? Nobody can clean up oil
12 out there.

13 Then there is the draft EIS that nobody can
14 make any sense of. You have things so broken up,
15 it's like you don't want us to be able to figure out
16 what it says. But we find one thing it says is so
17 -- it says that you will allow companies to have
18 unmitigated impacts to our resources and us.

19 So you need to go back and fix that
20 section. We don't -- we just don't -- we just got
21 done suing you, and you send a document up here with
22 real obvious violations of the law. I think you
23 guys don't learn very fast.

24 This is coming from our lawyer, also from
25 me, and part of whaling captains from AEWB.

1 MR. LOMAN: Thank you very much.

2 MR. ISAAC NUKAPIGAK: Good evening.

3 For the record, I know this guy [indicating]. Isaac
4 Nukapigak, last name N-U-K-A-P-I-G-A-K. I also wear
5 many hats, like Archie. I'm his alternative
6 commissioner of the Alaska Eskimo Whaling
7 Commission, the vice president of the Nuiqsut
8 Whaling Captain's Association under the umbrella of
9 AEWC.

10 How my -- my issue that I want to bring out
11 to your attention that I will support no action plan
12 because MMS hasn't provided this community -- I
13 myself haven't seen the draft environmental impact
14 statement. How can we as a community be able to
15 adequately issue a comment with this draft
16 environmental impact statement that I haven't seen,
17 even though I was on the mailing list?

18 And as I was going through your little --
19 your little brochure of the draft, and you have --
20 and I'm assuming there is a draft EIS that
21 identifies these potential risks. That would be
22 very -- that's been identified. You indicated in
23 this paper that you have passed around of oil
24 drilling and seismic are risky business. MMS
25 admitted there is no current and adequate response

1 to any spill as a condition. You identify that
2 already. And here you want to continue to pursue to
3 hold various lease sales out in the continental
4 shelf.

5 You have also identified by allowing more
6 energy development in these sensitive areas would
7 add to global warming. You identify, cause greater
8 harm to Alaska. And here you are saying you are
9 allowing exploration to proceed and be able to dump
10 all their waste, the drilling waste, their discharge
11 in the Beaufort or in the Chukchi. I mean, these
12 are issues that are -- that will harm the ecosystem
13 of this food source that the Inupiat people had
14 depended on for thousands of years and have
15 utilized.

16 We have been -- time and time again I have
17 been commenting of these previous sales that -- or
18 public hearings that MMS had hold in the past and
19 ask our traditional knowledge to be integrated in
20 your draft EIS, but we have been ignored. Time and
21 time again that we had expressed our thoughts and
22 our opinion without -- without -- like I indicated,
23 without the adequate document to see the actual
24 impact, there is absolutely no way that we can give
25 out a real adequate comment during this process of

1 this public hearing.

2 Therefore, as a whaling captain, I will ask
3 that no action plan take place. Thank you.

4 MR. LOMAN: Thank you very much.

5 MR. JOSEPH AKPIK: As a senior
6 citizen, they call on the senior citizen first.

7 Thank you. My name is Joseph Akpik. You spell it
8 A-K-P-I-K. And I would like to extend my greetings
9 to that gentleman here, James Kendall --

10 MR. KENDALL: Thank you.

11 MR. JOSEPH AKPIK: -- from the
12 Washington D.C. area. Welcome to the Eskimo
13 country, and the staff here. And it was good to see
14 Albert Barros over there. That's good.

15 And anyway, I represent under Inupiat
16 Community of the Arctic Slope. My seat position is
17 member at large, which means I represent all the way
18 from Point Hope all the way to Kaktovik and all the
19 eight communities within the Arctic Slope. And I am
20 more than happy to make a comment on this particular
21 issue that -- that has long been opposed by the
22 Eskimo country.

23 And so I do believe we need to get our
24 communication in a better form to where we can be
25 able to express our feelings in reference to our --

1 both of our seas that we rely on when it comes to
2 the subsistence.

3 And I am sure that I am going to mention
4 some more on this Environmental Justice Executive
5 Order 12898, and that was under our -- I will repeat
6 that number, 12898 -- under President Clinton, which
7 consists of -- the ruling says that all the agents,
8 which meaning the Minerals Management under the
9 Department of Interior, the BIA, the Bureau of Land
10 Management will oversee some of these things that we
11 rely on, our consumption of our -- our sustenance,
12 what we eat from the ocean. And so I would strongly
13 encourage that you honor our Executive Justice.

14 And so -- and we are trying very hard --
15 and I -- and thank you for bringing up some of these
16 subject matters, sir, on government-to-government
17 policy. And so that is one of the steps in terms of
18 communication. And I'm sure our Eskimo country
19 would like to see more of the new Administration,
20 like this gentleman here, Mr. Kendall, come up here
21 and hear us out when it comes whaling time and so --
22 and reach out to our people and how well we react to
23 our environment. And so this is very crucial that
24 our communication have to be exercised, very
25 effective communication from the Eskimo country to

1 whoever it is, EPA Region 10 and all these things.

2 And I would like -- and I have just briefly
3 looked at this executive summary, and I will further
4 comment on after I glance at it because this is the
5 first time I got a -- got a look at this draft EIS.
6 And so this is a good start, and I thank you very
7 much.

8 But anyway, the thing that I would like --
9 before I continue, Inupiat Community of the Arctic
10 Slope has opposed any offshore drilling. And so any
11 contracted drilling I would encourage that they put
12 in their -- if they are going to drill, that they
13 put in all of these stipulations, like one of the
14 gentleman Archie had mentioned that you -- the
15 contracted drillers have dumped that drilling fluid
16 on our ocean, and that is very bad. This is one of
17 the worst things that have occurred in all these
18 years, throwing -- dumping out that drilling waste.
19 And so these are some of the things that I would
20 like for your department to extend to the drilling
21 contractors.

22 And so one of the -- one of the notes --
23 these are some of the reasons why the Inupiat
24 Community of the Arctic Slope has opposed for --

25 For your further memory, I'll summarize on

1 the Inupiat Community of the Arctic Slope. It is a
2 tribal regional from this region. That is under the
3 federal government, which can very well supersede
4 the state of Alaska boundaries beyond three miles.
5 Inupiat Community of the Arctic Slope jurisdiction
6 goes beyond.

7 Inupiat Community of the Arctic Slope is
8 behind and is to protect our environment. And so
9 this is very crucial that we start communicating
10 with ICAS. Acronym for Inupiat Community is ICAS,
11 I-C-A-S. And so I'm going to be addressing once
12 again tomorrow -- I have read your -- our agenda
13 that you folks will be representing making a
14 presentation again. And so I'm going to be speaking
15 out again tomorrow.

16 But anyway, to further my comment is to do
17 the monitoring of the ocean current, global warming
18 changing. The current is increasing. I do believe
19 it is. And this is very, very important that we do
20 and monitor the current, ocean current. And so if
21 and when there is drilling, if and when there is a
22 spill, the ocean current will flow toward the east.
23 And the current, I do believe, runs in all the four
24 flags under the polar cap, which is Russia,
25 Greenland, Canada, and America. It would impact the

1 four countries if there is a spill because the
2 current and the ice movement at the rate is -- is
3 increasing. And so these are some of the things
4 that we have to consider. And I'm going to very
5 strongly encourage that you monitor the current and
6 the undersea subfloor of both oceans. I'm talking
7 about Chukchi and the Beaufort Sea. Let's monitor
8 and do some research for the economic purpose.

9 And I would like to extend that to Obama's
10 Administration. I'm sure that you can communicate
11 with your uppers in -- back in D.C. that we do very
12 explicit research on the bottom, which means where
13 do the whales eat? What does it consist of? And
14 the living matters -- there are living matters,
15 organisms more than, I believe, the Bahamas right
16 there in our ocean. And so this is what our sea
17 mammals -- and we eat them, the sustenance we eat.
18 And so this is very important.

19 And the ice movement. I saw the -- the
20 incident in Cook Inlet, the ice; it was -- one of
21 the platforms was vacated due to the ice. And this
22 is the Cook Inlet. We all know that it's a very
23 still inlet and there are no currents. So it was
24 just the ice movements that almost destructed that
25 platform. So the ocean current have will to be.

1 So I would like to thank each and every one
2 of you and the listening audience for hearing me
3 out. And my great extension to the new
4 Administration. And I'm sure that we can again
5 clear out this communication gap that we had between
6 the Eskimo country and Minerals Management. Thank
7 you very much.

8 MR. LOMAN: Thank you very much.

9 MR. EDWARD NUKAPIGAK: Good
10 evening. My name is Edward Nukapigak,
11 N-U-K-A-P-I-G-A-K. I represent Nukapigak's whaling
12 crew on behalf of our captain Ruth Nukapigak, who is
13 unable to be here tonight.

14 I heard some testimony earlier from our --
15 from our colleagues on behalf of the Beaufort Sea.
16 In the past we have dealt with Shell in regards to
17 the former Hammerhead. We had a lot of
18 interference, a lot of air traffic going on when --
19 the federal government had come around and hasn't
20 really given a lot of restriction. It's more like
21 giving them a free play. A lot of interference have
22 happened in the past. Air traffic, marine vessels
23 to and from is causing a lot of interference on the
24 bowhead migration, a change of pattern, making it
25 difficult for the Cross Island whalers to harvest

1 their catch.

2 And now MMS has come back on behalf of the
3 whole lease sale. We are opposed [sic] to the no
4 action alternative because there are a lot of issues
5 that are at stake on the -- on behalf of this
6 community.

7 When MMS first submitted their draft EIS,
8 they did not include a deferral on behalf of Cross
9 Island, Nuiqsut whalers. That was not included in
10 the original draft EIS, but it was inserted after
11 the final EIS was finalized. And now you are back
12 here to give a whole nine yards of a proposed lease
13 sale. Again, it's going to interfere with our
14 subsistence way of life.

15 In the past we have -- we have seen a lot
16 of ice making it difficult for us to go out to the
17 main open water. Now you don't see that. In recent
18 years, once the ice goes out, you don't see it. It
19 don't come back. Now that will change the pattern
20 of the migration of bowhead whales. They will be
21 traveling closer to the shore, closer to these
22 barrier islands in the 30-meter mark, and that's
23 where these marine vessels like to travel to and
24 from. And that has been their pattern since the ice
25 pack had gone further north, 100, 200 miles north of

1 us.

2 And since then, all these bowhead whales
3 have been traveling a lot closer, and some are
4 traveling inside the islands. And now they
5 migrate -- they use these islands as more of, like,
6 ice because they are shallow. Thirty-meter mark is
7 real shallow. And if we cannot -- like Archie
8 Ahkiviana said, we had a successful season in the
9 past couple years because the whales were closer to
10 the islands and we did not have to go further out,
11 no more than eight miles out to -- to catch our
12 harvest. And a lot of times we may be weathered in
13 because of the weather, high seas.

14 Those are the things that you need to look
15 at is how is this platform, a drilling platform, a
16 drill ship that Shell is wanting to use -- I have
17 experienced Shell back in 1985, '86. I was
18 stationed at Narwhale Island, west of the whaling
19 crew at Cross Island. We had a west wind, 60, 70
20 miles-an-hour wind, and that drill ship cannot stand
21 those high winds and high waves. They will -- they
22 eventually unplugged their drill and moved that
23 drill ship inside Camden Bay where there is less --
24 less calm -- where there is less waves and wind.

25 So if you are going to -- assuming that you

1 will finalize and approve that proposed lease sale,
2 that will eventually happen. It will happen. It's
3 going to repeat what Shell had been doing in the
4 past. And not only Shell is looking at Beaufort
5 Sea. There are other oil companies that have
6 interest. But we strongly opposed to it on that
7 lease sale.

8 And second, I'm going to speak on behalf of
9 Thetis Island. Thetis Island is seven miles north
10 northeast from the mouth of Colville River, seven
11 miles from Oliktok Point. This is used a lot for
12 these local hunters. They depend on Thetis Island
13 to catch their seals and their bearded seals comes
14 harvesting season. And they will make it difficult
15 for these local hunters to try and go out there to
16 harvest every summer because they have -- already
17 have interest in Thetis, north of Thetis Island.

18 And they have already done seismic six
19 miles north of Thetis Island. And Shell has
20 interest, past interest in that area. So this needs
21 to be -- MMS needs to take a look at this, too,
22 because we like to see an alternative deferral for
23 Thetis Island for these local hunters. Our young
24 people are out there every summer, and they -- they
25 use Thetis Island a lot.

1 And on behalf of my colleagues, I oppose to
2 the offshore lease sale on Beaufort Sea. And I
3 opposed to it. The reason is that how much -- how
4 much of it is going to be discharged into our ocean?
5 How much of that environment is going to be
6 affected? We would rather see a zero discharge if
7 MMS is going to pursue opening Beaufort Sea. In the
8 past, those have been mentioned to the companies
9 that come to our village and make their
10 presentations.

11 And the other thing is that air quality is
12 something that's going to affect our environment.
13 They say that air quality is going to be a minimal
14 impact to our marine mammals, to our waterfowls.
15 They say it's not going to affect our subsistence,
16 but we have seen a lot of -- of -- a lot of our
17 seals -- we see some changes on our seals. Some are
18 not the seals that we hunt and eat. Some are more,
19 like, deformed.

20 Because I will use Seal Island as an
21 example. That is now Northstar. Before we all went
22 to -- towards east of Cross -- east towards Cross
23 Island, we used to be at Jones Island. That was our
24 first whaling camp. We have been scouting for
25 whales towards the east. None of them were sighted.

1 Why? Because you can hear Seal Island bounding away
2 when you can't see it in the clear calm water. Not
3 even one marine mammal was sighted, not even one
4 waterfowl was sighted, but we encountered one
5 iceberg full of mud; not a natural mud, but it's a
6 drilling mud type, and we have experienced that with
7 my crew that were out there.

8 So how much of that has been damaged since
9 Minerals Management have approved these offshore
10 platforms and how much of those have been discharged
11 and done damage to our -- to our marine mammals? So
12 you need to take a hard look at our environment, our
13 ocean.

14 A lot of people in this village have not
15 seen your draft EIS. Some say that it's too
16 complicated. Some say it's too thick. Some say the
17 words are too long. But -- but most of us haven't
18 seen your draft EIS and are given a date of a
19 deadline of your comments of letters. It's hard for
20 an individual to go through your EIS, other than
21 glancing to see what's more important for our
22 community and our folks to the west of us.

23 So -- so at this time I -- I oppose to no
24 alternative [sic], and it's because of our -- of our
25 ocean has already been affected. No doubt about it.

1 It's already been contaminated by Northstar.

2 You look at Endicott and those other future
3 offshore platforms that will be set up, we know
4 that -- that former Hammerhead has tremendous oil
5 and gas. And that's the reason why Shell wants to
6 go back. After 20 some years later, they have come
7 back to -- to original Hammerhead. Now it's --
8 Savulliq was the first one. So we see that it's
9 going to threat to our environment.

10 And how does Obama Administration will look
11 at these -- our new President, is he aware of the
12 offshore lease sales? Is he aware of what MMS is
13 doing on behalf of the Department of Interior? And
14 a lot of that -- it's going to be difficult for them
15 to do -- to do a cleanup on oil spill. They don't
16 have a proven technology. They don't have the
17 state-of-the-art because I myself have experienced
18 those at Sag River with one of these oil companies I
19 worked for in the past. Their technology don't
20 work. We tried that on Sag River during winter on a
21 -- on a live drill exercise. It don't work, so it's
22 not going to work in Beaufort Sea.

23 So how can you -- how can you say that --
24 that you have that technology now that you can clean
25 up the oil spill during -- during open -- open water

1 season or whether there is ice during winter? Of
2 course, the current shifts. The current is the one
3 that -- that shifts these ice pack around, and along
4 with the wind. So it's vital for our marine mammals
5 to be affected; otherwise, it's going to be passed
6 down by food chain. It will be difficult for us to
7 go out there and hunt.

8 And just imagine how this village is now
9 surrounded by -- by oil and gas. Exactly what's
10 going to happen out in the Beaufort Sea all the way
11 from Canadian border to Point Barrow, from Point
12 Barrow to all the way past Point Hope? How much are
13 those marine mammals going to be affected when they
14 are migrating during springtime, and how much of
15 those are going to be affected during fall
16 migration? We're not only just looking at bowhead
17 whales. We're looking at belugas. We're looking at
18 walruses, bearded seals, seals, all the waterfowls
19 that use these -- utilize these islands for molting.

20 So those need to be considered, too. Thank
21 you.

22 MR. LOMAN: Thank you very much.

23 MR. THOMAS NAPAGEAK, JR.: Good
24 evening. For the record, my name is Thomas
25 Napageak, Jr. That's N-A-P-A-G-E-A-K. I am -- I am

1 the youngest whaling captain of Nuiqsut. I have
2 been a whaling captain for four years, and I have
3 been whaling for 12 years. I am opposed to your
4 offshore development in Camden Bay due to the fact
5 that I have seen impacts from offshore development
6 from diverting our whales.

7 And first of all, I'd like to incorporate
8 my past testimonies about this personal subject.

9 And I am opposed to this due to the fact that, you
10 know, the -- all these facts that these whalers and
11 these individuals are saying are true. There is no
12 true method of getting oil out of our waters. For
13 instance, you know, Environmental Justice, what does
14 MMS think of that? You know, to me, it's -- you
15 have got to think of the land, the waters, the --
16 the grass, you know, all of the little creatures.
17 And, you know, we are part of that, you know,
18 because we are -- our tradition is based on eating
19 our traditional foods.

20 We -- there is -- for instance, this
21 village has a population of 500, and we have seven
22 to ten whaling crews here in this village. And to
23 think about that, you know, seven -- seven crews and
24 their families go out there to risk -- and use their
25 time and risk their lives to subsistence hunt for

1 this village. And for that to be impacted by oil
2 industry, you know, what -- there is -- there is the
3 problem right there.

4 We as a community are as one. When we eat
5 and when we are together for our traditional foods,
6 you know, it's our way of life. For all that
7 activity to be out there, the waters, from all the
8 vessels that would be -- you know, the temperatures
9 of the waters could do some damage to our wildlife.
10 You know, if our -- Camden Bay is one of the main
11 feeding grounds of 5,000 -- half of the population
12 of our bowhead whales, if they are in Camden Bay for
13 two weeks during our seasonal hunt, then that would
14 definitely be a -- divert -- our whales would be
15 diverted further north and then, there again, we
16 would be out of luck to feed our people.

17 Back in '05 when I first became a whaling
18 captain, I had 16 people on my crew. And, you know,
19 that was one of the years we were barely able to
20 have -- I -- as a whaling captain I was -- I was the
21 crew that -- me and my crew were the ones that were
22 successful that one year. We got one whale. This
23 community got one whale, and that same time we were
24 interrupted by a Canadian barge, and the industry
25 told us to back off while we were in the act of --

1 while we were in our pursuit of a whale hunt. And,
2 you know, that totally seems wrong to me.

3 And you know, I've seen impacts from
4 offshore development. I've heard of contractors
5 like Shell offshore in other countries that have
6 suffered from nearshore and offshore development of
7 their fish and their offshore marine mammals dying,
8 and thousands of other indigenous people suffering.
9 For instance, like the Norwegians, if they are able
10 to push the offshore development industries out of
11 their way because they are being impacted -- you
12 know, that's just not right for their people. You
13 know, it would be the same for all of us. The whole
14 North Slope is -- we are all the same. We all live
15 off of our whale.

16 So I -- I am -- definitely am opposed to
17 the offshore drilling that is going on these lease
18 sales of 209 and 217 in the Beaufort Sea. Thank
19 you.

20 MR. LOMAN: Thank you very much.

21 MR. CARL BROWER: For the record,
22 I'm Carl Brower. Last name is B-R-O-W-E-R. I'm
23 also a whaling captain of Nuiqsut. My concern, I
24 got -- because as a whaling captain, I been impacted
25 by the industry. You heard the problems that we had

1 in the past with the industry. They told you some
2 of the stories.

3 I was impacted by one -- one barge during a
4 whaling season while we were in the pursuit of a
5 whale. We were getting ready to strike a whale when
6 that barge deferred [sic] the whale. And also I was
7 also impacted on the Chukchi side as a whaling
8 captain in Barrow. They drilled northeast of Barrow
9 about 30 -- about 30 miles out. We had to go that
10 30 miles, along with an additional 10 to 15 miles to
11 towing the whale when we got a whale that far.

12 And that day we were so proud we end up
13 towing in the dark, and we almost lost five boats
14 due to an iceberg hitting the tail end of our tow
15 because the current was so strong. And those five
16 boats -- if we didn't take action in moving away
17 from it, them boats would have been under that ice.
18 I was one of the boats that was just in front when
19 everything was going under the -- when the boats
20 were starting to break their windshield, break the
21 antennas, and I almost lost a few lives that day.

22 That is not -- now you want to propose
23 drilling offshore, and those were just one boat, one
24 drill rig. Now you want to put a whole bunch out
25 there. That -- that doesn't -- that doesn't sound

1 right, especially when you are endangering the lives
2 of the whalers. You are endangering the lives of
3 the subsistence hunters. And you are endangering
4 the -- our food chain.

5 It's not just the whale. It also includes
6 the whole food chain of the Arctic Ocean. We could
7 barely kill to cover our skin so we could go
8 whaling. We get regular fur seals so we can have
9 seal oil for our nutritional needs. Now we are --
10 you guys go out there and mess up our whole -- our
11 whole way of life. That -- that isn't right.

12 And now also I was in Barrow not too long
13 ago, and I was reading just part of your MMS -- I
14 mean, not -- the EIS, and I was just concentrating
15 on one -- one -- one subject, discharge. I looked
16 it up. You got -- for one drill, one -- one drill,
17 you are going to have the oil companies discharge
18 820 to 870 tons of drilling mud out in the ocean.
19 And that is for each. If you do that for each
20 drilling rig, you are -- you are -- you are
21 impacting the whole food chain. You are going to
22 cover the whole sea floor with this drilling mud.

23 And that -- and that -- might as well lose
24 our traditional life as an Inupiat, as a whaler, as
25 a captain. What good are we when we can't even get

1 any food to supply the community?

2 And that's why we are -- the no action is
3 my -- my -- my best bet. Thank you.

4 MR. LOMAN: Thank you very much.

5 MR. JOSEPH AKPIK: Thank you.

6 MR. LOMAN: Before you start, there
7 is a lady in the back. I want to address her.

8 MS. ROSEMARY AHTUANGARUAK: She
9 started to say the Elders had an opportunity to
10 speak first.

11 MR. LOMAN: We are going to take a
12 break. Five minutes, give or take a minute. How
13 about that?

14 (A break was taken.)

15 MR. LOMAN: Some folks have told us
16 that they want to continue to listen to what people
17 have to say. Maybe they will testify later. That's
18 fine. We appreciate people that want to listen to
19 see what's said so it's not said over and over
20 again. It saves all of our time. But we had a nice
21 break. Those of us that are inclined went outside
22 and poisoned our lungs.

23 MR. ISAAC NUKAPIGAK: Exercise your
24 lungs. You live that much more.

25 MR. LOMAN: Exercise, yes. They say

1 if one hand doesn't get you, the other one will. I
2 think there might be some truth in that.

3 So if there isn't someone else that would
4 like to get up -- yes, sir. Good. Thank you.

5 MR. BILLY OYAGAK: My name is Billy
6 Oyagak, O-Y-A-G-A-K. So I'm with the whaling -- one
7 of the whaling captains for the whaling community of
8 Nuiqsut. And we have been whaling since '70s, and
9 in early '70s we never have -- never used to have
10 problems before they start going out in the ocean.
11 So in the '80s we start having hard time whaling out
12 there because of the activities.

13 We used to be closer to our village before
14 the oil companies started going to the ocean. But
15 once they start on Northstar, we had to move to
16 Cross Island in order to get away from the
17 interference that they did now. So we never have a
18 hard time in those days, but nowadays when the
19 activities start going, we start having a hard time
20 trying to find the whales.

21 And like the Hammerhead, when they made the
22 Hammerhead, we had to go 30 miles and over out in
23 the ocean in order to find some whales and catch a
24 whale out there. So like last year, we didn't have
25 any interference on the east side of Cross Island.

1 No activities going, the whales were just right
2 there, right by the island. But when the activities
3 start going on the east side of Cross Island, that's
4 where they spook the whales out into deeper sea.

5 And once they get out there, if they start
6 doing the drilling on that again, now where we going
7 to go? The whales are going to be further out.
8 They are going to get away from their route. That's
9 the way I look at it.

10 So that's our ocean out there. It's like a
11 garden -- garden to us. We get our food out there.
12 And they start drilling and start spilling the drill
13 mud, all the animals are down there, too. What are
14 they going to eat after they cover them up with
15 drilling mud? So I'm going against that drilling
16 mud disposal on the ocean.

17 And we will probably have a hard time. We
18 have been trying to communicate with the oil
19 companies that are out in the ocean, but I don't
20 know what's going to happen after that.

21 So I'm against drilling out in the ocean.

22 Thank you.

23 MR. LOMAN: Thank you very much.

24 MS. DORA LEAVITT: Good evening.

25 My name is Dora Leavitt, and I oppose your project

1 for a number of reasons. First of all, you have
2 never give us adequate time. Anybody that comes
3 with four volumes of this and give us 30 days to
4 comment, and here we are in the draft process of
5 just trying to get a little summary of what -- what
6 you are proposing out there, and this is our -- our
7 livelihood, the way we live. We are always going to
8 be Inupiat. And I oppose -- you don't give us much
9 alternatives.

10 And the other thing is, the alternatives
11 you give us, some have deferral on, you know -- and
12 you don't have deferral on one of your alternatives
13 for our area. So you are not covering each of the
14 villages that have sensitive places. We have to
15 travel 97 miles to do our whale hunts. There is a
16 lot of us that go out seal hunting, and that is not
17 protected in your -- your -- your alternatives.

18 Cross Island, the mouth of our rivers, Thetis
19 Island, seal hunting.

20 We do a lot of fishing. The fish that
21 migrate from the MacKenzie River and overwinter here
22 in the Colville and in the Nigliq Channel, they are
23 not protected.

24 And I have -- I've read a little -- I lost
25 my page, but I've read -- I'd like to read one of

1 the statements that is the purpose and background of
2 the proposed actions. "The OCS Lands Act
3 established that OCS development proceed in a safe
4 and efficient manner that provides for environmental
5 protection, fair and equitable returns to the
6 public, state and local participation in policy and
7 planning decisions, and resolutions of conflict
8 related to other ocean and coastal resources and
9 uses."

10 How can you provide us with your protection
11 and -- and drill in a safe, sufficient manner when
12 you are allowing industry to contaminate our oceans
13 with 50,000 tons of drilling mud a day?

14 The other thing I'd like to read is that,
15 "all OCS oil and gas activities are conducted in an
16 environmentally sound manner." That does not sound
17 like it's environmentally safe.

18 "The EP must comply with the OCS Lands Act,
19 implementing regulations, lease provisions, and
20 other federal laws, and is subject to environmental
21 review under NEPA. The MMS must disapprove an EP if
22 the proposed activities would cause 'serious harm or
23 damage.'" The -- the -- the way that Shell wanted
24 to do their operations, they wanted to dump drilling
25 mud. They wanted to do, you know, the -- your air

1 quality exceeded, you know, their air quality. And
2 to compare not just with theirs, but with other
3 development that is going to occur once you lease
4 these -- the whole coastal area, we are going to be
5 affected. We are affected already as it is with
6 Prudhoe Bay, Alpine, the NPRA.

7 And this is where we hunt. It sustains our
8 people. Our whalers travel 97 miles. And I have
9 seen, because I've worked as an Inupiat communicator
10 over in Deadhorse where we communicate with the
11 whalers and the oil development during their fall
12 whaling season, and there were years when they
13 conducted seismic, and our whalers were having to go
14 30 miles from Cross Island when they spot a whale.
15 It took them 16 to 18 hours to tow a whale for 16
16 miles -- I mean, 30 miles. The communication I had,
17 broken communication, didn't know, you know, if they
18 were okay. And that is not safe when they are --

19 You know, the whales are deflected because
20 of seismic activity. The whales were deflected
21 because of activity over at the Hammerhead back
22 in '85; '83, '84, '85, somewhere around there.
23 There was seismic conducted back in the '90s, and
24 our whales were deflected. And our whalers were
25 having to go out so far just to catch a whale. And

1 the meat, by the time they got it to Cross Island,
2 was spoiled. Fortunately the muktuk is still good,
3 so they come home with muktuk, but they travel so
4 far.

5 And yet, you want to lease out the whole
6 coast with no protection, with some of your
7 alternatives that have no -- you know, you haven't
8 come to each village and say, where do you hunt?
9 Where should we protect you? Where can -- where can
10 I put a deferral area? You have not come and said
11 that and asked of the people that you are going to
12 impact. That is wrong. We are all human beings.
13 We all have different cultures. You guys may have
14 the -- you know, McDonald's and whatever. We have
15 the fish in the ocean, the seals, the whale, the
16 caribou.

17 This -- once this development goes through
18 and all the seismic activities go through and you
19 open this up to the industry without any
20 stipulations, without any protection, we are -- we
21 are going to be -- you know, we are not going to be
22 protected.

23 What is your mission statement as MMS? Do
24 you have a mission statement? What is your mission
25 statement?

1 MR. LOMAN: You want me to give you
2 our mission statement?

3 MS. DORA LEAVITT: Yes.

4 MR. LOMAN: Promote responsible oil
5 and gas development in the outer continental shelf
6 in Alaska in an environmentally sound manner.

7 MS. DORA LEAVITT: When you are
8 proposing to do that environmentally sound, is that
9 50,000 tons of drilling mud and whatever gray water,
10 what have you, dumping into our ocean? Is that
11 environmentally safe? The air quality that is going
12 to be dumped, is that environmentally safe?

13 MR. LOMAN: Ma'am, we won't get into
14 a debate here.

15 MS. LEAVITT: Yeah, but this is
16 something that we --

17 MR. LOMAN: It's not a personal
18 thing.

19 MS. LEAVITT: I know it's not a
20 personal thing, but you --

21 MR. LOMAN: You are reading the
22 amount of -- you are reading the amount of discharge
23 from --

24 MR. ISAAC NUKAPIGAK: Point of order.
25 You are here to listen to this community. She's got

1 a point that MMS needs to consider and hear the
2 issues out.

3 MR. LOMAN: She's asking it in a
4 question. That's all.

5 MR. ISAAC NUKAPIGAK: Point of order,
6 sir. You are here to hold a public hearing to hear
7 our concerns, our opinions.

8 MR. LOMAN: Yes, sir. Go ahead,
9 ma'am.

10 MS. LEAVITT: And I hope it's being
11 recorded because we are not given a fair chance at
12 speaking and putting this so we can have, you know,
13 more things to say. But you have given us a little
14 time when you are going to affect our livelihood for
15 the rest of our lives. You are giving us 30 days to
16 comment on these very important that is going to
17 devastate, when an oil spill occurs, which usually
18 does with development over time.

19 The environment, the Arctic Ocean, they are
20 unpredictable. The weather is unpredictable. And
21 what -- how -- the -- how far we go, you know, when
22 they got one whale, that was not enough to share
23 with the whole community. You know, when we get our
24 quota, we have enough to share with the community.
25 We have enough to share with our relatives in

1 Anaktuvik, in Kivalina, in the Northwest Territory,
2 our relatives who have moved out and are living in
3 Anchorage.

4 So I -- I oppose this development. Your
5 lease, your alternatives, they suck. We don't have
6 a voice as to, hey, you don't come and say, where
7 are we going to -- where can we protect you? Where
8 can we tell industry to stay away? Where is your --
9 where is your traditional use area, your historical
10 use areas? People for years have lived along the
11 coast. You have people -- our ancestors, we have
12 relatives in Canada that used to come, and they
13 would come to Flaxman Island. Cross Island is a
14 whaling camp, and it's been used for so many years.

15 And these are some of the things that, you
16 know, I hope we are heard. We are heard. You know,
17 there is -- there is a lot of industry -- industrial
18 infrastructure that is going to come in place once
19 you get all these development in the ocean. And I
20 hope that you guys use traditional knowledge, people
21 that have lived here. Yes, you might have
22 scientists that come and study the oceans and the
23 waters, but we have people that's lived here their
24 whole lives and they know -- they know the history
25 of the -- the coast, the oceans, the weather.

1 And I'd just like to say that, you know,
2 with the air emission, the air quality, it is not
3 being analyzed. It's not being looked at. We have
4 a lot of people with chronic illnesses that is being
5 ignored. A lot of lung disease that -- that -- that
6 federal, state government and other agencies have
7 not even looked at.

8 Yeah, we might have air quality. I used to
9 work there. Air quality for Conoco. You know what?
10 I found out that when I worked there, it doesn't
11 record in 40 below weather. And we send those to
12 SEACOR all the way to Denver, and I don't think, for
13 a number of reasons, that they analyze the air
14 quality. It's not being analyzed.

15 These are some of the things that we need
16 to look at and, as agencies and people, MMS needs to
17 look at before you go ahead and lease out our
18 livelihood. And I -- once again, I say I oppose
19 this offshore leasing. Thank you.

20 MR. LOMAN: Thank you very much.

21 MS. ROSEMARY AHTUANGARUAK: My name
22 is Rosemary Ahtuanguaruak, A-H-T-U-A-N-G-A-R-U-A-K.
23 I'm a resident of Nuiqsut. I'm on the Inupiat
24 Community of the Arctic Slope board, and I have
25 participated in many other ways. I was the mayor of

1 this village for a period of time.

2 We have gone through many meetings. We
3 have had a lot of testimony, and all of those years
4 of meetings and testimonies need to be incorporated
5 into this process. We have a lot of concerns
6 related to our health, our well-being, our
7 sustainability as a community with our subsistence
8 resources.

9 We have got a lot of concerns about what
10 changes are being presented, as well as lack of
11 understanding of the changes that are occurring to
12 our lives and our health with the existing
13 development that's occurred and with the proposed
14 leases that are already sold that will cause changes
15 into our future.

16 All of these issues have created many, many
17 questions that have been left unanswered with
18 decades of meetings of concerns in which we continue
19 to give up a lot of our lives and our lifestyle and
20 our ways and our resources and our foods and our
21 lands because of these changes.

22 We can't keep doing this. We have gone
23 through too much. There has been so much. And the
24 heart and pain from our meetings is heard in many,
25 many meetings every month. And yet it's never

1 incorporated into a meaningful way to allow you to
2 understand what we are dealing with. You fragmented
3 this process so effectively for industry's benefit
4 that it's really hurting us in many ways because we
5 have layers of information that never get into our
6 community process, and yet decisions are being made
7 affecting us and our future and our livelihood and
8 our feeding of our families. We are asked to give
9 up feeding our families from our resources with the
10 risks of these changes all on us.

11 Our people will have to respond to this
12 bill. And yet the designs of what's been presented
13 with technological advances do not have anything
14 that can do anything to clean up a spill in the
15 Arctic. If you cannot clean up, then no go. Don't
16 go out there and do anything because you can't do
17 it. And don't put it at risk for us and our food
18 and our livelihood and our lives of our family
19 members.

20 Our health and well-being has not been
21 assessed. We are going to have to wait three years
22 to get the human health impact assessment related to
23 NPRA. And yet this whole process is not even being
24 assessed in our human health impact assessment.
25 It's not even in the paperwork. And your EIS

1 doesn't have the new science that has been learned
2 through the existing spills in other areas, such as
3 Exxon Valdez and the Sound Truth Corporate Myths by
4 Riki Ott. That science needs to be in this process.
5 Her new book, Not One Drop, that talks about the
6 social impacts to the communities, that needs to be
7 incorporated into this process as part of the public
8 testimony because that's what we are at risk for
9 with these proposed changes.

10 And we can't go through those devastations
11 because we have gone through devastations like that
12 with lack of enforcement to mitigating measures,
13 with lack of maintaining the infrastructure that's
14 out there, with lack of enforcement of promises that
15 were there to protect our environment; and yet they
16 have been broken with spills that are occurring at
17 many of these sites, and yet we are risking the
18 offshore with these same type of infrastructure that
19 are already leaking and not maintained.

20 Anyway, we are the ones that have to worry
21 about this on a day-in and day-out basis because
22 it's our lives. This is affecting our families. It
23 hurts us. It hurts our families by the constant
24 arguing, presenting, traveling to meetings, giving
25 up our lives to present concerns and issues. It

1 hurts our families when our children being taught
2 how to live our subsistence lifestyle cannot compete
3 with the common sense logic of what's occurring in
4 these lands and their risk of continuing a tradition
5 because they have been changed.

6 My son's first harvest impacted by change,
7 the loss of sharing that harvest within the family
8 and the community, the joy of sharing a meal within
9 the community, the joy of being recognized by the
10 Elders of our community. Those are losses that
11 occur to our families. And these are things that
12 are occurring on a daily basis.

13 It's so hard for our young people to go
14 through all of this sudden change without promises
15 of benefits of anything of employment when we have
16 got constant more and more layers of requirements to
17 even become a stick picker cleaning up the trash or
18 be at risk for a spill response cleaner when the
19 risk factors already have proven that there is
20 illnesses from going to a spill.

21 What about the changes to regulations that
22 occurred from the spill at Korea and the
23 recommendations to not allow children to go to a
24 spill response because of changes to their health?
25 And yet what about our children who live in harm's

1 way because our closest whale is four miles away and
2 you are presenting more and more changes of more and
3 more harm to our families just because of where we
4 live?

5 This is not fair. We have no answers. And
6 yet you are coming out with more and more changes
7 and more and more risk to us. These risks -- I was
8 told by Dinah Bear, who was general counsel for the
9 Council on Environmental Quality, that these impacts
10 that we have discussed are illegal. She was a
11 general counsel for eight years in the White House.
12 And these impacts are illegal.

13 When are we going to get the help to stop
14 these impacts or help us with the health changes
15 that are occurring or help us with all the other
16 things that are occurring to give us hope? Our
17 Elders fought for over five years trying to get
18 mitigating measures and stipulations put in place to
19 give us a hope of a semblance of subsistence, and
20 yet with one swoop of the pen, you took away these
21 protections that we fought over five years to give
22 us a hope. And yet you never even considered
23 whether or not they should be changed. They were
24 just changed because it was to smooth the process
25 for industry to continue to do this stuff.

1 The piecemeal process is hurting us even
2 worse because you are not fully assessing what's
3 happening with each of these developments, and they
4 allow exemptions to occur on a regular basis that
5 are affecting our health on a daily basis, and yet
6 nothing has been done. It took us years and years
7 of commenting to get the human health impact
8 assessment process started, and yet our families are
9 going through these breakdowns because of all this
10 process, and there is no help for us. Please change
11 this.

12 MR. LOMAN: Thank you very much.

13 MR. JIMMY NUKAPIGAK: Good evening.

14 Mr. Kendall, welcome to the northernmost harsh
15 environment we have. Jimmy Nukapigak from the
16 whaling family, a subsistence hunter from Chukchi
17 Sea all the way to Beaufort Sea.

18 Tonight we had -- you have heard our
19 testimonies about our traditional knowledge we have
20 as Inupiat. We oppose strongly in many years in the
21 past. I would like to see all the draft
22 environment -- whenever you start making any draft,
23 we would like to be part of it as a group covering
24 what you said.

25 The sea is our garden out there. We don't

1 grow no vegetables like in the rest of the world.
2 We, as the Inupiat, our sea is our garden. We
3 depend on marine, migrating birds. We depend on
4 fishes that migrate from -- from -- that come along
5 the coast. I really strongly oppose.

6 And I would like to make a message to
7 Mr. Obama: Open up the ANWR instead of -- instead
8 of our sea. There is plenty of other resources out
9 there that -- within the land. There are several:
10 ANWR, also the key of the national NPRA is to start
11 it. They only are opening up a small portion of it.
12 That's federal land right there.

13 We depend on our sea because we don't grow
14 gardens out there. Our garden is the sea that we
15 depend on as the Inupiat for thousands of years, as
16 my people have lived. Now we, as Inupiat, will
17 continue living as Inupiat as of today, as of
18 tomorrow, as of our young generations that will come
19 beyond.

20 So I would like to make a message to
21 Mr. Obama: Leave our garden alone within the Arctic
22 polar region. Open up the ANWR. There is a lot --
23 there is all kinds of resources within the land that
24 oil industry can see. Be much safer within the land
25 rather than in our seas because our -- we know, our

1 traditional knowledge, what the sea can do, that
2 nature can do. We all done it for years and years.

3 The last Administration of Bush I strongly
4 oppose because it will be -- even if there is any
5 oil spill, they don't have no technology to clean
6 from the ice movement, the current. There is --
7 there is a lot of different kind of currents out
8 there, east, west. I know oil industry doesn't have
9 no whatsoever technology to clean the oil spill
10 within the Arctic polar region.

11 So I strongly oppose. Thank you.

12 MR. LOMAN: Thank you very much.
13 Sir, could you -- sir, would you mind spelling your
14 name?

15 MR. JIMMY NUKAPIGAK: Jimmy
16 Nukapigak, N-U-K-A-P-I-G-A-K.

17 MR. LOMAN: Thanks very much.

18 MS. MARJORIE AHNUPKANA: My name is
19 Marjorie Ahnupkana.

20 (Testifying through the interpreter.)

21 MS. MARJORIE AHNUPKANA: She's an
22 Eskimo, and I don't hardly speak any English, and I
23 will speak my own language.

24 I want to speak on behalf of the whaling
25 crew that go out whaling from Cross Island and also

1 on behalf of Inupiat people that been going out
2 hunting ever since I know the time in this life when
3 people go out hunting in the Cross Island area.

4 I would like to express my feeling that the
5 whaling commission of the Inupiat group has been
6 going on for so many years, ever since I could
7 remember when I was small. Whaling grounds were all
8 along the barrier islands from Oliktok area all the
9 way down the coastline. As far as I can remember,
10 people, Inupiat people up north went out whaling in
11 the early 1800s, 1900s, and now until early '70s
12 when Nuiqsut was moved here and they start whaling
13 not too long after we moved from Barrow to here.
14 And I support the Nuiqsut whaling because they are
15 the ones that help the community for bringing the
16 meat home for our people.

17 I had experienced what has been the food
18 chain. Used to live in this area before they moved
19 to Barrow and started to realize how the whale meat
20 and the whale blubber is important to the Inupiat
21 because that's when we learn how to -- that's when
22 we start to eat whale meat and the whale blubber and
23 everything. Since that time, I have noticed that
24 whale meat and traditional foods that we like --
25 that we eat is very important for our people.

1 One of our Elders, her name is Sarah
2 Kunakanana, that have testified in past years that
3 she grew up in Prudhoe Bay and hunt in the Cross
4 Island area in early '30s and '40s, she had moved
5 here and testified in this village for so many years
6 and years, and is one of the Elders now living in an
7 elderly home in Fairbanks. She had testified over
8 and over for so many years and years. The written
9 testimony should be with the MMS, also.

10 And her question is: Where are those
11 testimonies that she had put up? Are they going to
12 be incorporated in -- in the EIS process?

13 MR. LOMAN: The spelling of Sarah's
14 last name?

15 MR. ELI NUKAPIGAK:
16 K-U-N-A-K-A-N-A-N-A.

17 MR. LOMAN: And she wants the
18 testimony to be analyzed in this process?

19 MR. ELI NUKAPIGAK: Yes.

20 MR. LOMAN: Okay.

21 MS. MARJORIE AHNUPKANA: She is
22 stating I support the Nuiqsut whalers. I support
23 whaling. They are taught when to go out whaling.
24 And she would like to express that no interference
25 be taking place from that -- from the seismic

1 vessels that are going to be out there. I support
2 Nuiqsut whalers subsistence because short window of
3 hunting is only from September -- September period.

4 She expressed that she had heard from
5 Nuiqsut whalers how the past interference has been
6 taking place, and we have to support the Nuiqsut
7 whalers to make sure that no more interference take
8 place near Cross Island.

9 She's stating I would like to say my only
10 time of living here I live in the Colville River
11 before moving to Barrow in the early '40s. And
12 their parents would take them out to the islands
13 down there to be -- they go out in the springtime to
14 gather up seals or ducks from near the island, and
15 you catching a lot of whales from around Thetis
16 Island, Bingham Island [ph], that other little
17 island. There were old whale bones that had been
18 there from the past whalers of the area.

19 And she had noticed that each area were
20 once used by Inupiat people to go out hunting whales
21 from those near islands, from Thetis Island. And
22 right now it's right close to ENI. ENI is building
23 a man-made island right beside that island right
24 now.

25 But in those days she stated that there was

1 no interference because there was nothing out there
2 except living the old Eskimo way of life.

3 MR. LOMAN: Thank you very much.

4 MR. EDWARD NUKAPIGAK: I like what
5 the Elders have said and the interpreters have
6 mentioned that she mentioned about the Cross Island
7 not to be tapped, that there be a deferral, meaning
8 that -- that Cross Island area should not be touched
9 by offshore exploration because the Cross Island is
10 vulnerable to the offshore. And that's one thing
11 that she had mentioned, that the deferral line
12 should be there and that there should be no
13 interference whatsoever on behalf of Nuiqsut whalers
14 that are out there trying to subsist on their
15 quotas.

16 MR. ISAAC NUKAPIGAK: I'd like to
17 come back. I know my kids -- I need to put my kid
18 to bed for -- because of school tomorrow.

19 We have been -- indicated, like we said,
20 you heard very important comments by our respected
21 Elders, our whaling captains, community members.
22 Time and time that we have been spoken in various
23 public hearings pertaining to OCS lease sales in the
24 past. And we have been -- and we have spoken.

25 The coastline of Alaska or us Inupiat

1 doesn't even benefit. Here the federal government
2 make tons of millions of millions of dollars, and
3 not even one penny comes to this community for
4 impact. We don't get revenue sharing. And the only
5 one that I see that benefit out of these OCS lease
6 sale is the -- is people that live in the gulf of
7 Louisiana and Texas. They are not -- they are
8 people that living out there that not seeing or
9 being touched by the impact of these activities. We
10 are the ones that are being -- have to live with the
11 consequences. What do we get?

12 We have been expressing our opinions, our
13 concerns because of trying to protect our
14 subsistence lifestyle. Somewhere here -- you know
15 that, Keith. I have dealt with this guy before when
16 he used to be an employee of EPA. The community of
17 Nuiqsut has a very big, broad subsistence land use
18 area. It ranges roughly about 250 square miles.

19 And this community depends on various
20 species. Thirty percent of marine mammals that they
21 -- are our diet, which composed of whale, bearded
22 seals, ring seals that we depend on year-round.
23 Another 30 percent is fish. Fish is -- fish is the
24 migrate -- a migrating fish that migrates, that
25 comes into our -- our river system, that comes in

1 through the Beaufort. There has been identified of
2 28 species of fish that comes to spawn or overwinter
3 in the unique -- the Colville River considered as a
4 wetlands, a very rich wildlife habitat area that
5 is -- that the species utilize. And the other part
6 is -- 33 percent is the marine mammals that migrates
7 up and down the river or on the coastline.

8 What do we get? We don't get that revenue
9 sharing. There has been at least numbers of lease
10 sales occurred within the last ten years that had
11 generated revenue to our federal government of
12 easily of over a billion dollars. And under that
13 law, that at least 50 percent of what the federal
14 government gets, 50 percent is supposed to be
15 disbursed to these coastline, Louisiana, Texas.
16 They are the one that are being benefited out of
17 these lease sales. And here we have to live with
18 the consequences.

19 A whaling captain -- being a whaling
20 captain is not cheap. Easily in the duration of our
21 quota, a captain can spend a tremendous amount of
22 dollars of nearly \$20,000 in preparing for a whale
23 hunt for this community. A captain, everybody looks
24 at them as a highly-respected provider. And we
25 don't get anything out of it, what we spend.

1 We are in a new Administration. I think
2 MMS needs to stop what they are doing and go -- and
3 go see what the Obama Administration will think of
4 this Arctic policy. Bush Administration exists
5 [sic]. It's gone. He's history. We are in another
6 new Administration now. You guys are doing what you
7 were being instructed by the previous
8 Administration. Obama has a different agenda.

9 As far as to my concern, I think this
10 project should exist -- completely quit and see
11 where the new Administration will take us, change
12 the new Arctic policy.

13 I mean, we are talking about our
14 subsistence lifestyle being jeopardized. You heard
15 various folks express their opinion and their
16 concern. I mean, you are dealing with our lives,
17 and we have been expressing -- express our concerns
18 for years and years. And I'm glad one of the -- one
19 of the -- one of the ladies asked the MMS mission
20 statement, environmental sound manner development.
21 And when you are posing the industry to go ahead and
22 proceed to dump, that's no environmentally sound
23 development.

24 I can use an example of how we try to work
25 with the industry with our conflict avoidance

1 agreement. Like the Savulliq prospect that holds
2 the lease in the Camden Bay telling us trust me, we
3 will take care of you, what kind of trust when they
4 are not telling the full picture what their intent?
5 A fast track of issue release permits by MMS,
6 inadequate information, fast track, ignoring the
7 issues that was raised by the communities through
8 our various different organizations which lead us to
9 file an injunction in the Federal Court. And we
10 apparently had appeal and won. That's a sample.
11 When industry comes and tell you trust me and not
12 telling the whole -- the whole picture, there is
13 something wrong with this.

14 I mean, we are talking about our
15 subsistence lifestyle. Not only I, my next
16 generation that's going to be, that will be here for
17 even when the oil is gone. These are the ones that
18 we -- that are in jeopardy, their identity of who
19 they are as Inupiat.

20 Therefore, like I said earlier, I oppose.
21 I recommend no -- no action plan alternative. I see
22 where -- like I told you, like I indicated, you
23 know, the Bush Administration is gone. Okay? He's
24 history. He's on the shelf. We have a new
25 Administration now that has a vision. He's the one

1 that's going to be looking at working to setting up
2 the new Arctic policy.

3 We have been -- he knows very well what we
4 have been fighting in the past. He's no -- Keith,
5 he's no stranger of what the value of what this
6 community has always been fighting for.

7 Like I say, you need to bring this up to
8 your upper superior that's going to be making the
9 actual decision whether these proposed five-year
10 lease sales should occur. I think MMS has gone too
11 far. They ignore our concerns. They are trying to
12 do so much fast track of issuing permits, even
13 though these issues have been identified and are
14 critical to us. And I believe, you know, this --
15 this -- I think this draft EIS should be put on the
16 shelf and see where the new Administration will take
17 us.

18 Thank you very much.

19 MR. LOMAN: Thank you very much.

20 MS. ROSEMARY AHTUANGARUAK:

21 Rosemary Ahtuanguaruak, A-H-T-U-A-N-G-A-R-U-A-K. I
22 wanted to make sure that it was clear that I oppose
23 the lease sale. I feel that even the previous lease
24 sales in our area should be rescinded, and that I'm
25 very concerned that we don't have adequate

1 information to assess and plan how the sales should
2 go.

3 Your own agencies within the federal
4 government, wildlife, NMFS, made recommendations
5 that these lease sales should not occur because
6 there's not adequate information on baseline data.
7 There is not enough information on ecosystem
8 studies. We don't know enough about the food web.
9 We don't know enough about the wildlife and their
10 interaction with their habitat to guide how all of
11 this activity should go.

12 We only have a small sampling of data that
13 is being used to piecemeal, like a quilt, the
14 information throughout both sides, and that's not
15 adequate. It's very important that we have some
16 adequate information of actual numbers of wildlife
17 that's in this area and that we have independent
18 studies done, not industry-presented science. We
19 need to have an independent. We need to have peer
20 review in the process and come up with some real
21 information. We have had poor reports done
22 associated with some of the activities near us.
23 Information has not been released that should be
24 guiding how some of these changes have occurred, has
25 not been released.

1 And without enforcement of trying to get
2 this basic information, you are really throwing
3 what's really happening into the wind and continuing
4 to shove more and more at us without having the
5 studies to support your decisions with all of the
6 risks on us which your NEPA process says is illegal.
7 And with that process, we have been fighting these
8 things for many years.

9 We have had individuals -- I am one
10 individual who stood up and opposed nearshore,
11 offshore. I believe it's not conducive to our
12 traditional and cultural uses, and it's -- the risk
13 is not worth the benefit of what's being proposed.
14 And it's really important that you look at it in a
15 better way and prevent the devastation that has
16 occurred from other areas in which there are species
17 that were not studied with this spill in Exxon
18 Valdez, and yet we have restrictions to our
19 consumption of these species because the numbers are
20 low.

21 If there is something that's happening up
22 here, they say they are going to go out and look at
23 bodies, but what about the bodies that get pulled
24 out into the tide and we don't find them; how are
25 they going to assess those kind of impacts?

1 And when are the decisions going to be made
2 that affect how these contracts are issued? If they
3 are breaching the contracts and putting promises
4 saying they are going to restrict flight activity
5 and they go beyond it, how can we stop that? If
6 they cause health impacts, how can we stop that? If
7 they cause community-wide impacts, region-wide
8 impacts, how can we stop that?

9 Thank you.

10 MR. LOMAN: Thank you very much.

11 MR. JOSEPH AKPIK: Thank you again.

12 Joseph Akpik, for the record. I wanted -- if there
13 are exploration -- got permits to do the
14 exploration, I would suggest that they use the
15 electronic drifters in order to monitor the ice
16 currents because it's going to be very important,
17 and it can impact -- like I said earlier, it will
18 impact the four countries.

19 And another thing that I would like to
20 emphasize is for the United States to enter within
21 the international law that has been considered --
22 that is under the United Nations Law of the Sea.
23 And I have briefly read about President Obama
24 emphasizing that this would be in order, encourage
25 the United Nations and for the United States to

1 enter within the international law agreement. And
2 I'm sure, Mr. Kendall, that you can pass on to your
3 Administration on this Law of the Sea. And it will
4 pretty much affect our -- our -- all of our oceans.
5 And so I would encourage to put that in there.

6 For the economic stimulus thing, there can
7 be more monitoring of our seas using the electronic
8 drifters, which means which way the current is
9 going. We all know that sea -- the ice is
10 diminishing within the polar cap. So it would be --
11 it can be viable to use the electronic drifters to
12 monitor the currents. It can very well affect if
13 there is ever a blowout or an oil spill within the
14 lease sales area.

15 And I would like to thank Marjorie
16 Ahnupkana for giving that traditional knowledge
17 because we have a long history up along the
18 coastline, especially in the Beaufort Sea. Extends
19 from Barrow all the way to Canada. And we have
20 never, ever recorded in some of our inhabitants of
21 the Eskimos that have left all the way across from
22 Canada, all the way up to Barrow and up and down the
23 coast.

24 And the watersheds are our only means to
25 acquire these -- what we eat up along the coast.

1 These watersheds are very important. And so it
2 indicates on this Beaufort Sea side three miles out.
3 That is a very, very short miles to defer from the
4 coastline. And I would like to see these deferred
5 coasts to further reach about five or ten miles.
6 And that would -- that -- for the purpose of our
7 whaling migration and cisco fish because whaling is
8 our -- is our blood. Cisco fish from the MacKenzie
9 is our blood. We need that, the community that
10 exists, and caribou coming from the south, coming
11 from both directions, east and west.

12 It's a very subsistence lifestyle living
13 here in Nuiqsut. It's pretty much exercised.

14 So I would like to thank each and every one
15 of you for coming here. And I'd like to thank
16 everybody that had testified, that had made
17 testimony in reference to these lease sales. Thank
18 you very much.

19 MR. LOMAN: Thank you. I don't know
20 if -- Marjorie, did you hear? He thanked you.

21 MR. JOSEPH AKPIK: And I see that on
22 this testimony that Sarah Kunakanana's testimony was
23 recorded in there and also Bruce Nukapigak's
24 testimony is in there. And I would suggest that we
25 read briefly on some of these testimonies by our

1 people and our Elders.

2 MR. LOMAN: Thank you very much.

3 MS. DORA LEAVITT: Dora Leavitt.

4 The other thing I forgot to mention was that
5 something that is really heavily upon the community
6 from industry that the agencies, the state, the
7 federal, the North Slope Borough have ignored is
8 social impact. They have studied fish, caribou, you
9 know, and what have you, but they failed to study
10 the people that are impacted because -- what I think
11 is because they don't want to spend the money. The
12 industry don't want to give out the money because
13 that -- you know, the impact is there. It is there.
14 We have lived it for so many years.

15 For nine years we have urged the North
16 Slope Borough to get on with Conoco and start
17 their -- their study on the social impact. We see
18 it in the school. We see it in the community, the
19 health impact, the police, you know. That's
20 ignored, and I just -- I urge MMS to get this right.
21 Come back and visit us. Let's work on these other
22 alternatives because we are tired of getting the
23 back burner, being on the back burner. We are going
24 to do this. Here is another alternative, but we are
25 not going to protect this side. Here, we are going

1 to protect -- if we protect Cross Island, we are not
2 going to protect Chukchi Sea.

3 We all have our own communities, you know.
4 And we share food. We share with Barrow the fish we
5 get, Kaktovik and everywhere. It's our tradition.
6 And I -- and I hope that you -- you -- you know,
7 that we are not burned again with these other
8 alternatives with no deferral, no protection. There
9 is no assurance that we are going to be able to hunt
10 in 50 years when Savulliq is not there. Give us
11 that assurance. You are the people that are going
12 to lease these permits.

13 Give us a little hope and work with us.
14 It's about time the federal government worked with
15 the people. It's about time that you come out here
16 and say, hey, you know, we are proposing this, what
17 do you think. Or no, you come here and you say you
18 got 30 days to comment on these four alternatives,
19 which we are never a part of. Work with us. We
20 will give you all of our deferral areas, you know,
21 protection. ANWR, I'm sure there is a lot of oil
22 and gas to be extracted there, you know. This ocean
23 is very important to us and to our people.

24 And I just want to make known that the
25 social impact has been ignored for too long, and

1 it's -- you know, this community is the most
2 impacted community on the North Slope. And it's --
3 it's hard trying to -- to go find resources, to get
4 counselors here and, you know, other people to work
5 with our kids because they are impacted. Our
6 hunters are impacted. We are given so many job
7 opportunities and promises, and yet how are we going
8 to acquire experience if we are not hired or
9 trained? You know, and our school, the way it's set
10 up.

11 We need to visit some of these areas. And
12 it starts with studying the social impact with --
13 with this community and others that are going to be
14 affected by this lease sale.

15 Thank you.

16 MR. LOMAN: Thank you very much.

17 MS. WENDY BROWER: Wendy Brower,
18 B-R-O-W-E-R. I'm a whaling captain's wife. And we
19 want to protect our waters out there, our rivers,
20 any contamination. And I have an 11-year-old boy.
21 He's a whaler. He's learning from his dad. And I
22 want him to keep learning, to teach my grandkids.
23 And leave our ocean alone. And I oppose this
24 strongly.

25 And it's not just whaling families. It's

1 the whole community because they go whaling with the
2 captains. And I want to tell you I oppose this.
3 Our kids are learning to go whaling. My daughters
4 are learning how to cut the whale with me, to cook
5 it, divide it and feed the community. So I just
6 want to say I strongly oppose this offshore
7 drilling. Protect our waters.

8 Thank you.

9 MR. LOMAN: Thank you very much,
10 ma'am.

11 MR. ISIAH NUKAPIGAK: Hello. I'm
12 Isiah Nukapigak, N-U-K-A-P-I-G-A-K. I have been
13 whaling for how many years now. We are impacted,
14 this whole community. And I have been hunting my
15 whole life, ever since I was a baby. And I know the
16 land and all the tundra damage. This is my backyard
17 and my front yard. And I'm 17. How are you guys
18 going to fix all the oil spills that are going to
19 ruin my life, my next generation, and their next
20 generation?

21 I know what's going on in the oil fields.
22 I go out, like, every week snowmachining. I head
23 out west, north, south, east. Look at that. There
24 is Prudhoe Bay, Kuparuk, Alpine, CD-5, Oooguruk
25 Island. We are all impacted.

1 I just want to say it's time for us
2 generation to step up, and I'm doing that right now.
3 And I don't want to sell my land to the oil fields.
4 This is my land, not the oil companies'. All they
5 just think of is just money. And look at us. We
6 don't get the money out of it. They are just
7 starting CD-5 on the west -- west of us. And that's
8 where we go for caribou hunting, catch wolves, fish.
9 Even down at Fish Creek we always go seal hunting,
10 even just down here.

11 And I just want to say we don't want no
12 offshore drilling. It's going to ruin our lives and
13 kill all of our animals that's coming from the
14 ocean: bowheads, seals, bearded seals, walrus,
15 fish. I go fishing.

16 Well, thank you.

17 MR. LOMAN: Thank you very much.

18 MR. CARL BROWER: Carl Brower,
19 B-R-O-W-E-R. I had to go smoke a cigarette and
20 catch my breath.

21 MR. LOMAN: Did it work?

22 MR. CARL BROWER: Yep. I got a
23 question I was going to ask earlier: What kind of
24 mitigation measures does MMS have on -- on whaling?

25 MR. LOMAN: Well, probably the

1 biggest protection to subsistence whaling is the
2 Marine Mammal Protection Act. And under the Marine
3 Mammal Protection Act, the oil industry must be
4 prevented from -- and I'm trying to remember the
5 exact wording. I've read it three or four times in
6 the last week in my conversations with National
7 Marine Fisheries Service people. But they have to
8 make or protect the species, the stock, and in other
9 words, the availability. And I'm sure that word
10 availability is in the Marine Mammal Protection Act.

11 So the oil industry can't impact the
12 species, the stock, or the availability in a way
13 that would prevent subsistence activity. So
14 that's under the Marine Mammal Protection Act, which
15 I would characterize as the most powerful law out
16 there protecting.

17 MMS has to obey that, and we have
18 stipulations in exploratory drilling, for example,
19 to call -- that call for a plan of cooperation to
20 prevent those impacts between the whaling
21 communities and the industry and other provisions
22 specific to that.

23 I hope I answered your question.

24 MR. CARL BROWER: Yeah. The reason
25 why I asked that question is to try to mitigate a

1 whale, in our language, what we got -- a whale got
2 no value. Our lifestyle got no value [sic]. So
3 that makes it -- that make it priceless. The oil
4 industry, the federal government doesn't have
5 enough -- enough money to mitigate to the whalers is
6 what I'm trying to -- because it is very
7 important -- you heard it all night, the lifestyle
8 of a whaler. I grew up a whaler. I want my son to
9 grow up as a whaler. Because being a whaler to
10 provide for your community, it all comes from here
11 [indicating], knowing your people are going to have
12 something to eat all year without worrying about
13 starvation.

14 Now, I'd just like to bring that out.
15 Thank you.

16 MR. LOMAN: Thank you very much.

17 MR. ELI NUKAPIGAK: My name is Eli
18 Nukapigak, N-U-K-A-P-I-G-A-K. I'm also a whaler
19 since the time I was small. I'm with North Slope
20 Borough planning now. I'm president of KSOP with
21 Native Village of Nuiqsut, council member.

22 What scares me in your letter here in the
23 lease sale is -- what worries me is that this lease
24 sale No. 1 statement says, "Allowing more energy
25 development in these sensitive areas would add to

1 global warming and cause greater harm to Alaska."
2 That's us that live off the land. It scares me to
3 see that kind of statement from MMS. And yet you
4 are stating that you are going to minimize our
5 subsistence way of life. There will be no impact
6 from industry because of this. And yet we are
7 protected under the Marine Mammal Protection Act on
8 the subsistence rights to the ocean.

9 What scares me is that your EIS draft has
10 nothing stating -- where is the Alaska Clean Air
11 Act? Where is air emission that will be going to
12 the Arctic Ocean? Is there anything in the EIS
13 stating the Alaska Clean Air Act, the air
14 emission that -- the results and those that are out
15 there that we will be using daily. I know some of
16 it will go to our ocean. That kind of stuff really
17 scares me because what kind of greater damage are
18 you talking about?

19 MR. LOMAN: Eli, we just identified,
20 I think, the document that you are reading from.
21 That's not an MMS document. That is the opinion of
22 Layla Hughes, former attorney for the North Slope
23 Borough. I know it appears that we wrote that, but
24 we did not write that. I'm sorry. We did not pass
25 that out.

1 MR. ELI NUKAPIGAK: What about Alaska
2 Clean Air Act in your environmental statement? Is
3 it in there, the air quality that -- air emissions
4 that has been going on for so many years from all
5 the explorations that have been going out out in the
6 ocean, is it in your environmental impact statement,
7 the Alaska Clean Air Act and air emissions that have
8 been?

9 MR. LOMAN: Impacts, yes. There is a
10 lot of analysis and information about air emissions,
11 Clean Air Act, compliance-related matters, yes.

12 MR. ELI NUKAPIGAK: And your EIS is
13 outdated. Most of those stuff was written in the
14 '70s. Now we're in 2009, 2010. That was 40 years
15 ago. They don't belong in that statement. These
16 are the first ones that have been sent that you
17 first have after oil and gas lease sale. Where is
18 the new one? You said this is a new statement for a
19 new development, but you are using the same old
20 statement that was there in the late '70s. When are
21 you going to update your EIS for the new lease sales
22 that are going to be happening?

23 Another one: They say that Obama
24 Administration will have a timeout and take
25 necessary studies to determine the true impact in

1 the Arctic Ocean before additional lease sales will
2 occur. Are you guys following the Obama's
3 guidelines or are you still using Bush
4 Administration's guidelines? You need to update
5 those statements before the real things happen: The
6 impact to our people. Global warming from the
7 development. Our ecosystem will be lost for the
8 next 50 years. What will happen to our people now?
9 They will be dying out from the Arctic Ocean because
10 ecosystem already been damaged. We will be eating
11 contaminated food from the Arctic Ocean.

12 What about the krill? What will happen
13 when you kill all the krill that bowhead whale eat?
14 We know the bowhead whale going to start declining
15 and stuff.

16 It's just a very sensitive area that you
17 are trying to lease. And I oppose and I -- I oppose
18 the offshore lease sale because it's too sensitive
19 for our people. Thank you.

20 MR. LOMAN: Thank you very much.
21 Sorry. I -- I thought you were reading from one of
22 our documents. And now I've got a copy of what you
23 were looking at to straighten out the confusion
24 there.

25 I think -- and I have just a very brief

1 thing to say about the proposed new five-year plan.
2 When the past Administration lifted the moratorium
3 on offshore oil and gas development in the Atlantic
4 and the Pacific, MMS was required to develop a draft
5 new five-year plan that would run from 2010 to 2015.
6 The current plan is 2007 to 2012. That draft
7 proposed plan for the Arctic would mean one
8 additional sale in the Chukchi, one additional sale
9 in the Beaufort that would take place under that
10 draft proposed plan after 2012, between 2012 and
11 2015.

12 That proposed plan is being reviewed now by
13 the new Administration. If someone had comments to
14 say -- and I think we have taken substantial
15 comments tonight about the need for the new
16 Administration to develop their guidelines, and I'm
17 sure they are. The new Administration, President
18 Obama, has not been in office even one month yet, so
19 it's understandable that I can't stand here and tell
20 you what their guidelines are. These take time and,
21 like many people mentioned tonight, time is
22 important. This is complicated stuff.

23 So unless someone has something to say
24 about that draft proposed plan, I would just say
25 that we understand that you are supportive of the

1 new Administration determining what the future will
2 look like under their plan. I think I got that down
3 pretty well.

4 And then I'd just like to say I'm sorry so
5 many people -- I don't blame them, but they said
6 what they needed to say and left, because I wanted
7 to thank them. And I would thank you for coming. I
8 understand that these are very important and
9 emotional issues for you because of their
10 importance.

11 I'd especially like to thank the young man
12 who came up and gave heartfelt comments that were
13 very hard for him to give about his personal
14 experiences being surrounded by oil activities as he
15 tried to conduct subsistence activities. And it was
16 a difficult thing for him to relate those things. I
17 appreciate that he did that despite it was hard, as
18 other folks did. I understand that it's hard. I
19 appreciate that. And I appreciate your -- your time
20 and your effort and the pain that people had to go
21 through tonight.

22 So please, for those that to leave, pass
23 that on. We understand that it's not easy to come
24 here and tell us about things that are so important
25 and hurt the heart and hurt the soul. But we

1 appreciate it. Thank you very much.

2 MR. CARL BROWER: I'd just like to
3 thank you guys for coming and coming in to visit our
4 community, just to let you know. Not as a whaler,
5 but as the mayor.

6 MR. LOMAN: Thank you for coming. By
7 the way, we have extended the date for submitting
8 comments to March 30, 2009.

9 MR. JONATHAN JEMMING: Can you
10 clarify the total timeline? Because I think there
11 was some confusion whether it was 30 days or whether
12 it was --

13 MR. LOMAN: It's three times longer
14 than 30 days, but that's okay.

15 (Proceedings adjourned at 10:20 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 _____ 2009.

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

My Commission Expires: November 5, 2012

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