Bureau of Ocean Management Regulation and Enforcement

Public Hearing

Environmental Impact Supplemental Statement

Relating to Chukchi Sea Sale 193

November 5, 2010

Inupiat Heritage Center

Barrow, Alaska

VOICE CHECKED/CORRECTED

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PROCEEDINGS

(On record at 7:10 p.m.)

JEFFERY LOMAN: My name is Jeffery Loman. I’m the Deputy Regional Director of the Bureau of Ocean Energy Management Regulation and Enforcement, formerly the Minerals Management Service, probably more commonly known as MMS. They changed our name. And they are going through a major ongoing reorganization of the Agency with the goal to restore the public’s trust. So that’s who I am. We’ve got some other members of our team, some folks that have come to Barrow for the -- in the communities that we’ve traveled in for the first time, so I’m going to let them introduce themselves starting with Mike.

MR. ROUTHIER: Okay -- hi my name is Mike Routhier. I’ve worked on National Environmental Policy Act documents for the Agency.

MR. HALLER: I’m Mike Haller. And I’m the Community Liaison for the Bureau.

MS. CODY: Mary Cody, and I’m a Wildlife Biologist with the Agency.

MR. HOLDER: Tim Holder. I’m with the Agency and I’m based in Washington and (indiscernible). Based in Washington D. C. and I keep track of the Agency’s activities are (indiscernible).

MR. LOMAN: Thank you. And thank you again for taking the time out of your Friday evening to attend this public hearing.
The purpose of this hearing is born out of a couple of things. First, I guess, the National Environmental Policy Act or a law called NEPA, Federal environmental law that the Agency must comply with when it intends to take a major Federal action. In this case we have prepared a Supplemental Environmental Impact Statement to address concerns that came out of a Court remand.

In between 2004 and 2007, the Agency had planned, first, a sale in the Chukchi Sea, an oil and gas lease sale. Prepared an Environmental Impact Statement. Finalized that and issued a Notice of Sale. And then held the sale in the Chukchi Sea in February of 2008. From that sale, the Federal government issued 487 leases in the Chukchi Sea for a total of $2.6 billion with Shell Oil Company being the largest leaseholder, holding a total of about $2.1 billion in leases in the Chukchi Sea.

The Agency was challenged through litigation. Litigation filed in Federal court in a case that went before the Alaska District Federal Court, Judge Beistline. And the Court decided, in short, this, that, for the most part, the Agency complied with the provisions of NEPA. But the Court found that the Agency had not, and should have, analyzed the effects of any natural gas development and production that might occur. And, in these leases there were incentives for natural gas associated and connected with those leases.

The Court also said that the Agency must address. from
Section 1502.22 of NEPA, an evaluation analysis of what the Plan tiffs had submitted in their Exhibit 129, about 40 pages of excerpts from their -- from the Agency’s final Environmental Impact Statement, statements regarding uncertainty or missing or lack of information or data. And so that was the remand to the Agency. And when litigation is filed in a NEPA lawsuit, typically when the Agency doesn’t fully comply with those provisions in the National Environmental Policy Act, the Agency is compelled to do NEPA where it didn’t do NEPA, do more NEPA, do NEPA right. Follow the provisions in full measure.

So to do that, and address this Court’s remand we’ve prepared a draft Supplemental Environmental Impact Statement. Hopefully, you’ve had a chance to take a look at it. If not, we have some copies here. It’s available online. It’s in the libraries in all of the communities from Barrow, all the way through to Kotzebue. And it’s probably going to be one of the shortest, if not the shortest environmental document, that this Agency produces. Usually our Environmental Impact Statements are much larger and onerous and complex. This document is shorter and very straightforward.

So, we’re here to take comments that you may have about this draft Supplemental Environmental Impact Statement. But we can talk about anything else. Talk about anything else you want to talk about. But especially, we’re interested in talking about your concerns about our Agency. An Agency that is going
through a major reorganization with the President of the United States’ goal to create several Agencies, actually that will restore the public’s trust. And I think for us, at least for me, being part of the Senior Management Team in Alaska, the public trust in the communities of the Arctic are the most important to us. They come first, that portion of the public. And I would submit that, if we can restore the trust of the communities in the Arctic, the rest of the United States will follow.

So we probably have a lot to talk about. And we’ll start, I think, with just those who have comments that they came prepared to present tonight. We have a Court Reporter. She knows how to spell my name because she’s been doing this and listening to me for days and days now. But she doesn’t know how to spell your name. And so, if you would, if you have comments to present, you can present them from the chair. You can come up and use the podium. You can kick me out from in front of the podium. And I’ll sit down and let you stand wherever you want.

But she needs to hear you and she needs to know how to spell your name. So we typically start with -- I like to start with elders. Barring no comments from elders, I usually go to Whaling Captains. And so, in that order, I would like to hear your comments or anything else that you have to say. I bet Harry has a comment.

UNIDENTIFIED MALE: I’ll make it so the elders can get a
person to come (indiscernible).

MR. LOMAN: Okay. It’s an open floor -- open to anyone that would like to provide comments. Does anybody have any questions while we build up a little courage -- questions about the National Environmental Policy Act? Questions about the Bureau of Ocean Energy Management Regulation and Enforcement?

UNIDENTIFIED MALE: I have one right now -- just for my -- in terms, I guess in terms of just getting to learn and time, not hearing a timeframe in terms of when you started your Supplemental and when do you -- are what timeframe are thinking to end the comment period?

MR. LOMAN: That’s a good question. When did we start the Supplemental? Well this is a little inside view to how government works. The Court issued their decision July 21st. We read the decision that same day, at least I know I did. And I read the decision and I said, we’ve got to prepare a Supplemental Environmental Impact Statement to address this remand.

Well then the Agency consulted with its colleagues at headquarters and its attorneys. And a whole week or a week and a half went by before they decided that we have to prepare a Supplemental Environmental Impact Statement so I would say by that time we were into August. And we probably -- I didn’t let the people like Mike know that they had to take the working over until mid-August or maybe even late August. Something like
MR. ROUTHIER: Yeah.

MR. LOMAN: Yeah. So mid to late August is when we started -- and a couple of important dates. The first, I guess, and most important date for those that want to comment to the Agency on this particular document, is the deadline for taking comments which is November the 29\textsuperscript{th}. So there’s still quite a bit of time, but not a lot of time left to take your written comments. You can send them by email, regular mail or hand write them tonight if you would like, and we’ll carry them back with us.

UNIDENTIFIED FEMALE: I have a quick point on that. Something I saw that were sent out by the Agency saying November 30\textsuperscript{th} including the one that was sent to the Borough, the Mayor’s office, along with the draft of the Supplemental.

MR. LOMAN: I’ll make a command decision and move that comment date to November 30\textsuperscript{th}. And I don’t doubt for a minute that there was some confusion there. The EPA announced -- they set the comment date and deadline date automatically. And theirs was the 29\textsuperscript{th}, but we’ll go right into the 30\textsuperscript{th}, no problem. And, from a practical standpoint, we take them until we really, you know, have to get things moving.

But, yeah, the 30\textsuperscript{th} could have been put out. People count how many days -- I mean count -- the EPA counts one way, somebody else counts another. So that’s an important date.
The other important date, which is more important for us, is the Court said, when some of the parties in this litigation said to the Court, this shouldn’t take a long time. The Agency can do this in about 60 days or less. That was Shell. Shell, as you can well imagine, after spending over $2 billion on leases has an interest in this case. And the Court said, well six months from my initial ruling, January 21st, the Agency should have that done.

It’s unknown what the Court really means, by done, because the way NEPA works, in addition to requiring the Agency to analyze the effects of a major Federal action, in addition to being a Sunshine Law and have everything that we do, like this draft document -- this draft document, open and available for your review to take your comments. Hold public hearings like this one, answer those comments, try to address any concerns that come out in these public hearings. NEPA requires that we issue a final EIS -- allow for review before a record of decision comes. There’s a time period there. Remember, it’s 45 days.

And then, issue a Record of Decision. In this case, the Record of Decision is probably going to be pretty simple in that the Secretary can either reaffirm the Sale, let the Sale stand as it is, or not. Not would be some work for us because we took $2.6 billion into the U.S. Treasury from these companies and issued these leases. So we would have to back away from our end
of the bargain, or the United States end of the bargain. Pay some money back and deal with the leaseholders.

We think, after giving some thought about the draft Supplemental that we have before us, that the Secretary can reaffirm the Sale. But we’re not there yet. And we haven’t finished listening to comments, reading comments and addressing comments that we receive. So we really don’t know yet.

MS. LEAVITT: For the record, I’m Roberta Leavitt, L-E-A-V-I-T-T.

MR. LOMAN: Thank you.

MS. LEAVITT: I think to a few of these MMS -- I’m sorry I can’t remember what your Agency --.


MS. LEAVITT: Maybe you should write it as I’ll remember. But --.

MR. LOMAN: It doesn’t make any difference.

MS. LEAVITT: I signed my name in and I was requesting for copies. I got one. But then, now you’re saying another one is out. How do we get on the email list? Or is it only a one time email that you get information for? I mean like how are we going to know what you’re asking questions about, but we still have concerns about what’s going on. And maybe you should have had copies out, ready for us, to -- try and look at it at least.

MR. LOMAN: Did you get a copy of this document?

MS. LEAVITT: No.
MR. LOMAN: No, okay.

MS. LEAVITT: The one I got was four volumes.

UNIDENTIFIED FEMALE: You have any more of those?

MR. LOMAN: I think we have a few more here. They’re available online.

MS. LEAVITT: And how are we supposed to know when they’re available online when, you know, we’re not bigwigs. But I consider myself a bigwig being a Captain’s wife.

MR. LOMAN: Un-huh (affirmative).

MS. LEAVITT: You know this stuff is important to me, along with my family and what we do. And I want to know about what this stuff is doing too, you know. Because I’m the one hunting and I go hunting with my husband. I butcher his catches. And I’ve got words to say too, but I can’t say them if I don’t know what you already -- it’s like you already got all these things figured out. And you haven’t even heard me.

MR. LOMAN: Un-huh (affirmative).

MS. LEAVITT: I’m like, this is your first meeting here under a new name, but I know I’ve seen you before.

MR. LOMAN: I remember you.

MS. LEAVITT: So you see what I mean? How do I know?

MR. LOMAN: Well --.

MS. LEAVITT: I’m not in a position -- I’m not in a Director’s position. You know, I have internet on my own -- at my own home.
MR. LOMAN: Un-huh (affirmative).

MS. LEAVITT: I only saw this meeting posting a week ago.

MR. LOMAN: Un-huh (affirmative).

MS. LEAVITT: Like, where am I supposed -- it didn’t even say where I could get this kind of information.

MR. LOMAN: Well --.

MS. LEAVITT: It was -- it should be on the TV or around me --. It should be on the radio. I know there was -- it’s in the paper. But then that, you know, that -- I didn’t see that until way later.

MR. LOMAN: Okay -- let me just say this. We can put you on our list and send you everything we send to everybody, bigwig or not. You’ll be as big a wig as you can get. And we’re happy to do that. We have a list -- it’s a long list. And we can send you all of environmental documents. You may or may not want that. But you can always tell us to stop. So that’s a start.

The other thing that’s easy to do is just go to our web page, which is not too hard to navigate, the Alaska Bureau of Ocean Energy Management Regulation and Enforcement, used to be MMS, web page. And you can check on us daily or weekly and see what we have going on. We have a lot going on. But it’s not so much that once a week a concerned person, like yourself, could check and see what we’re up to. And then you can call 907-334-5200 and ask for me. And I’ll give you an update on the
telephone every day if you want. That’s easy to do. And I talk
to a lot of people. And I talk to a lot more people that are
just like you and me than I talk to bigwigs, that’s for sure.
And I’m glad to do that.

MS. LEAVITT: Can you say that number again?

MR. LOMAN: 907-334-5200. And if you get a recording
because it’s after hours or they’re tied up and they can’t get
to the call, the urgency number is my cell phone number that I
carry 24 hours a day. And now, thanks to improvements, it works
in all the communities in the Arctic, as it’s worked all week
this week traveling through Kotzebue, Point Hope, Point Lay and
Wainwright and here. So, you can get a hold of me 24/7.

Yeah, and we’d be happy to put you on that list. Mike,
you can make a note and get her on that list that you guys
maintain. Don’t blame me though, when they bury you in
paperwork.

MS. LEAVITT: It’s important. You know even just an email
--.

MR. LOMAN: Sure.

MS. LEAVITT: -- to say there’s an update or, you know. I
know how much it is to send this out, especially the one I got
before, four volumes.

MR. LOMAN: We have to FedEx it to get it to people quick
enough to --.

MS. LEAVITT: Right, so even just an email might even be
cheaper for you. But still having that Notice sent to other
people that are in big positions you know. I’m sorry, but I do
consider myself in a big position.

MR. LOMAN: I do too.

UNIDENTIFIED MALE: I feel the same way as her. I just
got that little piece of paper that was a notification about the
meeting. And I don’t know how you guys send them out. It takes
-- you said something about Fairbanks. It used to take about
two weeks to get it.

MR. LOMAN: Anchorage.

UNIDENTIFIED MALE: And so we have this by-pass mail that
takes forever to reach up here. So, this notification -- my
daughter’s at home. My daughter reminded me that there’s a lot
of vehicles over here, so I came over here. There’s no
notification at all.

MR. LOMAN: Uh-huh (affirmative). Okay -- noted on there.

Somebody in the back?

MR. SAM: My name is Sam (ph). I was just going to
suggest for these important documents, your meeting is right
next door to the library. And it might be worth talking to a
Library Director and seeing if he would receive a set for the
community.

MR. LOMAN: Yeah, they’re sent -- the libraries are sent
automatically. And there’s a copy over there. Yeah, that’s
another source is the local library. I don’t know -- we
physically looked and found them in the, even in like Point Hope, Kotzebue, the libraries. We had our meetings in some of the libraries in the villages and they did arrive there. But, you know, a library puts them on the shelf and doesn’t put a blinking light on them. Yes sir.

MR. OLSON: My name is Donald Olson. I’m the State Senator from the area and one of the -- I’m not that familiar with the new NEPA. I know that’s what you’re trying to do is get comments on it. But the concern that we have in the last six months is that a lot has happened as far as dealing with offshore drilling and those kind of things.

Obviously, in April, we had the blowout down in Gulf of Mexico. In June you had the Beistline -- Judge Beistline’s decision related to that. Then you had the moratorium put on. And a number of developments have happened. And with President Obama in place and his mental framework, and then now we’ve just gone through an election where it looks like the Republicans have taken over control of, at least, one of the bodies. And we’re going into this time now and it’s all over-shadowed by the fact that, during the last session down in Juneau for the State Legislative session, we couldn’t get a Coastal Zone Management Plan through, that MMS always is very familiar with.

With that in mind, how is this new NEPA law going to protect the people that are along the coast, if you’re prioritizing against something that may -- we’ll have disasters
(indiscernible) declares another mishap, especially if ice is in place. And, what kind of protection can you assure the constituents, myself included, that we’ll have something to hang our hat on?

MR. LOMAN: NEPA isn’t new. Signed into law by President Nixon. It’s probably one of the premiere Federal environmental laws. It’s definitely the most litigated Federal environmental law (indiscernible). And the -- in the beginning Federal agencies were slow to comply. And people who challenged Federal agencies prevailed, in the beginning. That changed as the Federal government, all these different Agencies taking every kind of Federal action imaginable.

Just to let you know, I’ve worked for -- on NEPA projects, starting with Hazardous Waste Facility, when I worked for the Navy, the EIS for that. I’ve worked on NEPA projects that involved large hog farms, hydropower re-licensing. So there’s just a huge variation of things that the Federal government might have to comply with NEPA on. But it’s a planning document. And it’s designed to inform the public, get public participation. And then inform the ultimate decision maker of the effects to the human environment.

And when you do an Environmental Impact Statement, there may be negative effects. And there may be significant risks to the human environment. And then it’s going to be up to the Secretary of Interior, or whomever he or she delegates, to make
a decision whether or not that risk is acceptable.

And in the case of the Chukchi Sea Sale 193, I had just come to work for, then, MMS. Happened to be in Washington D.C. for some meetings when they briefed the Assistant Secretary of Land and Minerals Management on this upcoming lease sale. It was his decision, Steve Allred (ph) was his name. I actually knew him when he was a State -- the State head of Idaho’s DEC. I was a Federal employee. He was running the State of Idaho’s Department of Environmental Conservation. Now he’s the Assistant Secretary of Land and Minerals. He’s delegated the Secretary’s authority to make the decision to go ahead with the Chukchi Sea Sale or not.

He asked the question -- he said, there’s a roomful of people. I’m just a little guy sitting there from Alaska. And he said, well now that the Secretary’s been up there on the North Slope and talked to those folks, are they still worried that the oil companies can’t clean up a major oil spill? Oh, oh, you know, that’s one of those questions where they’re asking and the real answer is something they might not want to hear. So there’s dead silence in the room. And I had just been up at these communities managing, scoping meetings for the Arctic multi-sale EIS that we were working on. And so, I knew, no, people were not confidant in industry’s ability to clean up a major oil spill. And I said, no, they’re not. They don’t believe it.
And so his next question was, well, can they? And I said, in the worst weather day in the Arctic, they’d be lucky just to stay alive, much less clean anything up. So, you know, I bet my money on prevention -- better not have a major oil spill. And, you know, he thought about it for a minute and he said, what does it say in our documents? I said, there’s a risk but the risk is remote. And that, if there’s a major spill, that they might clean up a 12 percent of what’s spilled.

MS. LEAVITT: Now when you say remote, though, whose decision is that?

MR. LOMAN: Well, remote --.

MS. LEAVITT: Remote on their end -- it’s real high on our end.

MR. LOMAN: Statistically -- I’m using remote from a statistical percent. Is one in ten thousand or greater? Somebody might say that’s remote. You might say it’s not remote enough, you know. That’s -- and I -- that’s totally acceptable. But he said, I’m going to go ahead and approve it anyway. But I want the lawyers to look at it. He looked around the room and said, you guys aren’t like BLM. You don’t bring your lawyers here for this. And let the (indiscernible) guys look at it -- he made the decision (indiscernible) have to say. So there, now you’ve got the inside look at how it works. Because that’s exactly what happened.

But at least he asked the question. At least he asked the
question, how do the people feel? What can industry do?

And, quite frankly when you have -- like -- it’s the documents you receive, the big stack of documents. Those people in that position, they cannot possibly have the time to read, in entirety, all of the environmental documents that come before them. But the bottom line decision, the risks that are out there, how people feel, he can ask the question or he can read the Executive Summary. The choice is his. And we serve the Administration, their political appointees. And our job is to tell the truth.

UNIDENTIFIED FEMALE: What is the plan, God forbid, there’s a spill? What is the plan?

MR. LOMAN: If there’s a spill? Well, right now we have an updated, for example, we have an updated exploration plan that was submitted to us by Shell. In addition to their past exploration plan that they submitted for what would have been this past open water season, which did not take place because of the Deepwater Horizon spill, they have added a few more things, in addition to what they intend to do.

And what they intend to do is to put enough on site 24/7, right there on the spot, spill response capability to clean up a worst case discharge. Now we all saw the Deepwater Horizon. There was straight uncertainty about a number of things. How much is coming up of this thing? The rig catches on fire. It topples over. And now there’s a massive release, uncontrolled
release of oil coming up.

In the Deepwater Horizon case, it’s coming up a mile deep, a mile deep. So, no, there’s a scale like this. That’s -- on our scale it would be a mile deep. And this oil is coming out and moving to the ocean. They don’t know where it’s going to surface. And we all know, from watching the news, didn’t know exactly how much. Well, as it turned out, when they really got a good calculation of how much was coming up, and it was a lot, it was very close to the worst case discharge analysis that was done, very, very close.

So Shell is prepared to deal with an uncontrolled release of the worst case discharge estimate right there on site. Now, does that mean that the worse weather days won’t disrupt with -- they’re prepared to do? No. On the worse weather days in the Arctic, real bad luck weather days, in addition to the bad luck oil spill that shouldn’t happen in the first place, I start -- I start to lose some confidence then. But they’ve added some more -- a second drill rig to drill a relief well will be there right in the region, ready to go to work in the event that they need to do that. That’s another thing. Remember the Deepwater Horizon, it was -- I don’t remember exactly now -- you try to forget it, it’s such a -- I don’t know, you forget pain, I guess. But it took days, weeks before the relief well started to drill.

You remember the containment dome that they built while
the uncontrolled release was occurring. Shell now intends to have a containment dome right there on site. But instead of the mile depth, Shell’s is 150 feet deep. The oil will come, in the event of an uncontrolled release, will come to the surface in seconds, not days. The oil will come to the surface right there. It won’t travel, because it doesn’t have to travel far - - 150 feet has a pressure of -- do the math now, three, four, five, about five times the pressure we’re under now. We’re under atmospheric pressure of 14.7 pounds per square inch. The pressure at a mile depth is over 200 and, about 2.300 pounds per square inch. It’s like being -- it would be like being inside of a scuba bottle fully charged, tremendous pressure and tremendous depth. That’s not the case in the Arctic.

So, Shell’s proposed response is about at the place where, if you start adding more, just to be sure, then more means more impacts. The more ships, the more chance for bird strikes into ships, more chance for ships to run over marine mammals, the more chance of more ships disrupting activities, other activities, including some subsistence activities, in my mind.

UNIDENTIFIED FEMALE: I guess my biggest worry is the ice. What if there’s a leak under the ice?

MR. LOMAN: Well, under the ice -- and ice comes in, as the Whaling Captains, that are in the room, know ice a lot better than I do. But ice comes in different forms. Right now, I think we’re looking at -- out here now what is typically
called young ice. That’s ice that can be managed, moved around.
Thicker ice, and very thick ice that can’t be managed, then you
have oil under ice.

What will they do? They’re going to have to continue --
they have to continue and their plan calls for them to continue
to go after that oil that’s been spilled in an uncontrolled
release. How do they do it? They’ve got to get through the ice
and get at it.

UNIDENTIFIED FEMALE: How -- yeah -- how?

MR. LOMAN: How to get through ice? Drill through it, cut
through it, move through it through -- move it out of the way
with giant ice breakers.

UNIDENTIFIED FEMALE: We don’t want you to do that.

MR. LOMAN: I understand. No one wants -- the first,
before that starts, you don’t want the uncontrolled release.
You don’t want the spill. Deepwater Horizon didn’t have to
happen. It didn’t have to happen.

The Exxon Valdez didn’t have to happen. The Exxon Valdez
happened because somebody was too tired to make a turn. One man
was too tired to make a turn. If he would have made the turn,
the Exxon Valdez wouldn’t have happened.

UNIDENTIFIED FEMALE: But you have new voices here --.

MR. HARCHAREK: -- that community -- are still affected by
it today. Everybody, not just the Native community that, you
know, wasn’t properly taken care of. But everybody is still
affected -- 20 years later.

MR. LOMAN: I know. I’m sorry -- we have a Court Reporter -- I’m bad at this -- Judy just remind me.

MS. LEAVITT: Where’s the microphone.

MR. LOMAN: She would like --,

MS. LEAVITT: They can hear people in the back.

MR. LOMAN: Can you tell us your name and spell your last name for the Reporter?

MR. HARCHAREK: Hi, I’m Art Harcharek. Last name is H-A-R-C-H-A-R-E-K.

MR. LOMAN: Thank you. Yes?

MR. HARCHAREK: Twenty years later, the people of that area are still affected by Exxon Valdez. They say you don’t have to dig very deep into the soil and oil still comes to the surface. To put all that on one person’s judgment, whether he’s tired? I mean, that had a whole community, a whole population’s risks. I don’t, you know, see how anybody has the power to even make that decision. Thank you.

MR. LOMAN: Thank you. So -- for some folks that came in after we started, we’re taking comments on a draft Supplemental Environmental Impact Statement. But we’re also talking about many other offshore oil and gas activities, issues, concerns. And including the organization we are with, the Bureau of Ocean Energy Management Regulation and Enforcement, formerly MMS. An organization that is going through a major restructure and
reorganization -- so.

UNIDENTIFIED FEMALE: You guys are going through a major restructure organization right now?

MR. LOMAN: Yes.

UNIDENTIFIED FEMALE: Okay. So you’re supposed to depend on a corporation that’s -- doesn’t have a very good past history of oil spills. And then you guys are restructuring the plans and --?

MR. LOMAN: The reorganization is the impetus for it. The reason that the President has directed it is because the public, including you obviously, they lost confidence in the Agency’s ability to regulate. And to quote the President, what the President said was, it’s an Agency who discharged their regulatory authority with disdain. We’re showered with gifts from big oil executives. That’s the Agency that I work for. I worked for it then. I’ve worked for this Agency for over three years.

I can tell you this. I don’t work for oil companies. I don’t take any gifts from oil companies or anybody else. I serve the Administration with pride, without prejudice. And I serve the people of the United States. Shell Oil Company is no important -- more important to me than you are, or anybody else. And the goal is to create -- and it will be announced, we think, in a few more months, a new Agency that’s the part of our current Agency, our Inspectors, the regulatory arm. And the new
name for that Agency will be the Bureau of Safety and Environmental Enforcement. And that Agency, the goal is to restore the public’s trust.

Some people in Washington D.C. have been given the charge to put that together, that new Agency, new name. And design it in a way that will restore the public’s trust. They’ve talked to us. They said, what’s your recommendations? Our recommendations are, in short, the Agency must be feared and respected by industry. Feared and respected by industry. And so, how do you do that? Well, it should be very experienced in the full spectrum of regulatory activities, all the Federal environmental regulatory framework, every environmental law. This new regulatory Agency should be able to enforce. Worker safety, so the inspectors would have experience as industrial hygienists, or safety -- workplace safety expertise.

In Point Hope the other night, talking to the President of the Native Village of Point Hope, the President, said we think that your Agency should start to regulate industry to prevent disruptions to subsistence activities. Which, I went, you’re right. In the Arctic, this new Agency should have an expertise that would come from being an MMO, Marine Mammal Observer.

Being a Whaling Captain, or at least a whaling -- a seasoned whaling crew member. An expert on all of those things of the Inupiat culture that are self-defining practices. All of the subsistence activities and other activities. Part of a
regulatory team that can prevent disruption, erosion or otherwise harm the culture of the communities in the Arctic.

We’re going to make that recommendation. And we think, because we’ve had conversations with a number of leaders in Native Villages and leaders in other organizations, that they will support that.

UNIDENTIFIED FEMALE: It’s hard to be respected here when you look at Valdez -- that these people 20 years later -- they -- all this was tied up in court and they’re just now getting restitution checks for $1,200.00 or something crazy like that. Anybody else know anything about that? You know, when accidents do happen, the people are not helped at all. The oil’s not cleaned up and the community’s (indiscernible). So, until I see an action to fix that, what’s the use?

MR. LOMAN: The Exxon Valdez was the impetus for a number of very powerful Federal laws. The Oil Prevention Act of 1990 came about because of the Exxon Valdez spill. I encourage people to pay attention to, his name is Kenneth Finegold (ph), who is administering the fund that has been created. This is funds, money, that BP agreed to put into an account. There were 175,000 claims that sits before this administration -- this group under Mr. Finegold (ph) -- is charged with administering. I listened to him night before last. According to him, 110,000 claims have zero evidence to support them. Now that doesn’t mean they just threw them in the wastepaper basket. They’re
working with those people to help them put those claims together.

The difference, I think, between what’s happening now to address the harm, the injury, the damages to natural resources, the lost use of resources, caused by this disaster that BP and others possibly are responsible for in the Gulf of Mexico, should set a distinct difference between what we know, and you correctly articulated to be the case of the Exxon Valdez. We all live in and under and subject to laws. And the Exxon Valdez created some powerful new laws. And, so, companies have to behave differently because of it. And funds were created that are managed by the Coast Guard and so on and so forth.

It’s not a perfect world. And I understand the frustration and fear that people feel because of the misgivings of shortfalls of government Agencies and the laws of the past. I feel the same way.

MR. BROWER: In common (indiscernible). Harry Brower, for the record. (indiscernible) In regard to this discussion here in terms of the oil pollution happening in 1980. That Act is subject to address -- to compensate the commercial enterprises. And it doesn’t so much address the subsistence -- to -- how do you compensate for the loss of subsistence resources? It doesn’t identify anything of that sort of thing, in that Act. I’ve asked and tried to look with folks that were working on that Act before. There’s different Agencies in there, between
the Coast Guard that worked on the oil pollution at Valdez. And they say, they’ve been trying to define or putting the means for compensating the loss of subsistence resources. And, it’s not been addressed to date. And somebody should have. You all have been involved what the pollution Act is structured. It needs to be very well understood in terms of how it’s supposed to be compensating commercial uses. The losses (indiscernible). If you have (indiscernible) comes (indiscernible) compensated for (indiscernible).

MS. WILLIAMS: I am Vera Williams, for the record. I want to comment on NEPA. You mentioned Shell Oil and about their prevention program. If the drill rig was to be that close to collect all that oil, where were they going to take it? Are they going to take on land? You know, what’s the options? And I, you know, if there’s stipulations there, what are they going to be stipulating -- do with all that oil that’s coming out? Or to take it to somewhere -- what, they going to dispose of it or put it down the pipeline that is going down from Prudhoe or -- what’s the big plan for that, if that was to ever occur? I mean, I haven’t heard. What would happen once they collected all the oil at their spill?

And, another thing also about a compensation for the subsistence families. I just (indiscernible) about 20, 25 years ago. Or are you guys going to compensate the Native people? I know beef doesn’t go a long way for us because, we don’t eat
beef. We eat seals. We eat whales. And one cow will last me a
month. Will I be compensated a cow for the year? That wouldn’t
go for us around here. We are Arctic people that need our seal
oil to eat with our food. Those are the types of things that we
could be, you know, thought about when your structure and your
stipulations and your compensation plan for -- for the Natives
that live up here.

MR. LOMAN: Thank you.

MR. JEFFERY: Hi, my name is Mike Jeffery, J-E-F-F-E-R-Y.
I’ve lived in Barrow for 33 years. Question is this, you’re
saying that this meeting is to comment on the Environmental
Impact Statement. I would like to see -- because I’m not going
to raise my hand because I haven’t seen it. Has anybody here
seen it? That we’re supposed to comment on?

UNIDENTIFIED FEMALE: I’ve seen it, just now.

MR. JEFFERY: Well where is it?

UNIDENTIFIED MALE: In the computer.

MR. JEFFERY: One copy -- couple of copies?

UNIDENTIFIED FEMALE: Because I haven’t seen it until
tonight.

MR. JEFFERY: Well, I mean, it’s not a very meaningful --
if none of us knows exactly what the -- what the recommendations
are. I mean, sometimes when -- I mean it’s great that you guys
are making the effort to do outreach to the various villages and
come to Barrow. But, you know, in different hearings there's at
least (indiscernible) like, at the beginning. You know here’s a summary. Here’s our main (indiscernible). Here’s a handout. And we’re all sitting here kind of in the dark except a few people who made a copy. But they seem to have gotten some summary of it but. And so I just -- it just needs to be -- we -- as we’re sitting here, we can’t really comment on this because we don’t know what you guys are saying in your recommendations and stuff like that.

Well, you’ll certainly be getting some wonderful comments on the whole idea of offshore oil drilling. That as a meaningful exercise and comments from this community on a document that, you know, we haven’t seen -- is not meaningful at all. So, I just think that needs to be kind of registered.

And then the other thing is, you know, you’ve talked about how much easier it is up here if there was an oil spill compared to the Deepwater Horizon. But another way of looking at it is the Gulf of Mexico is a piece of cake compared to the Arctic. I mean, just think of the ice and the wind. And, you know, these -- all these people are coming forward to say, oh, well, it’ll be so easy up here because it’s so shallow. Well my goodness -- yes it is. But, look at all these other factors that need to be contended with. So, I mean, these very heartfelt comments here about well, how are you going to deal with it? Where are you going to put the oil? I don’t get it. What about the ice? This is all really important stuff. And, somebody focusing on
this is easier than the Deepwater Horizon doesn’t cut it here. This -- the environment here is much more difficult. So, that’s my two cents.

MR. LOMAN: Let me just respond to that quickly. I hope - - sometimes it may sound that way. The people think that my job is to come here and talk somebody into something. That my job is to put those kinds of fears to rest. That it’s my job to say it’s so much easier. We talked about ice management problems and the Assistant Secretary -- I don’t know if he had arrived yet. The Secretary of Land and Minerals Management, when he asked if people thought industry could clean up a significant spill before he made the decision to go ahead with the Chukchi Sea Sale, the answer from me was no. People aren’t confident in it. And his next question was, can industry do it? And I said, quote, myself -- I remember it very well. On the worst weather day in the Arctic, they’d be lucky to stay alive much less clean anything up. And that’s part of this NEPA process is to do analysis. Inform the decision maker and tell the truth. Not always say what people want you to hear. Some Administrations might want to promote development. Some Administrations might not.

One thing about all Administrations, they want to do this. They want this activity, when it does occur, it occurs safely. And they want this industry to act within an environmentally responsible manner. That’s done through endless demonstration,
not a bunch of slapping on the back and talking about what a
great record we have. Like they and my Agency has done in the
past. It’s done through endless demonstration. So, please
don’t think that I’m trying to talk somebody or alleviate fears.
I share your fears. We’re well aware of the hazards of these
kinds of activities in the Arctic. And it’s our job to make
sure that, if industry does it, they’re fully prepared to deal
with the Arctic environment insomuch as you can be.

And then in the end, the decision maker hopefully, is
dutifully informed and makes the right decision. So, to set
that record straight. And, yes sir, you had a comment.

MR. NINGEOK: Yeah, Robert Ningeok, for the record. You
guys tell the same people the same thing before you guys --
these spill down there -- down in the states? You guys tell
them the same thing, you telling us?

MR. LOMAN: To tell people --?

MR. NINGEOK: You told them the oilfield would be safe?
It would be easy for you guys to clean up a spill down there?

MR. LOMAN: No.

MR. NINGEOK: It’s different here. I know the ice flow
and the oil well can drill through the ice and go in the water.
You know, we have strong currents. If that oil spill out of the
pipes, it’ll just soak right through. It’s going to be
impossible, you know. I worked on the Valdez oil spill. I saw
what you did. We have strong currents -- I go (indiscernible).
We’ll lose our lives, subsistence -- all our fish
(indiscernible). I was there. I saw it all.

MR. JUBA (ph): My name is Patrick Juba (ph). And you
guys talk about the Exxon Valdez and the rig that blew up.
Valdez had just had the oil in it. But the rig that blew up had
chemicals on that platform. And the same things going to be
around those platforms on -- if they start drilling out here.
And don’t know how much of that chemical -- it’s dangerous for
the animals or even for humans. So, and they say it’s a lot
safer. And it’d be a lot easier because it’s not as deep.

But the shallower it gets, the waves get closer to each
other and it’s going to be hard trying to keep them boats in the
water. Because the waves are closer to each other than --
anyplace where it’s deep.

MR. LOMAN: Thanks.

MS. HEPA: My name is Tagulik Hepa, H-E-P-A. I just
wanted to make one comment here about -- seeing like you’re --.
I’ve been attending these meetings. This is my 19th year. And I
just want to say that, in the 90s, when I came to these
meetings, there would be a roomful of Whaling Captains
(indiscernible). I just want to thank all the people for coming
today to speak on the issue.

But you are correct that there is a lack of trust with
your old organization and your reorganization of your new --
your new BOEMRE -- I think that’s the name on it. That it’s
going to take a lot of work because you need to come to the community not to talk about a Supplemental EIS, but to talk to the people of the North Slope how you can regain our trust. Because we’ve been coming to these meetings for over 25 years. You’ve heard our hunters, our whalers say the same things over and over. We are very concerned about OCS activities. We’ve always been strongly opposed to it. We understand that we can’t stop it. So the people of the North Slope need to have a meaningful role. And we need to have that type of open dialogue and how can we be at the table to make sure that the right decisions are going to be made to protect the interests of the North Slope, the interests of our people?

And, so regaining the trust, you know, is going to be a lot of work. So please come back. Meet with the whalers because I want to see more Whaling Captains come back to these meetings. There’s too much going on. I think people are tired of talking about the same things over and over. And as the other gentleman had said here, and Michael, that I don’t have faith that it’s going to be easier to clean up an oil spill in ice conditions. You know, the weather factor today, if there was an oil spill eight miles out where the lease sales are -- I have very little confidence that you’d even be able to get out there to evaluate the situation. I don’t think no helicopters could go out there. I don’t think that a big ship could go out there, you know, to go see what’s going on. It’s just way too
dangerous. The conditions are very extreme. We have a lot of respect for the ice and the oceans out there. And we understand the force that they have. Thank you.

MR. LOMAN: Thank you.

MS. LEAVITT: Roberta Leavitt again. I got two questions. One goes towards the production for what Vera was saying. When you have the production flowing, what is the process? Like she was asking, is it going to go through Prudhoe Bay? And we all know that Prudhoe Bay was only lifetime expectancy was going to be 25 years. And it’s already starting to break down. There’s even been people who are supposed to be Inspectors or even qualified to be Inspectors. And we can’t -- we don’t, you know -- how can it be stronger so that the Natives even have a word -- a say in those inspections? You know, you didn’t even hear us when we were telling you that the whales go through that migration route is right there where the sales happened.

And we say -- we say -- we say and still it’s not being heard. We’re gonna still come and say, you know, that’s because our trust is still not there. I read about it. I heard through PBS that Shell, not Shell but BP’s had all these other extra problems on land. Now you harvested in the water bringing to land -- where is it going to go? Is it going down that same pipeline that’s deteriorating? Are they going to make a new one? Have they even decided any of that yet?

We see all of that because it’s a long term thing for us
up here, with our subsistence. I get sick animals from the ocean and I know that they don’t smoke. I have seals that come back with cancer. And we still can’t -- how are they getting it? You know we weren’t getting any answers of how it’s getting into the ocean. But we tell them and tell them and tell them over and over again that we’re harvesting sick animals. I get at least three, two, maybe three a year that I cannot use or eat.

And it’s not what we’re doing. You know, that’s our respect for the land, our respect for the water. And we still have to voice it, because people that do not live here are making decisions of our lives, what we live off of. And there’s -- how many times of patients now. You know, how do you know that they’re not getting it from what they’re eating?

UNIDENTIFIED MALE: (Indiscernible).

MR. LOMAN: People start off -- it happens all the time -- they start off I’ve got a couple of questions but.

UNIDENTIFIED FEMALE: Can you answer the question on how it’s going to land or where it’s going?

MR. LOMAN: Contaminants? Or --.

UNIDENTIFIED FEMALE: No -- is there going to be a pipeline?

MR. LOMAN: Yeah, that. I’m glad you said that because that is relevant to the Supplemental EIS, sort of. I mentioned earlier that the Court said, analyze the effects of natural gas
because the leases have incentives connected with natural gas in them. Chukchi is thought to believe to contain a vast amount of natural gas. So natural gas analysis by the Agency in this draft Supplemental EIS occurred this way.

Our resource evaluation people came up with a reasonable scenario. The reasonable scenario has a couple of basic components to it. First, it’s not going to happen for a long time. Gas is maintained in these wells because gas has -- the gas is the pressure that buoys the oil to the surface. Oil is more valuable than gas, so it’s going to be somewhere between 15 and 30 years before gas would be ready to go to market. And that’s if they explored next year and they found a viable resource.

I would just point out, in Alaska’s OCS, it’s most likely, or it has been the case, that they would explore in the Chukchi and they would explore in the Beaufort. And like the rest of Alaska’s OCS, they found no viable -- economically viable resources and they walk away. And all of these meetings and all this fear and all of this discussion would really be for nothing, in that case.

The natural gas then, in 15 to 30 years, if it went to market would be pipelined to shore, cross NPRA, connect to a pipeline. And we don’t exactly whether it would be the AGIA version or some kind of natural gas pipeline that we think would travel in the same direction, at least initially, as TAPS. And
then what happens to it after that, we just don’t know. These are things that are 10s, 10, 20, 30 years away.

So we’ve analyzed a reasonable scenario in this draft document. And, it’s important to realize that natural gas doesn’t need any more seismic activity than what was analyzed originally. Because it doesn’t take any more seismic activity. None. It doesn’t need any more exploratory drilling than what was analyzed and what they would conduct to find oil. None.

Doesn’t come -- the effects don’t come until they’re ready to start building the infrastructure that it takes to move gas from a deposit to the market. Yes sir.

UNIDENTIFIED MALE: You mentioned that seismic activity out there. I know there’s been some seismic activity. You’ve seen all that pressurized equipment out there, and they say it works pretty good. But have they checked the aftermath of what happens to the wildlife that is on the bottom of the ocean after they go through with the seismic?

MR. LOMAN: They do have a monitoring plan. They’ve got ongoing monitoring -- don’t know if any of us has a list of our ongoing environmental studies. But they do do some monitoring to see what the impacts are. Stat oil this past summer conducted seismic activities in the Chukchi Sea. It was a successful seismic data gathering operation. And there was some monitoring activity that’s associated with that. The -- every year the National Marine Fishery Service, with our assistance,
has an Open Water meeting where the science that is in place to
monitor seismic activities and other activities is discussed.
These meetings are open to the public. Harry has attended more
than I have. And so have a lot of representatives from the
North Slope Borough. And they’re heavily involved in the peer
review of that scientific monitoring and data gathering work.

And so the answer is yes. Some parties think that more
should be done. Some parties think that enough is being done.
So there’s some debate that these ongoing involving that
activity, but it does occur.

MS. AHSOAK: I’d like to say about the seismic -- the
seismic (indiscernible). This is Heidi AHSOAK, A-H-S-O-A-K. I
was working for Top of the World at the time, two years ago that
they were doing testing. B -- employees from BP were staying
next door to some of the Mammal Observers. Some of the Mammal
Observers told the housekeepers that BP was trying to pay those
people to count more than what they were counting. Do you guys
have anybody regulating, you know -- do not how to say it.
There were people paying other people to say there’s more
mammals out there than there actually are.

MR. LOMAN: Paying people to lie?

MS. AHSOAK: Paying people to lie.

MR. LOMAN: Paying people to not to tell the truth and --.

MS. AHSOAK: Correct.

MR. LOMAN: First I’ve heard that. Have you heard it
MS. AHSOAK: And also --.

MR. LOMAN: But, yes, there’s a written --.

MS. AHSOAK: And, also I don’t work --.

MR. LOMAN: There are regulatory Agencies that are interested in -- keep my phone number handy because, at least as long as I work for the government, you know, I mean, you know how the law works. That’s kind of hearsay and whatnot, but these things are best, always best, investigated right away.

MS. AHSOAK: Another suggestion is maybe -- keep the oil companies (indiscernible) at hotels than the people counting.

That’s one suggestion from me.

MR. LOMAN: Well--.

MS. AHSOAK: Another comment that I do have is, you know, if you guys could publicize these meetings more. Because I don’t work -- I don’t get emails from, you know, the North Slope Borough, saying there is a meeting. You know, I found out through Facebook.

MR. LOMAN: Facebook?

MS. AHSOAK: I found out through Facebook.

MR. LOMAN: You mean a friend’s page?

MS. AHSOAK: No, I found out from -- people had publicized. People had got emails about it. And I found out about it and was letting everybody else know.

MR. LOMAN: But one of your Facebook friends?
MS. AHSOAK: Yes. But I shouldn’t find out from Facebook. I should find out from the news. I should find out from KBRW. I should find out from the (indiscernible). I should not be finding out— you know, people should be finding out from, you know, a valid—.

MR. LOMAN: We did use KBRW— did use the Arctic Sounder, we did use some obviously—.

MS. AHSOAK: I mean, obviously, I mean not many people heard about it. Because I was telling people about it all week. I just found out— what’s today Friday, I found out Wednesday.

MR. LOMAN: There’s a phenomenon here and it happens all the time, no matter what the subject is. And not just in the Arctic, everywhere that at every meeting that I’ve ever managed. That’s always a complaint, and you can never do enough. People are at the meeting but didn’t know about it. There’s a conflict that’s inherent there. We’re going to do more. But we know, even no matter how much we do, it’s still not going to be enough. I guess, you know, just in addition to collecting email addresses on sign-in sheets at these meetings, and then continually informing people of meetings in the future, which we’re trying to do, incorporate that, keep sending the information until people say, I’m not interested anymore.

MS. AHSOAK: Yeah, I’d like to be on the email list.

MR. LOMAN: Yeah. If you give us your email address. And everyone who gives us their email address will get on our list.
and be notified as soon as we make a decision. Which still, and I apologize for this because even though I’m a Manager in government, I still can’t control all of it. I get very frustrated with how the government works too. It’s never fast enough for me. The only difference between you and me is, government has to deal with me and my, you know, running around being a 200 pound pit-bull saying hurry up, get it out. But I understand that frustration. And we will do more. And I apologize because I know, ahead of time, that we’ll never do enough.

MS. AHSOAK: And, also, if you could let the Captains -- the Whaling Captains know. You know, get all of their phone numbers and, you know, all of their emails and let them all know. Because I know my husband didn’t know.

MR. LOMAN: Yes.

MS. STEIN: My name is Dorcas Stein, S-T-E-I-N. I didn’t even know what to say but the only thing I can say is, when it comes to you people coming up here and talking about offshore and oil and gas development and stuff, that my heart begins to ache. You know, from the human side of it as an Inupiat people who subsist off the ocean and whale, with the walruses and eating seals and fish. And we’re so dependent on the ice and trying to keep it clean, not broken up, not touched. It’s almost like you’re coming in our backyard, okay, to me. And it becomes very personal. Now my heart begins to hurt because of
the big possibilities and the great danger of what you’re doing way out there where our livelihood just roams.

Do you know, I worked briefly for Alaska’s Bowhead Whaling Commission when they first started to take the bowhead whales. And it was just amazing, the traffic of those whales right there where you’re going to be. And I can almost cry just to think that they’re going to be bumping across aliens, you know, on their turf. And, you know, we really respect the animals there. I want you to know that even my heart hurts to even think of something like this happening, which causes me to go to this one other area of getting away from fossil fuels and stuff.

I really wish the government would just spend a great amount to get some wind power, solar power and all this to heat our homes, you know, other than using oil and gas. I don’t see any big efforts happening and I wish somebody would do so.

The other thing is, I don’t know if you can talk about it, but I’m sort of curious on our brothers and sisters over in Point Hope and what came up from your meetings with them, because they’re the ones that are really going to be touched the most, being right there at the Chukchi when, you know -- where it’s right there with Chukchi and Beaufort. Thank you.

MR. LOMAN: I sure can talk about what happened in Point Hope, because I was there just the other day. And here’s my short assessment.

The people continue to share the same fears that you have
about activities that may take place. The Native Village of Point Hope was a litigant in the case that is the impetus for this draft Supplemental Environmental Impact Statement. And I guess you could take the position that they sued along with others. The Court found at least some of their assertions to be correct. And so they made the Federal Agency, my Agency, behave according to the Court’s directions. So I guess maybe you might want to congratulate those folks in Point Hope. I did, because I work for a government Agency, it’s not my job to get ornery because people sue us. It’s my job to do -- to obey the Federal environmental laws appropriately.

And so they share concerns related to uncontrolled releases of oil, like the Deepwater Horizon. They share the same concerns about the industry’s ability to clean up oil in the event of a spill, manage ice, the horrendous weather conditions of the Arctic. That was discussed. Some folks that had received and read the document and talked about it -- it was evident to me that they understood the document pretty well. Jack Schaefer -- I think people know Jack. Jack had read it and he understood the exercise of analyzing the statements of missing information. He expressed concern about the fact that it was limited to just those activities that the Court had mentioned in their remand.

And then we talked about other things that kind of related to what we talked about -- that I mentioned earlier with respect
to the reorganization of our Agency. And the creation of a new Agency that will be respected by the public. There were 20 people in attendance at Point Hope. And there were other things happening simultaneous to the meeting. For example, it was Election Day. I voted in Point Hope. In the Community Center they were taking in big thousand pound pieces of oil for a ceremony that was starting at 8:00 that night, so people sacrificed not being able to participate in the beginning of that ceremony to talk with us. It was fair, frank, understandable, open communication and valuable, I think, for both sides, for the government officials, us, me, and for them to some extent.

But, you know, you mentioned, how you feel when you said you people come. I understand that. I come from an Indian reservation in the Upper Peninsula of Michigan. And I realize what it’s like to have your community invaded by, in my case, mining activity and other activities that have a horrendous effect on the environment. But, like I mentioned earlier, my job is to serve you -- serve the Administration, no matter what administration it is, and try to obey Federal environmental law. To be honest about informing the decision maker, no matter what. I think I’ve done that job and I’ll continue to do it until I step down, which won’t be that much longer, and retire and go back to the Reservation where I came from, after 35 years of Federal service and 20 years of military service. And I’m just
as proud to serve you in this capacity, as I was when I had a
gun in my hand and served you in combat with the military.

UNIDENTIFIED FEMALE: Thank you.

MR. BROWER: (Indiscernible) And if there are no other
questions coming from the audience. I was going to sit here and
read a statement about the Environmental Statement
(indiscernible).

MR. LOMAN: I’m going to get coffee, but I will listen.

MR. BROWER: First of all, my name is Harry Brower, Jr.
I’m Chairman of the Alaska Eskimo Whaling Commission. It’s my
privilege to give -- provide -- to comment on this Supplemental
Environmental Impact Statement during this public hearing	onight. I’m not sure, if this mic is on? How’s that
(indiscernible).

Anyway, again my name is Harry Brower, Jr., Chairman of
the Alaska Eskimo Whaling Commission. I’ve lived here in Barrow
all my life, a hunter, registered Whaling Captain to the Alaska
Eskimo Whaling Commission -- Barrow Whaling Captains
Association. Anyway, this evening I’d like to read some of
these comments. They are not generated on my own. I’ve worked
with my staff and others and our legal counsel in generating
these comments.

This Lease Sale 193 Supplemental Environmental Impact
Statement is typical of what we see in the Alaska Region in
every environmental review. Green light to the industry, don’t
worry about subsistence. The decisions have already been made.
This is just an exercise.

You talk about all of the industrial activities that are coming and all of the impacts that are going to be happening—to happen out in the ocean in the migratory paths of resources that we depend on. on onshore and in our communities. And then you say that there is no need for concern because of impacts—will be mitigated. But you never say how they will be mitigated. In the alternative, you say that none of the impacts will be significant. But you never say why the impacts won’t be significant. I guess because the impacts won’t happen to you. They’ll happen to us.

The reasons behind this Supplemental Environmental Impact Statement is the Court telling the Department of Interior that you left out a lot of important scientific information when you did the first EIS. So you were supposed to go back and identify that important information and decide how to use it before you reach your final conclusions on the EIS. But you don’t actually consider any new information in this Supplemental EIS. You just say that you have already considered all of the important information and that anything else is not important.

Basically, you conclude, that you don’t need to worry about what the Court told you to do. You are trying to just cover it all over the words. You say there is no important—no information for how most— all of our subsistence species
use the lease sale area. But then you say that information is not important. No need to worry.

You try to get around the Court Order by saying that there will be -- that adverse impacts no matter what the development scenario is and no matter what the scientific information is. But that doesn’t work.

Federal regulations require you to prepare an Environmental Impact Statement that is supported by evidence that you have made the necessary environmental analysis. And there’s a quote in here in regard to this 40 CFR 1500.2. This document does not meet the requirement. You are supposed to provide full and fair discussions of significant environmental impacts. And inform decision makers and the public of the reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment. Again, 40 CFR 1502.1. This document does not meet the requirement either.

There are going to be lots of adverse impacts from the proposed development. You give long lists of impacts, but you conclude that there is no need to worry. What do you base your conclusions on? Where is your analysis? There isn’t any. Just like always, from your shop.

In terms of what your alternatives, given the many unknowns and the heavy reliance of our villages on marine mammals resources, it would make sense to go with alternative
three. This would give us a greater buffer between the
industrial operations and our hunting areas. This makes a lot
more sense than the proposed action, because you have no idea of
what all of the impacts are going to be, since you don’t even
know how the resources use the habitat. On top of that, you
have no clear means of mitigating the impacts that do occur.

So it makes sense to put as much distance as possible
between the industrial activities and our hunting areas. You
need to provide a good justification for not to do that.

You don’t tell anyone how you are going to gather the
baseline data you need and you ignore the data that you have.
Federal law requires you to use the best available information.
In July NMFS put out a new biological opinion for oil and gas
activities in the Beaufort and Chukchi Seas. You don’t even
make a reference to that. In July you published the final
report for satellite tracking on the Western Arctic bowhead
whales for 2005 through 2009. The study shows that the whales
all migrating through the lease sale area. This tagging study
is funded by the Alaska Region published on your website, and
you don’t even mention it.

You also have the report of the 2010 Tagging Study also
funded by the Regional Office and you don’t even mention that.
The Chukchi Sea development will disrupt our marine mammal
species and their prey species. And you talk about onshore
infrastructure disrupting the rest of the hunting opportunities
for those villages. But then you say, the impacts don’t, won’t matter. You talk about a gas pipeline coming onshore, probably at Wainwright. This will require high resolution seismic plus site clearance, plus dredging and other trenching right through the migratory areas. But you say there’s no need to worry about the impacts to the whales. What is your basis for saying that? Where is your analysis?

You say that our villages might have to go without whales and other subsistence resources. But then you conclude that the impact to our people will not be significant. You continue your practice of deciding that we can go without important food resources for up to two years without suffering any significant impacts.

Our bowhead whale villages have a documented need for 61 landed bowhead whales per year. That is food we need to survive. One season without whales is very significant for us. Yet, you say we can go up to two years, four seasons, without this resource. You can go for two years without your major food resources? At one point, in this document, you speculate that we might be able to start buying western food to replace our subsistence food. I’m not even going to talk about the social and health impact that would go along with that. My question is, where is the money going to come from? How does the family in Wainwright afford $5 for a gallon of milk, $15 for a pound of beef? How do parents in Wainwright feed their children if they
can’t get their subsistence resources?

Shell likes to come to our villages and tell everyone about the jobs that are going to be accompanying all of this development. Jobs for whom? Jobs for people whose main skill is as a subsistence hunter? I don’t think so. I think the jobs they are talking about are going to go to union workers in the Lower 48. That is what I see happening already.

When the development drives our subsistence resources away and the jobs that pay enough for people to live on are all taken by shift workers from the Lower 48, how do we survive? Where is your analysis of that? What is your mitigation for that?

You are supposed to provide a cumulative effects analysis. Instead you just conclude, without any support, that oil and gas can be developed in the Chukchi Sea without any cumulative impacts to the whales and other animals. But in your cumulative impact discussions, you don’t even mention the development work in the Beaufort Sea, ship traffic, all of the research work going on, or fishing in the Bering Sea. All of these things are already affecting our migratory species. And they need to be part of your cumulative effects analysis.

You say that there is no need to worry about impacts, because they will be mitigated by National Marine Fishery Service or by another Agency. But you don’t say how that will work. I pulled out a couple of quotes. “While the complexity of how marine mammal species react to underwater and above water
sound renders an exact determination of potential adverse impacts difficult, abundant regulatory review and careful design of mitigation measures are expected to preclude instances of level A or harm take of a marine mammal and to reduce the potential for level B or harassment take.” Really? How is that going to happen? We don’t know because you don’t say how.

Another quote is -- “No population-level impacts are anticipated as a result from natural gas development and/or production.” Again, all I can say, really? There is nothing in this document that tells me how you reach that conclusion.

My family depends on these animals for food. How am I supposed to sleep at night knowing that you are going to get ready to permit all these activities without any actual mitigation in place and without any actual understanding of what potential consequences of your actions? Would you be able to sleep at night if it was your family’s food supply that we were talking about?

You also say impacts will be mitigated by conflict avoidance mechanisms. But Shell and Conoco are not signing the CAA and you are providing no support to help us get them to sign. Instead, they are using their so-called Plan of Cooperation. But those POCs are nothing but a slide show and a bunch of sign-up sheets. That is not mitigation.

Federal law requires you to provide an Environmental Justice Analysis. In this part of the document you say that we
will suffer a lot of health impacts, including loss of food, 
degraded air and water quality, stress and increases in negative 
social impacts. But then you say that there are no 
environmental justice problems because you have decided that 
none of these impacts are important. That is not an 
Environmental Justice Analysis. That’s just you telling the 
decision makers in our Federal government that we don’t matter. 
I think the main take-home message from your Supplemental 
EIS is that it doesn’t matter to your Office what the impacts 
are to our subsistence resources or to our families or our 
communities. You have already decided to give the companies a 
green light. To you that’s all that matters. 
These are comments that were generated through the Alaska 
Eskimo Whaling staff and working through the reading of the 
document and learning of what went on, needs to occur. These 
are very serious matters to us. I hope you learn and take these 
comments seriously. Thank you. 
Jeff I’m going to give this to you. 
MR. LOMAN: Thank you. Do we have another commenter? 
UNIDENTIFIED FEMALE: Sir, I have one more please. 
MR. LOMAN: Yes ma’am. 
UNIDENTIFIED FEMALE: Maybe I’m loud enough. 
MR. LOMAN: I hear you loud and clear. Judy do you hear? 
UNIDENTIFIED FEMALE: Thank you. 
MR. LOMAN: Thank you.
UNIDENTIFIED FEMALE: In light of what our Chairman of the Alaska Eskimo Whaling Commission said that maybe it doesn’t matter because the government has already started and said we’re going to do it, you know. And I thought of saying it earlier but I didn’t because I didn’t want to say it. I remember saying it, how many years ago, at a meeting. But when it comes to the Inupiat people up here, I think that the government needs to have more respect and listen to them. I mean, you’ve said you will be listening to us. But in the same manner, when you look at the big picture of what the imperialistic attitude of the U. S. Government has been in the past of taking, taking, taking in land and resources. Here this whole Arctic Ocean is wide open right now. And I hate to see our government have that kind of mentality as they did to the Lower 48 Indians, and you know about it. I think you are part Indian, you say. And, when it comes to our people up here, I hope the government has more sensitivity this time to our people. As few as we may be, just in the thousands, compared to millions in the Lower 48, that I think the moral point of it is respect for our culture, you know.

That, I know that the government has learned a lot the past many years, especially after the MMS was sued and they lost and lawsuits coming in and so forth, that they’re taking better care. But I just don’t want to see them coming in like a bulldozer, no matter what people say. They’re still going to
cut down trees and you know, drill and so forth.

If you can just spend more time with our people, your Agency can spend more time with our people and build a partnership, you know, like I know some people say maybe we can’t do without it -- it’s got to happen. But if it’s going to happen, then extend your hand more to our people and say, okay, what can we do? Can we work together, you know, more and communicate better with us? Maybe there needs to be a Regional or an offshore -- this offshore drilling and exploration. But, so far it’s very scattered. Our lands are vast, you know, and it’s scattered. But, we just want you to respect us a little more. Thank you.

MR. LOMAN: Thank you. We are trying to extend our actions to form partnerships. For example, I think probably everybody knows Mayor Itta developed eight Ocean Claims Initiatives. And I sure don’t mean to speak for the Mayor, but I have read and heard Mayor Itta speak on a number of occasions. And, essentially, his position is, is that although we are against offshore development, if it’s inevitable, we think that the government should do these eight things, Eight Ocean Claims Initiatives. So, we drafted a informal Partnership Agreement and we’re working, or going to be working with the Borough to try to enter into that Agreement and it’s an Agreement just to basically set some, you know, guidelines, some actions on how we are going to communicate to try to address these Eight
Initiatives. We talked about it today. Ben and I talked about it and others at a meeting today. Harry was there. The progress is pretty slow. I wish I could wave a magic wand and address some of these communication problems. And respect comes from, at least for me, and I don’t think I’m too much different. You get respect when you deserve it, you know, through your actions, through what you say and then, you know, how it turns out in the end.

Harry, for example, got up and said that we failed miserably to address the Court remand. We’re going to see about that because the Judge is going to decide. Now you heard what Harry said. So it should be pretty simple. If Harry’s right, that Judge will kick us to the curb. I’m using terms that I think everybody can understand that aren’t legal terms, because I’m not a lawyer. But we’ll see, you know, we’ll see.

I said earlier that, at least the draft Supplemental Environmental Impact Statement, we think is a good step forward at addressing the remand, although we’ve got comments to address. And there have been some suggestions that I think will add to the document. And then we go before this Judge and he makes a decision.

So you gain respect by that proof that’s in the pudding. And it comes slow, and it takes patience. I know Inupiat people learn patience through the subsistence activities that are culturally self-defining. We had that conversation in all of
the villages. What does subsistence activities do besides put food to the people? It teaches you how to be patient. It teaches you how to deal with loneliness, sadness, and on and on. Those are really important things to people on a very personal and individual basis. And I understand that, and appreciate it. Part of my job is to make people who can’t easily understand those things, understand them.

UNIDENTIFIED FEMALE: Who chose this time and location advertised for this meeting? I heard about it in Facebook through one person. I didn’t see flyers up. I didn’t see anything. While the oil companies tried to butter up our community through pancakes and door prizes, but when it comes to the actual impact, the environmental impact on land, where’s the flyer? Why is there no advertisement like I had -- there’s -- if people knew about it, more people would be here. This is not a reflection of how the town feels, with the dozen people that are here. If more people knew about it, they would be here. Only one person at Kotzebue showed up, I heard. In fact -- I mean -- talk about lack of respect and you want to know -- for me it looks like the bank taking your house, and then three weeks later they’re going, well, how do you feel about that? You guys already did it so --.

MR. LOMAN: Yeah, the announcement for the meeting was announced on KBRW, for example. It was put in the Arctic Sounder, and other media. We notified organizations, agencies,
stakeholders. And we maintain an email list like -- that’s why
we ask for emails when people sign in, and notify people that
way. There is another person that learned about it through
Facebook. I guess through your Facebook friends, who told you
about it as well. The Secretary of Interior has a Facebook
page. Maybe we should put it on there too. If you like him,
then you can get his notices.

But, I said this earlier, and I’ll just say it again.
We’ll keep doing more. But trust me, if you’re at these
meetings with me we’ll never do enough to satisfy everybody in
that regard. But we will do more.

MS. LEAVITT: I kind of got a question about -- the
history of Prudhoe Bay has done real well on land. Why is it
that we can’t do more on-land stuff? And why is it that your --
not you -- I know you’re in a position, but why is that people
cannot hear that it’s a whole lot safer to do this exploration
on the land compared to in the ocean? In the wintertime,
cleaning up a spill during the winter time it still can be done.
But there is no proof -- what proof do you have that will
satisfy our hearts, saying that our food will not be destroyed?

There’s been studies out there that say that our Native
food is considerably more healthier than the store bought foods
because of their preservatives that are added into the food,
the sugars that are added, the diabetic part of it? You know,
long ago we didn’t have diabetes because of those carbohydrates
and high blood pressure, with the food that we harvested from
the land. And here it’s been proven that you have drilling on
land that is manageable.

I know there’s people out there from the Lower 48 say that
we’ve got all this oil underground. That we’re only a speck on
the map. And, you know, we voice and voice -- even I was here
in the 70s, and we had over 100 people here compared to what’s
here now. And we didn’t have the media the way we have -- the
way we have now. We had no internet back then. We had no
Facebook back then. We had barely KBRW. The North Slope
Borough didn’t have all those internet capabilities, but the
word still got out.

I know that’s a sore subject. But still, I can remember
when we did have over 100 people here testifying. And they had
to close it down because they got tired of repetitious things.
Now it’s our turn to be repetitious, and still say the same
things, and still say the same things, and yet our voices are
still lowered. I feel that they’re lowered. Because it’s still
going to happen.

People are saying that there is less oil in Prudhoe Bay,
so they got to look elsewhere, and they’re going into a place
where I eat from. And you’re not going into the store to get
oil. You’re going into my refrigerator, my garden where I eat.
Where my muktuk -- we had no muktuk -- what are you going to do?
You know that warms our bodies in the cold, that -- the blubber.
The seal, that means a lot, with that we had with the caribou. There’s so many things that we get from the ocean that supplement our food.

And I have to agree with what Harry said about it not addressing of any of those things in this. Plus, with Harry saying that who’s going to get the jobs. I totally agree with what he said. We’re not qualified as MMO. You have to go to a certain kind of college and get a degree to get even put into those positions. You have to know certain things. We’re not going to be the ones getting the jobs. Yeah, you may have 900 jobs on the line, but it’s not going to be us. We’re not that qualified because we’re subsistence hunters. Plus, where’s the subsistence mitigation?

You know you got to re-look at what it says about it going to commercial people. We’re not commercial. We’re subsistence. So I just want to voice that. And I’m Roberta by the way -- Roberta Leavitt, L-E-A-V-I-T-T. Thank you.

MR. LOMAN: Thanks.

MS. DE SOUSSA: I’m Leandra De Sossa, D-E S-O-S-S-A.

Just wanted to mention very little actually.

UNDEFINED MALE: Could we have a microphone. We can’t hear you.

MS. DE SOUSSA: Oh, sorry. I didn’t have as much time to read the whole document, but the Mayor of the Council of (indiscernible) mentioned that there were no -- that there was a
revision of the -- additionally it required by the courts, but there were no impacts. And that’s repeated over and over again as Harry mentioned it. There is no transparency on how they got to those conclusions. And I’m not sure what this is on the legal matter -- how transparent those needs have to be.

But, there should be the data there saying, well, this is what we have (indiscernible) these are how many cases and this is what we are basing our conclusions on. And, that information doesn’t seem to be there, so if that information would be included it is a (indiscernible). That should be in the document to explain officially to the community and to the other people who what -- what this will be mainly based on.

It’s not transparent. It makes it very difficult because we have to believe to have faith on what you’re hearing. And I can see that being a problem. Do you see what I mean?

MR. LOMAN: Yeah, like I said earlier, I know that people would like to debate with me, but I’m not here to debate you.

With respect to --.

MS. DE SOUSSA: I’m not debating -- I’m just --.

MR. LOMAN: With respect to the issue that you brought up, let me give you an example. In that document it says one of these excerpts of missing information or uncertainty. There’s a statement in the original final EIS for Chukchi Sea Sale and it says this. I can almost quote it verbatim, pretty close, close enough. There is uncertainty concerning the structure of the
bowhead whale population, uncertainty about the structure of the
bowhead whale population. At that time, the time that statement
was made somewhere between 2004 and 2007, the Scientific
Committee for the International Whaling Commission was debating
whether or not there were multiple stocks of bowhead, Bering
stock, the Chukchi stock, the Beaufort stock, the Chukchi stock,
the Bering stock or other stocks. They since concluded, I think
in 2007, they concluded that there’s one stock. Okay, that’s
good, that’s fine.

But from a decision maker point of view, an analysis of
the impacts we can almost talk about this in layman’s terms.
What difference would that make to the bowhead whaler whose been
taking whales for thousands of years, whether it was a whale
that came from a -- and was a Beaufort stock or Bering stock?
The answer is none. It makes no difference. That’s the most
important thing with respect to making decisions to offshore oil
and gas activities. If it means nothing to the people that
subsist from whaling, then what would it mean to the decision
maker to regulate, for example, an exploratory drilling project?
Again, none, it’s meaningless. That’s an example.

MS. DE SOUSSA: So, what’s your point?

MR. LOMAN: I guess you can’t follow it. The document
said, made a statement in the document. There is uncertainty
with respect to the population structure of the bowhead whale.
And the Judge said, oh well, there and 40 other pages of -- 40
pages of statements like that, you have to address that. What does it mean? What’s the context of it, et cetera? I’m not going to start a debate about that particular issue. I see hands going up and I don’t want to debate the science.

MS. DE SOUSSA: That’s not what I -- I just said that it was not clear. And there are other Sections -- there’s vast information on bowhead whales, thank goodness. But there are even some Sections about fish and the geography of their -- and they’re very limited -- they’re very similar. And there is no -- there’s very little agreement from the scientific community about how currents interact and how animals go through their life cycle. And all of that is very debated for many years and people try to, you know, (indiscernible) theories or those processes. So how can just one environmental, this Supplement, say that, well, this is all understood and there will be no impact when even the process, itself, is not very well understood. And it’s not even explained or debated how it’s shown in the document. That’s all I meant. But thank you.

MR. LOMAN: Okay, thank you. And I really -- I’m sorry I probably shouldn’t be upset, because I’ll just get into a debate and I’m not going to do it.

MS. WILLIAMS: This is Vera Williams again, for the record. You mentioned earlier about when I talked about a partnership -- a draft partnership (indiscernible) driving the North Slope Borough. Will you be including a Federally
recognized Tribe from the North Slope, with ICAS and the Native Village of Barrow and all the other Tribes within the North Slope area, would this partnership -- will to be formulated?

MR. LOMAN: I’d like to think that we already have through the mandate Executive Order 13175 that requires government to government consultation. As you know, better than anybody else, we had a meeting today. So that requires us to communicate. But we’d like to do more so the answer is, yes. If we need to include others in that agreement, or have separate agreements with Federally recognized Tribes that want to establish a partnership to address things and it’s productive, the Federal government likes to use the terms effective and efficient. If it effective and efficient, we certainly are going to do that, and partner with effective Federally recognized Tribes.

UNIDENTIFIED MALE: Could you tell me what kind of impact has it had on the wildlife in Valdez ever since the oil spill?

MR. LOMAN: On the Exxon Valdez?

UNIDENTIFIED MALE: Yes, what impact has it had on the wildlife?

MR. LOMAN: I really -- I’m not qualified to discuss it. It’s not relevant to this meeting other than that was an oil spill.

UNIDENTIFIED MALE: It certainly was an oil spill. It’s relevant.

MR. LOMAN: Yeah, and you know I would just mention that
the Exxon Valdez didn’t have to happen. It was one person who, for whatever reason, didn’t make a turn.

UNIDENTIFIED MALE: I want to know what kind of impact did it have on the wildlife down there after the oil spill?

UNIDENTIFIED FEMALE: Is Shell going to have, make sure everybody get (indiscernible) on the see, tonight.

MR. LOMAN: There’s an abundant amount of information that’s been collected through the Natural Resource Damage Assessment activities that all of the Trustee Agencies have collected on that spill and the damages that have occurred and are ongoing. And, if you leave your email address or contact information, will help the people that are responsible for serving you along those lines, give you that information.

PATRICK SUVLU: I’ve got one. My name is Patrick Suvlu, that’s S-U-V-L-U. On the purchase of Alaska, how many acres did the United States buy from the Russians for purchase of Alaska?

MR. LOMAN: Yeah -- it’s not --.

MR. SUVLU: And have they done any survey of natural acreage of what they bought for -- is the United States trespassing -- what if they didn’t pay for? Are we included in that acreage when they bought?

MR. LOMAN: I have no comment about that subject sir.

MR. SUVLU: Maybe that’s what they need to find out.

MR. LOMAN: Yes sir.

MR. SUVLU: If the United States own the North Slope.
MR. LOMAN: Yes sir.

UNIDENTIFIED FEMALE: Yeah, that’s a good one.

MR. LOMAN: Yes sir in the back. Yes sir?

MR. BROWER: You know, my name is Charlie Brower, for the record. I’m kind of all -- through the magnitude of the materials, you don’t have available for maps and stuff where that’s (indiscernible) on. Your product of presentations to elaborate on the subject. But the matter is, you’re on -- waters that are in the jurisdiction that are not within the State boundary. And the only people that you would have to deal with on that is with the Inupiat community of the Arctic Slope. Your Act in Congress did not pronounce lying into this kind of Tribe for nothing. So you’ve got to learn to deal and accept the fact that these people are Inupiat people and they’re not Indians and you’re not -- can treat them like Indians or copycat or imitate the treatment of Indians to us Inupiat.

When the Federal (indiscernible) collects taxes, they collect that but then they have to use it for a purpose. You got to get into the Federally recognized Tribes jurisdiction. Our ancestral grounds from 12,000 years back, plus, you’ll have to learn to pay the 28, 27 percent Federal government fee to the Inupiat people.

The Russians sold something that they thought it was here when their (indiscernible) depleted they sold -- they sold for quick cash revenue. The only thing they sold was the
jurisdiction domain where the (indiscernible) are.

And they never been north of St. Michaels at the time of the sale. So let’s get real. Don’t play games with us. This is a real life thing. Said there a while ago, you mentioned elaborating IWC about the populations of the bowhead whale. IWC came up here with the Scientific Committee in 1977 and said they’re there was only 947 whales. That was the first time they ever been to the North Slope region.

On a hearsay basis, they got people to talk about it and then a bullshit Scientific Study Agreement, worthless to avoid where you’re going (indiscernible) and then kick them out if necessary. Just to prove a point. You going to put out something to my people and my Tribe. You’re not going to respect and honor what’s given to them. Some of the stuff I look at here -- I want to see some results from the scientific exploration that were being conducted out there. You have a mediocre -- what kind of impact they did to the crustaceans from the surface of the water to the sea floor?

And you know where to fight. Would you like to go out there and swim and have to be blasted with 297 decibels of noise? When a 47 decibel at 17 mile range, disrupt the bowhead whale and cause him to pop up, straight up and down. Instead of like this. Forty-seven decibels is -- in the water it doesn’t subside to 46 or 45 decibels at 200 yards. When you shooting 290 plus decibels in the water. they don’t subside down to 245
unless it’s past out there to ten miles or so.

So let’s get real. You want to destroy and damage everything that we stood for, based on our way of life and the way we use animals in the sea, that is our garden and resource for livelihood. Long before anyone even noticed there was a North American continent. Some of these Indian Tribes down in the Lower 48 where Asianic League or Indians at the time when they first crossed, 12,835 years ago. Now you call them American Indians. You forgot the government gave them the recognition and productive life to them. The fact is, you doing all these things to get into an area to do seismic exploration and after that, the informations you gather, okay. Maybe right there back where that chair is sitting is a good spot. We’ll drill there. And a lot of people buy stocks from that company that’s drilling.

Or let’s say 20 or 30 separate families own 75 million shares and they get (indiscernible) and much richer over what they done. And they strike oil. We haven’t Senators -- or you only have one with the United States but they trample on us, worse than cockroaches in some sense. A way of respecting a human, you’re supposed to honor people for who they are and what they are. For what country you are -- we understand and know that. But what country of people we are, you got to learn to understand and deal with that. That -- face reality, instead of living in mental insanity 99503 (indiscernible).
Just how badly are you willing to go for, to the people that push you into these things, to conduct meetings? When you’re doing Environmental Impact Statements, we donate a lot of information and stuff and have it printed. But it just gets stored in catalogue and never been used. Nobody uses it for testimony in Congress or one State, another don’t even bother to look at it.

So people who are indigenous by themself at the rate human in the culture. Disrupted, toyed with, and forced to change their ways of the way they’re living 99 different ways. How many more ways are you going to expect us to (indiscernible) and deal with something that we don’t want to see, for no (indiscernible). What’s going to happen if that 75 reversing and then we start changing you people 99 different ways? Do you know the magnitude of (indiscernible) reality? That the bumpus (ph) is forcing you people to do, to erase Korean (ph) culture in the Arctic? Or is it that it’s so many of the people that have migrated from the European side, they want more of this, they want more of that. And they don’t care who they destroy and hurt just so they could get to that resource? Is it said that (indiscernible) got the United States government and (indiscernible) life into a Tribe? That’s being blamed by the United States Department of Defense against the Indians?

At the same time there wasn’t an Indian, you know, we existed up here at the time when they thought. Alaska. You got
to learn to face reality and understand them and learn to deal
with and cope with -- how you treat things and make things for
the way people have to live, the life they have to live. At
such a magnitude of a change that they can’t let -- alter it
anymore. When it says, when is this going to become, I thought
we heard reality.

I enjoy my life. I enjoy being a Inupiat person. I enjoy
my Native language. I enjoy my culture, my music and dances and
my Native food. You are -- you are do that -- you going destroy
a lot of -- of who I am and what I am and how I live and what I
used to live with. Do you have something out -- do you have
some alternate replacement for that? Because you better learn
to prepare on how to make the alternative preparations on, if
you damage too much. And I, for one -- if women pick up their
own arms and have to start doing things to you people just to
make you understand who and where they come from, and they start
telling you our men have died for this and died for that and
they weren’t even Americans. But they still -- you treat us
worse than dogs in some sense. Let’s get real.

When the United States government pronounces life into a
Tribe it’s not just a word that you can toy with and play with.
And if you have to face that United States Congress to make them
understand that, it’s time to learn to understand whether you’re
truly under mental insanity from 9305 classroom practice. Thank
you.
MR. LOMAN: Thank you sir. Do we -- have about 12 minutes for anybody else that would like to provide testimony before we close the meeting at 9:30. Rosemary did you have testimony?

MS. AKTUANGARUAK: Yes. BOEMRE needs to obtain additional baseline data to meaningfully analyzing environmental impacts of Lease Sale 193. An Agency cannot comply with NEPA when data on baseline conditions is so lacking, that it cannot adequately determine what the environmental impacts will be. As Alaska Natives and others have continually pointed out, there is a lack of baseline data related to subsistence impacts, marine mammal populations data, air quality, water quality, health impacts and climate change impacts. The Agency must obtain additional baseline data to properly analyze the environmental impacts of Lease Sale 193.

BOEMRE cannot simply presume that adverse impacts will occur under all circumstances for which information is missing. The Agency is avoiding its duty to obtain missing information by presuming the adverse impacts will occur for the circumstances from which information is missing. But the commonality and severity of the adverse impacts may vary between alternatives. So the missing information is needed to make an informed comparison of alternatives. For example, the Proposed Action and Alternative III provides significant different sized buffer zones. So the Agency must obtain missing information about the impacts of an oil spill or the location of bowhead whales in the
buffer zones, because it is essential to make an informed and reasoned choice between these alternatives. Furthermore, it is true that the impacts are all the same with all alternatives then the range of alternatives is inadequate.

BOEMRE must rely on updated scientific information on bowhead whales. An Agency may not rely on outdated scientific information when analyzing environmental impacts under NEPA. Here, updated information about bowhead whales is now available from three new sources. One, NMFS’s July 2010 Biological Opinion for Oil and Gas Activities in the Beaufort and Chukchi Seas. Number two, MMS’s final report for Satellite Tracking of the Western Arctic Bowhead Whales. And three, Quakenbush’s 2010 study of bowhead whale movement.

The Agency must conduct separate SEIS to analyze the impacts of the entire Lease Sale 193 on bowhead whales now that additional information is known about the species.

BOEMRE cannot rely on compliance with additional environmental laws or future NEPA analysis to avoid its duty to obtain missing information.

To make a reasoned decision between alternatives of this Lease Sale, the Agency must have sufficient information about the differences in environmental impacts of each alternative before it is irretrievably committed to resources -- commitment to resources. The Agency cannot substitute further compliance with the environmental laws or later NEPA analysis for its duty
to obtain the missing information to make a reasoned decision now.

BOEMRE must analyze the new information related to the Deepwater Horizon spill. Under NEPA, Agencies have an ongoing duty to supplement Environmental Impact Statements whenever new information renders the original Statement inadequate. The Deepwater Horizon spill has rendered inadequate the Agency’s, one, oil spill analysis, two, conclusions that an exploratory drilling oil spill is unlikely and, three, the requirements for a oil spill response plan. Thus, the Agency must conduct a new oil spill analysis in a separate EIS. On behalf of the Inupiat Community Arctic Slope.

MR. LOMAN: Thank you Rosemary. Rosemary, could you let me have that written comment?

MS. AKTUANGARUAK: I can get it with the statement of the original county (ph) of ICAS and that’s what they usually like it handled, so I’d have it ready.

MR. LOMAN: Okay sure. Thank you very much.

MS. AKTUANGARUAK: I’d like to give a statement now on behalf of myself.

MR. LOMAN: Okay.

MS. AKTUANGARUAK: We’ve commented for decades in these processes. We’ve brought out decades of concerns. Our grandparents started these processes. They worked with us in trying to build ways that we might (indiscernible) some these
impacts. We worked for many processes with the Agency before you changed your name, to try to build ways that might limit some of these actions. But the enforcement of any our efforts never (indiscernible) out. The impacts were left upon us.

I had to spend another day working with Tribal governments from Louisiana because they wanted to learn what they can do to help their area. We’ve gone through impacts to subsistence. As you say, we can survive that. Families can survive loss of subsistence what that would cost. The cost is tremendous when you build social impacts that -- that’s generations, in their health, in their wellness, in their social ability to address these problems, in their willingness to continue to participate in these processes.

When grandparents had gone to their grave, and the concerns that we have promoted for generations have never been enforced -- have never been built into the process to give us the hopes that our traditional and cultural (indiscernible) in areas that are going to be changed by oil and gas, will still be there. When you cause disruptions of multiple species to communities, you just dropped generations of families, working and living in these areas. When you don’t have the species to teach your children how to cut up these items, it’s difficult to do so when you have to use only pictures. It’s very difficult to tell the stories of our land usage when the changes to the areas that are being discussed or changed, and the animals don’t
use them the same ways. So our families don’t hunt in these
same areas the way the stories were told for generations,
disrupts the learning curve for the future generations.

It affects our lives. It affects our whole beings. And
we continue to share these things. But we have cultures that
were never recognized in the Gulf area. Tribes that were never
recognized, and yet their livelihoods have changed forever.

Watching those people down there pulling out boats in the
opening of fishing season because they knew there was not going
to be something to harvest. Having the Tribal members say that
the government has said their food is safe, when they take the
shrimp from the water and they break the head off and there’s
oil inside of it. And they can wipe it on a tissue to show.

And yet our government is saying that food is safe.

They did the same thing in our State with the previous
spill. The learning curve was not there. And you talked
earlier about how the Exxon Valdez created that law. But you
forgot there were two other devastations that occurred with
that. With the (indiscernible) event in India with their
chemical spill, there were three devastating events. Before, we
learned from that process. We didn’t learn from Exxon. We’d
better learn from the Deepwater Horizon.

And don’t get out here and try again because, just in a
short period of time, we had the GS2 spill and you said to us --
not one drop would be spilled in Exxon. And yet, 200,000
gallons still was spilled. And then at Prudhoe Bay, with alarms going off for four days that were ignored.

That’s not reassuring to us that anything you have put in your documents has any cretisian (ph) of being implemented. Then we had the fire in our own refinery in Fairbanks. And you had still the explosion in Texas and still the Deep Horizon.

There is many changes that must occur. You still have many of these same people authorizing documents in these processes that were authorizing these same processes that led to the devastations that happened to those loss of lives. We still have many, many problems. You don’t have the personnel to enforce existing regulations. And you have exemptions to air and water quality standards in our States still occurring as part of the continued comments of health impacts affecting the breathing of people. Twenty babies being Medi-vac’d out, ten of them put on ventilators was not enough. A cost for our Village but yet we endured that cost. We still have a better job there.

That’s not acceptable to take and promote development at the cost of tradition and culture and the health of our people. These are not acceptable. They won’t be tolerated. We have many more cultures that are going through the devastation and are asking for our help in Alaska because we have learned some things. And they have so much more to learn in their process.

Having to tell people how to try and heal their communities because they’re going through loss that they were
told would never happen. And yet, every day of their
traditional and cultural lives or not to be seen for decades to
come and generations to become. In these spill plans, they say
in (indiscernible) burnings. But, yet when they burned in our
State they didn’t even inform the nearest community. And all of
the people got sick. And you put regulations to limit some of
these things out there, but it’s different in our environment.
These emissions in these air, in our environment, in our
times, when we’re breathing them, with our cold environment, the
impacts are much more damaging to us. When you study this
impacts at 70 degrees, we don’t have any days at 70 degrees.
You need to study it at our impacts, at our temperatures, at our
currents. They studied air quality currents with a goal. But,
yet still, the concerns from the communities down there were
still expressing. There’s real concern here, the odor is really
strong, people are getting sick. And yet, the effort of our
government to monitor this process was not adequate to get the
notification in the documentation to prevent the worst
exposures.
Where’s the respite for their pregnant women and children?
They’re continually being exposed to the generations of growth
that is being affected. How can we help them in this process
because they have continued exposures? Using the dispersants to
put peoples into a toxic chemical spill at the benefit of
industry, reduce the way that those communities could observe
and try to build protections, to put the booms out in areas. Because when you mix the oil into the water column, you can’t see it coming in with the tide. And the waves come in it’s below a few feet of levels and the oil is still coming ashore. There’s no protection. There was no enforcement to maintaining boom that was laid out. There was no real good way of looking at how the boom was being placed.

You could tell that some areas had good support to get boom placed. Other areas had absolutely no support to get any boom placed. But there wasn’t even maintaining up there. Boom that was placed was just free flowing. You’re not doing any protection. That important critical habitats site for the pelicans, there was boom out there, but the same issue, no maintain, no protections. The adequacy of that boom placing was non-existent. Those pelicans still got impacted with the oil from that.

We watched the dolphins come up through the sheen, the birds diving into the oily water, fish jumping out gasping for air. We can’t watch that happen down there and take these discussions up here. That’s so devastating for us to be damaged from the efforts from the Exxon Valdez to have it re -- happen with it and there’s more information with the Korean spill. They studied health impacts from day one. Where’s our studies from all these different things? We don’t have that data. Nothing was done to help us get some of these health impacts.
If anything, it helped to hide what the health effects were from that spill. All those workers that went out there to respond. All those workers that got so sick from working the dispersants. They died so fast and are no longer here to comment, but their children are. The children watched their health deteriorate until they were no longer able to be active in their (indiscernible) lives. Those children grew up with that loss, not only of just their family, but of their traditions, their culture and the knowledge of what’s normal. We can’t let that happen here. There is too much at risk.

We’re a whaling culture. We’re important to live in the water and do the life of the lifestyle there. We need it for our bodies. We need it for the health and longevity of our communities and our region as a whole. That’s what we -- what we are. Dollars per barrels are not worth those costs.

MR. LOMAN: Thank you Rosemary. Yes.

MS. ITTA: I have a few comments. My name is Natasha Itta, I-T-T-A. My question is, if we went into your home, you drank a certain kind of coffee or you drank a specific soda and that’s all you drank. If there was a specific food, if you’re a vegetarian, if you had any allergies. You couldn’t eat gluten. You couldn’t eat sugar. You needed something for you to sustain yourself due to the life. If someone went into your house and took that and told you that you could never have it again, what would you do? You would fight the fight until you were not able
to fight anymore, so that you can have what it takes to survive.

If I went into your house and told you, that cup of coffee, you were never allowed to have it. You will never have a cup of coffee ever again and if anybody else around you sees you having that, they’ll take it away. That affects your day-to-day life. If that’s how you survive, with that cup of coffee or that caffeine or whatever, if someone eliminated that from your way of life, you would die.

Seriously, if someone said, you can’t have water. That’s how we are. This is our place where we survive. We go out. It not only affects the ocean, it affects the land. The land -- we get snow. We get rain that feeds the berries, the caribou, the ducks, the geese, everything. So if you’re saying that we can’t hunt, and you’re going to exploit oil in our waters, that affects the way of life and the way we live. And for you to say, you can’t go out and go hunting whales, but I could still have my cup of coffee every day, I don’t think so. That’s not acceptable.

That’s not something that I would -- I just had a son -- he may never get to go whaling because you might affect the water that he’s going to be able to go whaling in. That’s craziness. I want to know that my children are going to grow up in a community where they can go out and do the things that their ancestors did from day to day. I grew up -- I got relatives that -- I for one go whaling. I don’t go out in the
water, but I go out and I help harvest the whale. I cook it. I cut it. I disperse to everybody that comes and wants some. And for you to tell me that you are going out into the water and tell me that you’re going to go drilling, and go exploring and all of this, but you can sit in your lofty offices with your $600 chairs, your $5,000 computers and taking your private jets and chartering planes to the little villages that you never tell anybody that you’re meeting with, and telling them they’re not going to be able to do that? That’s not acceptable. That is not something that I want to see. I want to know that, from this generation to the next to the next, that we will still be the people that our people were before us, hunting, camping, boating, fishing every day.

If there’s a spill, tell me that someone is not going to go out in the dead of February when it’s 50 below where there’s 85 miles an hour winds and the wind chill is a 100 below and you’re going to tell me that someone is going out and go scoop this oil up? We live in this weather. There’s some days we avoid this weather. We sit inside and pray that it gets nice the next day. But for you to reassure us and tell us that someone’s going to go outside in this weather. This is how bright it gets in December. And if you’re telling me that someone is standing outside watching the oil and telling me that someone is going to be there to capture it, to fill it all up and put it somewhere -- put it somewhere in a container and ship
it off after it’s touched the oceans? That’s not something I
want to hear.

I want to hear that you’re going to do whatever it takes
to keep this from happening. Because I’ve seen many, many
impacts, not on just America, but of other countries too. And
so I want to know that this needs to be -- all of this
information needs to be shared. And I had no idea about this
meeting. So I want to know that you guys are going to do
whatever it takes to make sure that everybody’s aware of what’s
going on. You can’t just say, oh well I can’t comment on that.
I don’t comment on that. That’s not acceptable. We’re asking
you questions and you answer it. Thank you.

MR. LOMAN: Thank you. We’re past 9:30. Anybody who
hasn’t spoke that would like to speak? Otherwise, sir we’re
going to give you the last word.

MR. BROWER: For the record, Charlie Brower
(indiscernible) again. A lot of the money that’s appropriated
and approved for spending by the United States Congress has
affected us up here in our country since they first started
drilling in 1944, in the early 40s at Umiat. And from those
drilling activity days, we are still seeing clean-up of
contaminant in volumes that are mind boggling today. And I’m
for one, I’m not doing -- what with -- when they’re drilling up
there, the air -- they haven’t been there and they left the
drilling. They stopped drilling in Umiat in the 50s.
And we’re still getting money appropriated for clean-up in
Umiat for something that was once (indiscernible) like anti-
corrosion. But the United States Congress passed a law in 1970
declaring transform fluid very caustic to human health. Just
last May a DEC report that they found open containers up here
PCB and 12 (indiscernible) by six inch. And some of those
containers leaked out into a slough, a lagoon that drains into
the Koval (ph) River drainage. And they uncovered and removed
another 32 containers of the same thing that had been sitting
there for a very, very, long, long time. Considering what the
United Congress does in 1970, thinking it as a very caustic to
human health. And they’re taking their time removing or
locating dangerous carcinogenic chemicals that they had left up
here.

And it gives my mind, the impression that we are offshore
drilling and they suddenly start to look like cities out there.
There’s no telling how much contaminant you’re going to leave
out there and say we depleted the oil. Hell with all the oil
rigs that are sitting out on the water. In the late 70s and
early 80s there were some caribous that were tagged for
satellite tracking. The next number of them would break the
caribous and much -- many of them were not very far from the
Alaska Pipeline. The pregnant caribous would not get — they
would stay over a mile away from the pipeline. The corrosion
inhibitor that they using to prevent rust and corrosion inside
the pipeline was so carcinogenic to human health that an animal
can detect it by smelling it over a mile away from the pipeline.
And the pipeline is from all the way from Prudhoe Bay to Valdez
and that’s a big coating with corrosion inhibitor material.

And the only way you can remove that carcinogenic
corrosion inhibitor -- that pasting into the inside wall of the
pipeline needs to be removed section by section and replace it
with a new one. And then use an alternative corrosion inhibitor
that’s not carcinogenic to human health. But the oil companies
don’t keep us in the inside stories. They keep it to
themselves.

The reason why the gentleman asked about the Valdez oil
spill, because all the oil comes from the North Slope. And we
want to know if that oil that was that was in a danger had
certain percentage of that carcinogenic material. That would be
one of the main reasons for asking a question on how did it
affect. What kind of impact did it have to that oil and the
substance that they used for corrosion inhibitor? Those things
-- those two separate things are not talked about or mentioned
by either -- all parties. I worked in Prudhoe Bay. I’ve done a
lot of oil injections. I have to know how to approach an
inhibitor injections from the wellhead to the gathering place
and then it flows from gathering place to a pump house.

Pump station number one, pump station number two, pump
station number two, pump station number three until it reaches
Valdez. And they are allowed to pump x number of fluids with corrosion inhibitors. And that’s something that oil companies got to do with that. And that raises a big question on the back of mind. If they had a large volume container stored in that platform that blew up in the Gulf of Mexico district, what happened to all that corrosion inhibitor material that was there? That they reduced to prevent rust from the pipelines that they used to pour it into if they’re going to be pumping into an oil saver.

So, we ask questions because it affects people in the way they live. And if they’re harvesting food from the ocean, they want to know what goes into the water. The same way we would not rather see that kind of stuff up here. Thank you.

MR. LOMAN: Thank you sir. Thank you very much for coming this evening. We appreciate your comments. And if you leave your email or mailing address, we will include you to the list to get you information about this project and any other project that we have authority or responsibility over in Alaska’s OCS.

Again, thank you for taking your time on a Friday night and providing comments. And have a good weekend. Bye-bye.

UNIDENTIFIED FEMALE: Thank you for coming and hearing our voices. But still come again, but we’d like to see you more.

(off record 9:30 p.m.)
I, Judy Bradshaw, hereby certify that the foregoing pages numbered 2 through 85 are a true, accurate and complete transcript of the Bureau of Ocean Energy Management Regulation and Enforcement Public Hearing regarding the Environmental Impact Supplemental Statement Relating to Chukchi Sea Sale 193 held in Barrow, Alaska on November 5, 2010, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

________________________________________  __________________________

Date                                           Judy Bradshaw