

exploration and development activities. There is little, if any, support offered for this assumption. If it should prove incorrect, the proposed operations could result in population reductions, shifts in distributions away from traditional habitat, and deterioration of the health of a large percentage of a given population. Operating alone, any one of the forgoing factors will have a devastating effect on the ability of a species to survive in the harsh arctic environment. Some of the adverse effects from oil and gas development on the natural environment, and on marine mammals and other wildlife in the sale area are discussed below.

TFA #6
cont.

1. Impacts to the Arctic National Wildlife Refuge

Our organizations have commented time and time again on proposed lease sales in the Beaufort Sea and have filed countless lawsuits to represent the public interest, and the interests of our members in protecting sensitive marine and coastal ecosystems from the unprecedented effects of Arctic offshore oil exploration and development. We are concerned that Sale 170, like previous Beaufort Sea Lease Sales, continues to jeopardize the integrity of the wilderness and wildlife, and the full range of intact ecosystems of the Arctic National Wildlife Refuge-- including the lagoons, barrier islands, river mouths, and shorelines. Most of our organizations also worked to prevent the State oil and gas leasing of Camden Bay Sale 50, leases in the nearshore area adjacent to the eastern part of Sale 170, and in Demarcation Point Sale 55 to the east, because these lease sales threatened the integrity of the Arctic Refuge.

TFA #7

The MMS has ignored and downplayed the potential major direct and cumulative effects to the Arctic National Wildlife Refuge. MMS erred in not considering this a significant issue raised during scoping. There would be major effects from offshore exploration and development, even if there is no construction of infrastructure on land, as described below. Furthermore, there would be intense pressure in the future to construct onshore pipelines, roads, docks, and other support facilities in the refuge which would be devastating to the wilderness and wildlife of the refuge. Therefore, development of OCS leases would irreversibly degrade the wilderness qualities of the refuge and jeopardize the important habitats that Congress sought to protect with the creation of the Arctic Refuge in the Alaska National Interest Lands Conservation Act of 1980 (ANILCA).

TFA #8

Adequate analysis of oil transportation methods is needed. The MMS has completely failed to analyze potential effects of onshore infrastructure to support OCS development and production on the coastal plain of the refuge. The MMS simply says the refuge is closed to oil exploration and development and therefore there would not be onshore pipelines, etc. and therefore no effects (if MMS is so certain of this, then it should have no problem adding a stipulation to the leases that no temporary or permanent pipelines, roads, docks, or other onshore support facilities shall be allowed on the Arctic National Wildlife Refuge for exploration, development, and production of the OCS leases because these would be incompatible with the purposes of the refuge, and they are prohibited by law (Alaska National Interest Lands Conservation Act of 1980 (PL 96-487), sec. 1002(I), sec. 1003, and others).

TFA #9

TFA #10

However, the method of bringing oil to market (offshore pipeline to onshore landfall on State

TFA #11

lands at Flaxman Island/Pt. Thomson) described in the DEIS involves untested technology. It is currently technically infeasible to build a subsea pipeline of any distance in the Beaufort Sea, especially for the 60-70 mile distance that would be required to reach the eastern part of the Sale 170 area off the Hulahula River Delta of the Arctic Refuge if oil were discovered for transport via subsea pipeline to landfall on State lands. Industry has proposed the first subsea pipeline in the US Beaufort Sea for the Northstar project. Currently under environmental impact review, there are major engineering questions regarding its technical feasibility that are as yet unresolved even for this 6-mile long subsea pipeline. If the offshore pipeline transportation method is not feasible, then onshore pipelines across the refuge or tankering would have to be considered.

TFA #11
cont.

Furthermore, the DEIS fails to address the impacts, and possible alternatives to a "new location near Flaxman Island" for pipeline landfall on State lands to the Trans-Alaska Pipeline System (TAPS) (p. IV-A-6). This landfall location is described repeatedly in the DEIS and therefore, site-specific environmental impacts should be provided. Flaxman Island provides polar bear denning habitat. It contains important archeological and historical sites, including the Leffingwell National Historical Site, placed on the National Register in 1971 and which became a National Landmark in 1978, and important traditional land use sites which are still presently used for hunting caribou, waterfowl, seals, and fish in the vicinity (Jacobsen and Wentworth 1982⁶). This landfall location would be adjacent to the Arctic Refuge at the Canning River Delta, an important subsistence location, as well as significant habitat for migratory birds, fish, and polar bears. A major concentration of onshore staging areas, airport, pump stations, processing plants, and pipelines at this landfall location could have major negative effects on the adjacent Arctic Refuge.

TFA #12

The DEIS also fails to adequately evaluate the unique risks of tankering oil from offshore platforms in the ice-infested waters of the Beaufort Sea to landfalls for onshore pipelines to TAPS across State lands. The DEIS cannot rely on a model based on past OCS spill data which does not incorporate the specific, greater risks that tankering in the Arctic ice would pose. Therefore, new analysis of tanker transportation needs to be included in this DEIS (including oil spill risks, including for catastrophic accident, chronic spills, ballast water discharges, and impacts of ice-breakers needed to support the tanker traffic). It is doubtful that this alternative would be acceptable, given the policies of the North Slope Borough (the DEIS says, "Although the NSB CMP limits support facilities for tankering oil to market, the scenario indicates that pipelines will be used; therefore the policy is not relevant," p. IV-B-76). The policy is relevant because it shows conflict over a key transportation alternative, and shows that MMS evaded its responsibility to evaluate alternative aspects of the proposal that are of concern to residents who would be affected by the proposal.

TFA #13

State Supreme Court rulings regarding these same oil transportation issues provide perspective on MMS's neglect of the transportation alternatives. Conservationists won court challenges to the Alaska Supreme Court which agreed that the State's best interest finding was

⁶ Jacobsen, M.J. and C. Wentworth. 1982. Kaktovik Subsistence: Land Use Values through time in the Arctic National Wildlife Refuge Area. U.S. Fish & Wildlife Service, Northern Alaska Ecological Services, Fairbanks.

“deficient” because ADNDR failed to evaluate the safety and feasibility of offshore pipelines vital to transporting oil from the Camden Bay leases (Trustees for Alaska v. State, DNR, 795 P.2d 805, 809 (Alaska 1990) “Camden Bay I”). The Supreme Court expressed dismay that DNR would overlook such a vital and uniquely risky aspect of offshore oil development in the area since onshore support facilities in the Arctic Refuge are prohibited.

TFA #13
cont.

In a second appeal, the Supreme Court ruled the “DNR erred in failing to discharge its responsibility to identify known geophysical hazard areas and archeological sites prior to the lease sale” and “as we noted in Trustees for Alaska v. Gorsuch, 835 P.2d 1239,1246 n.6 (Alaska 1992), the more segmented an assessment of environmental hazards, the greater the risk that prior permits will compel DNR to approve later, environmentally unsound permits,” (Trustees for Alaska v State, DNR, 851 P.2d 1340 (Alaska 1993) “Camden Bay II”). Furthermore, the U.S. Fish & Wildlife Service and the Alaska Department of Fish & Game recommended that Sale 50 not be considered until litigation over the contested Arctic Refuge lagoons was completed and Congress made a decision about leasing in the Arctic Refuge (see *Preliminary analysis of the Director and Preliminary ACMP Determination regarding Oil and gas lease sale 50, Camden Bay, Alaska* Department of Natural Resources, November 20, 1986). The Court ruled in the Demarcation Point Sale case that the Alaska Department of Natural Resources erred due to failure to consider impacts on the Arctic Refuge, including the “internationally significant” Porcupine caribou herd (Trustees for Alaska v. State, DNR, 865 P.2d 745, 748 (Alaska 1993) (Demarcation Point)).

TFA #14

If oil transportation by subsea pipeline is technically infeasible, and tankering is unacceptable under the local government’s Coastal Management Program, then that puts tremendous pressure to transport oil in pipelines across the Arctic National Wildlife Refuge. This would result in long-term habitat loss and disturbance to calving and post-calving habitats of the Porcupine caribou herd, migratory bird nesting, molting, and staging habitats, and prime polar bear denning areas. Such infrastructure would not be compatible with the purposes of the Arctic National Wildlife Refuge. If MMS fails to avoid considering leasing off the coast of the refuge, then it must provide adequate analysis of the potential effects of such onshore pipelines and other support infrastructure in order to comply with NEPA’s requirements to analyze all reasonable foreseeable actions resulting from this Sale 170.

TFA #15

In conclusion, since there is no environmentally acceptable, or legally and technically acceptable means of transporting oil from lease sale areas located off the coast of the Arctic National Wildlife Refuge, we do not believe it is in the public interest to lease any of this area.

Lease Sale 170 poses risks to the resources of the Arctic Refuge, whether or not there is onshore infrastructure. Pollution and disturbance effects from offshore development will harm refuge shoreline wilderness and wildlife habitat quality. The DEIS does not adequately address effects to the refuge resources from oil spills and water pollution from permitted waste discharges and accidental spills, noise and other disturbance from industrial and other increased human activity would include major negative effects to polar bear, caribou, and bird habitats and subsistence

TFA #16

resources. The refuge shoreline includes low barrier islands, sand spits and peninsulas and lagoons, bays, and river deltas which would be particularly vulnerable to the effects of major oil spills and chronic pollution caused by exploratory and development operations in the nearby Federal waters. In addition to the Camden Bay and Canning River delta areas identified in Information to Lessees, No. 12, “Sensitive areas to be considered in the Oil-Spill Contingency Plans,” this ITL should include the entire shoreline of the Arctic National Wildlife Refuge.

TFA #17

TFA #18

The shoreline within the Arctic Refuge adjacent to the proposed lease sale area has known polar bear denning, Porcupine caribou herd caribou calving, caribou insect relief, snow goose staging, muskox high use, and rearing area for Dolly Varden char (U.S. Fish & Wildlife Service). The shorelines of the lagoon at Konganivik Point also contain tundra swan high density nesting areas. The Canning and Tamayariak River deltas, and mouth of the Hulahlula River provide important black brant fall staging habitat and tundra swan nesting habitat (U.S. Fish & Wildlife Service, Maps of Bird Resources in the 1002 area, Arctic National Wildlife Refuge, U.S. DOI, 1987, Arctic National Wildlife Refuge, Alaska Coastal Plain Resource Assessment).

The coastal waters of the refuge provide feeding and migration areas for Dolly Varden char and migratory birds that would be affected from oil spills, pollution, helicopter and other vehicle traffic, and other activities in offshore leases. Contrary to statements in the DEIS that “flocks foraging inside the barrier islands (approximately 50% of the coastline has adjacent barrier islands, are protected to some extent from oil-spill contact (P.IV-B-26),” there may be increased risk to these concentrated flocks because wind-driven oil may collect in such areas. The DEIS assumes that oil would not go around the barrier islands, but has this assumption regarding movement of oil around barrier islands been tested in the oil spill model? For example, we would expect that it is likely that oil from a blowout (or tanker spill) would be blown by storm winds into nearby coastal lagoons.

TFA #19

The DEIS also downplays risk to migratory birds, and underestimates the number of birds that could die in an oil spill, “A spill contaminating lagoon waters where large aggregations of several thousand oldsquaw or other species were rafting could cause mortality ranging from several hundred to several thousand individuals (P.IV-B-31).” However, a single lagoon in the fall may harbor nearly 10,000 oldsquaw, and it is conceivable that a major spill could oil more than one lagoon. Refuge lagoons that are shoreward from the proposed lease sale area provide high density oldsquaw molting concentration areas. On aerial surveys conducted during July and August between 1981 and 1985, concentrations of oldsquaw were counted in Arey, Tamayariak, Brownlow lagoons and Simpson Cove; Simpson Cove consistently had the highest numbers of oldsquaw (the average counted was 2,959 oldsquaw with peak numbers recorded at 9,678; Brackney et al. 1987). A diversity of other migratory birds, including loons, geese, phalaropes, ducks, terns, and others also

TFA #20

⁷ Brackney, A.W., R.M. Platte, and J.M. Morton. 1987. Migratory bird use of the coastal lagoon system of the Beaufort Sea Coastline within the Arctic National Wildlife Refuge, Alaska, 1985. Pp. 421-450 in: Garner, G.W. and P.E. Reynolds. 1985 Update Report, Baseline Study of the Fish, Wildlife, and their Habitats. Vol.1. Arctic National Wildlife Refuge Coastal Plain Resource Assessment. U.S. Fish & Wildlife Service, Anchorage.

use the lagoons and shorelines for fall staging and feeding. The open shoreline of Camden Bay provides feeding and staging for migratory birds including brant, oldsquaw, eiders, loons, and other waterfowl, and received the highest densities and ranking for use by oldsquaw and all birds combined, compared with other refuge lagoons (Arctic National Wildlife Refuge 1992¹). The Arctic National Wildlife Refuge study (1992) concluded that Camden Bay, together with Simpson Cove, is an important habitat for waterbirds, particularly oldsquaw.

TFA #20
cont.

Camden Bay also provides breeding and pupping habitat for ringed seals (Alaska Department of Fish & Game, 1986), feeding sites for polar bears, (U.S. Fish & Wildlife Service). There are indications that the area off Konganevik Point has boulder patch habitat, a highly productive kelp community which is rare in the Beaufort Sea (Jacobson and Wentworth, 1982, p.90). [Laminarian kelp were documented in Camden Bay off Collinson Point, one of 3 sites where marine algae was found during the Canadian Arctic Expedition in 1913-18 (they surveyed 20 locations from Pt. Lay, Alaska to Union Strait, N.W.T.; see Fig. 1 in Mohr, J.L. et al. 1957²). To date, no detailed site specific studies have been done in this area to investigate the presence of a rare Arctic Ocean community.] Much of the refuge's anadromous fish resources and migratory birds use the nearshore waters of the proposed unit area for critical times in their lives. As well, the Porcupine caribou herd has been documented to use the ice covered areas of Camden Bay for insect relief and the shoreline areas within the refuge are important migratory routes for the herd. The negative effects to these refuge resources are not adequately addressed in the DEIS.

TFA #21

TFA #22

There are traditional land use sites (most also having archeological sites) located on refuge shoreline areas immediately adjacent to the proposed lease sale area, including Konganivik Point (Kanjinivik), Collinson Point (Nuvugaq), the Canning River Delta (Tigutaaq, Kayutak), Brownlow Point (Aqliquagrak), Camden Bay (Kunagrak), Anderson Point (Aanalaq), at the mouth of Kajutakrok Creek (Sanniqaaluk) (Jacobson and Wentworth 1982). The Konganivik Point site was an important caribou hunting site in the past and continues as an important site for Kaktovik; there are also graves and archeological sites here. Collinson Point contains important archeological areas including an old village site, has historical significance because it was the site of a store run by the explorer Stefansson and ships of the Canadian Expedition wintered there in 1913-14, and it continues as an important subsistence harvest area for brant and other waterfowl, seals, fishing, and caribou hunting (Jacobsen and Wentworth 1982). All these sites could be harmed by oil spills, oil spill cleanup efforts, and other increased industrial activity in the area.

TFA #23

The scenic and aesthetic wilderness qualities of the Arctic National Wildlife Refuge would be unavoidably and irreversibly harmed by exploration and development in the Sale 170 area even if all direct activities took place offshore. Noise, air pollution, and visual, aesthetic impacts of offshore development would affect the solitude and natural qualities of the existing refuge environment.

TFA #24

¹ Arctic National Wildlife Refuge. 1992. Migratory bird use of potential port sites. Final Report. U.S. Fish & Wildlife Service, Anchorage.

² Mohr, J.L., N.J. Wilimovsky, and E.Y. Dawson. 1957. An Arctic Alaskan kelp bed. Arctic 10. 45-52

Recreational use of the area currently benefits from the undeveloped nature of this coastline and the open ocean vistas. Furthermore, there is high probability of an oil spill striking the refuge shoreline sometime during the life of this, or other Beaufort Sea lease sales and this would have immeasurable impacts to the refuge wilderness qualities.

TFA #25

Subsistence resources of Arctic Refuge - [The potential negative impacts to subsistence activities on the Arctic National Wildlife Refuge need to be analyzed.] Marine causeways could harm migration patterns of anadromous fish that migrate along the coast and then overwinter or spawn in the Arctic Refuge and are then fished by residents of the North Slope village in the rivers. [The exploration and development activities for the Lease Sale area would affect the use of refuge resources used for subsistence by local residents of Kaktovik and other North Slope villages, and impact adjacent Arctic Refuge lands important for subsistence hunting and fishing (see Jacobson and Wentworth 1982).] Furthermore, the coastal habitat is important to the Porcupine caribou herd upon which the Gwich'in residents of Arctic Village and Venetie and other U.S. and Canadian villages depend upon for subsistence. Therefore, a report under sec. 810 of the Alaska National Interest Lands Conservation Act (ANILCA) is required.

TFA #26

TFA #27

TFA #28

TFA #29

2. Impacts to Polar Bears

The Arctic Refuge coastal plain in general is the most important denning habitat for polar bears on land in the U.S., and in particular, the area along the lease sale area and adjacent to Camden Bay is extremely significant for denning polar bears (see U.S. Fish & Wildlife Service map). Conservation of polar bear populations and their habitats is a one of the specified purposes of the Arctic Refuge, as is the need to "fulfill international treaty obligations of the United States." In the Agreement on the Conservation of Polar Bears signed by all five Arctic nations having polar bears, the U.S. committed to "protect the ecosystems of which polar bears are a part, with special attention to habitat components such as denning and feeding sites and migration patterns." [The proposed lease sale will allow intensive industrial activities in these very habitats the US committed to protect in the treaty and the DEIS completely fails to address this impact.]

TFA #30

Polar bears moving across the ice to reach den sites on land would likely travel through the offshore areas of proposed drilling, thereby increasing their chances of conflict with humans. The support activities for exploratory drilling such as fuel delivery could disturb dens and oil spills could have catastrophic effects on the bears. Furthermore, future exploration wells on adjacent State leases could occur even closer to the Arctic Refuge itself and the long-term development activities could cause permanent destruction or degradation of their habitats.

TFA #31

We are particularly concerned about potential cumulative impacts to polar bears from both ARCO's proposed Warthog exploratory well (OCS Sale 144), the proposed Camden Bay Unit, and this proposed Sale 170 due to past experiences in this area. In 1990, a polar bear was shot when it neared Stinson #1 offshore drilling rig on a Camden Bay Sale 50 State lease off the Arctic Refuge

TFA #32

coast¹⁰. A female polar bear abandoned her den upon being disturbed by oil exploration traffic along the Arctic Refuge coastline near the Canning delta in 1985 (Arctic National Wildlife Refuge files, U.S. Fish and Wildlife Service). This resulted despite regulations and the most rigorous monitoring program ever for North Slope exploration. Heavy equipment tracked within 700 feet of the den even though regulations required that polar bear dens be avoided by ½ mile. Unlike this bear which was radio-collared, most maternity den locations are unknown until the mother emerges with her cubs and therefore it is impossible to avoid conflicts between polar bears and industrial activity. Furthermore, the natural curiosity of polar bears leads them to risky encounters. A “pink” polar bear was found dead off the coast near Prudhoe Bay after it licked up toxic ethylene glycol and purple dye used as an ice airstrip marker (Amstrup et al. 1989¹¹).

TFA #32
cont.

The DEIS section on the effects of onshore construction to polar bears downplays the effects to this species protected under the Marine Mammal Protection Act, including the 1994 amendments, and the international Agreement on the Conservation of Polar Bears: “During construction-development activities... a small number of seals and polar bears located within a few kilometers of the landfall sites could be disturbed and perhaps displace. However, the number of animals disturbed and/or displaced would be few, and the amount of coastal habitat altered would be located near the pipeline-landfall site” (p.IV-B-34). This level of disturbance is unacceptable for habitats in the Arctic National Wildlife Refuge that could be adjacent to the landfall site at the western refuge boundary. The U.S. Fish & Wildlife Service estimates that only 140 female polar bears of the entire Beaufort Sea population den each year. Because female polar bears have one of the slowest reproductive rates of any mammal, producing only five litters in their life time,¹² any industrial activity that interfered with reproductive success could negatively affect this population. The female bears are sensitive to even relatively minor disturbances from oil and gas activity, as discussed above. The DEIS also ignores the future potential that onshore support facilities or pipelines could be proposed for construction and operation in polar bear habitats of the Arctic National Wildlife Refuge itself, which would pose even greater threats to denning polar bears and their habitat.

TFA #33

As well, the level of harm described by the DEIS resulting from construction of the landfall sites, due to oil spills, and from other industrial activity associated with oil and gas exploration and development contravenes the spirit of the international treaty the US has agreed to uphold – which specifically calls for protecting denning, feeding, and migration route habitats of polar bears. The treaty obligation was the impetus for 1994 amendments to Section (2)(2) of the Marine Mammals Protection Act (MMPA), which clarified the U.S. Fish & Wildlife Service’s duty to conserve essential polar bear habitats. The addition to Section (2)(2) originated in the House bill (H.R. 2760)

TFA #34

¹⁰ “Shooting penalty quashed: Arco not prosecuted in polar bear death,” *Anchorage Daily News*, June 1, 1990.

¹¹ Amstrup, S.C., C. Gardner, K.C. Myers, and F.W. Oehme. 1989. Ethylene glycol (antifreeze) poisoning in a free-ranging polar bear. *Veterinary and Human Toxicology* 31(4): 317-319.

¹² U.S. Fish & Wildlife Service. 1995. *Habitat Conservation Strategy for Polar Bears*. Marine Mammals Management, Anchorage, p.4,22.

reauthorizing the MMPA. According to the House Merchant Marine Committee report accompanying H.R. 2760 (H. Rpt. No. 103-439- see p.29), the new language was added for one very specific reason:

This section states the Committee's intent that, in order to protect marine mammal populations, effects should also be made by the Secretary to protect essential marine mammal habitats, as defined under section 2 of the Act. The Committee believes that the Secretary currently has the authority to promulgate regulations to protect marine mammals and their habitats under the general rulemaking authority of Section 112 of the MMPA. For example, the Secretary has the authority to protect polar bear denning, feeding, and migration routes in order to fully comply with the United State's obligations under Article I of the Agreement on the Conservation of Polar Bears.

TFA #34
cont.

The DEIS also downplays the significance of potential polar bear mortality from an oil spill: “in a severe situation where a concentration of perhaps 20 or 30 bears were contaminated by an oil spill and all the bears died, this one-time loss is not likely to affect the Beaufort Sea population of polar bears; annual recruitment probably would replace lost bears within less than one generation (less than 5 years), (p.IV-B-35). This is totally unacceptable. Furthermore, the DEIS provides no documentation that this level of loss is acceptable.

TFA #35

3. Impacts to Caribou

The existing environmental information about caribou and their habitat requirements is inaccurate and incomplete. For example, the map showing calving area for Porcupine Caribou herd (see DEIS p.VI-B-11) is inaccurate. It should include habitat as far west as the Staines/ Canning River. It is also important to map the post-calving habitat which is also critical for this herd, and for which there is no alternative, and this habitat also includes area in the Canning River delta.¹³

TFA #36

The analysis of impacts, particularly cumulative effects of oil field development on the North Slope is biased and dramatically downplays potential impacts to caribou in the Central Arctic Herd as well as the Porcupine caribou herd. The information is also inaccurate and fails to incorporate the best scientific analysis and information. The DEIS concludes that impacts to caribou would be minor but this is because the extent of potential onshore infrastructure is not adequately described and the information from experience in existing oil fields is portrayed in an overly optimistic light which fails to incorporate all of the scientific evidence regarding significant negative effects of roads, pipelines, and the oil field complex generally, on behavior, reproductive success, and habitat quality

TFA #37

¹³ See International Porcupine Caribou Board, 1993, *Sensitive Habitats of the Porcupine Caribou Herd*; Garner, G.W. and P.E. Reynolds. 1986. *Final Report, Baseline Study of the Fish, Wildlife, and their habitats. Arctic National Wildlife Refuge Coastal Plain Resource Assessment. Section 1002C, ANILCA.* U.S. Fish & Wildlife Service, Anchorage, Porcupine Caribou Herd, pp. 213-250).

(access and forage quality).

The DEIS states that caribou "habituate" to oil field activities, and that "repeated exposure to human activities... has led to some degree of tolerance by most caribou," although no documentation for this statement is given. In contrast, caribou scientists state, "unfortunately, there is no evidence for habituation by maternal caribou. On the contrary, numbers of CAH females calving within the Prudhoe Bay oil field have remained consistently low (Whitten and Cameron, 1985, unpublished data), despite nearly a decade of exposure to manmade structures," (Dau and Cameron 1986¹⁴). The DEIS provides outdated and misleading information about the "zone of influence" of roads and pipelines to caribou. It states that caribou cows and calves are only displaced 1-2 km from roads and cites Dau and Cameron 1986 (p.IV-B-38). However, this paper concludes that "significantly fewer caribou were observed within quadrants encompassing the present road system than before construction," and it found differences for distances up to 4km from the roads. More importantly, it concluded there was a redistribution of the maternal females, the most sensitive part of the population. A more recent study has documented displacement of maternal females from a zone within 4 km of roads and production-related facilities (Nellemann and Cameron 1996).¹⁵

TFA #38

MMS incorrectly claims in the DEIS that "caribou abundance and overall distribution have not been affected..." (P.IV-B-38) and this statement needs to be corrected for the final EIS. Furthermore, there is no factual basis for the statement that "an estimated 5% of the caribou's summer range" (p.IV-B-38) has been affected. MMS downplays the extent of displacement of calving caribou from the Prudhoe Bay oil field and Trans-Alaska Pipeline by calling this area a "small portion of the calving range near Prudhoe Bay and Milne Point facilities." (P.IV-B-38). It has been long documented by caribou biologists that calving caribou have been displaced from the Prudhoe Bay oil fields and that females with calves avoided the Trans-Alaska Pipeline corridor (Cameron et al, 1979; Smith & Cameron 1983, Whitten and Cameron 1985¹⁶). However, recent studies show greater avoidance by female caribou of the for the central portion of the Prudhoe Bay oil field complex and biologists note that "in 14 years of radiotracking, not a single collared caribou is known to have passed entirely through the main oil field," (Cameron et al 1995¹⁷). Numerous studies have

TFA #39

¹⁴ Dau, J.R. and R.D. Cameron. 1986. Effects of a road system on caribou distribution during calving. *Rangifer*, Special issue No. 1, 1986: 95-102.

¹⁵ Nellemann, C. and R.D. Cameron. 1996. Effects of petroleum development on terrain preferences of calving caribou. *Arctic* 49(1): 23-28.

¹⁶ Cameron, R.D., K.R. Whitten, W.T. Smith, and D.D. Roby. 1979. Caribou distribution and group composition associated with construction of the Trans-Alaska Pipeline. *Can. Field-Nat* 93:155-162. Smith, W.T. and R.D. Cameron. 1983. Responses of caribou to industrial development of Alaska's Arctic Slope. *Acta. Zool. Fennica* 175: 43-45. Whitten, K.R. and R.D. Cameron. 1985. Distribution of caribou calving in relation to the Prudhoe Bay oil field. Pp. 35-39 in A. Martell and D. Russell, eds. *Proc. 1st N. Am. Caribou Workshop*, Whitehorse, 1983. *Can Wildl. Serv. Spec. Publ.* Ottawa.

¹⁷ Cameron, R.D., E.A. Lenart, D.J. Reed, K.R. Whitten, and W.T. Smith. 1995. Abundance and movements of caribou in the oil field complex near Prudhoe Bay, Alaska. *Rangifer* 15(1): 3-7.

also shown increasing displacement of calving caribou from the Kuparuk and Milne Point oil fields as these have expanded, despite the new technology of these fields and even when there was little traffic (Smith et al 1994, Cameron et al 1995, Cameron and VerHoef 1996¹⁸).

TFA #39
cont.

MMS has neglected the implications of the cumulative effects to caribou habitat and populations from OCS lease development which would entail new permanent infrastructure on the as yet, undeveloped area east of the Trans-Alaska Pipeline where to date caribou reproductive productivity remains high, in contrast to the western part of the Central Arctic Herd (CAH) range in the vicinity of producing oil fields. [The DEIS ignores important negative impacts the Flaxman Island pipeline landfall would have to the CAH (p.IV-B-39). This site is within the calving range for the CAH that is presently free of much permanent oil development activity. With encroachment of pipelines, roads, and increased human activity with development from a landfall at Pt. Thomson, and pipelines connecting up numerous new onshore fields (Badami, Pt. Thomson, Sourdough, etc.) the effects would certainly also be seen here. Therefore it is incorrect to say, "no extensive onshore system of roads, pipelines, pump stations, and other facilities would cross the calving or summer range of this herd." Disturbance and habitat effects would not be "short-term", but would be for decades. The fact that oil field development may in the foreseeable future encroach on the entire range of the Central Arctic Herd is a significant effect of Sale 170.

TFA #40

Furthermore, the caribou section needs to discuss potential effects on the Porcupine caribou herd, as well as the CAH (p.IV-B-37). For example, the PCH commonly concentrates along the shores of Camden Bay, an area already experiencing proposed oil drilling and adjacent to the currently proposed "Camden Bay Unit." The caribou seek insect relief in the lagoon waters and on the ice, as well as on the beaches and bluffs. There could be international consequences associated with impacts to the Porcupine herd from offshore exploration and development activities which affect this herd's calving and post-calving habitats along the Beaufort Sea coast. The MMS has neglected its duty to assess reasonably foreseeable consequences with the statement, "because oil transportation for development of Federal offshore leases east of the Canning River is expected to be located offshore of the Arctic NWR caribou of the PCH that calve on the ANWR are not likely to be affected by the Proposal," (p.IV-B-41). This is simply wishful thinking.

TFA #41

4. Impacts to Bowhead Whales

Bowhead whales are still recovering from the brink of extinction from nineteenth century whaling. The population of the western Arctic stock was estimated at between 7,200 to 9,400 individuals in 1993. DEIS III-B-4. Bowhead whales are now jeopardized by oil exploration and development activities in both their spring and fall migratory corridors. It is clear that scientific

¹⁸ Smith, W.T., R.D. Cameron, and D.J. Reed. 1994. Distribution and movements of caribou in relation to roads and pipelines, Kuparuk Development Area, 1978-1990. *Alaska Dept. Of Fish and Game, Wildlife Technical Bulletin* No. 12. Cameron, R.D. and J.M. VerHoef. Declining abundance of calving caribou in an Arctic oilfield complex. *Alaska Department of Fish & Game. Paper presented at the Northwest Section meeting, The Wildlife Society, Banff, Alberta, March 1996.*

uncertainty remains regarding the whales' migration patterns, mating season and the importance of the sale area as feeding habitat. In the event that information about a project's effects is incomplete or unavailable, NEPA requires the agency to disclose that fact and obtain the information if the costs of doing so are not exorbitant. If the costs are exorbitant, the agency must: 1) inform the public that the information is incomplete or unavailable; 2) state the relevance of such information to the project's reasonably foreseeable environmental impacts; 3) summarize available evidence about such impacts; and 4) evaluate such impacts "based upon theoretical approaches or research methods generally accepted in the scientific community." 40 C.F.R. § 1502.22

TFA #41A

Some have questioned MMS's determination regarding the importance of the Beaufort Sea to feeding bowhead whales. Specifically, the North Slope Borough's (NSB) own science advisory committee, in reviewing MMS's work, did not accept its conclusions due to problems with study design and duration. Recognizing this uncertainty, the Alaska OCS Region Environmental Studies Section is undertaking a study to determine the whales' feeding habits in the eastern Alaskan Beaufort Sea. MMS must incorporate this pertinent information into the NEPA process, and provide an opportunity for public review and comment.

TFA #42

As well, it appears that the information from the Arctic Seismic synthesis and mitigating measures meeting has not yet been included in the analysis of impacts in this document (see p. 1-3). Because this is critical information in one of the major issues addressed by the EIS, this constitutes negligence by the agency in not incorporating the best scientific information about the human and natural environment. MMS should not render a decision regarding Sale 170 until this information has been collected, thoroughly analyzed, and provided to the public for review in a supplemental DEIS. In addition, the Endangered Species consultation on whether the project will jeopardize bowhead whales should not occur until this pertinent information on the species has been publicly reviewed, and made available to the public.

TFA #43

I. MMS should impose seasonal drilling restrictions to protect bowhead whales.

The Beaufort Sea OCS leasing program has a history of controversy and litigation surrounding concerns that exploration and oil development activity would jeopardize threatened bowhead whales and would threaten the basis of Inupiat subsistence and culture. In the first Beaufort OCS sale, a seven month prohibition on exploration was stipulated in all leases. This quickly shrunk to a two month seasonal prohibition in 1979. Today, seasonal drilling restrictions are no longer stipulated into the OCS exploratory drilling process. During the Anchorage scoping hearing for this sale it was suggested that seasonal drilling restrictions should be reinstated in this sale. This same request was also made by the Alaska Eskimo Whaling Commission (AEWC). MMS dismisses both requests for this mitigation measure as not warranting consideration relying on that fact all leasees are expected to conduct operations in a manner that minimizes any potential conflicts between the oil and gas industry and subsistence hunters. This reasoning does not address the concerns that noise from oil and gas operations disorients whales, interferes with essential activities such as mating, nursing, and cow/calf bonding as well as cause displacement from prime feeding

TFA #44

areas and migration routes. TFA #44 cont.

ii. The effects of oils spills on the bowhead

The DEIS fails to adequately address the effects to bowhead whales should the one or more highly probable oil spills occur. The DEIS instead refers to the Sale 144 FEIS. The threats posed to bowhead whales are unique. Spilled oil could foul bowhead baleen and decrease filtration efficiency during feeding as well as cause toxic effects when ingested. Oil may damage eyes and clog sensory hairs near the blowhole, impairing breathing; toxic fractions could enter the bloodstream through contact with eroded areas of skin.¹⁹ MMS's finding that an oil spill is unlikely to cause long term effects to the bowhead does not take into account the cumulative effects of multiple spills occurring.

TFA #45

5. Impacts to spectacled and Steller's eiders and other Species listed under the Endangered Species Act

The Beaufort Sea and coastal tundra wetlands serve as important staging, foraging, and migratory path for spectacled and Steller's eiders, which are listed as threatened species under the Endangered Species Act. The EIS needs to be updated because the Steller's eider was listed as a threatened species on June 11, 1997 (62 FR 31748-31756), whereas the DEIS refers to it as proposed for listing.

Furthermore, we believe that a new biological opinion from the U.S. Fish & Wildlife Service is necessary, and that those for OCS Sales 124 and 144 are out of date due to new information. The Steller's eider is now a listed species. For the evaluation of impacts to all listed species, new information is available on oil development activities in the Beaufort Sea (Northstar and Liberty oil field development proposals and Warthog well) and across the tundra wetlands of the North Slope (National Petroleum Reserve-Alaska planning process likely to lead to new leasing, Alpine development project, Badami development project, and other expansions of the North Slope oil fields) resulting in direct wetland habitat loss and increased risks of oil spills. Furthermore, the materials that MMS has included in the DEIS section on Consultation and Coordination regarding endangered species are confusing since they do not include the biological opinions from U.S. Fish and Wildlife Service or the National Oceanic and Atmospheric Administration. It would be helpful for the public to have the benefit of the opinions, prior to providing comment on the DEIS, and also to see opinions for activities resulting from lease sales, such as exploratory wells or development projects.

TFA #46

We do not believe that losses of these threatened migratory birds due to oil spills in the Beaufort Sea, other disturbance and contamination of nesting habitats, which result in further

TFA #47

¹⁹ Laboratory studies showed decreased filtration rate of brine shrimp through oiled baleen. Braithwaite, L.F., M.G. Aley, and D.L. Slater. 1983. *The Effects of Oil on the Feeding Mechanisms of the Bowhead Whale*. Final Report to Bureau of Land Management, U.S. Department of the Interior. Provo, UT: Birmingham Young University.

declines – instead of aiding in the recovery of the species -- are acceptable. The DEIS points out that disturbance to spectacled eiders resulting from vessel and aircraft activity relating to Sale 170 may lower fitness as a result of routine displacement from favored foraging sites and depletion of energy stores during the critical staging/migration period. (DEIS IV-B-26) The net result of such disturbance is expected to be a lower survival and/or productivity rate, "from which the population is not likely to recover while the current decline persists." *Id.* Baseline monitoring studies of the use of marine and lagoon areas that may be threatened by major oil spills and are used by migrating or staging Steller's and Spectacled eiders should be considered prior to authorization of new offshore leasing. As well, better information about site specific use of proposed OCS landfill sites by breeding spectacled or Steller's eiders is necessary and may require additional baseline studies as required by the OCSLA. In the face of much uncertainty about the reasons for the Steller's eiders decline and its already constricted breeding range on the North Slope, MMS should practice a precautionary approach and not partake of any activities which further threaten the species survival.

TFA #47
cont.

6. Impacts to Arctic Fish

The threats posed by oil development also pose a grave risk to Arctic fish. Arctic fish are more vulnerable than those in other regions because water are often shallow and cold, which increases the accumulation and persistence of aromatic hydrocarbons and contaminants from drilling wastes. Fish accumulate hydrocarbons in their tissues after exposure to oil in water, food or sediment. Cold increases oil toxicity by slowing the ability of fish and their prey to metabolize or excrete aromatic hydrocarbons. Additionally exposure to oil may increase susceptibility to disease and sublethal effects such as increased energy demands, and damaged cells and tissues or organs, that ultimately reduce populations by decreasing reproductive success.

The DEIS admits that the effects of an oil spill on Beaufort Sea fishes are not fully known (DEIS IV-B-14). MMS recognizes that an oil spill would significantly increase adverse effects to amphidromous and anadromous fishes during migration periods in the delta areas. (DEIS IV-B-15). Furthermore fish could be significantly affected should an oil spill occur during summer months when they concentrate into bands for feeding. Yet, MMS concludes that the possibility of a significant fish die off is low except for fish eggs, larvae, and juveniles. *Id.* This argument overlooks the fact that a significant die off of fish in their developmental stages could have a significant effect on the population as a whole. This conclusion needs to be revised to reflect the fact that there is higher risk to marine and anadromous fish than described in the DEIS.

TFA #48

The DEIS downplays the potential effects of marine trenching for subsea pipelines on fish and other marine organisms. The average rate of trenching and pipelaying per day (p.IV-B-3) is irrelevant because it would be done in intensely concentrated periods of time during a season, not extended over the course of a year. Furthermore, there is no experience offshore to provide rates of this kind of trenching, nor to accurately conclude that impacts would be low. Therefore, these statements should be corrected.

TFA #49

The DEIS also provides misleading information about the potential need for solid-fill offshore

TFA #50

causeways (short or long) in the future and fails to adequately describe the cumulative effects on nearshore habitat of existing causeways. The DEIS needs to provide documentation that "East dock apparently has had no effect on the diversity or local distribution of anadromous/amphidromous fish species," (p.IV-B-13) nor that it has contributed to negative effects on nearshore fish habitat. Furthermore, similar length docks in other sites, where there are different habitat conditions or fishery resources could have greater magnitudes of effects and this should be acknowledged. The DEIS (p.IV-B-13) makes it sound like the Sandpiper, Northstar, and Badami field "short jettylike structures" have already been constructed, and that monitoring has concluded there would be no problems. However, these structures have not been built yet, nor have any of the plans been approved, except Badami which has been permitted. For Badami, agencies such as EPA, National Marine Fisheries Service, and the US Fish & Wildlife Service expressed concerns about the potential effects of this structures on nearshore fish habitat, it was originally proposed to be permitted as a "temporary" facility but may instead stay in place as a support facility for other new oil or gas field developments in this region.

TFA #50
cont.

MMS is dodging its responsibility to fully assess the cumulative effects of offshore lease sale with the statement that "It is unlikely that any long docks or causeways will be constructed as part of this lease sale... therefore, the effects of controversial long docks and causeways (e.g. West Dock and Endicott causeways) are minimal"(p.IV-B-13). The cumulative effects of West Dock and Endicott causeways have already been determined to have caused significant changes in nearshore fish habitat by the U.S. Army Corps of Engineers, EPA and other scientists (Ross 1988²⁰) and the DEIS should include this information and its future implications. We recommend that a lease stipulation be added requiring that Solid -fill causeways of any length should be prohibited (p.VI-B-4) in order to avoid future impacts to nearshore fish habitats from this kind of infrastructure.

TFA #51

7. Impacts From Oil Spills

The oil spill section on assumptions and risks needs to be re-written so that a layperson can better understand it (see pp.IV-A-6-19). If one is particularly concerned about a specific, sensitive shoreline such as the Arctic National Wildlife Refuge or a marine area like the Boulder Patch or the sea ice edge, it is impossible to interpret the relative risks from various OCS activities, or from differing intensities or extent of OCS exploration or development. The explanation of activities or areas are included in the "cumulative case," is confusing (see Table IV.A.2-1, footnote 2, p.IV-A-19, 5.)

We do not find it acceptable to risk the chance of having 5-10 major spills (greater than 42,000 gallons), especially in light of the fact that there is a 100% chance of there being at least one spill greater than 42,000 gallons over the life of Sale 170 (see p. IV-A-11, "cumulative case").

TFA #52

As bad as these risks seem, they are likely to be serious underestimates. For example, the historical oil-spill data base of OCS areas does not account for the extreme weather conditions

²⁰ Ross, B.D. 1988. Causeways in the Alaskan Beaufort Sea. U S EPA Region 10.

and special risk in the Beaufort Sea due to broken ice and other ice movements (see DEIS p. IV-A-7). The worst case of an uncontrolled well blowout during the broken ice season needs to be evaluated. This is critical in light of the fact that for the Sale 144 lease proposed "Warthog" exploratory well, there is no alternate Concrete Island Drilling System rig available. If a relief well needed to be drilled, ARCO says in its exploration plan that it would take from 71-98 days to make an ice island and achieve well-killing or if a gravel island was necessary that it would take 112 days to control a blowout (see ARCO's Exploration Plan for Warthog No. 1, April 1997).

TFA #52
cont.

Risks of tanker spills should also be calculated separately, because these would be especially high in the ice conditions of the Beaufort Sea, and such estimates are not given in the DEIS. The oil spill model should specifically break out what the risk of oil spills hitting the shoreline of the Arctic Refuge is, as another "Environmental Resource Area" (p.IV-A-7). The section on extent and persistence of oiled shoreline (p.IV-A-14) should state in plain English, not technical jargon, what the effects to the Arctic Refuge shorelines would be (and acknowledge that the shorelines are extensive in this area due to barrier islands, lagoons, and river deltas).

TFA #53

Furthermore, the "cumulative case" does not appear to be an adequate assessment of the maximum level of combined OCS and onshore North Slope development risks for oil spills. In particular, it seems absurd that at least oil development projects such as Northstar, Liberty, Badami, and Alpine, for which permitting is underway or under discussion are not included in the cumulative case, whether for oil spill risks or for other types of impacts (see p. IV-A-19). At the least, the risks from all existing OCS and State leases, and any other State or Federal lease sales scheduled for the period in this OCS 5-year plan should be analyzed in a cumulative case. Why are not all projects mapped in Fig. IV.A.5-1 (North Slope oil and gas fields, new discoveries and proposed activities) included?

TFA #54

Importantly, it must be recognized that the technology to clean up these inevitable spills is currently unproven. As the DEIS notes many of the Arctic spill response measures are unverified as to their effectiveness for cleaning up a spill of any significant magnitude in Arctic ice-covered waters or in broken sea ice. The DEIS recognizes the likelihood of a significant size oil spill occurring in the area. It goes so far as to discuss the positive economic impact of such a spill as bolstering the economy by generating cleanup jobs for up to 300 workers for six months in the first years following the spill. Should such a spill occur, the existence of 300 short term jobs would not balance the destruction that is likely to occur to the subsistence of the North Slope communities whose economic, social and cultural well being are being put at risk by this sale.

TFA #55

TFA #56

8. Cumulative Impacts of Related Development

The cumulative analysis for Sale 170 must consider the impacts from state and federal activities within the area. Although the DEIS provides some general information about many of these activities, it needs to provide a full disclosure of the combined activities (such as barge supply, helicopter flights, seismic survey miles, frequency, and locations on land and offshore) and infrastructure requirements (including all temporary and permanent facilities needed, gravel fill and

TFA #57

extraction estimates, direct and indirect habitat loss and degradation), disturbance, and air and water pollution. Quantitative data on past, present and future activities and infrastructure needs to be provided in order to conduct meaningful cumulative analysis of all impacts. A table showing this should be included.

Future State oil and gas leasing includes the North Slope area-wide sale, comprising over 7,000,000 acres and the Beaufort Sea Area wide sale, comprising over 2,000,000 acres. These sales are scheduled to occur between 1997 and 2001. The EIS must also analyze current federal oil and gas projects in the area including the offshore field of Endicott/Duck Island, Federal Sale 87, Sale 97, Sale 124 and sale 144. Further, MMS must also consider the pending federal oil development proposals offshore, such as British Petroleum's Northstar and Liberty, ARCO's Alpine Development Project which will have significant impacts on the Arctic ecosystem surrounding the Colville River Delta and the proposed Warthog Exploration Project off Camden Bay must be considered. Additionally, MMS must consider current fields that have been unitized for reasonably foreseeable future development, including Sandpiper, Hammerhead, and Kuvlum. This analysis must include the incremental expansion of oil field roads and pipelines, onshore processing facilities, increased tanker traffic, increased offshore supply vessels including boats, fixed wing planes and helicopters, and other development associated with oil and gas leasing. These projects will further harm the subsistence resources upon which the people of the North Slope depend.

TFA #57
cont.

The EIS must also consider the current state of the National Petroleum Reserve-Alaska (NPRa) as unsettled. Indeed, MMS should logically defer its decision regarding Sale 170 until the Department of Interior completes the 18 month planning process which will shape the future of the NPRa. A decision to open the area for oil and gas exploration would substantially further affect fish and wildlife resources and cause conflicts with the subsistence livelihood of the residents of the North Slope, greatly contributing to the cumulative effects of the oil and gas exploration in the region. At minimum, in light of public statements from federal agencies indicating a likelihood that there will be new leasing in NPRa, MMS must consider such development as reasonably foreseeable, and analyze it as a cumulative impact.

TFA #58

II. The DEIS fails to properly consider traditional knowledge, pre-lease and sale impacts on affected communities, and the requirements of Executive Order 12898 concerning Environmental Justice.

A. Traditional Knowledge.

Throughout the scoping process the need to incorporate traditional knowledge into the NEPA process has been insisted upon. Although MMS did attempt to place some of this knowledge into the DEIS, it constantly belittles the soundness of such information throughout the document by undermining it with simplified conclusions supposedly derived from western science. For example, over sixteen whaling captains testified that seismic operations will have an unmitigable adverse impact on subsistence activities centering around the bowhead whale. Past seismic activities were

TFA #59

said to have resulted in the whales being displaced from their traditional migratory routes by as much as thirty miles. See testimony of Fred Kanaturak March 5-6, 1997 in Barrow, Alaska, DEIS IV-B-19. Notwithstanding this testimony, MMS concluded to the contrary that most bowheads do not seem to travel more than a few kilometers in response to a single disturbance incident and that behavioral changes are temporary. (DEIS IV-B-25). Furthermore, the western scientific information used by MMS to substantiate its conclusions has its own levels of accuracy, precision, and interpretation about which there is much debate among researchers.

TFA #59
cont.

B. The DEIS Fails to Adequately Analyze the Pre-Lease and Lease Sale Impacts on Affected Communities.

Lease Sale 170 has had an adverse psychological effect on the people in the North Slope. The DEIS has not considered these impacts. Subsistence harvesters, depend on a clean and healthy North Slope environment. MMS asks these communities to accept further direct intrusion of the oil and gas industry directly into the ecosystem which provides their way of life. People who depend on this ecosystem are outraged at this prospect. Nowhere was this more clearly expressed than the recent boycott of the public hearing process for this project. MMS must consider the high level of anxiety regarding impacts on social and cultural values and lifestyles which this proposed sale has generated.

Social and cultural impacts from the decision to proceed with an oil and gas lease sale can come in many forms. In a recent analysis of the federal offshore oil and gas program, two pre-eminent social scientists, with a great deal of experience dealing with oil and gas programs, examined in detail the impacts associated with the federal government's decisions to lease lands for oil and gas exploration, development and production. Freudenburg and Gramling, *Oil in Troubled Waters*, State University of New York Press (1994). As the authors noted:

In the physical or biological sciences, it may in fact be true that no impacts take place until a project leads to concrete alterations of physical or biological conditions. In the case of the human environment, by contrast, observable and measurable impacts can take place as soon as there are changes in social conditions – which often means from the time of the earliest announcements or rumors about a project (emphasis in original).²¹

These "planning phase" impacts "are shaped by a community's prior experience and present interests."²² In general, they fall into six categories, all evident in the Proposed Lease Sale 170 context: 1) Biophysical/Health Systems (concerns about the potential for human and environmental health degradation); 2) Cultural Systems (threats to indigenous/native cultures, i.e. "increased dependence on money economies that can threaten subsistence activities and threats to "mainstream" cultures, i.e., shock to individuals when government officials fail to exhibit "appropriately neutral

²¹ *Id.* at 119.

²² *Id.*

behaviors"); 3) Social Systems (i.e., risk to the "highly-prized" "slow-paced, peaceful and friendly community"); 4) Economic Systems (i.e., risk to commercial fishermen and tourism); 5) Political/Legal Systems (i.e., lobbying and lawsuits which increase alienation); and, finally, 6) Psychological Systems (i.e., threats to self-concepts and the degree to which people view themselves as effective individuals).²³

Nowhere does MMS give credence to these impacts of the "planning process." It is simply not enough to assert that these impacts are "immaterial" or "speculative." As Freudenberg and Gramling note,

the notion that government agencies respond to 'real' risks and opportunities, while citizens are reacting mainly to (implicitly erroneous) 'perceptions,' may be popular in the subcultures of the agencies in question, but it is simply one that cannot be supported in the real world.²⁴

The key is to realize that, to the degree to which our goal is an improved and more balanced understanding of the ongoing debates – as opposed to "success" in promoting or opposing a given development project – we need to do better. . . . In all too many cases, to date, agencies and project proponents have taken advantage of the ambiguity of past terminology, insisting that they have seen no need to deal with impacts that are "merely perceptual," being "anticipatory" rather than real, or (purportedly) being so far in the future as to be "beyond our control." . . . In empirical fact, as is becoming increasingly clear, these impacts have often proved to be every bit as real, as quantifiable, as predictable, and as significant, as the development-phase impacts that have been officially acknowledged. Given that impacts do not cease to exist if they are simply ignored, the failure to deal with the broader range of impacts has effectively meant that, rather than dealing with risks, we have simply transferred them, shifting them from the principal beneficiaries of development "to local communities and residents who are little more than innocent bystanders (quotations omitted, emphasis in original)."²⁵

TFA #60
cont.

TFA #60

²³ *Id.* at 119-26. Unfortunately, as the authors note, all too often the process of identifying threats to a community ("most often [to] biophysical/health and/or social systems") as well as the opportunities ("most often [to] economic systems"), *id.* at 120, is a contentious process. This may, in turn, lead to further alienating of the interested parties along the lines of those who consider a proposed project as offering threats or offering opportunities; something Trustees hopes can be avoided in this case and in the future.

²⁴ Freudenburg 1994 at 144.

²⁵ *Id.* at 145. It is worth noting that many of these statements are particularly relevant in the Alaska and Sale 170 context, not only as scientific backing for the very real concerns expressed by Trustees and other commentators regarding lease sale impacts but also with respect to exploration and development-related impacts. As the authors note as a common reaction, the past Administration reacted to these concerns not by addressing them on their merits but rather by changing the law to avoid consideration of the impacts. See e.g., Freudenburg 1994 at 144 (agencies "do their best to determine which issues

C. MMS Fails to Follow The Requirements Of Executive Order 12898 Concerning Environmental Justice.

By Executive Order (EO) of February 11, 1994, President Clinton directed each Federal agency to "make achieving environmental justice part of its mission."²⁶ The EO requires each federal agency to finalize an environmental justice strategy by February 11, 1995.²⁷ The EO identifies subsistence consumption of fish and wildlife as an environmental justice issue, and directs federal agencies, "whenever practicable and appropriate," to "collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns." Executive Order 12898, § 4-401. Further, the EO directs federal agencies to "publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules." *Id.* § 4-402.

TFA #61

The DEIS states that MMS's incorporation of all existing communities, Native American and minority groups into the Sale 170 administrative process meets the intent of the Executive Order. Yet, MMS fails to supply the requisite information regarding human health risks associated with consuming pollutant-bearing fish or marine mammals in the DEIS. Given the high consumption of fish and wildlife for subsistence use by North Slope communities affected by proposed sale 170, MMS must identify the risks of this consumption, and communicate those risks to the public, as the EO directs. Furthermore, the disrespect shown to the traditional knowledge made available to the government by its presentation in the DEIS, the failure to consider the pre-lease and lease sale effects of the proposal on the affected communities, and the cumulative effects on subsistence from myriad North Slope and Beaufort Sea exploration and development projects are other environmental justice issues that should be included in this EIS.

TFA #62

Another environmental justice issue is consideration of the cumulative effects of the sale which could have major negative effects on the Porcupine caribou herd. This would in turn, harm subsistence livelihoods of people in the U.S. villages which depend on the herd, such as Arctic Village, Venetie, and Ft. Yukon, and also Canadian Gwich'in and Inuvialuit villages throughout the herd's range.

TFA #63

and topics will be considered legitimate").

²⁶ See Executive Order 12898, February 11, 1994.

²⁷ A subsequent Executive Order extended this deadline until March 24, 1995, the sixth anniversary, ironically, of the Exxon Valdez Oil Spill, which disproportionately affected low-income minorities living a subsistence lifestyle. See Executive Order 12948, January 30, 1995.

III. The DEIS fails to address the cumulative impacts of OCS leasing to global warming and climate change.

The Arctic also suffers the impacts from global warming and climate change perpetuated by the continued production and burning of fossil fuels. The impacts on the ice edge environment are already documented, with thinning ice and warmer temperatures. This winter has been reported as the warmest in remembered history, and ice conditions are particularly dangerous to whaling crews. Dr. Vera Alexander of the University of Alaska Fairbanks states that profound reductions in overall biological productivity of the arctic seas will result as sea ice diminishes,

"with respect to primary production, there would be a reduction and perhaps a loss of ice algae, and elimination of the entire ice-edge community, including dependent species, such as polar cod. The animals which depend on ice as a platform, such as seals, walrus, and polar bears, would be vulnerable due to a loss of their habitat... Essentially all the distinctive animals would disappear."

TFA #64

The MMS must consider the impacts of climate change on the Arctic marine ecosystem in a cumulative assessment of the impacts of the OCS lease sale. By perpetuating the industry's access to frontier areas in the Arctic OCS, the MMS permits unnecessary destruction of a unique and fragile environment, and cultures dependent on healthy marine and coastal ecosystems. Allowing the industry to continue business as usual commits the Arctic to increasing direct impacts from the oil industry and indirect impacts from climate change. Science tells us that we know that we cannot afford to burn all the oil in known reserves if we are to avoid dangerous climate change, hence the industry should stop exploring for and exploiting new reserves.

CONCLUSION

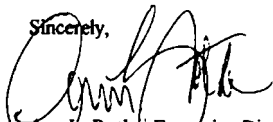
The twenty-one year life of this sale poses a continuous tremendous risk to both the physical environment and the social, cultural and economic fabric of local communities. We want to ensure that the valuable fish and wildlife, recreation, subsistence, and scenic resources of the Beaufort Sea and its sensitive coastlines are adequately protected for all Americans. We urge you to cancel this lease sale and select an alternative energy alternative.

We appreciate this opportunity to comment. Please keep us notified and involved in future decisions regarding this lease sale and all Beaufort Sea OCS permits and associated environmental reviews.

Trustees for Alaska is a nonprofit, public interest law firm located in Anchorage, Alaska. Greenpeace is an international environmental organization with 2.9 million members worldwide, including 593,366 members in the U.S. and 2,019 members in Alaska. The Alaska Wilderness League is a nonprofit membership organization with members in Alaska and nationally which is dedicated to further the protection of Alaska's incomparable natural endowment and to fight for permanent protection of the Arctic Refuge. Alaska Center for the Environment is a non-profit

environmental advocacy organization with over 6,500 members dedicated to the conservation of Alaska's natural resources. The Wilderness Society is a non-profit organization with 970 members in Alaska and 300,000 nation-wide devoted to preserving wilderness and wildlife, protecting America's prime forests, parks, rivers, deserts, and shorelands, and fostering an American land ethic. The Northern Alaska Environmental Center, with 1200 members is a non-profit, environmental and advocacy organization dedicated to preservation of the environment of the arctic and interior Alaska and sustainable use of our natural resources. The Sierra Club is a national, nonprofit organization, including an Alaska Chapter and over 600,000 members nationally, with a mission to explore, enjoy and protect the wild places of the earth. Defenders of Wildlife is a nonprofit organization with 160,000 members working to protect and restore native species, habitats, ecosystems, and overall biological diversity. U.S. Public Interest Research Group has over 1 million members around the country and lobbies for national environmental and consumer protections. The Natural Resources Defense Council, a national nonprofit organization with 350,000 members nationwide including in Alaska, is dedicated to protecting the world's natural resources and ensuring a safe and healthy environment for all people.

Sincerely,



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TFA-01

The Sale 170 FEIS examines five alternatives: Alternative I; Alternative II, No Sale; Alternative III, the Kaktovik deferral; Alternative IV, the Cross Island area deferral; and Alternative V, the area offshore the ANWR deferral. We believe these sale options represent a reasonable range and are responsive to the stakeholders' concerns, as indicated in section I.C, Results of the Scoping Process, of the FEIS.

TFA-02

The Kaktovik Deferral Alternative reflects the results for scoping, both for this proposed sale as well as that of the previous Sale 144. That there may not be a substantial difference between this Alternative and Alternative I is determined after EIS analysis, not before. Also, a new alternative (Alternative V) has been added that analyzes the potential effects of leasing areas offshore the ANWR. See also Response TFA-03.

TFA-03

In response to numerous comments on the DEIS, including those from local residents during the Kaktovik public hearing and an environmentalist's request during the Anchorage public hearing, a new alternative (Alternative V) has been added for consideration within the FEIS. This alternative analyzes the potential effects of leasing blocks east of the Canning River Delta (Staines River) in the area offshore the ANWR. Alternative V analyzes the deferral of approximately 122 blocks covering about 437,866 ha and includes all of the Kaktovik deferral (Alternative III) analyzed in the DEIS and additional areas to the west and north to 146°W. longitude offshore the ANWR. Also, in lieu of deferral, this alternative considers the effectiveness of three special stipulations providing additional protection for the coastline of the ANWR that have been developed for analysis in association with Alternative V. The FEIS also incorporates the reasons suggested by the commenter as rationale for the Kaktovik/Canning River Delta deferral.

TFA-04

The estimates of substitutes for the oil and gas lost if Sale 170 were not held are based on analysis performed for the MMS by ICF, Resources, Inc.; data from the U.S. Department of Energy (USDOE); and analysis by MMS. This is the best estimate the MMS can make of what would actually happen under the circumstances; we must base our analysis on the world as it is and how we expect it to be in the future.

It is true that the MMS has not calculated "how much energy can be saved through clean-energy initiatives." However, that is not our task. Our task is to describe what likely would happen if the lease sale were not held. Regrettably, "clean-energy initiatives" are not an important contributor to the U.S. energy supply at this time; and they are not likely to be in the near future.

The argument that any particular source of energy will supply U.S. consumption only for some number of days misses the point that one could divide up *all* sources in such a way that each only contributes a few days' supply. What is important is that every bit produced contributes to the supply. Decisions about development of public resources must be made on the basis of whether the benefits of production exceed the costs, including environmental costs, of that production. Conceptually, it does not matter whether the production being analyzed constitutes one day's or a thousand years' supply.

Examples of wind power and "passive-solar" energy bringing modern comfort and convenience to small communities in isolated areas are encouraging to us all. Unfortunately, these interesting applications do not reflect society's continued reliance on fossil energy as the primary source of inexpensive energy for the bulk of the population.

The MMS believes that the "viability and future availability" of wind power and solar energy are limited in terms of supplying a large percentage of U.S. electricity generation in the foreseeable future. This point was made clear in the report *Energy Alternatives and the Environment*. Table 8 in *Energy Alternatives* is based on USDOE figures. The MMS stands behind both the table and the statement about solar energy's contribution to electricity generation. The statement that "one million buildings in the U.S. are heated,

cooled, and lit with solar power" says nothing about how that estimate was calculated. Passive solar energy warms and lights many buildings during the daylight hours at very low expense. Furthermore, passive solar has a very large, untapped potential to contribute to the energy supply. Nevertheless, "solar powered electricity will remain a high-cost alternative for the foreseeable future and will not make a major contribution to electricity generation because of its cost."

According to USDOE figures, "the contribution of wind power to U.S. electricity generation is minimal." It is true that "wind power has become increasingly more competitive over the years." It also is true that an enormous potential for wind energy exists. However, wind power still is and likely will remain significantly more expensive—except in limited quantities in some of the more favorable locations—than the mix of sources presently used for most electricity generation. The California wind farms virtually were all built during the time when wind-energy developments were afforded substantial government subsidies.

The purpose of the No-Sale Alternative is to give as accurate a description as possible of what would happen if the lease sale were not held. This was done in Section IV.C of the DEIS. The purpose of the No-Sale Alternative is not to investigate every possible eventuality that might result from political action. Alaskan oil essentially enters the national market. Energy alternatives for Alaska alone have little impact on decisions made about the disposition of Alaskan oil. In terms of the use of the product (but not in terms of the local environmental impacts), the important alternatives are those that apply to the national economy as a whole. These impacts are addressed in the alternative-energy discussion under the No-Sale Alternative (Sec. IV.C) and in *Energy Alternatives and the Environment*.

TFA-05

The MMS believes that the analyses of Alternative I, the other alternatives, and the associated stipulations (both traditional and special) adequately consider the direct and indirect effects of Alternative I. The cumulative effects of Alternative I are discussed in Section IV.G.

TFA-06

The DEIS discusses the possibility of irreversible adverse impacts on marine and terrestrial mammals and birds in Section IV.J. The monitoring of existing onshore industrial activities on the North Slope has not shown conclusive evidence of irreversible impacts on wildlife populations. Wildlife populations in the Arctic have adapted to surviving in the harsh environment, and habitat changes associated with oil development have had both adverse and beneficial effects on wildlife populations. Adverse effects on wildlife-population abundances have not been conclusively attributed to oil development.

TFA-07

The DEIS does not consider possible oil development activities in the ANWR, because any such future activities would require an act of the U.S. Congress. Such a Congressional action is not expected to occur in the foreseeable future. Regarding effects on the ANWR from OCS oil and gas activities, the EIS has evaluated potential effects on coastal and lagoonal areas in Alternative V.

TFA-08

Both the DEIS and FEIS analyze an alternative (Alternative I) that includes submerged Federal lands offshore the ANWR. Effects on the coastal areas of the ANWR from offshore oil development (including the effects of spilled oil) were analyzed in both Alternative I and the cumulative case. In the FEIS, another eastern Beaufort Sea Alternative (Alternative V) has been added to analytically contrast with Alternative I. Alternative V assesses the effects that would occur, if all of the blocks from the eastern boundary of the sale area to a point west of the Canning River were deferred from leasing. Also Alternative V considers the effectiveness of three special mitigating measures (Stipulations 7, 8, and 9) designed to give the Refuge's coastal areas additional protection. These mitigating measures are analyzed specifically in Alternative V.b and considered in lieu of deferral. Additionally, a subsection has been added to the cumulative case analysis (Sec. IV.G) that discusses those effects of the cumulative case that may directly impact the ANWR.

There always has been "pressure" to open the ANWR; however, the area remains closed to oil development and pipeline construction. Only the U.S. Congress can reopen the Refuge by revoking or amending existing statutes. No such Congressional action is expected in the foreseeable future.

TFA-09

Because the ANWR is, by law, closed to oil-related development, we do not think it appropriate to propose and analyze any development scenario that uses the ANWR coastal plain. The EIS does analyze onshore infrastructure effects in proximity to the ANWR at the Flaxman Island landfall.

TFA-10

The MMS has added Alternative V (Area Offshore the ANWR) and three additional stipulations (7, 8, and 9) for analysis in the FEIS. The stipulations are designed to further mitigate the effects that the leasing of Federal blocks may have on the ANWR coastline and offshore waters. While the MMS may attach stipulations to individual leases, these stipulations are limited to the conduct of operations in Federal waters. The location and establishment of onshore infrastructure is the result of negotiations—between the leaseholders and various Federal and State/private groups—that occur only after a producible discovery occurs.

Should any producible quantities of hydrocarbons be found off the ANWR and if the oil industry wanted to construct a pipeline to the ANWR, the U.S. Congress at a minimum, would have to amend the ANILCA. Only then would permitting and a developmental EIS begin. This process would engender much public scrutiny and comment.

TFA-11

A more complete review of oil-spill prevention and response planning for subsea pipelines in the Arctic is included in Appendix C of the FEIS.

Including the TAPS, there are more than 1,000 mi of pipeline on the North Slope of Alaska. These pipelines demonstrate the technical capability to construct and monitor pipelines under arctic conditions, including permafrost.

Subsea-pipeline technology is well established; there are more than 18,000 mi of offshore pipelines in the Gulf of Mexico and 45 mi of offshore pipelines in the Pacific OCS. A subsea pipeline in the Arctic must be designed to address unique arctic conditions, including sea ice and strudel scour. These conditions can be accommodated through proper design using current technology, regardless of the length of the pipeline. The Arctic may have different design considerations than other offshore areas; but these design considerations are no more significant than the major forces in other areas, such as earthquakes, deep water, hurricanes, severe currents, slope stability, and anchors and trawl gear.

Depending on the intended use and location, offshore subsea pipelines in the Beaufort Sea will be subject to multiple regulatory authorities, including the MMS; the USDOT, Office of Pipeline Safety; and the State of Alaska Joint Pipeline Office (JPO). These authorities have regulatory standards and review and approval requirements to assure that pipelines are constructed, operated, and maintained to accommodate site-specific conditions.

Site-specific surveys will be required along the route for any proposed pipeline. These surveys will provide information on the potential hazards, including ice gouging, strudel scour, and permafrost. Combined with research (field studies, test tanks, and empirical studies) that has been conducted over the last 10 to 15 years to quantify the forces associated with these conditions, subsea pipelines can be designed properly. Burial of pipelines is the principal mechanism for protecting against ice gouges (and strudel scour) and is a common practice for protecting pipelines from both onshore and offshore surface forces.

The use of "smart" pigs to inspect and monitor pipeline integrity will ensure that pipelines are maintained and repaired when necessary. Advance leak-detection systems tied into emergency shut-down systems will minimize the size of a potential oil spill in the unlikely event of a pipeline rupture.

These issues currently are being addressed for the proposed Northstar Development Project, which includes an approximately 6 mi subsea pipeline from the offshore production island to shore. The technical reviews that are being conducted through the State of Alaska JPO reflect that subsea pipelines in the Arctic can be safely designed, constructed, and maintained.

TFA-12

See Responses FWS-03 and TFA-23.

TFA-13

The MMS agrees with the Trustees for Alaska. It is doubtful that tanker transportation would be acceptable, given the policies of the NSB. The analysis of tanker traffic is of concern to residents from the viewpoint that such traffic is unwelcome. In response to the concerns of residents, the MMS has implemented Stipulation 3 (Transportation of Hydrocarbons). This measure requires the use of pipelines, if possible. Pipelines are the environmentally preferable method of hydrocarbon transport due to the statistically smaller spill sizes and the ability to stop the oil flow into the pipeline.

The DEIS analyzed reasonable and foreseeable alternatives. Tankering in the Sale 170 area is not considered a reasonable and foreseeable alternative at this time. The DEIS contained a thorough risk analysis of oil spills in the sale area. Oil-spill risk is not evaluated based on cause (explosions, mechanical failure, human error, etc.), but rather on the volume of oil produced.

TFA-14

The Trustees use the example of the State of Alaska Sale 50 litigation (*Trustees for Alaska v. Gorsuch*), wherein the State Supreme Court ruled that the State did not adequately address identification of known geophysical hazards and archaeological sites, as a basis for concern that adequate evaluation will be employed in the Federal Sale 170 area.

Section IV.A.6 of the EIS addresses issues related to Constraints and Technology. Included in this section is a discussion of the various geological and geophysical hazards found in the Sale 170 area. The EIS also includes an analysis of the archaeological resources of the Sale 170 area. This analysis includes a Prehistoric Resource analysis and a Historic Resource analysis.

In addition, on the OCS the MMS requires a thorough analysis of the potential drill site for geological/geophysical hazards and archaeology (and in many cases biological resources). The analyses include geophysical/geological surveys that use multiple systems for mapping the seafloor and shallow subsurface geology, interpretive reports with maps, and raw uninterpreted data. The MMS responsibilities are outlined in 30 CFR 250 and in NTL's. These requirements and MMS's authority to issue notices and citations are contained specifically in 30 CFR 250.23 (Information on Areas); 30 CFR 250.33 (Exploration Plan); 30 CFR 250.34 (Development and Production Plan); 30 CFR 250.31 (Preliminary Activities); 30 CFR 250.64 (Application for Permit to Drill); 30 CFR 250.26 (Archaeological Reports and Surveys); 30 CFR 250 Subpart J (Shallow-Hazards Survey for Pipelines); 30 CFR 250.157(a)(5) (Archaeological Survey for Pipeline Routes); and 30 CFR 250.159 (General Requirements for Pipeline Right-of-Way Grant). In Alaska, NTL 89-02 has been the notice that spells out and clarifies the requirements for the Shallow-Hazards Survey and Report. This NTL and its requirements also have also been used to evaluate the potential for archaeological resources on the OCS. Shallow-hazards surveys and reports have been conducted for every exploration well on the Alaskan OCS. Archaeological analyses have been conducted on selected sites on the OCS as determined by the Alaska OCS Regional Director. Currently, new draft NTL's for Requirements for Shallow-Hazards Surveys, Requirements for Pipeline Surveys, and Requirements for Archaeological

Surveys and Reports are being reviewed.

TFA-15

The MMS considers subsea pipelines technically feasible (see Response MILLER-01). However, Stipulation 8 in the FEIS gives the ANWR coastline additional protection by providing that before any subsea pipeline is constructed offshore the ANWR, a subsea pipeline must be successfully constructed elsewhere in the Beaufort Sea or areas with similar arctic conditions (per Stipulation 8). Transportation of produced crude by tankers is unacceptable in the Beaufort Sea except under an unusual and short-term, emergency situation. The ANWR coastal plain is, by law, closed to oil-related development; accordingly, we do not think it appropriate to propose and analyze any development scenario that uses the ANWR coastal plain.

TFA-16

The DEIS evaluated potential impacts from the proposed sale to the North Slope area, including the adjoining ANWR area. The FEIS has added a new alternative (Alternative V, Area Offshore the ANWR). Alternative V.a considers the deferral of tracts offshore the ANWR, and Alternative V.b considers the effects of imposing special mitigating measures in lieu of deferral.

The USEPA limits drilling-mud discharges by requiring operators to have NPDES permits that limit discharges and establish a low toxicity limit. Effects on subsistence resources—bowhead whales and other marine species—for the community of Kaktovik are expected to be negligible because elevated trace-metal concentrations are not expected to exceed water-quality criteria outside of a 100-meter (m) radius from a drill site. Offshore noise and disturbance from construction and seismic activity could cause some bowhead whales to avoid these sites; yet in-place mitigation has proven successful in helping Native whalers and industry form working agreements that prevent whaler/industry conflicts. Kaktovik hunters could experience access conflicts and disruption of their caribou hunt. Periodic, short-term effects from construction and noise disturbance are expected on subsistence-bird species and polar bears. The OSRA indicates only a minimal chance of oil-spill occurrence and contact from Flaxman Island all the way to the Canadian Border and potential contact of bowhead whales as very low. It is conceded that any disruption of the bowhead hunt from oil spills and any perceived tainting could disrupt the whale harvest for an entire season. Even though bowheads would not be unavailable, they could be displaced by a spill and thus be more difficult to hunt. Oil-spill effects on caribou would be localized and not expected to significantly contaminate caribou range or disrupt the overall caribou harvest. Oil-spill effects on birds are expected to be minimal. On the other hand, disturbance from oil-spill-cleanup activities could disrupt and displace seals, polar bears, caribou, and bowhead whales for up to two harvest seasons.

Sections IV.B.6 (Effects on Pinnipeds, Polar Bears, and Belukha Whales) IV.B.7 (Effects on Caribou) of the DEIS assessed the potential effects of oil spills contacting the ANWR coast, particularly Camden Bay, under Site-Specific Effects of Oil Spills. Most potential noise and disturbance associated with Alternative 1 is expected to occur ≥ 3 mi offshore the ANWR and to have no “major negative” effects on polar bear, caribou, and other wildlife populations.

Special mitigating measures under Alternative V would provide for protection of caribou along the coast of the ANWR and provide protection to coastal caribou habitats on the refuge. Stipulations 7 and 8 and ITL's 18, 22, and 23 address the concerns about potential onshore facilities that may be associated with leasing offshore of the ANWR. Staging of equipment, infrastructure construction, and other activities would not be allowed in the Refuge, in accordance with the ANWR Comprehensive Conservation Plan (Stipulation 8 and ITL 23). Within the ANWR, no activities, including pipeline landfalls, would be allowed without permission of the FWS (Stipulation 7 and ITL 22); and the MMS would be required to consult with the FWS on proposed pipelines to be located offshore the ANWR and to monitor and inspect these pipelines (ITL 18).

Mitigation and/or deferral of the area offshore the ANWR are expected to reduce any potential noise and

disturbance and habitat effects on PCH caribou on the Refuge; however, the deferral of lease blocks offshore the ANWR further would avoid most oil-spill risks to ANWR coastal areas. Either the ANWR deferral (Alternative V) or ANWR special mitigating measures are expected to reduce any potential significant lease-sale and cumulative effects on the PCH and, in turn, protect the important subsistence caribou hunt in the Inupiat communities of Arctic Village, Venetie, and Fort Yukon, and the Canadian Gwich'in and Inuvialuit communities that depend on the PCH. Effects on the PCH as they relate to effects on the subsistence-caribou harvest and environmental justice are discussed in Section IV in the FEIS. See also Response TFA-61.

TFA-17

The ANWR includes shorelines that are typical of shorelines adjacent to the entire Sale 170 area. Section III.A.1.f.(2) discusses the Environmental Sensitivity Index of shorelines adjacent to the Sale 170 area. Table III.A.1-1 discusses the vulnerability and persistence of oil for the eight shoreline types adjacent to the Sale 170 area, which includes the ANWR. The MMS agrees that river deltas, peat shorelines, and marshes are particularly vulnerable to oil spills.

TFA-18

Considering the entire ANWR shoreline as sensitive seems too broad; however, ITL 12, Sensitive Areas to be Considered in the Oil-Spill Contingency Plans, includes the statement: “Industry should consult with FWS or State of Alaska personnel to identify specific environmentally sensitive areas within National Wildlife Refuges or State special areas which should be considered when developing a project-specific OSCP.” Recognition of the ANWR coast as a special area is noted by our consideration of three additional stipulations, one amended ITL, and two additional ITL's that address areas offshore the ANWR.

The FEIS analyzes the following measures as proposed stipulations:

Stipulation 7, Planning for Activities Offshore the Arctic National Wildlife Refuge, requires that exploration and development and production plans contain a description of proposed equipment-staging areas, infrastructure, and other related activities. The plans must demonstrate the ability to stage and mobilize equipment, including oil-spill-response equipment, from locations other than the ANWR.

Stipulation 8, OCS Pipelines Offshore the Arctic National Wildlife Refuge, prohibits production from an OCS facility offshore the ANWR until a subsea pipeline has been constructed in another offshore area in arctic conditions. Proposals for construction of a pipeline offshore the ANWR must address methods for construction, maintenance, monitoring, and repair under the limiting seasonal conditions and restricted access from the ANWR.

Stipulation 9, Protection of Polar Bears from Proposed Development Offshore the Arctic National Wildlife Refuge, requires lessees to include in their proposed development and production plans data and information on polar bear distribution, denning, and habitat, and potential effects from development activities, including oil spills. Information on measures to be taken to minimize effects to polar bears also must be included. The MMS, in consultation with the FWS, may require lessees to conduct project-specific surveys related to polar bears.

Three ITL's also are analyzed. Two of them are designed specifically for the area offshore the ANWR; the third, ITL 15, Certification of Oil Spill Financial Responsibility, has been amended to include a statement that the MMS will consult with the FWS and other affected parties to develop the basis for amounts required for facilities on the OCS near the ANWR. ITL 22, Information on Activities on the ANWR, advises lessees that no activities may be conducted within the ANWR without the permission of the FWS and also advises lessees of the ANWR Comprehensive Conservation Plan. ITL 23, Information on Consultation on Activities Offshore the ANWR, advises lessees that the MMS will consult with the FWS regarding OCS pipelines proposed for construction offshore the ANWR in formulating special terms or measures necessary to protect

the ANWR.

TFA-19

The FEIS clarifies the interpretation of the statement referring to the potential effect of barrier islands on the movement of an oil spill. Contrary to the Trustees' comment, OSRA-model results and logic supported by knowledge of prevailing winds suggest that oil would not collect in lagoon areas until after much weathering and stranding on the outer shores of the barrier islands has occurred, thereby decreasing the overall risk. As a point of accuracy, any spill is much more likely to originate from a pipeline than from a well blowout; and tankers are not expected to be used for oil transport in this area.

TFA-20

(The commenter postulates the entry of a spill into one of the lagoons adjacent to the ANWR during peak oldsquaw staging.) While it is possible that a worst-case incident could occur and potentially contact more than a few thousand individuals, it generally is assumed to be a low-probability event. This EIS discusses the expected consequences of leasing and development rather than the worst case (see also Sec. IV.J.5). The MMS OSRA model predicts that the probability of one or more spills $\geq 1,000$ bbl occurring and contacting Land Segments (LS's) 38 through 41 in the vicinity of the lagoons cited (e.g., Arey Lagoon, Simpson Cove) is a maximum of 2 to 3 percent and, if a spill is assumed to have occurred, no greater than 11 percent within 30 days. Because the OSRA model does not discriminate barrier-island shore from mainland shore, a spill would strike the barrier islands where present, and the amount of oil entering lagoons primarily would depend on number/size of openings and wind speed/direction. Two extremes are represented by Arey Lagoon, which is rather tightly enclosed, and Simpson Cove, which is quite open; we would expect oil to enter the latter easily and the former hardly at all, and to cause effects proportional to volume and seasonal window of bird occurrence. There is no doubt that Camden Bay and adjacent areas provide important habitat for staging and migrant birds; but the probabilities of spill occurrence and contact with specific areas, estimated areal coverage by a spill, and bird densities also must be factored into conclusions regarding potential consequences. The MMS believes that a fair estimate of potential mortality has been provided.

TFA-21

The MMS is unaware of any detailed investigation of potential boulder patch communities off Konganevik Point. However, because the known boulder-patch communities of Stefansson Sound are not expected to incur any measurable adverse effect from Sale 170 (see the discussion for Alternative 1), potential boulder-patch communities located elsewhere also are not likely to be adversely affected.

TFA-22

Anadromous, and especially amphidromous, fishes use the nearshore waters in this area. The effects on these fishes were discussed in the DEIS (see Response TFA-16). The stipulations for Alternative V, particularly Stipulation 8 (OCS Pipelines Offshore the ANWR), would provide additional protection for the nearshore waters used by anadromous and amphidromous fishes in the ANWR.

Regarding concerns about caribou, the assumed transportation scenario for possible development of Sale 170 oil leases includes an offshore pipeline coming onshore to the west of the ANWR boundary, in the Flaxman Island area. Thus, the PCH is not expected to be exposed to onshore development and associated disturbances and habitat-alteration effects. The DEIS recognized that the PCH may be affected by an oil spill that contacts or occurs along the coast east to Barter Island (including Camden Bay) (see Sec. IV.B.7.c(2), Site-Specific Effects of Oil Spills).

TFA-23

The OSRA indicates only a minimal chance of oil-spill occurrence and contact from Flaxman Island east to the Canadian border. See also Response TFA-16. In two separate surveys of archaeological sites potentially damaged by the EVOS event, the first survey found 1,000 sites affected by the spill but <3 percent damaged (Moble et al., 1990); the second survey found 609 sites, with only 2 or 3 percent of the total suffering major

effects (Wooley and Haggarty, 1993). Of course, if this small percentage of sites contained significant or unique information, the potential for significant effects from oil-spill and cleanup disturbance could occur. See Response TFA-20 for additional discussion on likelihood of spill contact.

TFA-24

The areas offshore the ANWR included in Sale 170 are located 3 mi seaward of the ANWR coastal boundary. The concern that the scenic and aesthetic wilderness qualities of the Refuge would be unavoidably and irreversibly harmed by exploration and development in the Sale 170 area was not raised during the scoping process for this EIS and, thus, was not a matter of focus in the EIS analysis. However, at the time exploration and development and production plans are submitted to the MMS for approval, they will be available for public review and comment as part of the approval process. Concerns raised regarding potential impacts on the aesthetic qualities of the ANWR can be addressed at that time.

TFA-25

Discussion: Ocean circulation in the Beaufort Sea is expected to transport a portion of an oil spill toward the Beaufort coastline. If we assume that a large oil spill does occur in the OCS north of the ANWR, then there is a moderate (41%) chance that oil will contact any portion of the ANWR coastline. Individual segments of the ANWR coastline have a very low chance of contact. More of the ANWR coastline could be contacted from a spill occurring in the summer open-water season than from a spill during fall-winter, which freezes into the ice and melts out during the spring. The open-water season typically is July to September. During the summer season, the coastline from Brownlow Point to Jago Lagoon has the highest chance of contact from an oil spill from the OCS off the ANWR. During the winter season, the coastline of the Canning River Delta and Brownlow Point to Okpiliak River has the highest chance of contact. If an oil spill were to occur in an OCS area offshore of the ANWR, it is estimated to contact the western portion of the ANWR coastline within 3 days and move slightly eastward along the ANWR coast within 30 days.

Technical Results: The OSRA conditional probabilities assume that an oil spill occurs; the model follows the trajectory of the oil spill to tabulate contact to land segments along the coastline. The ANWR is represented by LS's 38 through 45 and the Environmental Resource Areas Beaufort Lagoon, Jago Lagoon, and Gwydyr Bay. Annual conditional probabilities (expressed as percent chance) that an oil spill starting at a particular location (hypothetical Spill Boxes L1-L8 and Pipelines P1-P7) will contact the ANWR shoreline (LS's 38-45) range from <0.5 to 18, <0.5 to 24, and <0.5 to 32 for 3, 10, and 30 days, respectively. The highest chance of contact to LS's 38 through 45 is from hypothetical Spill Box L8, directly adjacent to the ANWR shoreline. Annual conditional probabilities (expressed as percent chance) that an oil spill starting at a particular location (hypothetical Spill Boxes L1-L8 and Pipelines P1-P7) will contact Beaufort Lagoon range from <0.5 to <0.5, <0.5 to <0.5, and <0.5 to 1 for 3, 10, and 30 days, respectively. Annual conditional probabilities (expressed as percent chance) that an oil spill starting at a particular location (hypothetical Spill Boxes L1-L8 and Pipelines P1-P7) will contact Jago Lagoon range from <0.5 to 8, <0.5 to 9, and <0.5 to 12 for 3, 10, and 30 days, respectively. Annual conditional probabilities (expressed as percent chance) that an oil spill starting at a particular location (hypothetical Spill Boxes L1-L8 and Pipelines P1-P7) will contact Gwydyr Bay range from <0.5 to 12, <0.5 to 13, and <0.5 to 15 for 3, 10, and 30 days, respectively.

Combined probabilities factor in the chance of a spill occurring in the first place and then contacting the shoreline. Annual combined probabilities (expressed as percent chance) of one or more spills occurring and contacting a certain land segment within the ANWR range from 1 to 1, 1 to 1, and 4 to 6 percent within 3, 10, and 30 days, respectively, over the assumed production life of Sale 170.

TFA-26

The DEIS evaluated potential impacts from the proposed sale to the North Slope area, including the adjoining ANWR area. In addition, the FEIS considers a new Alternative V (Area Offshore the ANWR). Alternative V.a considers the deferral of tracts offshore ANWR, and Alternative V.b considers the effects of

imposing special mitigating measures in lieu of deferral. See Responses TFA-16, which addresses potential impacts of oil and gas activities in the ANWR and FWS-3, which discusses subsistence-whaling areas for the communities of Nuiqsut and Kaktovik and a potential landfall at Flaxman Island.

TFA-27

As stated in the DEIS (Sec. IV.E.3), “It is unlikely that any long docks or causeways will be constructed in the future.” Therefore, fishes in the sale area, including the ANWR, should not incur any harm or adverse effects from causeways other than the effects from existing causeways already noted.

TFA-28

The DEIS evaluated potential impacts from the proposed sale to the North Slope area, including the adjoining ANWR area. In addition, the FEIS considers a new Alternative V (Area Offshore the ANWR). Alternative V.a considers the deferral of tracts offshore the ANWR, and Alternative V.b considers the effects of imposing special mitigating measures in lieu of deferral. See Responses TFA-16, which addresses potential impacts of oil and gas activities in the ANWR, especially those on the PCH, and FWS-3, which discusses subsistence whaling areas for the communities of Nuiqsut and Kaktovik and a potential landfall at Flaxman Island.

TFA-29

The U.S. Supreme Court, in *Amoco Production Company v. Village of Gambell* 480 U.S. 531 (1987), ruled that ANILCA does not apply to the OCS. The Supreme Court held that, by ANILCA’s plain language, Section 810 applies only to Federal lands within the State of Alaska’s boundaries. The Act defines “public lands” to mean Federal lands situated “in Alaska,” which phrase has a precise geographic/political meaning that can be delineated with exactitude to include coastal waters to a point 3 mi from the coastline, where the OCS commences. Further, none of the remaining titles in ANILCA has any express or implied applicability to the OCS; therefore, a report under Section 810 of ANILCA is not required.

TFA-30

The Agreement on the Conservation of Polar Bears does not prohibit oil exploration and development or other industrial activities from taking place within polar bear habitats. “Intensive” industrial activities are not expected to occur under Sale 170. Only one or two production platforms are assumed to occur offshore of the ANWR.

TFA-31

Presently, polar bears do move across offshore and coastal ice habitats with current oil and gas exploration in the Beaufort Sea without serious conflict with humans. Only a few polar bears have been killed in response to conflict with humans during the past 20 years of oil and gas exploration and development. Past and ongoing oil and gas exploration activities offshore of the ANWR and industrial activities west of the ANWR have not been found to be affecting rates of recruitment or survival of the Beaufort Sea stock of polar bears in Alaska (USDOI, FWS, 1995). Denning polar bears were reported to tolerate exceptional levels of seismic activity and ice-road traffic; the latter only 400 m from an occupied den (Amstrup, 1993). Therefore, air and vessel traffic and seismic operations associated with oil and gas exploration and development within the deferred area are not expected to significantly affect polar bears or their habitat on or along the coast of the ANWR. Although oil-spill contact with a concentration of bears (perhaps 20-40 animals) at a whale carcass could result in a local catastrophe, this loss is expected to be replaced with less than one generation (about 1-3 years).

TFA-32

The DEIS recognized that, in spite of mitigating measures, some denning polar bears could be disturbed. However, considering the level of activity associated with Alternative I offshore the ANWR (no more than 3-5 production platforms for the entire lease area), few polar bears are expected to be disturbed and/or displaced; and the number of bears killed due to interactions with industrial activities (other than an oil spill)

is expected to be insignificant to the population.

TFA-33

The number of seals and polar bears disturbed and displaced near the assumed pipeline-landfall site in the Flaxman Island area is expected to be acceptable under provisions of the MMPA, which the lessees are required to meet in order to obtain approval from the NMFS and the FWS. Industrial activities at this landfall site are not expected to affect marine mammal habitats along the ANWR coast. This DEIS does not consider possible oil-development activities on the ANWR, because any such activities in the future would require an act of the U.S. Congress. Such a Congressional action is not expected to occur in the foreseeable future.

TFA-34

The level of harm assumed to be associated with Alternative I, with the possible exception of losses associated with the assumed oil spill (a worst-case situation), is not expected to violate the provisions of the MMPA, including 1994 amendments, or to violate the spirit of the international treaty on polar bears. See also Response TFA-06.

TFA-35

The text of the FEIS has been revised in response to this comment.

TFA-36

The referenced map in the FEIS has been revised in response to this comment.

TFA-37

The amount of onshore infrastructure associated with Alternative I is expected to be minimal and to tie into existing onshore/offshore facilities. (See Sec. IV.A.1.b(4), Activities Associated with Oil Transportation). Thus, the level of onshore activities associated with Alternative I is expected to be minimal.

TFA-38

The text of the FEIS has been revised in response to this comment.

TFA-39

The text of the FEIS has been revised in response to this comment.

TFA-40

The CAH caribou are exposed to some oil development east of the TAPS from the Endicott pipeline and road without significant effects on that portion of the herd. Current oil-industry practices, such as the developing Alpine oilfield, are expected to have a lot fewer roads, gravel pads, and pipelines than the Prudhoe Bay and Kuparuk River oilfields, which have extensive networks of roads and pipelines (the area where CAH caribou have been affected). The Flaxman Island facility is expected to be small in acreage and, like the Alpine oilfield on the Colville River Delta, there probably will not be a permanent gravel road built along the pipeline connecting to Endicott. Road traffic is the primary disturbance factor that causes displacement of calving caribou (see Sec. IV.B.7). Thus, CAH caribou calving is not expected to be significantly affected by this development. See also Response TFA-41.

TFA-41

The DEIS analyzes the potential effects of the 7,000-bbl spill on the PCH as well as the CAH in Section IV.B.7.c. Sale 170 transportation- and support-development activities are assumed to occur at least ≥ 3 mi offshore the ANWR and would not affect the PCH. Any possible onshore development in the ANWR that could be associated with Sale 170 leases would require approval of the U.S. Congress. Such action is not expected to occur in the foreseeable future. Oil-exploration activities such as seismic surveys occurred in the ANWR during the 1980’s, in addition to exploration drilling on OCS leases offshore the ANWR, without

any significant effects on the PCH or on the ANWR. Aircraft- and vessel-traffic travel associated with Sale 170 is expected from the Prudhoe Bay area to Camden Bay offshore the ANWR and would have no effect on the PCH.

TFA-41a

It is not true that bowhead whales are jeopardized by oil exploration and development activities in both their spring and fall migratory corridors. The NMFS, in the Arctic Region Biological Opinion, concludes that leasing and exploration activities in the Arctic Region are not likely to jeopardize the continued existence of the bowhead whale. No activities have been conducted or are proposed to be conducted within the spring migration corridor. There have been no development and production activities on OCS leases to date, although some are proposed in the near future. Should these activities proceed, additional consultation with NMFS will be conducted to ensure that bowhead whales are adequately protected.

Although some information remains unknown regarding migration patterns, mating seasons, and the importance of the sale area as feeding habitat, we believe that sufficient information is known to analyze potential effects to bowhead whales. The migration patterns within the Beaufort Sea, especially the fall migration corridor are, in fact, fairly well documented. There are some uncertainties regarding the mating season, although most information indicates that mating occurs either in the Bering Sea or during the spring migration and would not be subject to activities conducted in the Beaufort Sea during the late summer or fall. Finally, although MMS previously conducted a feeding study in the eastern Beaufort Sea, there was some disagreement by the North Slope Borough regarding the results of that study. The MMS will be conducting a second feeding study beginning in September 1997.

TFA-42

Section III.B.3.a of the FEIS contained some information on the Richardson (1987) study. More information is found in Section III.B.5.a in the Sale 144 FEIS, which was incorporated by reference in the Sale 170 EIS.

TFA-43

Information from the Arctic Seismic Synthesis and Mitigating Measures Workshop is included in the DEIS. Statements from the whaling captains can be found in Section IV.B.4.a. The text has been expanded in the FEIS, and some of these statements are included in the summary and conclusions in the FEIS. Information pertaining to the endangered species consultation was not received from the NMFS and the FWS in time to be published in the DEIS, but it is included in the FEIS.

TFA-44

After reviewing results from various studies conducted on bowhead whales, the NMFS concluded in their Biological Opinion for Beaufort Sea Lease Sale 97 that bowhead whale populations were not likely to be jeopardized by oil-exploration activities. The MMS reinitiated consultation with the NMFS regarding earlier biological opinions for the Beaufort and Chukchi seas; and in November 1988, the NMFS issued the ARBO, which covered all previous lease sales in the Arctic Region. As a result of the ARBO, the seasonal drilling restriction was dropped from mitigating measures and replaced with a stipulation on a site-specific bowhead whale-monitoring program and a stipulation to try to prevent unreasonable conflicts between industrial activities and subsistence activities (Stipulations 4 and 5). It should be noted that the NMFS has similar requirements under their Incidental Harassment Authorization permits. It would be appreciated if the Trustees for Alaska would provide the MMS with references to support their contentions that oil and gas operations interfere with essential bowhead activities such as mating, nursing, and cow/calf bonding.

TFA-45

The text in Section IV.B.4.a.3 in the FEIS has been expanded to include more information about the potential effects of an oil spill on bowhead whales.

TFA-46

As noted in your comment, the status of the Steller's eider has changed. The Steller's eider was listed as threatened on June 11, 1997, a change in status that occurred after the DEIS was published in May 1997. This status change is reflected in the FEIS. As stated in Response TFA-43, information pertaining to the endangered species consultation was not received from the NMFS and the FWS in time to be published in the DEIS, but it is included in the FEIS.

TFA-47

While it is expected that the spectacled and Steller's eiders are not likely to recover from any substantial adverse effects while their populations are in decline or not recovered, the actual result of most adverse factors is speculative at best. The U.S. Geological Survey/Biological Resources Division and the FWS are continuing to conduct studies on the distribution and movements of eiders.

TFA-48

The risk to anadromous (and amphidromous) fishes was discussed in Section IV.B.3.c(2)(b) of the DEIS, where recruitment into the population is covered. The DEIS also stated in the Summary of this section that a significant portion of fish populations overwintering in delta areas could be affected if an oil spill reached the delta areas, and further discussed the recovery period for affected species (see Summary and Conclusion for Sec. IV.B.3.c(2)(b)). Marine fishes could be affected by an oil spill but, because of their wide distribution and low densities it would seem unlikely that a significant die-off of marine fishes in their developmental stages would occur. However, as stated in the DEIS, fish in subadult (juvenile, larval) stages would be more affected by an oil spill than would adults of the species. Therefore, the conclusion need not be revised to show a higher risk to marine and anadromous fish, because their developmental stage, as already discussed in the DEIS, is when the higher risks may occur.

TFA-49

Section IV.B.3.b(5) in the FEIS has been revised to include not only the effects from the subsea- pipeline installation, but also the possible effects on fishes from the temporary disposal of excess dirt resulting from the trenching/installation process. It should be noted that Stipulation 8 associated with Alternative V does not provide further protection of fish resources in the ANWR area.

TFA-50

The "short jettylike structures" mentioned in Section IV.B.b(5) have not yet been constructed in the Beaufort Sea. Current industry thinking tends toward using undersea pipelines. However, under the MMS scenario the possibility exists that short, jetty-like structures, probably about 90 m long, could be constructed. Determining the effects to fishes from these structures would depend on their location and the hydrology in the area. The site-specific effects would be more appropriately addressed in a development and production EIS for the specific activity than in the Sale 170 FEIS, because the activity specifics, including the specific location of the structure, would be known at that time.

In about 1984, a 1,100-foot-long causeway connecting East Dock to a 100-by-270-foot-long wharf was constructed from grounded barges (USDOD, U.S. Army COE, and ERT, 1984). East Dock is located on the east coast of Prudhoe Bay, in the path of the clockwise water circulation in the bay. This small structure does not significantly affect the circulation of the nearshore coastal band of warmer, less saline water that occurs in the summer. The anadromous/ amphidromous fishes appear to avoid the East Dock structure without incurring any adverse effects on their summer-migration routes or feeding. The MMS is not aware of any scientific studies being conducted or completed regarding any effects from East Dock on anadromous/amphidromous fishes. No docks of similar-length are likely to be built at other sites.

TFA-51

See Response NOAA-03.

TFA-52

The OCS Report MMS 97-0039 (Anderson, Johnson, and Marshall, 1997) contains a detailed discussion of the OSRA model and results for Sale 170. In accordance with Council for Environmental Quality regulations this report is summarized and incorporated by reference in the Sale 170 EIS rather than included in its entirety. The limitations of the numerical calculations for the model do not allow each individual environmental resource in the Beaufort Sea to be analyzed. Particular environmental resources often can be analyzed by grouping existing environmental resources. For example, the shoreline of the ANWR can be analyzed by looking at LS's 37 through 50. For further explanation of activities or areas included in the cumulative case, the reader is referred to Section IV.A.5.e and Table IV.A.5-1 of the EIS. (Reference to Sec. IV.A.6 in Footnote 2 of Table IV.A.2-1 in the DEIS was an error.)

Historically, commercial success rates on the North Slope are estimated at 5 percent (or 1 commercial field for every 20 prospects tested). All mapped prospects are not leased, and most prospects leased are never drilled. To date, 28 exploration wells in the Beaufort Sea have failed to discover a commercial-sized field. Oil spill chance is based on statistics from past OCS production and estimates of undiscovered resources. The chance of actually finding the total undiscovered resource volume with a limited number of exploration wells is very low. If there are no commercial discoveries, then there will be no crude oil spilled. What if this low probability event occurs? The MMS must evaluate the small chance that all undiscovered resources would be produced and would result in 5 to 10 spills.

The effects of a low-probability, high effects very large oil spill during winter is evaluated in Section IV J.

TFA-53

See Responses TFA-13 and TFA-25 for a discussion of tanker-spill analysis and oil-spill risk to the shoreline of the ANWR. The FEIS analyzed reasonable and foreseeable alternatives. Tankering in the Sale 170 area is not considered a reasonable and foreseeable alternative at this time. Section IV.A.2.a.(2).(b) discusses oil spill contact to the coastline of the ANWR. Section IV.A.3.c (persistence of oiled shoreline) has been rewritten in plain English.

TFA-54

Section IV.A.5 includes a discussion of major projects included for the cumulative case and the methodology for including known resources and reserves and excluding speculative oil resources. The OSRA for the cumulative case includes known and existing resources and reserves. The Alpine field was specifically mentioned in Section IV.A.5.a of the DEIS. Northstar, Liberty, and Badami are all known fields that are included in the cumulative-case resource estimate.

The MMS believes the oil resource estimates to be highly conservative, and that the chance of finding those volumes of oil in fields with a small number of exploration wells is small.

TFA-55

Many of the response measures to clean up spills in broken ice in the Arctic are "unverified" under actual spill conditions, because there has never been a significant Arctic oil spill to which these measures could be applied. However, these response strategies have been "proven" through spills in other areas that had similar environmental considerations (including ice), through field testing in the U.S. and Canadian Beaufort Sea and other offshore areas and through research and laboratory studies involving full-scale test tanks. Most notably, extensive field tests and demonstration projects were conducted in the early 1980's on the North Slope and in the Beaufort Sea to specifically demonstrate broken-ice oil-spill-response capability. Known as the Tier II Program, the results of these tests and demonstrations were the foundation for MMS and State of Alaska approvals for exploratory drilling operations during broken-ice periods. The Tier II program lead to the development of improved fire-resistant-boom and in situ-burning technology.

Work has continued to improve response technologies for the Arctic since the Tier II project. In particular,

there has been additional research, studies, and field tests on in situ-burning response capabilities. In situ burning remains one of the principal response strategies for broken-ice conditions, when mechanical-response capabilities would be restricted.

Following the downturn of offshore exploration in the early 1990's, some of the equipment and resources for open-water and broken-ice response capabilities were not maintained or are no longer in inventory. The Northstar Development Project and other recent offshore-exploration activities have prompted State and Federal Agencies and the industry to review the response capabilities for these conditions.

The MMS is a member of the State of Alaska's North Slope Oil Spill Response Planning Committee. This committee is composed of the Federal and State agencies with oil-spill-response-planning authorities, the NSB, and industry. This committee is reviewing the overall North Slope oil-spill-response capabilities for onshore and offshore, including broken-ice conditions, and developing scenarios and response strategies to help identify additional equipment and resources necessary to meet State of Alaska C-Plan planning standards and to reconcile different Federal and State regulatory requirements. The results of this effort, including expanded equipment inventories and response strategies for offshore, should be completed in 1998.

TFA-56

The economics sections analyze the economic effect of oil spills on jobs. For the effects of an oil spill on subsistence, the reader is referred to the sections on subsistence-harvest patterns.

TFA-57

Section IV.A.5 presents those projects considered in the cumulative case of Alternative I. Figure IV.A.5-1 is a presentation of all current known and possible fields. Because this is a prelease EIS, Alternative I is analyzed largely in its relation to existing and producing fields; this analysis does not speculate on development from myriad potential off- and onshore fields. The focus of analysis is placed on likely development, and oil-spill (OSRA) information is presented on these likely developments. The timing, location, development, resource levels, and infrastructure requirements of these yet-undeveloped (if not undiscovered) fields are a matter of extreme conjecture. Presenting details of all possible developments as requested by the commenter would serve little purpose, as it would result in overdrawn and unrealistic development scenarios that would obfuscate the overall analysis being presented. Should commercial quantities of hydrocarbons be found on Federal leases, a developmental EIS will be prepared (i.e., the Northstar Project), and the issue of related infrastructure will be addressed in far more detail at that time.

TFA-58

The MMS does not believe that Sale 170 should be deferred until the NPR-A IAP/EIS process is completed. The Secretary of the Interior is the final authority as decisionmaker for both projects and has openly stated in public meetings in Barrow that no decision on opening the NPR-A to oil and gas leasing will be made until the potential effects are analyzed in an EIS. This analysis includes potential effects on fish and wildlife resources and subsistence activities. At the current time, there is much uncertainty about the opening of the NPR-A to leasing and the level of exploration or development that may occur. The Draft IAP/EIS issued for the potential leasing of the NPR-A contains an analysis that includes effects from the production of hydrocarbons from OCS leases.

TFA-59

The FEIS has been expanded considerably to include traditional knowledge. The EIS does not dispute traditional knowledge over scientific knowledge. Both traditional knowledge and results from scientific studies are included in the conclusions.

TFA-60

Since 1995, the MMS has embarked on improving its relationships with local communities that potentially

could be affected by OCS leasing activity. This change in direction was a direct response to Native concerns about MMS leasing initiatives. On the North Slope, in addition to public scoping meetings in Barrow, Nuiqsut, and Kaktovik, the MMS in 1995 conducted information-exchange meetings and EIS workshops for Beaufort Sea Lease Sale 144 in these same communities. With Sale 144, the MMS began to incorporate traditional Native knowledge directly into the text of its EIS's, which were subsequently reviewed by the NSB and the communities of Kaktovik and Nuiqsut. In October 1995, an Arctic Synthesis Meeting was held in Anchorage, and Native whaling captains made presentations on subsistence whaling in their respective villages. During the public-comment period for Sale 144, Mayor Ahmaogak stated in a letter to the MMS that, although the NSB would never endorse offshore drilling, the Borough was willing to establish a dialog and negotiate with the MMS concerning future lease sales.

In April 1995, meetings in Barrow attended by the MMS, NMFS, NSB, AEWC, the State of Alaska, and the oil industry culminated in mitigation measures that provided for a mandatory conflict-resolution process if any problems arose between subsistence whalers and the oil industry. This unique mitigation provided the framework for a successful whaler/oil-industry agreement that was signed and implemented for Sale 144 exploration activities, and its utility has now been tested in the 1996 and 1997 whaling seasons. Similar mitigation was included in the Sale 170 DEIS because of its success with the Native community in Sale 144. Further, an Arctic Synthesis and Mitigation Measures Workshop was held in Barrow in March 1997 to bring together the consistently divergent views of subsistence whalers and Western scientists on the "zone of influence" of seismic noise on bowhead whales. The meeting began with two polarized views on this issue and ended with Native whalers and Western scientists moving closer toward a middle ground. Such meetings show the MMS's determination to establish a working dialog with North Slope communities and the depth of participation by North Slope communities. In September 1997, the MMS awarded a 4-year, \$2.4-million contract to LGL Ltd. Environmental Research Associates to "provide and augment scientific and traditional knowledge about bowhead whale feeding in the eastern Alaskan Beaufort Sea." The study, a response to concerns about local whalers' experiences and knowledge not being sufficiently considered in the EIS process, will include the local involvement of whalers, including their participation in data collection and their help in interpreting study results. Another MMS study contract, *Collection of Traditional Knowledge of the Alaskan North Slope*, was recently awarded to Ukpeavik Inupiat Corporation in Barrow and will entail the identification, indexing, and abstracting of traditional knowledge sources on the North Slope of Alaska, with the data eventually being available to the public on CD-ROM.

All of the actions above were begun to buffer the prelease effects of MMS leasing activities on affected communities (see also the Cook Inlet Planning Area Oil and Gas Lease Sale 149 FEIS [p. IV.B.1-75; USDOJ, MMS, 1996b] for a discussion of prelease anxiety). The MMS specifically addressed prelease for the commenters to say that the people of the North Slope are "outraged" seems an unfair overstatement, primarily because the NSB and local communities have been willing and vocal participants in an improving dialog. The MMS asks Native communities before it schedules meetings or hearings, and will not conduct them in a village that declines. The boycott of the Sale 170 DEIS Barrow Public Hearing was on the surface a public outcry against OCS leasing, essentially involving problems with the use of traditional knowledge. Native whalers protested the presentation of traditional knowledge in the Sale 170 DEIS that was refuted by Western science. They were especially angry about statements they made freely at the Arctic Synthesis and Mitigation Measures Workshop in March that they believed were ignored in the DEIS. The MMS is remedying the lapse in protocol in using traditional knowledge in the FEIS.

All of this is not to say that an improved dialog between North Slope interests and the MMS mitigates all impacts on Inupiaq social and cultural values and the subsistence lifeway, but it does indicate the MMS's concern for mitigating "planning-phase" impacts; and in no way does the MMS consider them "immateral." In its planning process for its newest OCS Oil and Gas Leasing Program for 1997 to 2002, the MMS, Alaska OCS Region, established a Stakeholders' Task Force that included a number of Alaskan Native participants who helped to formulate the plan. A spinoff of this task force was the formation of the Alaska OCS Region Offshore Advisory Committee, which includes Native members from Barrow, Nuiqsut, and

Kaktovik. At the first meeting in August 1997, specific recommendations were made concerning new deferral alternatives and stipulations for Sale 170. These efforts by the MMS represent a singular intention to make local communities and residents more a part of the planning process for OCS actions. The MMS, as part of its involvement in the NPR-A Northeast Planning Area IAP/EIS, was part of a cooperative interagency and North Slope communitywide effort that was instrumental in developing extensive stipulations for protecting subsistence resources and harvest practices. The primary piece of the stipulation package is the formation of a Subsistence Advisory Panel comprised of Nuiqsut, Atkasuk, Barrow, and Anaktuvuk Pass residents as well as Federal, State, local government, and industry representatives who will take a direct role in monitoring subsistence issues and concerns that arise from oil and gas activities in the NPR-A.

TFA-61

The text in the FEIS has been revised to reflect this comment by including a section on environmental justice. Section IV.B.10 (Sociocultural Systems) discusses the concept and requirements of environmental justice and the local North Slope indigenous population as a candidate minority, low-income community. Risks to subsistence-harvest/consumption patterns are then discussed, as are potential risks to human health from the consumption of potentially "pollutant-bearing" subsistence resources. This section concludes with a determination about whether or not Sale 170 could have a disproportionately significant and adverse effect on low-income, minority communities on the North Slope. Proposed mitigation for Sale 170 that addresses potential human-health effects also is discussed.

TFA-62

The MMS would appreciate a further explanation of what the commenters mean by their contention that ". . . disrespect [was] shown to the traditional knowledge made available to the government by its presentation in the DEIS. . . ." The EIS sections on endangered species, fish, birds, caribou, pinnipeds and marine mammals, subsistence-harvest patterns, and sociocultural systems were all read by reviewers from the NSB Planning and Wildlife Management Departments as well as representatives from the Mayors' offices in Barrow, Nuiqsut, and Kaktovik. At no time were we told our treatment of traditional knowledge was disrespectful; in fact, the subsistence section in the Sale 144 EIS was praised by the Wildlife Management Department for the traditional material it included. It should be noted that of the Federal Agencies, the MMS was the first to incorporate traditional knowledge into its assessment process (see also Response TFA-6). The MMS does not claim any definitive expertise in this area; but for the record, it is in the vanguard of such incorporation efforts. Disputes over the use of traditional knowledge in the Sale 170 DEIS are being addressed in close negotiation with the AEWC, local whalers, and the NSB Wildlife Management Department.

A \$2.4-million contract to provide more scientific and traditional knowledge about bowhead whale feeding in the eastern Beaufort Sea was recently awarded by the MMS. The study was awarded partially in response to the disputes over whether traditional knowledge was being sufficiently considered in the EIS process. See Responses TFA-12 and TFA-60, which address commenters' concerns about prelease and lease-sale effects on affected communities.

Cumulative effects are discussed in Section IV.G. Regarding prelease, lease, and cumulative effects on subsistence and local communities as they relate to environmental justice, these issues are discussed in new sections on environmental justice included in Section III.C (Sociocultural Systems) and Section IV (Effects on Sociocultural Systems) of the FEIS.

TFA-63

The DEIS evaluated potential impacts to the North Slope area from the proposed sale, including the adjoining ANWR area. In addition the FEIS considers a new Alternative V (Area Offshore the ANWR). Alternative V.a considers the deferral of tracts offshore the ANWR, and Alternative V.b considers the effects of imposing special mitigating measures in lieu of deferral. See Responses TFA-16, which addresses potential impacts of oil and gas activities in the ANWR, especially those on the PCH, and FWS-3, which

discusses subsistence-whaling areas for the communities of Nuiqsut and Kaktovik and a potential landfall at Flaxman Island.

Either Alternative V or the ANWR special mitigating measures are expected to reduce any potential significant lease-sale and cumulative effects on the PCH and, in turn, protect the important subsistence caribou hunt in the Inupiat communities of Arctic Village, Venetie, and Fort Yukon and the Canadian Gwich'in and Inuvialuit communities that depend on the PCH. Effects on the PCH as they relate to effects on the subsistence-caribou harvest and environmental justice are discussed in the new section on environmental justice that appears in Section IV.B.10 of the FEIS. See Response TFA-61.

TFA-64

The issue of global climate change is most appropriately considered at the OCS programmatic level. The Outer Continental Shelf Oil and Gas Leasing Program: 1997-2002 (USDOJ, MMS, 1996c) addresses the issues of global warming and climate change in relation to the MMS program. Section IV.B on pages IV-63 to 68 of that document describes issues related to the potential contribution to global climate change as a result of greenhouse-gas emissions. This section discusses greenhouse gas produced from the OCS program and the potential contribution of the OCS program to changes in global climate. In that analysis, it is noted that from a global perspective, the contribution to the global climate change in terms of greenhouse-gas emissions from OCS development is about or less than 0.02 percent.



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Reston, Virginia 22092

In Reply Refer To:
Mail Stop 423

JUL 18 1997

MEMORANDUM

To: Regional Director, Minerals Management Service
From: James F. Devine *James F. Devine*
Senior Advisor for Science Applications
Subject: Review of Draft Environmental Impact Statement for the Proposed 1998 Outer Continental Shelf Oil and Gas Lease Sale 170 in the Beaufort Sea

As requested by the Associate Director for Offshore Minerals Management, Mineral Management Service, the U.S. Geological Survey has reviewed the subject draft environmental impact statement (EIS) and offers the following comments.

Page II-15; #6:

How was the potential loss estimated to be 20-30 polar bears? In all of the oil and gas activity conducted in Alaska and adjacent Canada over the last 30 years, there has not been a loss of the magnitude suggested here. Likewise, the language in the "Cumulative-Case Conclusion" needs to be expanded. It is unclear, at present, what really is being suggested.

USGS #1

Page III-B-9:

Population density figures here are different than on Page IV-B-35. Recheck the sources and refer to Amstrup et al. 1986 (citation provided below).

USGS #2

Page III-B-10:

It would be best to not describe dens in Alaska as concentrated in any areas of our coast. Rather, we can say that higher densities were found in the eastern portions of the coast than farther west. Overall, however, the denning in Alaska is scattered over large areas at low densities compared to "true" concentration areas found in some of the other places named in this section. The best citations are Amstrup and Gardner 1994, and the Amstrup 1993 (citation provided below).

USGS #3

Page IV-B-33:

We presume that the <10 bears taken represents a worst-case scenario for the life of all of the projects associated with this lease sale. The rationale for this number should be described, since it

USGS #4

Regional Director, MMS

2

far exceeds anything that has happened over the last 30 years in Alaska. We believe that under proper flexible management protocols, it is not "unavoidable" that some bears will be killed to protect workers. There is a long history of exploration from gravel islands (and ice islands) in shallow Alaskan waters without any incidents requiring destruction of bears. Likewise, in deeper waters, where bears are more plentiful, exploration will necessarily be done from vessels with high vertical sides that are completely impenetrable by bears. Hence, greater justification for any number chosen here seems in order.

USGS #4 cont.

Page IV-B-35:

The figure on this page needs to be accompanied by a more explicit caption. It is unclear what is being portrayed here with the probability statements and the 180 days.

USGS #5

Page IV-CJ-26:

The first paragraph of this page makes rather sweeping statements that are unsubstantiated. How will the MMPA prevent excessive disturbance of bears?

USGS #6

Paragraph (2): We believe that with proper and flexible management protocols direct mortalities of polar bears are avoidable.

Page IV-CJ-54:

The effect of a major oil spill on polar bears cannot be projected based upon the average density in the Beaufort sea. Bears are concentrated in the flaw zone year-round (to a greater or lesser extent depending on season), and it is in that active ice zone that oil is likely to be found and be transported. Hence, the impact of a large spill could be much greater than any projection based upon the average density of bears.

USGS #7

Bibliography, Page 2:

- Note corrections in the following citations:
 - Amstrup, S.C., G. Garner, and G.M. Durner. 1992 (Not C. Garner)
 - Amstrup, S.C. and C. Gardner. 1994 (not C. Garner)
- Add the following references, as noted in above paragraphs:
 - Amstrup, S.C., 1993. Human disturbances of denning polar bears in Alaska. Arctic 46:246-250
 - Amstrup, S.C. Stirling, I., and Lentfer, J.W. 1986. Past and present status of polar bears in Alaska. Wildlife Society Bulletin 14:241-254.

USGS #8

Copy to: USGS State Representative, Water Resources Division, Alaska
Director, Office of Environmental Policy and Compliance

USGS-01

The estimated loss of 20 to 40 polar bears is based on the assumption of the 7,000-bbl spill contacting a concentration of bears at a whale carcass location and the assumption that all exposed bears die from either oil ingestion and/or loss of thermal-insulation (see Sec. IV.B).

USGS-02

The text of the FEIS has been revised in response to this comment.

USGS-03

Section III.B.5.b of the DEIS does not refer to polar bear denning along the coast of Alaska as "concentrated" but rather as "sparsely" distributed compared to concentrated denning in Hudson and James bays in Canada and on Wrangel Island in Russia. Amstrup and Garner (1994) have been cited in this paragraph of the FEIS.

USGS-04

The text of the FEIS has been revised in response to this comment.

USGS-05

The text of the FEIS has been revised in response to this comment.

USGS-06

The MMPA, under jurisdiction of the FWS, will prevent excessive disturbance of bears as described under Effectiveness of Mitigating Measures in Section IV.B.6.

Direct mortality through the shooting of a hungry, aggressive bear has occurred at least once in Alaska, in association with a coastal oil facility (at Oliktok Point) a few years ago. It was very difficult to determine whether the incident was avoidable. The Canadian Government had detailed management protocols in place to prevent lethal interactions with polar bears, but the level of oil-industry activity in the Canadian Beaufort Sea in the early 1980's was much greater than the level of activity of the past or the present is in offshore Alaska. If a large oil discovery occurred off the Alaska coast, a similar level of industry activity could occur. Human error will always be a factor associated with lethal interactions with polar bears, whether avoidable or not.

USGS-07

Polar bears are not "concentrated" year-round along the flaw zone (any more than dens are concentrated along the Alaskan coast). During the summer season, when the pack-ice front is several hundred miles offshore, the density of polar bears in the geographic location of the flaw zone (during winter) is essentially zero. Under the assumed scenario of a large pipeline spill (160,000 bbl) that occurs nearshore (along P6 in Fig. IV.A.2-1) as a small leak (635 bbl/day) in November and continues until July (249 days) (as discussed in Sec. IV.J), the spill would be widely dispersed and about 50 percent of it is estimated to contact the flaw zone, as represented by the Ice/Sea Segments (ISS's) in Table IV.J.3 and indicated by probabilities of the spill contacting ice/sea segments (e.g., ISS 8, 28-43% within 180 days) compared to contact to land (50-53% within 180 days). Thus, no more than about half of the total spill would contact the flaw zone over the 249 days.

Most of the oil reaching the flaw zone would be encapsulated in the ice until meltout in July, at which time it would be broadly dispersed over a very large area. It is impossible to determine accurately the number of bears that would actually come in contact with the dispersed oil. Using the average density range of bears (1 bear/78-130 km²) to estimate the effects of a broadly dispersed, 160,000-bbl oil spill is a reasonable rationale for analysis, considering the great variability in polar bear density and the broad dispersal of the spilled oil.

USGS-08

The Bibliography has been revised in response to this comment.

USGS-09

The Bibliography has been revised in response to this comment.

 Union Texas Petroleum

July 18, 1997

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Houston, Texas 77252-2120
(713) 623-6544

VIA Facsimile and Federal Express

Mr. John Goll
Regional Director
Minerals Management Service - Alaska Region
949 East 36th Avenue
Anchorage, AK 99508-4302

RE: **Call for Comments**
Proposed OCS Sale 170 (Beaufort Sea)
Draft Environment Impact Statement

Dear Mr. Goll:

Union Texas Petroleum Alaska Corporation ("UTP") hereby respectfully submits the following comments to Minerals Management Service ("MMS") on the Draft Environmental Impact Statement for OCS Lease Sale 170.

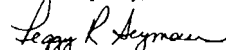
UTP encourages and supports the MMS in its efforts to hold the proposed Lease Sale as defined under Alternative I. With the recent court decision granting the ownership of the submerged lands offshore the Arctic National Wildlife Refuge and the National Petroleum Reserve in Alaska to the federal government, we would support including as much of those lands as is possible in the upcoming sales.

UTP considers Alaska to have sufficient technical merit to be an integral part of our future exploration strategy. However, with the proposed Kaktovik deferral area as outlined in Alternative III, it is difficult to justify the allocation of staff and funds to evaluate prospective tracts when there is no degree of certainty as to the availability of said tracts being included in upcoming sales.

On a related matter, we feel the time frame for conducting seismic surveys should be extended through the end of September. This would allow the evaluation of existing fields to determine the economical value for further development.

UTP #1

Yours very truly,



Peggy R. Seymour
Land Specialist

cc: J. S. Watt
W. A. Huckabay
B. S. Hamilton

RECEIVED

JUL 21 1997

REGIONAL DIRECTOR, ALASKA OCS
Minerals Management Service
ANCHORAGE, ALASKA

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The MMS does not restrict the timeframe for conducting seismic activity. Industry has in the past agreed to stop seismic and other vessel activity by September 1 in some areas to avoid conflicts with the bowhead whale subsistence harvest. Such agreements have been mutually developed between the industry, the AEW, and individual whaling communities.

Executory Court Reporting
626 Cordova, Suite 104
Anchorage, AK 99501
Phone: (907) 272-4084

UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
OFFICIAL TRANSCRIPT - PUBLIC HEARING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR BEAUFORT SEA PROPOSED OIL AND GAS LEASE SALE 170

Nuiqsut, Alaska
Tuesday, June 24, 1997
7:35 o'clock p.m.

MINERALS MANAGEMENT SERVICE PANEL MEMBERS

Mr. Bob Brock, Regional Supervisor for Leasing
and Environment

Ms. Cynthia Quarterman, Director, Minerals Management
Service, Washington, D.C.

Mr. John Goll, Regional Director

Mr. Rance Wall Regional Supervisor for Resource Evaluation

Mr. Jeff Walker, Regional Supervisor for Field Operations

Mr. Ray Emerson, Chief, Environmental Assessment Section

Ms. Phyllis Casey, EIS Coordinator

Mr. John Tremont

ALSO PRESENT:

Virgie Kasak, Inupiat Interpreter

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

Executory Court Reporting
626 Cordova, Suite 104
Anchorage, AK 99501
Phone: (907) 272-4084

ANCHORAGE, ALASKA - TUESDAY, JUNE 24, 1997

(Tape No. 1 of 3)

(On record at 7:35 p.m.)

HEARING OFFICER BROCK: Good evening. My name is Bob Brock, and I am
the Regional Supervisor for Leasing and Environment with the Outer Continental Shelf
Office in Anchorage, Alaska.

We have a translator here with us tonight, Virgie Kasak, and she will be
translating everything that I say into Inupiat and anybody talking in Inupiat, they'll -- she'll
be translating it back into English.

And I guess that there are people here that would like a translator. Is that
correct? Thomas, who is....

UNIDENTIFIED SPEAKER: How's that?

HEARING OFFICER BROCK: There are people here that would like a translator?

(Indiscernible simultaneous speech)

HEARING OFFICER BROCK: Okay. That's good. I'd -- first, before we get
started tonight, I'd like to introduce a special guest we have with us, Ms. Cynthia
Quarterman. The -- she is the Director, of the Bur- -- of the Minerals Management
Service and from Washington, D.C. And she is here tonight to hear what you have to
say firsthand. Cynthia, would you like to say a few words?

MS. QUARTERMAN: Well, I would just like to say I am pleased to be able to
come here. This is about as far away from D.C. as we work. So this is very important, I
think, for the things that we do, the opinions that we make here -- to hear the opinions

that you have about -- particularly about the way the sales should happen and go forward. So it's important to hearing your comments here tonight.

HEARING OFFICER BROCK: Virgie?

(Interpreter translating)

HEARING OFFICER BROCK: With me on the panel here at the head table is our new Regional Director, John Goli and Jeff Walker, who is the Regional Supervisor for Field Operations. Mr. Ray Emerson, standing back over there is the chief of the Environmental Assessment Section which is responsible for the Environmental Impact Statement that we're reviewing tonight. And Phyllis Casey -- where did you go, Phyllis? Oh, Phyllis is back there -- is the Coordinator for this Environmental Impact Statement.

I am also pleased to see tonight Diane Mayer from the Governor's Office of Governmental Coordination with us over here. And she has a staff here with her also tonight.

Virgie?

(Interpreter translating)

HEARING OFFICER BROCK: This is the first public hearing on the Draft Environmental Impact Statement. We are also having a meeting tomorrow night in Kaktovik and this Friday in Anchorage and then in Barrow on July the 10th. The purpose of this meeting is to receive your views and comments and suggestions on our Draft Environmental Impact Statement. Copies were sent up to Nuiqsut in mid-May for your review. If you haven't got a copy, there are plenty of copies on the back table and so help yourself.

The Draft Impact Statement covers the area under consideration for this proposed sale and is outlined in red on the map over here to my left. It focuses on the near shore blocks between the Colville River and just to this side of Barter Island. It contains about 363 blocks or 1.7 million acres and is located from three miles offshore to about 25 miles offshore.

As you probably know already, the State has jurisdiction from the shoreline out to the three mile line.

Virgie?

(Interpreter translating)

HEARING OFFICER BROCK: The prop- -- this proposed sale follows closely after Sale 144, which we had last September. The sale -- except this sale is focused on a

smaller area, only in the Beaufort Sea, and only goes out to about 25 miles. The draft EIS builds upon the information from the final Environmental Impact Statement that we did for the last sale, 144. And -- but it also includes any new information that we might have had -- gotten since May of 1996.

This lease sale that we held last September offered about 1,400 blocks, or almost just over seven million acres, of which we only leased three -- 29 blocks, covering about a hundred thousand acres. And those -- all those leases were issued relatively close to shore, within about six miles of the shoreline.

A well was drilled on one of the leases from that sale. BP drilled the Liberty Exploration well in the -- last winter, and that they announced the -- based on that -- on the sale results, that Liberty may be a prospect for commercial. BP has invited discussions -- has started its discussions regarding permitting a development plan for the Liberty Project which you see on that map. If we could show -- point it -- right in that area.

I didn't put a line there, but why don't you go ahead.

(Interpreter translating)

HEARING OFFICER BROCK: After hearing some of the concerns that you expressed last fall when we started the process on 170, the MMS started the process of contracting a four year bowhead whale feeding study in the eastern Beoufort Sea area to update the scientific and traditional information that we presently have.

We are presently reviewing the proposals and expect to award that contract by the end of July. The North Slope Borough and The Alaska Eskimo Whaling Commission participated in the design of that study, and we look forward to your -- theirs and your continued assistance in reviewing the reports that come forth out of that study. So we'll be back in touch on that. Okay.

(Interpreter translating)

HEARING OFFICER BROCK: This Draft EIS, Sale 170, covers the issues raised by you and other communities during the scoping meeting in here, Kaktovik, Barrow, and Anchorage last winter. The EIS reflects what we have gained from your comments and suggestions and from previous sales. We want to be sure we have included the traditional knowledge that you have shared with us.

We have included all of the mitigation, all of the requirements on the oil companies that the Borough and the AEWK helped developed for the last sale, 144. This includes provisions to limit conflicts between oil and gas activities and the bowhead whale hunters. And the bow- -- it also includes a bowhead whale monitoring plan in which the AEWK or the North Slope -- or a North Slope Borough representative can

participate.

We are also aware of the concerns that you presented to the state on the noise disturbance and space use conflicts and have shown those areas on the -- in the yellow blobs on the map.

I hope your comments that you say tonight will cover the specific cur- -- concerns you have in those areas, because that information is not in this present Draft Environmental Impact Statement.

Virgie?

(Interpreter translating)

HEARING OFFICER BROCK: We have also established a special advisory committee for this sale, which will meet in early August with us to review the comments that we receive and determine whether any new issues or requirements may be needed. Members from the North Slope and -- North Slope Borough and the communities have been included. Thomas Napageak is the -- is a member of that committee. Burton Rexford from Barrow is on that committee and Fenton Rexford from Kaktovik. So we have three representatives from this general area on that committee.

The State, the industry, the U.S. Fish and Wildlife or -- yeah, U.S. Fish and Wildlife Service and the National Marine Fisheries Service are also represented.

Now, the -- all comments from this hearing or meeting are being recorded. Rich Carl will provide a complete transcript of all the public hearings. You can obtain copies of this transcript from the Executary Court Reporting Service. The primary purpose is to be insure to im- -- we're out to improve the quality of the Impact Statement from your comments so they can be included in the final Environmental Impact Statement.

Virgie?

(Interpreter translating)

HEARING OFFICER BROCK: This meeting, as we have done before, will be more of a dialogue, back and forth. We will respond to questions as long as we don't distract from the point that you are trying to make.

We are interested in your views on this Environmental Impact Statement and on this proposed sale. So we will do everything we can to insure you have a good understanding of what our program is and that we understand your comments.

The comment period for this document closes July 18th, 1997. Until that

time, MMS will accept written comments from anybody who would prefer to make written comments rather than oral comments or in addition to their oral comments. All written comments should be sent to MMS at 949 East 36th Avenue, Room 308, Anchorage, Alaska 99508. The comment period closes July 18th.

We will keep a written record of who is here and who wishes to testify. When you -- when we start calling you, please come up to the microphone sitting there on the end of that table and speak directly into the mike. To be sure that we have your name, please spell it for us so that we don't -- we have an accurate recording.

Virgie.

(Interpreter translating)

HEARING OFFICER BROCK: Okay. We'll get started now. And who would like to be the first to make a comment?

(Interpreter translating)

PUBLIC TESTIMONY OF MR. THOMAS NAPAGEAK

BY MR. NAPAGEAK:

My name is Thomas Napageak. I don't have much to say and nothing written at this time because the written statements have already been forwarded to your department.

And just briefly, going over your draft, on the mitigation measures, you -- you said mitigating measures are assumed. That sort of language I need to get a clarification on. It's not something that I would think that is very strong coming from you saying "I assume". The mitigation measures should be firm languages.

HEARING OFFICER BROCK: What we mean by that is they're is assumed -- they are part of the proposal. There would have to be a decision made to take them away from that. So that's the reason I -- but we can -- I understand what you're saying. We can make that a stronger wording. But that is part of the proposal.

BY MR. NAPAGEAK (Resuming):

(Speaking in Inupiat.) I'd like to brief them a little bit about how things have been going for proposed. (Speaking in Inupiat.) Let me talk a little bit on that.

I was very glad when you called me up to be part of the committee that you were forming because of the fact that hearing a lot of testimonies that you guys were coming, get the people riled up. Let them make testimonies but then go ahead and

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issue permits without fully identifying what they had said in their testimonies. And I -- with this opportunity, that gives me a chance to sit with the decision-makers to put a proper EIS together. I think you very much, Mr. Brock.

HEARING OFFICER BROCK: Thank you. We appreciate your efforts.

MR. GOLL: May I ask a question?

HEARING OFFICER BROCK: Thomas?

MR. GOLL: Thomas. Yes. Could you give a summary of what you were saying, so we.....

MR. NAPAGEAK: That's exactly what I was saying.

MR. GOLL: Okay.

(Laughter)

HEARING OFFICER BROCK: Anybody else?

MR. NUKAPIGAK: I have a couple questions.....

HEARING OFFICER BROCK: You bet.

MR. NUKAPIGAK:I would like to ask you.

PUBLIC TESTIMONY OF MR. ISAAC NUKAPIGAK

BY MR. NUKAPIGAK:

For the record, my name is Isaac Nukapigak, and also for Planning Commission for Nuiqsut. In just going over your draft I noticed that during the scoping meeting that it was, you know, here. That this community of Nuiqsut had already had all asked for a deferral.

So -- and I was just going over looking at your draft and I noticed that on Section 1.6, I see that it's not considered asked, since I see that our request for deferral is -- that's not considered. Because this right here, the lease sells lots within the 50 mile radius of our hunting grounds, which is Kuvium and Colville Island.

I would like to know why it's not being put in this draft EIS by the MMS, because it's been said all along, during the scoping meeting very clearly that this community had requested a deferral area in two other areas that -- where I'm talking about. The Cross Island deferral area was one of the issues that needs to be considered strongly to

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be deferred (sic) from the lease sale 170. That's going to be -- because knowing that is going to affect our marine hunting area where this community depend on.

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Another issue that -- another deferral area that was -- that we have stated during the scoping meetings was the Colville Delta area deferral. Knowing that there's different species of -- different habitats of fish that span during -- that stays in when -- in our area has been -- apparently the ARCO has hired a biology crew to study the Colville, after the discovery at Alpine. They had identified 23 species of fish that concentrate in the Colville area. And that's another issue that we have been requesting the -- on the deferral list.

And I would like to know why the MMS have not considered honoring our requests on the Nuiqsut deferral.

HEARING OFFICER BROCK: Do you want to answer that, Thomas Napageak?

MR. NAPAGEAK: Let -- make your answers now. I'll respond when I need.

HEARING OFFICER BROCK: Well, we had a meeting of -- we didn't settle on a deferral area at the meeting up here. We had another meeting with Thomas Napageak, and we came to the conclusion it would be better to work with mitigation measures than it would be to try to analyze a deferral area. And we thought that that would be a better solution in the long run.

MR. NAPAGEAK: (Translating into Inupiat.)

MR. NUKAPIGAK: Another issue that I would like to bring out, that I notice that has been mentioned in the past during the scoping meeting was the impact. And I was just going over some of the crap and never did see the requests -- the -- of any source of impact onto the community. But knowing that this community is the one that's going to be most impacted on this lease sale 170.

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And I would like to see that the federal government or the lessees to set up a impact fronts that this community needs to utilize.

HEARING OFFICER BROCK: Yeah. I can't disagree with you. But there is a law that says that the money that goes from the lease sale goes directly into the fund. The only thing that doesn't go into the treasury of the United States. We don't have the authority to put it into some place else.

MR. NUKAPIGAK: Well, you have.....

MR. GOLL: The state gets part of it.

HEARING OFFICER BROCK: You have a representative from Washington, D.C.,

that can send a message to the people up there that this issue needs to be put in.

MR. GOLL: With the -- enable to get revenue sharing or impact assistance, that would take an Act of Congress to do that. Our OCS Policy Committee, which includes representatives from all the states.....

MR. NUKAPIGAK: Well, somewhere -- somewhere, the fuel has to crack.

MR. GOLL: We have a subcommittee with our OCS Policy Committee that is trying to put together information on that that we can forward to Congress to essentially try to say if, like you say, you know, the nut can be cracked.

MR. NUKAPIGAK: Yeah, the nut can be cracked there somewhere. Because this community is just looking at the Lease Sale 170 proposal. This community here is the one that is going to be mainly impacted very strongly. We've been impacted if there's a lease sale less than whole. And I think it's about time that there is a sale given, this management service needs to consider is setting up an impact that's where our community can utilize. Possibly the revenue declining with the borough cannot provide any of these services anymore. We're going to have to look for some alternative funds to be able to provide some of these services. So I just would like to bring that up to you.

MR. GOLL: We would love to do that.

MR. NUKAPIGAK: Do you think.....

MR. GOLL: But it is beyond our power. But if -- we would need Congress. Jerome Selby from Kodiak is on the Policy Committee -- subcommittee again. They -- that is one effort that, you know, we're going to try to get people's attention, you know, exactly what you're telling.

MR. NAPAGEAK: (Translating into Inupiat.) I want to clear up, too. Tom, Roman and I were really strong on that same issue you were talking about.

MR. NUKAPIGAK: Definitely.

MR. NAPAGEAK: Impact one. (Translating into Inupiat.) But we are fortunate that we have state government aides here today. Because you see, it is about state and this community, still have honey buckets, no running waters -- no adequate running waters. And here there is subsistence flat areas are just being pulled out and sold at random to all companies. Big funds go to the federal government. What about the local people? I mean, the people that reside here, the people that will be here when all industry is gone.

I mean, are we going to have to be on honey buckets and three dollars a gallon to heat our homes for heating fuel, when there is alpine big development. They

don't know what they're going to -- they're telling us no money.

I mean, it gets to be a heartache, a headache, sleepless nights.

HEARING OFFICER BROCK: I would like to point out that the area from three miles to six miles off shore is referred to in the Act as the 8G zone. And the -- any monies that is received by the federal government in that 8G zone, the state gets 27 percent. So there is a direct input to the state.

Now, that money does not necessarily directly come to the North Slope -- anybody on the North Slope. But there is -- the state does get some part of a revenue sharing from this. So that -- you can talk to your representative about that, too, so.....

PUBLIC TESTIMONY OF MS. LUCY AHVAKANA

BY MS. AHVAKANA:

I can't speak very good English. I never been educated. I learned by ear everything (indiscernible) to Jones Island when I was three months old. I lived there seven years. And I moved to mainland and I lived growing up four years before I move out again. I never had a chance to educate. My family was trappers. There was no money, no dollars, no ten dollars. All we had was fur. And we lived in igloo. I learned how to survive rough life.

When we were kids, our grandma, my Eskimo father and my stepfather and a girl trapping, we also feel blessed with ourselves. They took the stocking. And that's how that -- we live in igloos and we survived. We enjoy country. There was few people there and there from Barr Island to -- all our lives our ancestors traveled back and forth up to Porter and up to Inland. That's what our ancestors told us.

And first oil companies came up, I heard they were telling my stepdad. It was, 'Oh, how we know people.' (Speaking in Inupiat.) That's where he grew up in that Prudhoe Bay. They got all houses up there. Their house was already up there.

When I was married to my first husband, we had a trading post in Foggy Island and Beach Pine, my first husband and I. We always go back and forth, trade, foxes, furnishing the food for Eskimos. Trappers live here. All of us -- a lot of us didn't get a chance to go to school. No school up here. You -- BIA didn't have enough money to put a school up here. They were trying to.

And then we heard this oil company is coming. I moved to Barrow and these expeditions -- these looking for oil, Navys came. We went to Barrow. My husband said I had to go to Barrow to get my kids to school. So when we went there, we saw a bunch of barges. I thought it was Japanese invaded the Barrow. We were scared. And my stepdad went to shore. They seemed peaceful. We asked them, 'What's going on?'

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The Navy's up here. They are looking for oil, 1945. There were eleven barges. I know that Captain John Bablin, Sr., was the navigator for them. I moved to Barrow at that time.

And they bring liquor. Everybody start to get drunk and bring Dr. Seinfeld had a meeting with us. We got some newcomers. You guys have to be -- wake up, careful. They're going to bring sickness. They're going to bring liquor. They're going to bring problem. Always do that in a nation when they have oil companies come. So we were aware of that -- things going to come. That's what happened to Barrow.

Our young people change right now. You can't even discipline them. They change. They throw coming all kinds of stuff -- junk coming in.

So anyway, we got this oil company now, after we go through those -- the liquor and the junk and problems some more, oil companies. And our ancestors depending on the game yet.

When I worked at Prudhoe, I work with food BB six and a half years. Charlie work with Mike Hansuper (ph). He was a nice person. I get along with any damn people, they treat me nice.

And they were blooming then. And when the seismic first came, they were (indiscernible) so much, they contaminate the lake. They left their trash everywhere. And the cleanup crew clean all that. They were -- really have a good time.

And when they put those things on the -- you know, those roads to the island?

HEARING OFFICER BROCK: Oh, causeway.

BY MS. AHVAKANA (Resuming):

One summer we were up there in Beach Pine, no fish. See they travel on that lagoon, back and forth, those fish, you see. And they close the runway for the fish. We didn't catch hardly any fish that summer. And we said, "Maybe no more fish. Maybe they contaminated that, because that lagoon for the farm, some of those fish, we got white fish, herring and that left salmon, few king, small king. That summer, no fish. We were worried. I thought maybe oil companies spill the oil that killed them all.

Next summer, they -- when they quit confusing so much, they start to go around channel, come around. And then gradually, slowly, fish come. That's why from ancestors way back from our ancestors, our people living on the land and disturb them. That's what we worried about.

I want to tell you something else. Us Eskimos can't go to United States headquarters trying to take over their land. We respect them. We very much respect

them, because they bought Alaska from Russia. I think they rescued us. Whoever bought that Alaska, I honor him. I think him all the time. But our headquarters, that guy, when he bought it, he put a constitution not molesting the Eskimos and Indians, for I bought the land for them. They still trying to damage our food and livelihoods.

See, right here, I come here, I went to store. I buy 15 gallon of gasoline, fifty dollars. Here, that oil up there and blooming and pumping every day and that cash smoke away, you know. We feel helpless.

I'm 77 years old now. I never got a chance to go to school. Every word of English I learned by ear. Because of our livelihood, my parents were sitting up here wood and a lot of hot water. Barrow didn't have no wood. They sweat it out. Most of them educated. That's how we built this North Slope, our ancestors, you know. That's why they are concerned. These people promised very much concerned. You telling the truth.

And while I was up there, I had a friend, he's with Environmental. He come from Fairbanks. He always let me meet him when they had meeting about the environmental. He told me, those manmade islands, if something goes wrong underneath, how many feet is that ice thick anyway, three, four, five feet, something like that?

HEARING OFFICER BROCK: Or more.

BY MS. AHVAKANA (Resuming):

He said, 'Lucy, it's not guaranteed.' If something happened to that oil rig middle of winter, when it's still, it's going to stick that ice underneath and kill most of the animals. It's scary. That's why these people promise, really fighting for us.

We don't hate our headquarters, our headquarters, United States. We respect them, you know, us Eskimos. But we try to protect our land. That's what they trying to do in Nuiqsut.

Every time I go to a meeting, once in awhile when I'm here, I always hear, I always gone there, I always in my homestead. But you know, every time I go to meetings, after they make plans what they're going to do they meet with us, they let us talk. And when they turn around, they do it anyway.

I'm not mad at you. They tried to -- came, too. Everybody tried to come. We tried to come and protect our land, you know, our livelihood. We love meat. We can't live on that oily food all the time, especially me. Thank you.

HEARING OFFICER BROCK: Thank you.

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MS. NUKAPIGAK: My name is Ruth Nukapigak. (Speaking in Inupiat).

BY INTERPRETER: First she says she wants to ask a question. Is this first and the last you are coming?

(Laughter)

HEARING OFFICER BROCK: I don't know how to answer that. I mean, if I say "no", she might not talk if I say it. But I -- no, we -- we're up here two, three times a year. We come up every time there is a public comment that we -- or sometimes in between.

MR. GOLL: We do understand we need to be welcome by the community before we come, though.

MS. NUKAPIGAK: (Speaking in Inupiat.)

MS. KASAK: They were asking us, we were writing them for her. You might want put them in writing.

HEARING OFFICER BROCK: Pardon me?

MS. KASAK: They were asking if we were going to put them in writing. I told them I was writing what you were saying. Oh, that?

MR. GOLL: What we may also try to do is to get a translation later, you know, based on the tape. But if you can give a summary of what she was saying.

(Side conversation)

HEARING OFFICER BROCK: Well, did you say you wanted a five-minute break?

UNIDENTIFIED SPEAKER: Yeah. They wanted a break.

HEARING OFFICER BROCK: Okay. Let's have a five-minute break.

(Off record at 8:55 p.m.)

(Tape Change - Tape No. 2 of 3)

(On record at 9:02 p.m.)

HEARING OFFICER BROCK: Can you give us a summary of what she said?

MS. KASAK: (Translating Ms. Nukapigak's statement.) Okay. I am going to talk

in Inupiat.

PUBLIC TESTIMONY OF MS. RUTH NUKAPIGAK

BY MS. NUKAPIGAK:

She always come to the meeting and she say she saw some of you for the first time. And she says there is no caribou this year. And the years past there's hardly any caribou anymore. Why?

As a Eskimo, she lived here since she was a child and she's worried about the fish -- there will be any fish, seal, bearded seal. And they do seismic on the ocean, she's worried about the food for the whales in the ocean. She's afraid if their food will be damaged. The fish are coming in right now from the ocean. And in the fall, the fish will be going out.

And the meat that we buy from the store is real expensive. And she said she likes to hunt fish and birds. And there's lots of birds at Oliktok.

And finally, the caribou got here a couple days ago. And she's worried about our caribou, fish. We can't survive only with whale. And she doesn't want our food damaged or the oil or gas leaks spoil or kill our food.

And in wintertime, we use the ice roads. They use water from the lake where the fish are. And she's really wor -- and she is really concerned about fish, caribou and the whale. Thank you. Ruth Nukapigak.

HEARING OFFICER BROCK: Thank you. Somebody started up a minute ago. Oh, there, yes.

MR. AKPIK: Welcome, Mr. Brock.

HEARING OFFICER BROCK: Thank you.

PUBLIC TESTIMONY OF MR. JOSEPH AKPIK

BY MR. AKPIK:

A representative from Tony Knowles' Office. My name is Joseph Akpik. I don't have much to say, but I was reading on this MMS working to combine traditional knowledge and Western science. I would recommend that this would be committed to reality instead of being as a focus, because I think the -- I believe this is a very high step in order to get this communication gap between our people and your office in regards to these lease sales.

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So I believe this is part of a very good approach here on this traditional knowledge, which I believe would be more vital in order to iron out some of these problems in relation -- regarding the environmental, culture awareness and all of these issues that have to be brought out.

So I would highly recommend that this would come into more incorporated in a manner where several of our people would be involved in incorporating this traditional knowledge and Western science. This is very good issue that I'm reading through it. And how do we use traditional knowledge in decision process. And I do believe that we would need -- you would need our people, which is us, in order to hear us out and there would be no conflict between the groups and such.

And I would like to extend this to Tony Knowles' office too, this -- part of this traditional knowledge you brought to me in the -- on a state level.

So if you are going to further incorporate this, then I would recommend that some of our people would be involved.

HEARING OFFICER BROCK: Do you have a suggestion on what you mean -- what -- how they would do that? What -- in other words, do you have an idea how you would like to see it work?

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MR. AKPIK: On -- on first -- on one instance there would be -- on this Cisco fish migration, there would have to be more of a study on our Cisco fish, because that's what I -- we really rely on Kakta (ph) up along the coast. So I think there should be very good study on the fisheries study, in regards -- because this Liberty Prospect that was being drilled last winter, I don't know whether it would impact our Cisco fish this coming season, this coming fall, this winter. So I would highly recommend that we do a very close study on our fishery in regards to this sale 170.

MR. GOLL: If I could ask a question on the Liberty. As I think Lucy said earlier, there was a concern on the causeways. Would that be the concern with regard to Liberty?

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MR. AKPIK: No, I'm talking about the drilling fluid that would be disposed in with the -- out to the sea. I don't know where they were disposing drilling fluid, they use a cutting fluid. That's what the most thing that would probably impact our Cisco fish.

BY MR. AKPIK (Resuming):

As I have seen it out at Endicott where they have extracted -- they used drilling fluid out in the -- in the sea. This is what I'm really concerned about is our fish -- fishery, because it might contaminate the fish. And that would bring, probably, cancer causes toward our people that we consume that very fish. That's one of the things I'm really concerned about.

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And there's some development going on that we have this west- -- north-northeast westerly prevailing wind and coming across our land where it would affect our caribou. I think this -- I have the testimony prior before one of our meetings on the public hearings on this, then I will again bring up this hydrocarbon fallout that would contaminate our caribou and calving area. So this is some of the things that I would like -- yes.

MR. GOLL: If I could make a comment on your -- the comment about including traditional knowledge and so on in decisions. Again, what we're hoping with that advisory committee that we mentioned earlier, that Thomas Napageak is part of, and you know, Representative Burton -- Rexford and Fenton, that through that we'll be able to hopefully, you know, do what you're talking about of involving them as we're trying to decide what the next step is with this document and you know, alternatives for Sale 170.

We are -- this is new to us, too. So, you know, we're going to be learning together if this, you know, will work. You know, we hope that it does and that, you know, again, all the parties sitting at the table be able to talk through what, you know, what might happen here or with other things, again with regard to alternatives and mitigation, you know, requirements.

MR. AKPIK: Okay. Yeah, the reason....

MR. GOLL: So we're really trying to do what you're suggesting.

MR. AKPIK: Yeah. The reason why I suggested that part of our people be involved in it is on the first paragraph it says, "Alaska Region brought together representatives from the Forest Service, National Marine Ser- -- Fisheries Services, National Park Services, National Biological Survey, and Bureau of Indian Affairs and Bureau of Land Management. If they'd involve some of our organizational groups here.

HEARING OFFICER BROCK: Right. That was the -- let me just explain what that was. That was our very first traditional knowledge meeting. We were trying -- at that meeting, we were trying to get a handle on how these other agencies define traditional knowledge. We were -- in other words, we wanted to -- when we talked -- called up somebody to get that informa- -- what information they had, we wanted to be sure we were all talking the same language.

So -- but we had a meeting amongst the agencies to find out what kind of a base that they use to gain this knowledge and found out that there wasn't a lot of that. So -- but that was the reason for that meeting was to find out what everybody else was doing.

And so from that point on, we have -- well, for an example, one of the things

we do in our EIS is we send the whaling section of the EIS and the social culture section of the EIS up to the North Slope Borough and they review that for traditional knowledge.

Now, I believe we al- -- Ray, didn't we send down here to Nuiqsut to somebody else? We sent it to -- up to the North Slope Borough, I thought we -- what?

(Side comment)

HEARING OFFICER BROCK: But if you will assist us in helping identify somebody. We didn't send the caribou section here. And that would have been a good -- if you could help us identify somebody that we could send that section to, we would be glad to do that because we're trying to incorporate that traditional knowledge into that section of the EIS.

And we don't always have it to put it in there. We've tried real hard to get it in the whaling and in the social culture part. But something like the caribou we probably have not gotten it into the EIS like is available out there. So if you could help us identify somebody that could review it for that aspect, we will get a copy of that section sent out.

MR. AKPIK: Okay.

HEARING OFFICER BROCK: Because we're really working towards that group. And -- but what we were trying to do at that very first meeting was just find out what the other agencies were doing. And now we've expanded that to some other -- a lighter group each time.

MR. AKPIK: Very good. Thank you so much.

HEARING OFFICER BROCK: Thank you.

MR. GOLL: Thank you.

PUBLIC TESTIMONY OF MS. ROSEMARY AHTUANGARUAK

BY MS. AHTUANGARUAK:

Hello. My name is Rosemary Ahtuanguaruak, A-h-t-u-a-n-g-a-r-u-a-k. I'm a resident of Nuiqsut.

I have been involved with many of these discussions of the last year and a half. There have been other discussions in the previous sales with other people that have stated a lot of needed information and a lot of that is included in here.

I do not see very much of what we have discussed about in all of these

meetings in here. I do understand what you're saying trying to deal with the mitigation matters. But there are only three individuals dealing with the livelihood of all of this community, and that, I do not feel is appropriate in order to get all of the viewpoints together.

These type of meetings are important. We do see a lot of information, but where is it? I've spent so many hours coming to these meetings. And I'm not paid for any of this. You want us to work with you, but you haven't hired anybody in this community to do this local work.

How many individuals do you have on your division outside of this area? How about your division or your division or all of your division? There are people working to make decisions about that land. That land is what I depend on to feed my family.

The way the work comes and goes up on the slope, it changes. The people that come and go changes. There is no consistency. But one person puts in a plan -- it's put into a plan and used to get what you want to do in that land. But it is not put here where we can utilize it and say, 'Hey, you're not doing this right.'

There has been many problems with various developments. And there is byproducts left all around, areas where you have worked and got your oil and it's left over.

We go out and we travel around our land. We go hunting in this land. The by-products of these developments are definitely hurting us. We state that. But yet, in your book it says it's not to a level that's acknowledged as being harmful. Well, we are definitely being harmed by this development.

Many of our people get sick a lot easier than they used to. I wish we had the local resources to get the studies done to document what isn't hurt. We don't have a staff to go in to look at the numbers and give them to you so you can say, but these are other factors that affect it. It's not just this development.

You have options listed in the front of the book; the option of no development in this area is the best option. Our people will continue to have to deal with what's already occurred, but sooner or later one of those wells is going to go down. Just like a plane can go down anywhere.

So far things have been lucky, but there have been problems. So far they've been hitting pretty good. We cannot accept one well being wrong and a leakage occurring.

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You can say in your book their effects will be one year. No, it will not. They will be there for a longer time than one year. It will affect us until we cannot live here. That's not acceptable. We will want and do everything we can to stay in this land. But if

every resource that we rely on is erased because of a spill, we have no choice but to leave.

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Where are your stipulations and mitigation measures that will say you will help us relocate to an area that is not damaged and then relocate us back when the land is better? There is nothing like that.

I can't continue to come and come and come and talk about all these things. You get frustrated. We go to how many meetings every month about all this stuff. We are pulled in so many different directions because there is too many agencies dealing with this. But there is nobody here dealing with it. That's not acceptable. Take that back to wherever you need it and get those people here working to help us stop the damage that has been occurring and will continue to occur with these developments.

Everyone that works with this comes and then go. They're so glad when their shift is over and they're gone. So when our shift is over, this is where we come; a few miles away from where this development is occurring.

We don't have control of how things are done. You've got so many different contractors that are involved with it. We have to work too many people, way too many. But yet, stuff that we've met with, you here how many times? Where is it? Where?

You want us to keep coming to these meetings, it meets your needs to get the development here. It hasn't met our needs. It's very frustrating to deal with this.

I speak up and I say it. I wish many more of our people could come up here and say it. Many of our people haven't gone south and gone to school and learned to get strong to voice what's wrong. We do talk amongst ourselves. We have to communicate with one another. We help our families raise our families. We help our families feed each other. Not anything we will have will save us when that oil starts spilling.

We need what the Lord has given to us in this land. We don't need those jobs that are out there. The Lord gave us the ability to go out and gain what we have already available to us. Your developments out there are affecting us greatly. We have to keep coming and talking to you about problems that occur, just for you to go and fix it. When you come back to us, "Yeah, we did that." But you didn't identify it as a problem, we did.

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We keep saying, your causeways are affecting us. So just start from those open burns are affecting us. We have a problem with upper respiratory infections here. People get sick real fast now. It didn't use to be that way. Maybe it's because the powder that's released is being ingested and the exertion that we have in our cold environment affects the way that you're able to fight off the common cold or that

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pneumonia. I don't know what the details there is. But it's definitely a problem.

We need to work together and get these ideas out. But we have done many of these meetings. How many reports go through? People come in and do their studies. How many times we come and talk about these studies? Doesn't do us any good.

You wonder why many more people aren't here? They've been coming. Your numbers show it. If you got a list over the last how many years Prudhoe Bay and everything has been developed out there, you would see every one of our members in this community have been on that list at some time or another.

But it gets so frustrating when you come, you talk, you agree to work with us, to see nothing come of it. Your sale, it was a proposed sale. Now, it's a sale that we're going to have to deal with. But that's our village listed there. We are the ones that are going to be affected, yet we keep coming to these meetings to meet your needs.

Yes, you come here and deal with these different things. Yes, you do all these things that are listed here. And it meets your needs. It stops -- states in this paper and that other one I was reading about all these different things that you have done, which is important. All the hard work that your office put in here is very important. But a lot of the things we have said is not here. There is more that should be here.

Another issue that came through in -- when I was looking through this real quick was the social effect. The changes and the increase of our graveyard is a direct effect of Prudhoe Bay. All of those markers should be for elders that died of old age. Look, and we have lost so many young people. Instead, we go to trying to stop this development. It is killing our people. We can't deal with some of these deaths, and yet, more meetings, more meetings, more discussions.

We try to do what's necessary to protect what we need because we know, you're going to get on a plane and you'll be gone. You'll be back in a few months for another little meeting and you'll be gone.

But when things don't work out and our families cannot hunt, we lose a part of ourselves that can't be replaced. When you can't provide for your families from the land, you are not a provider for your family. When you see your kids hurting because they don't have good food, traditional food to eat, it's so painful. You get tired of seeing that pain.

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This year the caribou were gone. We have seen so many problems because the people couldn't provide for themselves. These developments on the land and on the ocean are going to affect how we feed our families. We can't deal with that.

We have shown that we start abusing other things, each other, drugs,

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whatever, when we can't meet our families' needs. We could before all of these wells and everything were here. We fed our families from what was there because there was no one else to give it to us. We had no money to go buy it from the stores. Now some people have jobs and they can buy a lot of different things. But we're also tied to that stupid clock. We need that 40 hours so we can go buy that motor gas, because we can't take the time when the caribou are in our back yard to go get it. We're tied to our stupid clock.

Some of these things are related to modern science. You're going to have things like this happen. But all of the demands that are put upon us because of these stupid wells for other people to meet needs.

You have documented really well what they have to do to meet the needs. What good does it do us. What good does it do us? What kind of services are given to us to help us in the downfall? Not much. There's a lot of problems that occur when the oil companies are gone and the current, heavy focus of these short-term jobs are gone. We still have to pay the bill year around. Just because the oil company shuts down and takes off with the job, they go to other areas, warmer climates, we stay here. We still have a need on that stupid dollar to get that stupid gas so we can get to our animals because we don't have the time to take it when they're with us.

It's not acceptable. The jobs you create are not ones we can utilize. You put us -- we are -- have to go on these schedules that take us away from our families. Yeah, that's a great job. You can go to Prudhoe Bay and work, but you have to be gone from your family to do it. And you have to miss the chance to get the traditional resources when they're here. You come back you've only got a few days to do that. Well if Mother Nature says you're not going to do it that day, then that's what happens. You miss out. You don't get that chance to put the caribou away.

This village suffered when we had no caribou. This village suffered when we could not whale. We continue to suffer when the fish are affected by your development and we say there's a problem, but yet the representatives that come and say, "Well, we've done studies". Well, those studies don't feed my kids or anybody else's kids.

We've been lucky in my family to have somebody working year around. Some of these families don't have that. We suffer.

Well, I'm tired of suffering just to see all this happen anyway. We really would be better off not to go ahead with this sale, because we are in that area along with Kaktovik and seeing the ones that will be hurt when something goes wrong. Sooner or later there's going to be that spill.

We want to stay here. We don't want to leave. God gave us a good country. What's happening out there is causing problems here. We'll continue to state it. Our

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It's not acceptable to allow one drop to occur in our waters. That we need that food. We don't want food that's going to be damaged for how many years. We can't afford it.

In order for us to be -- remain as a community in Nuiqsut, we cannot have a spill. But that ice is not stable. All of your studies you have done will help sometimes. But sooner or later one time will occur. Don't develop in our area. Don't do that.

HEARING OFFICER BROCK: Thank you. Anybody else?

PUBLIC TESTIMONY OF MR. MARK AHMAKAK

BY MR. AHMAKAK:

My name is Mark Ahmakak. I'm listed in one of your -- in the back pages there since the year '82. It is becoming more difficult to do some lip service here to bureau agencies. However, in one of your statements here, increase federal revenue-sharing to show -- which we call impact funds, on this -- an extension to Governor Knowles' office.

This community will be and always has been impacted. It's going to be impacted more to the Alpine and then more activities on OCS. My feeling now up to this date is I've been asking a lot of these public testimony, starting from Barrow before I moved here, my concentration now -- nowadays is to have this community benefit from these lease sales, whether they be on land or the ocean.

However, the time has come when this community has at various times fight for their rightful impact points. The state may allocate money for the North Slope Borough or other boroughs within the state, however, our community always have to fight and battle for their impact funds or whether it's revenue sharing when the time comes for the city to turn their wish list to the state. We don't exactly get what we ask for, but the same with the North Slope Borough, we don't exactly get what we want. There's always the subject of money.

In order to proceed as a community, the most impacted community; we are the ones that are being studied on. We are the ones that live here. We still haven't even begun to feel the impacts of Alpine yet and that's yet to come.

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Looking at the long run of it, this community should be given its rightful voice in securing some of these rightful impacts that can benefit our people, whether they're elders or the younger people, such as child daycare centers, elders place where they can have their own lunch instead of going to the high school, a teenage center. Much of these god-given things which you take for granted everyday in your separate places of residence. We're still living in honey buckets, like our elders say. All of that's coming, but we're also being shortchanged by the -- there is people that is supposed to speak and secure the funding for us. So where is the rest of the money going to come from to finish it up?

Subsistence, which our people will never get away from, whether we're working and give it to us, or the husband works or the wife works, there's -- it's good. For some of us that are single, we have to work. But the time off we get, we get shares from our relatives, such as fish and meat. But you have to also realize that we cannot get away from that economy much less degrading ourselves in asking for public assistance.

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Much of the studies that the federal government has done on the Inupiat of the Arctic Slope is very depressing. They seem inadequate. It's outdated. Much of your studies seem to lean on the local -- the entire economic benefit of the United States of America. You don't have no concern for little places like Nuiqsut or some other places.

Well, guess what, we have learned to deal with your various different agencies, because some of us are educated. We're bilingual. We can speak Inupiat. We can speak English. Much less, we try very hard to communicate with our elders, even though it puts us in a position where we end up with a lot of stress and hard feelings, but we have to work that way.

My extension to Knowles' office is to secure direct impact funds to the community -- most impacted community here in the Arctic Slope, whether it's in the ocean, whether it's on land, such as NPR-A, which I hear that the North Slope Borough and other communities do not want to share what's rightfully been given and allocated in some of their books that this community won't be secured some funds.

Now, that has yet to come. I respect the elders for speaking up. Some of the younger ones here, residents, it is always good to try to represent some of the people here in the community. But it is not much harder when there is no direct feedback from the various statements that we give to the -- to various agencies. Like the lady said, all you do is study on it, put it in black and white, and when you get what you want, that's it. Only then put -- where are the things that we talked about? Where is the guarantee that securing a fund that's supposed to be coming towards the community? Enough.

HEARING OFFICER BROCK: I wish we could guarantee those funds.

UNIDENTIFIED SPEAKER: One last week, there was some of those.

HEARING OFFICER BROCK: That's fine. I -- again.

(Interpreter translating)

MR. NUKAPIGAK: Knowing that the MMS is under the federal government under the OCS, that's true. Anyway, ma'am, could you correct me?

HEARING OFFICER BROCK: (Indiscernible).

MR. NUKAPIGAK: That the OCS is under the federal program.

HEARING OFFICER BROCK: Right.

MR. NUKAPIGAK: Three miles....

HEARING OFFICER BROCK: What we represent is the federal government; that's correct.

PUBLIC TESTIMONY OF MR. ISAAC NUKAPIGAK

BY MR. NUKAPIGAK:

We have a tribal government. It's rec -- which is being recognized which is being recognized by the federal government. And I do believe, like I stated earlier, of being taxed, one cent be utilized through out tribal organization by the federal government where some of these services that can be covered like you had heard a lot of -- there is testimony has been done of who much impact this community has been impacted, whether through land or where to the Beaufort Sea. And the proposed opening of the NPR-A by the federal government.

Like what you heard from our respected elders and our -- most of our community leaders, once again, I'm going to have to say strongly that the message being sent to your various agencies in Washington, D.C., that time to break the shell now for impact funds that this community can utilize.

There's so much potential effect just looking over some of what the draft EIS that you guys put together. There's so much potential impact of the Inupiat livelihood. That is going to be very -- impact to our community.

I'm not only talking to myself, I'm talking about I've got a little boy here who is going to carry on my tradition and their tradition. They're the ones that is going to be impacted. How come that now that the federal government -- MMS needs to start considering strongly that these impact funds should come direct to this community

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instead of going through our local municipality local government. Like what some of our people have stated that it's hard trying to get our share of our revenue.

Especially with the State revenue-sharing is declining and the possibility that it's going to be eliminated, this doesn't -- the legislatures are considering eliminating the public init- -- assistance program which is going to hurt this community. That's part of the whole slope, this community is the one that has the highest bank electric kilowatt use. And with that, the legislature is planning to eliminate the DAC, I mean this community could be hurt very strongly.

It's like -- the people here -- 40, 45 percent of this community is on the seasonal jobs. And it's hurt -- especially when you have a family trying to provide. Especially being a topic of the Western culture. (Indiscernible.) In order to be able to provide some of the resources that we need to provide to our daily diet.

We're -- this community is the one that's going to be -- have been and will continue being impacted, being in the middle of oil discoveries. Our -- especially with the MPA, that's -- if that's to ever to happen to open up, too, that's going to hurt this community. We've been diverted from our hunting grounds ever since Prudhoe Bay was discovered and Kuparuk. So much fri- -- stipulations and regulations and proposals that has been imposed to us. This is what I see is going to happen if this lease sale once ever to proceed or any other future lessees that's going to hold -- that's going to take place.

It's been there where the oil industries will make some reg- -- damn crazy regulations. We need to be considered strongly on our impact. That should consider coming directly to our tribal organization. The UB council that we are -- our tribal organization is recognized by the federal government. It's time -- now is the time to go ahead and break the shell. (Speaking in Inupiat.)

That's why I want to it going -- be brought back; that message be sent to Washington D.C., Office.

HEARING OFFICER BROCK: We will definitely forward that. And you can also work through your federal congressman and state legislatures also. It can work both directions.

MR. NUKAPIGAK: I think it's about time that it's time to open the shell.

HEARING OFFICER BROCK: Right.

MR. GOLL: Honestly, though, MMS does not have the authority to do that. It really does take an act of Congress to get the impact assistance, in other words, trying.....

MR. NUKAPIGAK: I think you're overlooking something here. Your brochure indicates that partnership with tribes, state and local benefits. That's your department. You can't say it's not yours.

MR. GOLL: But we cannot do it unless Congress lets us do it. Now, maybe there is some other way that we haven't seen like what's related to the tribal villages or something.

MR. NUKAPIGAK: Also what is this draft of OCS regional advisory committee?

MR. GOLL: Okay. That is the thing that Thomas Napageak is part of. So, you know, that group can also make recommendations along this line. You know, again to get the message, again, reinforced, of what you're saying. Because it's -- believe me, if we can.....

MR. NUKAPIGAK: Maybe another good way to bring it out, too, is to form -- maybe a possibility among the three or the two communities, a subsistence like when we already do with ALPAC (ph). A substance resource panel that could monitor. That people -- where people can make.....

(Off record)

(Tape Change - Tape No. 2 of 3, Side B)

(On record)

MR. NUKAPIGAK:where there is anything impact that needs to be done, that we can monitor -- have these people monitor the interests of how much impact that can be monitored at. See, what's the most impacted species have been impacted.

MR. GOLL: Okay.

MR. NUKAPIGAK: Because these are -- especially when are -- especially when these goes -- and the lease will proceed. There is so much that oil industries need to go through various agencies to get their permits, whether it's air pollution, water, air, quality control; the whole works. And it has to go through the North Slope Borough Coastal Management Program to be able to get their permits, too.

If we set up a panel to monitor our resources, people were -- this panel can -- where the community can rely on, say this is what's going on out there. This is how much we impact. There's some habitat and stuff that's being harassed, that can monitor and goes to the federal government and say, "Hey, we got a problem out here that's needs to be addressed."

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HEARING OFFICER BROCK: But I'm confused. How would that get your impact assistance funds? I'm -- maybe I'm missing a point here. I.....

MR. NUKAPIGAK: Well, I'm.....

HEARING OFFICER BROCK: I'm trying to figure out how to tie this to what you said?

MR. NUKAPIGAK: Well, maybe put into your -- part of your EIS, that the oil industry might get the leases -- the lease grant by putting funds to approach the program to monitor.

HEARING OFFICER BROCK: I see.

MR. NUKAPIGAK: Unless the federal government wants to take the tab or putting some stipulations on the.....

HEARING OFFICER BROCK: In other words, you're saying the company would pay the monitoring panel?

MR. NUKAPIGAK: Right. Putting some stipulation down this draft EIS, say, this is what we would like to see -- the community would like to see.

MR. GOLL: If there has been instances at times where there has been certain stipulations that require the companies to monitor certain activities that are going on.

MR. NUKAPIGAK: Well.....

MR. GOLL: And likewise, sometimes they pay.....

MR. NUKAPIGAK: Well, you need.....

MR. GOLL: Sometimes we end up paying.

MR. NUKAPIGAK: Well, you need to -- the no- -- the judicial local knowledge.

MR. GOLL: Okay. That's -- again, I think we took a little step that way.....

MR. NAPAGEAK: I think I understand where he's coming from. The OCS overseeing panel was set up before the whole. But he is talking about the local community.

MR. NUKAPIGAK: The local.

MR. NAPAGEAK: The heavily impact. I think he is only trying to get one step

ahead, which I think is very appropriate, because after lease here, okay, that's part.

MR. NUKAPIGAK: That's under our role.

MR. NAPAGEAK: West of here.

MR. NUKAPIGAK: West from here.

MR. NAPAGEAK: (Indiscernible.)

MR. GOLL: Maybe using an example of the stipulation we have with regard to effects on the bowhead whale during exploration. Again, there is the opportunity there. Right now it's worded where the Alaska Eskimo Whaling Commission and the North Slope Borough to put their input.....

MR. NUKAPIGAK: I'm not just talking about other -- only the bowhead, I'm talking about other species of marine mammal.

MR. GOLL: Yeah, I understand.

MR. NUKAPIGAK: Or.....

MR. GOLL: I was just using that as an example.

MR. NUKAPIGAK: Or the waterfowl. Or different habitats of fish, that needs to be considered monitored of where.....

MR. GOLL: Okay.

MR. NUKAPIGAK:where's the impact or say this is what's going on. Then that needs to be looked into. Say, we've got a problem. That way this community that rely on the resources comes -- can come to this panel and say, 'There's a problem out there.'

MR. GOLL: Who would fund the panel?

MR. NUKAPIGAK: Either putting it to the draft EIS or the federal government could take the tab or we could have the industry take the tab. Whoever grants the lease and holds a productive oil within our lease can fund that or putting some sort of stipulation in your EIS. Say, this is what we want.

MR. GOLL: I hear what you're getting at.

MR. NUKAPIGAK: But again, I'm.....

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MR. WALKER: Isaac, is the program that was set up for Alpine, that's a good model?

MR. NUKAPIGAK: Oh, yeah, that's a -- I think that would be a good model. But we're just going to have to see -- wait and see and.....

UNIDENTIFIED SPEAKER: Looks good on paper. But it hasn't been tried.

MR. NUKAPIGAK: It will -- we'll see until it goes into production and see how the programs can work.

MR. GOLL: Okay. So.....

MR. NUKAPIGAK: But once again, you know, I'm going to have to say that again one more time, that it's about time that we break the shell.

(Interpreter and Mr. Nukapigak translating)

HEARING OFFICER BROCK: Well, we can't solve this tonight. But what we can do is check in to see just how the Alpine thing works and get some feedback on it. I can't promise you that there is anything coming. But we can check into it and see how it works and see what the -- what's there and if there is any way that we can apply something similar along the same lines to something on our side. I can't promise anything, because I don't know enough about the workings of it.

MR. NUKAPIGAK: You know, I think it can be done if this lease sale 170 is going to proceed.

HEARING OFFICER BROCK: We can check into it. But that's all I can say, because I don't know enough about how it works. But if you think the Alpine is a good example, we will go check into how that works and see if there is anything that can be applied. Right off the top of my head, I don't know of anything. But I certainly wouldn't want to state that.....

(Mr. Nukapigak translating)

HEARING OFFICER BROCK: Okay. We'll do some looking into it. But I can't promise anything because this might be beyond our capabilities.

MR. GOLL: Could I ask a question with regard -- the OCS in the near future, probably within the next five years or more, again, likely there will be only two developments that we will be involved in. That will be North Star and Liberty. Is concern really more global than that, including again, all the things on shore and off-shore, such that this subsistence panel would be more useful for everything going on in the area?

MR. NUKAPIGAK: Yeah, just looking -- yeah. Just looking at the Section 3(c)(10), where this community.....

MR. GOLL: Yeah.

MR. NUKAPIGAK:to their harvesting. It goes beyond your proposed sale.

MR. GOLL: And it's everything?

MR. NUKAPIGAK: It goes beyond the NPR-A. And eventually that NPR-A is going to open up.

MR. GOLL: And that would be a concern also that the subsistence panel could....

MR. NUKAPIGAK: Right. To oversee the activity.

MR. GOLL: That would mean we could work up a joint thing with ARCO and.....

HEARING OFFICER BROCK: Probably make more sense, you know, talking a subsistence panel to consider the entire area rather than little pieces. Something that maybe we can work with the state.

NPH
#23

MR. NUKAPIGAK: That's right. I think that could be done with even like combining the federal and the state level. Even though there is the -- the state has the subsistence resource panel to regulate. I mean, I talk -- it's going to be different. That we can look -- where people can make complaints to this panel to address some of these issues instead of trying to regulate the mammals or any waterfowl, just there to help. Should I say maybe to help monitor. There would be no enforcement by this panel. Just a people -- a panel that could be together to monitor the impacts of our resources.

HEARING OFFICER BROCK: This meeting that we're going to have our new advisory committee, we might bring that up before them to see if they can give -- to see if they can come up. Because it's going to have industry, state and North Slope Borough representatives; all three. We might see if they can come up with an idea. Thomas will be there and we'll see if we -- of what they might suggest on something. But it sounds like it is something that might be able to be worked out jointly with everybody here.

MR. NUKAPIGAK: Uh-huh (affirmative).

HEARING OFFICER BROCK: I think that might -- something might be able to be worked out there. We'll give that committee something to chew on there for a little

while to see if they come up with something.

MR. NUKAPIGAK: I mean, because I know that state has their own subsistence resource panel -- committee that impase and regulate. I mean, it come- -- it would be different than -- the state's or the federal. It's going to be the people that can help monitor the impact. And then.....

HEARING OFFICER BROCK: Okay.

MR. NUKAPIGAK:and maybe this is what's been done -- this is what our resources has been damaged and we could apply for our impact funds or that the impact would cover.

HEARING OFFICER BROCK: Right. Okay.

MR. NUKAPIGAK: I just don't have nothing else.

MR. GOLL: All right. Thank you.

MR. WALKER: Way back you were talking about kilowatts. And you mentioned Kaktovik or Nuiqsut and then you said something, PAC was being eliminated? What is that?

MR. NUKAPIGAK: Yeah, the state legislatures -- it's been on the talk of eliminating the public assistance program.

MR. WALKER: All right. In other words, just public assistance commission or something like that?

HEARING OFFICER BROCK: The Public Assistance Commission?

MR. NUKAPIGAK: Yeah, that's going to be -- it's been on a talk by the legislatures that they're trying to eliminate that.

MR. WALKER: Okay.

MR. NUKAPIGAK: And it's going to hurt -- especially the people that are living here on the slope are going to be -- that will be hurt bad. Having the high cost of heating fuel, the high cost of electricity.

HEARING OFFICER BROCK: Yeah. Thanks. Thank you. Anybody else?

(Pause - Side conversation)

ADDITIONAL PUBLIC TESTIMONY OF MR. THOMAS NAPAGEAK

BY MR. NAPAGEAK:

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con't

The overall effects on subsistence on the communities of Barrow, Nuiqsut and Kaktovik are very much felt are expecting to be at least two to five years. And that's the question that keeps coming up. What happens then? They are coming out with impact questions, of impact questions. You can't even bring it out at this time. And that's -- it's right here. And that's where he's coming from. (Speaking in Inupiat.) You're talking about banoka (ph) whales, walrus and all kinds of sea birds. And it's going to effect them two to five years. (Speaking in Inupiat). I'm just going to translate what I said earlier, maybe do that. (Speaking in Inupiat).

ADDITIONAL PUBLIC TESTIMONY OF MS. ROSEMARY AHTUANGARUAK

BY MS. AHTUANGARUAK:

My name is Rosemary. I wanted to add a few points. In the past we have worked with many different people and there were a lot of issues raised and said that would be dealt with. And many of those issues were just acknowledged and never acted on.

You all are now continuing to work with us over these developments. You have to create that trust in order to get us to work with you. We already know how much our federal government cares about us. We have been used as guinea pigs before. We do not easily give in to working with you all even though some of the work we do will be beneficial.

Some of the people that are working towards doing this development are at the interests of the people that will be effected. But more of these people that are working to do this development are at the work of making sure the oil companies get the development.

There are many people that hear the concerns just to notify all the companies that we have some obstacles that need to be hurdled before this deadline is met. So we have concerns about raising some of these issues.

We already know how much we can give to trying to help us stop being damaged from these developments. But we give so many times just to have it turned back into an enabler for the development to occur. That's a hurdle that needs to be slowly addressed because it's not something we are readily willing to give any more.

Some of us talk. More of us would like to, but many of us have been burned because we did talk. So now you have that fire to put out.

And I wish we could openly talk and know that our concerns would be heard

and brought to the people who will make the difference to help us. But it's a reality that won't come any time soon, probably not again in my lifetime. And I wish we could, but there's been too many people hurt by it. And it's real hard to try to keep helping our great government when they continue to hurt us.

There's a lot of good our government does for us. We acknowledge that good. But we also hesitantly work with it from now on.

HEARING OFFICER BROCK: Go ahead.

ADDITIONAL PUBLIC TESTIMONY OF MR. JOSEPH AKPIK

BY MR. AKPIK:

I want to talk in Inupiat. (Speaking in Inupiat.) I wanted to ask if he can write out -- give me a federal grant writer in your office or a grant administrator?

MR. GOLL: I don't think we have grant authority.

HEARING OFFICER BROCK: We don't have.....

MR. AKPIK: Do you have a grant administrator in your office? Maybe you could give me.....

MS. MAYER: What is it for?

MR. AKPIK: Well, I'm looking for the -- getting some of these grants that are available within the -- that will be impacted by our -- these sales and all of these -- and we're trying to reach some of these funds. I do believe we could get a grant somewhere in the federal level or state government. Can you recall your grant administrator from your governor's office?

MS. MAYER: There are several grant authorities around. I didn't know what you were discussing to.....

MR. AKPIK: Well, I'm trying to say is get some grants that will provide the community needs that we have here. This is what I'm trying to reach out.

HEARING OFFICER BROCK: We don't have the authority and I don't think -- the only one I know of, BIA has grant authority, I think, to some extent, don't they? But I don't know anything about it.

MR. GOLL: I think EPA.

HEARING OFFICER BROCK: EPA has some.

MS. MAYER: Well, there's a lot of grants around. I mean, we just -- I don't know if you think we're going to give you the name of a grant person as in natives that are responsive to communities' needs?

MR. NUKAPIGAK: Right. I don't think you understand. I'm speaking about funds to a grant. We know what grants are all about. You're just going to shortchange the community if you don't find a lot of grants. That's what we -- that's what there for.

MR. AKPIK: But I think Isaac brought up the right idea about impacts on us. That would take the process about three years to get this impact statement for our funds. It takes about that -- more than three to five years. Look at that NPR-A impact funds that they got after about almost ten years. I was involved in that impact fight that we had with that NPR-A. (Speaking in Inupiat.)

HEARING OFFICER BROCK: I don't think we can settle the fund issue here because we don't have that authority and we don't -- we can't -- we can elevate it, but we can't do anything about it immediately. So I would like to get back to the EIS and the public hearing, if we could, because I can't help that part of it that we're talking about.

So we can let it be known, but if we could go on with the -- is there anybody else that would like to testify on the EIS or sale 170? If.....

ADDITIONAL PUBLIC TESTIMONY OF MS. ROSEMARY AHTUANGARUAK

BY MS. AHTUANGARUAK:

I just want to make the comment that I think there is two points of view that many of us have here. There's the view of us that discussing these issues at these meetings will help prevent the development. And there's the views of those that have been doing it for many years and realize this will not stop anything.

If the government wants to line their pockets with a development that will occur and giving them that funds from the sale, they're going to do what they're going to do. And they acknowledge that. And they do know the only way they could get help for us is to focus on those impact funds. That's the reality of what we're doing here.

Some of us keep hoping we can continue talking and these will be heard. But more of us acknowledge that no matter what we say, if the government wants that development, it's going to happen, because there's not enough of us here to put a wall up to stop it. There aren't enough of us here to fly down to D.C., fly down to Juneau and do all of these meetings all the time that have to come up in order to stop it at every roadblock. That's the reality.

NPH
#25

But we view it from different viewpoints. We know -- we keep saying that some of us will be heard, and maybe it will be just that, enough to get us some help. And it's -- we want to keep working with you, some of us do. Others of us just want to say, "Okay, the meeting's over. Get us our funds."

HEARING OFFICER BROCK: Well, that's one of the reasons we're here. But I'm not going to tell you we can't -- we're going to do something we can't do.

MS. AHTUANGARUAK: We understand that.

HEARING OFFICER BROCK: So it's a -- I just want to be sure that we're as honest as we can be with what we're -- is there anybody else that would like to comment on sale 170? Yes?

MR. NAPAGEAK: I want to just to question the lady from the Governor's Office. Are you listening? Will all these conversations be transferred to the villages?

MR. WALKER: I might add that the governor has requested that there be impact funds in the past. He has carried that thought forward, too.

HEARING OFFICER BROCK: Any other comments on 170?

MR. NAPAGEAK: I would like to say one more thing.

HEARING OFFICER BROCK: Okay. Ruth had her hand up first, so.....

MS. NUKAPIGAK: (Speaking in Inupiat.)

MR. NAPAGEAK: Her starting comment was that all these years since the government was putting up public hearings, public hearing meetings, people have come from oil industry and states and the federal government. Meetings and more meetings. We talk and we talk. Nowhere -- knowing where our words went.

Now she's got -- she's sort of confused a little bit because of Minerals Management being here. We got the state and we've got the federal. She wants to know how big is this? I mean, how big is it? What is the main purpose of it?

HEARING OFFICER BROCK: Okay. The main purpose of what we're talking about tonight is.....

MR. NAPAGEAK: Her main purpose -- her main question.....

HEARING OFFICER BROCK:it's only the off shore.

MR. NAPAGEAK:is the state and the federal department are participating.

I mean, (indiscernible).

HEARING OFFICER BROCK: Okay. We are the federal -- Mineral Management is in the federal government. So there's only one federal government here. And the state came -- well, I assume to see what we're doing.

MR. GOLL: What I think what we have heard tonight, again, of course, is that it's not just the federal things going on, it's not the state, it's sort of the combination of it all that's really affecting the community.

(Mr. Napageak and Mr. Nukapigak speaking in Inupiat)

HEARING OFFICER BROCK: Do we know what they said or -- further comments?

MR. NAPAGEAK: Hearings after hearings after hearings and I just explained to her about this draft environmental impact statement. It's a draft. You've got two more to come up. Isn't that correct? One more or so. (Speaking in Inupiat.)

Now, because everybody is talking here, she is wondering our words will appear in that final draft? That's her concern. She said maybe it's better because we've been talking so much about lease sales, it's good that we don't even speak, because you don't put up our words anyway.

HEARING OFFICER BROCK: All of the hearing will be recorded and part of the final -- an appendix to the final. So it will all be there.

MR. NAPAGEAK: (Speaking in Inupiat.) However, I was called in by Tom Logan, was it? Yeah, Tom Logan called me up and told me that it would be very important that I participate. That's for you. I want to explain to you first, Rosemary. Because of all the testimonies that we have been testifying does never show in the -- we kind of think that they don't show in the draft of EIS. Now, with my participation, the testimonies that are given tonight will be discussed in a table where I will be a participant, and I appreciate that very much.

(Speaking in Inupiat.) I was just explaining something about participation.

HEARING OFFICER BROCK: And then there will be a response in the final EIS to the concerns raised. So that, too, will be in.

Do we have any other comments? Well, it's 10:30.

MS. MAYER: Can I just make a comment?

HEARING OFFICER BROCK: You bet.

MS. MAYER: And if you would explain. Because I'm here from the governor's office, I just want there to be any confusion about this meeting. This meeting is a federal meeting on federal resale. But I was here -- I was in Barrow on business yesterday and this meeting was today, so I took advantage just to come here and provide for this experience in Nuiqsut and to meet the people that are here. So while your comments.....

MR. NAPAGEAK: Before -- I just want to before you.....

MS. MAYER: Oh, okay.

MR. NAPAGEAK: (Speaking in Inupiat.)

MS. MAYER: So for me it's been very beneficial to hear things and learn from everybody in this perspective. And I can assure you that what I've learned I'll take back to Juneau and discuss with people, not only for what the state, comments to the federal government, but to help understanding they way you feel as well.

MR. NAPAGEAK: (Speaking in Inupiat.)

MS. MAYER: So I just want to say thank you for letting me be here and maybe if I'm doing my job, it will be one less meeting next time.

(Laughter)

HEARING OFFICER BROCK: Well, I do appreciate all you coming out tonight. And with that, we will close the meeting and thank you very much for bringing this nice sunshine today.

(Whereupon, the hearing was adjourned at 10:36 p.m.)

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NPH-01

The mitigating measures in the Sale 170 DEIS were considered part of the alternatives. The mitigating effects of these measures were factored into the environmental effects analysis. Measures that are included in the FEIS are part of the sale proposal but may be expanded or modified during the ongoing consultation process, such as the OCS Land Act Section 19 consultation with the State of Alaska. The mitigating measures that are included in the FEIS will remain part of the proposed sale unless a decision is made, in consultation with stakeholders, to strengthen an existing measure or create additional measures.

NPH-02

The commenter is correct. Section 1.C states that Nuiqsut and the NSB recommended to the MMS during scoping that all blocks within a 50-mi radius of Cross Island and Narwhal Island be deleted from the Sale 170 area, because this area is the primary subsistence-harvest area used by Nuiqsut whalers. Subsequent to the initial Nuiqsut scoping meeting, the MMS met with a representative of Nuiqsut to more precisely define the area around Cross Island used by Nuiqsut for subsistence whaling. In January 1997, it was determined that it would not be productive to analyze a proposed 50-mi deferral, because it would not provide any greater protection than a 10-mi deferral. It was mutually agreed that developing additional stipulations to (1) provide greater protection to sensitive subsistence-hunting areas, (2) require more direct consultation with lessees on their proposed activities, and (3) require more monitoring during exploration or development activities would be effective. It was agreed that MMS would work more closely with whaling captains to develop additional stipulations to mitigate potential effects. This resulted in the revision of Stipulations 4 and 5.

As a result of public hearing comments, and as recommended by the AOAC on Sale 170, the MMS developed Alternative IV.a to defer the Cross Island area. The MMS worked closely with Nuiqsut, the NSB, and the whaling captains to more closely define a 10-mi buffer area for protection around Cross Island to minimize space use and potential noise-disturbance conflicts between the oil industry and subsistence whaling by Nuiqsut whalers. The 10-mi radius around Cross Island, Nuiqsut's staging area for whaling, was specified by a Nuiqsut whaling captain at the Advisory Committee meeting in August 1997.

The MMS also developed Stipulation 6 (Alternative IV.b), which prohibits permanent OCS-production-facility siting within the 10-mi radius around Cross Island, unless it can be demonstrated that such facility siting would not preclude reasonable subsistence access for hunting bowhead whales. This stipulation requires lessees to consult with the AEWC and the NSB and to mitigate unreasonable conflicts established through the process developed under Stipulation 5, a conflict avoidance mechanism to protect subsistence whaling and other subsistence activities.

NPH-03

The deferral of lands in and around the Colville River Delta is beyond the administrative purview of the MMS; these lands are under State jurisdiction.

NPH-04

The MMS recognizes the concerns of local communities for impact assistance from oil and gas exploration and development on the OCS. Section 8(g) of the OCS Lands Act currently provides for revenue sharing from leasing activities on a portion of the OCS to affected coastal states. A Coastal Impact Assistance Working Group, established under the OCS Policy Committee, recently developed recommendations for OCS revenue sharing to mitigate impacts on coastal states and local communities. The Secretary of the Interior is considering the working group's recommendations, which would require a change in the OCS Lands Act. See Response KPH-04 for more detailed information.

NPH-05

See Response KPH-04.

NPH-06

As stated in the DEIS (Sec. IV.E.3), "It is unlikely that any long docks or causeways will be constructed in the future." Therefore, fishes in the sale area should not be diverted from their present migration routes and should not incur any harm or adverse effects from causeways other than those from existing causeways noted in the DEIS.

NPH-07

The MMS's initiative to incorporate traditional knowledge is in its infancy, and the process is evolving each year. The process for local involvement has been to send sections of our DEIS's to Inupiat reviewers in Barrow, Nuiqsut, and Kaktovik. In Barrow the document has been reviewed by the NSB Mayor's office and the Wildlife Management Department, and through the offices of the Nuiqsut and Kaktovik Mayors. An Arctic Synthesis and Mitigation Measures Workshop was held in Barrow in March 1997 to bring together the consistently divergent views of subsistence whalers and Western scientists as regards the "zone of influence" of seismic noise on bowhead whales. The meeting began with two polarized views on this issue and ended with Native whalers and Western scientists moving closer toward a middle ground. Such meetings show the MMS's determination to establish a working dialog with North Slope communities and the depth of participation by North Slope communities.

In September 1997, the MMS awarded a 4-year \$2.4 million contract to LGL Ltd. Environmental Research Associates to "provide and augment scientific and traditional knowledge about bowhead whale feeding in the eastern Alaskan Beaufort Sea." The study was a response to concerns about local whalers' experiences and knowledge not being sufficiently considered in the EIS process. The study will involve local whalers, including their help in interpreting study results. Another MMS study, "Collection of Traditional Knowledge of the Alaskan North Slope," is in the process of being awarded and will entail identifying, indexing, and abstracting traditional-knowledge sources on the North Slope of Alaska, with the data eventually being available to the public on CD-ROM.

The MMS also has recently formed the Alaska OCS Region Offshore Advisory Committee, which includes Native members from Barrow, Nuiqsut, and Kaktovik. At the first meeting in August 1997, specific recommendations were made concerning new deferral alternatives and stipulations for Sale 170. These efforts by MMS represent a singular intention to make local communities and residents more a part of the planning process for OCS actions, and MMS welcomes further local involvement of the Inupiat in incorporating traditional knowledge in the EIS assessment process.

NPH-08

Numerous studies have been conducted and additional information continues to be collected about the Arctic cisco ("Qaaktaq"). The MMS used some of this information in the fisheries sections of the DEIS. The MMS is aware of the value of the Arctic cisco, which was taken into consideration in preparation of the DEIS.

NPH-09

As stated in the DEIS (Sec. IV.E.3), "It is unlikely that any long docks or causeways will be constructed in the future." This also applies to the Liberty prospect. Regarding disposal of drilling fluids, the amounts of muds and cuttings for Sale 170 are described in Table IV.A.1-1. The effects from the discharge of muds and cuttings into surrounding Beaufort Sea waters are described in Section IV.B.3.a of the EIS. Generally, it is possible that the fishes, including Arctic cisco, could be adversely affected by the discharge of muds and cuttings, but only minimally because of the natural sediment load present in the Sale 170 area.

NPH-10

The various engines used during exploration and production operations are primary emission (exhaust) sources. Unless problems occur during production, or cleanup efforts in the event of an oil spill require in-situ burning, very little open burning will occur during exploration and production operations. At remote

sites refuse may be incinerated; however, the burning of toxic materials would be prohibited. It is expected that any toxic materials as well as nonburnable materials would be hauled to an approved disposal site. Some burning may be noticeable at a production site due to the need to maintain a pilot light to ignite gas should there be an emergency. The impact of flares, along with incineration emissions and engine exhausts, is evaluated in the Prevention-of-Significant-Deterioration (PSD) permitting process.

NPH-11

The recovery times are for particular subsistence resources, which is not to say that some residual effects from oil exploration, development, and production will not persist. The MMS agrees that persistent onshore effects from oil development include overall loss of habitat for animal populations and unresolved subsistence-hunter-access conflicts. Offshore, the MMS believes that its present mitigation and special proposed mitigation will be particularly effective in protecting the bowhead whale harvest. A conflict-resolution process is now built in to these measures that overall have provided a framework for successful agreements that have been signed between the AEWC and the oil companies during the past two whaling seasons. These agreements have prevented conflicts between whales and boats that collect seismic data.

Onshore, the MMS—as part of the team writing the National Petroleum Reserve-Alaska (NPR-A) Integrated Activity Plan (IAP)/EIS—was one of the agencies urging that a Subsistence Advisory Panel be created specifically to address onshore effects and conflicts with subsistence-harvest activities and to develop a monitoring program for impacts on subsistence resources. This panel will include a number of Nuiqsut residents who will have a direct voice in the resolution of subsistence issues. If an action goes ahead in the NPR-A Planning Area, the Bureau of Land Management is committed to establishing such a panel. The formation of the Kuukpikmiut Subsistence Oversight Panel in Nuiqsut for the Alpine Project served as a prototype for the proposed NPR-A Subsistence Advisory Panel, which should go a long way toward addressing ongoing subsistence issues and conflicts. The larger issue of a regional advisory panel to address subsistence issues and the monitoring of impacts on subsistence is still an important idea being discussed by the State, Federal, NSB, and village governments on the North Slope.

NPH-12

The MMS does not have the ability to guarantee relocation of the citizens or city of Nuiqsut, should there be an environmental emergency. Such actions can be instituted only by Congress or the President through a declared state of emergency. From time to time, as the situation warrants, such relocations have occurred.

However, the concerns of local communities are being addressed to provide impact assistance for chronic impacts from oil development. The MMS supports developing legislation for impact assistance to local communities. Presently, a Coastal Impact Assistance Working Group under the OCS Advisory Committee has been tasked with developing recommendations for a coastal impact assistance program. Representatives of the coastal states of Louisiana, California, North Carolina, Oregon, Texas, and Alaska comprise this group. The plan would allow all coastal states, including the Great Lakes states, and local communities to share in offshore-drilling revenues. A resolution was submitted to the full committee in late October 1997 to adopt the working group's recommendation and to forward it to the Secretary of the Interior. The plan is designed to provide monies for the mitigation of coastal impacts and has the support of Interior Secretary Bruce Babbitt (*Baton Rouge Advocate*, September 8, 1997). However, any changes in impact assistance require a change in the OCS Lands Act.

Another source of impact assistance is the USEPA's Environmental Justice Grants Program, which provides financial assistance to affected communities and Tribal Governments for projects that address environmental justice issues.

NPH-13

See Response NPH-10. The PSD permitting process also evaluates the effects of emissions on human activities.

NPH-14

See Responses NPH-11 and TFA-61.

NPH-15

See Response TFA-55.

NPH-16

See Response KPH-04.

NPH-17

The MMS has contracted many studies specific to the Inupiat of the North Slope and their communities. Several of these studies, including the Nuiqsut Case Study conducted by M. Galginaitis for the University of New York, Research Foundation, profiled the Inupiaq culture at the village level. The result was excellent baseline information from which change could be more accurately assessed. In addition to the Nuiqsut Case Study, following is a partial listing of MMS-funded studies specific to the North Slope.

- A Description of the Socioeconomics of the North Slope Borough
- A Description of the Socioeconomics of the North Slope Borough, Appendix: Transcripts of Selected Inupiat Interviews
- Effects of Renewable Harvest Disruption on Socioeconomic and Sociocultural Systems: Chukchi Sea
- Monitoring Methodology and North Slope Institutional Change
- Barrow: A Decade of Modernization, Village Economics in Rural Alaska
- Point Lay Case Study
- Point Lay Biographies
- Northern Institutional Profile Analysis, Chukchi Sea
- Northern Institutional Profile Analysis, Beaufort Sea
- Hope Basin Socioeconomic Baseline Study
- Social Indicators Study of Alaskan Coastal Villages
- An Investigation of the Sociocultural Consequences of Outer Continental Shelf Development in Alaska

Currently, the MMS has entered into a cooperative study with the State of Alaska, Department of Fish and Game (ADF&G), Subsistence Division, entitled *Sociocultural Consequences of Alaska OCS Activities: Analysis and Integration*. This study is an analytical assessment of the vast amount of data collected over the years at the household level in coastal communities. The MMS currently is awarding a contract entitled *Collection of Traditional Knowledge on the Alaskan North Slope* with the objective of gathering and making available traditional knowledge for incorporation into the lease-sale decision process and impact assessment.

NPH-18

See Response KPH-04.

NPH-19

See Responses NPH-11 and KPH-04.

NPH-20

The commenter's suggestion about establishing a subsistence-resource panel, such as was established by ARCO on their Alpine development project, is a good one that appears to have positive results. Toward this end, we have modified Stipulation 5 (subsistence whaling and other subsistence activities) to recognize that it is really about conflict avoidance. Stipulation 5 requires lessees to conduct all exploration and production operations in a manner that prevents unreasonable conflicts between the oil and gas industry and subsistence activities, particularly during the subsistence-bowhead whale hunt. The stipulation also provides a mechanism to address unresolved conflicts between industry and subsistence activities. We believe that this stipulation will accomplish the goals identified by the commenter.

NPH-21

See Response NPH-20.

NPH-22

See Responses NPH-11 and KPH-04.

NPH-23

See Response NPH-11.

NPH-24

See Response NPH-11. In addition to advisory groups that can monitor effects and field disputes, another remedy for long-term, chronic impacts from oil development is impact assistance. The problem is that only Congress can alter the funding formulas. Currently, a coastal impact assistance program is being developed by the coastal states of Louisiana, California, North Carolina, Oregon, Texas, and Alaska. Leading this group is Jack Caldwell, the Secretary of the Louisiana Department of Natural Resources, who wants to present the plan to Congress. The plan would allow all coastal states, including the Great Lakes states, to share in offshore-drilling revenues. The plan, designed to provide monies for the mitigation of coastal impacts, has the support of Interior Secretary Bruce Babbitt (*Baton Rouge Advocate*, September 8, 1997). The MMS urges local communities to contact their congressional delegates to express their support for such a plan. Another source of impact assistance is the USEPA's Environmental Justice Grants Program, which provides financial assistance to affected communities and Tribal Governments for projects that address environmental justice issues.

NPH-25

See Response KPH-04.

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UNITED STATES DEPARTMENT OF THE INTERIOR

MINERALS MANAGEMENT SERVICE

ANCHORAGE, ALASKA - FRIDAY, JUNE 27, 1997

OFFICIAL TRANSCRIPT - PUBLIC HEARING

DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR BEAUFORT SEA PROPOSED OIL AND GAS LEASE SALE 170

(Tape No. 1 of 1)
(On record at 12:00 noon)

HEARING OFFICER BROCK: My name is Bob Brock and I'm the Regional Supervisor for Leasing Environment with the Minerals Management Service out of Continental Shelf office here in Anchorage. With me on the panel today are -- is Rance Wall, he's the Regional Supervisor for Resource Evaluation and Jeff Walker, on my left who is the Regional Supervisor for Field Operations. Ray Emerson is there -- the one person who didn't get the word on the tie -- wearing his tie. He's the Chief of the Environmental Assessment Section and he is the one that's responsible for the -- putting together the document that we're going to be talking about today. John Tremont is sitting back here and Phyllis Casey who are helping coordinate the documents.

Anchorage, Alaska
Friday, June 27, 1997
12:00 o'clock noon

This is the second public hearing on Sale 170. The first one was held in Nuiqsut Tuesday evening. We had planned to go to Kaktovik on Wednesday evening but we got fogged out, so we will reschedule that public hearing for the 9th of July and the Barrow public hearing is on the 10th of July.

MINERALS MANAGEMENT SERVICE PANEL MEMBERS

Mr. Bob Brock, Regional Supervisor for Leasing
and Environment

Mr. Rance Wall Regional Supervisor for Resource Evaluation

Mr. Jeff Walker, Regional Supervisor for Field Operations

Mr. Ray Emerson, Chief, Environmental Assessment Section

Ms. Phyllis Casey, EIS Coordinator

Mr. John Tremont

The purpose of this hearing is to receive your comments and suggestions on the Draft Environmental Impact Statement. If you haven't got one, there is plenty of them over there so -- on the table.

The area under consideration is the area outlined red on the map. It basically goes from Kaktovik over to the Colville River -- well, actually just about to the Colville River and it contains 363 blocks. It goes from 3 miles off shore to about 25 miles off shore. And the -- as you well know, the first three miles is under jurisdiction of the State of Alaska.

The proposed sa- -- this proposed sale follows closely after Sale 144, which was held last fall. In that sale, we issued 29 leases covering about a hundred thousand acres. And all of those leases basically were inside of that area in red except for a few off here to the west over in Smith Bay.

One well was drilled on the leases that we issued last fall. It was drilled this past winter. And on the Liberty Project. And BP has already initiated talks with us regarding a possible development plan on that as a result of that well.

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

The Draft EIS -- this Draft EIS that we've got today builds upon the information from the Final EIS on Sale 144 and includes any new information that we obtained since then. In addition, the Sale 170 Draft covers issues raised during scoping meetings in Nuiqsut, Kaktovik, Barrow and Anchorage.

We have expanded our use of traditional knowledge and have included all the mitigating measures that were developed for Sale 144. This limits -- will help eliminate conflicts between oil and gas activities and the bowhead whale hunters and it will allow the bowhead whale hunters to participate in monitoring the activities in connection with oil and gas development.

Based on the concerns expressed during the scoping meetings, the MMS has designed and will issue a contract for a four year bowhead whale feeding study this year. The North Slope Borough and the Alaska Eskimo Whaling Commission have been involved in helping design that study and they will also be involved in helping to review the reports as they come in.

Since the DEIS was completed, the MMS has become aware of concerns presented by the borough and AEWC and the City of Nuiqsut to the State on noise disturbance and space use conflicts. Those areas are shown in yellow on this map over here. There is no mention of those areas in the Draft Environmental Impact Statement because we did not have that information in advance. This will be covered in the final EIS.

We have also established in Alaska a Regional Advisory Committee for this sale. This committee will meet in early August to review the comments we receive on the Draft EIS and to recommend whether any new issues or mitigation requirements may be needed. Members of this inclu- -- members of this committee include North Slope Borough residents, the State, the oil and gas industry, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

All comments of this hearing are being recorded. Rich Carl over here is our recorder and will provide a complete written transcript of all of the -- of everybody's comments. Copies can be obtained from Rich through the Executory Court Reporting Services.

The primary purpose of this hearing is to improve the quality of the Environmental Impact Statement. Your comments will be included in the record for the Final EIS.

This meeting will be more of a dialogue than some public hearings you've been to. We will respond to questions, but we won't want to distract from the points you're trying to make. We're interested in the -- in your views on this impact statement and this proposed sale. And we will do everything we can to insure that you have a good understanding of our overall program and that we understand your comments.

The comment period closes July 18th. Until that time MMS will accept written comments from anyone who would prefer to submit written comments rather than presenting oral comments or in addition to your oral comments.

Remember, all written comments must be received by July 18th. Our address is Minerals Management Service, 949 East 36th Avenue, Room 308, Anchorage, Alaska 99508.

With that, I'd like to start this public hearing and we've got two people call. I don't see one of them in the room, but we've got three that would like to comment. Pam Miller?

PUBLIC TESTIMONY OF MS. PAM MILLER

BY MS. MILLER:

Hello. My name is Pam Miller. I guess you have my address there.

HEARING OFFICER BROCK: Right.

BY MS. MILLER (Resuming):

I'm speaking on behalf of myself, but I will say up front that I am a member of a number of conservation organizations including the Wilderness Society, Sierra Club, and Trustees For Alaska.

I'm pleased to be able to testify here. I believe at this time there is no need for this lease sale and that my first choice would be the option of no leasing. I believe that the alternatives that you are considering have not taken into account the public comment during the scoping phase with respect to the Kaktovik deferral area and with respect to some comments I made during the scoping phase.

The Kaktovik deferral area over there in green should go all the way to the Stains River as people in Kaktovik, I believe, have asked for to protect the bowhead whales. I'm also very concerned about the effects of offshore drilling on the integrity of the Arctic National Wildlife Refuge and its ecosystems both on shore and in the coastal lagoons and the barrier islands.

So my recommendation is that first that you choose to not hold a lease sale. And that if you do hold a lease sale that your alternative is to have at least the Kaktovik deferral go all the way to the Canning River, the Stains River boundary of the Arctic National Wildlife Refuge.

I think it's unfortunate that your map, instead of highlighting in print that that green area stands for the Kaktovik deferral area, has emphasized the Camden Bay Prospect and the Warthog Well that ARCO is currently proposing. That's not part of this

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lease sale action. It is part of the last lease sale. And it does a disservice to both your plan and the real environmental concerns of the local people.

I think there's plenty of other oil prospects all throughout that region. That's your business, not mine, per se. But to highlight that one is unfortunate.

HEARING OFFICER BROCK: That was done that way just merely because there was some space to put the words there.

MS. MILLER: Right, but it really -- when you look at the map, that does not emphasize that that's the Kaktovik deferral area. And like I said, that should go all the way to the west.

BY MS. MILLER (Resuming):

I think it's very important to point out that this offshore area off the coast of the Arctic National Wildlife Refuge has been controversial for a long time. The environmental community as well as during some -- the environmental community fought the State lease sales all the way to the Supreme Court twice. The State did not take into our concerns about how you would bring the oil from those State leases to Prudhoe Bay. That is still an unresolved issue.

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And subsea pipelines of -- have never been built in the Arctic offshore Alaska. It is still a technology that's infeasible. You're studying the feasibility with the North Star Project. But this is a very important area, both for the refuge and for the bowhead whales. And there is not a feasible alternative to bring the oil to market at this point in time. And for that reason alone, the sale should be put off, cancelled.

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Clearly, we're concerned of -- I'm concerned about the impacts to polar bears which den on-shore in the region right off the Katakaturuk River, in the Camden Bay area right off the -- and also off the Canning River Delta in the Arctic National Wildlife Refuge. Those bears, to get to their dens on land, have to go from the offshore area. There have been incidences in the past that ARCO's Stinson Well, a bear was shot in defense of life and property or life, we are told. And there is a lot of -- the most important on-shore denning area for polar bears in our nation and we need more protection for polar bears. That's another reason to cancel this sale in this area.

You can't draw a clear line between separating the offshore of the OCS and the State lease sale area. Clearly, they are intertwined. What happens in the future as your proposed Camden Bay Unit proposal that's currently on the table shows, that the companies may want to have operations in both areas. Like I said, we flat out opposed the State lease sales in those areas. They are due to expire. If further activity doesn't occur on them, we think that would be the right thing to have happen, because you can't get the oil to market.

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And even though the Arctic National Wildlife Refuge is closed, you have the pressure to put more infrastructure on land as opposed to in the -- in this very volatile offshore ice movement area. And in the past, for example, in your Sale 144, there were no stipulations which specifically say no on-shore infrastructure in the Arctic National Wildlife Refuge shall be allowed. And without the MMS taking that sort of caution that their activities will not push oil onto land, I believe that the only alternative is to not lease in this area. It's the only acceptable way to avoid future cumulative effects in the pressure for development within the Arctic National Wildlife Refuge itself.

I'm not going to go too much into the impacts offshore for the lease sale. Certainly bowhead whales and their feeding habitat itself, is of concern, not only the conflict with the whaling activity, but the food sources itself -- the effects of produced waters, potential spills, normal routine chronic spills in this area where we have no capacity to clean it up. It is a hard area to get in and out of as the fact that you didn't get in for your hearing shows. And cleaning up spills in this area is -- you're facing the rigors of the environment.

I will submit written testimony if you have any questions.

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HEARING OFFICER BROCK: Just one point, and that's the reason we don't mention ANWR and that -- and we're -- maybe whenever we think this, because don't have any authority to issue a right-of-way on ANWR so we don't take the response of saying we won't issue a right-of-way, because we don't have any authority to issue a right-of-way on ANWR. So that's never been even a point that we've ever really considered. So -- as far as -- because we don't have that authority.

MS. MILLER: But you are the Interior Department.

HEARING OFFICER BROCK: Well.....

MS. MILLER: And the Interior Department is the ones with that authority. And you certainly could put stipulations that there shall be no gravel mining, that there shall be no pipelines, no seismic travel, no seismic exploration if you want to look a little bit further inland; all those things which are within the full authority of the Interior Department.

HEARING OFFICER BROCK: We'll definitely take another look at that.

MS. MILLER: Could be done. By far, the better alternative is not to lease in that area and to defer it because of its extreme sensitivity.

I will mention a couple other things that again, the Camden Bay Unit Proposal, a number of environmental groups are opposed to on record and are

opposed to drilling the Warthog Well and believe it deserves an environmental impact statement and we'll be looking into that as that process moves forward.

Thank you for the opportunity to comment.

HEARING OFFICER BROCK: Thank you. Dr. Obermeyer.

PUBLIC TESTIMONY OF DR. THERESA OBERMEYER

BY DR. OBERMEYER:

Yes, sir. Mr. Brock, thank you for calling on me. Would I be able to stand and address both you and I'd like to say hello to Mr. Parker here, whose son is at Bogle and Gates.

You know, would you forgive me, Mr. Brock? I happen to be your neighbor. I live right over in College Village. I'm an Alaskan and I've lived here for over 20 years. And finally, sir, it's a great challenge. I hear all that you do and I commend you, because, of course, I cannot possibly be an expert on all the things you know. I haven't even been to the North Slope. I've never been able to afford to go up there.

But what I see is a state that is owned by a handful of people here, and they are the oil companies, the multi-national oil companies. I am trying not to be resentful. I am trying to be challenged.

But ladies and gentlemen, when I can be invited to a meeting and be assaulted and jailed. And I want you to know that now I have been assaulted and jailed in the federal building that I happen to own as an American because I am a taxpayer -- twice.

I have had three federal criminal non-jury trials held against me. I have had an entire western part of the United States, a life-appointed judges make up things against me and then make rulings that they won't even publish. Where is the public process?

You know, finally, each of us in Alaska, we live different lives. But we live in a frontier. I don't know that you can have my logic. We live in a 38-year-old state.

And let me bring up a couple of things. You know, just in terms of what you're talking about. Why don't we own oil companies? I mean, finally, the few -- the handful of people, Mr. Jones, that have tried, people like Bill Webb, who owned -- who was involved with this Trading Bay Company, and this Mr. Stewart, all they get are lambasted by these media people. They're not media. They're control freaks. And I'm not mentioning -- well, Stan Jones, individually, he's trying to do a job that he's

been asked to do. But again, our media all owned in the Lower 48.

And so I think of myself and the way I've been treated by the media -- how dare they? But again, challenge.

And what's your reaction, Mr. Jones? Do you have to frown and grimace? Where is mercy?

I have been jailed because I thought I had a right to run for public office. But I simply -- let me mention -- and I'm going to go back down into my car and get for you gentlemen and ladies just a copy of my second attempt to go to the U.S. Supreme Court. And this one was written on July 19th.

HEARING OFFICER BROCK: Dr. Obermeyer? Dr. Obermeyer?

MS. OBERMEYER: Yes, sir?

HEARING OFFICER BROCK: We're having a public meeting on the sale of 170. Could you -- this is a North Slope offshore oil and gas lease sale public hearing. Could you.....

MS. OBERMEYER: All right. How much time do I have?

HEARING OFFICER BROCK: Could you limit your comments.....

MS. OBERMEYER: Yes.

HEARING OFFICER BROCK:to just the offshore lease sale?

MS. OBERMEYER: Now, sir, I called, I believe, on Monday. And I understood this was public comment. You see, let me mention, Mr. Brock.

HEARING OFFICER BROCK: Public comment on the oil and gas lease sale. And that's the only thing we're taking comment.....

MS. OBERMEYER: No public comment? Sir.

HEARING OFFICER BROCK:on the oil and gas lease sale.

MS. OBERMEYER: And me just make myself very clear. If you want me to sit down, I'll be glad to. But public comment is up to the individual. I have spent my time coming over here respectfully because I commend you. I know how dedicated you are. But we're all being torn athunder.

And so what I would simply do is ask how many more minutes I might have to simply summarize. Would you allow me like two or three more minutes?

HEARING OFFICER BROCK: Okay.

MS. OBERMEYER: If you would -- and again, sir, you know, I always mean respect. But may we rise up and realize the way all of us are being torn apart.

What I want to focus on is how corrupt our state is when a man has so much nerve that as a result of being -- and Mr. Brock, let me ask you, as a result of being a paid employee, would you like to have a \$1,010,840,266 company? I would like you to read that Dave Rose, who only was a paid employee. He was never even on the board of a Permanent Fund, now has a \$1,010,000,000 company.

And then when I sorted out that we live in a place -- now Mr. Brock, you and I own that Permanent Fund. We're Alaskans.

And I only know that it has almost \$21 billion in it. But then when I realized that when Tony Knowles was elected, he threw out the staggered terms of the members of the board, and he put his partisan attorneys in there. And I'd like to name them: Eric Wolforth, Wilson Condon, Grace Schaible. We have Clark Gruening, Willie Hensley, and the last one is Melphine Reynolds who is over here at ATU.

Now, let me only say -- and did you know, Mr. Brock, that they are not even confirmed by the legislature.

HEARING OFFICER BROCK: Okay. Could we -- could I ask you.....

MS. OBERMEYER: Yes, sir.

HEARING OFFICER BROCK:if you don't have anything to sale about Sale 170, could we terminate this, please?

MS. OBERMEYER: Yes, Mr. Brock. And you didn't want to give me one moment to conclude?

HEARING OFFICER BROCK: You -- I just did.

MS. OBERMEYER: Can't you understand that the Permanent Fund Board are not even confirmed by the legislature. You see, Mr. Brock, you own

the Permanent Fund. And you -- aren't you concerned that Tony Knowles has a private bank account of \$21 billion that you own? You own that Permanent Fund.

And the railroad is the same way, Mr. Parker, and the Alaska Industrial Development and Export Authority. And you've been very kind, Mr. Brock.

HEARING OFFICER BROCK: Ma'am, could I ask you to -- thank you.

MS. OBERMEYER: And I'm going to go down into my car and get my ridasursuary (ph) that was written on June 19th. And I'm going to give three copies to you gentlemen. May I do that?

HEARING OFFICER BROCK: Would you leave them at the door with Phyllis over there?

MS. OBERMEYER: Yes. Sure.

HEARING OFFICER BROCK: I would appreciate that.

MS. OBERMEYER: And how many copies shall I leave?

HEARING OFFICER BROCK: Just one.

MS. OBERMEYER: Just one? Okay. And I'll also leave this press release that's entitled "Alaska Tedgate" that was published on January 23rd, 1997. May I leave that as well?

HEARING OFFICER BROCK: You can leave that, too.

MS. OBERMEYER: Okay. Great.

HEARING OFFICER BROCK: Thank you.

MS. OBERMEYER: Thank you.

HEARING OFFICER BROCK: Jim?

PUBLIC TESTIMONY OF MR. JIM SYKES

BY MR. SYKES:

Thank you, Mr. Chairman. My name is Jim Sykes. I come here representing a public interest group, Oil Watch Alaska. And we will be submitting written comments that will be more complete. But I did want to mention a few things.

Just for background and my own other lives, I did -- I was the recording documentarian, as this gentleman was, was the Berger Commission, otherwise known as

the Alaskan Native Review Commission, which went all over the state asking Native peoples what they feel about land subsistence and self-government.

And I also worked for the Bureau of Indian Affairs during the paragraph 14(h)(1), investigations for cemetery and historical sites. Although I did not do this work on the North Slope, I do understand the significance of this part of the Act. And there is still a lot of unclaimed. I believe they had two million acres which they could offer for cemetery and historical sites, much of which has not been claimed to date.

What I would like to speak to today is I will speak against the proposed action, Alternative One and I would speak in support of Alternative Two, which is no lease sale.

I guess you said you wanted to have this as more of a discussion rather than a more formal public hearing, which suits me. What is actually the justification for having this? Why does the MMS feel that there is a need for the sale?

HEARING OFFICER BROCK: The five-year program is established by the Secretary of Interior based upon the -- what you -- what we refer to as a call for nominations and comments that began in a five-year program. It's the -- what areas that companies would -- and other folks would like to see oil and gas development take place. Congress passed a law that's 1978 -- I always -- 19 -- I've got my two lives mixed up. The OCS Lands Act as amended in 1978 and it said -- and the Congress passed that law and said that the Department of Interior was to explore and make available the areas of the Outer Continental Shelf to possible oil and gas development. And we're following that law.

That's -- and then you do that through the five-year program. And that's approved by the Secretary of Interior, after it's given to the Congress for a chance for their review.

MR. SYKES: So is this sale actually mandated to happen by law?

HEARING OFFICER BROCK: As a -- the OCS is mandated to happen by law to review and to explore the OCS. That's mandated by law. The specific sales are designated -- are designed by the Secretary of Interior and then they are given to Congress for their review.

MR. SYKES: Okay. So this has been reviewed and approved then?

HEARING OFFICER BROCK: That's right. It has been reviewed and approved.

MR. SYKES: Okay. Well, I am -- I'm just -- a few years I recall -- I believe it was President Bush, had withdrawn most all of the coastal leasing except for maybe some leases around Florida and a couple off California and Alaska. And so none of the coast was being explored virtually, except for Alaska. And as we speak, Connie Mack, of Florida, is trying to get leases bought back or erased from the coast of Florida.

I just find it curious that in one of most dangerous ice-filled seas in the entire planet that we are considering a lease sale in what I think most people would agree is a highly sensitive area. It's right next to the Arctic Refuge.

And so I guess I'm not satisfied with the need for this sale. According to the book, they are expecting a minimum of 300 million barrels and perhaps as much as 600 million barrels over the span of 20 years. Some of the smaller wells that are now coming on line, which will increase the Prudhoe Bay area of production by one and a half times over the next six years, some of the single wells exceed the \$300 million -- or 300-million-barrel estimate which are currently coming on line on shore. So I seriously question the need for this offshore lease sale.

Apparently it is industry driven. Were there any other people who wanted the offshore leases other than industry?

HEARING OFFICER BROCK: I believe and I'd have to go back and look at the five-year program. I can get you a copy of that. But I believe that it's -- that the State was in favor of the program. And I can't tell you right off the top of my head who else.

MR. SYKES: Okay.

HEARING OFFICER BROCK: But I can get you a copy of that.

MR. SYKES: I'd appreciate that. Thank you. So the other thing that sort of irritates me about the whole leasing program is that we don't talk about treatment of special areas very much, although I see -- I am glad to see the Kaktovik deferral area being considered, although it's not the proposed action.

And let me also state that we are very glad to see that MMS is asking for traditional knowledge. I believe this is something that's been missing from public policy for a long time. So I'm very pleased that you're going after this.

The concept that I still have trouble is that mitigation rather than withdrawal seems to be the word. MMS seems to have the attitude that we can mitigate any possible problem and without having to withdraw a certain area for special attention from a lease sale. And I think that we need to go back and say no. We can withdraw certain areas.

If you want to put it logically, oil companies really don't care where they get the oil from. They are only in business to extract and sell oil. And we have no fault with that. However, if you look at the grand scheme of things on the North Slope, they don't really care if they start offshore and ultimately get on shore, say in something like the Arctic Refuge.

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And they really wouldn't care if they started on shore and went offshore. Their only interest is oil. And when the oil is gone, they will be gone. Let me assure you. There is no doubt about that.

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So when we're talking about potential effect to sensitive areas, you cannot pick up an oil spill in these ice filled seas. I don't know how -- when it was demonstrated. But I believe they actually dumped a little oil in about 1977 or '78 right up around Prudhoe Bay. They didn't tell anybody about it, because you're not supposed to dump in the water and they attempted to pick it up. And this was in an ice free season. It was in the summer. And they couldn't do it. So they can't even pick it up in the cold water.

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The transport of oil on shore is an issue. And again, I'm not sure if people have figured out -- I don't think we should be having a sale until we figured out whether or not should we be doing it, number one, or number two, if it can be mitigated. On your map in the booklet, Roman numeral IV-A-6, there are a couple of designated lines for proposed areas of on-shore pipe to fit into the system, but they don't actually fit into the system. And it's not clear that those are actually good areas to bring an on-shore pipe on. So the whole concept of the transport of the oil in the ice-filled seas and there's probably a lot of traditional knowledge about gouging on the sea floor, on the shallow sea floor, but I -- according to the MMS, they lack of empirical knowledge. I don't think that there is a lot of that there. And maybe we ought to study it a little bit before we agree to have a lease sale.

I guess I'll leave it there and we will be presenting more. The other thing, and the reason that Oil Watch Alaska exists, is because we believe that the public has largely been shut out of the public process. And while it is evident that MMS is going to greater lengths, I think that the small amount of people that you see in the room today, probably indicates that you haven't done an adequate job of public education as to what is actually happening there.

When you have a hearing in Kaktovik, it's probably the main event unless there's a basketball game of what's going on in the village. And so you sort of have a captive audience. The fact of the matter is, we are talking about public oil. It is a public resource. You're here in the state's largest city and we have a handful of people here. There are probably more staff than there are people here to testify. And I think that indicates that there is not an adequate public process happening. And we're very concerned about that. We would encourage you to have more public hearings, not less; more public education and take the process that you've started for traditional knowledge a step further and have the public actually participate.

I believe that the -- both federal and state governments have gone to some lengths to shut the public out of these and there seems to be, in my view, too close of a relationship between industry and the regulators, because it is all -- generally all industry driven. In the State they have a lease sale based on industry interest. What you have just told me here apparently seems to be the fact that there is industry interest. And when you said the State supported the sale, I sort of regard that as one and the same thing under the current circumstances.

So we will add some more. But I would encourage you to have -- do wider education, rather than just saying "we're going to have a public hearing at noon on such and such a date", because in order for people to understand what's going on and have an idea of the process, they really need the kind of information that's in the books, which you said is incomplete because of ongoing events. I mean, of course, you have to publish something. You can't have all of the information. But if more of the public is involved earlier on, I think a better decision can be made. It seems to me that industry is making the decision and they're far too close to the regulators. So if you can do anything to open that up, we'd be a lot happier.

HEARING OFFICER BROCK: Good, Mr. Sykes.

MR. SYKES: Thank you for the opportunity to speak.

HEARING OFFICER BROCK: Thank you, sir. Jeanne Patton.

PUBLIC TESTIMONY OF MS. JEANNE PATTON

BY MS. PATTON:

I will be giving a presentation prepared by Pamela Kay Miller, who is the staff biologist for the Alaska Field Office of Greenpeace.

Please note, Greenpeace represents 2.9 members (sic) internationally, and that includes 593,366 Greenpeace members in the U.S. and 2,019 in Alaska.

The time for be- -- for business as usual is over. It's time to stop the madness. Greenpeace is opposing Lease Sale 170 in the Beaufort Sea because we have an imperative to prevent the further degradation of the planet's ecosystem from climate change. The greatest threat comes from continued combustion of fossil fuels. The world meteorological organization warned that humanity is conducting an uncontrolled experiment on the planet with consequences second only to nuclear war.

In light of the recent findings of the International Panel on Climate Change, that the human impact on global climate is now discernible, it makes no sense to lease, explore, and develop new fossil fuel sources. Carbon logic dictates simply that earth cannot sustain it.

A halt to leasing and development of new areas for oil is essential. Let's start with cancelling Lease Sale 170.

In December of this year, an international climate summit will be held in Kyoto, Japan to set legal limits on greenhouse gases. Lease Sale 170 is not only inadvisable, it is a crime against the health of the planet.

The western Arctic is one of three global hot spots that demonstrates maximum warming trends over the past three decades. Scientists have identified four major areas of changes in the Arctic associated with warming. Number one, permafrost is warmed from two to four degrees Celsius over the last century, reducing discontinuous permafrost in Alaska and Canada. Number two, reduced sea ice in the Bering Sea, Chukchi and Beaufort Seas. And number three, melting of glaciers and four, changes and disturbances to the boreal forest ecosystem.

Alaska Native people have observed significant changes with warmer temperatures than any time in collective memory. Ice cellars are thawing in summer, sea ice has become thinner and more dangerous for subsistence whaling. Climate change

impacts must be seriously considered in the Final Environmental Impact Statement.

We remain deeply concerned about the direct impacts associated with offshore oil and gas development, including inevitable spills. MMS estimates a 46 to 70 percent probability of major oil spills.

Toxic discharges, cumulative impacts from on and offshore gas development in the Arctic and disturbance impacts of wildlife and to subsistence based communities that depend on a healthy marine ecosystem environment.

The ice edge environment, coastal barrier islands and lagoons, river deltas and the bolder patch benthic environment are extremely sensitive to the impacts of oil and gas development. The area contains essential habitat for polar bear denning, bawhead migration and feeding, water fowl and Arctic fish and subsistence fisheries. Stop the further degradation of the Beaufort Sea by halting Lease Sale 170.

Despite years of repeated testimony in opposition to offshore oil and gas development by Native people of Alaska, the MMS has responded by offering bandaid mitigation measures. How will the people continue to subsistence hunt and fish if a major oil spill occurs in broken ice conditions? You do not have the technology to clean it up. You cannot provide any assurances that you have the technology to safely build and transfer oil through pipelines in subsea permafrost.

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If subsistence resources are contaminated from chronic releases of toxic materials associated with oil and gas development, what then? You don't have a credible cumulative impact analysis. MMS dismisses impacts with phrases such as "this will have temporary non-lethal effects," or "temporary short-term displacement," or "populations will recover in one to three years." You have no credible science to justify these conclusions. Although you make superficial attempts to collect indigenous knowledge, but this does not demonstrate respect for these indigenous knowledge.

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The MMS does not present a credible analysis of the potential for renewable energy sources to replace the need for fossil fuels. We have known for years that the barriers to a safe transition to renewable energy sources are political and not technological.

British Chancellor Dennis Healy said, "When in a hole, first stop digging". Renewable energy sources in the form of wind and solar are the solution.

We will be presenting more detailed written comments before the July 17th deadline. Thanks for the opportunity to testify. I'll leave this with you.

HEARING OFFICER BROCK: That's all that I have checked on my sheet here that said they want to testify. So is there anybody else in the room that did not? Sir?

PUBLIC TESTIMONY OF MR. SHAWN GAIL

BY MR. GAIL:

My name is Shawn Gail. And I'm not here representing anybody. I'm just myself. And I haven't lived in Alaska very long. But I have lived on earth all my life. And I would oppose Lease Sale 170 for the simple reason that it's for the purpose of oil exploration.

And I would also ask that climate change be considered in the final Environmental Impact Statement. What we already know about climate change is - from what we already know about climate change, we really should reconsider our dependence on oil. And I've heard a lot of arguments in favor of lease sales like this one and for opening up the Arctic Wildlife Refuge and other places. Most of those arguments have to do with our dependence on foreign oil. But if you take the word "foreign" out of those arguments, the arguments become very different. Our dependence on oil is having disastrous effects on the world around us.

In the Arctic, caribou are getting to their spring feeding grounds and finding that plants have already gone to seed and there is no food. Where polar bears den in the ice, sometimes the dens collapse on top of them, and them and their young. They get stranded on ice flows.

These things don't have to happen so that we can power our cars and our homes. As individuals, everybody can be driving less, can be using public transportation. We can reduce our overall consumption of energy and therefore fossil fuels.

Industries have a -- have some responsibility in this, too. We can -- you know, certain industries, certain people in the oil industry are starting to make investments in solar power and wind power and other alternative energies. I think that the entire industry ought to move more rapidly in this direction.

And governments have a degree of accountability here, too. The governments haven't exercised their regulatory powers to the extent that will be necessary in order to avert a global catastrophe.

We simply can't ignore climate change any more. And I haven't reviewed the Environmental Impact Statement. I really don't know enough about this specific sale. So I can only make broad general comments regarding our dependence on oil. But -- so that will have to do for now. But thanks a lot.

HEARING OFFICER BROCK: Thank you. You're welcome. Take one of

those documents.

MR. GAIL: I already have.

HEARING OFFICER BROCK: Okay. You can still send your written comments in by the 18th. Anybody else?

MS. MILLER: Could I just make one more comment?

HEARING OFFICER BROCK: Sure, sure.

ADDITIONAL PUBLIC TESTIMONY OF MS. PAM A. MILLER

BY MS. MILLER:

APH
#11

This is Pamela A. Miller. I neglected to make one of my key comments, which was I did testify in the scoping hearings. And at that time, I requested that one of the alternatives have the Kaktovik deferral alternative go all the way to the Stains River. And my comments -- the fact that they were made in scoping, that that issue was raised, was not addressed in the Environmental Impact Statement. And that's very disappointing since I did take the time to come and testify at that point.

I think it is a very crucial one and that you will be seeing a lot more attention from people on this lease sale, despite the fact that people get tired of coming to lease sales and having every time the entire Beaufort Sea from Canada to Barrow proposed. This sale you've shrunk it down to start with a little bit, but it still hasn't been based on the knowledge of what you gained from the last sale, 144, of both the local interests and the environmental concerns.

So thanks for this opportunity to speak a few more words.

HEARING OFFICER BROCK: Anybody else? It's a quarter to 1:00. That's -- if nobody else got any comments, we'll close the public hearing. Thank you. Wait?

MR. PARKER: Just a question about the oil. Does the recent Supreme Court decision have any effect on the relationships between MMS and Fish and Wildlife and offshore areas that are affected by the lease?

HEARING OFFICER BROCK: Not directly, because we've established -- it does through the boundary line offshore, and the principles on which the boundary -- not directly. It established the principles on which we will have the -- we will designate the offshore boundary.

That is basically what we're following on this particular sale. So it -- that's what I meant by not directly. We're already following the principle. So it -- the boundary lines won't change it. We just made -- I guess you would say it confirms the boundary lines that

we're using are the correct ones. I believe. I'll have to go check that and make sure that's the case in all point, basically.

Because any place where that was a disputed area, we had an agreement the State would offer it anyway. So it was just a matter of who was going to be the administrative -- administer.

Any other comments? Thank you all for coming. We do appreciate it. And the comment period does close the 18th. If you have any comments, please don't hesitate to write us a letter. Thank you.

(Whereupon, the hearing was adjourned at 12:47 p.m.)

Executary Court Reporting
626 Cordova, Suite 104
Anchorage, AK 99501
Phone: (907) 272-4084

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APH-01

See Response TFA-03. Alternative V (Area Offshore the ANWR) has been added to the FEIS. This alternative (option a) analyzes the deferral of approximately 122 blocks covering 437,866 ha and includes all of the Kaktovik deferral (Alternative III) analyzed in the DEIS and additional areas to the west and north to 146° W. longitude (to the Staines River) offshore the ANWR.

APH-02

See Responses TFA-11 and TFA-55.

APH-03

The ITL 10 (Information on Polar Bear Interaction) is expected to greatly reduce the chances that any polar bear would be killed or harmed due to interaction with oil-exploration and -development activities offshore the Katakaturuk and Canning rivers.

APH-04

There has been much "pressure" over the years to allow the oil and gas industry to enter the Refuge and construct infrastructure; however, whether ANWR is entered is beyond the purview of this agency and is a matter for Congress. Another alternative that analyzes a potential deferral of submerged lands offshore the ANWR (Alternative V) has been developed for analysis in the FEIS. Alternative V.a would defer all blocks from the eastern boundary of the lease-sale area to a point west of the tributaries of the Canning River. Under Alternative V.b, three special mitigating measures (Stipulations 7, 8, and 9) that provide additional protection for the coastline of the ANWR have been developed for analysis in association with this alternative in lieu of deferral.

APH-05

Under Alternative V.b, we have proposed the addition of special mitigating measures (Stipulation 7 and ITL 22), which require detailed exploration and development plans regarding proposed equipment-staging area, infrastructure, and oil-spill equipment/response mobilization procedures. Lessees also are advised that no activities can be carried out within the Refuge without the approval of the FWS. See also Response APH-04.

APH-06

In addition to the Kaktovik deferral (Alternative III), the MMS has developed Alternative V in the FEIS (Area Offshore the ANWR). Alternative V.a analyzes the deferral of lease blocks from the eastern boundary of the proposed sale area to a point west of the Canning River. Three special mitigating measures (Stipulations 7, 8, and 9), which provide additional protection for the coastline of the ANWR, also have been developed for analysis in Alternative V.b. The Secretary of the Interior may choose any of the offered alternatives or institute one of his own design, as also is the case for lease stipulations.

APH-07

See Response TFA-55.

APH-08

See Responses FWS-02, TFA-11, and APH-05.

APH-09

The level of effects is based on the results of available studies generally involving species other than bowhead whales. The studies were conducted by reputable, credible scientists. The expected effects on bowhead whales were extrapolated from those studies. The FEIS has been expanded substantially to include more information regarding those studies. The rationale for the conclusion that the population would recover within 1 to 3 years is discussed in detail in Response BAR-10 on Page V-164 in Section V of the Beaufort Sea Sale 144 FEIS.

APH-10

See Response TFA-04.

APH-11

See Response MILLER-08.

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UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

OFFICIAL TRANSCRIPT - PUBLIC HEARING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR BEAUFORT SEA PROPOSED OIL AND GAS LEASE SALE 170

Kaktovik, Alaska
Wednesday, July 9, 1997
6:20 o'clock p.m.

MINERALS MANAGEMENT SERVICE PANEL MEMBERS

Mr. Ray Emerson, Chief, Environmental Assessment Section,
Alaska Region Office

Mr. Kyle Monkeliën, Field Operations Office

Ms. Phyllis Casey, EIS Coordinator

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

Executory Court Reporting
626 Cordova, Suite 104
Anchorage, AK 99501
Phone: (907) 272-4084

KAKTOVIK, ALASKA - WEDNESDAY, JULY 9, 1997

(Tape No. 1 of 2 - Side A)

(On record at 6:20 p.m.)

MAYOR SONSALLA: Just for everybody that's here, these are -- these people are from Minerals Management Services, and they're taking comments on Lease Sale 170. There's Ray Emerson?

HEARING OFFICER EMERSON: Mm hmm (affirmative).

MAYOR SONSALLA: Kyle....

MR. MONKELIEN: Monkeliën.

MAYOR SONSALLA: Okay.

(Laughter)

MAYOR SONSALLA: And Phyllis Casey in the back. Being as it's church night, for those who are going to go to church, they would like to make some comments first. I don't know if you wanted to explain a little bit about this before we take comments?

HEARING OFFICER EMERSON: Yeah, I've got an opening statement here, and I'll read it.

Good evening. My name is Ray Emerson, and I'm the Chief of the Environmental Assessment Section for the Alaska Region of the Office of the Minerals Management Service in Anchorage, Alaska. With me on the panel tonight, as you just heard, Mr. Kyle Monkeliën of our Field Operations Office. Also here to assist is Phyllis Casey, the EIS Coordinator on my staff, in the back there.

This is a public hearing on the Draft Environmental Impact Statement

on our proposed Oil and Gas Lease Sale 170. This is the third public hearing on proposed Sale 170. Public meetings were held in Nuiqsut and Anchorage last week, and the Barrow hearing will be held tomorrow.

The purpose of this meeting is to receive your comments and suggestions on our Draft Environmental Impact Statement. That's this document here. Copies were mailed out mid-May for your review in preparation for this meeting. We have also brought copies with us, which are available in the back. If you did not receive one personally or if you would like to take one home tonight, please feel free to take a copy.

The area under consideration in the Draft EIS, which is outlined in red on the map there on the wall -- outlined in red, the large area, is what's being considered -- focuses on near-shore blocks from east of the Colville River to west of Barter Island. It includes 363 blocks covering about 1.7 million acres and is located from 3 to 25 miles offshore in the central Beaufort Sea. The State's jurisdiction goes from the shoreline out to the first three miles.

The proposed sale follows closely after Sale 144, held last September. We issued, in that sale, 29 leases covering about 100,000 acres. Only one well was drilled by BP on a lease from that sale, and based upon the well results, BP has initiated discussions with MMS regarding the permitting for development of what is called the Liberty Prospect.

Would you point to the Liberty Prospect there?

MR. MONKELIEN: This area right here.

HEARING OFFICER EMERSON: The Draft EIS builds upon the information from the Final EIS on Sale 144 and includes new information obtained since the 144 Final EIS was issued about a year ago. In addition, the Sale 170 Draft EIS covers issues raised during scoping meetings held in Barrow, Nuiqsut, Kaktovik, and Anchorage.

You have been part of this process, and the EIS should reflect what you have gain -- what we have gained through your comments and suggestions and from previous sales, including adopting, at a minimum, all of the mitigation that was developed for Sale 144, which was designed to limit conflicts between the oil and gas activities and the bowhead whale hunt, and participate in monitoring activities should they occur.

We also have expanded our use of traditional knowledge in this document, which is something we are continuing to improve upon. In addition, based on concerns expressed during the 170 scoping meetings, the MMS has designed and will issue a contract this year for a four-year bowhead whale feeding study in the eastern Beaufort Sea to update scientific

and traditional information. The North Slope Borough and the Eskimo Whaling Commission have participated in the design of this study and will assist us in the review of future reports.

Since the Draft EIS was completed, the MMS became aware of concerns presented by the North Slope Borough and the AEWC and the City of Nuiqsut to the State of noise disturbance and space use conflicts. These areas of concern are shown in yellow on the map.

We have also had to establish an Alaska Regional Advisory Committee for this sale, which will meet in early August to review the comments we receive on the Draft EIS and to recommend whether any new issues or mitigating -- mitigation requirements may need review. Members of this Committee appointed by the Secretary of the Interior include Mr. Fenton Rexford from Kaktovik, Burton Rexford from Barrow, and Thomas Napageak from Nuiqsut. Other members of this Committee would include the State, industry, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

We are here tonight to hear your comments and further suggestions on this Environmental Impact Statement. All comments are being recorded by Ms. Cindy Carl, our recorder, and we will provide a -- and they will provide a complete written transcript of all the public comments from these hearings. Copies can be obtained through Executary Court Reporting services.

The primary purpose of this hearing on the EIS is to improve the quality of the Impact Statement. Your comments will be included in the record for the Final EIS.

This meeting will be more of a dialog than some public hearings. We will respond to questions, but we don't want to distract from the point you are making as we're interested in your views of this Impact Statement and on the proposed sale. So we will do all we can to assure you that we have a good understanding of your over -- of the overall program and that we understand your comments. Before, it's been relatively formalized, and that we're trying to have more of a dialog this time on that, and it's been a little more successful.

The comment period closes July 18th. Until that time, MMS will accept written comments from anyone who would prefer to provide written comments rather than presenting oral comments or in addition to oral comments. All written comments should be sent to the MMS by July 18th. Our address is 949 East 36th Avenue, Room 308, Anchorage, Alaska 99508.

We will keep a written record of who is here and who wishes to testify.

Please speak into the microphone so that you can hear and re- -- so that we can hear and record everything you say on the official record. Please give your name and spell it for the record. Thank you, and now we'll begin.

This is relatively structured. They gave this to me to read, and it's got nice big print so that I don't mess it up too much. Actually, I can read this from across the room almost.

Anyway, so is there anyone who would like to testify or make a statement or have any comments? This -- if you'd come up to this microphone here, and that would be our first step in this process.

(No response)

HEARING OFFICER EMERSON: If you -- especially if you're having church night -- this is church night, I believe?

(No audible response)

HEARING OFFICER EMERSON: Okay. Anyone who's going to be going there, we'd like to hear from you first.

(No response - Pause)

HEARING OFFICER EMERSON: Is there any -- do we think we understand what this is about?

MS. AKOOTCHOOK: Explain.

HEARING OFFICER EMERSON: Pardon?

MS. AKOOTCHOOK: Explain.

HEARING OFFICER EMERSON: Explain? Well, it's the proposed lease sale. It's on the area in red on the map. Okay. That's the area being considered for our lease sale; this is 170.

The smaller area is in Sale 144, which has just one well drilled in the Liberty Prospect.

The decision options are no sale again. The proposal, there's a Kaktovik deferral in the area in red, and there's also -- or that's green. Excuse me. And those are the decision options at this point. You asked about a Kaktovik def- -- or a Nuiqsut deferral, and it was agreed upon that the -- it was first the area to be considered was going to be -- if there was a Kaktovik deferral, there would be no lease sale. And that was the same as having no sale.

So the members of that community agreed -- thought that a more effective approach were the two mitigating measures that are designed, first of all, to -- there's a Committee, as I mentioned, of those people that will be looking at potential effects of disturbance or seismic activities, and the issue is effects of noise causing the whale migration to be further offshore of the -- for that community. And so there's a group that's going to be monitoring that particular activity to see if, indeed, what the disturbance distances are.

The traditional knowledge and the scientific information don't quite agree, and so a monitoring program is in place, and any conflicts will be kind of ongoing as they see results, with those participants that I mentioned. And that was negotiated with the Nuiqsut community.

(Ms. Traynor not at a microphone and difficult to discern)

MS. TRAYNOR: So who is this group that's monitoring this?

HEARING OFFICER EMERSON: It would be the members, the folks that I mentioned: Thomas Napageak is a member of that, Burton Rexford.

MS. TRAYNOR: Fenton.

MR. MONKELIEN: Fenton Rexford.

HEARING OFFICER EMERSON: Fenton Rexford. Excuse me. And a member of industry, a member of the State, a member of MMS. And that's kind of a -- and it's meant to see what is the effect from that particular activity and adjusting accordingly. There are -- it may move out to involve deferral areas that need to be defined then.

MR. MONKELIEN: Basically, the stipulation is written so that the industry does the actual monitoring. They pay for and provide information on what -- on their monitoring effort. And that is used -- that information is studied by that group, and then the peer review is done on the -- their report, and decisions then can be made from that, based on that information, as to what further mitigation may be necessary to take care of any problems that are pointed out by the report.

MS. TRAYNOR: So you're saying that the oil companies are the ones that would gather the information and....

MR. MONKELIEN: No, they'd monitor. They....

MS. TRAYNOR:have this review of it.

MR. MONKELIEN: Then we review the information that they get.

MS. TRAYNOR: (Inaudible) the oil companies (inaudible)?

MS. CASEY: number

MR. MONKELIEN: No. We review both the plan that they propose and the information that they provide, that they collect. So we do have oversight with -- through this Committee, of both -- of everything that....

(Indiscernible - Microphone interference)

MR. MONKELIEN:what they're doing.

MAYOR SONSALLA: I guess I thought they hired the people that are from the local villages most affected to participate in the monitoring? Those affected?

MR. MONKELIEN: That would have to be something that would be worked out between the -- during the review of the program, what the actual program was going to look like, and then we would work with the industry and the local communities to develop that program.

(Ms. Casey not at a microphone and difficult to discern)

MS. CASEY: And we would also participate (inaudible - not at a microphone) for after the plan is developed. The intent of the measure was to have everyone involved, including the State and core of the local communities and the AEW in (inaudible - microphone interference). (Indiscernible) the agreement was that they monitor it and for the (indiscernible) then to implement that monitoring plan and then observers will be invited to participate during the actual monitoring program.

MS. TRAYNOR: Who's paying for all this?

MR. MONKELIEN: Industry is.

MS. CASEY: Industry pays.

MS. TRAYNOR: Oh, industry.

MS. CASEY: They're all in the information that's reported by the (indiscernible) that'll be reviewed.

HEARING OFFICER EMERSON: It's representative....

MS. AKOOTCHOOK: And is there a review of those? Will Fenton and.....

HEARING OFFICER EMERSON: Burton.

MS. AKOOTCHOOK:Burton and.....

HEARING OFFICER EMERSON: Thomas.

MS. AKOOTCHOOK:Thomas be involved.....

HEARING OFFICER EMERSON: Yes, they will.

MS. AKOOTCHOOK:in that review?

HEARING OFFICER EMERSON: Yes. Also in the survey. They'll be a part of the monitoring team that will be -- not just the report, but they'll be on board. There'll be monitoring flights that will be in place that we'll get some real data to work with.

MS. AKOOTCHOOK: And they will be on board all that time you guys are monitoring?

HEARING OFFICER EMERSON: Mm hmm (affirmative). Or they can have -- I suppose they could have a designated representative for them if they can't make it, someone that they would -- someone in their own community, if they want to assign them to it.

MS. CASEY: They will participate as observers (inaudible). And the National Marine Fisheries Service is the authority on.....

HEARING OFFICER EMERSON: Disturbance to endangered species.

MS. TRAYNOR: Disturbance to endangered species, but.....

HEARING OFFICER EMERSON: The bowhead is.....

MS. TRAYNOR:is the bowhead endangered?

HEARING OFFICER EMERSON: Yes.

MS. AKOOTCHOOK: If they have said that the bowhead is endangered, why do the industry ask for accidental take? They shouldn't even be asking for them.

HEARING OFFICER EMERSON: That's your comment. These are comments, and we're going to -- all of your comments, we're not trying to answer right now, but that -- your concerns, that's the excellent example of that.

Are you picking -- can you pick this up, Cindy, or do we need.....

RECORDER: No, the people really need to come to the microphone because I cannot guarantee I'm picking up.....

MS. AKOOTCHOOK: Then you need to get those up here.

RECORDER: I just put a microphone up there, but I don't know if it's going to pick it up back there.

HEARING OFFICER EMERSON: All right.

RECORDER: It's a large room.

HEARING OFFICER EMERSON: We're taking notes on that.

MS. TRAYNOR: Oh, you have microphones on the tape recorder?

HEARING OFFICER EMERSON: Yeah.

(Pause)

HEARING OFFICER EMERSON: And you can discuss between yourselves, too, if it's something you wanted to.

MS. TRAYNOR: Well, you mentioned the yellow areas on this as being off-limits type thing, the line. Where is it from Kaktovik? Normally in your lease sales, you have areas that you don't put up for lease because they're whaling areas.

MR. MONKELIEN: That's what the deferral area is intended to do.

MS. TRAYNOR: Which is that?

MR. MONKELIEN: The green. The green area.

MS. TRAYNOR: Oh, the whole green area?

MR. MONKELIEN: The whole green area.

(Indiscernible simultaneous speech)

MS. CASEY: It's green area is an option.

MR. MONKELIEN: Yeah, it's an option. It's option that will be examined in the EIS. The two yellow areas were done -- those were State, between the State and the Eskimo Whaling Commission. Those only relate to the Sale 86 area. They were put on that for -- the map for information

purposes.

MS. TRAYNOR: So the green area is an option. It's not.....

MR. MONKELIEN: Right.

MS. TRAYNOR:not yet.....

MR. MONKELIEN: Not yet. It will be deci- -- that decision will be made by the Secretary from the sale that's -- it's something further down.

MS. TRAYNOR: So we need to put input into that.....

HEARING OFFICER EMERSON: Yes.

MR. MONKELIEN: Yes.

MS. TRAYNOR:if we want as much of that area taken out of the lease that (inaudible).

MR. MONKELIEN: That's the information that we need.

MS. TRAYNOR: The whole thing, yeah.

MR. MONKELIEN: That's a comment that we would want to capture from these hearings.

MS. TRAYNOR: Well, I would assume that they'd want the whole thing out. I mean.....

HEARING OFFICER EMERSON: Well, that's your suggestion.

MS. TRAYNOR:you know, this is a whole lot of information to go through.....

HEARING OFFICER EMERSON: It certainly is.

MS. TRAYNOR:in 10 minutes.

(Pause - Side comments)

HEARING OFFICER EMERSON: If you need some additional time, we can work with you on that.

MAYOR SONSALLA: When were you guys here last to take comments on this?

HEARING OFFICER EMERSON: Let's see.

(inaudible) an area slightly smaller than (inaudible).

MS. CASEY: November.

MAYOR SONSALLA: Was it November?

HEARING OFFICER EMERSON: Yeah. Scoping meetings.

(Side comments)

MS. AKOOTCHOOK: Where are all those comments anyway? Why aren't they in here?

MR. MONKELIEN: The scoping comments are in Section 1. It's a summary of the comments. (Inaudible) comments on page I-3. Page I-3, it's in the front of the book.

HEARING OFFICER EMERSON: That's in 1?

MS. AKOOTCHOOK: (Indiscernible comment.)

HEARING OFFICER EMERSON: Well, we don't do it this -- on scoping, though, is have the verbatim transcript like we're trying to gain here.

(Side comments)

HEARING OFFICER EMERSON: What we -- that was -- the ideas that it needed to be covered in this document with what we got from the scoping meeting in November. So this is a result -- this document is a result of treating the concerns that we heard in November. And if we need to refocus or improve upon that, why that's what we're here today for. So what we gain from this today is testimony, a statement or however the -- or written comments, will go into a Chapter 5 for the final, and that is a verbatim transcript of the comments that we hear today. And that'll be in the final document.

So you don't see individual names associated with the scoping comments like you will in the next round here with the final.

MS. TRAYNOR: So I see on page 1 -- it's I-7 or 1-7, that you had to leave off blocks when you (inaudible). I assume that's that green box?

MS. CASEY: It's the area larger than that.

MS. TRAYNOR: It's larger than that.

MS. CASEY: And we selected that area. It's slightly lar- -- you've got

MS. TRAYNOR: You requested 51.

MS. CASEY: Right.

HEARING OFFICER EMERSON: Yes.

MAYOR SONSALLA: If I remember right, that was the request I made in November, that there be a 50-mile radius surrounding Kaktovik that would be off limits.

HEARING OFFICER EMERSON: Right.

MAYOR SONSALLA: Just by measuring it with my fingers, it looks like that's about what it is.

MS. AKOOTCHOOK: No, it's not.

MS. CASEY: It's slightly less.

MS. AKOOTCHOOK: They made -- they chose to make it smaller.

(Indiscernible simultaneous speech)

MS. AKOOTCHOOK: (Indiscernible) what we wanted as deferral.

HEARING OFFICER EMERSON: Well, that would be the Canning River, and that boundary would be about over the Canning River. What has happened -- what has take -- the reason is already that there is development in the Kuvium and the -- what's that other one?

MR. MONKELIEN: Hammerhead.

HEARING OFFICER EMERSON: Hammerhead leases are already active. So.....

(Pause - Side conversations)

MR. MONKELIEN: Phyllis.

HEARING OFFICER EMERSON: Why don't we.....

MR. MONKELIEN: Is this stuff that we need to have on the record?

HEARING OFFICER EMERSON: That could be a dialog right there.

MS. CASEY: This is an explanation of Kaktovik (indiscernible).

KPH
#1

HEARING OFFICER EMERSON: Okay. Why don't you go ahead and show the rest of the group?

MS. CASEY: Okay. The area that's identified in the green is what was selected based on comments that you had requested. You had initially asked for a 50-mile deferral area. The majority of the area that you requested is included, except for the area of leases that were issued from our last sale that was held last September (indiscernible). And the reason it doesn't show a total of 50 is because you also asked for an area that extended eastward, here, over to around Kaktovik, and this is beyond the sale area. We had already removed an entire area from Sale 144. So that's why these -- the extent of the sale is cut off here. We didn't go over there, so this is part of what you wanted as well. But since we're -- we weren't going to go that far, it's not included as a deferral because it's not even in the (indiscernible)....

HEARING OFFICER EMERSON: It's already -- good point.

MS. TRAYNOR: I see another thing here, whale feeding areas?

HEARING OFFICER EMERSON: Yes.

MS. TRAYNOR: It says a good part of the feeding area is outside of the whole sale. And how much of the sale area is in feeding areas?

HEARING OFFICER EMERSON: That would be a part, and that's something that's still trying to -- we're still trying to define as part of the study. But it could be -- it would extend probably in that green area and extend further east outside the sale area. So probably the original studies show it somewhat outside the sale area, but we would imagine there was some of it is going to be within that green area.

There's also a controversy as to, is the feeding occurring somewhat along the -- all along the way, that they don't just wait till they get to that area? And so the study would include kills of opportunity that are occurring from the subsistence hunt, examining the stomach analysis to see if feeding -- the level of feeding that's occurred with -- at different points.

MS. TRAYNOR: So when we get bowhead whales this fall, you'll want to see the.....

HEARING OFFICER EMERSON: Pardon me?

MS. TRAYNOR: So when we take bowheads this fall, you'll want to see the stomach contents.

HEARING OFFICER EMERSON: That's probably true. That hasn't quite

been determined yet, but that's probably true.

(Pause - Side conversations)

MR. AKOOTCHOOK: Well, I don't know -- you will be needing, what, a comment from here in Kaktovik about that lease sale?

HEARING OFFICER EMERSON: Sure. Certainly. That's.....

MR. AKOOTCHOOK: And what -- anything -- you'll put anything in the report far as (indiscernible)?

HEARING OFFICER EMERSON: Certainly. Yes.

(Side comments)

MR. AKOOTCHOOK: Well, I'll try.

MR. MONKELIEN: Okay.

(Pause)

PUBLIC TESTIMONY OF MR. ISAACK AKOOTCHOOK

I'm louder -- I'll speak louder. My name is Isaack Akootchook. I'm born up here in Kaktovik, 1922, and I'm still here in Kaktovik.

And we are here about the lease sale many times, and that -- we have our testimony quite a few times about it. And the lease sale is in the oceans. It's the animal -- the whale, oogruk, and sea -- maybe a lot of people talk already about that. But we have say more about it. We're living, and that way, we use for the ocean and bowheads then.

In the ocean is whale, oogruk, seal, fish, polar bear, bird, ducks, and whatever, they live in the ocean side. And the mainland, caribou, brown bears, and all kinds of little birds, ptarmigan, ducks, squirrel, foxes, whatever, use up here in the area. We use those animals.

We're not really -- and what we kind of say about because in our families and the families has used that many times. We got a lot -- if we heard (indiscernible) about it, and we have a lot of questions about that, a lot of things to be in the lease sale.

We live up here; we're going to still here (sic). Lot of time, somebody come over, and we'll more and more and talk about it. And this time, what it's -- this is sellable. I live here, and that what we use. And one things I know is

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my question is: How, if they have an oil spill in the oceans, are they going to be clean it? They don't have any answer to that. Many times we are asking about that.

They haven't -- they can have a benefit for these people live up here in Kaktovik and Nuiqsut. And that's another things that we have always question, never answer. And because we live and the animal and use this animal. And white people live by the money and the work and a lot of things. But Eskimos living and work and same things, too, but it's always use their la- -- oceans for their food.

A lot of got a headaches, a lot of time it happened in this area. We're not against that, but we all work together. As long as we work together, because we need hunting area; use both in the oceans and the mainland. That's the things that's long as we have hunting area and use this land all the way from Tumukacian (ph) all the way to Canning River, that's what we use this land.

If they don't have any people that answer me, and questions and something, a lot of times I get just like that -- we talk about it for nothing. (Laugh) You know. If we have talking like that. But in a way, this is my concern because our people need it to be right to work with it. And we have Fenton and Thomas and Burton Rexford representing this thing, you know. We always -- they're always -- we heard them talk about that a lot of time.

And I think that's about all this evening. Thank you very much.

HEARING OFFICER EMERSON: Thank you.

MR. MONKELIEN: Thank you.

(Pause - Side comment)

PUBLIC TESTIMONY OF MS. SUSIE AKOOTCHOOK

My name is Susie Akootchook. I was born and raised here in Kaktovik. I oppose -- I've voiced my concerns and comments every lease sale -- offshore lease sale hearings or I'm commenting that they have in Kaktovik for years and years.

(Ms. Akootchook translating her testimony into Inupiat)

The Inupiat people are here in this area, we are hunters. They're -- they live off the land -- whales, seals, oogrucks, fish, ducks, a variety of animals, belugas. I've opposed and I've voiced my opinions for years and years, every time they had lease sales here, and up to this day, I still oppose these

offshores, offshore lease sales for reasons like we have no guarantee that you guys -- that the oil company will not have any oil spill. And there's no guarantee that the clean-up will be successful.

You guys, MMS or any other oil industry, have not give us answers that will satisfy me with oil spills, that they will -- that may occur down there. 'Cause we have seen that one down there in Valdez, down there in south of Alaska there, and it was a bad one. It may not have been -- it may have come out from the tanker, but, you know, oil is oil.

Our people will not stop living off the ocean or living off the land here. They will continue.

(Ms. Akootchook translating her testimony into Inupiat)

The Inupiat people likes to eat. They -- we're Inupiat. That's -- and that's why we live off that ocean down there. We live off of that. That's -- we eat from it. We eat from it. And that's why I oppose these offshores.

You guys come out -- MMS come out and want to sell this, want to sell that to the oil companies, and it's just an ongoing thing, year in, year out. And it's -- I don't think you guys are going to stop. You guys should listen to us. Hear us out. Hear us. Get it in there.

This stuff is serious. It's serious stuff. It's -- we're not just talking, just blabbering. This is our -- where we live off. My Gosh! You can go like that....

MR. MONKELIEN: I under- -- I understand....

BY MS. AKOOTCHOOK (Continuing):

.....geez. You guys just -- you MMS people just want to sell, sell, sell. Money, money, money. Money, money, money. Come on. Think of Food, food, food for the Inupiat people here. Not only here but all through the coast. It goes all the way to Greenland. Geez.

Inupiat (indiscernible). Inupiat so many (indiscernible) they get hungry. And if you'd let them go down there where they like to eat out of this ocean. Not (indiscernible). Listen to us. Listen to them. Year in, year out. How many times a year you guys come around here -- 'We're going to have a hearing. We're going to have -- we want some comments. You got -- this time, oh, you guys got about a month or so to get your comments in. Hurry, hurry, hurry!' Oh, wow!

I oppose. I oppose these offshores. As well as I....

(Ms. Akootchook translating her testimony into Inupiat)

These animals are going to be deleted sometimes. But these

animals are still here up to this day, and as long as the animals are here and not destroyed, we're going to eat off of them. And you guys -- and we read all these things about these animals that are getting toxic chemicals in them. Not safe to eat because of the industrial toxics, chemicals, and everything like that. Lord only knows what you guys are going to put -- what the oil companies going to dump in there.

You guys, MMS people, listen to us. Listen to us. They're getting a lot of oil and gas over there in Prudhoe Bay area. And they've got another one, great big one, over there, Alcan (sic) -- Alpine. Gol, why don't you just stop there for a while? Stop there for a while.

MR. MONKELIEN: Thank you.

HEARING OFFICER EMERSON: Thank you.

PUBLIC TESTIMONY OF MS. MARIE REXFORD

Marie Rexford. I oppose this, too. I never liked what I seen in Prudhoe Bay.

HEARING OFFICER EMERSON: Could you repeat your name and spell it, please?

MS. REXFORD: I'm Marie Rexford.

HEARING OFFICER EMERSON: Okay. Thank you.

BY MS. REXFORD (Resuming):

I've lived here all my life, and I oppose everything with the oil companies. I don't like what I see in Prudhoe Bay. I never liked what I saw over there when I went working over there. So I'm putting my comment to say I oppose all the oil leases.

HEARING OFFICER EMERSON: Do you have specific things that you'd want to mention?

MS. REXFORD: Well, like she said, this is our Garden of Eden. We live off this land. And we'll never stop living off the land. So...

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HEARING OFFICER EMERSON: The things you saw at Prudhoe Bay, did you want to mention any of that?

MS. REXFORD: There's a lot of chemical.

HEARING OFFICER EMERSON: Discharges?

MS. REXFORD: A whole bunch of -- I don't know what they are, that are out in the open. And animals can get in those things and spread it around, so I didn't like that. So I just have to voice my comments and say that I oppose.

HEARING OFFICER EMERSON: Well, that's a very good comment. Any other things like that, though, see, that -- and you're right. Those open-pit discharges were -- have proven to be not the best way to go. And right now, the program that is being required, let's say, onshore also is that those materials are being reinjected back into the well. So it's not -- they won't have those open pits like the south Prudhoe has.

MS. REXFORD: I still oppose.

HEARING OFFICER EMERSON: I appreciate your comments.

MR. MONKELIEN: Thank you.

(Off record)

(Tape Change - Tape No. 1 of 2, Side B)

(On record)

RECORDER: On record. Okay. Go ahead, please.

PUBLIC TESTIMONY OF MR. EDWARD REXFORD, SR.

Yes. My name is Edward Rexford, Sr. Raised here all my life, a lifelong resident and also a Whaling Captain. And I also am against the Lease Sale 170. And looks like there's going to be a lot of impact on our whaling this summer, and it's getting worse each year.

And I hope you guys would give us more time for comments. Like today, it's a bad day 'cause people are going to church and stuff. And we should have more Whaling Captains here voicing their concerns on this important matter.

And like I say, I oppose the lease sale also.

HEARING OFFICER EMERSON: How much additional time do you think would be helpful here?

MR. REXFORD: Oh, geez. What I'd like to see is the Whaling Captains get together and come up with some comments, too, 'cause a lot of them, they aren't here.

HEARING OFFICER EMERSON: A week, two be okay? Well, if you want to work on that, we can work with you on that.

MR. REXFORD: Well, I'd like to see it extended and have other people given chances to voice their concerns.

HEARING OFFICER EMERSON: If we know that a group has got something they want to get in the system, then we can accommodate that. But we'll still keep the same general deadlines, but kind of on schedule, but if something -- if you need additional time, why we can work with you on that.

MAYOR SONSALLA: Would you be willing to come back and.....

HEARING OFFICER EMERSON: Oh, another trip?

MAYOR SONSALLA: Another trip, yeah.

HEARING OFFICER EMERSON: I don't know on that.

MAYOR SONSALLA: Are you talking more about like written comments?

HEARING OFFICER EMERSON: Yeah. Yeah. Send them in to our office. Well, we've had -- this is our third attempt getting here anyway, on account of the weather. Maybe we could get back, I don't know. It's been hard to get here.

MR. REXFORD: Well, I'm opposed to it.

HEARING OFFICER EMERSON: If you want to work on a statement or something, or with the community, we can.....

MAYOR SONSALLA: You could extend the deadline for the written statements?

HEARING OFFICER EMERSON: Correct.

MAYOR SONSALLA: Till?

MR. MONKELIEN: For some period. I'm not sure what that period would be.

HEARING OFFICER EMERSON: At least a week, possibly two. But that's probably.....

MS. AKOOTCHOOK: So you guys were looking at July 18th as the deadline for comments?

HEARING OFFICER EMERSON: Mm hmm (affirmative). Yeah.

MR. REXFORD: And you mentioned that people who make comments and testimonies before on that -- the scoping probably won't -- will not be included in the -- the comment.....

MR. MONKELIEN: In the Final EIS?

MR. REXFORD: Yeah.

MR. MONKELIEN: Only in the way that they've been included in.....

(Microphone repositioned)

MR. REXFORD: And the ones that would be included is the people who make comments now tonight?

MR. MONKELIEN: These will be.....

MR. REXFORD: And.....

HEARING OFFICER EMERSON: Those will be. In this.....

MR. REXFORD: There's hardly anybody here to make comments, as you can see.

MR. MONKELIEN: Well, the written comments will also be included.

MR. REXFORD: Uh-huh (affirmative).

HEARING OFFICER EMERSON: In the -- in this document right now, we've taken statements from individuals in the communities and incorporated them, as we heard that information, as traditional knowledge. That's been added to this document. So on the topics of each resource, caribou, bowhead whale hunting, migratory water fowl, marine mammals, that are all these topics here, there are people that are cited in the communities that have made statements. So you should see that all the way through the document.

MR. REXFORD: Yeah, I haven't had a chance to go through the.....

HEARING OFFICER EMERSON: That would be Chapters -- those are -- those people are in Chapters 3 for the description of the environment, and then some of the effects that they see are in the Chapter 4.

MR. REXFORD: Okay. Well, I'll have to go through this. This is the first day I've seen this.

HEARING OFFICER EMERSON: Okay.

MR. REXFORD: All right. Thank you.

MR. MONKELIEN: Thank you.

MS. AKOOTCHOOK: We have a question.

HEARING OFFICER EMERSON: For example, here on page 4-B20 is a whole column of that particular information from different people.

MAYOR SONSALLA: You have a question?

HEARING OFFICER EMERSON: Yes.

MS. AKOOTCHOOK: I've got a question.

HEARING OFFICER EMERSON: Sure.

MS. AKOOTCHOOK: You guys think of the Whaling Captains? Did you guys ever think of mailing these to each of the Whaling Captains in the communities?

HEARING OFFICER EMERSON: Yes.

MS. AKOOTCHOOK: So you're sure the.....

HEARING OFFICER EMERSON: They.....

MS. AKOOTCHOOK:they were sent that book.

HEARING OFFICER EMERSON: They have those.

MS. CASEY: They have them.

HEARING OFFICER EMERSON: We have sent those.

MS. AKOOTCHOOK: To the Whaling Captains.

HEARING OFFICER EMERSON: Yes. Yes.

(Simultaneous indiscernible speech)

MS. AKOOTCHOOK: And were they sent -- Nuiqsut -- were you guys (indiscernible)?

HEARING OFFICER EMERSON: Uh-huh (affirmative).

MS. AKOOTCHOOK: Do you still have everything?

HEARING OFFICER EMERSON: Yes.

MS. AKOOTCHOOK: Where's your Director? Your new Director. What is his name?

HEARING OFFICER EMERSON: The new Director?

MS. AKOOTCHOOK: Yeah.

HEARING OFFICER EMERSON: John Goll (ph). He's back in Washington, D.C.; he's moving this week.

What happened is this schedule got delayed for the Secretary of Interior coming and changed this -- because they didn't want to have the NPR-A and the 170 issues confused. So the -- that's what Barrow asked us, to make a change in the date. And then this -- we were supposed to be here last week for your community, but we got weathered out. We couldn't get in from the weather conditions. So we're a week late here because of weather.

MS. CASEY: Two weeks.

HEARING OFFICER EMERSON: But they had -- two weeks late. Excuse me. And so they're having their public hearing tomorrow in Barrow, but we had the public hearing in Nuiqsut two weeks ago.

So we can work with you on the additional two weeks because weather's -- you've got the toughest weather on the Slope so far.

(Pause)

MR. MONKELIEN: And he -- the Director did want to come to this one, to the meeting here. He was planning on it. If they'd been in two weeks ago, he would have been with the group that would have been here.

HEARING OFFICER EMERSON: But he will be up here. He'll -- he wants to visit.

MS. AKOOTCHOOK: When?

MR. MONKELIEN: That, I'm not sure when.

HEARING OFFICER EMERSON: Haven't got it scheduled yet. Did you want....

MS. CASEY: (Inaudible) comment about were the Whaling Captains sent copies. In Section 6-3, there's a list of people who got them, and I (inaudible).

(Pause - Side comments)

MS. CASEY: You know, and it shows all the people who have either submitted comments through scoping or through other EISs. We'll be including your comments, and people that are -- or groups or industry who we sent copies to. So if you didn't get your copy, Susie (inaudible), because everybody that's listed here, this person was sent a copy of the EIS.

MS. AKOOTCHOOK: (Inaudible comment.)

MS. CASEY: Yeah. It was sent down May 18th. So that's why I want to (indiscernible). But the Whaling Captains, like, Edward, you mentioned just (indiscernible) which Whaling Captains, that was the date (indiscernible) copies of the document. If you see names that should be on there, so that if you could tell me who they are, then I'll get their addresses so we make sure they're on the mailing list. ' Cause we'll send out as many copies as addresses.

HEARING OFFICER EMERSON: We're going to leave those copies here, too; right?

(Ms. Casey addressing the group; her comments are difficult to discern as she was not at a microphone)

MS. CASEY: Yeah. Yeah, we need to tell you guys (indiscernible), but if you can give me names, I'll be happy to add them, and we'll make sure that the people get it. That's the only way we know who to send to. (Indiscernible) in the past were spoken at that scoping meeting or whatever. Anybody that has commented like during our scoping meet or (indiscernible), we go through those lists and make sure that they're added to the mailing list.

Because they are interested, and they do take the time to testify, you

know, or to make comments or to write comments. And so we want to make sure that we follow up with them and that they do see that -- what the document looks like, and that somehow the document -- their comments are incorporated, as well as the summary.

MAYOR SONSALLA: It is kind of strange that those people that are listed there didn't get.....

(Indiscernible simultaneous speech)

MS. CASEY: Yeah, I don't understand either because I personally went through and sent out all these copies.

MAYOR SONSALLA: 'Cause I know we used to -- the City used to get boxes.

MS. CASEY: Boxes.

MAYOR SONSALLA: Boxes in and we, you know, would have to distribute them. But we didn't -- I think I got one or two copies of the plan.

MS. CASEY: 'Cause everybody that's listed in here should certainly get a copy. So we have -- I guess we'll have to follow up on our end. I mean, they actually were sent out to the post office. At least (indiscernible).

(Indiscernible side comments)

HEARING OFFICER EMERSON: Well, we need that -- need to have somebody send them boxes full, I guess, a couple of boxes. That worked before. Just have a couple of boxes be sent to them.

MS. CASEY: We'll send extra, yeah. We can send them to individuals and then send the community boxes.

MAYOR SONSALLA: Okay. If you want to do that, I can post notices and put on it anybody that wants to pick up a copy.....

MS. CASEY: Okay.

MAYOR SONSALLA:I have extras here.

MS. CASEY: Yeah. I did not send out extra boxes. I guess I should.

(Pause - Side comments)

MR. REXFORD: So who makes the decision on if they're going to defer that (indiscernible)?

HEARING OFFICER EMERSON: Well, that's made, actually, by the Secretary of Interior, who weighs the pros and cons of that.

MS. TRAYNOR: You see, I don't see it listed.....

(Indiscernible simultaneous speech)

MS. AKOOTCHOOK: Wasn't the Secretary of Interior at Barrow yet? Or did he leave yesterday?

HEARING OFFICER EMERSON: He left there yesterday.

MS. AKOOTCHOOK: What's today?

MR. AKOOTCHOOK: Wednesday.

MS. TRAYNOR: Oh, he was over in the northeast corner of.....

MR. MONKELIEN: NPR-A.

(Side comments)

HEARING OFFICER EMERSON: Yes, Atqasuk today.

MR. MONKELIEN: Atqasuk today.

MS. AKOOTCHOOK: So that the -- he has his own plane?

MS. TRAYNOR: Of course.

MS. AKOOTCHOOK: Or he has his own plane?

HEARING OFFICER EMERSON: Helicopter.

MR. MONKELIEN: Or a helicopter.

MS. AKOOTCHOOK: So he might still be at Barrow.

MR. MONKELIEN: Possibly. I'm not sure.

(Simultaneous speech)

MS. CASEY: (Inaudible response.)

MR. MONKELIEN: I think so.

HEARING OFFICER EMERSON: Yeah.

MR. MONKELIEN: I think he's.....

MS. CASEY: He's supposed to be. I don't know if he went to -- if he made it here.

MR. AKOOTCHOOK: Tell me about that Minerals Management Services' work, how do you.....

HEARING OFFICER EMERSON: How do you what?

MR. AKOOTCHOOK: Minerals Services.

HEARING OFFICER EMERSON: Uh-huh (affirmative).

MR. AKOOTCHOOK: What's your work out in here? Explain it.

HEARING OFFICER EMERSON: Oh. Well, the -- there's a legislation passed some time ago that the purpose of our agency was to look at offshore oil and gas resources in the Outer Continental Shelf for exploration and development of oil and gas. And that was to begin three miles offshore; the State lands -- or State waters are from the shoreline out three miles. But three miles on is the federal waters, and any activities out from three to six miles out is kind of a transition zone that is shared by both the State and the federal government in terms of potential revenue.

So the agency has operations in the Gulf of Mexico, some in -- off the coast of California, and Alaska. The revenues that have been generated for the federal government over the years are in the ten -- once I saw that number -- \$10 billion or something like that. Its purpose is to try to develop the -- those resources in an environmentally safe manner. And that's the -- the charge here is, through the legislation of the National Environmental Policy Act, we call NEPA, which requires evaluating the options and evaluating the risks for those decisions so that the decision-makers involved, in this case, the Secretary of the Interior, make the right decisions.

And the idea is for a long-term plan and not a hit-and-run plan so that -- because the idea is that activities proceed in a way that are safe so that they don't jeopardize future decisions. So the decision-maker wants to make the right decision because, also, it's a politically sensitive thing, that if they make the wrong decisions they cause -- a problem occurs, there are -- all political people are somewhat accountable what -- either support or have been a part of the program. So it's -- there is an accountability. It's that sort of thing.

Did that help at all?

MR. AKOOTCHOOK: Mm hmm (affirmative).

MS. AKOOTCHOOK: So you listen to us; right?

HEARING OFFICER EMERSON: Right. The purpose of the scoping process that we came to in November was to identify the issues that are treated in this document.

MS. AKOOTCHOOK: And then when it comes to decision-making and you're getting pressure from these politicians.

HEARING OFFICER EMERSON: Pardon me? I'm sorry.

MS. AKOOTCHOOK: And when it's time for decision-making.....

HEARING OFFICER EMERSON: Oh, yes.

MS. AKOOTCHOOK:and then you get pressure from these

politicians. Well, do you just state your deci- -- your -- you don't sway?

MR. MONKELIEN: Well, we can't speak for the Secretary 'cause he's the one that makes the final decision on what's going to be.....

MS. AKOOTCHOOK: I wasn't talking about that.

MR. MONKELIEN: What.....

MS. AKOOTCHOOK: Those ones that come out of these bills and.....

HEARING OFFICER EMERSON: Oh, the political influences?

MS. AKOOTCHOOK: Yeah.

HEARING OFFICER EMERSON: Oh, I'm sure there are some. I'm sure there are some. The community's input still are very important because the idea is to have a program that is workable with all the affected parties. It's not because -- that's why this stipulation in 144 that's now part of this one, is that we brought together representatives of the three major communities for Sale 144 -- and that would be the same for this -- and where there's a controversy, and not just in the disturbance of noise to whales and so on for hunting, anything that's a -- looks to me like it's going to -- to them that looks like a serious issue, they sit down and they meet, and they look at what needs to be done.

It could offer even -- they could even generate deferral areas within that body of people to say we don't go within that area. That could be agreed upon. So it's a more active role. Instead of just blanketly (sic) deferring large areas and saying, 'Don't go there,' or something like that, it's like, 'Let's work with the problem more -- kind of manage it a little more carefully, a little more closely, more specifically.'

It's like when they started out in this program, they had like a five-month seasonal stipulation which they shut down offshore oil and gas activities out there for the bowhead whale migration. Okay. That was because they weren't sure of the effects and so on. Studies followed and so on, and the State and with industry that followed that effect, and they found out that it wasn't necessary to just shut down the whole industry for five months. So eventually, we worked with the stipulation and they came to a

point where it wasn't needed to shut down for those periods of time, and they found that they -- it worked out okay.

But the initial position is usually conservative. Try to be careful, and let's proceed slowly to see. So starting out the program, why, there was a seasonal stipulation to shut down the whole industry across the Beaufort Sea during that period.

We don't have all the answers, and I'm not here to try to make it sound like that either, but it's -- you know, it's an ongoing information quest. Right now, the newest aspect of this document that you haven't seen before is the representation by your community and members of the traditional knowledge that they have given us. And we're trying right now to say that the traditional knowledge is as valuable as the scientific information that we are getting from our experimental work out there.

And we say where they conflict, and we don't say that our science disproves traditional knowledge, we say, 'Oh, we have a problem.' So and that's what generated this Committee of these representatives that I mentioned, is that there was a conflict. The scientific studies said that the whales started to show an effect only at about three kilometers from a drill rig, they started to move. And that was not believed by the traditional knowledge representatives, and they said, 'No, it's more like seven or eight kilometers.' And so.....

MS. AKOOTCHOOK: What's a kilometer?

HEARING OFFICER EMERSON: A kilometer? Six-tenths of a mile.

MS. AKOOTCHOOK: So seven kilometers is what?

MR. MONKELIEN: About five miles.

HEARING OFFICER EMERSON: Five miles.

MR. MONKELIEN: Three and a half miles, four miles.

(Side comments)

HEARING OFFICER EMERSON: And right now, the Chairman -- the

perimeter, right now, as decided on by the whaling -- where the study now that's being monitored is from 30 miles out -- in. So they're saying, 'The perimeter is now 30 miles. Let's look at that area.' And that was agreed upon by the seismic workshop we held in Barrow and the -- most of the hunters -- whale hunters represented agreed upon that, that distance.

So that's what -- that's not a -- that's called -- call that the zone of influence, and that's what -- where we'd look at, let's say, an effect could occur.

(Pause)

PUBLIC TESTIMONY OF MAYOR LON SONSALLA

My name is Lon Sonsalla. I'm the current Mayor of Kaktovik. The City's position, as I understand it, is as it has always been, is that the -- that everyone here is pretty much opposed to any offshore leases -- of any of the offshore leases that have occurred, are occurring, and will occur in the future.

We hope that the -- all the mitigating measures from Lease Sale 144 would be included in this EIS -- I assume they are. And if the lease sale does go through, which I assume that -- every one that's been proposed has actually become a lease sale?

MR. MONKELIEN: At least in the Beaufort Sea.

MAYOR SONSALLA: In the Beaufort Sea.

BY MAYOR SONSALLA (Resuming):

So if it does go through, we -- far as I'm concerned, we would strongly support the Kaktovik deferral. We need that. It's like the people here were saying that the ocean here is as important to people here as your ability to head down to the corner market. You know, it's -- this is their store; they depend on it. This is their life. It always has been.

We need to take -- we need to actually put more of these comments into the -- as you're saying, which is a good thing, that the comments are becoming part of the EIS. And so we appreciate that.

We still have concerns about the ability of industry to take care of any oil spills that would occur out in the ocean. We -- people that have lived here their whole lives know that that ocean is -- and the ice in it is extremely unpredictable, and it's very strong. It -- there's no telling what can happen out there. We know that anything is -- can happen, and that it would be -- it would probably be as close to a disaster as anywhere else in the Lower 48 would consider a hurricane or something of that nature. The drills. So I think it has cumulative effects. I think Nuiqsut is worried about those cumulative effects. You know, one lease sale on top of another. And yeah, those things keep on, you know.

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The one thing that Isaack mentioned that has -- and we keep bringing it up also -- is that we are kind of -- we are very concerned about that there's this impact money that goes to the State. And as far as we know, it goes in -- the State puts it into the General Fund, and it goes -- probably most of it goes to the larger communities, like Anchorage, Fairbanks, and Juneau, and the people here see -- don't see any of that. These are the affected communities. If there's going to be impact money, I don't know what it would take, some legislation down in Washington, D.C., probably, but that money needs to go to where the people are affected, not to be divided up amongst the rest of the state.

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Just want to make sure that it's understood that this is very important, and we do oppose it. But if it goes through, as probably -- I'm assuming it probably will, we would want the deferral area to stay intact, if not even become a little bit larger.

And I'm kind of wondering about the Warthog then. That's not part of this sale, is it?

MR. MONKELIEN: It was -- it's being drilled on a lease that was issued in the last sale.

MAYOR SONSALLA: Is that going to go through or....

MR. MONKELIEN: The expiration plan, we're expecting to get the expiration plan possibly this -- supposed to this week, and it will be going out for review at that point.

MS. AKOOTCHOOK: For Warthog?

MR. MONKELIEN: For Warthog.

MAYOR SONSALLA: The blue.....

MS. TRAYNOR: Camden Bay.

MAYOR SONSALLA: In the middle of the green one.

MS. TRAYNOR: That's in the green one.

MR. MONKELIEN: It was a sale that was.....

MS. TRAYNOR: Last year?

MR. MONKELIEN: Issued them last -- at the last sale.

MS. AKOOTCHOOK: What year? This year.

MAYOR SONSALLA: The sale.....

MR. MONKELIEN: When is the -- what year for -- the lease was issued?

MS. AKOOTCHOOK: Yeah.

MR. MONKELIEN: Last year. Last September.

MS. CASEY: Last year. We had the lease sale last November, and the leases were issued in.....

MR. AKOOTCHOOK: Brought that.....

(Simultaneous speech)

MR. MONKELIEN: Pardon?

MR. AKOOTCHOOK: They going to build that rig over this summer?

MR. MONKELIEN: They're going to move the rig over this summer and drill it during the ice -- solid-ice season this winter, this coming winter. That's the proposal. Work on it. Right.

MAYOR SONSALLA: That's ARCO? They were here.....

MS. AKOOTCHOOK: When was -- but wasn't that deferral requested before then?

MR. MONKELIEN: It was -- the sale was already -- it was -- the deferral was not selected for the previous sale. Is that right, Phyllis? Or was that.....

MS. CASEY: There was a Kaktovik deferral that was adopted.

MAYOR SONSALLA: But that was.....

MS. CASEY: And it is a major portion of that area.

MAYOR SONSALLA: But that was east of Kaktovik. The.....

MR. MONKELIEN: Yeah. Right.

MAYOR SONSALLA:previous deferrals.....

MR. MONKELIEN: The previous deferral was for an area east of Kaktovik.

MAYOR SONSALLA: And this deferral that we want.....

HEARING OFFICER EMERSON: And it was.....

MAYOR SONSALLA:is also -- it includes the west side.

HEARING OFFICER EMERSON: And it was based primarily on the uncertainty of this bowhead whale feeding area, was the major concern.

MS. TRAYNOR: So they don't think Warthog's in the bowhead feeding area?

HEARING OFFICER EMERSON: Not in as major a way as the area east.

MR. MONKELIEN: And the proposed drilling activity was not

occurring.....

HEARING OFFICER EMERSON: But not -- it's.....

MR. MONKELIEN:when the whales were there.

HEARING OFFICER EMERSON: We're rely -- we're going to rely somewhat on traditional knowledge.

(Pause - Side conversation)

MS. TRAYNOR: So all we're talking about is exploratory rigs right now.

MR. MONKELIEN: Correct.

MS. TRAYNOR: In the future, when they get them all involved.....

MR. MONKELIEN: That.....

MS. TRAYNOR:hinges whether they're going to be developing in that (inaudible).

MR. MONKELIEN: That would be correct. It would also -- at such time as the devel- -- such time as development would be proposed, it would go through the same environmental process -- review process.

MAYOR SONSALLA: It's unfortunate that.....

HEARING OFFICER EMERSON: It's really a State lease that's being developed. It's just the fact that the water is so shallow that they couldn't reaccess the -- that the larger rig like this sits. And so it's kind of -- that's what.....

MS. TRAYNOR: Is that an MMS lease or a State lease?

MR. MONKELIEN: Both. They're starting on a federal lease, finishing on a State lease.

(Pause - Side conversation)

MR. MONKELIEN: He had a question.

MAYOR SONSALLA: Well, I was going to say that it's unfortunate that the person ultimately to decide this, it hinges on one person basically; it's Bruce Babbitt. And he's very close to here now, and this is important to the people here, and it would have been nice if he could have stopped in. And maybe it would have been confusing because he's up to look at NPR-A here for the northeast corner, but this is going on at the same time, and so, you know, he was this close, he could have stopped in. Although the weather's been pretty foggy (laugh).

Well, I guess that's all I got.

MR. MONKELIEN: We'll pass that one -- that on to him.

MAYOR SONSALLA: Yeah. And for the record, he's welcome.

(Laughter, side comments)

MR. MONKELIEN: Sure. He's the one that makes the decisions.

HEARING OFFICER EMERSON: Anyone else like to make a comment?

(Pause)

RECORDER: Hold on, please.

(Off record)

(Tape Change - Tape No. 2 of 2, Side A)

(On record)

PUBLIC TESTIMONY OF MS. MERYLIN TRAYNOR

My name is Merylin Traynor, a resident of Kaktovik for about four years. And I'm opposed to drilling in the ocean after watching the incredible movement of ice and fronts. And it's such a dynamic place, and if to be putting oil wells out into that is -- we can't answer the questions ahead of time. We can't see what could happen out there.

And I watch the village and the people here, and everybody lives off of the whales. It's a very major part of the cultural happenings, Christmas and Thanksgiving and spring festivals and the sharing with the elders. But it's just the fact that I see this process of it's going to happen, and it's -- they may not drill it now, but 20 years from now, maybe they'll open this up. And I'd like to keep as much of it for Kaktovik closed down as possible at the moment.

I see those currents. I know that we've got 50 miles that you possibly won't lease, but that water, that ice moves across that 50 miles in almost no time. And so does everything else out there. And I can imagine what an oil spill would do. I just -- that would be scary.

Anyhow, I guess I'm against it. I haven't really taken a stand, but I really hate to see them go out there. Thank you.

MR. MONKELIEN: Thank you.

HEARING OFFICER EMERSON: Any other comments? This has been very helpful.

(No response)

HEARING OFFICER EMERSON: We can work with you on that time frame of a couple weeks, Lon, and stay in touch on that. I guess officially we could say that looks like everyone here has commented. I'll say the public hearing is closed at this point. So thank you very much. And we need to stay in touch though.

RECORDER: Off record.

(Whereupon, the hearing was adjourned at 7:30 p.m.)

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KPH-01

The commenter is correct. During the scoping process, the City of Kaktovik requested that all blocks within a 50-mi radius of Barter Island be deleted from the proposed sale area. As indicated in Section I.C.2 of the DEIS, the MMS considered such a deferral but adopted a deferral area slightly less than the 50-mi radius suggested. The modified Kaktovik deferral (Alternative III) excludes active leases from past sales, including the Kuvlum and Hammerhead units and those blocks recently leased from Sale 144—held last year—as well as blocks located outside of the eastern limit of proposed Sale 170—blocks that had already been deleted from Sale 144. The modified deferral includes all blocks from the eastern boundary of the proposed sale area westward to active leases in the Kuvlum Unit.

KPH-02

Many of the response measures to clean up spills in broken ice in the Arctic are “unverified” under actual spill conditions, because there has never been a significant oil spill in the Arctic to which these measures could be applied. However, these response strategies have been “proven” through spills in other areas that had similar environmental considerations (including ice), through field-testing in the U.S. and Canadian Beaufort Sea and other offshore areas, and through research and laboratory studies involving full-scale test tanks. Most notably, extensive field tests and demonstration projects were conducted in the early 1980’s on the North Slope and in the Beaufort Sea to specifically demonstrate broken-ice oil-spill-response capability. Known as the Tier II Program, the results of these tests and demonstrations were the foundation for MMS and State of Alaska approvals for exploratory drilling operations during broken-ice periods. The Tier II program led to the development of improved fire-resistant-boom and in situ-burning technology.

Work has continued to improve response technologies for the Arctic since the Tier II project. In particular, there has been additional research, studies and field tests on in situ-burning response capabilities. In situ burning remains one of the principal response strategies for broken-ice conditions when mechanical response capabilities would be restricted.

KPH-03

Regarding potential offshore contamination of waters by OCS drilling activity, please refer to Section IV.B.1, Effects on Water Quality.

KPH-04

The MMS supports developing legislation for impact assistance to local communities. The concerns of local communities are being addressed to provide impact assistance for chronic impacts from oil development. Recently, a Coastal Impact Assistance Working Group under the AOAC was tasked with developing recommendations for a coastal impact assistance program. Representatives from the coastal states of Louisiana, California, North Carolina, Oregon, Texas, and Alaska comprise this group. A report was prepared and submitted to the OCS Policy Committee; the full committee acted on the resolution to adopt the recommendations of the working group at their October 1997 meeting. The plan is designed to provide monies for the mitigation of coastal impacts, and would allow all coastal states, including the Great Lakes states, and affected local communities to share in offshore drilling revenues. The working group’s recommendation will be submitted to the Secretary of the Interior for consideration. To implement any changes in revenue sharing among coastal states and local communities would require a change in the OCS Lands Act.

KPH-05

See Response APH-01.

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UNITED STATES DEPARTMENT OF THE INTERIOR

MINERALS MANAGEMENT SERVICE

OFFICIAL TRANSCRIPT - PUBLIC HEARING

DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR BEAUFORT SEA PROPOSED OIL AND GAS LEASE SALE 170

Barrow, Alaska
Thursday, July 10, 1997
7:40 o'clock p.m.

MINERALS MANAGEMENT SERVICE PANEL MEMBERS

Mr. Paul Stang, Regional Supervisor for Leasing
and Environment

Mr. Bob Brock, Special Assistant to the Director of
the Alaska Region Office

Mr. Cleve Cowles, Chief, Environmental Studies Section

Mr. Kris Nuttall, Hearing Assistant

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

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BARROW, ALASKA - THURSDAY, JULY 10, 1997

(Tape No. 1 of 1)

(On record at 7:40 p.m.)

HEARING OFFICER BROCK: I'll convene the public hearing. We're a little late getting started this evening, and - - but my name is Bob Brock, and I've got a few opening remarks here.

And that's that I'm a Special Assistant to the Regional Director of the Minerals Management Service in Anchorage, Alaska, and this is a public hearing on the Draft Environmental Impact Statement on our proposed offshore oil and gas Lease Sale 170.

With me on the panel tonight, on my right here is Paul Stang. He's the new Regional Supervisor for Leasing and Environment. He just started last Monday with us; he came from Washington, D.C. And on his right is Cleve Cowles, Chief of our Studies program. And Kris Nuttall is the fellow standing out in front signing you in as you came in the door.

This is the fourth and last public hearing on Sale 170. We've held public hearings in Nuiqsut, Kaktovik last night, and Anchorage. So we've held three other public hearings besides this one.

The purpose of this meeting is to receive your views and comments and suggestions on our Draft Environmental Impact Statement. We've mailed out copies of the EIS in mid-May; however, if you did not get one, there's plenty of copies here. We encourage you to take one.

The area under consideration for this Draft EIS is the area on the map outlined in red, which based -- which focuses on the near-shore area, and it's from about basically the Colville River to the -- to Barter Island. It covers about 1.7 million acres. And, as you know, the State jurisdiction goes from three mile -- or from the shoreline out three miles. We start three miles and, in this particular sale, go offshore from 3 miles to 25 miles -- about 25 miles.

The proposed lease sale follows closely after Sale 144, which was held last summer. In that sale, we issued 29 leases, or about 100,000 acres. One well was drilled last winter, and on that well, BP -- British Petroleum -- has started to discuss with us the possibility of a development project called the Liberty Project.

This Draft EIS builds upon the information we gathered from you people and others on Sale -- on the Final EIS on Sale 144 about a year ago. We've added new information that we've got since then, and we've added informa-.....

MR. EDWARDSSEN: Excuse me. Can we get -- can I make a statement here?

PUBLIC TESTIMONY OF MR. VAN D. EDWARDSSEN

My name's Van Edwardsen. I am the Barrow -- Vice President of the Barrow Whaling Captain's Association. And we've prepared a statement this afternoon, and I'll read the statement:

"To the Minerals Management Service, Lease Sale 170 DEIS Hearing, July 10, 1997, North Slope Borough Assembly Room, Barrow, Alaska 99723."

"The North Slope Community, including the Barrow Whaling Captain's Association and others, has had enough. The U.S. Government, through the Minerals

Management Service, has continued to ignore the comments and the personal experience of many Whaling Captains and Whalers. The Whalers have attended many, many meetings within the past twenty years, commented many, many times about disruption to the bowhead whale migrations, to no avail.

"The hokey studies conducted by the Government scientists are concurred (sic) to ethical practices used by legitimate scientists. It is no longer the best interest to the North Slope Communities to attend the Minerals Management Service hokey meetings. The Barrow Whaling Captain's Association strongly oppose Lease Sale 170."

And for the record, my name is Van. It is spelled V-a-n, Edwardsen, E-d-w-a-r-d-s-e-n.

HEARING OFFICER BROCK: Anybody.....

(Pause - Demonstrators can be heard in the background)

PUBLIC TESTIMONY OF ACTING MAYOR KAREN BURNELL

My name is Karen Burnell, Acting Mayor for the North Slope Borough. This is a statement from the North Slope Borough:

The North Slope Borough is in support of the position taken by the Barrow, Kaktovik, and Nuiqsut Whaling Captains.

Whaling Captains.

Our major objection to the Draft EIS is poor recognition of the views and comments provided by our subsistence whale hunters. Their observations regarding the impacts of seismic noise, drilling noise, and noise generated by ice breakers during the fall bowhead whale migration has been greatly down-played in the DEIS.

These noise impacts have a devastating effect on fall whaling as demonstrated during the 1989 fall hunt in Barrow. All the meat was lost because our hunters had to go to great distances to hunt due to industrial activity east of Barrow.

(Demonstrators in the room and chanting loudly)

(Pause as the demonstrators leave the room)

BY MS. BURNELL (Resuming):

Our major objection to the Draft EIS is poor recognition of the views and comments provided by our subsistence whale hunters. Their observations regarding the impacts of seismic noise, drilling noise, and noise generated by ice breakers during the fall bowhead whale migration has been greatly down-played in the Draft EIS.

These noise impacts have a devastating effect on fall whaling as demonstrated during the 1989 fall hunt east of Barrow. All the meat was lost because our hunters had to go to great distances to hunt due to industrial activity which was located east of Barrow.

We will not be participating in the hearing today in support of our Whaling Captains who chose to boycott this meeting.

(Pause)

PUBLIC TESTIMONY OF MS. MAGGIE AHMAOGAK

Good evening. My name is Maggie Ahmaogak. I'm the Executive Director for Alaska Eskimo Whaling Commission. I'm in support of the boycott that is happening here, and we also will not be a part of this public hearing on your Draft EIS.

And also, I'd like to express the objection and opposition to the U.S. MMS Lease Sale 170, which also has been commented on last November by Alaska Eskimo Whaling Commission. And we also would like to inform MMS that all of these lease sales that are occurring in the offshore are all objected to and opposed by Alaska Eskimo Whaling Commission.

And I will also support the Acting North Slope Borough Mayor's comments, and we are not part of this meeting. Thank you.

(Demonstrators heard chanting loudly in the background)

PUBLIC TESTIMONY OF MR. ARNOLD BROWER, JR.

My name is Arnold Brower, Jr. I'm the President of the Native Village of Barrow Tribal Council. The Native Village of Barrow joins the position of the Barrow Whaling Association membership and the Alaska Eskimo Whaling Commission and the North Slope Borough to boycott the July 10, 1997, hearing regarding Lease Sale 170 DEIS.

As a Tribal government, we endorse the position of the Barrow Whalers, Alaska Eskimo Whaling Commission, and the North Slope Borough in their efforts to protect our culture and the subsistence way of life in the Arctic.

So we will not participate in any of the hearings today in your hearings today.

(Pause - Demonstrators chanting in the background)

HEARING OFFICER BROCK: Is there anybody else that would like to say anything, make any comments?

(No response)

HEARING OFFICER BROCK: If not, I guess that we'll close the hearing at 10 minutes to 8:00. We'll adjourn for a few minutes and see if -- we'll go off record and adjourn for a few minutes, and if somebody comes in, we'll -- during the next 15 or 20 minutes, we'll reopen. We'll wait a while longer.

(Off record at 7:55 p.m.)

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

HEARING OFFICER BROCK: It's 10 after, and I've checked around, and there are nobody out here that wants to testify. So at this time, we will close the hearing.

(Whereupon, the hearing was adjourned at 8:12 p.m.)

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