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PUBLIC HEARING
FOR
DP005 - LIBERTY PROJECT
BUREAU OF OCEAN ENERGY MANAGEMENT

Nuiqsut, Alaska

Taken October 2, 2017
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Nuiqsut, Alaska

Reported by:
Mary A. Vavrik, RMR

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

2 Bureau of Ocean Energy Management:

3 James J. Kendall
4 Regional Director

5 Mark Storzer
6 Regional Supervisor
7 Office of the Environment

8 Michael Haller
9 Tribal and Community Liaison

10 Frances Mann
11 Chief of Analysis Section II
12 Office of the Environment

13 Lauren Boldrick
14 Liberty Program Manager

15 Bureau of Safety and Environmental Enforcement:

16 Kevin Pendergast
17 Deputy Regional Director

18 For Environmental Protection Agency:

19 Hanh Shaw
20 Program Manager
21 Alaska Oil, Gas and Energy Sector

22 Taken by: Mary A. Vavrik, RMR

23

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

28

29

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

2 MR. MICHAEL HALLER: Ladies and gentlemen,
3 thank you very much for coming out tonight. We appreciate
4 it. We also appreciate the opportunity to come up and
5 come back to Nuiqsut. It's always wonderful for us to be
6 here. Thank you very much for your hospitality in showing
7 up tonight.

8 We will start tonight, and what I'd like is for our
9 friend Edward to introduce our elder, Virginia, who is
10 going to do our invocation, I'm guessing.

11 (Invocation offered by Virginia Kasak.)

12 MR. MICHAEL HALLER: I'm Michael Haller,
13 and I'm here on behalf of the Bureau of Ocean Energy
14 Management. You know us as BOEM. So it's my pleasure to
15 introduce my boss, the Regional Director for Alaska OCS
16 Region for BOEM.

17 DR. JAMES KENDALL: Thank you, Mike.
18 Again, my name is Jim Kendall. I'm the Regional Director.
19 I moved to Alaska about seven years ago, and I think I
20 have been in this room at least 15 times. It's always
21 good to come back and home to Nuiqsut.

22 Anyway, as Mike said, we are with the Bureau of Ocean
23 Energy Management. It is a bureau within the Department
24 of the Interior. We do not work with the -- we are not an
25 oil company. We are not with the State. We are a federal

1 agency, and we try to facilitate the best possible
2 decisions.

3 The reason for tonight's meeting is a company,
4 Hilcorp, sent us a proposal to build a development and
5 production facility just offshore in the Beaufort Sea in
6 the federal waters. A few months ago we published a Draft
7 Environmental Impact Statement that's out for review. And
8 the purpose of this meeting is for people to tell us what
9 you think about the document, what we missed, how we can
10 make it better.

11 The document is not a decision document. So no one
12 is going to look at that and say, oh, the document says
13 this is the decision. It's a piece of information that
14 decisionmakers above me will use to formulate that
15 decision, and you are part of the process.

16 So before we go any further, we sort of have to
17 introduce my team here so you know who we are. Again, you
18 know me, Jim Kendall. You have seen me before. You've
19 got Mike Haller, my tribal and community liaison.

20 Extremely important is Mary Vavrik. Now, Mary Vavrik
21 is the court reporter. She will take notes on what people
22 say. And so I want to ask you to please talk loud enough
23 so Mary can hear you. And don't forget to give her your
24 name so we have it for the record.

25 I also want to introduce Lauren Boldrick. Lauren

1 works for BOEM, of course, and she's the project manager
2 in BOEM to making sure all the pieces of this review come
3 together. We've got Mark Storzer. Where is Mark? Mark
4 Storzer is the head of my environmental office, so he
5 oversees this and other type documents. I've got Fran
6 Mann. Where is Fran? Fran is the supervisor who is
7 responsible for getting this document drafted up, sent out
8 to you all, and then holding a meeting like this so we can
9 get input and make it better.

10 Over the past couple of years we have heard people
11 say there are too many federal people coming up here. It
12 looks like we don't coordinate very well. So we are
13 trying to do better at that. So we have two of our
14 colleagues with us that are helping us with the document.
15 We have got Hanh Shaw. She is from EPA from Seattle, and
16 they are a cooperating agency with the EIS that we are
17 developing. Thank you much.

18 And then finally, we have got Kevin Pendergast back
19 there. Kevin is with the Bureau of Safety and
20 Environmental Enforcement. He is also helping us with the
21 document. And what's very important here for Kevin is
22 that when this process comes to conclusion and if the
23 decision is made to approve this plan or something
24 similar, then when the oil companies need to start
25 building things, they have to work with Kevin. And he

1 will be the one that could possibly approve things like
2 that it's up to code, and also he provides the inspectors.

3 So now you have got, what, three different agencies
4 here trying to coordinate it so it's easier for you.

5 With that, I'm going to turn it over to our project
6 manager, Lauren Boldrick.

7 MS. LAUREN BOLDRICK: Hi, everyone. My
8 co-workers and I work --

9 MR. EDWARD NUKAPIGAK: Can you turn some
10 of those lights off so we can see the slides better?

11 MS. LAUREN BOLDRICK: Yes. It's about a
12 ten-minute presentation.

13 (Translation by Edward Nukapigak.)

14 MS. LAUREN BOLDRICK: So we are here today
15 from BOEM, as Dr. Kendall said earlier, to talk about the
16 Liberty development and production plan. We have been
17 working on this project for about two years just writing
18 the environmental document. We were out here and did
19 scoping in 2015 in the fall.

20 So this map shows where the proposed Liberty
21 development would be. It's right up here [indicating] in
22 Foggy Island Bay, and it's about eight miles away from
23 Endicott SDI.

24 MR. EDWARD NUKAPIGAK: Eight miles. And
25 what's the total miles from Cross Island?

1 MS. LAUREN BOLDRICK: I think it's 18 or
2 19. I can't remember.

3 MR. MARK STORZER: Yes, 18 miles.

4 MS. LAUREN BOLDRICK: Okay. Thank you.

5 MR. EDWARD NUKAPIGAK: 18?

6 MR. MARK STORZER: Yeah. Cross Island is
7 18 miles to the northwest of the island.

8 MR. EDWARD NUKAPIGAK: Is that directly
9 north or southeast or what?

10 MR. MARK STORZER: It's northwest. Cross
11 Island would be northwest of --

12 MR. EDWARD NUKAPIGAK: This project is
13 going to be northwest of Cross Island?

14 MR. MARK STORZER: No. This project would
15 be southeast of Cross Island.

16 MR. EDWARD NUKAPIGAK: Okay.

17 MS. LAUREN BOLDRICK: So you can see here
18 it's inside the barrier islands in Foggy Island Bay. All
19 those barrier islands are here [indicating]. Sorry. I'm
20 very short. It's hard to point out well. So you can see
21 on this map that dotted blue line where they would build
22 an ice road every year out to the island. That's what
23 they would like to do to transport their crew and all of
24 their equipment. During the actual construction of the
25 project, they will use all of these dotted blue lines at

1 various stages when the ice is strong enough to hold their
2 equipment.

3 (Translation.)

4 MS. LAUREN BOLDRICK: So Hilcorp's
5 proposed action is they want to build about a nine-acre
6 gravel island. So the top of the pad for the gravel
7 island would be about nine acres. At the bottom it would
8 be about 24 acres. So it will look like a pyramid with
9 the top lopped off. It will be in about 19 feet of water.
10 So they will have almost -- or just over a seven-mile-long
11 pipeline. For the 5.6 miles that are offshore, they plan
12 to trench it out using really special excavators. They
13 will do that in the wintertime on ice. So they will cut
14 out a trench and they will dig it out and lay the
15 pipeline. Once they get on shore, it's going to become an
16 overland pipeline, so it will be on risers that are seven
17 feet tall so caribou will still be able to migrate under.

18 I'm trying to think. They will have 16 well slots.
19 They are not going to use all those well slots at once.
20 They are going to use the first 12 for production,
21 injection and their disposal well. So most of what they
22 dispose of out on the island will be through that disposal
23 well. They will have very little discharge.

24 Hanh Shaw from the EPA is here, too. So when we were
25 talking earlier, she said about 1 percent of what they

1 would do would be discharged under the NPDES permit and
2 then the rest would be injected. They plan to be out
3 there for about 15 to 20 years, depending on how well they
4 can maintain that reservoir. And construction should take
5 two to three -- is that right -- two to three years,
6 depending on the ice conditions. So if they have poor ice
7 conditions and they can't make those ice roads, that
8 really compacts what they can do out there.

9 MR. EDWARD NUKAPIGAK: What if there is a
10 late freeze up? I think the month of October and November
11 is going to be ice free and is not going to freeze up
12 right away.

13 MS. LAUREN BOLDRICK: So that's what
14 Hilcorp has proposed. At first they were proposing just
15 to do one construction season in the winter, but now with
16 recent weather conditions, they said instead of just one
17 winter, they think it will take two winters just based on
18 ice.

19 MR. EDWARD NUKAPIGAK: Have you guys
20 noticed about at some point recently there was open water
21 inside the barrier islands there in the Endicott area?
22 You guys aware of that area?

23 MS. LAUREN BOLDRICK: We heard about that
24 and out by Northstar. They had a lot of problems this
25 year.

1 MR. EDWARD NUKAPIGAK: It's unusual for
2 open water to be seen inside the islands in the heart of
3 winter.

4 MS. LAUREN BOLDRICK: It is.

5 (Translation.)

6 MS. LAUREN BOLDRICK: So as I was talking
7 about earlier, we came out here in 2015 for scoping. We
8 had two requests to extend the comment period. The first
9 time was from several of the villages that we went out to,
10 and we granted that request. And then the second time was
11 from Hilcorp itself because they were working on
12 consultations. And so that comment period ended up being
13 186 days long. We got several thousand comments. I think
14 we got almost 48,000 comments that we had to read every
15 single one. That's how we filled our EIS based on what
16 folks were concerned about, and we got a lot of ideas on
17 what kind of alternatives that we needed to investigate,
18 and that's really how we filled our EIS from those
19 alternate project ideas and concerns from the public.

20 MR. RAYMOND IPALOOK: Where were these
21 comments from?

22 MS. LAUREN BOLDRICK: Everywhere.

23 MR. RAYMOND IPALOOK: Everywhere, all over
24 the U.S.?

25 MS. LAUREN BOLDRICK: They were mostly

1 from Alaska, but there was some from areas in the U.S.
2 But the majority, I would say, was from Alaska. So when
3 we get those comments, then we divide them all to the
4 subject matter experts. So all the comments about seals
5 would go to the marine mammals biologists, and that's how
6 we divvy it up.

7 So these were the main issues that were brought up on
8 scoping.

9 I'm sorry. Do you need to translate? Am I going too
10 quick for you?

11 So the main issues that we heard about -- do you want
12 me to go back?

13 MR. EDWARD NUKAPIGAK: No, it's okay.

14 MS. LAUREN BOLDRICK: -- were about
15 subsistence, particularly bowhead whaling. So we heard a
16 lot of concerns about noise from pile driving. We just
17 heard concerns about general disturbance of having more
18 marine traffic there, and then concerns about it being
19 upstream from Cross Island. We heard a lot about other
20 marine mammals and threatened and endangered species. We
21 heard a lot of comments that we worked really hard on
22 about oil spills, especially in the boulder patch. Some
23 of the other ideas that we got for how they could change
24 their project to try to make it better were alternate
25 gravel sites and alternate processing locations. And so

1 we did investigate those in the EIS.

2 (Translation.)

3 UNIDENTIFIED MALE SPEAKER: What is T&E
4 species?

5 MS. LAUREN BOLDRICK: Threatened and
6 endangered species. Threatened and endangered. So that
7 covers a whole list of --

8 UNIDENTIFIED MALE SPEAKER: Would you
9 specify, what sort of animals are you identifying?

10 MS. LAUREN BOLDRICK: That would be a good
11 question for Fran.

12 MS. FRANCES MANN: Let's see. So mostly
13 in that area there were Steller's eiders, spectacled
14 eiders, bowhead whales, bearded seal and ringed seal in
15 the vicinity of the island.

16 UNIDENTIFIED MALE SPEAKER: Is that just
17 in the Beaufort Sea or just in that specific area?

18 MS. FRANCES MANN: Yeah, just right in the
19 area where the gravel island would be and where the
20 pipeline comes ashore.

21 UNIDENTIFIED MALE SPEAKER: Polar bears?

22 MS. FRANCES MANN: Yes, you are right.
23 There are some polar bears near the land in that area.

24 UNIDENTIFIED MALE SPEAKER: They have got
25 denning there, too.

1 (Translation.)

2 MR. RAYMOND IPALOOK: So if 60 to 80
3 percent of our subsistence marine mammals that's habitat
4 in this area and the threatened and endangered species,
5 how do we mitigate these measures if these threatened and
6 endangered species become endangered and we are no longer
7 able to hunt them? Are you able to mitigate us in that
8 manner where, you know -- because they are taking our
9 cultural resource, our subsistence resource. And how are
10 you going to -- are you going to send these animals to the
11 zoo for rehabilitiztion, you know, or what is your stance
12 on these marine mammals that habitat in this area?

13 MS. LAUREN BOLDRICK: So those sorts of
14 impacts are discussed in the EIS. And we have been
15 working with National Marine Fisheries Service and U.S.
16 Fish & Wildlife Service, since they are the ones that
17 regulate the animals. We only do the oil and gas portion.
18 But they have been involved. And Hilcorp will have to get
19 regulations made for them so they make sure that they are
20 not harming marine mammals and species any more than
21 anyone else is allowed to. So there will be all those
22 protections put in place and those mitigation measures.

23 I talk about it a little bit later, but we do have
24 those mitigation measures written into the EIS because we
25 assume that they must get all those permits from National

1 Marine Fisheries Service and Fish & Wildlife Service
2 before they can do the project. It's kind of like if you
3 pull out one thing, the whole thing falls. They can't go
4 out and do something without getting all the permits from
5 everyone necessary.

6 And we are working with 13 different cooperating
7 agencies on this project. So we were also supposed to
8 have the Army Corps of Engineers come out, but they got
9 weathered out.

10 DR. JAMES KENDALL: And also we can add
11 that the Marine Mammal Protection Act addresses
12 subsistence and whaling as something important to protect
13 the people. That's in there and it's in the analysis.
14 And again, if you can look at the document and you can
15 make the document better, this is the document that goes
16 to the decisionmaker. The document won't make the
17 decision. So the more help we get from you to make the
18 document reflective of the real world, then the
19 decisionmaker will make a better decision. Good question.

20 MS. LAUREN BOLDRICK: So here is the list
21 of all the cooperators that we have been working with. As
22 you can see, all these cooperating agencies are the
23 agencies that actually plan to adopt the EIS as their own
24 document. They have been working with us hand in hand.
25 Many of them have come and sat in our offices for weeks at

1 a time making sure that the text reflects what they need
2 it to.

3 The participating agencies are the folks that came in
4 and worked with us a lot. They participated every single
5 month on our calls. They gave us feedback on drafts,
6 iterations of our earlier -- we have been working together
7 for two years now. So they helped us identify other
8 issues for scoping. Especially like North Slope Borough
9 talked a lot with us with their wildlife management
10 office. ICAS called in a lot and provided us with facts
11 on that, too. So we have really been trying to do our
12 best to look at these issues and make sure that they
13 are [inaudible].

14 So we have five --

15 MS. SARAH HELME: I want to know, do you
16 guys have this available if we wanted to look at your
17 slide show or your --

18 MS. LAUREN BOLDRICK: I'm sorry. I forgot
19 the printout of the slides on my desk, but the document
20 itself, I think there is eight copies in Nuiqsut.

21 MS. SARAH HELME: Is there like a link or
22 anything that --

23 MS. LAUREN BOLDRICK: I can give you a
24 link, too. But there is paper copies and CD copies here
25 that we sent out in August.

1 (Translation.)

2 MS. LAUREN BOLDRICK: So we have five main
3 alternatives in the draft EIS. Several of these have
4 subalternatives because they were similar in one way or
5 another. So as you can see up there, we have a couple of
6 alternatives that were considered but not carried forward.
7 We had some folks that asked us to analyze if they could
8 drill from Endicott SDI, and it was simply too far. No
9 one has ever drilled that far before. So that idea was
10 technically unfeasible. The same with using horizontal
11 directional drilling to come over that transition on the
12 coastline. We also proved that to be technically
13 unfeasible.

14 And then offshore gravel mining and summer island
15 construction proved too many difficulties for us to prove
16 that that was the easiest way. So we did reasonable
17 alternatives that they could do and that would work best.

18 MR. EDWARD NUKAPIGAK: I have one question
19 before I go over this. Liberty was supposed to be
20 approached from Endicott.

21 MS. LAUREN BOLDRICK: Uh-huh.

22 MR. EDWARD NUKAPIGAK: And there is a
23 monster drill rig out there.

24 MS. LAUREN BOLDRICK: There is.

25 MR. EDWARD NUKAPIGAK: And when Hilcorp

1 took over, they say that monster rig was an old rig unable
2 to use for HDD to Liberty. That was one of the things
3 that was brought out. And when Hilcorp bought the assets,
4 they have changed where they want to set and drill
5 Liberty. I just want to pass that on to you folks as why
6 they have changed these alternatives. One alternative
7 should have been up there was to drill Liberty from
8 Endicott. That should have been one of the alternatives
9 up there so that people will know what -- or whereabouts
10 you are to set your manmade island. And why have they
11 made changes during the process of EIS?

12 MS. LAUREN BOLDRICK: So drilling from
13 Endicott SDI would be the furthest that anyone has ever
14 drilled an extended reach well in the entire world by
15 about 7,000 feet. So in Russia there is a big development
16 called Sakhalin Island. And they have only been going out
17 to about 42,000 feet. So since no one has ever done it in
18 the world before and this is still much further, over a
19 mile further than the greatest technological achievement,
20 that seems infeasible to us. Since no one has ever done
21 it before, that's not something that we consider to be
22 technically feasible.

23 If it was just 1,000 feet, maybe; but when it's many,
24 many thousand feet, it gets to where it's harder and
25 harder to drill that further, and you have more concerns

1 about the well bore collapsing and you don't get as good
2 of production if you have to have the oil flow through
3 that pipeline to come all the way back up. You just don't
4 good as good as returns by a significant portion, by about
5 24 percent, I think.

6 So at that point, thinking that no one has ever
7 drilled that far before and the production would be so
8 significantly less, we determined that that wasn't a
9 reasonable alternative for the EIS. We want to try to
10 think of things that other people have done and what
11 seemed to be reasonable within a worldwide perspective,
12 and especially in the Arctic.

13 MR. EDWARD NUKAPIGAK: They wanted to
14 approach Liberty with the least impact to the environment
15 to our ocean and to our marine mammals. That was part of
16 our concern when it was first brought out to our
17 community. Liberty is not the first time that's in the
18 talks. It's been on the talks for years. And it's
19 finally coming to reality of how -- what alternatives that
20 BOEM is setting on behalf of Hilcorp.

21 And I for one, as a whaling captain, I see a lot of
22 technicalities that need to be corrected. In a lot of our
23 meetings with BOEM -- I mean, with Hilcorp, we have been
24 asking for an alternative to reach Liberty from the
25 nearest near shore so that they will not interfere and

1 will not cause any disruption to the migration of the
2 bowheads, belugas and also the marine mammals that are out
3 there on the islands. We have a lot of polar bears at
4 Cross Island, nanooks. A lot of seabirds. We have a lot
5 of ducks that are -- that have nested on those islands.
6 And how is it going to affect those resources that we
7 depend on?

8 MS. LAUREN BOLDRICK: So we also looked at
9 other onshore locations. And everything on that coast
10 right there over to Endicott is simply too far. It's
11 beyond anything anyone in the whole world has ever done.

12 MR. EDWARD NUKAPIGAK: They have two
13 options, Endicott or Northstar. That was the two options
14 that they wanted to reach Liberty from. And out of the
15 blue they have changed courses. Instead of approaching it
16 from the original island that is producing, they want to
17 move the alternatives and move that offshore to -- closest
18 to Cross Island.

19 DR. JAMES KENDALL: We have got that
20 recorded now. We have got your comment. And just FYI,
21 when we met with our friends at the Native Village of
22 Nuiqsut, they asked to be a cooperating agency on the
23 document. So they are part of the process. So that's a
24 good comment and we have recorded it. Okay?

25 MR. EDWARD NUKAPIGAK: Yeah. I just --

1 MR. JOE NUKAPIGAK: Seems to me that your
2 handouts are just limited here on your alternatives. I
3 don't see no maps of 3A, 3B, alternative island location
4 or other alternative processing location, things like
5 that. Could you give me a specified location on some of
6 these, instead of on the black and white and what I see on
7 the map that I'm looking for?

8 MS. LAUREN BOLDRICK: I have more slides.

9 DR. JAMES KENDALL: She is going to cover
10 those in the slides.

11 MR. JOE NUKAPIGAK: That makes it more
12 useful.

13 DR. JAMES KENDALL: We will have that. So
14 proceed, Lauren.

15 MS. DORA LEAVITT: Excuse me. We should
16 have handouts is what he's talking about. Where are they?
17 You guys come to this meeting, try to inform us of what
18 you are going to do out there, and we only got two pages,
19 one of a science project that was done in Mexico. That's
20 not relevant to this meeting. Come back when you have all
21 the documents for us to look at.

22 MR. JOE NUKAPIGAK: If I'm going to
23 testify that I have signed up for, I need to know what I'm
24 going to testify about.

25 MS. ROSEMARY AHTUANGARUAK: We are very

1 concerned of this process when we are getting meetings
2 when we don't have a written document because then it's
3 our word against your word, and it's not been going well
4 for our side of the process.

5 DR. JAMES KENDALL: Lauren, when was the
6 document sent out?

7 MS. LAUREN BOLDRICK: In August.

8 DR. JAMES KENDALL: August? And we have
9 it on the website and we have --

10 MS. DORA LEAVITT: Why didn't you bring
11 some for us tonight, not just a piece of map. This is a
12 very important meeting. We are here to testify, but not
13 on this piece of science paper.

14 MS. ROSEMARY AHTUANGARUAK: We don't have
15 anything in writing.

16 DR. JAMES KENDALL: Lauren, the maps,
17 could you walk through the alternatives here, A and B,
18 please. Go up to the map and actually point.

19 MS. LAUREN BOLDRICK: So out of all the
20 scoping that we received --

21 MS. DORA LEAVITT: We are being
22 misinformed, BOEM. We want documentation. This is a very
23 important meeting.

24 DR. JAMES KENDALL: Very much so, a very
25 important meeting.

1 MS. DORA LEAVITT: Where is the documents
2 for us to see your alternatives and whose alternatives
3 they are?

4 DR. JAMES KENDALL: Those were the
5 alternatives that were worked on by the cooperating
6 agencies and others that helped us, like ICAS and the
7 North Slope Borough.

8 MS. DORA LEAVITT: Why don't we see them
9 down there for us to look at so we could testify properly?

10 DR. JAMES KENDALL: Is that the
11 alternative? Here is two of the alternatives right here.
12 And we have them on the website.

13 MS. DORA LEAVITT: Why don't you dim the
14 light. I can't even see that slide show.

15 DR. JAMES KENDALL: Turn the lights off,
16 please, all the lights.

17 MS. ROSEMARY AHTUANGARUAK: That still
18 doesn't give us --

19 MS. DORA LEAVITT: That's not real
20 information. We are misinformed, sir. You need to come
21 back with all your documents and have another meeting
22 about this so we can testify correctly.

23 DR. JAMES KENDALL: Okay. Point well
24 taken.

25 MS. DORA LEAVITT: We are not Arctic

1 Inupiat Offshore or Village Voice. We are Nuiqsut
2 community impacted.

3 DR. JAMES KENDALL: If Lauren can finish
4 her presentation, then we can discuss more. But we are
5 almost finished, right, Lauren?

6 MS. LAUREN BOLDRICK: Yep.

7 DR. JAMES KENDALL: So walk through these
8 two alternatives.

9 MS. LAUREN BOLDRICK: Sure. So we heard a
10 lot of concerns about the boulder patch ecosystem that's
11 out in Foggy Island Bay. So between those comments we
12 came up with two alternatives: To get the island further
13 away from the densest known area of the boulder patch.
14 The first one moves it a mile to the east, and then the
15 second one moves it 1.5 miles inland into state of Alaska
16 waters. So this was completely based on avoiding the
17 boulder patch ecosystem.

18 This is another one that -- for the alternate
19 processing location, this was -- a lot of the comments
20 about alternate processing locations came from here in
21 Nuiqsut. So we considered processing at Endicott SDI and
22 then a new onshore location. That is the onshore right
23 near where the pipeline comes ashore.

24 The last alternative is about an alternate gravel
25 mine site. So one of them is out at the existing Duck

1 Island mine site, and we worked with the State of Alaska
2 to get some locations. And then these other two are ones
3 that are near the proposed action area. Those are ones
4 that we had geotechnical surveys and archeological surveys
5 for to make sure that that land was usable for gravel mine
6 sites.

7 MS. ROSEMARY AHTUANGARUAK: Are they new
8 sites or --

9 MS. LAUREN BOLDRICK: They are new sites,
10 except for Duck Island, which is currently flooded right
11 now.

12 So as I was talking about earlier, we assumed several
13 different types of mitigation measures. Under the lease
14 stipulations, we have very specific measures that the
15 operator has to follow. We also used everything that
16 Hilcorp said they were going to do. If they told us they
17 were going to do it in their document, we assumed that
18 they must do it. We also used all of those requirements
19 like I was talking about from Fish & Wildlife Service and
20 National Marine Fisheries Service for all of their
21 permits. We assumed those were part of the analysis and
22 made them part.

23 We also came up with new project-specific ones.
24 There is a lot about lighting structures in there to help
25 protect birds, specifically the threatened and endangered

1 species like spectacled eiders and --

2 MS. DORA LEAVITT: Could you speak up
3 please, or do we have a mic?

4 MS. LAUREN BOLDRICK: I'm trying. So we
5 assumed all those mitigation measures, and they are all
6 discussed in the EIS in great detail.

7 MS. ROSEMARY AHTUANGARUAK: Which we don't
8 have.

9 MS. DORA LEAVITT: Where is it? We want
10 to see them. Stipulations. What are the stipulations?
11 Can you name them all?

12 MS. LAUREN BOLDRICK: Not off the top of
13 my head. There are so many under each of these, I
14 wouldn't be able to show -- the font would be microscopic.
15 Especially the ones from our cooperating agencies and from
16 National Marine Fisheries Service and Fish & Wildlife
17 Service, those documents are hundreds of pages. They are
18 at least as long as our EIS is.

19 MS. DORA LEAVITT: I didn't hear what you
20 said. You need to speak up.

21 UNIDENTIFIED MALE SPEAKER: There is a mic
22 back here. If you guys can come back here and talk, it
23 will be just fine.

24 MS. LAUREN BOLDRICK: I'll go over this
25 slide again. In the Environmental Impact Statement, we

1 assumed four different types of mitigation measures. A
2 lot of those mitigation measures came from our lease
3 stipulations. Anything that Hilcorp said that they were
4 going to do, we assumed that as part of the analysis. We
5 also incorporated everything that the cooperating agencies
6 use under their permits. As I was saying earlier, that's
7 National Marine Fisheries Service and U.S. Fish & Wildlife
8 Service. We also came up with new project-specific
9 measures that we incorporated into the analysis.

10 So this is a simple overview table that shows the
11 ranges of the potential impacts that this project went
12 through.

13 MR. EDWARD NUKAPIGAK: It would be, you
14 have -- it's hard to see what's on up there.

15 UNIDENTIFIED MALE SPEAKER: Would there be
16 any way you could print out these slides?

17 MS. DORA LEAVITT: You don't have papers
18 for us.

19 UNIDENTIFIED MALE SPEAKER: We would
20 appreciate it if you had handouts.

21 MS. ROSEMARY AHTUANGARUAK: It's small
22 print. It's not legible unless you come up very close.

23 DR. JAMES KENDALL: Fran, would you like
24 to walk us through this table? Because you do more of the
25 environmental work than Lauren has done here.

1 MS. FRANCES MANN: Yes. And I also want
2 to mention that we have a lot of CDs with us that we can
3 hand out to folks, and the EIS is posted on the Web. They
4 are large documents, and there is copies of them here in
5 Nuiqsut. And we are going to mail some more tomorrow.

6 So the different resources that are evaluated in the
7 draft EIS are water quality, air quality, fish, marine and
8 coastal birds, marine mammals, terrestrial mammals,
9 vegetation and wetlands, subsistence, community health,
10 environmental justice, economy and archeological
11 resources. So we have different subject matter experts
12 who evaluate both the proposed action and then all of the
13 different alternatives that Lauren was talking about,
14 allow us to compare across alternatives.

15 This table is for the proposed action. And the
16 impacts range from negligible to major. So there is
17 negligible, minor, moderate and major. And the Xs in
18 those blocks illustrate the level of impact that the
19 subject matter expert analyzed the project and gave it
20 that rating.

21 So for example, water quality, negligible in the long
22 term, but in the short term there is an X there under
23 moderate. In the short --

24 MR. THOMAS NAPAGEAK: Your proposed
25 action, this table of contents, is it the same on all of

1 your alternatives?

2 MS. FRANCES MANN: No, no. So each
3 alternative is evaluated in the draft EIS. They are all
4 rated. They are using the same scale so it allows
5 comparison across the alternatives, but this table right
6 here is only for the proposed action.

7 DR. JAMES KENDALL: But Fran, there was a
8 table for each of the alternatives that looks like this?

9 MS. FRANCES MANN: Yeah. There is a
10 master table, as well, to allow -- it's a few pages
11 long -- to allow direct comparison of the alternatives
12 across each one of these resource categories.

13 MR. RAYMOND IPALOOK: So have you used
14 homegrown scientists, local scientists on the North Slope
15 to determine the potential impact versus our version of
16 the impacts that we perceive?

17 MS. FRANCES MANN: Well, this is your time
18 to actually look at what's in the draft EIS and then
19 provide us your information. If you think the rating was
20 or is incorrect, provide that information to help the
21 analysts. So I will say we do use all sources of
22 information, including traditional knowledge. We had the
23 North Slope Borough as a cooperating agency and ICAS as a
24 cooperating agency. And what that means is they
25 participated with us for the last year and a half as we

1 developed the alternatives and then conducted the
2 analyses.

3 MR. RAYMOND IPALOOK: But those are the
4 people who do not live here, who do not face these
5 impacts. They live in Barrow. They live in Wainwright.
6 They live wherever they live. But these are the impacts
7 that we perceive, and they should be tabled.

8 MS. FRANCES MANN: So I think that you
9 have a role here. We are here to take your public
10 testimony and then provide us those comments because we
11 are seeking comments on the draft EIS right now. So this
12 will be the time to look at those ratings and provide any
13 information that you feel perhaps was missed.

14 DR. JAMES KENDALL: If I may add, Fran,
15 today we had a very good meeting with the Native Village
16 of Nuiqsut who has offered to be a cooperating agency with
17 us for this document; so like ICAS and the North Slope
18 Borough and everybody else will help us bring this to
19 conclusion. This is just a draft. It's not over.

20 MR. CARL BROWER: Carl Brower, for the
21 record, Nuiqsut Whaling Association. Right now I don't
22 think that's a good idea to have Native Village to
23 intervene with what you -- what should be [indiscernible]
24 up with the Nuiqsut Whaling Association. And none of you
25 guys have been meeting with the Nuiqsut Whaling

1 Association. That's a multifaceted people that are out
2 there. You are eight miles from our whaling ground. And
3 all of this I have been trying to get information on, and
4 how much is back in our village?

5 And I stated time after time after time at AEWC
6 meeting how impacted, and where was the agencies then?
7 And agencies are here to protect the Native village way of
8 life, their culture. And yet nothing. And we are still
9 fighting. And yet you still want to put another oil rig
10 right next to our hunting grounds and say that there is
11 not going to be no zero tolerance. That zero tolerance is
12 out there for a reason. Zero tolerance of no discharge of
13 anything; wastewater, anything; mud, drilling mud of any
14 kind because that's the impacts that's there.

15 We stated that time after time after time even at
16 AEWC meeting, and yet we still fight. All the impacts
17 this village gone through, all the barges that interfere
18 with our whaling, cruise ships and sailboats, and yet you
19 still -- we still fight. When are you guys going to
20 listen to us? Thank you.

21 DR. JAMES KENDALL: Thank you.

22 MR. CLARENCE AHNUPKANA: My name is
23 Clarence Ahnupkana. I'm a citizen of Nuiqsut. We hunt
24 fish, whitefish, Arctic char and Arctic cisco and
25 whitefish. They come from the northeast to the shore, and

1 they come to the rivers every fall time, and we eat that
2 fish. What if there is a rig blowout out there, oil, and
3 that fish contaminating and I eat it and I get sick? I
4 eat fish and ducks and geese, bearded seal, oogruk, and I
5 eat that meat. But that's pollution. The mammals we eat,
6 the mammals I eat today, more disease. More and more
7 contamination and more polluted, ocean polluted, like
8 Southeast Alaska. They clean the ocean. They clean the
9 beach. There is more oil under the rocks. They might do
10 the same thing right here. They say they do the good job.
11 Sometimes they do, sometimes they don't. They make
12 mistakes. Thank you.

13 MS. FRANCES MANN: Michael, I think we
14 want to move on to the public testimony phase here pretty
15 quick.

16 MS. DORA LEAVITT: I think this meeting
17 should be canceled right now. We don't have anything to
18 see. You guys come back when you guys have other
19 information for us to look at and testify properly.
20 Cancel.

21 UNIDENTIFIED MALE SPEAKER: You have not
22 enough information here.

23 MS. DORA LEAVITT: You got nothing. Come
24 back when you guys have everything. My name is Dora
25 Leavitt. I'm a whaling captain's wife. How many times we

1 have this kind of meeting with one little sheet? All I
2 read about, you guys did a science deal in Mexico. I want
3 the science deal in our school. Don't impact us like that
4 and expect us to give proper testimony. You guys come
5 back. Bring us back lots of papers so we could see all
6 your alternatives. Cancel right now.

7 MS. FRANCES MANN: Well, one thing I would
8 like to add is the draft EIS itself is -- is impossible to
9 share in a meeting format because it's a thousand pages
10 long.

11 MS. DORA LEAVITT: You got alternatives.
12 We don't even see them here.

13 MS. FRANCES MANN: The analysis is what I
14 think you are interested in, like this gentleman
15 mentioned, fish and the sort of fish he subsists on and
16 marine mammals.

17 MS. DORA LEAVITT: We have been talking
18 that for so many years. That guy knows it.

19 MS. FRANCES MANN: Right. So all of
20 those are --

21 MS. DORA LEAVITT: He's not listening to
22 us. We always ask for documents. You come back with one
23 page.

24 DR. JAMES KENDALL: As Fran said, the
25 document is a thousand pages long, and we sent it to

1 Nuiqsut two months ago.

2 MS. DORA LEAVITT: How about this meeting
3 tonight? Alternatives. We don't see alternatives. This
4 is just -- I mean, we want to see all your alternatives on
5 paper so we could read so we can testify properly. We are
6 not ASRC and other agencies --

7 MR. CARL BREWER: I'm the Nuiqsut Whaling
8 Association for this village president, and I never see a
9 document. And you guys should be talking to the Nuiqsut
10 whalers instead of going through all this process. And
11 the residents of Nuiqsut, they always have been concerned.
12 They do have lot of concerns about this project. It's
13 very -- it's very hurting in here [indicating] knowing
14 that you are going to put something up that's just a few
15 miles away from our prime culture.

16 And it -- and it scares everybody, especially going
17 through the back bays like this and knowing just a few
18 years ago you had a major blowout that almost evacuated my
19 village. So it's a very scary thought. And just to come
20 with a few pages, like they say, and trying to let us soak
21 up in a few minutes everything that's going to be going
22 throughout the statement.

23 So our concerns are vital. This village's concerns
24 are very vital, especially for us Nuiqsut whalers. You
25 are in the heart of our hunting ground.

1 DR. JAMES KENDALL: Understood.

2 MS. ROSEMARY AHTUANGARUAK: This project
3 should not be going forward. We have talked about it for
4 a long time. Our community expressed our concerns for
5 decades. You went away, you came back with a different
6 map that does not show what we proposed but what others
7 proposed. The impacts are real serious to our village,
8 the risks to our whaling life. There is two villages on
9 this side of the ocean. And if they are not supportive of
10 this project, this project should not go forward.

11 DR. JAMES KENDALL: That's important to
12 hear, Rosemary, because everything that's being said is
13 being recorded. We haven't finished the process. It will
14 be another year before it's over. We can send more DVDs.
15 We can send more hard copies. We invite the Native
16 Village of Nuiqsut to help us make it right in terms of
17 helping us to write the document. So that's why we are
18 here.

19 MS. DORA LEAVITT: Where are they? I
20 don't see --

21 MR. EDWARD NUKAPIGAK: I agree with the
22 president of Nuiqsut Whaling Captains' Association. I
23 think NWCA should be part of the cooperating agency
24 because we are out there. And when we are out there, we
25 don't come home until the season is over. We are not like

1 all the other villages that go out on a day trip, go back
2 home to their hometown, enjoy luxury, nice warm house.
3 But out there we struggle. We try to survive.

4 With your alternatives, one thing that hasn't been
5 mentioned for many years I have been pushing is where is
6 our deferral line. Where is what areas were supposed to
7 be put on restriction for off limits to exploration? That
8 still has not been answered today. BOEM and federal
9 government have not give us a deferral like all the other
10 villages. Chukchi Sea, for instance, from Point Barrow
11 all the way to Point Hope, 25-mile deferral line, not even
12 -- not one rig, not even one little exploration equipment
13 out there.

14 DR. JAMES KENDALL: That's important.
15 That's important to say.

16 MR. EDWARD NUKAPIGAK: We are the ones
17 that's been pushing whatever was most there during the
18 offshore. We brought those up so many times, and our --
19 and the federal government have not given it yet. There
20 is no answer to what area should be restricted and what
21 area is where is our deferral line. We need deferral line
22 before BOEM and other cooperating agencies -- before they
23 can make the decision.

24 DR. JAMES KENDALL: That's why we are here
25 to get this kind of information. We have new bosses, and

1 that's why they want us to come and hear what you are
2 saying. If you remember, the last lease sales in the
3 Beaufort and the Chukchi were canceled. We are starting
4 the process again so we can come back to visit and tell
5 the new folks above us that we have been here and we have
6 heard.

7 MR. EDWARD NUKAPIGAK: We had BOEM
8 director -- former BOEM director now -- named Tommy
9 Beaudreau, he went to Cross Island --

10 DR. JAMES KENDALL: Yes.

11 MR. EDWARD NUKAPIGAK: -- and met with the
12 whalers. And he had deep concerns about Liberty being in
13 the heart of migration routes. And I questioned him a lot
14 one-on-one that we have been asking for deferral line.
15 And his response was what area should be restricted off
16 limits to exploration. That answer has not been given to
17 us yet, to the whalers and to our community. There is a
18 lot of loopholes going on right now.

19 BOEM and the rest of the agencies, cooperating
20 agencies, don't want to give a deferral or a restriction
21 to the whalers knowing that there is oil and gas out
22 there. But what our president of whaling captain
23 association mentioned is that you guys are too close. We
24 have been telling Hilcorp to set back to the nearer
25 shoreline.

1 We were misled. At first they say the island is
2 going to be on four foot depth of the -- of the ocean.
3 That was -- that was --

4 MS. ROSEMARY AHTUANGARUAK: Right?

5 MR. EDWARD NUKAPIGAK: And later on they
6 came back and said, oh, that's going to be 19 feet now.
7 They are twisting their terms around. We were misled by
8 BOEM and by Hilcorp. And we have been -- we have been
9 asking Hilcorp to set back to the nearest shoreline that
10 they can reach Liberty from. Not 17 miles. Southeast is
11 where bowheads feed between Cross Island and Narwhal
12 Island. A lot of whales are feeding in that area.

13 If Liberty is to be developed and manmade island to
14 be developed -- I will say I had experience with
15 Northstar, which was Seal Island back then. When our late
16 Thomas Napageak, Sr. and my late father set their station
17 at Jones Island or Fenal Island [ph], That's what we first
18 started whaling after late Napageak had traveled eastward
19 in 1973 all the way to Camden Bay and Hulahula River.

20 MS. DORA LEAVITT: This meeting should be
21 canceled.

22 MR. EDWARD NUKAPIGAK: That's where he
23 traveled. And now we had -- one season I traveled
24 eastward hours north of Seal Island, I hear a lot of
25 pounding. And that 7.5 is not a magic number for noise

1 for marine mammals. During my day trip there was not even
2 one waterfowl, not one seal, bearded seal. The ocean was
3 dead because of the noise impact. And that's exactly
4 what's going to happen to Liberty. And it's going to take
5 years and years for the bowheads to get used to that
6 noise. And Liberty -- the bowheads will divert north from
7 Camden Bay or Arey Island to the east of us. They will
8 make a big U-turn. And that's happened with Northstar. I
9 experienced that. So has as my late Captain Napageak.

10 When I went back and told him, I said, Thomas, we
11 have a big problem. He said, what? There is drilling
12 going on out there in the ocean somewhere. And he said,
13 well, the season is over. We might as well just pack up
14 and go home. We were not able to see one bowhead, not
15 even one bearded seal or any marine mammals.

16 Next season he approached BP, and we came to an
17 agreement called Oil/Whalers Agreement. That's the first
18 agreement with Northstar and Nuiqsut Whaling Captains'
19 Association. He fought to get our mitigation, and he gave
20 us what -- what we have today.

21 These are the impacts that -- the alternatives that
22 were presented. There is a lot that still needs to be
23 ironed out on your EIS. And we have no idea what your EIS
24 is all about. That's the most impact that we had felt and
25 had to travel eastward away from industry, and Cross

1 Island was selected. So was Narwhal Island. Those two
2 islands are in the heart of bowhead migration.

3 For so many years beluga whales have migrated during
4 fall time 100 to 400 miles north, but today they are going
5 right through Endicott. They are going right through West
6 Dock. Unusual for us to see so many beluga whales coming
7 near shore due to lack of sea ice. It's changing. Their
8 migration path is changing. They are coming near shore.
9 They are using the islands as navigation when they are
10 migrating. And those are the things that we are going to
11 feel if BOEM grants Hilcorp their Liberty.

12 DR. JAMES KENDALL: Those are the comments
13 we need to hear for the document. Thank you.

14 MR. EDWARD NUKAPIGAK: But we want BOEM to
15 fully understand and their cooperating agencies, we need a
16 deferral line. Nuiqsut cannot be left out from all the
17 other villages. Point Barrow all the way to Point Hope
18 there is nothing going out there. Why did BOEM and
19 federal government grant them a deferral line in the name
20 of Shell? While we were fighting Shell on the east side,
21 Camden Bay, Sivulliq, we have been asking for that, and
22 you guys are ignoring this village.

23 DR. JAMES KENDALL: We will pass that
24 information up, as we do. I mean, we don't make the final
25 decision, but we will pass it up.

1 MR. EDWARD NUKAPIGAK: And like Dora says,
2 you guys are not fully prepared to come here and hear and
3 give testimony because when I ask for a handout sheet when
4 you do your presentation, I usually go by a handout sheet.
5 To me, this is just a map. This is not your handout
6 sheet.

7 DR. JAMES KENDALL: Understood.

8 MS. DORA LEAVITT: And we are not AIO.

9 MR. EDWARD NUKAPIGAK: That's why we are
10 not like other entities like ASRC, AIO, Arctic Inupiaq
11 Offshore, and we are not with them as voice of the Arctic.
12 Nuiqsut is not wanting to join ASRC going forward with
13 offshore, which is with the other village corporations.
14 We will have to fight ASRC, our own regional corporation,
15 because they have a stake with Liberty. They have a 10
16 percent stake with Liberty project. ASRC also have lease
17 purchase from Shell at Camden Bay/Sivulliq prospect.

18 DR. JAMES KENDALL: That's what we need to
19 hear. This is valuable.

20 MR. EDWARD NUKAPIGAK: It's 36 miles east
21 of Cross Island right in the heart of bowheads and all the
22 other marine mammals.

23 MS. DORA LEAVITT: Come back.

24 MR. EDWARD NUKAPIGAK: That's the reason
25 why I have no choice but to bring this out to you folks.

1 DR. JAMES KENDALL: And we will pass it
2 forward again. That's why we keep coming back. The law
3 says we have to have a five-year program every year and
4 discuss the same things. We hear it. We bring it
5 forward. So that's why this meeting is so valuable
6 because we can go back and say, this is what we heard.

7 MS. DORA LEAVITT: If it was valuable, you
8 would give us your information and we would read and then
9 give you our public testimony.

10 DR. JAMES KENDALL: We will send --

11 MS. DORA LEAVITT: You come in here
12 half-assed and --

13 MR. RAYMOND IPALOOK: Don't send copies.
14 Send yourselves back up here with the information. We
15 need a --

16 MS. ROSEMARY AHTUANGARUAK: We need the
17 documents first so we can review it before they get here.
18 This is not an appropriate process to come to have the
19 hearing and we have no documents in the building where we
20 are having the public hearing. None of the participants
21 have a document to reference in the discussion. This is
22 not a proper public hearing.

23 MS. FRANCES MANN: I can have two sets
24 Gold Streaked to you tomorrow, but there are some copies
25 in Nuiqsut. There's five full sets of the hard copies, so

1 that's ten volumes. There is two volumes. There is a --
2 volume one and volume two makes a full set. And the
3 Native Village of Nuiqsut, the City of Nuiqsut, AEWC was
4 sent a copy, Kuukpik Corp and Nuiqsut Trapper School. But
5 I can Gold Streak some additional hard copy sets. Lauren
6 has some CDs.

7 MR. RAYMOND IPALOOK: Not all of the
8 community members are computer literate; our elders, our
9 hunters. You need to bring this information on a better
10 presentation with hard copies of everything. Bring
11 yourselves back up here.

12 MS. ROSEMARY AHTUANGARUAK: Come back so I
13 can properly prepare and communicate on this document.

14 DR. JAMES KENDALL: Important to hear.
15 I'll see what we can do.

16 MR. EDWARD NUKAPIGAK: From my
17 understanding, we were supposed to have other agencies to
18 come today, but their flight was canceled because of the
19 weather.

20 DR. JAMES KENDALL: Yes.

21 MR. EDWARD NUKAPIGAK: I'd like to have
22 the full cooperating agencies here in Nuiqsut so they can
23 hear from our whalers, so they can hear from our community
24 because right now there is just only a few of you.

25 DR. JAMES KENDALL: That's a good idea.

1 So what I'm hearing proposed is, if we can pull it off, a
2 cooperating agency meeting here to discuss everything that
3 we have done and go through the document. That would be
4 helpful.

5 MR. EDWARD NUKAPIGAK: And also, I just
6 want to add one more thing. Nuiqsut Whaling Captains'
7 Association should be part of the cooperating agencies.
8 We are the one that's out there for the duration of fall
9 whaling.

10 DR. JAMES KENDALL: Fran, did they get a
11 copy of the document, the whaling association?

12 MS. FRANCES MANN: AEWK didn't.

13 DR. JAMES KENDALL: No, no, the local one.

14 MS. FRANCES MANN: No, but I'll add them.

15 DR. JAMES KENDALL: We will get that
16 immediately.

17 MS. FRANCES MANN: The City of Nuiqsut,
18 the Village of Nuiqsut, the Nuiqsut Trapper School, and
19 Kuukpik Corp. So five entities were mailed copies, two
20 volumes each, and then CDs. But we can send more.

21 DR. JAMES KENDALL: We will send more.

22 MS. FRANCES MANN: Sure. And I've got
23 Rosemary down for two sets and Carl Brower down.

24 MS. DORA LEAVITT: And Dora Leavitt.

25 MS. FRANCES MANN: Okay.

1 DR. JAMES KENDALL: Done deal.

2 MS. FRANCES MANN: If anyone wants -- and
3 I do totally understand that not everyone has computers at
4 home or is computer literate, but we do have CDs here.

5 DR. JAMES KENDALL: We will send hard
6 copies.

7 MS. FRANCES MANN: Yes, definitely we'll
8 send some.

9 DR. JAMES KENDALL: That's the important
10 thing. That's why we need to come to hear this.

11 MR. RAYMOND IPALOOK: But if there is
12 something that we have a question in the document and you
13 are not there face-to-face, to where we could address our
14 concern about that specific topic?

15 DR. JAMES KENDALL: Call us.

16 MR. RAYMOND IPALOOK: Nope. You have got
17 to come back to our village. We are not going to call
18 you. You have to come here face to face.

19 DR. JAMES KENDALL: We'll see what we can
20 do.

21 MR. RAYMOND IPALOOK: No. You have all
22 the money. You have all the grants to pay for airfare,
23 lodging. You are capable of doing that, so come back. We
24 ask you to come back with much needed information.

25 DR. JAMES KENDALL: I'll try to get that

1 cleared from my bosses.

2 MS. ROSEMARY AHTUANGARUAK: We want to
3 really put forward that this community wants to testify,
4 but testify in an effective process after we have had time
5 review the document that none of us have so that we can
6 provide informed consent. This community wants to provide
7 comments in this public process, but unfortunately you
8 chose to come about a way that did not allow us to be
9 effectively engaged.

10 I'm very concerned because even with the North Slope
11 Borough providing public computers, we have not had
12 Internet access at the North Slope Borough coordinator's
13 office. Limitations at the school -- school just got back
14 open, but we don't have library hours to go to the school
15 and get the document and access the document. The Native
16 Village is the only one that has documents, but yet we
17 have seven members of council and not every one of those
18 council members will even get a document. So it's very
19 important that you are hearing us. We asked for this for
20 decades, but yet you chose to change your process in
21 bringing this. It's very inappropriate to come back,
22 especially to the most impacted community.

23 I remember going to Barrow to try to meet with Henri
24 Bisson when he was the director MMS and he became acting
25 for Bureau of Land Management. That's when we lost out on

1 the deferral area. We did not even get to go in and talk
2 to him. That meeting was closed to allow me as the mayor
3 of this village to even go into that meeting. So we were
4 not allowed to try to protect our deferral area, as well
5 as Kaktovik had their deferral area greatly decreased.
6 That was inappropriate. They didn't have the
7 participation either to try to protect what we both felt
8 was necessary.

9 And now we have come back with a process in which we
10 told you that we felt the development should be on the
11 island, not in the water. You came to us and talked to us
12 about how your first presentation was going to be in a few
13 feet of water, and yet after all of our community concerns
14 that told you how important it was not to go into the
15 deeper water, you come back with the new presentation in
16 19 feet of water.

17 You are really not hearing what our community
18 concerns are, or you are choosing to make the decisions
19 you are making without our support, because these are
20 really serious impacts.

21 DR. JAMES KENDALL: That's very -- a very
22 good point, Rosemary. If you are telling us -- we did not
23 develop the proposal. It came from industry. They
24 submitted it to us. So what we can do now is take exactly
25 what you said that's recorded, we can take it back.

1 But we don't develop the proposal. We don't drill.
2 We don't work for an oil company. But if the oil company
3 brings us an exploration plan or a development plan, the
4 law says we have to review it. But that doesn't mean it's
5 going to get approved. We have to go through the process.
6 We have to come visit. We have to sometimes go over the
7 same ground over and over again.

8 MS. ROSEMARY AHTUANGARUAK: But our
9 concerns have been left behind because we haven't been
10 able to stay engaged effectively at the decisionmaking
11 table. When we are left behind and you go to others,
12 their priorities stay at the table, but ours are left
13 behind. This is too important for us to be left behind.
14 We need to be engaged effectively at this table.

15 Native Village coming in as a cooperating agency
16 could be a good thing, but when you come back to us with
17 major concerns that are not being addressed by changing
18 what we put forward as ways to try to address this with
19 increasing our concerns and risks, you are not listening
20 to us. This is very concerning that we are still
21 discussing these very important issues.

22 Thomas Napageak and Etok Edwardsen came to me and
23 asked me to oppose the offshore process, and I have been
24 doing that for over 20 years. It's really important that
25 we do this. It wasn't my choice to do that. They came to

1 me and asked me to do this. We knew we were going to be
2 facing major issues. They didn't ask some of these others
3 to do it. They came and asked me because they knew I
4 wouldn't quit. I go to these meetings on a regular basis.
5 It's really important that we provide these testimonies.

6 But even me, as effectively as I'm engaged, I still
7 don't have this document. And this is a very bad failure
8 in this process when all of you know me on a first name
9 basis, you come up and say hi, but yet none of you
10 respected me enough to make sure I got a document before
11 the public hearing. That wasn't very effective listening
12 on your part when you know we have been engaged for
13 decades. Somebody didn't recognize that we are very
14 important in our village because it's going on deaf ears.
15 We don't want it to be deaf ears anymore. You took us
16 away from the process, and now you come back with a
17 process that makes us very concerned.

18 This project should not go forward. This project is
19 very impactful to our village. It's putting our way of
20 life -- we depend on our -- feeding our village for the
21 year with the whale that comes through. All of our
22 village depends. We only have a few whalers go out to the
23 island, but our whole village depends on that feeding.
24 And yet you are not engaging us effectively to allow us to
25 be effective in putting together some of the issues that

1 we felt should be put there.

2 We talked about trying to have a quiet time when we
3 are having our whaling activities. But what enforcement
4 did we get with some of those previous activities? Did we
5 get the limitations to the flights out there or did we get
6 the exemptions that are allowed when industry says that,
7 oh, we have to have another plane go out there; we have to
8 have another boat go out there; we have to have another
9 response process out there? When we ask for these kinds
10 of things, we need to have the effective response that
11 gives us hope that our whaling is still going to continue
12 because this is very concerning. The risks are for our
13 feeding of our families.

14 And you are talking about reinjecting? We talked
15 about that for decades. We are supposed to have no
16 dispersing of the contaminants out into the water. We
17 tried to fight that for decades. We don't do that because
18 we want to just give you a harassment. We do that because
19 we want to protect the food that we are going to feed our
20 families and the food that our animals are going to eat to
21 nourish their bodies. We want to make sure it's safe.
22 But yet we have more and more reinjection that's out
23 there.

24 We have proposals to consider dumping different
25 things into the water to allow you to let the natural

1 dispersement occur. We don't have the same dispersal as
2 other study areas that are being assessed to say that
3 those things are going to get dispersed and be decreased
4 of an impact because we have the ice coverage in a normal
5 pattern. Things have greatly changed now. Maybe we are
6 going to have some differences.

7 But the reality is the risks are with our food. We
8 want to make sure that our children are going to be
9 healthy into the future. We want to make sure that the
10 emissions that are going into the air not going to impact
11 our lungs and the food that we depend on to feed our
12 families. We want to make sure that we are going to
13 continue to be able to harvest our animals in the
14 quantities that we need them to feed our families in an
15 effective way because we can't afford what's coming off
16 the plane. You go to our store and you look at a piece of
17 meat, it's over 30 bucks. I can't feed my family 30 bucks
18 a meal and not even have enough meat as I would have the
19 traditional food sources to feed our family.

20 Other studies that look at how much consumption it is
21 is not what we need for our bodies up here. We need the
22 traditional foods from our lands and waters because of the
23 nourishment it gives us, the oil content or the richness
24 for us to survive in our environment. That's what we
25 really need, and that's what we want to continue. But yet

1 we have to worry about preauthorization of dispersants
2 that are on the full migratory route of all of our
3 animals.

4 That's a tremendous amount of burden for us to even
5 look and try to research to assess how much impact could
6 occur because our whales live to be 200 years old or more.
7 That's a tremendous impact that's put upon us to look at
8 these foods to say whether or not there is an exposure
9 risk for our families.

10 You don't look at the new little lives that come into
11 this village. I try to look at every little baby that
12 comes in here because I fight for the process because I
13 saw so many babies when their eyes are sick, when we are
14 having changes to the health impacts for our community.
15 But we won't see some of the impacts that may come out of
16 what you are reinjecting into those wells. We don't know
17 that it's going to go into the area you say it is. Maybe
18 it's going to end up in the aquifer. Maybe it's going to
19 come out into the ocean, and maybe our food is going to be
20 assessed.

21 You have tons of chemicals that are in those
22 different particles that you are going to be reinjecting
23 into the well. We need every one of those chemicals so
24 that we set up the monitoring prior to you going into our
25 ocean so that we have the sampling done prior to you

1 starting this project so that the sampling is done on a
2 continuous basis so that even if you do start to cause a
3 problem, we know what the emissions are and that we are
4 sampling for them and not wait for the statistical numbers
5 at our village of the sick people. We don't want just the
6 numbers. We want to prevent that.

7 This process has to be tied to the permits so when
8 you do cause a problem out there and you're putting stuff
9 that shouldn't be in our food and they come into our
10 bodies, that we don't wait for all of the sick children to
11 be numbers on your statistical data. We want it tied to
12 the permit so we change these permits so they can't emit
13 and make us sick.

14 We want some hope that we are going to be able to
15 respond effectively and not continue to hear and see
16 documents that really took our concerns and threw them
17 into this unknown void because you certainly didn't hear
18 us when we told you our whaling was going to be impacted,
19 our fishing was going to be impacted, the health of our
20 people were a real concern. You came back and said, oops,
21 sorry, it's okay. All of your concerns didn't matter.
22 We're still going deeper water. But you showed in the
23 Gulf of Mexico deeper water has a big concern. We don't
24 want to wait till what happened in the Gulf. If the Gulf
25 happens up here, it's going to take over a year to even

1 try to stop it.

2 DR. JAMES KENDALL: Rosemary, thank you
3 for your comments. We have got it recorded. We will take
4 them back. This is important. I know it's uncomfortable
5 and the system is very ungangly, but every comment that's
6 made we take back. And please help us with the document.
7 It's not a decision document. It's out there. We will
8 send more. I'll see if we can come back. I can't make
9 any promises, but --

10 MS. DORA LEAVITT: You have to. We are
11 not testifying properly. This meeting needs to be
12 canceled. Why are we speaking? Hello, village. We are
13 misinformed. Quit speaking. Let them come back and get
14 our testimonies. We don't have anything, nothing.

15 DR. JAMES KENDALL: Let me take the
16 message back, see what I can do, but I cannot make a
17 promise.

18 MR. EDWARD NUKAPIGAK: For the record,
19 Edward Nukapigak. Earlier they mentioned about zero
20 discharge to the ocean. Zero discharge was brought up at
21 some point, and it was granted that they should not
22 discharge to the ocean. They were also to have a barge
23 with a tanker where they can dispose.

24 MS. DORA LEAVITT: You guys can come back.

25 MR. EDWARD NUKAPIGAK: Drilling muds was

1 supposed to be disposed properly to the shore, back to the
2 shore.

3 MS. DORA LEAVITT: Bullshitters.

4 MR. EDWARD NUKAPIGAK: This discharge to
5 the ocean will definitely kill all or most of the marine
6 mammals. I experienced one iceberg full of light brown
7 mud. It's not a natural mud. And I know where that came
8 from: Northstar. Is that what we are going to see out
9 there if Liberty was to do a discharge to the ocean? But
10 tonight with only a handful of our people -- two of our
11 most powerful leaders walk out because due to the lack of
12 information on this. They had a voice to say, but they --
13 you folks did not give enough proper information. They
14 wanted to testify, but they walk out, knowing that Liberty
15 is going to be a big problem.

16 It's more like they want to drive us further east or
17 they want to get rid of us from Cross Island and drive us
18 further west. Is that the intent for BOEM and their
19 cooperating agencies? Because you have lease sale 124 or
20 144, 202 -- Cross Island is not on the map. And they are
21 showing line of the lease areas. Cross Island is not on
22 the map because this portion of that lease goes towards
23 Cross Island.

24 This map is not a fully map of what leases and how
25 close are they to these islands. You only show Stockton

1 and McClure Island and part of Liberty, Duck Island. But
2 portion of your lease stretched out towards Cross Island,
3 and it's not on the map.

4 You folks came unprepared. Your documents are not
5 fully prepared to hold a public hearing tonight. And this
6 public hearing tonight should be postponed until we get
7 all the agencies here in this village because all the
8 people that spoke and the people that will want to come
9 and speak out will have different opinions about Liberty.

10 DR. JAMES KENDALL: Point well taken.

11 (Translation.)

12 MR. FREDERICK TUKLE, SR.: For the record,
13 my name is Frederick Tukle, Sr. Last name is spelled
14 T-U-K-L-E. I have to agree with my peers that you guys
15 need to come back with more documentation and maps for our
16 community. I sat here and I watched our mayor walk out, I
17 watched the president of our whaling community walk out,
18 and I watched the president of Kuukpik Corporation walk
19 out because they did not have valid information and can
20 properly voice their concerns about these projects.

21 I'm very concerned that you guys been working with
22 North Slope Borough and ICAS for a year and a half, and
23 this is the first I heard about it. In this case North
24 Slope Borough and ICAS do not speak for me.

25 I have been whaling in this community since 1987, and

1 I will say something about what Edward mentioned regarding
2 Thomas Napageak and the Shell exploration, what happened
3 that time. And it was during the time when the Galahad
4 exploration well was out there.

5 First of all, you need to get those other two
6 agencies and come back with them. I also want to see who
7 in the borough and who in ICAS was working with you guys,
8 and I want them here, too, because in this case they do
9 not speak for us.

10 During that time when Shell was conducting their
11 exploration, I was down there with Thomas Napageak and
12 Patsy Tukle, and I seen myself the hundreds of thousands
13 of animals that were deflected because of operations like
14 this. This was when Shell was conducting seismic
15 activities in Canada simultaneously to the Flaxman
16 Islands. And then I saw thousands and thousands of birds
17 from Canada, birds we never seen before in the Flaxman
18 area region. We couldn't understand why we were seeing
19 these birds.

20 But let me share with you what happened that time
21 when we ran into those whales during these operations.
22 The noise that hit the whales' ears, it pissed them off.
23 And we were so desperate for trying to catch whales, we
24 went from Cross Island, we went all the way to Kaktovik.
25 And we couldn't understand that that one year we didn't

1 catch whales why this was happening. So we went back
2 again the next year.

3 Then that next year later right in Flaxman Islands
4 right near Camden Bay we ran into that seismic ship, and
5 we realized it was these guns, these air guns they were
6 shooting off was hurting the whales' ears. And that was
7 when Thomas Napageak and Patsy Tukle realized we had to go
8 direct north, exactly where our elders tell us not to go.
9 You can't go way down there and hunt the whales. You are
10 going to get hurt. But that's what we did.

11 I was sitting on that table when Thomas and Patsy
12 make that decision to go direct north 30, 31 miles from
13 Cross Island.

14 When we reach those whales, their ears were so hurt
15 they were angry. That's just like a regular -- just like
16 a little fish, when the fish is spooked, it will squaw
17 away fast. The whale reacts in the same way. We ran into
18 those whales, and they were spooked and they were pissed
19 off. And this was when we had one of our whaling captains
20 struck the whale, and then I seen something that I never
21 ever seen before with the bowhead whale was that whale
22 turned around and start trying to bring us down.

23 For three and a half hours we were trying to catch
24 this whale and kill it, but it turned on us because it's
25 very angry because of the noise. And the other time in

1 that same hunting season, the Napageak boat, Thomas
2 Napageak -- and I was on the Tukle boat. And we spotted
3 the whale and we were going full blast after it. I
4 watched them right in front of me attempt to harpoon the
5 whale. You have to get face-to-face with a whale to
6 harpoon it. That whale spun around like you would spin a
7 bottle, a bottle -- a glass. You spin a bottle and it
8 spins real fast.

9 And I watched that whale spin so fast it kept
10 striking the Napageak boat. And then that whale turned
11 around under the boat, and then he used his flippers and
12 his tail simultaneously and got Thomas.

13 During that time for two years straight we couldn't
14 understand why, but when we seen the seismic ship and then
15 the buoy, we ran into the buoy, and then we start hearing
16 the air guns shooting off, then that's when -- this is the
17 events that led to what Edward was talking about Thomas
18 took the initiative and then started the oil/whaler
19 agreements.

20 In this case, the contractors for Liberty project
21 offers nothing except for us to wonder what kind of
22 effects are we are going to see. That's it. That's what
23 we have to look forward to right now.

24 You guys have to come back with these other two
25 agencies. I want to see myself what borough and ICAS work

1 with you guys because in this case they are not speaking
2 for me. So these are the kind of -- you guys talk about
3 impact. I seen it myself out there, and I watched the
4 whales attack us. But when that whale -- I'll tell you
5 what. When that whale comes after you, you guys don't
6 want to be around it. When you got a 50-ton pissed off
7 animal gunning for you and it's going to take you out,
8 then we have to get out of the way.

9 This is a very serious issue we are talking about
10 now. We are all gravely concerned. When I heard about
11 today the Liberty project, they were going to have a
12 meeting about the Liberty project, then I started thinking
13 about the same thing Edward thought. We were going to be
14 dealing with grave effects from this project itself.

15 And then we need a seat at the table with these other
16 entities here, the ones that didn't make it today. We
17 need North Slope Borough and ICAS here and find out what
18 the hell they said to you guys about this. How is it that
19 our own borough and our own tribal government came to some
20 kind of agreement with you guys and we knew nothing about
21 it? I know what kind of effect oil entities have offshore
22 because I seen it myself.

23 You guys have to come back, all of you, with these
24 other entities that didn't make it today.

25 Thank you.

1 DR. JAMES KENDALL: Thank you. Anything
2 else?

3 MS. ROSEMARY AHTUANGARUAK: Our elders
4 have commented many times about these concerns. The past
5 record is important to include in this current record.
6 It's very disappointing when we look back on what was
7 recorded in the recent past and how you are summarizing
8 the comments. It's important that we have the true
9 statements of what our elders are saying and what our
10 community members are saying in this process.

11 Many of our elders have supported exactly what
12 Frederick and Edward have been saying. When you increase
13 the noise, the disruption in the ocean, it causes a
14 reaction to the whales and they get more aggressive. We
15 lost two whaling boats that year. We had a very blessing
16 that we didn't lose any whalers that year. It was only by
17 the one above's graces. It wasn't by anybody else's help
18 or response to the issues that we were dealing with.

19 When we tried to bring up our concerns, we were in
20 competition with Barrow and the Chukchi side. They didn't
21 have what we had as an agreement. They tried to break our
22 agreement into two. That's very inappropriate. If you
23 are going to be working with us, we are still united,
24 regardless of whether or not they cut us out of the
25 process. But it's about protecting our way of life and

1 the future that we want to continue to for our families.

2 The historical record should include the specific
3 testimonies that are occurring. It should not be a
4 summary and a lumping together, X amount of people comment
5 about whales and birds and fish because when our president
6 walked out of the meeting for the corporation, that was a
7 large voice that walked out of this meeting. When the
8 mayor walked out of this meeting, that was a large voice
9 that walked out of this meeting. When the whaling captain
10 and his wife walked out of this meeting, those were very
11 important voices that are not here to comment to this
12 process.

13 So I hope that you come back and allow us to
14 participate with the document after we have had some time
15 to look at this document. As you say, it's a thousand
16 pages. It's many pages long. I do read these documents.
17 Not everybody does. But it's important to be able to
18 compare one document to another because we have been
19 working on these for decades. We have put in many words
20 of trying to protect our way of life. We put in
21 suggestions of having no action in these areas.

22 Unfortunately, you keep coming back to us with a
23 document and gut everything that we put in to try to
24 protect our way of life. You need to go back through all
25 of the comments that we have been putting in for all these

1 many decades of participation and not just say people are
2 concerned about whales or endangered species because it's
3 about protecting the health and welfare of our community,
4 our way of life, and continuing who and what we are in our
5 lands and waters into the future.

6 MS. DORA LEAVITT: Are you coming back? I
7 want to know if you spoke with AIO.

8 DR. JAMES KENDALL: I don't believe AIO
9 was part of the process.

10 MS. DORA LEAVITT: Have you gone to Barrow
11 and they voice out on behalf?

12 DR. JAMES KENDALL: Mark?

13 MR. MARK STORZER: AIO we have not heard
14 from.

15 MS. FRANCES MANN: No. We are going to
16 Barrow later this week.

17 MR. MARK STORZER: We haven't been to
18 Barrow yet.

19 MS. DORA LEAVITT: You guys are coming
20 back and you are going to hear more testimonies because
21 there is people that walked out of here. I can tell you
22 because I worked at the comm center for 18 years when all
23 your activity was going on. I was an operator for the
24 whalers and the oilers. Something that Hilcorp wants to
25 put away and do away with, communications center. It was

1 really vital. It's vital for our people we have a
2 communications center.

3 We go 97 miles to our whaling camp, and we stay out
4 there. My boys, youngest one is 15. This is our first
5 year our crew got a whale. And I'd like for them to come
6 home safely. I worry about them.

7 And what Frederick was talking about, I was listening
8 in on that incident when the whales were skittish, and I
9 could hear Patsy and Thomas talking in our language about
10 how the whales are acting. And for them to go out 30
11 miles and finally get one whale, by the time they towed
12 it, it took them like 12 to 16 hours to tow the whale back
13 to Cross Island. The meat was spoiled. We were able to
14 get the muktuk out. But these are the things that we are
15 going to face. Not Barrow, not Wainwright. They don't
16 see what we see. Yet they speak so much for us. We are
17 not in the Village Voice because we are too advanced in
18 the impacts that we face. They have never seen a pipeline
19 in their backyard.

20 We face it every day. Sickness, leukemia in our kids
21 and no health assessments to cover and assure us that we
22 are going to be okay. All you agencies come and you
23 listen. You say you listen, but when we start reading
24 these documents, a lot of our testimonies aren't even on
25 there. Their testimonies aren't on there.

1 I work for so many years at the comm center. We
2 watch industry vessels with our whalers when they are
3 having -- when they are trying to catch a whale. There is
4 a vessel interference. And I'm thankful that Thomas
5 Napageak and our other captains got together and said we
6 got to do something about this. That's how the Conflict
7 Avoidance Agreement came about, something that Barrow
8 would love to have for them.

9 I've seen so many stipulations stripped from here all
10 the way to Flaxman Island, stipulations that were in
11 place, and they were stripped after seismic activity
12 because of all the oil that's out there. And you
13 disregard our testimonies, stuff that we said 20, 30 years
14 ago that's supposed to protect us. You guys stripped them
15 one by one. How are we supposed to trust you now?

16 You guys come and impact our village all the time.
17 We are so surrounded by oil and gas it angers us now. You
18 heard a lot of angry voices tonight.

19 I want to know if you are going to come back and you
20 are going to fully get everybody's testimony because this
21 is just a little bit what I have to say. I've seen it so
22 many years, vessel interference. I've heard it, too,
23 through the radios.

24 Every time we get a new player and a new lease, they
25 have a change of plan that -- and they never hear us.

1 They try to buy us off. And yet we are going to face this
2 Liberty for, what, 30, 40 years. I want our kids to be
3 able to hunt. Our diet is all Native food over here. You
4 have your gardens. This is our garden, the ocean, the
5 rivers. This is what we live on. I'd like you guys to
6 come back and, like Frederick said, bring all the other
7 agencies. Bring your top people here to listen to us.
8 Bring your science folks so we could see their data.

9 We not only hunt the whales. We are out there
10 hunting seals and fishing. We are going to fish pretty
11 soon, and that's the fish that comes from the McKenzie
12 River. It angers me that you guys come with just a piece
13 of paper. We are misinformed all the time. Then you come
14 here and say, oh, yeah, we talked to Nuiqsut.

15 We oppose this. This is our livelihood back there.
16 We want -- we want to properly testify, but there is just
17 a handful of you. I know a plane canceled out. We would
18 like you to come back and hear us so we can testify
19 correctly.

20 That's all I have to say. I have a lot more to say
21 when you come back, and you are going to come back.

22 MS. ROSEMARY AHTUANGARUAK: I put a lot of
23 discussion around the air quality. I want to make sure
24 that we get some information on the criteria that's going
25 to be used to decide how industry is going to function.

1 If they are going to be able to flare the gas, I want some
2 criteria that says it's truly an emergency, it's not tied
3 to the profitability that they often use and tie their
4 emissions to having more and more flares because they want
5 the profitability that happens in January and February
6 when the prices are better. But that's really concerning
7 if we are not getting the support to prevent the flaring
8 of the gas during inversions. We have been talking about
9 this for decades, and you still have no documents that are
10 supporting us to say that they shouldn't be flaring the
11 gas during an inversion.

12 We want to make sure that the process does not emit
13 substances into the ocean. Our elders talk about one drop
14 of oil can deflect a whale. That means you can't be
15 putting your drilling muds and things into the water.
16 This is an important feeding ground for our whales. We
17 need the ocean to stay clean and healthy because of the
18 microscopic nutrients that they are eating and those
19 things out of the water.

20 When you get the cumulative effects of those kinds of
21 things and if there is contaminants that are leaching into
22 it, we have got to monitor that for hundreds of years.
23 That's really important to us. But yet you know you are
24 putting things down in those injection wells, but we have
25 no monitoring system to monitor for what's being injected

1 in those injection wells.

2 The risk for us is in our foods. Are we supposed to
3 wait until we have the blood quartile study done again
4 that shows that we're having more 'contaminants in our
5 babies after the fact? We don't have the research and
6 monitoring to show what's coming out of the emissions, let
7 alone what you are putting into the effluents from the
8 waste treatment plants, as well as the drilling muds and
9 the other particles of substances that you are putting
10 down into the reinjection areas.

11 We don't have any evidence that you are properly
12 treating some of these contaminants. Where is the
13 evidence that shows these tons and tons of chemicals that
14 are being brought in from the oil and gas process are
15 being properly taken out and treated to not be left in our
16 lands and waters and to show up into our bodies and foods
17 in the future generations? We need these evidence set up
18 prior to you starting your drilling. We asked for them
19 before, but you can't tell it in your document that we
20 have asked for this because we don't have the evidence now
21 that shows that you responded effectively to these
22 comments. But we need to have it done in a really good
23 way. This is not a good way.

24 You have come to us with broken promises. You have
25 come to us with no proof of any enforcement to our

1 mitigation measures because we have experienced the
2 failures to enforce when we keep coming back to these
3 meetings about discussing the impacts that we are having.
4 But it's about trying to make sure that we are going to be
5 able to feed our families the goodness as our elders fed
6 us and not wait and have statistical data because we are
7 seeing health concerns in our village.

8 They talked about some of these concerns.
9 Respiratory illnesses are increasing. Cancers are
10 increasing. Thyroid disorders are increasing. Some of
11 these chemicals are endocrine disrupters. In the Lower 48
12 there is a bunch of studies going out. In the European
13 Union there's a bunch of information that's available. We
14 don't have that good information in your document. We
15 have to go and look at the European Union side to get some
16 information about these chemicals.

17 But if you look at the Children's Environmental
18 Health Textbook by Dr. Ruth Etzel, it shows that we have
19 to be monitoring over 63 criteria. I don't have any of
20 your documents that show what those criteria are. But I
21 know in that book it shows that we should be monitoring
22 for all of those things. I know we need to monitor for
23 nitrous oxide, but the nitrous oxide study we tried to
24 participate in, you allowed industry to buy the report
25 before we even got six months into the study.

1 We still need those original documents. You didn't
2 give it to us. It should have been community owned,
3 community controlled and multigenerational. This is what
4 we need for our community. This is what we needed decades
5 ago. This is what we have been talking about.

6 If you are going to come out and talk to us about
7 this project coming up, come back with the assurances in
8 the documentation, not like we have in our fisheries study
9 related to the tiktalliḡ because when they only study one
10 fish and they say they go and clean up an area already
11 contaminated and those chemicals are coming into our fish,
12 one fish isn't enough to study. Early study we had 20
13 fish. But yet even though we expressed this concern, they
14 allowed them to do only one fish in 2015. Not again.

15 We really need to have this information done in a
16 good way. And it can't be a study that's initiated by the
17 industry because when we had the Repsol blowout, we didn't
18 get to control that information. We didn't get that
19 information. We need to be able to have that information.
20 We can't wait till day nine like the State of Alaska came
21 out and said, don't worry, you have only got four elevated
22 VOCs.

23 If we have a blowout, we want that data day one. We
24 want to know what we are being exposed to in a timely
25 manner. And we want the information being kept up with,

1 not like our local air monitoring station that only had 20
2 criteria to be monitored, but was allowed to go years in
3 default of actually coming out with the report; but then
4 have industry in control of it so they manipulate the data
5 and shut off the monitoring station for routine
6 maintenance in January when we have the most flares going
7 on. That's not acceptable. Do things in a good way.
8 Come back here with a peer review process that says this
9 is going to be a more protective mechanism for us, instead
10 of what you have allowed industry to come back with that
11 has not been protective of us.

12 MR. FREDERICK TUKLE, SR.: I wanted to
13 finish my observations what happened that night with the
14 whale when we were 31 miles out. That's when we were
15 towing the whale coming back. We ran into 50 mile-an-hour
16 winds from the east. And 18 miles out of Cross Island we
17 abandoned that whale.

18 At that moment we abandoned the whale, that's when my
19 whaling captain's boat went down, and then they maydayed.
20 They sent out a mayday call, and we responded. We were
21 the number two Patsy Tukle boat. The number one Patsy
22 Tukle boat went down at that time. And we were fortunate
23 that one of the industry vessels came and escorted us back
24 to Cross Island because we were forced to go way out there
25 from this industry impact. And these are things that the

1 other organizations need to hear. They need to hear it
2 from us.

3 I always picture that, what I seen up there. It
4 always stays with me, the impact I saw with the thousands
5 upon thousands of birds that were here from Canada. And
6 then we realized the bowhead migration path, the main pass
7 was 50 miles out. That's why we could not catch the
8 whales. So when I think about things like that, it's so
9 important that you guys bring these two organizations that
10 didn't make it today and bring them here. We need your
11 help to do that. We need your help with valid information
12 that we could see.

13 It pisses me off to hear that you guys been working
14 with North Slope Borough and ICAS for a year and a half.
15 That's a slap in the face.

16 Thank you.

17 DR. JAMES KENDALL: We need to take a
18 minute break or two, and then we can come back.

19 (A break was taken.)

20 DR. JAMES KENDALL: If there is anything
21 more to say, Mary is here for the record. If anyone has
22 anything else to say, Mary is back, so if anyone would
23 like --

24 MR. EDWARD NUKAPIGAK: I just want to say
25 a little bit what I experienced when offshore. I dealt

1 with Shell when Shell first called Hammerhead. That was
2 the first time when they went out during our fall whaling.
3 The federal government did not inform Nuiqsut Whaling
4 Captains' Association that there was going to be an
5 exploration at Camden Bay.

6 DR. JAMES KENDALL: When was that?

7 MR. EDWARD NUKAPIGAK: '86, '85, '84, '83
8 when they first went out. They had a big fleet along with
9 the Coast Guard. I was, like, five miles from Hammerhead,
10 what is now called Sivulliq. All that icy area that I
11 used to see is not there. Coast Guard didn't even pick up
12 my boat on their sonar radar. What was the reason why
13 Shell decided to have Coast Guard out there when they had
14 multiple vessels out there, fleets? They had one or two
15 ice breakers, and the third one was Coast Guard. And that
16 is what's going to happen if Liberty is to be developed.

17 I experienced a lot of barges going eastbound during
18 the heart of whaling season, some of those that were not
19 with the CAA. 2005 is an example where I had almost a
20 head-on collision with a barge that went out on silent
21 mode. It almost cost my life and my crew in the boat.
22 Coming out of the fog when I was pursuing a whale, all of
23 a sudden this barge came out. I made a big U-turn close
24 by. If I hadn't made that U-turn, I would have smashed
25 right into them.

1 That's the kind of interference that we deal with
2 that you folks don't know of, that you folks don't know
3 that -- that August 25th is always the deadline for
4 vessels going eastbound. But still they want to haul
5 material to Point Thomson for Exxon Mobil or to Badami.
6 And those are the vessels that are hauling modules to
7 support Exxon's exploration. At some point I've seen a
8 cruise ship. I thought that was a big, giant iceberg.
9 Well, it was all ice free. When I was straight north a
10 little closer to the horizon, holy cow, a big cruise ship.

11 Regardless of the lanes that they want to open up
12 using Canadian passage as a shorter route to deliver goods
13 and products to the west instead of going all the way
14 around, they want to come right through us. If that is
15 approved, all of our marine mammals will be gone. And who
16 is going to feed our people? Who is going to mitigate our
17 people? BOEM? Is BOEM going to mitigate us? Fish &
18 Wildlife? National Marine Fisheries Service? BLM? Your
19 other cooperating agencies? Are they going to start
20 giving us mitigation for the loss of our livelihood out
21 there that we depend on?

22 We have been fighting these offshore operators for so
23 many years, and the federal government still don't listen.
24 They want to go ahead and give them in black and white.
25 There you go. Your Liberty is being approved here. Go

1 develop it. That's exactly what's going to happen. If
2 you guys don't listen to what our community have said
3 earlier and some of our leadership that walked out because
4 of lack of information, just a piece of map just telling
5 where Liberty is going to be developed, a slide show of
6 what was presented to us is not enough to testify that
7 there will be minimal impact to our ocean, to our marine
8 mammals, especially the bowheads.

9 Bowhead whales are real sensitive. They can hear
10 miles away. At some point we had public hearings about
11 that. And this is what they said. 7.5 is the magic
12 number. And that is a false statement. You guys
13 falsified the statement to our people because you guys
14 were not out there to study the bowhead whales' noise
15 level, all the noise that goes unseen, but still you can
16 hear it. You turn your outboard off, you can hear
17 vessels, barges passing by silent mode.

18 That has to be put to a stop because Nuiqsut Whaling
19 Captains' Association has a deadline. August 25th every
20 season is a deadline for vessels going eastbound so that
21 bowheads can migrate near shore without being interfered.
22 Once they get interfered, they can spook it. Skittish.
23 They will come up twice and head north, straight north.
24 The further you go out, the more you are endangering your
25 crew. Why? There is no ice out there to protect high

1 waves. We can get caught on unexpected wind.

2 And the other thing is that Coast Guard, the
3 submarines have been studying too much on polar ice pack.
4 Why are they punching holes in different places now? What
5 is their purpose? To diminish the ice, ice pack, to
6 smaller? I've seen that. Why are they still studying the
7 polar ice pack? Coast Guard is breaking through four-foot
8 thick, same as those submarines. Manmade error on that
9 polar ice pack. Not by climate change, but manmade
10 island. This was manmade that caused our polar ice pack
11 to start shrinking. And you folks have to admit to that.

12 Federal government, whoever studies North Pole,
13 whoever studies polar ice pack, they need to put to a
14 stop. They have no reason to be out there studying the
15 ice that's -- that is diminishing. But I've seen so many
16 of those going out punching holes, more like they want to
17 crack up. You drop a glass, it shatters. And that's
18 exactly what they want to do with North Pole. The polar
19 ice pack is shrinking, and we are feeling it.

20 You guys need to pass that word back to Washington,
21 D.C. and tell them enough is enough with studying what's
22 out there on that polar ice pack.

23 Bearded seals, walruses, polar bears are stressed
24 because there is no ice for them to go up and relax and
25 rest. They are on the islands and they are on the shore.

1 That is their new haulout because of lack of ice out
2 there. And it's something that's to be passed on.

3 And I suggest you folks come back with proper
4 materials so that our community will know what's -- what
5 is to be developed or what is to be approved by BOEM and
6 the other agencies. We want full documentation, handout
7 sheet of full documentation. It may be on EIS at school,
8 city or NVN, but a lot of our people hardly go there. If
9 I was to read that, I bet you it's going to take me a
10 while and read that until that deadline comes to comment.
11 Some may be duplicates. Some may be repeated of wildlife,
12 animals, about air quality, the ocean. Those might be all
13 repeated in that draft EIS as exactly what BOEM did
14 before -- I mean, MMS did before BOEM took over.

15 MMS scrutinized this village big time. That's how
16 thick their holy bible was. It was all repeated chapters
17 that has been said in the beginning. They keep adding
18 what's been already documented and make that draft EIS so
19 thick. We don't want to see any of that on BOEM's draft
20 EIS that they are putting together.

21 Earlier one of our ladies spoke. We speak out, but
22 our voice are not being documented in black and white.
23 Being left out. It's because in the name of oil and gas
24 out there. You folks don't want to grant us a deferral
25 line. You folks don't want to grant us what area should

1 be restricted, off limit to exploration. You still
2 haven't give us an answer yet.

3 Why is the federal government avoiding to grant
4 Nuiqsut Cross Island whalers a deferral? What is it going
5 to take to wake up BOEM? If we cannot take deferral line,
6 does this mean we have to take you to court? Not for
7 delays, not for cancelization, but take you to court for
8 litigation, ignoring the community's concerns, not
9 deferral line. And that should not be ignored by you or
10 the other folks that are here.

11 I want my voice to be heard loud and clear as one of
12 the whaling captains here now, only one here. The rest of
13 my colleagues have taken off because they know something
14 is not right. Our people spoke of fish, Arctic cisco that
15 migrate from Canada. It goes right through Endicott. All
16 the other species that comes from the east -- and believe
17 me, there are abundance of fish out there. You got a fish
18 finder, depth finder, you can pick those up by the
19 schools.

20 Our ocean is full of rich in krills. They are full
21 of zooplanktons. The feeding areas are right in the heart
22 of Liberty. That's where they are feeding now. And
23 that's going to disrupt, and those krills are all going to
24 be long gone. How far out? Nobody knows.

25 That's one thing that has to be clarified is that we

1 urge BOEM and their cooperating agencies to come back and
2 have full cooperating agencies here in this village where
3 they can hear and so we can get feedback from them instead
4 of just from the few people here that are here tonight.

5 You know, Jim, I spoke a lot of times before you, and
6 I speak from my heart, not from my mind. I speak on
7 behalf of my people that rely on our ocean for resources,
8 fish that come into our rivers, fish that come into our
9 lakes for spawning, come from the ocean from the east
10 side. And how much are those going to be impacted by
11 Liberty?

12 I want Liberty set back to the nearest shoreline
13 because we were misled by Hilcorp. Four feet is where
14 they want to set Liberty. They say four feet depth. I
15 said no way. Then how come those bowhead whales are going
16 right through Liberty if it's only four feet? They came
17 back and say, oh, we want to correct this. Now it's 19
18 feet. And still bowhead whales are still migrating right
19 through Liberty at 19 feet. It is more than 19 feet.
20 BOEM or their agencies have not gone out to Liberty and
21 measured the depth of how deep that they want to drill
22 that island. There is still a lack of scientific study in
23 the Cross Island region.

24 And BOEM or the other federal government cannot rely
25 on the researcher that was on the island named Michael

1 Galginaitis. He had contract with BOEM, MMS, BLM. They
2 collect data information from us, GPS, tracking, daily at
3 the end of the day. He comes to our captain to captain,
4 download all our GPS. Where were we? How far did we
5 travel? What did we see out there besides bowhead whales?
6 How close were you to Liberty? And those are the
7 information that's for his report to the government that
8 he had contract with.

9 And those are secondhand information. When I read
10 his report, I see a lot has been -- a report that had made
11 changes. That's how and why Hilcorp have interest because
12 we have fed the government with our information with our
13 GPS tracking. Where was a whale struck and landed? What
14 did you see out there besides bowhead whales? I see five
15 walrus. Baby walrus started to go on top of my boat
16 thinking that it was an ice -- thinking it was an iceberg.
17 Those are the things that we experience, and those are the
18 things that our marine mammals are so stressed.

19 But I will blame those that went out to polar ice
20 pack and start breaking up the polar ice pack and start
21 shrinking it so they can open up the lane, traffic lane
22 for cargo coming from Asia, going westbound instead of
23 going all the way around. They want a shorter route now.
24 That's why I like to see that Cross Island area, Liberty
25 and the other area do a thorough scientific study before

1 they would again be approached.

2 That's what we did with Shell, Camden Bay. And all
3 of a sudden we hear Shell pulled out during the heart of
4 their scientific study on Camden Bay. When we met with
5 them with several oil companies at Deadhorse at the end of
6 the whaling season, along with Kaktovik, something went
7 wrong. So there is no thorough scientific study from
8 Camden Bay all the way to Liberty and Cross Island.
9 Government only rely on the researcher, on the whalers by
10 way of GPS tracking. And you guys used that tool to put
11 Liberty on the map.

12 But BOEM and EPA and those others who are here
13 tonight, I'd like to see Liberty sent back to near shore.
14 They can reach it from the near shore, not disrupting our
15 subsistence. We all talk at some point, we all met at
16 some point here in town. Those who are new tonight, it's
17 something that you guys have to go back and do your study.
18 I just want to clarify with you folks tonight that you
19 folks need to come back.

20 Thank you.

21 Now I'm going to put my hat on, put my jacket on. I
22 want to turn my back against you folks, but I will always
23 come back.

24 DR. JAMES KENDALL: What?

25 MR. EDWARD NUKAPIGAK: I said I will

1 always come back even though I -- even though we have
2 spoke a lot tonight, but there is still a lot that needs
3 to be ironed out with the whole community, not just a
4 handful. Information that needs to be passed on, you need
5 to let our people know ahead of time. VHF radio is our
6 communication here in town. Make your announcement, who
7 you are and who you are working for, and let people know.

8 I was willing to hear from Kuukpik Corporation what
9 they have to say, but I'm surprised they all walk out.
10 But I thank you, Jim, Mike, for coming back to Nuiqsut.

11 MR. MICHAEL HALLER: And thanks for doing
12 the VHF.

13 MR. EDWARD NUKAPIGAK: We still need to
14 get all these put together before you guys can make your
15 determination, before November's deadline on comment
16 period. That should be extended until we have proper full
17 agencies here to meet again. This may be partial public
18 hearing, but it is more like we are still on the scoping
19 meeting.

20 So I just want to thank you all for coming to Nuiqsut
21 again, and we hope to see you coming back here some day
22 soon. And thank you, our reporter, for documenting our
23 words.

24 DR. JAMES KENDALL: You are welcome.

25 MR. EDWARD NUKAPIGAK: And they should be

1 documented on your draft EIS, final EIS, this is what
2 Nuiqsut was saying. This is Nuiqsut's concern. This is
3 what Nuiqsut wanted because I, for one, tonight, even
4 though my other colleagues are not here, I select
5 Alternative 1. I oppose to Liberty. Too close to Cross
6 Island. Too close in the heart of our marine mammals. So
7 I just want to make sure that those are recorded and make
8 sure that, you know --

9 DR. JAMES KENDALL: For the record, you
10 mean Alternative 2, correct? Alternative 2 is the no
11 action alternative. Alternative 1 is for Hilcorp to do
12 what they want to do. You want No. 2?

13 MR. EDWARD NUKAPIGAK: Yeah.

14 DR. JAMES KENDALL: Just for the record,
15 so it's straight for you.

16 MR. EDWARD NUKAPIGAK: No action. I -- I
17 opposed, and I will select Alternative 2, no action for
18 Liberty, unless BOEM sets back to the nearest shore and it
19 can be reached. Today's technology, they are building
20 monster rigs on shore that can reach six and a half miles
21 out, more than six and a half miles that can do horizontal
22 directional drilling like ConocoPhillips is doing right
23 now. They have a monster rig that they want to put down
24 the GMT unit. It can be done with Liberty, if Hilcorp
25 would only listen to our community and if BOEM and the

1 others can convince Hilcorp that there is a deep concern
2 and they need to set back away from the migration routes.

3 And I thank you all for coming tonight.

4 DR. JAMES KENDALL: Thank you. And it is
5 10:00. You got real close.

6 MR. EDWARD NUKAPIGAK: No kidding.

7 MS. SARAH HELME: I have a question. All
8 the notes that you are taking, will those be available,
9 like available like on your notes for us to review them or
10 is that available?

11 MS. ROSEMARY AHTUANGARUAK: How long will
12 we be able to access the record for this public hearing?

13 DR. JAMES KENDALL: Pardon me?

14 MS. ROSEMARY AHTUANGARUAK: How long
15 before we can access the record for the public hearing?

16 DR. JAMES KENDALL: Okay. Mark, for NEPA
17 what's --

18 MR. MARK STORZER: We always put it in the
19 EIS, but I'm not sure how long it will take. It will take
20 a while to get it from Mary. Once we have it --

21 MR. MICHAEL HALLER: Maybe about three
22 weeks before we put it up on the website.

23 MS. ROSEMARY AHTUANGARUAK: We definitely
24 want it.

25 (Proceedings adjourned at 10:02 p.m.)

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REPORTER'S CERTIFICATE

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

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

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my seal this _____ day of October 2017.

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

My Commission Expires: November 5, 2020

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| <p>[</p> <p>[inaudible] (1) 15:13</p> <p>[indicating] (3) 6:21;7:19;33:13</p> <p>[indiscernible] (1) 29:23</p> <p>[ph] (1) 37:17</p> | <p>44:13;47:18</p> <p>addressed (1) 47:17</p> <p>addresses (1) 14:11</p> <p>adjourned (1) 83:25</p> <p>admit (1) 75:11</p> <p>adopt (1) 14:23</p> <p>advanced (1) 63:17</p> <p>AEWC (4) 30:5,16;42:3;43:12</p> <p>affect (1) 19:6</p> <p>afford (1) 50:15</p> <p>Again (13) 3:18;4:17;14:14; 25:25;36:4;41:2;47:7; 57:2;67:3;69:14;80:1; 81:17,21</p> <p>against (2) 21:3;80:22</p> <p>agencies (30) 6:3;14:7,22,23; 15:3;22:6;25:15;26:5; 30:6,7;33:6;35:22; 36:19,20;39:15; 42:17,22;43:7;54:19; 55:7;56:6;58:25; 63:22;65:7;73:19; 76:6;78:1,2,20;81:17</p> <p>agency (9) 4:1;5:16;19:22; 28:23,24;29:16; 34:23;43:2;47:15</p> <p>aggressive (1) 60:14</p> <p>ago (6) 3:19;4:6;33:1,18; 64:14;69:5</p> <p>agree (2) 34:21;55:14</p> <p>Agreement (7) 38:17,17,18;59:20; 60:21,22;64:7</p> <p>agreements (1) 58:19</p> <p>ahead (2) 73:24;81:5</p> <p>AHNUPKANA (2) 30:22,23</p> <p>AHTUANGARUAK (17) 20:25;21:14;22:17; 24:7;25:7;26:21;34:2; 37:4;41:16;42:12; 45:2;47:8;60:3;65:22; 83:11,14,23</p> <p>AIO (5) 40:8,10;62:7,8,13</p> | <p>air (7) 27:7;50:10;57:5; 58:16;65:23;70:1; 76:12</p> <p>airfare (1) 44:22</p> <p>Alaska (8) 3:15,19;11:1,2; 23:15;24:1;31:8; 69:20</p> <p>allow (8) 27:14;28:10,11; 45:8;46:2;48:24; 49:25;61:13</p> <p>allowed (7) 13:21;46:4;49:6; 68:24;69:14;70:2,10</p> <p>allows (1) 28:4</p> <p>almost (6) 8:10;10:14;23:5; 33:18;72:19,21</p> <p>alone (1) 67:7</p> <p>along (2) 72:8;80:6</p> <p>alternate (6) 10:19;11:24,25; 23:18,20,24</p> <p>alternative (14) 17:6;18:9,24;20:3, 4;22:11;23:24;28:3; 82:5,10,10,11,11,17</p> <p>alternatives (30) 10:17;16:3,6,17; 17:6,8;18:19;19:17; 20:2;21:17;22:2,2,5, 11;23:8,12;27:13,14; 28:1,5,8,11;29:1;32:6, 11;33:3,3,4;35:4; 38:21</p> <p>always (10) 3:5,20;32:22;33:11; 71:3,4;73:3;80:22; 81:1;83:18</p> <p>amount (2) 51:4;61:4</p> <p>analyses (1) 29:2</p> <p>analysis (5) 14:13;24:21;26:4,9; 32:13</p> <p>analysts (1) 28:21</p> <p>analyze (1) 16:7</p> <p>analyzed (1) 27:19</p> <p>angers (2) 64:17;65:12</p> <p>angry (3) 57:15,25;64:18</p> <p>animal (1)</p> | <p>59:7</p> <p>animals (8) 12:9;13:10,17; 49:20;50:13;51:3; 56:13;76:12</p> <p>announcement (1) 81:6</p> <p>answered (1) 35:8</p> <p>anymore (1) 48:15</p> <p>appreciate (3) 3:3,4;26:20</p> <p>approach (1) 18:14</p> <p>approached (3) 16:20;38:16;80:1</p> <p>approaching (1) 19:15</p> <p>appropriate (1) 41:18</p> <p>approve (2) 5:23;6:1</p> <p>approved (4) 47:5;73:15,25;76:5</p> <p>aquifer (1) 51:18</p> <p>archeological (2) 24:4;27:10</p> <p>Arctic (7) 18:12;22:25;30:24, 24;40:10,11;77:14</p> <p>area (24) 9:21,22;12:13,17, 19,23;13:4,12;23:13; 24:3;35:20,21;36:15; 37:12;46:1,4,5;51:17; 56:18;69:10;72:10; 76:25;79:24,25</p> <p>areas (7) 11:1;35:6;50:2; 54:21;61:21;67:10; 77:21</p> <p>Arey (1) 38:7</p> <p>Army (1) 14:8</p> <p>around (8) 37:7;57:22;58:6,11; 59:6;65:23;73:14; 79:23</p> <p>ashore (2) 12:20;23:23</p> <p>Asia (1) 79:22</p> <p>ASRC (5) 33:6;40:10,12,14, 16</p> <p>assess (1) 51:5</p> <p>assessed (2) 50:2;51:20</p> <p>assessments (1)</p> | <p>63:21</p> <p>assets (1) 17:3</p> <p>Association (11) 29:21,24;30:1;33:8; 34:22;36:23;38:19; 43:7,11;72:4;74:19</p> <p>assume (1) 13:25</p> <p>assumed (6) 24:12,17,21;25:5; 26:1,4</p> <p>assurances (1) 69:7</p> <p>assure (1) 63:21</p> <p>attack (1) 59:4</p> <p>attempt (1) 58:4</p> <p>August (5) 15:25;21:7,8;73:3; 74:19</p> <p>available (5) 15:16;68:13;83:8,9, 10</p> <p>Avoidance (1) 64:7</p> <p>avoiding (2) 23:16;77:3</p> <p>aware (1) 9:22</p> <p>away (12) 6:22;9:12;23:13; 33:15;34:5;38:25; 48:16;57:17;62:25, 25;74:10;83:2</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>babies (2) 51:13;67:5</p> <p>baby (2) 51:11;79:15</p> <p>back (89) 3:5,21;5:18;11:12; 18:3;20:20;22:21; 25:22,22,30;4:31;18, 24;32:5,5,22;33:17; 34:5;35:1;36:4,24; 37:6,9,15;38:10; 40:23;41:2,6,14; 42:11,12;44:17,23,24; 45:13,21;46:9,15,25; 47:16;48:16;52:20; 53:4,6,8,13,16,24; 54:1;55:15;56:6;57:1; 58:24;59:23;60:6; 61:13,22,24;62:6,20; 63:12;64:19;65:6,15, 18,21,21;68:2;69:7; 70:8,10,15,23;71:18, 22;75:20;76:3;78:1,</p> |
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|---|--|--|--|---|
| 12,17;80:13,17,19,22, 23;81:1,10,21;82:18; 83:2 backyard (1) 63:19 bad (1) 48:7 Badami (1) 73:5 barge (3) 53:22;72:20,23 barges (3) 30:17;72:17;74:17 barrier (3) 7:18,19;9:21 Barrow (10) 29:5;35:10;39:17; 45:23;60:20;62:10, 16,18;63:15;64:7 based (3) 9:17;10:15;23:16 basis (3) 48:4,9;52:2 Bay (11) 6:22;7:18;23:11; 37:19;38:7;39:21; 57:4;72:5;80:2,4,8 Bay/Sivulliq (1) 40:17 bays (1) 33:17 beach (1) 31:9 bearded (5) 12:14;31:4;38:2,15; 75:23 bears (4) 12:21,23;19:3; 75:23 Beaudreau (1) 36:9 Beaufort (3) 4:5;12:17;36:3 became (1) 45:24 become (2) 8:15;13:6 beginning (1) 76:17 behalf (4) 3:13;18:20;62:11; 78:7 behind (4) 47:9,11,13,13 beluga (2) 39:3,6 belugas (1) 19:2 besides (2) 79:5,14 best (3) 4:1;15:12;16:17 bet (1) | 76:9 better (9) 4:10;5:9,13;6:10; 11:24;14:15,19;42:9; 66:6 beyond (1) 19:11 bible (1) 76:16 big (10) 17:15;38:8,11; 52:23;54:15;72:8,23; 73:8,10;76:15 biologists (1) 11:5 birds (7) 24:25;27:8;56:16, 17,19;61:5;71:5 Bisson (1) 45:24 bit (3) 13:23;64:21;71:25 black (3) 20:6;73:24;76:22 blame (1) 79:19 blast (1) 58:3 blessing (1) 60:15 BLM (2) 73:18;79:1 blocks (1) 27:18 blood (1) 67:3 blowout (4) 31:2;33:18;69:17, 23 blue (3) 7:21,25;19:15 boat (11) 49:8;58:1,2,10,11; 70:19,21,22;72:12,21; 79:15 boats (1) 60:15 bodies (4) 49:21;50:21;52:10; 67:16 BOEM (31) 3:14,16;5:1,2;6:15; 18:20,23;21:22;35:8, 22;36:7,8,19;37:8; 39:11,14,18;54:18; 73:17,17;76:5,13,14; 77:5;78:1,20,24;79:1; 80:12;82:18,25 BOEM's (1) 76:19 Boldrick (36) 4:25;6:6,7,11,14; 7:1,4,17;8:4;9:13,23; | 10:4,6,22,25;11:14; 12:5,10;13:13;14:20; 15:18,23;16:2,21,24; 17:12;19:8;20:8;21:7, 19;23:6,9;24:9;25:4, 12,24 book (1) 68:21 bore (1) 18:1 Borough (13) 15:8;22:7;28:23; 29:18;45:11,12; 55:22,24;56:7;58:25; 59:17,19;71:14 boss (1) 3:15 bosses (2) 35:25;45:1 both (2) 27:12;46:7 bottle (3) 58:7,7,7 bottom (1) 8:7 bought (1) 17:3 boulder (4) 11:22;23:10,13,17 bowhead (12) 11:15;12:14;38:14; 39:2;57:21;71:6;74:9, 14;78:15,18;79:5,14 bowheads (7) 19:2;37:11;38:5,6; 40:21;74:8,21 boys (1) 63:4 BP (1) 38:16 break (3) 60:21;71:18,19 breakers (1) 72:15 breaking (2) 75:7;79:20 BREWER (1) 33:7 bring (14) 21:10;29:18;32:5; 40:25;41:4;42:9,10; 57:22;60:19;65:6,7,8; 71:9,10 bringing (1) 45:21 brings (1) 47:3 broken (1) 67:24 brought (6) 11:7;17:3;18:16; 35:18;53:20;67:14 Brower (3) | 29:20,20;43:23 brown (1) 54:6 bucks (2) 50:17,17 build (3) 4:4;7:21;8:5 building (3) 5:25;41:19;82:19 Bullshitters (1) 54:3 bunch (2) 68:12,13 buoy (2) 58:15,15 burden (1) 51:4 Bureau (5) 3:13,22,23;5:19; 45:25 buy (2) 65:1;68:24 | 82:19,20,21,24;83:1, 15 Canada (4) 56:15,17;71:5; 77:15 Canadian (1) 73:12 Cancel (2) 31:20;32:6 canceled (6) 31:17;36:3;37:21; 42:18;53:12;65:17 cancelization (1) 77:7 Cancers (1) 68:9 capable (1) 44:23 captain (6) 18:21;36:22;38:9; 61:9;79:3,3 captains (3) 57:19;64:5;77:12 Captains' (5) 34:22;38:18;43:6; 72:4;74:19 captain's (2) 31:25;70:19 cargo (1) 79:22 caribou (1) 8:17 Carl (4) 29:20,20;33:7; 43:23 carried (1) 16:6 case (4) 55:23;56:8;58:20; 59:1 catch (5) 56:23;57:1,23;64:3; 71:7 categories (1) 28:12 caught (1) 75:1 cause (3) 19:1;52:2,8 caused (1) 75:10 causes (1) 60:13 CD (1) 15:24 CDs (4) 27:2;42:6;43:20; 44:4 center (4) 62:22,25;63:2;64:1 certainly (1) 52:17 change (5) |
| C | | | | |
| CAA (1) 72:19 Call (3) 44:15,17;70:20 called (5) 15:10;17:16;38:17; 72:1,10 calls (1) 15:5 Camden (9) 37:19;38:7;39:21; 40:17;57:4;72:5;80:2, 4,8 came (24) 10:7;15:3;23:12,20; 24:23;26:2,8;34:5; 37:6;38:16;46:11,23; 47:22,25;48:3;52:20; 54:7;55:4;59:19;64:7; 69:20;70:23;72:23; 78:16 camp (1) 63:3 can (69) 4:9,23;5:8;6:9,10; 7:17,20;9:4,8;14:2,10, 14,14,22;15:23;16:5; 22:22;23:3,4;25:11, 22;27:2;33:5;34:14, 15;35:23;36:4;37:10; 41:6,17,23;42:5,13, 15,22,23;43:1,20; 44:19;45:5;46:24,25; 53:8,16,23,24;55:19; 62:21;65:18;66:14; 71:18;74:9,15,16,21, 22;75:1;77:18;78:3,3; 79:21;80:14,81:14; | | | | |

| | | | | |
|--|---|---|---|---|
| <p>11:23;45:20;52:12; 64:25;75:9 changed (4) 17:4,6;19:15;50:5 changes (3) 17:11;51:14;79:11 changing (3) 39:7,8;47:17 chapters (1) 76:16 char (1) 30:24 chemicals (6) 51:21,23;67:13; 68:11,16;69:11 children (2) 50:8;52:10 Children's (1) 68:17 choice (2) 40:25;47:25 choosing (1) 46:18 chose (2) 45:8,20 Chukchi (3) 35:10;36:3;60:20 cisco (2) 30:24;77:14 citizen (1) 30:23 City (3) 42:3;43:17;76:8 CLARENCE (2) 30:22,23 clarified (1) 77:25 clarify (1) 80:18 clean (4) 31:8,8;66:17;69:10 clear (1) 77:11 cleared (1) 45:1 climate (1) 75:9 close (8) 26:22;36:23;54:25; 72:23;79:6;82:5,6; 83:5 closed (1) 46:2 closer (1) 73:10 closest (1) 19:17 coast (7) 19:9;72:9,11,13,15; 75:2,7 coastal (1) 27:8 coastline (1)</p> | <p>16:12 code (1) 6:2 collapsing (1) 18:1 colleagues (3) 5:14;77:13;82:4 collect (1) 79:2 collision (1) 72:20 coming (23) 3:3;5:11;18:19; 39:6,8;41:2;47:15; 50:15;61:22;62:6,19; 67:6;68:2;69:7,11; 70:3,15;72:22;79:22; 81:10,20,21;83:3 comm (2) 62:22;64:1 comment (9) 10:8,12;19:20,24; 53:5;61:4,11;76:10; 81:15 commented (1) 60:4 comments (16) 10:13,14,21;11:3,4, 21;23:11,19;29:10, 11;39:12;45:7;53:3; 60:8;61:25;67:22 communicate (1) 42:13 communication (1) 81:6 communications (2) 62:25;63:2 community (26) 4:19;18:17;23:2; 27:9;34:4;36:17;42:8, 23;45:3,6,22;46:13, 17;51:14;55:16,17, 25;60:10;62:3;69:2,3, 4;74:2;76:4;81:3; 82:25 community's (1) 77:8 compacts (1) 9:8 companies (2) 5:24;80:5 company (4) 3:25;4:3;47:2,2 compare (2) 27:14;61:18 comparison (2) 28:5,11 competition (1) 60:20 completely (1) 23:16 computer (2) 42:8;44:4</p> | <p>computers (2) 44:3;45:11 concern (7) 18:16;44:14;52:20, 23;69:13;82:2;83:1 concerned (8) 10:16;21:1;33:11; 45:10;48:17;55:21; 59:10;62:2 concerning (3) 47:20;49:12;66:6 concerns (24) 10:19;11:16,17,18; 17:25;23:10;33:12, 23,23;34:4;36:12; 46:13,18;47:9,17,19; 52:16,21;55:20;60:4, 19;68:7,8;77:8 conclusion (2) 5:22;29:19 conditions (3) 9:6,7,16 conducted (1) 29:1 conducting (2) 56:10,14 Conflict (1) 64:6 ConocoPhillips (1) 82:22 consent (1) 45:6 consider (2) 17:21;49:24 considered (2) 16:6;23:21 construction (4) 7:24;9:4,15;16:15 consultations (1) 10:12 consumption (1) 50:20 contaminants (4) 49:16;66:21;67:4, 12 contaminated (1) 69:11 contaminating (1) 31:3 contamination (1) 31:7 content (1) 50:23 contents (1) 27:25 continue (5) 49:11;50:13,25; 52:15;61:1 continuing (1) 62:4 continuous (1) 52:2 contract (2)</p> | <p>79:1,8 contractors (1) 58:20 control (2) 69:18;70:4 controlled (1) 69:3 convince (1) 83:1 cooperating (22) 5:16;14:6,22;19:22; 22:5;25:15;26:5; 28:23,24;29:16; 34:23;35:22;36:19; 39:15;42:22;43:2,7; 47:15;54:19;73:19; 78:1,2 cooperators (1) 14:21 coordinate (2) 5:12;6:4 coordinator's (1) 45:12 copies (11) 15:20,24,24;27:4; 34:15;41:13,24,25; 42:10;43:19;44:6 copy (3) 42:4,5;43:11 Corp (2) 42:4;43:19 corporation (4) 40:14;55:18;61:6; 81:8 corporations (1) 40:13 Corps (1) 14:8 corrected (1) 18:22 correctly (2) 22:22;65:19 cost (1) 72:21 council (2) 45:17,18 couple (2) 5:10;16:5 course (1) 5:1 courses (1) 19:15 court (3) 4:21;77:6,7 cover (2) 20:9;63:21 coverage (1) 50:4 covers (1) 12:7 cow (1) 73:10 co-workers (1)</p> | <p>6:8 crack (1) 75:17 crew (4) 7:23;63:5;72:21; 74:25 criteria (5) 65:24;66:2;68:19, 20;70:2 Cross (27) 6:25;7:6,10,13,15; 11:19;19:4,18;36:9; 37:11;38:25;40:21; 54:17,20,21,23;55:2; 56:24;57:13;63:13; 70:16,24;77:4;78:23; 79:24;80:8;82:5 cruise (3) 30:18;73:8,10 cultural (1) 13:9 culture (2) 30:8;33:15 cumulative (1) 66:20 current (1) 60:5 currently (1) 24:10 cut (2) 8:13;60:24</p> |
| D | | | | |
| | | | | <p>daily (1) 79:2 data (6) 52:11;65:8;68:6; 69:23;70:4;79:2 day (7) 35:1;38:1;63:20; 69:20,23;79:3;81:21 days (1) 10:13 DC (1) 75:21 dead (1) 38:3 Deadhorse (1) 80:5 deadline (5) 73:3;74:19,20; 76:10;81:15 deaf (2) 48:14,15 deal (4) 32:2,3;44:1;73:1 dealing (2) 59:14;60:18 dealt (1) 71:25 decades (9) 34:5;45:20;48:13;</p> |

| | | | | |
|---|---|---|--|--|
| 49:15,17;61:19;62:1; 66:9;69:4 decide (1) 65:25 decided (1) 72:13 decision (10) 4:11,13,15;5:23; 14:17,19;35:23; 39:25;53:7;57:12 decisionmaker (2) 14:16,19 decisionmakers (1) 4:14 decisionmaking (1) 47:10 decisions (2) 4:2;46:18 decreased (2) 46:5;50:3 deep (3) 36:12;78:21;83:1 deeper (3) 46:15;52:22,23 default (1) 70:3 deferral (16) 35:6,9,11,21,21; 36:14,20;39:16,19; 46:1,4,5;76:24;77:4,5, 9 definitely (3) 44:7;54:5;83:23 deflect (1) 66:14 deflected (1) 56:13 delays (1) 77:7 deliver (1) 73:12 denning (1) 12:25 densest (1) 23:13 Department (1) 3:23 depend (4) 19:7;48:20;50:11; 73:21 depending (2) 9:3,6 depends (2) 48:22,23 depth (4) 37:2;77:18;78:14, 21 desk (1) 15:19 desperate (1) 56:23 detail (1) 25:6 | determination (1) 81:15 determine (1) 28:15 determined (1) 18:8 develop (3) 46:23;47:1;74:1 developed (6) 29:1;37:13,14; 72:16;74:5;76:5 developing (1) 5:17 development (6) 4:4;6:16,21;17:15; 46:10;47:3 diet (1) 65:3 differences (1) 50:6 different (12) 6:3;14:6;24:13; 26:1;27:6,11,13;34:5; 49:24;51:22;55:9; 75:4 difficulties (1) 16:15 dig (1) 8:14 dim (1) 22:13 diminish (1) 75:5 diminishing (1) 75:15 direct (3) 28:11;57:8,12 directional (2) 16:11;82:22 directly (1) 7:8 Director (5) 3:15,18;36:8,8; 45:24 disappointing (1) 60:6 discharge (7) 8:23;30:12;53:20, 20,22;54:4,9 discharged (1) 9:1 discuss (3) 23:4;41:4;43:2 discussed (2) 13:14;25:6 discussing (2) 47:21;68:3 discussion (2) 41:21;65:23 disease (1) 31:6 disorders (1) 68:10 | dispersal (1) 50:1 dispersants (1) 51:1 dispersed (1) 50:3 dispersement (1) 50:1 dispersing (1) 49:16 disposal (2) 8:21,22 dispose (2) 8:22;53:23 disposed (1) 54:1 disregard (1) 64:13 disrupt (1) 77:23 disrupters (1) 68:11 disrupting (1) 80:14 disruption (2) 19:1;60:13 disturbance (1) 11:17 divert (1) 38:6 divide (1) 11:3 divvy (1) 11:6 Dock (1) 39:6 document (43) 4:9,11,11,12;5:7,14, 21;6:18;14:14,15,15, 16,18,24;15:19; 19:23;21:2,6;24:17; 29:17;32:25;33:9; 34:17;39:13;41:21; 42:13;43:3,11;44:12; 45:5,15,15,18;48:7, 10;53:6,7;61:14,15, 18,23;67:19;68:14 documentation (5) 21:22;55:15;69:8; 76:6,7 documented (3) 76:18,22;82:1 documenting (1) 81:22 documents (17) 5:5;20:21;22:1,21; 25:17;27:4;32:22; 41:17,19;45:16; 52:16;55:4;61:16; 63:24;66:9;68:20; 69:1 done (14) 17:17,20;18:10; | 19:11;20:19;26:25; 43:3;44:1;51:25;52:1; 67:3,22;69:15;82:24 DORA (34) 20:15;21:10,21; 22:1,8,13,19,25;25:2, 9,19;26:17;31:16,23, 24;32:11,17,21;33:2; 34:19;37:20;40:1,8, 23;41:7,11;43:24,24; 53:10,24;54:3;62:6, 10,19 dotted (2) 7:21,25 down (11) 22:9;43:23,23; 56:11;57:9,22;66:24; 67:10;70:19,22;82:23 download (1) 79:4 DR (63) 3:17;6:15;14:10; 19:19;20:9,13;21:5,8, 16,24;22:4,10,15,23; 23:3,7;26:23;28:7; 29:14;30:21;32:24; 34:1,11;35:14,24; 36:10;39:12,23;40:7, 18;41:1,10;42:14,20, 25;43:10,13,15,21; 44:1,5,9,15,19,25; 46:21;53:2,15;55:10; 60:1;62:8,12;68:18; 71:17,20;72:6;80:24; 81:24;82:9,14;83:4, 13,16 Draft (12) 4:6;16:3;27:7;28:3, 18;29:11,19;32:8; 76:13,18,19;82:1 drafted (1) 5:7 drafts (1) 15:5 drill (7) 16:8,23;17:4,7,25; 47:1;78:21 drilled (3) 16:9;17:14;18:7 drilling (9) 16:11;17:12;30:13; 38:11;53:25;66:15; 67:8,18;82:22 drive (2) 54:16,17 driving (1) 11:16 drop (2) 66:13;75:17 Duck (3) 23:25;24:10;55:1 ducks (2) 19:5;31:4 | due (2) 39:7;54:11 dumping (1) 49:24 duplicates (1) 76:11 duration (1) 43:8 During (14) 7:24;17:11;35:17; 38:1;39:3;56:3,10,21; 58:13;66:8,11;72:2, 17;80:3 DVDs (1) 34:14 |
| E | | | | |
| | | | earlier (9) 6:15;8:25;10:7; 15:6;24:12;26:6; 53:19;74:3;76:21 Early (1) 69:12 ears (5) 48:14,15;56:22; 57:6,14 easier (1) 6:4 easiest (1) 16:16 east (8) 23:14;38:7;39:20; 40:20;54:16;70:16; 77:16;78:9 eastbound (3) 72:17;73:4;74:20 eastward (3) 37:18,24;38:25 eat (7) 31:1,3,4,5,5,6;49:20 eating (1) 66:18 economy (1) 27:10 ecosystem (2) 23:10,17 Edward (49) 3:9;6:9,13,24;7:5,8, 12,16;9:9,19;10:1; 11:13;16:18,22,25; 18:13;19:12,25; 26:13;34:21;35:16; 36:7,11;37:5,22; 39:14;40:1,9,20,24; 42:16,21;43:5;53:18, 19,25;54:4;56:1; 58:17;59:13;60:12; 71:24;72:7;80:25; 81:13,25;82:13,16; 83:6 Edwardson (1) 47:22 | |

| | | | | |
|--|---|--|--|---|
| <p>effect (1) 59:21</p> <p>effective (5) 45:4;48:11,25; 49:10;50:15</p> <p>effectively (7) 45:9;47:10,14;48:6, 24;52:15;67:21</p> <p>effects (3) 58:22;59:14;66:20</p> <p>effluents (1) 67:7</p> <p>eidors (3) 12:13,14;25:1</p> <p>eight (4) 6:22,24;15:20;30:2</p> <p>EIS (27) 5:16;10:15,18;12:1; 13:14,24;14:23;16:3; 17:11;18:9;25:6,18; 27:3,7;28:3,18;29:11; 32:8;38:23,23;76:7, 13,18,20;82:1,1;83:19</p> <p>either (1) 46:7</p> <p>elder (1) 3:9</p> <p>elders (7) 42:8;57:8;60:3,9, 11;66:13;68:5</p> <p>elevated (1) 69:21</p> <p>else (4) 13:21;29:18;60:2; 71:22</p> <p>else's (1) 60:17</p> <p>emergency (1) 66:2</p> <p>emissions (4) 50:10;52:3;66:4; 67:6</p> <p>emit (2) 52:12;66:12</p> <p>end (3) 51:18;79:3;80:5</p> <p>endangered (8) 11:20;12:6,6;13:4, 6,6;24:25;62:2</p> <p>endangering (1) 74:24</p> <p>ended (1) 10:12</p> <p>Endicott (11) 6:23;9:21;16:8,20; 17:8,13;19:10,13; 23:21;39:5;77:15</p> <p>endocrine (1) 68:11</p> <p>Energy (2) 3:13,23</p> <p>enforce (1) 68:2</p> | <p>Enforcement (3) 5:20;49:3;67:25</p> <p>engaged (5) 45:9;47:10,14;48:6, 12</p> <p>engaging (1) 48:24</p> <p>Engineers (1) 14:8</p> <p>enjoy (1) 35:2</p> <p>enough (10) 4:22;8:1;31:22; 48:10;50:18;54:13; 69:12;74:6;75:21,21</p> <p>entire (1) 17:14</p> <p>entities (5) 40:10;43:19;59:16, 21,24</p> <p>environment (2) 18:14;50:24</p> <p>Environmental (8) 4:7;5:4,20;6:18; 25:25;26:25;27:10; 68:17</p> <p>EPA (3) 5:15;8:24;80:12</p> <p>equipment (3) 7:24;8:2;35:12</p> <p>error (1) 75:8</p> <p>escorted (1) 70:23</p> <p>especially (8) 11:22;15:8;18:12; 25:15;33:16,24; 45:22;74:8</p> <p>Etok (1) 47:22</p> <p>Etzel (1) 68:18</p> <p>European (2) 68:12,15</p> <p>evacuated (1) 33:18</p> <p>evaluate (1) 27:12</p> <p>evaluated (2) 27:6;28:3</p> <p>even (23) 22:14;30:15;32:12; 35:11,12;38:1,15; 45:10,18;46:1,3;48:6; 50:18;51:4;52:2,25; 63:24;68:25;69:13; 72:11;81:1,1;82:3</p> <p>events (1) 58:17</p> <p>everybody (3) 29:18;33:16;61:17</p> <p>everybody's (1) 64:20</p> | <p>everyone (3) 6:7;14:5;44:3</p> <p>Everywhere (2) 10:22,23</p> <p>evidence (4) 67:11,13,17,20</p> <p>exactly (7) 38:3;46:24;57:8; 60:11;74:1;75:18; 76:13</p> <p>example (2) 27:21;72:19</p> <p>excavators (1) 8:12</p> <p>except (2) 24:10;58:21</p> <p>Excuse (1) 20:15</p> <p>exemptions (1) 49:6</p> <p>existing (1) 23:25</p> <p>expect (1) 32:4</p> <p>experience (2) 37:14;79:17</p> <p>experienced (5) 38:9;54:6;68:1; 71:25;72:17</p> <p>expert (1) 27:19</p> <p>experts (2) 11:4;27:11</p> <p>exploration (10) 35:7,12;36:16;47:3; 56:2,4,11;72:5;73:7; 77:1</p> <p>exposed (1) 69:24</p> <p>exposure (1) 51:8</p> <p>expressed (2) 34:4;69:13</p> <p>extend (1) 10:8</p> <p>extended (2) 17:14;81:16</p> <p>Extremely (1) 4:20</p> <p>Exxon (1) 73:5</p> <p>Exxon's (1) 73:7</p> <p>eyes (1) 51:13</p> | <p>44:13;58:5</p> <p>facilitate (1) 4:1</p> <p>facility (1) 4:5</p> <p>facing (1) 48:2</p> <p>fact (1) 67:5</p> <p>facts (1) 15:10</p> <p>failure (1) 48:7</p> <p>failures (1) 68:2</p> <p>fall (5) 6:19;31:1;39:4; 43:8;72:2</p> <p>falls (1) 14:3</p> <p>false (1) 74:12</p> <p>falsified (1) 74:13</p> <p>families (7) 49:13,20;50:12,14; 51:9;61:1;68:5</p> <p>family (2) 50:17,19</p> <p>far (6) 16:8,9;18:7;19:10; 77:24;79:4</p> <p>fast (3) 57:17;58:8,9</p> <p>father (1) 37:16</p> <p>feasible (1) 17:22</p> <p>February (1) 66:5</p> <p>fed (2) 68:5;79:12</p> <p>federal (11) 3:25;4:6;5:11;35:8, 19;39:19;72:3;73:23; 75:12;77:3;78:24</p> <p>feed (8) 37:11;49:19;50:11, 14,17,19;68:5;73:16</p> <p>feedback (2) 15:5;78:3</p> <p>feeding (7) 37:12;48:20,23; 49:13;66:16;77:21,22</p> <p>feel (2) 29:13;39:11</p> <p>feeling (1) 75:19</p> <p>feet (15) 8:9,17;17:15,17,23, 24;37:6;46:13,16; 78:13,14,16,18,19,19</p> <p>felt (4)</p> | <p>38:24;46:7,10;49:1</p> <p>Fenal (1) 37:17</p> <p>few (10) 4:6;28:10;33:14,17, 20,21;42:24;46:12; 48:22;78:4</p> <p>fight (5) 30:16,19;40:14; 49:17;51:12</p> <p>fighting (3) 30:9;39:20;73:22</p> <p>filled (2) 10:15,18</p> <p>final (2) 39:24;82:1</p> <p>finally (3) 5:18;18:19;63:11</p> <p>find (1) 59:17</p> <p>finder (2) 77:18,18</p> <p>fine (1) 25:23</p> <p>finish (2) 23:3;70:13</p> <p>finished (2) 23:5;34:13</p> <p>first (18) 8:20;9:14;10:8; 18:16,17;23:14;37:1, 17;38:17;41:17; 46:12;48:8;55:23; 56:5;63:4;72:1,2,8</p> <p>Fish (28) 13:16;14:1;24:19; 25:16;26:7;27:7; 30:24;31:2,3,4;32:15, 15;57:16,16;61:5; 65:10,11;69:10,11,12, 13,14;73:17;77:14,17, 17;78:8,8</p> <p>Fisheries (7) 13:15;14:1;24:20; 25:16;26:7;69:8; 73:18</p> <p>fishing (2) 52:19;65:10</p> <p>five (6) 15:14;16:2;41:25; 43:19;72:9;79:14</p> <p>five-year (1) 41:3</p> <p>flare (1) 66:1</p> <p>flares (2) 66:4;70:6</p> <p>flaring (2) 66:7,10</p> <p>Flaxman (4) 56:15,17;57:3; 64:10</p> <p>fleet (1)</p> |
| | | F | | |
| | | <p>face (8) 29:4;44:18,18; 63:15,18,20;65:1; 71:15</p> <p>face-to-face (2)</p> | | |

| | | | | |
|--|--|--|---|---|
| 72:8 fleets (1) 72:14 flight (1) 42:18 flights (1) 49:5 flippers (1) 58:11 flooded (1) 24:10 flow (1) 18:2 fog (1) 72:22 Foggy (3) 6:22;7:18;23:11 folks (20) 10:16;15:3;16:7; 17:5;27:3;36:5;40:25; 54:13;55:4;65:8;73:2; 2;75:11;76:3,24,25; 77:10;80:18,19,22 follow (1) 24:15 font (1) 25:14 food (8) 49:19,20;50:7,11, 19;51:19;52:9;65:3 foods (4) 50:22;51:8;67:2,16 foot (1) 37:2 forced (1) 70:24 forget (1) 4:23 forgot (1) 15:18 format (1) 32:9 former (1) 36:8 formulate (1) 4:14 fortunate (1) 70:22 forward (10) 16:6;34:3,10;40:12; 41:2,5;45:3;47:18; 48:18;58:23 fought (1) 38:19 four (6) 26:1;37:2;69:21; 78:13,14,16 four-foot (1) 75:7 Fran (9) 5:5,6,6;12:11; 26:23;28:7;29:14; 32:24;43:10 | FRANCES (21) 12:12,18,22;27:1; 28:2,9,17;29:8;31:13; 32:7,13,19;41:23; 43:12,14,17,22,25; 44:2,7;62:15 FREDERICK (6) 55:12,13;60:12; 63:7;65:6;70:12 free (2) 9:11;73:9 freeze (2) 9:10,11 friend (1) 3:9 friends (1) 19:21 front (1) 58:4 full (12) 41:25;42:2,22;51:2; 54:6;58:3;76:6,7; 77:20,20;78:2;81:16 fully (5) 39:15;40:2;54:24; 55:5;64:20 function (1) 65:25 further (8) 4:16;17:18,19,25; 23:12;54:16,18;74:24 furthest (1) 17:13 future (4) 50:9;61:1;62:5; 67:17 FYI (1) 19:20 | gentlemen (1) 3:2 geotechnical (1) 24:4 gets (1) 17:24 giant (1) 73:8 given (2) 35:19;36:16 gives (2) 49:11;50:23 giving (1) 73:20 glass (2) 58:7;75:17 GMT (1) 82:24 goes (4) 14:15;54:22;74:15; 77:15 Gold (2) 41:24;42:5 good (18) 3:21;12:10;14:19; 18:1,4,4;19:24;29:15; 22;31:10;42:25; 46:22;47:16;67:22, 23;68:14;69:16;70:7 goodness (1) 68:5 goods (1) 73:12 government (12) 35:9,19;39:19; 59:19;72:3;73:23; 75:12;77:3;78:24; 79:7,12;80:9 GPS (4) 79:2,4,13;80:10 graces (1) 60:17 grant (4) 39:19;76:24,25; 77:3 granted (2) 10:10;53:21 grants (2) 39:11;44:22 grave (1) 59:14 gravel (7) 8:6,6;11:25;12:19; 16:14;23:24;24:5 gravely (1) 59:10 great (1) 25:6 greatest (1) 17:19 greatly (2) 46:5;50:5 ground (4) | 30:2;33:25;47:7; 66:16 grounds (1) 30:10 Guard (6) 72:9,11,13,15;75:2, 7 guessing (1) 3:10 Gulf (3) 52:23,24,24 gunning (1) 59:7 guns (3) 57:5,5;58:16 gut (1) 61:23 guy (1) 32:18 guys (41) 9:19,22;15:16; 20:17;25:22;29:25; 30:19;31:18,18,24; 32:2,4;33:9;36:23; 39:22;40:2;53:24; 55:14,21;56:7;58:24; 59:1,2,5,18,20,23; 62:19;64:14,16;65:5, 12;71:9,13;74:2,12, 13;75:20;80:10,17; 81:14 | happens (2) 52:25;66:5 harassment (1) 49:18 hard (8) 7:20;11:21;26:14; 34:15;41:25;42:5,10; 44:5 harder (2) 17:24,25 hardly (1) 76:8 harming (1) 13:20 harpoon (2) 58:4,6 harvest (1) 50:13 hat (1) 80:21 haul (1) 73:4 hauling (1) 73:6 haulout (1) 76:1 HDD (1) 17:2 head (3) 5:4;25:13;74:23 head-on (1) 72:20 health (7) 27:9;51:14;52:19; 62:3;63:21;68:7,18 healthy (2) 50:9;66:17 hear (28) 4:23;25:19;34:12; 36:1;37:24;39:13; 40:2,19;41:4;42:14, 23,23;44:10;52:15, 17;62:20;63:9;64:25; 65:18;71:1,1,13;74:9, 16,16;78:3;80:3;81:8 heard (16) 5:10;9:23;11:11,15, 17,19,21;23:9;36:6; 41:6;55:23;59:10; 62:13;64:18,22;77:11 hearing (13) 41:19,20,22;43:1; 45:19;46:17;48:11; 55:5,6;58:15;81:18; 83:12,15 hearings (1) 74:10 heart (10) 10:2;33:25;36:13; 39:2;40:21;72:18; 77:21;78:6;80:3;82:6 hell (1) 59:18 |
| | G | GPS (4) 79:2,4,13;80:10 graces (1) 60:17 grant (4) 39:19;76:24,25; 77:3 granted (2) 10:10;53:21 grants (2) 39:11;44:22 grave (1) 59:14 gravel (7) 8:6,6;11:25;12:19; 16:14;23:24;24:5 gravely (1) 59:10 great (1) 25:6 greatest (1) 17:19 greatly (2) 46:5;50:5 ground (4) | H | |
| | Galahad (1) 56:3 Galginaitis (1) 79:1 garden (1) 65:4 gardens (1) 65:4 gas (8) 13:17;36:21;64:17; 66:1,8,11;67:14; 76:23 gave (3) 15:5;27:19;38:19 geese (1) 31:4 general (1) 11:17 generations (1) 67:17 gentleman (1) 32:14 | GPS (4) 79:2,4,13;80:10 graces (1) 60:17 grant (4) 39:19;76:24,25; 77:3 granted (2) 10:10;53:21 grants (2) 39:11;44:22 grave (1) 59:14 gravel (7) 8:6,6;11:25;12:19; 16:14;23:24;24:5 gravely (1) 59:10 great (1) 25:6 greatest (1) 17:19 greatly (2) 46:5;50:5 ground (4) | habitat (2) 13:3,12 half (6) 28:25;55:22;57:23; 71:14;82:20,21 half-assed (1) 41:12 HALLER (6) 3:2,12,12;4:19; 81:11;83:21 Hammerhead (2) 72:1,9 hand (3) 14:24,24;27:3 handful (3) 54:10;65:17;81:4 handout (4) 40:3,4,5;76:6 handouts (3) 20:2,16;26:20 Hanh (2) 5:15;8:24 happen (3) 38:4;72:16;74:1 happened (5) 38:8;52:24;56:2,20; 70:13 happening (1) 57:1 | |

| | | | | |
|---|---|---|---|--|
| <p>Hello (1) 53:12 HELME (3) 15:15,21;83:7 help (9) 14:17;24:24;28:20; 29:18;34:16;53:6; 60:17;71:11,11 helped (2) 15:7;22:6 helpful (1) 43:4 helping (3) 5:14,20;34:17 Henri (1) 45:23 Hi (2) 6:7;48:9 high (1) 74:25 Hilcorp (20) 4:4;9:14;10:11; 13:18;16:25;17:3; 18:20,23;24:16;26:3; 36:24;37:8,9;39:11; 62:24;78:13;79:11; 82:11,24;83:1 Hilcorp's (1) 8:4 historical (1) 61:2 hit (1) 56:22 hold (2) 8:1;55:5 holding (1) 5:8 holes (2) 75:4,16 holy (2) 73:10;76:16 home (6) 3:21;34:25;35:2; 38:14;44:4;63:6 homegrown (1) 28:14 hometown (1) 35:2 Hope (6) 35:11;39:17;49:11; 52:14;61:13;81:21 horizon (1) 73:10 horizontal (2) 16:10;82:21 hospitality (1) 3:6 hours (4) 37:24;45:14;57:23; 63:12 house (1) 35:2 Hulahula (1)</p> | <p>37:19 hundreds (3) 25:17;56:12;66:22 hunt (5) 13:7;30:23;57:9; 65:3,9 hunters (1) 42:9 hunting (4) 30:10;33:25;58:1; 65:10 hurt (2) 57:10,14 hurting (2) 33:13;57:6</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>ICAS (10) 15:10;22:6;28:23; 29:17;55:22,24;56:7; 58:25;59:17;71:14 ice (28) 7:22;8:1,13;9:6,6,7, 11,18;39:7;50:4; 72:15;73:9;74:25; 75:3,5,5,7,9,10,13,15, 19,22,24;76:1;79:16, 19,20 iceberg (3) 54:6;73:8;79:16 icy (1) 72:10 idea (4) 16:9;29:22;38:23; 42:25 ideas (3) 10:16,19;11:23 identify (1) 15:7 identifying (1) 12:9 ignored (1) 77:9 ignoring (2) 39:22;77:8 illnesses (1) 68:9 illustrate (1) 27:18 immediately (1) 43:16 Impact (17) 4:7;18:14;25:25; 27:18;28:15;32:3; 38:3,24;50:4,10;51:5, 7;59:3;64:16;70:25; 71:4;74:7 impacted (6) 23:2;30:6;45:22; 52:18,19;78:10 impactful (1) 48:19</p> | <p>impacts (15) 13:14;26:11;27:16; 28:16;29:5,6;30:14, 16;34:7;38:21;46:20; 51:14,15;63:18;68:3 important (26) 4:20;5:21;14:12; 21:12,23,25;34:11; 35:14,15;42:14;44:9; 45:19;46:14;47:13, 21,24;48:5,14;53:4; 60:5,8;61:11,17; 66:16,23;71:9 impossible (1) 32:8 inappropriate (3) 45:21;46:6;60:22 incident (1) 63:8 include (2) 60:5;61:2 including (1) 28:22 incorporated (2) 26:5,9 incorrect (1) 28:20 increase (1) 60:12 increasing (4) 47:19;68:9,10,10 industry (11) 38:25;46:23;49:6; 64:2;65:25;68:24; 69:17;70:4,10,23,25 infeasible (1) 17:20 inform (2) 20:17;72:3 information (34) 4:13;22:20;28:19, 20,22;29:13;30:3; 31:19,22;35:25; 39:24;41:8,14;42:9; 44:24;54:12,13; 55:19;65:24;68:13, 14,16;69:15,18,19,19, 25;71:11;74:4;79:2,7, 9,12;81:4 informed (1) 45:6 initiated (1) 69:16 initiative (1) 58:18 injected (2) 9:2;66:25 injection (3) 8:21;66:24;67:1 inland (1) 23:15 input (1) 5:9</p> | <p>inside (3) 7:18;9:21;10:2 inspectors (1) 6:2 instance (1) 35:10 instead (8) 9:16;19:15;20:6; 33:10;70:9;73:13; 78:3;79:22 intent (1) 54:18 interest (1) 79:11 interested (1) 32:14 interfere (2) 18:25;30:17 interfered (2) 74:21,22 interference (3) 64:4,22;73:1 Interior (1) 3:24 Internet (1) 45:12 intervene (1) 29:23 into (35) 13:24;23:15;26:9; 46:3,14;49:16,25; 50:9,10;51:10,16,17, 19,23,24;52:9,17; 56:21;57:4,17;58:15; 60:22;62:5;66:13,15, 21;67:7,10,16;68:25; 69:11;70:15;72:25; 78:8,8 introduce (4) 3:9,15;4:17,25 Inupiaq (1) 40:10 Inupiat (1) 23:1 inversion (1) 66:11 inversions (1) 66:8 investigate (2) 10:17;12:1 invite (1) 34:15 invocation (2) 3:10,11 involved (1) 13:18 IPALOOK (10) 10:20,23;13:2; 28:13;29:3;41:13; 42:7;44:11,16,21 ironed (2) 38:23;81:3 Island (62)</p> | <p>6:22,25;7:6,7,11,13, 15,18,22;8:6,7,22; 11:19;12:15,19; 16:14;17:10,16;19:4, 16,18;20:3;23:11,12; 24:1,10;36:9;37:1,11, 12,13,15,17,17,24; 38:7;39:1,1,40:21; 46:11;48:23;54:17, 20,21,23;55:1,1,2; 56:24;57:13;63:13; 64:10;70:16,24; 75:10;77:4;78:22,23, 25;79:24;80:8;82:6 islands (12) 7:18,19;9:21;10:2; 19:3,5;39:2,9;54:25; 56:16;57:3;75:25 issue (1) 59:9 issues (8) 11:7,11;15:8,12; 47:21;48:2,25;60:18 iterations (1) 15:6</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>jacket (1) 80:21 JAMES (61) 3:17;14:10;19:19; 20:9,13;21:5,8,16,24; 22:4,10,15,23;23:3,7; 26:23;28:7;29:14; 30:21;32:24;34:1,11; 35:14,24;36:10; 39:12,23;40:7,18; 41:1,10;42:14,20,25; 43:10,13,15,21;44:1, 5,9,15,19,25;46:21; 53:2,15;55:10;60:1; 62:8,12;71:17,20; 72:6;80:24;81:24; 82:9,14;83:4,13,16 January (2) 66:5;70:6 Jim (4) 3:18;4:18;78:5; 81:10 job (1) 31:10 JOE (3) 20:1,11,22 join (1) 40:12 Jones (1) 37:17 justice (1) 27:10</p> <hr/> <p style="text-align: center;">K</p> <hr/> |
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| | | | | |
|---|--|---|--|--|
| <p>Kaktovik (3) 46:5;56:24;80:6</p> <p>Kasak (1) 3:11</p> <p>keep (4) 41:2;61:22;68:2; 76:17</p> <p>KENDALL (64) 3:17,18;4:18;6:15; 14:10;19:19;20:9,13; 21:5,8,16,24;22:4,10, 15,23;23:3,7;26:23; 28:7;29:14;30:21; 32:24;34:1,11;35:14, 24;36:10;39:12,23; 40:7,18;41:1,10; 42:14,20,25;43:10,13, 15,21;44:1,5,9,15,19, 25;46:21;53:2,15; 55:10;60:1;62:8,12; 71:17,20;72:6;80:24; 81:24;82:9,14;83:4, 13,16</p> <p>kept (2) 58:9;69:25</p> <p>Kevin (4) 5:18,19,21,25</p> <p>kidding (1) 83:6</p> <p>kids (2) 63:20;65:2</p> <p>kill (2) 54:5;57:24</p> <p>kind (10) 10:17;14:2;30:14; 32:1;35:25;58:21; 59:2,20,21;73:1</p> <p>kinds (2) 49:9;66:20</p> <p>knew (3) 48:1,3;59:20</p> <p>knowing (4) 33:13,17;36:21; 54:14</p> <p>knowledge (1) 28:22</p> <p>known (1) 23:13</p> <p>knows (2) 32:18;77:24</p> <p>krills (2) 77:20,23</p> <p>Kuukpik (4) 42:4;43:19;55:18; 81:8</p> | <p>lakes (1) 78:9</p> <p>land (3) 12:23;24:5;45:25</p> <p>landed (1) 79:13</p> <p>lands (3) 50:22;62:5;67:16</p> <p>lane (2) 79:21,21</p> <p>lanes (1) 73:11</p> <p>language (1) 63:9</p> <p>large (3) 27:4;61:7,8</p> <p>last (4) 23:24;28:25;36:2; 55:13</p> <p>late (5) 9:10;37:15,16,18; 38:9</p> <p>later (4) 13:23;37:5;57:3; 62:16</p> <p>Lauren (45) 4:25,25;6:6,7,11, 14;7:1,4,17;8:4;9:13, 23;10:4,6,22,25; 11:14;12:5,10;13:13; 14:20;15:18,23;16:2, 21,24;17:12;19:8; 20:8,14;21:5,7,16,19; 23:3,5,6,9;24:9;25:4, 12,24;26:25;27:13; 42:5</p> <p>law (2) 41:2;47:4</p> <p>lay (1) 8:14</p> <p>leaching (1) 66:21</p> <p>leaders (1) 54:11</p> <p>leadership (1) 74:3</p> <p>lease (9) 24:13;26:2;36:2; 40:16;54:19,21,22; 55:2;64:24</p> <p>leases (1) 54:24</p> <p>least (3) 3:20;18:14;25:18</p> <p>LEAVITT (33) 20:15;21:10,21; 22:1,8,13,19,25;25:2, 9,19;26:17;31:16,23, 25;32:11,17,21;33:2; 34:19;37:20;40:8,23; 41:7,11;43:24,24; 53:10,24;54:3;62:6, 10,19</p> | <p>led (1) 58:17</p> <p>left (7) 39:16;47:9,11,12, 13;67:15;76:23</p> <p>legible (1) 26:22</p> <p>less (1) 18:8</p> <p>leukemia (1) 63:20</p> <p>level (2) 27:18;74:15</p> <p>liaison (1) 4:19</p> <p>Liberty (44) 6:16,20;16:19;17:2, 5,7;18:14,17,24; 19:14;36:12;37:10, 13;38:4,6;39:11; 40:15,16;54:9,14; 55:1,9,58:20;59:11, 12;65:2;72:16;73:25; 74:5;77:22;78:11,12, 14,16,19,20;79:6,24; 80:8,11,13;82:5,18,24</p> <p>library (1) 45:14</p> <p>life (8) 30:8;34:8;48:20; 60:25;61:20,24;62:4; 72:21</p> <p>light (2) 22:14;54:6</p> <p>lighting (1) 24:24</p> <p>lights (3) 6:10;22:15,16</p> <p>limit (1) 77:1</p> <p>Limitations (2) 45:13;49:5</p> <p>limited (1) 20:2</p> <p>limits (2) 35:7;36:16</p> <p>line (12) 7:21;35:6,11,21,21; 36:14;39:16,19; 54:21;76:25;77:5,9</p> <p>lines (1) 7:25</p> <p>link (2) 15:21,24</p> <p>list (2) 12:7;14:20</p> <p>listen (7) 30:20;63:23,23; 65:7;73:23;74:2; 82:25</p> <p>listening (4) 32:21;47:19;48:11; 63:7</p> | <p>literate (2) 42:8;44:4</p> <p>litigation (1) 77:8</p> <p>little (10) 8:23;13:23;32:1; 35:12;51:10,11; 57:16;64:21;71:25; 73:10</p> <p>live (7) 29:4,5,5,6,6;51:6; 65:5</p> <p>livelihood (2) 65:15;73:20</p> <p>lives (1) 51:10</p> <p>local (3) 28:14;43:13;70:1</p> <p>location (5) 20:3,4,5;23:19,22</p> <p>locations (4) 11:25;19:9;23:20; 24:2</p> <p>lodging (1) 44:23</p> <p>long (12) 10:13;25:18;27:21; 28:11;32:10,25;34:4; 61:16;77:24;83:11, 14,19</p> <p>longer (1) 13:6</p> <p>look (21) 4:12;8:8;14:14; 15:12,16;20:21;22:9; 28:18;29:12;31:19; 50:16,20;51:5,7,10, 11;58:23;60:6;61:15; 68:15,17</p> <p>looked (1) 19:8</p> <p>looking (1) 20:7</p> <p>looks (2) 5:12;28:8</p> <p>loopholes (1) 36:18</p> <p>lopped (1) 8:9</p> <p>lose (1) 60:16</p> <p>loss (1) 73:20</p> <p>lost (2) 45:25;60:15</p> <p>lot (34) 9:24;10:16;11:16, 19,21;15:4,9,10; 18:21,22;19:3,4,4; 23:10,19;24:24;26:2; 27:2;33:12;36:13,18; 37:12,24;38:22; 63:24;64:18;65:20, 22;72:17;76:8;78:5; 79:10;81:2,2</p> | <p>lots (1) 32:5</p> <p>loud (2) 4:22;77:11</p> <p>love (1) 64:8</p> <p>Lower (1) 68:11</p> <p>lumping (1) 61:4</p> <p>lungs (1) 50:11</p> <p>luxury (1) 35:2</p> |
| M | | | | |
| <p style="text-align: center;">L</p> <p>lack (5) 39:7;54:11;74:4; 76:1;78:22</p> <p>Ladies (2) 3:2;76:21</p> | | | | <p>magic (2) 37:25;74:11</p> <p>mail (1) 27:5</p> <p>mailed (1) 43:19</p> <p>main (4) 11:7,11;16:2;71:6</p> <p>maintain (1) 9:4</p> <p>maintenance (1) 70:6</p> <p>major (5) 27:16,17;33:18; 47:17;48:2</p> <p>majority (1) 11:2</p> <p>makes (3) 20:11;42:2;48:17</p> <p>making (3) 5:2;15:1;46:19</p> <p>MALE (9) 12:3,8,16,21,24; 25:21;26:15,19;31:21</p> <p>Mammal (1) 14:11</p> <p>mammals (20) 11:5,20;13:3,12,20; 18:15;19:2;27:8,8; 31:5,6;32:16;38:1,15; 40:22;54:6;73:15; 74:8;79:18;82:6</p> <p>Management (4) 3:14,23;15:9;45:25</p> <p>manager (2) 5:1;6:6</p> <p>manipulate (1) 70:4</p> <p>manmade (5) 17:10;37:13;75:8,9, 10</p> <p>Mann (22) 5:6;12:12,18,22; 27:1;28:2,9,17;29:8;</p> |

| | | | | |
|--|---|---|--|---|
| <p>31:13;32:7,13,19; 41:23;43:12,14,17,22, 25;44:2,7;62:15 manner (2) 13:8;69:25 many (23) 5:11;14:25;16:15; 17:23,24;25:13; 31:25;32:18;35:5,18; 39:3,6;51:13;60:4,11; 61:16,19;62:1;64:1,9, 22;73:23;75:15 map (14) 6:20;7:21;20:7; 21:11,18;34:6;40:5; 54:20,22,24,24;55:3; 74:4;80:11 maps (3) 20:3;21:16;55:15 marine (26) 11:5,18,20;13:3,12, 15,20;14:1,11;18:15; 19:2;24:20;25:16; 26:7;27:7,8;32:16; 38:1,15;40:22;54:5; 73:15,18;74:7;79:18; 82:6 Mark (12) 5:3,3,3;7:3,6,10,14; 62:12,13,17;83:16,18 Mary (6) 4:20,20,23;71:21, 22;83:20 master (1) 28:10 material (1) 73:5 materials (1) 76:4 matter (4) 11:4;27:11,19; 52:21 may (6) 29:14;51:15;76:7, 11,11;81:17 maybe (6) 17:23;50:5;51:17, 18,19;83:21 mayday (1) 70:20 maydayed (1) 70:19 mayor (3) 46:2;55:16;61:8 McClure (1) 55:1 McKenzie (1) 65:11 meal (1) 50:18 mean (7) 18:23;33:4;39:24; 47:4;76:14;77:6;</p> | <p>82:10 means (2) 28:24;66:14 measured (1) 78:21 measures (10) 13:5,22,24;24:13, 14;25:5;26:1,2,9;68:1 meat (4) 31:5;50:17,18; 63:13 mechanism (1) 70:9 meet (2) 45:23;81:17 meeting (30) 4:3,8,5;8:20;17,20; 21:12,23,25;22:21; 29:15,25;30:6,16; 31:16;32:1,9;33:2; 37:20;41:5;43:2;46:2, 3;53:11;59:12;61:6,7, 8,9,10;81:19 meetings (4) 18:23;21:1;48:4; 68:3 members (4) 42:8;45:17,18; 60:10 mention (1) 27:2 mentioned (5) 32:15;35:5;36:23; 53:19;56:1 message (1) 53:16 met (4) 19:21;36:11;80:4, 15 Mexico (3) 20:19;32:2;52:23 mic (2) 25:3,21 MICHAEL (7) 3:2,12,12;31:13; 78:25;81:11;83:21 microscopic (2) 25:14;66:18 might (3) 31:9;38:13;76:12 migrate (3) 8:17;74:21;77:15 migrated (1) 39:3 migrating (2) 39:10;78:18 migration (6) 19:1;36:13;39:2,8; 71:6;83:2 migratory (1) 51:2 Mike (4) 3:17,22;4:19;81:10</p> | <p>mile (2) 17:19;23:14 mile-an-hour (1) 70:15 miles (22) 6:22,24,25;7:3,7; 8:11;23:15;30:2; 33:15;37:10;39:4; 40:20;57:12;63:3,11; 70:14,16;71:7;72:9; 74:10;82:20,21 mind (1) 78:6 mine (3) 23:25;24:1,5 minimal (1) 74:7 mining (1) 16:14 minor (1) 27:17 minute (1) 71:18 minutes (1) 33:21 misinformed (4) 21:22;22:20;53:13; 65:13 misled (3) 37:1,7;78:13 missed (2) 4:9;29:13 mistakes (1) 31:12 mitigate (4) 13:5,7;73:16,17 mitigation (9) 13:22,24;24:13; 25:5;26:1,2;38:19; 68:1;73:20 MMS (4) 45:24;76:14,15; 79:1 Mobil (1) 73:5 mode (2) 72:21;74:17 moderate (2) 27:17,23 modules (1) 73:6 moment (1) 70:18 money (1) 44:22 monitor (3) 66:22,25;68:22 monitored (1) 70:2 monitoring (7) 51:24;66:25;67:6; 68:19,21;70:1,5 monster (4)</p> | <p>16:23;17:1;82:20, 23 month (2) 9:10;15:5 months (3) 4:6;33:1;68:25 more (38) 11:17;13:20;14:17; 17:25;20:8,11;23:4; 26:24;27:5;31:6,6,6,7, 9;34:14,15;43:6,20, 21;49:22,22;51:6; 53:8;54:16;55:15; 60:14;62:20;65:20; 66:4,4;67:4;70:9; 71:21;74:24;75:16; 78:19;81:18;82:21 most (7) 8:21;35:17;38:24; 45:22;54:5,11;70:6 mostly (2) 10:25;12:12 move (3) 19:17,17;31:14 moved (1) 3:19 moves (2) 23:14,15 much (12) 3:3,6;5:17;17:18; 21:24;30:4;44:24; 50:20;51:5;63:16; 75:3;78:10 mud (4) 30:13,13;54:7,7 muds (3) 53:25;66:15;67:8 muktuk (1) 63:14 multifaceted (1) 30:1 multigenerational (1) 69:3 multiple (1) 72:14 must (2) 13:25;24:18 myself (4) 56:12;58:25;59:3, 22</p> | <p>38:9;47:22;56:2,11; 57:7;58:1,2,10;64:5 Narwhal (2) 37:11;39:1 National (6) 13:15,25;24:20; 25:16;26:7;73:18 Native (9) 19:21;29:15,22; 30:7;34:15;42:3; 45:15;47:15;65:3 natural (2) 49:25;54:7 navigation (1) 39:9 near (10) 12:23;18:25;23:23; 24:3;39:7,8;57:4; 74:21;80:13,14 nearer (1) 36:24 nearest (4) 18:25;37:9;78:12; 82:18 necessary (2) 14:5;46:8 need (46) 5:24;11:9;15:1; 18:22;20:23;22:20; 25:20;35:21;39:13, 15;40:18;41:15,16; 42:9;44:10;47:14; 49:10;50:14,21,21,25; 51:23;55:15;56:5; 59:15,17;61:24; 66:17;67:17,22; 68:22;69:1,4,15,19; 71:1,1,10,11,17; 75:13,20;80:19;81:4, 13;83:2 needed (3) 10:17;44:24;69:4 needs (4) 38:22;53:11;81:2,4 negligible (3) 27:16,17,21 NEPA (1) 83:16 nested (1) 19:5 new (13) 23:22;24:7,9,23; 26:8;35:25;36:5; 46:15;51:10;64:24, 24;76:1;80:16 next (4) 30:10;38:16;57:2,3 nice (1) 35:2 night (1) 70:13 nine (2) 8:7;69:20</p> |
| N | | | | |
| <p>name (10) 3:18;4:24;25:11; 30:22;31:24;39:19; 48:8;55:13,13;76:23 named (2) 36:8;78:25 nanooks (1) 19:4 NAPAGEAK (12) 27:24;37:16,18;</p> | | | | |

| | | | | |
|---|--|--|--|---|
| <p>nine-acre (1) 8:5 nitrous (2) 68:23,23 Nobody (1) 77:24 noise (9) 11:16;37:25;38:3,6; 56:22;57:25;60:13; 74:14,15 none (4) 29:24;41:20;45:5; 48:9 Nope (1) 44:16 normal (1) 50:4 north (22) 7:9;15:8;22:7; 28:14,23;29:17; 37:24;38:6;39:4; 45:10,12;55:22,23; 57:8,12;59:17;71:14; 73:9;74:23,23;75:12, 18 northeast (1) 30:25 Northstar (6) 9:24;19:13;37:15; 38:8,18;54:8 northwest (4) 7:7,10,11,13 notes (3) 4:21;83:8,9 noticed (1) 9:20 nourish (1) 49:21 nourishment (1) 50:23 November (1) 9:10 November's (1) 81:15 NPDES (1) 9:1 Nuiqsut (39) 3:5,21;15:20;19:22; 23:1,21;27:5;29:16, 21,24,25;30:23;33:1, 7,9,11,24;34:16,22; 38:18;39:16;40:12; 41:25;42:3,3,4,22; 43:6,17,18,18;65:14; 72:3;74:18;77:4; 81:10,20;82:2,3 Nuiqsut's (1) 82:2 NUKAPIGAK (47) 6:9,13,24;7:5,8,12, 16;9:9,19;10:1,11;13; 16:18,22,25;18:13; 19:12,25;20:1,11,22;</p> | <p>26:13;34:21;35:16; 36:7,11;37:5,22; 39:14;40:1,9,20,24; 42:16,21;43:5;53:18, 19,25;54:4;71:24; 72:7;80:25;81:13,25; 82:13,16;83:6 number (4) 37:25;70:21,21; 74:12 numbers (3) 52:4,6,11 nutrients (1) 66:18 NVN (1) 76:8 NWCA (1) 34:23</p> | <p>9;36:21;47:2,2;50:23; 59:21;64:12,17; 66:14;67:14;76:23; 80:5 oil/whaler (1) 58:18 Oil/Whalers (1) 38:17 oilers (1) 62:24 old (2) 17:1;51:6 Once (4) 8:15,19;74:22; 83:20 one (63) 4:11;6:1;9:15,16; 10:15;14:3;16:4,9,18; 17:2,6,8,17,20;18:6, 21;20:19;23:14,15,18, 25;28:12;32:1,7,22; 35:4,12,12;37:23; 38:2,2,14,15;42:2; 43:6,8,13;45:16,17; 51:23;54:6;56:25; 57:19;60:17;61:18; 63:4,11;64:15,15; 66:13;69:9,12,14,23; 70:21,23;72:14,15; 76:21;77:11,12,25; 82:3 one-on-one (1) 36:14 ones (7) 13:16;24:2,3,23; 25:15;35:16;59:16 only (19) 13:17;17:16;20:18; 28:6;42:24;45:16; 48:22;54:10,25; 60:16;65:9;69:9,14, 21;70:1;77:12;78:16; 80:9;82:25 onshore (3) 19:9;23:22,22 oogruk (1) 31:4 oops (1) 52:20 open (5) 9:20;10:2;45:14; 73:11;79:21 operations (2) 56:13,21 operator (2) 24:15;62:23 operators (1) 73:22 opinions (1) 55:9 opportunity (1) 3:4 oppose (3)</p> | <p>47:23;65:15;82:5 opposed (1) 82:17 options (2) 19:13,13 organizations (2) 71:1,9 original (2) 19:16;69:1 others (6) 22:6;34:6;47:11; 48:2;80:12;83:1 ours (1) 47:12 out (128) 3:3;4:7;5:7;6:18; 7:20,22;8:12,14,14, 22;9:2,8,24;10:7,9; 14:3,4,8,9;15:25; 16:23;17:3,16;18:16; 19:2,14,20;18:21,6, 19;23:11,25;26:16; 27:3;30:1,12;31:2; 34:24,24;35:1,3,13; 36:21;38:12,23; 39:16,18;40:25;43:8; 45:25;48:22;49:5,7,8, 9,16,22;51:15,19; 52:8;53:7;54:8,11,14; 55:2,9,16,17,19;56:4; 59:3,7,8,17;60:24; 61:6,7,8,9,10;62:11, 21;63:3,10,14;64:12; 65:9,17;66:19;67:6, 15;68:12;69:6,21; 70:3,14,16,20,24; 71:7;72:2,8,13,14,20, 22,23;73:20;74:3,14, 24,25;75:14,16,22; 76:1,21,23,24;77:17, 24;78:20;79:5,14,19; 80:3;81:3,9;82:21 outboard (1) 74:16 Over (23) 5:10;6:5;8:10; 10:23;16:11,19;17:1, 18;19:10;25:24; 29:19;34:14,25; 38:13;47:6,7,7,24; 50:17;52:25;65:3; 68:19;76:14 overland (1) 8:16 oversees (1) 5:5 overview (1) 26:10 own (4) 14:23;40:14;59:19, 19 owned (1) 69:2</p> | <p>oxide (2) 68:23,23</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>pack (11) 38:13;75:3,5,7,9,10, 13,19,22;79:20,20 pad (1) 8:6 page (1) 32:23 pages (8) 20:18;25:17;28:10; 32:9,25;33:20;61:16, 16 paper (4) 15:24;21:13;33:5; 65:13 papers (2) 26:17;32:5 Pardon (1) 83:13 part (11) 4:15;18:15;19:23; 24:21,22;26:4;34:23; 43:7;48:12;55:1;62:9 partial (1) 81:17 participants (1) 41:20 participate (2) 61:14;68:24 participated (2) 15:4;28:25 participating (1) 15:3 participation (2) 46:7;62:1 particles (2) 51:22;67:9 particularly (1) 11:15 pass (6) 17:5;39:23,25;41:1; 71:6;75:20 passage (1) 73:12 passed (2) 76:2;81:4 passing (1) 74:17 past (3) 5:10;60:4,7 patch (4) 11:22;23:10,13,17 path (2) 39:8;71:6 Patsy (6) 56:12;57:7,11;63:9; 70:21,21 pattern (1) 50:5</p> |
| | O | | | |
| | <p>observations (1) 70:13 occur (2) 50:1;51:6 occurring (1) 61:3 Ocean (24) 3:13,22;18:15;31:7, 8;34:9;37:2;38:2,12; 51:19,25;53:20,22; 54:5,9;60:13;65:4; 66:13,17;74:7;76:12; 77:20;78:7,9 OCS (1) 3:15 October (1) 9:10 off (19) 6:10;8:9;22:15; 25:12;35:7;36:15; 43:1;50:15;56:22; 57:6,19;58:16;59:6; 65:1;70:5;71:13; 74:16;77:1,13 offered (2) 3:11;29:16 offers (1) 58:21 office (3) 5:4;15:10;45:13 offices (1) 14:25 offshore (12) 4:5;8:11;16:14; 19:17;23:1;35:18; 40:11,13;47:23; 59:21;71:25;73:22 often (1) 66:3 oil (19) 3:25;5:24;11:22; 13:17;18:2;30:9;31:2,</p> | | | |

| | | | | |
|--|--|---|---|--|
| <p>pay (1) 44:22</p> <p>peer (1) 70:8</p> <p>peers (1) 55:14</p> <p>Pendergast (1) 5:18</p> <p>people (28) 4:8,21;5:10,11; 14:13;17:9;18:10; 29:4;30:1;52:5,20; 54:10;55:8,8;61:4; 62:1,21;63:1;65:7; 73:16,17;74:13;76:8; 77:14;78:4,7;81:5,7</p> <p>perceive (2) 28:16;29:7</p> <p>percent (4) 8:25;13:3;18:5; 40:16</p> <p>perhaps (1) 29:13</p> <p>period (3) 10:8,12;81:16</p> <p>permit (2) 9:1;52:12</p> <p>permits (6) 13:25;14:4;24:21; 26:6;52:7,12</p> <p>perspective (1) 18:11</p> <p>phase (1) 31:14</p> <p>pick (2) 72:11;77:18</p> <p>picture (1) 71:3</p> <p>piece (6) 4:13;21:11,13; 50:16;65:12;74:4</p> <p>pieces (1) 5:2</p> <p>pile (1) 11:16</p> <p>pipeline (7) 8:11,15,16;12:20; 18:3;23:23;63:18</p> <p>pissed (3) 56:22;57:18;59:6</p> <p>pisses (1) 71:13</p> <p>place (2) 13:22;64:11</p> <p>places (1) 75:4</p> <p>plan (8) 5:23;6:16;8:11;9:2; 14:23;47:3,3;64:25</p> <p>plane (3) 49:7;50:16;65:17</p> <p>plants (1) 67:8</p> | <p>player (1) 64:24</p> <p>please (5) 4:22;21:18;22:16; 25:3;53:6</p> <p>pleasure (1) 3:14</p> <p>pm (1) 83:25</p> <p>point (17) 7:20;9:20;18:6; 21:18;22:23;35:10, 11;39:17,17;46:22; 53:21;55:10;73:5,7; 74:10;80:15,16</p> <p>Polar (13) 12:21,23;19:3;75:3, 7,9,10,13,18,22,23; 79:19,20</p> <p>Pole (2) 75:12,18</p> <p>polluted (2) 31:7,7</p> <p>pollution (1) 31:5</p> <p>poor (1) 9:6</p> <p>portion (4) 13:17;18:4;54:22; 55:2</p> <p>possible (1) 4:1</p> <p>possibly (1) 6:1</p> <p>posted (1) 27:3</p> <p>postponed (1) 55:6</p> <p>potential (2) 26:11;28:15</p> <p>pounding (1) 37:25</p> <p>powerful (1) 54:11</p> <p>preauthorization (1) 51:1</p> <p>prepare (1) 42:13</p> <p>prepared (2) 40:2;55:5</p> <p>presentation (6) 6:12;23:4;40:4; 42:10;46:12,15</p> <p>presented (2) 38:22;74:6</p> <p>president (6) 33:8;34:22;36:22; 55:17,18;61:5</p> <p>pretty (2) 31:14;65:10</p> <p>prevent (2) 52:6;66:7</p> <p>previous (1)</p> | <p>49:4</p> <p>prices (1) 66:6</p> <p>prime (1) 33:15</p> <p>print (2) 26:16,22</p> <p>printout (1) 15:19</p> <p>prior (3) 51:24,25;67:18</p> <p>priorities (1) 47:12</p> <p>problem (4) 38:11;52:3,8;54:15</p> <p>problems (1) 9:24</p> <p>proceed (1) 20:14</p> <p>Proceedings (1) 83:25</p> <p>P-R-O-C-E-E-D-I-N-G-S (1) 3:1</p> <p>process (29) 4:15;5:22;17:11; 19:23;21:1,4;33:10; 34:13;36:4;41:18; 45:4,7,20;46:9;47:5, 23;48:8,16,17;49:9; 51:12;52:7;60:10,25; 61:12;62:9;66:12; 67:14;70:8</p> <p>processing (5) 11:25;20:4;23:19, 20,21</p> <p>producing (1) 19:16</p> <p>production (5) 4:5;6:16;8:20;18:2, 7</p> <p>products (1) 73:13</p> <p>profitability (2) 66:3,5</p> <p>program (1) 41:3</p> <p>project (26) 5:1;6:5,17;7:12,14, 25;10:19;11:24;14:2, 7;20:19;26:11;27:19; 33:12;34:2,10,10; 40:16;48:18,18;52:1; 58:20;59:11,12,14; 69:7</p> <p>projects (1) 55:20</p> <p>project-specific (2) 24:23;26:8</p> <p>promise (1) 53:17</p> <p>promises (2) 53:9;67:24</p> <p>proof (1)</p> | <p>67:25</p> <p>proper (5) 32:4;41:22;54:13; 76:3;81:16</p> <p>properly (10) 22:9;31:19;33:5; 42:13;53:11;54:1; 55:20;65:16;67:11,15</p> <p>proposal (3) 4:4;46:23;47:1</p> <p>proposals (1) 49:24</p> <p>proposed (11) 6:20;8:5;9:14;24:3; 27:12,15,24;28:6; 34:6,7;43:1</p> <p>proposing (1) 9:14</p> <p>prospect (1) 40:17</p> <p>protect (10) 14:12;24:25;30:7; 46:4,7;49:19;61:20, 24;64:14;74:25</p> <p>protecting (2) 60:25;62:3</p> <p>Protection (1) 14:11</p> <p>protections (1) 13:22</p> <p>protective (2) 70:9,11</p> <p>prove (1) 16:15</p> <p>proved (2) 16:12,15</p> <p>provide (7) 28:19,20;29:10,12; 45:6,6;48:5</p> <p>provided (1) 15:10</p> <p>provides (1) 6:2</p> <p>providing (1) 45:11</p> <p>public (15) 10:19;29:9;31:14; 41:9,20,22;45:7,11; 48:11;55:5,6;74:10; 81:17;83:12,15</p> <p>published (1) 4:6</p> <p>pull (2) 14:3;43:1</p> <p>pulled (1) 80:3</p> <p>punching (2) 75:4,16</p> <p>purchase (1) 40:17</p> <p>purpose (2) 4:8;75:5</p> <p>pursuing (1)</p> | <p>72:22</p> <p>pushing (2) 35:5,17</p> <p>put (22) 13:22;30:9;33:14; 35:7;45:3;47:18;49:1; 51:7;61:19,20,23; 62:25;65:22;74:18; 75:13;80:10,21,21; 81:14;82:23;83:18,22</p> <p>putting (9) 48:19,25;52:8; 61:25;66:15,24;67:7, 9;76:20</p> <p>pyramid (1) 8:8</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>quality (5) 27:7,7,21;65:23; 76:12</p> <p>quantities (1) 50:14</p> <p>quartile (1) 67:3</p> <p>quick (2) 11:10;31:15</p> <p>quiet (1) 49:2</p> <p>quit (2) 48:4;53:13</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>radar (1) 72:12</p> <p>radio (1) 81:5</p> <p>radios (1) 64:23</p> <p>ran (5) 56:21;57:4,17; 58:15;70:15</p> <p>range (1) 27:16</p> <p>ranges (1) 26:11</p> <p>rated (1) 28:4</p> <p>rating (2) 27:20;28:19</p> <p>ratings (1) 29:12</p> <p>RAYMOND (10) 10:20,23;13:2; 28:13;29:3;41:13; 42:7;44:11,16,21</p> <p>reach (7) 17:14;18:24;19:14; 37:10;57:14;80:14; 82:20</p> <p>reached (1)</p> |
|--|--|---|---|--|

| | | | | |
|--|--|--|---|--|
| 82:19 reaction (1) 60:14 reacts (1) 57:17 read (8) 10:14;32:2;33:5; 41:8;61:16;76:9,10; 79:9 reading (1) 63:23 real (7) 14:18;22:19;34:7; 52:20;58:8;74:9;83:5 reality (2) 18:19;50:7 realized (3) 57:5;7;71:6 really (17) 8:12;9:8;10:18; 11:21;15:11;45:3; 46:17,20;47:24;48:5; 50:25;52:16;63:1; 66:6,23;67:22;69:15 reason (5) 4:3;30:12;40:24; 72:12;75:14 reasonable (3) 16:16;18:9,11 received (1) 21:20 recent (2) 9:16;60:7 recently (1) 9:20 recognize (1) 48:13 record (12) 4:24;29:21;53:18; 55:12;60:5,5;61:2; 71:21;82:9,14;83:12, 15 recorded (7) 19:20,24;34:13; 46:25;53:3;60:7;82:7 reference (1) 41:21 reflective (1) 14:18 reflects (1) 15:1 regarding (1) 56:1 regardless (2) 60:24;73:11 Region (3) 3:16;56:18;78:23 Regional (3) 3:15,18;40:14 regular (2) 48:4;57:15 regulate (1) 13:17 | regulations (1) 13:19 rehabilitation (1) 13:11 reinjecting (3) 49:14;51:16,22 reinjection (2) 49:22;67:10 related (1) 69:9 relax (1) 75:24 relevant (1) 20:20 rely (3) 78:7,24;80:9 remember (3) 7:2;36:2;45:23 repeated (3) 76:11,13,16 report (5) 68:24;70:3;79:7,10, 10 reporter (2) 4:21;81:22 Repsol (1) 69:17 request (1) 10:10 requests (1) 10:8 requirements (1) 24:18 research (2) 51:5;67:5 researcher (2) 78:25;80:9 reservoir (1) 9:4 residents (1) 33:11 resource (3) 13:9,9;28:12 resources (4) 19:6;27:6,11;78:7 respected (1) 48:10 Respiratory (1) 68:9 respond (1) 52:15 responded (2) 67:21;70:20 response (4) 36:15;49:9,10; 60:18 responsible (1) 5:7 rest (4) 9:2;36:19;75:25; 77:12 restricted (3) 35:20;36:15;77:1 | restriction (2) 35:7;36:20 returns (1) 18:4 review (7) 4:7;5:2;41:17;45:5; 47:4;70:8;83:9 rich (1) 77:20 richness (1) 50:23 rid (1) 54:17 rig (7) 16:23;17:1,1;30:9; 31:2;35:12;82:23 right (37) 6:21;9:5,12;12:18, 22;19:10;22:11;23:5, 22;24:10;28:5;29:11, 21;30:10;31:10,17; 32:6,19;34:16;36:18; 37:4;39:5,5;40:21; 42:24;57:3,4;58:4,23; 72:25;73:14;77:14, 15,21;78:16,18;82:22 rigs (1) 82:20 ringed (1) 12:14 risers (1) 8:16 risk (2) 51:9;67:2 risks (4) 34:8;47:19;49:12; 50:7 River (2) 37:19;65:12 rivers (3) 31:1;65:5;78:8 road (1) 7:22 roads (1) 9:7 rocks (1) 31:9 role (1) 29:9 room (1) 3:20 ROSEMARY (21) 20:25;21:14;22:17; 24:7;25:7;26:21;34:2, 12;37:4;41:16;42:12; 43:23;45:2;46:22; 47:8;53:2;60:3;65:22; 83:11,14,23 route (3) 51:2;73:12;79:23 routes (2) 36:13;83:2 routine (1) | 70:5 Russia (1) 17:15 Ruth (1) 68:18 S safe (1) 49:21 safely (1) 63:6 Safety (1) 5:19 sailboats (1) 30:18 Sakhalin (1) 17:16 sale (1) 54:19 sales (1) 36:2 same (11) 16:10;27:25;28:4; 31:10;41:4;47:7;50:1; 57:17;58:1;59:13; 75:8 sampling (3) 51:25;52:1,4 SARAH (3) 15:15,21;83:7 sat (2) 14:25;55:16 saw (3) 51:13;56:16;71:4 saying (6) 26:6;36:2;60:9,10, 12;82:2 scale (1) 28:4 scares (1) 33:16 scary (1) 33:19 school (7) 32:3;42:4;43:18; 45:13,13,14;76:7 schools (1) 77:19 science (5) 20:19;21:13;32:2,3; 65:8 scientific (4) 78:22;79:25;80:4,7 scientists (2) 28:14,14 scoping (6) 6:19;10:7;11:8; 15:8;21:20;81:18 scrutinized (1) 76:15 SDI (4) 6:23;16:8;17:13; | 23:21 Sea (4) 4:5;12:17;35:10; 39:7 seabirds (1) 19:4 seal (8) 12:14,14;31:4; 37:15,24;38:2,2,15 seals (3) 11:4;65:10;75:23 season (9) 9:15;34:25;37:23; 38:13,16;58:1;72:18; 74:20;80:6 seat (1) 59:15 Seattle (1) 5:15 second (2) 10:10;23:15 secondhand (1) 79:9 seeing (2) 56:18;68:7 seeking (1) 29:11 seemed (1) 18:11 seems (2) 17:20;20:1 seismic (4) 56:14;57:4;58:14; 64:11 select (2) 82:4,17 selected (1) 39:1 send (11) 13:10;34:14,15; 41:10,13,14;43:20,21; 44:5,8;53:8 sensitive (1) 74:9 sent (8) 4:4;5:7;15:25;21:6; 32:25;42:4;70:20; 80:13 serious (3) 34:7;46:20;59:9 Service (11) 13:15,16;14:1,1; 24:19,20;25:16,17; 26:7,8;73:18 set (11) 17:4,10;36:24;37:9, 16;42:2;51:24;67:17; 78:12,14;83:2 sets (5) 41:23,25;42:5; 43:23;82:18 setting (1) 18:20 |
|--|--|--|---|--|

| | | | | |
|--|---|---|--|--|
| <p>seven (3) 3:19;8:16;45:17</p> <p>seven-mile-long (1) 8:10</p> <p>several (5) 10:9,13;16:3;24:12; 80:5</p> <p>share (2) 32:9;56:20</p> <p>shatters (1) 75:17</p> <p>Shaw (2) 5:15;8:24</p> <p>sheet (5) 32:1;40:3,4,6;76:7</p> <p>Shell (11) 39:20,20;40:17; 56:2,10,14;72:1,1,13; 80:2,3</p> <p>ship (4) 57:4;58:14;73:8,10</p> <p>ships (1) 30:18</p> <p>shooting (2) 57:6;58:16</p> <p>shore (13) 8:15;18:25;30:25; 39:7,8;54:1,2;74:21; 75:25;80:13,14; 82:18,20</p> <p>shoreline (3) 36:25;37:9;78:12</p> <p>short (3) 7:20;27:22,23</p> <p>shorter (2) 73:12;79:23</p> <p>show (8) 15:17;22:14;25:14; 34:6;54:25;67:6,16; 68:20</p> <p>showed (1) 52:22</p> <p>showing (2) 3:6;54:21</p> <p>shows (7) 6:20;26:10;67:4,13, 21;68:18,21</p> <p>shrinking (3) 75:11,19;79:21</p> <p>shut (1) 70:5</p> <p>sick (5) 31:3;51:13;52:5,10, 13</p> <p>Sickness (1) 63:20</p> <p>side (6) 21:4;34:9;39:20; 60:20;68:15;78:10</p> <p>signed (1) 20:23</p> <p>significant (1) 18:4</p> | <p>significantly (1) 18:8</p> <p>silent (2) 72:20;74:17</p> <p>similar (2) 5:24;16:4</p> <p>simple (1) 26:10</p> <p>simply (2) 16:8;19:10</p> <p>simultaneously (2) 56:15;58:12</p> <p>single (2) 10:15;15:4</p> <p>site (2) 23:25;24:1</p> <p>sites (4) 11:25;24:6,8,9</p> <p>sitting (1) 57:11</p> <p>Sivulliq (2) 39:21;72:10</p> <p>six (3) 68:25;82:20,21</p> <p>skittish (2) 63:8;74:22</p> <p>slap (1) 71:15</p> <p>slide (4) 15:17;22:14;25:25; 74:5</p> <p>slides (5) 6:10;15:19;20:8,10; 26:16</p> <p>Slope (11) 15:8;22:7;28:14,23; 29:17;45:10,12; 55:22,24;59:17;71:14</p> <p>slots (2) 8:18,19</p> <p>slow (1) 74:5</p> <p>small (1) 26:21</p> <p>smaller (1) 75:6</p> <p>smashed (1) 72:24</p> <p>soak (1) 33:20</p> <p>Somebody (1) 48:13</p> <p>Sometimes (3) 31:11,11;47:6</p> <p>somewhere (1) 38:12</p> <p>sonar (1) 72:12</p> <p>soon (2) 65:11;81:22</p> <p>Sorry (4) 7:19;11:9;15:18; 52:21</p> | <p>sort (3) 4:16;12:9;32:15</p> <p>sorts (1) 13:13</p> <p>sources (2) 28:21;50:19</p> <p>southeast (4) 7:9,15;31:8;37:10</p> <p>spawning (1) 78:9</p> <p>speak (9) 25:2,20;55:9,24; 56:9;63:16;76:21; 78:6,6</p> <p>SPEAKER (9) 12:3,8,16,21,24; 25:21;26:15,19;31:21</p> <p>speaking (3) 53:12,13;59:1</p> <p>special (1) 8:12</p> <p>species (9) 11:20;12:4,6;13:4, 6,20;25:1;62:2;77:16</p> <p>specific (4) 12:17;24:14;44:14; 61:2</p> <p>specifically (1) 24:25</p> <p>specified (1) 20:5</p> <p>specify (1) 12:9</p> <p>spectacled (2) 12:13;25:1</p> <p>spelled (1) 55:13</p> <p>spills (1) 11:22</p> <p>spin (3) 58:6,7,9</p> <p>spins (1) 58:8</p> <p>spoiled (1) 63:13</p> <p>spoke (6) 55:8;62:7;76:21; 77:14;78:5;81:2</p> <p>spook (1) 74:22</p> <p>spooked (2) 57:16,18</p> <p>spotted (1) 58:2</p> <p>spun (1) 58:6</p> <p>squaw (1) 57:16</p> <p>Sr (4) 37:16;55:12,13; 70:12</p> <p>stages (1) 8:1</p> | <p>stake (2) 40:15,16</p> <p>stance (1) 13:11</p> <p>start (10) 3:8;5:24;52:2; 57:22;58:15;63:23; 73:19;75:11;79:20,20</p> <p>started (4) 37:18;58:18;59:12; 79:15</p> <p>starting (3) 36:3;52:1;67:18</p> <p>State (4) 3:25;23:15;24:1; 69:20</p> <p>stated (2) 30:5,15</p> <p>Statement (5) 4:7;25:25;33:22; 74:12,13</p> <p>statements (1) 60:9</p> <p>station (3) 37:16;70:1,5</p> <p>statistical (3) 52:4,11;68:6</p> <p>stay (4) 47:10,12;63:3; 66:17</p> <p>stays (1) 71:4</p> <p>Steller's (1) 12:13</p> <p>still (28) 8:17;17:18;22:17; 30:8,9,16,19,19;35:8; 38:22;47:20;48:6; 49:11;52:22;60:23; 66:9;69:1;73:4,23; 74:15;75:6;77:1; 78:18,18,22;81:2,13, 18</p> <p>stipulations (6) 24:14;25:10,10; 26:3;64:9,10</p> <p>Stockton (1) 54:25</p> <p>stop (3) 53:1;74:18;75:14</p> <p>store (1) 50:16</p> <p>Storzer (9) 5:3,4;7:3,6,10,14; 62:13,17;83:18</p> <p>straight (4) 58:13;73:9;74:23; 82:15</p> <p>Streak (1) 42:5</p> <p>Streaked (1) 41:24</p> <p>stressed (2) 75:23;79:18</p> | <p>stretched (1) 55:2</p> <p>striking (1) 58:10</p> <p>stripped (3) 64:9,11,14</p> <p>strong (1) 8:1</p> <p>struck (2) 57:20;79:13</p> <p>structures (1) 24:24</p> <p>struggle (1) 35:3</p> <p>studies (4) 50:20;68:12;75:12, 13</p> <p>study (15) 50:2;67:3;68:23,25; 69:8,9,12,12,16; 74:14;78:22;79:25; 80:4,7,17</p> <p>studying (4) 75:3,6,14,21</p> <p>stuff (2) 52:8;64:13</p> <p>subalternatives (1) 16:4</p> <p>subject (3) 11:4;27:11,19</p> <p>submarines (2) 75:3,8</p> <p>submitted (1) 46:24</p> <p>subsistence (6) 11:15;13:3,9;14:12; 27:9;80:15</p> <p>subsists (1) 32:15</p> <p>substances (2) 66:13;67:9</p> <p>sudden (2) 72:23;80:3</p> <p>suggest (1) 76:3</p> <p>suggestions (1) 61:21</p> <p>summarizing (1) 60:7</p> <p>summary (1) 61:4</p> <p>summer (1) 16:14</p> <p>supervisor (1) 5:6</p> <p>support (3) 46:19;66:7;73:7</p> <p>supported (1) 60:11</p> <p>supporting (1) 66:10</p> <p>supportive (1)</p> |
|--|---|---|--|--|

| | | | | |
|---|---|--|--|--|
| <p>34:9 supposed (9) 14:7;16:19;35:6; 42:17;49:15;54:1; 64:14,15;67:2 sure (18) 5:2;13:19;15:1,12; 23:9;24:5;43:22; 48:10;49:21;50:8,9, 12;65:23;66:12;68:4; 82:7,8;83:19 surprised (1) 81:9 surrounded (1) 64:17 surveys (2) 24:4,4 survive (2) 35:3;50:24 system (2) 53:5;66:25</p> | <p>telling (3) 36:24;46:22;74:4 ten (1) 42:1 ten-minute (1) 6:12 term (2) 27:22,22 terms (2) 34:16;37:7 terrestrial (1) 27:8 testify (13) 20:23,24;21:12; 22:9,22;31:19;33:5; 45:3,4;54:14;65:16, 18;74:6 testifying (1) 53:11 testimonies (7) 48:5;53:14;61:3; 62:20;63:24,25;64:13 testimony (6) 29:10;31:14;32:4; 40:3;41:9;64:20 Textbook (1) 68:18 thankful (1) 64:4 thanks (1) 81:11 thick (3) 75:8;76:16,19 thinking (4) 18:6;59:12;79:16, 16 third (1) 72:15 THOMAS (13) 27:24;37:16;38:10; 47:22;56:2,11;57:7, 11;58:1,12,17;63:9; 64:4 Thomson (1) 73:5 thorough (2) 79:25;80:7 though (4) 69:13;81:1,1;82:4 thought (3) 33:19;59:13;73:8 thousand (5) 10:13;17:24;32:9, 25;61:15 thousands (5) 56:12,16,16;71:4,5 threatened (6) 11:20;12:5,6;13:4, 5;24:25 three (5) 6:3;9:5,5;57:23; 83:21 threw (1)</p> | <p>52:16 throughout (1) 33:22 Thyroid (1) 68:10 tie (1) 66:3 tied (3) 52:7,11;66:2 tiktalliq (1) 69:9 till (2) 52:24;69:20 timely (1) 69:24 times (5) 3:20;31:25;35:18; 60:4;78:5 today (11) 6:14;29:15;31:6; 35:8;38:20;39:4; 42:18;59:11,16,24; 71:10 Today's (1) 82:19 together (7) 5:3;15:6;48:25; 61:4;64:5;76:20; 81:14 told (5) 24:16;38:10;46:10, 14;52:18 tolerance (3) 30:11,11,12 Tommy (1) 36:8 tomorrow (2) 27:5;41:24 tonight (16) 3:3,7,8;21:11;33:3; 54:10;55:5,6;64:18; 78:4;80:13,16,18; 81:2;82:3;83:3 tonight's (1) 4:3 tons (3) 51:21;67:13,13 took (6) 17:1;48:15;52:16; 58:18;63:12;76:14 tool (1) 80:10 top (5) 8:6,9;25:12;65:7; 79:15 topic (1) 44:14 total (1) 6:25 totally (1) 44:3 tow (1) 63:12</p> | <p>towards (2) 54:22;55:2 towed (1) 63:11 towing (1) 70:15 town (2) 80:16;81:6 tracking (3) 79:2,13;80:10 traditional (3) 28:22;50:19,22 traffic (2) 11:18;79:21 transition (1) 16:11 translate (1) 11:9 Translation (7) 6:13;8:3;10:5;12:2; 13:1;16:1;55:11 transport (1) 7:23 Trapper (2) 42:4;43:18 travel (2) 38:25;79:5 traveled (3) 37:18,23,23 treated (1) 67:15 treating (1) 67:12 treatment (1) 67:8 tremendous (2) 51:4,7 trench (2) 8:12,14 tribal (2) 4:19;59:19 tried (4) 49:17;60:19,21; 68:23 trip (2) 35:1;38:1 true (1) 60:8 truly (1) 66:2 trust (1) 64:15 try (15) 4:1;11:24;18:9; 20:17;35:3;44:25; 45:23;46:4,7;47:18; 51:5,11;53:1;61:23; 65:1 trying (14) 5:13;6:4;8:18; 15:11;25:4;30:3; 33:20;49:2;56:23; 57:22,23;61:20;64:3;</p> | <p>68:4 TUKLE (8) 55:12,13;56:12; 57:7;58:2;70:12,21, 22 T-U-K-L-E (1) 55:14 turn (5) 6:5,9;22:15;74:16; 80:22 turned (3) 57:22,24;58:10 twice (1) 74:23 twisting (1) 37:7 two (32) 5:13;6:17;9:5,5,17; 10:8;15:7;19:12,13; 20:18;22:11;23:8,12; 24:2;33:1;34:8;39:1; 41:23;42:1,2;43:19, 23;54:10;56:5;58:13, 24;60:15,22;70:21; 71:9,18;72:14 type (1) 5:5 types (2) 24:13;26:1</p> |
| T | | U | | |
| <p>T&E (1) 12:3 table (12) 26:10,24;27:15,25; 28:5,8,10;47:11,12, 14;57:11;59:15 tabled (1) 29:7 tail (1) 58:12 talk (9) 4:22;6:15;13:23; 25:22;46:1;59:2; 66:13;69:6;80:15 talked (7) 15:9;34:3;46:11; 49:2,14;65:14;68:8 talking (15) 8:25;10:6;20:16; 24:12,19;27:13; 32:17;33:9;49:14; 58:17;59:9;63:7,9; 66:8;69:5 talks (2) 18:18,18 tall (1) 8:17 tanker (1) 53:23 team (1) 4:17 technicalities (1) 18:22 technically (3) 16:10,12;17:22 technological (1) 17:19 technology (1) 82:19</p> | <p>testimony (6) 29:10;31:14;32:4; 40:3;41:9;64:20 Textbook (1) 68:18 thankful (1) 64:4 thanks (1) 81:11 thick (3) 75:8;76:16,19 thinking (4) 18:6;59:12;79:16, 16 third (1) 72:15 THOMAS (13) 27:24;37:16;38:10; 47:22;56:2,11;57:7, 11;58:1,12,17;63:9; 64:4 Thomson (1) 73:5 thorough (2) 79:25;80:7 though (4) 69:13;81:1,1;82:4 thought (3) 33:19;59:13;73:8 thousand (5) 10:13;17:24;32:9, 25;61:15 thousands (5) 56:12,16,16;71:4,5 threatened (6) 11:20;12:5,6;13:4, 5;24:25 three (5) 6:3;9:5,5;57:23; 83:21 threw (1)</p> | <p>52:16 throughout (1) 33:22 Thyroid (1) 68:10 tie (1) 66:3 tied (3) 52:7,11;66:2 tiktalliq (1) 69:9 till (2) 52:24;69:20 timely (1) 69:24 times (5) 3:20;31:25;35:18; 60:4;78:5 today (11) 6:14;29:15;31:6; 35:8;38:20;39:4; 42:18;59:11,16,24; 71:10 Today's (1) 82:19 together (7) 5:3;15:6;48:25; 61:4;64:5;76:20; 81:14 told (5) 24:16;38:10;46:10, 14;52:18 tolerance (3) 30:11,11,12 Tommy (1) 36:8 tomorrow (2) 27:5;41:24 tonight (16) 3:3,7,8;21:11;33:3; 54:10;55:5,6;64:18; 78:4;80:13,16,18; 81:2;82:3;83:3 tonight's (1) 4:3 tons (3) 51:21;67:13,13 took (6) 17:1;48:15;52:16; 58:18;63:12;76:14 tool (1) 80:10 top (5) 8:6,9;25:12;65:7; 79:15 topic (1) 44:14 total (1) 6:25 totally (1) 44:3 tow (1) 63:12</p> | <p>towards (2) 54:22;55:2 towed (1) 63:11 towing (1) 70:15 town (2) 80:16;81:6 tracking (3) 79:2,13;80:10 traditional (3) 28:22;50:19,22 traffic (2) 11:18;79:21 transition (1) 16:11 translate (1) 11:9 Translation (7) 6:13;8:3;10:5;12:2; 13:1;16:1;55:11 transport (1) 7:23 Trapper (2) 42:4;43:18 travel (2) 38:25;79:5 traveled (3) 37:18,23,23 treated (1) 67:15 treating (1) 67:12 treatment (1) 67:8 tremendous (2) 51:4,7 trench (2) 8:12,14 tribal (2) 4:19;59:19 tried (4) 49:17;60:19,21; 68:23 trip (2) 35:1;38:1 true (1) 60:8 truly (1) 66:2 trust (1) 64:15 try (15) 4:1;11:24;18:9; 20:17;35:3;44:25; 45:23;46:4,7;47:18; 51:5,11;53:1;61:23; 65:1 trying (14) 5:13;6:4;8:18; 15:11;25:4;30:3; 33:20;49:2;56:23; 57:22,23;61:20;64:3;</p> | <p>68:4 TUKLE (8) 55:12,13;56:12; 57:7;58:2;70:12,21, 22 T-U-K-L-E (1) 55:14 turn (5) 6:5,9;22:15;74:16; 80:22 turned (3) 57:22,24;58:10 twice (1) 74:23 twisting (1) 37:7 two (32) 5:13;6:17;9:5,5,17; 10:8;15:7;19:12,13; 20:18;22:11;23:8,12; 24:2;33:1;34:8;39:1; 41:23;42:1,2;43:19, 23;54:10;56:5;58:13, 24;60:15,22;70:21; 71:9,18;72:14 type (1) 5:5 types (2) 24:13;26:1</p> |
| T | | U | | |
| <p>unable (1) 17:1 uncomfortable (1) 53:4 under (8) 8:17;9:1;24:13; 25:13;26:6;27:22; 31:9;58:11 Understood (2) 34:1;40:7 unexpected (1) 75:1 unfeasible (2) 16:10,13 unfortunately (2) 45:7;61:22 ungangly (1) 53:5 UNIDENTIFIED (9) 12:3,8,16,21,24; 25:21;26:15,19;31:21 Union (2) 68:13,15 unit (1) 82:24 united (1) 60:23 unknown (1) 52:17 unless (2) 26:22;82:18</p> | | | | |

| | | | | |
|--|---|--|---|--|
| <p>unprepared (1) 55:4</p> <p>unseen (1) 74:15</p> <p>unusual (2) 10:1;39:6</p> <p>up (56) 3:4,7;5:7,11;6:2,21; 9:10,11;10:12;11:6,7; 16:5;17:7,9;18:3; 20:23;21:18;23:12; 24:23;25:2,20;26:8, 14,22;29:24;33:14, 21;35:18;38:13; 39:24,25;41:14; 42:11;48:9;50:21; 51:18,24;52:25; 53:20;60:19;67:16, 17;69:7,10,25;71:3; 72:11;73:11;74:23; 75:17,24;77:5,18; 79:20,21;83:22</p> <p>upon (2) 51:7;71:5</p> <p>upstream (1) 11:19</p> <p>urge (1) 78:1</p> <p>usable (1) 24:5</p> <p>use (8) 4:14;7:25;8:19,20; 17:2;26:6;28:21;66:3</p> <p>used (8) 24:15,18;28:13; 38:5;58:11;65:25; 72:11;80:10</p> <p>useful (1) 20:12</p> <p>using (5) 8:12;16:10;28:4; 39:9;73:12</p> <p>usually (1) 40:4</p> <p>U-turn (3) 38:8;72:23,24</p> | <p>vessel (2) 64:4,22</p> <p>vessels (7) 64:2;70:23;72:14; 73:4,6;74:17,20</p> <p>VHF (2) 81:5,12</p> <p>vicinity (1) 12:15</p> <p>Village (33) 19:21;23:1;29:15, 22;30:4,7,17;33:8,19; 34:7,16;39:22;40:13; 42:3;43:18;44:17; 45:16;46:3;47:15; 48:14,19,20,22,23; 51:11;52:5;53:12; 55:7;63:17;64:16; 68:7;76:15;78:2</p> <p>villages (5) 10:9;34:8;35:1,10; 39:17</p> <p>village's (1) 33:23</p> <p>Virginia (2) 3:9,11</p> <p>visit (2) 36:4;47:6</p> <p>vital (4) 33:23,24;63:1,1 69:22</p> <p>VOCs (1) 69:22</p> <p>Voice (10) 23:1;40:11;54:12; 55:20;61:7,8;62:11; 63:17;76:22;77:11</p> <p>voices (2) 61:11;64:18</p> <p>void (1) 52:17</p> <p>volume (2) 42:2,2</p> <p>volumes (3) 42:1,1;43:20</p> | <p>walrus (1) 75:23</p> <p>wants (4) 44:2;45:3,6;62:24</p> <p>warm (1) 35:2</p> <p>Washington (1) 75:20</p> <p>waste (1) 67:8</p> <p>wastewater (1) 30:13</p> <p>watch (1) 64:2</p> <p>watched (6) 55:16,17,18;58:4,9; 59:3</p> <p>water (15) 8:9;9:20;10:2;27:7, 21;46:11,13,15,16; 49:16,25;52:22,23; 66:15,19</p> <p>waterfowl (1) 38:2</p> <p>waters (5) 4:6;23:16;50:22; 62:5;67:16</p> <p>waves (1) 75:1</p> <p>way (30) 16:4,16;18:3;26:16; 30:7;35:11;37:19; 39:17;45:8;48:19; 50:15;56:24;57:9,17; 59:8;60:25;61:20,24; 62:4;64:10;67:23,23; 69:16;70:7,24;73:13; 78:15;79:23;80:8,10</p> <p>ways (1) 47:18</p> <p>weather (2) 9:16;42:19</p> <p>weathered (1) 14:9</p> <p>Web (1) 27:3</p> <p>website (3) 21:9;22:12;83:22</p> <p>week (1) 62:16</p> <p>weeks (2) 14:25;83:22</p> <p>welcome (1) 81:24</p> <p>welfare (1) 62:3</p> <p>wells (3) 51:16;66:24;67:1</p> <p>West (3) 39:5;54:18;73:13</p> <p>westbound (1) 79:22</p> <p>wetlands (1)</p> | <p>27:9</p> <p>whale (25) 48:21;57:17,20,21, 21,24;58:3,5,5,6,9,10; 59:4,5;63:5,11,12; 64:3;66:14;70:14,15, 17,18;72:22;79:13</p> <p>whalers (12) 33:10,24;36:12,17, 21;42:23;48:22; 60:16;62:24;64:2; 77:4;80:9</p> <p>whales (25) 12:14;37:12;39:3,6; 51:6;56:21,23;57:1,9, 14,18;59:4;60:14; 61:5;62:2;63:8,10; 65:9;66:16;71:8;74:9; 78:15,18;79:5,14</p> <p>whales' (3) 56:22;57:6;74:14</p> <p>whaling (34) 11:15;14:12;18:21; 29:21,24,25;30:2,18; 31:25;33:7;34:8,22; 36:22;37:18;38:18; 43:6,9,11;49:3,11; 52:18;55:17,25; 57:19;60:15;61:9; 63:3;70:19;72:2,3,18; 74:18;77:12;80:6</p> <p>what's (14) 5:21;6:25;26:14; 28:18;38:4;50:15; 66:25;67:6;72:16; 74:1;75:21;76:4,18; 83:17</p> <p>whereabouts (1) 17:9</p> <p>wherever (1) 29:6</p> <p>white (3) 20:6;73:24;76:22</p> <p>whitefish (2) 30:24,25</p> <p>whole (5) 12:7;14:3;19:11; 48:23;81:3</p> <p>whose (1) 22:2</p> <p>wife (2) 31:25;61:10</p> <p>Wildlife (8) 13:16;14:1;15:9; 24:19;25:16;26:7; 73:18;76:11</p> <p>willing (1) 81:8</p> <p>wind (1) 75:1</p> <p>winds (1) 70:16</p> <p>winter (3)</p> | <p>9:15,17;10:3</p> <p>winters (1) 9:17</p> <p>wintertime (1) 8:13</p> <p>within (2) 3:23;18:11</p> <p>without (3) 14:4;46:19;74:21</p> <p>wonder (1) 58:21</p> <p>wonderful (1) 3:5</p> <p>word (3) 21:3,3;75:20</p> <p>words (2) 61:19;81:23</p> <p>work (8) 3:24;5:25;6:8; 16:17;26:25;47:2; 58:25;64:1</p> <p>worked (5) 11:21;15:4;22:5; 24:1;62:22</p> <p>working (13) 6:17;10:11;13:15; 14:6,21,24;15:6; 55:21;56:7;60:23; 61:19;71:13;81:7</p> <p>works (1) 5:1</p> <p>world (4) 14:18;17:14,18; 19:11</p> <p>worldwide (1) 18:11</p> <p>worry (3) 51:1;63:6;69:21</p> <p>write (1) 34:17</p> <p>writing (2) 6:17;21:15</p> <p>written (2) 13:24;21:2</p> <p>wrong (1) 80:7</p> |
| V | W | | X | |
| <p>valid (2) 55:19;71:11</p> <p>valuable (3) 40:19;41:5,7</p> <p>various (1) 8:1</p> <p>Vavrik (2) 4:20,20</p> <p>vegetation (1) 27:9</p> <p>version (1) 28:15</p> <p>versus (1) 28:15</p> | <p>Wainwright (2) 29:5;63:15</p> <p>wait (6) 52:4,10,24;67:3; 68:6;69:20</p> <p>wake (1) 77:5</p> <p>walk (9) 21:17;23:7;26:24; 54:11,14;55:16,17,18; 81:9</p> <p>walked (7) 61:6,7,8,9,10; 62:21;74:3</p> <p>walrus (2) 79:15,15</p> | <p>website (3) 21:9;22:12;83:22</p> <p>week (1) 62:16</p> <p>weeks (2) 14:25;83:22</p> <p>welcome (1) 81:24</p> <p>welfare (1) 62:3</p> <p>wells (3) 51:16;66:24;67:1</p> <p>West (3) 39:5;54:18;73:13</p> <p>westbound (1) 79:22</p> <p>wetlands (1)</p> | <p>Xs (1) 27:17</p> | |
| | | | Y | |
| | | | <p>year (15) 7:22;9:25;28:25; 34:14;41:3;48:21; 52:25;55:22;56:25; 57:2,3;60:15,16;63:5; 71:14</p> <p>years (24) 3:19;5:10;6:17;9:3, 5,15;7:18;18;32;18;</p> | |

| | | | | |
|--|---|--|----------|--|
| 33:18;35:5;38:5,5; 39:3;47:24;51:6; 58:13;62:22;64:1,13, 22;65:2;66:22;70:2; 73:23 Yep (1) 23:6 youngest (1) 63:4 | | 63 (1) 68:19 | | |
| Z | 2 | | 7 | |
| zero (5) 30:11,11,12;53:19, 20 zoo (1) 13:11 zooplanktons (1) 77:21 | 2 (4) 82:10,10,12,17 20 (5) 9:3;47:24;64:13; 69:12;70:1 200 (1) 51:6 2005 (1) 72:19 2015 (3) 6:19;10:7;69:14 202 (1) 54:20 24 (2) 8:8;18:5 25-mile (1) 35:11 25th (2) 73:3;74:19 | 7,000 (1) 17:15 7.5 (2) 37:25;74:11 | 8 | |
| 1 | | | 8 | |
| 1 (3) 8:25;82:5,11 1,000 (1) 17:23 1.5 (1) 23:15 10 (1) 40:15 10:00 (1) 83:5 10:02 (1) 83:25 100 (1) 39:4 12 (2) 8:20;63:12 124 (1) 54:19 13 (1) 14:6 144 (1) 54:20 15 (3) 3:20;9:3;63:4 16 (2) 8:18;63:12 17 (1) 37:10 18 (6) 7:1,3,5,7;62:22; 70:16 186 (1) 10:13 19 (7) 7:2;8:9;37:6;46:16; 78:17,19,19 1973 (1) 37:19 1987 (1) 55:25 | 3 | | 9 | |
| | 30 (6) 50:17,17;57:12; 63:10;64:13;65:2 31 (2) 57:12;70:14 36 (1) 40:20 3A (1) 20:3 3B (1) 20:3 | 97 (1) 63:3 | | |
| | 4 | | | |
| | 40 (1) 65:2 400 (1) 39:4 42,000 (1) 17:17 48 (1) 68:11 48,000 (1) 10:14 | | | |
| | 5 | | | |
| | 5.6 (1) 8:11 50 (2) 70:15;71:7 50-ton (1) 59:6 | | | |
| | 6 | | | |
| | 60 (1) 13:2 | | | |