

1 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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4 EFFECTS OF OIL AND GAS ACTIVITIES IN THE ARCTIC OCEAN

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ENVIRONMENTAL IMPACT STATEMENT

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8 PUBLIC SCOPING MEETING AND COMMENT PERIOD

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KOTZEBUE, ALASKA

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14 APPEARANCES BY AGENCY STAFF AND CONSULTANTS:

15 Michael Payne, National Marine Fisheries Service

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16 Joan Kluwe, URS

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P R O C E E D I N G S

(On record)

COURT REPORTER: If you could just state your name for me, please.

WILLIE GOODWIN: My name is Willie Goodwin. I chair the Alaska Beluga Whale Committee. I'm a hunter, subsistence user. I can't speak to the Beaufort Sea activities, but I can certainly, to some degree, speak to the Chukchi Sea activity.

The Alaska Beluga Whale Committee consists of hunters from all of Western Alaska from Bristol Bay to Barrow, all the communities along the coast, and we have a comanagement agreement with the National Marine Fisheries to manage beluga.

We've tagged belugas in Point Lay for a number of years, and that information can be got from -- either let me know and I can get it for you, or you can get it directly from the North Slope Borough who is our manager for the funds that we get to do research on belugas.

The Beluga Whale Committee was started in -- I believe in 1991, so we have a history of beluga activity doing research tagging, DNA to determine which stocks are from where, and also contaminate studies. Additionally, every year we get the information on harvest levels for each community. So that information is available.

Also, in the seventies -- I mean, the nineties, I was -- late nineties I was pretty heavily involved in surveys

1 out of Kotzebue for abundance, both in the Chukchi and also in
2 Kotzebue Sound. That information also is with the Beluga Whale
3 Committee.

4 While we were doing all of these surveys, we -- of
5 course, we saw other species as we flew along the coast. And
6 most of our surveys were concentrated along the coast, because
7 that's where they were congregating most to.

8 Additionally, it was in the early nineties that I was
9 asked, along with my brother John, who is also the chair of the
10 Ice Seal Committee, and unfortunately he's not here. He is in
11 Anchorage for medical reasons, but we were asked if we can tag
12 young bearded seals, and we said yes.

13 So we started that project through the Kotzebue IRA,
14 and I've been tagging seals for a number of years. In fact,
15 the Kotzebue IRA has tagged more seals than anybody else in
16 Alaska. Other than the Department of Fish and Game in certain
17 parts. But our tagging involves tagging of the ring seals, the
18 spotted seals, the young bearded seals, and last year we tagged
19 two subadults and one adult bearded seal. Now, that's the
20 first time in Alaska anybody has ever tagged a bearded seal, a
21 full-grown one. We did that last year.

22 We're doing it in partnership with the marine lab in
23 Seattle. And we intend to tag more full-grown seals this
24 coming spring. And our efforts are based on what -- basically,
25 I guess, what me and my brother know about hunting in

1 Kotzebue Sound. We try to wait until most everybody has gotten
2 their -- got their bearded seals for food so we don't bother
3 the hunters when we're doing it, and then we're out there.

4 Now, most of the seals that we tag here, you can
5 retrieve them, to some extent, in the KotzebueIRA.org Web site
6 and go to projects. We've found that when we tag them here at
7 Kotzebue, or near Kotzebue here, they generally head north.
8 And to some extent they go straight across to the Russian
9 coast. So we've -- the seals that we've tagged have gone, you
10 know, 100 miles north of Barrow. They've been over at
11 Wrangell Island. Some of the spotted seals go all the way to
12 Bristol Bay. So we have some -- we have records of where these
13 seals go.

14 I say that because one year while we were tracking one
15 seal that was headed north and it went around the corner at
16 Point Hope, and I believe there was still some seismic activity
17 going on up there, and just turned right around. Normally they
18 go at a circular and come back down, but this one just turned
19 180 and came back. And it's my belief that something scared it
20 and it wasn't -- it was probably some of the seismic activity
21 going on.

22 Now, in the belugas that we tag or the research that
23 we've done, we know that the belugas are sensitive to noise,
24 any noise. And I am concerned about that, because until we
25 know exactly when they had their young, any kind of noise would

1 cause stress in the female beluga and may abort their young
2 beluga, or the mother may just not want to nurse it. So
3 there's some involvement that noise affects the belugas, and we
4 are concerned about that.

5 The other concern that we have is that as they head
6 north, some head eastward, some head -- we've had tags that go
7 600 miles north of Barrow under the ice pack. We've had
8 belugas go to the Russian coast, so we know that we've got that
9 information for analyzation. I believe that we need more of
10 this type of information so that the permitting agencies can
11 develop the mitigating measures as the activity is going on in
12 the Chukchi and the Beaufort Sea.

13 Now, I want to give you an example of the three bearded
14 seals that we've tagged last spring, and they were tagged in
15 late June. One stayed all summer in front of Point Lay, one
16 stayed in front of Wainwright all summer, and the third one was
17 in front of Prudhoe Bay. All summer. So we know, just from
18 the one year that we've tagged those things, that those seals
19 are up there, those bearded seals.

20 And we intend to tag more this spring. So hopefully we
21 can get more tagged to continue this because we need that
22 information. Now, these are bearded seals that are tagged in
23 Kotzebue Sound. The ones that we hunt. They head north.

24 And I have no idea how we can figure out how to get
25 surveys to get the abundance of ice seals out there. I know we

1 can get an estimate of belugas. And in March we've got a
2 meeting set up with various scientists and hunters to figure
3 out a better way to get abundant numbers on belugas to figure
4 out how to do the surveys better, because the old way was
5 looking out the side of an airplane and kind of guessing what
6 you see down there as they come up, knowing that there's
7 probably six times more under the surface of the water. Well,
8 we say six, but it could be less, it could be more, we don't
9 know.

10 And I have no idea how the surveys for seals can be
11 done. I do know that in the springtime when we're -- before
12 the ice out here in Kotzebue Sound starts to break up and allow
13 us to hunt, that a lot of seals are along the cracks, they're
14 in the breeding holes, they're up sunning themselves and that
15 kind of stuff going on out there.

16 But that still wouldn't give us a true count. It can
17 give us an estimate. But we don't have those numbers. We need
18 those numbers. We need the numbers of the seals that are in
19 Kotzebue Sound. I say that because from the seals that we've
20 tagged here in Kotzebue Sound, whether they be young bearded
21 seals or ring seals or spotted seals, they head north. The
22 majority of them head north. And that's where the activity is
23 going to happen.

24 So the more data we get, I believe that MMS or any
25 federal agency that issues permits would be better informed to

1 give mitigation measures to the oil companies for this type of
2 activity.

3 Now, here in Kotzebue Sound, the date that we've been
4 using that I've given myself to the industry when they head
5 north or go by Kotzebue Sound, whether it be 60 miles out or
6 further out, I ask them not to come through Kotzebue Sound
7 until after July 10. We believe that that's about when we're
8 just about done hunting. And that date is also used by
9 Teck-Cominco for any activity in front of the Red Dog Mine.
10 The July 10 is a date that's been used by Teck-Cominco, and the
11 date I use when I give industry when they ask me when would be
12 a good time to pass by it. When are you done hunting?

13 And this is in Kotzebue Sound. I don't know what date
14 would be a good date for Point Hope, Point Lay, or Wainwright.
15 But I do know that the beluga hunting activity in Point Lay is
16 in early July. Probably the first week of July. And within a
17 week or two after that in Wainwright. Those are the two
18 communities that I know that are part of the Beluga Whale
19 Committee that has given us the dates of when they hunt. So
20 those dates I think you could and will confirm them from
21 Point Lay and Wainwright when you have your scoping meetings
22 there.

23 So I know that from the studies and all of the
24 information scientific and all the information that we've been
25 able to hear from scientists that study belugas, whether they

1 be in the wild or captive, that they're very susceptible to
2 noise. You know, if a captive beluga can -- when noise gives
3 them stress during their birthing, they don't even want to
4 nurse their young. We've seen that in some of the films and
5 stuff that they've shown us.

6 So I know that some of the other information that we
7 have in the wild is traditional knowledge. A lot of that
8 you're going to have to depend on traditional knowledge of
9 movements of beluga, what time they come in to have their
10 young, and the areas that they migrate through. So traditional
11 knowledge is going to be important for you to get to get some
12 of the migration routes for beluga whales.

13 Now, with respect to seals, the information that we
14 have as far as tagging in the fall time starting in September,
15 that's when we tag most of the seals, and then, of course,
16 there's a time that we hunt in June and July.

17 Now, I believe that the use of marine mammal observers
18 can give you some indication of where the marine mammals are
19 that this activity is going on. I think you should require
20 that any seismic work or any other work that's going to be done
21 by the oil industry, you should require them to have MMOs,
22 marine mammal observers. At the very least, to be able to not
23 harm the marine mammals or their migration.

24 My brother John is -- has done most of the tagging here
25 in Kotzebue. So he'd be the one to contact through the IRA to

1 give you some more information on the seals that we've tagged.
2 But through the IRA he can provide that information.

3 I have a little problem with you giving a five-year
4 permit. Conditions change. Our hunting periods change when
5 the ice conditions aren't right. So to give a five-year
6 permit, I think, would be wrong. I believe that maybe two
7 years might be all right, but for a long period of time you say
8 this is the time you can go out and do your activity, and say
9 on the third year you're out there while they're hunting. It
10 gives concern to the subsistence user. To me especially to
11 give a permit for any length of time.

12 You really want to talk to those folks up there more,
13 but I know I would have problems here in Kotzebue if you did it
14 in that manner, because -- and I've hunted Kotzebue Sound my
15 whole life, so -- and I know what conditions -- that conditions
16 change every year out there depending on -- right now what's
17 going on, well, we've got different conditions than last
18 spring.

19 What's going on with our weather right now? I was
20 taught that by my father. You watch the weather all winter so
21 you can tell where you want to go hunting next spring so you
22 don't waste gas. So the conditions in Kotzebue Sound I can
23 tell, but I don't know what the conditions are on the
24 North Slope. You'll have to get that from the subsistence
25 users up there.

1 I think that's just about what I want to say. If you
2 have any questions, I'd sure be happy to respond to them.

3 JEFFERY LOMAN: I do have a question. I can understand
4 your concern about the length of the permit, and so I just want
5 to make sure that I understand it. If they issue the five-year
6 permit, that permit would have to be flexible so that --
7 because the law is clear, that you can't permit industry to get
8 in the way of subsistence activities.

9 So if you traditionally have a certain date, a 30-day
10 time period with these activities, and that 30-day moves over
11 15 days or 20 days, then that permit is going to have to have
12 that flexibility to keep industry away from the subsistence
13 users.

14 WILLIE GOODWIN: Yeah, I believe that -- I was thinking
15 about that, and I think that can be worked out with each of the
16 communities. Especially if you're going to be in front of
17 Point Lay and Wainwright, you would get the timing from them.
18 And I believe that if you put the stipulation in the permit
19 saying that this can happen, they may be okay with it.

20 MICHAEL PAYNE: Well, I also realized when you were
21 talking I made a mistake. The regulation is five years. The
22 permit is issued every year. It will have to be reviewed every
23 year. If things change, then we would have to make changes to
24 it. So it isn't a permit that won't change. But anyway,
25 you're correct in your statement. It was my mistake on the way

1 I described it. It wouldn't be a five-year blanket permit, but
2 it would be that if things don't change from year to year, each
3 year the permit would be authorized.

4 UNIDENTIFIED SPEAKER: Basically what I want to do is
5 have.....

6 WILLIE GOODWIN: Can it wait until I get done?

7 UNIDENTIFIED SPEAKER: Huh?

8 WILLIE GOODWIN: Can you wait until I get done?

9 UNIDENTIFIED SPEAKER: Sure. I can wait. Absolutely
10 correct.

11 MICHAEL PAYNE: Anyway, yeah.

12 WILLIE GOODWIN: Yeah, I think that could be
13 considered, you know, based on where you're at and the
14 people -- the people tell you when you can go and -- go do this
15 activity.

16 MICHAEL PAYNE: Okay. All right. Thank you, Willie.
17 Thank you very much.

18 WILLIE GOODWIN: Sure. Thank you.

19 JEFFERY LOMAN: I just got one more. You mentioned
20 there was seismic activity and you tagged the animal and he
21 went north and then did a 180. We need to know that, and I'd
22 like to compare our records for seismic with what you have and
23 then go back and look at the details. We will know exactly
24 where they were at, exactly what they were doing in our
25 records, and I want to make a comparison.

1 And I just -- you know, we've talked -- MMS and NMFS,
2 our colleagues at NMFS have talked -- what we're trying to get
3 at is, you know, when is the capacity, a lot of times -- I
4 don't see one in this room, but, you know, in the Lower 48, in
5 every room there's a this room has a capacity of 100 people.
6 What's the capacity of seismic vessels, exploratory drilling
7 vessels, and when do we say, as a regulatory agency at MMS or
8 NMFS or both, hopefully, the Arctic is closed?

9 WILLIE GOODWIN: I mentioned that because it -- to me,
10 that's an indication of the seal turning around due to some
11 activity.

12 JEFFERY LOMAN: Right.

13 WILLIE GOODWIN: It wasn't normal. It wasn't normal in
14 the sense that the other information that we have on other
15 seals that we've tagged, they don't react like that. They go
16 about doing their thing. But this guy was a complete turn
17 around.

18 JEFFERY LOMAN: It was radical?

19 WILLIE GOODWIN: Yeah.

20 JEFFERY LOMAN: Yeah. Thank you.

21 MICHAEL PAYNE: Caleb, are you next?

22 COURT REPORTER: If you could just state your name for
23 me, please.

24 CALEB PUNGOWIYI: Sure. Okay. My name is
25 Caleb Pungowiyyi. I'm a rural liaison senior advisor for

1 Oceana. But tonight I'll be testifying as an individual than
2 rather for the organization. I'm a former director for Alaska
3 Eskimos Commission, and also I served on a stock assessment
4 group for NMFS a number of years back.

5 My testimony will be basically expressing some concerns
6 I have on the potential impacts that the activity will have,
7 both in the -- mostly in the Chukchi Sea and a little bit on
8 the Beaufort Sea. I originally come from Saint Lawrence
9 Island, Savoonga. I still have family over there. And our
10 family does whaling, and the last few years they've been
11 successful. And as one of the elders of the clan now, I get to
12 have a chair set aside for me, so it's a good thing to be an
13 elder.

14 But -- and that's why I would worry about any impact on
15 the bowheads up in the Chukchi and the Beaufort Sea, because in
16 the fall and winter, they migrate down to Saint Lawrence Island
17 and spend their winter there around Saint Lawrence, and are
18 there a day before they head back north in the springtime.

19 My concern is also on the lack of science. And the
20 base -- especially baseline science in -- especially in the
21 Chukchi Sea. Most of the research has been done on a limited
22 basis, and the data is sparse, and in some cases it's not well
23 put together. And this was of knowledge by the North Pacific
24 Fisheries Management Council when they adopt -- when adopting
25 the Arctic Fisheries Management Plan, they noted that they did

1 not have enough data and science on the fish stocks in the
2 Arctic Ocean to open the area to commercial fishing. And that
3 information is still true today, and is especially true with
4 regards to potential impacts on marine mammals.

5 We know that the Chukchi basin is very rich, both in
6 benthic community, and also in the marine fisheries. The
7 marine mammals that winter in the northern Bering Sea and also
8 in this area head north in the summer into the Chukchi and the
9 Arctic Ocean. And they don't go up there for vacation, they go
10 up there because there's food up there. And they get to, you
11 know, feast on the riches of the land up there and the sea.

12 The Chukchi Sea is also an area of lingering ice,
13 where -- especially in that particular area where the leases
14 have been put out. That area the ice stays longer in that area
15 like it does here in Kotzebue Sound. And so there's more
16 marine mammals that utilize the sea or the ice for hauling out,
17 feeding, and raising their young. And if that -- if they're
18 disturbed in that area from their activities, then it's going
19 to impact the population of those species, especially walrus
20 and also other species that are more ice dependent in that
21 area.

22 I'm also concerned about the cumulative impacts that
23 other activities will have on our subsistence resources. Not
24 only the exploration activities, but other activities
25 associated with that activity. Support vessels, aircraft,

1 vessels going back and forth to restock and provide support to
2 the activity. And then we also see some potential increased
3 vessel traffic if the area opens up for international
4 commercial ship traffic for shipping between the European
5 countries and the Asian countries through the Arctic Ocean,
6 especially through the northern route or through the northwest
7 passage.

8 As Willie mentioned, I think that the species that
9 especially inhabit this area are things that we're really
10 concerned about because the people here are really dependent on
11 marine mammals for their food. There's seal oil, the black
12 meat. And it's just something that is part of culture, and if
13 that is impacted, the cultural and the family unity that goes
14 with harvesting our marine mammals would have a real impact on
15 the community, and also the families that are dependent on
16 those resources.

17 There's lack of technology to clean up the ice and/or
18 clean up oil in ice-infested waters. I would recommend that
19 the MMS and also the government agencies work with the oil
20 industry to try to develop technology that would clean up oil
21 in ice-infested waters. Understanding that there's going to be
22 some severe weather -- extreme weather activities that would
23 prevent some oil cleanup in certain cases. It's very -- we
24 have extreme weather conditions that can go from nice days to
25 blizzards and strong winds, and that will affect the area.

1 I'm going to show a couple of -- I'll leave them with
2 you. I'm a fanatic on looking at the satellite photos or the
3 satellite weather channel and the National Weather Service.
4 And last winter I was looking at the photos from the polar
5 orbiting satellite, and I noticed a black dot due west of
6 Barrow.

7 At first I thought it was just a freak in the pictures
8 that this black dot was showing in that particular area. But
9 as the season passed, this dot starting getting bigger. And
10 then I realized that it was grounded ice that was causing a
11 polynya up there in Hanna Shoal area. And by April this thing
12 was huge. It must have been a good 20 miles long at the --
13 this grounded ice in 50 fathoms of water, you know, was stuck
14 there.

15 And it shows the amount of force that can be in that
16 area, especially if there should be development that's going to
17 be there operating on a year-round basis, that the forces up
18 there are very extreme and could potentially have impact on any
19 development activity within the Chukchi Sea.

20 Anyway, I circled that little dot on the -- it's hard
21 to see on here, but it is there. So I'll leave it with you or
22 with someone.

23 And then I also have two other photos that shows a
24 couple of pictures, both in February and then in March, that
25 shows how the ice opened up in Kotzebue Sound and also up in

1 the North Slope because of the winter storm that we had in
2 February that blew out all the ice out of -- a lot of ice out
3 of Kotzebue Sound, and also up in the northern area. And again
4 up there in the North Slope, a wide open shore. But luckily we
5 had a very cold April and things kind of froze back to normal.
6 And we had a successful beluga hunting this past spring.

7 So like Willie says, it's very variable. Many things
8 can impact the activity within Kotzebue Sound and also in the
9 North -- especially now with the ice thinning up there in the
10 Arctic Ocean that you see these extreme events occurring where
11 you see a lot more lease opening up in the Arctic Ocean.

12 And lastly but not least, I would also recommend that
13 on seismic activity, there must be some way to develop a
14 technology that does not use acoustics. That there must be
15 something that is less harmful, less disturbing to marine
16 mammals that could still give the data that the oil industry
17 and the government needs to assess what's under water, under
18 the ocean, to seek these areas that may contain oil.

19 Because the current method, we know that they disturb
20 bowhead whales, it disturbs many marine mammals that
21 communicate under water by sound or through the sound they
22 make. Not in the vocal cords, but rather through another
23 method in their body. And they use it for communication, and
24 also for their pursuit of prey. And when that is disturbed,
25 then it -- it's part of harassment, it's part of taking, so

1 that's something that you need to take into serious
2 consideration, because it does affect their ability to
3 peacefully exist out there.

4 I kind of -- make an example of seismic activity would
5 be that if you have a neighbor whose dog barks all the time,
6 every day over two weeks, every night, bark, bark, bark, you
7 wouldn't get very much sleep. After two weeks you'll get mad
8 and say, I got to do something about that dog. Call city hall
9 or somebody to do something about the dog.

10 And so, you know, it's -- that's how we see how seismic
11 activity affect marine mammals. The constant sound that goes
12 on and on and on. That they don't get any peace where they go
13 north to -- or in these areas where they want to pursue their
14 way of life. So with that I'll stop and ask if there's any
15 questions.

16 MICHAEL PAYNE: Thank you. I don't think I have any
17 right now. Not at this time. Not right now.

18 COURT REPORTER: Caleb, can I just get the spelling of
19 your last name, please.

20 CALEB PUNGOWIYI: Sure. P as in Paul, u-n-g-o-w-i-y-i.
21 It's an Irish name.

22 COURT REPORTER: Thank you.

23 MICHAEL PAYNE: An Irish name?

24 CALEB PUNGOWIYI: Yeah.

25 MICHAEL PAYNE: Caleb also forgot to mention that he

1 was on the Scientific Advisory Committee for the commission for
2 a number of years.

3 CALEB PUNGOWIYI: Yes. Thank you.

4 MICHAEL PAYNE: Yes. Thank you. Thank you for coming.

5 TOM OKLEASIK: (Speaking in Native language),
6 everybody. (Speaking in Native language) It's good to see you
7 here in Kotzebue. I know Jeff has heard me before about these
8 hearings that go on about the development of the Chukchi and
9 how normally Kotzebue is not included inside of the public
10 hearings, and so I'd like to thank you for coming to Kotzebue,
11 and welcome to the Northwest Arctic Borough here at Kotzebue.

12 (Speaking in Native language) I'm the borough planning
13 director. My English name is Tom Okleasik. And in looking at
14 this, our Borough Assembly and our Borough Planning Commission,
15 as well as our staff have had many discussions with the
16 North Slope Borough on offshore oil development in the Arctic.
17 And right now our Borough Assembly opposes offshore oil
18 development through Resolution 0804.

19 That resolution emphasizes the importance of
20 subsistence food to the Inupiat way of life. And also
21 recognizes there is a lack of baseline data, monitoring, and a
22 huge number of data gaps. And as I was listening to Willie,
23 who is a very well-respected elder who -- definitely the
24 knowledge he shared tonight needs to be incorporated inside of
25 your document, and to Caleb, who is very involved, you know, in

1 his career, but also just in his own hunting, that we're moving
2 too fast on development with a lack of environmental wildlife
3 and ecosystem information.

4 And you as an agency are being thrust into a position
5 of making decisions where you can't make good decisions. And
6 right now in our own work with the State of Alaska, the Alaska
7 Coastal Management Program, we can't get an approved coastal
8 management plan because the state says there's insufficient
9 information on scientific evidence for them to make decisions
10 on areas that we want to designate for subsistence use areas or
11 habitat areas. And so we have our own State of Alaska saying
12 there's not enough information.

13 And the North Slope Borough is in the same position
14 with their coastal management plan. The state recognizes
15 there's insufficient information and they will not approve
16 designation of subsistence areas and habitat areas.

17 I also sit on the Outreach Committee for the North
18 Pacific Fishery Management Council. But prior to that our
19 borough and the North Slope Borough worked with the council,
20 and we were very happy for them to recognize that the council
21 recognizes there's insufficient information for them to make
22 commercial fisheries decisions. Especially if there were
23 impacts to subsistence.

24 I also want to talk about my experience. I had a
25 chance to go to Norway about a year ago, and listened to some

1 researchers that study marine mammals for the oil industry.
2 And even though it was in Norway, it was very interesting that
3 many of the companies that you're dealing with are European
4 companies. Shell is Dutch, Statoil is Norwegian, ENI is
5 Italian, British Petroleum is British, English.

6 And they depend on a lot of researchers in Europe. And
7 we heard of one of their researches that deals with seismic
8 surveys. And his research was limited to the North Atlantic,
9 yet they're applying that information on marine mammals to
10 Alaska, to the Arctic.

11 One of my first questions to him was how many
12 indigenous people has he involved, either from Greenland,
13 Norway, or other countries inside of his research. And the
14 answer was none. And that was a common theme with researchers
15 in the international community that I met that were very
16 well-respected and often referred to by the industry here in
17 Alaska.

18 And the common question was how are indigenous people,
19 any indigenous people from any part of the world, involved in
20 your research, and the answer was none. You know, I appreciate
21 the blunt honesty of the Europeans. They just say we don't
22 have any in Europe. You know, we don't include any.

23 And so I know in the research of the U.S., there's
24 insufficient information that the state can't make decisions on
25 coastal management plans, and yet we're thrusting federal

1 agencies to make decisions in the Arctic when you don't have
2 sufficient information. And to me that should be an red flag
3 to say that well, in that case don't make these decisions, deny
4 the permits.

5 How can you say what is incidental take? You don't
6 know. How can we say that this area is zoned properly? You
7 don't know. How can you say this area is a critical habitat?
8 Just like Willie and Caleb were saying were calving of young.
9 You know, the whole population is at stake. There's a number
10 of endangered species already, or a number of qualifications
11 with walrus. The polar bear are already determined. But then
12 there's all kinds of other things in the ecosystem.

13 And I know I've talked with Jeff before, and he said,
14 well, the bowhead whale has been studied to death. Well, the
15 bowhead whale is not the only species in the Chukchi Sea.
16 Beluga whale is very important to this region, as well as
17 seals. And so there's more and more things. Even sheefish. I
18 know I've listened to some presentation, sheefish have a large
19 range. Are they in the Chukchi? You know, and they come back
20 and they're what people catch here. People don't know. And so
21 we shouldn't be making decisions.

22 And so when you get into making alternatives on
23 incidental take and you look at seismic, exploratory drilling,
24 and coming up with mitigation, how do we know the mitigation
25 measures aren't killing the very species that we're depending

1 on.

2 Definitely on the option for rule making that you
3 talked about, the one-year performance versus the five-year
4 regulatory process. I would definitely encourage you to
5 definitely, with all the companies, look at one-year
6 performance. And then definitely I agree with Willie that five
7 years is definitely too long. There should be a shorter time
8 frame. Whether that be two or three years, that would be more
9 appropriate I think.

10 But even here at the borough in our own permitting
11 process when we deal with industry, when a new company comes
12 in, we give them a one-year permit no matter what to see how
13 they perform. And if there's compliance, then we'll look at a
14 multi-year permit.

15 And I think that's something that you should be
16 considering inside if your rule making as well. Is there needs
17 to be a year for any company to have a performance period, and
18 then after that then you can get into longer term permits. But
19 I think granting a longer term permit to a bad permittee for a
20 five-year period is not a good administrative process.

21 I have some other comments I can make, but I can put
22 those in writing. But I think that will conclude -- oh, I did
23 want to talk about one other thing, and that was with climate
24 change. The other item that needs to be looked at, climate
25 change, is ocean acidification, and so -- and how is that

1 affecting as a cumulative effect with the -- your process that
2 you're going to put on top of it.

3 And the other part is the invasive species. That needs
4 to also be a consideration. And how are the sound, in
5 particular, going to affect the existing species and maybe
6 invasive species suddenly taking over habitat because the
7 existing species are displaced?

8 So there's a lot of considerations to take. I'm really
9 glad that you're here for the scoping, and I'll stop there and
10 see if there's anyone else to testify either on the phone or in
11 person.

12 MICHAEL PAYNE: Thank you.

13 COURT REPORTER: And can I get the spelling of your
14 last name, please.

15 TOM OKLEASIK: Sure. It's O-k-l-e-a-s-i-k.

16 COURT REPORTER: Thank you.

17 JEFFERY LOMAN: I just had one question. Does the
18 Northwest Arctic Borough agree with the state's position that
19 there's not enough baseline information to declare
20 subsistence-protected areas for subsistence?

21 TOM OKLEASIK: That's our impasse with the state. We
22 would like to zone subsistence. And I think that's a
23 difference in philosophy. The state says insufficient
24 information and they freeze on making a designation. The
25 borough says let's -- we know our residents are using this for

1 subsistence, in lieu of any other information, make the zone
2 designation.

3 Why jeopardize subsistence when you're waiting for
4 information? And so that's what I'm kind of hearing here, is
5 that, you know, we need to not be put in that position with the
6 federal government. You have a different commitment to
7 subsistence. You know, and thank God for the Obama
8 administration and Pat Brousseau and Secretary Salazar to
9 reexamine the subsistence management program by the federal
10 government.

11 We need to be more protective of subsistence. It is a
12 way of life that, for some people, they feel that subsistence
13 should be considered an endangered species. It should --
14 subsistence needs to be very well protected. Too much has been
15 let go over the past number of years. You know, that -- the
16 subsistence way of life needs to be protected.

17 And so the borough would rather say make the
18 designations, and if there's different information to rezone
19 areas for resource development, then we'll make those changes.
20 But let's be more protective. But the state doesn't take that
21 position. They say no zone at all until you can provide, you
22 know, this laundry list of information.

23 And we are trying to work with Oceana to do some
24 mapping of our subsistence resources, specifically in the ocean
25 environment. It would be a multi-year project, but we're very

1 excited about working with Oceana. We know it would help you,
2 but more important, we know it would help our communities
3 maintain their way of life.

4 MICHAEL PAYNE: Are the areas that you're talking about
5 just inside state waters?

6 TOM OKLEASIK: No. No, the ACMP program -- well, the
7 ACMP program does limit us there, but I think our coastal
8 district goes out to the federal waterways as well. Yep, to
9 the coastal management program. And the North Slope Borough
10 would be our sister borough that is directly adjacent, and they
11 would have zoning authority over -- so both of us together
12 would have the adjoining waters for the Chukchi.

13 MICHAEL PAYNE: Okay. Thank you for your comments.
14 Are there any -- is there anyone else who -- I think you all
15 are together, I take it. Anyone else at all? Caleb?

16 CALEB PUNGOWIYI: Just for information, there is a
17 basketball game going on tonight. That's why a lot of the
18 folks are over there.

19 MICHAEL PAYNE: Well, we saw -- actually, the
20 cheerleaders from some team.....

21 JOAN KLUWE: Sitka.

22 WILLIE GOODWIN: Our old school.

23 MICHAEL PAYNE: Oh. They were on the plane with us.

24 WILLIE GOODWIN: What am I sitting here for?

25 (Multiple voices)

C E R T I F I C A T E

1 UNITED STATES OF AMERICA)
2) ss.

3 STATE OF ALASKA)

4 I, Crystal D. Scotti, Notary Public in and for the
5 State of Alaska, residing at Fairbanks, Alaska, and court
6 reporter for Liz D'Amour & Associates, Inc., do hereby certify:

7 That the annexed and foregoing National Oceanic and
8 Atmospheric Administration: Effects of Oil and Gas Activities
9 in the Arctic Ocean, Environmental Impact Statement Scoping
10 Meeting was taken before me on the 18th day of February, 2010,
11 at Kotzebue, Alaska;

12 That this hearing, as heretofore annexed, is a true and
13 correct transcription of the testimony of participants, taken
14 by me electronically and thereafter transcribed by me;

15 That the hearing has been retained by me for the
16 purpose of filing the same with URS, 560 East 34th Avenue,
17 Suite 100, Anchorage, Alaska 99503, as required by URS.

18 That I am not a relative or employee or attorney or
19 counsel of any of the parties, nor am I financially interested
20 in this action.

21 IN WITNESS WHEREOF, I have hereunto set my hand and
22 affixed my seal this 13th day of April, 2010.

23 _____
24 Crystal D. Scotti
25 Notary Public in and for Alaska
My commission expires: 09/15/2010

26 S E A L