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BUREAU OF LAND MANAGEMENT
PUBLIC HEARING
Barrow, Alaska

197988

In Re:

ANILCA 810 Analysis for the)
Amended IAP/EIS of the Northeast)
NPR-A)
_____)

TRANSCRIPT OF PROCEEDINGS

Barrow, Alaska
Barrow Native Heritage Center
November 5, 2004
7:15 p.m.

APPEARANCES:

STACY McINTOSH: Bureau of Land Management
Fairbanks, Alaska
DAVE YOKEL: Bureau of Land Management
Fairbanks, Alaska
STEVE ELLSWORTH,
Hearing Officer: ENSR International
Anchorage, Alaska

ALSO PRESENT:

KELLEY HARTLIEB,
Court Reporter: Metro Court Reporting
Anchorage, Alaska

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* * * *

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

2 (On record)

3 MS. McINTOSH: So this evening we'd like to
4 start with an invocation. And I've asked Arnold to do it and
5 he graciously agreed.

6 (Invocation)

7 MS. McINTOSH: Thank you very much.

8 And just about everyone here knows me but my name is
9 Stacy McIntosh and I work for the Bureau of Land Management.
10 And I work in the northern field office which is located in
11 Fairbanks, Alaska. And I am on the Arctic team which is
12 responsible for all of the land managing actions that occur in
13 the National Petroleum Reserve - Alaska.

14 And with me tonight is Dave Yokel, who also works for
15 the Bureau of Land Management, on the same team that I do.
16 And then we have Steve Ellsworth, who's also the Hearing
17 Officer this evening. And he works with ENSR which is the
18 contractor who is preparing the -- both -- they prepared the
19 Draft EIS that we'll be talking about this evening and they
20 will be preparing the Final EIS. The court reporter this
21 evening is Kelley Hartlieb from Anchorage, came all the way up
22 here. And Arnold Brower, Jr. is going to be translating this
23 evening if translations are necessary.

24 And actually, before I begin, I'd also like to thank
25 Delbert for helping me earlier today in revamping my

1 presentation. Hopefully, this will be a streamlined, kind of
2 easy-to-understand presentation. Unfortunately, the
3 projector's not working so you won't get to see anything. But
4 you'll get to hear me speak and hopefully this will come
5 across as being logical and understandable.

5 So the reason why we're here this evening is to go
6 over the findings of the ANILCA 810 Evaluation for the
7 Northeast NPR-A Plan Amendment. And we've actually been in
8 this Plan Amendment process for about a year. And the first
9 time that we came to communities, we held scoping meetings in
10 all of the communities that have the potential to be affected
11 by actions that occur in the Northeast. And then Bob
12 Schneider also came back and did public meetings after the
13 Draft EIS was released in August.

6 So now we're here to talk specifically about the
16 ANILCA 810 Evaluation which, in the main document, in the
17 Environmental Impact Statement, is an appendix. It's Appendix
18 B.

7 The northeast area of the NPR-A is an area 4.6 million
20 acres large. And it actually first had a Plan created for it
21 in 1998, and it was a two-year process to create that Plan.
22 Currently, all of the leasing and activities that occur in the
23 northeast portion of the NPR-A are under all of those
24 management decisions and management requirements, are the ones
25 that are found in the 1998 Plan Record of Decision. But right

1 now the BLM is in the process of amending that Plan and that
2 Record of Decision.

8

3 Here tonight we're talking specifically about Title
4 VIII of ANILCA. And Title VIII of ANILCA outlines Congress'
5 intent on subsistence management and use on public lands in
6 Alaska. And public lands are lands that are under the
7 auspices of the federal government.

9

8 Section 801 of ANILCA provides for the opportunity for
9 continued subsistence uses on public lands by Native and non-
10 Native rural residents. Section 802 was the policy that
11 Congress intended, and it states that it's the policy of
12 Congress that the utilization of public lands in Alaska is to
13 cause the least adverse impact possible on rural residents who
14 depend on subsistence uses.

10

15 And within Title VIII of ANILCA there is a specific
16 section called Section 810 that is ANILCA and Land Use
17 Planning. And it specifies and requires an evaluation that
18 needs to be completed before any land use decision can be
19 enacted on public lands.

11

20 So I'm going to describe a little bit BLM's 810
21 Evaluation process. The first step in the 810 process is to
22 evaluate the effect of the proposed action on subsistence uses
23 and needs using some criteria that is specified within the
24 law. Those criteria are: the reduction in the availability
25 of subsistence resources caused by a decline in the population

1 or amount of harvestable resources. So we need to evaluate
2 whether or not there is going to be a decline in the
3 population as opposed -- with regard to the proposed action.

12 The second factor you need to look at is a reduction
5 in the availability of resources used for subsistence caused
6 by an alteration of those resources' normal locations and
7 distribution patterns. So this is where we have to look at
8 whether or not resources are going to be displaced by the
9 proposed action.

13 And the third thing that we look at are limitations on
11 access to subsistence resources, including from increased
12 competition to resources. So the third thing we have to
13 assess is whether or not access is going to be hindered by the
14 subsistence user to the resource or whether or not access --
15 for example, a road being created would provide increased
16 competition to the resources because more hunters could come
17 into the area.

14 In conjunction with those three specific evaluations
19 that need to be made on the resource and on the user, we also
20 are supposed to evaluate the availability of other lands for
21 the purpose sought to be achieved for the proposed action, and
22 evaluate other alternatives which would reduce or eliminate
23 the proposed action from lands needed for subsistence
24 purposes.

15 Each evaluation -- and this is specified within our

1 policy -- has to conclude with a distinct finding that the
2 proposed action would or would not significantly restrict
3 subsistence use.

16

4 And now I'll go through the three alternatives. And
5 you each have a map. And there are -- the specific analysis
6 is actually within the document and each alternative has its
7 very own map.

17

8 Alternative A, the first alternative: in this
9 alternative, the proposed action is actually no action. So we
10 would not be doing anything different; we would retain the
11 1998 decision, including the 79 stipulations that are included
12 within that Record of Decision. And the reason why it's
13 called the No Action Alternative is because this is basically
14 us saying, we're not going to do anything, we're going to keep
15 it the way it is right now, we're not going to take any
16 additional action.

17 You'll notice on Alternative A a green area on the map
18 surrounding.....

18

19 UNIDENTIFIED SPEAKER: Use the laser pointer.

19

20 MS. McINTOSH: Huh?

21

21 UNIDENTIFIED SPEAKER: Use the laser pointer.

22

22 MS. McINTOSH: Oh, yeah.

23

23 This area right here is not available for oil and gas
24 leasing under Alternative A. Likewise, there's a dashed area
25 that goes around the No Lease Area where there is no surface

1 occupancy allowed, which means that no seismic can happen
2 there, no exploratory drilling can happen in this area. It
3 can't happen here either; this is No Leasing. And this is No
4 Surface Occupancy but we could sell leases in that area.

24

5 And there are also indications of the 79 stipulations
6 on this map as well. For example, if you look, this hashed
7 area is a stipulation with regard to Deep Water Lakes, no
8 permanent oil and gas facilities within one-quarter mile of
9 the lakes, is specified in that. There are Sensitive Area
10 Consultation Zones around Fish and Judy Creek and around the
11 Kogru River and this river. And there are other various
12 things that you can see on the map.

25

13 There is also this area of special caribou
14 stipulations. And, Dave, correct me if I'm wrong, but that
15 was what you were talking about with regard to if there was
16 going to be any development in this area, a three-year plan
17 would have to be enacted before that development -- the siting
18 of the facilities would be approved within this stippled area
19 here.

26

20 The ANILCA 810 findings for this proposed action,
21 which is basically no action, is that this alternative would
22 not significantly impact subsistence uses and needs. The
23 internal analysis within the main body of the document by
24 various resource specialists, wildlife biologists, fisheries
25 biologists, all came to the conclusion that there would be no

1 reduction in the populations of subsistence resources under
2 this alternative. There would only be localized and temporary
3 displacement of resources underneath this alternative, and
4 access to resources by users would not be substantially
5 limited. Therefore, there was a finding that this alternative
6 would not significantly impact subsistence uses and needs.

27 The second alternative is Alternative B. And for this
8 alternative, the proposed action is to open an additional
9 367,000 acres of land for oil and gas leasing. The former No
10 Surface Activity Zone would be removed. And to revise the 79
11 stipulations that are in the current Plan to be performance-
12 based stipulations and Required Operating Procedures which are
13 similar to the stipulations and Required Operating Procedures
14 that were put in place in the Northwest Area Plan that was
15 just completed in January.

28 So if you look on this map, the only area that would
17 not be available for oil and gas leases are these three boxes
18 up at the top. The No Surface Occupancy Zone that was right
19 here has been removed. However, the study for facility
20 placement of caribou for three years -- that's this green hash
21 line -- is still in place. In addition, what they have done
22 is, all of these lakes that are important for goose molting
23 habitat have a buffer of a quarter-mile around them. And this
24 is one of the stipulations that would be incorporated in this
25 alternative.

29 1 Are there any questions about Alternative B?

30 2 UNIDENTIFIED SPEAKER: What's the pink?

31 3 MS. McINTOSH: The pink? The pink is the
4 Colville River Special Area. And leasing will be deferred in
5 this area for 10 years, is that right?

32 6 MR. YOKELE: Yeah, 10 years I think. It was
7 until we developed the Colville River Management Plan which
8 would be presumably about the same time we did the South NPR-
9 A.

33 10 MS. McINTOSH: Okay. So this area would not
11 -- there would be no oil and gas leasing allowed in the pink
12 area until we do a Special Management Plan for the Colville
13 River Area. So it would be another planning process that we
14 would go through specifically for this pink area, which I
15 think does extend into the northwest portion as well, all
16 along the Colville River.

34 17 MR. REXFORD: When you say the Colville River
18 Management Plan, is that wildlife management or is that
19 petroleum -- potential oil and gas development?

35 20 MS. McINTOSH: It's including everything.

36 21 MR. REXFORD: Everything?

37 22 MS. McINTOSH: Yes. So it would be wildlife,
23 it would be recreation, it would be oil and gas; it would be
24 any type of use that the American people might want to do on
25 the Colville River.

38

1 MR. YOKEL: It's what we call a Step-Down
2 Plan.

39

3 MR. REXFORD: Including homesteading?

40

4 MS. McINTOSH: No, I don't think that's
5 allowed. I don't think that's allowed anymore.

41

6 MR. YOKEL: It would not be a Land Use Plan
7 like this one. The allocation for that land would already be
8 made here in that we would leave open for oil and gas
9 leasing -- we would just defer that until we finished the
10 planning for all of the Colville River Special Area.

42

11 MS. McINTOSH: Another difference in
12 Alternative B from Alternative A is that this former area
13 where it simply says no permanent oil and gas facilities
14 within one-quarter mile of fishbearing lakes, in this
15 alternative, those lakes have actually been identified. So on
16 this one, it was kind of like just this area. And it was
17 under of the onus of the oil companies to tell us whether or
18 not the lake was fishbearing, correct?

43

19 MR. YOKEL: Correct.

44

20 MS. McINTOSH: For there to be the one-quarter
21 mile buffer. But now, all of those lakes have been identified
22 and there's a one-quarter mile buffer around them. And this
23 area has actually been expanded. You'll notice that it ended
24 right there and now it's including lakes further south of
25 where they were before and further to the east.

45 1 MR. REXFORD: So under that proposal, those
2 Deep Water Lakes will most likely be used for water sources
3 for oil and gas companies?

46 4 MR. YOKEL: They could be.

47 5 MS. McINTOSH: They could be.

48 6 MR. YOKEL: What this says is that there won't
7 be development right up to the shore of the lake.

49 8 MS. McINTOSH: Right. So if someone found oil
9 over here and wanted to stage a facility or put a facility
10 there, they would not be able to do it within one-quarter mile
11 of any of the lakes.

50 12 MR. REXFORD: Right. Let me rephrase my
13 question. In Alternative A, where the blocking is, that
14 doesn't allow any oil and gas. All those lakes that
15 (indiscernible -- away from mic) -- cannot be used for.....

51 16 MS. McINTOSH: No, no. They still could.
17 They still could. This was still only with regard to
18 permanent facilities near lakes. Taking water, water
19 withdraws for ice roads would still be allowed.

52 20 MR REXFORD: Still could?

53 21 MS. McINTOSH: Yes, under both.

54 22 MR. CARROLL: Are there any stipulations in
23 regard to people's cabins and where they camp and.....

55 24 MS. McINTOSH: There is a consultation
25 stipulation which makes the oil companies basically have to

1 contact both the communities and identify cabin and camp
2 owners. We currently are -- have a memorandum of agreement
3 with the North Slope Borough to identify all cabin and
4 campsite locations so we'll have a map. And any oil company,
5 as a result of this consultation clause, will need to consult
6 with those cabin and camp owners in the areas where they want
7 to have their activity take place, regardless of whether it's
8 exploratory activity, exploratory drilling or seismic
9 exploration. It specifically now says that seismic operators
10 have to consult too. And that actually wasn't within our 1998
11 Plan, that seismic operators had to consult.

56

12 MR. LEAVITT: What about if you've got
13 something like an archeological site around there?

57

14 MS. McINTOSH: Uh-huh (affirmative).

58

15 MR. LEAVITT: You know, where -- people long
16 ago?

60

17 MS. McINTOSH: Yeah, we had -- there are
18 actually other laws that protect archeological sites. There's
19 ARPA, the Archeological Resource Protection Act, and there is
20 a process within that called the Section 106 Process. And
21 basically, before we can give a permit to anyone to do an ice
22 road or a right-of-way or anything like that, the route has to
23 be identified and has to be cleared by a cultural resource
24 specialist, an archeologist. Usually the oil companies
25 contract an archeologist to do that. And the right has to be

1 cleared to make sure there aren't any archeological sites or
2 paleontological sites that would be impacted. And during that
3 106 Process, if sites are identified, the road has to be
4 moved, the route has to be moved.

61

5 The finding -- the ANILCA 810 finding for Alternative
6 B -- which is found on pages B-7 to B-10 within the little
7 document, if you want to look at it -- is that this
8 alternative also would not significantly impact subsistence
9 uses and needs. It was the feeling of the resource
10 specialists and their conclusions, once again, that there
11 would be no reduction in the population of subsistence
12 resources as a result of this alternative, that displacement
13 of animals would only be localized and temporary, and that
14 access to resources by users would not be substantially
15 limited as a result of this alternative.

62

16 Alternative C is the third proposed action. And this
17 one would open all lands for oil and gas leasing. It's
18 basically almost exactly the same as Alternative B except for
19 the fact that oil and gas leasing would now be allowed in this
20 area north of Teshekpuk Lake also. So the whole of the
21 northwest area would be open for oil and gas leasing. The
22 stipulations and Required Operating Procedures under
23 Alternative B would still have to apply under Alternative C.
24 And all of the protections with regard to the Special Caribou
25 Study Area, the quarter-mile buffer around all lakes,

1 including Teshekpuk Lake, and the Deep Water Lakes is still
2 there. However, in both of these alternatives too, leasing in
3 Teshekpuk Lake would be allowed. It's only this area that
4 would not be available for leasing. And in Alternative C, the
5 whole, entire area would be available for oil and gas leasing.

63

6 MR. REXFORD: I'm very confused on your
7 legend. Teshekpuk Lake and the molting area for C.....

64

8 MS. McINTOSH: Uh-huh (affirmative).

65

9 MR. REXFORD:no permanent oil and gas
10 facilities. And yet, if they're going to do any seismic and
11 they -- and the directional drilling which has up to a six-
12 mile limitation capability, and there's economic and
13 commercial quantities that justify bringing a platform on
14 Teshekpuk Lake, then you're saying there's no permanent
15 facilities to be built?

66

16 MS. McINTOSH: No, it's just no permanent
17 facilities within three-quarter miles off-shore.

67

18 MR. REXFORD: But it doesn't say that it can't
19 be on the lake.....

68

20 MS. McINTOSH: Right.

69

21 MR. REXFORD:with a platform, with.....

70

22 MS. McINTOSH: No, that's not.....

71

23 MR. YOKEL: They can.

72

24 MS. McINTOSH: They can.

73

25 MR. YOKEL: As long as there's oil three-

1 quarter's of a mile from the shore.

74 2 MS. McINTOSH: Yeah. So in the center, yeah.

75 3 MR. REXFORD: Now I have a question.

76 4 MS. McINTOSH: Uh-huh (affirmative).

77 5 MR. REXFORD: You've got a predicament: if
6 they find oil of a commercial and economic quantity on
7 Teshekpuk Lake and you've got that one-mile buffer where you
8 can't have any facilities, do you consider a pipeline a
9 facility?

78 10 MR. YOKELE: I think pipelines are not part of
11 that permanent facility.

79 12 MS. McINTOSH: Right.

80 13 MR. YOKELE: But it's linear corridors.

81 14 MS. McINTOSH: But there's.....

82 15 MR. YOKELE: That would be a trans- -- you
16 know, a pipeline, in some cases, may be a feature drawn
17 between two areas.

83 18 MS. McINTOSH: I think there's actually also a
19 stipulation right now that would accompany these, that no oil
20 and gas drilling would be allowed in water bodies until the
21 technology exists to clean up a potential oil spill in frozen
22 water, icy water, things like that. And that does not exist
23 yet. Is that right, Dave?

84 24 MR. YOKELE: Sorry, I was trying to get the
25 answer to Delbert's earlier question about pipelines.

85 1 MS. McINTOSH: So that stipulation potentially
2 would not allow a facility in the lake until that technology
3 or that, you know, method of being able to -- in case of an
4 oil spill -- have that oil spill contingency plan exist. And
5 I don't think that exists now.

86 6 MR. REXFORD: So if that occurs, then you're
7 going to have to have another hearing in order to breach that
8 quarter-mile buffer?

87 9 MS. McINTOSH: Oh, yes. Yes.

88 10 MS. HEPA: And is BLM providing funding in the
11 meantime to do Arctic research to figure out the impact that
12 it could cause to the fish that utilize Teshekpuk Lake and the
13 importance to the fisheries on the North Slope?

89 14 MS. McINTOSH: Yeah.

90 15 MS. HEPA: Is BLM, as the responsible agency,
16 you know, providing funding or doing the right research to
17 make sure that happens?

91 18 MS. McINTOSH: I know that right now we're in
19 the middle of creating a Resource Monitoring Plan through the
20 Research and Monitoring Team. And I'm sure that issues like
21 that are being addressed. And it's our intention to fund
22 studies. I know when the last time the Research and
23 Monitoring Team got together in Fairbanks the issue came up
24 with, if we make these recommendations, how do we know that
25 these studies will be funded? And Bob actually got on the

1 phone to the State Director and the State Director was like,
2 the money will be there.

92 3 MR. YOKEL: Well, he supports it but Congress
4 decides whether or not.....

93 5 MS. McINTOSH: Right.

94 6 MR. YOKEL:it will be there. So we can
7 never say it will.

95 8 MS. McINTOSH: Definitely. But it's every
9 intention, at least, of the management as it stands right now.

96 10 MR. LEAVITT: But where would Inigok (ph) be?
11 It's a disappearing lake and it's already been drilled and
12 there's already a permanent airport right there. Where would
13 that be?

97 14 MR. YOKEL: Well, we're not going to remove
15 the infrastructure that's at Inigok but it would not allow the
16 construction of new permanent facilities within a quarter-mile
17 of the shore. And real quickly, Taq, in answer to your
18 question, Delbert, with the exception of linear features such
19 as the pipeline and the causeway, so in other words, the
20 pipeline and the causeway would be allowed within three-
21 quarter's mile of the shore. (Indiscernible -- away from
22 mic).

98 23 MR. REXFORD: So they could make an artificial
24 island if they find oil, just like Inigok? Because when a
25 causeway.....

99

1 MR. YOKEL: I suppose -- and the way this is
2 written -- that they could do an artificial as opposed to a
3 platform (indiscernible -- away from mic). One of the things
4 is it says, though, that there would not be any development
5 allowed in Teshekpuk Lake until the oil companies can show the
6 capability of effectively cleaning up an oil spill during the
7 broken ice period. And that's a capability that currently
8 does not exist.

100

9 MS. McINTOSH: And before any development is
10 going to be permitted or allowed to happen, we'll have to go
11 through this process yet again, definitely. Taqulik?

101

12 MS. HEPA: I'm not sure exactly how BLM came
13 up with their evaluations on the three different cases.
14 Because if I heard you correctly, you said that for each of
15 those there should not be no significant impacts to
16 subsistence resources as well as the people.

102

17 MS. McINTOSH: Uh-huh (affirmative).

103

18 MS. HEPA: And that's really, really hard for
19 me to believe in any of those cases. So I want to know what
20 did BLM do to come up with their evaluation.

104

21 MS. McINTOSH: We actually -- in 1983, when we
22 did the first EIS for opening up the NPR-A, that same issue
23 came up because they said that there weren't going to be
24 significant impacts. And there was actually a court case at
25 that time, Kunaknana, et al. vs. Watt. And during this court

1 case, how we defined whether or not a restriction is
2 significant was specified.

105

3 So this is the policy that we follow, this court case.
4 And the following factors are considered in determining
5 whether something is significant: will the action
6 substantially reduce populations or their availability to
7 subsistence users, or will the action substantially limit
8 access by subsistence users to the resource? And to quote the
9 decision, it says: significant restrictions are
10 differentiated from insignificant restrictions by a process
11 assessing whether the action undertaken will have no or a
12 slight effect as opposed to a large or a substantial effect.

106

13 Now, in writing the ANILCA 810 Analysis, all of the
14 science that was used is basically the analyses within the
15 main body of the document by the various resource specialists
16 who created them. So the Animal Section, the Marine Mammal
17 Section within the document, they evaluate each alternative
18 for that resource, the Caribou Section, the Fish Section. And
19 all of those authors basically concluded that, because of the
20 parameters of these alternatives which are very broad -- I
21 mean, the proposed action in each of them really is just to
22 allow oil and gas leasing with the thought, of course, that if
23 you allow oil and gas leasing, eventually there will be
24 development, but not -- they were not able to analyze to the
25 specific level of, well, we know exactly where the oil

1 companies are going to want to put a development and we know
2 exactly where the oil companies are going to want to focus
3 their efforts, or things like that. You know what I mean?

107

4 So it's such a broad, vague kind of decision in the
5 first place, or action in the first place, that really the
6 conclusion based on allowing oil and gas leasing and all of
7 the stipulations within the package, it was the conclusion of
8 the resource specialists that there would not be a reduction
9 at the population level, there would not -- there would only
10 be localized or temporary displacement of resources, and that
11 access wouldn't be compromised. And those are the primary
12 conclusions that were used in writing this evaluation.

108

13 MR. YOKELE: One thing that folks do have to
14 work with is a scenario for oil development, and then based on
15 what the geologists and economists think may occur in terms of
16 the number of the oil fields developed, based on what they
17 think is underground and based on certain oil price scenarios
18 of 18 to \$30 a barrel.

109

19 MR. REXFORD: Thirty-three.

110

20 MR. YOKELE: I think it was 18 to 30 for this
21 EIS.

22 MR. REXFORD: Was it?

111

23 MR. YOKELE: Okay, so based on that price range
24 and what they think they know about subsurface, so say there
25 could be X numbers oil fields to develop, then the analysts

1 will take that and they look and say, well, if there are that
2 many oil fields to develop, we think it will have these
3 impacts on wildlife resources.

112 4 MR. REXFORD: The -- while you're on that
5 topic, the Appendix B that will address the amount of
6 infrastructure that may have to be utilized in the event of
7 substantial and significant findings of recoverable oil, do
8 you have an idea on -- from your 500-page document how many
9 well, how many miles of road, how many Deep Water Lakes will
10 be utilized? And especially -- I've got a copy of this --
11 that will definitely impact the caribou and can be considered
12 taking because they get spooked and they start living alone.

113 13 MS. McINTOSH: I know for the Alpine Satellite
14 Development EIS, they were very specific about the number of
15 trips and all of those things. I think for this EIS, it
16 didn't -- it wasn't as specific to that. Were there.....

114 17 MR. YOKEL: It would be -- there would be a
18 number of wells drilled in that scenario that I just talked
19 about.

115 20 MR. ELLSWORTH: Yes, there's a very specific
21 number of pads, number of miles of ice roads, number of miles
22 of pipeline that might need to be built, amount of water that
23 would be withdrawn. I don't think we said how many lakes or
24 anything but we did estimate the gallons of water that would
25 be utilized each year for the ice roads. The air traffic and

1 the road traffic was estimated but it was actually done in the
2 biological assessment for the Endangered Species Act review.
3 But that was done as well.

116 4 MS. HEPA: I think before we go any further
5 I'd just like some clarification of what exactly are you
6 here.....

117 7 MS. McINTOSH: Right.

118 8 MS. HEPA:for public hearing? What do
9 you want to hear from us? Why are we -- I'm not sure, you
10 know -- I know what the purpose of the meeting is for this,
11 but what are you trying to do to -- what are you trying to get
12 out of the people?

119 13 MS. McINTOSH: What we're trying to get are
14 mitigation measures that we can use to minimize impacts to
15 subsistence, regardless of whether or not they've been found
16 significant under this definition.

120 17 And for the cumulative case -- actually, the
18 cumulative case which includes all past, present and
19 reasonably foreseeable activity, not just oil and gas activity
20 but other activities like the road, the State of Alaska road
21 that may be coming into the Nuiqsut area, for the cumulative
22 case, there was a finding of this alternative will
23 significantly impact subsistence uses and resources. And
24 that's why we're having these hearings. Because once there is
25 a finding of significant impact, you have to hold hearings in

1 all of the potentially affected communities.

121

2 The purpose of the hearings are to gain more
3 information from the potentially impacted communities as well
4 as to get mitigation measures to help us to minimize impacts
5 to subsistence. So ways, things that we can apply, that we
6 could do to minimize impact to subsistence. And that's the
7 main purpose of why we're here.

122

8 MS. HEPA: Okay, well, with that being said, I
9 think something that I want to put on record for you guys to
10 consider is that I don't know how you guys use traditional
11 knowledge and all these testimonies that have been given
12 regarding a specific area, of people's observations and how
13 they felt that would impact their subsistence, you know,
14 activities in a specific area. But most importantly, it's to
15 look at what happened in Ukudu (ph) Bay in Kuparuk because
16 that is a cumulative impact. The people of Nuiqsut don't use
17 that area like they did in the past. And, you know, there is
18 research that shows that. And what's happened there is going
19 to happen here. So the people who use that area are fearful
20 of that. So that is going to be an impact to all of us.

123

21 You know, whether industry is very -- you know, you
22 try to do it the right way, people aren't going to want to go
23 hunting there. You might have access or the right to go
24 hunting there but it's not -- you know, it's not going to be a
25 favorable place because you let -- how many people from

1 Nuiqsut want to go back and hunt in Kuparuk with all the
2 pipeline, the roads, or go fishing near Alpine? You know,
3 it's not a preferred place to go. And that's exactly what's
4 going to happen in this area as well as -- the more it moves
5 to the left, it's going to happen. And people are nervous
6 about that, you know? People are. I hear people say, you
7 know, I'm going to go out now before industry comes and enjoy
8 it as much as they can before it comes to our area. So that,
9 you know, I see that as something I want to have on record.

124 10 MR. ELLSWORTH: Okay, excuse me. Stacy was
11 going to give the presentation, we're going to have like a
12 question period. We haven't really started the official
13 comment period. So we really want to get -- you got some good
14 comments; we really want to get those in the official record
15 which we haven't started yet. So.....

125 16 MR. YOKEL: So we might ask you to say it
17 again.

126 18 MR. ELLSWORTH: Yeah, we might ask you to
19 repeat yourself.

127 20 MS. HEPA: You can cut and paste, right? I'll
21 just say ditto from what I said earlier.

128 22 MR. ELLSWORTH: Okay.

129 23 MS. McINTOSH: And also, you know, after we
24 have these hearings, the decision maker, the authorized
25 officer could actually at this point in the ANILCA 810 process

1 say, okay, we've heard from the communities, we had this
2 finding of would significantly impact, you know what, we're
3 not going to go forward with this action. But that probably
4 is not going to happen in this situation.

130

5 So once the authorized officer decides to continue
6 forward with this proposed action, whatever it may be --
7 because we do not have a Final Preferred Alternative. And
8 that's something else that comments that are gathered here
9 tonight will be used in doing, is creating the Final Preferred
10 Alternative and incorporating stipulations into the Record of
11 Decision, potentially.

131

12 But before the action can go forward, three final
13 determinations will have to be made: that the significant
14 restriction of subsistence use is necessary and consistent
15 with sound management principles for the utilization of public
16 lands, that the proposed activity will involve the minimal
17 amount of public lands necessary to accomplish such use, such
18 action, and that reasonable steps will be taken to minimize
19 adverse impacts upon subsistence uses and resources resulting
20 from the action. So that really is why we're here, to get
21 input on what these reasonable steps should be that we will
22 take in order to minimize the adverse impacts upon subsistence
23 use under these actions.

132

24 And after compliance with those three determinations,
25 then the authorized officer can go forward with the action.

133

1 MR. YOKEL: A lot of times when we talk about
2 the authorized officer we're referring to the manager of the
3 northern field office. That's not really the case here.
4 We're really talking about the Secretary of the Interior when
5 we talk about the authorized officer here in this case, as far
6 as making the decision on the outcome of this planning
7 process.

134

8 MS. McINTOSH: Right. It is the Secretary,
9 Secretary Norton.

135

10 MR. ARNOLD BROWER, JR.: Well, why don't we
11 make that perfectly clear, then, rather than making it look
12 like there is a potential person from Barrow or ICAS that can
13 be pointing to the decision?

136

14 MS. McINTOSH: Well, I actually specifically
15 asked who the authorized officer was going to be and they
16 weren't sure at that time whether it was going to be the state
17 director or the Secretary of the Interior. So that's why we
18 just went with authorized officer within this process.

137

19 MR. ARNOLD, BROWER, JR.: They didn't submit
20 my name?

138

21 MR. YOKEL: This Plan is amending a former
22 Plan that was signed by the Secretary of the Interior.

139

23 MR. REXFORD: The Secretary of the Interior in
24 agriculture entered into the NPR-A on this particular --
25 within that entire NPR-A at the very start.

140 1 MS. McINTOSH: The Secretary of the Interior,
2 Secretary Norton?

141 3 MR. REXFORD: No, no, no. Back from when NPR-
4 A was created.

142 5 MS. McINTOSH: Oh.

143 6 MR. REXFORD: I'm sorry, I'm thinking of
7 another, maybe.

144 8 MS. McINTOSH: Oh, that's all right. But.....

145 9 MR. REXFORD: That kind of leads up to this
10 point.

146 11 MS. McINTOSH: Right. And that's probably one
12 of the reasons why we're actually redoing this Plan, because
13 we have a whole different administration, a different
14 Secretary, a different set of philosophies with the
15 administration. So.....

147 16 MR. REXFORD: I've got a question on that.

148 17 MR. ARNOLD BROWER, JR.: The born-again
18 President.

149 19 MR. REXFORD: Appendix B says that the
20 presidential order is contradictory to the NPR-A act maybe in
21 terms of some of the reservations of holding off on developing
22 this area. And so because of that, the 2000 President's
23 National Energy Policy committee that okay'd the veto
24 (indiscernible -- away from mic).....

150 25 MS. McINTOSH: Well.....

151

1 MR. REXFORD: There is contradictions in
2 existing law.

152

3 MS. McINTOSH: I don't know that it's
4 contradictions in existing law. I think that the National
5 Energy Policy group got together and they were tasked with
6 coming up with ways to solve our energy crisis in the United
7 States. And one of their suggestions was to go back, they
8 looked at the northeast area, they saw that there were areas
9 that were closed for oil and gas leasing in 1998 and they
10 said, let's go back and look at the Plan and see whether or
11 not some of these areas that were closed could be opened for
12 oil and gas leasing.

153

13 Are there any other questions?

154

14 MR. CARROLL: So in this analysis, whoever
15 looked at it actually took into account that -- quite likely,
16 that there would actually be a bunch of drill pads and
17 pipelines, roads, things like that through this area that, you
18 know, in the end is Alternative B or C. And they actually
19 thought that there would be no restriction of access in that
20 area even with all that development there?

155

21 MS. McINTOSH: Yeah, all of the findings
22 within this evaluation are based on the findings in the main
23 body of the document, the conclusions in the main body of the
24 document of the resource specialists. Steven Braund did the
25 Subsistence Section and he felt that there would not be

1 significant impacts to access within that area.

156

2 MR. YOKELE: And I think that's based on how
3 much development is likely to occur under the scenario that
4 the analyst was given and the knowledge that oil companies
5 would not be allowed where it restricts access. The issue
6 that Taq brought up about the hunters not preferring to go
7 there is, I think, different. Or at least it seems different
8 by the.....

157

9 MR. CARROLL: So to visualize it as a real
10 impact.

158

11 MS. HEPA: But it is a subsistence impact. It
12 just doesn't say it.

159

13 MR. YOKELE: Oh, I'm not arguing that.

160

14 MULTIPLE SPEAKERS: (Indiscernible --
15 simultaneous speech)

161

16 MR. LEAVITT: I'm a hunter and I wouldn't want
17 to go by the pipeline. It's a real -- even the people up from
18 Nuiqsut, they don't go. They don't go either hardly any more,
19 too many pipelines around there.

162

20 MS. McINTOSH: So at this point, we'll open it
21 up, open it up for comments to be made.

163

22 MR. YOKELE: Well, let's see if the questions
23 have been asked.

164

24 MS. McINTOSH: I'm sorry.

165

25 MS. HEPA: I have one more question. Can you

1 just please briefly explain to me what these maps mean by
2 performance-based measures? I mean -- yeah.

166

3 MS. McINTOSH: The stipulation -- there is a
4 new philosophy in land use management now that's called
5 adaptive management. And this is something that's been around
6 for a little while and is being taught at the universities.
7 And all of the stipulations that are attached to the 1998 Plan
8 are prescriptive stipulations, meaning they tell the oil
9 companies what they can and cannot do. And so, in a way,
10 they're kind of set in stone like that. There's not a lot of
11 wiggle room. It says in one of the stipulations that the oil
12 company might -- must do this. Well, if there's some new
13 technology or something that they have created, a new way of
14 doing it, there isn't the ability within these prescriptive
15 stipulations for them to be able to do it; they have to do it
16 the way it's specifies within the stipulation.

167

17 The performance-based stipulations that are attached
18 to Alternatives B and C list an objective and then they list
19 ways that the oil companies can meet the objective. And a lot
20 of times these say things like, the oil company has to show
21 the manager of the northern field office that they can do X.
22 So they kind of get to choose the way in which they will
23 fulfill the responsibilities of the stipulation but it has to
24 be approved by the BLM before they'll be allowed to do it.

168

25 So in one way, it's seen, at least by the analysts, as

1 being equal protection because the BLM still has to approve it
2 and the oil companies have to meet the objective that's being
3 stated. But we've also heard from people that they think that
4 these are a reduction in protection. And that hasn't -- you
5 know, that's been viewed by a lot of people as an opinion.

169 6 MR. REXFORD: Any stipulation for impacted
7 community aid?

170 8 MS. McINTOSH: No. No, we still have the.....

171 9 MR. YOKELE: Well, there are.

172 10 MS. McINTOSH:energy impact funds.

173 11 MR. YOKELE: There are the stipulations that
12 require consultation with the communities, you know, letting
13 the communities -- that would require oil companies.....

174 14 MS. McINTOSH: That's true.

175 15 MR. YOKELE:to consult with the
16 communities before an action. Now, if you're talking about
17 financial aid, then there's nothing like that in this set of
18 stipulations. But there are stipulations about impacted
19 communities, as far as lessening that impact.

176 20 MS. McINTOSH: Yeah.

177 21 MR. REXFORD: You know, I think that there
22 should be consultation for a two percent royalty provided for
23 the impacted tribal government.

178 24 MR. YOKELE: Well, that's.....

179 25 MR. REXFORD: Because of social ills, the

1 social ills that will occur because of, potentially, the
2 cultural genocide.

180 3 MS. McINTOSH: Uh-huh (affirmative).

181 4 MR. REXFORD: Because of the encroachment in
5 being boxed in and the potential -- the feeling of losing
6 one's identity.

182 7 MS. McINTOSH: Uh-huh (affirmative).

183 8 MR. YOKELE: But, see, royalties are set in
9 law, and that's not something that can be changed with the
10 Land Use Plan. That's something Congress has to do.

184 11 MR. REXFORD: We've been at it lately.
12 They're even voting for us. Especially at -- I'll make
13 comments for the.....

185 14 MS. McINTOSH: Okay. Are we ready? Well,
15 thank you very much. Quyanaq. And now I'm going to hand it
16 over to Steve.

186 17 MR. ELLSWORTH: Well, for the record now
18 it's -- I've got 10 minutes after 8:00, time to call the
19 official comment period of this meeting to order. My name is
20 Steve Ellsworth, I'll be conducting the meeting.

187 21 Tonight's purpose, again, is a formal hearing in order
22 to get comment from the local communities on the BLM's ANILCA
23 810 Analysis for the Northeast National Petroleum Reserve
24 Draft Amended Environmental Impact Statement. And this
25 comment that we want from you includes any mitigation measures

1 that you think should be incorporated into the Record of
2 Decision in order to reduce impacts to subsistence use.

188

3 Your comments tonight will be recorded and transcribed
4 verbatim by a court reporter, who tonight is Kelley Hartlieb.
5 All comments that you provide will be compiled and analyzed
6 and considered in the BLM's Final Environmental Impact
7 Statement, and that is due to be released in December of 2004.

189

8 This hearing is one of a series. We also held it in
9 Atqasuk last night and we're also, again, going to hold it in
10 Anaktuvuk Pass and Nuiqsut.

190

11 So that we accurately record your comments tonight,
12 I'd like you to come up and have a seat here so we're sure to
13 get your voice in the recording. So I'll call your name; we
14 have a couple on the list. And once we get done with those,
15 we'll open it up. And if anybody else wants to provide
16 comments, you'll be asked to do so at that time. If you have
17 any written comments that you read when you gave your oral
18 comment or you want to provide in addition, just please leave
19 it here with Kelley.

191

20 So let's get this started. I can't read the name; who
21 have we got on the first.....

192

22 MS. McINTOSH: Arnold Brower.

193

23 MR. ELLSWORTH: Arnold, I'm sorry.

194

24 MR. ARNOLD BROWER, JR.: I don't have Oriental
25 writing.

195

1 MR. ELLSWORTH: I got the -- I see the A.

196

2 MR. ARNOLD BROWER, JR.: Yeah, that kind of
3 looks different.

197

4 MR. ELLSWORTH: I see it now. I see it now.

198

5 STATEMENT BY ARNOLD BROWER, JR.

6 For the record, Arnold Brower, Arnold Brower, Jr. I'm
7 currently the president of the Inupiat Community of Arctic
8 Slope.

199

9 I just want to reiterate what I -- my comments in
10 Atqasuk pertaining to the subsistence issue and because there
11 is an overwhelming thing that's happening here, and in light
12 of the fact of what's happened in Nuiqsut. The eastern bank
13 of the Colville River is virtually not a subsistence area
14 anymore. And that's probably -- you know, if your research
15 people look at that, that's an overwhelming fact that it has
16 happened. Although, in the comprehensive planning in Prudhoe
17 Bay, the industry, State of Alaska had assured us that they
18 would not restrict hunting, they have barred and restricted
19 hunting from the eastern bank of the Colville River to the
20 Sagavanirktok River already.

200
Monitoring

21 So this -- this is -- for these reasons, those
22 comments I stated in Atqasuk, to implement a conflict
23 avoidance agreement with the ICAS so that every lease holder
24 would have to come up with -- in your Plan, to come up with a
25 conflict avoidance agreement with the impacted community,

200 (Cont'd)
Monitoring

1 whether it be Native Village of Barrow, ICAS -- that's who it
2 has to be a contract with, to ensure monitoring -- Inupiaq
3 monitoring agents, personnel that will monitor the activity of
4 the exploration or drilling or both, or any of that kind of
5 activity pertaining to the current leasing program in the
6 National Petroleum Reserve, NPR-A East, including potentially
7 the west, but at this point, northeast quarter.

201
Subsistence

8 The (indiscernible) Lakes, Pik Dunes, and those hills,
9 we call them the Blue Hills up past the Kogohokruk River, are
10 our prime areas that our young men go for wolverine, wolf
11 hunting and trapping. And this is there for our traditional
12 clothing, for our -- because this sustains our natural warmth
13 in our body, when we have our traditional clothing. So it's
14 for our tradition and culture. We do not want to -- if those
15 become restricted and -- you know, we will lose our
16 traditional way of life. You know, you start to make -- knit
17 a sweater and you loosen one -- and now you're pulling it out
18 from the seams. And now it's -- you know, we can't be bare
19 naked in the Arctic Slope.

202

20 So with those things and the knowledge that we already
21 possess, that any time you have heavy equipment on tundra,
22 there is a 90% chance that some hydraulic fluid, some oil,
23 something is going to be spilled because of human error,
24 negligence. Because men who work in the Arctic in this harsh
25 weather just get exhausted and are not able to produce what

1 they are supposed to do. And there will be incidents; we know
2 that. And these have to be monitored and reported and cleaned
3 up so that our sensitive fishing areas will be protected.

203

4 In Alternative C, looking at that, because we don't
5 know the authorized officer is going to allow -- even in the
6 goose molting area, if that happens, then those are very
7 sensitive issues, sensitive areas for our prize dinner, for
8 geese hunting in spring. And our delicacy, (Inupiaq word) or
9 black brants are a delicacy served for -- during a successful-
10 harvest-of-whales feast in June. And those are -- we do not
11 want that to diminish. These are our traditional and dietary
12 supplements and there aren't that much other alternatives or
13 options to replace these dietary supplements for us from that.

204

14 So turkey is no exception. Some time ago they came up
15 with, when there was a ban, to give for the winter a block of
16 beef, a 15-pound block of beef that was supposed to be
17 provided per family for the whole winter. For my mom's family
18 of 11 daughters and five children, that was just a lunch. So
19 these type of replacements are -- do not supplement our diet,
20 do not replace our caribou and ducks which we thrive on.

205

21 So we are very -- we want the Bureau of Land
22 Management to address this conflict avoidance agreement,
23 supplement the ICAS Public Law 93.638 contract in which there
24 is no provision by the Bureau -- Department of Interior to
25 appropriate an environmental protection agent under our Public

205 (Cont'd)

1 Law 93.638 contract. This has to be funded so that our
2 monitoring and our cooperative arrangement to allow this joint
3 venture of drilling in NPR-A is too sensitive of a nature for
4 only one side of our national government to have the privilege
5 to manage it. We do our managers of our wildlife and
6 renewable and natural resources as ICAS under Public Law
7 93.638. We must have a joint venture with the BLM to curtail,
8 to monitor and enforce stipulations that are in place to
9 ensure these programs set in place are followed and not -- and
10 somewhat -- I guess, in a sense, I object to the authorizing
11 officer to allow relaxation of special stipulations to the
12 operators and oil rigs. So that is -- you know, we cannot
13 make an exception for one which could have a negative impact
14 on our environment and our species, renewable resources. So
15 it's very sensitive.

206

16 You look at Pik Dunes up there, you somehow char up
17 the tundra a little bit, and because of the rate of
18 revegetation is so slow, that sand, if you rip open the sand,
19 the desert storm ripple effect can happen. So it's a very
20 sensitive tundra we have. So we want those things to be
21 monitored by our staff in -- with the operator, whether that
22 be Western Chico or a seismic operator or a drilling company,
23 whether that be Conoco or Trans Canada or whomever is coming.

207

24 But those people in this -- that you must allow those
25 conflict avoidance agreements to be set in place if BLM is not

1 going to get -- fund that particular monitoring agent of our
2 people, whether they be hunters or Inupiaq people on each of
3 those job sites. That's very critical. That's very important
4 for us that we have a monitoring of our resources, whether
5 they're being displaced and in which direction. This is
6 important because this is our livelihood, this is our dinner
7 and we must know where it's going and what's happening to it.

208

8 These other agents have not reported these kind of
9 incidents. So we -- our hunters go wildly into one area and,
10 if they happen to go to a seismic operator's camp, that
11 allowance to -- for -- needs to be made so that that camp
12 manager allows at least these people to either rest or take
13 note of somebody that -- who is a monitoring agent, our
14 people, one of our people to talk to them. You know, it's
15 where are all these animals that are usually here? Which way
16 have they gone? You know, you can't just leave them out there
17 and just expect them -- you know, they -- this is hard-earned
18 dollars to buy, purchase gasoline to try to get to wolf,
19 wolverine camp, game and things. And it just -- it must be
20 supported and not neglected. Because we see tremendous
21 cumulative effects happening here to subsistence way of life,
22 resources and Inupiat people. Inupiat hunters especially will
23 have that -- be impacted.

209

24 Yesterday -- I think that I'll just leave it here for
25 the moment and let everybody else speak. And thanks for the

1 opportunity, again.

210 2 MR. ELLSWORTH: Thank you, Arnold. Next we've
3 got Geoff Carroll.

211 4 STATEMENT BY GEOFF CARROLL

5 My name is Geoff Carroll and I'm just a resident of
6 the North Slope. And this won't be the best statement I've
7 ever made because I'm not real well prepared. It's a little
8 hard to understand just what we were going to be talking about
9 tonight and didn't have much time to prepare. But anyway,
10 I'll go to it.

212 11 MS. HEPA: He's only got 10 pages.

213 12 MR. CARROLL: Well, the Draft Plan and this
13 analysis state that the effects for Alternative B and C would
14 remain localized and not affect subsistence species, access to
15 subsistence resources or subsistence use. Now, I disagree
16 with this analysis. Both of these alternatives would allow
17 leasing and/or surface activity in the crucial calving area,
18 the insect relief area, and the narrow migration corridor
19 between the two areas. If development takes place in these
20 critical areas, it is quite likely that there will be
21 population level effects on the caribou. Studies have shown
22 that there is no way to mitigate the effects of development in
23 a calving area. If development occurs, caribou will be
24 displaced and it's quite likely that there will be an effect
25 on the population.

214
Caribou

1 It's very important for pregnant cows to get to and
2 use the calving area, which is south, east and north of
3 Teshekpuk Lake. Over 90% of pregnant cows calve in this
4 traditional calving area. During years when cows can't get
5 back to the calving area, calving success has been much lower
6 than years when most of the cows did get back.

215
Caribou

7 In addition, there's a narrow corridor of land between
8 the east side of Teshekpuk Lake and the Kogru River, which
9 nearly all the parturient cows must travel through shortly
10 before or after calving to get to insect relief areas. Cows
11 with calves are very sensitive to disturbance, so we have the
12 most important segment of the population passing through this
13 corridor during the time of year when they are halving calves
14 and are most sensitive to disturbance. Development in this
15 corridor and the calving area south of there could have a
16 detrimental effect on the herd. And, of course, Alternative B
17 -- Alternatives B and C open up this narrow corridor which was
18 formerly protected in the original 1998 Plan for a very good
19 reason. And it opens up the critical calving areas to leasing
20 and surface activity, which could all lead to the detriment of
21 the herd.

216

22 I think it was stated earlier that part of this
23 analysis was based on the information that was contained in
24 the Draft Plan. The Draft Plan section in affected
25 environment I found to be very incomplete. It was lacking in

1 the most recent information and was out-and-out inaccurate in
2 some cases.

217
Caribou

3 One of the inaccuracies in the statement was on page
4 3-49, where it states: after calving, most of the caribou
5 spread out from the calving area to the east, west and south.
6 This is completely false and is very significant to the
7 decisions that are being made. The fact is that nearly all of
8 the parturient cows move north through the narrow corridor
9 between Teshekpuk Lake and the Kogru River. It would be very
10 difficult to have any development in this corridor without the
11 risk of seriously affecting the population. However, the
12 corridor is part of the area that BLM has proposed to open to
13 leasing and development. I'd like to ask that, you know,
14 before final decisions are made that, you know, you obtain
15 accurate and up-to-date information and take that into account
16 before key decisions like opening the corridor to development
17 are made.

218
Caribou

18 So you asked for ways to mitigate effects that could
19 be detrimental to subsistence and access and other things. So
20 basically, the way to mitigate that is to increase the area
21 that is not leased or has no surface activity to include that
22 narrow corridor and the critical parts of the calving area.

219

23 I think, you know, there may -- there might be some
24 question as to whether development in those areas will have a
25 large population level effect on the caribou. But I don't

1 think there's any question that if there's a lot of -- if
2 leasing is allowed and if there is development, then access
3 will definitely be affected. I can't see how they could say
4 in that analysis that access would not be affected. People
5 simply don't use the areas of heavy development with drill
6 pads and roads and all that sort of thing, they would just go
7 somewhere else.

220

8 I think another way to reduce the chance of impact on
9 subsistence is, in many of these performance-based -- new
10 performance-based stipulations, you know, many of them start
11 out being written fairly well, and they do offer a lot of the
12 protections that the prescriptive stipulations did. But a lot
13 of them also contain, you know, qualifying words and exception
14 clauses that are part of the stipulations. As I said, many of
15 the stipulations start out good, as a good concept but are
16 weakened by qualifying words. You know, for instance, when a
17 stipulation states that a mitigation may be required instead
18 of must be required, it takes away much of the protective
19 power of the stipulation.

221
Stips &
ROPs

20 Another weakness in the Plan is the use of exception
21 clauses in the stipulations. Exception clauses allow the
22 economics of a project to dictate to what degree protective
23 measures are applied. This was brought to light in the Alpine
24 Satellite Development Project where BLM will apparently use an
25 exception clause to allow a drill pad in the Fish Creek

221 (Contd)
Stips &
ROPs

1 Subsistence Setback for economic reasons. This giant loop-
2 hole takes away much of the protection that stipulations have
3 to offer. A setback should be a setback, it shouldn't be a
4 setback until oil is found. And, you know, it goes with many
5 of the stipulations that affect dealing with wildlife. You
6 know, there shouldn't be exceptions for economic reasons.
7 There should be rules that are set and they should be -- they
8 should remain in spite of other circumstances. The exception
9 clauses make it more likely that wildlife populations will be
10 reduced, that the movements to subsistence populations will be
11 affected and make it more likely that access to subsistence
12 species will be reduced, again, you know, as in the Alpine
13 example.

222

14 I just saw a quick, in the document that was handed
15 out, kind of a mention of Environmental Justice. And it just
16 seems very apparent to me that, you know, there is a group of
17 people, you know, the Inupiat people, the people of the North
18 that is bearing a disproportionate share of the impacts of
19 this Plan. I mean, there are lots of people that are going to
20 benefit from the money that could be generated here around the
21 state of Alaska and across the nation, but the people that
22 live here and particularly the Native people are going to bear
23 the entire brunt of the impacts of this Plan. So it seems
24 it's totally clear to me that, according to Environmental
25 Justice, that they're receiving a disproportionate share of

1 the impact.

224 Subsistence 2 And just one more note on -- I noticed on page B-13 it
3 states that: Teshekpuk caribou herd is a primary source of
4 caribou for Anaktuvuk Pass. And it also mentions Barrow and
5 Atqasuk, I believe. The fact is that the Teshekpuk herd
6 really is not a primary source for Anaktuvuk Pass, the Western
7 Arctic caribou herd is. However, the Teshekpuk herd is the
8 primary source for Wainwright, which is not included in that
9 list.

225 10 So that's all for now. Thank you.

226 11 MR. ELLSWORTH: Thank you. I don't have
12 anybody else on the list but we've got plenty of time. All
13 right, Delbert.

227 14 MR. REXFORD: Thank you. I didn't bring my
15 reading glasses so you'll have to bear with me if I stumble.

228 16 UNIDENTIFIED SPEAKER: Do you want to borrow
17 mine?

229 18 MR. REXFORD: One-fifty?

230 19 UNIDENTIFIED SPEAKER: One-twenty-five.

231 20 MR. REXFORD: I think they'll work. We speak
21 150-125 language now, right? Three-twenty-three caliber,
22 right?

323 23 MR. ELLSWORTH: State your name if you will,
24 Delbert, please?

25 STATEMENT BY DELBERT REXFORD

233

1 For the record, my name is Delbert Rexford, realty
2 officer, Realty Department, Inupiat Community of the Arctic
3 Slope IRA Regional Tribal Government, a federally recognized
4 regional tribal government under the Indian Re-Organization
5 Act of 1934 as amended for Alaska in 1936.

234

6 ICAS Realty Department is charged with a
7 responsibility of protecting all native restricted lands owned
8 by its membership from the member tribes living and residing
9 in Anaktuvuk Pass, Atqasuk, Kaktovik, Nuiqsut, Point Lay and
10 Wainwright from potential exploitation. These Native
11 Restricted Lands are used for sustaining our Inupiat heritage,
12 our culture, our traditions and customs as an Inupiat society.
13 Most importantly, ICAS Realty is charged with the utmost
14 responsibility of protecting our renewable resources and
15 environment, which includes the proposed Northeast NPR-A oil
16 and gas development area that directly affects the villages of
17 Nuiqsut, Atqasuk, Wainwright and Anaktuvuk Pass.

235

18 Northeast NPR-A Appendix B ANILCA Section 810 Analysis
19 Subsistence Impacts Alternative A, B and C clearly indicate
20 there may be significant impact on the subsistence users,
21 access to resources, and effect of use and occupancy of
22 subsistence use areas, not to mention the loss of habitat of
23 the renewable resources -- that the renewable resources are
24 dependant on for surviving during the brief molting season of
25 waterfowl, potential displacement of caribou, at the same time

1 providing protective measures for the peregrine falcon that is
2 a predator that annually threatens and reduces nesting,
3 molting geese species in known nesting and molting areas
4 within the proposed Northeast NPR-A oil and gas development
5 areas.

236

6 Although ANILCA Section 810 mandates and provides a
7 priority protection of subsistence resources available to
8 subsistence users in rural areas, contradictory presidential
9 executive orders and national energy policies and
10 congressional legislation provides avenues for adversely
11 impacting our subsistence way of life here in the Arctic Slope
12 region.

237

13 On page 15 of Appendix B it states, and I quote: the
14 determination that the requirement of ANILCA Subsection
15 810(a)(3)(A), (B) and (C) have been met will be analyzed in
16 the Final ANILCA Subsection 810 Evaluation using the input
17 from the communities in which subsistence hearings will be
18 held.

238

19 I believe the Secretary of the Interior, irregardless
20 (sic) of our protests and oppositions to the proposed NPR-A
21 oil and gas development will proceed with developing known oil
22 and gas fields at the expense of our Inupiat people's
23 subsistence way of life far into the future. It is clear, the
24 2000 President's National Energy Policy will prevail,
25 especially at the cost of our future subsistence use of

239

1 renewable resources, access to our subsistence resources, and
2 future use and occupancy of our traditional and customary
3 hunting grounds. Case in point: the residents of Nuiqsut
4 have protested against oil and gas industry developing
5 adjacent to their traditional and customary hunting grounds to
6 no avail. The statement in Appendix B, page 11 states, and I
7 quote: oil industry infrastructure on the east side of the
8 Colville River has resulted in the nonuse of this area by
9 residents of Nuiqsut who do not feel comfortable hunting near
10 or around oil development. If enough economically recoverable
11 oil was discovered to warrant additional development in the
12 Nuiqsut, Atgasuk or Barrow traditional subsistence use area,
13 hunters could avoid the development. The result would be an
14 overall reduction in lands used for subsistence purposes, end
15 of quote.

240

16 The above statement in itself is of major concern to
17 all Inupiat peoples who are dependant on subsistence resources
18 within the Northeast NPR-A area. It is a misleading statement
19 to simply imply, and I quote: residents of Nuiqsut who do not
20 feel comfortable hunting near or around oil developments, end
21 of quote, when in reality the encroachment of the oil and gas
22 industry under the 2000 President's National Energy Policy
23 results in reductions of traditional subsistence use areas in
24 the vicinity of Nuiqsut due to oil development east of the
25 Colville River and now encroaching oil development west of the

224 (Cont'd)

1 Colville River within the Northeast NPR-A area, not to mention
2 the approved northwest NPR-A area, that a Record of Decision
3 determination has been made, will impact subsistence users,
4 access to subsistence resources, and use and occupancy of
5 traditional subsistence use areas in Wainwright and Point Lay
6 in the foreseeable future.

241

7 Appendix B further states, quote: the analysis of the
8 effects of the cumulative case on subsistence indicates that
9 cumulative activity on the North Slope has the potential to
10 significantly restrict subsistence use for the communities of
11 Anaktuvuk Pass, Atqasuk, Barrow and especially Nuiqsut.
12 Planned development in the Northeast National Petroleum
13 Reserve - Alaska extends from the Colville River Delta north
14 of Nuiqsut to an area southwest of the village which would
15 effectively encircle the community, making it necessary for
16 subsistence hunters traveling in nearly every direction to
17 pass through some kind of development on the way to
18 subsistence harvest areas. Because Inupiat hunters are
19 reluctant to use firearms near oil production facilities and
20 pipelines, there would be a perceived barrier to harvest in
21 these areas even if lease holders did not object to harvester
22 access. Subsistence users currently avoid the Kuparuk and
23 Meltwater areas because of the physical barriers pipelines and
24 elevated gravel roads pose to winter snow machine travel and
25 have expressed concerns about hunting too close to oil

242

1 production and processing facilities because of perceived
2 regulatory barriers -- parentheses, ENSR 2004. Is that your
3 company? Additionally, many community members fear
4 contamination of their subsistence resources by oil production
5 facilities, end of quote.

243

6 It must be noted for the record, at a recent North
7 Slope Planning Commission meeting, the Nuiqsut Village Mayor,
8 the Nuiqsut Village Corporation President, Native Village of
9 Nuiqsut and Tribal Government President, and the Village
10 Corporation Land Chief expressed dire concerns for subsistence
11 access by Nuiqsut subsistence hunters and users as follows,
12 and I quote: the lands selected, northeast -- parentheses,
13 Northeast NPR-A, encompass the heart of the subsistence use
14 lands for Nuiqsut community. Large populations of migratory
15 waterfowl resources seasonally occupy the area and are taken
16 by Nuiqsut residents even beyond the borders of the planned
17 area. Wildlife densities are high because of -- the coastal
18 plain is at its greatest extent in the region. Many lakes,
19 rivers and streams that exist in this area provide habitat for
20 fish, waterfowl, caribou, furbearers and other important
21 species of wildlife. The Alaska National Interest Lands
22 Conservation Act Subsection 810 mandates special consideration
23 for subsistence resources and uses, reasonable access by
24 subsistence users, avoiding to the greatest extent possible
25 any restrictions on access to subsistence resources. The

244

1 major concerns of the North Slope Borough is the effects of
2 cumulative impacts of incremental impacts onto traditional
3 subsistence hunting areas that has overwhelmed the traditional
4 life of Nuiqsut people according to the National Research
5 Counsel March 2003 Report on, quote: Cumulative Environmental
6 Effects of Oil and Gas Activities on Alaska's North Slope, end
7 of quote.

245

8 Another major concern to the subsistence hunters and
9 whalers of Nuiqsut pertain to the life, health and safety of
10 Nuiqsut Inupiat whalers as follows: the effect of post 9-11
11 security concerns on subsistence activities also has not been
12 fully addressed. During one of the public hearings at
13 Nuiqsut, a whaling captain testified that weapons and
14 equipment that pose a threat in their eyes were confiscated by
15 industry guards. Whalers were left on their hunting grounds
16 with no ability to protect themselves from polar bears. It is
17 critical for CPAI, parentheses, Conoco-Phillips Alaska
18 Incorporated, to disclose 9-11 security requirements in
19 agreements with federal government. Energy resources
20 protection is of the highest priority to the federal
21 government and that priority may affect the resident's access
22 to subsistence resources and uses.

246

23 Furthermore, subsistence resources also have the
24 potential to be impacted under the cumulative case, as stated
25 in Section 4.6.8.9. And I quote: cumulative efforts on

1 caribou distribution in abundance are likely to be long-term,
2 lasting as long as the life of the oil fields. Any reduction
3 in the calving and summer habitat use by cows and calves from
4 future on-shore leasing would represent a functional loss of
5 habitat that could result in long-term effects on the caribou
6 herd's productivity and abundance.

247

7 In the Record of Decision for the northwest NPR-A
8 document, the expectancy life (sic) for the area is 55 years.
9 What is the life expectancy of Northeast NPR-A? Fifty-five,
10 65, 75 years of accumulative effects on caribou, waterfowl,
11 other wildlife, subsistence users, access to traditional
12 hunting grounds and access to use, increased reduction of
13 habitat for wildlife, not to mention the potential of our
14 future inability to go hunting and access our traditional
15 subs- -- in our traditional subsistence hunting grounds?

248

16 I assume commercial and economic quantities of oil in
17 the northwest NPR-A would be routed through the proposed
18 Northeast NPR-A area once gravel roads, oil production
19 facilities and infrastructures are built. Furthermore, the
20 historical life of Prudhoe Bay, Kuparuk and Alpine are
21 strategically developed and designed to support the delivery
22 of oil and gas to the south from the Northeast and Northwest
23 NPR-A areas. This is inevitable. Let's not forget the recent
24 legislation providing billions of dollars in tax incentives to
25 the oil and gas industry because of the proposed natural gas

1 pipeline. We, as impacted communities, subsistence users and
2 hunters will be impacted for a minimum of two to three
3 generations and we do not receive one red cent from oil and
4 gas development as tribes to combat any social ills that may
5 affect our future generations.

249

6 In closing, accumulative effects and/or subsistence
7 impacts as presented in Appendix B are very minimal when, in
8 reality, our Inupiat people in Nuiqsut have experienced loss
9 of traditional subsistence use areas, access to traditional
10 subsistence use areas, use and occupancy of traditional
11 subsistence use area. In addition to the above, there will be
12 immeasurable accumulative impacts on the life, health and
13 safety of all Inupiat when the most productive subsistence
14 resources, the loss of habitat and access results in potential
15 cultural genocide in the future due to oil and gas development
16 within the Northeast NPR-A and Northwest NPR-A areas.

250

17 I am not here to be an alarmist. I am here as it is
18 my responsibility to provide maximum protection of Native
19 Restricted Lands that will be affected by the proposed oil
20 development within the Northeast NPR-A and Northwest NPR-A
21 areas for the next and future generations.

251

22 I would like to add that, although it's ill-prepared
23 on very short time, it's inevitable that there will be large
24 accumulative effects on our lifestyle, on the lifestyle of our
25 children because of continuing encroachment. And we see an

1 accelerated pace of development, seismic operations
2 development. And we can see that in some of the public
3 meetings that are held, at the Planning Commission meeting,
4 even the oil and gas industry is willing to stick their neck
5 out and violate stipulations and conditions that they've
6 agreed to. And that in itself also poses a threat. It's
7 noted for the record at the North Slope Borough Planning
8 Commission meetings and I think it would be worth BLM's time
9 to review those.

252

10 And I'm very concerned for the future -- just like
11 Nuiqsut, they feel boxed in -- that this may occur in these
12 respective villages that it will impact. Wainwright and Point
13 Lay may be to the west of Barrow, but any proposed development
14 will also affect them. And I don't want to babble on but
15 basically I just want to submit this as a written statement on
16 behalf of the Native allotment owners that I represent, that
17 cannot be here tonight, the six villages that we serve that
18 may be adversely impacted in the future. Thank you.

253

19 MR. ELLSWORTH: Thank you. Yes, sir. Please
20 have a seat, state your name for the record.

21 STATEMENT BY JOSEPH LEAVITT

254

22 I'm Joseph Leavitt from Barrow. And I'd just like
23 to -- I haven't prepared anything but I'm a hunter and I've
24 used the northeast corner of NPR-A for over 25 years, 30
25 years. And my father used that area; that's where I learned

1 to travel down there from. And I've been -- I've used Pik
2 Dunes, Inigok, and down to Key Creek, on the Price River. And
3 if they built a pipeline, the movement of the caribou is going
4 to change.

255

5 I try to make it down to Key Creek while the caribou
6 are still migrating from the south. And that's -- where the
7 caribou are is where the game is. So if the migration of the
8 caribou is moved, the game will start moving away from that
9 area too. And I think pipelines -- we can't stop the oil
10 development from coming this way. That's why I would prefer
11 Plan A, because the caribou would have more -- more land to
12 have for themselves, that's what I would call it.

256

13 And another thing I would address is, global warming
14 is coming up. And just being a hunter, I've noticed the ice
15 is not as thick as it used to be. We're losing two weeks out
16 of the year in the spring, thawing out too early. And then in
17 the falltime, we're gaining over two weeks before it freezes
18 up again. And then what bothers me is the oil companies, the
19 seismic crews, they want to -- they want to start earlier
20 because they've lost how many days from the 1970's. And I
21 worked on a seismic crew two years ago, I've seen a couple of
22 D-7's fall into the waters. And they're trying to start
23 earlier and the ice is not even getting thicker from global
24 warming. And that's what kind of bothers me. And I don't
25 think it should be moved because I've seen a couple of D-7's

1 fall in.

2 And another thing is, the pipelines, they need to be
3 -- they need to have crossways for the caribou because the
4 caribou I think will just follow the pipeline if they don't
5 want to go under. I think that would be very important if
6 they start development around that area. The caribou have to
7 have a place to get down to the ocean in the summertime for --
8 from the -- get away from the mosquitos. I've watched -- as a
9 hunter, I've watched caribou when they're migrating. I've
10 watched them cross my snowmachine trail, they don't have any
11 problem with that. But if I walk across their trail, the
12 caribou will immediately turn back, just from the scent of my
13 feet. I've noticed that, I've watched that as -- just from
14 being a hunter.

15 I think the -- it will really impact my hunting; if
16 the caribou move away from that area, I have to go somewhere
17 else. So I would think that the caribou have to be taken care
18 of, that's my main concern. Because where the caribou are is
19 where the game is for me. Thank you.

20 MR. ELLSWORTH: Thank you.

21 STATEMENT BY TAQULIK HEPA

22 Unlike Geoff, I didn't prepare anything. I've been
23 traveling a lot, I wasn't aware there was a meeting until just
24 recently. But for.....

25 MR. ELLSWORTH: Please state your name for us.

257
Caribou

258

259

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261

1 Yeah, for the record, my name is Taqulik Hepa. I'm
2 from Barrow, Alaska. I was born and raised here. I also work
3 the for North Slope Borough Department of Wildlife Management.

4

262 5 I have a couple of comments that I would like to make.
6 The first one is, to minimize impacts or subsistence impacts,
7 I think it's really important for BLM to seriously consider
8 opening up a BLM office on the North Slope. And I've said
9 this at many public meetings before. And I want to restate
10 this because you don't want to do this after the fact. It's
11 been several years since this process has been going on,
12 especially with the Northeast NPR-A. And BLM to date still
13 hasn't opened up an office.

263 14 And if they did have an office here, then at least the
15 subsistence hunters could have a face and a place to go to
16 express their concerns. Right now, when people have concerns
17 about seismic -- in the past about seismic activity disrupting
18 the migration patterns of the animals or, you know,
19 interactions between industry and hunters, that type of thing,
20 they don't know who to call. And a lot of time our department
21 or Geoff receives a call. But I think, considering that other
22 areas of Alaska, especially the rural hubs such as Bethel,
23 Kotzebue, and you could go on and on, they have regional
24 offices for BLM, and here on the North Slope, here the federal
25 government is leasing a lot of federal lands for oil and gas

1 development and they have no representation. The closest
2 office is in Fairbanks and that's not fair. And I just want
3 to put that on the record.

4 The other one is to reinforce the research and
5 monitoring team in full as it was originally intended. To me,
6 it seems like the federal government is stalling on this. You
7 know, it was a great idea that was developed, you know, for
8 the 1998 Plan. It started well off, they had some really good
9 recommendations, then it stopped. You know, it seems like
10 they're stalling because there were really good
11 recommendations that the people of the North Slope thought
12 could help, you know, us, regards to wildlife research and
13 studying the people and the impacts it has on our subsistence
14 lifestyle. So if they could reinforce that real soon and as
15 it was originally intended.

16 The other impact I talked about earlier -- if you
17 could ditto what I said earlier and put it in here, that would
18 be really good -- during the question and answer period. But
19 I'm going to try to say it again. But it was to look at the
20 Nuiqsut example and the hunting patterns that have changed
21 over time since Prudhoe Bay and the Kuparuk areas. Before oil
22 and gas development in that area, people from Nuiqsut used
23 that area. And nowadays, they prefer not to go there.

24 Alpine's another good example; people used to fish
25 right near Alpine. And I know that I've heard people from

264
Research

265

266

1 Nuiqsut say that they -- you know, they prefer not to go
2 hunting there. And that's going to be an impact with any of
3 those three alternatives that are there. It's going to be an
4 impact to our subsistence lifestyle because people aren't
5 going to want to hunt where they used to go hunting. If
6 there's oil and gas pipelines or activity, you know, in an
7 area where they used to go or where the animals are, there
8 might be resources there but I'm not going to want to go
9 there, I'm going to want to go someplace else. So our hunting
10 patterns are going to change.

267

11 So we need to slow things down and look at ways that
12 would have the least impact on our people. There is a lot of
13 activity going on right now. It's cumulative; you have the
14 Northeast, Northwest, Southeast NPR-A coming up in the future.
15 You've got Alpine, the city satellite developments, offshore,
16 the foothills lease sale that they had a couple years ago.
17 All of this is going on and there is only a few people on the
18 North Slope, you know, compared to the rest of the United
19 States, that have to deal with this.

268

20 And we have so many public meetings, people are tired
21 of going to meetings. And we've been having these meetings
22 since the 1970's. And like I said before, people used to come
23 to the meetings. We'd have a whole room of 50 people from
24 Barrow come to these meetings and each one of them would get
25 up and say something. And recently, over the last couple

1 years with all of this happening, people just got tired of
2 coming because they said, you know, we've been saying the same
3 stuff over and over and what have we seen for it? There's
4 been very little done to address the local people's concerns.
5 So if you -- if the federal government slows this oil and gas
6 leasing activity down, maybe you'd see more people come to
7 meetings. Because they're just -- you know, every week, every
8 couple of months there's a meeting and people get tired. So
9 to think about that one.

269
10 Another big concern I have about any of the Plans is,
11 if you build an industrial road within NPR-A, people are going
12 to find a way to use it. You look at the Dalton Highway; when
13 that was first built that was an industrial road and it was
14 only going to be used for industrial purposes. Today it's a
15 public road. And we have issues there where people -- we have
16 competition for resources: sport hunters, recreational
17 people, tourism, all that stuff is happening. And they want
18 to even make it more accessible for people to hunt from that
19 road. And if you build a road into NPR-A, people are going to
20 come. Whether they say it's an NPR-A -- or an industrial-
21 only, it's going to change. I just know it is because that's
22 what happened in the past with the Dalton Highway.

270
23 So if you could go back -- you know, to minimize that
24 impact, I would go back to the original 1998 document and say
25 no roads connected outside of NPR-A or into NPR-A, it needs to

270 (Cont'd)

1 be within and minimal roads. And when I thought about that
2 and I -- if you looked at a picture of the whole North Slope
3 from the Canadian boarder to Point Hope, you look at where
4 NPR-A is and the central part of the North Slope, there is
5 thousands of lakes and lots of little creeks and rivers.
6 That's where the majority of those lakes are. And what that
7 tells us is that that habitat is so critical to fish. You
8 know, you could see there, all those lakes that have fish in
9 there, that's just a snapshot of fish that, you know, they
10 identify as fishbearing lakes. But listening to elders in my
11 family, even biologists who study fish on the North Slope,
12 that these fish, they move from lake to lake through streams,
13 through creeks that are seasonal. They might not be there
14 year-round. And if you build roads in these areas that don't
15 have a river, like a permanent river, but you're going to
16 block their connection between these lakes, from moving from
17 river to lake to ocean or whatever it may be. And I don't
18 think there's been enough research to document that. So you
19 need to seriously think about how that's going to impact the
20 habitat of the fish on the -- in that area of the North Slope.

21 I know I had a couple more but I think that's it for
22 now. Again, I really hope that BLM takes it seriously to open
23 up an office so we have someplace to go to express our
24 concerns. And for BLM to adequately advertise the meetings,
25 educate the people about what this process is about, or all

270 (Cont'd)

1 the different processes. And, you know, it's -- you guy- --
2 there's a lack of communication between the people who are
3 going to be most impacted, you know. And here the
4 government -- it's just -- it's really disheartening for me to
5 see this happening. And I'm not going to keep -- I'm not
6 going to quit coming, I'm going to keep coming and saying
7 stuff over and over and encourage other people to do that. So
8 thank you.

271

9 MR. ELLSWORTH: Thank you. Is there anybody
10 else who would like to speak?

272

11 MS. WENNING: I'd like to.

273

12 MR. ELLSWORTH: Please come up and state your
13 name for the record.

274

14 STATEMENT BY LINDA WENNING

15 My name is Linda Wenning. I'm white, I'm not Inupiat.
16 I've lived here two years. I've spoken at the October, '03
17 meeting, I've spoken at the October, '04 meeting. This
18 meeting was kind of a surprise. I didn't feel that it was
19 adequately advertised. The last meeting, the introduction was
20 all in Inupiaq, which left me out entirely.

275

21 I am very concerned about what I see up here. I think
22 that the 1998 Environmental Impact Statement that gives 87% of
23 the land to oil development and reserves 13% for the
24 subsistence and for the animals is extremely generous of the
25 people. This is the land of the Inupiat. Never mind which

1 flag is flying this week or whatever, this is the Inupiat's
2 land. And I am just horribly dismayed to see what my
3 government is doing up here, horribly dismayed.

276

4 And my understanding is that the leases have been sold
5 before the Environmental Impact Statement has been hashed out.
6 Now, I hope I'm wrong about that, that the government is
7 betting on the come (ph), that this will slip on through and
8 not be a problem. It's like selling the baby before the rape
9 is completed, that's what it feels like. And I'm white.
10 Thank you.

277

11 MR. ELLSWORTH: Thank you. Would you like to
12 speak again?

13 STATEMENT BY JOSEPH LEAVITT (cont.)

278

14 I'm Joseph Leavitt again. And I forgot to mention I'm
15 also a fisherman and I fish the lakes on the west of Ikpikpuk
16 River.

279

17 And when I worked for the seismic, what I really liked
18 about when they have small oil spills, I really liked it when
19 they'd get a permit and they can burn it off with a weed (ph)
20 burner. I think that's the way to go if it's a small spill.
21 I would keep that in mind. Even a small spill of oil, you
22 know, when they use a weed burner to clean that up, I was
23 amazed at how much it cleaned up.

280

24 And on the tundra travel, there's always never any
25 snow on the foothills, because I've been hunting up there.

280 (Cont'd)

1 There's always -- the snow is always blown off on the top, on
2 top of the foothills because of the wind. And I thought there
3 would have to be a foot of snow or something for the Cat
4 trench to start. And there's always not enough snow so you
5 tear up the vegetation. No matter what you do, you tear up
6 the vegetation because the wind blows up -- blows so much in
7 the North Slope. There is always not enough vegetation -- I
8 mean snow to cover all the vegetation. And that's why I would
9 keep that -- keep the traveling at a minimum instead of
10 extending the days of travel for the seismic crews and the oil
11 companies. I think that would be something to think about
12 too. Because I've seen them plow themselves right through
13 bushes, those little willows along the creeks. If you break a
14 willow, it takes over 30 years or something for it to grow
15 back. So you've got to keep that in mind. That's all I've
16 got to say. Thank you.

281

17 MR. ELLSWORTH: Thank you. Anybody else? If
18 not, we will shut the official testimony portion of the
19 meeting down. We have some time to entertain a few more
20 questions if you'd like, but at this time -- I guess it's 10
21 minutes after 9:00 -- we'll close this portion of the meeting.
22 All right.

23 (Off record)

24 * * * END OF PROCEEDINGS * * *

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
) s.
STATE OF ALASKA)

I, Kelley Hartlieb, Notary Public in and for the State of Alaska and Reporter with Metro Court Reporting, do hereby certify:

THAT the foregoing pages numbered 03 through 64 contain a full, true and correct transcript of the ANILCA 810 Public Hearing before the Bureau of Land Management, was taken by me and transcribed by me.

THAT the Transcript has been prepared at the request of ENSR International, 1835 South Bragaw Street, Suite 490, Anchorage, Alaska.

DATED at Anchorage, Alaska this 8th day of December, 2004.

SIGNED AND CERTIFIED BY:

Kelley Hartlieb
Notary Public in and for Alaska
My Commission Expires: 04-12-07

