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1 COASTAL PLAIN OIL AND GAS LEASING PROGRAM

2 DRAFT ENVIRONMENTAL IMPACT STATEMENT

3 PUBLIC MEETING

4
5 Taken February 5, 2019
6 Commencing at 6:32 p.m.

7 Pages 1 - 43, inclusive

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9 Taken at
10 Harold Kaveolook School
11 Kaktovik, Alaska

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20 Reported by:
21 Mary A. Vavrik, RMR
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1 A-P-P-E-A-R-A-N-C-E-S

2 For United States Department of Interior, Lands and
3 Minerals Management:

4 Joe Balash
5 Assistant Secretary

6 Steve Wackowski
7 Senior Advisor of Alaska Affairs

8 Sherman Hogue
9 Videographer

10 For United States Department of Interior, Bureau of Land
11 Management:

12 Ted Murphy
13 Associate State Director

14 Nicole Hayes
15 Project Manager

16 Erin Julianus
17 Biologist

18 For United States Bureau of Ocean Energy Management:

19 Craig Perham
20 Wildlife Biologist

21 For United States Department of Interior, Department of
22 Fish & Wildlife Service:

23 Steve Arthur
24 Biologist

25 Steve Berendzen
 Arctic Refuge Manager

 For EMPSI:

 Chad Ricklefs
 Project Manager

 Amy Lewis
 Assistant Project Manager

 25

1 A-P-P-E-A-R-A-N-C-E-S (Continued)

2 For ABR:

3 Alex Prichard
4 Senior Scientist

5 For SRB&A:

6 Paul Lawrence
7 Senior Research Associate

8 Taken by:

9 Mary A. Vavrik, RMR

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

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

2 (Invocation offered by Mr. Edward Rexford.)

3 (Introduction by Joe Balash.) (Presentation by Nicole
4 Hayes.)

5 MS. NICOLE HAYES: Because Mary is
6 documenting everything, it's really helpful if you say and
7 spell your name when you speak just so we can make sure we
8 have the record accurate.

9 So did you have a question?

10 MR. ROBERT THOMPSON: I'm Robert Thompson.
11 My question is being directed to the refuge manager. They
12 are talking about evaluating the wildlife in this
13 Environmental Impact Statement. I would like to know
14 about the musk ox, what the situation is, have they
15 evaluated it, how this is going to affect the musk ox.

16 MR. STEVE BERENDZEN: We haven't looked
17 closely at the musk ox because the numbers of musk ox on
18 the Arctic Refuge are really low and they are sporadic,
19 meaning sometimes they're drifting over from Canada,
20 sometimes they are drifting over from state lands to the
21 west, but the numbers are generally really low at this
22 time.

23 MR. ROBERT THOMPSON: Then whoever is
24 presenting this, I would ask how do you mitigate for that
25 situation where the resource is really depleted and you

1 are putting in an activity there that will further affect
2 them. It looks like they haven't even been looked at.

3 MS. NICOLE HAYES: So I know we do address
4 musk ox a little more in the EIS itself, but again, it
5 would be the -- specific proposal that would be proposed
6 would be evaluating the impacts to what the specific
7 resource effect would potentially be impacted when
8 somebody applies to actually do development.

9 So all of the information that we know is disclosed
10 in the EIS, but without a site-specific proposal, the
11 evaluation is based off of the information that we have
12 right now and the hypothetical development scenario.

13 MR. ROBERT THOMPSON: Okay.

14 MS. NORA JANE BURNS: Like to follow up on
15 Robert's. On the moose, I haven't seen anything on the
16 moose. It's caribou and all the other terrestrial
17 animals. I haven't seen moose. Why haven't you guys put
18 the moose on the list here, too? Because we harvest the
19 moose.

20 And right now we are getting ready to get our three
21 moose allotted for our village, and we have been on
22 restrictions for a long time on the moose because of the
23 habitat, or they either got sick or something. So we have
24 been waiting for the moose for us to be able to harvest
25 the moose without any restrictions from Fish & Wildlife.

1 And then you guys are coming in to do -- to restrict the
2 subsistence.

3 MS. NICOLE HAYES: So the leasing program
4 itself, the conditions -- the lease stipulations and the
5 required operating procedures are definitely not to
6 restrict subsistence any further. All of our required
7 operating procedures require that we allow or that the
8 lessees, if they have a lease, allow for subsistence
9 access. So the lease itself would not restrict
10 subsistence access.

11 MS. NORA JANE BURNS: That's when -- Point
12 Thomson, for example, they told us in the beginning that
13 our hunters will be able to access hunting over there.
14 They are restricted. They can't even go over there to
15 harvest the caribou coming in from the west. So you
16 cannot tell me that there is going to be no restrictions.
17 That's bullshit.

18 MS. NICOLE HAYES: I would be happy to go
19 over the conditions that we would have on the lease that
20 specifically talk about subsistence access. Obviously if
21 there is a facility right in the middle of something,
22 there would be some restrictions right there, but there
23 would be specific requirements of operators. So I'm happy
24 to go over those conditions with you.

25 MS. NORA JANE BURNS: [Inaudible.] It's

1 just a matter of time.

2 MS. NICOLE HAYES: You next. But Alex,
3 did you have anything else to add about the moose in the
4 document? I can't think of it off the top of my head.

5 MR. ALEX PRICHARD: Yeah. It mentions
6 moose, but it's a fairly short segment. We focus on
7 caribou because of potential impacts on that, but we
8 talked earlier. We could put some more in about moose.
9 It would be a good idea.

10 MR. STEVE WACKOWSKI: Do you think it's
11 worth mentioning -- Steve Wackowski from the Secretary's
12 office. Office of Subsistence Management falls under us.
13 The restrictions, my understanding -- and Steve Arthur,
14 chime in here -- is that it wasn't having to do with the
15 lease sale or activity at all. It's actually the concerns
16 about the abundance of moose where we had a spike in the
17 '80s, a high abundance, and then -- in a lot of the river
18 drainages. And then going forward we have had some
19 declines in population which haven't allowed us to
20 authorize more take because we have concerns with the
21 population.

22 MR. STEVE ARTHUR: I'll chime in here.
23 I'm Steve Arthur, the biologist with the refuge. We do
24 have more information on moose. I should say that the EIS
25 does have, as Alex said, a paragraph or two describing

1 moose. I don't think there is a map or a figure, which is
2 probably why it's not on the display outside. I wasn't
3 the one who made those displays, so I don't know who made
4 those decisions. But there is some actual information in
5 the EIS, but you have to read through the document to find
6 it. I think we did probably include that as part of the
7 EIS because we do have information from our counts.

8 But as Steve said, the reason that those harvests
9 have been restricted for the last many years is because
10 there really are very few moose between the Canning River
11 and the Kongakut. We have seen increases in the Kongakut
12 itself, and we hope that those moose, if given enough
13 time, will move out into the other drainages where there
14 used to be more moose. But we like to encourage that.

15 And so my expectation would be, with any future
16 development proposals that come through, that that would
17 be built into those future development plans. But as
18 Nicole said, that's a step beyond where we are at now.

19 MR. STEVE WACKOWSKI: I think, Lee, you
20 are a subsistence RAC member up here, right? I would be
21 happy to get some information to Lee to share with the
22 community on those moose numbers and why those decisions
23 were made if that's helpful to Nora Jane.

24 UNIDENTIFIED MALE SPEAKER: The purple
25 area you said wasn't going to be developed?

1 MS. NICOLE HAYES: So the purple area in
2 Alternative D would not be offered for leases sales. So
3 if that alternative were to be selected as it is right
4 now, that area would not be offered for lease.

5 UNIDENTIFIED MALE SPEAKER: So why did
6 they make a decision just for that purple area to be off?
7 Is it because they have got to use a private runway or
8 access to a plane or a chopper to get into that purple
9 area?

10 MS. NICOLE HAYES: So a lot of the input
11 that we received during scoping was that that area down
12 there and the information data we have represents the
13 Porcupine caribou herd's primarily calving habitat area
14 being one of the primary important parts of the resources
15 of that area. So there is various levels of protection.
16 Alternative C would offer a timing limitation.
17 Alternative C would offer no surface occupancy. And then
18 under Alternative D there just wouldn't be any development
19 at all. So there is a range of alternatives to consider.
20 So if you have input and feedback on any of the
21 alternatives or on that specific issue, we would
22 definitely be interested in hearing it.

23 UNIDENTIFIED FEMALE SPEAKER: How come
24 they don't have it all the way down to the coastline for
25 the calving? That's where most -- they do their calving

1 in the coastline.

2 MS. NICOLE HAYES: So based off of the
3 information that we have, that primary calving habitat is
4 represented by 40 percent of the time for the past 40
5 years. If I say that incorrect, please correct me.

6 MR. ALEX PRICHARD: At least 40 percent of
7 the time.

8 MS. NICOLE HAYES: At least 40 percent of
9 the time for the past 40 years. So it's that main area,
10 that polygon, that was identified as being primary calving
11 habitat area. Not to say that they -- obviously caribou
12 don't stay within a little block, but that's just the
13 primary area identified.

14 MR. STEVE WACKOWSKI: It's also worth
15 mentioning in our government-to-government meeting this
16 afternoon, Native Village of Kaktovik did point out that
17 there is some up-to-date caribou data that needs to be
18 considered. And that's something that helps us through
19 this process.

20 If you guys are flagging either traditional knowledge
21 or more data -- I know the state and the borough have
22 worked hard to collect data on the herd strength and
23 location -- by all means, please let our court reporter
24 know or our experts because that's important data, for
25 instance, that the tribe -- Eddie pointed out there is

1 some new data that needs to go in there for the final
2 draft. So those are very helpful constructive comments
3 that you can bring to our attention.

4 MR. LEE KAYOTUK: Lee Kayotuk, for the
5 record. You know, so if it's subsurface rights, are they
6 going to be doing directional drilling?

7 MS. NICOLE HAYES: So under Alternative C,
8 they could potentially do directional drilling if it's no
9 surface occupancy as far as they are able to access. I
10 don't think that with current technology they would be
11 able to access the entire area, but that is something that
12 could definitely be done if those areas were leased.

13 MR. EDWARD REXFORD, SR.: Edward Rexford,
14 Sr., for the record, for the Native Village of Kaktovik.
15 Our people have been having harder times with Fish &
16 Wildlife's restrictions on our hunting and our access to
17 our traditional lands, even though we have been trying to
18 work with them every year. And they tell us where we can
19 and can't go. And in the summertime, they restrict our
20 access with ATV to our traditional areas and private
21 property, our Native allotments.

22 And there is other issues that we have with Fish &
23 Wildlife Service: The invasive polar bear studies that
24 they do and harm the polar bears, tranquilizing them every
25 year. It's not safe to eat polar bears anymore, in my

1 eyes, because of that. And their invasive studies kill
2 polar bears. And do they report that to our people? It
3 goes against our quota.

4 And like the moose situation we have with Fish &
5 Wildlife now, they dictate where we can hunt moose, not in
6 our traditional hunting areas. They want us to hunt near
7 Canada. And we have moose here closer to our community
8 south where we traditionally hunt.

9 This kind of governmental interference by Fish &
10 Wildlife on our people and causing hardship has got to
11 stop. And you know, we are supposed to be loyal to our
12 own government, but if they are going to treat our people
13 like this, we need to go on record and speak up and let
14 the world know what's happening with our community.

15 The outside folks like the Gwich'ins are trying to
16 speak for our lands. They are trying to say that's their
17 spiritual lands now. Everybody here knows that's a lie.
18 And the whole world needs to be aware of this lie. In the
19 past there was trading and bartering. We allowed that.
20 They come and trade and barter. And there was also
21 warfare.

22 So we have got to stand up for our community and tell
23 the world the truth and not listen to lies that the
24 outside world is manipulating to the world through social
25 media. So hopefully Fish & Wildlife will try to help our

1 community and our access to our traditional private lands,
2 hunting lands and access to our property. That's the main
3 topic.

4 Thank you.

5 MR. ROBERT THOMPSON: I am concerned about
6 the endangered species within the refuge. I believe there
7 is 19, like the ivory gulls and so on. Is anything in
8 this Environmental Impact Statement -- was anything done
9 to mitigate the situation with them? And I'd also like --
10 since you have got a polar bear person here, I want to
11 know, how many polar bears are out in this proposed
12 seismic area and where are they? Does anybody know?

13 MS. NICOLE HAYES: Craig, are you able to
14 answer polar bear questions?

15 MR. CRAIG PERHAM: So Robert, I'll try and
16 answer your question. As you know, my name is Craig
17 Perham with Bureau -- well, BLM, Bureau of Ocean Energy
18 Management, as well. So the southern Beaufort Sea stock
19 is here. And that's what we have in the refuge. And
20 while we don't know the -- those numbers of how many bears
21 are using the refuge at any certain time, we do know that
22 stock use the refuge.

23 And so in terms of the activities that might occur
24 after a lease sale, which exploration activities, such as
25 seismic is one of those possibilities, I know that there

1 will be -- there will be an analysis of where an operation
2 may go and more analysis of how they might intersect with
3 bears and then how to minimize any potential impacts that
4 might occur from a specific operation, such as a seismic
5 operation.

6 And so I don't know -- I don't think -- I don't think
7 even Fish & Wildlife knows exactly how many bears are out
8 there on the coastal plain or the 1002 area right now.

9 MR. ROBERT THOMPSON: But they are talking
10 about seismic happening this year, so that would be just a
11 basic information thing to know where they are at so they
12 don't run over them with their 70- to 90,000-pound piece
13 of equipment. And so I understand that the technology
14 related to finding those bears is very questionable. In
15 very cold weather, they can detect it with infrared to
16 some degree, but nobody knows how accurate it is.

17 MR. CRAIG PERHAM: So for example, if --
18 the mitigation measures that will occur if an activity
19 goes on, whether it's the one that -- this activity that
20 potentially can happen now, which is separate than the
21 lease sale, or if seismic activity occurs after the lease
22 sale as an indirect effect, certainly some of those
23 mitigation measures that are going to occur to minimize
24 potential impacts are trying to find what you are talking
25 about, are bear dens, maternal polar bear dens.

1 So Fish & Wildlife has developed techniques to look
2 for them proactively to the west. So in the Prudhoe Bay
3 fields, they have developed these mitigation measures.
4 And one of them are exactly what you are talking about,
5 which are infrared. So they work with USGS and other
6 folks to kind of develop how do we find these dens in
7 advance or before an activity can occur, whether it's your
8 concern, seismic, or even ice roads.

9 And so a lot of it happens with aerial flares, but
10 there were techniques developed for handheld flares.
11 There was also a technique developed for sensing dogs.
12 And how the service in the past has used all these
13 techniques to look for these bear dens is to kind of
14 add -- look to see where they are at, what they need and
15 to use multiple techniques to increase their probability
16 of detection or increase the potential that they could
17 find these dens in advance of an activity.

18 Once they find them, in the past they would put a
19 mile buffer on those dens. And that mile buffer has
20 really been developed to minimize any activity in there.
21 So in the past nothing can go on there, and that is
22 probably what will happen if anything occurs here.

23 I know in the past that when the new airport was
24 going in here, Fish & Wildlife worked with folks here as
25 well as the contractor to minimize any potential impacts

1 from bad activity, as well.

2 So those are kind of the techniques that will happen
3 and will occur if something does move forward in this
4 area, as well.

5 MS. NICOLE HAYES: But I think specific to
6 the EIS, that -- that type of activity is not occurring.
7 So seismic impacts are definitely analyzed. Because there
8 is not a specific proposal, that level of analysis would
9 take place separate from the EIS with those type specific
10 proposals.

11 And in answer to your question about endangered
12 species, we are required, of course, to conduct ESA
13 consultations, Section 7 consultations, under the
14 Endangered Species Act. And Craig has been working with
15 us on that effort, also. So we will be working with
16 National Marine Fisheries Service and Fish & Wildlife
17 Service to submit biological assessments and comply with
18 the ESA.

19 MR. ROBERT THOMPSON: It looks like to me
20 this Environmental Impact Statement will proceed, and then
21 if you bump into a polar bear, well, we'll deal with that
22 when we get to it. It looks like you are not telling
23 where they are and how they will be affected.

24 MR. CRAIG PERHAM: So the whole part of
25 that mitigation is trying to do that. Is any technique

1 100 percent successful? No.

2 MR. ROBERT THOMPSON: Well, if they are
3 going to be doing it this winter, they better get going on
4 finding out where they are at.

5 MS. NICOLE HAYES: That proposal is
6 completely separate from the EIS, though.

7 MR. ROBERT THOMPSON: Yeah, but it's an
8 environment that we are concerned about.

9 MS. NICOLE HAYES: There is an
10 environmental analysis. They are required to comply with
11 the Marine Mammal Protection Act if they were to move
12 forward with that.

13 MR. ROBERT THOMPSON: Is anybody going to
14 be watching them that's not working for these companies?
15 Like the oil companies that are going to be out there,
16 they are not going to tell us they accidentally run over a
17 polar bear den, I don't think. So we need some assurance
18 that there is somebody to watch them that will do
19 something.

20 MR. CRAIG PERHAM: Right. So a lot of
21 what happens in the west is -- is the Fish & Wildlife has
22 a set of regulations that are set up that is basically
23 that the oil -- the oil and gas companies actually have to
24 follow. They have stipulations and requirements. And if
25 they don't follow them, then they are potentially in

1 violation of federal acts, and mainly the Marine Mammal
2 Protection Act. But it could also be the Endangered
3 Species Act.

4 And there are some times where, yes, they -- there is
5 nobody -- there is not a Fish & Wildlife employee
6 following them wherever they go. There's just too many.
7 And a lot of times we rely on a good faith effort for them
8 to report. But also there have been times when other
9 people have reported things. And it does not do them
10 service if they don't say anything and then the agencies
11 find out later.

12 But you are correct; there is no monitoring of
13 activities with a federal person following these projects.

14 UNIDENTIFIED MALE SPEAKER: There might be
15 like a subsistence observer from the local community
16 involved in that kind of stuff?

17 MS. NICOLE HAYES: Yeah. So there are --
18 so we do have a required operating procedure that requires
19 a subsistence management plan for specific activities, and
20 there is actually a variety of conditions that require you
21 to work with the local communities and the local
22 governments to ensure that your proposal is not going to
23 have impacts to subsistence resources. So it's a plan
24 that's supposed to be developed with the project proponent
25 and with the potential people who are being impacted.

1 MR. STEVE WACKOWSKI: I do think it's
2 worth stating, right now we do not have a current proposal
3 for this winter activity. So that information may be
4 inaccurate. We don't have -- we are not assessing. We
5 have had requests to look at a project for next season,
6 but I wouldn't expect to see a seismic project this
7 winter.

8 MR. ROBERT THOMPSON: Okay. Well, that's
9 news to me because I've heard people here saying they are
10 going out any time now. So --

11 MR. STEVE WACKOWSKI: We don't have any
12 permit currently pending that we have been asked to --

13 MS. NICOLE HAYES: And there would be a
14 NEPA analysis for that specific activity which would be
15 communicated with the public when and if that occurs.

16 MR. BRUCE INGLANGASAK: The seismic
17 operation that's going to be going on, is that going to be
18 with vibrators or dynamite?

19 MS. NICOLE HAYES: So I don't have
20 information specific to a proposed seismic, and I think
21 what Steve Wackowski was just saying is that there is not
22 action that we expect to occur this year. So that is a
23 separate -- that would be a separate proposal from this
24 EIS.

25 MR. STEVE WACKOWSKI: But to answer your

1 question, no and no. We haven't authorized any sort of
2 dynamite in, I think, like, 30 years, since the '90s.
3 Ted?

4 MR. TED MURPHY: Yeah. There is no
5 dynamite proposed on anything in the northern part of
6 Alaska.

7 MR. STEVE WACKOWSKI: And we currently are
8 on a pause for -- I do not expect this season -- at least
9 we haven't heard that. We have been told to look at next
10 season. And sorry. Again, I know it's important to talk,
11 too, because we are here. It's just not related to the
12 lease sale EIS. It's a separate action that we're
13 assessing. I understand it's so important. We are here
14 and happy to answer questions about that.

15 MS. ANN WASHBURN: So you are trying to
16 pick an alternative, right, between these?

17 MS. NICOLE HAYES: Well, we are looking
18 for feedback on those proposed alternatives.

19 MS. ANN WASHBURN: So like Alternative D2
20 is pretty restrictive on the people who get the leases,
21 whereas, you know, B is not really restrictive. What is
22 the downside to something like D2? I mean, if you wanted
23 to -- would there be less wells? Would there be less -- I
24 mean, what's -- why wouldn't you pick something that would
25 kind of protect the critters?

1 MS. NICOLE HAYES: So you are right in
2 that there are more limitations in Alternatives D. I
3 guess the feedback we're looking for is are those -- is
4 that even practical -- practicable? Are they protecting
5 the resources that we think they are protecting, you know.
6 So we are not -- we don't have an identified alternative
7 or preferred alternative. So we are looking for feedback
8 on what those restrictions do or don't do.

9 MS. ANN WASHBURN: But some of them would
10 have an economic impact.

11 MS. NICOLE HAYES: Uh-huh. And industry
12 may say that one alternative is not economically viable
13 over another one.

14 MS. ANN WASHBURN: And so they might
15 choose not to put a bid in.

16 MS. NICOLE HAYES: Correct. If that were
17 the alternative selected. Alternative B, I know in the
18 summary maps it looks like there is limited -- there is
19 limited protections. And you are right in the fact that
20 there is more restrictions under Alternative D, but all of
21 the area is covered by those 46 required operating
22 procedures. So there is a lot of protections still over
23 the entire coastal plain.

24 MS. ANN WASHBURN: Thank you.

25 MR. ROBERT THOMPSON: So if you don't have

1 an option of no development, I've heard polls that
2 indicate 70 to 75 percent of the American people do not
3 want this development. So why aren't they being
4 considered as much as this bill that was passed was done
5 in a very questionable way? Projecting two billion
6 dollars in lease sales, that's not going to happen, and
7 they know it from the beginning. And the way it was put
8 in without being voted on directly is questionable.

9 So I would say that the fact that you exclude the no
10 development option is very questionable. It circumvents
11 the will of the people, and it should be an option.

12 MS. NICOLE HAYES: So the law that
13 Congress passed requires us to implement an oil and gas
14 leasing program. So that's why the no action alternative
15 is not --

16 MR. ROBERT THOMPSON: But it was passed in
17 a questionable way. So if people don't want it, it should
18 be an option, I think. My personal opinion.

19 MS. NORA JANE BURNS: Here, here.

20 MR. CHARLES LAMPE: The way that ANWR was
21 formed is very questionable. It didn't take into
22 consideration the people that were living here at the
23 time. It just said we are taking this swath of land.
24 We're taking this whole thing. You can have this little
25 section, but then we're going to cut everything off for

1 development. We give you this little piece of land back
2 that you have been living on for generations and
3 generations, but you can't do anything with it. You can't
4 develop it. You can't use its resources. You can't take
5 four-wheelers to go up there and hunt if you want in the
6 summertime.

7 More people in the Lower 48 have more opportunities
8 to go up inland and look at the animals or enjoy the
9 wildlife than we do. We have to pay thousands and
10 thousands of dollars to go up there in the summertime.
11 You take rafters up there. You take more rafters up there
12 that have more opportunities to go up there than we do.

13 You speak about the bears, about their impact and
14 everything. What about the impact that the tourism has
15 with the bears? We have had six bears taken this year
16 because they are so used to having people around them that
17 won't do anything to them to having boats around them
18 constantly all summer long to where they can't disturb
19 them, they can't shoo them off, they can't do anything.

20 So they are used to coming into town and thinking
21 that nothing is going to happen to them. But it's become
22 a danger to our community, a danger to our children,
23 danger to our families. But people are putting more
24 importance on animals than they are on the people in the
25 community.

1 And you say 75 percent of people don't want
2 development. And I don't see where those numbers are.
3 Which 75 percent are they? The people will never step
4 foot up here. We are the people of our land. We are the
5 people of our community.

6 Yes, we are divided, but we need to speak up. We
7 have heard people from the Gwich'in Steering Committee.
8 We've heard from the environmental groups. We have heard
9 all the negative comments from everyone else but the
10 people of Kaktovik because we are overshadowed over here.
11 We've heard from people. That's fine, but they don't hear
12 the rest of us. Our voice is just -- it's like muted
13 because we are taught respect to not, you know, cause
14 conflict, but enough is enough. I mean, we have to speak.

15 And you know, I appreciate your views. I appreciate
16 that you don't want development and everything. But look
17 at what it's -- the taxation from oil development, look at
18 what it's brought.

19 I speak to the elders all the time and they say don't
20 want to go back to wood stoves or anything like that.
21 Look at the benefits that we get for our children, the
22 schools, the hot water, the plumbing, everything. All our
23 road system. All of that is due because of oil
24 development.

25 And for us to just shut the door on that instead of

1 trying to work with the companies or work with the
2 government instead of being told, no, you can't do this,
3 you can't go here, you are cut off from any type of
4 revenue or anything from your own land is just -- you
5 know, it's enough already.

6 I mean, either we are going to be there to help with
7 the development or we are not. And if it doesn't develop,
8 then we are still going to be here, but to be able to be
9 told by other people from other places that won't be here
10 that their voice is more important than ours is just
11 uncalled for. It's heartbreaking. It's just -- it's just
12 sickening is what I feel.

13 I mean, so many other people have more say as to what
14 we can do in our backyard than we do. And that goes with
15 hunting. That goes with fishing. That goes with going up
16 and camping. Goes with moose hunting. It goes with all
17 of this. But then, you know, its -- it's just hard, you
18 know. I mean, in one way or the other it's got to change
19 for the benefit of us, if not just because of oil
20 development, but because of all the restrictions that we
21 have on us. It's got to change. Enough is enough.

22 MR. ROBERT THOMPSON: Okay. I'd like to
23 answer to some of this. The polar bear situation I
24 believe is because of climate change. The ocean is opened
25 up right now out there. It's been open a lot. The bears

1 are coming ashore because of climate change. It's not the
2 problems that they are getting used to us being around
3 them. It's they don't have a habitat. They are coming
4 ashore, and that's directly related to the oil situation.
5 The fact that we have climate change, the oil is open --
6 the ocean is open, and the bears have to come to shore.

7 So you know -- and some of it could be mitigated by
8 the whaling captains. They took a lot of the blubber this
9 year and threw in the ocean. That could have been food
10 for the bears. They could have been eating on it rather
11 than come to town.

12 MR. CHARLES LAMPE: We did have it over
13 there. We had it over there, and then we got complaints
14 from you guys because the tourism couldn't go down there
15 and look at them and take pictures of the bears. So we
16 pushed it out because of that. We had it down there
17 further away from the community to protect the community.
18 And they were eating it down there until there was
19 complaints that, oh, no, we can't take our tourism down
20 there to take pictures of it. So that's why we pushed it
21 out into the ocean. Otherwise it would be down there.

22 As soon as we did that, the bears started coming back
23 into town and started being more of a threat. But when we
24 put it down on the other end of the island, they started
25 eating down there. There were less bears around town

1 during the nighttime.

2 But because there was a couple of voices that said,
3 oh, no, we can't bring our tourism group down there, we'd
4 better say it's wrong for them to put it down there -- we
5 had it down there. We did that to protect the community.
6 But instead, it became a whole tourism deal to where we
7 can't let people from out of town go over and take
8 pictures of the bears because they are down there at the
9 other end of the island.

10 MR. ROBERT THOMPSON: As I see it, most of
11 this is caused by the oil industry. The fact that we have
12 climate change, the bears are coming to shore. It's
13 directly related -- it's not the solution to drill for
14 more oil. In fact, the whale remains could be utilized.
15 You could make biofuel so people could heat their houses.

16 MR. CHARLES LAMPE: What do you heat your
17 house with, Robert? What do you use to drive your boats
18 with?

19 MR. ROBERT THOMPSON: We are getting away
20 from the subject, but there is enough oil to supply
21 Alaska's pipeline for 200 years on the North Slope, so
22 this oil in the refuge is probably not even going to be
23 developed. They just found 46.3 billion barrels in Texas,
24 so that's going to put this refuge way on the back burner,
25 which is fine with me.

1 MR. BERT AKOOTCHOOK: My name is Bert
2 Akootchook, Native Village of Kaktovik. I'm glad we have
3 brought up these global warming. We have got a lot of
4 talk about global warming. They are complaining about it
5 coming from the oilfield. I can tell you one thing:
6 Natural gas burns way better than wood stove. And you
7 might want to talk to the Interior people to stop burning
8 their wood, their wood stove. So that's part of the
9 global warming.

10 MR. ROBERT THOMPSON: Then we should get
11 natural gas from Prudhoe Bay. They've got lots of it.

12 MR. BERT AKOOTCHOOK: Yeah, we tried to
13 get it. They won't get here. So that's why --

14 MS. NICOLE HAYES: If there are people who
15 want to make sure that they specifically have their
16 comments in the public forum on the record, please, you
17 know, just make sure you say your name. If there are
18 still questions, we are happy to answer questions.

19 MR. BRUCE INGLANGASAK: I never hear you
20 guys talking about oil spill response teams or how many
21 people you are going to have employed under that oil
22 spill. Because this coastline is -- it's not like the
23 west coast. This is different, totally different
24 environment. You can't clean oil out of ice. What are
25 your plans for this kind of stuff?

1 MS. NICOLE HAYES: So oil spill response
2 and the analysis of potential hazardous waste impacts,
3 they are analyzed in the EIS. Again, because we don't
4 know what the specific proposals may be in the future, we
5 do have some global conditions, if you will, the required
6 operating procedures, that address things like oil spill
7 response and requirements for oil spill response plans.

8 But without having a specific proposal and being able
9 to analyze what those specific impacts would be, there is
10 no way to condition -- you know, put all the conditions
11 out there that would be necessary for a specific site.
12 But we do have some global ones that would apply to the
13 lease.

14 MR. CRAIG PERHAM: And there would be
15 another -- you know, with a specific project coming in,
16 Bruce, there would be another opportunity to have, you
17 know, your input in terms of what the community wants to
18 see in terms of oil spill response to the company itself.

19 MS. CARLA SIMSKAYOTUK: Carla Simskayotuk,
20 for the record. One of the -- your slides is very
21 concerning to me, the subsistence preliminary evaluation.
22 The ANILCA Section 810 preliminary evaluation did not
23 result in a positive finding for any specific alternative.
24 The preliminary evaluation did find that the cumulative
25 case may result in significant restrictions to subsistence

1 uses for the community of Kaktovik due to potential
2 decrease in access to fish, marine mammals, caribou,
3 Porcupine caribou herd. That to me is very, very
4 concerning and disheartening.

5 And although you have the no alternative thing as an
6 option, I'd like to go on the record stating that is my
7 recommendation is the no alternative even though it's not
8 on there. I'd like to go on record stating that that
9 would be my alternative, the no action.

10 MS. NICOLE HAYES: Thank you. Erin, do
11 you want to speak to what that preliminary evaluation
12 means?

13 MS. ERIN JULIANUS: Erin Julianus, BLM.
14 Yeah, I don't know more specific than what you had in the
15 presentation but, yeah, the finding was a positive finding
16 for impacts to access in the cumulative case. And yeah,
17 mainly that finding was a result of a lot of the -- you
18 know, the existing development along the -- along the
19 coast, in concert with potential development associated
20 with the EIS.

21 MR. STEVE WACKOWSKI: Is there anyone that
22 wants to give comments for the record in private? Show of
23 hands. I just want to make sure everyone gets a chance to
24 go on the record if they want.

25 MR. MATTHEW REXFORD: Matthew Rexford,

1 Kaktovik Inupiat Corporation President. I would like to
2 see subsistence protections and also cultural resource and
3 traditional site protections, as well.

4 MR. ROBERT THOMPSON: Lisa Murkowski has a
5 bill for veterans for Native allotments. And if this
6 allows this lease, how is that going to affect the people
7 that are entitled to these allotments to acquire them if
8 it's in an area that's leased to the industry?

9 MS. NICOLE HAYES: I can't speak to that.

10 MR. TED MURPHY: The allotment -- right
11 now we think we have taken care of the administrative
12 remedies for all the allotments within the area up here
13 right now, but if you have a specific issue, we definitely
14 can look into it. But right now we think we have
15 addressed all those allotments, the applications.

16 MR. ROBERT THOMPSON: You are saying they
17 will address the allotment situation?

18 MR. TED MURPHY: We feel that we have
19 mitigated and worked through all the allotments that --
20 the Native veterans' allotments --

21 MR. JOE BALASH: He's talking about the
22 new -- the Vietnam veterans --

23 MR. TED MURPHY: Oh, the Vietnam veterans.
24 Okay. Different scenario. We are not quite there yet,
25 right, as far as -- the legislation is there, drafted --

1 MR. JOE BALASH: Yeah. I don't think
2 we -- I don't think we know the final form of that
3 legislation, so depending on what pools of land it allows
4 a Vietnam era veteran to select from -- there have been a
5 couple of different versions over the years, and so I
6 would -- I would be happy to follow up, you know, if and
7 when the bill passes to be able to address that question.
8 I think the Senate is in the debating process now. I
9 think it's been brought up to the floor, so I think we
10 will know soon, but not until it passes and is signed into
11 law.

12 MR. STEVE WACKOWSKI: Nicole, could you
13 speak to the protections we have built in for current
14 allotment holders in the 1002?

15 MS. NICOLE HAYES: Yeah. So the required
16 operating procedures require that any lessee that leases
17 an area where there is an allotment, that they be
18 maintained to have their access and their rights and their
19 use of their allotment maintained. So that's -- those are
20 built in as required operating procedures similar to
21 subsistence access and use.

22 MR. ROBERT THOMPSON: So it wouldn't close
23 off this new type of allotment?

24 MS. NICOLE HAYES: So that hasn't passed
25 and that's not addressed in our EIS because it's proposed

1 legislation right now.

2 MR. STEVE WACKOWSKI: That is a great
3 question, though, and I'm going to see if I can track that
4 down in the way it's currently written because I am not
5 sure what buckets of land they have made available or want
6 to make -- it's hard for us to assess until it's passed,
7 but that's a great question. We don't know.

8 MR. ROBERT THOMPSON: But veterans would
9 like to know because more and more areas are being taken
10 up and excluded.

11 MR. STEVE WACKOWSKI: Amen. I'm a fellow
12 veteran, and the Secretary has gone on record saying that
13 this is important to do to take care of those Native
14 veterans that happened to be deployed in Vietnam during
15 the time and missed their opportunity absolutely should
16 get around to it. So I agree 100 percent.

17 MS. NORA JANE BURNS: What about the ones
18 that are pending for the Village of Kaktovik? You have a
19 handful of people in Kaktovik that have filed for Native
20 allotments and they haven't been sorted out. What about
21 those folks that are waiting to hear if they have acquired
22 their Native allotment and that should go to their
23 descendents that have -- that should be --

24 MR. STEVE WACKOWSKI: So NVK President
25 Rexford did bring this up with us in our prior G2G. That

1 falls under BIA, under Secretary Sweeney's -- we are aware
2 of that and it has taken far too long to adjudicate those,
3 and we are trying to work through. We have got not just
4 North Slope residents, but all around the state. We've
5 got a serious backlog. We're not proud of it. It's a
6 major issue. We are trying to get more resources in to
7 churn through this.

8 I mean, again, it's not something we are happy about,
9 Nora Jane. It's a serious delay, and it's a major problem
10 across the state on getting the current ones that have
11 been requested adjudicated.

12 I'd be happy to give you the director's cell phone
13 number, Gene Peltoa. I'll give it to you after the
14 meeting and I, you know, recommend you call him and reach
15 out. He's pretty good about getting back.

16 MR. EDWARD REXFORD, SR.: I got an update
17 on closed allotments. Before the government shutdown, I
18 forwarded a list of names and the folks who would like to
19 have their closed allotments reopened because BLM told me
20 that due process wasn't followed, and they let the folks
21 use the wrong date, year, in the '30s instead of 1941, so
22 their heirs put in paperwork to have them reopened.

23 But like I said, BLM was shut down. Now they are
24 reopened. I just need to follow up and call Candy Grimes
25 and see what the status is. That's the process on the

1 closed allotments right now.

2 And on the veterans' allotments, last I heard, they
3 were trying to exclude anyone from Kaktovik to get Native
4 allotment from the refuge lands, so that's going to have
5 to be worked out by, I don't know, congressional
6 delegation to rectify this, maybe, because that seems
7 unfair to our veterans that served. And there is, like,
8 three of them. They should be allowed to get their
9 allotments. There was not that many.

10 MR. ROBERT THOMPSON: I don't think there
11 is like -- deceased that didn't get -- [inaudible].

12 MR. EDWARD REXFORD, SR.: That's what I
13 heard, but I don't know. It could change. Maybe they
14 will correct that. It don't seem right.

15 MS. NICOLE HAYES: Any other comments? We
16 could also -- all of the subject matter experts can go
17 mill about the boards, and if people have specific
18 questions or want to go over any of those conditions we
19 were talking about -- Matthew mentioned protections of
20 cultural resource properties and stuff. We have
21 stipulations built into the draft EIS that address a lot
22 of those concerns, so I'm happy to go through those with
23 people if they are interested.

24 MR. STEVE WACKOWSKI: Our court reporter
25 will stay here if you want to give one-on-one testimony

1 for the record.

2 MR. JOE BALASH: Or if you learn something
3 out there that causes you to want to say something
4 further, come back in.

5 MS. CARLA SIMSKAYOTUK: So I want to go on
6 record saying that I think this was fast-tracked too fast,
7 that it wasn't given enough time for the EIS statement to
8 come out. Normally these things take more than three
9 months, and I think it was done too fast.

10 MS. NICOLE HAYES: So I'll just say to
11 that, a little bit of what is different with this EIS is
12 we put a tremendous amount of resources behind it, so we
13 had over 70 scientists working on developing the draft
14 EIS, a tremendous amount of man hours that were put into
15 it.

16 So I think a big difference of other EISes and this
17 one which -- you know, the Notice of Intent went out in
18 April and the draft was released in December -- is that we
19 just had a lot of dedicated resources to it, as opposed to
20 being spread amongst many different documents. So I know
21 it seems that way, but a lot of work, I can attest to,
22 went into getting to the place where we are right now.

23 MR. ROBERT THOMPSON: I would also like to
24 say that I object to how this was done because I didn't
25 hear about this until the day before yesterday, and it

1 wasn't through any sources I'd usually get information
2 from. So I'd like an explanation why people weren't
3 notified. I've seen nothing on the boards here. I didn't
4 get any information about it. I know they had the
5 government shutdowns, but still, people should be able to
6 know. I should be able to come to this meeting with the
7 information that I could review rather than try to pick it
8 up in here.

9 So I don't believe it was done, unless I just got
10 left out of the loop somehow. Not on Facebook or however
11 it's distributed, but I didn't get it.

12 MS. NICOLE HAYES: We could go over -- I
13 could touch bases and figure out exactly the different
14 ways it was communicated for Kaktovik, but we did try to
15 use, of course, online mailers, postcard mailers, radio
16 ads. So we did try to use various means to advertise for
17 it, and then talking to people in the local communities.

18 MR. ROBERT THOMPSON: I've heard in other
19 places that the meetings were changed because of the
20 shutdown and people didn't get the information about the
21 new times for the meetings which, to me, is essential that
22 you tell the people what's going on. And it didn't
23 happen, to my knowledge, here. Maybe it did and I just
24 got left out. I don't like that. I want to know what's
25 going on. I think the government has an obligation to let

1 us know before they show up here. I could have just
2 totally missed this meeting.

3 MS. NICOLE HAYES: Well, I'm glad you
4 didn't. We did plan them relatively quickly, so I
5 apologize if you weren't notified. We were -- I think we
6 used all of our various means to do the advertisements for
7 it.

8 MR. EDWARD REXFORD, SR.: On the impact
9 studies that are going to be happening, I understand they
10 will be using a helicopter. Could you clarify a little on
11 that or, is that something --

12 MS. NICOLE HAYES: Are you talking
13 about -- I'm not aware of a specific impact study that you
14 may be talking about.

15 MR. STEVE WACKOWSKI: Steve, do we
16 have any --

17 MR. STEVE BERENDZEN: There are some
18 studies planned in the 1002 area for the next summer and
19 probably that will involve some helicopter use. Are you
20 talking about use studies?

21 MR. EDWARD REXFORD, SR.: We are pretty
22 impacted with flying air taxi planes. You are aware of
23 our impact to our hunters. And with the helicopters being
24 used to conduct your studies, that's pretty radical, I
25 think. Is there a purpose for using the helicopter now?

1 MR. STEVE BERENDZEN: For some areas that
2 they can't get to by a fixed wing aircraft, they do use
3 helicopters, yes.

4 MR. EDWARD REXFORD, SR.: Oh, man, that's
5 going to impact our community all summer. I don't think
6 our community is going to put up with that. There has got
7 to be other alternatives besides helicopter.

8 MR. STEVE BERENDZEN: We can discuss that,
9 Edward.

10 MR. BRUCE INGLANGASAK: Hire some locals
11 to taxi you around. A lot of boaters here could use the
12 money.

13 MR. STEVE BERENDZEN: Well, in response to
14 that, Bruce, the -- most of the helicopter use is going to
15 be further inland in areas where you can't land with a
16 fixed wing aircraft.

17 MR. STEVE WACKOWSKI: Is there a way we
18 could --

19 MR. EDWARD REXFORD, SR.: And a follow-up
20 question, Steve: Is using the helicopter now because you
21 guys don't have a fuel storage tank at the new runway now?
22 Is that a problem? You guys are ferrying gas and fuel
23 into the refuge for future studies; is that what's
24 happening?

25 MR. STEVE BERENDZEN: We are not ferrying

1 anything in there right now. One question at a time, I
2 guess. No, it's not because we don't have fuel at the
3 airport. Some of the studies they just need to be able to
4 access areas that they can't otherwise access. We are
5 making the timing of it where, one, the caribou will be
6 out of there after the post-calving season, but -- like we
7 did last year.

8 But as far as the fuel, that's -- that's really a
9 separate -- separate issue. And as far as getting fuel in
10 there, yes, we do want to have a place where we will have
11 fuel temporarily stored for access by helicopter, fixed
12 wing aircraft, but that's -- we haven't -- we are still
13 working on how to get double-walled containment of fuel
14 out there and how we will get the fuel there.

15 MR. EDWARD REXFORD, SR.: That's going to
16 be a big negative impact for our hunters next summer. And
17 it's getting worse each year, Steve. Something has got to
18 be done about this.

19 MR. STEVE BERENDZEN: I would like to talk
20 to you about it, Edward.

21 MS. NORA JANE BURNS: Just one last. On
22 your leasing program when you start coming up with your
23 leasing program, have you guys factored -- we are starting
24 to get more earthquakes up in our mountain area. And what
25 type of plans will you require the oil companies to have?

1 Because that -- we are getting more earthquakes either up
2 in the mountains or towards the west in the lagoons, and
3 they are more frequent. You can -- every other day we
4 will see 4.3, 5. whatever, you know.

5 And I just want to be on the record saying that I
6 oppose oil development, and I'd rather have it saved for
7 our children's future. I know that we all use fuel. We
8 all use gas, but that's just my take on that. Thank you.

9 MS. NICOLE HAYES: Anyone else have
10 anything that they want to say in front of the group?
11 Otherwise, we could mosey out towards the boards. Again,
12 Mary will be here as long as people want to come and
13 provide comment to her. You can come out and talk to us,
14 come back in here.

15 MS. EVELYN REITAN: Evelyn Reitan,
16 Kaktovik. I work for the City of Kaktovik, but I'm here
17 as my own person. And we were sent, you know, letters
18 saying that we could be in one of your environmental
19 impact studies that was televised or teleconferenced, and
20 we -- we were informed in advance, but then when the time
21 came for us to call in for the meeting, I want to say that
22 it was a very bad experience for me because when we called
23 in, we couldn't even get through or the lines were busy.
24 There was not enough lines from your EIS draft meeting.
25 So we didn't even get a chance to hear what you guys were

1 saying at that meeting.

2 So that's a really serious problem when you can't
3 even have enough lines for people that want to say
4 something or listen, at least, to the meeting. And you
5 guys don't even have enough lines for your teleconference.

6 MS. NICOLE HAYES: I think I may have --
7 I'm sorry to -- I didn't mean to interrupt.

8 MS. EVELYN REITAN: That's seriously bad.
9 And for the record, too, I'm very, very against oil
10 drilling. And you guys are complaining about helicopters
11 flying around with Fish & Wildlife. Once they start
12 drilling right over there in Simpson Cove, you are just
13 going to have helicopters after helicopters, and it's not
14 going to be -- no peace here, for sure. That's my say.

15 MS. NICOLE HAYES: I really appreciate
16 everybody being willing to provide comment today and ask
17 your questions in front of the group. We are here for
18 another good while, so if you have any more questions
19 please come talk to us. And Mary will be here as long as
20 we are here, too. Thank you.

21 (Proceedings adjourned at 9:12 p.m.)

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REPORTER'S CERTIFICATE

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

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

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my seal this _____ day of February 2019.

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

My Commission Expires: November 5, 2020

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