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4 PROGRAMMATIC DEIS SEISMIC SURVEYS
5 IN THE BEAUFORT AND CHUKCHI SEAS
6 PUBLIC HEARING/MEETING

7 Point Hope, Alaska
8 Taken April 23, 2007
9 Commencing at 7:30 p.m.

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11 Volume I - Pages 1 - 60, inclusive

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13 Taken at
14 Qalgi Center
15 Point Hope, Alaska
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21 Reported by:
22 Mary A. Vavrik, RMR
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1 A-P-P-E-A-R-A-N-C-E-S
2 Albert Barros
 Community Liaison
3 Minerals Management Service
4 Bruce M. Herman
 Geophysicist
5 Minerals Management Service
6 Ken Hollingshead
 Fisheries Biologist
7 National Marine Fisheries Service
8

Taken by:

9
 Mary A. Vavrik, RMR

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11 BE IT KNOWN that the aforementioned proceedings were taken
12 at the time and place duly noted on the title page, before
13 Mary A. Vavrik, Registered Merit Reporter and Notary
14 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 (Prayer offered by Joseph Towksjhea.)

3 MR. KEN HOLLINGSHEAD: Good evening. My
4 name is Ken Hollingshead. I'm from the National Marine
5 Fisheries Service, a part of the National Oceanic and
6 Atmospheric Administration, also known as NOAA. With me
7 are people from the Minerals Management Service. In the
8 back I have Albert Barros, who is a community liaison
9 person, and Bruce Herman, who is a geophysicist with the
10 Minerals Management Service. And we have as our court
11 reporter Mary Vavrik from Anchorage.

12 The reason for this meeting tonight is to discuss the
13 environmental impact statement that we have here for
14 arctic seismic in the Beaufort and Chukchi Sea. This
15 document was drafted late fall and early winter of this
16 year and released on March 22nd. It has a comment period
17 that will end on May 14th. I understand today that there
18 may be requests for an extension of the comment period.
19 Such a request would be considered by MMS and the National
20 Marine Fisheries Service, depending on what alternatives
21 there might be.

22 The -- what we are here for tonight is to take
23 comments from people. You can submit comments either
24 orally at the testimony here; the court reporter will take
25 those comments; or you can submit them in written form.

1 This is an example already made. You do not have to use
2 this. We also have information on our website on how to
3 submit comments electronically. So if you are at the last
4 minute, like doing your taxes, you can submit them
5 electronically. As I said, we have a comment period
6 closing May 14th.

7 The issue we have here is for seismic, as I
8 mentioned. This is not for drilling or lease sales. This
9 is a specific programmatic environmental impact statement.
10 What the agencies wanted to do was to telescope in on one
11 aspect of leasing and exploration and development. And
12 that was on seismic. There is a lot of discussion on the
13 impacts on marine mammals, on fish, on other resources,
14 including cultural resources.

15 So we went -- we looked at that. We were
16 particularly concerned about bowhead whales -- by the way,
17 can everybody hear me? We were particularly concerned
18 about bowhead whales because bowhead whales are very, very
19 sensitive to noise. Since being up here we have found
20 that there are other marine mammals that are also pretty
21 sensitive. We heard today about walrus who are watching
22 and listening and hear the sounds.

23 We want to get all the information into this
24 environmental impact statement, whether it's the
25 scientific information which we have subject matter

1 experts in Minerals Management Service and National Marine
2 Fisheries Service, but also we want to incorporate the
3 traditional knowledge that might be out there. Some of
4 that information gives us bits more of information that
5 fills in what we don't have in the science. And in some
6 cases we don't have anything in the science. So that
7 information is our source for potential impacts on marine
8 mammals.

9 What we have in this document, we are required to
10 have a list of alternatives, and the alternatives that we
11 are addressing are how far does sound travel and what
12 impacts on marine mammals and what is the appropriate
13 level of sound for marine mammals and whether there are
14 seasonal restrictions that should be put on the industry.
15 So we are looking for all of that kind of information.

16 One thing, we are not here to debate the subject. We
17 can answer questions, specific questions regarding it, but
18 we are trying to give you an assistance here on how to
19 properly respond to this environmental impact statement.

20 To give you a bit of a background as to where we went
21 and to show what's happening this year, this environmental
22 impact statement is tiered off of a programmatic
23 environmental assessment that was prepared by Minerals
24 Management Service in 2006. In 2006 we thought that there
25 would be four seismic operations in the Chukchi Sea and

1 four in the Beaufort Sea, both operating at the same time.
2 It turned out that there was a lot less activity, but the
3 indications that MMS and National Marine Fisheries Service
4 had was that we may have even underestimated what might
5 happen in the future. So this environmental impact
6 statement went to six activities: six seismic in the
7 Chukchi and six in the Beaufort Sea.

8 We wanted this impact statement to last for a number
9 of years unless there was new information that came
10 forward, either scientifically or through traditional
11 knowledge. So we want this to last for several years.
12 But what has happened right now in the Beaufort and
13 Chukchi Seas is that there has been a lack of interest
14 instead of more interest.

15 So at the present time what we are looking at is that
16 out of the four companies that we -- that MMS was
17 expecting to have requests for permits, we are now down to
18 only Shell Oil operating in the U.S. waters. The company
19 called GX Technology, which was the prevalent one off the
20 coast of the Chukchi last fall, is only going to operate
21 in the Canadian Beaufort Sea. They requested National
22 Marine Fisheries Service to suspend their operation on the
23 permit.

24 So Shell will operate for a time in the Chukchi Sea.
25 Then they will move into the Beaufort Sea and will

1 continue to do seismic in the Beaufort Sea, and then will
2 finish up whatever hasn't been done in the Chukchi. But
3 they do not expect to be around -- expect to remain in the
4 Beaufort -- excuse me -- in the Chukchi Sea for any real
5 length of time. We are still discussing with them how
6 much data that they have. ConocoPhillips was also
7 expected to work in the Chukchi and Beaufort Seas, but
8 they have decided to do -- to work on the same vessel and
9 do -- and have the same data collection as Shell has. So
10 we are down to, as I said, one vessel in the Chukchi Sea
11 in 2007, and only for part of the -- of the summer season.

12 MR. JACK SCHAEFER: I'm with the Native
13 Village of Point Hope. My question is: Can you tell us
14 what you have been told and what you have learned from the
15 last seismic surveys that have taken place this last --
16 last year?

17 MR. KEN HOLLINGSHEAD: The seismic surveys
18 that were conducted in 2006 were conducted by GX
19 Technology. They conducted most of their work in the
20 Beaufort Sea and then in the late fall in the Chukchi Sea.
21 And their report is on-line. I guess, Albert, did you --
22 Albert, did you give it to --

23 MR. ALBERT BARROS: I gave it to Emma.
24 Emma has got it.

25 MR. KEN HOLLINGSHEAD: As I promised,

1 Jack, I have the location of where all of those reports
2 have been published, so those are available.

3 MR. GEORGE KINGIK: I've got one question
4 here.

5 MR. KEN HOLLINGSHEAD: Let me finish with
6 Jack. So the reports themselves show that there was
7 little impact on bowhead whales because essentially you do
8 not see bowhead whales from the vessel, so they did not
9 see anything. But as mentioned previously, we have -- we
10 have asked them to do a comprehensive report, and we are
11 working -- scientists are working to complete the
12 comprehensive report as quickly as possible so that
13 information can be used in the final environmental impact
14 statement, if warranted.

15 MR. JACK SCHAEFER: Were there any reports
16 given to you or your office in regards to the impacts of
17 seismic activities for this last year?

18 MR. KEN HOLLINGSHEAD: We have three
19 reports. ConocoPhillips submitted their report, Shell has
20 submitted their report, and GXT has submitted their
21 reports, and they have been posted by the National Marine
22 Fisheries Service on-line and are available for
23 downloading.

24 MR. JACK SCHAEFER: So you have -- you
25 haven't gotten any other reports from anyone else or who

1 provides reports in regards to what they see, like someone
2 from another village or Point Hope?

3 MR. KEN HOLLINGSHEAD: We are not in
4 receipt of any additional reports. If people have those
5 reports, they should certainly be submitted, especially
6 during a comment period such as the environmental impact
7 statement or applications for marine mammal or MMS
8 permits. Okay. Thank you, Jack.

9 MR. GEORGE KINGIK: I've got a question
10 here for extension. Since you are talking about the -- my
11 name is George Kingik, for the record. And the reason why
12 I'm asking, you are talking about marine mammals, and you
13 are talking about our bowheads. And next month you are
14 going to have IWC meeting in Anchorage. And seismic
15 activity is going to be one of the -- probably one of the
16 main topics because I don't think nobody has did any
17 studies on the seismic impact on bowheads, the belugas,
18 the oogruks. None. I have not seen any in here. So I
19 would ask for extension to do some more studies, at least
20 get this thing right. Thank you.

21 MR. KEN HOLLINGSHEAD: Okay. Thank you.

22 MS. MARIE CASADOS: You guys are here for
23 a meeting. I only see five people. You guys shouldn't
24 even try to have a meeting. Half of the town is out there
25 whaling. You guys shouldn't even try to have a meeting at

1 this time because it won't count for nothing.

2 MR. KEN HOLLINGSHEAD: Okay. Thank you.

3 MS. EMMA KINNEEVEAUK: I agree with her.

4 I'm Emma Kinneveauk, for the record. I work for the
5 Native Village of Point Hope, Environmental Program
6 Manager. I agree with what Marie has said. I agree with
7 all the comments made here by George, Jack, Marie. Your
8 timing here is really bad. Everybody is at umiaqtuq, yet
9 they don't know how important this meeting is and what
10 they are putting at risk. They are umiaqtuqing. That's
11 more important to them. But yet the subject of this
12 meeting is all about what they are doing out there. And
13 that's unfair to them to have them choose to go umiaqtuq
14 over this meeting; yet this meeting is very important to
15 all of us. It's not only dealing with the whales. Like
16 we have said time and time again, it's dealing with all
17 the animals.

18 Earlier when Caroline Cannon had shared comments with
19 you guys, she had mentioned her friend that saw dead
20 ducks, dead seal, dead fish washing up along the shore.
21 And I've heard of dead jellyfish. And all this we know is
22 related to the seismic testing. We depend on the animals
23 year-round, and if there is a lack of animals, we are the
24 first to notice it without any studies being done. We
25 notice it because we depend on every -- every animal out

1 there.

2 And it's pretty alarming to -- to learn that the
3 conflict avoidance agreement was made with AEWC, but they
4 didn't share with us right away what scared the walrus
5 away to Russia. We had to learn ourselves from friends.
6 They weren't willing to share that with us. But they are
7 making a lot of decisions on our behalf, and that's not
8 right.

9 And we -- we are always -- Point Hope is known to
10 always be opposed to development and to the industry.
11 That's why we are always -- when it comes to things like
12 this, we are always put on the side. We are never
13 included, not -- not just with the oil company. Any kind
14 of development, Point Hope always says no. And we are
15 always put on -- on the side because we say no, and they
16 know that. They don't like to come up here and talk about
17 things that could endanger our hunting, our umiaqtuq.

18 And we are always being left out when it comes to
19 decision making because everybody knows the answer from us
20 is no because we cherish -- we cherish every hunt that we
21 do. We cherish going fishing. We cherish going caribou
22 hunting, hunting oogrucks, beluga whale, the bowhead whale.
23 It's not just from the ocean. It's from the -- from
24 upriver, from the land. It's all tied in together. And
25 even stuff that happens in the Beaufort affects us because

1 of the migration routes.

2 I don't see how you guys can allow one village or a
3 bunch of villages to make decisions on the behalf of all
4 these animals because they have migratory routes, and it's
5 not just around us. Like they said earlier in the meeting
6 at Native Village, they migrate all the way from across
7 the ocean, so it affects -- it doesn't only affect us; it
8 affects the whole ecosystem.

9 And I had a question: Your guys ships out there, I
10 hear about this gray water, about what kind of waste comes
11 off your ships. Could I get a little bit more explanation
12 of that? I hear that they use water to control the
13 temperatures of the air guns. Or what are they called?
14 That's going to affect the animals, too.

15 MR. KEN HOLLINGSHEAD: I am unaware of any
16 discharges from the vessels. That's not my subject matter
17 of expertise. But discharge from ships is controlled by
18 other federal agencies; I believe Environmental Protection
19 Agency, et cetera. To my knowledge, there is no need to
20 cool down seismic air guns, et cetera. That's all -- the
21 water itself is the -- is its natural environment. There
22 are no discharges. The only discharges that are mentioned
23 in the environmental impact statement would be if there
24 was an accidental breakage of one of the hydrophone
25 arrays. They have a certain biodegradable product that's

1 in that, but that information is in the environmental
2 impact statement.

3 MS. EMMA KINNEEVEAUK: We don't have
4 access to that. Like I mentioned earlier, my office never
5 got a copy of that until just like last week. And we got
6 that copy from the village coordinator's office. And you
7 mentioned earlier you sent them out in March. I haven't
8 seen one in my office; otherwise, we would be more
9 prepared. That's why -- the other point to help the
10 extension, the purpose for an extension, because some of
11 us never seen this documentation you have up there. We
12 need more time.

13 MR. KEN HOLLINGSHEAD: As mentioned, I
14 mailed copies out; my assistant and myself mailed copies
15 out priority mail, which is the best we had with using
16 post offices. What we are trying to do is to set up -- if
17 we have street addresses we can use Fed Ex to at least get
18 the priority copies up here. But on that date we mailed
19 copies to the mayor of the City of Point Hope, the Native
20 Village of Point Hope, the North Slope Borough coordinator
21 for Point Hope. Excuse me if I pronounce this wrong: the
22 Tigara Corporation, and the Tikigaq library. So we have
23 five copies up here, which is probably one or two more
24 than most of the villages have received.

25 MS. EMMA KINNEEVEAUK: I know I obtained a

1 copy from Albert over here. If we are granted an
2 extension, how much time are you going to give us to go
3 over this before we can make our comments?

4 MR. KEN HOLLINGSHEAD: That I can't -- I
5 just don't know. We have to make decisions as to what the
6 activities are out there, when they need to operate, and
7 how -- what other NEPA documents might be available. So
8 we have to go -- I just can't say something right now
9 because I need to talk to -- each agency has a NOAA --
10 excuse me -- a NEPA coordinator, National Environmental
11 Policy Act coordinator, so we would need to meet with them
12 to discuss what we have. We need to see. And it probably
13 doesn't affect what would happen in the Chukchi Sea so
14 much as what is happening in the Beaufort Sea.

15 MS. EMMA KINNEEVEAUK: And I agree with
16 what George had said earlier. There is not enough studies
17 to -- not enough studies on the Chukchi side to even -- to
18 start seismic testing. I know you guys did already
19 seismic activities last year, and it would be good to see
20 any kind of report from last year to compare to our
21 traditional knowledge and local knowledge.

22 MR. KEN HOLLINGSHEAD: What the scientists
23 from the North Slope Borough and National Marine Fisheries
24 Service have done was they required the industry in 2006
25 to conduct a comprehensive report, which looked at not

1 only their seismic operations independently, but together;
2 also with what operations might be going on, such as
3 barging to the NPR-A. So we are looking at a number of
4 different aspects of that.

5 We received their first comprehensive report draft on
6 April 23rd. That was later than they had promised to have
7 it. So the scientists will again, including Robert
8 Suydam -- will be meeting again in May, late May during
9 IWC in Anchorage to discuss further what needs to be done,
10 not only in the report, but how improvements can be made.

11 So for example, the research that was done was they
12 have the passive array that was established between --
13 along the Chukchi coast there to record vocalizations of
14 both bowhead and beluga whales. You don't get tremendous
15 results with one season of work. But if you continue that
16 and improve the data collection, eventually you start
17 seeing some sort of a trend as to what the levels of
18 impacts, those kind of things, are. So we are pushing the
19 industry very hard. The industry isn't very happy about
20 it, but we are pushing them to say that if you are having
21 impacts that are over the horizon, you cannot see them
22 from a vessel, you need to get off of that vessel and go
23 out there and look at it. So that's what they are being
24 forced to work at.

25 MS. MARIE CASADOS: This is addressed to

1 George Kingik. (Spoken in Inupiat.)

2 MR. GEORGE KINGIK: Might as well explain
3 it to her why you are having this meeting because --

4 MR. JACK SCHAEFER: Tell them what she
5 said.

6 MR. GEORGE KINGIK: What she said is too
7 bad we don't have all the people here. They are all
8 whaling out here, and she wanted to postpone it.

9 MS. MARIE CASADOS: Because it's not
10 right. All the people from -- especially the men need to
11 come to this meeting to know because they are the -- they
12 are the ones that hunt.

13 MR. KEN HOLLINGSHEAD: Okay. Thank you.
14 We did -- we had to set this meeting up a long time ago,
15 so --

16 MS. MARIE CASADOS: You can postpone it if
17 it's so important to you. Like for your guys oil, our
18 whaling is important to us, too, more than the oil itself.

19 MR. JACK SCHAEFER: It wasn't set a long
20 time ago. It was set about three weeks ago, the date of
21 this meeting, this hearing. Isn't that right, Albert?

22 MR. ALBERT BARROS: Yep, that's about
23 right.

24 MS. MARIE CASADOS: It still won't be
25 right.

1 MR. JACK SCHAEFER: It wasn't a long time
2 ago. It was three weeks ago. There was enough
3 communication to indicate that this was whaling season.
4 People would be out whaling.

5 I have some comments. My name is Jack Schaefer. I'm
6 the vice president of the Native Village of Point Hope.
7 In regards to this environmental impact statement, we had
8 a consultation meeting earlier today with Village Council,
9 Native Village of Point Hope Council and the Minerals
10 Management Service. We had some discussion on this
11 environmental impact statement.

12 It is our understanding that their reports weren't
13 completed in time for the publication of this
14 environmental impact statement from the companies that had
15 promised to provide these reports to the Whaling
16 Commission, the Alaska Eskimo Whaling Commission, the
17 Village Whaling Captains Associations, all of them
18 individually. They never provided that report here at
19 Point Hope, even though they came here twice. So their
20 reports weren't made available in time for publication.

21 So it's very difficult for comments to be made when
22 there is information that is missing. And there should be
23 an extension of time so that there can be a clear,
24 well-thought response to the information that has been
25 provided to you that we haven't seen in regards to last

1 year's seismic activities for here and the Beaufort. With
2 that information missing, it's hard for us to make
3 comments on it.

4 Furthermore, the Internet system here in Point Hope
5 has been down for over a week now. And so there has been
6 a communication shutdown. I think the only place that has
7 Internet service is the village corporation. I'm not too
8 sure about the school, but everything has been pretty much
9 shut down. I don't know what the reasons are. A lot of
10 times the Internet is shut down a little while before and
11 shortly after meetings like this occur in this village.
12 It's very strange that this has been going on. And it's
13 almost like a -- a trend. We sort of see a pattern that
14 occurs, and we don't know who is responsible for that.
15 Nevertheless, there is no Internet system working.

16 There was information that was going to be provided
17 to our environmental office from some outside people for
18 this particular hearing tonight, but the Internet has been
19 down. I have provided a little bit of information to
20 them, and hopefully somebody will reflect those comments
21 that were provided from other people and their concerns.

22 So I really do request that we have an extension of
23 time to be able to adequately review the information that
24 has been submitted that hasn't been published in this
25 environmental impact statement, the results of the open

1 water meeting that took place that involved all the
2 parties except for the tribes that were involved with the
3 seismic activities last season. It was very unfortunate
4 that there had been no representation from the Native
5 Village to observe and to learn and to find out firsthand
6 what has taken place this last season as to the types of
7 impacts or how effective communications may or may not
8 have been.

9 Based on our observations here in regards to the
10 observers, it seemed very much like there was very little
11 communication that has been going on last season between
12 the observers here that monitor the traffic. They are
13 supposed to do that. But we were never able to see a
14 clear pattern or to be able to follow what was taking
15 place. And I think to a point they didn't really know
16 what was happening and might have provided or might have
17 maintained very poor records to no records at all. And
18 that's very unfortunate that that has occurred in that
19 manner due to lack of oversight. Whether it be
20 intentional or not is unclear.

21 That information that had occurred last year would
22 have been able to provide us with adequate evidence for
23 your office to be able to allow you to make a clear
24 decision.

25 It was stated earlier that there is people that have

1 seen seals and fish wash up on the beach dead, ducks. And
2 that seems somewhat strange but, you know, I don't know
3 why it wasn't communicated and whether that information
4 was withheld either by the North Slope Borough or other
5 entities that claim to have authority on providing and
6 acquiring information.

7 We have been in the dark for quite some time in
8 regards to seismic activities in the past. And there has
9 been some research or things that have occurred that more
10 or less give us a hint that there were certain things that
11 were going on along the lines of seismic activities that
12 we were completely unaware. For example, the Soviet Union
13 seismic activities that had taken place in 2001 and 2002,
14 that had dramatic effects on the gray whale and possibly
15 decimated their feeding grounds in regards to the
16 disappearance of plankton and the small invertebrates that
17 gray whale feeds on.

18 We were completely unaware of that activity that was
19 being done by Shell until we heard about it recently and
20 seen an article in the Internet. But we do remember a
21 ship coming to this village seeking refuge from high
22 waters due to an extreme storm and have told us that they
23 were here for the purposes of trying to understand why the
24 gray whale had moved further north following the plankton
25 and wondering why there was a very small amount of

1 plankton further south, which forced them to move further
2 north. And they indicated they were trying to figure out
3 why that was happening without telling us that there was
4 seismic activities that were going on at that time.

5 It's really unfortunate that there is a lack of
6 communications between tribes and other countries of
7 indigenous peoples that rely on the same resource and we
8 have to find out about this at the very last minute. And
9 we would definitely like to see that information as to
10 exactly how much impacts have taken place.

11 In the past, over the past 100 years or so, we have
12 always had a relationship with the United States
13 government and its government employees. We were always
14 approached and provided with clear information as to what
15 they were here for and what has been going on in regards
16 to governmental functions and programs and such.

17 And the BIA was very good at that. And surprisingly,
18 despite all the jokes that have been made about the Bureau
19 of Indian Affairs, they always worked with us and provided
20 us with information and followed through.

21 It's quite disturbing that other agencies such as
22 National Oceanic and Atmospheric Administration or marine
23 mammals -- I mean Minerals Management Service, the
24 National Marine Fisheries Service, these people have been
25 doing research and stuff like that but have not really

1 gone into depth with other types of research in regards to
2 different areas in the world within the same subject. Or
3 we are told that they are not aware of this information,
4 and so, you know, the interpretation that we get from
5 these people that seek comment and new explanation, you
6 know, not provide us with that information or -- you know,
7 they should be aware of this information.

8 We always thought that it was a government employee's
9 responsibility to gather information before they come to
10 see us to explain everything in regards to their
11 responsibilities toward us on a government-to-government
12 basis partnership, wardship, however, you know, the
13 arrangement is in regards to a tribal government.

14 Things have changed quite a bit before we could get
15 information. There was honesty. Now we can't tell
16 whether or not you know of this information. We are not
17 told what types of impacts that there are from seismic
18 activities on plankton, on fish, on seals, on walrus, on
19 whales. We have to research that ourselves. And then
20 those that have seen it are referred to as traditional
21 knowledge. And whether this information is acceptable to
22 you is unclear, but we feel that that responsibility
23 should have passed on from the BIA to all the other
24 employees because we have depended on your government. We
25 had this relationship. But recently there has not been a

1 very good, clear exchange of information and honesty as to
2 impacts.

3 Instead, we are hearing this route along the line of
4 oh, by the way, we killed a few of your animals.
5 Incidentally, we killed some more. Incidentally, we
6 killed some more, you know. It's kind of hard to
7 understand the change of attitude and responsibilities,
8 whether it's influenced by industries, as I'm sure we all
9 know what roles you guys are playing, but we expect, you
10 know, these environmental laws and regulations and
11 procedures be followed. And we assume that you're --

12 And it sounds like you're expecting to issue a
13 license to continue seismic activities and using a
14 reduction of the amount of traffic as justification
15 without taking into consideration the impacts because we
16 haven't seen the reports, you know, other than what people
17 have told us on impacts, which seem to be real and should
18 be alarming to you, when we are told that there are dead
19 animals on the beach.

20 Having -- also reporting to the Minerals Management
21 Service the walrus incident where the walrus went over to
22 the Russian side after the Barrow whaling captains gave a
23 go ahead to go ahead and do the seismic deal without
24 taking us into consideration, we had lost our opportunity
25 to harvest walrus this year because the walrus went

1 straight to Russia, and it had a dramatic impact on our
2 ice cellars and our winter food supply.

3 It's unclear what our tribe understands in your eyes
4 as to what is an impact and what is serious impact, what
5 causes change in decisions that you make. We feel the
6 loss in food supply is a definite impact, but in your eyes
7 it might not be. And we find that very hard to
8 understand. You have problems like we do, but it it's not
9 in the same area, you know. Like you have problems with
10 mad cow disease and bird flu disease that causes you to be
11 alarmed. We have the very same concern in dealing with
12 industry. And having to prove these impacts has been
13 quite a struggle for us. And we do request that you
14 provide an extension of time.

15 And we feel it would be very strange for you to
16 provide any authorization for seismic activities without
17 information being provided to you and us and without any
18 agreements being signed by all parties.

19 As far as we know, the Native -- the Point Hope
20 Whaling Captains Association has not signed any conflict
21 avoidance agreements with industry, although they were
22 approached twice this year and begged to sign that
23 agreement. The oil companies refused to provide them with
24 the reports on the impacts of seismic activities that took
25 place this last fall, so that was one of the reasons why

1 the Whaling Captains Association refused to sign those
2 agreements because those reports were not provided to
3 them. So it was very unclear as to whether or not that --
4 those agreements were followed. I have not really
5 reviewed those agreements closely to, you know, be able to
6 indicate whether they were followed or not.

7 But we also request that any agreements that they
8 make, that those agreements be made with the tribe, not
9 with any surrogate leadership like the Alaska Eskimo
10 Whaling Commission, the Eskimo Walrus Commission, the
11 Beluga Commission, the Polar Bear Commission. All of
12 these nonprofit, co-management instruments that were
13 formed for the purposes of cooperation with the federal
14 government and the State of Alaska were more or less
15 experimental and to show that there is cooperation. And
16 they were and are, we feel, demonstration type of projects
17 that are run by nonprofit organizations. We feel
18 agreements should be made with us, not with those
19 commissions, even though those commissions do represent
20 regional and statewide viewpoints.

21 We do have a government-to-government relationship,
22 and that's the main purpose of making this statement is to
23 enforce the government-to-government relationship, and
24 that agreement should be made with the tribe, not with a
25 nonprofit organization that yields to temptation and goes

1 awry from its missions, as we have seen from the Alaska
2 Eskimo Whaling Commission.

3 That's all I have for now. I go to what --

4 MR. KEN HOLLINGSHEAD: Thank you, Jack.
5 Would it be possible for the National Marine Fisheries
6 Service and Minerals Management Service to get
7 documentation on the unusual events you have seen, the
8 duck strandings, the fish strandings, the jellyfish
9 strandings? Did anybody keep records of that?

10 MS. EMMA KINNEEVEAUK: I'm going to try
11 and get -- collect as much as I could from -- from the --
12 hopefully from the people that have seen it and release
13 it. But as of all the events, I don't exactly -- know
14 about a few animals, but I know that because it's said
15 amongst the village to other villagers.

16 MR. KEN HOLLINGSHEAD: Okay. Thank you.

17 MR. GEORGE KINGIK: I also agree with Jack
18 on extension because you told us just a little while ago
19 that you will be meeting with Robert Suydam sometime the
20 last part of May, and we have not seen his report. I
21 agree with Jack fully on that.

22 MR. KEN HOLLINGSHEAD: I don't think I'm
23 meeting with Robert Suydam. He's meeting with the
24 scientists and industry, North Slope. So it's a
25 scientific meeting to continue to try to improve on the

1 report on the work -- the analysis that was done in 2006
2 and to suggest the means of what research needs to be done
3 in 2007. That action has a 30 -- when Shell -- when I've
4 completed writing the Shell application notice in the
5 Federal Register, there will be a 30-day public comment
6 period that will be provided up here to Point Hope.

7 MR. GEORGE KINGIK: And when will that be?

8 MR. KEN HOLLINGSHEAD: I can't say -- I
9 have to write it. I haven't written it yet, so I can't
10 say when that would come out.

11 MS. EMMA KINNEEVEAUK: So the reports that
12 you got from the three companies are not included in this?

13 MR. KEN HOLLINGSHEAD: That's correct.
14 They were not -- they are not the environmental impact
15 statement. The environmental impact statement contains
16 the level of knowledge at the time that that document is
17 completed.

18 MS. EMMA KINNEEVEAUK: So you expect us to
19 comment on the EIS and it's not completed?

20 MR. KEN HOLLINGSHEAD: No. Under the
21 National Environmental Policy Act, there is a date certain
22 when you cut off the science; and so -- otherwise, you
23 never complete a document because there is always new
24 science. So we will look at the new information that
25 comes in in the final -- for the final environmental

1 impact statement. Whether that information changes the
2 content of the final EIS remains to be seen. It's my
3 suspicion that it will not change that information base
4 because those observations in that report were done from
5 the vessel, and the vessel -- the observers cannot see a
6 bowhead whale from an active seismic vessel.

7 MS. EMMA KINNEEVEAUK: Yeah, because the
8 vessels are loud, and whales, the bowhead whale and other
9 animals, are sensitive to noise. I wouldn't expect your
10 observers to see any animals.

11 MR. KEN HOLLINGSHEAD: That's correct. So
12 that's -- that was the reason for the additional research
13 that was being done that's currently being analyzed.

14 MR. JACK SCHAEFER: We still are trying to
15 understand what is happening around us. And we are not
16 too sure if the decision makers are making their decisions
17 in our best interests. For example, this conflict
18 avoidance agreement, there has been an indication at last
19 year's meeting that the North Slope Borough was in
20 agreement with this conflict avoidance agreement and were
21 parties to it. They were provided with some funding as
22 impact A and -- in the form of impact A. And so I feel
23 that there is a conflict of interest involving the North
24 Slope Borough and their personnel in regards to decisions
25 that will be made shortly and the finalization of this

1 so-called report that you have referred to earlier.

2 You know, there has been agreement with the North
3 Slope Borough, the whaling captains, the Whaling
4 Commission -- not the tribes -- and, you know, it's
5 strange that these agreements are there when they should
6 include the tribes in these agreements. If it's some type
7 of mechanism to get away from the tribal requirements --
8 you know, it looks like that that is what is being done,
9 and that is unfortunate and hard to accept when statements
10 are being made by the North Slope Borough that infer
11 otherwise.

12 Again, you know, we don't have information to provide
13 to you and we don't know what is credible information in
14 your eyes and whether a decision will be made, you know.
15 We have been ignored. We have not been told what type of
16 impacts other entities have noticed and have provided to
17 you. Have there been other entities, organizations
18 providing comments to you or talked to your office in
19 regards to impacts and type of concerns have they
20 expressed in regards to impacts of seismic activities?

21 MR. KEN HOLLINGSHEAD: We have not had
22 discussions with any -- any entities other than the
23 applicants themselves for clarification of their
24 application. It should be recognized that the conflict
25 avoidance agreement is an agreement of which the federal

1 government is not a participant.

2 MR. JACK SCHAEFER: But they have been
3 told that this agreement is in there for the protection of
4 the subsistence, right, for the purposes of making a
5 decision to proceed?

6 MR. KEN HOLLINGSHEAD: The conflict
7 avoidance agreement contains a number of issues, one of
8 which is their recommendations for the protection of
9 subsistence of the bowhead whales. That there are other
10 species, other subsistence species that also need
11 protection means that the conflict avoidance agreement
12 does not cover those activities. So the conflict
13 avoidance agreement currently being negotiated or
14 previously negotiated is for the subsistence uses of the
15 bowhead whales. But the U.S. Government does not
16 participate in those discussions.

17 MR. GEORGE KINGIK: The conflict avoidance
18 agreement is only for Shell; is that what you say? Is it
19 with Shell?

20 MR. KEN HOLLINGSHEAD: The conflict
21 avoidance agreement is for any activity that the AEWC
22 whaling captains believe will have an impact on
23 subsistence whaling. So most of the time it's for
24 seismic, but for 2007 it will include Shell's drilling
25 projects, and it may include barging.

1 MR. JACK SCHAEFER: I guess while we are
2 still at it, I'd like to read some points that were
3 provided to us from an environmental organization. I do
4 not know exactly who they are. I received a call the
5 other day from this person who is involved with this
6 wildlife magazine, environmental magazine that is an
7 international magazine. I wasn't given the name of this
8 magazine or the organization, but they had provided some
9 points, and I'll read them to you for the record. And
10 most of these things we do agree with. And I'll start by
11 saying:

12 1), Extend public comment period until the
13 comprehensive report is finished and fully distributed to
14 the communities.

15 2), Seismic impacts are not well documented for the
16 bowhead. a) There is no audiogram for bowhead whales.
17 Scientists do not know what the sensitivity levels are for
18 bowhead whale; therefore, there can be no way to ensure
19 that seismic is not harming these whales. Also the
20 environmental impact statement fails to provide a
21 definition of low, mid, and high frequency;

22 b), Bowhead are some of the least understood whales;
23 c), Seismic could interfere with the bowhead feeding
24 needs. Apparently seismic activities kill plankton, what
25 they eat; d), Observation in MacKenzie Delta from last

1 year's seismic shows that the need to feed overwhelmed the
2 bowhead's desire to escape the sound. As a result, the
3 whales stayed to feed and endured the sounds. We do not
4 know what kind of physical damage seismic caused the
5 bowhead or the calves. Studies are needed to establish
6 what bowheads can physically endure without causing brain
7 damage or eardrum damage.

8 Wildlife folks in California have found that the
9 whales do not move when they are feeding, even when the
10 seismic is going off nearby them. The reasons for this,
11 as they were discussed, are because the animals have swum
12 thousands of miles to feed in these unique areas and
13 feeding is about survival. Food is the motivating factor,
14 and they need to feed. It is about their survival, so it
15 is not what they -- that they are not bothered by the
16 noise; it is that they must feed, particularly cows and
17 calves.

18 e), Beached whales in other parts of the world show
19 brain damage and ear damage and the beachings and deaths
20 have occurred after seismic tests. They refer to an
21 Australian event that 169 pilot whales and dolphins were
22 beached. f), Studies of other whales that have beached
23 around seismic and sonar show that it is likely the whales
24 died from decompression illness from moving to the surface
25 of the water too quickly. This shows that seismic

1 interferes with feeding and has a potential to fatally
2 harm animals. I guess they call that the bends when you
3 get air bubbles in your blood vessels.

4 MR. KEN HOLLINGSHEAD: That's correct.

5 MR. JACK SCHAEFER: 3), Seismic results
6 from the Chukchi and Beaufort Sea tests from '06 and
7 previously. Northstar study results showed that whales
8 moved away from Northstar with increased Northstar noise.
9 Seismic testing in general has shown that animals move
10 away, so clearly it disturbs the animals.

11 3b), Whales moving from east to west stop calling
12 with the noise of Northstar, moving away and are silent.
13 c), The initial studies show the absolute need for tagging
14 of bowhead to establish whale behavior, not just call
15 behavior. Acoustic studies are not enough to determine
16 the impacts on the bowhead and other marine mammals.

17 The tribe has not been consulted in regards to the
18 tagging of whales yet. Although there were suggestions, I
19 don't think anything has been done in that area.

20 d), Noise from the seismic in the MacKenzie Delta was
21 picked up by Northstar, over 500 miles away. This means
22 that seismic noise travels much farther than accounted for
23 under the environmental impact statement. This fact
24 should stop all testing until it's fully documented just
25 how far these sounds are traveling at the ocean floor.

1 e), Substantial numbers of whales were deflected due
2 to sounds by Northstar. I guess that's the project up in
3 Bristol Bay -- I mean Beaufort Sea area.

4 f), There were several instances of whales or
5 pinnipeds and whales coming within the 180-decibel range
6 and requiring power down. Shell states that there are
7 multiple times where animals came within the most
8 dangerous decibel range. What are the effects on those
9 animals? We do not know if as a result of that this will
10 mean this year they do not come back. Apparently there is
11 other people that want to know more about these studies
12 and have not gotten any information.

13 g), There are significant problems with the studies
14 last year. Lots of problems with ice reported, movement
15 of ships, and some studies limited by ice. As a result,
16 these studies were questionable in their effectiveness.

17 h), Shell was allowed to do some source testing
18 somewhere other than where the testing was to be done.
19 This violates and insults the whole intent of the testing.
20 Sea state, weather, geography and all sorts of things
21 affect on how the sound travels in the water. By not
22 doing the sound source verification at the site location
23 means that they really don't know what the sounds are
24 doing at the place they seismic tested.

25 i), Impacts on walrus and seals are almost guaranteed

1 because of the seismic boats that are working in areas
2 that are very close to where these animals like to be,
3 particularly Hannah Shoal. I guess that's up near
4 Northstar. And there is other prospective areas that
5 Shell is planning on doing some exploratory work.

6 4), Monitoring and mitigation problems. a), Shell,
7 Conoco, GXT all reported difficulty in establishing
8 identity of pinnipeds and some whales. Sea state impairs
9 observations significantly. It was stated that anything
10 over three feet will seriously impair or prevent
11 observation. It seems that efforts to observe marine
12 mammals are not that effective. Nighttime and bad weather
13 make it almost impossible. There were causes -- cases
14 where it was not established if a whale had even had a fin
15 or no fin. This means that the monitoring observers
16 cannot truly identify these animals.

17 b), What percentage of time is the weather and sea
18 state so bad as to make the observers' operation not
19 effective?

20 c), Shell proposes to do acoustic arrays off the
21 village points in 2007. Have these plans been discussed
22 with the community? Has Shell come here to discuss this
23 year's --

24 MR. GEORGE KINGIK: (Shakes head.)

25 MR. JACK SCHAEFER: f) -- there is a d)

1 that's missing. f), Did Shell's communication system with
2 whaling captains and hunters work last year? They
3 insisted that was an ineffective strategy. Did this work?
4 Were people, hunters able to call and ask folks to move or
5 stop when people needed to hunt? What was that Shell said
6 they would do -- that was what Shell said they would do.
7 There was no communications in regards to the people that
8 were hunting walrus. Those walruses just passed right by
9 us. You know, the effect was apparently so dramatic that
10 they didn't even beach up here like they normally do.

11 So anyway, there are some more concerns here. And if
12 you would like, I can submit it for the record.

13 MR. KEN HOLLINGSHEAD: Yes, please. We
14 would like to have that for the record.

15 MR. JACK SCHAEFER: That's all I have.
16 Thank you.

17 MR. KEN HOLLINGSHEAD: Thank you very
18 much, Jack.

19 MR. JACK SCHAEFER: Unfortunate that
20 people haven't come.

21 MS. MARIE CASADOS: For the record, I'd
22 like to postpone or cancel this meeting, make it don't
23 count because like, once again, I'm going to tell you our
24 hunters are out there at a crucial moment right now. And
25 you guys come here at bad timing. Maybe you guys can make

1 arrangements for another hearing because it is not right.
2 Our hunters, our captains are out there, and they should
3 be here because this is important. This is our life.

4 MR. KEN HOLLINGSHEAD: Thank you.

5 MS. MARY JANE ATTUNGANA: I second.

6 MR. KEN HOLLINGSHEAD: Are there
7 additional comments?

8 MS. MARIE CASADOS: Cancel this meeting.

9 MS. MARY JANE ATTUNGANA: I second.

10 MS. EMMA KINNEEVEAUK: So this meeting is
11 going to be the only time you were going to collect
12 comments from this community?

13 MR. KEN HOLLINGSHEAD: No. We have a
14 comment period that is open until May 14th for written
15 comments.

16 MS. EMMA KINNEEVEAUK: But then this is
17 their only chance to come in, comment on what you guys had
18 supposedly sent to us, which some of us have never read.
19 Anyways, if we had read it, it's not completed. And you
20 are -- you want us to comment on that?

21 MS. MARY JANE ATTUNGANA: I think they
22 would have more comments that, you know, the guys that
23 are -- I mean, they are out there hunting.

24 MS. MARIE CASADOS: We need them here but,
25 unfortunately, they are hunting.

1 MR. KEN HOLLINGSHEAD: I understand. Yes.

2 I mentioned that we will see what we can do. We have
3 meetings coming up in Point Lay, Wainwright, and Barrow
4 for the rest of this week.

5 MS. EMMA KINNEEVEAUK: Could you guys try
6 and come back at the end of the week after you have gone
7 to the other villages? I mean, if -- because even in the
8 last meeting, the last MMS meeting in November, we had not
9 even one-tenth of the village here. And it was poorly
10 publicized. I did what I could to help you guys publicize
11 this meeting, and the timing is just bad. I mean, you are
12 right in the middle of our whaling season. And you are
13 just, like, asking all the whaling crews to choose between
14 this meeting and catching -- finally getting a chance to
15 catch a whale in the last couple of years. I mean, you
16 have -- for sure they are going to choose umiaqtuq over
17 this meeting. This is what you are seeing right now.

18 MR. GEORGE KINGIK: Be nice to get an
19 extension, if you could. I'd appreciate it if you give us
20 an extension because of what you just heard.

21 MR. KEN HOLLINGSHEAD: We will take all
22 comments into consideration. There are several options
23 that are available to the federal government, and so I
24 can't say one or the other because, as I mentioned, we
25 have to discuss it between the two agencies. We have to

1 discuss it with the -- with the NEPA coordinators in order
2 to come up with a decision.

3 MS. EMMA KINNEEVEAUK: Should I continue
4 the list? I'm going to go ahead and continue what Jack
5 had started to read. It's very important points that we
6 had gotten from another environmental agency or
7 environmental company that helps us out. And we had
8 stopped on the point where boats came into the polynas
9 during the hunt even though it was not allowed. Also,
10 walrus did not come into Point Hope, and there was not a
11 successful whale harvest.

12 i), Shutdowns are required when an animal is within
13 the 180-decibel range; however, Shell did not shut down
14 last year, but powered down. In other words, they did not
15 stop like they said they were going to do. Shell said
16 they would shut down, not power down. This is confusing.

17 4), Cumulative impacts are not discussed well enough
18 or at all. 4a), If sounds from Canada can be heard, then
19 what are the cumulative impacts from all the sounds being
20 put into the Beaufort and Chukchi Seas?

21 4b), Each sound from each boat is treated independent
22 from other sounds rather than as a whole bunch of sounds
23 together. Why is this information not being given to our
24 communities? And other vessels are not included in the
25 cumulative analysis, only seismic.

1 5), Oil or diesel spills. 5a), There are inadequate
2 plans for cleaning oil or diesel spills from one of the
3 numerous vessels in or out in the seas. The issue of ice
4 is a problem for many, as reported by all industry at the
5 open water meetings. What if a vessel is damaged and
6 spills?

7 5b), The cleanup plans are not effective.

8 6), Annual information is seriously lacking. 6a),
9 There is little baseline data about how many walrus,
10 seals, and other animals are out there, nor is there
11 information about where they go and what their most
12 important feeding areas are. MMS wants to tag animals
13 next year but is going to do it after or during the
14 seismic testing. Are they going to do it after or during
15 the seismic testing? Doing the studies at that time makes
16 them highly questionable because the animals will be
17 impacted by the seismic. This seems like bad science.

18 b), Sound is loudest on the sea floor. What impact
19 does this have on feeding walrus and on seals? Is this
20 hurting the walrus or making them not come up into this
21 part of the Chukchi Sea? c), A representative from Fish &
22 Wildlife said at the open water meeting that it would be
23 almost impossible to show population-level effects on
24 walrus or seals right now with so little data on them.
25 This means that MMS should rely on traditional knowledge

1 for what is happening to these animals, not on western
2 science, and therefore use traditional knowledge to
3 establish scientific impacts.

4 d), There is little to any information of what impact
5 seismic will have on prey species such as fish. Impacts
6 on benthic communities is absent and ignored as a major
7 impact to subsistence uses such as seals and walrus.

8 The question I have, other than finishing up the
9 important impacts Jack had started, was sort of the
10 question he had asked earlier. When it comes to
11 traditional knowledge and the knowledge collected from the
12 studies, if they are conflicting, which one will you take
13 into consideration? I guess which one is more important?

14 MR. KEN HOLLINGSHEAD: In an environmental
15 impact statement you put down all the knowledge,
16 traditional or scientific. You don't weigh one against
17 the other. You put it down there to let it stand on its
18 own -- on its own merits, so there is -- there is not a --
19 don't put one in because you don't believe it. So you put
20 both in there and you let the general public, then, look
21 and see both types of knowledge.

22 MS. EMMA KINNEEVEAUK: Of course they are
23 going to conflict -- I mean, of course you are going to
24 have something that a study says. This has happened
25 before. It was mentioned in the consultation with the

1 Native Village Council that a study was done and they said
2 there was this many bowheads. This was done a while back,
3 maybe in the '80s, I think she said; that there was this
4 many bowheads, but then traditional knowledge knew that
5 that study was inadequate. I mean, you are going to bump
6 into things like that. Traditional knowledge to us, I
7 mean, it's been passed on from generation to generation.
8 We have been -- we have been hunting these animals for
9 many years.

10 When it comes to studies, I just want to clarify,
11 where does traditional knowledge come in? Like I plan to
12 go out and try to find these community members that
13 witnessed these dead animals washing up in efforts to try
14 and collect comments from the community because these --
15 this is traditional knowledge. And I want to know
16 where -- where does our -- my information I plan on
17 gathering, where does it stand?

18 MR. KEN HOLLINGSHEAD: Well, I don't know
19 that we will weigh it. We will put it in there, and then
20 what will happen is that there will be other information
21 that's in the document, and each piece of information will
22 be given its due -- it's due weight. I'm not saying one
23 over the other. But if there is -- to use the example of
24 what you mentioned in the 1970s -- not the 1980s -- when
25 there was a great difference between the traditional

1 knowledge of the size of the bowhead population and the
2 scientific knowledge, scientific research was done using
3 acoustics that went in and verified the traditional
4 knowledge as being the correct method. So if you have
5 that difference of opinion, somebody has to look at it.

6 MR. GEORGE KINGIK: When you say
7 scientific knowledge, means you compare your -- your
8 paperwork with the Russian scientists, too?

9 MR. KEN HOLLINGSHEAD: I'm sorry, George.
10 I missed that last part.

11 MR. GEORGE KINGIK: When you say
12 scientific knowledge, just international knowledge what
13 you are using, like the Russian scientists? A few years
14 ago there was a bunch of scientists with NOAA out there
15 studying out there. You guys put those things together or
16 meet with the Russian scientists?

17 MR. KEN HOLLINGSHEAD: If their
18 information is published and their information is relevant
19 to the study -- to the documentation being done, we would
20 use that documentation. But I'm unaware of what they
21 were -- what research was being done, so I can't speak
22 specific to a general question.

23 MR. JACK SCHAEFER: I have another
24 comment. It was -- it is our understanding that some of
25 the personnel and the decision makers were unable to make

1 it to the consultation meeting and most likely would have
2 been here for this public hearing. Seeing that, we feel
3 that it justifies an extension of time because of their
4 absence. We were told that they have other commitments.

5 MS. EMMA KINNEEVEAUK: I agree.

6 MR. GEORGE KINGIK: I agree.

7 MS. MARIE CASADOS: I agree, too.

8 MS. RHODA LONG: I agree.

9 MR. JACK SCHAEFER: Have you gone to any
10 of the other villages, or is this the first village you
11 have come to?

12 MR. KEN HOLLINGSHEAD: We have had
13 hearings in -- we had a G-to-G meeting in Kaktovik. We
14 had a public meeting in Nuiqsut. We were weathered in in
15 Nuiqsut, so we had to reschedule our meeting in Barrow for
16 this Thursday. So we are still scheduled for Point Lay,
17 Wainwright, and Barrow.

18 MR. JACK SCHAEFER: So you heard George's
19 testimony in Kaktovik and Point Hope's testimony in
20 Nuiqsut, huh?

21 MR. KEN HOLLINGSHEAD: We have heard
22 testimony --

23 MS. EMMA KINNEEVEAUK: Via teleconference?

24 MR. GEORGE KINGIK: That testimony will be
25 included for you guys.

1 MR. KEN HOLLINGSHEAD: We did not have a
2 teleconference.

3 MS. EMMA KINNEEVEAUK: We attended your
4 public meeting in Nuiqsut via teleconference.

5 MR. GEORGE KINGIK: There was a different
6 person from Minerals Management, and this will be included
7 for them. They will be up in Barrow. They will be handed
8 out.

9 MR. KEN HOLLINGSHEAD: Albert, are you
10 aware of another meeting?

11 MR. ALBERT BARROS: On the seismic
12 activity, no. We have only had two meetings so far. We
13 met with the Native Village of Kaktovik, and on Tuesday we
14 with -- we sat down and met with members of the tribal
15 council from Nuiqsut, and then that evening we had a
16 public hearing. That's the only meetings we have had.
17 Because we were weathered into Nuiqsut, we missed our
18 meeting in Barrow. And then ICAS canceled a meeting, so
19 we are going back into Barrow next Thursday. Tomorrow we
20 go to Point Lay. Wednesday we are going to Wainwright,
21 then we go to Barrow.

22 So we have only had two -- one public hearing and one
23 government-to-government meeting and then one informal
24 meeting with the tribal council from Nuiqsut.

25 MR. GEORGE KINGIK: We had a

1 representation from Minerals Management when we had a
2 meeting a couple three weeks -- two weeks ago at Nuiqsut
3 and Kaktovik.

4 MR. ALBERT BARROS: That was on -- was
5 that coastal zone management?

6 MR. GEORGE KINGIK: Yeah.

7 MR. ALBERT BARROS: Dennis Hinnah, one of
8 our engineers, went up to observe what was going on. It's
9 a different issue, coastal zone management. It's a
10 State --

11 MR. GEORGE KINGIK: It's almost the same
12 thing.

13 MR. ALBERT BARROS: It was a
14 State-sponsored meeting. State of Alaska sponsored it.

15 MR. GEORGE KINGIK: By the Department of
16 Natural Resources.

17 MR. ALBERT BARROS: Yeah.

18 MS. EMMA KINNEEVEAUK: What we said via
19 teleconference in those meetings will not be recorded in
20 these comments because that's a whole different -- coastal
21 zoning is not the same as this, to my understanding.
22 Right?

23 MR. GEORGE KINGIK: To my understanding
24 from that guy from Minerals Management, that they will be
25 included.

1 MS. EMMA KINNEEVEAUK: That was my
2 understanding, as well.

3 MR. GEORGE KINGIK: That was my
4 understanding.

5 MR. ALBERT BARROS: We can check with Mr.
6 Hinnah when we get back to the office.

7 MR. GEORGE KINGIK: I do have a copy of
8 the -- the one in Kaktovik, but I haven't got one for
9 Nuiqsut.

10 MR. JACK SCHAEFER: That's only a summary,
11 though, right?

12 MR. GEORGE KINGIK: Yeah, it's only a
13 summary. But the whole minutes and everything are -- will
14 be included for a hearing, both for Chukchi Sea and
15 Beaufort.

16 MR. JACK SCHAEFER: So our concerns
17 regarding to endangered species or the killer whale, the
18 right whale, gray whale, I believe that is something that
19 needs to be looked at and considered in regards to the
20 Endangered Species Act. That wasn't considered previously
21 in last year's issuance of the incidental harassment
22 authorization. Those endangered species were not talked
23 about or recognized. We had to apply pressure to indicate
24 that these are valid concerns and that these animals do
25 exist up here. We were told that they only go as far as

1 Nome. That is not true.

2 MR. KEN HOLLINGSHEAD: Thank you, Jack.

3 We are here to take additional testimony.

4 MS. EMMA KINNEEVEAUK: I wish that there
5 could be a way -- I mean, it's impossible to -- like from
6 what you guys said, it's impossible to come back? I wish
7 there was a way you guys could come back after you go to
8 the other villages to get more comments from all the
9 people that are out whaling because you have a small --
10 this is just a handful of our community. And it's really
11 sad because this is a hot issue. And I know whaling and
12 hunting is very dear to everybody because we -- we depend
13 on them animals. And it's -- it's sad to see that this
14 meeting is taking place right when everybody is trying to
15 catch the whale that they haven't caught for a number of
16 years here.

17 MR. KEN HOLLINGSHEAD: Will the whaling
18 season be over on Friday?

19 MS. MARY JANE ATTUNGANA: It depends on
20 how the lead is.

21 MS. MARIE CASADOS: Whaling season doesn't
22 end until the end of May.

23 MS. EMMA KINNEEVEAUK: Is it possible you
24 guys could come back by then? Is there even a possibility
25 you guys could come back?

1 MR. KEN HOLLINGSHEAD: As I mentioned, we
2 have a number of options we need to look at before we
3 commit to anything.

4 MS. EMMA KINNEEVEAUK: But we request that
5 you guys come back. We strongly request that you guys
6 come back because I don't even see not even a whaling
7 captain here, not one.

8 MS. MARIE CASADOS: I make a motion to
9 close this temporary meeting until -- until the -- you can
10 extend it. I make a motion to cancel the meeting on
11 behalf of the whaling people out on the ice.

12 MR. KEN HOLLINGSHEAD: Thank you.
13 Unfortunately, I don't think we would be able to cancel at
14 this time because we do have notice out to the village.
15 So if somebody wants to come in and testify who is in the
16 village, we don't want them to come up and see a locked
17 door.

18 MS. MARIE CASADOS: All the whaling
19 captains would have been here because this is an important
20 hearing, but they are out there right now. You guys will
21 always be here, but the whales and belugas won't be. They
22 are passing through.

23 MR. JACK SCHAEFER: Can this person
24 provide us with any input? I notice he come in with you
25 guys.

1 MR. BRUCE HERMAN: What kind of input are
2 you looking for, Jack?

3 MR. JACK SCHAEFER: Is there anything that
4 you would like to say, or what was the purpose of your
5 trip here?

6 MR. BRUCE HERMAN: I'm here as a subject
7 matter specialist if anybody had any questions with regard
8 to geophysics and the data acquisition.

9 MR. JACK SCHAEFER: The what?

10 MR. BRUCE HERMAN: The seismic programs,
11 in a general sense, not in terms of what Shell actually
12 did or what ConocoPhillips actually did, but in terms of
13 how those programs would operate in general.

14 MR. JACK SCHAEFER: Does seismic activity
15 impact plankton? Does it kill plankton?

16 MR. BRUCE HERMAN: I'm not a biologist,
17 Jack. I'm a geophysicist, so I can only address the
18 geophysics part of it.

19 MR. JACK SCHAEFER: How it operates?

20 MR. BRUCE HERMAN: Yes.

21 MS. EMMA KINNEEVEAUK: Did you guys learn
22 biology, too? Are you --

23 MR. KEN HOLLINGSHEAD: I'm a biologist,
24 yes.

25 MS. EMMA KINNEEVEAUK: So can you answer

1 his question?

2 MR. KEN HOLLINGSHEAD: With the sound
3 field, animals that have a system or has an impedance,
4 animals that have a swim bladder, an air bladder, or some
5 other stuff that will resonate at a frequency different
6 than the rest of it could sustain an injury or mortality
7 if close enough to an air gun array. So it could harm
8 fish, for example, if they are close enough to an air gun
9 as it goes off. The best of our knowledge, the small
10 zooplankton and phytoplankton certainly would not be
11 harmed by air guns.

12 MS. EMMA KINNEEVEAUK: But there hasn't
13 been any studies on that, has there?

14 MR. KEN HOLLINGSHEAD: I don't -- I'm
15 unaware that studies have been done on it. It would not
16 be difficult to put a net behind an air gun and capture
17 the zooplankton. It has not been a problem previously.
18 We will look into that, though.

19 MR. JACK SCHAEFER: Can we provide you
20 with video footage of traditional knowledge from our
21 whaling captains and hunters and submit them to you and
22 have the court reporter transcribe them for the record?

23 MR. KEN HOLLINGSHEAD: I do not see a
24 problem with that. I think that would be welcome.

25 MR. JACK SCHAEFER: Again, whaling is

1 going to continue through the first part of June. It will
2 be very difficult to get anyone to come in and testify
3 before that -- before the deadline because everybody is
4 whaling through the first week of June, constantly. So
5 it's going to be very difficult for us to provide you with
6 that, and that is one of the reasons why we are asking for
7 an extension so that we can get this information to you
8 when they are available. They won't be available until
9 the last part of May if they don't acquire their quota of
10 bowhead whale.

11 MR. KEN HOLLINGSHEAD: But if they do get
12 their quota before the end of May, that information could
13 be provided earlier?

14 MR. JACK SCHAEFER: When they meet their
15 quota, there will some people that will be available, yes.
16 But we don't know when that will be done. Sometimes it
17 takes a few weeks, sometimes longer, sometimes a few days.
18 We don't know.

19 MR. KEN HOLLINGSHEAD: As I mentioned,
20 it's unclear as to whether we can extend the comment
21 period. We have to look at the options, but no matter --
22 no matter what we decide to do, that information is
23 certainly valuable for the record.

24 This is not an exercise that ends at the issuance of
25 a final environmental impact statement. We expect that

1 there is going to be applications received in future
2 years, and we want to add to our knowledge base in the
3 Chukchi Sea. We have, as mentioned, a lot of information
4 in the Beaufort Sea because we have done and discussed
5 this with whaling captains and others in the past on the
6 Beaufort, and now I think we need to have that information
7 for the Chukchi if industry is going to continue to do oil
8 exploration in this area.

9 MS. EMMA KINNEEVEAUK: Since you mentioned
10 the Beaufort Sea, I have family up in Barrow that has land
11 in Prudhoe, and when it comes to the oil industry, they
12 didn't -- they didn't do what they promised my aapa. They
13 didn't follow through with their promises. They took
14 advantage, in other words. So it's very, very hard for us
15 to trust the industry. I mean, they took advantage of an
16 old man that didn't speak or write English. And I
17 wouldn't want to see that happening on this side.

18 I have seen a map of all the drilling sites on the
19 Slope from the -- I think it was '70s to the '90s, and it
20 just -- it started from the Prudhoe Bay area and it's
21 coming this way, according to those maps of development.
22 And according to these seismic testing, they want to go
23 into the water now, just not on the land testing.

24 MR. KEN HOLLINGSHEAD: Thank you, Emma.

25 MR. JACK SCHAEFER: We feel that seismic

1 work can be put off for a later time. Times have changed
2 from the previous and the present Administration of the
3 United States. There has been a change of power, and
4 there has been a major rush to try to develop what can be
5 developed as soon as possible because of the changes in
6 the power structure in the House and the Senate, and those
7 policies are starting to change. And we feel that there
8 is not a serious enough shortage of energy to justify even
9 seismic work. That inventory can wait. Looking and
10 determining how much reserves that there are can wait.
11 Things have changed.

12 They finally indicated that the Iraqi fields are much
13 larger than they thought, and that is most likely the
14 interpretation that has been provided by others in
15 different locations. And the United States is doing a
16 major inventory of its reserves throughout the whole
17 coast.

18 Two weeks ago, three weeks ago, there was a newspaper
19 article from MSNBC website that had indicated that there
20 were animals and birds that washed up on the East Coast,
21 and they did not indicate and did not know where it came
22 from, why these animals washed up. But the seismic
23 activities was going on throughout the whole United States
24 to update their inventory and determine what reserves that
25 they have.

1 The Navy had been forced out of the East Coast
2 already, and so we believe that that explanation of the
3 Navy sonar activities is not the cause of these animals
4 washing up on the East Coast. There has not been any
5 follow-up stories, to our knowledge, as to what had caused
6 these animals to wash up on the East Coast. And today we
7 do not really know what our governor's position is on
8 offshore oil and gas development, but New Jersey was very,
9 very concerned about seismic activities on their side.
10 And do you know what the governor's position on seismic
11 activities in Alaska is, by any chance? Albert?

12 MR. ALBERT BARROS: No, I don't.

13 MR. GEORGE KINGIK: I haven't heard
14 nothing.

15 MR. JACK SCHAEFER: But we feel the
16 seismic information can wait. There is more information
17 that is needed. The industry has been slow in providing
18 their reports, and that might be intentional because it
19 doesn't go with their decision making. As to whether or
20 not there is honesty in oversight is unclear, and there
21 really should be oversight in making sure that these
22 companies are honest.

23 As we seen in the past, they have been very sneaky
24 and very dishonest, as we had seen in the major largest
25 oil spill in the North Slope from the corrosion of their

1 pipes in the transAlaska pipeline. Seeing that as an
2 example is something that we feel that a delay should be
3 made and that the seismic activities done up here should
4 be delayed and set for a later time when all the
5 information is gathered.

6 I understand that there hasn't been very much funding
7 available, and they have recently started to push for
8 scientific work in 2005, which we haven't seen anything in
9 regards to that, but we hope that they are actually
10 earning their money and gathering information for this
11 Arctic Policy Act that was passed in 2005 that
12 appropriated monies to MMS and the other agencies.

13 MR. KEN HOLLINGSHEAD: Thank you.

14 MR. JACK SCHAEFER: We will have oil for
15 another 100 years, so we have got a few years. We can
16 wait. And hopefully the technology will be there for us.
17 There is no proof of cleaning up in the ice. And that's
18 something else to be talked about, but not under this
19 hearing. That is all I have.

20 MR. KEN HOLLINGSHEAD: Jack, for the
21 record, this --

22 MR. JACK SCHAEFER: Yeah, that's for the
23 record.

24 MR. KEN HOLLINGSHEAD: It was submitted to
25 you by Elise Wolf, and she was on our record as being a

1 writer. She was not associated with any environmental
2 organization. She was just an independent writer and
3 working on, as she said, balanced reporting.

4 MR. JACK SCHAEFER: What?

5 MR. KEN HOLLINGSHEAD: Balanced reporting.

6 MR. JACK SCHAEFER: Reporting?

7 MR. KEN HOLLINGSHEAD: Reporting. So she
8 was writing. She was a journalist and she was trying to
9 get the information from the open water meeting just for
10 future research.

11 MR. JACK SCHAEFER: Uh-huh. But those
12 points that are made in that document are understandable
13 and --

14 MS. EMMA KINNEEVEAUK: We agree with them.

15 MR. JACK SCHAEFER: -- we agree with those
16 points there.

17 MR. KEN HOLLINGSHEAD: Thank you.

18 MS. EMMA KINNEEVEAUK: Even if she is just
19 a writer, I agree with the points that she made.

20 MR. JACK SCHAEFER: I wonder how the
21 insignia for Shell will be when the clams become extinct.
22 They won't have that Shell thing anymore. I don't have
23 any more. Thank you.

24 MR. KEN HOLLINGSHEAD: Thank you very
25 much, Jack.

1 MR. JACK SCHAEFER: My grandpa used to
2 say, I no like it for that one. He used to mean it, too.
3 They used to be able to just say that. Now we have to
4 explain.

5 MR. KEN HOLLINGSHEAD: We are going to go
6 off the record for a minute so we can get some information
7 from Emma.

8 (Off the record.)

9 MR. KEN HOLLINGSHEAD: We are back on the
10 record.

11 MS. EMMA KINNEEVEAUK: So you are closing
12 your meeting?

13 MR. KEN HOLLINGSHEAD: No. We are going
14 to keep the meeting open for somewhere for 30 to 45
15 minutes in case there are other people from the community.

16 MS. EMMA KINNEVEVEAUK: So it's going to be
17 open for another 30 to 45 minutes?

18 MR. KEN HOLLINGSHEAD: Yes.

19 MR. KEN HOLLINGSHEAD: What we are going
20 to do is we will go off the record until there is somebody
21 that wants to speak, and then we will go on the record,
22 just so we can relax a little bit up here. Okay. We are
23 off the record.

24 (Off the record.)

25 MR. KEN HOLLINGSHEAD: We will go back on

1 the record. For the record, is there any additional
2 comments from the people of Point Hope? Not hearing any,
3 I close this meeting and remind everybody that the record
4 is open right now until May 14th, although there has been
5 a request by the community here to extend the comment
6 period. Okay. Thank you.

7 (Proceedings adjourned at 9:48 p.m.)

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