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LISTENING SESSION  
BUREAU OF OCEAN ENERGY MANAGEMENT  
and  
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

Anchorage, Alaska

Taken June 6, 2013  
Commencing at 11:15 a.m.

Volume I - Pages 1 - 55, inclusive

Taken at  
Loussac Library  
Anchorage Assembly Chambers  
Anchorage, Alaska

Reported by:  
Mary A. Vavrik, RMR

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

Tommy Beaudreau  
Assistant Secretary of the Interior  
BOEM Director

Pat Pourchot  
Senior DOI Representative for Alaska

Dr. James Kendall  
BOEM Alaska Regional Director

Mark Fesmire  
BSEE Alaska Regional Director

David Johnston  
BOEM Alaska Supervisor for Leasing & Plans

Michael Routhier  
BOEM Alaska Program Analysis Officer

Michael Haller  
Tribal and Community Liaison

Lakeisha Harrison  
BSEE Representative

Taken by: Mary A. Vavrik, RMR

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

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

2 MR. MICHAEL HALLER: Good morning, ladies  
3 and gentlemen. And welcome to this listening session. My  
4 name is Michael Haller, and I'm the Tribal and Community  
5 Liaison for the Bureau of Ocean Energy Management. And  
6 it's a pleasure to have you here today. We appreciate it,  
7 particularly on a beautiful Anchorage day as it is.

8 I want to take just a moment before I introduce  
9 the folks here to my right and mention we do have a couple  
10 of rules today. And it's not very many, but we ask --  
11 because I know some of you want to speak, and we  
12 appreciate, by the way, those of you who have signed up to  
13 speak. We have a ball cap. We just pick them as we get  
14 to them. But for those of you who do speak, first time  
15 around we'd ask that you speak for no more than three  
16 minutes, please, so we can get everybody through. And  
17 then there will be some time hopefully afterwards if you  
18 want to add to your comments or react to something that  
19 somebody else has said previously; add to it, whatever  
20 that may be, that will be fine.

21 In addition, if you have some prepared  
22 statements that you would like to offer to us today, Mary  
23 is over here to my left, and Mary is our court reporter.  
24 You can hand them to myself, to Mike Routhier who is in  
25 the room, to one of us, anyway, and we will make sure to

1 get them. And Mike is right down here. So we appreciate  
2 that.

3 And one more thing about comments. We will have  
4 some time -- if you notice from the ad today and yesterday  
5 that was in the paper, there is reference to eregs.gov.  
6 There is about a two-week window in which you can think  
7 about this topic some more, perhaps formulate it into a  
8 written word and make a submission that way. We would be  
9 glad to get your participation in that manner, as well.  
10 So we appreciate it.

11 Now, let me introduce here to my right the  
12 Assistant Secretary of the Interior, Tommy Beaudreau.  
13 He's also the National Director for the Bureau of Ocean  
14 Energy Management. And to his right is Dr. James Kendall,  
15 our Alaska Regional Director for the Bureau of Ocean  
16 Energy Management. And Mark Fesmire is over there, and  
17 Mark is the Alaska Regional Director for the Bureau of  
18 Safety and Environmental Enforcement. That's who we have  
19 here today. And Pat Pourchot, who is our senior federal  
20 officer for Alaska, is out there and will be joining us  
21 here probably in a few moments. We appreciate that.  
22 Thank you very much for your time.

23 Mr. Secretary.

24 MR. TOMMY BEAUDREAU: Yes, it's  
25 afternoon. Good afternoon, everyone. My name is Tommy

1 Beaudreau. I am the Acting Assistant Secretary for Land  
2 and Minerals at the Interior Department, which means I  
3 have responsibility in helping oversee both onshore and  
4 offshore management of federal lands. That includes  
5 federal lands in the state of Alaska through the Bureau of  
6 Land Management, and also oversight of activity on the  
7 Outer Continental Shelf offshore, including in the  
8 Beaufort and the Chukchi.

9           The other hat I wear is as Director of the  
10 Bureau of Ocean Energy Management, which is the federal  
11 agency that oversees leasing, environmental reviews, plan  
12 reviews with respect to oil and gas activity, again, on  
13 the Outer Continental Shelf, including in the Beaufort and  
14 Chukchi, and Shell's operations last summer. We do that  
15 in conjunction with Bureau of Safety and Environmental  
16 Enforcement, which is the offshore -- the federal offshore  
17 safety authority. And that's the agency for Alaska that  
18 Mark Fesmire heads.

19           Some of you I have met. Some of you I know  
20 already. Some of you I'm just introducing myself to. I'm  
21 actually an Alaskan myself. I grew up in South Anchorage.  
22 I went to Service High School. I remember when the  
23 Loussac Library was built. I think I was in sixth grade  
24 when it was finished. I actually want to walk around and  
25 see if they have more books now than they did back then

1 because I remember it took a while to get the collection  
2 here established. But it's -- it's a real -- it's a real  
3 pleasure for me to come back here, meet with folks in my  
4 home state to talk about these offshore issues.

5           The offshore and energy development in general  
6 is extremely important to this state. I know that having  
7 grown up here, my dad worked on the North Slope. That's  
8 why we moved to the state in 1979 because my dad, when  
9 TAPS came on line, was working in Prudhoe Bay doing the  
10 two weeks on, week off routine. I was also in high school  
11 when the Exxon Valdez spill happened, and that made  
12 obviously a huge personal impression on me. And so I also  
13 understand that perspective of things, the problems, the  
14 destruction, the harm that can be caused when oil and gas  
15 activity goes wrong. And so I bring that into my work at  
16 the Interior Department every day, as well.

17           So the reason we're here today -- and I really  
18 do appreciate everybody taking time to meet with us today  
19 and, you know, probably many of you took time out on your  
20 lunch hour. And so I want to keep my kind of opening  
21 brief, but I do want to contextualize the discussion,  
22 explain why we're here. But the most important part of  
23 this is to hear from -- from each of you. We do have to,  
24 unfortunately, have some organization, and that's what  
25 Mr. Haller described. But actually, given the size of the

1 group here and the time we have available to us, I think  
2 we can have a pretty informal discussion, as well, and  
3 really some back and forth around all of these issues  
4 because I think time will permit us to do that. And  
5 that's really what I find most valuable out of these  
6 sessions.

7           We called them listening sessions, and that's  
8 truly what they are is an opportunity to sit down with  
9 people and talk about what's on everyone's mind. I know,  
10 you know, interacting with the federal government, you  
11 know, and the bureaucrats can be a mysterious process.  
12 Understandably, people wonder what happens, take time out  
13 and talk to the feds, what becomes of that.

14           Part of what we want to do is have some  
15 transparency around our decision making, how we consider  
16 input from the host of stakeholders and people in the  
17 public and have folks understand that. That doesn't  
18 always mean that our decisions are exactly the way  
19 individuals would like to see them come out. That's true,  
20 you know, across the spectrum of interests. It's true  
21 with the oil and gas industry. It's true with other folks  
22 that when we make a decision, people don't always agree  
23 with it. But what I want to assure you of and commit to  
24 is we do take input extremely seriously.

25           You know, I sit down with our team and we go

1 through comments and we go through and say, okay, we heard  
2 this. What is our answer for that? Have we thought this  
3 through? So even if we don't necessarily end up agreeing  
4 with the person who submitted the comment, we use the  
5 information and we use it to challenge ourselves and we  
6 use it to make sure that we have good rigor around our  
7 decision making. So that's just a commitment I make to  
8 you. It's a commitment that everybody in our agencies  
9 shares, and that's how we use your input.

10           Again, just briefly, let me sort of set the  
11 stage for why we're here and why we are reaching out the  
12 way that we are. As everyone knows, last year Shell  
13 embarked on exploration drilling in the Beaufort and the  
14 Chukchi Seas for the first time in many, many years. They  
15 started two wells, one in the Beaufort, one in the  
16 Chukchi. They did not complete those wells. They did not  
17 drill in the hydrocarbon. And the reason they didn't is  
18 because we at the Interior Department did not authorize  
19 Shell to drill in the hydrocarbon. And the reason we  
20 didn't authorize Shell to drill in the hydrocarbon is that  
21 Shell was unable to deploy a containment system that they  
22 committed to and that we had required as conditions of the  
23 exploration plan that they have on hand in the event that  
24 there is a loss of well control.

25           And so we did not permit Shell to drill in the



1 hydrocarbon and essentially engage in the activity for  
2 which that containment system was designed to mitigate in  
3 case of, you know, a worst case loss of well control.

4           Nevertheless, they started two wells. They  
5 experienced some problems, as I think everyone is aware.  
6 The Coast Guard over the last couple weeks has been  
7 conducting public hearings on the loss of the Kulluk tow  
8 and the grounding of the Kulluk. That is one of the  
9 issues obviously Shell experienced. There were others,  
10 including, you know, inspections of their other drill  
11 ship, the Noble Discoverer, that identified problems. We  
12 had questions about why they were unable to bring the  
13 containment system on line as they committed to.

14           And in light of all that, early this year in  
15 January, then Secretary of the Interior Ken Salazar  
16 directed me and our team here to review Shell's 2012  
17 program. And I completed that review and delivered it to  
18 the Secretary in early March. And that's available for  
19 everyone to look at.

20           So while we examined the experience that Shell  
21 had in 2012, we actually used that report as an  
22 opportunity really to take a step back and lay out  
23 principles that are applicable to Shell, but really have  
24 general application to any company seeking to do  
25 exploration activity in the Arctic.

1           And those principles are what's represented on  
2 this panel right here. The first five are specific to  
3 industry. The need for very detailed planning of all  
4 phases of an Arctic operation, extremely complex  
5 operations, have a lot of components to it in addition to  
6 the drilling phase, including maritime logistical issues.

7           Second, all of those phases must be well planned  
8 in advance and with clear objectives. Third, operators  
9 must maintain strong direct oversight of their  
10 contractors. That was a recurring theme in some of the  
11 issues we identified, problems Shell had with its 2012  
12 program, including inability to bring that containment  
13 system on line. They had looked to contractors to help  
14 provide support for that and were disappointed by the  
15 performance of their contractors.

16           No. 4 hardly needs any explanation to Alaskans  
17 but, you know, it's an extremely challenging environment  
18 to work in. You need to understand the environment. You  
19 need to understand those challenges. You need to be  
20 prepared for them, including working with people in Alaska  
21 who know how to handle those challenges and will make good  
22 decisions in light of those challenges.

23           And then fifth, you have to have respect for and  
24 close cooperation with local communities. That includes  
25 consideration of subsistence activity in the Beaufort and

1 the Chukchi, which overlaps to a significant extent with  
2 the drilling season, and it also includes consideration  
3 and being a good neighbor on the social impacts, as well,  
4 with respect to communities. As, you know, industry  
5 mobilizes to conduct these operations, consideration has  
6 to be given to how that affects the people who live in  
7 those villages year-round.

8           The last two recommendations really have to do  
9 with government oversight and is the reason why we're here  
10 today, because this effort that we have embarked on here  
11 is really a continuation of and follow through on those  
12 recommendations.

13           The first is continued strong coordination  
14 across government agencies. You know, especially in  
15 Alaska -- it's true everywhere, but especially in Alaska,  
16 there are a lot of agencies that have relevant  
17 authorities, relevant responsibilities. There are our two  
18 agencies, BOEM and BSEE, who are responsible for different  
19 phases of overseeing an offshore program. There is the  
20 United States Coast Guard. There is NOAA. There is EPA.  
21 We are all on the scene, and we need to make sure that we  
22 have good coordination, good cooperation among ourselves,  
23 as well as with the State and as well as with local  
24 communities so that we have a robust process, but also a  
25 sensible one. And we need to carry that forward.

1           And then finally, that last recommendation is  
2 really what today is about. With respect to Shell's  
3 operations, we impose a number of specific requirements  
4 and conditions on Shell design, particularly for the  
5 Arctic environment and Arctic operations.

6           That included the containment system I  
7 referenced. They need to have a tested containment system  
8 on-site and deployed before drilling in the hydrocarbon.  
9 We put limitations on the drilling season in the Chukchi  
10 area in order to provide for opportunity for open water  
11 spill response in the event of an accident before sea ice  
12 came in. We also had a blackout period in the Beaufort  
13 Sea in consideration of the fall whale hunts, bowhead  
14 whale hunts for the villages of Nuiqsut and Kaktovik. So  
15 we provided for a blackout period there.

16           And there were other more technical  
17 requirements, such as requiring booming around vessels  
18 during any transfer of fuel among vessels. That's  
19 something that's not required, for example, in the Gulf of  
20 Mexico, but we do require offshore of Alaska that you have  
21 a prelaid boom in the event that any of that fuel hits the  
22 water. Thankfully, that never happened last summer.  
23 Shell actually transferred millions of gallons of fuel --  
24 or hundreds of thousands of gallons of fuel, and none of  
25 it hit the water, thankfully, but we did require prelaid

1 boom in the event that there was any accidents there.

2 So those are the types of requirements that,  
3 through conditions on leases or exploration plans, we put  
4 into place with respect to Shell's operations.

5 But what the report, our report says should be  
6 done is going forward we should have in the regulations  
7 additional Alaska-specific standards for operations  
8 offshore of this state and that those should be codified  
9 and put in place as regulations, as rules that are  
10 generally applicable to any company that would seek to  
11 operate in offshore Alaska.

12 And so that's what this endeavor is that we're  
13 here to talk about today. We are looking to -- we have  
14 assembled a team to put into place those -- those  
15 standards, essentially to codify standards and to make  
16 improvements on our standards where appropriate. And so  
17 what we want to talk about with you today and hear from  
18 you about today, as well as over the course of the coming  
19 weeks, is essentially early input into that process,  
20 having issues raised for us that we can take into our  
21 process and keep in mind as we read through these rules.

22 This obviously is not the only opportunity for  
23 folks to weigh in on our effort here. We are actually  
24 leading up to developing proposed rules that would be put  
25 out for notice and comment in a formal way, but the

1 opportunity here is to have a less formal conversation and  
2 exchange on what sort of requirements should be in place  
3 for operations offshore Alaska.

4           And I want to be clear about that point there,  
5 too. One of the things we have in mind, although the  
6 context for Shell's operations and potential future  
7 operations from Shell and other operators has been focused  
8 on the Beaufort and the Chukchi, there is potential for  
9 leasing and potential for activity in other places  
10 offshore Alaska, including the Cook Inlet. And we want to  
11 be extremely thoughtful about any activity in Cook Inlet,  
12 as well. And so a lot of what we are talking about, you  
13 know, does have specific application in the Arctic, but we  
14 actually want to think more broadly and think about it  
15 really in terms of Alaska.

16           The areas -- and I don't want to -- again, we  
17 are -- we are early in our process. That's the whole  
18 point here is to get early input, get the benefit of your  
19 thinking early in the process, but at the same time I can  
20 lay out categorically some of the areas that we have in  
21 mind in terms of, again, codifying and building on our  
22 standards.

23           That includes well control, subsea containment,  
24 you know, the type of containment system that we required  
25 Shell to have. We want to see the same sort of

1 performance with respect to managing, dealing with,  
2 addressing quickly a loss of well control at the source.

3 And secondly, relief well capability. Having  
4 accessible, again, in a very prompt way, in light of the  
5 unique challenges and remoteness of the Arctic environment  
6 and Alaskan environment, the need to have relief well  
7 capability that can be deployed promptly in the event that  
8 that contingency is necessary to deploy.

9 And this is something -- this final point is  
10 something we talk a lot about in the report. What's  
11 really called for offshore of Alaska is an Arctic-specific  
12 model. And fundamental to that, I believe, is the concept  
13 of resource sharing among any company or set of companies  
14 that would endeavor to work up there. You all witnessed  
15 last summer, you know, Shell deployed, you know, a virtual  
16 armada of vessels to support its drilling activity. In  
17 addition to the two drilling rigs Shell mobilized, they  
18 mobilized 20 support vessels to support drilling activity  
19 and to provide emergency response capacity.

20 As you think about -- as we think about  
21 potential future operations that may involve more than one  
22 operator at a time, it seems to make sense to us that,  
23 both in terms of managing risk -- having a lot of vessels  
24 moving around at the same time creates risk, and in terms  
25 of managing the footprint, including the environmental

1 impact of those operations, it seems to make a lot of  
2 sense to have resource sharing among the companies. And  
3 the question that we are thinking about and are looking to  
4 engage people on is how do you bring that to life. What  
5 would that look like? What would that Arctic-specific,  
6 Alaska-specific model actually look like in practice?

7           And so those are some of the issues that are on  
8 our minds, as well as kind of more technical issues around  
9 actual drilling operations themselves, the management  
10 systems that go into overseeing those operations. Again,  
11 very technical issues but, broadly speaking, those are the  
12 types of things we have on our mind as we are thinking  
13 through this rule-making process.

14           So thanks very much. Again, I appreciate very  
15 much everyone taking time to meet with us. And now the  
16 most important part is hearing from you. We will start in  
17 kind of a structured process, given -- you know, making  
18 sure we get as much coverage as we can in terms of folks  
19 who want to provide comments, but I do think we will have  
20 ample opportunity for less formal conversation once we  
21 complete that. So thank you.

22           DR. JIM KENDALL: We came up with this a  
23 year or so ago to make sure everybody has a fair shake.  
24 Well, the first speaker today, drum roll, Lucas Frances.  
25 Did I pronounce that correctly? L-U-C-A-S Frances. All



1 right.

2 MR. MICHAEL HALLER: In the batter's box,  
3 Daniel Lum in the batter's box.

4 MR. LUCAS FRANCES: Hello. My name is  
5 Lucas Frances, and I'm with Shell Exploration here with  
6 the Alaska Venture. I live here in Anchorage. Shell has  
7 long advocated for clear, predictable and consistently  
8 applied rules for the exploration and development of the  
9 Alaska Outer Continental Shelf. The rules governing the  
10 Arctic exploration need to comply with the law and  
11 specifically address Arctic operations.

12 Over the last few years we have worked  
13 extensively with federal regulators on the details for  
14 safe exploration in the Arctic. Regulations need to focus  
15 on achieving performance outcomes rather than specifying  
16 predetermined solutions. This will allow industry to  
17 innovate and adopt management practices that achieve  
18 better results. A performance-based adoptive management  
19 approach would enable operators to be more effective in  
20 reaching the desired outcomes. The rules need not  
21 regulate good neighbor activities. Shell has diligently  
22 worked to listen to local communities and take action to  
23 demonstrate our commitment to the region. In many  
24 instances, it is the process of listening and relationship  
25 building that leads to the most constructive collaboration

1 and understanding.

2 Finally, consideration needs to be given to the  
3 effect of any new regulations on leaseholders who purchase  
4 leases under existing regulations.

5 To sum up, Shell supports a level playing field  
6 for all prospective offshore Arctic exploration and  
7 regulations that set a stable, predictable framework for  
8 businesses prepared to invest and ensure that safety and  
9 environmental performance is held to a consistent and  
10 appropriately high standard.

11 Thank you for your time.

12 MR. MICHAEL HALLER: Daniel. After  
13 Daniel, Rick Rogers.

14 MR. DANIEL LUM: Thank you, Mr. Deputy  
15 Secretary. I'd point out that Shell has to this day  
16 failed to demonstrate any oil spill capacity on location  
17 in various conditions. Arctic seas are rough. We have  
18 yet to see a demonstration from them. They have certified  
19 their skimmers and all that in nice protected bays  
20 somewhere by Valdez, I think. Anyway, that's not why I'm  
21 here.

22 The federal government has a responsibility to  
23 its citizens to balance development with safety, to  
24 monitor and ensure that development is not excessively  
25 dangerous or polluting the public and the environment. As

1 a society we are obligated to protect our air and water.  
2 As a democracy, we have agencies and a process that are  
3 supposed to represent the citizens, their health and  
4 environment.

5 Air quality permitting for the Arctic offshore  
6 exploration was formerly through the EPA, and we used to  
7 have 30 days notice, 30 days comment, 30 days appeal. Now  
8 that Murkowski has put air permitting through BOEM, we  
9 don't have that process. We barely get notice. For the  
10 TGS and SA exploration seismic permits, we had nine and 16  
11 days, respectively. And there was no information on the  
12 projects. We have to get that through Freedom of  
13 Information Act.

14 So you are giving us no time frame, no  
15 opportunity for administrative appeal. Basically you are  
16 taping our mouths shut. I imagine that Murkowski must  
17 have met with you guys and you guys just passed the EPA  
18 process. We need to streamline this. We need to rubber  
19 stamp. Let's run it through BOEM, cut out the public  
20 process. That's what's happening. That's what I feel.  
21 We have no process. You guys give no accountability. It  
22 appears to be a streamlining, a rubber stamping of major  
23 industrial development benefitting industry with a  
24 position where it is not hindered by the public with  
25 issues like clean air or clean water or a citizen's right

1 to appeal permits that would harm citizens and the  
2 environment.

3 Is this the future of our government and the  
4 environment? These same agencies in this listening  
5 session are saying that the public process is so critical  
6 we are -- we want to listen to you. But yet through your  
7 actions and through your permitting process you exclude  
8 us. Why was there only nine and 16 days for these huge  
9 seismic exploratory permits? Because it benefits industry  
10 to streamline permits like this. It gives industry an  
11 advantage.

12 I don't know how many minutes I'm at. I'm  
13 sorry. I'll try and wrap this up.

14 But most importantly, BOEM needs to insist that  
15 companies like Shell, Conoco, Statoil, that they prove on  
16 location of these drill sites. This is not a protected  
17 cove down south in Alaska. Seventy to 90 miles out on the  
18 Chukchi or Beaufort, I've never been out that far. That's  
19 huge waves, huge ice. They can't contain basketballs in a  
20 boom in that weather, much less oil. So it's  
21 inappropriate for BOEM to consider any new permitting  
22 until this process is fixed. We deserve the process, the  
23 public process, the 30 days, 30 days, 30 days. At least  
24 we have something there. Here it's like BOEM is tucking  
25 it under its arm and running away with it. Please forgive

1 me if I'm -- thank you.

2 MR. TOMMY BEAUDREAU: I apologize for the  
3 formality of it. And part of what we want to do and part  
4 of why we have Mary here is we do want to have very good  
5 notes and record on what people say to us, again, so that  
6 we can use that information as we go through our process  
7 and we are not just working from memory. So I apologize  
8 for kind of the little bit of formality here, but it is  
9 important to us. But Mary needs to be able to --

10 DR. JIM KENDALL: Tommy, if we could move  
11 you over here.

12 (Off the record.)

13 MR. RICK ROGERS: All right. Thank you.  
14 And glad we are getting organized. This is a better  
15 setup.

16 For the record, my name is Rick Rogers. I'm  
17 with the Resource Development Council for Alaska. And in  
18 case you are not aware of who we are, RDC is a multisector  
19 trade association. We represent oil and gas, but we also  
20 represent the mining, tourism, fisheries and forestry  
21 industries in Alaska. We have been a voice of Alaska  
22 business since 1975. And we have a broad membership,  
23 including all the Alaska regional Native corporations, the  
24 five industries I mentioned, as well as many individuals  
25 and businesses in the support sector, as well.

1           So given the potential for the vast reserves and  
2 enormous economic benefits to our nation and Alaska, we  
3 are big supporters of timely and responsible exploration  
4 and development in the OCS. It has the potential to  
5 greatly increase throughput in TAPS. As I'm sure you are  
6 aware, we are in an era of decline. TAPS is running at a  
7 third of capacity. We think TAPS is a national asset of  
8 strategic importance, and the OCS is critical in the long  
9 term to maintaining that infrastructure and keeping it  
10 productive for both the benefits of Alaska and for the  
11 country as a whole.

12           We share the department's goal of safe and  
13 responsible offshore exploration and development of the  
14 Alaska OCS. And for the record, we remind you that 30  
15 wells have been drilled in the Beaufort and five in the  
16 Chukchi, all without incident, and that's not to mention  
17 decades of responsible oil and gas exploration and  
18 development in Cook Inlet. These wells were drilled in  
19 the early '80s using older technology than we have today,  
20 all without incident.

21           So as DOI proceeds with finalizing the standards  
22 for Alaska's offshore exploration and development, we  
23 encourage you to keep the following key points in mind.  
24 First we want to emphasize clarity and consistency. The  
25 standards should be clear and consistent. Ambiguity adds

1 risk, uncertainty, delays, and it frustrates our efforts  
2 to develop this essential resource.

3 We also think you need to keep in mind  
4 timeliness. Efforts to commence exploration in the OCS  
5 have been going on for years. Billions of dollars have  
6 been invested. And the regulatory process should  
7 acknowledge the very real time value of these investments  
8 in OCS and move forward in a timely and deliberative  
9 manner. We think that the standards should be performance  
10 based. The exploration and production companies operating  
11 in Alaska's OCS are among the most capable and  
12 sophisticated in the world. And standards should avoid  
13 being overly prescriptive and harness instead the  
14 innovation and capacity of these companies to develop the  
15 best technologies that they can to meet your standards.

16 And finally, we think the standards need to be  
17 durable. Exploration and development projects in Alaska  
18 and the OCS in particular take years of planning and --  
19 from design to implementation, and so frequently changing  
20 standards is grossly inefficient. It results in rework,  
21 disruption and, again, unneeded uncertainty.

22 So the responsible development of the vast oil  
23 and gas assets in the OCS will create tens of thousands of  
24 jobs, improve the economic viability of the natural gas  
25 pipeline, reduce reliance on foreign energy. The benefits

1 are great. Uncertainty, ambiguity and delay will only add  
2 to the risks that exploration and production companies  
3 must factor into their leasing, exploration and  
4 development decisions. The current uncertainty regarding  
5 DOI standards is stalling the needed advancement of  
6 exploration efforts in the Alaska OCS, so we encourage you  
7 to provide clear, consistent and durable performance-based  
8 standards which would reduce uncertainty and encourage  
9 progress in OCS exploration and development.

10 Thanks for coming up to Alaska to hear from us,  
11 and I appreciate it. Thanks.

12 DR. JIM KENDALL: Michael, who is next?

13 MR. MICHAEL HALLER: Lindsey is next, and  
14 after Lindsey, Lois.

15 MS. LINDSEY HAJDUK: My name is Lindsey  
16 Hajduk. That's H-A-J-D-U-K. And I'm a representative  
17 with the Sierra Club here in Anchorage. And the Sierra  
18 Club in Alaska has about 1,500 members throughout the  
19 state, and we represent their interests in this issue. So  
20 I appreciate the opportunity to give comment on this  
21 issue. And the Sierra Club will submit much more detailed  
22 comments as well, of course, but we appreciate you coming  
23 all this way to hear from Alaskans, not only here in  
24 Anchorage, but also in Barrow tomorrow.

25 And so here I still feel fresh off the heels of



1 Shell's 2012 program. Just the numerous meetings,  
2 hearings, and investigations have really drawn out the  
3 process, and it still feels really fresh in my mind as we  
4 try to figure out what went wrong and why and how to avoid  
5 it in the future. But I think the fact is that we  
6 convinced ourselves that we were letting the best oil  
7 company with the most state-of-the-art technology do  
8 something that hasn't happened in a very long time. And  
9 we set ourselves up for these risks and the failures that  
10 we saw this last year.

11 And so now we have the proof for sure that there  
12 isn't a safe way to operate in the Arctic or in the  
13 program that surrounds getting your vessels to and from,  
14 which certainly impacts Alaskans first and foremost. And  
15 so even with all the precautions we took, we saw that it  
16 was not a successful 2012 program.

17 The example of the containment system is  
18 something that is -- it made a huge impact on Alaskans who  
19 were following this issue. It was a line of defense in an  
20 oil spill. When we know that there is no proven way to  
21 clean up an oil spill in Arctic waters, this was the last  
22 line of defense and, of course, we heard it was damaged  
23 during its testing operations while Shell was in the  
24 Arctic, but we didn't know that it was crushed like a beer  
25 can. And the real terms like that which happened, you

1 know, we found out about that long after those tests  
2 happened. And so even the last test that occurred, it's  
3 still not public how it happened and what happened.

4 And the approval process of all these permits  
5 are also given before this equipment is even created,  
6 tested and durable. And we could say that's being timely,  
7 but really it's being irresponsible and setting ourselves  
8 up for these terrible decisions along the road.

9 So the bottom line is that we shouldn't be  
10 drilling for oil and gas in the last frontier. And the  
11 biggest reason is because Alaskans are feeling the effects  
12 of climate change. We see it in our communities, from  
13 melting permafrost affecting our buildings and food  
14 storage, to the need to relocate eroding villages. We  
15 should not be producing more dirty fuels and only further  
16 climate change here in Alaska and around the world.

17 And this Administration has declared the need to  
18 fight climate change as we began to see more extreme  
19 storms throughout the country, but we are setting  
20 ourselves up to continue to feel those impacts and deal  
21 with those major disasters if we continue this energy  
22 policy. So we need a real serious commitment from this  
23 Administration to re-evaluate that policy. And they can  
24 do that by starting with the Arctic Ocean.

25 The Arctic is on the front lines of climate

1 change, and 2012 saw the lowest sea ice cover on record.  
2 And when people think of ice, they think of what's in  
3 their soda, but they don't really think of the huge  
4 ecosystem that Alaska Natives depend on and communities in  
5 this state depend on. But instead, we just discount it  
6 and say, well, it's going away, let's get up there.

7           Instead, we need to keep the oil under the  
8 Arctic Ocean so that we can keep as much as 15.8 million  
9 tons of carbon dioxide in the ground. And that's how much  
10 carbon we could be looking at from the oil under the  
11 ocean, which is as much as 13 years worth of U.S. cars and  
12 light trucks, and we will be saving ourselves from the  
13 disastrous oil operations at the same time because all it  
14 takes is one major disaster, and we have no idea how the  
15 Arctic ecosystem will react to it. And all we can plan  
16 for is a disaster unimaginable.

17           So really what we think the Administration  
18 should do is not create more rules and regulations for  
19 offshore, but to buy back the current leases and not allow  
20 any further lease sales in the Arctic Ocean. Thank you.

21           MR. MICHAEL HALLER: Right after Lois we  
22 will hear from Kenny.

23           MS. LOIS EPSTEIN: Hello. Thank you,  
24 Assistant Secretary Beaudreau, for coming up here, and  
25 appreciate you holding a listening session. I'll give

1 some formal remarks and also hope that we can have some  
2 dialogue after and discuss particular things like timing  
3 which I'm very concerned about because I -- as I will lay  
4 out, there is a number of standards that we think are  
5 incredibly important to be putting in place before moving  
6 forward.

7           So for everybody else, my name is Lois Epstein,  
8 and I am an Alaska licensed engineer and the Arctic  
9 Program Director for The Wilderness Society, also known as  
10 TWS. I have spent over 20 years working on oil and gas  
11 technical and policy issues, and approximately half of  
12 that have been in Alaska. And I currently serve on the  
13 BSEE Ocean Energy Safety Advisory Committee. My role at  
14 The Wilderness Society is to help ensure that oil and gas  
15 drilling in the Arctic is done well and in appropriate  
16 locations.

17           For the past two years on the Ocean Energy  
18 Safety Advisory Committee, we have developed a consensus  
19 recommendation for the federal government to require that  
20 Arctic-specific standards be created and used. It took  
21 many months for the industry and governmental members of  
22 our committee and the subcommittees to understand the  
23 numerous technical needs of the Arctic and why it is a  
24 different operating environment than offshore oil and gas  
25 production elsewhere. And of course, we were looking at

1 the whole range of operating conditions, not just the  
2 actual drilling.

3 The experience of Shell this past year where  
4 there were numerous problems that were unanticipated,  
5 especially during mobilization and demobilization, those  
6 problems surprised the operators, among others, and  
7 empirically shows that Alaska is a very difficult  
8 operating environment. Because of these unanticipated  
9 problems, we believe it's not enough for BOEM and BSEE to  
10 merely codify Shell's requirements for other operators,  
11 which I understand is in process and the federal  
12 government is planning to do, at least on a fairly fast  
13 track.

14 There is a great need for more extensive  
15 regulatory development on Arctic-specific regulatory  
16 standards, including, but not limited to, the following 12  
17 items. And these were some of the things that came out in  
18 our Ocean Energy Safety Advisory Committee.

19 So just to list them quickly, not to go into  
20 detail: Polar class oil rigs and support vessels,  
21 including safe transport to and from the Arctic;  
22 Arctic-engineered pipelines; relief well drilling rigs in  
23 the region; well capping and containment systems; failsafe  
24 blowout preventers for all foreseeable operating  
25 conditions; zero discharge of waste to water;

1 Arctic-engineered proven and effective oil spill recovery  
2 technologies and a regulatory means for continuous  
3 improvements; black carbon limitations; oil spill response  
4 organizations certified for the Arctic by the U.S. Coast  
5 Guard; Arctic conditions training and certification that  
6 addresses human factors, for example, darkness, cold and  
7 remoteness; restricted operations to protect subsistence  
8 whaling; seasonal drilling restrictions that are  
9 consistent for both the Chukchi and the Beaufort to ensure  
10 that responders have enough time to stop releases prior to  
11 ice formation.

12           Beyond technical requirements, The Wilderness  
13 Society and others believe there is a need for significant  
14 regulatory policy and oversight reforms, including public  
15 review and input into Arctic oil spill prevention and  
16 response plans, which it sounds like the federal  
17 government is going to move forward with; public  
18 information prior to and following Arctic drills,  
19 equipment and management system inspections, and increased  
20 transparency about governmental oversight of Arctic  
21 drilling operations in general; significantly increased  
22 liability and financial responsibility requirements for  
23 Arctic operators -- we understand that might require a  
24 role for Congress -- more detailed Arctic incident  
25 reporting and near miss data all made public; and

1 effective enforcement practices, including learning from  
2 other agencies. I realize these are much more specific  
3 recommendations than what we have heard from others today,  
4 but I'm happy to have additional discussions to provide  
5 more details.

6 With this broad range of Arctic-specific needs,  
7 which will certainly take time to enact, I'll finish by  
8 saying that the Obama Administration should consider not  
9 conducting any additional lease sales for the Arctic Ocean  
10 in the 2016-17 time frame. That's our position, that  
11 we're not ready to be and prepared to operate wells in the  
12 Arctic right now.

13 Thank you very much for the opportunity to speak  
14 today.

15 MR. MICHAEL HALLER: After Kenny is done,  
16 we'll hear from Mary Ann Pease.

17 MR. KENNY GALLAHORN: Good morning.  
18 Thank you. Thanks for having us. Good to see you guys  
19 all here. This is actually my first time at one of these  
20 things. Just a question. Kenny Gallahorn, Northwest  
21 Arctic Borough. Why were the Northwest Arctic Borough  
22 communities excluded from the two upcoming surveys of the  
23 northern Native communities? We are quite a ways from the  
24 drilling activity; however, the sea mammals that we  
25 harvest go through there and it will and can affect us.

1 And that was all I had for you guys today. I had two  
2 questions, but I got it answered. Thank you. Appreciate  
3 your guys' efforts.

4 MR. MICHAEL HALLER: As soon as Mary Ann  
5 is concluded, we will hear from Nikki Martin.

6 MS. MARY ANN PEASE: Yes. Good  
7 afternoon. My name is Mary Ann Pease. I'm on the board  
8 of directors for the Consumers Energy Alliance, the State  
9 Chamber Executive Committee. I'm the past president for  
10 the Anchorage Chamber. I'm also a business owner with a  
11 focus on oil, gas and energy consulting. Thank you very  
12 much for the listening session today.

13 I can assure you that everyone in this room is  
14 extremely interested in making sure that our national  
15 resources are developed in a safe, reliable and  
16 economically feasible manner. The need for a diverse  
17 market basket of energy sources is more critical today  
18 than ever. Energy consumers need the optionality of  
19 affordable energy to continue economic prosperity. The  
20 villages and communities here in Alaska are constantly  
21 hurt by the high cost of energy and greatly rely upon the  
22 revenues that come from that very industry, the oil and  
23 gas industry, for their very existence.

24 Alaska has the most stringent regulatory and  
25 permitting requirements in the world. We can reasonably



1 and responsibly develop our resources here in Alaska. The  
2 OCS standards that your agency and others may be reviewing  
3 need to be durable and cannot cause delay, excessive  
4 costs, and should not be intended to stall development.  
5 Our objective and focus should be on sustainable  
6 development and not merely on shutting down business  
7 opportunity, especially in the OCS. There should  
8 definitely be additional lease sales in the OCS and we  
9 should work together to make sure that they go forward on  
10 a reasonable and responsible basis.

11 Shell and the other producers here in the state  
12 are indeed good stewards of the land and the resources.  
13 Their objectives are -- is to successfully develop the  
14 leases that they have, but they are also interested in  
15 being part of this community and being part of this state.  
16 There are numerous agencies and regulators ensuring that  
17 development occurs in an environmentally safe manner.  
18 Standards and environmental safeguards can always be  
19 improved upon, and our focus should be on these  
20 improvements and not on drilling curtailment, as some  
21 anti-development agencies would like to achieve.

22 Thank you very much for your time today.

23 MR. MICHAEL HALLER: And next up is Mike  
24 Faust.

25 MS. KARA MORIARTY: Good afternoon. I

1 am not Nikki Martin. I am the Executive Director of the  
2 Alaska Oil and Gas Association, and Nikki is our  
3 Regulatory Affairs Manager, and that's what happens when  
4 the boss shows. She makes me testify.

5 So for the record, my name is Kara Moriarty, and  
6 I am the Executive Director of AOGA. We are the  
7 professional trade association for the industry. Our 15  
8 member companies account for the majority of oil and gas  
9 exploration, development, production, refining and  
10 marketing and transportation activities both onshore and  
11 offshore here in Alaska.

12 For the past 47 years AOGA has worked to foster  
13 the long-term viability of the industry here by promoting  
14 the responsible development of Alaska's oil and gas  
15 resources across the state, from Cook Inlet to the Outer  
16 Continental Shelf. As you have heard many times and as  
17 you know, Alaska's OCS is estimated to hold approximately  
18 27 billion barrels of oil and 132 trillion cubic feet of  
19 natural gas. Developing Alaska's vast OCS resources is  
20 essential to any effort to reduce the nation's dependence  
21 on foreign sources of oil and is vital to stemming the  
22 decline of throughput in the Trans-Alaska Pipeline, which  
23 will continue to face operational challenges without  
24 additional supply.

25 Development of the Arctic is also a tremendous

1 economic opportunity for the nation, as well as the State  
2 of Alaska. And fossil fuels are projected to be the  
3 source of energy for decades to come. As the Department  
4 of Interior's recent report to the President indicates,  
5 and I quote, "The industrial sector operating in the U.S.  
6 Arctic has a major impact statewide in Alaska, generating  
7 directly and indirectly thousands of jobs, millions of  
8 dollars in personal income, and billions of dollars in  
9 revenue for federal, state and hopefully local  
10 governments."

11 AOGA is encouraged by the efforts and the joint  
12 efforts of your two agencies to ensure consistent and  
13 predictable regulations. We advocate for that at every  
14 level -- State, federal and local -- to have predictable  
15 and consistent regulations. It is imperative that the  
16 rules governing Alaska and Arctic exploration provide  
17 certainty and clarity to a viable path forward for the  
18 development of these resources. AOGA members have a long  
19 history of partnership with State and federal agencies to  
20 ensure safe and responsible development of Alaska's  
21 resources, and we look forward to continuing working with  
22 you and your agencies to produce this oil safely.

23 Thank you very much.

24 MR. MIKE FAUST: Good afternoon. My  
25 name is Mike Faust. I'm the Chukchi project manager for

1 ConocoPhillips. I'm here today to submit ConocoPhillips'  
2 comments on the proposed adoption of regulations imposing  
3 Arctic-specific standards for oil and gas activities in  
4 the Chukchi and Beaufort Seas.

5 ConocoPhillips is one of the largest owners of  
6 State and federal leases in Alaska, including the OCS.  
7 ConocoPhillips has extensive experience exploring in  
8 Arctic conditions both onshore and offshore. We've  
9 drilled in Canada, Norway, and Russia, as well as Alaska.  
10 In the Alaska and Canadian offshore region alone,  
11 ConocoPhillips has safely drilled over 50 wells. Our  
12 Arctic experience provides the basis for our belief that  
13 we can safely and with minimal environmental impact drill  
14 in the Chukchi Sea.

15 Until recently we planned to drill new  
16 exploratory wells on our leases in the Chukchi Sea in  
17 2014. Regulatory uncertainty, however, has caused us to  
18 put those plans on hold. Going forward, we welcome all  
19 opportunities to work with the federal government, other  
20 leaseholders, and other stakeholders to develop offshore  
21 Arctic-specific standards that clearly define the  
22 regulatory expectations for operators. Regulatory clarity  
23 and certainty will be very important to ConocoPhillips as  
24 we assess our future plans for the Chukchi Sea.

25 There are several topics that we would like to

1 have considered. We will be submitting written comments  
2 that include other issues, but two important principles  
3 are, one, any new regulations should provide clear and  
4 reliable regulatory standards that apply throughout the  
5 exploration and development stages. The regulations must  
6 be clear to provide appropriate certainty to all  
7 stakeholders about the governing standards. The  
8 regulations must be well considered at the time of their  
9 adoption so that they are reliable, not subject to change  
10 during permitting, exploration or development.

11           Secondly, new regulations should adopt  
12 performance standards rather than prescriptive technology  
13 requirements. There should be a clear process for  
14 approval of exploration plans, oil spill response plans,  
15 and applications for permits to drill based on performance  
16 standards alone. The regulations should not impose or  
17 allow for a requirement that specific equipment is under  
18 contact -- under contract prior to plan approval.

19           ConocoPhillips encourages cooperative engagement  
20 on these and related issues. We believe that thorough  
21 discussions on technical capabilities and the likely  
22 impacts of proposed regulations should proceed carefully  
23 and transparently. This will ensure that the result is  
24 clear, reliable regulations that protect the environment  
25 and promote responsible development of American energy

1 resources.

2 Thanks very much.

3 MR. TIM SCHUERCH: Good afternoon.  
4 Thank you for coming to Alaska and having a hearing today.  
5 My name is Tim Schuerch. I also grew up in Alaska,  
6 Mr. Assistant Secretary. When I grew up in Alaska -- I  
7 think we might be close to the same age -- I actually grew  
8 up in Kotzebue, and also in the village of Kiana. I'm  
9 part Alaska Native. And my comments today are along the  
10 lines of an echo of what was the concern raised by Ken  
11 Gallahorn a few minutes ago, who is the Chief Operating  
12 Officer of the Northwest Arctic Borough, and that is the  
13 local municipal borough government just south of the lease  
14 area based in Kotzebue.

15 And I'd like to thank you, Mr. Assistant  
16 Secretary, for the department's adopting of the tribal  
17 consultation policy in December 1 of 2011 and also the  
18 ANCSA corporation consultation policy on August 10, 2012.  
19 I feel that these two policies are really important to  
20 keep in mind with regard to the -- this particular  
21 proposed and hopefully final rule that you develop. And  
22 the reason is is there are a number of Alaska Native  
23 tribes and Alaska Native corporations whose tribal members  
24 and shareholders are going to be -- who are going to be  
25 substantially and directly affected by these regulations.

1           The marine mammals that migrate through these  
2 areas in or near these lease areas, their migration does  
3 not stop at the end of that red area there. They don't  
4 stop migrating at Point Hope. They actually round the  
5 corner at Point Hope and they keep going south. They  
6 follow the coastline. The tribal members and the Native  
7 corporation shareholders rely on these marine mammals for  
8 their subsistence to this date, just as they did when you  
9 were growing up here in Alaska.

10           In some ways life out there hasn't changed a  
11 whole lot. Things are still really expensive out in the  
12 Bush. The economic reality is milk is still \$10 a gallon,  
13 which is also often the price of fuel oil. It's really  
14 expensive to live out there. People that live in these  
15 communities still rely on fishing and hunting, including  
16 the hunting of marine mammals for their subsistence,  
17 including the bowhead whales, the walruses, the beluga  
18 whales.

19           And it's a concern, I think, to some of these  
20 communities, as Ken alluded to a few minutes ago, that  
21 they don't feel like they are being included in the  
22 process. There tends to be decent consultation by the  
23 government and also by industry with the communities,  
24 including the tribes and Native corporations in that  
25 region, but these other regions are affected, as well. So

1 we would like you to keep in mind that these other Native  
2 corporations and these other tribes also need to be fully  
3 consulted in the process.

4 Perhaps you would want to get a list together of  
5 those tribes and Native corporations and make sure they  
6 are all sent notices of any hearings or notices of any  
7 proposed rule making, anything you put out in the Federal  
8 Register. Thank you.

9 MR. MICHAEL HALLER: Mr. Secretary, ladies  
10 and gentlemen, that is -- that concludes the formal  
11 remarks, and we can go to open floor, if you would like.

12 MR. TOMMY BEAUDREAU: So let me just say  
13 how much I appreciate everyone who gave a lot of thought  
14 to remarks, typed them out, prepared them and then had the  
15 courage to come up and deliver them. That is not an easy  
16 thing to do. And it does take courage. And so I very  
17 much admire and respect everyone who did that. And we got  
18 a lot of good input through that. And so we do have  
19 remaining time, though, as I expected we would and hoped  
20 we would.

21 And so if as you have sat there and you have  
22 heard comments or you have heard any of us speak, if  
23 something has occurred to you that you want to raise, we  
24 have time to do that. And so you should feel free to do  
25 that. If there is anything else you want to discuss or



1 questions you have, we have time, you know, for just  
2 informal discussion now, as well. And so I open it back  
3 up. And if you have anything, you can just raise your  
4 hand and then we will --

5 MR. LUCAS FRANCES: Lucas Frances with  
6 Shell Exploration. Just about time line, you have got a  
7 box there kind of outlining your approach. Do you have an  
8 expected time frame of delivery?

9 MR. TOMMY BEAUDREAU: Yes. What we would  
10 like to do -- and this is aspirational, but our timeline  
11 is to try to have a set of proposed rules. And again,  
12 they are only proposed rules. They would go through a  
13 notice of comment. There would be opportunity to review  
14 and comment specifically on the proposed rules, but we are  
15 hoping to actually issue those by the end of this year.  
16 That sounds like a lot of time, but for those of you who  
17 are familiar with the federal process, that's actually a  
18 pretty aggressive timeline for rule making. But that's  
19 what we try to align ourselves to do.

20 DR. JIM KENDALL: It might be easier to  
21 come to the mike. We are trying to record these so we  
22 don't lose the comments. And if people want to move  
23 forward, please.

24 MS. LOIS EPSTEIN: Lois Epstein. So it's  
25 actually a follow-up question about the timeline. In the

1 process of you hearing from the public that there are some  
2 needs that obviously are important and big and might take  
3 much more, what does that do to your aggressive schedule?  
4 Will there be statements over the next few months about  
5 the kinds of things that you are working on so that we are  
6 all better informed about your thinking as they develop?

7 MR. TOMMY BEAUDREAU: Thanks for that.

8 And again, this is part of the whole point is to get, you  
9 know, input and to hear things that we might not have  
10 thought of ourselves. So we do have to go into a process  
11 with open minds on all that. And so we have goals for  
12 ourselves. But we do need to consider issues as they come  
13 up. And we will have to make judgments about how we  
14 address these issues. I mean, depending on what we think  
15 of and what we hear and how things unfold as we are  
16 actually putting pen to paper and writing these  
17 regulations, we may have to make judgments about what  
18 should go into this rule making, what should be further  
19 developed potentially in future regulation. And so all of  
20 that is very much open to us.

21 I think, you know, as regulators we certainly  
22 view the world this way, and I think -- and I think even  
23 industry does, as well. But there is a continuous process  
24 that needs to be informed by experience as we go. And so  
25 it's really important to us to establish standards,

1 establish rules, codify requirements, but that doesn't  
2 mean, you know, there is no further thought being given to  
3 additional standards or requirements based on experience.  
4 So we will have to make some judgments about how to do  
5 that.

6           On the one hand, we do want to provide  
7 regulatory certainty. On the other hand -- and we have  
8 seen this in our regulations in the Gulf of Mexico --  
9 things become outdated over time and need improvement. So  
10 we will see how things unfold is basically what I'm  
11 saying. But we haven't made any final judgments about --  
12 about that.

13           Any other questions or points or --

14           MR. TOM LOHMAN: My name is Tom Lohman.  
15 I've been with the North Slope Borough 26 years. I'm not  
16 speaking for the borough today. I remember Daniel -- and  
17 it's good to see you, Daniel -- when he was a little kid  
18 in Barrow. I just want to respond to a couple of points I  
19 heard. First, somebody said that a bunch of wells have  
20 been drilled in the Beaufort and Chukchi and that they  
21 were done without any effects. That may be true in terms  
22 of the lack of oil spills and oil releases, but there were  
23 significant effects on whaling in some of those  
24 communities. I forget which prospect it was. I think  
25 Cabot, which was north and east of Barrow, and they didn't

1 get a whale that year in the fall that they were  
2 operating. I know Kaktovik had a couple of years in the  
3 late '80s when they didn't see whales and they didn't get  
4 whales. And this was -- they didn't see whales and they  
5 didn't get whales. But they went way, way out under very  
6 dangerous Arctic conditions to try to get whales. Those  
7 are effects that don't get reported anywhere, but they are  
8 very significant to folks in the community.

9           And those argue for things like area exclusions  
10 from leasing. We have argued for years that you don't  
11 just exclude the areas that are identified as subsistence  
12 harvest areas for whales. You have to exclude the areas,  
13 what I guess we could call upstream in the fall migration.  
14 Areas of influence is what we have called them, areas  
15 within which, if you have facilities, you have the  
16 potential to deflect migrating whales beyond the safe  
17 reach of whalers.

18           So those are point we've made for years. And a  
19 lot of what I've heard today is what's old is new again in  
20 terms of industry capabilities. Again, we heard talk  
21 about clear regulations, about performance standards. And  
22 I argue, how do you have performance standards when you  
23 don't have performance demonstrations? And we have been  
24 arguing for as long as I have been with the borough and  
25 before for a realistic oil spill response demonstration

1 under Arctic conditions. We have heard from a number of  
2 folks that we have yet to see that. And I believe, along  
3 with, I think, a lot of my colleagues on the Slope, that  
4 they just can't do it with mechanical means.

5           There was a big push in the late '80s for  
6 dispersants as the be all and end all of oil spill  
7 response. That kind of went away when they did a couple  
8 of demonstrations of deployment technology and things  
9 froze up and didn't work as planned. In situ burning, I  
10 haven't seen my friend Al Al Allen [ph] for quite a while,  
11 but Al was the guy who was saying dispersants were the  
12 answer to everything; and then things shifted, and now  
13 he's back saying in situ is the answer to everything. Now  
14 regulations require that you have mechanical cleanup  
15 capability. And Shell, as I guess I would under their  
16 circumstances, argues that they can clean things up with  
17 mechanical means, and I just honestly don't think they  
18 can.

19           With respect to Shell -- and we are in a good  
20 place with Shell now on the North Slope. But just once  
21 I'd like to hear Shell acknowledge that they really messed  
22 up early on in their tenure after Lease Sale 193. At the  
23 same Lease Sale 193, Statoil bought some tracts and got  
24 control of a couple areas, and they were very quick to  
25 slide over across the room and say you are not going to

1 see us up there for a couple years. We are going to do  
2 our homework. Shell was at the Open Water meeting the  
3 next spring and they wanted their permits by that August  
4 for a three-year exploration program.

5 If you want to scare the bejesus out of a  
6 subsistence community, you talk about three years of  
7 exploration in the Beaufort and the Chukchi and a flotilla  
8 of 10 or 20 ships and we want all our permits in place in  
9 six months. That's -- Shell has learned its lessons.  
10 We've learned our lessons in terms of how to deal with  
11 that onslaught of permitting activity and industry  
12 activity. But that's another point.

13 The impacts that we are seeing on the Slope just  
14 of the attention to the Arctic -- you guys are going up  
15 tomorrow. The State is going up with the Alaska Arctic  
16 something commission. There is meeting overload. You  
17 have heard of that. You will hear it from the folks in  
18 the Northwest Arctic Borough, as well. Everybody has got  
19 their Arctic initiative. We're not quite sure how it all  
20 ties together. We're not quite sure who to talk to and  
21 what's going to end up as policy. It's great to see that  
22 you are talking about final regulations, actual -- a  
23 product. That's a great thing, that we are going to see a  
24 product.

25 Another thing we have talked about -- and I'll

1 try to wrap up. We argued in our comments on the  
2 five-year plan. And this gets to the question of whether  
3 you should lease, whether you shouldn't lease. And  
4 something I didn't hear today, the issue of data gaps.  
5 How do you assess what the potential impact on an area is  
6 if you don't know what's out there? And what's out there  
7 is almost certainly changing rapidly and unpredictably  
8 with climate change.

9           And one thing we argued in our comments on the  
10 five-year plan was everybody is concerned about if you  
11 don't hold your lease sales in the Arctic until the end of  
12 the current five-year plan, '16/'17, that you are  
13 effectively delaying new activity for eight or ten years.  
14 If you take Shell's five years of failed operations since  
15 they bought their leases and you tack that onto '16 or  
16 '17, you are out to '20, '21, '22 before you have a new  
17 round of activity, perhaps. And I don't buy all that  
18 because you have got other leaseholders out there.

19           But if you look at that, we argued, fine, move  
20 the lease sales up. Have one in each, Beaufort, Chukchi,  
21 have them as soon as you can in the five-year program, but  
22 add to that a requirement that mirrors what BLM has done,  
23 your sister agency in Interior, within the NPR-A. We can  
24 talk about NPR-A for a long time, too. And that's  
25 required for certain resources in certain areas,

1 multi-year site-specific preactivity study. So you are  
2 making your decisions, when it comes time to issue  
3 permits, on the best available site-specific information  
4 on a particular area.

5 One of the things we always hear from the  
6 agencies, whether it's onshore or offshore, is that you  
7 can't know everything in an area as vast as the Alaskan  
8 OCS or in the onshore context within the NPR-A. There is  
9 no way for an agency to know about every area out there.  
10 And we agree with that. There are folks in our  
11 communities that if you spend time talking to them, they  
12 know what's going on on the ground in virtually every  
13 area, but nobody has time to do that, apparently.

14 But what BLM has done for the protection of  
15 caribou in certain areas, for waterfowl in certain areas,  
16 for fish and hydrology in certain areas is require that a  
17 lessee get out there on the ground and spend, depending on  
18 the area, three or four years of intensive study in that  
19 area before they turn a spade of tundra.

20 And if you apply that to the OCS -- and I think  
21 Shell would have been drilling and would have been  
22 drilling successfully. If those measures had been in  
23 place in Lease Sale 193 and Shell had been out there  
24 studying instead of pushing on all fronts to be drilling,  
25 they would have studied, information would have been



1 gathered, decisions would have been made based on the best  
2 available information on a specific area, and you wouldn't  
3 have the sort of bottleneck in agencies -- and we are no  
4 different than you guys. There were bottlenecks. There  
5 are very few people who operate in these agencies with  
6 Arctic expertise who can review the onslaught of  
7 information that was thrown at us by Shell, by Conoco, and  
8 by the other operators.

9           So I don't know if my mayor, who you are going  
10 to talk to tomorrow in Barrow, would continue to advocate  
11 for the position we took in the five-year plan, but you  
12 can ask her directly. But those kind of provisions that  
13 require you to get out there on the ground and study  
14 before you actually do any operations I think would go a  
15 long way to answering the data gap questions, which again,  
16 we haven't heard today, but I think are really, really  
17 significant.

18           And I guess with that, I'll be quiet. That's it  
19 for now.

20           MR. DANIEL LUM: Daniel Lum again. I'm  
21 not so nervous. Sorry about earlier. Like three or four  
22 years ago, Shell had -- it was during MMS meetings at that  
23 time, they had indicated that they could, through  
24 mechanical recovery, recover 95 percent of any spilled oil  
25 at the lease site sales of 193. I -- I would propose to

1 you that might be exactly opposite, if they could even get  
2 five percent.

3 BSEE has no public comment process for the oil  
4 spill plans or permits. It's like we don't want the  
5 public involved in this because there is no oil spill  
6 response. The emperor has no clothes. There is no oil  
7 spill response. But all this bureaucracy is occurring  
8 trying to -- we are here getting your input and we value  
9 your comments, and while we study, the emperor has no  
10 clothes because there is no spill response. If there was,  
11 Shell would have shown us. You guys would have shown us  
12 you could at least contain something, but the reality is  
13 they can't contain anything. So we even have a -- we have  
14 this whole oil spill program under BSEE, which has no  
15 public input or comments or process. You leave the public  
16 out of the process because you don't want to deal with the  
17 reality that there is no spill response.

18 Secondly, on these recent seismic permits, we  
19 have got TGS, SAE, and I forget who is doing Shell's  
20 seismic in the Chukchi. And you guys piecemeal with  
21 blinders each little project in the environmental  
22 assessment and the EIS process. You have got blinders on,  
23 but what you fail -- what the government has failed to do  
24 is look cumulatively at the impacts because it's going  
25 from the Russian line all the way up to Barrow and the

1 Beaufort side, and we have even got seismic going on this  
2 year -- upcoming next two years in Canada and in Russia.

3           So throughout that whole range we have got  
4 massive seismic exploration, which several species of  
5 marine mammals go through, but we have not a single  
6 cumulative study on it because maybe the government  
7 doesn't want to hear it, just like they don't want to hear  
8 there is no spill response. Shell, can you prove to us  
9 that you can respond to a spill response in any capacity?  
10 Wouldn't you have shown us by now if you could in any  
11 capacity? I have been beating the same drum for years  
12 because there is no spill response.

13           All these corporations are gambling with our  
14 subsistence, and a lot of people just want to see what  
15 they can and can't do. It's only logical to insist that  
16 they demonstrate their capabilities and then mold  
17 development around those safety spill response  
18 capabilities. But instead, it's all on paper. It's all  
19 theoretical. It's all being tested in protected bays by  
20 Valdez. So the reality of a spill response is there is  
21 none. And BSEE, by omitting the public from the process,  
22 has essentially closed their ears. And to reiterate, we  
23 need a cumulative analysis of all the development instead  
24 of just little pieces.

25           Thank you again.

1 MR. MICHAEL HALLER: Thank you, Daniel.

2 MR. TOMMY BEAUDREAU: Anyone else or any  
3 other thoughts or --

4 MR. TED ROCKWELL: My name is Ted  
5 Rockwell, and I'm an Alaskan resident. And I'd just like  
6 to share an observation for an opportunity that I think  
7 you have. We are hearing the need for information about  
8 oil spill response here in the Arctic. And I know that  
9 BSEE -- I think it's BSEE -- has the beginning of a  
10 process to establish a joint industry partnership looking  
11 at an intentional oil spill in OCS waters. I don't think  
12 that there is anything that identifies where they are  
13 thinking about that taking place. But I'd suggest that  
14 when the time comes to make those kinds of decisions, this  
15 testimony be taken into consideration. And if there is  
16 only one, I'd recommend it certainly be in the Arctic.  
17 And if there can be more than one, then I think certainly  
18 the Gulf of Mexico and elsewhere is an opportunity. But I  
19 think it's an opportunity that you have to directly  
20 address the comments that you are hearing.

21 Thank you.

22 MR. TOMMY BEAUDREAU: Anyone else?  
23 Okay. Well, you have certainly given us a lot of chew on  
24 and a lot to think about, which was what we had hoped for.  
25 So thank you very much. You know, we will take back what

1 we heard. And thanks to the most important person in the  
2 room, Mary, who took everything down. We will be able to  
3 sort of sit down and think through the issues that have  
4 been presented to us.

5           And again, as I said in the outset, anytime you  
6 go through a process like this, you know, folks will have  
7 questions about why you make the decisions that you make.  
8 We are bound not to please everyone through the process.  
9 It's almost our specialty. It's impossible for us to do  
10 that. But what I do want us to be able to do and what I  
11 do demand of us is being responsive and accountable and  
12 answer people's questions. So even if we can't always  
13 make decisions totally in line with what each of us  
14 believes, I do think we have to be responsive to people  
15 and we have to be accountable, and that's the type of  
16 process that we are trying to engage in here.

17           So again, thank you very much for taking time to  
18 meet with us. I do have tremendous respect for everybody  
19 who has participated. This is democracy at work. I  
20 apologize for some of the formality that has to go along  
21 with that, but again, there is reasons for that, too. So  
22 thank you very much, and have a great afternoon.

23                           (Proceedings adjourned at 12:28 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 \_\_\_\_\_ 2013.

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MARY A. VAVRIK  
Registered Merit Reporter  
Notary Public for Alaska

My Commission Expires: November 5, 2016

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