

ALASKA CLIMATE ACTION NETWORK

MAY 15, 2018 2:30-3:30

MS. CEAL SMITH: Greetings. I want to thank Tom Kerns and all the folks who organized this important truth telling. It's a privilege to be a part of this historic proceeding.

My name is Ceal Smith and I am an ecologist and founder of the Alaska Climate Action Network. We're a grassroots alliance of scientists, native Alaskans, artists, renewable energy advocates and others who are pushing for better and faster policy action on climate change in Alaska.

Before I moved here in 2013 I worked with communities affected by oil and gas across Colorado for six years. In fact my own community of Crestone was threatened when a Canadian oil company tried to drill in the Baca National Wildlife Refuge just a stone's throw away from my home. We fought and we won a five year federal EPA lawsuit that resulted in a mineral rights buy-out.

And that pulled me in to the larger fractavist movement that was exploding across the state in the mid 2000s. My written brief goes into detail and the amazing trailblazers from Earthworks are probably going TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833

1 to tell that story much better so I won't repeat it
2 here.

3 As many of you know Alaska, the arctic --
4 let's see if I can get this on -- as you can see most
5 people know by now, I think, that the arctic is warming
6 twice as fast as the global average. And living here
7 it's really quite alarming.

8 Everybody walks around sort of looking at each
9 other like where are we? What is this? It's so
10 obviously different now.

11 You can see each given year on the left-hand
12 side this is the extent of sea ice and it's just going
13 down, down, down so fast. And this year was just short
14 of a record but we're seeing, you know, amazing
15 temperatures in the arctic that are 30, 40 degrees off
16 from normal. I'm going to end that.

17 The irony, of course, is that Alaska is also
18 one of the biggest oil producing states in the US. The
19 state produced more than 15.5 billion barrels of oil
20 since production started in the early 1980's.

21 And I have some slides here showing oil and
22 gas as a very dirty business in the arctic but I don't
23 think that I can share that with you right now but I can
24 include those in my file.

25 So here we are in Alaska trapped between
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1 climate change and economic dependence on the root cause
2 of climate change with no end in sight. Between Trump's
3 interior secretary, all roads to energy dominance go
4 through Alaska, Ryan Zinke, and our governor Bill
5 Walker. The state is literally being forced to stay in
6 the clutches of dirty energy.

7 But people are really getting ready for a
8 change. And here to tell that story are two excessively
9 smart and courageous Alaskans, McKibben Jackinsky and
10 Eunice Mary Brower. They are both living on the front
11 lines of oil and gas and climate change and it's been a
12 great privilege and an honor to work with them.

13 McKibben is a fifth generation Alaskan from
14 Ninilchik, a small native village in the Kenai Peninsula
15 about 200 miles south of Anchorage who wrote an amazing
16 book, Too Close To Home: Living With Drill Baby On
17 Alaska's Kenai Peninsula.

18 And Eunice is the EPA IGAP Coordinator in the
19 Nuiqsut Tribal Council Office of Environmental
20 Management. That is 700 miles north of where McKibben
21 lives on Alaska's North Slope where almost 10,000 oil
22 wells comprise one of the biggest industrial zones in
23 the arctic. Eunice's home of Nuiqsut may be out of site
24 to most of us in the world but it's not out of mind.

25 And we are especially glad that Eunice is here
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1 today to tell you the other side of Alaska's oil boom
2 story. So I am going to hand it over to McKibben and
3 then Eunice to tell their story.

4 MS. MCKIBBEN JACKINSKY: Thank you, Ceal,
5 and many thanks to the Permanent Peoples' Tribunal for
6 addressing this topic of global importance. And thanks
7 also to the organizations that helped bring this an
8 about, The Global Network For The Study Of Human Rights
9 And The Environment, the Environment And Human Rights
10 Advisory and the Spring Creek Project and the Master's
11 Arts Of Environmental Arts And Humanities Initiative.

12 My name is McKibben Jackinsky. In 1847 my
13 great-great-great grandfather Grigorii Kvasnikoff, a
14 Russian-American company pensioner, his wife Marva
15 Rastorguev, a woman of Russian and Alutiiq blood and
16 their children, were one of the first two families to
17 found Ninilchik, a Kenai Peninsula village on the shores
18 of Cook Inlet.

19 In 1913 their great-granddaughter Masha
20 Oskolkoff married Walter Jackinsky a Polish immigrant
21 who had found his way to Ninilchik. And in 1920 Walter
22 and Marsha homesteaded three miles north of the village.
23 Since then some of the homestead has been sold but most
24 of it has been inherited by their children,
25 grandchildren and great grandchildren.

1 In 1949 I was brought as a new born to the
2 land by my parents Walter Jackinsky Jr. and Alice
3 McKibben.

4 Ninilchik is where I grew up. In the spring
5 we moved to our fish camp near the homestead. The fish
6 we caught during the summer were sold to a cannery with
7 enough held back to feed our family. During the summers
8 I went to sleep and woke up to the sound of the waves.
9 Weather and tides dictated when we picked our fish.
10 Fall was for harvesting the vegetable gardens, picking
11 berries in the woods, hunting for moose and collecting
12 coal from the beach to warm our homes.

13 In the winter we lived on what we'd harvested.
14 On every low tide we could dig clams from the beach.
15 Our lives were governed by the seasons, the weather and
16 the life cycles of plants and animals.

17 In 1978 my two daughters and I, with the help
18 of family and friends, rebuilt the hand hewn log
19 homestead cabin where Walt and Marsha had raised their
20 children.

21 In 1995 I built a cabin on three acres of the
22 homestead my daughters and I inherited. Camp fires in
23 the front yard have cooked many a meal for our extended
24 families. Overnights at the cabin are special times to
25 tell my children and grandchildren about their

1 ancestors.

2 My life's journey has included a decade
3 working in Alaska's oil and gas industry on the North
4 Slope, along the TransAlaska pipeline at the Valdez
5 terminal in Anchorage and on Cook Inlet platforms.

6 That was followed by 15 years working as a
7 journalist with opportunities to write about Alaska's
8 petroleum industry from numerous perspectives.

9 I retired from my employment with a local
10 newspaper in February 2015. And in 2016 my book, Too
11 Close To Home: Living With Drill Baby On Alaska Kenai
12 Peninsula was published by Hard Scratch Press.

13 Through more than 70 interviews it looks at
14 impacts, both positive and negative, of the fossil fuel
15 industry on the southern Kenai Peninsula.

16 Two things happened that made writing the book
17 seem crucial. My daughters and I were offered a lease
18 by Hilcorp, a Texas based oil and gas company that is
19 the largest producer in Cook Inlet. Hilcorp wanted to
20 lease our land to expand their oil and natural gas
21 exploration and production.

22 The second thing that happened was
23 introduction of a new word to the vocabulary of southern
24 Kenai Peninsula residents, fracking.

25 Blue Crest, another Texas based company,
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1 announced plans to frack wells at its cosmopolitan site
2 20 miles south of Ninilchik. The directional wells were
3 to be drilled on shore and extend beneath Cook Inlet.
4 The well pad is on privately owned property. The
5 owners' homes are separated from the pad by a stand of
6 spruce trees. The pad is bordered on two sides by other
7 private residences, fishing charter businesses and Bed
8 and Breakfasts. It is also a home to a salmon stream
9 that empties into Cook Inlet.

10 We'd heard the word "fracking" in relation to
11 earthquakes, drinking water being poisoned, wells
12 disappearing and noise and air pollution.

13 We'd heard about battles to ban fracking
14 because of its dangerous impacts but that was all
15 somewhere else.

16 Now we learned that fracking wasn't new to
17 Alaska. The Alaska Oil And Gas Conservation Commission,
18 the state agency that permits fracking, said 20% of the
19 oil and natural gas wells in Alaska had been
20 hydraulically fracked, including wells in Cook Inlet and
21 on the Kenai Peninsula.

22 We were surprised and angered that fracking
23 had occurred without the public knowledge or input,
24 especially those living near the fracked wells. As a
25 resident and as a journalist I set out to learn more.

1 For starters Blue Crest, an AOGCC, pointed out
2 that chemicals comprised an insignificant 2% of fluid
3 used in the fracking process and water was the main
4 component. 2% sounded like a small until we realized
5 that each frack required millions of gallons of water.
6 For every million gallons that's 20,000 gallons of
7 additives, detergents, salts, acids, alcohols,
8 lubricants and disinfectants being forced into the
9 ground.

10 Herb Keith's water well is a little more than
11 a thousand feet from Blue Crest's first fracked well.
12 After retiring from the Alaska Railroad Herb used his
13 savings to build an a small, energy efficient, house on
14 land overlooking Cook Inlet. There were sweeping views
15 of the water and mountains on the inlet's west side.
16 Bald eagles soared along the bluff's edge. Bears and
17 moose roamed the neighborhood.

18 Herb's home offered a peace he dreamed of all
19 his years working until Blue Crest began its operations.
20 Then Herb's life became punctuated by clanging pipes,
21 back-up alarms, lights flooding his kitchen through the
22 night, a roaring natural gas flare dangerously dancing
23 in inlet winds. Drilling noises drowning out indoor
24 conversations. Vibrations shaking the ground beneath
25 his feet.

1 Informing Blue Crest of the impacts their
2 activities were having on his life brought no
3 satisfaction. When I interviewed Herb for my book he
4 said, "They don't give a shit. They'll tell you
5 whatever they need to tell you. We're not going to get
6 rid of them but they're getting rid of us. It's said to
7 me, very sad. We are so screwed down here."

8 In the three years since Blue Crest fracking
9 began the Kenai Peninsula Borough's assessment of Herb's
10 house and land has dropped \$31,000.00. For a short time
11 he had it on the market but knowing it's likely he'll
12 never get what he put into it he has taken down the for
13 sale sign.

14 Jim and Jolayne Soplada, who live on the
15 other side of the Stariski Creek in a two story log
16 house they built with the intent of taking full
17 advantage of its beautiful setting above the creek and a
18 view much like Herb's.

19 Jolene served as dispatcher for volunteer fire
20 and emergency responders in the nearby community of
21 Anchor Point. A deafening roar of Blue Crest's natural
22 gas flare not only shattered the peace at home but also
23 increased Jolene's workload.

24 We get 911 calls constantly because of the
25 flare, people thinking there was a fire, she told me.
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1 At the time that I wrote the book Jolene said her
2 husband was so excited when we got this property but
3 now, well, there's not much we can do about it. They
4 have since sold their home.

5 Ken Lewandowski moved to Alaska from New
6 Jersey in 1985. He built a two story log house in
7 Anchor Point only to have EnStar natural gas construct a
8 natural gas pressure reduction station nearby.

9 The station serves a pipeline that delivers
10 gas to another pipeline that carries the gas to EnStar
11 customers some 200 miles away. Ken worried about
12 methane leaks. He worried that in the case of a problem
13 at the station he and his neighbors had only one street
14 to exit the area and it led past the station.

15 He was invited to tour the station but denied
16 entrance when he arrived without the protective attire
17 he'd not been told was required.

18 He complained but was ignored when activity in
19 the station caused his house to vibrate so violently he
20 had to secure items on shelves and walls and when noise
21 made inside conversations impossible.

22 So Ken bought a new piece of land and built
23 another two story log home with windows opening on to
24 views of Cook Inlet. Little did he know that within a
25 short time his view would be dominated by Blue Crest's
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1 drill rig and that he would suffer the same impacts as
2 his new neighbor Herb.

3 "Where is the way stop these guys?", Ken
4 asked me. "I don't even know where to turn. People need
5 to know what this is like."

6 A seismologist told me that Cook Inlet is
7 riddled with so many faults it's hard to know if
8 earthquakes in the area are fracking related.

9 US geological surveys scientist, Peter
10 Haussler, used seismic data collected by the oil and gas
11 industry to map faults beneath the inlet. In an article
12 in Alexander's Oil And Gas Connections about the study
13 Haussler said, "I think the oil companies should assess
14 whether pipelines can be compressed as the faults shift.
15 The faults could produce earthquakes large enough to
16 rupture pipelines."

17 In 2016 a 7.1 quake hit the Cook Inlet area
18 and four houses were destroyed by fire when an EnStar
19 natural gas line separated at a well joint and released
20 460,000 cubic feet of natural gas.

21 Earthquakes aren't the only natural disaster
22 to take into consideration. Five volcanoes are strung
23 along the inlet's west side. An eruption at one of
24 them, Redoubt in March 2009, sent rivers of mud and
25 debris down the Drift River Valley to the Drift River
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1 oil terminal. It breached the containment berms,
2 personnel had to be evacuated and 7.9 million gallons of
3 crude oil and water were removed from the storage tanks
4 to a tanker.

5 Protecting the inlet and peninsula wildlife is
6 another concern. The inlet is home to salmon, halibut,
7 federally endangered Beluga whale and razor clams.

8 In 1969 the Alaska Department Of Fish And Game
9 reported 8,600 clam diggers had visited Cook Inlet
10 beaches, harvesting 279,500 clams. In the mid 1980's
11 the annual harvest neared one-million clams. In 2006
12 the allowable daily limit for a clamdigger was 60 clams.

13 Then in 2010 thousands of razor clams
14 mysteriously washed up on many Ninilchik's beaches.
15 Fish and Game concluded it was due to a storm but none
16 of the elders with whom I spoke, who had weathered
17 storms and dug many clams, could recall anything like
18 that happening.

19 Three years later the daily limit per clam
20 digger was reduced to 25. The following year the beach
21 was closed to digging and remains closed.

22 A study by Alaska Pacific University has
23 recognized other factors needing to be considered; fresh
24 water input, water quality, underlying geology and
25 geochemistry, coastal erosion, climate change, habitat
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1 degradation, predation by sea otters and humans.

2 Lacking an identifiable cause for the die out
3 and with no clams to harvest and none for us to eat,
4 Ninilchik resident Katie Kennedy, who owns a home and
5 bed and breakfast near gas wells Hilcorp has fracked
6 remains suspicious.

7 "The clams are gone. I think it's the oil and
8 gas seismic stuff," she said.

9 When the die-off occurred I asked Fish and
10 Game if impacts of oil and gas activities might be to
11 blame but was told that hadn't been considered.
12 Negative impacts to clams caused by humans were
13 recognized by the state in 1976 when it designated a 30
14 mile strip of beach that includes Ninilchik as the Clam
15 Gulch Critical Area Habitat.

16 Natural resource development and energy
17 exploration requires special areas permits. However,
18 Fish and Games area manager for the Kenai Peninsula told
19 me permits are only needed for surface work. A special
20 area permit for working beneath the surface where the
21 clams live is not required.

22 However, the impacts of oil and gas on
23 shellfish have been studied with experiments by the
24 Scottish Oceans Institute at St. Andrews; the University
25 of Laguna, Canary Islands and University of Auckland,
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1 New, Zealand that suggests scallops suffer negative
2 impacts from routine underwater sounds of oil
3 exploration and construction.

4 Senior research fellow Dr. Mark Johnson of St.
5 Andrews said, "Between shipping, construction and oil
6 exploration we are making more and more noise in the
7 oceans. It's important to find out what noise levels
8 are safe for shellfish to help reduce our impact on
9 these key links to the food chain."

10 Scientific American reports leaks in disposal
11 wells where toxic fracking drilling fluids are injected.
12 The US Environmental Protection Agency has reported
13 significant gaps and uncertainties of the available data
14 that make it impossible to calculate or estimate
15 fracking's impact on drinking water nationally.

16 A Princeton University study indicates
17 fracking may have significant health impacts. In other
18 words, the ongoing research on fracking could fill a
19 library and continues to grow.

20 With so much known and still unknown Alaskans
21 asked AOGCC to include a public notification and comment
22 period in the fracking permit process. With their
23 knowledge of Cook Inlet and the waters that flow into it
24 Cook Inlet Keeper led the effort, testifying at meetings
25 and raising the public's awareness.

1 More than 450 Alaskans spoke up at meetings,
2 testified by phone and wrote letters. AOGCC also heard
3 from industry representatives and the state saying no
4 public notification was needed. As a result AOGCC did
5 revise it's regulations. Fracking applications will now
6 be posted on AOGCC web site, period. How far in advance
7 before the permit will be granted? Not noted.
8 Comment period not included. It remains property
9 owner's responsibility to find out if and what
10 development is planned and to trust that AOGCC has their
11 best interest at heart.

12 In 2017 Hilcorp purchased land bordering the
13 Jackinsky homestead. My daughters and I received
14 another lease offer, this one asking to drill under or
15 through our property. I met with an attorney and with
16 Hilcorp's landman to make sure I understood the scope of
17 what the company intended and its impacts to the land
18 and my family.

19 I asked why this time my daughters and I each
20 were offered a lease and was told by the landman it only
21 took one signature to give Hilcorp the green light.

22 I asked if Hilcorp had already fracked wells
23 in its Ninilchik unit which borders our property to the
24 north. Answer, no.

25 However, I recently discovered on AOGCC data
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1 base of hydraulically fracked Alaska wells that of the
2 2,008 wells listed five are within the Ninilchik unit
3 and one, the Paxton lateral pad, is less than a mile
4 from my cabin.

5 Hilcorp's aggressiveness in Alaska has proven
6 dangerous. Twelve violations listed by AOGCC in the
7 last five years. In December of 2015 the improper and
8 unauthorized use of nitrogen during a well clean- out
9 resulted in the near death of three North Slope workers.

10 Hilcorp was fined \$720,000.00 by AOGCC and a
11 short time later hit with another fine for \$190,000.00
12 for three more infractions.

13 AOGCC noted the disregard for regulatory
14 compliance is endemic to Hilcorp's approach to its
15 Alaska operations and virtually assured the recurrence
16 of the incident. Hilcorp's conduct is inexcusable.

17 Closer to home Hilcorp failed to submit
18 metering reports at its Bartalowitz pad in the Ninilchik
19 unit from August 2014 all the way through December 2015
20 for which it was fined \$30,000.00.

21 For Hilcorp employees, however, the company's
22 aggressive way of doing business has definitely paid
23 off. In 2015 each employee received a \$100,000 bonus
24 for helping the company double in size in five years.

25 Now Kenai Peninsula residents face a new
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1 situation. The Pebble Limited Partnership has submitted
2 to the US Army Corp of Engineers a proposal to develop a
3 copper gold molybdenum deposit in southwest Alaska. The
4 proposal includes natural gas from an existing gas
5 supply infrastructure about ten miles south of Ninilchik
6 to fuel the line's 230 megawatt power plant with a 940
7 mile subsea pipeline across Cook Inlet and continuing to
8 the mine site.

9 I have asked Hilcorp if the company was
10 working with the Pebble Limited Partnership but was told
11 no.

12 I've asked EnStar and was told that someone
13 would call me back.

14 I've asked the US Army Corp of Engineers with
15 whom the project is in the scoping period and was told
16 my question would be included with other scoping
17 questions.

18 In 2018 Alaska was the fifth highest producer
19 of crude oil in the United States at just under
20 16-million barrel according to the US Energy Information
21 Administration. Alaska was ranked 13th highest producer
22 of natural gas at 338-billion cubic feet.

23 The other side of that picture was that the
24 burning of fossil fuels is one of the causes behind
25 climate change.

1 Alaska's temperature is rising twice as fast
2 as the temperature in other states. The National
3 Oceanic And Atmospheric Administration says the
4 temperature in the Cook Inlet area is warming at 4.8
5 degrees Fahrenheit per century.

6 On the Kenai Peninsula rising temperatures
7 have allowed cold sensitive insects and plants to
8 survive. We've lost four-million acres of spruce trees
9 to spruce bark beetles and have invasive plants turning
10 salmon habitats into marshes and we've lost 60% of the
11 available water in the Kenai lowlands.

12 With the fishing industry the largest private
13 sector employer in the state, the University of Alaska
14 Anchorage economist, Steve Colt, has urged Alaskans to
15 prepare for the impacts of ocean acidification.

16 Each time I and my family and neighbors and
17 other Alaskans are asked to support some new activity of
18 fossil fuel industry I recall something I wrote when
19 considering one of Hilcorp's lease requests.

20 Outside my cabin this October afternoon the
21 view was of birch trees, their limbs stripped of gold
22 leaves now that another fall is passing and winter
23 looms. These trees have born witness to my family's
24 presence on the planet. Along with deep green spruce
25 and rough bark cottonwood they have stood a century over
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1 the births of new generations and the passing of elders,
2 over our prosperity and our poverty, our joys and
3 heartbreaks. They have observed care free laughter and
4 voices raised in anger, lent their strength to
5 children's swings and when the cycle of life has brought
6 them to earth filled our stoves, warmed our cabins,
7 produced blazing camp fires to light the darkness.

8 Now, another sort of energy has found its way
9 to my front door. The growing momentum to discover
10 additional oil and natural gas fields, testing my
11 discovery it is here beneath my feet. It could provide
12 a source of income exceeding anything I'd imagined. It
13 could change everything. All I need to do is what I'm
14 told my neighbors have done, sign this piece of paper,
15 then step aside as the land that has been in my family
16 for generations becomes unalterably unchanged into an
17 unavailable, unfit, non-existent haven for future
18 generations.

19 My daughters and I will continue refusing to
20 sign lease offers. For now that keeps Hilcorp off our
21 piece of the planet but we fear that the oil and gas
22 industry's growth on the Kenai Peninsula, in Alaska, and
23 the world will eventually drown out our voice.

24 We worry regulator's eyes see only dollars and
25 their ears are deaf to our cry to be part of the
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1 regulating process and our need for a healthy
2 environment.

3 We see property values plummet and though we
4 have no thought of selling our three acres know that it
5 is hurting people like Herb and Katy who have chosen to
6 leave the peninsula because they can no longer tolerate
7 what is occurring.

8 We keep a close eye on earthquakes and
9 volcanic activities fearing what could result. And so
10 we are deeply thankful for this bigger stage on which to
11 present what we have seen and experienced and we thank
12 you for magnifying the sound of our voice.

13 MS. CEAL SMITH: Thank you, McKibben.

14 Well Eunice.

15 MS. EUNICE MARY BROWER: Hi, I'm Eunice
16 Brower. I work with the native village of Nuiqsut as
17 their Environmental Program Manager and I've been
18 working with them for a little over two years now in
19 this program and I want to come and testify today on the
20 things that I observed here in Nuiqsut since I've been
21 working here and living here.

22 I've moved here back in 2010 and been living
23 here since. So a lot of things have been changing here.
24 We do live a subsistence life-style and so we do hunt
25 and gather food from around our surrounding village. We
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1 hunt fish, caribou, a lot of geese, ducks, seals,
2 whales. So we do catch all of that.

3 And there is a lot of development going on
4 within our village that it's so overwhelming to stay on
5 top of all the different projects. And there is a lot
6 of concerns on the air quality. It's going to be very
7 poor with the degradation of what these hazardous air
8 pollutants coming from all the fracking that's going on
9 that's near the village from all this oil and gas. And
10 there is a lot of health impacts also that's been going
11 on within the village too.

12 I'm very concerned, too, of the permafrost
13 being affected within our area because of the oil and
14 gas infrastructure is changing all of that. And from my
15 experiences too healthwise I think I got a rare blood
16 condition that's developed from this and they're unsure
17 how to find that out.

18 So not only that but there's a lot of people,
19 you know, that have respiratory health effects. A lot
20 of people that got asthma. There's people that get sick
21 very easily, especially the children. I'm very worried
22 for them. They have, you know, a faster breathing
23 system than us and our elders too. Because there was a
24 blowout in 2012 from the Repsol blowout and a lot of
25 people were getting sick after that.

1 The bigger concerns too that I have -- maybe
2 I should just read this.

3 There is so many issues that we're facing here
4 and the one that is closest to Nuiqsut is a Putu Project
5 and it's not that far from our community and it's an
6 exploration well that they did this season, winter
7 season. And they used very strong chemicals in those
8 process of fracturing and use of chemicals that are
9 bringing concerns because there's a lot of the wildlife
10 that we eat and I'm afraid some of those wildlife are
11 getting contaminated from some of those chemicals and
12 hazardous air pollutants.

13 And not just the wildlife but our people are
14 feeling those health effects without understanding of
15 why they're having the health effects. Because a lot of
16 these chemicals in this fracturing process they do
17 affect peoples healthwise.

18 There's a couple of cases of leukemia that had
19 been known in the village, and it's only 540 people
20 about, and a lot of people with having Bell's Palsy but
21 probably unsure of why they're having that or, you know,
22 having heart conditions that are suddenly happening and
23 not understanding some of those, why they're having
24 them.

25 And I, myself, developed a rare blood
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1 condition where my platelets are decreasing and I have
2 to seek medical attention in Anchorage. So that's
3 pretty far from here in Nuiqsut.

4 Those are the kinds of concerns and health
5 effects and all this climate change. You know the
6 infrastructure is starting to affect our permafrost and
7 although the last time one of the ice cellars needed to
8 be cleaned out because of our -- we store a lot of our
9 whale in there and it was starting to melt some of the
10 oil. And the food had rendered so they had to clean it
11 out with lots of buckets and ended up throwing away some
12 of the subsistence food we eat.

13 There are so many diesel equipment being used
14 in all of this process and all of that air pollution at
15 the ground level resulting in degradation of our ambient
16 air and all the nitrogen dioxide that are being omitted
17 at the ground level are being inhaled by our people.
18 And because their vehicles are idling 24/7 sometimes on
19 these developments and sometimes even around the village
20 and when you inhale nitrogen dioxide it can irritate the
21 lungs and cause bronchitis and pneumonia and lower
22 resistance to respiratory infection in our people.

23 So there's been more people that have been
24 getting sick and having to be seen at the clinic than
25 our regular village where there is no oil and gas

1 development. So the health of our peoples is actually
2 even being impacted because some of the times they have
3 to get sent out from the village because we don't have
4 the enough higher level of care facility for them to be
5 staying in our village.

6 So when they do have those blow outs a lot of
7 the time they don't notify us right away like they do
8 with their employees on their sites. They take awhile
9 to notify us to let us know the situation and just so we
10 can have, you know, health questions or think about us
11 when we're going outside and there's all these chemicals
12 and gases in the air.

13 Because it only takes 60-seconds of exposure
14 time for inhaling and breathing these fine particulate
15 matter that are getting into the air of these hazardous
16 air pollutants from the oil and gas facilities and
17 drilling rigs around here and near here.

18 And we are afraid our for subsistence
19 life-style. You know, we're having to go further to
20 catch our food and our ice cellars are in jeopardy
21 because they're melting.

22 A lot of particulate matter being put in the
23 air. The soot from these drilling rigs when they do
24 flares they're really big flares too and they flare for
25 days and days sometimes even. They're not just 24-hours
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1 like they're supposed to be. And they're so big I am
2 afraid from all that soot, too. And the methane being
3 developed from that is increasing the climate change and
4 increasing it at a faster rate.

5 Did you want to say anything? I have Sam
6 here. He would like to say something if that's okay.

7 Yeah, I think you can. You can come and say
8 something Sam.

9 MR. SAM KUNAKNANA: Good afternoon
10 everybody. My name is Sam Kunaknana and I have been a
11 lifelong subsistence hunter in the village of Nuiqsut.

12 I've worked in the oil fields for ten years
13 with three and a half years working in the lab going
14 around all the pads in Kuparuk getting samples to see if
15 there was anything leeching out from the pads because in
16 those days, you know, they just put the drilling mud in
17 the pad.

18 And, you know, I've been a life long hunter
19 here in Nuiqsut. Back then in the 80's when I was 20-
20 years old, 18-20 years old, just a young hunter who
21 could see the lights on the east side coming closer and
22 closer to our village. Back then it was like 40 miles
23 out to the east.

24 And, you know, I had to ride around the
25 village of Nuiqsut to think about what I would say to
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1 you guys. It's not about me. It's about the future
2 generations that will be dealing with development
3 surrounding Nuiqsut.

4 We've already been, I like to say, infected
5 from what's been going on from industry. I participated
6 in a lot of EIS's, supplemental EIS's and, you know, to
7 me I tell industry, BLM, State of Alaska, that all this
8 that is going on around our village can be under one
9 umbrella. Instead they're just slowly dissecting the
10 way our culture, our subsistence life-style.

11 And, you know, when you talk about
12 environmental justice you talk about human rights, about
13 future generations that will be dealing with industry as
14 they move forward towards Teshekpuk Lake.

15 And I don't have a degree in anything but I do
16 understand what's going on with these environmental
17 impact statements that BLM, State of Alaska -- actually
18 it's BLM on NPRA, you know, Cook Inlet land that is
19 private land so, you know, we pretty much had no say so
20 even though we are the ones that are the ones that lived
21 the day-to-day lives of the impacts of industry.

22 I would like to go back to what Eunice said
23 about the heavy equipment. You know, I just realized
24 something earlier that it's 11 months out of the year
25 that we deal with industry and the contractors. Just
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1 last week Conoco Phillips put up a notice saying that
2 the chopper activity is going to start. And me just
3 thinking about when the contractors are moving out
4 that's in April. So it's 11 months out of the year.
5 It's pretty much all year around we feel the impacts of
6 industry when it comes to their studies. EIS's,
7 studies, hmm.

8 There is no objectivity. You know, there's
9 just only one scientist that's doing the studies and we
10 don't have no quality assurance when it comes to the
11 contractors coming over here and telling us that this is
12 what -- this is what we know about what's going on. We
13 want your input. We want it. We want to put it down on
14 paper.

15 You know, when it comes to EIS's I feel as
16 though Nuiqsut is being deceived from the scientists
17 that are coming over here to do the studies because they
18 come over here, they get our input and they take a lot
19 of it out to make it look like the impacts aren't that
20 great when, in fact, the impacts are great when it comes
21 to the HIA, the subsistence life-style.

22 And it's just, overwhelming to know that, you
23 know, when they talk about the EIS's and about this is
24 what they're going to do. This is what they're saying
25 is they're saying that they will move forward with
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1 development speculating that this is going to happen.
2 Science isn't based on speculating.

3 With the Trump Administration changing things
4 around for EPA to make it easier for industry to move
5 forward with development, it's wrong. There is
6 environmental injustice in that because there is a
7 little town called Nuiqsut right in the middle of the
8 new Prudhoe Bay.

9 You know, there's a lot of more things that I
10 would like to say but, you know, I just wanted to make
11 this short and sweet because I understand what's going
12 on when it comes to them coming over to talk to us about
13 the impacts and telling us the impacts are great but
14 when the contractors write up another report because the
15 operator says we don't like it. You need to take some
16 things out. That's an environmental injustice itself
17 for the operator to tell the contractor we don't like
18 it. You need to make it more so that we can move
19 forward with industry. I understand that part. I'm
20 only one person.

21 I've experienced a lot of ridicule over the
22 past year just because I started talking. It even got
23 down to the point where my employer was trying to fire
24 me just because I started talking. I didn't know what I
25 was going to do for a couple of years. Those are the
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1 kinds of things that happen in a small town. It's hard
2 and it's hard to speak.

3 Hunters don't want to speak because they'd
4 only be ridiculed. They'd only lose their jobs because
5 there's not that many jobs in a small village. Where is
6 the environmental justice in that when you have people
7 grilling you to the point where they scare you so you
8 don't talk.

9 So I'm speaking on behalf of the hunters and
10 the people because it's not about me, it's about the
11 future generations that will be dealing with this.

12 My heart goes out to the kids because after
13 the Repsol blowout I noticed that a lot of the kids got
14 sick and a lot of the elders had to go on nebulizer. I
15 know what it can do.

16 A lot of the people don't understand what you
17 can't see will not hurt you because gases will hurt you,
18 volatile organic compound will hurt you in the long run.

19 For years we've been telling the state of
20 Alaska, our own borough government, to put up an air
21 monitoring station for Nuiqsut because Conoco Phillips
22 has one. They use that to their advantage to move
23 forward with development. And we just don't have the
24 resources.

25 If Conoco Phillips can hire a contractor to
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1 set up three air monitoring stations in between here and
2 Potu 2 project with one air monitoring station that
3 burned down right in between Nuiqsut and the
4 exploration, you know, there's something wrong with that
5 on top of that, you know.

6 And data that was in that station they said
7 it's lost. It's gone. You know, we just don't have no
8 resources to tell BLM, our own government, our own real
9 government that we want this in place. I call that
10 responsible development. It's for quality assurance for
11 the village of Nuiqsut in the future just in case there
12 is a blowout.

13 Because the Repsol blowout, if we had that in
14 place, we would have caught the gases that came over
15 here to Nuiqsut that got everybody sick in town.

16 My kids were injected with just about every
17 kind of antibiotic that they can give them. Didn't
18 work. And, you know, that's when I started getting
19 involved with development. That's when I started
20 talking.

21 My kids got sick walking home minus 33 below,
22 winds coming from the blowout a week after the blowout
23 and, you know, I found out that the contractors couldn't
24 do anything with the rig for about a month until they
25 knew it was safe for them to come over to dismantle and
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1 get all the ice out that was just inside the rig.

2 That thing, that blowout, they did not shut
3 off until it was safe. The gases made it to Nuiqsut but
4 we do not have the equipment to catch and show the world
5 what happens when you have a blowout. The potential for
6 blowout increases exponentially because they're going to
7 be drilling more and more wells as they move forward.
8 And Nuiqsut is just overwhelmed, surrounded. We don't
9 have the resources.

10 I'm just a hunter but we're living the lives
11 of what's going on here in Nuiqsut in terms of
12 development. We've been telling the state of Alaska,
13 especially the [indiscernible] elder they were talking
14 about how the air has changed in the meetings when the
15 guys that came over here to talk about what they're
16 going to do on the EIS's. And there's testimony from
17 elders saying that, yeah, the air has changed. I know
18 it's changed too because I've been here all my life,
19 most of my life.

20 You know, Conoco Phillips is the No. 1
21 operator here on our side. What I'd like to see is --
22 what I'd like to see in the future when it comes to
23 NPRA, especially on federal land, to see if the village
24 of Nuiqsut can take over the studies and have our point
25 of view when it comes to what we've been talking about
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1 all these years on the air. And it's affecting
2 everybody. We've been affected.

3 I got lost yesterday when, you know, Ceal, you
4 know, when you texted me I was getting my presentation
5 ready. But, you know, I had to drive around the village
6 because I have to talk. I need to talk. Somebody has
7 to talk. Even though if, you know, you get ridiculed.
8 I've been called a tree hugger and stuff like that.
9 It's doesn't matter to me because it's not about me.
10 It's about the future generations that will be dealing
11 with the industry.

12 Thank you.

13 MS. EUNICE MARY BROWER: Did anybody have
14 any questions I wonder?

15 DR. THOMAS KERNS: I do. I'm not one of
16 the judges but I certainly have questions.

17 I'm sorry, I didn't catch the other person's
18 name that just got done speaking.

19 MR. SAM KUNAKNANA: My name is Sam
20 Kunaknana.

21 DR. THOMAS KERNS: Sam. Okay. Thank
22 you. Very impressive testimony. Thank you, thank you,
23 thank you.

24 One question I have is what -- so the
25 industry comes in and does studies or studying things
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1 and claiming that that study is valid and objective and
2 so on.

3 What exactly is it that they're studying?
4 What kind of things are they looking for?

5 And you think the village should take it over
6 and ideally that would be a great thing. So I'm curious
7 what are they studying?

8 MR. SAM KUNAKNANA: Well, they study
9 subsistence harvesting, plants. So, you know, to this
10 date I haven't seen anybody come over here to talk about
11 the plants.

12 They do come over here to talk about or to ask
13 questions about our harvesting of caribou, fish and all
14 the subsistence food we need in this area.

15 One thing I should have mentioned about how it
16 used to be, you know, in the beginning as a kid growing
17 up the Colville River delta area used to thrive with
18 caribou during the summer. We'd see tens of thousands
19 of caribous migrate through this area but the structures
20 that they built in place on the east side state land,
21 the state didn't even come over to Nuiqsut to discuss
22 what they're going to be doing on the east side.

23 It was only until they came over here to the
24 corporation's lands and now that they're on NPRA that
25 they're doing EIS's and the impact -- there's ten years
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1 of -- they already have ten years of studies from the
2 contractor that Conoco Phillips hired and he comes over
3 here every year to do a survey on harvesting.

4 DR. THOMAS KERNS: So is the only thing
5 they want to know is how many salmon and client
6 shellfish and caribou and so on?

7 Do they just want to know how many?

8 Do they test for the health of the any of
9 those caribou or shellfish or anything?

10 Do they test for the contamination of the
11 lands or the sea bed or, you know, the food sources for
12 those animals or do they test for the number of them?

13 MR. SAM KUNAKNANA: Okay. Just recently
14 we asked Conoco Phillips to start testing the caribou
15 because we started seeing more and more sick caribou
16 with big lumps on their throats and on their legs.

17 For the past four or five years we started
18 getting sick fish and I did send a picture of a fish for
19 the first time in my life. As a subsistence hunter I
20 took a picture of a fish that was frozen in time. Those
21 were the kind of broad white fish that we started
22 getting sick as they come up from the delta to go spawn
23 and on the way back out they would come back sick.

24 And they're just now starting to study what is
25 causing the stress on the fish to get the mold. Because
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1 in five years in a row that we've been getting sick fish
2 too.

3 You know, I could go on and on and about a lot
4 of the other stuff that, you know, we've asked for them
5 to test but it's ten years later after the fact after
6 they moved forward with the development on these
7 projects.

8 And when they talk about projects they dissect
9 it into sections to move forward. All this that's
10 surrounding Nuiqsut should be under one umbrella and
11 that's development.

12 And until this day they haven't -- they
13 haven't analyzed the impacts. They're speculating now
14 based on Trump administration's change to some policies.
15 And, you know, I don't know all that science. There's
16 no science in speculation.

17 DR. THOMAS KERNS: So do they bring --
18 some of these studies that they claim to be doing at
19 least are they -- do they share their data with you,
20 their findings or do they share their conclusions with
21 you or do they share their methods with you or is it
22 just they come in and collect data and then that's the
23 last you hear of it?

24 MR. SAM KUNAKNANA: Well, they do tell us
25 the methodology on what they're testing. I know that
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1 part. And I just don't see -- you know, when they talk
2 about baseline, baseline studies, there is no such thing
3 as baseline because, you know, industry is already
4 surrounding us.

5 And for Conoco Phillips to use baseline data
6 on the air they had to use baseline from 2011 using
7 their monitoring station that they have encasing Nuiqsut
8 when, in fact, that air monitoring station has been in
9 place since the late 80's.

10 And the only reason why they said they could
11 use the 2011 data is because that is the only good data
12 that they could use for one year.

13 And you know that -- that that gives CD 1, CD
14 2, CD 3, CD 4, CD 5 a free ride. And they're going to
15 continue to use 2011 data to more forward westward
16 toward Teshekpuk Lake.

17 I just don't see any reasoning in them using
18 data from 2011 just because they didn't have any good
19 data in the late and early 90's even before industry
20 came.

21 MS. CEAL SMITH: Can I say a couple of
22 things? This is Ceal. Can you all hear me?

23 Just wanted to kind of reiterate what Sam is
24 saying. I've done environmental compliance for many

25 years and been looking at some of the environmental
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1 impacts statements, EIS's coming out of Nuiqsut and NPRA
2 and the Moose's Tooth that you guys are in right now and
3 it's very common for industry to send their third-party
4 contractors up and do a very surface assessment that
5 essentially tells the -- minimizes the impacts and
6 allows them to what I call wave their magic wand and say
7 there are no significant impacts.

8 Industry or government or our so-called
9 regulators never say no. There's no impact that is
10 unacceptable to them.

11 And we've seen this get worse and worse over
12 10, 20, 30-years to the point where they barely even
13 pretend now to acknowledge the impacts.

14 Looking at subsistence resources the EIS for
15 greater Moose's Tooth right now admits that there are
16 significant impacts on subsistence resources but they,
17 again, wave them away magically and say well, it doesn't
18 matter. We'll do this anyway. It's more important.

19 So this is systemic issues that go very far
20 back and very deeply into our so called regulating
21 system that's very broken.

22 And as Sam points out they want to hear, they
23 have to, because EPA requires public comment. So they
24 have to hear what the people have to say but they don't
25 have to listen and they don't listen.

1 And they very regularly just set it aside.
2 Say we've done all this commenting, we've done the
3 consultation, those significant impacts, let's move
4 ahead. And it's just very frustrating for everybody in
5 the process because people spend many, many hours of
6 their precious time commenting on these things for
7 absolutely no result.

8 MR. SAM KUNAKNANA: Yes. I feel as
9 though we're just a check off on a piece of paper when
10 it comes to them coming over to hear our comments.

11 It's just frustrating because, you know, we're
12 the ones that are living the life of the impacts of
13 industry.

14 And it's not about me. It's about the future
15 generations, especially if there's some other blowout.

16 And, you know, we've been asking the state,
17 federal government to get our own air monitoring
18 station. And I call that responsible development. That
19 would be quality assurance for the release of noxious
20 air in the future. And for some odd reason they don't
21 want to hear it. We've been saying that for many years.

22 DR. THOMAS KERNS: I want to give the
23 other judges a chance to ask questions if they want to.

24 MR. GILL BOEHRINGER: Thanks, Tom, for
25 asking those questions.

1 DR. THOMAS KERNS: Yes. You know, it's
2 very frustrating. I know what it's like to have a study
3 pick its own baseline. And if you can pick a baseline
4 that is pretty recent, you know, after the damage is
5 already largely done and call that, just name it
6 arbitrarily, name it baseline --

7 MR. SAM KUNAKNANA: You know, I would
8 like to say something about baseline.

9 Traditional knowledge should be baseline for
10 our area and they don't hear it. You know, it's
11 something that has been passed down from generation to
12 generation.

13 And just because it wasn't in black and white
14 and there's no science they say but if it wasn't for
15 that we've been telling the state and the feds that
16 traditional knowledge should be used in these case
17 EIS's.

18 MS. CEAL SMITH: Absolutely.

19 DR. THOMAS KERNS: Thank you. Thank
20 you. Thank you.

21 MR. SAM: Un-huh. Thank you.

22 MS. CEAL SMITH: Thank you Sam.

23 MR. SAM KUNAKNANA: Thank you, yes.

24 MS. MCKIBBEN JACKINSKY: Thank you Sam.

25 MR. SAM KUNAKNANA: Yes.

1 MS. CEAL SMITH: Thank you Eunice.

2 MS. EUNICE MAY BROWER: Thank you too.

3 Thank you so much.

4 MS. CEAL SMITH: We'll be talking.

5

6 [youtube.com/watch?v=uSyqSge2C6g&t=3s]

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