



Chickaloon Village

Traditional Council

Katherine Wade,
Clan Grandmother

April 26, 2006

Gary Harrison,
Traditional Chief

Doug Wade,
Chairman/Elder

Ms. Janetta Pritchard
State of Alaska State Pipeline Coordinator's Office
Gas Pipeline Group
411 W. 4th Avenue, Suite 2C
Anchorage, AK 99501

Rick Harrison,
Vice-Chairman

Penny Westing,
Secretary/Elder

Jim Shaginoff,
Treasurer/Elder

Re: ADL# 229297- ANGDA Commissioner's Analysis and Proposed Decision
Conditional Right-of-Way Lease

Burt Shaginoff,
Elder Member

Jesse Lanman,
Elder Member

Dear Ms. Pritchard,

Jim Shaginoff,
Elder Member

Chickaloon Village Traditional Council (CVTC) urges DNR to deny the conditional right-of-way (ROW) lease to the Alaska Natural Gas Development Authority (ANGDA) and urge ANGDA to consider an alignment following the George Parks Highway.

Herb Belanger,
Elder Member

Larry Wade,
Elder Member

If the conditional ROW lease is approved for the Glennallen to Palmer route, CVTC requests that DNR stipulate that ANGDA completely avoid the Chitna Pass and Boulder Creek area. Since time immemorial, the Chickaloon Village Tribal Citizens and their ancestors have resided, hunted, fished, and seasonally migrated through the Chitna Pass and Boulder Creek corridor. The Chitna Pass and Boulder Creek corridor is sacred to the Chickaloon Tribe and the natural gas pipeline should not be located there.

If DNR grants the conditional ROW lease, CVTC would like DNR to require the following from ANGDA:

Jennifer Harrison,
Executive Director

Before Construction begins:

ANGDA must inventory the following resources along the proposed pipeline corridor:

- Cultural Resources
- Water quality in streams and wetlands
- Anadromous and other fish resources

- Trails
- Wetland delineation
- Wildlife Habitat

During Construction

ANGDA must monitor:

- Cultural Resources
- Water quality
- Impact to eagles and other regulated wildlife
- Erosion and sediment deposition to local waters
- Permit conformance for all local, state, and *federal* permits

After Construction

Monitor:

- Water quality
- Trail usage and impact

We are aware that DNR has stipulated that ANGDA develop *plans* regarding impact to these and other resources. However a *plan* does not always result in an *action*. CVTC requests that DNR mandate monitoring before, during, and after construction. CVTC requests that DNR mandate that ANGDA will *fund* monitoring of impacts, rather than relying upon the understaffed and under funded local, state, and federal agencies to monitor pipeline impacts.

Though CVTC understands that the lease under review is a conditional lease (to extend permission to ANGDA to explore the pipeline corridor) and thus does not directly conflict with existing uses as listed in the criteria in the Commissioner's preliminary decision. However, we are aware that the unconditional ROW lease (to construct and operate the pipeline) does not include an additional public review process. Therefore, this opportunity to comment on the issuance of the conditional ROW lease will serve as our only opportunity to comment on the proposed ANGDA project. Please take our comments in light of this fact, as we will assume impacts of the actual project and not of the exploratory phase.

CRITERIA 1: Does the proposed use of the right-of-way unreasonably conflict with existing uses of the land involving a superior public interest?

The preliminary decision document states that, "existing roads will be used to access the project. New access roads would be applied for under AS 38.05." Road access north of the Glenn highway between Glennallen and Palmer is very limited. CVTC requests that DNR require a more detailed analysis of how construction and maintenance access will be provided without new roads.

The decision also states, "where the project crosses existing highways, roads and trails, the pipeline will be designed to withstand the expected traffic.

Alternative access routes may be required during construction. All roads and trails must be restored to their original or better condition upon completion of construction of the pipeline." CVTC would like to see provision of continual *funding* for trail condition and use monitoring and trail restoration for the lifetime of the pipeline. Specifically, CVTC would like DNR to require bridges adequate for off-highway-vehicles (OHV) over wetlands and riparian areas that the pipeline trail crosses to prevent negative impacts due to the increased OHV traffic enabled by the pipeline trail. CVTC would like DNR to require water quality and habitat monitoring at all stream and wetland crossings. We feel that ANGDA should be required to monitor and if necessary, restore, the impacted habitats along the pipeline trail/corridor.

CVTC would like to draw DNR's attention to two Community Plans not mentioned in the list of management plans in the Criteria 1 response: the Sutton Comprehensive Plan and the Chickaloon Community Plan. Though not regulatory, these Plans indicate the character and goals of the communities through which the proposed pipeline will pass.

From the Sutton Comprehensive Plan (April 2000):

"The overriding attraction of this area includes its incredibly scenic views, quiet atmosphere, low traffic volumes, clean environment and outdoor recreation opportunities. It is the desire of the community to preserve the residential qualities that have made Sutton such an attractive place to live..."

From the Chickaloon Community Plan:

"General Land Use Community Goals: Encourage the preservation of the rural character of the community..."

We feel that the proposed alignment is incongruent with the goals listed in the community plans. CVTC disagrees with DNR's statement that "the proposed project does not unreasonably conflict with existing uses of the land involving a superior public interest." DNR should take the Community Plans into account while considering the conditional ROW lease.

CRITERIA 2: Does the applicant have the technical and financial capability to protect State and private property interests?

Though the preliminary DNR Commissioner's decision stipulates 25 plans will be completed by ANGDA, CVTC requests that DNR stipulate that ANGDA *fund monitoring* of all impacts of pipeline installation, before, during, and after construction. Monitoring should begin before construction begins and continue for the lifetime of the pipeline. Long term monitoring is essential because the impacts of construction are small compared to the long-term impacts of increased access and associated environmental degradation. State and private property interests will be negatively impacted by destructive and uncontrolled OHV access to previously inaccessible areas. Development of plans, unless they include money for long term monitoring and enforcement,

does not ensure that ANGDA can meet the requirements of Criteria 2.

Specifically, CVTC requests that DNR stipulate that ANGDA fund the following monitoring/inspection programs: trail usage and impact, cultural resources, wetlands, wildlife habitat, anadromous and other fish resources, water quality, impact to eagles and other sensitive wildlife, and erosion and sediment deposition to local waters.

CVTC would like to again point out that though DNR has required ANGDA to submit plans, these plans would be worthless without funding to carry out *long term* monitoring, inspection, and to ensure that commitments are upheld. For protection of these aforementioned state resources, DNR must stipulate that ANGDA fund long term monitoring of pipeline impacts. Requiring them to fund monitoring would require ANGDA to demonstrate their financial and technical capability.

CRITERIA 3: Does the applicant have the technical and financial capability to take action to the extent reasonably practical to prevent any significant adverse environmental impact, including but not limited to, erosion of the surface of the land and damage to fish, wildlife and their habitat?

CVTC requests that ANGDA's Quality Assurance Project Plan provides for monitoring and assessment for the lifetime of the pipeline, not just during and immediately after pipeline construction. We also request that DNR stipulate that ANGDA provide for inspectors on site during construction, to monitor the areas mentioned under Criteria 3. Developing plans is no indication of the authority's ability to prevent damage.

CRITERIA 4: Does the applicant have the technical and financial capability to take action to the extent reasonably practical to undertake any necessary restoration or revegetation?

Though much of the pipeline uses existing access in our area, it opens up miles of road-less, inaccessible areas to potential destruction by OHV's. We would like to reiterate that the Chitna Pass and Boulder Creek area is one of the most sacred and important areas for Chickaloon Village Tribal Citizens, and as such, is the WORST place for a pipeline and the subsequent OHV traffic. It is NOT an existing right-of-way; it is a historical trail, a trail that was created by the feet of our Ancestors. A pipeline should NOT be located in the vicinity of Chitna Pass and Boulder Creek.

Wherever the pipeline is constructed, CVTC believes it will be impossible to restore the land to its natural condition, if access to the pipeline is to be maintained. It was mentioned at an ANGDA informational meeting (2-7-06, Chickaloon Village Government Building) that ANGDA would create multiple access points along the pipeline and that if maintenance or inspection was necessary, vehicles would drive along the pipeline to reach the maintenance

site. If this occurs, then complete restoration of the pipeline corridor is impossible. Once the access is opened up to OHVs, restoration is impossible, constant OHV traffic will prevent revegetation. This increased traffic will desecrate the ecological and cultural integrity of the pipeline corridor.

CVTC would like to direct DNR's attention to the existing impacts of OHV use in the Mat-Su Borough. Most of our trails have already been severely impacted by OHV use (for example trails near Eska Falls, Purinton Creek, Jim Creek, and Knik River). The only prevention is to disallow access of any kind to the corridor. If access is allowed, then there needs to be regular inspection, maintenance/restoration and enforcement. Since the existing state and federal agency infrastructure cannot handle their current trails jurisdiction, ANGDA must pay for the monitoring and enforcement. DNR must stipulate that ANGDA fund monitoring, maintenance/restoration and enforcement of habitat impacts and trail usage by OHVs.

CRITERIA 5: Does the applicant have the technical and financial capability to protect the interests of individuals living in the general area of the right-of-way who rely on fish, wildlife and biotic resources of the area for subsistence purposes?

Criteria 5 cannot be met unless DNR stipulates that ANGDA fund monitoring, maintenance and enforcement of OHV access and impacts to the corridor. Without enforcement and regular monitoring, multitudes of OHV users and hunters will destroy the habitat, and thus destroy our subsistence resources. It has already happened elsewhere and it will happen along the corridor if there is no enforcement. The Chitna Pass and Boulder Creek area is the traditional hunting and subsistence area of the Chickaloon Tribe. If the pipeline passes through this area, traditional subsistence resources will be destroyed. Again, CVTC requests that the ROW be prohibited from the Chitna Pass and Boulder Creek area. For the pipeline, DNR must stipulate that ANGDA fund monitoring and enforcement of trail use for the life of the pipeline.

PROPOSED DECISION AND ACTION

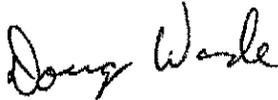
Existing stipulations in the lease are not enforceable or funded. The DNR stipulations only include 25 plans. CVTC requests that DNR stipulate funding for *actions* in addition to plans. CVTC encourages DNR to mandate that ANGDA fund actions to monitor: trail usage and impacts, cultural resources, wetlands, wildlife habitat, anadromous and other fish resources, water quality, impact to eagles and other sensitive wildlife, and erosion and sediment deposition to local waters. In addition, ANGDA should be required by DNR to fund maintenance and restoration of trails, wetlands and other habitats that may be damaged by OHVs subsequent to the construction of the pipeline.

To conclude, CVTC urges the pipeline corridor to follow the George Parks Highway corridor. If the conditional ROW lease for the pipeline is permitted for the Glennallen to Palmer route: CVTC requests that the Chitna Pass and

Boulder Creek areas be *completely bypassed*. CVTC requests that ANGDA be required to fund long-term trail and habitat monitoring and enforcement on the pipeline corridor and the pipeline access trails.

We would also like to bring to your attention that the Alaska Mental Health Land Trust Office has affirmed the Matanuska Valley Competitive Coal Lease Offering TLO 92-39 in the area between Chickaloon River and King River designated Mental Health Lands to be leased for coal mining. This is definitely not in the best interest of the Gas Pipeline, nor in the best interest of the potential lessees for coal mining.

May Creator Guide Your Footsteps,



Doug Wade
Council Chairman