NEPA DETERMINATION

Determination of NEPA Adequacy (DNA) and Land Use Plan Conformance

For a Temporary Use Permit Authorizing Land Use for Below Ground Pipeline Integrity Investigation and Repair on TAPS

PLMP 732.56

DNA AK-993-06-001

U.S. Department of the Interior
Bureau of Land Management

A. BLM Office: Joint Pipeline Office **BLM Case File No.** AA-86327

Authorities: The Trans-Alaska Pipeline Authorization Act, 43 Code of Federal Regulations 2880 Rights-of-Way Under the Mineral Leasing Act; National Environmental Policy Act (NEPA) of 1969; Federal Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline System.

Applicant: Alyeska Pipeline Service Company, P.O. Box 196660, MS 502, Anchorage, AK 99519-6660

Proposed Action: Alyeska Pipeline Service Company (Alyeska), as operator of the TAPS has submitted an application for a Temporary Use Permit to authorize federal land use outside of the Trans-Alaska Pipeline System Right-of-Way for the purpose of excavating the mainline pipe to investigate and repair the pipe if needed.

Purpose of Action: The purpose of this project proposal is to excavate the 48-inch mainline pipe, to investigate its integrity and repair or re-coat it if needed.

Location of Proposed Action: The location of the proposal is at TAPS PLMP 732.56 in the vicinity of the Little Tonsina River directly west of the Richardson Highway, three miles northwest of Pump Station 12.

Legal Land Description: T. 4 S., R. 1 E., Section 27, E1/2, Copper River Meridian, Alaska. The application area is on land under BLM jurisdiction.

Description and Scope of Work for Proposed Action

This project is part of Alyeska Pipeline Service Company's annual routine maintenance of the Trans-Alaska Pipeline System to investigate and repair anomalies and possible corrosion of the pipe. Alyeska has applied for three Temporary Use Permits with JPO BLM and three Land Use Permits with the JPO State of Alaska Department of Natural Resources to conduct TAPS investigation and repair activities outside of the existing TAPS Right-of-Way. Alyeska refers to this overall project as "Project F906 – 2006 Mainline Integrity Investigations." The overall project consists of investigating and repairing eight sections of the mainline pipe. Three of the eight locations are on BLM administered land. The only location within the scope of this DNA is Pipeline Milepost 732.56. The remaining two locations on BLM lands will be reviewed in a separate DNA, JPO NEPA Document No. AK-993-06-002 containing a different serialized case file number, AA-86328.

The integrity dig project at PLMP 732.56 will occur within 100 feet on either side of the TAPS right-of-way in the vicinity of the Little Tonsina River. The project requires a temporary expansion of the TAPS right-of-way and consists of excavating below ground pipe. Some dewatering of the trench may be necessary. Settling ponds will be created as needed within the previously disturbed existing right-of-way. The project will take place in areas previously impacted by TAPS original construction and is not expected to impact soils undisturbed by original construction.

The pipe is buried relatively deep and a bench may be created in the excavation slope for safe equipment access. The excavation will extend to three feet beneath the bottom of the pipe, and will remain open at that depth until the mainline pipe is inspected and repairs are completed. Upon completion of repairs, the excavation will be backfilled with the removed earth material. The excavated material will be temporarily stockpiled near the excavations. All of the excavated material will be used to backfill the excavations. When the project is complete, the disturbed areas will be restored to stable slopes approximating the original grade and drainage patterns in accordance with Alyeska's Erosion Control Manual, MR-48. Project equipment consists of dozers, backhoes, dump trucks, boom trucks, sanding blasting/pipe coating skids, welding skids, heaters, light plants and equipment common to previous Alyeska pipeline excavations.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

The project activity will occur on lands managed by BLM Alaska, withdrawn as a utility corridor under Public Land Order 5150. The relevant planning documents are the *BLM Utility Corridor Resource Management Plan* (RMP) approved in 1991 and the *BLM Southcentral Resource Management Plan* approved in 1982. The proposed action is in conformance with the applicable land use plans as required by 43 CFR 1610.5, even though this project is not specifically provided for because it is clearly consistent with the objectives in the land use plan decisions.

C. Applicable NEPA Documents and Other Related Documents

1) *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way, U. S. Department of the Interior, Bureau of Land Management Joint Pipeline Office, BLM-AK-PT-03-005-2880-990, November 2002.*
In 2002, the U.S. Department of Interior, Bureau of Land Management (BLM) completed a Final Environmental Impact Statement (FEIS) that identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with renewal of the TAPS Right-of-Way. The FEIS and the Record of Decision stated there were no probable significant adverse environmental impacts from the TAPS Right-of-Way authorization and continued operation and maintenance along TAPS for an additional 30 years. The FEIS also stated that excavations of buried pipe would result in reductions and prevention of corrosion to the mainline pipe, and that an estimated 15 digs would occur each year, potentially increasing to 20 per year by 2034.

3) *Programmatic Environmental Assessment for TAPS Mainline Activities, U.S. Department of the Interior, BLM Joint Pipeline Office - AK-993-04-001, March 23, 2004.*
An environmental assessment was completed to analyze and document activities that are frequently and routinely proposed by Alyeska to repair, protect, or inspect TAPS along the entire pipeline system. These activities are routine in nature, and do not typically pose impacts that require specific environmental assessment documentation. The EA resulted in a Finding of No Significant Impact (FONSI) that concluded an environmental impact statement was not required and the impact to the physical environment was not expected to be significant. The FONSI stated that routine pipeline maintenance activities that occurred within the existing right-of-way that require additional workspace off the right-of-way, but within the original temporary construction zone of the pipeline would not present an adverse environmental impact. This includes temporary activities to protect pipeline integrity, such as excavations for investigation and repair. The proposed action was not expected to result in undue or unnecessary environmental degradation and would not restrict subsistence activity or resources. The environment would benefit by protecting the integrity and safety of the existing pipeline system and related facilities from corrosion and potential erosive forces.

2) *Final Environmental Impact Statement, Proposed Trans-Alaska Pipeline, Prepared by a Special Interagency Task Force for the Federal Task Force on Alaskan Oil Development, U.S. Department of the Interior, 1972.*
In 1972, the U.S. Department of Interior completed a Final Environmental Impact Statement (FEIS) that identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with the construction, operation and maintenance of the Trans-Alaska Pipeline System for the first 30-year term of the Right-of-Way Grant. The Record of Decision stated there were no probable significant adverse environmental impacts from the TAPS Right-of-Way authorization and continued operation and maintenance along TAPS. This was the first comprehensive NEPA analysis document completed for the Trans-Alaska Pipeline System and the first EIS completed after passage of the National Environmental Policy Act in 1969.

C. NEPA Adequacy Criteria

1. Are the current proposed actions substantially the same actions or part of those actions as previously analyzed?

The proposed action is the same action previously analyzed in the *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way*, BLM-AK-PT-03-005-2880-990, November 2002, and the first TAPS NEPA analysis, the *Final Environmental Impact Statement, Proposed Trans-Alaska Pipeline 1972.* All documents concluded no long term adverse environmental impacts would be expected to occur as the result of the proposed project. The TAPS Renewal EIS of November 2002 stated that excavations of buried pipe would result in reductions and prevention of corrosion to the mainline pipe, and that an estimated 15 digs would occur each year, potentially increasing to 20 by the end of 2034.

2. Is the range of alternatives analyzed in the existing NEPA documents appropriate with respect to the current proposed actions, given current environmental concerns, interests, resource values, and circumstances?

The range of alternatives is appropriate with respect to the current proposed action in all of the previously prepared NEPA documents listed above. The TAPS Renewal EIS resulted in a Record of Decision signed January 8, 2003 that stated the FEIS fully analyzed three alternative actions and that BLM also considered additional alternatives set forth in the EIS. The ROD authorized the renewal of the federal TAPS right-of-way for another 30 years, and the FEIS specified that excavations of pipe for corrosion investigations would also continue for this duration.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances, for example, most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

The Record of Decision for the TAPS Renewal FEIS states:

> *"Pursuant to the Endangered Species Act, the Fish and Wildlife Coordination Act, the Marine Mammal Protection Act and Essential Fish Habitat provision of the Magnuson-Stevens Fishery Conservation and Management Act, the BLM initiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Under Section 7 of the Endangered Species Act, the BLM prepared the Biological Evaluation of the Effects of Right-of-Way Renewal for the Trans-Alaska Pipeline System on Threatened and Endangered Species and Designated Critical Habitat (Biological Evaluation), dated June 2002. The Biological Evaluation identified five species of concern within the action area: spectacled eider, Steller's eider, humpback whale, fin whale, and Steller sea lion. It found there was no designated critical habitat within the action area for the TAPS renewal. The Biological Evaluation concluded that the proposed action was not likely to adversely affect the five species or any critical habitat. The National Marine Fisheries*

Service and the Fish and Wildlife Service each concurred with BLM's determination that the proposed action would not adversely affect the species of concern. BLM prepared an Essential Fish Habitat analysis. The National Marine Fisheries Service concurred that the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act have been satisfied and further concurred with BLM's determination that any short-term adverse effects on Essential Fish Habitat can be adequately avoided, minimized and mitigated by the conservation measures associated with the proposed action."

4. Does the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the current proposed actions?

The methodology and analytical approaches used in the existing NEPA documents are appropriate for the current proposed action. All of the documents addressed the aspects of the affected environment and environmental consequences for soils, permafrost, sand and gravel; surface water and groundwater resources, air quality, noise, terrestrial vegetation, wetlands and riparian zones; fish, birds, mammals, threatened and endangered species, land use, economy, subsistence, environmental justice, cultural resources, recreational and visual resources, transportation, hazardous materials and waste management, and oil spill contingency plans. The TAPS Renewal EIS of November 2002 systematically addressed cumulative impacts, mitigation and other NEPA considerations.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA documents? Do the existing NEPA documents sufficiently analyze site-specific impacts related to the current proposed action?

The direct and indirect impacts of the current proposed action do not deviate from the impacts identified in the existing NEPA documents. Site-specific impacts related to the current proposal were sufficiently analyzed in the previous EIS's.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA documents?

The cumulative impacts from the proposed actions have not changed substantially from the impacts analyzed in the 1972 and 2002 TAPS Final Environmental Impact Statements. The TAPS FEIS for Right-of-Way Renewal contains an extensive discussion of the cumulative effects of TAPS operations for the 30-year renewal period, and addressed impacts from corrosion investigation and repair activities. The 2002 TAPS Renewal FEIS discusses excavation of buried pipe for corrosion investigations in some detail in Section 4.2, Impacting Factors, Environmental Consequences section of the FEIS:

1) Volume 3, Section 4.2.2.5 – Repair Activities

"External corrosion investigations (digs) of buried mainline pipe occur on the basis of the review of data gathered by smart pigs and annual close potential corrosion surveys.

Historical corrosion data analyzed through the corrosion data management system data base may also dictate corrosion digs (Norton 2002b). Main line pipe sections where pipe wall thinning is detected are excavated and examined. Pipe coatings and cathodic protection systems are repaired to stop additional wall thinning from corrosion. In some cases, full encirclement pipe sleeves are installed to reinforce the pipe where anticipated hydraulic pressures require additional measures of safety...Impacts from these repair activities are localized and of short duration and include increased vehicular traffic, equipment noise, discharges of excavation waters to the land surface or nearby streams, possibly some vegetative clearing within the work area, and the possible importation of small volumes of additional fill materials. The work effort also involves minimal amounts of sandblasting to remove the original coating and surface rust and application of an epoxy coating. Cathodic protection systems (impressed current of sacrificial anodes) may also be upgraded or installed to prevent pipe corrosion or reduce the rate of corrosion."

7. Are the public involvement and interagency reviews associated with existing NEPA documents adequate for the current proposed actions?

The public involvement and interagency review associated with the existing NEPA documents are adequate for the current proposed action due to the following:

1) Public Involvement. The TAPS FEIS for Renewal underwent an exhaustive public involvement process. BLM enlisted all interested stakeholders in the renewal process, including government-to-government involvement with Alaska tribes, state and federal agencies that regulate TAPS activities, and special interest groups affected by TAPS activities. The entire renewal process, including all public hearings and meetings received extensive coverage by newspaper, television and radio media.

2) Interagency Review. During the TAPS Renewal EIS process, BLM coordinated closely with the State of Alaska, as well as all JPO State and Federal stakeholder agencies and other Federal land management agencies, including the U.S. Forest Service and the National Park Service. The TAPS FEIS for Renewal contains interagency reviews by the National Marine Fisheries Service and U.S. Fish and Wildlife, Alaska Region which did not mention negative effects associated with corrosion investigation and repair activities.

D. Identified mitigation measures for the current proposal that will become stipulations to the Temporary Use Permit:

1. The Temporary Use Permit (TUP) shall be subject to the terms, conditions and stipulations of the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline between the United States of America and Amerada Hess Corporation, et.al. dated January 8, 2003, which became effective on January 24, 2004. It shall be provided, however, that in the event of a conflict, either express or implied, between any provisions of the Agreement and any provision of the TUP, such conflict shall be resolved in favor of this TUP.

2. Primary access shall be limited to the work pad and existing roads, unless specifically authorized in writing.

3. The TUP area limits shall be staked prior to commencement of surface disturbing activities.

4. The TUP area shall be restored according to the satisfaction of the Authorized Officer, as stated in writing.

5. Construction activities shall be conducted to minimize disturbance to existing vegetation.

6. Fuel storage is not allowed within the TUP area.

7. Temporary trash storage is not allowed in the TUP area. Waste materials will be removed from the TUP area to appropriate facilities on a regular basis.

8. The Authorized Officer may require that his authorized representative be on site during operations conducted under this TUP.

9. The TUP holder shall inform and ensure compliance with these stipulations by its agents, employees, and contractors (including subcontractors at any level).

10. This TUP applies to lands under jurisdiction of the Bureau of Land Management.

11. If excavation dewatering is required, such activities shall prohibit permanent changes to natural drainage systems, avoid pollution or sedimentation of waters used by fish, and the site shall be restored to pre-project conditions.

12. There shall be no disturbance of any archaeological or historical sites, including graves and remains of cabins, and no collection of any artifacts whatsoever. Also, collection of vertebrate fossils, including mammoths and mastodon bones, tusks, etc is strictly prohibited. If historic resources are encountered then all artifacts will be respectfully left in place and the BLM Glennallen Field Office cultural resource staff will be immediately notified.

OTHER NEPA CONSIDERATIONS

1. Cultural Resources – The "Assessment of Undertakings Not Subject to Further Section 106 Review Glennallen Field Office" document, GDO Document No. GFO-06-05, dated January 6, 2006, prepared by the field office archaeologist states:

> "According to the Protocol for Managing Cultural Resources on Lands administered by BLM Alaska, between BLM and the State Historic Preservation Officer, signed April 17, 1998, this undertaking is not subject to further Section 106 review (Appendix 2: Category Six). The project will involve excavations within areas previously impacted by

construction of the pipeline and are unlikely to contain intact heritage resources. As long as the applicant adheres to the attached stipulations, the applicant may proceed as proposed in the application. However, if heritage or paleontological resources are encountered during implementation of the project, the project will cease and the Glennallen Field Office cultural resource staff shall be notified."

2. ANILCA Section 810 Subsistence Evaluation – The TAPS Renewal Record of Decision signed January 8, 2003 contained the following:

BLM determined that the effect of the proposed action on subsistence would not significantly restrict subsistence uses. BLM undertook a series of public hearings to review the effects of the TAPS on subsistence and published a notice in the Federal Register July 5, 2002, that cumulative impacts may significantly restrict subsistence uses. BLM held public hearings throughout Alaska in Cordova, Valdez, Glennallen, Anchorage, Fairbanks, Minto, and Barrow, between July 26 and August 9, 2002. Based on the hearings and the Section 810 evaluation, BLM concluded:

1) TAPS Renewal would not significantly affect the subsistence rights of rural Alaskans. Some small or slight impacts might occur under a renewal for thirty years. The subsistence impacts likely related to the TAPS potentially would be (1) limited reduced access to portions of subsistence use areas and (2) possible disruptions to the movement of game. It is likely that the magnitude of these consequences would be very small, and would not significantly restrict subsistence uses.

2) Since the TAPS is constructed and is an operational system, there is no other land available to accomplish the purpose sought to be achieved. The proposed action will involve the minimal amount of public lands necessary to accomplish the purpose of renewing TAPS.

3) There is no other alternative that would reduce or eliminate the use of public lands needed for subsistence purposes and accomplish the public purpose.

3. Environmental Impacts – The ROD authorized renewal of the right-of-way under the administration of the Department of the Interior with the understanding that the monitoring and mitigation that is currently required and operative shall be followed as directed by the Authorized Officer. Mitigation measures include those covered by technical, environmental, and general stipulations of the Federal Agreement and Grant of Right-of-Way. The FEIS stated:

"The unavoidable adverse impacts under the renewal of the Grant for another 30 years are small and may be mitigated or offset by the positive aspects of the actions. There would be continued localized impacts to the environment as a result of operation, construction, and maintenance activities, such as soil and vegetation disturbances, the use of surface and groundwater resources, and air emissions. However such impacts are readily mitigated through measures already in place."

Record of Decision

CONCLUSION – NEPA DETERMINATION

Based on the review documented above and the requirements of the National Environmental Policy Act, I conclude the existing BLM NEPA documentation fully covers the proposed action and the actions are within the scope of all existing NEPA documents listed above in Section B.

Lois Simenson

Preparer, Realty Specialist, BLM
Joint Pipeline Office

1/31/06
Date

Authorized Officer, BLM
Joint Pipeline Office

1/31/06
Date