NEPA DETERMINATION

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

For a Contract for the Sale of Mineral Materials at OMS 96-3

DNA-AK-993-06-019

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

A. BLM Office: Joint Pipeline Office **BLM Case File No.** FF 094995

Authorities: The Trans-Alaska Pipeline Authorization Act; 43 Code of Federal Regulations 3600, Mineral Materials Disposal; National Environmental Policy Act (NEPA) of 1969; Federal Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline.

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 to purchase and mine 3,000 cubic yards of pit run sand and gravel to be removed from Operations Material Site (OMS) 96-3 over a five-year term via a non-competitive sale.

Purpose of Action: The purpose of this proposal is to obtain pit run sand and gravel mineral material that will be used in support of the TAPS maintenance and repairs, including workpad and road maintenance, and general operations and maintenance of the pipeline.

Location of Proposed Action: The location of the proposed mineral material sale is at TAPS OMS 96-3, located in the vicinity of Pipeline Milepost (PLMP) 247.35 and Dalton Highway Milepost 165.2.

Legal Land Description: Fairbanks Meridian, T. 27 N., R. 13 W., sec. 26, NE1/4 & N1/2SE1/4. The application area is on land under BLM jurisdiction.

Description and Scope of Work for Proposed Action: This material site, OMS 96-3, is an existing site which has been under contract since 2001 as casefile # FF 093229, which expired July 5, 2006. The proposed action to mine 3,000 cubic yards of pit run sand and gravel is a continuation of mining activity in an already-active approved material site.

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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The project activity will occur on lands managed by BLM Alaska, withdrawn as a utility corridor under Public Land Order 5150.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 document is the *BLM Utility Corridor Resource Management Plan* (RMP), approved January 11, 1991. The proposed action is in conformance with the applicable land use plan as required by 43 CFR 1610.5-3. The Utility Corridor RMP emphasizes the use of existing material sites, which is being accomplished by the proposed action.

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 "impacts from the use of sand, gravel, and quarry stone would be expected to be similar to those observed historically".

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.

D. 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 "impacts from the use of sand, gravel, and quarry stone would be expected to be similar to those observed historically".

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 addresses the continued need for sand, gravel, and quarry stone for pipeline maintenance.

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 EISs.

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 mining for mineral materials. The 2002 TAPS Renewal FEIS discusses the mining of mineral material in Section 4.2, Impacting Factors, Environmental Consequences section of the FEIS:

1) Volume 3, Section 4.2.1 – Factors Resulting from the Existence of TAPS Facilities

> *"Notwithstanding the mitigating design features of the TAPS discussed in Section 4.1, the mere existence of TAPS facilities has a continuous impact on the environment and extant ecosystems. These impacts exist irrespective of TAPS operations. Both ROW facilities and off-ROW facilities have been and will continue to be sources of potential impact. Impacts from pump stations, river crossing, mainline refrigeration units, material sites, the workpad, and access roads, as well as the pipeline itself, have included alteration of localized surface water drainage and flood patters and potential alteration of the behavior of subsurface waters, including groundwater in near-surface aquifers and suprapermafrost water."*

2) Volume 3, Section 4.2.2 – Factors Associated with Routine TAPS Operations

> *"Additional impacting factors are associated exclusively with the operation and maintenance of the TAPS. These impacts result from routine operations, routine and*

preventive maintenance activities, repairs, and planned or potential TAPS upgrades, including rerouting pipeline.

Many of the routine activities also will result in ground surface disturbance (e.g., brush clearing, excavations, access road construction or modification, mining of gravel or rock at material sites, temporary staging of materials and equipment)."

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 Service, Alaska Region, which did not mention negative effects associated with mineral material sale activities.

E. Identified mitigation measures for the current proposal that will become stipulations to the Contract for the Sale of Mineral Materials:

The following Special Stipulations apply to this Mineral Material Sale:

1. The Mineral Material Sale 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 Pipeline 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 material sale, such conflict shall be resolved in favor of this sale

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

3. The Alyeska working limits shall be staked prior to any or excavation activities.

4. Any mining activities shall be conducted to minimize disturbance to existing vegetation except in the areas actually being excavated during the mining operation.

5. Fuel storage is allowed within the contract area but such storage will be in conformance with the requirements of the State Department of Environmental Conservation guidelines for fuel containment.

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

7. The Authorized Officer may require that his authorized representative be onsite during operations conducted under this material sale contract. The contract holder will notify the Supervisory Program Administrator of the JPO Fairbanks Field Office at (907) 787-5950 during regular business hours at least 48 hours prior to entry into this pit for mining purposes.

8. Alyeska shall inform and ensure compliance with these stipulations by its agents, employees, and contractors, including subcontractors at any level.

9. This sale applies to lands under jurisdiction of the Bureau of Land Management.

10. Contract volume shall be established as follows:

    a. A cross-section survey shall be completed for the site prior to the beginning of mining operations at this pit (i.e., prior to the first mining operation in this pit) and at pit closeout (upon the final closing of the pit area).

    b. Annual reports of quantities mined shall be based upon truck counts or an engineer's estimate of stockpiled material.

11. There shall be no disturbance of any archaeological or historical sites, including graves and remains of cabins, and no collection of any artifacts whatsoever. The collection of vertebrate fossils, including mammoths and mastodon bones, tusks, etc., is strictly prohibited. If historic resources are encountered, all artifacts will be respectfully left in place and the Fairbanks District Office's cultural resources staff will be notified immediately.

OTHER NEPA CONSIDERATIONS

1. Cultural Resources – This material site, OMS 96-3, was examined by a BLM Field Office Archaeologist in 2001 when the site was first permitted under contract FF 093229, which expired July 5, 2006. The Assessment of Archaeological, Historic, and Paleontological Resources, Northern Field Office, F-93229, dated April 20, 2001, prepared by the field office archaeologist states:

"This action will have no impact on cultural or paleontological resources known to be in the area. The standard stipulations attached to this permit will adequately protect any resources newly discovered during this project."

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.

Patricia M. Perry
Realty Specialist, BLM
Joint Pipeline Office

Date July 17, 2006

Authorized Officer, BLM
Joint Pipeline Office

Date 7-17-06