

# NEPA DETERMINATION

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

For an Expansion of the Temporary Use Permit  
At Solid Waste Disposal Site 100-1M  
Found at PLMP 228

FF023116

PLMP 228

DNA AK-993-06-029

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

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A. BLM Office: Joint Pipeline Office

BLM Case File No. FF023116

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

**Proposed Action Summary:** Alyeska Pipeline Service Company (Alyeska), as operator of the Trans-Alaska Pipeline System (TAPS) has submitted an application for modification to a Temporary Use Permit for the Solid Waste Disposal Site at 100-1M found at PLMP 228 of the TAPS.

**Purpose and Need of Action:** The purpose of this project proposal is make more lands available for the solid waste disposal site so that more mineral material can be used to cover up the trash as it accumulates in the pit area.

**Location and Legal Land Description of Proposed Action:** The location of the proposal is at TAPS PLMP 228 adjacent to the TAPS, about 1.6 miles south of Wiseman. The legal description of the site is Fairbanks Meridian, T. 30 N., R. 12 W., Sections 25 and 36. The application area is on land under BLM jurisdiction.

### Description and Scope of Work for Proposed Action

This project is in accordance with Alyeska's operations and maintenance program for TAPS. Alyeska has an existing TUP with the JPO BLM for this structure and facility. Alyeska has applied for an extension to this TUP to add the adjoining lands to the TUP area so that the lands can be cleared and the area mined for the purpose of providing adequate mineral material for the

covering of trash which will be buried in this solid waste disposal site. The long term prospect for this site is that all of the trees will be cleared off of and that the entire site will be excavated to a level so it can be used for additional area for the burying of trash.

The project is expected to take about 25 years to complete since it is an ongoing project that is wholly dependent upon the amount of trash that is accumulated from TAPS operations and maintenance work.

**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.

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

The project activity will occur on federal lands managed by BLM Alaska, which were withdrawn as a utility corridor under Public Land Order 5150, December 28, 1971. The proposed action is in conformance with the applicable land use plans as required by 43 CFR 1610.5, although this project is not specifically addressed because it is clearly consistent with the objectives, terms and conditions with the following Land Use Plan decisions:

1. *Final Environmental Impact Statement, Utility Corridor Proposed Resource Management Plan*, U.S. Bureau of Land Management, Arctic District Office, Alaska, September 1989, BLM-AK-PT90-002-1610-060. BLM completed a Final Environmental Impact Statement (FEIS) that identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with the land use planning process of the Utility Corridor Planning Area that encompasses the Trans-Alaska Pipeline Right-of-Way on federal lands. The proposed plan was designed to provide for multiple use of planning area resources while also providing resource protection. The plan priority was to preserve the Utility Corridor for the transportation of energy minerals. The Utility Corridor was withdrawn by Public Land Order 5150 December 30, 1971 to protect the route of the Trans-Alaska Pipeline System. The Record of Decision was signed January 11, 1991.

### **C. Identify the applicable NEPA documents and other related documents that cover the proposed action.**

**List by name and date all applicable NEPA documents that cover the proposed action.**

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. The 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.

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. 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.

**List by name and date other documentation relevant to the proposed action.**

1)

#### **D. NEPA Adequacy Criteria**

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

The proposed actions are part of the actions that were previously analyzed in the *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, Sections 3.16.3 and 4.3.12.2.

**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?**

Yes, the ranges of alternatives analyzed in the existing NEPA documents are appropriate with respect to the current proposed action. This proposed activity was 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*. Both documents analyzed solid waste activities. No adverse environmental impacts are expected to occur as the result of the proposed action.

**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 and most recent BLM lists of sensitive 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 action have not changed from the impacts analyzed in the 2002 TAPS FEIS for Right-of-Way Renewal. The FEIS contains an extensive discussion of the cumulative effects of TAPS operations for the 30-year renewal period.

**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 EIS 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 concurred with the BLM finding that any short-term effects can be adequately avoided, minimized, and mitigated by the conservation measures associated with the proposed action.

**E. Interdisciplinary Analysis. Identify those team members consulted or participating in the preparation of this document.**

1. Nolan Heath, Deputy Authorized Officer, BLM

**F. OTHER NEPA CONSIDERATIONS**

**1. Cultural Resources**

“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 Northern 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.

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.”*

## **3. 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 Federal 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 Federal Agreement for TAPS and any provision of this TUP, such conflict shall be resolved in favor of this TUP.

2. Upon expiration or termination of use, the land area shall be restored to the satisfaction of the Authorized Officer and in accordance with 43 CFR 2885.11(b) Terms and Conditions of Use.
3. Primary access shall be limited to the work pad and existing roads, unless specifically authorized in writing.
4. The TUP area limits shall be staked prior to commencement of any land clearing activities.
5. Since the natural vegetation will be disturbed as a result of the permittee's activities, the disturbed areas shall be returned to their original or normal physical condition and natural productivity and diversity with re-establishment of native plant species, as soon as practicable, to the satisfaction of the Authorized Officer, as stated in writing.
6. Land use activity, including any land clearing, shall be conducted to minimize disturbance to existing vegetation.
7. Fuel storage is not allowed within the TUP area.
8. Temporary trash storage is allowed in the Grant area, subject to the regulations of the State of Alaska Department of Environmental Conservation
9. Inappropriate waste materials will be removed from the TUP area to appropriate facilities on a regular basis.
10. The Authorized Officer may require that his authorized representative be on site during operations conducted under this TUP
11. The permittee shall inform and ensure compliance with these stipulations by its agents, employees, and contractors (including subcontractors at any level).
12. This TUP applies to lands under jurisdiction of the Bureau of Land Management.
13. 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 Fairbanks BLM Field Office cultural resource staff will be notified immediately.
14. All trees cut in the TUP area which are 4 inches diameter at breast height (DBH) shall be cut and hauled to the Dalton Highway and will be stacked along the road at a wide spot in the Dalton Highway, such as near the entrance to OMS 100-1.2. Such trees can be cut to full length or bucked up into shorter lengths, as the APSC contractor desires.
15. The clearing of the additional area included in this TUP will be done in stages so that the entire area is not cleared until the mineral material utilized in the covering of the trash is needed. Such additional clearing shall be kept to the minimum required for such additional use.

