



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Joint Pipeline Office  
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### Documentation of NEPA Adequacy (DNA) And Land Use Plan Conformance

#### Temporary Use Permit to Authorize Land Use at PLMP 761.73 for the purpose of Below-Ground Pipeline Excavation along the Trans-Alaska Pipeline System

**DNA AK-993-06-030**

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**A. BLM Office:** Joint Pipeline Office (JPO)

**BLM Case File No.** AA086801

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

**Proposed Action Summary:** BLM proposes to grant a Temporary Use Permit (TUP) to Alyeska Pipeline Service Company (Alyeska), operator of the Trans-Alaska Pipeline System (TAPS), to authorize short-term land use outside of the TAPS Right-of-Way for the purpose of excavating the below-ground pipeline on lands at an unnamed creek found at TAPS Milepost 761.73.

**Purpose and Need of Action:** The purpose of this Temporary Use Permit is to provide for the below ground excavation at an unnamed creek found at TAPS Milepost 761.73. The area impacted by the work on this drainage is about 400 feet wide and 600 feet long and is situated well within the former construction zone of the pipeline. The actual washout along the pipeline is about 80 feet wide wherein about 7 feet of fill material has been removed from the top of the pipeline leaving only about 1.3 feet of cover remaining over the TAPS pipeline.

In mid-October 2006 the Valdez area experienced a tremendous period of rainfall creating floods and causing extensive amounts of damage to the roads and to the pipeline workpad. Such was the case with the subject unnamed drainage. As stated above, the drainage became a full-fledged river for a very short period of time, and in that time period, it washed out about 7 feet of workpad over a distance of about 80 feet in width. The real problem that Alyeska sees is that the pipeline could have been uncovered completely and that there may be external damage to the pipeline.

Alyeska's plan is to divert the stream by "pumping around" the workpad area, and excavating the below-ground pipe to inspect for damage. The workpad and pipeline cover will then be restored to the original configuration and depth. During excavation, Alyeska reports that some spruce and alder will be impacted, (i.e., cut and disposed of). The work

was scheduled to begin on or about November 6, 2006, and will be concluded by the end of December, 2006.

No cultural resource clearance was requested for this action due to the emergency because the work was totally done within the construction zone limits of the original pipeline. A site specific archaeological clearance was not necessary, since the surface of the area had been disturbed by the action of the creek. The pipeline ROW in this vicinity is not within any area identified in the Programmatic Archaeological Agreement.

**Location and Legal Land Descriptions of Proposed Action:** This Temporary Use Permit is found at TAPS PLMP 761.73 and is located within T. 8 S., R. 1 W., Copper River Meridian, Section 5, encompassing an area of 4.77 acres.

**Description/Scope of Work for Proposed Action:** The proposed action is as described above in the "Purpose of and need for action" portion of this DNA.

**Authorities:** The Trans-Alaska Pipeline Authorization Act of 1973 (TAPAA) (43 U.S.C. § 1652) and Section 28 of the Mineral Leasing Act, as amended, 30 U.S.C. § 185; 43 Code of Federal Regulations 2880 Rights-of-Way Under the Mineral Leasing Act; National Environmental Policy Act (NEPA) of 1969; and the Renewal of the Agreement and Grant of Right-of-Way for the TAPS and Related Facilities;

## **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. The *BLM Southcentral Resource Management Plan* approved 1982.

## **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. The Renewal of the Agreement and Grant of Right-of-Way for the TAPS and Related Facilities, January 8, 2003.

#### **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.*

**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 range of alternatives analyzed in the existing NEPA documents is 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 the need to check upon the wash-out of the pipeline in the case of flooding and workpad repair 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. The proposed action is a mitigation measure designed to protect the environment and to reduce the potential impact which could lead to a TAPS oil spill caused by a pipeline rupture due to accelerated corrosion.

**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:

a. 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.

b. 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. Preparer – Stan Bronczyk

**F. OTHER NEPA CONSIDERATIONS**

**1. Cultural Resources**

No "Assessment of Heritage and Paleontological Resources cultural clearance report," was prepared by the field office archaeologist due to the emergency nature of this action and the fact that the work was totally done within the construction zone limits of the original pipeline construction. Since the surface of the area has been disturbed by the action of the creek and the fact that the pipeline ROW in this vicinity is not within any area identified in the Programmatic Archaeological Agreement, a site-specific archaeological clearance was deemed to be unnecessary.

## 2. ANILCA Section 810 Subsistence Evaluation

The TAPS Renewal Record of Decision signed January 8, 2003 contained the following conclusion. 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:

- a. TAPS Renewal activities 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.
- b. 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.
- c. 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 January 2003 Record of Decision for TAPS Renewal 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. Mitigation Measures

1. The 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 and Related Facilities 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. 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 excavation activities.
  4. Any surface disturbing activities shall be conducted to minimize disturbance to existing vegetation except in the areas actually being excavated during the conduct of operations under this TUP.
  5. Fuel storage is not allowed within the TUP area.
  6. 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.
  7. The Authorized Officer may require that his authorized representative be on site during operations conducted under this TUP. The permit holder will notify the Valdez Office Manager of the BLM at 907-787-6701 prior to entry into the TUP area.
  8. Alyeska shall inform and ensure compliance with these stipulations by its agents, employees, and contractors (including subcontractors at any level).
  9. This TUP applies to lands under jurisdiction of the Bureau of Land Management.
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**PART 1: PLAN CONFORMANCE REVIEW**

This proposed action is within the BLM South Central Resource Management Plan approved in 1982.

Prepared by: Stanley E. Brown Realty Specialist 1/19/07  
Signature Title Date

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**PART 2: NEPA REVIEW AND COMPLIANCE**

This proposed action is within the scope of the Final Environmental Impact Statement, (FEIS) Renewal of the Agreement and Grant of Right-of-Way for the TAPS, BLM-AK-PT-03-005-2880-990, approved by Record of Decision January 8, 2003, and therefore does not require the preparation of an EA or an EIS.

Prepared by: Stanley E. Brown Realty Specialist 1/19/07  
Signature Title Date

**PART 3: DECISION**

I have reviewed the proposed action and determined it is in conformance with the approved land use plan and will not have a significant effect on the quality of the human environment. No further environmental analysis is required. It is my decision to implement the proposed action as described based on the review documented above and in accordance with the requirements of the National Environmental Policy Act (NEPA). I conclude that the existing NEPA documentation fully covers the proposed actions and that these proposed actions are within the scope of 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, approved by Record of Decision January 8, 2003.

[Signature] Authorized Officer 1/5/07  
Signature Title Date