

NEPA DETERMINATION

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

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

PLMP 294.9

DNA AK-993-06-004

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

A. BLM Office: Joint Pipeline Office

BLM Case File No. FF-94670

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 Trans-Alaska Pipeline System (TAPS) has submitted an application for a Temporary Use Permit to authorize federal land use outside of the TAPS Right-of-Way for the purpose of investigating and repairing a section of above ground pipe.

Purpose of Action: The purpose of this project proposal is to construct an ice pad to support scaffolding for repair and investigation crews to inspect and repair the mainline pipe.

Location of Proposed Action: The location of the proposal is at TAPS PLMP 294.9 where the pipeline crosses Fish Creek.

Legal Land Description: T. 20 N., R. 15 W., Section 22, Fairbanks 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'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 integrity investigation and repair project at PLMP 294.9 will occur within an area 20 feet wide and 300 feet long, and is located immediately adjacent to the existing right-of-way. The project will occur within the existing utility corridor containing the TAPS Right-of-Way. The project requires a temporary expansion of the TAPS right-of-way and consists of constructing an ice pad to support scaffolding for crews to work on repair and investigation of the above ground pipe. 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 pipeline at this location is above ground, so no excavation will be necessary. The pipe within this 20 x 300 ft. parcel of land varies in height from 9 to 14 feet. Little, if any brushing will be necessary for ice pad construction.

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.

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 require additional workspace outside of the right-of-way, but within the original 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 is not expected to result in undue or unnecessary environmental degradation and will not restrict subsistence activity or resources. The environment will 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 investigation and repair of the mainline pipe would result in reductions and prevention of corrosion, which in turn protect the physical environment.

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 corrosion investigation and repair projects 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 repair of the mainline 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

“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. 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 Northern Field Office cultural resource staff will be immediately notified.

OTHER NEPA CONSIDERATIONS

1. Cultural Resources – The “Assessment of Archaeological and Historic Resources” Section 106 clearance document dated February 17, 2006, prepared by the field office archaeologist states:

“There are no known historic or prehistoric sites located in the area of the proposed undertaking. This evaluation is based on review of a version of the Alaska Heritage Resources Survey data base current as of July 2004, as well as information compiled by Alyeska, that includes recent efforts to relocate sites along the pipeline route. The proposed undertaking has little potential to impact cultural resources. It is highly unlikely that unknown sites are located in the area immediately outside the right-of-way, and the proposed action will involve little or no significant surface disturbance.”

2. ANILCA Section 810 Subsistence Evaluation – The TAPS Renewal Record of Decision signed January 8, 2003 contains 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.

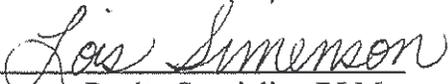
3) *There is no other alternative that would reduce or eliminate the use of public lands needed for subsistence purposes and accomplish the public purpose.*

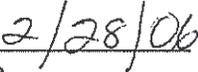
3. Environmental Impacts – The ROD authorized renewal of the right-of-way under the administration of the Department of the Interior with the understanding that the monitoring and mitigation that is currently required and operative shall be followed as directed by the Authorized Officer. Mitigation measures 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.”

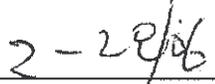
CONCLUSION – NEPA DETERMINATION

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.


Preparer, Realty Specialist, BLM
Joint Pipeline Office


Date


Authorized Officer, BLM
Joint Pipeline Office


Date