United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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Documentation of NEPA Adequacy (DNA) And Land Use Plan Conformance

Temporary Use Permit to Authorize Land Use for Bridge Repair and Stream Restoration on Stuart Creek PLMP 754.2

DNA No. AK-993-07-009

A. BLM Office: Joint Pipeline Office (JPO) **BLM Case File No.** AA087164

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 to Alyeska Pipeline Service Company (Alyeska), as operator of the Trans-Alaska Pipeline System (TAPS), to authorize land use outside of the TAPS Right-of-Way for the purpose of rebuilding both bridge abutments that were damaged during the 2006 fall flood event that occurred in this area. The work consists of repairing the bridge to restore it to specifications allowing safe passage of motor vehicles.

Purpose of Action: The purpose of the proposed action is to authorize land use for Alyeska to repair the Stuart Creek pipeline access bridge to restore safe vehicular access to the TAPS and related facilities as a result of the flooding event in 2006.

Location of Proposed Action: The location of the project proposal will occur within the active stream channel of the Stuart Creek drainage, west of the Tsaina River and the Richardson Highway, southwest of the confluence of the Tiekel and Tsaina Rivers, near Richardson Highway, MP 46.1. The proposed action will take place at TAPS Pipeline Milepost 754.2 at Stuart Creek.

Legal Land Description: T. 7 S., R. 1 E., Section 18, SW1/4NE1/4, Copper River Meridian, Alaska. The application area is on land under BLM jurisdiction.

Description and Scope of Work for Proposed Action: The project will involve the excavation of recent flood debris and reconstruction of the bridge. Heavy equipment will be used in the project to move construction and streambed materials. The project will take place in areas previously impacted by greater than normal stream discharges in the fall of 2006, which also

damaged the bridge. Materials will also be transported to the site to restore and reinforce the stream bank to restore stability and prevent further erosion.

The Stuart Creek Work Pad Bridge provides access to locations with mainline valves, operational material sites, or containment sites of the Trans-Alaska Pipeline. This access is critical for the operation and maintenance of TAPS and must be safely and properly maintained to provide safe passage of emergency oil spill response and other vehicles.

Authorities: 1) 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;
2) 43 Code of Federal Regulations (CFR) 2880, Rights-of-Way Under the Mineral Leasing Act;
3) The National Environmental Policy Act of 1969;
4) The Renewal of the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline and Related Facilities, January 8, 2003.

B. Conformance with Applicable Land Use Plans 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, as it is clearly consistent with the objectives, terms, and conditions of the *BLM Southcentral Resource Management Plan*, approved in 1982.

C. Identify the applicable NEPA documents and other related 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. 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. Before TAPS was constructed, the U.S. Department of the 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 that was completed after passage of the National Environmental Policy Act of 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 Trans-Alaska Pipeline and Related Facilities, January 8, 2003.

2. Alyeska plans to file an application for a Fish Habitat Permit for this proposed action with the Alaska Department of Natural Resources Habitat Division. Unless unforeseen or unusual circumstances ensue, the ADNR Habitat Biologist plans to issue the permit for the proposed action.

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 continuous routine operations and maintenance, including projects to control erosion and prevent streams from threatening pipeline integrity. The EIS stated that ongoing streambank reinforcement and restoration would decrease long term impacts because the pipeline would be better protected against the possibility of pipe rupture caused by streambank erosion and subsequent washing out of the pipeline.

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. The FEIS recognized and analyzed the need for streambank restoration after flood events in critical areas where the pipeline crosses the streams.

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 stream bank restoration and erosion control activities. The 2002 TAPS Renewal FEIS discusses erosion control in Section 4.2.2.5, River Crossing and River Training Structure Repairs in the Environmental Consequences section of the FEIS:

> *"River training structures are required when changes to the natural course of rivers and streams represent a threat of erosion of pipeline structures and a loss of pipeline integrity. Because river channels are subject to seasonal change, all locations requiring river training structures could not be identified during initial design and construction. While some locations requiring river training could be identified in the design phase, other locations could only be identified by monitoring changing river conditions over time or after major flood events. It was anticipated that maintenance of existing river training structures would be necessary and that new structures might be needed in response to major floods or stream migration. Historically, some repair to existing structures, as well as construction of new structures, has occurred almost every year. A typical repair may involve adding rip rap to a washed out spur nose or a riverbank. All work is conducted in accordance with environmental permits. Emergency or temporary repair work is performed in accordance with methods practical at the time for the specific location, with oversight by regulatory agencies...In addition to maintenance of river training structures to ensure pipeline integrity or to pre-empt problems from erosion, repairs or additions may also be made to facilitate TAPS Right-of-Way access."*

The 2002 TAPS Renewal FEIS also states in the Environmental Consequences section, 4.3.6.2, Surface Water Impacts on the TAPS Pipeline:

> *"For the proposed action, the pipeline would remain subject to the impacts of flooding, debris flows, erosion, and sedimentation. Historically, rapid response and immediate implementation of appropriate mitigation activities have been used to prevent or minimize damage to the pipeline from these natural processes. Contingency planning, continued surveillance, and timely mitigation would continue to be used in the future, and impacts for the proposed action would be similar to those that have previously occurred."*

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 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. Lois Simenson, Realty Specialist, BLM/JPO
2. Dennis Gnath, Habitat Biologist, Alaska Department of Natural Resources (ADNR) JPO
3. Patricia Perry, Realty Specialist, BLM/JPO
4. Dan Rice, Technical Engineer, ADNR/JPO
5. John Jangala, Archaeologist, BLM Glennallen District Office

F. OTHER NEPA CONSIDERATIONS

1. Cultural Resources

The BLM Glennallen Field Office completed an on-site field exam and provided the resulting report, *Assessment of Undertakings Not Subject to Further Section 106 Review,* on May 30, 2007 (GFO Document No. GFO-07-18, AA087164). The report stated that, according to the Protocol for Managing Cultural Resources on Lands administered by the Bureau of Land Management in Alaska, between the BLM and the State Historic preservation Officer, signed April 17, 1998, this undertaking is not subject to further Section 106 review. The project will involve excavations within stream channels previously impacted by natural creek erosion and deposition and are unlikely to contain intact heritage resources. As long as the applicant adheres to the TUP 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 BLM Glennallen Field Office, cultural resources staff shall be notified.

The report specified that the following stipulation be attached to the Temporary Use Permit:

> "There shall be no disturbance of any archaeological or historical sites, and artifacts,

including prehistoric stone tools and sites, historic log cabins, remnants of such structures, refuse dumps, graves, and no collection of any artifacts whatsoever. In addition, collection of vertebrate fossils, including mammoths and mastodon bones, tusks, etc. is strictly prohibited. If historic or archaeological resources are encountered, the BLM Glennallen Field Office cultural resources staff will be immediately notified."

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:

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.

D. List mitigation measures identified, analyzed, and approved for the current proposal, which will become stipulations to the Temporary Use Permit.

1. Environmental Impacts

The 2002 TAPS Renewal Record of Decision 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."

2. Mitigation Measures

1. The Temporary Use Permit (TUP) shall be subject to the terms, conditions and stipulations of the Renewal of the 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 Temporary Use Permit, such conflict shall be resolved in favor of this permit.

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 to the satisfaction of the Authorized Officer and in accordance with 43 CFR 2885.11(b), Terms and Conditions of Use.

5. Land use activity, including any construction, 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. The permittee will notify the Supervisory Program Administrator of the JPO Valdez Field Office at (907) 787-6701 during regular business hours at least 48 hours before beginning work on the project.

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 damage or disturbance of any archaeological or historical sites, and artifacts, including prehistoric stone tools and sites, historic log cabins, remnants of such structures, refuse dumps, graves, and no collection of any artifacts whatsoever. In addition, collection of vertebrate fossils, including mammoths and mastodon bones, tusks, etc. is

strictly prohibited. If historic or archaeological resources are encountered, the BLM Glennallen Field Office cultural resources staff will be immediately notified.

12. Authorization to perform any scope of work under this Temporary Use Permit is contingent on Alyeska first validating that the work pad bridge can safely provide access as required by the approved Oil Spill Plan. (i.e., meet the required design loads for vehicles performing Type 2 and 3 activities approved in the Oil Spill Containment Plan).

    Validation will be provided by performing a structural inspection by a certified inspector, per APSC S-503 *Guide For Design, Inspection, and Modification of Access Road and Work Pad Bridges* manual. The inspection must show that the current structural configuration and condition of the bridge are adequate to comply with a Category 2 Bridge per the approved Oil Spill Containment Plan. Once formal acceptance of the validation by the Joint Pipeline Office is provided, work may proceed per the Notice to Proceed and associated permits.

PART 1: PLAN CONFORMANCE REVIEW

This proposed action is in conformance with the *BLM Southcentral Resource Management Plan*, approved in 1982.

Prepared by: Lois Simenson (Signature) Realty Specialist (Title) 6/21/07 (Date)

PART 2: NEPA REVIEW AND COMPLIANCE

This proposed action is 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, and therefore does not require the preparation of an EA or an EIS.

Prepared by: Lois Simenson (Signature) Realty Specialist (Title) 6/21/07 (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 action and that this proposed action is 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 (Title) — 7-03-07 (Date)