# 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 Grade/Scour Control Project near Small Creek

## DNA-AK-993-07-006

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**A. BLM Office:** Joint Pipeline Office (JPO) **BLM Case File No.** AA087163

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

**Proposed Action Summary:** BLM proposes to issue a Temporary Use Permit to Alyeska Pipeline Service Company (Alyeska), operator of the Trans-Alaska Pipeline System (TAPS), to install a buried gabion bed sill erosion control structure at Small Creek.

**Purpose and Need of Action**: The purpose of the proposed action is to authorize land use for Alyeska to install a gabion bed sill erosion control structure on the buried pipeline at PLMP 752.2 of the Trans-Alaska Pipeline. The underlying need for the proposed action is to protect the shallow-buried pipeline in this area where Small Creek overtops its banks during high water events, causing the water to flow down the pipeline right-of-way. These flood flows have exposed the pipeline in the past and the gabion structure is intended to protect the buried pipeline from future floods and scour.

**Location and Legal Land Descriptions of Proposed Action:** The site is located approximately 15 miles south of Pump Station 12 and approximately 47 miles north of Valdez, Alaska, at Pipeline Milepost 752.2, Copper River Meridian, T. 7 S., R. 1 E., section 5, SW1/4, and sec. 8, NE1/4NW1/4. In this area, the pipeline runs along the east side of the Tiekel River Valley.

**Description/Scope of Work for Proposed Action:**
The project will construct a buried gabion bed sill erosion control structure over the shallow buried pipeline for approximately 1500 feet. The gabion structure will be centered on the pipe and will be approximately 30 feet wide by one foot deep. The project will begin by using a gravel trimmer or bulldozer to excavate a trench over the top of the pipeline. The excavated material will be staged on site. The trench will be approximately 35 feet wide, 1500 feet long,



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and two feet deep. Gabion baskets will then be installed in the excavation. The baskets will be filled with 4-8" cobbles. After the installation is complete, the stockpiled material will be replaced over the gabion baskets. The project is expected to take approximately 30 days to complete and is anticipated to occur between July 1, 2007 and October 31, 2007. Equipment required may include trucks, bulldozer(s), loader(s), gravel trimmer, and backhoe(s).

**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 Federal Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline System 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 31, 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) BLM Southcentral Planning Area Management Framework Plan (MFP), dated March 1980.

## 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. 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.

3) Programmatic Environmental Assessment for TAPS Pipeline Maintenance Activities, EA No. AK-993-04-001, March 25, 2004. This EA analyzed impacts of Alyeska's routine maintenance and protection of the TAPS, including temporary activities to protect pipeline integrity, such as excavations for investigation and repair. The EA updated Programmatic EA No. 96-002, completed January 4, 1996. The Finding of No Significant Impact (FONSI) found that the impact to the physical environment from these types of activities was not expected to be significant.

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

1) The BLM Renewal of the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline and Related Facilities, January 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 action is 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*, 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 maintenance, including projects to control erosion and prevent streams from threatening pipeline integrity.

Section 3.7.2.1 of the TAPS FEIS discusses erosion and sedimentation at length.

> "The effect of erosion on the pipeline system is well studied, monitored, and surveyed along the ROW, and many mitigation activities have been implemented to reduce adverse impacts. These mitigation measures have been performed as routine maintenance along the ROW and as immediate responses to prevent adverse impacts to the pipeline. Some specific remediation methods include the following:
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> - Adding gabion guidebanks (wire mesh baskets filled with cobblestones that range in size from 4 to 8 in.) to control erosion."

Section 4.3.6.2 of the TAPS FEIS states:

> "In order to minimize impacts to the pipeline from flowing water, erosion, and sedimentation, the following remediation methods have been implemented (see Section 3.7.2.1):
>
> - Adding spur dikes,

- Constructing revetments, and
- Armoring by adding riprap and gabion guidebanks."

**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 *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* resulted in a Record of Decision that was 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 an additional thirty years.

**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 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 thirty-year renewal period, and discusses river and stream training structures and erosion control in Section 4.2.2.5.3, 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 represent a threat of erosion of pipeline structures and thus 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 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."

The 2002 TAPS Renewal FEIS also states in the Environmental Consequences section, 4.3.6.2, Surface Water Impacts in 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. Patricia Perry, Realty Specialist, BLM
2. John Jangala, Archaeologist, BLM Glennallen Field Office
3. Dennis Gnath, Habitat Biologist, OHMP, Alaska DNR

## F. OTHER NEPA CONSIDERATIONS

### 1. Cultural Resources

The "Assessment of Undertakings Not Subject to Further Section 106 Review Glennallen Field Office" cultural clearance report, GFO Document No. GFO-07-19, dated May 30, 2007, prepared by John Jangala, the field office archaeologist states:

"According to the Protocol for Managing Cultural Resources on Lands administered by the Bureau of Land Management in Alaska, between the Bureau of Land Management 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 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 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 Glennallen 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 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 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.

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 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 Renewal of the Agreement and Grant of Right-of-Way of the Trans-Alaska Pipeline and Related Facilities. 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 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 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 any surface disturbing activities.
4. The TUP area shall be restored according 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 work begins.
9. The permittee 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 Glennallen Field Office's cultural resources staff will be notified immediately.

## PART 1: PLAN CONFORMANCE REVIEW

This proposed action is in conformance with the BLM Southcentral Planning Area Management Framework Plan (MFP), dated March 1980.

Prepared by: Patricia M. Perry (Signature) Realty Specialist (Title) 6/4/2007 (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 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: Patricia M. Perry (Signature) Realty Specialist (Title) 6/4/2007 (Date)

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## 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.

Nolan Heath (Signature) for Authorized Officer (Title) 8 June 2007 (Date)