United States Department of the Interior

BUREAU OF LAND MANAGEMENT
411 West 4th Avenue
Anchorage, Alaska 99501
http://www.ak.blm.gov

Determination of NEPA Adequacy (DNA)

Temporary Use Permit for Erosion Repair on Chandalar River (FF-095451)

DNA-AK-994-08-007

BLM Office: Office of Pipeline Monitoring

Tracking Number: DNA-AK-994-08-007

BLM Case File No. FF-095451

Proposed Action Title: Temporary Use Permit for Erosion Repair along the West Fork of North Fork Chandalar River

Location/Legal Description: The site is located along the Dalton Highway at TAPS PLMP 169 in T. 15 S., R. 11 E., Sec. 35, NE¼NW¼, Umiat Meridian, Alaska.

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

A. Description of the Proposed Action and any applicable mitigation measures:
BLM proposes to issue a Temporary Use Permit (TUP), FF-095451, to Alyeska Pipeline Service Company (APSC), operator of the Trans-Alaska Pipeline System (TAPS), to install an erosion control structure along the bank of the West Fork of North Fork Chandalar River. Continued erosion along this section of the river has the potential to damage the above ground portion of the TAPS pipe. APSC would install a vegetated longitudinal pointed rock toe protection (LPRTP) structure. The structure would be approximately 240 feet long and the height will vary to a maximum of 6 feet. The LPRTP structure will be composed of Class III rip rap. Pit run gravel will be used to fill voids and to promote vegetation growth. As the LPRTP is constructed, a layer of willows will be installed above ordinary high water (OHW). The work will be conducted from the bottom of bank, on the Chandalar River floodplain, to avoid damaging the alpine tundra above OHW. Access will be gained by installing a ramp upstream of the project area where the bank is not as high or steep. Heavy equipment will be track-mounted to minimize earth impact. Flowing water would be temporarily diverted to existing subchannels to circumvent the area.

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Mitigation Measures:

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 to the TUP area 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. The permit holder will notify the Fairbanks Office Manager of the BLM at 907-474-2383 at least 2 working days prior to entry into the TUP area.

9. Alyeska 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. If excavation dewatering is required, such activities shall prohibit permanent changes to natural drainage systems, avoid pollution or sedimentation of waters used by fish, and the site shall be restored to pre-project conditions.

12. Activities shall be conducted in such a manner as to not cause damage or disturbance to any historical or archaeological sites. The Antiquities Act (1906), Archaeological Resources Protection Act (1979), Federal Land Policy and Management Act (1976), and general United States property laws and regulations, all prohibit the appropriation, excavation, damage, or destruction of any historic or prehistoric ruin or monument, or any other object of antiquity situated on lands owned or controlled by the United States (16 USC 470; 16 USC 432; 43

U.S. 1733(a); 18 U.S.C. 1361; 18 U.S.C. 641; 43 CFR 8365.1). Such items include both prehistoric stone tools and sites, as well as historic log cabins, remnants of such structures, refuse dumps, and other such features. Should any such site be discovered during the permitted activity, the permittee should avoid impacting such materials, and notify the BLM Fairbanks District Office cultural resource personnel.

B. Land Use Plan (LUP) Conformance

Utility Corridor Resource Management Plan/Environmental Impact Statement, January 1991

1. The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

Issuance of rights-of-way for oil and natural gas pipelines and related facilities are dealt with specifically on page 2-24 of the Utility Corridor RMP, "FLPMA leases on federal lands would be considered where environmentally feasible and compatible with management objectives" and on page 2-23 the issuance of rights-of-way for oil and natural gas pipelines and related facilities is referred to under the heading Rights-of-Way.

2. The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

N/A

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

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

a. *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, including reconfiguration of the pump stations, and maintenance along TAPS for an additional 30 years.

b. *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 occurred within the existing right-of-way that require additional workspace off the right-of-way, but within the original temporary construction zone of the pipeline would not present an adverse environmental impact. The proposed action is not expected to result in undue or unnecessary environmental degradation and would not restrict subsistence activity or resources. The environment would benefit by protecting the integrity and safety of the existing pipeline system and related facilities from potential erosive forces.

c. *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 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. This was the first NEPA analysis document completed for the Trans-Alaska Pipeline System.

2. List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

a. The BLM Renewal of the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline and Related Facilities, January 2003.

b. Fish Habitat Permit FH 08-SPO-0023, issued by Alaska Department of Fish and Game, Division of Habitat on September 5, 2008. The permit will expire on October 30, 2008.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA documents? If there are differences, can you explain why they are not substantial?

The current proposed action is part of the actions 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 *Final Environmental Impact Statement, Proposed Trans-Alaska Pipeline 1972*. The LPRTP structure will be used to protect the above ground pipe and decrease the erosion occurring along this section of the river; environmental impacts are expected to be short-term for this project.

2. Is the range of alternatives analyzed in the existing NEPA documents appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

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 right-of-way repair and maintenance would also continue for this duration.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new 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. "*

The polar bear, *ursus maritimus*, was listed as a threatened species by the U.S. Fish and Wildlife Service in May 2008. The polar bear lives only in the Northern Hemisphere, on the arctic ice cap, and spends most of its time on polar ice and in coastal areas. They are found on the northern and northwestern coasts of Alaska in the United States (May 2008, U.S. Fish & Wildlife Service). The LPRTP site is located approximately 170 miles south of the Beaufort Sea on the southern side of Atigun Pass within the Brookes Range; this is outside of the described polar ice habitat.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA documents?

The direct and indirect effects 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 EAs. The cumulative effects 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 30-year renewal period.

5. 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.

E. Persons/Agencies/BLM Staff Consulted

1. Diann Rasmussen, Preparer, Realty Specialist, BLM
2. Janine Scheinder, Preparer, Realty Specialist, BLM
2. William Hedman, Archaeologist, BLM Central Yukon Field Office
3. Dennis Gnath, Habitat Biologist, Joint Pipeline Office-ADNR
4. Ron Doyel, Joint Pipeline Office-ADEC

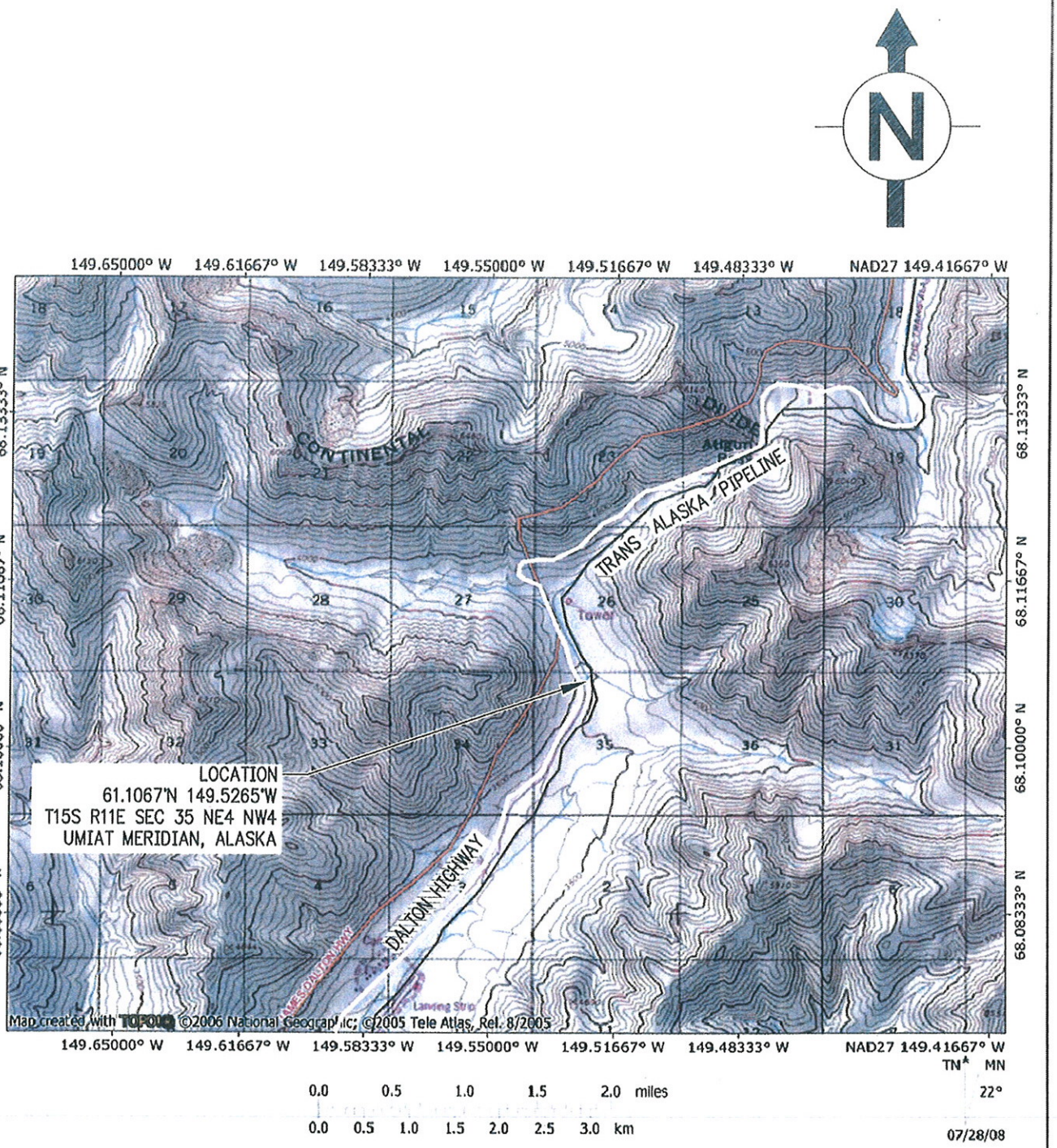
Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Signature	Realty Specialist, BLM Title	9/16/08 Date
Signature	Authorized Officer, BLM Title	16 Sep 2008 Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.



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ADJACENT PROPERTY OWNER: USA (BLM)			ALYESKA PIPELINE SERVICE CO.
X198-42X TAPS MP 169 CHANDALAR RIVER TOE EROSION REPAIR LOCATION AND VICINITY MAP			TRANS ALASKA PIPELINE SYSTEM
		DATE: 07/08	COE PLATE 1
REV. 0	DWN. JOP	CKD. MJC	APPR. JPD	SCALE: AS NOTED	SHEET 1 OF 3

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PLOT SCALE: 1:1

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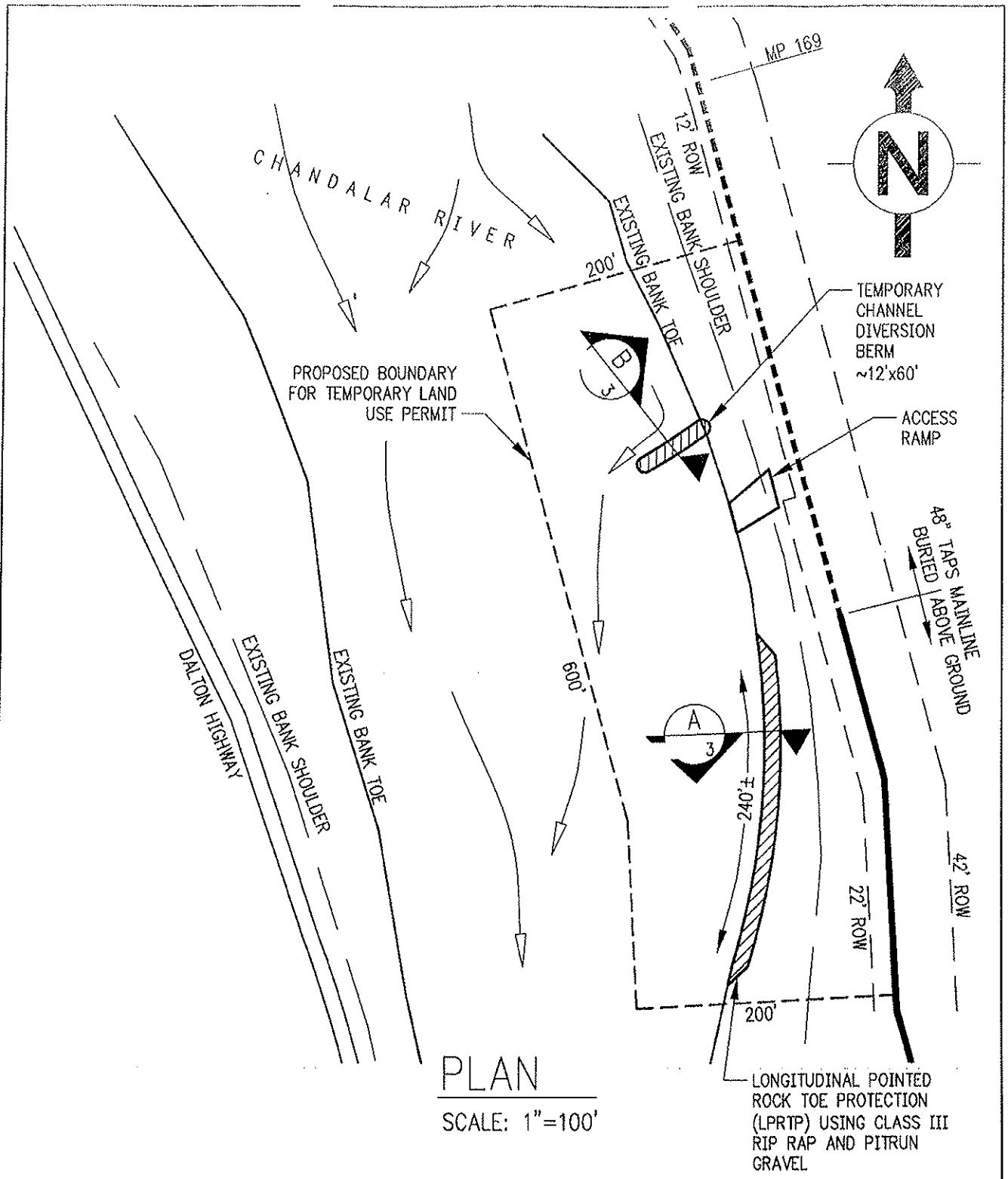

PLAN

SCALE: 1"=100'

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ADJACENT PROPERTY OWNER: USA (BLM)

ALYESKA PIPELINE SERVICE CO.

X198-42X TAPS MP 169 CHANDALAR RIVER TOE EROSION REPAIR PLAN

TRANS ALASKA PIPELINE SYSTEM

REV. 0	DWN. JOP	CKD. MJC	APPR. JPD	DATE: 07/08	COE PLATE 2
				SCALE: 1"=100'	SHEET 2 OF 3

FILE DATE: 07/08

PLOT SCALE: 1:1

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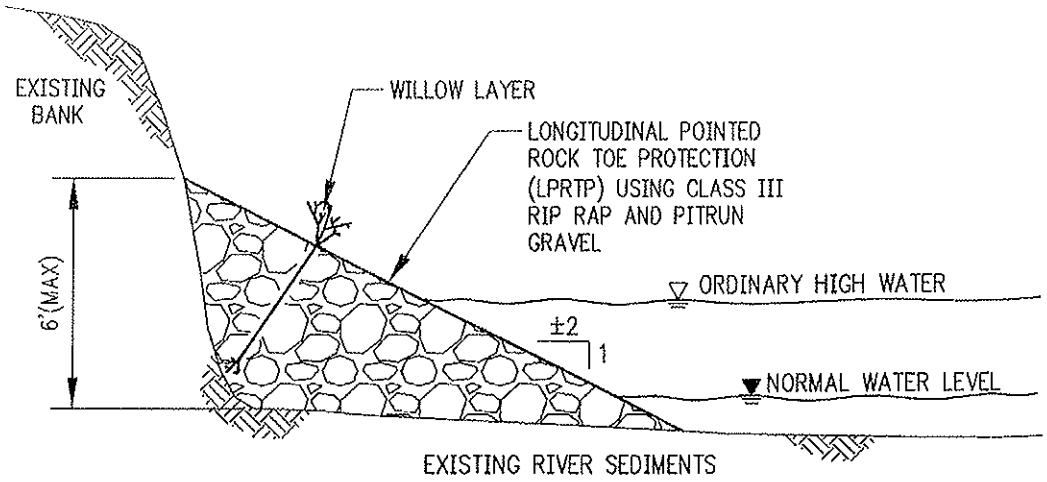
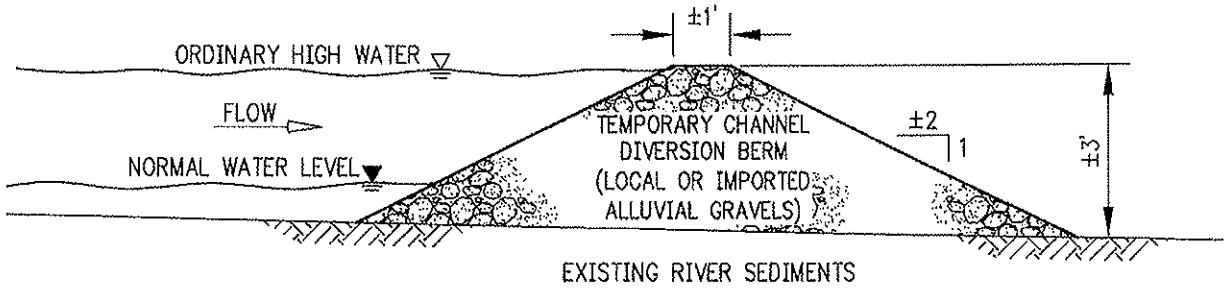


SECTION A
2

SCALE: 1"=4'



SECTION B
2

SCALE: 1"=3'

	ESTIMATED QUANTITIES (CU. YDS.)			ESTIMATED AREA (SF)
	BELOW OHW	ABOVE OHW	TOTAL	
LPRTP CLASS III RIP RAP	350	150	500	1,920
LPRTP PITRUN GRAVEL	70	30	100	1,920

ADJACENT PROPERTY OWNER: USA (BLM)

ALYESKA PIPELINE SERVICE CO.

X198-42X TAPS MP 169 CHANDALAR RIVER TOE EROSION REPAIR SECTIONS

TRANS ALASKA PIPELINE SYSTEM

DATE: 07/08

COE PLATE 3

REV. 0	DWN. JOP	CKD. MJC	APPR. JPD

SCALE: AS NOTED

SHEET 3 OF 3

AUTOCAD DWG. DO NOT REVISE MANUALLY

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FILE DATE: 07/08

PLOT SCALE: 1:1

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