



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Office of Pipeline Monitoring
411 West 4th Avenue
Anchorage, Alaska 99501
<http://www.blm.gov/ak>

Determination of NEPA Adequacy (DNA)

Material Sale Contract for Operations Material Site 27-3N

DOI-BLM-AK-994-2009-0002-DNA

BLM Office: Office of Pipeline Monitoring

Tracking Number: DOI-BLM-AK-994-2009-0002-DNA

BLM Case File No. AA-091089

Proposed Action Title: Material Sale Contract for
Operations Material Site 27-3N

Location and Legal Land Descriptions of Proposed Action: The site is located along the Richardson Highway at MP 155.4 and TAPS PLMP 647.0 in T. 10 N., R. 1 W., Sec. 20, SW¼, Copper River 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 material sale contract for 20,000 cubic yards from Operations Material Site (OMS) 27-3N. The boundary of the material site will not be increased from the previously established 120 acres within T. 10 N., R. 1 W., Sec. 20, SW¼, CRM, Alaska.

On October 9 2008, Alyeska Pipeline Service Company (APSC), operator of the Trans-Alaska Pipeline System (TAPS), submitted an application to purchase materials from the existing site under Mining and Reclamation Plan for OMS 27-3N.

Mitigation Measures:

These mitigation measures, if not already included, will be added to the list of stipulations attached to Mineral Material Contract AA-091089.



1. Any blasting which will be done in the pit area will be done in accordance with an approved Blasting Plan as approved by the Authorized Officer.
2. All mining operations will be conducted so as to provide a minimum 50-foot buffer to water resources.
3. The following statement will be added to the stipulations for the site:

Activities shall be conducted in such a manner as to not cause damage or disturbance to any historical or archaeological sites and artifacts. 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 USC 1733(a); 18 USC 1361; 18 USC 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, U.S. Department of the Interior, Bureau of Land Management, January 1991.

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

Mineral material extraction is dealt with specifically on Pg. 2-108 of the Utility Corridor RMP, "Mineral material (gravel) sales would be allowed throughout the planning area with certain safeguards for specific areas (e.g., within the Jim River and Prospect Creek floodplains and the Ivishak River ACEC)."

Issuance of mineral material permits and sales are dealt with specifically on page 2-4 of the Utility Corridor RMP, "mineral material permits and sales would be allowed throughout the planning area with safeguards for specific areas" and "any new site would be approved if judged not in conflict with crucial wildlife habitat, other important resource values".

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 discusses the impacts on Pg. 4.2-19 and on Pg. 4.3-6 the impacts from mineral extraction are expected to be localized and the main impact would be resource extraction.

b. *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. The FEIS analyzed and assessed environmental impacts of mineral material sites used during construction.

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.

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 within the same analysis area and 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*.

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 both of the previously prepared NEPA documents listed above.

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 mineral material site is located approximately 647 miles south of the Beaufort Sea; 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.

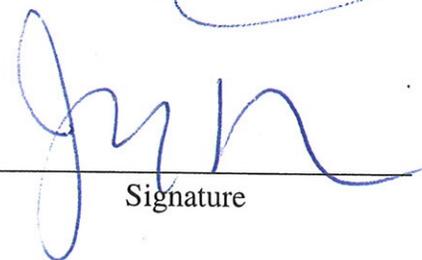
E. Persons/Agencies/BLM Staff Consulted

1. Janine Schneider, Preparer, Realty Specialist, BLM Office of Pipeline Monitoring
2. Diann Rasmussen, Realty Specialist, BLM Office of Pipeline Monitoring
3. John Rego, Geologist, BLM Glennallen Field Office
4. Dennis Gnath, Habitat Biologist, Joint Pipeline Office-ADNR
5. Ron Doyel, Joint Pipeline Office-ADEC

Note: Refer to the EA/EIS for a complete list of the team members participation 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	11/25/08 _____ Date
 _____ Signature	Authorized Officer, BLM _____ Title	11/26/08 _____ 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.