



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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Determination of NEPA Adequacy (DNA)

Temporary Use Permit

DOI-BLM-AK-9940-2009-0005-DNA

BLM Office: Office of Pipeline Monitoring

Tracking Number: DOI-BLM-AK-9940-2009-0005-DNA

BLM Case File No. FF095488

Proposed Action Title: Three (3) year Temporary Use Permit for Geotechnical Investigations to determine the route of a natural gas pipeline right-of-way.

Location and Legal Land Descriptions of Proposed Action: Multiple locations see; "Attachment A".

Applicant: ENSR AECOM as agent for TransCanada Alaska Company LLC

A. Description of the Proposed Action and any applicable mitigation measures:

Description of Proposed Action: The Bureau of Land Management is proposing to issue a Temporary Use Permit (TUP) for three (3) years to facilitate the geotechnical investigation of sites on Federal lands from the Alaska North Slope to Delta Junction. The TUP will allow the use of 32 separate 2 (two) acres Investigative areas, involving approximately 64 total acres. The TUP will be limited to access to and gathering and collecting data from specific locations on Federally managed lands. Data collected from the geotechnical investigations will be utilized in determination of the alignment for a potential natural gas pipeline from Prudhoe Bay, Alaska to the Alaska-Canada border for development of Alaska natural gas resources.

Activities will include off road travel on snow packed roads and other short-term, non-intrusive activities related to the investigations. Access to the sites will be via rollagons, passenger vehicles, and small, rubber-tired or tracked equipment.

Authorities: Mineral Leasing Act of 1920, as amended; 30 U.S.C. § 185 Rights-of-way for pipelines through Federal lands; National Environmental Policy Act (NEPA) of 1969; The Trans-Alaska Pipeline Authorization Act of 1973 (TAPAA), (43 U.S.C. §1652); Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.); President's decision and report to Congress on the Alaska natural gas transportation system issued by the President on September 22, 1977, in accordance with section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719e), and approved by Public Law 95-158 (15 U.S.C. 719f note; 91 Stat. 1268) The Alaska Natural Gas Pipeline Act (ANGPA) signed by the President on October 13, 2004, (Public Law 108-324); Energy Policy Act of 2005 (Public Law 109-58); 43 CFR 2880 Rights-of-Way under the Mineral Leasing Act, as amended.

Mitigation Measures:

1. This permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
2. The Temporary Use Permit (TUP) shall be subject to the terms, conditions and stipulations of the Agreement FF095488. 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.
3. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 60 days, or otherwise disposed of or as directed by the authorized officer.
4. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
5. This TUP is subject to all valid rights existing on the effective date of this grant.
6. There is reserved to the authorized officer, the right to grant additional rights-of-way or permits for compatible uses on, over, under or adjacent to the land involved in this TUP.
7. The permittee will notify the Supervisory Program Administrator of the OPM Fairbanks Field Office at (907) 474-2383 during regular business hours at least 48 hours before beginning work on the project. The Supervisory Program Administrator or, their designated representative will be present and issue a field turn on authorization prior to the commencement of activities authorized under this permit
8. Site specific access off of established roads will be permitted by a designated Authorized Officer's representative as an on-site field authorization prior to exiting established roads.
9. The TUP area limits shall be flagged prior to commencement of any surface disturbing activities.

10. Land use activity, including any construction, shall be conducted to minimize disturbance to existing vegetation.
11. Fuel storage is not allowed within the TUP area.
12. 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.
13. 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.
14. The permittee shall inform and ensure compliance with these stipulations by its agents, employees, and contractors, including subcontractors at any level.
15. This TUP applies to lands under jurisdiction of the Bureau of Land Management.
16. There shall be no disturbance of any archaeological or historical sites, including graves and remains of cabins, and no collection of any artifacts (stone tools, mining equipment, cans, bottles, etc.) 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 Field Office's cultural resources staff will be notified immediately.
17. Any tundra travel off of established roads will require a minimum of 12 inches of frozen ground and 6 inches of packed snow.
18. In the event that the geotechnical investigation are not completed at all locations during the winter months when there is sufficient snow cover to protect resources the permittee shall request a notice to proceed from the Authorized Officer for investigative drilling on those sites. A notice to proceed request shall depict the sites that were not accessible, and provide a plan for soil and vegetation management and monitoring.
19. Any and all biological, environmental, geological and geophysical, geospatial, hydrological, and topographical data either derived from this authorization or, utilized in conjunction with this authorization shall be submitted to the Authorized Officer. The information should be collected and referenced in NAD83 in a format determined to be usable to the BLM for this project. This includes any and all data utilized to determine pipeline routing to include but not limited to; aerial photos, satellite imagery, hydrological models, well logs and thermistor data.
20. Activities conducted under this permit on federal lands adjacent to the Trans-Alaska Pipeline System (TAPS) will be coordinated with Alyeska Pipeline Service Company in order to protect and maintain the safety and integrity of the TAPS.
21. Survey monument shall be avoided. Any survey monuments disturbed by the permittee in the conduct of operations under this permit will be reported to the Authorized Officer.

B. Conformance with the Land Use Plan (LUP)

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

N/A

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):

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 it is clearly consistent with the objectives, terms and conditions with the following Land Use Plan decisions: 1. Final Environmental Impact Statement, Utility Corridor Proposed Resource Management Plan, U.S. Bureau of Land Management, Arctic District Office, Alaska, September 1989, BLM-AK-PT90-002-1610-060. BLM completed a Final Environmental Impact Statement (FEIS) that identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with the land use planning process of the Utility Corridor Planning Area. The proposed plan was designed to provide for multiple use of planning area resources while also providing resource protection. The plan priority was to preserve the Utility Corridor for the transportation of energy minerals. The Utility Corridor was withdrawn by Public Land Order 5150 December 30, 1971 to protect the route of Alaskan North Slope transportations systems to include the Trans-Alaska Pipeline System. The Record of Decision was signed January 11, 1991. The project activities will occur on federal lands managed by BLM Alaska, which were withdrawn as a utility corridor under Public Land Order 5150, December 28, 1971.

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

This entire corridor has been the subject of multiple Environmental Impact Statements (EISs) for the construction of oil and gas pipelines for the development of Alaska North Slope oil and gas resources. The EISs completed this corridor address the construction, operation and maintenance of a pipeline system within the same corridor therefore this action is clearly consistent with the objectives, terms and conditions of the following Land Use Plan decisions; Final EIS for the Alaska Natural Gas Transportation System April 9, 1976; 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. This entire corridor was also considered in 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 to repair, protect, or inspect 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. This includes temporary activities, such as excavations for investigation and repair. The proposed action was not expected to result in undue or unnecessary environmental degradation and would not restrict subsistence activity or resources

Those portions of the requested lands in this authorization north of Fairbanks are managed by the Bureau of Land Management and are covered by the Utility Corridor Management Plan. This plan identifies the resource values along the Utility Corridor from the Yukon River north, including wildlife, fisheries, threatened and endangered species, cultural resources, and Areas of Critical Environmental Concern. Additionally, the requested public lands north of Fairbanks are withdrawn under Public Land Order 5150 for the specific purpose of a transportation and utility corridor. These documents have been reviewed and have been determined to consider potential environmental effects associated with the proposed activity at a site specific level.

The determination of total acreage of public lands affected in this authorization was determined by utilizing aerial photographs at 32 proposed areas at 2 acres or less per site.

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?

Although this project is not specifically addressed it is clearly consistent with the temporary use activities currently outside of the TAPS ROW within the designated Utility Corridor such as excavations and land use permits in association with the maintenance of a pipeline system. All documents concluded no long term adverse environmental impacts would be expected to occur as the result of the proposed 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.

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. "

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 impacts of the current proposed action do not deviate from the impacts identified in the existing NEPA documents. Impacts in excess of and directly related to the current proposal were sufficiently analyzed in the previous EIS's.

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. During all of the previous EIS processes, BLM underwent 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 utility corridor activities, and special interest groups affected by those activities.

The entire processes, including all public hearings and meetings, received extensive coverage by newspaper, television, and radio media.

b. Interagency Review. During all of the previous EIS processes, 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, and ANGTS FEIS contain interagency reviews by the National Marine Fisheries Service and U.S. Fish and Wildlife, Alaska Region.

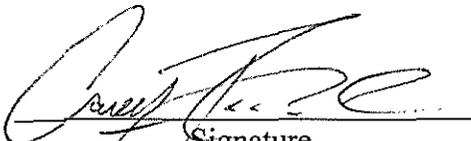
E. Persons/Agencies/BLM Staff Consulted

1. Diann Rasmussen, Realty Specialist, BLM Office of Pipeline Monitoring
2. Janine Schneider, Realty Specialist, BLM Office of Pipeline Monitoring
3. Robin Mills, Archaeologist, BLM Arctic Field Office
4. Nancy Wicker, Realty Specialist, Fairbanks District Office
5. Mike Worley, Realty Specialist, Arctic Field Office
6. Jack Winters, Habitat Biologist, ADF&G, Fairbanks
7. Eric Chun, Realty Specialist, US Army, Ft. Wainwright
8. Malcolm Nason, Realty Supervisor, US Air Force, Eielson AFB
9. Dr. Brian Barnes, UAF, Toolik Field Station Operations Manager

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

02-26-2009

Date


Signature

Authorized Officer, BLM

Title

02-26-2009

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.

Attachment A

Location #	Legal Description
2-8	T. 9 S. R. 12 E. Sec. 13, 14, 23, 24 Umiat
2-20	T. 10 S. R. 11 E. Sec. 3, 4, 9, 10 Umiat
2-24	T. 11 S. R. 11 E. Sec. 10, 11,14, 15 Umiat
2-9	T. 11 S. R. 12 E. Sec. 29, 30,31, 32 Umiat
2-10	T. 12 S. R. 12 E. Sec. 21, 22, 27, 28 Umiat
2-21	T. 14 S. R. 12 E. Sec. 16, 17,20, 21 Umiat
2-11	T. 16 S. R. 11 E. Sec. 16,17,20,21 Umiat
2-14	T. 32 N. R. 10 W. Sec. 15, 16, 21, 22 Fairbanks
1-10	T. 32 N. R. 10 W. Sec. 32, 33 Fairbanks
2-15	T. 31 N. R. 10 W. Sec. 30 Fairbanks
1-1	T. 30 N. R. 11 W. Sec. 5, 6 Fairbanks
1-11	T. 30 N. R. 11 W. Sec. 31 Fairbanks T. 30 N. R. 12 W. Sec. 36 Fairbanks T. 29 N. R. 12 W. Sec. 1 Fairbanks T. 29 N. R. 11 W. Sec. 6 Fairbanks
1-13	T. 28 N. R. 12 W. Sec.29 Fairbanks
1-14	T. 27 N. R. 12 W. Sec.6, 7 Fairbanks
1-17	T. 27 N. R. 13 W. Sec. 22, 23, 26, 27 Fairbanks
1-15	T. 26 N. R. 13 W. Sec. 22, 23, 26, 27 Fairbanks
1-16	T. 25 N. R. 13 W. Sec. 23, 24, 25, 26 Fairbanks
1-18	T. 24 N. R. 14 W. Sec. 14, 23 Fairbanks
1-19	T. 23 N. R. 15 W. Sec.36 Fairbanks
1-20	T. 22 N. R. 14 W. Sec. 30, 31 Fairbanks T. 22 N. R. 15 W. Sec. 25, 26 Fairbanks

Attachment A

- 1-21 T. 21 N. R. 14 W. Sec. 18, 19 Fairbanks
T. 21 N. R. 15 W. Sec. 13, 24 Fairbanks
- 1-22 T. 20 N. R. 15 W. Sec. 9, 16 Fairbanks
- 1-23 T. 19 N. R. 15 W. Sec. 33, 34 Fairbanks
- 1-24 T. 17 N. R. 14 W. Sec. 1 Fairbanks
T. 17 N. R. 13 W. Sec. 6 Fairbanks
- 1-25 T. 16 N. R. 13 W. Sec. 4, 5 Fairbanks
- 1-26 T. 15 N. R. 13 W. Sec. 1 Fairbanks
- 1-27 T. 15 N. R. 13 W. Sec. 13 Fairbanks
T. 15 N. R. 12 W. Sec. 18 Fairbanks
- 1-28 T. 13 N. R. 11 W. Sec. 16, 17 Fairbanks
- 1-29 T. 13 N. R. 11 W. Sec. 35, 36 Fairbanks
- 1-44 T. 2 S. R. 3 E. Sec. 6, 7 Fairbanks
- 1-45 T. 2 S. R. 3 E. Sec. 36 Fairbanks
T. 2 S. R. 4 E. Sec. 31 Fairbanks
T. 3 S. R. 3 E. Sec. 1 Fairbanks
T. 3 S. R. 4 E. Sec. 6 Fairbanks
- 1-46 T. 3 S. R. 4 E. Sec. 15, 16, 21 Fairbanks