



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 Amendment

DOI-BLM-AK-9940-2009-0007-DNA

BLM Office: Office of Pipeline Monitoring

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

BLM Case File No. FF095488

Proposed Action Title: Amendment to Temporary Use Permit for Geotechnical

Location and Legal Land Descriptions of Proposed Action: 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 amend Temporary Use Permit (TUP), FF095488 issued on February 27, 2009, to facilitate the geotechnical investigation of sites on Federal lands from the Alaska North Slope to Delta Junction. The amendment TUP will allow the use of an additional five (5) individual two (2) acre areas and remove three (3) of the previously authorized two (2) acre areas. The additional areas amended into the TUP will be limited to access to and gathering and collecting data from specific locations on federally managed lands. Activities will also 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 (ANGTA) (15 U.S.C. 719 et seq.); President's decision and report to Congress on the Alaska natural gas transportation system issued on September 22, 1977, in accordance with Section 7 of the ANGTA (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 of 2004 (ANGPA) (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 TUP is subject to all valid rights existing on the effective date of this grant.
2. 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.
3. 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.
4. 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.
5. The TUP area limits shall be flagged prior to commencement of any surface disturbing activities.
6. Land use activity, including any construction, shall be conducted to minimize disturbance to existing vegetation.
7. Fuel storage is not allowed within the TUP area.
8. 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.
9. 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.
10. The permittee shall inform and ensure compliance with these stipulations by its agents, employees, and contractors, including subcontractors at any level.
11. This TUP applies to lands under jurisdiction of the Bureau of Land Management.
12. 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.
13. Any tundra travel off of established roads will require a minimum of 12 inches of frozen ground and the average snow cover is a depth of 6 inches. To prevent surface disturbance, tracked vehicles shall not execute tight turns by locking one track. All turns must be made using a wide radius. Any visible damage to vegetation or if imprints on the traversed area are found, the permittee must call the Supervisory Program Administrator of the OPM Fairbanks Field Office at (907) 474-2383.

14. 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.
15. 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.
16. Activities conducted under this permit on federal lands in, on or adjacent to the Trans-Alaska Pipeline System (TAPS), including the use of heavy equipment, excavating, or drilling in or on the TAPS ROW, will be coordinated with Alyeska Pipeline Service Company in order to protect and maintain the safety and integrity of the TAPS.
17. The permittee, its agents, employees, and contractors, including subcontractors at any level shall observe the established TAPS ROW vehicle restrictions and safety procedures. Permittee shall coordinate with Alyeska Pipeline Service Company on the current restrictions and safety procedures for posting in each vehicle.
18. Activities conducted under this permit shall not disturb or destroy pipelines, fuel gas lines, roads trails, work pads, survey monuments and/or ROW markers, Cathodic protection devices, monitoring rods, drainage/erosion control structures or any other facilities or properties existing on the public lands. Any disturbance of these facilities or properties by the permittee in the conduct or operations under this permit will be reported to the Authorized Officer and shall be restored to the satisfaction of the Authorized Officer.
19. Activities conducted under this permit shall not interfere with any existing communication facilities, transmissions or frequencies.
20. The permittee, its agents, employees, and contractors, including subcontractors at any level shall not conduct any camping, fishing, trapping, hunting or shooting on federal lands while conducting activities under this permit.
21. A copy of this permit must be on site during any of the activities permitted herein.

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, because it is clearly consistent with the objectives, terms and conditions with the following Land Use Plan decisions: *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 (PLO) 5150, December 31, 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 TUP project activities will occur on federal lands managed by BLM Alaska, within the utility corridor.

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 address the construction, operation and maintenance of pipeline systems 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 EIS 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 is 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 BLM 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 PLO 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.

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 outside of the TAPS ROW and 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. "

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 northern most site is located approximately 125 miles south of the Beaufort Sea on the north side of 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 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 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, 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 FEISs 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, Preparer, Lead Realty Specialist, BLM Office of Pipeline Monitoring
2. Bill Hedman, Archaeologist, BLM Fairbanks District Office
3. Yukon Pacific Corporation, holder of 'prior existing rights'
4. Amerada Hess, et al, holder of 'prior existing rights'

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.

Attached Documents: Attachment A, Sites Amended Into TUP/Sites Removed From TUP
Attachment B, Maps - Sites Amended Into TUP

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.

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|---|---|---------------------------|
|  _____ Signature | Realty Specialist, BLM _____ Title | 03/20/09 _____ Date |
|  _____ Signature | Authorized Officer, BLM _____ Title | 3-20-09 _____ 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.

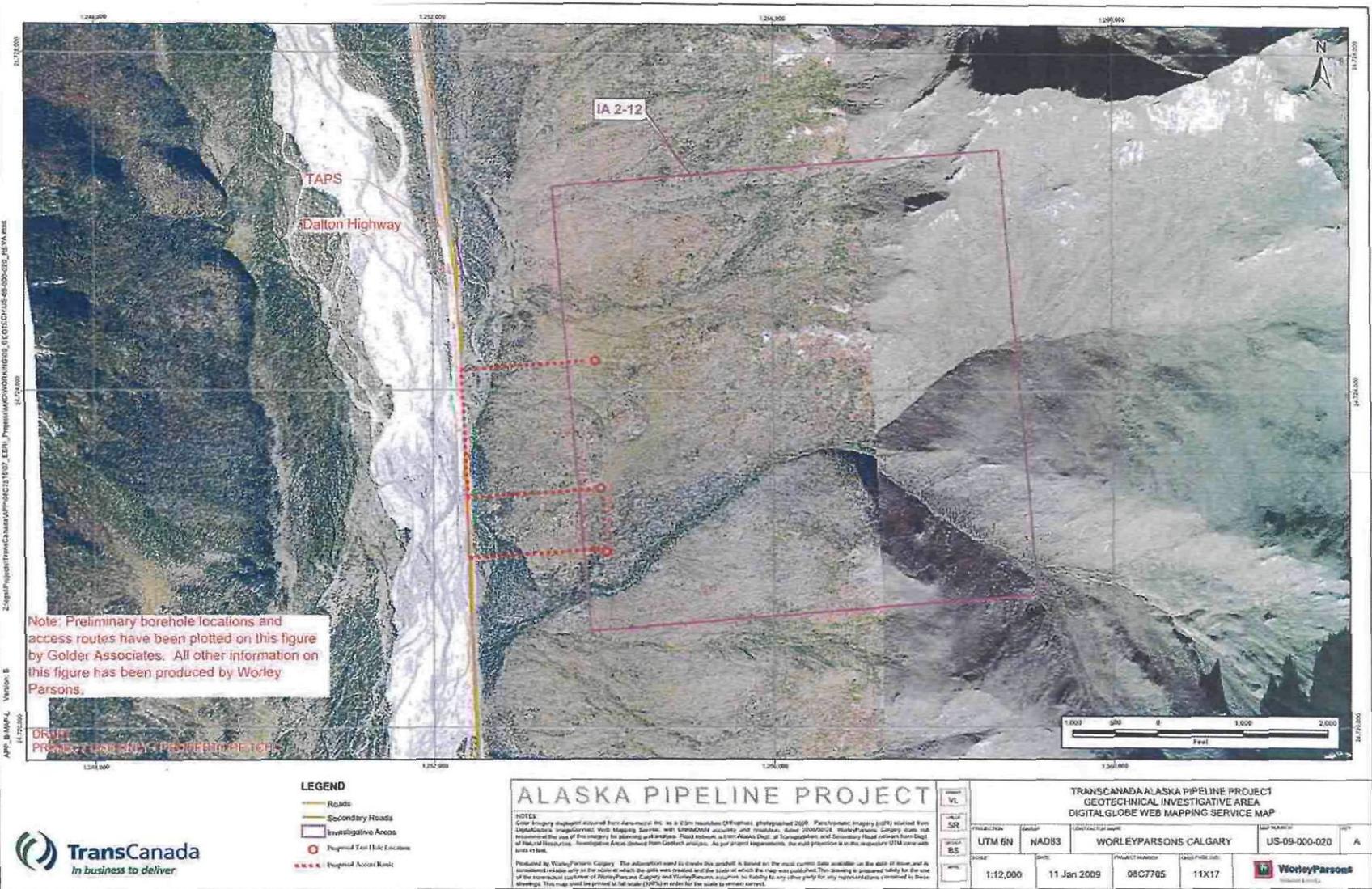
Attachment A

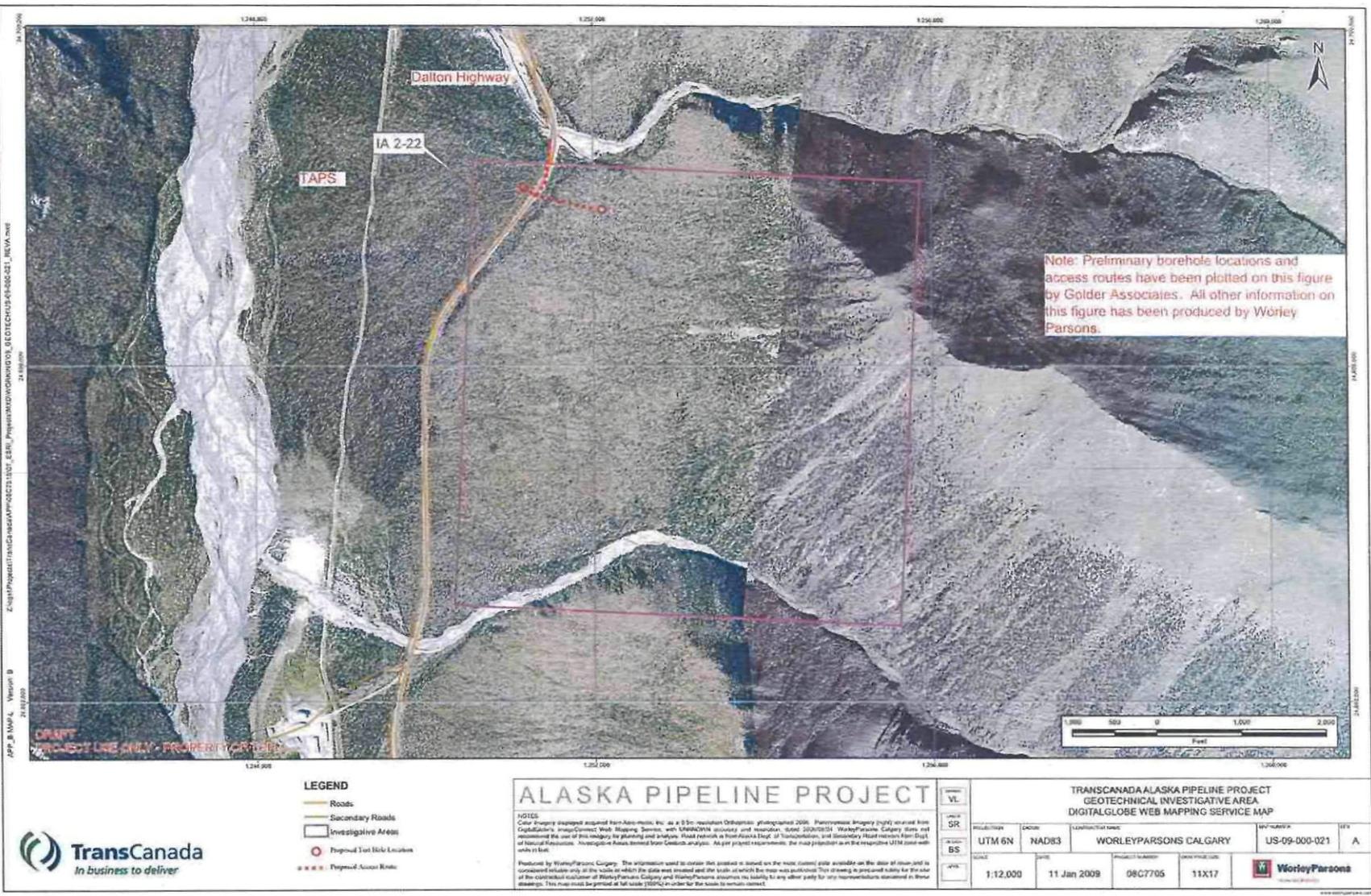
Sites Amended Into TUP

| Location # | Legal Description |
|------------|---|
| 2-12 | T. 36 N. R. 10 W. Sec. 27, 28, 33, 34 Fairbanks |
| 2-22 | T. 35 N. R. 10 W. Sec. 21, 22, 27, 28 Fairbanks |
| 2-13 | T. 34 N. R. 10 W. Sec. 10, 11, 14, 15 Fairbanks |
| 2-23 | T. 33 N. R. 10 W. Sec. 13, 24 Fairbanks T. 33 N. R. 9 W. Sec. 19, 24 Fairbanks |
| 1-12 | T. 32 N. R. 10 W. Sec. 3, 4, 10 Fairbanks |

Sites Removed From TUP

| Location # | Legal Description |
|------------|---|
| 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 |
| 1-18 | T. 24 N. R. 14 W. Sec. 14, 23 Fairbanks |





- LEGEND**
- Roads
 - Secondary Roads
 - Investigative Areas
 - Proposed Test Hole Locations
 - - - - - Proposed Access Routes

ALASKA PIPELINE PROJECT

NOTES
 Color imagery displayed acquired from Aero-Metrix, Inc. as a 950-resolution Orthorectified, photogrammetric 2006. Planimetric imagery (right) derived from DigitalGlobe's ImageConnect Web Mapping Service, with 600x600 resolution, dated 2/20/07. WorleyParsons, Calgary, Alberta, Canada, prepared the map and provided the use of this imagery for planning and analysis. Road network is from Alaska Dept. of Transportation, and Secondary Road network from Dept. of Natural Resources. Knowledge is based on the best available data. As per project requirements, the map projection is in the respective UTM zone with units in feet.
 Produced by WorleyParsons, Calgary. The information used to create this product is based on the most current data available on the date of issue and is considered reliable only to the scale at which the data was received and the scale at which the map was produced. This drawing is prepared solely for the use of the contractor and/or client. WorleyParsons, Calgary and WorleyParsons assumes no liability to any other party for any inaccuracies contained in these drawings. This map must be printed at full scale (100%) in order for the scale to remain correct.

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| SCALE | DATE | PROJECT NUMBER | WORKSHEET NUMBER | WORLDWIDE | REV |
| 1:12,000 | 11 Jan 2009 | 08C7705 | 11X17 | WorleyParsons | A |



