



# United States Department of the Interior



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

## Determination of NEPA Adequacy (DNA)

### Temporary Use Permit to Authorize Land Use for Road Crossing Casing Removal at Trans-Alaska Pipeline Milepost 758.9

DOI-BLM-AK-9940-2010-0009-DNA

---

**BLM Office:** Office of Pipeline Monitoring

**Tracking Number:** DOI-BLM-AK-9940-2010-0009-DNA

**BLM Case File No.** AA 092415

**Proposed Action Title:** Temporary Use Permit to Authorize Land Use for Road Crossing Casing Removal at Trans-Alaska Pipeline Milepost 758.9

**Location and Legal Land Descriptions of Proposed Action:** The site is located along the Trans-Alaska Pipeline System (TAPS) at pipeline milepost (PLMP) 758.9 and the Richardson Highway MP 40 in T. 7 S., R. 1 W., Sec. 34, within SE $\frac{1}{4}$ , 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 Temporary Use Permit (TUP) to allow the use of land adjacent to the TAPS right-of-way for activities in support of the removal of the road crossing casing of the 48" pipeline at PLMP 758.9 which crosses under the Richardson Highway at MP 40. The project area will involve approximately 20.0 acres.

This maintenance activity is necessary to protect the TAPS pipe against corrosion and avoid potential environmental damage. Due to the depth of cover in this location, the excavation will be benched for safety of personnel and equipment. To complete this project construction of a temporary by-pass road to accommodate 2-way traffic flow around the area is required for the excavation of the Richardson Highway.

It will be necessary to clear brush within the right-of-way and the temporary use area to the extent required to safely and efficiently support the work. Additional brush clearing may be done to widen the access road to material site MS71-1-008-5 to approximately 20 feet. To create a smooth driving surface a compacted leveling course of pit-run gravel may be laid down. The trail between TAPS access road 8-APL-2 and the pipeline workpad will be widened to approximately 20 feet by removing brush and laying down a compacted leveling course of pit-run gravel to create a smooth driving surface.

Material site MS71-1-008-5 will be utilized as a fueling area from a fuel tanker (8,000 to 20,000 gallon capacity), for disposal of excess overburden and organic materials removed from the work site, for temporary stockpiling of the excavated gravel material and permanent disposal of any excess clean material, production with a crusher and screen to produce specific grades of backfill and highway material, and as the staging area for mobilization and demobilization of construction equipment, materials, and conex units.

*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. This TUP applies to lands under the jurisdiction of the Bureau of Land Management.
3. Alyeska Pipeline Service Company (APSC) shall inform and ensure compliance with these stipulations by its agents, employees, and contractors (including subcontractors at any level).
4. Primary access shall be limited to the work pad and existing roads, unless specifically authorized in writing.
5. A written Notice to Proceed shall be issued by the BLM Office of Pipeline Monitoring (BLM/OPM) Authorized Officer and an On-the-Ground Turn-On shall be issued prior to any on-the-ground construction activity.
6. The TUP area limits shall be staked prior to commencement of surface disturbing activities. All activities which involve surface disturbance shall be confined to the area shown on Exhibit B.
7. All activities shall avoid those areas flagged as avoidance or sensitive areas by the Glennallen Field Office resource staff.

8. Land use activities, including any construction, shall be conducted to minimize disturbance to existing vegetation.
9. Fuel storage is allowed within the TUP area, specifically within the previously disturbed area of ADOTPF Material Site MS71-1-008-5, in fuel tanker distribution vehicles; which shall be located within lined secondary containment structures constructed in accordance with all Federal and State requirements.
10. Drip pans will be utilized during all refueling operations.
11. 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.
12. The Authorized Officer may require that his authorized representative be on site during operations conducted under this TUP. The permit holder will notify the Supervisory Program Administrator at the Valdez Field Station, 907-787-6701, during regular business hours at least 48 hours before beginning work on the project.
13. The TUP area shall be restored in accordance with the APSC Maintenance and Repair Manual, MR-48, to the satisfaction of the Authorized Officer, as stated in writing.
14. 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.
15. 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 AO, the BLM Glennallen Field Office cultural resource staff, and the SHPO will be immediately notified. Written authorization to proceed will be issued by the BLM/OPM Authorized Officer to resume operations.
16. The permittee shall be responsible for preventing the spread of non-native, invasive plant species caused by operations on the public lands. Permittees are advised to be familiar with non-native, invasive plant species in Alaska and to take measures to avoid contributing to the spread of such plants.
17. A copy of this permit must be on site during any of the activities permitted herein.

#### **B. Land Use Plan (LUP) Conformance**

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 28, 1971. The proposed action is in conformance with the applicable Land Use Plan as required by 43 CFR 1610.5 as Land Use Plans are subject to the withdrawal of the lands for utility corridor purposes.

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):

*East Alaska Resource Management Plan and Final Environmental Impact Statement / Record of Decision, U.S. Department of the Interior, Bureau of Land Management, September 2007, Page 14, Section A. Specific Decisions and Management Considerations states that: "The remaining portions of the existing pipeline/utility corridor will be retained in Federal ownership for multiple resource management purposes including maintaining administration of the lands as Federal public lands and emphasizing their use as a transportation/utility corridor . . ."*

**C. Identify 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.*

In 2002, the U.S. Department of Interior, Bureau of Land Management (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. The FEIS also stated that excavations of buried pipe would result in reductions and prevention of corrosion to the mainline pipe, and that an estimated 15 digs would occur each year, potentially increasing to 20 per year by 2034.

2. *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. This includes temporary activities to protect pipeline integrity, 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. The

environment would benefit by protecting the integrity and safety of the existing pipeline system and related facilities from corrosion and potential erosive forces.

3. *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.*

In 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.

#### **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 proposed action is essentially similar to or the same action 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 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 the proposed project. The TAPS Renewal EIS of November 2002 stated that excavations of buried pipe would result in reductions and prevention of corrosion to the mainline pipe, and that an estimated 15 digs would occur each year, potentially increasing to 20 by the end of 2034.

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 excavations of pipe for corrosion investigations 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. "*

Four species were listed as threatened or endangered after the referenced NEPA documents were published. The U.S. Fish and Wildlife Service listed as a threatened the following species: August 2005, the southwest Alaska distinct population segments (DPS) of the northern sea otter, *Enhydra lutris kenyoni*, habitat for the Alaska DPS of the northern sea otter is Aleutian Islands, Alaska Peninsula, and Kodiak Island; and May 2008, the polar bear, *ursus maritimus*, habitat for the polar bear is on polar ice and in coastal areas along the northern and northwestern coasts of Alaska. Critical habitat has not been designated for either species. The National Marine Fisheries Service listed as endangered the following species: March 2008, the North Pacific right whale, *Eubalaena japonica*, habitat for the North Pacific right whale is Bering Sea, Gulf of Alaska, and North Pacific, critical habitat has been designated as 40° N to 60° N latitude; and October 2008, the Beluga whale, *Delphinapterus leucas*, habitat for the Beluga whale is Cook Inlet, critical habitat has not been designated. The proposed action is outside the habitat areas for the additional species, so will not adversely affect the additional species.

The Assessment of Heritage and Paleontological Resources, GFO-10-16, noted that there was a possibility that a portion of the Valdez Trail and the Beaver Dam Roadhouse have been reported as being in the area of material site MS71-1-008-5. Further survey in the area to staking

avoidance areas and Field Turn-on to ensure no disturbance of the staked areas will mitigate the possibility of damaging or destroying any archaeological resource.

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. Site-specific impacts 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. 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. ANILCA Section 810 Subsistence Evaluation**

This area is within the Federal Subsistence Hunt Area, Unit 13 South of Glennallen.

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 or 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.

#### F. Persons/Agencies/BLM Staff Consulted

1. Diann Rasmussen, Preparer, Realty Specialist, BLM Office of Pipeline Monitoring
2. John Jangala, BLM Glennallen Field Office
3. Janine Schneider, Realty Specialist, BLM Office of Pipeline Monitoring

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.

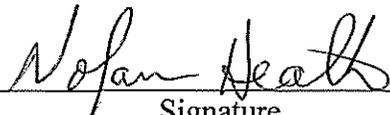
#### CONCLUSION

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

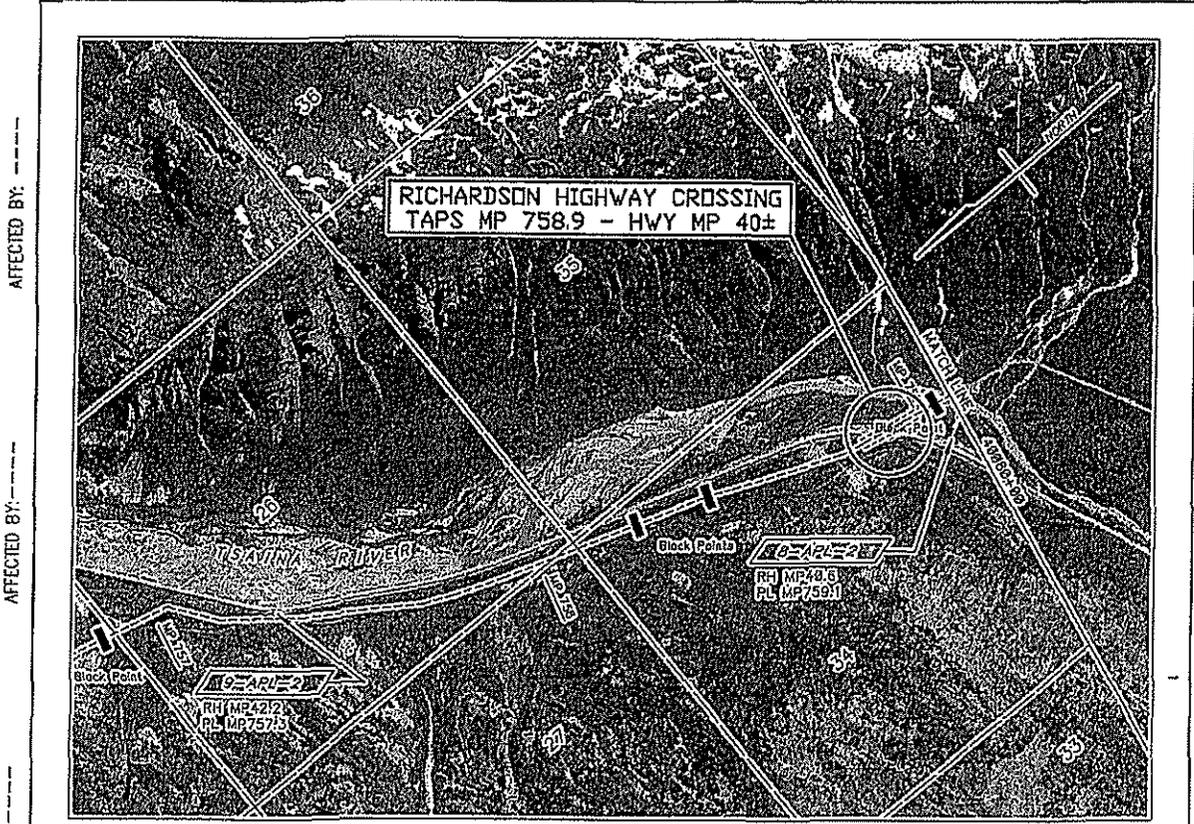
6/4/2010  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

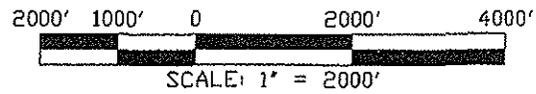
Acting  
Authorized Officer, BLM  
\_\_\_\_\_  
Title

4 June 2010  
\_\_\_\_\_  
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.



AFFECTED BY: -----



G100 ALIGNMENT SHEET: 135  
 LAND OWNER: STATE OF ALASKA  
 MERIDIAN: COPPER RIVER T7S RIW SECTION: 34  
 LATITUDE: 61° 12' 52" LONGITUDE: 145° 22' 42"

DATE: 03-23-10

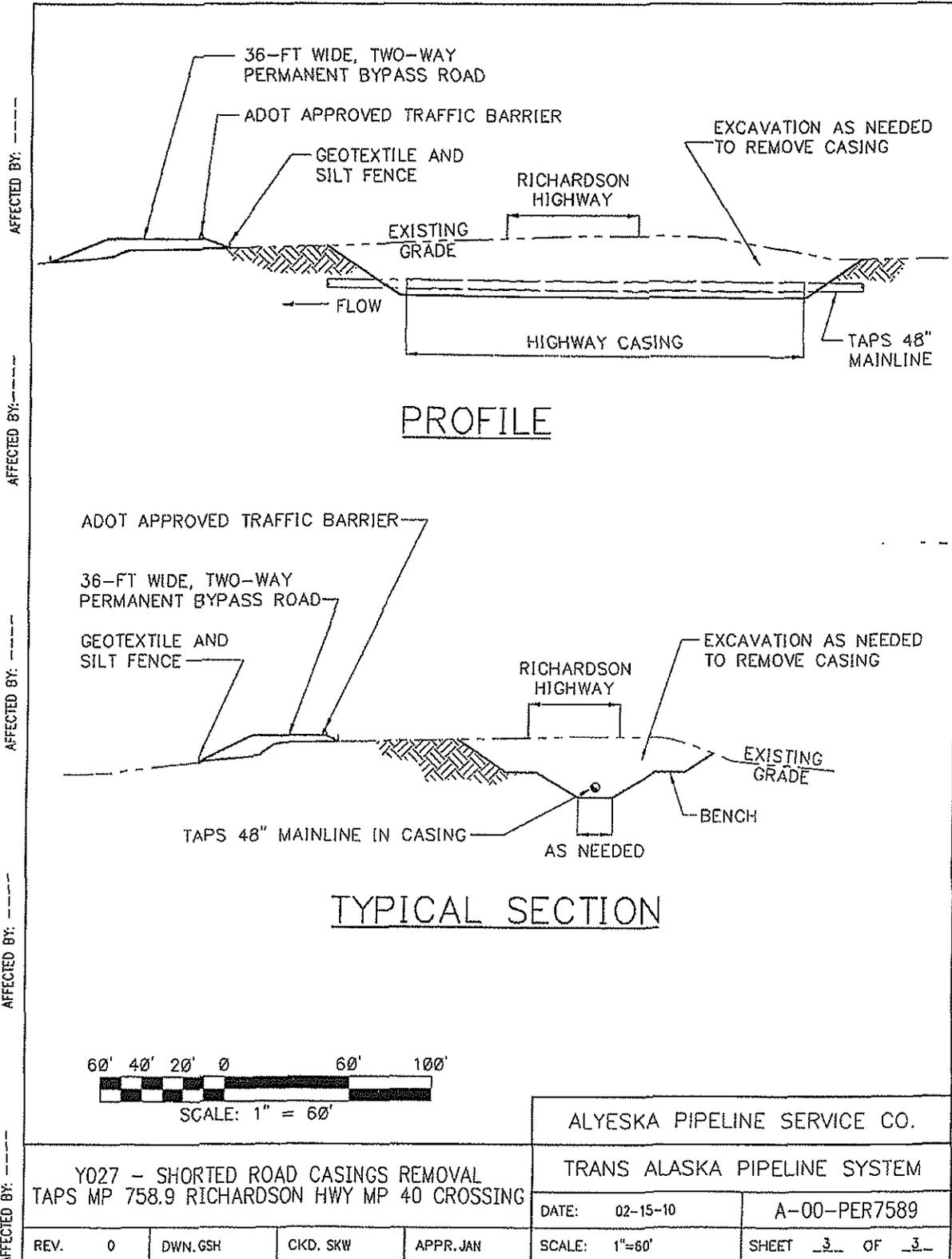
PLOT SCALE: 1"=2000

FILENAME: PER7589\_1

				ALYESKA PIPELINE SERVICE CO.	
				TRANS ALASKA PIPELINE SYSTEM	
Y027 - SHORTED ROAD CASINGS REMOVAL TAPS MP 758.9 RICHARDSON HWY MP 40 CROSSING				DATE: 02-17-10	A-00-PER7589
REV.	0	DWN.GSH	CKD.SKW	APPR.JAN	SCALE: 1"=2000'
				SHEET	1 OF 3

AUTOCAD DWG DO NOT REVISE MANUALLY





AFFECTED BY: -----

DATE: 02-23-10

PLOT SCALE: 1=60

FILENAME: PER7589\_3

AUTOCAD DWG. DO NOT REVISE MANUALLY.