



1.3. Authorized Officer

1.3.1. For purposes of information and review, the Authorized Officer may call upon Permittees at any time to furnish any or all data related to construction, operation, maintenance and termination activities undertaken in connection with the Pipeline System.

1.3.2. The Authorized Officer may require Permittees to make such modification of the Pipeline System, without liability or expense to the United States, as he deems necessary to: protect or maintain stability of geologic materials; protect or maintain integrity of the Pipeline System; prevent serious and irreparable harm to the environment (including but not limited to fish or wildlife populations, or their habitats); or remove hazards to public health and safety.

1.4. Common Agent of Permittees

1.4.1. Permittees, and each of them, have appointed Alyeska Pipeline Service Company as their common agent to design and construct the Pipeline System under and pursuant to an agreement entitled "Agreement for the Design and Construction of the Trans Alaska Pipeline System," dated August 27, 1970, and intend to appoint Alyeska Pipeline Service Company as their common agent to operate, maintain and terminate the Pipeline System under and generally pursuant to an Operating Agreement referred to in Section 5.1 of the "Trans Alaska Pipeline System Agreement," dated August 27, 1970. A Power of Attorney has been filed with the Department of the Interior by each Permittee appointing Alyeska Pipeline Service Company the true and lawful agent and attorney-in-fact on behalf of each Permittee with full power and authority to execute and deliver any and all instruments in connection with the design, construction, or operation of the Pipeline System. Within the scope of such contractual authority, such agent shall represent Permittees, and each of them, with respect to this Agreement. Such agent is and shall be empowered on behalf of Permittees, and each of them, to accept service of any process, pleadings or other documents in connection with any court or administrative proceeding relating in whole or in part to this Agreement or to all or any part of the Pipeline System and to which the United States shall be a party.

1.4.2. Permittees shall maintain a common agent for the construction, operation, maintenance and

termination of the Pipeline System at all times during this Agreement. Such agent shall be a citizen of the United States, or if a corporation, a domestic corporation. Such agent shall be a resident of Alaska, or if a corporation, shall be duly authorized to conduct business in Alaska. Permittees shall cause such agent to maintain in the City of Anchorage, Alaska, at all times during this Agreement an office for the delivery of all documents, orders, notices and other written communications, as provided for in Stipulations 1.4.1. and 1.6.

1.4.3. In the event Permittees substitute a new common agent at any time, Permittees shall give prompt written notice to the Authorized Officer of such substitution, the name and office address in Anchorage, Alaska, of the new agent, and a copy of Permittees' agreement with the new agent. The United States shall be entitled to rely on each appointment until such time as a notice of the substitution of a new common agent takes effect. Each such notice shall not take effect until two (2) full working days after (and not including) the date that it was received by the Authorized Officer.

1.4.4. Upon the Transfer by any Permittee of any right, title or interest of Permittee in the Right-of-Way or this Agreement, the Transferee shall promptly execute and deliver to the Authorized Officer such documents as may be required to evidence the Transferee's appointment and ratification of the then-acting common agent.

1.5. Authority of Representatives of Authorized Officer and Common Agent; Orders of Authorized Officer.

1.5.1. No order or notice given to Permittees on behalf of the Secretary by the Authorized Officer or any other Person shall be effective as to Permittees unless prior written notice of the delegation of authority to issue such order or notice has been given to Permittees in the manner provided in Stipulation 1.6.

1.5.2. Permittees shall comply with each and every lawful order directed to them and that is issued by the Secretary, the Authorized Officer or by any duly authorized representative of the Authorized Officer.

1.5.3. Permittees shall cause the common agent of Permittees to maintain a sufficient number of its duly authorized representatives to allow for the prompt delivery to Permittees, or any of them, of all notices, orders and other communications,



written or oral, of the Secretary or Authorized Officer. Each of the said representatives shall be registered with the Authorized Officer, and shall be appropriately identified in such manner and on such terms as the Authorized Officer shall prescribe. Permittees shall cause the common agent of Permittees to consult with the Authorized Officer at any time regarding the number and location of such representatives of the common agent.

1.6. Orders and Notices

1.6.1. All decisions, determinations, authorizations, approvals, consents, demands or directions that shall be made or given by the Secretary or the Authorized Officer to any one or more of Permittees in connection with the enforcement or administration of this Agreement, any applicable law or regulation, or any other agreement, permit or authorization relating in whole or in part to all or any part of the Pipeline System shall, except as otherwise provided in Stipulation 1.6.2. of this Stipulation, be in the form of a written order or notice.

1.6.2. If, in the judgment of the Secretary or the Authorized Officer, there is an emergency that necessitates the immediate issuance to any one or more of Permittees of an order or notice, such order or notice may be given orally, *provided, however*, that subsequent confirmation of the order or notice shall be given in writing as rapidly as is practicable under the circumstances.

1.6.3. All written orders, notices or other written communications, including telegrams, relating to any subject (and regardless of whether they do or do not relate to the design or construction of the Pipeline System) that are addressed to any one or more of Permittees shall be deemed to have been delivered to and received by the addressee or addressees when the order, notice or other communication has been delivered: (1) either by messenger during normal business hours or by means of registered or certified United States mail, postage prepaid, return receipt requested, to the office of the common agent of Permittees at 1815 South Bragaw Street, Anchorage, Alaska 99504, or (2) personally to any authorized representative of the common agent.

1.6.4. All written notices and communications, including telegrams, of any one or more of Permittees that are addressed to the Secretary shall be deemed to have been delivered to and received by the Secretary when the notice or communication

has been delivered, either by messenger during normal business hours or by means of registered or certified United States mail, postage prepaid, return receipt requested, to the Secretary personally or to Office Room No. 6151 in the Department of the Interior Building, 18th & C Streets, Northwest, Washington, D.C. 20240.

1.6.5. All written notices and communications of any one or more of Permittees that are addressed to the Authorized Officer shall be deemed to have been delivered and received by the addressee when the notice or communication has been delivered, either by messenger during normal business hours or by means of registered or certified United States mail, postage prepaid, return receipt requested, to the Authorized Officer personally or to Office Room No. 405, 555 Cordova Street, Anchorage, Alaska 99504.

1.6.6. The United States or Permittees, by written notice to the other, may change the office address to which written notices, orders, or other written communications may be addressed and delivered thereafter, subject, however, to the provisions of Stipulation 1.4.

1.6.7. The regulations of the Department relating to notices or other communications by mail (43 CFR 1810.2) shall not be applicable to this Agreement.

1.7. Notices To Proceed

1.7.1. Permission to construct.

1.7.1.1. Permittees shall not initiate any construction of the Pipeline System without prior written permission of the Authorized Officer. Such permission shall be given solely by means of a written Notice to Proceed issued by the Authorized Officer. Each Notice to Proceed shall authorize construction only as therein expressly stated and only for the particular Construction Segment therein described.

1.7.1.2. The Authorized Officer shall issue a Notice to Proceed only when in his judgment the construction (including design) and operation proposals are in conformity with the provisions of these Stipulations.

1.7.1.3. By written notice, the Authorized Officer may revoke in whole or in part any Notice to Proceed which has been issued when in his judgment unforeseen conditions later arising require alterations in the Notice to Proceed in order to: protect or maintain stability of geologic materials; protect or maintain integrity of the Pipeline System; prevent serious and irreparable harm to the



environment (including but not limited to fish or wildlife populations, or their habitats) ; or remove hazards to public health and safety.

1.7.1.4. Prior to submission of any Preliminary Designs or applications for any Notice to Proceed, Permittees and the Authorized Officer shall agree to a schedule for the time, scope and quantity of such submissions and applications. The purpose of such schedule is to assure that Permittees' submissions and applications shall be reasonable in scope, and filed in a reasonable time frame, insofar as the workload thereby imposed on the Authorized Officer is concerned. Submittals and applications shall be filed in accordance with said schedule, and the Authorized Officer may refuse to consider any that are not so filed. The schedule may be reviewed and revised from time to time as may be agreed upon by Permittees and the Authorized Officer.

1.7.2. Preliminary Design Submissions

1.7.2.1. Prior to applying for a Notice to Proceed for any Construction Segment, Permittees shall submit the Preliminary Design for that Segment to the Authorized Officer for approval. Where appropriate, each submission shall include the criteria which justify the selection of the Construction Modes. The Authorized Officer shall expeditiously review each submission and shall do so within thirty (30) days from the date of his receipt of the submission. The Authorized Officer may request additional information if he deems it necessary.

1.7.2.2. In appropriate cases, the Authorized Officer may waive the requirement that a Preliminary Design be submitted. In this circumstance, Permittees may proceed to apply for a Notice to Proceed in accordance with Stipulation 1.7.4.

1.7.3. Summary Network Analysis Diagram

1.7.3.1. Prior to Final Design submissions, Permittees shall submit a summary network analysis diagram for the entire project to the Authorized Officer. The summary network analysis diagram shall be time-scaled and shall include all activities and contingencies which may reasonably be anticipated in connection with the project. The summary network analysis diagram shall include:

- (1) Data collection activities;
- (2) Submittal and approval activities;
- (3) Pre-construction, construction and post-construction activities; and
- (4) Other pertinent data.

1.7.3.2. The summary network analysis diagram shall be updated at thirty (30) day intervals, as significant changes occur, or as otherwise approved in writing by the Authorized Officer.

1.7.4. Application for Notice to Proceed

1.7.4.1. Permittees may apply for a Notice to Proceed for only those Construction Segments for which the Preliminary Design has been approved in writing by the Authorized Officer or a waiver pursuant to Stipulation 1.7.2.2 has been issued in writing by the Authorized Officer.

1.7.4.2. Before applying for a Notice to Proceed for a Construction Segment, Permittees shall, in such manner as shall be acceptable to the Authorized Officer, by survey, locate and clearly mark on the ground the proposed centerline of the line pipe to be located in the Mapping Segment within which the Construction Segment is to be constructed and the location of all Related Facilities proposed to be constructed in the Mapping Segment.

1.7.4.3. Each application for a Notice to Proceed shall be supported by:

- (1) A Final Design.
- (2) All reports and results of environmental studies conducted or considered by Permittees.
- (3) All data necessary to demonstrate compliance with the terms and conditions of these Stipulations with respect to that particular Construction Segment.
- (4) A detailed network analysis diagram for the Construction Segment, including: Permittees' work schedules; consents, permits or authorizations required by State and Federal agencies and their interrelationships; design and review periods; data collection activities; and construction sequencing. The detailed network analysis diagram shall be updated as required to reflect current status of the project.
- (5) A map or maps, prepared in such manner as shall be acceptable to the Authorized Officer, depicting the proposed location in the Mapping Segment within which the Construction Segment is to be constructed of: (1) the boundaries of all contiguous temporary use areas, and (2) all improvements, buried or above-ground, that are to be constructed within the Mapping Segment. The Authorized



Officer shall not issue a Notice to Proceed with construction until he has approved all relevant locations on the ground and temporary boundary markers have been set by Permittees to the satisfaction of the Authorized Officer.

- (6) Such other data as may be requested by the Authorized Officer either before submission of the application for a Notice to Proceed or at any time during the review period.

1.7.4.4. During review of an application for a Notice to Proceed, the relevant portion of the route of the Pipeline may be modified by the Authorized Officer, if, in his judgment, environmental conditions or new technological developments warrant the modifications. If, during construction, adverse physical conditions are encountered that were not known to exist, or that were known to exist but their significance was not fully appreciated when the Authorized Officer issued a Notice to Proceed for the portion of the Mapping Segment in which the physical conditions are encountered, the Authorized Officer may authorize deviations from the initially approved location of the Pipeline to another location along the same general route of the Pipeline at the point or points where the physical conditions are encountered, including adequate room for structurally sound transition. A deviation shall not be constructed without the prior written approval of the Authorized Officer and, if so approved, shall conform in all respects to the provisions of the approval.

1.7.4.5. The Authorized Officer shall review each application for a Notice to Proceed and all data submitted in connection therewith within ninety (90) days. Said ninety (90) day period shall begin from the later of the following dates:

- (1) Date of receipt by the Authorized Officer of an application for a Notice to Proceed.
- (2) Date of receipt by the Authorized Officer of the last submittal of additional data pursuant to this Stipulation.

1.7.4.6. If the Authorized Officer requires Permittees to submit additional data on one or more occasions, the review period shall begin from the date of receipt by the Authorized Officer of the last submittal.

1.8. Changes in Conditions

1.8.1. Unforeseen conditions arising during construction, operation, maintenance or termination of the Pipeline System may make it necessary to revise or amend these Stipulations to control or prevent damage to the environment or hazards to public health and safety. In that event, Permittees and the Authorized Officer shall agree as to what revisions or amendments shall be made. If they are unable to agree, the Secretary shall have final authority to determine the matter.

1.9. Antiquities and Historical Sites

1.9.1. Permittees shall engage an archeologist approved by the Authorized Officer to provide surveillance and inspection of the Pipeline System for archeological values.

1.9.2. If, in connection with any operation under this Agreement, or any other Agreement issued in connection with the Pipeline System, Permittees encounter known or previously unknown paleontological, archeological, or historical sites, Permittees shall immediately notify the Authorized Officer and said archeologist. Permittees' archeologist shall investigate and provide an on-the-ground opinion regarding the protection measures to be undertaken by Permittees. The Authorized Officer may suspend that portion of Permittees' operations necessary to preserve evidence pending investigation of the site.

1.9.3. Six copies of all survey and excavation reports shall be filed with the Authorized Officer.

1.10. Completion of Use

1.10.1. Upon completion of the use of all, or a very substantial part, of the Right-of-Way or other portion of the Pipeline System, Permittees shall promptly remove all improvements and equipment, except as otherwise approved in writing by the Authorized Officer, and shall restore the land to a condition that is satisfactory to the Authorized Officer or at the option of Permittees pay the cost of such removal and restoration. The satisfaction of the Authorized Officer shall be stated in writing. Where approved in writing by the Authorized Officer, buried pipe may be left in place, provided all oil and residue are removed from the pipe and the ends are suitably capped.

1.10.2. All areas that do not constitute all, or a very substantial part of the Right-of-Way or other portion of the Pipeline System, utilized pursuant to authorizations issued in connection with the



Pipeline System, shall be Put-to-Bed by Permittees upon completion of their use unless otherwise directed by the Authorized Officer. Put-to-Bed is used herein to mean that Access Roads, material sites and other areas shall be left in such stabilized condition that erosion will be minimized through the use of adequately designed and constructed waterbars, revegetation and chemical surface control; that culverts and bridges shall be removed by Permittees in a manner satisfactory to the Authorized Officer, and that such roads, sites and areas shall be closed to use. Permittees' rehabilitation plans shall be approved in writing by the Authorized Officer prior to termination of use of any such road, or any part thereof, in accordance with Stipulation 2.12.

1.11. Public Improvements

1.11.1. Permittees shall protect existing telephone, telegraph and transmission lines, roads, trails, fences, ditches and like improvements during construction, operation, maintenance and termination of the Pipeline System. Permittees shall not obstruct any road or trail with logs, slash, or debris. Damage caused by Permittees to public utilities and improvements shall be promptly repaired by Permittees to a condition which is satisfactory to the Authorized Officer.

1.12. Regulation of Public Access

1.12.1. During construction or termination activities, Permittees may regulate or prohibit public access to or upon any Access Road being used for such activity. At all other times, Permittees shall permit free and unrestricted public access to and upon Access Roads, except that with the written consent of the Authorized Officer, Permittees may regulate or prohibit public access and vehicular traffic on Access Roads as required to facilitate operations or to protect the public, wildlife and livestock from hazards associated with operation and maintenance of the Pipeline System. Permittees shall provide appropriate warnings, flagmen, barricades, and other safety measures when Permittees are using Access Roads, or regulating or prohibiting public access to or upon Access Roads.

1.12.2. During construction of the Pipeline System, Permittees shall provide alternative routes for existing roads and trails as determined by the Authorized Officer whether or not these roads or trails are recorded.

1.12.3. Permittees shall make provisions for suitable permanent crossings for the public where

the Right-of-Way or Access Roads cross existing roads, foot-trails, winter trails, or other rights-of-way.

1.12.4. After completion of construction of the Pipeline System, and with the concurrence of Permittee, the Authorized Officer may designate areas of the Right-of-Way to which the public shall have free and unrestricted access.

1.13. Electronically Operated Devices

1.13.1. Permittee shall screen, filter, or otherwise suppress any electronically operated devices that are installed as part of the Pipeline System which are capable of producing electromagnetic interference radiations so that such devices will not adversely affect the functioning of existing communications systems or navigational aids. In the event that structures such as towers or buildings are to be erected as a part of the Pipeline System, their positioning shall be such that they will not obstruct radiation patterns of line-of-sight communications systems, navigational aids, or similar systems.

1.14. Camping, Hunting, Fishing and Trapping

1.14.1. Permittees shall post the Right-of-Way against camping, hunting, fishing, trapping and shooting within the Right-of-Way. Permittees shall prohibit their employees, agents, contractors, subcontractors, and their employees, from engaging in such activities.

1.14.2. Permittees shall inform their employees, agents, contractors, subcontractors, and their employees, of applicable laws and regulations relating to hunting, fishing, and trapping.

1.15. Small Craft Passage

1.15.1. The creation of any permanent obstruction to the passage of small craft in streams is prohibited.

1.16. Protection of Survey Monuments

1.16.1. Permittees shall mark and protect all geodetic survey monuments encountered during the construction, operation, maintenance and termination of the Pipeline System. These monuments are not to be disturbed; however, if such a disturbance occurs, the Authorized Officer shall be immediately notified thereof in writing.

1.16.2. If any land survey monuments, corners, or accessories (excluding geodetic survey monuments) are destroyed, obliterated or damaged, Permittees shall employ a qualified land surveyor to reestablish or restore same in accordance with the "Manual of Instruction for the Survey of Pub-