

COMMENTS AND RESPONSES

00001

Thomas R. Marshall, Jr.
1569 Birchwood Street
Anchorage, AK 99508

I would like to comment for the 30 year Renewal of the Trans Alaska Pipeline.

With oil fields producing on the North Slope and the chance of other fields being found it seems just a sensible thing to keep the only avenue for the sale of that production viable. To do otherwise would leave much oil in the ground and this would be contrary to the Alaska Oil and Gas Conservation Commission Title 33 Statute against waste. Thank you very much for this opportunity.

1-1

Responses for Document 00001

00001-001: Thank you for your comment.

00002

James F. Clark
Robertson, Monagle, & Eastaugh
P.O. Box 21211
Juneau, Alaska 99802

(907) 586-3340

Fax (907) 586-6818

July 29, 2002

BLM TAPS Renewal EIS, Argonne
National Laboratory EAD/900
9700 S. Cass Avenue
Argonne, IL 60439

Re: Trans Alaska Pipeline System (TAPS)
Right-of-Way Renewal Draft Environmental Impact Statement (DEIS)

Dear Sir/Madam:

This comment letter is in response to the 30-year renewal of the trans-Alaska pipeline right-of-way DEIS. The renewal period should be for 30 years as any period shorter would reduce growth rates in population, gross state product, employment, and income, as well as tax revenues, likely increasing annual state budget deficits and jeopardizing services and programs. A renewal period shorter than 30 years would adversely affect domestic oil production, national energy security, balance of trade and overall economic activity. TAPS' overall performance reliability rate is in excess of 99% since start-up.

2-1

Alyeska's corrosion control program, valve maintenance program and spill response plans are the leaders in the industry. In addition, over twenty State and Federal agencies regulate the pipeline and millions of dollars are spent each year on its upkeep.

2-2

Some members of the public raised the need for a citizen's advisory group to oversee pipeline operations. This concept is not appropriate for evaluation in the DEIS as the cost for this would be significant and would reduce the economic viability of remaining North Slope reserves which, in turn, reduces State revenues.

2-3

For the foregoing reasons the preferred alternative should be to renew TAPS right-of-way for 30 years.

Very truly yours,


James F. Clark

Responses for Document 00002

- 00002-001:** Thank you for your comment.
- 00002-002:** APSC's corrosion control program, valve maintenance program, and spill response plans, along with the government oversight of TAPS operations, were considered in the preparation of the EIS.
- 00002-003:** The reader is directed to Section 2.5, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

Barbara Brown

357-8855

I don't really have an opinion on that but soon there will be something that a lot of people will have an opinion on, the DFYS the Department of Family Youth Services; their report, their review is coming out the end of this month on the 23rd of August and we, the parents, are going to have a lot to say about this so I suggest you might do a public opinion poll on the DFYS federal reviewers report that's due August 23 this month.

[3-1

I have more information if you would like to call. I am the founder of the Mud Squad (phonetic) There are at least 70 of us that I am sure are not going to like that report. If you want to interview us call us back.

Responses for Document 00003

00003-001: Thank you for your comment.

Gary Hutchison
140 Falcon Drive
Fairbanks, AK 99712

I would like to comment on the proposed Trans-Alaska Pipeline impact statement and give you my perspective of the pipeline having witnessed the construction of the pipeline with the development of the oil fields more than 25 years ago. It is truly the greatest thing that has happened to the State of Alaska, development of the oil and the pipeline development; and I'm amazed at the success of the pipeline and the care that the oil companies have taken to make sure over the years that the pipe maintains its integrity and that it produces the transportation value that it is capable of without environmental damage. And as we look now to extend the lease for some additional years, it is just as important now as it was 25 years ago that this pipeline be allowed to function. I think more importantly now is the need to have operating costs kept to a minimum because of competition worldwide for oil services and oil products and because of the declining throughput from the oil fields. Of course, the oil fields are so important to the State of Alaska and its ability to provide important education, health and social services to the people of the state and because of the employment opportunities that the development of the pipeline provides. I am concerned that we don't do anything unusual or out of the ordinary with this pipeline given its track record of success and given the attention and the expertise that the industry has given and provided to the function of the operation of this pipeline. Now there are some folks that want to give some sort of citizen's oversight to it. I think that this is ridiculous given the history of the pipeline and as I look at the individuals behind this, these are the same folks that come in and testify against every development, against every development, project in this state. So I am very much opposed to following their lead on this pipeline. I hope those 2 beeps have not erased my last [end of message]

4-1

4-2

Responses for Document 00004

00004-001: Thank you for your comment.

00004-002: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

August 6, 2002

BLM TAPS Renewal EIS
Argonne National Laboratory EAD/900
9700 S. Cass Avenue
Argonne, IL 60439
Fax: 866-542-5904

Gentlemen:

I am a senior citizen who fifty-six years ago chose Alaska as a place to get my G.I. Bill Education and to live, work and raise my family. Alaska has been very good to me and to all of my family and we are all very appreciative of the blessings we have received.

The development and production of the Prudhoe Bay Oil Field has been one of the greatest economic benefits to Alaska and the TransAlaska Pipeline System is an integral part.

5-1

The engineering design and construction wisdom that resulted in the nearly perfect performance of one of the worlds greatest, and most efficient, transportation systems is a point of pride for our whole Nation as well as Alaskans and all those involved.

This engineering marvel is the result of careful planning, overall efficiency in construction and adaptation to natural hazards of tundra, permafrost, mountains and weather, as well as careful consideration of environmental concerns.

5-2

I strongly support a renewal period for the TransAlaska Pipeline System of the full thirty years. The system has worked wonderfully well and the BLM and State authorities are to be commended for their professional advisory role in providing counsel and guidance in the administration of the right of way permit.

BLM TAPS Renewal EIS
August 6, 2002
Page 2

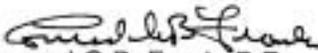
I would strongly oppose the inclusion of citizen advisory groups as part of an oversight team because this would open the door to self-proclaimed expert types with all kinds of non-professional agendas. My firm belief is "if its not broken – don't invite amateurs to try to fix it."

5-3

In closing I would like to say that in spite of a few relatively minimal problems the right of way permit has served the United States of America, Alaska and Alaskans, and the shareholders in the TransAlaska Pipeline System very well. Please renew the permit and let all these beneficiaries enjoy the full potential of our great resource.

5-4

Thank you,


Conrad G.B. Frank, P.E.

Responses for Document 00005

00005-001: Thank you for your comment.

00005-002: Thank you for your comment.

00005-003: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00005-004: Thank you for your comment.

My Name is Bob Reynolds, Manager of Alaska Tax & Royalties for BP Exploration Alaska, Inc. (8/5/02)

I have been with BP for over 20 years and in Alaska for over 16 of these years.

I am here tonight to support testimony supporting a 30-year extension of the Trans Alaska Pipeline Right-of-Way. I support this for many of the reasons cited in other testimony such as:

- The importance of certainty of economic pipeline transportation to future investments in Alaska especially for...
- Developments such as the gas line, exploration for new prospects, and the development of known reserves such as Pt Thomson.
- Note that all of these unsanctioned investments have 10-30 development and production windows that will be adversely impacted by uncertainties associated with frequent ROW renewals.
- In addition, I would note that BP remains committed to the safe and environmentally secure operation of TAPS and that renewal for less than 30 years will not, in and of itself, assist in achieving these objectives.

6-1

On a more personal note, I have watched the Alaska production decline by 50% since 1989 and witnessed, first hand, the impacts of the cost increases accompanying this decline. In addition, I have seen Alaska compete for capital and, as a result, urge everyone here tonight to look for ways to make the Alaska oil infrastructure more competitive, lower cost, and more certain. Therefore, I urge the Bureau of Land Management to grant a 30-year renewal of the TAPS right-of-way under its current terms.

Thank you.....



Responses for Document 00006

00006-001: Thank you for your comment.

	State of Alaska Dept. of Natural Resources
	Comment Mailer Form
Commissioner's Statement of Reasons and Proposed Written Determination for the Trans-Alaska Pipeline System Right-of-Way Lease Renewal	

Use this self-addressed form to submit your comments on the DNR Commissioner's Statement of Reasons and Proposed Written Determination for the Trans-Alaska Pipeline System Right-of-Way Lease Renewal. Please give this completed form to one of the meeting hosts or take it with you and mail it. Write your comments, fold the form, tape it shut, place a stamp on the outside and drop it in the mail.

Comments must be postmarked no later than August 20, 2002.

U.S.D.
PERM

Please provide this information:

Name Pete R. Kompkoff Jr.
 Title/organization Chenega IRA Council Vice President/Chairman
 Mailing address Box 8045 Chenega Bay
 State AK Zip+four 99574-8045

Comments:

For the safety of oil transportation lets make sure
 the system will always be safe & not harm or hurt
 substance users through out Alaska - as well
 as the environment. Promises made by gov. have been
 dishonored and not complied with. Mistake were
 involved in the beginning but are slowly phased
 out. Lets all live together unified. I am a
 very small subsistence user and do not want to
 lose my rights. I support a 20 year renewal
 but as longer response period for DEIS

EXHIBIT

4-1

Responses for Document 00007

- 00007-001:** Thank you for your comment. Subsistence has received considerable attention in the EIS, and is discussed in various contexts in Sections 3.24, 4.3.20, 4.4.4.14, 4.5.2.20, 4.6.2.20, 4.7.8.1, and Appendices D and E.
- 00007-002:** Although 45-days is understandably a short time to review a document of this size, it is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration for the review well in advance. The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

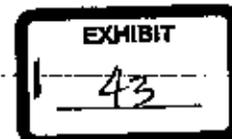
**Testimony Before Bureau of Land Management-Joint Pipeline Office
Right of Way Renewal for Trans Alaska Pipeline System
Provided by Carolyn Smith, NANA Development Corporation
Monday, August 5, 2002**

My name is Carolyn Smith, and I am the Manager of Shareholder Development for NANA Development Corporation, a wholly owned subsidiary of NANA Regional Corporation.

NANA Regional Corporation is one of 13 Native Corporations formed by passage of the 1971 federal Alaska Native Claims Settlement Act, or ANCSA. I appreciate the opportunity to provide testimony on the development of the Environmental Impact Statement for continued operation of the Trans Alaska Pipeline System or TAPS. My comments will focus specifically on Section 29 of the Right of Way Agreement, which requires Alyeska Pipeline Service Company to offer special educational and employment opportunities for Alaska Natives.

My job at NANA involves developing internship experiences for shareholders and providing information on various scholarship programs available to Alaska Natives. NANA has over 10,000 Inupiat Eskimo shareholders, many of whom still reside in our region that encompasses 11 communities and 38,000 square miles in the Northwest portion of Alaska.

NANA's leaders are working to create job opportunities for our shareholders. I administer a company-wide mentoring program that trains shareholders to one day manage the corporation. At NANA, we have had real success promoting shareholder employment within many of NANA's 35 subsidiaries or partnerships and especially at Red Dog Mine, the largest zinc mine in the western world. NANA owns the land and helps operate Red Dog Mine with our partner Teck Cominco, an international mining company. Sixty percent of the almost 500 workers at the mine are NANA



shareholders and we and our partner hope to raise that number to 100 percent through education and training.

Education, training, and work experience is the best answer to increasing Native hire throughout the oil industry and I have been involved with Alyeska on promoting this initiative and offer my continued support. NANA believes that Section 29 of the Right of Way Agreement must be included in the renewal stipulations for the TAPS. This mandate is intended to compensate Alaska Natives, the "First Alaskans," for providing access to oil and gas, and in the case of the oil pipeline, for the opportunity to cross Native lands. NANA would even support increasing the Alaska Native workforce mandate beyond 20 percent.

8-1

To help Alyeska implement the Alaska Native hire program, I am a part of "Team 2000," a group that involves many Native Corporations with the goal of developing scholarship and internship programs for Alyeska and its contractors. The program has successfully placed 50 Alaska Natives in internships or job training programs. We also developed a grant program for contractors to incorporate Alaska Natives into their operations by providing educational opportunities that would qualify them for jobs associated with the TAPS. Individuals receiving scholarships are studying engineering, business management, accounting, chemistry, process technology, and environmental science just to name a few.

Two of NANA's businesses that are contractors for Alyeska, NANA Management Services and Houston NANA, were recipients of funding. The grants to NANA support interns in areas where the businesses specialize, such as facility maintenance and food service as well as health, safety, and environmental fields. We are even sending a shareholder to culinary school to be a chef. This individual will one day head a first class food service operation of one of NANA's top clients.

In closing, Alyeska has shown a strong commitment to hiring and developing an Alaska Native workforce. NANA supports renewal of the TAPS Right of Way not only to allow Alyeska to continue supplying a significant percentage of the nation's domestic crude oil, but also because of the continuation and even enhancement of the requirement to hire and develop Alaska Natives. The involvement of Alaska Natives at every level of Alyeska's operations and in the oil industry in general overall will benefit our shareholders and all Alaskans in the future.

8-2

Thank you for the opportunity to provide comment on this important issue.

Responses for Document 00008

- 00008-001:** The BLM strongly supports Section 29 hiring goals. Section 4.8.4, mitigation of adverse impacts, explains the BLM approach to ensure that Section 29 employment goals will be met.
- 00008-002:** Thank you for your comment.

Alaskan Realty

From: "Alaskan Realty" <aalaskan@ctcak.net>
To: <ADNR_Administrative_Record@jpo.doi.gov>
Sent: Tuesday, August 20, 2002 2:28 PM
Subject: Fw: BLM TAPS Renewal

02 AUG 21 PM 4:22

— Original Message —

From: Alaskan Realty
To: tapswebmaster@ani.gov
Sent: Tuesday, August 20, 2002 2:25 PM
Subject: ATTN: BLM TAPS Renewal

Did anyone track down the person who wrote in the report that "the oil spill was an economic boon"? Can anyone be more cynical, can anything be more hideous to contemplate? The insensitivity and wrong thinking in that report is insupportable. Sname

9-1

My family has been involved in the commercial life of Cordova since my grandfather, Ben Osborne, arrived here in 1908

My family and community is still reeling from the aftershocks of the Exxon Valdez oil spill 13 years ago.

The TAPS leases should not be renewed unless an citizens oversight committee is established, meaningful fines are implemented, and safeguards imposed that offer meaningful protection for the drainage of the Copper River tributaries. A spill from the aging pipeline would be an epic disaster.

9-2

Also, the comment period is way too short.

Mark Steen
Box 1310
Cordova, Alaska 99574
907 424.5445

9-3

Please don't sell Cordova and
the wonders of the Copper River
watershed out to the oil
companies — Do the right
thing

9-4

Mark Steen

8/20/02

Alaskan Realty

From: "Alaskan Realty"
To: <tapswebmaster@anl.gov>
Sent: Tuesday, August 20, 2002 2:25 PM
Subject: ATTN: BLM TAPS Renewal

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Mark Steen
Box 1310
Cordova, Alaska 99574
907.424.5445



8/20/02

BLM TAPS Renewal EIS
Argonne National Lab EAD/900
9700 Cass Avenue
Argonne, Illinois 60439

RE: Comments on Application of the Trans-Alaska Pipeline System Owners for Renewal of the
F Federal Grant and State Lease for the TAPS Right-of Way

My name is Mark Steen. My grandfather, Ben Osborne, moved to Cordova in 1908. He manufactured gold jewelry and was deeply involved in the commercial life of Cordova. My uncle, Bjorn Osborne, was a commercial fisherman. My brother, Karl O. Steen, is a commercial fisherman, as is my nephew, Karl A. Steen. My mother, Gail Osborne Steen, was born in Cordova in 1918, and is retired here now. She had a furniture store on First Street. My sister-in-law, Ruth Steen, has a gift shop on First Street. I have a real estate office, and my wife Lynne runs a teashop, SerenipiTea, also on First Street. My family has been involved in the city of Cordova for almost one hundred years.

My family and my community are still reeling from the aftershocks of the Exxon Valdez oil spill 13 years ago. The emotional and financial devastation this terrible event brought on Prince William Sound, and Cordova, is impossible to describe.

We are VERY concerned that the next major spill will be along the overland portion of the TAPS. The risk for my community - 20% of the 800-mile pipeline is within the Copper River Watershed and the main pipeline crosses 76 tributaries of the Copper. While spill prevention and response measure have improved significantly since the 1989 spill - almost all due to citizen oversight and pressure - most of those changes are at the Valdez terminal and in Prince William Sound. On the pipeline, reliable spill prevention and response measures still do not exist. The problem is particularly acute at river crossings. TAPS crosses 800 streams and sections of pipeline over rivers have reached design capacity for sag - there is nothing left to give. This seems like an accident waiting to happen.

My comments are based on my experience living in a community that the oil company and government representatives visited in the early 70's and promised there wouldn't be an oil spill in Prince William Sound. The oil companies made many other promises such as tankers would have double hulls and we would have a state-of-the-art traffic control system in the sound. Had these promises been kept, we might not have had the Exxon Valdez oil spill.



BLM TAPS Renewal EIS
Argonne National Lab EAD/900
9700 Cass Avenue
Argonne, Illinois 60439

RE: Comments on Application of the Trans-Alaska Pipeline System Owners for
Renewal of the Federal Grant and State Lease for the TAPS Right-of-Way

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9-5

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9-6

Some, but not all, of the oil companies' promises were stated as a set of conditions and stipulations in the original agreements and right-of-way grants. The Interior Department and its designees were assigned the job of ensuring those promises to the American people were kept. Even a brief review of history shows that many of these promises were broken and that the companies were allowed to operate for literally years in noncompliance with their federal grant and state lease.

9-7

For example, the ballast water treatment (BWT) facility at the tanker terminal has not been reviewed at least once every 5 years to ensure state-of-the-art equipment and technology as promised the federal grant and state lease. Some improvements at the BWT facility occurred only recently and through citizen involvement and oversight. The vapor recovery system at the tanker terminal didn't work for decades--since startup until 1998 when vapor controls were built into two of the four berthing docks. When it didn't work it dumped literally tons of benzene into the air and jeopardized public and worker health and safety in violation of the federal grant, state lease, and operating permits. In 1993, concerned industry employees testified in Congress that the quality control program was nonexistent--since startup--and, as a result, the entire TAPS had been so poorly maintained that it posed an imminent threat to the public, workers, and the environment. Subsequent audits validated the whistleblowers' concerns. Operating without an independent quality control program is in direct violation of the federal grant and state lease.

9-8

9-9

9-10

More recent examples occurred after the *Exxon Valdez* oil spill. Still now over 13 years later, most of the species studied by the Trustee Council have not recovered from the spill. Yet the federal grant and state lease promise that damages to public lands will be promptly repaired or replaced and that damages to public fish and wildlife resources, and their habitat, will be rehabilitated. This has not happened.

9-11

The oil companies also promised in stipulations attached to the federal grant and state lease to "take all measures necessary to protect the health and safety of all persons affected by their activities..." (Stipulation 1.20.1). I believe this promise includes taking care of residents and cleanup workers after a spill. Yet, after the *Exxon Valdez* spill, Tatitlek villagers observed that Exxon was willing to spend \$800,000 on each sea otter for rehabilitation, but nothing or very little on mental health care for people traumatized by the spill. Further, thousands of cleanup workers got sick during 1989, despite Exxon's worker safety program. I am just learning that hundreds of people may still be sick from overexposure to oil vapors, fumes, and aerosols during the cleanup. All the oil companies promised to "immediately abate any health or safety hazards" (Stipulation 1.20.1); it seems all the companies, not just the spiller, are responsible to ensure that people don't get sick during the cleanup--and to take care of the ones who do as per the original promise.

9-12

I think that the oil companies are now currently in noncompliance with the federal grant and state lease. For example, the fire-fighting ability at the tanker terminal is virtually nonexistent. Oily sludge (hazardous waste) has collected several feet deep in tanks at the BWT facility--and the sludge incinerator was never built as per the original facility design. There is still no independent quality assurance program. The contingency plans for river spills are grossly inadequate--drills show the plans won't work to contain and cleanup oil spilled into rivers. I'm sure this list is incomplete and pipeline regulators could add to it if they were to seriously look for problems and not just respond to ones brought to their attention by citizens or concerned employees.

9-13

In light of these past and still ongoing problems, I strongly disagree with statements made by both the state and federal regulators in the draft EIS documents. The Alaska Department of Natural Resources found the oil companies to be in compliance with the state lease. This determination is obviously a requirement for reauthorization as it has nothing to do with reality.

9-14

Federal and state regulatory agencies also stated that the aging 800-mile pipeline and its support systems that were originally built to last 30 years "can be sustained for an unlimited duration" with minimal costs and change in the operating and maintenance procedures. This statement demonstrates a lack of credibility--and no grasp of reality. The recent spate of accidents including the failed response to the Livengood bullet hole spill, and the 21-inch shift in a section of pipeline that went undetected for several months show that both industry and the regulators are ill-prepared for serious problems along the overland section of TAPS. The 3 spills at pump stations on pipeline startup after routine maintenance last fall clearly demonstrate this pipeline is aging and not aging well as frequent spills on startup are one sign of increasing problems that should be anticipated--not ignored--in an aging pipeline.

9-15

I was further shocked and offended by the following statement in the draft EIS. "While the Exxon Valdez oil spill was a significant event in the operation of TAPS, creating significant benefits to the state and local economy that more than offset the economic damage to the fishing and tourism industries in Prince William Sound, it is unlikely that a spill of such magnitude, even if it occurred again would create the same level of economic activity" (DEIS, page 4-7-116).

9-16

This offensive statement clearly shows that the government regulators have a completely different perspective of their job of pipeline oversight than we were all lead to believe by the federal grant and state lease. The original right-of-way documents do not mention that economics of spill cleanup would be weighed against economic damages to the few communities at risk. Instead the oil companies promised to protect, repair, replace, rehabilitate, etc. fish and wildlife resources, and their habitat--and the regulators are supposed to hold the companies to this promise. Specifically, the

companies also promised to protect subsistence resources, lands, and users, which have a zero dollar economy and can't be compared to economics of spill cleanups at all.

Oil spills are expensive to clean up--I'm sorry that I can't see this as good for the economy, but that's really irrelevant. Even if there was zero economy as measured by exchange of dollars, the oil companies are authorized to operate only if they take steps to minimize risk of oil spills and damage from spills. It's the government regulators' job to see the oil companies are held to this standard--the statement in the draft EIS seems to indicate that the regulators are not doing their job and are out of compliance themselves with the federal grant and state lease.

9-16
(Cont.)

Finally, I must state that I feel this 45-day public comment period for a project of such national and state significance is counterproductive at best and a sham at worst. I did not have time to thoughtfully review the 1,700 page draft EIS because I have been busy trying to earn a living and put up winter food in Alaska's short summer. It appears from statements in the draft EIS that the government regulators did not have time to thoughtfully review nearly 30-years of TAPS history and compare performance with promises, conditions, and stipulations in the federal grant and state lease. Why the rush on a project of such significance? Over a year ago, the Joint Pipeline Office stated that the comment period would run from July to September, but in keeping with 25 years of broken promises by TAPS operators and government regulators, the regulators have broken that promise too.

9-17

Despite all the obstacles for public testimony, I offer the following recommendations for improving TAPS operations for the next 30 years--and I believe all my comments are well within the scope of this National Environmental Policy Act hearing process. I can only support reauthorization for another 30 years if these recommendations are fully addressed and included in the next federal grant and state lease.

#1 Stiff meaningful penalties for failure to comply.

All the laws, regulations, stipulations, and oversight in the world are forever inadequate without meaningful penalties and enforcement. Monetary fines are dwarfed by enormous profits, and the regulators are certainly not going to shut down the oil flow as a penalty for noncompliance--the nation has become too dependent upon this energy source. The track record of the oil companies show that it has acted like a child who knows it is never going to be disciplined. This was not what the American public was originally promised or led to believe would happen.

Some possibilities for meaningful penalties for noncompliance by the oil companies include requirements for: 1) reporting the circumstances of noncompliance to their shareholders in quarterly newsletters as the events unfold (not after the fact); 2) CEOs

9-18

and other responsible officers of oil companies to conduct public service in the TAPS corridor communities most at risk from the consequences of the noncompliance; 3) accruing penalties with interest on a daily basis as long as the infraction occurs; and tying penalties in with the cost of the fixing the problem so that penalties are 10 times the money saved by failure to do the maintenance work in a timely manner. This latter would force owners to change perspective and view maintenance as a *cost savings* compared to prospective penalties.

9-18
(Cont.)

#2 Establish a TAPS Citizens' Oversight Group.

Following the *Exxon Valdez* tragedy in 1989, the State of Alaska created the Alaska Oil Spill Commission to investigate the root causes of the spill and recommend changes to the oversight system. One of the Commission's central findings was that institutional complacency, both in industry and government, was a root cause of the spill. The Commission found that citizens were essential to an effective oversight system because they bring urgency to protecting the resources they care about and depend upon for their livelihoods. Distant bureaucrats, despite their best efforts, do not share this local perspective. To prevent future complacency, and thereby prevent future disasters, the Commission recommended creation of citizens' advisory councils for the marine and overland segments of Alaska's oil transportation system. We only have citizen oversight of the marine portion of TAPS--the tankers and tanker terminal--and it has proven the wisdom of the Commission's finding. It is time to apply the lessons learned to the overland pipeline.

As a requirement of renewal, the grant and lease should establish a TAPS COG that would operate completely independently of government regulators and industry: incorporating government and industry into "citizen oversight" creates an oxymoron. The TAPS COG should make recommendations directly to the Department of Interior (DOI) and to the Department of Natural Resources (ADNR) or their designees. The COG should be funded through the DOI by the permittees as part of the cost of TAPS operations, and all members of the TAPS COG and their staff should be paid for their services. The COG contract should be negotiable on the same timeframe as the right-of-way permit; i.e., 30 years.

9-19

#3 Charge penalties if more than 10% of employees are afraid to speak out.

Industry employees are the public's front line of defense in reducing oil spills. The workers know what is wrong and how to fix it. They need to be allowed to do their jobs free of harassment and intimidation. All personnel--and particularly the quality control inspectors--need to be independent of pressure from Alyeska and its owners to provide the reliable comprehensive quality assurance program promised to the public. Such a

9-20

program is critical to TAPS integrity as the pipeline ages, because increased maintenance costs will compete with oil company profits: workers need to be able to report maintenance problems without fear of reprisal.

The nuclear regulatory industry closes facilities if more than 10% of plant employees are afraid to speak out because of reprisals, harassment and intimidation. A similar standard should be adopted for TAPS operations, with annual independent surveys of workers to determine work conditions. Instead of closing facilities, stiff penalties should be applied, and public service by company officials and reporting of noncompliance to shareholders required (see Rec. #1, above).

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(Cont.)

#4 Require independent, long-term epidemiology studies, and short- and long-term treatment of physical and mental health effects, for workers and affected residents after major TAPS spills.

Oil spills were--and still are--an anticipated side effect of TAPS construction, operation, maintenance, and termination. That's why there are oil spill contingency plans; that's why the oil companies promised, as a condition of operating, to protect public and worker health and safety. But a promise is worth nothing without follow through: after the *Exxon Valdez* spill this promise was ignored. There was inadequate financial support to meet increased needs of mental health facilities in affected communities and short- and long-term physical health care needs of cleanup workers were unmet. This is simply unacceptable--and in noncompliance with permits.

TAPS owners should be required to pay for increased mental health care in the years during and immediately after a spill in all affected communities. This care should include focused peer listening circles to mitigate community-level emotional trauma. Since oil spill cleanups are considered a hazardous waste cleanup, long-term health care studies should be required as the health symptoms associated with crude oil exposure (long-term respiratory damage; disorders of the central nervous system, liver, kidney, blood, and skin; endocrine disruption; and immune suppression) could take years to manifest as physical health problems. Oil companies should also be required to provide chemical decontamination treatments for individuals with acute health symptoms from high body levels of crude oil and other substances present during the cleanup. Individuals who become disabled from overexposure to chemicals present during the cleanup should be compensated by the oil companies, as should the estate of individuals who die from overexposure to chemicals present during the cleanup.

9-21

#5 Require independent verification of spill volume as a condition of lease renewal.

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Spill penalties for damages to natural resources such as fish, wildlife, public lands held in the public trust are based on the volume of oil spilled--as reported by the spiller. One way to reduce the risk of spills and resulting damage to the environment and worker and public health and safety--one of the promises of the original agreement and right-of-way leases--is to penalize TAPS owners, or responsible parties in the case of a TAPS tanker spill, for the correct amount of oil spilled.

9-22
(Cont.)

For example, Exxon underreported how much oil it spilled. In an unpublished investigation on file at the Alaska Resources Library and Information Services, the State of Alaska found Exxon spilled about 35 million gallons. Exxon paid the American public one billion dollars for damage to public resources from a supposedly 11 million-gallon spill: by underreporting its spill by one-third, the company only paid for one-third of the damages and essentially saved itself two billion dollars.

Independent verification should be required as a new condition of lease renewal. Further, stipulation should specify that government regulators and citizen oversight councils, either separately or jointly, conduct the assessment and agree upon the volume spilled before spill penalties are assessed.

9-23

#6 Thoroughly review and update the original right-of-way grants and stipulations in light of past experience, current science, new technology, new laws, and public comments.

The federal grant and state lease are three decades old and no longer reflect current science, technological advances, and law changes. For example, global warming and melting permafrost threaten to make at least one-third of the 77,000 vertical support members of the TAPS unstable with potentially catastrophic effects on the pipeline. Studies from the *Exxon Valdez* spill show that oil is 1,000 times more toxic previously thought, and that it can cause long-term environmental damage. Federal laws are still based on outdated research from the 1970s and 1980s and are grossly under-protective of fish and wildlife. This makes the original promises to protect fish, wildlife, and habitat even more important as basically these promises mean the owners and TAPS regulators will take measures *beyond existing laws* in order to protect fish and wildlife, habitat, and other subsistence needs.

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Further, the original grant and lease agreements were signed by some companies that no longer exist because of mergers and buyouts. I assume, but would like proof, that the new companies are signatories to the current right-of-way grants and leases.

9-25

#7 Grant and lease renewals should be made conditional on satisfactory completion-- within 12 months of the renewal--of an independent field-based evaluation of the entire TAPS including hardware and management.

In 1993 a series of independent and industry audits found TAPS was in an imminent state of collapse with several major system wide problems including hardware problems, technical issues, and management issues. 1994 was proclaimed to be the "year of fixes" by the Alyeska president at the time, but fixes proved elusive. For example, the highly touted fiber optics cable, which was supposed to replace the old communication system, didn't work as planned and was quietly shelved.

9-26

No one knows how many problems were actually fixed of those disclosed in 1993, or what new problems remain unfixed because there has not been any independent audits of the TAPS since 1993. This is not acceptable for a system that provides a significant portion of the nation's energy demands and the bulk of the state's operating revenues, and can wreak environmental, social, and economic havoc on Alaska's communities, residents, and federally recognized tribes.

#8 Grant and lease renewals should be made conditional on satisfactory completion of annual independent audits of TAPS operations and management and 5-year in-depth independent field-based evaluations of the entire TAPS, including hardware and management.

9-27

I am concerned that the recommended alternative--to renew the permits for another 30 years--is way too long for this particular pipeline: it is essentially double its design life. If reauthorization is granted, it should be made conditional upon satisfactory completion of independent audits every year with in-depth audits every 5 years as stated above. The Prince William Sound Regional Citizens' Advisory Council has to pass an annual audit and review of operations to be recertified. Nothing less should be expected for the entire TAPS, which has much more at stake than the advisory council!

#9 Immediately escrow TAPS DR&R funds and use interest to finance the TAPS COG and other measures to improve protections for environment, fish and wildlife, and worker and public health and safety.

9-28

Funds intended for future dismantling, restoration, and removal of the TAPS have been collected from TAPS oil companies and passed through to parent companies, resulting in enormous profits--and no pot of money for future DR&R. This is a breach of public trust--and yet another example of corporate irresponsibility and accounting fraud. Government regulators need to take immediate action to remedy this problem.

I want these funds to be escrowed now—before any grant and lease renewals—as a sign of good faith efforts and intention by oil companies and government regulators to the American public. The public was promised this once: we don't need to be promised it twice. Further, earnings from the funds can be pledged towards payment for fulfilling other stipulations under the original agreements—such as protecting the environment, public resources, and worker and public health and safety.

#10 Transfer of TAPS operations to single source with no North Slope production.

The oil company owners consistently cut costs on TAPS operations and maintenance to increase their profits. This dynamic has created an internal conflict of interest, essentially, between the owners and the public interest. While the oil company permittees promised in the right-of-way leases to take all 'reasonable' or 'appropriate and adequate' steps to protect the environment, fish and wildlife, and public and worker health and safety, these adjectives are relative when viewed from different perspectives. What seems reasonable to the oil companies, who measure the cost of prevention against their profits, may not seem reasonable to the public, especially those who measure the cost of spills against their livelihoods and health. The track record shows that the oil companies have profited handsomely at the public's expense.

By transferring the operation, maintenance, and termination of TAPS to a single source with no North Slope production, the internal conflict of interest is broken. This operator would take more 'reasonable' steps, from the public perspective, to reduce its liability from spills by attention to TAPS operations and maintenance. Performance bonds could be required for additional protection of the public interest.

9-29

Summary of Concerns

We are going to have to get very creative to prevent a pipeline spill. We can't keep doing the same thing we have done in terms of TAPS operations and maintenance for the past 25 years. To continue past practices is to virtually guarantee a major spill in the TAPS corridor.

9-30

I ask that you give serious consideration to my comments. And I restate my position: I can only support TAPS reauthorization for another 30 years if these recommendations are fully addressed and included in the next federal grant and state lease.

Sincerely,



Responses for Document 00009

- 00009-001:** Text has been added to Section 4.7.8.3 of the FEIS providing additional sources of information about the impact of the Exxon Valdez oil spill (EVOS) on communities, including intangible impacts, such as psychological stress, and in the fisheries, recreation, and tourism industries in the Prince William Sound area. In addition, compressed overviews of selected impacts of the EVOS have been added to Sections 4.7.8.1 and 4.7.8.2.
- 00009-002:** The FEIS contains information on spill planning, response, and mitigation for the Copper River Drainage (see the text box in Section 4.4.4.3).
- 00009-003:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00009-004:** The FEIS contains information on spill planning, response, and mitigation for the Copper River Drainage (see the text box in Section 4.4.4.3).
- 00009-005:** The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.
- The emphasis of all agencies is on the prevention of spills. This is accomplished through a combination of: 1) oversight of spill contingency planning (including 64 exercises on TAPS annually) and, 2) through JPO's comprehensive TAPS operations oversight, monitor issues which could contribute to a spill in the future. In the event of a spill, however, JPO has a number of highly-trained individuals who are fully prepared to respond quickly and effectively.
- APSC's oil spill response capabilities and plans for TAPS are summarized in Section 4.1.4 of the EIS and explained in detail in the "TAPS Oil Discharge Prevention and Contingency Plan" (APSC 2001g) for the pipeline and in the "Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan" (APSC 2001h) for the VMT. The Plans provide for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline or at VMT. They are available to the public through various libraries in several major cities in Alaska. Oil spill prevention and response capabilities and related activities specific to the Copper River Drainage area are discussed more fully in the text box, "Oil Spill Planning for the Copper River Drainage," in Section 4.4.4.3.
- 00009-006:** Based on lessons learned from the Exxon Valdez spill, a number of improvements have been made (e.g., the creation of the Ship Escort Response Vessel System (SERVS) and phase-in of double-hull tankers) that will reduce the likelihood of a catastrophic tanker accident and the expected outflow given an accident.
- Shortly after the Exxon Valdez oil spill, A National Transportation Safety Board report stated that had the Exxon Valdez been fitted with a double hull, "the risks of an oil spill owing to collision or grounding would have been significantly reduced."

00009-007: The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.

The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

00009-008: The JPO produced TAPS engineering report No. 00-E-018, Valdez Marine Terminal Ballast Water Treatment Plant: Compliance with Agreement and Grant Section 23 (May 24, 2000). The report satisfies the 5-year review process.

00009-009: Potential health impacts associated with ambient concentrations of benzene, toluene, ethyl benzene, and xylene (BTEX) in Valdez area under the proposed action (at the crude oil throughput levels of 0.3, 1.1 and 2.1 million bbl/day) and other alternatives were estimated on the basis of conservatively high ambient concentration estimates of BTEX and other toxic air pollutants emitted from the BWTF and other sources at the Valdez Marine Terminal (Sections 4.3.13, 4.5.2.13, and 4.6.2.13). These ambient concentration estimates are based on the ambient BTEX concentrations monitored during the 1990-1991 personal and ambient monitoring studies and the tracer studies conducted in the Valdez area when both the vapor emissions from tankers and the BWTF were released. Exposures to these concentrations during the 1977-2003 period were factored into estimating the lifetime residential cancer risks (Table 4.3-4).

00009-010: The BLM and the agencies within JPO acknowledge both that there have been legitimate issues related to APSC's Employee Concerns Program (ECP) and that APSC has undertaken considerable efforts to improve and refine its ECP program.

The BLM and JPO expect to continue to evaluate the effectiveness of APSC's ECP through confidential surveys that will seek input from all TAPS employees (see Section 4.8.4 of the FEIS). Like the three prior surveys, these efforts can provide broad measures of the confidence that TAPS workers have in APSC's ECP and can suggest areas needing improvement.

The JPO also notes that a confidential hotline (1-800-764-5070) currently exists for employees or members of the public to report issues and concerns about TAPS. Recorded messages are checked daily by the BLM-Alaska Special Agent's office. The purpose of the hotline is to identify issues relating to pipeline integrity, public safety, environmental protections and regulatory compliance for incorporation into the JPO work program. The BLM also refers employees seeking personal relief (e.g., restoration of employment or lost compensation) to the U.S. Department of Labor or other appropriate authorities for further investigation.

00009-011: The federal action addressed in this EIS is renewal of the right-of-way for the TAPS. While renewal would result in continued operation of oil tankers in Prince William Sound, that activity is beyond the limits of the right-of-way corridor and is not under the jurisdiction of the BLM. Moreover, the BLM has no authority over oil spill cleanup and damage assessment within Prince William Sound. Regulation of activities associated with the transport of oil by tankers in Prince William Sound is under the jurisdiction of the U.S. Coast Guard and the U.S. Department of Transportation. Analysis of impacts to fish and wildlife in Prince William Sound is included in the EIS to provide a perspective within which the direct and indirect impacts of the proposed action and alternatives to it are addressed.

The BLM and member agencies of the JPO enforce a number of stipulations that are protective of fish and wildlife resources within the right-of-way corridor. The EIS analysis did not find any significant impact to fish or wildlife resources associated with TAPS operations and maintenance within the right-of-way corridor.

00009-012: As stated in Section 4.4.4.7 of the EIS, “Human Health and Safety,” the assessment of impacts from spills is limited to the general public and does not include occupational exposures to cleanup workers generally or TAPS employees at the Valdez Marine Terminal. Protection of these workers is regulated under the Occupational Health and Safety Act and is beyond the scope of this assessment. Nevertheless, this section of the EIS discusses the concerns expressed in your comment about the allegations of workers who participated in the Exxon Valdez oil spill cleanup operations.

00009-013: Any information regarding potential hazards associated with TAPS should be provided to the JPO.

The Valdez Marine Terminal has a number of fire protection systems and fire protection capability was considered in preparing the EIS. See the text box in Section 4.3.13.1 for a description of fire detection and response features.

Build up of waxy solids in tanks at the Ballast Water Treatment Facility has received considerable attention by JPO and APSC, as well as citizens groups such as PWS RCAC. There is concurrence on an appropriate course of corrective action; see the text box in Section 4.3.13.1.3.

APSC’s oil spill response capabilities and plans for TAPS are summarized in Section 4.1.4 of the EIS and explained in detail in the “TAPS Oil Discharge Prevention and Contingency Plan” and in the “Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan.” The Plans provide for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from anywhere along the pipeline, including the river crossings, or at the VMT. The Plans are available to the public through various libraries in several major cities in Alaska during the plan review period. These documents are updated and reviewed by various State and Federal agencies periodically ranging from every year to every 5 years. The substantive elements of the contingency plans are controlled by ADEC rules (18 AAC75), which include provisions for public review and comment as part of the plan update procedures. The lessons learned from occurrences such as EVOS and the MP 400 bullet hole incident are incorporated into the documents when they are updated.

00009-014: The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.

The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

00009-015: It is correct that the effects of aging have the potential to impact the integrity and reliability of any mechanical system. However, age alone does not dictate reliability or performance. Myriad factors can impact system performance. For example, the manner in which mechanical systems are operated and maintained can greatly influence their long-term integrity, reliability, and performance.

Utilizing its oversight authority, the JPO ensures that APSC's operating and maintenance procedures take all potential impacting factors into account and are sufficient and appropriate to maintain TAPS integrity. The JPO also has the authority to direct APSC to undertake changes, repairs, or upgrades when that is not the case. Under the reliability centered maintenance (RCM) program, all TAPS subsystems are being carefully evaluated for the consequences of their failure and will have maintenance regimens or remanufacture, overhaul, or replacement schedules established that preclude such failures from occurring, if they would have an adverse impact on public safety or the environment.

The text box in Section 4.1.1.8 provides a synopsis of the MP 400 bullet hole incident. Details of the spill and the response are provided. Changes to the pipeline's spill contingency plan that are being made as a result of lessons learned are also discussed.

Each of the three spills that occurred on start-up after a maintenance-related shutdown have been carefully evaluated, and causal factors have been identified. The JPO has required APSC to revise its shut-down and start-up procedures to prevent reoccurrence. APSC is also required to conduct drills on its procedures to ensure they are correct and complete. Also, APSC has made modifications to piping at pump stations to enhance cold restart capabilities. Summaries of the three incidents are included in CMP Report #11, issued in April 2002. See also Section 4.1.1.4.

00009-016: Text has been added to Section 4.7.8.3 of the FEIS providing additional sources of information about the impact of the Exxon Valdez oil spill (EVOS) on communities, including intangible impacts, such as psychological stress, and in the fisheries, recreation, and tourism industries in the Prince William Sound area. In addition, compressed overviews of selected impacts of the EVOS have been added to Sections 4.7.8.1 and 4.7.8.2.

00009-017: Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

00009-018: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00009-019: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00009-020: The BLM and the agencies within JPO acknowledge both that there have been legitimate issues related to APSC's employee concerns program (ECP) and that APSC has undertaken considerable efforts to improve and refine their ECP program.

The BLM and JPO expects to continue to evaluate the effectiveness of APSC's ECP through confidential surveys that will seek input from all TAPS employees (see Section 4.8.4 of the FEIS). Like the three prior surveys, these efforts can provide broad measures of the confidence that TAPS workers have in APSC's ECP and can suggest areas needing improvement.

The JPO also notes that a confidential hotline (1-800-764-5070) currently exists for employees or members of the public report issues and concerns about TAPS. Recorded messages are checked daily by BLM-Alaska Special Agent's office. The purpose of the hotline is to identify issues relating to pipeline integrity, public safety, environmental protection and regulatory compliance for incorporation into the JPO work program. The BLM also refers employees seeking personal relief (e.g., restoration of employment or lost compensation) to the U.S. Department of Labor or other appropriate authorities for further investigation.

00009-021: Section 4.4.4.7, Human Health and Safety, provides a detailed analysis of the potential effects of oil spills on human health. The BLM and member agencies of the JPO are committed to the protection of human health and the environment. The Federal Grant and authorizing legislation (TAPAA) provide unprecedented authority to BLM in assuring the protection of human health and the environment. Stipulations (the guiding conduct of operations for the operator of TAPS) within the Federal Grant contain numerous provisions that are protective of human health and the environment. If new data or information emerge that point to the need for further studies on the health effects of TAPS operations, these studies will be initiated by JPO.

00009-022: The BLM and the member agencies of JPO investigate all significant spills to assess lessons learned and potential mitigation. There has been no evidence to date that past spill volumes have been reported inaccurately. If natural resource damage claims occur because of a spill, the U.S. Fish and Wildlife Agency or National Marine Fisheries Service conduct studies to evaluate damage to natural resources.

The BLM does not have the legal or regulatory authority to impose fines on the operator of TAPS; however, the DOI Secretary can impose fines up to \$1000/barrel under OPA 90.

00009-023: The BLM and the member agencies of JPO investigate all significant spills to assess lessons learned and potential mitigation. There has been no evidence to date that past spill volumes have been reported inaccurately. If natural resource damage claims occur because of a spill, the U.S. Fish and Wildlife Agency or National Marine Fisheries Service conduct studies to evaluate damage to natural resources.

00009-024: The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.

The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

00009-025: Section 1.1 in the EIS lists the current owners of the TAPS in a discussion about the application for renewal of the right-of-way grant.

00009-026: The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.

00009-027: The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.

00009-028: The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.

The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

00009-029: The reader is directed to the discussion of escrow funds found in Section 2.5.

00009-030: The operational history of TAPS, maintenance activities, spill response capabilities, and the potential for spills associated with TAPS were considered in the analysis. Impacts associated with potential spills are discussed in Sections 4.4 of the FEIS.

The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

The emphasis of all agencies is on the prevention of spills. This is accomplished through a combination of: 1) oversight of spill contingency planning (including 64 exercises on TAPS annually) and, 2) through JPO's comprehensive TAPS operations oversight, monitor issues which could contribute to a spill in the future. In the event of a spill, however, JPO has a number of highly-trained individuals who are fully prepared to respond quickly and effectively.

APSC's oil spill response capabilities and plans for TAPS are summarized in Section 4.1.4 of the EIS and explained in detail in the "TAPS Oil Discharge Prevention and Contingency Plan" (APSC 2001g) for the pipeline and in the "Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan" (APSC 2001h) for the VMT. The C-Plans provide for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline or at the VMT. They are available to the public through various libraries in several major cities in Alaska.

The C-Plans are updated periodically and lessons learned from actual occurrences as well as from regular exercises conducted along the pipeline and at the VMT are incorporated into the Plans. See the text box in Section 4.1.1 for a discussion on how lessons learned in response to the vandalism incident near Livengood in October 2001 have resulted in modifications and improvements to the C-Plans for spills and releases along the pipeline. In addition, the C-Plans are reviewed periodically by the BLM, ADEC, DOT, and EPA. As part of this process, APSC and the federal and state agencies with oversight responsibilities for TAPS make sure that the appropriate emergency response equipment is made available along the TAPS.

August 16, 2002

Bureau of Land Management
TAPS Renewal
Joint Pipeline Office
Argonne National Laboratory
EAD/900
9700 S. Cass
Argonne, IL 60439

Port Graham Village Council comments regarding the Draft Environmental Impact Statement (DEIS) for Trans-Alaska Pipeline Right-of-Way Lease Renewal

To Whom This May Concern,

The Native Village of Port Graham submits the following comments regarding the TAPS ROW renewal Draft EIS. The Tribal Council has many concerns regarding the EIS, however it has been very difficult to review and thoroughly understand this lengthy document, our first comment is to clearly convey that the 45 day comment period is not acceptable by our Tribe to effectively review and comment on the draft EIS. The current 45-day comment period falls in the middle of our subsistence season and our Tribal members are especially busy with subsistence activities. This does not allow for full Tribal participation of affected parties and is unacceptable.

10-1

Tribal consultation, as required under Executive Order 13175 and the State of Alaska Millennium Agreement, by every federal and state agency involved in the Joint Pipeline Office, has not occurred. Section 8160 of the Bureau of Land Management's Manual addresses Native American Coordination and Consultation with respect to Native American cultural and religious concerns. The TAPS ROW renewal encompasses many issues (subsistence is but one example) that are inexorably tied to Tribal culture. The BLM Manual lists authorities of the policy that include the National Environmental Policy Act of 1969, the Federal Land Policy and Management Act of 1976 and the Alaska National Interest Lands Conservation Act of 1980 – all of which are directly involved in the TAPS ROW renewal process.

10-2

The Port Graham Village Council does not believe adequate consideration has been given to identify Tribal concerns, the approximately 2,000 plus pages that make up the draft EIS include a mere two and a half pages devoted to Consultation and Coordination (Chapter 5), of those two and half pages, a brief two page address Government-to-Government (Section 5.2). The draft EIS states that "BLM identified 21 affected villages within the TAPS corridor and developed a formal consultation process with those affected villages." The Native Village of Port Graham requests a copy of this "formal

10-3

consultation process" policy. All member agencies of the Joint Pipeline Office are bound by their own policies and Executive Order 13175.

The lack of BLM understanding of appropriate Tribal consultation is illustrated in the draft EIS with the statement: "The BLM will continue to conduct government-to-government interactions with Alaska Natives throughout the NEPA process." Consultation occurs between governments, not with individual Alaska Natives. If the BLM does not have a grasp of this basic premise of Government-to-Government consultation, it is clear that appropriate Tribal consultation has not occurred.

10-3
(Cont.)

There are numerous other sections of the Draft EIS that does not appropriately mention or respectfully recognized Tribes and their role in the TAPS ROW renewal. The Village Council would encourage these discussions with the appropriate BLM officials at a Government-to-Government Consultation process.

The issues of subsistence as defined by BLM officials in the draft EIS is clearly a lack of understanding as it applies to the Native American Cultural and traditional way of life. Since time immemorial, indigenous people that are the ancestors of Native Village of Port Graham devote time to seasonal salmon runs, gathering of native plants and berries and all of the cultural ceremonies that are included in the harvesting of these traditional resources, these practices have been passed down from generation to generation and is still honored by Tribal members today. These practices are a way of life for our Tribal people, it's not about choices or can it be substantiate by a western economic dollar value. The definition as defined in the draft EIS is unacceptable.

10-4

The specific language describing Port Graham as an early Russian Village is a false statement. There is evidence that inhabitants resided in the existing site of Port Graham pre-Columbus. This statement is clearly not accurate and we are skeptical regarding the accountability of the research data in the draft EIS.

10-5

This summarizes the comments of the Port Graham Village Council. As stated in the earlier paragraphs, the Village Council does not feel we have had the time or the resources to clearly understand and review this lengthy document. Please contact the Port Graham Village Council, Violet Yeaton/Environmental Planner or Jim Miller/Natural Resource Specialist if you have any further questions or comments.

Sincerely,

Elenore McMullen/First Chief
Port Graham Village Council

Responses for Document 00010

00010-001: Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

While comments on the DEIS had to be received by the end of the 45-day comment period in order to be addressed in the Final EIS, additional provisions for involvement in the decision-making process apply to Tribal governments and Native organizations. The process of government-to-government consultation allows these groups to continue a dialogue with the Bureau of Land Management

00010-002: Please see Section 5.3 of the FEIS.

00010-003: Please see Section 5.3 of the FEIS.

00010-004: Section 3.24 defines and discusses subsistence of rural Alaskans, including the Alaska Natives of Port Graham (see Section 3.24.2.4.4). Absolutely every major point made in the comment is supported by those portions of the EIS dealing with subsistence.

00010-005: Pre-contact settlement does not preclude Russian settlement at Port Graham, the presence of the latter is consistent with information maintained by the Alaska Department of Community and Economic Development.

Telephone: (907) 244-2661
Fax: (907) 267-6122

201 Arctic Slope Avenue, Suite 200
Anchorage, Alaska 99518-3330

August 5, 2002

Re: Trans-Alaska Pipeline System Right-of-Way Renewal, Draft EIS Testimony

Dear Sirs:

My name is Jim Boltz and I am the Chief Operating Officer for Petro Star Inc. I am here to give testimony on the TAPS Right-of-Way Renewal Draft EIS.

Petro Star is a wholly owned subsidiary of Arctic Slope Regional Corporation. We operate two oil refineries in Alaska, one in North Pole, and one in Valdez. From these refineries we supply in excess of 200 million gallons of finished petroleum products annually for the Alaska market. We also employ 325 Alaskans in our refineries and fuel distribution facilities. This is all made possible through the availability of ANS Crude Oil shipped on the Trans-Alaska Pipeline System.

The continued viability of Petro Star is absolutely contingent on the long-term economic operation of TAPS. With this in mind I would like to make two comments for your consideration.

First, a renewal period shorter than 30 years could adversely affect Petro Star's operations and our ability to continue to grow and meet Alaska fuel demands. The long-term availability of crude oil is essential to our business.

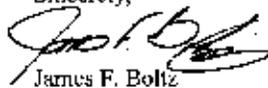
11-1

Second, the perceived need for a citizens advisory group to oversee pipeline operations is ridiculous and leads to a waste of time and money. Both of which negatively impact the economic operation of TAPS, which in turn impacts Petro Star's ability to provide value-added petroleum products to Alaska. There is more than sufficient oversight currently provided by the many State and Federal Agencies.

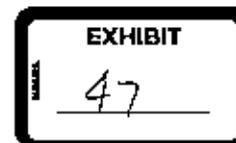
11-2

Thank you very much for your time.

Sincerely,



James F. Boltz
Chief Operating Officer



Responses for Document 00011

00011-001: Thank you for your comment.

00011-002: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."



**BLM's Trans-Alaska Pipeline System
Right-of-Way Renewal
Draft Environmental Impact Statement
Public Hearing Comment Form**

Use this self-addressed form to submit your TAPS Renewal Draft EIS comments. Please give this completed form to one of the meeting hosts or take it with you and mail it. Make your comments, fold the form, tape it shut, place a stamp on the outside and drop it in the mail. *Comments must be postmarked no later than August 20, 2002.*

Please provide this information:

FOLD HERE	Name _____	FOLD HERE
	Title/organization _____	
	Mailing address _____	
	City _____	
	State _____ Zip+four _____	

E-mail (I wish to receive TAPS Renewal EIS information by e-mail at this address) _____

* I DO WISH BLM TO WITHOLD MY PERSONAL INFORMATION.
 CONSIDER WITH THE E.I.S., THERE IS MORE TIME NEEDED BECAUSE THERE IS MUCH TO
 SUCH AS:
 - STATE'S INCREASED %AGE OF REVENUE NOW THAT THE
 LINE ITSELF IS AMORTIZED.
 - WILL IT HOLD UP, OR NEED TO BE REBUILT, IN THE NEXT
 LEASE PERIOD.
 - WHY COULDN'T A GASLINE BE BUILT ALONG THIS SAME PIECE
 OF INFRASTRUCTURE - REAL ESTATE? THE ENVIRONMENTAL IMPACT
 (STATEMENT) SHOULD ALSO ADDRESS THESE OTHER ELEMENTS OF PLANNING.
 + ANOTHER COMMENTATOR MENTIONED EARLIER THAT
 20% OF DOMESTIC OIL USAGE CAME THROUGH THE LINE. I
 SCOFF AT THAT FIGURE AS PROPAGANDA, NEVERTHELESS WE DO MOVE
 A LOT OF OIL FROM AND ACROSS STATE LANDS... BUT THE
 STATE SHOULD NOT HAVE TO RENEW THE LIABILITIES. THANK YOU

PLEASE EXTEND PUBLIC COMMENT PERIODS INTO THE FALL.

12-1
12-2
12-3
12-4
12-5

EXHIBIT

46

<p>WITHHOLDING OF PERSONAL INFORMATION</p> <p>If a BLM's practice to make comments, including names and addresses of commenters, available for public review during regular business hours. Individuals may request that their home address be withheld from the public record, and BLM will honor such requests to the extent allowable by law. Circumstances may arise in which BLM would withhold from</p>	<p>the public record a commenter's identity, as allowable by law. If you wish BLM to withhold your true contact address, you must state this prominently at the beginning of your comment. However, BLM will not consider anonymous comments. BLM will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection at their offices.</p>
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Responses for Document 00012

- 00012-001:** Thank you for your comment.
- 00012-002:** The EIS considers anticipated TAPS design, performance, and expected maintenance. The JPO and APSC have entered into memoranda of agreement committing APSC to using reliability centered maintenance (RCM) protocols to form the basis for APSC's maintenance decisions and clarifying expectations from the use of RCM. See Section 4.1.1.7 for additional discussions.
- 00012-003:** Although no proposal is currently being considered for a gas pipeline, the EIS discusses that possibility as reasonably foreseeable in the cumulative analysis (see Section 4.7.4.4.2).
- 00012-004:** The state has determined that it is the state's best interest to renew the TAPS right-of-way lease. The state relies on TAPS-related revenue for a significant portion of the annual operating budget. In addition, several communities along the right-of-way rely on taxes generated from oil industry activities. Moreover, jobs related to the oil industry play an important role in the economic base of many Alaskan communities. State regulators monitor the APSC to ensure compliance with state statutes, regulations, and right-of-way lease requirements. These activities are intended to reduce the likelihood of impacts to state lands and fish and wildlife resources.
- 00012-005:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

TAPS Right-of-Way Renewal

My name is Tom Maloney. I am a Vice President with VECO Alaska and have been a resident of the State of Alaska since 1989. My professional certifications include being a Certified Public Accountant (CPA), Certified Management Accountant (CMA) and Certified Financial Planner (CFP).

Alyeska has my 100% support to have a thirty-year TAPS right-of-way renewal for the following primary reasons:

- 1. Tremendous positive impact on the Alaska economy. Alyeska's support of Alaska Hire, Alaska contractors and Alaska suppliers is an important driver of economic performance. 13-1
- 2. Alyeska and their employee's commitments are outstanding. They are great corporate and individual participants in multiple community and charitable organizations. 13-2
- 3. Alyeska is operating what I believe is the safest, most reliable pipeline in the world. 13-3
- 4. In order to encourage long term North Slope exploration and development, Owners need to have confidence that their discoveries can be safely transported to markets. The TAPS ensures that this safe mode of transport will continue. We need new investments for new discoveries to keep our economy sound. 13-4

I will only focus my remarks on a segment of the number one item referenced above – Alaska Hire.

VECO is the 31st largest engineering company in the United States as referenced by a recent 2002 Engineering News Record (ENR) publication. VECO has been headquartered in Anchorage, Alaska since its founding in 1968. Since then VECO has seen the oil and gas industry go from expending virtually all of its engineering and construction dollars, with out-of-state contractors, to today where the majority of dollars are spent with Alaska companies.

Alyeska has led the way in Alaska Hire and Alaska Contracting opportunities for residents and companies alike. VECO has worked with Alyeska as an engineering contractor since 1994. A tremendously successful program during VECO/ Alyeska contracting period has been the VECO Alaska Native Utilization Program. This program has been in effect since 1996. How is the program going? In one word – GREAT! 13-5

In the past three year VECO Alaska has almost tripled our number of Alaska Native hires. We have consistently met and exceeded our set goals since the

program was established. Our goal this year is 17% Alaska Native Hire, and as of July 2002, VECO is at 19%.

The Alaska Native long term hire program encompasses not just outstanding engineering and design interns and employees but also individuals in multiple administrative and technical positions. VECO has been very successful in this effort through continuous support from Alyeska.

VECO has hired individuals from all 13 Alaska Native Regions. The colleges representative of our Alaska Native hires ranges from the fine engineering schools of UAA and UAF in Alaska, to MIT, Clemson, Texas A&M, Stanford and Colorado School of Mines to name but a few.

Without good Alaska job opportunities for these Alaska Native Hire youth, these outstanding individuals would be working in some other State. Alyeska has provided these great job opportunities for Alaska Natives and all other Alaskans.

Alyeska has encouraged great education by providing scholarships for promising Alaskans. At present, VECO Alaska Native summer interns are from UAA, Gonzaga, Purdue, Willamette and other Universities. Their majors include most engineering disciplines, accounting and law. VECO has a full time Alaska Native Hire Manager to ensure our overall program continues to improve.

As I am writing this note, the July 14, 2002 Journal of Commerce was published with an article titled "University to increase engineering graduates". Herb Schroeder a UAA associate professor in charge of the Alaska Native Science and Engineering Program was quoted as follows "The most notable accomplishment of the program, now 5 years old is that 70% of the students are still in the undergraduate engineering program, three and four years after starting, a striking difference with the national average of 27% for Native Americans and about 35% for all students in engineering".

In my opinion, programs like the one at UAA, internships and scholarships provided by VECO, Alyeska and other Alaskan firms are significantly contributing to the success referenced by Mr. Schroeder. Alyeska has been a positive catalyst to make this happen.

Give Alyeska another thirty years to continue its positive impact on Alaska's economy. They have consistently demonstrated their commitment to Alaskans. We need the safe operation of TAPS to ensure future opportunities for our kids and grand kids.

13-5
(Cont.)

13-6

When people question, "why for 30 years", the answer is as simple as looking at the vast majority of mortgages. An investor needs confidence that it can pay off its committed obligations over the long term just like a homeowner.

13-6
(Cont.)

Should you have any questions on this subject, please contact me at (907) 762-1505.

Tom Maloney
Vice President, VECO Alaska

Responses for Document 00013

00013-001: Thank you for your comment.

00013-002: Thank you for your comment.

00013-003: Thank you for your comment.

00013-004: Thank you for your comment.

00013-005: Thank you for your comment. Positive impacts of the TAPS, currently and under the proposed action, and including access to wage employment, appear in Section 4.3.21.

00013-006: Thank you for your comment.



ENVIRONMENTAL DEFENSE

finding the ways that work

August 20, 2002

BLM TAPS Renewal EIS
Argonne National Laboratory EAD/900
9700 S. Cass Avenue
Argonne, IL 60439

John Kerrigan
State Pipeline Coordinator
Department of Natural Resources
Joint Pipeline Office
411 West 4th Avenue, Suite 2
Anchorage, Alaska 99501-2343

RE: Comments of Environmental Defense on the Draft EIS, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way, BLM/AK/PT-02/026+2880+990, U.S. Department of Interior, Bureau of Land Management (July 2002) and on the Commissioner's Statement of Reasons and Proposed Written Determination for the renewal of the Trans-Alaska Pipeline Right-of-Way Lease, ADL 63574 (July 5, 2002).

Dear Parties of Interest:

We are hereby submitting our comments on behalf of the 300,000 members of Environmental Defense on the Draft EIS, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way, U.S. Department of Interior, Bureau of Land Management (July 2002) and on the Commissioner's Statement of Reasons and Proposed Written Determination for the renewal of the Trans-Alaska Pipeline Right-of-Way Lease, (July 5, 2002).

Environmental Defense stresses that the underlying imperative for this process must be one in which the living resources, human communities, wetlands, watersheds, and other important values of Alaska and its waters will be protected and managed in a sustainable manner as the federal grant and state lease for the right-of-way of the Trans-Alaska Pipeline System (TAPS) are considered for renewal.

We are concerned about deficiencies in the current DEIS under NEPA, including the need for the auditing of TAPS at five year intervals and the maintenance of an adequate dismantling, removal, and restoration escrow account to ensure that all future decommissioning and habitat restoration costs are met, and the demonstrated necessity for independent management of the TAPS system distinct from the ownership companies, with citizen oversight accompanied by whistleblower protection.

The DEIS fails to acknowledge that this pending decision to renew the TAPS right-of-way directly affects, for thirty years into the future, a vast geographic region which includes all North Slope drilling operations, the Valdez marine terminal, various river crossings, and also, as the still-lingering ecosystem effects of the Exxon-Valdez tankship accident so graphically demonstrate, all biological resources within the range of any spill originating from the marine transportation system.

14-1

Now is the appropriate time for a comprehensive NEPA analysis of each of these sources of environmental impact, as well as for a long-overdue evaluation of the cumulative impact of each of these system components considered in aggregate, particularly since the agencies of jurisdiction now have a real-world track record documenting the tragically-inadequate performance of this system and its components to date.

14-1
(Cont.)

Our specific comments follow herein:

1. Inadequacy of the Draft EIS:

The Department of Interior's Draft Environmental Impact Statement (DEIS) for the Trans-Alaska Pipeline System (TAPS) Right-of-Way Renewal is inadequate and fails to meet the requirements of the National Environmental Policy Act (NEPA). The focus of the current DEIS is inappropriately narrow, and fails to fully disclose the purpose and need for the preparation of a DEIS at this time. The DEIS also fails to provide the reader with an analysis of all direct, indirect, and cumulative impacts of the full TAPS system and all of its component parts. These identified deficiencies cannot be remedied by the publication of a draft supplemental document, but rather must be addressed by the scoping, preparation, and collection of public comments on a new, system-wide, DEIS document that discloses a full range of reasonable alternatives to the proposed action.

14-2

2. Failure of the DEIS to Provide a Cumulative Impact Analysis of the Project in Conjunction with Other Existing and Proposed Projects:

The current DEIS fails to provide a cumulative impact analysis of the present components of the TAPS project in conjunction with anticipated and proposed projects within the geographic scope of the entire TAPS system. This cumulative impact analysis must consider the impact of a new natural gas pipeline, now being proposed parallel to large portions of the existing oil pipeline, and the implications of such a gas line and its associated construction impacts and natural gas infrastructure on the safety and integrity of the existing TAPS oil line. The new DEIS should also evaluate the potential cumulative affects of all OCS offshore drilling activities currently in place or now being proposed by the Department of Interior under that agency's newly-adopted 2002-2007 Five-Year OCS Oil and Gas Leasing Program in federal waters offshore Alaska, as well as current and proposed state offshore oil and gas leases. In addition, future commercialization of subsea and permafrost methane hydrate deposits should be included as part of the complex of cumulative impact issues to be evaluated, considering the thirty-year timeframe being projected in the current TAPS DEIS process.

14-3

3. Inadequate Range of Alternatives to the Proposed Project Considered in the DEIS:

Given the poor performance record of U.S. electrical utilities with respect to end-of-economic-life decommissioning costs for existing light-water nuclear power generating stations, TAPS owners should be required to deposit into an escrow account funds for dismantling and removal of the pipeline and its infrastructure and for full restoration of the natural habitat along the route. Funding for such an escrow account should be a precondition of right-of-way renewal. In addition, the DEIS fails to evaluate the alternative of establishing an independent citizens' oversight council to ensure that the TAPS system and all components are operated and maintained in a manner that safeguards the natural resources of Alaska, that monitors the adequacy of spill cleanup preparedness, and that ensures the safety of continued oil shipment. Citizen oversight of emergency response preparedness is of particular concern as a result of the demonstrated failure of TAPS to maintain adequate spill response capability from the point of origin, along the terrestrial pipeline segments, and throughout the marine transportation component of the system to destination ports.

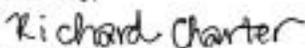
14-4

4. Inadequate Compliance with the Endangered Species Act:

The current DEIS fails to adequately evaluate the impact of the proposed action on the various endangered and threatened species whose habitat includes the North Slope, Interior Alaska, Southeast Alaska, Prince William Sound, and the North Pacific. Renewal of the right-of-way permit must be accompanied by the requisite Section 7 ESA consultation with the U.S. Fish and Wildlife Service to ensure protection of all species now listed under the ESA.

Thank you for this opportunity to provide comments on the Draft EIS, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way, BLM/AK/PT-02/026+2880+990, U.S. Department of Interior, Bureau of Land Management (July 2002) and on the Commissioner's Statement of Reasons and Proposed Written Determination for the renewal of the Trans-Alaska Pipeline Right-of-Way Lease, ADL 63574 (July 5, 2002).

Sincerely,



Richard Charter
Marine Conservation Advocate
Environmental Defense

14-5

Responses for Document 00014

- 00014-001:** The TAPS EIS correctly identifies the area directly and indirectly affected by continued operations of the TAPS for the renewal period. The TAPS EIS also addresses the cumulative impacts of this proposed action together with other reasonably foreseeable past, present, and future actions for vast areas of Alaska, including the North Slope, Interior Alaska, and Prince William Sound, including impacts to biological resources. In addition, in response to comments on the DEIS, the impacts of tanker transportation through the Gulf of Alaska and the Pacific Ocean have been added to the Final EIS.
- 00014-002:** The comment is too general for a specific response. The Bureau of Land Management believes that the EIS is in full compliance with NEPA and the CEQ guidelines.
- 00014-003:** Section 4.7 of the EIS includes a natural gas pipeline from the North Slope as an action addressed in the cumulative impact assessment. This buried pipeline may occupy a separate right-of-way adjacent to the TAPS for some portion of its route. However, a safety analysis of a natural gas pipeline is not included in the TAPS EIS cumulative analysis, which is limited to environmental considerations.
- The possibility of reasonably foreseeable petroleum development and production on the North Slope and Beaufort Sea is considered in Section 4.7, "Cumulative Impacts." Actions included in this analysis include those for which definite plant exist. While leasing on the North Slope, Beaufort Sea, and elsewhere in Alaska will continue in the future, whether (or when) new developments will occur in these areas remains speculative, and will depend on the results of exploration, economics, and regulatory considerations, among others. The right to explore and develop an area is not considered evidence that such production is reasonably foreseeable within the TAPS renewal period.
- Since research and development activities related to methane hydrates have recently been initiated on Alaska's North Slope, these activities have been added to the actions for which cumulative impacts are assessed. However, whether methane production by these resources becomes economically feasible and a viable option remains speculative at this time, and is not considered reasonably foreseeable for the purposes of this EIS.
- 00014-004:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00014-005:** ESA Section 7 consultation between the BLM, U.S. Fish and Wildlife Service, and National Marine Fisheries Service has been completed for the TAPS ROW renewal project. The EIS has been updated for consistency with the Biological Evaluation prepared to support the consultation. Both the U.S. Fish and Wildlife Service and National Marine Fisheries Service concurred with the conclusion of the BLM that the proposed action was not likely to adversely affect any listed species or designated critical habitat.



Peratrovich, Nottingham & Drage, Inc.
Engineering Consultants

1506 West 38th Avenue • Anchorage, Alaska 99503 • 907-561-1011 • Fax 907-563-4220

August 6, 2002

Project Manager
 BLM TAPS Renewal EIS
 Argonne National Laboratory EAD/900
 9700 Cass Avenue
 Argonne, IL 60439

Dear Project Manager:

This letter is written in support of Trans-Alaska pipeline right-of-way renewal as currently in place.

We feel it is important for reviewers to fully understand the significance of this project as related to the positive impact on arctic engineering and the general advancement of engineering in general. In addition, the high standards to which the design of this project was held are even now above the standard of many other projects both public and private. These standards include ongoing maintenance.

I personally become involved with the TAPS project in 1971 while serving as a bridge engineer with the State of Alaska. The Yukon River Bridge design was my assignment and a new horizon opened in front of me as design criteria unheard of for bridges was required. Unknown seismic design 20 years ahead of its time was introduced working with such leaders as Dr. Newmark. Cold weather steel was introduced and the bridge was designed for an airplane strike cutting out one box girder without failure. Ice loads of 2600 kips, the highest known, were employed. In short, this early design on the project detailed the measure with which the entire project was designed.

Over designed – I think not, but prudently designed to last not only the surficial “30-year design life,” but much longer.

Function and aesthetics where possible were built into the project as evidenced by the Gulkana Pipeline Bridge, concealing the pipeline, consideration for view planes and contingency planning.

Our company to this day provides engineering services to assure the best in condition of bridges including upgrading 46 access and contingency plan related bridges. All these structures are kept in top condition ready to be of service. The same applies to the main pipeline bridges and other structures.

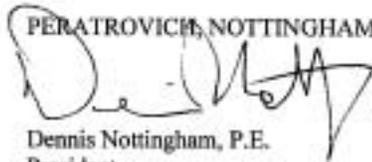
15-1

We can see no reason that the entire system as we know it will not last another 30 years.

We have often commented that the Trans-Alaska pipeline project advanced the field of arctic engineering more than 20 years. This resulted in betterment for a host of other projects to follow, but more importantly assures the longevity of the key economic drive for the State of Alaska.

We are available to provide additional technical comment if you have any questions.

Sincerely,

PERATROVICH, NOTTINGHAM & DRAGE, INC.

Dennis Nottingham, P.E.
President

15-1
(Cont.)



Peratovich, Nottingham & Drage, Inc.
Engineering Consultants

Responses for Document 00015

00015-001: Thank you for your comment.

00016

dba **DELTA**
Thomas B. Wood
P. O. Box 14
Eagle River AK 99577
907.694.9430 Office
907.227.8844
akbuckth@alaska.com

FAX TRANSMITTAL

Date: August 08, 2002
To: Argonne National Laboratory EAD/900
Fax #: 866.542.5904
Subject: BLM TAPS Renewal EIS - Testimony
Pages: 1 including this page
From: Thomas B. Wood
Fax #: 907.696.2782 Cell 907.227.8844

The Trans Alaskan Pipeline right-of way should be renewed immediately for thirty years. The system has been operating since July 21, 1977 without a hitch. The redundancies within the system to preclude any spillage are numerous and proven.

The reasons for the renewal abound, and I have listed three. The system (1) has proven itself for the past twenty-five years, (2) is required for the economic viability of the Great State of Alaska and (3) the country needs this alternate source of oil, which is not tied to the ragheads in the Middle East.

The naysayers are nothing more than a narrow focused group of minority fascists clerics that would like to close down Alaska to any economic opportunity in the name of whatever their narrow focus is for that day.

I am an Alaskan resident and a stakeholder of this State, that has lived and worked within the State of Alaska for the past 31 years. I am also an engineer with an advanced degree that knows much more about building and maintaining facilities in the Arctic and sub-Arctic than the sum of all the greenie clerics. My voice is that of a long time Alaskan, a voice that should be heard on this issue, as opposed to the narrow focused groups that are so vocal, but uninformed about Alaskan issues.

Please enter this fax into the public testimony on the issue.

16-1

Responses for Document 00016

00016-001: Thank you for your comment.

From: ADNR Administrative Record [ADNR#032#Administrative#032#Record@jpo.doi.gov]
Sent: Monday, August 12, 2002 10:10 AM
To: fdrk@aurora.alaska.edu; RMCWHORT@jpo.doi.gov
Cc: ed@northern.org
Subject: Re: Trans-Alaska Pipeline permit review

Rob,

I am forwarding these comments to you because they speak to the DEIS.

Janetta

Mike Thompson
State TAPS Renewal Coordinator
411 West 4th Avenue, Suite 2
Anchorage, AK 99501
Phone: (907) 257-1330
ADNR_Administrative_Record@jpo.doi.gov

Fax: (907) 272-0690

>>> <ffdrk@aurora.alaska.edu> 08/09/02 09:20AM >>>

I am submitting the following comments regarding permit review for the Trans-Alaska Oil Pipeline:

1) The Bureau of Land Management Draft Environmental Impact Statement does not adequately address the consequences of global climate change which are accounting for global warming with greatest warming on the entire globe occurring in arctic and interior Alaska. The associated thawing of permafrost already occurring and projected to continue by all current climate models (Intergovernmental Panel on Climate Change and Arctic Climate Impact Assessment) will require much greater scrutiny of structural security of the support members in the above-ground sections of the pipeline as temperatures of permafrost continue to increase and thawing continues. New and expensive design modification will need to be developed to deal with this problem as is becoming the case with oil field infrastructure. This will require additional staffing of engineers with appropriate expertise to deal with this situation to insure structural integrity of the line.

17-1
17-2

2) A major shortcoming in the secure and safe operation of the pipeline has been the inadequacy of external oversight of Alyeska Service Company's operation and maintenance practices. Major failures in meeting safety-security standards have only been brought to the attention of government oversight and the public by 'wistle blowers' working for Alyeska who's commitment to their responsibility for the security and safety of the pipeline was greater than their loyalty to Alyeska and concern for their own job security. This is a totally unacceptable system of assuring that standards for safety and security are met with, especially with the new threat of international terrorism. An external citizen oversight group is needed, composed of qualified representatives of the concerned public, including members of the press.

17-3

David R. Klein
Professor Emeritus
(climate change scientist and member of the Arctic Environmental Council that existed as a citizen oversight committee during the construction phase of the Trans-Alaska Oil Pipeline)

1662 Taroka Drive
Fairbanks, AK 99709

Responses for Document 00017

- 00017-001:** VSM stability is obviously critical to TAPS integrity. As such, it is the focus of extensive monitoring and surveillance. Please see Section 4.3.2 of the FEIS (Soils and Permafrost) for additional information.
- 00017-002:** The design basis for pipeline structural supports considered impacts such as those that might occur due to climate change. See Section 4.1.3.2.1 for a discussion of structural support design and monitoring.
- 00017-003:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

From: Sullivan, Robert G.
Sent: Monday, August 12, 2002 1:05 PM
To: Anast, Georgia A.
Subject: FW: General TAPS Question/Comment

Georgia,

Here is the e-mail comment I discussed with you this morning.

Bob

-----Original Message-----

From: Leah Gross (mailto:kleahgross@adelphia.net)
Sent: Tuesday, July 30, 2002 8:50 PM
To: tapswebmaster@anl.gov
Subject: General TAPS Question/Comment

Only YOU can help prevent an oil spill in the 800-mile pipeline region from the North Slope to Valdez, Alaska. I am asking you as a US voter to please pay careful attention to this matter and make sure that you have ALL of the information.

The Trans-Alaska Pipeline System (TAPS) right-of-way lease permits are up for renewal for the first time in 30 years.

The aging 800-mile pipeline and its support systems that were originally built to last 30 years cannot be sustained. According to media articles indicate that the government's plans leave the pipe to rot "for an unlimited duration" and potentially ruin natural habitats.

The fall 2001 spills on pipeline startup, the failed response to the Livengood bullet hole spill, and the 21-inch shift in a section of pipeline that went undetected for 3 months are just the tip of the iceberg. The TAPS 2002 STATUS REPORT lists 7 key recommendations to reduce risk of a TAPS spill from operational failure. Please make sure you consider them.

Many thanks,

18-1

Responses for Document 00018

00018-001: It is correct that the effects of aging have the potential to impact the integrity and reliability of any mechanical system. However, age alone does not dictate reliability or performance. Myriad factors can impact system performance. For example, the manner in which mechanical systems are operated and maintained can greatly influence their long-term integrity, reliability, and performance.

Utilizing its oversight authority, the JPO ensures that APSC's operating and maintenance procedures take all potential impacting factors into account and are sufficient and appropriate to maintain TAPS integrity. The JPO also has the authority to direct APSC to undertake changes, repairs, or upgrades when that is not the case. Under the reliability centered maintenance (RCM) program, all TAPS subsystems are being carefully evaluated for the consequences of their failure and will have maintenance regimens or remanufacture, overhaul, or replacement schedules established that preclude such failures from occurring, if they would have an adverse impact on public safety or the environment.

Each of the three spills that occurred on start-up after a maintenance-related shutdown have been carefully evaluated, and causal factors have been identified. The JPO has required APSC to revise its shut-down and start-up procedures to prevent a reoccurrence. APSC is also required to conduct drills on its procedures to ensure they are correct and complete. Also, APSC has made modifications to piping at pump stations to enhance cold restart capabilities. Summaries of the three incidents are included in CMP Report #11, issued in April 2002. See also Section 4.1.1.4. A summary of the pipeline shift at MP 170 is also included.

The text box in Section 4.1.1.8 provides a synopsis of the MP 400 bullet hole incident. Details of the spill and the response are provided. Changes to the pipeline's spill contingency plan that are being made as a result of lessons learned are also discussed.

Impacting factors such as those that may cause movement in the pipeline are identified in Section 4.2 and are incorporated in analyses presented in Section 4.3. Rather than address each historical event, the analyses used selected events to determine whether pipeline design parameters and ongoing monitoring programs are adequate to identify potentially destabilizing impacts on the pipeline.

00019



William Dix Fowler
President & C.O.O.

August 6, 2002

BLM TAPS Renewal EIS, Argonne
National Laboratory EAD/900
9700 S. Cass Avenue
Argonne, IL 60439

Dear Sir or Madam:

The economic impact of TAPS and the 13 billion barrels of oil that have flowed through it are significant to both the public and private sectors in Alaska.

A few of the benefits resulting from TAPS are the thousands of jobs it has created for the people, the funding of state services and the fact that it transports nearly twenty percent of the U.S. domestic oil supply.

For these reasons, and many others, Northern Air Cargo takes a strong position in this project and would like to renew.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Dix Fowler".

William Dix Fowler

19-1

19-2

NORTHERN AIR CARGO, INC. 3800 W. INTERNATIONAL AIRPORT RD. ANCHORAGE, AK 99502.
DIRECT LINE (907) 249-5101 FAX (907) 249-5190 WWW.NORTHERNAIRCARGO.COM



Responses for Document 00019

00019-001: Thank you for your comment.

00019-002: Thank you for your comment.