

August 15, 2002

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

RE: Renewal of the Trans-Alaska Pipeline System Right-of-Way

Good Day:

I would like to comment on the TAPS right-of-way renewal that is being currently proposed.

I have some serious reservations about renewing this agreement for 30 years. Our beautiful state and spectacular scenery and wildlife is in danger if there are no oversight committees in place to monitor this aging pipeline. While I understand the necessity of the renewal of the pipeline right-of-way, I am worried about the age and vulnerability of this pipeline. Also, it has been demonstrated in the past that if a spill occurs, the response is inadequate. Shifting of the pipeline that went undetected for months is yet another concern and demonstrates the type of safeguards that do not currently exist.

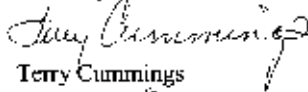
40-1

The oil industry is very rich and powerful and persuasive. There should definitely be a citizen advisory council where local people and their interests and concerns are represented fairly and oversight of the pipeline can be accomplished in a consistent and responsible manner with all issues addressed and resolved in a timely manner. I am formerly requesting that this be implemented before the renewal is granted.

40-2

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

Sincerely,



Terry Cummings
6740 East 10th Avenue
Anchorage, Alaska 99504
(40 year resident of this great state)

cc: DNR/JPO
TAPS Renewal Team

✓

Responses for Document 00040

00040-001: The age and vulnerability of the pipeline, spill response capabilities, and pipeline monitoring processes were considered in the analyses. The possible modes of pipeline failure were examined in detail in Chapter 4. Chapter 4 also highlights the JPO oversight activities. Included among these are the Comprehensive Monitoring Program wherein JPO investigates incidents and conditions such as those for which you have expressed concerns and issues formal reports. These reports are available to the public.

The BLM and member agencies of JPO in cooperation with APSC have begun a systematic process to identify the critical functional components of TAPS. The process, called reliability centered maintenance (RCM), is an ongoing system-by-system audit that determines function, failure modes, consequence and preventative maintenance of critical systems. The BLM is committed to RCM and believes that this process represents a pro-active approach to oversight and regulation of TAPS. In addition, RCM is widely used in the airline and other industries as the standard tool for reducing risk of failure to critical system components. Reducing risk in TAPS critical systems directly translates to reducing risks to public safety and the environment.

Section 4.1.3.2.1 discusses the design, monitoring, and maintenance of pipeline structural supports, including VSMs.

00040-002: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

August 14, 2002

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

Re: Trans Alaska Pipeline System (TAPS)

To Whom It May Concern:

Given the fact that the Trans Alaska Pipeline System (TAPS) has had significant positive impact on all Alaskans, I urge the Bureau of Land Management to renew the TAPS Right of Way for 30 years.

There has been 13 million barrels of oil that has flowed through the TAPS. This oil has caused significant economic impact to both the public and private sectors in Alaska. Alaskans depend on the TAPS to provide thousands of jobs and to produce nearly twenty percent of the domestic oil supply. State services and programs rely on funding via royalties from the TAPS.

A renewal period of anything less than 30 years to the TAPS Right of Way would threaten the possibility of potential oil companies wanting to invest in North Slope production. Oil companies would have to gamble operating in a riskier business environment due to the throughput level of the TAPS being greatly reduced.

The State of Alaska would suffer from a reduction in population growth rates, employment and income, and also tax revenues if a renewal period shorter than 30 years was established. It also would negatively affect domestic oil production, national energy security, balance of trade, and overall economic activity.

Thank you for the opportunity to submit comments on the Trans Alaska Pipeline System Right of Way.

Sincerely,



Joe Sprague

41-1

✓

Responses for Document 00041

00041-001: Thank you for your comment.

	<p>BLM's Trans-Alaska Pipeline System Right-of-Way Renewal Draft Environmental Impact Statement Public Hearing Comment Form</p>
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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:

<p>FOLD HERE</p>	<p>Name <u>GREG GARCIA</u></p>	<p>FOLD HERE</p>
	<p>Title/organization <u>GREEN PARTY OF ALASKA</u></p>	
	<p>Mailing address <u>P.O. Box 672425</u></p>	
	<p>City <u>CHUGIAK AK</u></p>	
	<p>State <u>AK</u> Zip+four <u>99567</u></p>	

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

1. THE COMMENT PERIOD IS FAR TOO SHORT. 42-1
2. Advertising for hearing is inadequate. This is important. It should be advertised as vigorously as the Alaska State Fair, which everyone knows is in August. 42-2
3. 30 years is far too long a period for the lease. Five-Ten would be adequate. 42-3
4. The use of inferior Japanese steel in the construction of the Pipeline makes future failure more likely. 42-4
5. Better preparedness for spills along any portion of the Pipeline is needed. 42-5
6. A higher level of diverse citizen oversight of the pipeline is needed. 42-5

Thank you, Greg Garcia

WITHHOLDING OF PERSONAL INFORMATION

It is 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 comments be withheld from public review, and BLM will, to the extent practicable, honor such requests to the extent allowable by law. Circumstances may also arise in which BLM would withhold certain

information from commenters' identity, as allowed by law. If you wish BLM to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, BLM will not consider anonymous comments. BLM will make use of initials from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Responses for Document 00042

- 00042-001:** 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.
- 00042-002:** Please see Section 5.2 in the FEIS for information on the public notice and involvement implemented for review of the DEIS.
- 00042-003:** Steel used in the construction of TAPS met all applicable standards specified in Federal Grant stipulations. Specifically, Stipulation 3.2.1.1 required the TAPS to conform to (1) U.S.A. Standard Code for Pressure Piping, ANSI B 31.4, "Liquid Petroleum Transportation Piping System," (2) Department of Transportation Regulations 49 CFR, Part 195, "Transportation of Liquids by Pipeline," (3) ASME Gas Piping Standard Committee, 15 December 1970: "Guide for Gas Transmission and Distribution Piping System," and (4) Department of Transportation Regulations, 49 CFR, Part 192, "Transportation of Natural Gas by Pipelines: Minimum Federal Safety Standards." (These last two standards apply only to the natural gas pipeline that runs roughly parallel to the crude oil pipeline from Pump Station 1 to Pump Station 4.) Also, Stipulation 3.2.1.2 suggests that the above standards should be construed as minimum requirements, indicating that the JPO Authorized Officer may impose additional requirements. The Design Basis for the pipeline incorporated all of the above standards where applicable.
- 00042-004:** As part of the oil spill planning process, risks of pipeline spills are analyzed line-wide. Factors considered in the analysis include the vulnerability of TAPS to landslides and seismic events.
- Should a leak occur, there are several mitigating measures in place to limit the environmental damage that may result. Based on US Department of Transportation regulations and the federal and state right-of-way authorizations, mainline valves are located near each major river crossing to limit the amount of oil released from a pipeline leak. All potential spill volumes are listed in the Oil Discharge Prevention and Contingency Plan.
- The TAPS Pipeline Oil Discharge Prevention and Contingency Plan (APSC 2001g—see Section 3.30 of the FEIS for reference) provides for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline.
- 00042-005:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."



Doyon, Limited

00043

1 Doyon Place, Suite 300
Fairbanks, Alaska 99701-2941
(907) 459-2000
info@doyon.com

Sent via fax (866-542-5904)

August 17, 2002

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

Ladies and Gentlemen:

The purpose of this letter is to provide comments on the Draft Environmental Impact Statement (DEIS) for renewal of the grant of rights of-way for the Trans-Alaska Pipeline System (TAPS).

Doyon, Limited is the regional Native Corporation for interior Alaska established as a result of the passage of the federal Alaska Native Claims Settlement Act of 1971 (ANCSA). Doyon represents approximately 14,000 Alaska Natives and is the largest private landowner in the State of Alaska. Although TAPS does not cross any lands to which Doyon holds title, most of TAPS does traverse lands that have been used for generations by many of the people we represent and their ancestors. Doyon is a for profit corporation with operating business segments in the following industries: tourism, remote site catering, housekeeping and security, oil field drilling, real estate and natural resource development. The Doyon family of companies employs over 1000 individuals, and many are Doyon shareholders.

Doyon strongly supports a thirty-year renewal of the TAPS and related rights of way grants. Our support is similar to the DEIS recommended thirty year renewal as the preferred alternative to several possible actions studied. There are a number of topics in the DEIS which we believe need to be addressed further in the final EIS, including subsistence, Native employment and tribal governments. In these areas we have elected to defer to comments submitted by the Alaska Federation of Natives.

43-1
43-2

Doyon and over 900 employees in our family of companies have direct ties to the oil exploration, development and transportation businesses, including Alyeska Pipeline Service Company (APSC). Many of Doyon's successes in the business world, including training and employment of hundreds of Alaska Natives, would have been impossible without North Slope oil development. TAPS is more than a pipeline to another oil field. It is the essential link to the

43-3

Page 2
BLM TAPS Renewal FIS

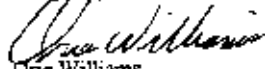
improved human condition of most Alaska residents over the last 30 years, and will be essential for the coming 30 years.

We, within the Doyon, Limited family of companies, know well the operations of APSC, having provided oil field drilling on the North Slope and, catering, housekeeping and security services along the entire length of TAPS for many years. It is a professionally run company with focuses on Excellence, Efficiency, Safety, and Environmental Integrity. Aggressive preventive maintenance is a hallmark of operations, guided regularly by internal reviews, independent, third party studies, and the oversight of the Joint Pipeline Office in concert with numerous other federal and state regulatory agencies.

43-4

In conclusion, the state and federal governments need to proceed with the issuance of all rights-of-way related to continued operation of TAPS for another thirty years. Thank you for the opportunity to provide these comments.

Sincerely,



Orin Williams
President and CEO

Responses for Document 00043

00043-001: Thank you for your comment.

00043-002: Thank you for your comment.

00043-003: Thank you for your comment.

00043-004: Thank you for your comment.

00044

510-540-4163

Edward Yarmak

5241 Taurus Circle, Anchorage, AK 99516

August 12, 2002

BLM Director Kathleen Clarke

Subject: Pipeline Permit Requires Renewal

Dear BLM Director Kathleen Clarke:

Thank you for the opportunity to comment on this important Draft Environmental Impact Statement for the future safety of the Trans-Alaska Pipeline (TAPS).

I believe that Alyeska Pipeline Service Company is doing a great job keeping TAPS operating at in an environmentally friendly manner. Other pipeline companies in the world could benefit by using TAPS as a model.

Sincerely,

Edward Yarmak

44-1

✓

Responses for Document 00044

00044-001: Thank you for your comment.

791 Redpoll Ln
Fairbanks, AK 99712
June 11, 2002

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

Dear Sirs:

Please consider the following comments on the DEIS for re-authorization of the Trans Alaska oil pipeline right of way.

I am insulted that the BLM has determined that 45 days is enough time for public review and comment on a document of 1,700 pages covering an issue of vital importance to every citizen of Alaska. Something of this magnitude and the long time period this will cover should require careful examination by all concerned. It appears that the government and industry are trying to slide this through with minimal public review. We deserve better than this!

45-1

There is ample justification, based on past poor performance of Alyeska Pipeline Co. for additional provisions to assure safety, environmental integrity and fair treatment of workers. Over the years there have been repeated instances of irresponsible behavior on the part of Alyeska. We all remember the bungled delays on the part of Alyeska to respond to the Valdez oil spill. Last year it took an inordinate amount of time to get the proper equipment in place to seal off the bullet hole, resulting in a huge volume of oil sprayed out on the ground. What will it be next time there is a problem? We are not confident that things will be any different in the future unless better monitoring and controls are placed as a result of this action.

45-2

A great improvement would be to establish a citizen oversight panel to assure the best operation of the pipeline. These bodies have proven to be effective in Prince William Sound and Cook Inlet, and a citizen pipeline oversight group could be a significant improvement over "business as usual" on the line. The re-authorization should establish a schedule for frequent reviews of the pipeline and its operation and maintenance by an independent body. The re-authorization should also require that adequate funds be set aside by the owners to cover the reclamation and restoration costs when it comes time to remove the pipeline. Alaska should not be left holding the bag when the oil is gone.

45-3

45-4


45-5

As the pipeline ages further, and the climate warms, there is a great need for more research and monitoring for potential problems in the years ahead. The DEIS does not adequately addresses these issues. Considering that each year hundreds of millions of barrels of oil flow across Alaska in TAPS, over several mountain ranges, and nearly countless streams and rivers it makes sense that there be additional efforts to assure integrity of the line.

45-6

Please take these ideas to heart - I do not want to wake up some morning and learn that we were caught by surprise with a new break in the pipeline which could have been prevented. Thank you for the opportunity to comment.

Sincerely,


Fran Mauer

Responses for Document 00045

- 00045-001:** 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.
- 00045-002:** Existing laws and stipulations provide BLM and JPO with sufficient authority to require corrective and preventive action. The “bullet hole” spill resulted in numerous initiatives.
- 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.
- 00045-003:** The reader is directed to Section 2.5, “Alternatives and Issues Considered but Eliminated from Detailed Analysis.”
- 00045-004:** 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.
- 00045-005:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00045-006:** 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.



00046

Fairbanks Economic Development Corporation

August 15, 2002

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

To Whom It May Concern:

The purpose of this letter is to speak in support of the renewal of the trans-Alaska pipeline rights-of-way.

The owners of the trans-Alaska pipeline system (TAPS) and the Alyeska pipeline service company make a very positive contribution to Alaska. Alyeska and its contractors employ approximately 2,700 workers. The Capital and Expense budget for 2001 was over \$600 million. The direct contribution to the Fairbanks economy by the Fairbanks Business Unit was \$258 million.

46-1

In addition to the positive economic impact of TAPS and Alyeska, the workers and their families are positive additions to our communities. They volunteer in numerous organizations, they are generous in their support of non-profit and charitable organizations and their children are educated in our schools.

Alyeska and the owners of TAPS are serious and dedicated stewards of the environment. Their concern for the protection of our natural beauty is clearly evident to even the casual observer. They are ever vigilant in the prevention of leaks and spills, and their response to any emergency, large or small, is timely and thorough.

46-2

Speaking for the Board of Directors of the Fairbanks Economic Development Corporation, we are urging renewal of the permits for this very important transportation system.

Sincerely,

Dean M. Owen
Executive Director

515 Seventh Avenue, Suite 320, Fairbanks, Alaska 99701 (907) 452-2185 Fax: (907) 451-9534

Responses for Document 00046

00046-001: Thank you for your comment.

00046-002: Thank you for your comment.

TRANSPORTATION INSTITUTE

00047



5201 Auth Way
Camp Springs, Maryland 21114
(301) 413-3335 (AMT)
(202) 347-2590 (West Coast CA)
Telex: 68101

Pacific Coast Office
World Trade Center - West
1700 Alaskan Way, Suite 110
Seattle, WA 98101
(206) 443-1738
Telex: 68101

www.ti.org

August 15, 2002

JAMES L. HENRY
Chairman and President

RICHARD BUCKOWITZ
President, Pacific Coast Operations
MARSHALL L. DUNN
President, Pacific Coast Operations
LEONARD L. SLOW
President, Government Affairs

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

RE: TAPS Renewal

BOARD OF DIRECTORS

J. WILLIAM CLARK, JR.
President
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American Ship Management, Inc.
ROBERT E. MILLER
Chairman and Chief Executive Officer
American Ship Management, Inc.
DAVID J. OLAN
Executive Vice President
American Ship Management, Inc.
NIELS A. JOHNSON
President
American Ship Management

Dear Sir/Madam:

I am writing to share the Transportation Institute's support for the approval of a 30-year right-of-way renewal for the Alyeska Pipeline Service Company, on behalf of the Trans-Alaska Pipeline System (TAPS) Owners, to be granted by the Bureau of Land Management for operation of TAPS. I share this request on behalf of the Transportation Institute. The Transportation Institute was established in 1967 as a Washington-based, non-profit organization dedicated to maritime research, education, and promotion. The Institute member companies participate in all phases of the nation's deep-sea, foreign, and domestic shipping trades, and barge and tugboat operations on the Great Lakes and on the 25,000-mile network of America's inland waterways. All are of U.S. Registry—manned by American citizen-mariners, operating under the world's highest safety standards, and proudly flying the American flag. Several of our member vessel operators are either in the TAPS tanker trade or involved in the transit of goods to and from Alaska's rail belt. As a consequence, the future of TAPS and the supply of Alaskan North Slope (ANS) crude are of critical importance to their success.

The TAPS has proven to be a reliable and safe method of transport for ANS crude since 1977. The total volume of spills attributed to the operation of the pipeline is little more than 31,000 barrels through 1999, with half of that from a single act of sabotage in 1978. Most significantly, and similar to our experience with marine oil spills, is the fact that the annual volume of spills is trending downwards. This is a clear indication that the enhanced protections, diligence, and technology have combined to afford us an improved environmental future for the TAPS.

Although the reasonable sounding notion of the pipeline being fatigued after over 25 years of operation has often been repeated, the fact is that studies, including one from Alaska's ever-vigilant Department of Environmental Conservation, conclude that age has little correlation with pipeline integrity. The studies find the key factor to sustaining a pipeline is maintenance and how operating conditions compare with design conditions. Not least of the accomplishments seen in this area is Alyeska's use of a "smart pig" to access and monitor the integrity of the pipeline.

In many ways the financial investment of a pipeline is similar to a ship; typically the investment horizon requires a many year approach (thirty or more) and significant financial risk. Therefore, it is critical for the private stakeholders of the pipeline and Alaska's public investment in related infrastructure to have the assurance their crucial capital investment will have a financial life of thirty or more

47-1

47-2

47-3

years. Without such a guarantee it is much more difficult to obtain reasonable financing for proper infrastructure enhancements.

47-3
(cont.)

The recent terrorist attacks on our nation, ever-increasing instability of the Mid-East, and the volatility of our other foreign producers of oil (i.e., Brazil, Venezuela, and Nigeria) make the need for a stable and environmentally sound source of domestic oil essential. The North Slope has the potential to continue to meet twenty percent or more of our domestic oil production quota. Moreover, the potential for gas development in conjunction with further oil exploration is a winning combination to help in our Nation's effort to rely less on foreign sources of energy. Having a 30-year renewal will enhance the financial, managerial, and infrastructure commitment needed to advance private-sector interest in sustainable energy exploration on the North Slope. After all, our energy security needs should remain a top priority for our country.

47-4

With respect to environmental and regulatory oversight, the Transportation Institute supports the continued regulatory jurisdiction of the Joint Pipeline Office. The thirteen federal and state agencies that serve as the regulatory supervisory body with authority over TAPS have demonstrated a determined commitment to protecting Alaska's precious environment while recognizing Alyeska's need to effectively manage the TAPS. It is our understanding that a specific request during the Environmental Impact Statement scoping period seeks to establish a citizens' oversight/advisory committee as an additional agency or group to the existing panoply of TAPS regulators. We would urge that this recommendation not be made a part of the conditions required for a TAPS right-of-way renewal. Our direct experience with the Prince William Sound Regional Citizens' Advisory Council (RCAC) is that their structures provide little accountability to those outside of their group and are not required to pursue the hearing and public review process that a government agency provides to all stakeholders. Moreover, a non-affiliated party to an RCAC accusation can be left without a responsible party to seek out for redress. For example, the Prince William Sound RCAC wrote to the Governor of Alaska and many other key officials claiming that one of our member companies interested in expanding their share of the TAPS tanker trade was offering pay scale differentials that would lead to experienced crew members leaving their employment in the Valdez trade. This accusation was entirely without merit and detrimental to the company's interest in expanding its service. Although a direct and formal request was made to the Executive Director of the PWSRCAC to rescind this charge, no action was ever taken to correct the record. The nature of the RCAC left little room for pursuing timely corrective action to this falsehood through their organization.

47-5

In addition, RCAC-type organizations have the potential to undermine authority of local regulators and to weaken the regulatory process of elected government where the decision making process is effectively relinquished to the citizens group. Another concern is the limited constituency an RCAC represents if staffed with people of extreme views, which drive issues as internal factions.

To reiterate, organizations that have minimal accountability beyond their own narrow interests and have the ability to set policy, serve to create a morass that would damage the success achieved through many years of resolute oversight and

Letter to BLM Taps Renewal EIS
August 15, 2002
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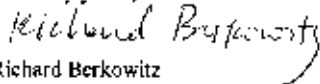
reasoned cooperation found through the Joint Pipeline Office. Undoubtedly, independent citizen review groups, internal critics, and federal and state legislative oversight will continue to make TAPS the most audited and compliance driven organization in the country.

We urge the BLM to provide Alyeska Pipeline Services Company with a 30-year renewal of their federal Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline.

47-5
(Cont.)

47-6

Sincerely yours,



Richard Berkowitz
Pacific Coast Director

Responses for Document 00047

00047-001: Thank you for your comment.

00047-002: Thank you for your comments. You are correct. Age and integrity are not necessarily related.

However, TAPS is a complex mechanical system. As such, proper operation and maintenance are critical to longevity. The current grant stipulations anticipate various factors that may relate to aging which, if they were to occur to substantial degrees, could jeopardize pipeline integrity. These stipulations impose various monitoring and surveillance responsibilities on APSC to monitor and continually assess the condition of critical pipeline systems. The instrument pigs represent just one such assessment effort. In addition, JPO and APSC are now applying the practice of Reliability-Centered Maintenance on all of TAPS to ensure that consequences of subsystem failures are recognized and that appropriate maintenance of those subsystems is provided to maintain overall system integrity and avoid adverse consequences.

00047-003: Thank you for your comment.

00047-004: Thank you for your comment.

00047-005: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00047-006: Thank you for your comment.

415 Hazelburg
Fairbanks, AK 99712
August 14, 2002

BLM TAPS Renewal EIS
Argonne Nat'l Lab EAD/960
9700 S. Cass Ave.
Argonne, IL 60439

To Whom It May Concern:

The Trans-Alaska Pipeline System Environmental Impact Statement is inadequate because it doesn't:

- 1) address current or future maintenance on a pipeline whose life expectancy has been attained; 48-1
 - 2) address the affects that global climate change + permafrost melting may have on the system; 48-2
 - 3) provide for planned periodic reviews of maintenance; 48-3
 - 4) establish a citizens advisory council; 48-4
- and
- 5) require an escrow fund to pay for the inevitable dismantling and removal of the system + restoration of the corridor. 48-5

I also urge you extend the comment period by at least 30 days so that agencies and individuals have the time to participate in this process. 48-6

Thank you.
Jeff Adams

Responses for Document 00048

- 00048-001:** The age, condition, operation, and maintenance of TAPS were considered in the preparation of the DEIS and are described in the DEIS.
- 00048-002:** 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.
- 00048-003:** 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.
- 00048-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00048-005:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00048-006:** 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.

00049



Municipality of Anchorage

Office of the Mayor
George P. Wuerch, Mayor



July 16, 2002

BLM TAPS Renewal
411 West Fourth Avenue, Suite 2
Anchorage, Alaska 99501

02 JUL 20 11 21 AM
[Handwritten signature]

To Whom It May Concern:

We have reviewed the Draft Environmental Impact Statement Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way, July 2002. The Right-of-Way renewal is important to the State of Alaska and the Municipality of Anchorage. The Municipality of Anchorage has no significant comments that would change the proposed action therefore we encourage the Bureau of Land Management to reauthorize the pipeline right-of-way for the full 30 years as expeditiously as possible.

49-1

Moreover, we believe that the Joint Pipeline Office has done an admirable job of management and do not believe that any other layer of oversight is needed or warranted.

49-2

We appreciate the opportunity to comment. If you have further questions please call Dr. Richard Dworsky at (907) 343-4487.

Sincerely,

George Wuerch
Mayor

Responses for Document 00049

00049-001: Thank you for your comment.

00049-002: Thank you for your comment.

00050



Northern Alaska Environmental Center

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

August 20, 2002

To Whom It May Concern:

On behalf of the Northern Alaska Environmental Center (Northern Center), I submit these comments on the draft Environmental Impact Statement (draft EIS) for the Trans-Alaska Pipeline System (TAPS) right-of-way renewal process. In addition to the comments below, the Northern Center fully supports both the legal comments submitted by Trustees for Alaska and the technical comments submitted by the Alaska Forum for Environmental Responsibility.

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The Northern Center recognizes the importance of TAPS in the transportation of oil to market as well as to the strength and stability of the Alaska economy. In addition, we recognize that the renewal of the right-of-way permits for TAPS can realistically be expected to be granted. However, we believe that the Bureau of Land Management (BLM) has not adequately followed the National Environmental Policy Act (NEPA) process in developing this draft EIS - particularly in relation to an adequate public comment period as well as adequate discussions of cumulative effects, safety and monitoring. For these reasons, the Northern Center believes BLM/Argonne National Laboratories should rigorously revise this document prior to proceeding with a final EIS.

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I. Inadequate Public Comment Period

BLM's refusal to extend this comment period to a reasonable length of time is completely unacceptable. Forty-five days is simply too short a time for members of the public to analyze all of the important issues and questions raised by a 1,700-page draft EIS that purports to justify the 30-year renewal of the federal right-of-way for TAPS. The public's opportunity to comment is further limited by the late summer time-period for comments - when most Alaskans are busy with a myriad of other activities crammed into our short summers. BLM and DNR should have facilitated public involvement in this process by extending the comment period.

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II. Disregard for Scoping Recommendations

Last October, the Northern Center provided comments at the scoping meetings for this draft EIS. At that time we noted this renewal process provided an important opportunity for improvement of both the safety and the monitoring of the pipeline. We suggested three such improvements: 1) a more thorough independent environmental review, 2) a shorter, more reasonable renewal period, and 3) the establishment of a formal citizen's advisory council. Obviously, we are extremely disappointed that none of these recommendations were considered seriously in the draft EIS. In fact, only one of these suggestions was included in the draft EIS, that of a shorter renewal period which was quickly pushed aside due to potential economic impacts.

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Moreover, the Alaska Forum for Environmental Responsibility developed a list of six recommendations for the draft EIS that, again, would improve the safety and monitoring as well as the eventual dismantlement of the pipeline. The Northern Center fully supports these recommendations which include 1) establishment of a Citizen's Oversight Group (COG), 2) placement of dismantling, removal, and restoration (DR&R) funds into an escrow account, 3) renewal made conditional on satisfactory completion of an evaluation - including a technical review and audit every five years, 4) establishment of an advisory panel to consider how best to provide a single, responsible managing party and a stable source of funding for TAPS, 5) incorporation into the right-of-way renewal of provisions establishing and ensuring a viable Employee Concerns Program on TAPS, and 6) thorough review of stipulations attached to the federal and state Grant and Lease agreements to assure they reflect (a) scientific and technological advances during the last three decades in the disciplines relevant to the safe transport of crude oil across Alaska and (b) experience with the operation of TAPS. The first five recommendations were submitted as part of the scoping process last September; the sixth was added to the Alaska Forum's status report on TAPS, released in June of this year. None of these recommendations was given serious consideration in the draft EIS. We are very concerned with the increasingly obvious disinterest of both agencies and industry to use the EIS process as a means of improving the safety or monitoring of the pipeline.

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(cont.)

III. Inadequate Discussion of Maintenance Plan for Aging Pipeline

When TAPS was originally constructed, component life expectancy was thirty years. Now, the owners propose to double that lifetime. We do not believe the draft EIS adequately addresses either current or potential future maintenance concerns associated with an aging pipeline. The pipeline owners are quick to state that the pipeline will last forever with proper maintenance. But are they providing proper maintenance? The renewal application assumes that they are, but certainly doesn't provide any proof. Yet, considering Alyeska's recent decision to lay off 140 employees due to budgetary concerns, proof should be absolutely mandatory as a condition of reauthorization - as should a periodic technology and environmental review of the pipeline.

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IV. Need for Citizens Advisory Council

The Northern Center strongly believes that public participation is essential in natural resource management. Specifically, we believe that local people with an interest in the safety of their communities and their environment should have a formal advisory role in the oversight and management of industries which affect them. Oversight should not be left entirely to agencies and industries that own, oversee or operate the infrastructure. Following the Exxon Valdez spill of 1989, local citizens were given a formal role in oversight of the marine transportation of oil through "citizen advisory councils" that have been hailed by industry and government alike as essential to protecting the environment. We should establish a citizens advisory council on TAPS where local people and interests are represented fairly and given a formalized, advisory role in oversight of the pipeline. Such an advisory group is in the public interest; the absence of such a group is in the special interest of the petroleum industry.

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V. Need for Placement of DR&R Funds in Escrow

Finally, a recent report by the General Accounting Office (GAO) identified important gaps in the procedures that govern the eventual DR&R of the oil field infrastructure in Alaska - including TAPS. GAO currently estimates that the total DR&R liability on the North Slope runs in the billions of dollars. However, oil companies active on the North Slope are not required to make any preliminary showing of adequate funding for DR&R of their Alaska operations. While the TAPS owners have collected DR&R funds from shippers, instead of placing them in an escrow account, these funds have been passed through as profit to the parent companies of the TAPS owners. The TAPS DEIS fails to consider these economic benefits to the pipeline owners as well as the potential adverse environmental consequences of the failure to escrow dismantling funds collected by the pipeline owners as part of TAPS shipping charges.

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VI. Sectional Analysis of draft EIS

A. Climate Change

Climate change is addressed only briefly in this document in Section 4.3.1, Physiography and Geology. Here climate change is addressed in the form of permafrost melting and states that the pipeline is currently in adequate condition to withstand future problems stemming from permafrost melt. However, shortly following this statement in a sidebox the DEIS states, "With the continuous warming trend in Alaska, the risk of earthquake triggered liquefaction and landslides would be expected to increase. These events, although very unlikely, could potentially threaten the integrity of the TAPS." (p. 91, Sec. 4.3.2). In addition the document states, "The resulting effects (of increased average temperature) would lower the mechanical strength of frozen to non-frozen soil and promote solifluction, debris flow, rock falls, potential landslides, differential settlement, liquefaction and alteration [sic] of local hydrology. These processes would continue to impact the integrity of the TAPS, if not carefully monitored and managed." (p. 91, Sec. 4.3.2). In 2001 Dr. Margaret Leinen of the National Science Foundation testified before Senator Ted Stevens and the Appropriations Committee. She stated that continued global warming is expected to impact the top 30 feet of discontinuous permafrost and that TAPS' structural supports could be dramatically affected. Despite clear, solid evidence of climate change affecting Alaska this DEIS does not address how the pipeline owners would plan and deal with these impacts. Nowhere in this document is there a specific plan for "carefully" monitoring the potentially significant impacts of climate change. We question whether the "Reliability Centered Maintenance" (RCM) procedure will prove to be an adequate safeguard – particularly given the stated interest of the TAPS Owners in reducing costs.

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Additionally, this document states that not only are landslides likely as a result of warming temperatures, but also caused by earthquakes. It goes on to state, "The pipeline was not designed to withstand a landslide." (p. 94, Sec. 4.3.6). Once again, landslides and TAPS' vulnerability to impacts from them is not addressed later in the document, nor are any mitigation measures required for the pipeline owners to plan for landslides.

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B. Surface Water

A more comprehensive evaluation of the vulnerability of waterbodies to potential spills at TAPS' crossings needs to be undertaken. Any leaks that reach our rivers or streams could be catastrophic especially considering the pipeline owners have not proven that they can respond to leaks in a timely manner (Livengood 2001). The protection of Alaska's water quality is critical not only to the health of our fish, megafauna and birds, but also for subsistence. The Surface Water and Groundwater Sections of the DEIS do not address how these areas will be critically monitored in the future as wear, tear and corrosion effects the reliability of the pipeline.

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C. Terrestrial Vegetation and Wetlands

The continued extraction of sand, gravel, and quarry, as well as disturbance of native vegetation will have substantial cumulative effects on the vegetation and terrestrial environment, particular in sensitive arctic areas. Effects we are already seeing from maintenance and those remaining from the construction of the pipeline include sedimentation, erosion, inadequate soil present for revegetation, exposure of permafrost and damage from vehicles. Again these impacts will only continue over the next 30 year period. More stringent requirements for immediate reclamation need to be required of the pipeline owners to avoid more devastating impacts over time.

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D. Birds and Terrestrial Mammals

This section addressing impacts on birds and terrestrial mammals completely lacks any substantial information or analysis of cumulative effects. Rather than discussing how animal populations will be monitored to ensure that TAPS is not having long term, cumulative effects, the DEIS praises the use of animals of culverts and gravel pads for breeding and lodging.

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E. Spills

With the Supreme Court's decision to overturn ADEC's best available technology criteria, Alaska's vulnerability to failed spill responses has increased. Alaska Statutes do not contain strong enough language requiring the pipeline owners to provide feasible, functional response plans. As demonstrated during the damage done by a bullet hole in fall 2001, even under BAT criteria pipeline owners did not respond quickly enough to prevent significant environmental damage to the surrounding vegetation. ADEC should use this renewal process to develop better criteria with specific technology requirements. The Draft EIS falls back on the newly developed three-tiered criteria that is not stringent enough in its requirements to guarantee timely and effective responses to spills.

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F. Cumulative Effects

As noted in our comments above, the cumulative effects of the presence and maintenance of TAPS are not considered thoroughly enough throughout the document. This 1,700-page document is distinctly lacking in-depth analysis of the on-going environmental impacts of the pipeline. BLM-JPO and Argonne National Laboratory should initiate a separate, more thorough environmental review prior to issuing any permit.

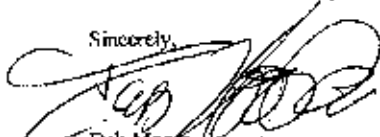
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VII. Conclusion

The Northern Center encourages BLM and DNR to rethink their reliance on industry assurances in regards to the safety and monitoring of TAPS. The public has repeatedly demanded – and has been repeatedly promised a safe pipeline. Measures such as a citizens advisory council, an independent analysis of the safety and environmental effects of TAPS and an adequate period for public comments are all critical to fulfilling this promise.

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Sincerely,



Deb Moore
Arctic Coordinator

Responses for Document 00050

- 00050-001:** Thank you for your comment.
- 00050-002:** The DEIS followed Council on Environmental Quality guidelines in developing the cumulative analysis. In addition, the final EIS contains substantive improvements in the cumulative analysis, and the reader is referred to Section 4.7 of the FEIS for further information on cumulative analysis. Safety and monitoring are covered in several sections of the EIS, including Sections 4.1, 3.17, 2.2.2, and 2.2.3.
- 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 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.
- 00050-003:** 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.
- 00050-004:** The reader is directed to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00050-005:** Maintenance is critical to the continued integrity of TAPS and received considerable attention by the JPO. The JPO and APSC have entered into Memoranda of Agreement committing APSC to using reliability centered maintenance (RCM) protocols as the basis for maintenance decision-making and establishing expectation for its use. See Section 4.1.1.7 for additional discussions on RCM.
- Under the Federal Grant, APSC is responsible for maintaining and operating TAPS safely and in a manner that is sufficiently protective of public safety and the environment. (See Grant Stipulation 1.21.1.) Except for contingency planning where Alaska regulations specifically call for an evaluation of the adequacy of resources (equipment as well as personnel) by regulatory authorities, APSC alone has the responsibility for developing appropriate management practices and operating procedures and committing adequate resources to successfully implement those systems. However, in its oversight capacity, the JPO does have the opportunity to evaluate the adequacy of APSC's operating practices and does consider resource commitments (both equipment and personnel, including levels of training) as part of the root cause analyses it performs for all identified operational deficiencies. The JPO also has authority to require APSC to develop, and submit for JPO approval, a corrective action plan that may also include implementing resources. It is inappropriate for the JPO to direct the application of specific types and amounts of resources for TAPS operations. APSC retains the sole responsibility for committing sufficient and appropriate resources to meet its obligations under the Federal Grant and its stipulations.
- 00050-006:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00050-007:** The reader is directed to the discussion of escrow funds found in Section 2.5.

- 00050-008:** 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.
- A study to review and re-evaluate potential liquefaction hazards for the TAPS after 25 years of operation will answer many questions regarding the impact of the climate change and the TAPS on the permafrost. When the DEIS was prepared, the results of the study were not available.
- 00050-009:** 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.
- 00050-010:** Because the TAPS pipeline crosses more than 800 rivers and streams, it is not possible or necessary to evaluate each potential crossing. Instead, six representative rivers were analyzed in detail in Section 4.4.4.3. For the Proposed Alternative, pipeline monitoring and surveillance will continue in order to minimize potential impacts of a spill. Details on appropriate responses for spills along the pipeline are provided in the Contingency Plans for the right-of-way; a typical response scenario is described in Section 4.4.4.3.2. Impacts to groundwater along the TAPS ROW are discussed in Section 4.4.4.4.
- 00050-011:** The impacts identified in the comment are discussed in Section 4.3.15. The impact analysis took into consideration recently established restoration performance requirements which include the requirement that restoration of disturbed areas “be completed as soon as practical after the disturbance,” and “restoration will be evaluated by the Authorized Officer and Pipeline Coordinator on a site-specific basis,” considering, among other things, whether the disturbed site has been returned, to the extent possible, “to its original or normal physical condition and natural biological productivity and diversity with reestablishment of native plant and animal species” (Brossia and Kerrigan 2001).
- 00050-012:** Section 4.7.7.3 provides a thorough analysis of cumulative impacts on birds and terrestrial mammals including habitat loss, alteration, or enhancement; disturbance or displacement; mortality; obstruction to movement; and spills. There are numerous stipulations in place for mitigating or preempting impacts to ecological resources (see Section 4.1.3.3). Also see Chapter 9 for a synopsis of laws, regulations, and executive orders with which TAPS must comply. A number of these require protection of ecological resources.
- 00050-013:** 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. See Section 4.1.1.8 for an extensive discussion on the bullet hole incident in October 2001.
- 00050-014:** Ongoing maintenance and operations of TAPS are considered in detail as part of direct impacts of the proposed action in Sections 4.1-4.6 of the EIS. In addition, the impacts of the proposed action together with other past, present, and reasonably foreseeable future actions are addressed in Section 4.7 of the EIS.
- 00050-015:** The reader is referred to Section 2.5 of the FEIS, “Alternatives and Issues Considered but Eliminated from Detailed Analysis.”



August 20, 2002

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

Dear Sir/Madam:

These comments are submitted by Chugach Alaska Corporation ("Chugach"), formerly known as Chugach Natives, Inc., the Alaska Native Regional Corporation established for the Chugach Region pursuant to the Alaska Native Claims Settlement Act of 1971, as amended, 43 U.S.C. § 1601 *et seq.* ("ANCSA"). These comments supplement the scoping issues Chugach submitted on October 19, 2001. Chugach appreciates this opportunity to comment on the DEIS and the proposed action to renew the Federal Agreement and Grant of Right-of-Way (referred to hereinafter as the "TAPS ROW").

As set forth in our scoping comments, Chugach supports renewal of the TAPS ROW on terms that will promote the security and safe operation of TAPS facilities in the Chugach Region, and provide sufficient protection and compensation to the Chugach Natives for the inherent risks associated with the operation of TAPS in the Region and on Chugach's lands.

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In our view, the DEIS is a complex and lengthy document that, as currently written, has serious deficiencies that the BLM will need to address in order to accurately

reflect both past and future impacts of the TAPS on the Chugach Region, and to develop appropriate mitigating measures. In this regard, the 45-day public comment period is inadequate and should be extended to allow additional time to review and evaluate the DEIS, as previously requested by Chugach and others. The BLM's failure to honor this request imposes a correspondingly greater burden on BLM to thoroughly review these and other comments received on the DEIS, and to give them greater consideration in the Final EIS than was given in the DEIS to the comments submitted during the scoping process.

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The DEIS improperly minimizes and marginalizes the catastrophic impacts of the *Exxon Valdez* oil spill and other spill events as they relate to the past, present, and future operation of the TAPS in the Chugach Region. On a more general level, the DEIS fails to appreciate or adequately evaluate the significant and lasting impacts that the development and operation of TAPS has had and will continue to have on Alaska Natives, particularly on the Chugach Natives, their communities, and their cultural heritage and resources. The DEIS also fails to appropriately convey the extent to which Alaska Natives and their lands were implicated in, and were instrumental in facilitating, the orderly development of the TAPS. Lastly, few of the issues raised by Chugach in its scoping comments are adequately discussed or analyzed in the DEIS, and many are simply left unaddressed. The BLM must correct these deficiencies in the Final EIS and Record of Decision for the TAPS ROW renewal.

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I. **The DEIS Improperly Minimizes and Marginalizes the Impacts of the *Exxon Valdez* Oil Spill and their Relevance to the Renewal of the TAPS ROW and the Continued Operation of the TAPS**

The DEIS's treatment of the *Exxon Valdez* oil spill is, in our view, a disservice to the Chugach Natives and others whose lives and livelihoods were forever changed by that tragic event, and must be substantially modified. The DEIS takes the implausible position that the marine transportation of oil through Prince William Sound from the Valdez Marine Terminal is not a component of the TAPS, and treats such marine transportation as a cumulative impact, rather than as a direct or indirect effect of the existence and operation of the TAPS. The DEIS then separates oil spills and cumulative impacts from what it characterizes as the "normal" or "routine" operation of the TAPS, and assigns probabilities to the reoccurrence of similar events of that magnitude that are wholly out of proportion to what, in reality, has occurred during the first 25 years of TAPS operations.

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The DEIS's employment of these doubtful and unsupported distinctions has the aggregate effect of obscuring and grossly understating the actual impacts of the totality of TAPS operations, especially in the Chugach Region, and effectively prevents the public from understanding the nature of the impacts of renewing or not renewing the TAPS

ROW. The DEIS must facilitate, not obstruct, the public's awareness and understanding of the impacts associated with the proposed action. As currently written, the DEIS fails to describe and evaluate the full extent and impacts of the operation of the TAPS, which can only render suspect its predictions for the future operations of TAPS and the impacts associated with its renewal. The DEIS should be significantly modified to address these deficiencies.

A. The Operation of TAPS Includes the Marine Transportation of Oil, and the Effects of that Component of TAPS Operation Are Manifestly Related to the Proposed Action

The DEIS states that "the downstream end of the TAPS extends to the end of the loading arms for crude oil located at the tanker loading berths in the Valdez Marine Terminal." (DEIS Sec. 1.2). Defining the scope of the federal action to exclude the marine transportation of oil through Prince William Sound and its adverse effects is legally unsupportable and ignores a critical and inherent component of the operation of TAPS.

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The TAPS ROW specifically prohibits the discharge of oil by the TAPS owners "into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in violation of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1321 *et seq.* and the regulations issued thereunder, or in violation of applicable laws of the State of Alaska and regulations issued thereunder." (TAPS ROW, Exhibit D, Sec. 2.13.1). The TAPS ROW further states that it is "the policy of the Department of the Interior that there should be no discharge of Oil or other pollutant into or upon lands or waters," and explicitly requires the TAPS owners to submit and annually update oil spill contingency plans and methods of implementing them, which are then subject to approval by the authorized officer of the Secretary of the Interior. (TAPS ROW, Exhibit D, Sec. 2.14).

Under these circumstances, the BLM cannot responsibly ignore what happens after oil is loaded onto tankers and transported through Prince William Sound in analyzing the impacts of renewing the TAPS ROW. According to the express terms of the TAPS ROW under consideration for renewal, the marine transportation of oil through Prince William Sound is squarely within the authority of the BLM to regulate and prescribe conditions for mitigating its adverse effects, and is therefore an appropriate and necessary subject of discussion and analysis in the DEIS. The BLM cannot disclaim its authority and responsibility to enforce the Department's stated policy, laws and regulations, or the explicit terms of the TAPS ROW being considered for renewal. It must comprehensively analyze the impacts flowing from marine transportation as impacts directly or indirectly related to the operation of the TAPS.

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Practically speaking, if the effects of TAPS truly did come to an end at the Valdez Marine Terminal loading arms, the TAPS would have never been built. The BLM implicitly acknowledges this elsewhere throughout the DEIS by touting the undisputed economic benefits and importance of the TAPS to the Lower 48 states and to the nation's energy security and balance of trade, and by making the more controversial claim concerning the benefits that oil spills confer on Alaska Natives, Alaska communities and the Alaska economy. The BLM must redefine the TAPS to include the marine transportation of oil out of the Valdez Marine Terminal, and comprehensively analyze its effects, both positive and negative, on the people, land, and resources in the Chugach Region.

B. The DEIS Improperly Treats Oil Spills as Events Occurring Outside of the Normal Operation of TAPS

The DEIS divides the impacts of renewing or not renewing the TAPS ROW into "those associated with routine operations and those associated with spills." (DEIS Executive Summary Sec. 6.1). This artificial separation of oil spills into one category, and TAPS operations minus oil spills into another category, improperly suggests that oil spills are events that are somehow removed in time or place (or in some other unspecified manner) from the "normal" or "routine" operation of the TAPS. It also has the unacceptable effect of producing grossly inaccurate and misleading statements throughout the DEIS, and must therefore be abandoned.

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Few who have lived or worked in Prince William Sound from the time of the *Exxon Valdez* oil spill to the present day would agree with the DEIS's statement that "[t]he most significant environmental impacts associated with the TAPS already occurred when the pipeline was constructed," (DEIS Executive Summary Sec. 8), or that the "transit of the tankers through Prince William Sound under normal operations has also not resulted in any observed impacts on physical marine resources." (DEIS Sec. 4.3.8.4).

Likewise, it is irresponsible to state, as the DEIS does, that oil spills "are essentially accidents that are not related to specific alternatives." (DEIS Sec. 2.6). The difference between an operating pipeline and a pipeline that is shut down is the difference between the regular and frequent transportation of oil out of Prince William Sound and its absence. Two alternatives propose renewal and continued operation of the TAPS after 2004, one does not, and the risks for a catastrophic oil spill of the *Exxon Valdez*-type are clearly not equivalent under each of these alternatives.

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Surprisingly, the position taken in the DEIS on this issue conflicts with the TAPS owners' own characterization of oil spills and their effects, in their efforts to obtain

higher tariffs to recoup the costs of settling damage claims arising out of the *Exxon Valdez* oil spill, as the normal and inevitable result of being in the oil transportation business. (See David Whitney, *On Spills, Alyeska Wants It Both Ways: Company Wants to Raise Charges to Recoup Exxon Settlement Costs*, Anchorage Daily News, Oct. 10, 1994 at A1).

The treatment and analysis of oil spills as events outside of the normal operation of the TAPS simply does not reflect the reality of TAPS operations. Oil spills have occurred and will continue to occur during the routine operation of the TAPS; such spills and their effects on the environment are not divorced in time or place from the operation of the TAPS, but instead are the direct result of and occur during such operation.

Furthermore, it defies reason and reality to maintain, as the DEIS does, that an oil spill of the magnitude of the *Exxon Valdez* oil spill is predicted to occur no more than once every 1000 years, when in fact it has already occurred in the first 25 years of TAPS operation. The DEIS's failure to consider the spill events that have actually occurred in the first 25 years of TAPS operation in developing spill scenarios for predicting impacts of TAPS operations for the next 30 years is a fundamental error that must be corrected.

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The BLM must acknowledge and address these issues in the DEIS and attach appropriate conditions to the renewal of the TAPS ROW that will adequately protect and compensate those who, like the Chugach Natives, bear a disproportionate share of the inherent risks associated with the operation of the TAPS.

C. The DEIS Fails to Analyze the Effects of Renewing the TAPS ROW Cumulatively with the Effects of Past Oil Spills and Future Oil Development and Production on the North Slope

The DEIS's analysis of potential impacts from TAPS operations fails to assess those impacts cumulatively with the impacts resulting from the *Exxon Valdez* oil spill and other significant spill events that occurred during the first 25 years of operation of the TAPS. The DEIS's analysis of potential impacts is also largely dependent upon the assumption that oil production will decrease over the remainder of the life of the TAPS. This assumption ignores the potential for additional oil production on the North Slope resulting from further development of existing fields, the discovery of new oil fields, and the opening and development of the Arctic National Wildlife Refuge. The BLM must consider the impacts of the *Exxon Valdez* oil spill and other prior spill events in analyzing the impacts associated with renewing or not renewing the TAPS ROW, and must address the potential for increased oil production under the renewal alternatives.

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II. The DEIS Fails to Acknowledge the Unique Social, Cultural and Economic Status of Alaska Natives, their Special Relationship and History with the Oil Industry, the TAPS, and the Important Commitments of the TAPS Owners to Alaska Native Peoples

The DEIS's discussion and analysis of the sociocultural and socioeconomic effects of the past, present, and future operation of the TAPS on Alaska Natives is grossly deficient and must be expanded.

The sociocultural and socioeconomic status of Alaska Natives, born out of thousands-of-years-old traditions that inform today's modern corporate and tribal custodians of Native culture, heritage and resources, is entirely unique and without historic parallel. That the BLM fails to appreciate this fact is painfully apparent from the DEIS's discussions of impacts of the proposed action on Alaska Native sociocultural systems, ANCSA corporations, regional economies and subsistence: they take place almost entirely in isolation from one another, as if these aspects of modern Native life had nothing to do with each other.

For example, the DEIS improperly assumes that the unremarkable similarities that exist between Alaska Native corporations and corporations elsewhere in America provide the basis for analyzing the effects of the proposed action on Alaska Native corporations in a like fashion, i.e., on strictly economic terms. This type of analysis completely ignores the important social and cultural roles that Native corporations play in the daily lives of Alaska Natives, and the more significant differences that exist between Alaska Native corporations and other general corporations, such as the inalienability of Alaska Native corporations' stock, the unique services that they perform in providing their shareholders with homesites and their elders with benefits, in promoting their traditional culture and managing their cultural resources, and in otherwise striving to improve the condition of their people.

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Clearly, the BLM must provide a more appropriate and meaningful discussion of Alaska Natives' social, cultural and economic condition in modern times, and then analyze anew the effects—direct, indirect, and cumulative—of the operation and renewal of the TAPS on Alaska Natives' present-day sociocultural and socioeconomic systems.

The development of the TAPS would not have been possible without the cooperative efforts of the oil industry and Alaska Native peoples to address Alaska Natives' aboriginal claims to lands, and the commitments undertaken by the TAPS owners to Alaska Native peoples that helped clear the way for the construction of the TAPS. The DEIS fails adequately to describe this unique historical circumstance, or to

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evaluate the cumulative effects of this unprecedented and expedient settlement on Alaska Native peoples.

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(Cont.)

Undeniably, the TAPS has had a profound effect on Alaska Native peoples. The interests of Alaska Natives have been inextricably tied to the interests of the TAPS owners and the oil industry in Alaska since before its construction, and will continue to be significantly affected by the operation of TAPS over the next 30 years. The commitments undertaken by the TAPS owners to Alaska Natives in Section 29 of the TAPS ROW to recruit, train and employ Alaska Natives in connection with the construction and operation of the TAPS, and their commitment in Section 30 to avoid damage to the resources relied upon by Alaska Natives for subsistence, are an explicit acknowledgement of the impacts that the TAPS has had and will continue to have on the sociocultural and socioeconomic systems of Alaska Natives, and the critical role that the TAPS must perform in improving the lives of Alaska Natives affected by its operation over the next 30 years. The BLM must provide a more comprehensive and relevant discussion of the unique historical circumstances and commitments that gave rise to the development of the TAPS, and analyze their effects cumulatively with other predicted impacts resulting from the operation of the TAPS.

51-13

The DEIS also must address and evaluate the specific commitments the TAPS owners made to specific Native groups for contracting opportunities related to the construction and operation of the TAPS, and the effects caused by their failure to fulfill those commitments. In our scoping comments we raised the concern that the commitments of the TAPS owners in 1969 to provide the Chugach Natives with negotiated contracting opportunities in exchange for the relinquishment of our claims to the land on which the Valdez Marine Terminal is now situated were never meaningfully fulfilled. The failure of the TAPS owners to satisfy their express obligations undertaken to the Chugach Natives in connection with the TAPS in 1969 cannot be omitted from any meaningful discussion of the impact of TAPS on the socioeconomic condition of the Chugach Region. The BLM, consistent with its obligation to assess the cumulative effects of its decision, and consistent with the proper exercise of its discretion to review all agreements that may be relevant to the decision to renew, should undertake to review and discuss the specific commitments of the TAPS owners to Chugach, and enforce them as a precondition to renewal of the TAPS ROW.

51-14

III. The DEIS Largely Ignores Chugach's Scoping Issues

In addition to the scoping issues already mentioned above, the following issues and concerns Chugach raised in its scoping comments are not adequately addressed in the DEIS. The BLM must give further consideration to these issues in the Final EIS and in the Record of Decision.

51-15

A. Alternatives for Regulating the Operation of the TAPS

Chugach raised several issues related to the shortcomings of the current regulatory regime for the TAPS, and identified a number of different measures for further consideration in evaluating reasonable alternative means for regulating the TAPS and for mitigating the adverse effects of its operation. These measures include: increasing the level of funds required to be available for paying damages associated with the TAPS; creating a separate fund for such purposes as a condition to renewal of the TAPS ROW; allocating funds to the Regions affected by the operation of TAPS in proportion to the respective risks borne by each Region; providing meaningful economic, social, cultural, spiritual and community benefits to Alaska Natives affected by the operation of TAPS through various means set forth in the scoping comments; ensuring the prompt payment of unpaid damage claims, and developing new, improved mechanisms for resolving and compensating those who are damaged as a result of the operation of TAPS; creating the means whereby Alaska Natives may directly enforce the terms of the TAPS ROW that affect their interests and the Alaska Native Utilization Agreement (“ANUA”), such as the establishment of an Alaska Native supervisory board to monitor and enforce compliance with Section 29, and individual enforcement of Section 30 by individuals who are affected by damage to subsistence resources, and other methods of bringing the benefits accruing to Alaska Natives into proportion with the risks borne by Alaska Natives through the continued operation of the TAPS.

51-16

Of these measures, the DEIS acknowledges only a handful, which are then summarily disposed of without detailed analysis. With respect to the payment of unpaid damage claims from the *Exxon Valdez* oil spill, the DEIS states that this issue “is not reasonably related to a decision on the application for renewal of the TAPS ROW.” (DEIS Sec. 2.5). Yet, the decision to renew cannot be made without first determining that the TAPS owners are financially capable of operating, maintaining and terminating the TAPS, 30 U.S.C. §185(j), and the existence of extremely large, adjudicated, outstanding and unpaid claims for damages would seem to be relevant to a determination of financial capability. The EIS must provide a more detailed analysis and evaluation of the financial capabilities of the TAPS owners to meet their obligations under the TAPS ROW in light of these unpaid damage claims.

Regarding Chugach’s proposal to establish the means by which Alaska Natives may directly enforce the terms of the TAPS ROW and ANUA, the DEIS does not directly address this issue, but obliquely states that the parties to the ANUA are Alyeska Pipeline Service Company and the Department of the Interior. The implication of this statement, which could be applied similarly to the TAPS ROW, is that Alaska Natives are not parties to the ANUA and therefore do not have enforceable rights under it. The BLM also states

that mechanisms currently exist for compelling TAPS owners to provide aid to those impacted by the TAPS. But these responses beg the question that our proposal seeks consideration of: the development and analysis of alternative means of enforcing the terms of the TAPS ROW and ANUA. Alaska Natives do not need the BLM to tell them that they cannot presently enforce the terms of these agreements, but instead that the TAPS ROW will be renewed subject to terms and conditions that enable such enforcement.

51-16
(Cont.)

As noted throughout the DEIS, the BLM has broad authority to modify the terms and conditions of the TAPS ROW at any time when deemed necessary in the public interest. Given this broad authority, it is unclear why so many of the alternatives and issues raised in the scoping process are deemed to be outside of the BLM's decision space, with no more explanation than that a separate process would need to be undertaken in connection with the implementation of a proposed alternative, such as the development of new rule-making regulations, a separate NEPA analysis, or a separate Federal Advisory Committee Act process. Nowhere does the DEIS explain why these additional processes are necessary, and if they are necessary, why their necessity somehow precludes further consideration of an alternative. It is not self-evident that because a proposed alternative or issue might require, for instance, a separate NEPA analysis, that it is not a suitable candidate for further discussion and evaluation in this process. The BLM must explain why additional, separate processes are required to implement certain proposals, and if required, why the BLM is somehow precluded from developing or considering alternatives that incorporate those proposals. The significant public interest expressed in this process and in the issues raised would seem to be sufficient justification for the BLM's development and consideration of alternatives that address these issues.

51-17

B. Subsistence Evaluation and Protection

In our scoping comments we raised a concern as to the long-term effects of the *Exxon Valdez* oil spill on the health of the Chugach Region's people and resources, and the effects of oil development on social and cultural aspects of community life in the Region. We requested that the BLM evaluate these issues in the DEIS, including the adverse physical and psychological effects of a TAPS-related oil spill on individuals and the environment, from actual oiling to perceived toxicity in subsistence resources, to the fear of future catastrophic oil spills in the Region.

51-18

The BLM fails to adequately address these concerns in its discussion of the subsistence and economic impacts to the villages and communities in Prince William Sound in the DEIS. The DEIS acknowledges that Alaska Natives have been found in studies to have three times the stomach cancer rates of Whites, but explains that the higher incidence of eating smoked meats and fish is the likely cause, not the toxins

51-19

present in subsistence resources as a result of the *Exxon Valdez* oil spill. While it may be true that smoking foods contributes more contamination than that associated with residual oil or oil products in the same food, this only underscores the increased threat that Alaska Natives face as a result of tainted subsistence resources. It does not, as the DEIS could be read to imply, eliminate the threat posed by the toxic oiling of subsistence resources through the assignment of culpability to Alaska Natives and their traditional cultural practices.

51-19
(Cont.)

The DEIS fails to consider the cultural importance of subsistence activities to the structure of Native communities and the maintenance of their cultural heritage. The equating of subsistence values with dollar amounts, as the DEIS does, demonstrates a sterile insensitivity to and unconcern for the culturally and socially significant values that subsistence practices have for Alaska Natives, and inevitably fails to appreciate or properly evaluate the impacts of the operation of the TAPS on these important values. The BLM must discuss and evaluate subsistence activities and how they are impacted by the operation of the TAPS from the perspective of their importance to Alaska Natives, not their perceived cash value.

51-20

C. Equitable Compensation for Lands Burdened by TAPS ROW

In our scoping comments we raised the concern that the current methodology of compensating private owners whose land is burdened by the TAPS ROW does not adequately reflect or compensate for the extent to which the TAPS ROW limits the use of the burdened land. That is, the rental is based on the assumption of a non-exclusive use of the land, when in fact the maintenance of pipeline integrity and security effectively prohibits other uses of the land, especially in light of ongoing and future terrorist and security threats.

Recently, the Alyeska Pipeline Service Company ("APSC") confirmed our assessment of the situation when it proposed an amendment to a bill (HR 3148) that would allow Alaska Native veterans of the Vietnam era to apply for Native allotments. The amendment would, for security reasons, prohibit allotments from being selected from lands within 300 feet of the TAPS ROW, which would effectively increase the width of the TAPS ROW to twelve times its original size. If, as Chugach believes, APSC's proposal reflects what is considered necessary to provide for the security of the TAPS, then a corresponding adjustment in the level of compensation paid to those burdened by the TAPS ROW is appropriate. The DEIS fails to consider and evaluate alternative and more equitable methods of compensating landowners such as Chugach for the increased burden imposed by the TAPS ROW. The BLM should address this issue and explore more equitable compensation methods in the Final EIS.

51-21

D. Archaeological and Cultural Resources Evaluation and Protection

In our scoping comments we raised the concern that the effects of TAPS-related oil spills on historical and cultural resources must be considered and evaluated, including both the immediate adverse physical impacts of oiling and the impacts of oil spill personnel locating, handling, removing and mishandling those resources.

The DEIS fails to adequately consider and evaluate the impacts of the *Exxon Valdez* oil spill, and potential future oil spills on cultural resources in the Chugach Region. While the DEIS notes that the potential exists for adverse impacts to historical and cultural resources as a result of oil spills, it determines that various factors make it impossible to establish the precise nature of those impacts, including significant deficiencies and gaps in the current data. (DEIS Sec. 3.26). Nevertheless, the DEIS goes on to state that the likelihood of any spills actually impacting cultural resources is very low, and that no cumulative impacts are anticipated for cultural resources. (DEIS Sections 4.4.4.16 and 4.7.8.4).

The DEIS must address and analyze the impacts—direct, indirect, and cumulative—of the *Exxon Valdez* oil spill and potential future oil spills on the historical and cultural resources in the Chugach Region. This discussion must address the impacts of oil spill cleanup personnel and activities on such resources, and evaluate ways of mitigating the adverse impacts on cultural resources.

The BLM must also address our scoping concern that the proposed action constitutes an “undertaking” within the meaning of the National Historic Preservation Act (“NHPA”), and that a Section 106 review process should be completed in coordination with the NEPA process. The DEIS states that the Joint Pipeline Office has begun negotiations with the Alaska State Historic Preservation Officer to establish a programmatic agreement for the protection of cultural resources along the TAPS. However, the BLM must explain how this meets its present obligation to comply with the requirements of the NHPA to identify, in consultation with Alaska Natives, all eligible and potentially eligible historic properties in the vicinity of the TAPS, determine whether the proposed action constitutes the type of activity that has the potential to cause effects on those properties, and if so, to evaluate those properties, in consultation with Alaska Natives, for their historic significance.

The DEIS reports that there are 294 identified archaeological sites within a 1-mile corridor along the length of the TAPS, but only 16 of them have been evaluated for eligibility for listing on the National Register of Historic Places. (DEIS Sec. 3.26.2) The BLM should seek to obtain and evaluate, through the Section 106 review process under the NHPA, additional information concerning archaeological, historical, and cultural sites

51-22

within the vicinity of the TAPS, not only along the pipeline corridor but throughout Prince William Sound where oil spills and their cleanup pose the greatest threat of adverse impacts to cultural resources. Such information is critical to understanding and evaluating the effects of the proposed action on cultural resources.

E. TAPS Access Roads

In our scoping comments we noted that the TAPS owners' application for renewal of the TAPS ROW also requested renewal of certain access road rights-of-way on Chugach's land (BLM-designated AA-8838 and AA-9462), and that the BLM had transferred exclusive administrative authority over these access roads, including the authority to renew them, to Chugach. Although the BLM has since requested that these access roads be removed from the TAPS owners' application in light of the transfer of their administration to Chugach, the TAPS owners have failed to amend their application to delete these roads. The BLM must clarify in the Final EIS and the Record of Decision that it does not have the authority to renew these access roads.

51-23

IV. Conclusion

Chugach supports renewal of the TAPS ROW. However, the DEIS as currently written is significantly flawed and requires substantial redrafting prior to a final decision on the renewal of the TAPS ROW. The BLM must fully consider and evaluate the issues and concerns raised in the NEPA process, and develop a full range of alternatives using all available information relevant to the proposed action, which includes the voluminous scientific literature relevant to assessing the impacts of the *Exxon Valdez* oil spill on the people, communities and resources of the Chugach Region, as well as the information and views expressed in this NEPA process. Chugach's proposals in these comments for BLM action prior to, or as a component of, its decision on the renewal of the TAPS ROW, can be summarized as follows:

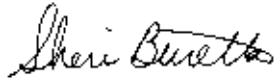
- Redefine the scope and analysis of the proposed action to include the effects of the marine transportation of oil
- Recognize and analyze oil spills as events occurring during the normal operation of the TAPS
- Attach appropriate conditions to the renewal of the TAPS ROW that will adequately protect and compensate those bearing a disproportionate share of the risks associated with the operation of the TAPS
- Analyze the cumulative impacts of past spill events and potential future increases in oil production under the renewal alternatives

- Provide a more appropriate and meaningful discussion and analysis of Alaska Natives' social, cultural and economic status and the effects of the operation and renewal of TAPS on that status
- Provide a more comprehensive and relevant discussion of the unique historical circumstances and commitments that gave rise to the development of the TAPS, and analyze their effects cumulatively with other predicted impacts resulting from the operation of the TAPS
- Review, discuss and evaluate the specific commitments of the TAPS owners to the Chugach Natives, and enforce them as a precondition to renewal of the TAPS ROW, and
- Adequately address, in the Final EIS, the issues Chugach raised in the scoping phase of this process, including:
 - Analyzing the numerous alternative proposals put forth for regulating the operation of TAPS
 - Analyzing the long-term effects of the *Exxon Valdez* oil spill on the health of the Chugach Region's people and resources, and the effects of oil development on social and cultural aspects of community life in the Region
 - Evaluating alternative and more equitable methods of compensating landowners such as Chugach for the actual burden imposed by the TAPS ROW on their lands
 - Obtaining and evaluating additional information, in compliance with the requirements of the NHPA and its implementing regulations, to fill the significant information gap that currently exists concerning cultural sites and resources along the TAPS and in the Chugach Region, and by extension the potential impacts of the proposed action on those sites and resources, and
 - Clarify in the Final EIS and the Record of Decision that BLM does not have the authority to renew the access roads the administration of which was transferred to Chugach

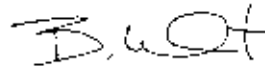
The significant public interest expressed in the renewal of the TAPS ROW and in the terms and conditions of its operation present a unique opportunity and challenge for the BLM to hear and understand what is important to Alaska Natives, Alaska communities, and other individuals and entities having an interest or stake in the renewal of the TAPS, and to evaluate the proposed action in light of these concerns in a responsible and balanced manner. That the BLM has the authority to modify the conditions of the TAPS ROW at any time matters little if the issues and concerns expressed throughout this, the most significant forum for public comment that is likely ever to occur during the life of the TAPS, are not sufficient to compel the BLM to act.

Chugach greatly appreciates the opportunity to participate in the TAPS right-of-way renewal process, and we look forward to establishing strong and productive working relationships with the Joint Pipeline Office federal and state agencies, the TAPS owners, and Alyeska as we work to resolve these important issues.

Sincerely,



Sheri Buretta,
Chairman



Burney Uhart,
President

cc: Chugach Region Village Corporations
Chugach Region Tribes
Alaska Regional Corporation CEOs
Julie Kitka, Alaska Federation of Natives

Responses for Document 00051

00051-001: 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 the 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.

The issue of financial compensation for use of Tribal lands is outside the scope of this EIS, which addresses the use of lands under the jurisdiction of the BLM.

00051-002: 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 dialogue with the Bureau of Land Management.

00051-003: Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the EIS. All scoping comments were considered in preparing the DEIS. Scoping comments are not listed and identified individually or responded to in the EIS. Comments received on the quality of the analysis in the DEIS are addressed specifically in the FEIS and may result in text changes in the FEIS, as well.

00051-004: Thank you for your comment. Please see Section 1 and Section 4.7.

00051-005: Thank you for your comment. Please see Section 1 and Section 4.7.

00051-006: Prince William Sound and the Physical Marine Environment are addressed in the FEIS in Section 4.7.6.6, under Cumulative Effects. Other aspects of marine transportation are also addressed elsewhere in the FEIS; for example, in Section 4.7.10.5, which discusses potential spills and accidents that could affect Port Valdez and Prince William Sound.

00051-007: The Executive Summary has been extensively modified to reflect changes in the FEIS. Many of these changes have been made to reflect responses to comments received by BLM from the public. The FEIS has developed an extensive analysis of spill scenarios and impact analysis of spills (Section 4.4). This section was developed in response to overwhelming comments received during public scoping clearly indicating a need for explicit analysis of oil spill scenarios. These scenarios reflect both normal operating conditions, as well as spills that could result from accidental releases.

00051-008: The text in Section 2.6 has been revised.

00051-009: Spill scenarios considered along the pipeline and at the VMT are discussed in Section 4.4.1 of the EIS. Similarly, the scenarios considered in PWS and at the North Slope are given in Section 4.76.4.10. In estimating the frequencies and spill volumes for future spills, both the historical data from past spills and the potential for catastrophic spills of large consequence were considered. As indicated in Section 4.7.4.10, the types of events that could lead to releases in PWS, similar to the Exxon Valdez oil spill (EVOS) incident in 1989, have been studied extensively. The published results from such risk assessments were used to estimate the frequencies and spill volumes from such catastrophic events.

Events such as the EVOS accident are considered rare events. Rare events, although would have a low probability of occurrence, could happen anytime. Simply because a rare event has occurred over a time span in the past, is no guarantee that it will occur again over the same time period in the future. The probabilities of rare events are estimated based on a consideration of a single or a series of smaller occurrences that lead to the final accident. The probabilities of intermediate occurrences are estimated based on historical data, engineering design specifications of the equipment involved, experience with similar industries or designs, and in some cases expert judgment, and are combined to come up with the probability of the overall event.

After the EVOS spill incident, numerous improvements have been made to reduce the likelihood and/or expected outfall from a catastrophic tanker spill. These measures include the creation of the Ship Escort Response Vessel System (SERVS) and phase-in of double-hull tankers. Double-hull tankers alone are expected to reduce spills by more than 80%. Other key spill prevention measures include provision of tanker escorts, more stringent weather constraints on tanker operations, use of ice routing measures, and mandatory alcohol testing of tanker officers.

00051-010: The EIS used generally accepted throughput estimates for the renewal period. BLM cannot legally analyze ANWR as a potential source of domestic oil production without explicit authorization by Congress. Exxon Valdez is covered in Section 4.7.

00051-011: The text in Section 3.23.7 of the EIS has been changed to reflect information provided in the comment.

00051-012: Section 3.25.1.2 has been expanded to discuss the developments leading to the Alaska Native Claims Settlement Act in greater detail. Section 4.7.8.2, in turn, has been revised to discuss cumulative impacts to sociocultural systems more thoroughly. The EIS does not explore impacts of settling Native land claims on Alaska Natives, which is beyond its scope.

00051-013: The purpose of the EIS is to evaluate anticipated impacts of a proposed action (30-year renewal of the Federal Grant of ROW for TAPS) and alternatives to that action. Included in that evaluation are presentations of background on several issues, including Alaska Native sociocultural systems (Section 3.25.1), and aspects of the current state of these systems (Sections 3.25.1.2 and 3.25.1.3). These three sections, along with the evaluation of cumulative impacts to sociocultural systems (Section 4.7.8.2), have been revised to ensure thorough coverage of the topics contained therein.

00051-014: Thank you for your comment.

00051-015: BLM has revised the DEIS to incorporate numerous suggestions received from the public during the public comment period.

00051-016: Please see the revised Section 2.5 of the FEIS.

00051-017: Please see the revised Section 2.5 of the FEIS.

- 00051-018:** Sections 4.4.4.13, 4.4.4.14, and 4.4.4.15 have been revised to more clearly state the concerns raised by this comment.
- 00051-019:** The reference to eating smoked meats and fish in Section 4.4.4.7.4 does not imply that other issues related to health and safety are not important.
- 00051-020:** The EIS estimated the monetary value of subsistence harvests in one brief subsection of the economic affected environment (Section 3.23.5), solely for the purposes of comparing this source of resources with various sources of state revenues. In contrast, the EIS examines subsistence in a number of sections and appendices devoted solely to that topic (Sections 3.24, 4.3.20, 4.4.4.14, 4.5.2.20, 4.6.2.20, and 4.7.8.1, and Appendices D and E) in which the cost value of subsistence resources is not mentioned. Sections 3.25, 4.3.21, 4.4.4.15, 4.5.2.21, 4.6.2.21, and 4.7.8.2, which discuss Alaska Native sociocultural systems, frequently mention subsistence as well, again without a discussion of the cash value of subsistence resources.
- 00051-021:** Compensation of landowners is outside the scope of the EIS.
- 00051-022:** Section 4.7.8.4 has been revised to discuss impacts to cultural resources due to the Exxon Valdez oil spill. Section 4.4.4.16 references a programmatic agreement that is in place for protecting historic properties during emergency spill responses. This agreement requires that contingency plans be in place for the entire pipeline; the APSC maintains these plans.
- The Section 106 process has been coordinated with the NEPA process in preparing this EIS (see Section 5.6 of the FEIS). A programmatic agreement is currently being developed between the BLM, the Alaska State Historic Preservation Office, and the Advisory Council on Historic Preservation to streamline the Section 106 process for addressing cultural resource concerns in the vicinity of the TAPS.
- 00051-023:** Even though the TAPS owners have included access roads AA-8838 and AA-9562 in their federal renewal application, BLM cannot and will not renew them, because BLM waived administration of the roads to Chugach Alaska Corporation in 1991.

Telephone: 19071 944 2661
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201 Arctic Slope Avenue, Suite 200
Anchorage, Alaska 99518-2000

August 19, 2002

BLM TAPS Renewal Scoping
Argonne National Laboratory
EAD/900
9700 South Cass
Argonne, IL 60439

BLM TAPS Renewal
Joint Pipeline Office
411 West 4th Avenue, Suite 2
Anchorage, AK 99501 (by hand delivery)

Petro Star Inc. ("Petro Star") thanks you for the opportunity to submit these comments on the renewal of the Trans Alaska Pipeline System ("TAPS") Right-of-Way Renewal and Draft Environmental Impact Statement. Petro Star is a wholly-owned subsidiary of Arctic Slope Regional Corporation ("ASRC"), one of the thirteen Alaska Native Regional Corporations created by the Alaska Native Claims Settlement Act to administer lands and other assets received from the United States when Congress extinguished aboriginal land claims in Alaska. ASRC is the largest private landowner on the North Slope of Alaska and has royalty interests in significant crude oil reserves on the North Slope. Petro Star operates small petroleum refineries at North Pole, Alaska, and near Valdez, Alaska. Both refineries depend on crude oil received from TAPS and have no feasible alternative crude supplies. They produce fuels primarily for consumption in Alaska, both by the civil sector and the Armed Forces.

Petro Star strongly supports renewal of the Right-of-Way Agreement for another thirty-year term. We believe that a long term is necessary to provide the regulatory stability that is necessary to encourage the development of North Slope crude oil (and possibly natural gas, if a gas pipeline route within the TAPS right-of-way is selected) reserves. Long term planning and investment seems most likely to lead to the best production decisions. While we think that it is unlikely that shorter renewal periods would lead to premature cancellation of the right-of-way, they almost certainly would lead exploration and production companies to alter their business strategies to guard against premature cancellation. This would not be in the best interest of North Slope production. In addition, we believe that the administrative burden and expense associated with more frequent renewal proceedings would be pointless and wasteful.

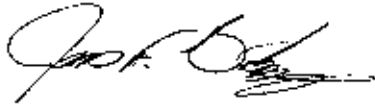
52-1

Petro Star strongly opposes the establishment of a Citizens' Advisory Group to oversee pipeline regulation. TAPS already is subject to scrutiny by a host of Alaska and federal regulatory agencies, and they are adequate to the task of regulating TAPS. We do not believe that a Citizens' Advisory Group would add any significant measure to the technical quality of TAPS regulation - all that it would do would be to inject a political element that we feel is out of place in the day-to-day operations of a crude oil pipeline.

52-2

Please contact me at the above address or telephone number, or at jfboltz@petrostar.com if you have any comments or questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Boltz", with a horizontal flourish extending to the right.

James F. Boltz
Chief Operating Office
Petro Star Inc.

Responses for Document 00052

00052-001: Thank you for your comment.

00052-002: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00053

Faxed 4:40 PM

FROM: Bob LaChaussee
 P.O. Box 146, Ester, AK 99725
 pl. (907) 479-5525
 8-20-02

TO: J.P.O. Anchorage, AK

RE: Public Comment on TAPS R.O.W. Renewal
 1-866-542-5904

Dear Sirs:

I am against the T.A.P.S. Renewal unless a Citizen's Oversight Committee is required in the permit.

I worked as a cleanup laborer in the Valdez 23 spill in January 1981. We suffered from a glaring lack of the right equipment on-site at that time.

Apparently, no improvement in the OSCP has occurred in the past twenty years, because just last September, the Livegood oil spill response was characterized by the same lack of the right equipment on-site in a timely manner.

I just looked through the current OSCP today at the library - and there is still the same lack of the right equipment north of Brooks Range.

Please call or write if you are interested in improving Alaska spill response.

Sincerely,
 Bob LaChaussee

53-1

53-2

Responses for Document 00053

- 00053-001:** The reader is referred to Section 2.5 of the FEIS, “Alternatives and Issues Considered but Eliminated from Detailed Analysis.”
- 00053-002:** The TAPS Oil Discharge Prevention and Contingency Plan (C-Plan) is updated periodically and lessons learned from actual occurrences as well as from regular exercises conducted along the pipeline are incorporated into the Plan. In addition, the Plan is reviewed annually by BLM, every three years by ADEC, and every 5 years by DOT. EPA also reviews the plan as it applies to pump stations. 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. Any information on specific spill response issues should be provided to the JPO.



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August 20, 2002

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

To Whom It May Concern:

On behalf of the Resource Development Council for Alaska, Inc. (RDC), I am writing to offer our strong support for a 30-year renewal of the Trans Alaska Pipeline System (TAPS). In addition, I would like to discourage the creation of a citizens advisory group.

RDC is a private, non-profit, trade association representing individuals and companies from Alaska's mining, timber, tourism, fisheries, and oil and gas industries. Our membership also includes business associations, labor unions, Native corporations, local governments and hundreds of individuals. Our mission is to grow Alaska's economy through the responsible development of our state's natural resources.

A 30-year renewal of TAPS will ensure continued positive economic impacts on the State of Alaska and the nation. The 13 billion barrels of oil that have flowed through TAPS since 1977 are significant to both the public and private sectors in Alaska. The pipeline supports thousands of jobs, funds state programs and services through royalties from the oil that flows through it, and provides nearly twenty percent of domestic oil supply. In addition, TAPS directly and indirectly helps fund non-profits like RDC, the Alaska Mineral and Energy Resource Education Fund (AMEREF), the United Way, and the Nature Conservancy.

The 25-year oversight and maintenance history of TAPS has proven that a 30-year renewal is appropriate. In fact, Alyeska's corrosion control program, valve maintenance program, and spill response plans are the leaders in the industry. Over twenty State and Federal agencies regulate the pipeline. The owners of the pipeline and Alyeska are committed to exploring new technologies to improve TAPS. In the past 15 years alone, the owners have invested more than \$9 billion in pipeline maintenance and upgrades, more than the original cost of the system.

54-1

54-2



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

The addition of a citizens advisory group to oversee pipeline operations is not warranted and RDC urges BLM to refrain from including such a group in the Final Environmental Impact Statement. Additional regulation resulting from the reauthorization should be supported by clearly defined benefits to safety and the environment—such an advisory group does not accomplish this and was not deemed appropriate for evaluation in the DEIS. In addition, as stated earlier, over twenty public agencies—including the joint state and federal pipeline office—exercise jurisdiction over TAPS and regularly invite public comment on their programs and requirements. RDC believes the current oversight is more than adequate and the process now in place provides sufficient opportunity for public input.

54-3

One alternative recommends a renewal period of less than 30 years. The impact of a shorter renewal period would be significant on the State of Alaska and the nation. It could threaten investment in new North Slope production and subsequently decrease throughput levels. In addition, a renewal period shorter than 30 years could reduce growth rates in population, gross state product, employment, income and tax revenues leading to increased annual state budget deficits and jeopardizing services and programs. Nationally, a renewal period shorter than 30 years would increase our reliance on imported oil, subsequently impacting our national energy security.

54-4

Finally, the DEIS addresses climate change and its possible effect on the pipeline. TAPS' design represents state-of-the-art engineering for cold climates. The design was based on protecting the permafrost from pipeline impacts and the pipeline from permafrost problems. The notion that some soil conditions may change over time is built into this design. Alyeska monitors these conditions and maintains heat protection systems. Alyeska's ongoing monitoring approach (with IPO oversight) is more than sufficient to provide adequate response time.

54-5

In conclusion, I would like to reiterate RDC's strong support for a 30-year renewal of the Trans Alaska Pipeline System.

54-6

Thank you for the opportunity to comment.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.

Jason W. Brune
Projects/AMEREF Coordinator

Responses for Document 00054

- 00054-001:** Thank you for your comment.
- 00054-002:** Thank you for your comment.
- 00054-003:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00054-004:** Thank you for your comment.
- 00054-005:** Natural factors such as climate strongly influenced the original design basis for the pipeline and are addressed at some length in the Stipulations to the original Grant. Just as circumstantial factors presented an initial engineering challenge, changes to those factors may also represent significant challenges. APSC's monitoring and surveillance responsibilities under the Grant as well as JPO's oversight activities are designed to track changes to ambient conditions (whether they be natural or man-made), evaluate their potential impact to pipeline integrity, and initiate the appropriate changes to engineered systems or operating procedures to prevent adverse consequences to public health and safety or the environment.
- 00054-006:** Thank you for your comment.

