



August 20, 2002

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

Dear Sirs:

This letter accompanies seven (7) pages of comments and statements for editing the DEIS as it relates to the TAPS ROW Renewal. A committee composed of Tribal members from each of the merged Villages in Ahtna contributed to the review and comments. We would like each of these addressed and referenced or answered. This committee and our Corporation have reviewed and concur with the comments and statements made by the Alaska Federation of Natives (AFN). We feel very strongly that the success of this renewal is at stake with the accuracy of this document. Please contact Michelle Bayless with any further questions or for clarification. Thank you in advance for your attention to the details.

Respectfully submitted on behalf of:

Native Village of Cantwell  
Cheesh'Na Tribal Council  
Chitna Village Council  
Native Village of Kluti-Kaah  
Gakona Village Council  
Gulkana Village Council  
Mentasta Traditional Council  
Tazlina Village Council

P.O. Box 649 • Glennallen, Alaska 99588 • Mile 115 Richardson Hwy.  
Phone: (907) 822-3476 • Fax: (907) 822-3495



August 20, 2002

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

**To Whom It May Concern:**

The Ahtna Village ROW Committee submits these comments on behalf of the eight (8) Federally Recognized Tribes within the Ahtna Region. These are the sections we have identified to date. There are some comments that relate specifically to an inadequacy in a specific section in the DEIS that follow after general topics.

**Census**

It has come to our attention that the census figures from 2000 are to be implemented into the final DEIS, without affording Tribes the opportunity to comment on a vital part of the DEIS. We need to be able to review and comment on any changes to the numbers listed in the DEIS released July 8 2002, regardless of deadlines. If it is new information to be implemented we deserve a comment period.

63-1

**Subsistence**

1. Section 4.7.4.9.3 needs a breakdown of the number of the hunters, sports fishermen, etc.
2. Future research studies need to be done with the Tribes used as reference.
3. There should be continuous subsistence data collection and analysis through out the life of the Right Of Way Agreement. Currently decisions affecting subsistence are based on 20 yr old data.
4. New subsistence research should have been contracted with the Tribes in Alaska to prepare a subsistence report for the DEIS.

63-2

63-3

63-4

63-5

P.O. Box 649 • Glennallen, Alaska 99588 • Mile 115 Richardson Hwy.  
Phone: (907) 822-3476 • Fax: (907) 822-3495

1

- |  |       |
|--|-------|
| 5. In 4.3.3 Seismicity, it states that the "pipeline was not designed to withstand a landslide". There must be immediate measures in place to respond to a catastrophe of this nature. Trained and ready emergency response teams must be in place for natural disasters and manmade disasters.  | 63-6  |
| 6. Alyeska Pipeline Service Company needs to have a biologist or a biology department to begin baseline subsistence studies as they are out of compliance with Section 30. Alyeska should fund these studies and they should encompass the entire ecosystem survey up river, not just the Copper River and down.   | 63-7  |
| 7. Section: Figure 3.24-6 No Caribou referenced.   | 63-8  |
| 8. Elders should be interviewed, and those interviews credited as accurate oral reports for historical use and subsistence areas.  | 63-9  |
| 9. Low income facts are very inaccurate, affecting the subsistence counts.   | 63-10 |
| 10. Subsistence Impacts of an oil spill in the Gulkana, Tazlina, Klutina and Tonsina, tributaries of the Copper River, would be devastating to the freshwater fish, marine fish, fresh water, marine water, and plants in the Copper River and Prince William Sound. Trained and ready emergency response teams need to be in place for such an emergency as well as other man-made and natural disasters.   | 63-11 |
| 11. Data collection should be done in cooperation with the Tribes.   | 63-12 |
| 12. Subsistence not adequately addressed because studies dated 1987 to 1996, done by AK Fish and Game, with out discrimination of Natives and Non Natives. This is crucial to demonstrating a way of life of the Ahtna people affected by TAPS.  | 63-13 |
| 13. The impact of the pipeline era (1970s) on the subsistence users of the Copper Basin have eroded the subsistence lifestyle of the people: due to the impact of the increased use of the land and resources, since the 1970s by people either moving to the area – due to pipeline related work; and the increased use of lands and resources by urban areas, which is due in part to the increased overall population of the State since the 1970s or pipeline era.       | 63-14 |
| 14. The Executive summary states that loss of revenue is the most significant impact of a spill E.S. 6.1.2. In the Copper River Basin the most significant impact would be <i>subsistence</i> .  | 63-15 |
| 15. There has never been a Traditional Ecological Knowledge Research study in the Copper Basin either before or since the pipeline has been in operation. The Ahtna Elders have vital information about the changes in the environment, fish and wildlife, birds and plants that are known and should be documented because it is the most impacted area. The report states that there have been Traditional Ecological Knowledge Research studies done elsewhere in Alaska. | 63-16 |
| 16. The contaminants caused by the Oil Spill in 1989 have never been fully researched and studied to reveal what damage has been done to the fish, plants, birds, and wildlife, etc. The food web and food chain from Prince William Sound up to the headwaters of the Copper River have   | 63-17 |

- been affected by the oil spill. Research study needs to be done on the contaminants of the effects of the oil spill on fish, birds, wildlife and plants, etc. In Section 4.4-9B, it states that "there are several gaps in the toxicological database that result in uncertainties in the assessment results" and that only "15 PAHs were included in the quantification of included on 15 PAHs, although crude oil contains 100 different PAHs," which implies that research studies on toxic level of PAHs were not fully conducted. Funds for research need to be set aside for research studies if a man made or natural disasters occur. 63-17 (cont.)
17. In Section 3.24 it essentially states, "That available data of impacts to subsistence are inadequate". Research studies of impacts caused by the pipeline, related activities of pipeline maintenance, and increased use of land and resources need to be researched and studies need to be conducted with the tribes on impacts of the pipeline on subsistence use. 63-18
18. The renewal should be 15 years or less. The oil may not last for the next 30 years. The pipeline has been in operation since June 1977. It needs to be maintained and repaired for leaks, cracks, etc. The impact to subsistence would less, if less than 30-year renewal lease would be implemented. 63-19
19. The Copper Basin communities need to be compensated, if a man-made or natural disaster causes disruption to their ability to have their subsistence needs met through monetary payment. The monetary settlement should be compensated at a comparable value to the statewide subsistence value as stated in the Alaska Dept. of Fish & Game report. 63-20
20. Access to Subsistence Resources should be allowed to the Ahtna Natives. The pipeline crosses some fishing and hunting areas that are not accessible to the Ahtna People. Cooperative Agreement should be made with the tribes to allow for access across the pipeline corridor. 63-21

### Representation

1. There should be a Tribal representative at JPO, because Ahtna people own 55 miles of the pipeline right of way. JPO does not understand subsistence and cultural values and JPO makes decisions that affect subsistence without consulting or understanding them. 63-22
2. The JPO agencies would continue to use risk-based approach to overseeing applications, whereas the familiarity of culture, historic uses, subsistence patterns and changes, and other terrain knowledge needs to be inserted in the risk-based method of thinking to estimate the true impacts of possible events. For example, an oil spill that reached the Copper River impacts the spawning habits of salmon at Batzulnetas on Tanada Creek, which is the main source of subsistence fishing for Mentasta residents. 63-23
3. There is still a need for Tribal participation on the Joint Pipeline Office and a "Tribal" draft Environmental Impact Statement should be considered. 63-24

Since the Native land interests are at risk and need protection. Native oversight should be required.

63-24  
(cont.)

#### **Oil Spill Contingency**

1. "Oil spill response planning is a separate process" is quoted from the executive summary. Oil spill response should be a part of the EIS and the grant. The ability to respond should be required before the grant is renewed. 63-25
2. Oil spill plan should be a part of the ROW agreement, local response teams trained and tested. 63-26
3. Containment sites have no land access as it is right now. There would be no way of getting to an oil spill with the type of equipment needed for containment. 63-27
4. No adequately tested oil spill contingency plan. Not ever physically tested successfully. They have never been able to successfully boom any of the four major rivers. 63-28
5. No equipment for oil spill on site. It would take hours to get to it up here. Weather would impede this also, not planned for and not noted. For your information, it would take approximately 57 minutes for oil from the Tazlina suspension bridge to get to the Copper River. What measures are in place for this kind of timeline? They need to be addressed in the DEIS. 63-29
6. As the pipeline ages, there should be more time working on oil spill contingencies and practices not less. 63-30
7. Not adequately trained local personnel and not enough of them to operate any plan to date. 63-31
8. There needs to be locally equipped and trained Certified Spill Response Teams. The teams need to be state and federally certified. APSC needs to be state and federally certified- APSC needs to provide the training and funding for this certification. 63-32
9. Supplies and equipment need to be placed and stationed at all sensitive sites, all moving bodies of water should be considered sensitive sights. 63-33

#### **Authority**

1. The BLM did not have the authority to convey lands, nor do they have the authority to renew conveyance of lands, or continue to administer it. 63-34

#### **Native Hire**

1. The 20 percent hiring goal should be based on payroll not hours. 63-35
2. The average Native hire for the last 30 years needs to be brought up to 20% APSC is out of compliance with sections 29 and 30. 63-36

#### **Little or no return of funds to the Copper Valley for crossing and restricting lands**

1. Because the Copper River Basin is in the unorganized borough the residents do not collect the taxes on TAPS. The state collects the taxes, 63-37

however, the funds are not returned to the Copper River Basin. Except through limited school funding, and a small detachment of State Troopers.	63-37 (cont.)
2. There should be consideration for reimbursing the expenses incurred in defense of subsistence and land rights during the establishment and continued use of right-of-way, including legal and consulting expenses and issues associated with trespass enforcement.	63-38
3. Mentorship and job shadow programs through contractors and TAPS need to be implemented. We have been told there is no money for it, and this needs to be addressed as part of the Socio Economic section.	63-39
4. Only petroleum based job training or scholarships are available, and there is no provision for less than 12 credit hour students.	63-40
5. The DEIS discusses State and Local expenditures (3, 23.3.5 3/4) but fails to consider the fact that the Glennallen area does not tax the pipeline and there is an impact in the level monies available for community programs and education spending in its surrounding communities. The level of expenditures per capita will only decrease and the Tribal Governments will again, unfairly assume many responsibilities.	63-41
 <b>Little time to respond</b>	
1. The release of the DEIS coincided with the busiest time of the year for Natives in this area, as we are putting up necessary foods and culturally preserving and preparing them. This makes it extremely difficult to gather individuals from the different Villages to review. This is something ignored by all responsible individuals at the Department of Interior. Several letters were sent, emails and comments made with this point emphasis	63-42
 <b>Environmental justice and the lack of consultation</b>	
1. Section 4.3.9.7 Environmental Justice: The entire Argonne project should have been contracted out to or at least consulted with Native Corporations and Villages on the selection of a firm to develop the DEIS. This is a major federal action that affects Tribes and executive order demands Government to Government consultation. There was no Government to Government relationship maintained here.	63-43
 <b>Access</b>	
1. Tribes and Tribal members must apply to a non local person (Pete Naggel) in Anchorage to get a letter of non objection for access to Village and corporate lands including the Native allotments.	63-44
2. There is a false sense of security, how they lock up some areas but others are left completely unprotected, except for a weekly helicopter flight.	63-45
3. Residents can't access their lands. They are often locked in or out of their property by security.	63-46
4. More funding needed for surveillance in heavy areas, to control unauthorized trespass during hunting season and in heavily impacted areas like the Ahtna Region.	63-47

- 5. There is a lack of active security. Areas where the Electronic control to the RGV's need attention so that it functions like it is supposed to. 63-48
- 6. There is not access to all roads in the winter, including access to the containment areas. This would make it very difficult to respond in an emergency, which means, until there is adequate clearing of roads for 4x4 accesses there needs to be a helicopter on standby to shut off a valve. Helicopters may not be foolproof though because they can't fly in extreme weather. 63-49

**Special Section Comments**

- 1. Section 3.3.1.8 and .9 need to list all of the special projects that they had to fund to keep the safety and security standards of Alyeska Pipeline Service Company to date. 63-50
- 2. Section 3.7.1.5 summarizes the rivers in this region too much. These rivers are very different, from the silt content, glacier waters, temperatures, amounts of drop from the surface to bottom. These rivers need to be separate entities, not tied together on paper or in practice. All of the flow rates need to be addressed as well. 63-51
- 3. Section 3.18.1.3 there is no facts on Spruce Bark Beetle infestation, the general forest health since 1970, there is no ties to forest fire protection and beetle infestation. 63-52
- 4. Section 4-4 of the Executive Order 12989 identifies subsistence issues as a particular concern. Other effects discussed by EPA guidelines in particular impact areas including ecological, human health and socioeconomic analysis. Some impacts we face as tribal governments include being tasked with (and under-funded for) the disproportionately high and negative impacts to our lands and their ecosystems, not to mention the socio-cultural and socio-economic impacts that accompany. 63-53
- 5. Executive Order 12898 (59 FR 7629) directs agencies to include environmental justice considerations as part of their missions, addressing the disproportionately high and adverse human health or environmental effects of their actions, programs or policies on minority and low-income populations. Many communities should have received economic benefits that include improved education facilities, economic development, socio-cultural awareness, etc. But with decline in Federal and State funding, the quest for improvement becomes increasingly difficult as we compete for the limited and declining resources. Tribes, with fewer resources, bear a disproportionate share of negative environmental consequences. 63-54
- 6. Section 3.24 discusses subsistence as "difficult to estimate relative impact of subsistence harvests because consumption and exchange of subsistence products do not occur in the marketplace". This shows the need for further study. 63-55
- 7. Subsistence is discussed in Section 3.24 in figures, techniques, reasons and a brief discussion of harvest patterns, with old and inaccurate data. It is apparent that the study still does not grasp the full impact of subsistence. A history has been provided, but there does not seem to be 63-56

- |  |                          |
|--|--------------------------|
| <p>an understanding of the true impact of a spill, for example, would have an impact on more than one river. A failure to protect our Tribal member's historical subsistence use and livelihood in this area and along the entire Copper River puts at risk a catastrophe that cannot be measured in dollars.</p>  | <p>63-56<br/>(cont.)</p> |
| <p>8. BLM is authorized to fund any study it finds necessary in the course of its monitoring of TAPS and can oblige TAPS owners to fund studies, so a study on Tribal impacts on Alaska's Native population.</p>   | <p>63-57</p>             |
| <p>9. The census figures used in the EIS were from 1990, and reflect "minority" Natives and not any other ethnic or minority group, an updated census needs to be analyzed for Native benefit. The 20% Native hire figure by 2004 has not been met, and an adjustment for education and training was not the original intent of the figure agreed upon. Much has changed since the 1990 census figures that were used and old figures only present gross inaccuracies.</p> | <p>63-58</p>             |
| <p>10. The DEIS did not address trespass concerns and land use issues in and around Native lands.</p>  | <p>63-59</p>             |
| <p>11. The DEIS suggests that socio-cultural impacts would be negative but small, but the continued fragmentation of rural Alaska Natives and non-Native socio-cultural conditions is important and needs further study</p>  | <p>63-60</p>             |
| <p>12. Since the DEIS was not received by the tribes in a timely manner, we can only continue to encourage the agencies to provide a "sufficient opportunity for productive participation". We expect to submit further comments as this lengthy document is reviewed further regardless of existing deadlines.</p>  | <p>63-61</p>             |
| <p>13. No base line studies ever taken before Pipeline influence for Subsistence or socio-economic facts.</p>  | <p>63-62</p>             |
| <p>14. There has been 27 court cases over land use, access, bison hunts and this has never been supplemented or been a reimbursed cost. This is a vast expenditure, taking a large toll on the Ahtna Villages and Corporation.</p>   | <p>63-63</p>             |
| <p>15. Congress funds BLM for all TAPS issues. BLM can charge back anything related to pipeline issues. BLM can fund any legitimate study related to the Pipeline. These studies should be considered requested with the filing of these statements.</p>   | <p>63-64</p>             |

This concludes comments by the Right of Way Committee of Ahtna Incorporated and it's corresponding Villages.

## Responses for Document 00063

- 00063-001:** The new census data have been incorporated to define the distribution of low-income populations by census block-group, as part of the environmental justice analysis. However, the use of these data do not change the environmental justice conclusions. As discussed in Sections 4.3.25, 4.4.4.19, 4.5.2.25, and 4.7.8.7, for most alternatives considered in the EIS, and all but the most unlikely spill scenarios, high and adverse impacts (the preconditions for environmental justice impacts) are not anticipated. For the No Action alternative, high and adverse economic impacts still would be expected in the form of reduced state and local (where appropriate) tax revenues and consequent reductions in services.
- 00063-002:** The numbers of hunting, fishing, and trapping licenses sold has been added to Section 4.7.4.9.3.
- 00063-003:** The DEIS sections on subsistence received many critical public comments and, as a result, have received substantial revision. A small number of additional sources were identified, including the map of Cordova subsistence areas, and North Slope studies of impacts on subsistence economies from oil development. Previous sources were considered more closely, as when time-series data were derived from the ADF&G Division of Subsistence studies, and harvest permit data were disaggregated to distinguish patterns of rural and nonrural residents. The contribution of Tribal members in existing research and the value of Tribal partners as co-investigators in future subsistence research are acknowledged. However, with additional analysis of existing data, the EIS was able to draw reasonable conclusions about impacts on subsistence.
- 00063-004:** As the comment observes, many of the baseline community studies reviewed for the EIS date to the 1980s. However, more recent community study data is available for many communities, particularly on the North Slope and those affected by the Exxon Valdez oil spill (See Table D-1). For all affected communities, harvest ticket and subsistence salmon harvest data are also collected on a routine annual basis, and these data have been examined for trends.
- With additional analysis of this data, the EIS draws reasonable conclusions, on the basis of existing information.
- 00063-005:** The revised version of Section 3.24 of the FEIS discusses a variety of subsistence data, including community harvest data, approximated subsistence harvests of selected game by geographic area, and information on resource populations (see also Sections 3.19, 3.20, 3.21, and 3.22). Sections 4.3.20 and 4.7.8.1 refer to studies that have focused on impacts related to the oil industry on subsistence, thus providing an interpretation of key situational data on subsistence. The available data are adequate for purposes of evaluating impacts of the proposed action and all alternatives considered in this EIS. The acquisition of additional subsistence data, and how these data would be collected, are beyond the scope of this EIS.
- 00063-006:** As part of the oil spill planning process, risks of pipeline spills are analyzed line wide. Factors considered in the analysis include vulnerability of TAPS to landslides and seismic events. Many of the elements suggested in the comment are required by Alaska regulations.
- 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 for reference) provides for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline. See Section 4.1.4.1 for an expanded discussion of the pipeline spill contingency plan.

**00063-007:** Concern about the adequacy of subsistence data led to an expanded analysis of existing data in the FEIS. As a result, conclusions about impacts of renewing the TAPS right-of-way have been drawn on the basis of existing information.

Detailed procedures for claims under Section 30 are beyond the scope of the EIS.

The reader is also referred to Section 2.5.

**00063-008:** This response assumes that the comment means Figure 3.24-2 of the DEIS, as Figure 3.24-6 does not exist in the DEIS. Figure 3.24-2 in the DEIS did not show caribou harvest as at the time of DEIS preparation, caribou data were maintained by herd, as opposed to by geographic unit where harvested (as discussed in the DEIS). For the FEIS, data on caribou harvest by geographic unit became available and are shown in Figure 3.24-29 (where an approximated distinction between sport harvest and subsistence harvest also is shown).

**00063-009:** The revised version of Section 3.24 of the FEIS discusses a variety of subsistence data, including community harvest data, approximated subsistence harvests of selected game by geographic area, information on resource populations (see also Sections 3.19, 3.20, 3.21, and 3.22), and traditional ecological knowledge. Sections 4.3.20 and 4.7.8.1 refer to studies that have focused on impacts related to the oil industry on subsistence, thus providing an interpretation of key situational data on subsistence. The available data are adequate for purposes of evaluating impacts of the proposed action and all alternatives considered in this EIS. The acquisition of additional subsistence data, and how these data would be collected, are beyond the scope of this EIS.

**00063-010:** The EIS defines subsistence based on rural residence, which is consistent with current federal guidelines for Alaska. Subsistence (including its analysis) is not contingent on low-income determinations. Low-income data for areas (census block groups) near the TAPS are those from the 1990 census, as data for these geographic units had not been released for the 2000 census when the DEIS was prepared. As noted in Section 3.29, low-income data have been updated to the 2000 data for the final EIS.

**00063-011:** APSC's oil spill response capabilities and plans for the TAPS are summarized in Section 4.1.4 of the EIS and explained in detail in APSC's "TAPS Oil Discharge Prevention and Contingency Plan" for the pipeline and in "Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan" for the Valdez Marine Terminal. The plans are available to the public at various libraries in several major cities in Alaska. Oil spill prevention and response capabilities and related activities specific to the Copper River drainage area are discussed more fully in a text box that has been added to Section 4.4.4.3.

**00063-012:** The revised version of Section 3.24 of the FEIS discusses a variety of subsistence data, including community harvest data, approximated subsistence harvests of selected game by geographic area, information on resource populations (see also Sections 3.19, 3.20, 3.21, and 3.22), and traditional ecological knowledge. Sections 4.3.20 and 4.7.8.1 refer to studies that have focused on impacts related to the oil industry on subsistence, thus providing an interpretation of key situational data on subsistence. The available data are adequate for purposes of evaluating impacts of the proposed action and all alternatives considered in this EIS. The acquisition of additional subsistence data, and how these data would be collected, are beyond the scope of this EIS.

**00063-013:** This EIS is a federal document, and as such it was decided to use the federal definition of subsistence. The main criterion is rural residence, not ethnicity, and thus the subsistence analysis does not discriminate between Natives and non-Natives.

- 00063-014:** Available statistical data or subsistence in the TAPS ROW are rare prior to 1980. Section 3.24 has been revised and restructured to focus on Copper River rural community subsistence patterns, and Section 4.3.20 has been expanded to examine potential impacts of the TAPS (including a discussion of subsistence management steps that have been necessary in the Copper River Valley). The EIS acknowledges the presence of subsistence impacts, but notes that the cause of these impacts are not necessarily the TAPS.
- 00063-015:** The Executive Summary has been revised, including its treatment of the Copper River.
- 00063-016:** It is unclear from the analysis presented in the EIS that the Copper River area is the “most [highly] impacted area,” although there certainly have been considerable impacts on subsistence in the area (not necessarily due to the TAPS), however). (See Section 3.24.2.3 in the reorganized Section 3.24 of the FEIS.) Traditional ecological knowledge is available from this area, and is cited in the EIS (see Section 3.24.2), but has not been obtained from a single, systematic study of the topic. In April 2002, EIS personnel contacted the 21 directly affected villages/tribes by certified mail to explore the acquisition of additional information, including traditional ecological knowledge (with an explicit focus on subsistence). Among the villages contacted were Chitina, Copper Center, Gakona, Gulkana, Tazlina, and Tonsina, all in the Copper River Basin. To date, no response to those letters has been received.
- 00063-017:** Discussions on the impacts of oil spills on ecological resources are presented in Sections 4.4.4.9 through 4.4.4.12, 4.7.7.2.4, and 4.7.7.3.5. Additional information about the fate and effects of aqueous phase oil has been added to the discussion of impacts from spilled oil in Section 4.4.4.10. Discussion of observed and potential effects of oil on infaunal and epifaunal invertebrates has also been added to Section 4.4.4.10. The PAH accumulation was detected in mussels used to monitor water quality in Port Valdez as part of a PWS RCAC-sponsored monitoring program (Salazar et al. 2002). In that study, it was found that all measured concentrations of PAHs in water and estimated on the basis of bioaccumulation in mussel tissues indicated that the concentrations of PAHs in Port Valdez waters are in the low parts-per-trillion range. These concentrations are well below the levels that have been associated with adverse effects in herring and salmon embryos (Salazar et al. 2002). In addition, Salazar et al. (2002) did not detect reductions in overall growth of caged mussels that could be attributed to PAH burdens.
- The Exxon Valdez Oil Spill Trustee Council was established to oversee the restoration of resources impacted by the Exxon Valdez oil spill. The Trustee Council's focus is on ecosystem studies and modeling. This includes the Gulf of Alaska Ecosystem Monitoring and Research program. The Trustee Council is also involved in purchasing lands for habitat protection throughout the Gulf of Alaska region. The need for development of additional toxicity data for individual PAH compounds (e.g., condensed thiophenes) and for PAH mixtures may be addressed by the Council. In the EIS human health impacts assessment, the uncertainties regarding PAH toxicity were compensated for by using conservative assumptions on the concentrations in edible tissues and the length of exposure. Also, toxicity equivalency factors were used that estimated high levels of toxicity of individual PAHs relative to benzo[a]pyrene.
- 00063-018:** The DEIS sections on subsistence received many critical public comments, and as a result, have received substantial revision. A small number of additional sources were identified, including the map of Cordova subsistence use areas and North Slope studies of impacts on subsistence economies from oil development. Previous sources were considered more closely, as when time-series data were derived from the ADFG Division of Subsistence studies, and harvest permit data were broken down further to distinguish patterns of rural and non-rural residents. The contribution of Tribal members in existing research, and the value of Tribal partners as co-investigators in future subsistence research is acknowledged. However, with additional analysis of this data, the EIS draws reasonable conclusions, on the basis of existing information.

**00063-019:** The BLM and member agencies of the JPO are committed to ongoing evaluations of TAPS operations and maintenance. Please see Section 4.1.1 of the FEIS for further information on oversight activities. The reader is also referred to Section 2.5 for information on audits.

The BLM recognizes that there may be interactions between the TAPS and subsistence resources. The BLM also notes that current information does not show a relationship between TAPS and subsistence impacts. The BLM and State of Alaska within JPO are currently working with industry and others to develop a science-based approach to determine how TAPS and subsistence resources interact.

**00063-020:** Section 30 of the Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline concerns compensation to subsistence users from a loss of subsistence resources due to the TAPS. Loss of subsistence resources due to other causes (that is, causes unrelated to the TAPS) is beyond the scope of issues covered in this EIS.

**00063-021:** The EIS recognizes that restricted access to subsistence areas is an adverse impact on subsistence, as noted in Sections 4.3.20 and 4.7.8.1. However, it also notes in those same sections that the areas where access is denied are extremely small compared to the traditional subsistence harvest areas (presented in Map 3.24-1 and in greater detail in maps found in Appendix D). Changes to restricted areas are beyond the scope of this EIS, unless such changes would be deemed necessary to mitigate large, negative impacts (which they were not). Similarly, agreements pursuant to such changes are beyond the scope of this EIS.

**00063-022:** The Joint Pipeline Office currently has a position open for an Alaska Native liaison.

**00063-023:** The FEIS contains information on spill planning, response, and mitigation for the Copper River Drainage (see the text box in Section 4.4.4.3).

**00063-024:** The Joint Pipeline Office currently has a position open for an Alaska Native liaison. The social/cultural sections of the EIS specifically address Alaska Native issues, including impacts to Tribal organizations associated with proposed renewal of the TAPS right-of-way.

**00063-025:** The text has been changed to note that the FEIS contains a detailed analysis of various spill scenarios.

The operational history of TAPS, maintenance activities, spill response capabilities, and the potential for spills associated with TAPS were considered in the analysis. Impacts associated with potential spills are discussed in Section 4.4 of the EIS.

Spill response planning is a distinct activity that is conducted separately from the NEPA process.

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

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

The TAPS Oil Discharge Prevention and Contingency Plan for the pipeline (C-Plan), prepared by APSC (2001g—see Section 3.30 of the FEIS for the reference), provides for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline, including at river crossings.

The 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 C-Plan. In addition, the C-Plan is reviewed annually by BLM, every three years by ADEC, and every five 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 and personnel are made available along the TAPS.

**00063-026:** Thank you for your comment.

**00063-027:** There are approximately 284 secondary roads (from 120 feet to 7.5 miles long) linking state roads with the pipeline, pump stations, material sites, disposal sites, and airfields associated with TAPS operations. These roads are available for land access for oil spill containment purposes.

The type of equipment and method by which the equipment is to be transported to an individual spill location is detailed in the various volumes of the TAPS Pipeline Oil Discharge Prevention and Contingency Plan, prepared by the APSC (2001g—see Section 3.30 of the FEIS for the reference).

**00063-028:** The EIS recognizes that spills that end up in the large rivers or fast-moving rivers/streams would not be easily contained and clean-up would be difficult (Section 4.4.4.3). The comment is accurate for certain highly unlikely spills. This does not reduce the need for spill response, but highlights that some scenarios are worse than others.

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

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

The TAPS Oil Discharge Prevention and Contingency Plan for the pipeline (C-Plan), prepared by APSC (2001g—see Section 3.30 of the FEIS for the reference), provides for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline, including at river crossings.

The 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 C-Plan. In addition, the C-Plan is reviewed annually by BLM, every three years by ADEC, and every five 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 and personnel are made available along the TAPS.

Response crews and equipment for initial deployment are stationed at Pump Station 9, Glennallen, Pump Station 12, and Valdez. The entire region crossed by the pipeline has been characterized with respect to the potential flow of spilled oil. Appropriate containment tactics are described in the C-Plan with site-specific descriptions for each identified containment site. For example, the Region 5 plan, which contains all contingency areas that could affect the Copper River, lists 12 contingency areas and 38 segment areas. Each of these 38 segment areas lists priority control actions and specific containment instructions. Each regional plan includes tables detailing materials and equipment available for oil spill response at all stations and containment sites.

The reader is also referred to the text box in Section 4.4.4.3 where spill planning, response, and mitigation for the Copper River Drainage are discussed.

Please note that AHTNA Incorporated is the primary spill contractor at PS 11 (See Section 4.4.4.3).

**00063-029:** Oil spill equipment are primarily located at the various pump stations along the TAPS. A list of available oil spill equipment is provided in Table 3.1 of the "Trans-Alaska Pipeline System Pipeline Oil Discharge Prevention and Contingency Plan, CP-35-1 GP," (C-Plan), prepared by the APSC and is summarized in Table 3.1-6 in the EIS.

The first responders who arrive at an oil spill site would most likely be from the closest pump station or APSC facility (Fairbanks or Valdez). The time required to move heavy equipment under various weather conditions is provided in Tables 1.10 to 1.12 of the C-Plan. The equipment required for a postulated oil spill is listed in the various sections of the C-Plan.

The estimated response times for various spill locations considered in the EIS are provided in Table 4.4-13 of the EIS. Oil spill prevention and response capabilities and related activities specific to the Copper River drainage area are discussed more fully in a text box that has been added to Section 4.4.4.3.

**00063-030:** The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

The Trans-Alaska Pipeline System Pipeline Oil Discharge Prevention and Contingency Plan, CP-35-1 GP, prepared in 2001 by the Alyeska Pipeline Service Company (C-plan) provides full disclosure of spill planning, reporting, and response. The C-Plan is approved by the member agencies of JPO.

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.

Similarly, other incidents (such as, those mentioned in the comment) have resulted in modifications to the manner in which TAPS is operated. In order to be more proactive, the BLM and member agencies of JPO in close 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 on-going 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.

**00063-031:** Ahtna Construction & Primary Products Corporation is a primary response action contractor for APSC. The team is comprised of six personnel based at the Glennallen Pump Station 11 area. The crew is a combination of teamsters, operators, and laborers. Ahtna is required by contract to provide a minimum three-person response team capability on a 24-hour-per-day/7-days-per-week basis. The team will be mobilized at Pump Station 11 and be prepared for deployment within 3 hours of notification.

TCC is a primary response action contractor for APSC, based at Valdez, Alaska. TCC works as part of the SERVS Initial Response Team. The team is comprised of eight personnel, made up of a combination of SERVS and TCC personnel, who are available on a 24-hour-per-day basis.

Houston Joint Venture is APSC's pipeline maintenance contractor, providing vehicle maintenance, pipeline facilities maintenance, and baseline crew staffing. All pipeline facilities and vehicle maintenance assigned personnel have collateral oil spill response duties and are available at various locations from Pump Station 1 to Valdez. Baseline crew members are assigned primary oil spill response duties and are available at Pump Stations 1, 3, 4, 5, 6, 7, 9, and 12.

Also, APSC has contracts with three local boat handlers for local knowledge of operations on area rivers and to augment responses by providing expanded logistics support. The reader is also referred to Section 4.4.4.3, to the text box on the Copper River Drainage. The section describes the oil spill planning and mitigation measures in place to protect this important resource.

**00063-032:** The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

The TAPS Oil Discharge Prevention and Contingency Plan for the pipeline (C-plan), prepared by APSC (2001g—see Section 3.30 of the FEIS for the reference), provides for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline. Some of the oil spill response crews reside in local villages along the pipeline.

The 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 C-Plan. In addition, the C-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 and personnel are made available along the TAPS. However, recommending specific methods for mitigating future oil spills should be done as part of the C-plan review.

**00063-033:** The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

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.

Similarly, other incidents (such as, those mentioned in the comment) have resulted in modifications to the manner in which TAPS is operated. In order to be more proactive, the BLM and member agencies of JPO in close 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 on-going 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.

**00063-034:** The BLM believes that it had and has all of the authority required for granting use of the right-of-way. Access, land use, and trespass issues related to Native lands, including those owned by the Ahtna Corporation, are addressed in Section 4.3.23.1, "Land Use."

**00063-035:** Thank you for your comment.

**00063-036:** Section 29 is a specific provision in the Federal Grant of Right-of-Way for the TAPS that addresses aspects of Alaska Native employment on the TAPS (APSC and contractor employment). The need for this provision arose in the early 1970s in conjunction with the settlement of Alaska Native land claims and the construction of the TAPS.

Section 29 of the Federal Grant requires four things of the permittees:

- 1) An agreement with the Secretary regarding recruitment, testing, training, placement, employment, and job counseling of Alaska Natives;
- 2) A training program for Alaska Natives designed to qualify them for initial employment and later advancement;
- 3) Try to secure employment of successful trainees and report to the BLM's Authorized Officer regarding discharge of Alaska Natives; and
- 4) Furnish required information about Alaska Native employment to the Authorized Officer.

The agreement referred to above is known as the "Alaska Native Utilization Agreement" (ANUA) and was first executed in 1974 and more recently updated on a triennial basis, starting in 1995. The most recent agreement was signed in 2001. The agreement provides the basis for implementing the requirements of Section 29. BLM has a Native Liaison Officer whose responsibilities include close oversight of the Section 29 program at APSC. Any shortcomings or other agreement goals not being met are highlighted for special attention. As is the case for any other provision of the Federal Grant, the BLM can enforce this provision by requiring permittees to take actions to remedy any deficiencies noted.

APSC has had a good track record since 1995 of achieving continually rising employment goals spelled out in the ANUA. To provide assurances that these percentage gains won't be lost in the longer term, BLM has engaged APSC in negotiations that will lead to a written mechanism or procedure within the upcoming ANUA (2004) to rapidly address any slippage (Action 4.8.4).

**00063-037:** Text has been added to the EIS in Sections 4.3.19.1.2 and 4.6.2.19.1 providing additional information on the assumptions used for the analysis of state and local government finances.

**00063-038:** Thank you for your comment.

**00063-039:** Section 4 of the Alaska Native Utilization Agreement (ANUA, see Appendix F of the FEIS) covers training programs for APSC employees. Each "designated" contractor (those with 40 or more full time employees working on TAPS) will also have Section 29 implementing plans which may include internships, mentoring, counseling, incentives, or other appropriate programs for Alaska Natives (Section 2.2 of ANUA).

**00063-040:** The EIS evaluates the current version of the Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline, which includes a provision for training and hiring Alaska Natives (Section 29). The Federal Grant is presented in Appendix B of the FEIS. Any changes to that agreement are beyond the scope of this EIS.

**00063-041:** Text has been added to the EIS in Sections 4.3.19.1.2 and 4.6.2.19.1 providing additional information on the assumptions used for the analysis of state and local government finances.

**00063-042:** 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.

**00063-043:** The Bureau of Land Management is the lead federal agency for preparation of this EIS and has consulted with affected Tribal and Native organizations throughout the TAPS ROW renewal and EIS process. Government-to-government consultation, in accordance with Executive Order 13175, has been a part of the right-of-way renewal and EIS processes since before the EIS began, as summarized in Section 5.3.

**00063-044:** Thank you for your comment. The pipeline runs from the Beaufort Sea to Prince William Sound; Anchorage is the administrative center for TAPS administration. Also, no existing rights-of-way were terminated by TAPS. The TAPS ROW was granted before Native Corporations received adjacent lands.

**00063-045:** Security for the TAPS is an issue of national importance. There are elaborate security measures and plans in place, involving numerous federal and state agencies. BLM has reviewed these confidential plans and agrees with them. Opportunities to strengthen these measures will always be pursued diligently by the agencies involved. Because of the sensitive nature of security, in general, the DEIS does not reveal the specific aspects of TAPS security programs.

**00063-046:** Some restrictions on use of the TAPS corridor and access roads across the corridor, which were imposed for security purposes after September 11, 2001, will continue for an unknown period of time.

Existing dedicated access across the pipeline has not been restricted. Access on the work pad and use of pipeline access roads authorized by the BLM and built by the pipeline owners have been restricted to protect the pipeline.

**00063-047:** Thank you for your comment.

**00063-048:** In the aftermath of the events of September 11, 2001, the security of TAPS has been reviewed and enhanced. However, the details of the increased security cannot be discussed in this document.

**00063-049:** Aerial surveillance is one of the key tools used to track spill location and to plan the response. Surveillance is done primarily by helicopter, but may also be done with fixed-wing aircraft. The APSC maintains on-site helicopters at five locations along the pipeline: Pump Station 4, Pump Station 5, Fairbanks, Delta, and Valdez.

The transport options available for spill response during various adverse weather conditions are identified in section 1.6.2.4 on page 1-65 of the "Trans-Alaska Pipeline System Pipeline Oil Discharge Prevention and Contingency Plan, CP-35-1 GP," (APSC 2001g), which is available to the public through various libraries in several major cities in Alaska. The options include Tucker track vehicles, Bombardier track vehicles, all-terrain vehicles, snow machines, and helicopters.

Oil spill equipment is primarily located at the various pump stations along the TAPS and not at the potential spill site. A list of available oil spill equipment is provided in Table 3.1 of the above-cited document.

The first response measures to arrive at an oil spill site would most likely be from the closest pump station or APSC facility (Fairbanks or Valdez). The time to move heavy equipment under various weather conditions is provided in Tables 1.10 to 1.12 of the previously-cited document. The equipment required for a postulated oil spill is provided in the various sections of the previously-cited document.

The estimated response times for various spill locations considered in the DEIS are provided in Table 4.4-13 on page 4.4-44 of the DEIS.

The pipeline has 63 gate valves that are remotely operated, which can be closed to limit the oil flow in the pipeline. There are also 81 check valves that will limit the flow of oil to a spill site. In addition, APSC maintains road access to all Gate Valves (remove) year-round.

**00063-050:** The reader is referred to Section 4.3.2 for a detailed description of the activities and impacts related to construction and maintenance of TAPS in unstable soils permafrost conditions.

**00063-051:** As discussed in the Draft EIS, the TAPS pipeline crosses 80 major rivers and more than 800 streams between Prudhoe Bay and Valdez (Section 3.7). Providing details on each river and stream is neither possible nor necessary for the EIS, particularly considering seasonal effects on flow, velocity, and sediment load. Instead, six rivers were selected for detailed analyses in Section 4.4.4.3. Additional information on a mile-by-mile basis for the rivers and streams crossed by the TAPS pipeline can be found in the appropriate TAPS Contingency Plans.

**00063-052:** Text has been added to Section 3.18.1.3 indicating past beetle infestation in the vicinity of TAPS.

**00063-053:** Section 3.29 discusses the referenced Executive Order (this comment assumes that Executive Order 12898 was of interest), along with U.S. Environmental Protection Agency (and Council for Environmental Quality) guidelines for implementation. The EIS found no evidence for high and adverse impacts under the proposed action in any of the impact areas examined (including economic, human health, sociocultural, and subsistence), which Executive 12898 explicitly identifies as a prerequisite for environmental justice impacts. Levels of funding to Tribes to address various impacts are beyond the scope of this EIS.

**00063-054:** Section 3.29 discusses the referenced Executive Order. The EIS examined all impact areas for the presence of high and adverse impacts under all alternatives considered in the document (see Sections 4.3.25, 4.4.4.19, 4.5.2.25, 4.6.2.25, and 4.7.8.7). Many (rural) communities have received economic benefits funded by federal and (especially) state programs, as noted in Section 3.25.1.3 and elsewhere. The impact of competing for declining resources is discussed in Section 4.6.2.21. The EIS found no evidence for high and adverse impacts under the proposed action, which Executive 12898 explicitly identifies as a prerequisite for environmental justice impacts.

**00063-055:** For the sake of accuracy, note that the comment misquotes the DEIS, in addition referring to Section 3.23.5 instead of Section 3.24 (where the passage of interest occurs). The statement in the DEIS reads “difficult to estimate the relative economic importance of subsistence harvests because the consumption and exchange of subsistence products do not occur in the marketplace...” which is an accurate statement.

The DEIS sections on subsistence received many critical public comments, and as a result, have undergone substantial revision. A small number of additional sources were identified, including the map of Cordova subsistence use areas and North Slope studies of impacts on subsistence economies from oil development. Previous sources were considered more closely, as when time-series data were derived from the ADFG Division of Subsistence studies; and harvest permit data were broken down further to distinguish patterns of rural and non-rural residents. With additional analysis of this data, the EIS draws reasonable conclusions, on the basis of existing information.

**00063-056:** The description and analysis of subsistence harvest patterns are based a thorough review of a large body of systematic research as well as the traditional knowledge provided in testimony by local residents. A careful effort was made to include all sources of information and none were dismissed as unimportant. Major references include classic and over two dozen community harvest surveys conducted by the ADFG Division of Subsistence since the early 1980s. A very recent publication, systematically documenting the traditional ecological knowledge of Ahtna Elders regarding salmon in the Copper River, was incorporated into the revised analysis. In all cases, these reports are based on extensive and systematic interviews with local people. Every effort has been made to provide a full and accurate account of contemporary subsistence practices.

**00063-057:** The meaning of this comment is unclear. If it is meant to focus on TAPS impacts on the Alaska Native populations or on subsistence, the EIS discusses likely consequences of the proposed action on both of these impact areas in Section 4.3.21 and 4.3.20, respectively. Available data were adequate for the impact evaluation purposes in these two issue areas. The funding of additional research is beyond the scope of this EIS.

**00063-058:** Please see Section 3.29 of the FEIS. Also, see Section 4.3.21.1 regarding Alaska Native hires.

**00063-059:** Access, land use, and trespass issues related to Native lands, including those owned by the Ahtna Corporation, are addressed in Section 4.3.23.1, “Land Use.”

**00063-060:** The EIS suggests that because the TAPS already exists, in part because Alaska Native sociocultural systems have become habituated to it and other features of modern Alaska, and in part because the TAPS provides sources of cash employment and revenues for key public programs, the additional negative impact on sociocultural systems is likely to be small (see Section 4.3.21). Additional studies of sociocultural systems are beyond the scope of this EIS.

**00063-061:** 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.

- 00063-062:** The assertion of the comment with regard to subsistence in general is consistent with the position taken in the EIS. Some socioeconomic data are available from the pre-TAPS period, including data at the village level, primarily from decennial censuses of population and housing conducted by the U.S. Bureau of the Census.
- 00063-063:** Access, land use, and trespass issues related to Native lands are addressed in Section 4.3.23.1, "Land Use." The BLM recognizes the concerns of Tribal governments and Native allottees related to land use issues adjacent to TAPS. Although these concerns do not directly affect renewal of the Federal Grant of Right-of-Way renewal, the BLM will continue to work with these groups on these issues, as it has in the past.
- 00063-064:** The reader is referred to Section 2.5 of the FEIS.

00064



**M-B CONTRACTING CO., INC.**  
**7101 DEBARR ROAD**  
**ANCHORAGE, ALASKA 99504-1800**

OFFICE (907) 333-5527 FAX (907)333-5871  
SHOP (907) 333-5661 FAX (907)333-7086

**FAX TRANSMITTAL**

BLM TAPS Renewal EIS	
TO: Argonne National Laboratory EAD/900	
9700 Cass Ave.	FROM: J.I. Miller
Argonne, IL.	
ATTN:	DATE: August 20, 2002
FAX: 866 542 5904	4:10 PM
PAGES (INCLUDING COVER SHEET) 1	

**COMMENTS:**

Sirs:

I wish to express my SUPPORT for a 30 YEAR RENEWAL of the TAPS right-of-way lease. With that, I would expect proper oversight by the appropriate Federal and State Authorities to assure a physically safe and environmentally safe and sound operation.

Sincerely,

*John I. Miller*  
John I. Miller  
President

64-1

## Responses for Document 00064

**00064-001:** Thank you for your comment.

00065

BLM TAPS Renewal EIS  
Argonne National Laboratory EAD/900  
9700 S. Cass Avenue  
Argonne, IL 60439  
FAX: 1-866-542-5904

Regarding: The proposal to renew the Trans-Alaska Pipeline Lease.

Before you renew the existing lease for thirty years, consider the issue of reliability of the pipeline structure, and the reliability of Alyeska's operational procedures in light of the findings and conclusions in Richard P. Feynman's Minority Report to the Space Shuttle 'Challenger' Inquiry.

Dr. Feynman makes clear on page 156 of the book, The Pleasure of Finding Things Out, that problems which occur in a design that is intended to prevent such problems, are design failures. "The 'O' rings of the Rocket Boosters were not designed to erode. Erosion was a clue that something was wrong. Erosion was not something from which safety can be inferred."

Pipeline corrosion has not been perfectly controlled, nor accurately measured and pipe strength has been reduced by an unknown amount. Unintended pressure spikes at Thompson Pass did not rupture the pipeline the last time they occurred, but that is no proof that a future failure in procedure that causes pressure spikes that exceed design limits of safety will not result in catastrophic structural failure. To paraphrase Feynman's comments on page 155 of the book quoted above: "A failure, the causes of which are not understood, which doesn't lead to a catastrophic event in one or more instances, is no proof that catastrophe will not occur the next time such failure occurs."

Many people have testified, quoting Alyeska's claim that the pipeline has proven to be 99.999 percent reliable over a 25-year-life history. Please assess whether that figure has any basis in fact, after reviewing Dr. Feynman's critique of safety factors used at NASA with respect to the disastrous launch of the 'Challenger'. Alyeska's method of calculating reliability appears to be similar to NASA's approach with respect to the 'Challenger'. On pages 153 to 157 he discusses methods of defining reliability, and concludes that in this case "... NASA exaggerates the reliability of its product to the point of fantasy".

65-1

Over the life of the pipeline numerous problems in structural integrity and operational procedure have been documented, but are not considered "failures" by Alyeska or the State or Federal Regulators. Startup problems, pipe movement at Atigun Pass, pressure spikes at Thompson Pass, and thawing of permafrost around VSMs are a few examples of failure with respect to the structural design or written operational intention and expectation. Authorities have dismissed all of these problems, and many others, because none of these problems have yet created a catastrophic event.

Of these examples, Alyeska seems to have achieved 100% in failing to correct identified problems. This raises a question about compliance with the existing lease: year after year, State and Federal Regulators grant extensions to the time allowed for Alyeska to comply with certain requirements. Currently, it seems as if compliance has eluded the company, since the regulators have allowed for continued operation of the pipeline when "substantial compliance" has been achieved. Since Alyeska has failed to operate the pipeline in compliance with the existing lease, there is no duty to renew the lease at all.

All structural and mechanical equipment requires increased maintenance as time passes. This fact must be addressed in any new lease, and the lease renewal intervals should become shorter as age increases.  
 No lease should be signed until DR&R funds that have been collected under the terms of the existing lease are placed in an escrow account for the benefit of the State. No responsible fiduciary institution would accept less, as the current corporate scandals make abundantly clear.

65-2

A new lease should include penalties for non-compliance and operating failures. To be effective, such penalties must be higher than the cost of compliance and failure prevention, and quickly and easily collected prior to the outcome of never-ending legal battles. Penalties not paid are not penalties.

65-3

The time constraints restricting public input on this matter and the dismissal of critical questions as "beyond the scope" of your authority, suggest you represent the oil industry, rather than the citizens of the state that employs you. This is a crucial time to improve the existing lease based on 25 years of experience coupled with input from concerned residents of Alaska, and the advice from experts outside the influence of the oil industry.

65-4

Sincerely,

Dan Dryden  
 HC03 Box 8118  
 Palmer, AK 99645

## Responses for Document 00065

- 00065-001:** The overall performance of TAPS was considered by the authors without use of APSC's reliability estimates.
- 00065-002:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00065-003:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00065-004:** 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.



## Seldovia Village Tribe

P.O. Drawer L  
Seldovia, Alaska 99663  
(907) 234-7898 Fax: (907) 234-7637

August 20, 2002

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

Via Fax: 1-866-542-5904

**Re: COMMENTS ON THE DRAFT EIS FOR THE TRANS-ALASKA PIPELINE ROW RENEWAL**

The following is the comments of the Seldovia Village Tribe, IRA for the above referenced EIS:

- Government-to-Government Consultation: BLM has a consultation policy that is not being followed. All agencies that form the Joint Pipeline Office are bound by either federal trust responsibility/executive order and their own approved department consultation policies, or by the Millennium Agreement (state). Sending letters to Tribal Council Presidents and meeting face-to-face should be the beginning of meaningful dialogue. 66-1
- Length of comment period too short. Should be extended. 45 days in the summer is unacceptable. Not enough time for adequate public and Tribal consultation. Inconsiderate of subsistence season. 66-2
- Attention to "federally recognized Tribes" in the Draft EIS is inadequate. Problems with language used regarding Tribes and consultation in subsistence and sociocultural systems sections. Lack of understanding that these aren't simply communities or villages. These are recognized forms of government, with elected Tribal Councils and are afforded status as sovereign nations. 66-3

BLM TAPS Renewal Scoping  
August 20, 2002  
Page Two

- There is no mention of the Seldovia Village Tribe or the community of Seldovia in the subsistence section.
- Section 3.23.6 briefly discusses Alaska Native Corporations. There is no section devoted to federally recognized Tribes along the pipeline and TAPS affected environment.

66-4

66-5

Sincerely,

SELDOVIA VILLAGE TRIBE



Crystal Collier  
Executive Director

## Responses for Document 00066

- 00066-001:** Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," requires that the federal government consult with Tribal governments during the preparation of an EIS. Government-to-Government consultation for this EIS is described in Section 5.3 in the FEIS. As the lead federal agency associated with this EIS, the BLM established government-to-government exchanges with all Tribal governments in Alaska and more focused exchanges with 21 Tribes directly affected by the TAPS. These 21 communities received more detailed mailings explaining the proposed ROW renewal, the EIS process, and the availability of various sources of additional information. Meetings were held with all Tribal organizations and Native groups that requested them to discuss the EIS process and related issues in greater detail. At the meetings, specific emphasis was placed on how Tribal organizations and Native groups can participate effectively in the EIS and ROW renewal processes. While comments on the DEIS had to be received by the end of a 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 groups. The process of government-to-government consultation allows these organizations to continue dialogues with the Bureau of Land Management and for their comments to be considered in the Record of Decision. The BLM and member agencies of the JPO are committed to ongoing government-to-government consultations and welcome invitations to participate in meetings and dialogues with Native Tribes.
- 00066-002:** 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.
- 00066-003:** A discussion of federally recognized native Villages and Tribes has been added to Section 3.25.1.2. The presence of specific federally recognized Tribes has been added to the discussion of Alaska Native sociocultural systems in Section 3.25.1.1.
- 00066-004:** As noted in Section 3.24.1, the Alaska Native Villages included in the subsistence analysis consisted of 21 identified by the U.S. Bureau of Land Management as likely to experience direct effects from renewing the TAPS right-of-way. The criteria used for this determination included likely economic, cultural, and subsistence impacts, as well as impacts to Native land when the right-of-way was originally defined (see the revised version of Section 5.3).
- 00066-005:** A discussion of federally recognized Native Villages and Tribes has been added to Section 3.25.1.2.



## United States Department of the Interior

00067

NATIONAL PARK SERVICE  
2525 Conwell Street, Room 107  
Anchorage, Alaska 99503-2092

IN REPLY REFER TO:

N7619 (AKSO-RER)

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

Dear Sirs:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for the Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way.

The National Park Service (NPS) has two conservation units that border the Trans-Alaska Pipeline right-of-way: Gates of the Arctic National Park and Preserve (GAAR) and Wrangell-St. Elias National Park and Preserve (WRST). A major concern of the NPS is that an oil spill originating from the TAPS would enter rivers crossing the pipeline route and flow into rivers that form the boundaries of these conservation units. Spills of this nature could have a profound effect on the resources and values for which these parks were created.

The Middle Fork of the Koyukuk River forms part of southern boundary of the GAAR. The Dietrich River, Middle Fork of the Koyukuk River, and their feeder drainages parallel or intersect the TAPS between pipeline milepost (PLMP) 175.2 and PLMP 253. Major tributaries to the Middle Fork of the Koyukuk River are the Dietrich River, Hammond River, Slate Creek, Rosie Creek, and Marion Creek.

The Copper River forms the western boundary of WRST. Rivers that flow into the Copper River and their feeder streams span the TAPS from PLMP 606 to PLMP 775. Primary rivers along this stretch are the Gulkana, Tazlina, Klutina, Tonsina, Tsekol, and Ukina rivers.

Both park unit river corridors are important for recreational activities and access to the park units and for subsistence activities and access. Both rivers contain important fishery resources for subsistence, sport, and commercial activities. About 247 out of 800 pipeline miles, or about 31% of the pipeline reach could adversely affect an NPS unit if a serious spill were to occur. We are therefore very interested in the integrity of the TAPS and a robust oilspill contingency plan. We seek to ensure that park resources and uses are protected to the maximum extent practicable.

The NPS's comments on the draft EIS are as follows.

1. Page 4.7-45. Please rewrite the description of Wrangell-St. Elias National Park as follows:

*The headquarters of Wrangell-St. Elias National Park and Preserve are situated near Copper Center, Alaska. Wrangell-St. Elias National Park is the largest park in the national park system, and Wrangell-St. Elias National Preserve is the second largest preserve in the system. The 9.6-million*

1

67-1

*acre Wrangell-St. Elias Wilderness represents nearly 10 percent of the entire National Wilderness Preservation System. The park and preserve is within a mile of the TAPS at its closest point. Ahtna Corporation (Regional Native Corporation) owns about one million acres of land within the authorized boundary. Open year-round, visitation to the park and preserve averages about 30,000 with the majority of visitors in the summer season.*

67-1  
(cont.)

- The EIS should evaluate the effects on park resources and values from small and large pipeline oil spills that are not contained and enter the Middle Fork of the Koyukuk and Copper Rivers. As indicated above, these rivers form part of the boundaries of GAAR and WRST. Both winter and summer season spill scenarios should be evaluated.

For example: According to the draft EIS, a likely oil spill event would release 420,000 gallons of oil over a prolonged release period --the largest oil volume projected in the spill scenarios. For the given response times, the leading edge of the spill would be 5 to 6 miles to 34 miles from its source at the Tazlina River. This would place the oil slick in the Copper River with possible bank-to-bank shoreline oiling. The park boundary is along the east shoreline of the Copper River. Given the above, the environmental consequences section should be revised to identify the impacts of such a release on the affected environment specific to Wrangell-St. Elias National Park and Preserve, including but not limited to subsistence resources.

67-2

- The effectiveness of oil spill containment and cleanup for small and large oil spills entering the above mentioned river systems in light of the current placement of existing equipment should be evaluated.

67-3

- The EIS should contain an evaluation of oil spill containment response time from the onset of a spill to deployment of containment equipment (from pump stations and coxex sites) at streams crossing TAPS that have the potential of entering the Middle Fork of the Koyukuk River and Copper River. This analysis is relevant to determine if a timely mobilization can be conducted to contain spills prior to their entering the Middle Fork of the Koyukuk and Copper Rivers. As indicated in the spill plan, containment of oil in major rivers is not effective. The EIS should disclose whether additional staging and deployment areas for oil spill response equipment should be established, supplied, and maintained.

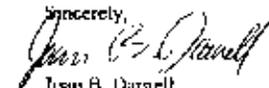
67-4

- The Port of Valdez is arguably the single largest receiver of ballast water in the United States. The document should provide additional detail on ballast water management given that ballast water management has resulted in introductions of non-native invasive species in other parts of the country. For example, is there a ballast water database and monitoring program at the Port of Valdez? Where do the exchanges take place—mid-ocean or elsewhere? Is the ballast water sampled, and for what parameters? What indicator species are used to verify where the exchanges take place?

67-5

Thank you for the opportunity to comment. If you have any follow-up questions or concerns about these comments, please contact Glen Yankus of my staff at (907) 257-2645.

Sincerely,



Jason B. Diannel

Environmental Resources Team Manager

cc: Superintendent, Gates of the Arctic National Park and Preserve  
Superintendent, Wrangell-St. Elias National Park and Preserve

## Responses for Document 00067

- 00067-001:** Section 4.7.4.8.1 has been revised to reflect the information provided in the comment.
- 00067-002:** The reader is directed to Section 4.4.4.3 and the text box on the Copper River Drainage.
- 00067-003:** It is not possible to evaluate quantitatively the effectiveness of oil spill containment and cleanup for small and large spills because of site-specific and time-specific conditions, such as water velocity, turbulence, sediment load, ice, waves, channel morphology, dissolved constituents, the type of equipment used, and the experience of the remediation crew. Rather, the percent of oil "subject" to recovery at a containment site was used to compare the effects of short and long duration spills in Section 4.4.3.

**00067-004:** Spills that could potentially affect the Copper River Drainage are discussed in Section 4.4.4.3. Two representative tributaries were considered: the Gulkana and Tazlina Rivers. No calculations were performed specifically for the Middle Fork of the Koyukuk River. However, representative calculations were performed for Dan Creek/Sagavanirktok River and the Yukon River. A guillotine break of the pipeline that discharged oil directly to these rivers could produce major impacts. Similar impacts would be expected to occur for a direct guillotine-break spill to the Middle Fork of the Koyukuk River. Additional staging and deployment areas could reduce potential impacts. Additional information on spills in the Copper River Drainage is given in the text box "Oil Spill Planning for the Copper River Drainage" in Section 4.4.4.3.

The response times were estimated taking into account the location for spill containment and various weather conditions, based on detailed information for reconnaissance, response, and containment actions in the event of an oil spill provided in the TAPS Oil Discharge Prevention and Contingency Plan (C-Plan) prepared by the APSC in 2001.

Oil spill equipment is primarily located at the various pump stations along the TAPS and not at the potential spill site. A list of available oil spill equipment is provided in Table 3.1 of the C-Plan.

The first responders to arrive at an oil spill site would most likely be from the closest pump station or APSC facility (Fairbanks or Valdez). The time to move heavy equipment under various weather conditions is provided in Tables 1.10 to 1.12 of the previously-cited document. The equipment required for a postulated oil spill is provided in the various sections of the C-Plan.

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

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

The C-plan provides for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline. The 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 C-Plan. In addition, the C-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 and personnel are made available along the TAPS. Recommendation to increase staging and deployment areas for oil spill response equipment is noted. However, recommending specific methods for mitigating future oil spill should be done as part of the C-plan review.

**00067-005:** The possibility of the introduction of nonindigenous organisms via untreated segregated tanker ballast water is addressed as part of the analysis of cumulative effects in Section 4.7.7.2.1. Issues related to open-water exchange of ballast water from tankers are regulated by the U.S. Coast Guard and the U.S. Department of Transportation. While we recognize the concern related to ballast water management issues, the description of such management plans is outside the scope of the EIS.

# AHTNA



INCORPORATED

August 20, 2002

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

Gentlemen:

The Trans Alaska Pipeline runs through fifty-five (55) miles of private land owned by Ahtna Incorporated. We are not opposed to the pipeline crossing our land and nor do we object to its continued existence. We do, however, have serious concerns that we address here: employment, contracts, environmental impact, safety and subsistence.

The pipeline has brought economic benefit to the Copper River Basin, as well as the opportunity for employment, both of which are of great benefit to the region as a whole. However, we do not feel our corporation or our individual shareholders have benefited to the degree that should have been realized during these last 30 years.

The expectation that our corporation would get substantial consideration in the form of contracts and shareholder employment as compensation in return for not impeding the building of the pipeline and the free use of our property has not become a reality.

68-1

The contracts we do have are beneficial to us and appreciated, but are less than expected. Our shareholders have not been employed in the numbers that we had anticipated. The benefits of contracts and employment have for the most part been given to non-residents whom enjoy good, secure high paying jobs. In thirty years, Section 29, Native hire objectives have not been reached, although progress has been made in recent years.

The safety of the pipeline is of great concern as it crosses three major rivers on Ahtna land, the Gulkana, Tazlina and Klutina Rivers, all of which flow into the Copper River. The Copper River Salmon are not a resource whose use is of value for subsistence only. This resource is used worldwide commercially as well. The DEIS does not adequately address the impact any spill on any of the rivers mentioned above would have on this valuable resource. The DEIS does not adequately address the possibility of a disaster, the capability to respond to an oil spill, nor does it provide a realistic preventative plan of action.

68-2

Ahtna, Incorporated has in the past brought these safety concerns to the attention of Alyeska on many occasions and has presented Alyeska with viable safety measures to minimize the damage should a spill occur on one of these rivers. On site, low impact safety stations equipped with booms and response equipment should be in place at or near each river, at the very minimum, in order to prevent a small spill from becoming a catastrophic event. Mother Nature has been kind these last 30 year's, we cannot assume the same will be true for the next 30 years. There is after all a major fault line running through the valley.

68-3

Currently, pump station 12 is the closest facility with the capability for oil spill response and that is still a good hour away from the Klutina and an hour and a half away from the Gulkana. Also, we are assuming that the bridges that cross these rivers are going to be unaffected when a spill occurs. This may not be the case in the event of a major earthquake. By the time a crew and its equipment reach a spill on one of these rivers, there can

68-4

P.O. Box 649 • Glennallen, Alaska 99588 • Mile 115 Richardson Hwy.  
Phone: (907) 822-3476 • Fax: (907) 822-3495

be little doubt that oil will have reached the Copper River, the only question will be how much? This is just an example, and does not fully take into consideration man-made and pipeline failure possibilities, neither does the DEIS adequately take these under consideration or address the consequences.

68-4  
(cont.)

The increased population in the region as a direct result of the pipeline has stretched the infrastructure of the area beyond its limit in every capacity. Schools and recreational facilities are inadequate and do not meet the current needs of the communities much less be able to meet future needs. The increase in population has also brought up the crime rate, yet the police force has not increased in personnel. The same holds true for medical emergencies. The ability of the community to respond to emergencies has not been enhanced by the increase in population, but rather as a result is stretched beyond its capability. In addition, the Ahnna region not being in an organized borough does not enjoy the monetary benefits provided by the pipeline to other areas that are organized, for example, Valdez. Federal and State funds needed to address these infrastructure needs are allocated on a competitive basis. The Ahnna region communities must compete for these funds, often with communities with alternative funding sources, usually organized communities, that can access other funds not available to our communities.

68-5

The DEIS does not fully take into consideration a number of factors that impact our ability as a people to continue our traditional subsistence lifestyle. The data used in the DEIS is outdated and does not reflect the current socio-economic, traditional and cultural impact that the pipeline has had on our region, shareholders, wildlife and resources.

68-6

It is reasonable to anticipate an increase in the population in the Ahnna area. Such an increase has certainly occurred within the last 30 years. Alyeska Pipeline Services has been a catalyst in this increase as one of the largest employers in the region. As stated earlier most of those jobs went to non-local, non-resident individuals. Many have chosen to stay and have embraced the rural lifestyle. This includes increased participation in activities such as hunting, fishing and other similar activities. Often, trespassing on traditional Ahnna hunting grounds to do so. Their presence has and will continue to reduce a finite resource and impacts Ahnna shareholders in their pursuit of subsistence on which we are still dependant.

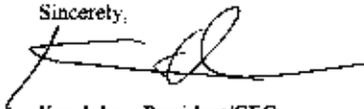
68-7

We as a people have not made the transition from a subsistence lifestyle to a cash economy because we have not had the opportunity to do so. This makes our subsistence existence harder to sustain because we cannot compete with this well-heeled competition for our limited resources. The next thirty years will bring more development that will further reduce our ability to maintain our subsistence lifestyle.

68-8

Ahnna, Incorporated has provided the free use of 55 miles of private land on which the pipeline crosses to Alyeska as our guest. Land that belongs to our Ahnna Native people, whom are directly impacted by the inability to utilize this property for economic development, home site's and during this national security crisis may even be prevented from crossing it in the future in many areas to reach subsistence hunting grounds. With that said, we still support the Alyeska Pipeline and the aspects of its continued operation but believe that more consideration should be given to our corporation, its shareholders and the impact the pipeline has on our region.

Sincerely,



Ken Johns, President/CEO

## Responses for Document 00068

- 00068-001:** As the commentor has noted, the pipeline owners have come close to meeting the goal of 20% Native hires in recent years. Section 3.23.6 notes recent contracting trends concerning APSC and Native corporations. However, the specific relationship between particular Native corporations and the APSC, including current and future contracting practices, is beyond the scope of this EIS.
- 00068-002:** Section 4.4 of the EIS discusses the spill scenarios considered and the estimated impacts from these scenarios. The scenarios range from high frequency/low consequence events to low frequency/high consequence occurrences. The discussion includes potential impacts in the Copper River Drainage. Depending upon the timing and the quantity of oil, it is true that major impacts could occur to salmon in the Copper River if a large amount of oil from a pipeline break were to reach the Copper River. Text has been added to Section 4.4.4.10.1 to reiterate the importance of the Copper River for salmon production in the area and to recognize the potentially severe impacts to salmon in the event of a large spill entering the basin.
- Oil spill prevention and response capabilities and related activities specific to the Copper River Drainage area are discussed more fully in the text box “ Oil Spill Planning for the Copper River Drainage” in Section 4.4.4.3.
- 00068-003:** The seismic design of the pipeline took all active faults into consideration. To reduce the likelihood of pipe rupture at the fault crossings, the pipe is above ground and on supports that allow relative displacement across the fault. The pipeline design was based on the possibility that severe seismic events could occur. Section 4.4 of the EIS discusses the spill scenarios considered and the estimated impacts from these scenarios. The scenarios range from high-frequency/low-consequence events to low-frequency/high-consequence occurrences. Potential seismic activity and fault displacements along the pipeline were included as potential scenario initiators. The discussion includes potential impacts in the Copper River drainage area. Oil spill prevention and response capabilities and related activities specific to the Copper River drainage area are discussed more fully in the text box in Section 4.4.4.3, “Oil Spill Planning for the Copper River Drainage.”
- 00068-004:** Oil spill prevention and response capabilities and related activities specific to the Copper River drainage area are discussed more fully in a text box that has been added to Section 4.4.4.3.
- 00068-005:** Text has been added to the EIS in Sections 4.3.19.1.2 and 4.6.2.19.1 providing additional information on the assumptions used for the analysis of state and local government finances.
- 00068-006:** The DEIS sections on subsistence received many critical public comments, and as a result, have undergone substantial revision. A small number of additional sources were identified, including the map of Cordova subsistence use areas and North Slope studies of impacts on subsistence economies from oil development. Previous sources were considered more closely, as when time-series data were derived from the ADFG Division of Subsistence studies; and harvest permit data were broken down further to distinguish patterns of rural and non-rural residents.
- The EIS considers several factors associated with the TAPS that may affect subsistence, as discussed in Section 4.3.20 for the proposed action. The analytic challenge in assessing impacts is identifying the degree to which changes are clearly associated with TAPS, as opposed to general population increase in Alaska, continuing modernization in Alaska, disruption by activities not related to TAPS, etc. However, with additional analysis of this data, the FEIS draws reasonable conclusions, on the basis of existing information.

- 00068-007:** The commentor's assumptions about population growth in the Ahtna area are consistent with the EIS discussion of demographic change in the Valdez-Cordova Census Area under the proposed action (which includes the Ahtna area; see Table 4.3-19). The EIS does acknowledge that many rural communities in the vicinity of the TAPS consider competition from sport hunting and fishing (much identified as non-local) as a major impact either directly or indirectly associated with the TAPS. A general relationship between population growth and pressure on subsistence resources (from subsistence and sport harvests) seems reasonable, and is noted in the EIS both in the text (see Section 4.3.20) and graphically as an increase in overall harvests in the vicinity of the TAPS (see Figure 3.24-2). This pressure may result in increased subsistence harvests and/or increased sport harvest.
- 00068-008:** The EIS considers the economies of most Alaska Native villages/tribes to be mixed, combining subsistence and cash in varying degrees (see Section 4.3.21.1), rather than purely based on subsistence. The difficulty that Alaska Natives can have competing in the cash economy, as well as maintaining traditional cultural behavior in the face of increasing acculturation from modern American society, is noted in the EIS (Section 4.3.21.1).

**Ken Adams**

---

**From:** Ken Adams <kadams@ctcak.net>  
**To:** <Gale\_Norton@ios.doi.gov>; <tapswebmaster@anl.gov>; <Record@jpo.gol.gov>  
**Sent:** Saturday, August 17, 2002 2:51 PM  
**Subject:** Trans Alaska Pipeline System right of way renewal

Dear Sec. Norton, BLM, and the TAPS renewal team:

I had the opportunity to offer some verbal comments at the public meeting held in Cordova, Alaska on July 26, 2002 re: the Trans Alaska Pipeline System (TAPS) right of way renewal.

At this time, I'd like to offer a few additional remarks on that same subject.

Essentially, I am supportive of all seven of the recommendations made by Richard Fineberg in his report entitled "The Emperor's New Horse" that was sponsored by the Alaska Forum for Environmental Responsibility.

I believe the most valuable of Fineberg's recommendations concerns the establishment of a citizen's oversight council for the pipeline. I have no doubt that a citizen's oversight council will help industry maintain the integrity of the pipeline and environmental quality in all lands and waters that would be threatened by an oil spill.

I think back to the events that preceeded the Exxon Valdez Oil Spill (EVOS) especially the climate of complacency that prevailed within the state regulators, the Alyeska Corp., and even the U.S. Coast Guard.

I've had first hand experience with Exxon during the aftermath of EVOS and know of their duplicity re: their operational capabilities.

Frankly, we were lied to. It is my belief that industry must be watched carefully. Oversight of industry takes on meaning and value only when those whose livelihoods are threatened by industry's mishaps are directly involved.

I strongly urge your creation of a citizen's oversight panel for TAPS and the adoption of the other recommendations made by Fineberg.

*Sincerely,*  
*Kenneth Adams*

69-1

8/17/02

## Responses for Document 00069

**00069-001:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."



---

TO: BLM Director Kathleen Clarke

FROM: Suzanne Stensaas  
2460 Lynwood Dr  
Salt Lake City, UT 84109

SUBJECT: Aging Pipeline Requires Environmental Safeguards

DATE: August 12, 2002

---

Dear BLM Director Kathleen Clarke:

I am a full time working professor of brain anatomy and enjoy the outdoors. We have made two trips to Alaska. We want to return to the same Alaska we left. We want to stop drilling in the refuge, we want Katchmak bay preserved along with other areas from Jet skis. we need wilderness for our sanity and our children. Please consider the the damage a coroding pipeline could cause.

Recent corporate events make the public suspicious that anything would be done voluntarily. The renewal must have mandated clauses in the contract that take into account past leaks, new seismic data generated by newer scientific advances, and the economic disaster of the Valdes spill on Alaskan fisherman would be remiss on the government's part. Clear financial liability and responsibility along with inspection should be included. The form letter below expresses many of the point much better than I . I just wish to add my voice

70-1

I wish to comment on the important Draft Environmental Impact Statement for the future safety of the aging Trans-Alaska Pipeline (TAPS). Before any pipeline renewal or lease agreement, government agencies must ensure critical safeguards are established.

70-2

The 25 year-old pipeline has suffered from serious operational and maintenance failures such as the delayed response to the Livengood bullet hole spill, and the 2 foot shift in a section of pipeline at Atigun Pass that went undetected for several months, corrosion and support instability from accelerated thawing of permafrost and future seismic activities. These are only some of the serious concerns that call for renewal conditions.

Sincerely,

Suzanne Stensaas

## Responses for Document 00070

**00070-001:** Thank you for your comment.

**00070-002:** 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.

Integrity of pipeline structural supports is closely monitored. See Section 4.1.3.2.1 for a discussion on the design, monitoring, and repair of pipeline structural supports and heat pipes. Ongoing monitoring of pipeline corrosion is also discussed in Section 4.1.3.2.1.

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

August 16, 2002

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

To the members of the BLM TAPS Renewal EIS,

My name is Becky Clausen and I live in Cordova, Alaska, a community greatly affected by the operation of the Trans-Alaska Pipeline System. I am writing to submit comments on the TAPS Renewal EIS which should be incorporated into the final EIS.

One fifth of the Pipeline crosses through my watershed. It crosses streams that I fish, waters that I drink, and land on which I hunt. I realize the importance of the Pipeline to our state, and I also realize the importance of an intact ecosystem to my health and livelihood. It is your responsibility to safeguard these elements for the people, fish, and wildlife which rely on the public land for which this lease is being requested.

I have not been able to study the entire DEIS due to the ridiculously short public comment period that has been stated by BLM. However, I do have comments based on what I have learned so far.

71-1

(1) The Grant and Lease MUST establish a Citizen's Oversight Group, funded by the TAPS Owners through the Department of the Interior to ensure the pipeline is maintained and operated in a safe manner.

71-2

(2) Funds MUST be established in an escrow account for preventative maintenance.

71-3

(3) The reviewers should convene an advisory panel to consider how best to provide a single, responsible managing party and a stable source of funding for TAPS.

71-4

(4) Grant and Lease renewal should be made conditional on satisfactory completion of an evaluation, including a technical review and audit every five years to assure that the operators of TAPS employ best available technology to address any problems that may be encountered.

71-5

(5) Establish and ensure a viable Employee Concerns Program.

71-6

(6) Review stipulations so they reflect current science, including a legitimate analysis on the effects of global climate change on VSM.

71-7

(7) Before the EIS is approved, an independent evaluation of the current

71-8

condition of the Pipeline needs to be conducted, preferably by the National Academy of Science.

Thank you for considering these comments,

A handwritten signature in black ink that reads "Becky Clausen". The signature is written in a cursive style with a large, prominent 'B' and 'C'.

Becky Clausen  
PO Box 2512  
Cordova, AK 99574

## Responses for Document 00071

- 00071-001:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00071-002:** 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.
- 00071-003:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00071-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00071-005:** 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.
- 00071-006:** The BLM and the agencies within JPO acknowledge both that there have been legitimate issues related to APSC's Employee Concerns Program (ECP) and that APSC has undertaken considerable efforts to improve and refine its ECP program.
- The BLM and JPO expect to continue to evaluate the effectiveness of APSC's ECP through confidential surveys that will seek input from all TAPS employees (see Section 4.8.4 of the FEIS). Like the three prior surveys, these efforts can provide broad measures of the confidence that TAPS workers have in APSC's ECP and can suggest areas needing improvement.
- The JPO also notes that a confidential hotline (1-800-764-5070) currently exists for employees or members of the public to report issues and concerns about TAPS. Recorded messages are checked daily by the BLM-Alaska Special Agent's office. The purpose of the hotline is to identify issues relating to pipeline integrity, public safety, environmental protections and regulatory compliance for incorporation into the JPO work program. The BLM also refers employees seeking personal relief (e.g., restoration of employment or lost compensation) to the U.S. Department of Labor or other appropriate authorities for further investigation.
- 00071-007:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.
- The reader is also referred to Section 4.1.3.2.1, for a discussion of VSM engineering.
- 00071-008:** 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.

August 20, 2002  
 Testimony of Dennis M. Dooley to the  
 Hearings Panel for the review of  
 Draft Environmental Impact Statement--TAPS ROW Renewal Permit

Before I begin this testimony tonight, I wish to make a couple of preparatory statements --First, I have already attended the hearings held in Valdez, Glenallen and Anchorage. 2) I acknowledge the pride of all Alaskans in the importance of TAPS to the economic well being to the State and Nation. 3) I share vicariously the pride of all those who have been a direct part of the TAPS history during its design and operations and 4) I have yet to hear at any of these hearings, any suggestion that there should be no renewal of the ROW permit. I am here to testify that a new condition should be placed on any ROW extension—that new condition is the creation of a citizen oversight committee to oversee the efforts of TAPS management as well as those of the state/federal oversight agencies.

I come to this table with 30 years of experience involved with the TAPS project. The first was evaluating the marine leg to the West Coast from Valdez for SOHIO. That effort defined the requirements for the fleet to serve Valdez to have to average 120,000 DWT, four berths at Valdez and the fact there was inadequate berth capacity at that time on the West Coast. Since then, positions with the Governor's office of Budget & Management, where I was the agent for correcting false revenue expectations TAPS had given the state in terms of severance tax. Later, I was the staff person responsible for organizing the west coast Port Oil Policy Group, a forum composed of representatives of the West Coast Governors and British Columbia to evaluate the marine transportation leg from Alaska along the west coast. As an Alaska Pipeline Surveillance Officer, I was charged with the responsibility to evaluate Alyeska's initial concept of an oil spill contingency plan. Later, as the Technical Studies Director for the Alaska Oil Spill Commission and most recently attempting to digest this DEIS.

#### The DEIS

This document is a prime example of "**minimization**", the art of minimizing facts while presenting a picture that appears to be adequate while containing basic flaws. For example, the discussion of an oil spill affecting the Yukon notes the villages downriver will suffer some impact. Nowhere does it acknowledge the impact for those communities upriver from the spill! It should be noted such a calamity would have international implications.

But, I am not going to insult this panel nor myself any further in reciting the numerous factual flaws or misrepresentation of facts contained in the DEIS. I will focus on a basic flaw in the logic in the organization and development of the DEIS. The basic flaw in the Argonne document is it does not attempt to balance anywhere the immense benefits the pipeline brings to the economy against the risk of a major calamity. Nor does it attempt to measure the impact of any size spill. Rather, it takes the obscure tack a major spill incident would have to be viewed as an economic boon to the area! For legitimate analysis of risk there must be an attempt to array the cost of lost resources in the case of a catastrophic event against the perceived benefits of the pipeline. Without such portrayal, this document does not meet the prime purpose of creating a DEIS --namely, that of ranking benefits against potential costs.

My principle concern today is to question why (or how) the scoping for this document would not address the possibility for a citizen oversight committee that has subpoena powers similar to the committee(s) established for the marine leg after the Exxon Valdez incident. Somehow, the oil patch has erroneously attached the creation and financing of such a committee to be such an onerous financial burden as to put in peril the ability to sell North Slope production. Nothing could be farther from the truth—the creation of such a committee could only be associated with greater confidence in the continued safe operations of the pipeline. To assume the miniscule financial burden on the pipeline operators for financing such a

committee would be the death knell for North Slope production is akin to blaming a flea on the steer to not being marketable!

After reading *The Emperor's Hose*, I am struck by the array of similar corporate conduct by Alyeska and its governmental oversight agencies as they exercised concern regarding the potential of catastrophic oil spills. Namely, the long period of little pollution activity led all concerned (including corporate owners and political leaders) to treat their responsibilities with little real incentive for pursuing real pollution abatement strategies. The parallels here for the overland segment of the transportation system are striking. I confess to a certain naivety here...this shouldn't have been a surprise. TAPS ownership's traits in this regard have infected the entire project systemically. What is surprising, is the degree to which the oversight agencies have become reluctant to enforce drills for oil spill containment, prompt maintenance and training of personnel (as required in the ROW permit) on a schedule which reflects the turn-around of both managers and line employees.

As a further example of the inadequacy of the DEIS, I have considerable concern how Argonne (with its nuclear plant design and operations expertise) could dismiss the human factors in pipeline operations--especially a pipeline that has been experiencing considerable turnover of its in-house expertise. Dr. Todd LaPorte, UC Berkeley (member of recognized interdisciplinary group analyzing high risk organizations) examining the effects of technology on large technical systems (such as nuclear plants) that operate technology that is beneficial, costly and hazardous so that their **benefits are importantly dependent on failure free operations**. During his telling testimony to the AOSC he emphasized, "We're insisting increasingly that organizations operating such systems do not make serious errors. But then work's too important. The effects of failure are so disastrous that we press them to never fail." He went on to explain, "...probably for the first time in history, the consequences and costs associated with major failure are greater than the value of the lessons we learn from the failure. The time for these organizations to learn from trial and error is past" He characterized the pipeline structure of the organization as one which:

- 1) The individuals involved share a common goal of efficiency;
- 2) They share a goal of avoiding operational failures altogether;
- 3) They perform complex demanding tasks under considerable time pressure, and
- 4) They do this with very low failure rates and almost total absence of catastrophic failure.

He went on to suggest there are at least two strategies for such organizations to prepare for the failure event. First, there must be acceptance by the organization for an "all eyes on failure mode". In other words everyone involved must be empowered to watch and comment without fear of punishment. Secondly, the use of contingency plans with repeated response exercises. In other words, **a contingency plan that is taken seriously**. One that asks the question "what about this?", before you ever have the problem. The question about what you would do to contain the problem with a minimum of damage. The organization would have thought about that ahead of time, tested the scenario, seen the inadequacies or technical opportunities well before you had to try to solve it in a rushed way.

A further distinction he made regarding these organizations was they could be characterized as **high hazard/low risk**. This is the basic fault of the Argonne Report -it is only portraying the low risk side of the pipeline structure with no real effort to apply criteria in the event of a major calamity. Pipelines are extremely reliable and low risk—but it isn't the technologies in their design that makes them that way. **It is the human beings operating them that make them this way**. Thus there is a requirement for a series of **watching groups**. Sometimes they are formal regulators they are formal regulators such as DEC or the FPO. The danger evident today, I see here is the same danger we observed in retrospect while examining the *Exxon Valdez* incident. That of the watching groups becoming benign- either through political pressures such as budgets and or just plain reluctance to pursue their duties with diligence. The solution the AOSC came up with was to develop an independent watching group composed of stakeholders to review the actions of both the formal regulatory agencies as well as the operations of Alyeska.

Evidence abounds in how are these pipeline regulators have been compromised.—for instance, the reluctance to require meaningful oil spill response drills as part of a meaningful contingency plan as required in the ROW permit. The reluctance to require immediate attention to VSM maintenance is another example. And, there is ample evidence that if personnel pursue their regulatory responsibilities with some zeal there exists a real risk they will be demoted or forced to resign.

The need to put some emphasis on human factors is revealed in *The Oil Pollution Research and Technology Plan* by the Interagency Coordinating Committee On Oil Pollution Research (a 13 member interagency committee), which lists as their number one research priority to be “**Prevention through understanding Human Factors related to spill accidents.**” Their number three research priority is “**Onshore Facility and Pipeline Design, Inspection, Monitoring and Spill Prevention.** Fixed facilities account for over 60% of oil spilled from inland sources with 50% due to equipment failure. 25% of oil spilled from inland sources is from pipelines. The plan goes on to enunciate a need for public perception and participation in the decision-making process. A suggestion of addressing this problem is to recognize the importance universities and non-profit institutions in finding solutions to oil spill problems.... It goes on to say, “**Federal cooperation with various stakeholders should continue with the aim of leveraging both knowledge and resources.**” “Why,” I ask, “Does the Director of the BLM feel that TAPS is immune from considerations involving human factors?”

The report lists the impact of pipeline spills during the 1987-1995 period to be 13,771 incidents totaling 33.7 million gallons. A number that is difficult to reconcile with the benign magnitude listed in the Argonne report. Given the number of high velocity streams and rivers the pipeline traverses, the inadequate preparations by Alyeska for oil spill response and the values associated with the associated riverine ecology it seems prudent for agencies and TAPS to endorse a citizen oversight committee. The report goes on to state, “Present work indicates that while recovery capability in currents up to three knots has been achieved, containment (in contrast to diversion) with conventional booms in currents much above one knot is extremely difficult outside a test facility.” An additional point illustrated in the report cites the great concern over the potential effects on the permafrost that could result from pipeline spills. Lately, you have heard testimony from developed from studies being conducted by the National Research Council on *Arctic Climate Assessment* regarding concerns about widespread permafrost degradation upon the integrity of the pipeline. As explained in *The Emperor's Hose*, this is a concern that appears to be readily dismissed by Alyeska. Another example of minimization—if we don't acknowledge it—it doesn't exist!

Stakeholders view assurances from the existing regulatory regimes with considerable trepidation. News reports of bureaucrats pursuing their duties with diligence and being forced out of their areas of responsibility does not condone a sense of well-being. Nor, do announcements of TAPS owners cutting maintenance/operations budgets. Reassurance is not found in the statistics kept by the Federal Office of Pipeline Safety either. Abstracts provided by that Office are attached to this testimony. The following chart shows the nationwide annual percentage of incidents by major cause for the past 12 years.

Date	Corrosion	Failed Pipe/Weld	Human Error	Malfunction of Equipment	Other	Outside Force Damage
1990	28.32	10.54	5.55	6.11	26.66	41.00
1991	30.54	11.56	6.01	8.33	18.51	25.00
1992	20.27	12.25	7.07	5.18	29.24	25.94
1993	24.01	7.41	6.11	7.42	29.25	25.76
1994	19.63	14.05	3.67	8.97	31.42	22.85
1995	19.14	12.22	13.82	2.65	23.93	28.19
1996	30.92	9.78	5.87	3.09	25.25	25.25
1997	29.22	8.18	6.43	4.09	28.65	23.39
1998	28.13	8.49	4.57	5.88	27.45	27.45
1999	21.33	10.11	9.52	4.16	37.50	17.26
2000	22.44	12.24	6.12	3.40	31.97	23.80
2001	29.44	5.42	6.20	2.32	34.88	21.70
Avg. %	25.12	10.19	6.73	5.13	28.73	25.63

It is interesting to note that despite major emphasis by industry and purportedly the Office of Pipeline Safety that the percentage of failures due to corrosion are nominally the same now as in 1990 as are the failures due to human error. In fact, there is no appreciable change in any of the failure categories with the exception of improvement due to outside force damage in 1990. Despite qualitative assurances from Argonne, the above data does not offer substantive relief to concerns expressed by stakeholders. Particularly, given the aging pipeline, turnover of personnel, the industry's incident record, and reduced funding for maintenance by the TAPS owners. None of the publicly available data lends itself to creating credible risk modeling for pipelines, which simultaneously operate over discontinuous permafrost, active seismic zones and 150-170°F temperature ranges

In closing:

- Decisions made upon the presentation of the Argonne DEIS will be seriously flawed given the lack of accuracy to details regarding the impact of a system failure. Further, the inability to measure the magnitude of a failure constitutes a serious breach in presenting a DEIS which should provide an accurate measure of the cost of the risk. The lack of addressing the cost to various stakeholders is a serious flaw. 72-1
- Further, it is regarded by those professionals who review the structural framework of highly reliable organizations as a major error to postulate future probabilities of error free operations upon past performance. 72-2
- There is a need for more time to review the DEIS. To foist such a voluminous document upon Alaska citizens during the most intense season for work and subsistence activities does not jibe with the spirit of environmental review as Congress envisioned it. The comments of the BLM Director notwithstanding, reminds me of the Alyeska commercials prior to the Exxon Valdez incident where they crowed to Alaskans how well they were doing the job. That rhetoric died when the ship hit Bligh Reef. Yesterday's record is not germane to the issue of tomorrow's safety record. Yesterday's record is not the reassurance Alaskans need. Rather we need the commitment of Alyeska and the regulatory agencies to anticipate thoroughly the appropriate response to a potential catastrophic leak. 72-3
- It is manifest a need for a well funded independent citizen commission with subpoena powers composed of stakeholders to perform competent research, audit maintenance activities and review the adequacy of contingency plans as required by the ROW permit. The oversight should be extended to both the operators and regulators of the pipeline. 72-4

Thank you for this opportunity to testify

## Responses for Document 00072

- 00072-001:** For the purposes of analysis in the EIS, a spectrum of spill scenarios ranging from high frequency/low consequence to low frequency/high consequence events is considered. The scenarios and the estimated impacts associated with them are discussed in Section 4.4 of the EIS. Among the initiators considered to lead to spills are systems failures including valve failures, system over pressurization, maintenance-related damage, corrosion, and tank loss at TAPS pump stations.
- The potential cost of any spill, measured in terms of potential impacts to the state, in terms of potential oil revenue losses to local communities in the pipeline corridor, in terms of the demand for additional public services, property values, and recreation and tourism is included in Section 4.4.4.13 of the EIS.
- 00072-002:** For the purposes of analysis in the EIS, a spectrum of spill scenarios ranging from high-frequency/low-consequence to low-frequency/high-consequence events is considered. The scenarios and the estimated impacts associated with them are discussed in Section 4.4 of the EIS. Many of the scenarios considered have not occurred during the 25-year operation of the TAPS, but have been postulated to occur with certain frequencies in the EIS. Therefore, contrary to the suggestion made by the commentor, the future performance of the TAPS is not assumed to be based strictly on past performance.
- 00072-003:** 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.
- 00072-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 10  
 1200 Sixth Avenue  
 Seattle, Washington 98101

August 20, 2001

Reply To:  
 Attn Of: BCO-088

Ref: 01-054-BLM

Rob McWhorter  
 Joint Pipeline Office  
 410 West 4<sup>th</sup> Avenue, Suite 2  
 Anchorage, AK 99501

Dear Mr. McWhorter:

The Environmental Protection Agency (EPA) has completed its review of the draft Environmental Impact Statement (EIS) for the proposed **Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way** (CEQ No. 020274) in accordance with our authorities and responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. The draft EIS evaluates the no action alternative and two (2) action alternatives related to the continued operation of the 800-mile pipeline system that transports oil from the North Slope of Alaska to the marine terminal in Valdez, Alaska. The draft EIS identifies the renewal of the Federal Grant for an additional 30 years as the agency-preferred alternative.

Our review of the draft EIS has not identified any potential environmental impacts that would require substantive changes to the proposal. As a consequence, we are assigning a Lack of Objections (L.O) rating to the proposed project. This rating and a summary of our comments will be published in the *Federal Register*. A summary of the rating system we used in our evaluation of this EIS is enclosed for your reference.

73-1

While we have no objections with the proposed renewal of the Federal Grant, we recommend that the EIS clarify whether existing stipulations and mitigation measures are proposed to be continued with the renewal of the Grant/Lease or a revised set of stipulations and mitigation measures would be implemented with Grant/Lease renewal. We presume that the current set of stipulations and mitigation practices would be carried forward with the renewal, however, we do not believe that EIS is sufficiently clear on this point. Additionally, we recommend that the EIS expand its discussions to reflect the broad range of laws and treaties applicable to subsistence hunting and gathering rights by Alaska's Native peoples and integrate their provisions/requirements into the analyses presented in the EIS related to subsistence issues. These topics are discussed in greater detail in the enclosure to this letter.

73-2

Thank you for the opportunity to provide comments on the draft EIS. Should you have any questions, please contact Bill Ryan of my staff (206-553-8561) at your earliest opportunity.

Sincerely,

Judith Leckrone Lee, Manager  
 Geographic Unit

Enclosures

cc: Argonne National Lab



EPA Comments on the  
Draft Environmental Impact Statement (EIS)  
for the  
Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way

**Mitigation Measures and Stipulations**

Section 4.1 of the draft EIS presents a discussion of the existing mitigation measures/approaches that are being applied under the current Federal Grant and State Lease. A general characterization of the stipulations in the Federal Grant related to mitigating impacts to biological systems is presented in Table 4.1-2. With respect to the discussion of mitigation measures, we recommend that the EIS clarify whether existing mitigation measures are proposed to be continued with the renewal of the Grant/Lease or a revised set of measures would be implemented with Grant/Lease renewal. We presume that the current set of mitigation practices would be carried forward with the renewal, however, we do not believe that EIS is sufficiently clear on this point.

73-3

While Table 4.1-2 does provide a general sense of what is to be done to avoid or mitigate impacts to biological resources under the current Grant/Lease, the EIS is not clear in defining stipulations that are proposed to be included in the renewed Grant/Lease. As with the mitigation measures and practices discussed in Section 4.1 of the draft EIS, we presume that the current Agreement and Grant Right-of-Way (including stipulations) presented in Appendix F of the draft EIS would be continued as the agreement governing the renewed Grant/Lease. We recommend that the EIS clarify that this is the case or if a revised agreement and new stipulations would be developed. Because the stipulations are essentially mitigation measures that would be a requirement of the renewed Grant/Lease, they should be included (in their entirety) in the EIS as required by the implementing regulations for NEPA (see 40 CFR 1502.16).

73-4

**Subsistence**

The subsistence discussion presented in Section 3.24 of the draft EIS (including the "Evolution of Subsistence Regulation in Alaska" box on page 3.24-2) is framed very narrowly within the context of the State's definition of subsistence and federal parameters under ANILCA. Please note that there are many federal statutes and treaties that have evolved prior to and during statehood. The description included in the draft EIS is incomplete in providing information related to the history of subsistence in Alaska. Significant information related to the continued protected rights of Alaska Natives for subsistence food gathering under those laws and treaties should be included in this discussion.

We recommend that you consult the following statutes and treaties that protect (or have protected) subsistence hunting and gathering rights by Alaska's Native peoples and integrate their provisions/requirements into the discussions and analyses presented in the EIS related to subsistence issues.

73-5

- Treaty of Cession, Art. III, 15 Stat. 539, 542;
- 16 Stat. 186 (1870), Fur seal hunting;
- 32 Stat. 327 (1902) amended, 35 Stat. 102 (1908), State of Alaska's first game law;
- 39 Stat. 1702, 1703, Migratory Bird Treaty (1916);
- 43 Stat. 739, 744 (retained, 54 Stat. 1103, 1104 (1940); 57 Stat. 301, 306 (1943)) State of Alaska Act creating the Alaska Game Commission;

- 43 Stat. 474, 477 (§§4-5) White Act regarding fisheries (1924, amended 1934);
- 57 Interior Dec. 461, 474 (2/13/42) *Aboriginal Fishing Rights in Alaska*
- Alaska Constitution, Art. XII, §12;
- 16 U.S.C. §1371(b) Marine Mammal Protection Act (1972);
- 43 U.S.C. §1653(a)(1), Trans-Alaska Oil Pipeline Act (1973);
- 16 U.S.C. §1539(e)(1), Endangered Species Act;
- 16 U.S.C. §712(1), Fish & Wildlife Improvement Act (1978);
- 14 of the Executive land withdrawals for national monument proclamations direct the Secretary of Interior to protect subsistence culture in those monuments 43 Fed. Reg. 57009 (12/5/78), reprinted in 1978 U.S.C.C.A.N. 9589-9628; and
- 43 Fed. Reg. 60252-60258 (12/26/78) National Park Service & Fish & Wildlife Service, interim regulations for subsistence protection mandates under ANILCA.

73-5  
(Cont.)

We recommend that the term "Alaska Native group(s)" used throughout Section 3.24 of the draft EIS be replaced with terms or descriptions that more accurately describe the type of group being discussed. For example, if individual Alaska Natives are discussed, then that description should be used. If the discussion is actually referring to Alaska Native groups, then further definition of the "groups" should be provided because there are many different types, each with its own identity/purpose etc. If Tribes are discussed, then use the term Tribe.

#### **Alaska Native Corporations**

The first portion of Section 3.23.6 of the draft EIS should be revised to more clearly describe the genesis of the Alaska Native Corporations. We recommend replacing the first two (2) sentences of the section with the following:

A substantial portion of Alaskan land is owned by Alaska Native corporations, which were established under the terms of the 1971 Alaska Native Claims Settlement Act (ANCSA) (see Section 3.25). Through the terms of this federal statute, Congress settled recognized aboriginal land claims, providing for the exchange of money for lands lost by Alaska Natives. The payment of \$462.5 million and 2% of the value of federal and state leasable mineral revenues were made to the state-chartered regional and village corporations that were established under the ANCSA.

73-6

## Responses for Document 00073

- 00073-001:** Thank you for your comment.
- 00073-002:** Sections 1 and 2 of the FEIS have been revised to more clearly indicate the role of BLM and JPO in oversight of the Federal Grant. In addition, Section 4.1 outlines current mitigation that is an integral part of implementing the Federal Grant. Subsistence activities in Alaska are guided by laws and treaties specific to that state, including Title VIII of the Alaska National Interest Lands Conservation Act in the case of federal land. (See Section 3.24.1 and Appendix E). The EIS focuses on these Alaska-specific laws as more pertinent to subsistence issues addressed for the alternatives considered.
- 00073-003:** Section 2.2 has been modified to state that all special requirements (Appendix G of the FEIS) and stipulations (Appendix B) would be carried forward under the proposed action. These stipulations are part of the proposed action. In addition, additional suggested mitigation is included in section 4.8.4.
- 00073-004:** Biological resources would continue to be managed and protected under the proposed action because all of the current stipulations would be carried forward (see Appendix G of the FEIS). In addition, the Federal Grant under the proposed action allows BLM to implement new protective measures at any point during the renewal period, if deemed necessary to protect biological resources.
- 00073-005:** The subsistence section (3.24) has been modified to reflect input received during the public comment process on the DEIS. The FEIS subsistence sections do not state that other laws and regulations are not germane to Alaska, but rather that ANILCA is the fundamental driver of Federal subsistence oversight in Alaska. The other laws cited in the comment form the foundation of specific resource regulations in the United States, but the focus on ANILCA in the FEIS helps presents a clearer picture of subsistence issues in Alaska.
- 00073-006:** The text presented in the FEIS on Alaska Native Corporations captures the intent of the comment (see section 3.23.7). Importantly, the baseline information on the current situation of Alaska Native Corporations is presented.