

August 14, 2002

Bureau of Land Management
TAPS Renewal EIS
Argonne National Lab. EAD/900
9700 S. Cass Ave.
Argonne, IL 60439

Dear Board Members,

I am a member of the Native Village of Eyak and a commercial fisherman reliant on the Copper River and Prince William Sound natural resources. My family has been supported by local fisheries for sixty years. Natives in Prince William Sound have a wealth of knowledge and history that is not being considered by TAPS operators. We have subsisted off the resources of the Copper River and Prince William Sound for over 10,000 years. Our use of natural resources and their annual return is important to our culture. Conservation of this environment is a high priority for me, my family and for this community.

81-1

The DEIS wrongly represents my subsistence uses. Any renewal of the TAPS permit must require TAPS companies to fund research into the effects of the pipeline on subsistence and the scope of subsistence harvest in the affected areas for a better understanding of this issue.

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The research on Tribes represented in the DEIS is shallow and inaccurate. Federally Recognized Tribes need to be recognized and consulted in this process.

81-3

TAPS owners have not complied with original permit requirements for Native hire. In this renewal there need to be more stringent consequences for enforcement of the Native hire requirement. You need to assure Native hire in the spirit of this agreement not just as a quota. We need to see true Native employment, not just partial scholarships being unjustly considered as fulltime employment.

81-4

Respectfully,

William Reid

BX 1234
Cordova AK 99574
907424 7448

Responses for Document 00081

00081-001: The degree to which the Alyeska Pipeline Service Company considers knowledge and history of Natives in the Prince William Sound area is outside the scope of this EIS. With respect to the EIS, and the Alaska Native sociocultural systems in the Prince William Sound area, the document reviewed what it considered pertinent information on the peoples concerned. Most of this information was published, although members of the EIS team met on multiple occasions with people in the Prince William Sound area and recorded any information provided during those meetings. Depending on its relevance to the evaluation of impacts of the alternatives considered in the EIS, this information could have contributed to the EIS. With respect to the evaluation of subsistence in the EIS, the document included traditional ecological knowledge from certain Alaska Native villages in the Prince William Sound area (see Section 3.24). In an attempt to acquire additional traditional ecological knowledge specifically associated with subsistence, in early April 2002, the 21 directly affected tribes/villages were contacted by certified letter to begin a process of collecting such information. Those contacted by letter included the tribal governments of the villages of Chenega Bay, Eyak, Nanwalek, Port Graham, and Tatitlek. To date, no response to that letter has been received from any of the tribes contacted.

00081-002: In preparing this EIS, analysts have reviewed a wide body of historic and contemporary documentation about subsistence harvest patterns. A small number of new studies were identified, and other data were reanalyzed in response to comments on the DEIS. As a result, the EIS is able to draw reasonable conclusions on the basis of existing information.

00081-003: A discussion of federally recognized tribes has been added to Section 3.25.1.2, along with additional information regarding Alaska Native political self-assertion and civic capacity.

00081-004: The issue of Alaska Native hiring on the TAPS is discussed in Section 4.3.21.1. 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 triannual basis, starting in 1995. The most recent agreement was signed in 2001 (see Appendix F of the FEIS). The agreement provides the basis for implementing the requirements of Section 29. The 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.

William T. BACK ①
Box 204 Cordova 99574
907 424-5316

To Whom Taps renewal may
concern,

As a 30+ year fisherman
in the Copper River / Prince William
Sound region the Taps renewal
~~with the NARA~~ for the next
30 years should be contingent
in first and foremost the creation
of a regional citizens advisory
commission similar to the

82-1

PLWS RCAC^②. Many
people think it will be a
challenge to avoid a cata-
strophic spill into any of
the 70+ rivers and streams
at-the Copper drainage crossed
by the pipeline over the next
30 years. The creation of
an overland RCAC with
guaranteed funding and teeth
is needed towards that goal.

Thank you
Well? Brad

82-2

82-3

Responses for Document 00082

- 00082-001:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00082-002:** Oil spill prevention and response capabilities and related activities specific to the Copper River Drainage area are discussed in the text box in Section 4.4.4.3, "Oil Spill Planning for the Copper River Drainage."
- 00082-003:** The reader is directed to Section 2.5 of the FEIS and the text that discusses citizen oversight of TAPS.

August 20, 2002

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

00083

fax: 1-866-542-5904

Comment on TAPS System Right of Way Renewal, BLM Draft Environmental Impact Statement, DNR Commissioner's Statement of Reasons and Proposed Written Determination

Dear BLM and DNR:

I am a long-time resident of Cordova¹, whose life and livelihood has been, and could again be, significantly adversely affected by oil spills from the Trans Alaska Pipeline, the Valdez Marine Terminal, and from inadequate oil spill planning and response. I believe that the terms and conditions of the federal right-of-way and state lease agreements drafted in the early 1970s are not appropriate to guide the operation of TAPS; and that the "no action" alternative should be pursued, unless there is a significant upgrade in the pipeline and in the oil spill response; and until there is a citizens' oversight group or citizens' advisory council appointed to oversee the pipeline operation, similar to the Prince William Sound RCAC, funded by the TAPS owners.

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The past funds that the TAPS owners have collected for future dismantling, removal and restoration of TAPS (DR&R) should be recovered from the TAPS owners and placed in an escrow account, and that all future funds should likewise be placed in this account, which is to be held in escrow for the life of the pipeline.

83-4

I endorse the concept of an audit, every five years, to ensure that the pipeline employs best available technology in pipeline construction, maintenance, repair and in oil spill response. In addition, I urge BLM to ensure that the management framework of TAPS is by a single responsible managing party.

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83-6

Given the multitude of problems discovered through the Employee Concerns Program, I believe BLM should establish the ECP as part of the right-of-way lease terms. There are several additional specific issues to which BLM should direct its attention:

83-7

(1) BLM should require the use of SERVS fishing vessel responders and other specific response techniques, to mount a response to a spill that impacts the Copper River, and flows down to (or threatens) the Copper River Delta and Flats. There should be a specific plan to respond to such a spill mandated by the TAPS lease. This is one of the most important bird and fishing areas of Alaska, and should be mandated to be protected.

83-8

(2) a thorough analysis of the VSMS, particularly in light of climate change in the past 30 years (and anticipated changes in the future) should be undertaken prior to

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¹I am a resident of Cordova and I spend a portion of the year fishing in Southeast Alaska, visiting my daughter (who lives in Girdwood) and working part of the year outside Alaska with my son and wife. I serve as a volunteer in organizations whose primary focus is safer and environmentally sound oil transportation, exploration and development in Alaska.

renewal.

(3) In order to ensure the safe operation and maintenance of the pipeline, a minimum workforce should be established for operation and maintenance of the pipeline. The positions needed should be reviewed and analyzed, using statistics of past employees needed, current employees, and projected future needs. No diminution in workforce should be allowed, without renegotiation of lease terms, after Alyeska establishes that the workers are not necessary.

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(4) A thorough cumulative impact assessment of the pipeline should be undertaken, using the principles established by the National Research Council. The cumulative impact analysis in the TAPS EIS is insufficient.

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(5) A system of fines and penalties should be established for violation of lease terms, or for failure to implement audit recommendations. Those fines should be automatically imposed, with an opportunity for TAPS owners to administratively appeal those fines through the IBLA or other administrative process.

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(6) Areas of site-specific liquefaction potential should be reviewed, and the original design intent and compliance with project stipulations should be addressed and verified for each of these unique locations.

83-13

(7) There should be an analysis of the potential for terrorist attacks of the pipeline, and mitigation that should be imposed, prior to lease renewal. There should be an independent assessment of fire response capability at the VMT by the state fire marshal.

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83-15

(8) BLM and DNR should ensure that best available technology, state of art technology to protect environment, best efforts, best practicable technology available, are used in the pipeline and VMT.

83-16

(9) The ACMP analysis should include analysis of impacts to all affected coastal districts, including the North Slope Borough, Kodiak Island Borough, Kenai Peninsula Borough, City of Cordova, Whittier. DGC should conduct an ACMP consistency review for each of those affected coastal districts.

83-17

(10) BLM/DNR should impose seasonal transportation restrictions during periods of broken ice in rivers and the Beaufort Sea which may be impacted by a spill from the TAPS. BLM previously found deficiencies in surveillance at critical river crossings but allowed a one or two year resolution of the compliance issue, spanning two or three review cycles and the renewal process. This is improper phasing.

83-18

In addition to these comments, I hereby adopt, and incorporate by reference the comments of the Alaska Forum for Environmental Responsibility, (including those identified in the AFER Report on the Status of TAPS released June 2002) the verbal and written comments of Stan Stephens, Richard Fineberg, Riki Ott, and Walt Parker and Tom Lakosh.

Thank you for your consideration of these comments. Please provide me with all public notices that BLM and DNR issue with respect to the TAPS. Please submit them to my c/o Nancy S. Wainwright, 130303 Back Road, Anchorage, Alaska 99515-3538.

TOM COPELAND
P.O. Box 2338
Cordova, Alaska 99574



Responses for Document 00083

- 00083-001:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide 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.
- 00083-002:** Thank you for your comment.
- 00083-003:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00083-004:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00083-005:** 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.
- 00083-006:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00083-007:** 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.
- 00083-008:** 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).
- 00083-009:** The reader is referred to Section 4.1.3.2.1 of the FEIS which addresses monitoring and mitigation of VSM structures under changing soil conditions.

00083-010: The TAPAA and the Federal Grant of right-of-way provide BLM with all the authority it needs to oversee operation of the TAPS and to impose strict and enforceable requirements upon APSC to comply with necessary operational procedures.

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.

00083-011: The purposes of the EIS and of the National Academy of Science/National Research Council's cumulative effects study are substantially different. The purpose of the EIS is to evaluate the environmental consequences of pipeline renewal and alternatives. For this reason, the TAPS EIS addresses impacts from other actions that are cumulative with the impacts of continued operation of TAPS.

00083-012: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00083-013: A study to review and reevaluate potential liquefaction hazards for the TAPS after 25 years of operation is currently being conducted by APSC. When this EIS was prepared, the results of the study were not available.

00083-014: Security issues related to the TAPS have been added as Section 3.1.2.1.6.

00083-015: The state fire marshal is a member of JPO and conducts regular inspections of the TAPS, including the VMT.

00083-016: 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.

00083-017: The ADGC conducted consistency reviews for North Slope Borough and Valdez Coastal Resource District, which were determined to be the affected coastal districts for the proposed rights-of-way grant renewal. The ADGC determined that the TAPS Owner's application was consistent with the applicable coastal management programs.

00083-018: Shipping operations in the Beaufort Sea are under the regulatory control of the U.S. Coast Guard and the U.S. Department of Transportation.

The identification of need and application of appropriate mitigation measures regarding river icing issues are included in the adaptive management approach employed by BLM and the JPO member agencies, described below.

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.

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Record@dnr.ak.gov

Dear Gale Norton, BLM and the TAPS Renewal Team,

Since the Trans-Alaska Pipeline System (TAPS) right-of-way lease permits are up for renewal for the first time in 30 years, I wanted to make sure my concerns were appropriately addressed.

First, I would like to argue the statement by federal and state regulatory agencies that the aging 800-mile pipeline and its support systems that were originally built to last 30 years *"can be sustained for an unlimited duration"* with minimal costs and change in the operating and maintenance procedures. This is hardly credible given the numerous problems with the pipeline.

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The permafrost is melting, the ground is moving, the pipeline is corroding, the infrastructure is shifting, and the 800-mile Trans-Alaska Pipeline System (TAPS) was only built to last 30 years. I am concerned about the Bureau of Land Management TAPS Renewal Team's hurried push to move forward plans to renew the aging pipeline which travels across the tundra, through mountains and forests and traverses hundreds of rivers and streams, south to the Gulf of Alaska for another 30 years with no public awareness and marginal response to public concern.

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The fall 2001 spills on pipeline startup, the failed response to the Livengood bullet hole spill, and the 21-inch shift in a section of pipeline that went undetected for 3 months are obvious examples of problems with the TAPS. Why the TAPS squad has given the public such a short timeframe in which to respond to concerns is beyond many Alaskans.

In Cordova, Alaska for example, the BLM TAPS Lease Renewal Team scheduled a public hearing at 7pm on a Friday night in late July in a fishing community with less than 10 day's notice? Last time there was a public hearing regarding oil transport in Cordova, the hearing began at 8am and lasted until 8pm. One testifier at the July 26 meeting commented that "scheduling a public hearing at this time in Cordova would be like scheduling an important hearing at 2:30 in the afternoon in Manhattan and expecting people to attend during work hours – it's just not going to happen – people are working."

84-3

First and foremost, 100% of the testifiers agreed that the comment period needed to be extended at least another 45 days, that another hearing needed to be scheduled after fishing season at a reasonable hour, and that there needed to be sufficient notice of such a hearing. I stand behind my fellow Cordovans on these comments.

Beyond those logistical requests, I am well-informed about concerns regarding the safety of the pipeline renewal and the toxicity of oil and what they mean for our coastal fishing community. Since the pipeline crosses 76 salmon-bearing streams in the Copper River Watershed (Watershed), 20% of the 800-mile pipeline is located within the Watershed, oil

84-4

pollution affects salmon spawning and reproduction at a tiny amount of 1 part per billion, there is no oil spill response plan for the Watershed in the case of an earthquake or an accident, and because the TAPS was an engineering feat only built to last 30 years, I, along with fishers and subsistence-users am concerned about the potential and very-likely threats to the world-famous Copper River salmon fishery. No wonder they scheduled this meeting during fishing season and neglected to give sufficient notice to Cordova residents.

84-4
(cont.)

We Cordovans have already been devastated by oil pollution from the infamous Exxon Valdez tanker. We depend enormously on the Watershed to make a living, to feed our families, and for clean drinking water. Perhaps the TAPS squad is so concerned because we Cordovans know all too well that there is no way to clean up an oil spill once it has happened. If there were an earthquake that ruptured the TAPS, there is no way Alyeska, the state, or the Federal agencies could mobilize cleanup operations in a timely enough manner that would make a difference. Oil spill contingency plans for the overland portions are sorely inadequate or lacking. The potential for disaster is magnanimous and Alaskans have already felt its effect on the social and economic fabric of the Prince William Sound communities from the Exxon Valdez 1989 spill. Everyday, and each day the TAPS ages, Alaskans fear another accident.

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In addition, our coastal fishing community depends increasingly on tourism as a source of lost revenue resulting from the 1989 Exxon Valdez tanker spill. Many people come here to enjoy the serenity and magic of the Copper River Delta and the myriad of wildlife it boasts, including eagles, trumpeter swans, dusky Canada geese, black and brown bears, marmots, goats, wolves and moose. It would devastate us further if our unspoiled wildlands were destroyed. Many US citizens would be outraged to know about the potential for disasters across the pristine landscapes surrounding the 800 miles of pipeline, especially since the North Slope only provides 3 percent of US oil needs.

84-6

Last but not least, Cordovans and local Native villages were not cited on the TAPS Draft Environmental Impact Statement (DEIS) as dependent on subsistence in the region as a valuable resource. Bruce Cain, Executive Director of the Native Village of Eyak mentioned that the DEIS "lacks recognition of federally recognized tribes and relies inappropriately on the *Handbook of North American Indians* rather than the Tribes themselves for information about their history and culture." The DEIS stated that, "Because so few Eyak remain, a discussion of Eyak culture in the 21st century is impossible." (*Section 3.25.1.1.2, p. 3.25-11*) Not only should Cordovans see the logical and sustainable reasons for improvements to or removal of the TAPS, but they should also be offended by the negligence of the TAPS Team to disregard their culture and heritage.

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84-8

Several major conservation, public safety, and corporate watchdog groups are concerned about the affects of the aging infrastructure, the possibility of additional terrorist attacks and global warming's melting permafrost along the 800-mile pipeline corridor. Oil is toxic to fish, wildlife and the pipeline workers. Past oil spills, as large as the Exxon Valdez, and as small as bullet hole last October have taken far too long to cleanup, have polluted inland and coastal waters and have cost millions to contain. All in all, once oil is spilled, Alaskans lose their food supply, fishing economy, clean water and natural heritage -- oil is impossible to clean up and its damage lasts untold generations.

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The Alaska Forum for Environmental Responsibility (AFER) in its report, The Emperors New Hose, by Richard Fineberg, details some of the serious operational and maintenance problems

facing Alyeska and the pipeline over the last couple of years. In this report AFER makes seven recommendations about how to change and improve pipeline operations and they insist that these changes be implemented prior to the Grant and Lease renewal of the right of way lease for the Trans Alaska Pipeline System. These 7 recommendations include:

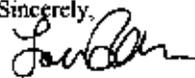
- The public comment period must be extended by at least 45-days to ensure ample time for meaningful input. 84-10
- There needs to be a Citizen's Advisory Council established to oversee operations of the pipeline. The grant lease should establish a citizens oversight group (COG) funded by the TAPS Owners through the Department of the Interior. 84-11
- Secondly, the TAPS owners should be required to place the dismantling, removal, and restoration funds directly into an escrow account so that they no longer continue to profit off of these funds, and a portion of these funds should be used to fund a Citizens Advisory Council 84-12
- Grant and lease renewal should be made conditional on satisfactory completion of an immediate comprehensive independent field audit, as well as an independent technical review and field audit every five years for the duration of the life of the pipeline. 84-13
- The ownership of the TAPS should be transferred to a single owner with no connections to North Slope crude oil production. 84-14
- A TAPS Employee Concerns Program should be incorporated into lease and right-of-way renewal to ensure critical problems are adequately addressed to prevent spills. 84-15
- Stipulations attached to the original federal and state Grant and Lease agreements should be carefully reviewed to ensure that they reflect a) scientific and technological advances during the last three decades and b) experience with the operation of TAPS. 84-16

I fully support these recommendations to be implemented before the Grant and Lease renewal is approved that were compiled by the Alaska Forum for Environmental Responsibility.

TAPS is a national security issue affecting all US citizens, not only those who live in Alaska. We must reduce our dependence on oil, not only as a national security issue, but also as a public health issue. How long will it take for our communities and our country as a whole to connect the dots between oil and public health? How long will it take people to realize the government subsidizes oil corporations to pollute our water supply, destroy our fisheries, and cause the myriad health problems associated with air pollution? 84-17

We must fight to keep our last remaining wild places intact so that they may filter our water, spawn our Copper River salmon and serve as a reminder of what is pristine and natural. The TAPS Lease Renewal is not only an urgent issue in Alaska, but it is a symbol our ill-ecological fate.

Thank you for the opportunity to submit my concerns and comments.

Sincerely,

Lauren Joy Padawer
Cordova Resident

Responses for Document 00084

00084-001: The BLM and member agencies of the JPO are committed to the protection of human health and the environment. The Federal Grant and authorizing legislation (TAPAA) provide unprecedented authority to BLM in assuring the protection of human health and the environment. This authority allows the BLM and JPO to ensure that operation and maintenance are done properly if TAPS is to operate.

00084-002: The EIS covers the design of TAPS, corrosion monitoring, geotechnical issues, and monitoring of the aboveground pipe. It is correct that the effects of aging have the potential to impact the integrity and reliability of any mechanical system. However, age alone does not dictate reliability or performance. Myriad factors can impact system performance. For example, the manner in which mechanical systems are operated and maintained can greatly influence their long-term integrity, reliability, and performance.

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

The warming in Alaska in the last several decades is recognized. Evidences of warming in areas surrounding Alaska, including the Arctic Sea, as well as air temperatures, permafrost temperatures, and field observations in thermokarst lakes and glaciers are presented in Section 3.12.7.

Factors that could impact pipeline integrity are identified in Section 4.2 and are incorporated into analyses presented in Section 4.3. The JPO and APSC have entered into memoranda of agreement committing APSC to using reliability centered maintenance (RCM) protocols to form the basis for APSC's maintenance decisions and clarifying expectations on the use of RCM. See the discussion in Section 4.1.1.7.

00084-003: 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.

00084-004: The Copper River Drainage is one of several traversed by the Trans-Alaska Pipeline System (TAPS). Several individuals and organizations commented on the Draft Environmental Impact Statement "Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way," expressing concern about the impacts that would be associated with a potential oil spill in the Copper River Drainage, and APSC's plans to prevent or respond to such a spill. See the text box in Section 4.4.4.3, "Oil Spill Planning for the Copper River Drainage."

See Chapter 5.2 of the FEIS regarding notice of the DEIS.

00084-005: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

APSC's oil spill response capabilities and plans for TAPS are summarized in Section 4.1.4 of the EIS and explained in detail in the "TAPS Oil Discharge Prevention and Contingency Plan" and in the "Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan." 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 C-Plans provide for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline or at VMT. They are available to the public through various libraries in several major cities in Alaska. Oil spill prevention and response capabilities and related activities specific to the Copper River Drainage area are discussed more fully in the text box in Section 4.4.4.3, "Oil Spill Planning for the Copper River Drainage."

Since the Exxon Valdez Oil Spill in 1989, and the enactment of the Oil Pollution Act in 1990, significant improvements have been made in the procedures, staffing, and the equipment needed to prevent and respond to potential oil spills from tankers in the Prince William Sound. Among the improvements made are the following: (1) APSC's Ship Escort/Response Vessel System was established in July 1989 to help tankers navigate through the PWS and to respond to potential oil spills, (2) New procedures were established and regulations put in place by the United States Coast Guard to better control the tanker traffic in the PWS, (3) PWS Regional Citizens' Advisory Council was created to help plan for and oversee the oil spill prevention and response operations, (4) The amount of equipment and personnel available for oil spill prevention and response was increased, (5) more stringent training and personnel monitoring programs were established, (6) Government oversight was increased, and (7) the spill prevention and response budget was increased dramatically. The currently available oil spill response capabilities and plans for the PWS are summarized in Section 4.1.4 of the EIS and are provided in detail in the Prince William Sound Oil Discharge Prevention and Response Plan (Prince William Sound Tanker Plan Holders 1999).

00084-006: Thank you for your comment.

00084-007: Text and tables in Section 3.24.2 and D.2.3.4 discuss and present data on subsistence harvest levels and participation for Chenega Bay, Cordova, and Tatitlek. The text and data presented indicate that these three communities harvest a broad range of resources, and that the vast majority of households harvest and use these resources. Tables 3.24-1, 3.24-2, and D-26, and Sections 3.24.2.4.2 and D.2.3.4.2 specifically deal with Cordova. As the rural Alaskan economy was characterized as mixed (that is, combining subsistence and cash economies), the economy of no village was viewed as entirely dependent on subsistence, though the data clearly show a heavy reliance on subsistence for all three localities.

Because subsistence is defined in the EIS based on rural residency, Alaska Natives are not singled out in these communities with regard to their particular reliance on subsistence, though Section 3.24 notes that Alaska Natives have a special relationship to subsistence activities. Table 3.29-1 shows the percentages of populations in each of the three listed communities who claim Native heritage.

00084-008: A discussion of federally recognized Tribes has been added to Section 3.25.1.2. A clarification of differing perspectives on Eyak heritage has been added to Section 3.25.1.1.8.

- 00084-009:** Thank you for your comment. Cleanup and toxicity of spilled oil is addressed in Section 4.4 of the EIS.
- 00084-010:** 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.
- 00084-011:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00084-012:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00084-013:** 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.
- 00084-014:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00084-015:** 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.
- 00084-016:** 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.
- 00084-017:** Thank you for your comment.



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

Use this self-addressed form to submit your TAPS Renewal Draft EIS comments. Please give this completed form to one of the meeting hosts or take it with you and mail it. Make your comments, fill the form, tape it shut, place a stamp on the outside and drop it in the mail. Comments must be postmarked no later than August 20, 2007.

Please provide this information:

<small>NO-10 11/98</small>	Name	Sandra P. Wassilie	<small>NO-11 2/04</small>
	Title/Organization	Citizen	
	Mailing address	P.O. Box 1576	
	City	Seward	
	State	AK	Zip/Cour 99664-1576

E-mail (I wish to receive TAPS Renewal EIS information by e-mail at this address): swassilie@seward.net

I support giving the renewal process wider public exposure. Given TAPS crosses most major watersheds, it spans the state. TAPS to date has served the state well. However, it is 25 years old. Ironically, its maintenance budget has been reduced, increasing risks to watersheds and coastlines that support other economies. Every citizen needs to understand the degree of oversight given TAPS. This can be done by extending the comment period and by bringing the draft EIS into more communities.

85-1

85-2

85-3

WITH HOLDING OF PERSONAL INFORMATION

1. If you wish to be removed from the mailing list, please contact the BLM Alaska Region at the address below. However, BLM will not remove your name from the mailing list if you have provided a return address for mail. BLM will not remove your name from the mailing list if you have provided a return address for mail. BLM will not remove your name from the mailing list if you have provided a return address for mail. BLM will not remove your name from the mailing list if you have provided a return address for mail.

Responses for Document 00085

- 00085-001:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00085-002:** The age, condition, and maintenance (past, current, and projected) of TAPS was considered in preparing the DEIS.
- 00085-003:** 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.

To whom it may concern,

As a commercial fisherman in Prince William Sound/Koppe River Delta, and resident of Cordova I feel threatened by the TAPS and ~~the~~ the way in which the lease renewal seems to be pushed through without full consideration of the very real external costs of the system. I ~~think~~ think that the people of Cordova and those who might want to ~~voice~~ voice concerns about the TAPS are deliberately being pushed aside & not given a fair chance to provide input. The timing of the public hearing in Cordova was probably a ~~disregard~~ ^{disregard} before I ~~would~~ would consent to renewing a lease that would pump oil across the salmon streams in my water shed, in ~~an aging~~ an aging pipe line, there needs to be some changes made.

- ① Independent Audit of TAPS/Spill/DIEIS
- ② ~~Spill~~ Citizens Oversight Committee
- ③ Detailed Spill Prevention Plan
- ④ Detailed Spill Mitigation Plan
- ⑤ Compensation Program for victims of a spill
(The Alaska Consortium needs to be held responsible financially)

These external costs must be taken into account now. Forc. the pipeline beneficiaries to be

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Responses for Document 00086

00086-001: Although 45 days is understandably a short time to review a document of this size, it is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule, and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period. In addition to holding public hearings in Cordova for the purpose of receiving comments on the DEIS, five other ways were provided to submit comments during the 45-day period.

00086-002: 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.

00086-003: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00086-004: 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.

The reader is also referred to Section 4.4.4.3 where spill planning, response, and mitigation for the Copper River Drainage are discussed (see the text box, "Oil Spill Planning for the Copper River Drainage").

00086-005: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

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In addition, please see Section 4.1 in the EIS for a detailed presentation of mitigation measures including those relating to oil spill prevention and response.

00086-006: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00086-007: Impacts to two tributaries of the Copper River (Gulkana and Tazlina Rivers) are discussed in Section 4.4.4.3. Additional information on the Copper River Drainage can be found in the text box "Oil Spill Planning for the Copper River Drainage" in Section 4.4.4.3.

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

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

My name is Gail Osborne Steen. My father, Ben Osborne, moved to Cordova in 1908. He manufactured gold jewelry and was deeply involved in the commercial life of Cordova. My brother, Bjorne Osborne, was a commercial fisherman, as is my son, Karl O. Steen, and as is my grandson, Karl A. Steen. My daughter-in-law Ruth has a gift shop on First Street. My son Mark and his wife Lynne are also in business in Cordova. My family has been involved in the City of Cordova for almost one hundred years.

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

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

87-1

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

87-2

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

87-3

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

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

87-7

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

87-8

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

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

87-10

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

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

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

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

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

87-12
(Cont.)

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

87-13

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

#1 Stiff meaningful penalties for failure to comply.

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

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

87-14

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

87-14
(Cont.)

#2 Establish a TAPS Citizens' Oversight Group.

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

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

87-15

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

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

87-16

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

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

87-16
(Cont.)

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

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

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

87-17

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

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

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

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

87-19

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

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

87-20

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

87-21

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

87-22

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

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

87-23

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

87-24

I am concerned that the recommended alternative--to renew the permits for another 20 years--is way to long for this particular pipeline: it is essentially double its design life. If reauthorization is granted, it should be made conditional upon satisfactory completion of independent audits every year with in-depth audits every 5 years as stated above. The Prince William Sound Regional Citizens' Advisory Council has to pass an annual audit and review of operations to be recertified. Nothing less should be expected for the entire TAPS, which has much more at stake than the advisory council!

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

87-25

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

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

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

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

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

87-26

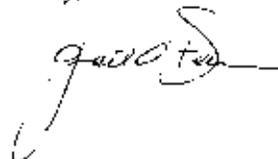
Summary of Concerns

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

87-27

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

Sincerely,



Responses for Document 00087

00087-001: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

APSC's oil spill response capabilities and plans for TAPS are summarized in Section 4.1.4 of the EIS and explained in detail in the "TAPS Oil Discharge Prevention and Contingency Plan" (APSC 2001g) for the pipeline and in the "Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan" (APSC 2001h) for the VMT. The Plans provide for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline or at VMT. They are available to the public through various libraries in several major cities in Alaska. Oil spill prevention and response capabilities and related activities specific to the Copper River Drainage area are discussed more fully in the text box, "Oil Spill Planning for the Copper River Drainage," in Section 4.4.4.3.

00087-002: Based on lessons learned from the Exxon Valdez spill, a number of improvements have been made (e.g., the creation of the Ship Escort Response Vessel System (SERVS) and phase-in of double-hull tankers) that will reduce the likelihood of a catastrophic tanker accident and the expected outflow given an accident.

Shortly after the Exxon Valdez oil spill, A National Transportation Safety Board report stated that had the Exxon Valdez been fitted with a double hull, "the risks of an oil spill owing to collision or grounding would have been significantly reduced."

00087-003: 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.

00087-004: The JPO produced TAPS engineering report No. 00-E-018, Valdez Marine Terminal Ballast Water Treatment Plant: Compliance with Agreement and Grant Section 23 (May 24, 2000). The report satisfies the 5-year review process.

00087-005: Potential health impacts associated with ambient concentrations of benzene, toluene, ethyl benzene, and xylene (BTEX) in Valdez area under the proposed action (at the crude oil throughput levels of 0.3, 1.1 and 2.1 million bbl/day) and other alternatives were estimated on the basis of conservatively high ambient concentration estimates of BTEX and other toxic air pollutants emitted from the BWTF and other sources at the Valdez Marine Terminal (Sections 4.3.13, 4.5.2.13, and 4.6.2.13). These ambient concentration estimates are based on the ambient BTEX concentrations monitored during the 1990-1991 personal and ambient monitoring studies and the tracer studies conducted in the Valdez area when both the vapor emissions from tankers and the BWTF were released. Exposures to these concentrations during the 1977-2003 period were factored into estimating the lifetime residential cancer risks (Table 4.3-4).

00087-006: 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.

00087-007: The federal action addressed in this EIS is renewal of the right-of-way for the TAPS. While renewal would result in continued operation of oil tankers in Prince William Sound, that activity is beyond the limits of the right-of-way corridor and is not under the jurisdiction of the BLM. Moreover, the BLM has no authority over oil spill cleanup and damage assessment within Prince William Sound. Regulation of activities associated with the transport of oil by tankers in Prince William Sound is under the jurisdiction of the U.S. Coast Guard and the U.S. Department of Transportation. Analysis of impacts to fish and wildlife in Prince William Sound is included in the EIS to provide a perspective within which the direct and indirect impacts of the proposed action and alternatives to it are addressed.

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

00087-008: As stated in Section 4.4.4.7 of the EIS, "Human Health and Safety," the assessment of impacts from spills is limited to the general public and does not include occupational exposures to cleanup workers generally or TAPS employees at the Valdez Marine Terminal. Protection of these workers is regulated under the Occupational Health and Safety Act and is beyond the scope of this assessment. Nevertheless, this section of the EIS discusses the concerns expressed in your comment about the allegations of workers who participated in the Exxon Valdez oil spill cleanup operations.

00087-009: Any information regarding potential hazards associated with TAPS should be provided to the JPO.

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

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

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

00087-010: 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.

00087-011: It is correct that the effects of aging have the potential to impact the integrity and reliability of any mechanical system. However, age alone does not dictate reliability or performance. Myriad factors can impact system performance. For example, the manner in which mechanical systems are operated and maintained can greatly influence their long-term integrity, reliability, and performance.

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

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

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

00087-012: Text has been added to Section 4.7.8.3 of the FEIS providing additional sources of information about the impact of the Exxon Valdez oil spill (EVOS) on communities, including intangible impacts, such as psychological stress, and in the fisheries, recreation, and tourism industries in the Prince William Sound area. In addition, compressed overviews of selected impacts of the EVOS have been added to Sections 4.7.8.1 and 4.7.8.2.

00087-013: 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.

00087-014: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00087-015: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00087-016: The BLM and the agencies within JPO acknowledge both that there have been legitimate issues related to APSC's employee concerns program (ECP) and that APSC has undertaken considerable efforts to improve and refine their ECP program.

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

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

00087-017: Section 4.4.4.7, Human Health and Safety, provides a detailed analysis of the potential effects of oil spills on human health. The BLM and member agencies of the JPO are committed to the protection of human health and the environment. The Federal Grant and authorizing legislation (TAPAA) provide unprecedented authority to BLM in assuring the protection of human health and the environment. Stipulations (the guiding conduct of operations for the operator of TAPS) within the Federal Grant contain numerous provisions that are protective of human health and the environment. If new data or information emerge that point to the need for further studies on the health effects of TAPS operations, these studies will be initiated by JPO.

00087-018: The BLM and the member agencies of JPO investigate all significant spills to assess lessons learned and potential mitigation. There has been no evidence to date that past spill volumes have been reported inaccurately. If natural resource damage claims occur because of a spill, the U.S. Fish and Wildlife Agency or National Marine Fisheries Service conduct studies to evaluate damage to natural resources.

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

- 00087-019:** The BLM and the member agencies of JPO investigate all significant spills to assess lessons learned and potential mitigation. There has been no evidence to date that past spill volumes have been reported inaccurately. If natural resource damage claims occur because of a spill, the U.S. Fish and Wildlife Agency or National Marine Fisheries Service conduct studies to evaluate damage to natural resources.
- 00087-020:** 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.
- 00087-021:** Section 1.1 in the EIS lists the current owners of the TAPS in a discussion about the application for renewal of the right-of-way grant.
- 00087-022:** 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.
- 00087-023:** 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.
- 00087-024:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.
- 00087-025:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00087-026:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00087-027: The operational history of TAPS, maintenance activities, spill response capabilities, and the potential for spills associated with TAPS were considered in the analysis. Impacts associated with potential spills are discussed in Sections 4.4 of the FEIS.

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

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

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

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

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

State of Alaska, DNR/JPO
 Attn: TAPS Renewal Team
 411 West 4th Ave., Suite 2C
 Anchorage, AK 99501
ADNR_Administrative_Record@jpo.doi.gov

August 20, 2002

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

My name is Osa Arnold-Schultz. I have fished, worked and lived in Cordova, Alaska for 22 years. My husband, Richard Schultz has been a Commercial Gill-netter for 26 years in the Copper River/ Prince William Sound Fishery - Area E. Together we have 3 other service/retail businesses here in Cordova, a boat & car towing business, the local pet shop and a B & B rental.

We pursue such diversified business endeavors and work 7 days a week most of the year in an attempt to retain our land / ocean based way of life and livelihood here.
 AND WE ARE STILL STRIVING TO OVER COME THE ECONOMIC STAINS AND
 LOSSES OF THE EXXON VALDEZ OIL SPILL.

I AM **APPALLED** THAT RENEWAL OF THE PIPELINE CONTRACT IS
 EVEN CONSIDERED WHILE EXXON CONTINUES TO IGNORE THEIR
 LEGAL OBLIGATIONS!!!

88-1

My husband and I attended the town meeting shortly after the spill where a prominent Exxon CEO promised us that "Exxon will make you whole" again. Whereas, they proceeded to do EXACTLY the OPPOSITE! They continue to refuse to settle their debt that was decided in a court of law - let alone keep the promise they made to Cordova. Is it not reasonable to expect Exxon to complete compensation debts prior to any renewal? They must prove they will follow through on their commitments; how else can we trust them to deal effectively with any future spill?

It is imperative that the State of Alaska and The Federal Government COMPEL
 Alyeska to "TOW THE LINE" instead of allowing them to continue to reap profits from
 America's resources irresponsibly and wantonly. PLEASE DO NOT PERMIT THEM
 TO JEOPORDIZE OUR FUTURES AND THE ALASKAN ENVIRONMENT
 WITHOUT TAKING EVERY PRECAUTION recommended by the experts.

88-2

The age of the pipeline, the recent and past accidents all support the urgent need for close controls. Please address and implement the following recommendations as requirements of renewal.

- #1 Stiff meaningful penalties for failure to comply. |88-3
- #2 Establish a TAPS Citizens' Oversight Group. |88-4
- #3 Charge penalties if more than 10% of employees are afraid to speak out. |88-5
- #4 Require independent, long-term epidemiology studies, and short- and long-term treatment of physical and mental health effects, for workers and affected residents after major TAPS spills. |88-6
- #5 Require independent verification of spill volume as a condition of lease renewal. |88-7
- #6 Thoroughly review and update the original right-of-way grants and stipulations in light of past experience, current science, new technology, new laws and public comments. |88-8
- #7 Grant and lease renewals should be made conditional on satisfactory completion—within 12 months of the renewal—of an independent field-based evaluation of the entire TAPS including hardware and management. |88-9
- #8 Grant and lease renewals should be made conditional on satisfactory completion of annual independent audits of TAPS operations and management and 5-year in depth independent field-based evaluations of the entire TAPS, including hardware and management. |88-10
- #9 Immediately escrow TAPS DR&R funds and use interest to finance the TAPS COG and other measures to improve protections for environment, fish and wildlife, and worker and public health safety. |88-11
- #10 Transfer of TAPS operations to single source with no North Slope production. |88-12

Again, I ask that you give **SERIOUS CONSIDERATION** to my comments. I will lose faith entirely in my state and federal governments if you do not **MAKE THE OIL INDUSTRIES ACCOUNTABLE.**

Osa Schultz
Box 1291
109 Council Ave.
Cordova, Alaska 99574
AdoreAlaska@ctcak.net



Responses for Document 00088

00088-001: The reader is directed to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00088-002: Thank you for your comment.

00088-003: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00088-004: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00088-005: 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.

00088-006: Section 4.4.4.7, "Human Health and Safety," provides a detailed analysis of the potential impacts of oil spills on human health. The BLM and other member agencies of the JPO are committed to the protection of human health and the environment. The federal grant and authorizing legislation (TAPAA) provide unprecedented authority to BLM in assuring the protection of human health and the environment. Stipulations (the guiding conduct of operations for the operator of TAPS) within the federal grant contain numerous provisions that are protective of human health and the environment.

00088-007: The BLM and the member agencies of JPO investigate all significant spills to verify the spill volume. There has been no evidence to date that past spill volumes have been reported inaccurately. If natural resource damage claims occur because of a spill, the U.S. Fish and Wildlife Agency or National Marine Fisheries Service conduct studies to evaluate damage to natural resources.

00088-008: 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.

- 00088-009:** 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.
- 00088-010:** 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.
- 00088-011:** The reader is referred to the discussion on escrow accounts in Section 2.5, Alternatives and Issues Considered but Eliminated from Detailed Analysis.
- 00088-012:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

Maggie Pinson
 18716 95th Avenue NE
 Bothell WA 98011
 (425) 486-9959

Blm. TAPS Renewal EIS
 Argonne National Lab EAD/900
 9700 South Cass Ave.
 Argonne IL 60439

August 20, 2002

To whom it may concern,

I have great concern for the natural environment and for the public health of persons impacted by the oil industry, and specifically of the Trans Alaska Pipeline System (TAPS).

I urge you to impose the seven recommendations proposed by Dr Richard Eisenberg in the Emergency New Hose and forwarded by the Alaska Forum for Environmental Responsibility when the Grant and Lease for the right of way of TAPS is imposed.

Sincerely,
 Maggie Pinson

89-1

89-2

Responses for Document 00089

00089-001: Thank you for your comment.

00089-002: Thank you for your comment.

ROD KOVALIK 00090
P.O. BOX 72563
FAIRBANKS, ALASKA 99707

Gentlemen:

AS YOU CAN SEE FROM THE ENCLOSED COVER LETTER BY RAY METCALFE, THE GROSS REFINING MARGINS AT THE U.S. WEST COAST ARE THREE AND FOUR TIMES THE GLOBAL AVERAGE, AND THE ELOQUENT TESTIMONY OF OTHERS.

THE STATE OF ALASKA EXERCISES NO SOVEREIGNTY OVER HER OIL RESOURCES.

I WORKED FOR ARCO ALASKA AT PRUDHOE BAY FROM 1977 UNTILL 1986, NEVER IN MY WORK LIFE HAD I SEEN SUCH WASTE, NOT JUST TOOLS AND MATERIALS, BUT ALSO THE SKILLS AND ABILITIES OF THE WORKFORCE.

THE ONLY EXPLANATION I COULD FIND FOR THE LACK OF CONCERN FOR EFFICIENCY WAS ^{GRANTED} THE POWER TO STEAL OR - THE COMPANY HAD BEEN -

WAS GETTING THE OIL FOR A FRACTION OF ITS TRUE VALUE

1

90-1

90-2

THE OIL COMPANIES AND THEIR INSTRUMENT, ALYESKA HAVE TOTALLY SUBVERTED OUR "REPRESENTATIVE" FORM OF GOVERNMENT.

90-3

THE RENEWAL OF THE PIPELINE LEASES SHOULD NOT BE GRANTED WITHOUT SOME IRON CLAD, INDEPENDENT OVERSIGHT AT ALL LEVELS AND FIRST HAND AUDITING POWERS. PERHAPS REVENUE SHARING — LIKE OTHER THIRD WORLD COUNTRIES,

90-4

90-5

Thank you.

Ron Kovalik

3

Responses for Document 00090

00090-001: Thank you for your comment.

00090-002: Thank you for your comment.

00090-003: Thank you for your comment.

00090-004: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00090-005: Thank you for your comment.

1551 Farmers Loop
Fairbanks, Alaska 99709
14 August 2002

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

And,

State of Alaska, DNR/IPO
Attn: TAPS Renewal Team
411 West 4th Ave., Suite 2C
Anchorage, AK 99501

Dear BLM and DNR people,

This material summarizes my testimony given at a public hearing in Fairbanks, Alaska during the evening of Tuesday 6 August, 2002.

The purpose of the hearing was to obtain public comment on a proposed 30-year extension of Permits originally given to cross Alaska with an oil pipeline granted in 1974. The original right of way agreements, by both the State of Alaska and the United States government, were for 30 years. State and federal officials have indicated their intention to issue a new authorization for another 30 years in December of this year.

The Bureau of Land Management released a Draft Environmental Impact Statement for public review on July 5 with a comment period of 45 days ending on August 20, 2002. The Alaska Department of Natural Resources concurrently released its Statement of Reasons and Proposed Written Determination (Proposed Determination) for public review during the same period.

TESTIMONY

A. Historical comments:

The rate of change in technology, and in basic concepts during the past century has been without precedent. Changes in transportation and communication have been astonishing! Our view of priorities changes more rapidly than at any time in history. For example, when the Japanese Navy bombed Pearl Harbor on 7 December 1941, it did not include the vast oil tank farms as a target. Their idea was that the US had so much oil that to target the tanks would have been a wasted effort (the US was a major exporter of oil at that time). But if they had bombed the tank farms, the US Fleet would probably have been unable to win the decisive battle at Midway six months later.

Changes in our intellectual approaches to life have been especially marked in just the past 50 years. This includes the introduction and vigorous application of the concepts of Plate Tectonics in the geological sciences, and molecular biology, including DNA and RNA, in the biological sciences. These concepts which were not in the sciences only 50 years ago are now commonly referred to even in newspapers, especially in the application of DNA to solving crimes.

The past 50 years also saw the rapid development of computers. Only 30 years ago, in 1976, Apple Computer introduced the keyboard and video monitor to make a desktop computer that was user friendly. (Before that, one had to key punch cards and run them overnight on a mainframe computer.) In the past thirty years, desktop computers have appeared in all of society, except for the FBI.

B. Future comments:

Currently, in addition to the changes in technology, and in ideas we are also experiencing a major change in the climate of our planet. In view of the unprecedented rapid and accelerating changes in everything during the past thirty years is anyone prepared to say there will be no more change from here on? Should we think about these changes when we propose to add thirty years to the permits of a pipeline which was designed thirty years ago to be used for twenty to thirty years?

91-1

C. Oil Industry Profitability:

There is no question about the contributions made by the oil industry to the economy of Alaska. Many people testified to that effect tonight. But some confused these values with the question of whether or not the pipeline permits should be extended for another thirty years. Questions about the pipeline and how it is performing were treated as treasonous by some. Yet, people who raised questions were primarily trying to assure the future of the system, not to end it.

In addition to the contribution to the Alaska and US economies, we must also recognize that the industry is here for its own health, and it is healthy indeed. In 1999 concerns were expressed about the impact on Alaska's economy by BP's proposed purchase of ARCO (see the editorial by C. McGraw, Fairbanks Daily News-Miner, 27 July 1999; enclosed here as Enclosure #1). While the merger of BP AMOCO and ARCO was being considered by the Federal Trade Commission in 2000, I wrote the attached letter to Chairman, Robert Pitofsky (Enclosure #2). At that time the annual sales of the \$110 billion, multinational oil industry based in Alaska exceeded 80 billion dollars (that is about 40 times the State of Alaska's general fund budget). To ask the State of Alaska to manage the multinational oil industry operating within Alaska, is like asking a rabbit to manage a moose.

91-2

According to the report: Oil Industry Profit in Alaska; 1969 through 1987, by Edward B. Deakin (Prepared for the Department of Revenue, State of Alaska), the industry made a profit of \$42.6 billion during that 18 year period. That is too big for most people to grasp. It breaks down to \$2.4 billion per year, or 45.5 million per week, or \$6.5 million per day, or \$270,909.00 per hour. The latter figure is interesting. It is a bit more than a quarter of a million per hour (every hour of every day, including Saturday and Sunday, and even on national holidays like Groundhog's Day). Just think, in less than one weekend the profits exceeded what the US paid Russia for Alaska.

91-3

The purpose of stating the above financial information is to demonstrate that it does not seem worth our while to worry about the health of the industry, or to worry about scaring it away.

D. Problems with the Pipeline:

Problems were discussed about many aspects of the pipeline, including the Vertical Support Members (VSM) and corrosion. I will not go into detail about these problems. Industry engineers recognize that these problems exist and need attention.

But questions about the magnitudes of the problems and how to address them led to the extensive report by Richard Fineberg: The Emperor's New Hose June 2002. This report has been submitted to both the BLM and DNR groups. Among other things it requests establishment of a Citizens Oversight Group, and a shorter time period for extension of the right of way. I recommend that the report be carefully considered. It raises many good points, and whether one agrees with all of them, they need to be addressed.

91-4

In the light of the rate of change in everything, as addressed above, it seems that a thirty year extension may be longer than would be prudent.

91-5

E. Seismic Hazards.

During the original planning of the pipeline, a good assessment of seismic hazards was made. But we have learned a lot since then.

91-6

A consultant at the time of the original planning recommended that Alyeska people should work together with the Alaska Earthquake Information Center at the Geophysical Institute of the University of Alaska. It would be good for this to happen and I recommend it.

I also recommend that Alyeska coordinate with the Alaska State Seismologist.

91-7

The needs for increased and improved seismic monitoring along the pipeline right of way can best be met by close coordination with the above entities.

91-8

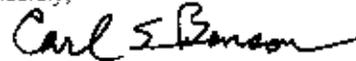
F. Finalty.

I close with an important philosophical thought. As officials in government agencies, you are charged with the unique responsibility of thinking and acting on the long-term interests of all citizens. In our society, only government has the responsibility of the long-term view. Industry is clearly short-term in its focus on profits and moves from one project to the next, often rapidly. University research focuses on specific problems and moves from problem to problem without undertaking long-term monitoring. Government agencies, such as the US Geological Survey undertake basic research projects, but they also do essential geological mapping, and monitoring of stream gages. Only government has the responsibility of long-term monitoring of weather, climate, stream flow, tides, earthquakes, etc.

91-9

In thinking of the right of way extension now under consideration, I urge you to keep in mind your responsibility of representing the people as their government. If government does not serve the long-range point of view, no other part of our society will do it.

Sincerely,



Carl S. Benson, Ph.D.
Professor of Geology
and Geophysics, Emeritus

2 enclosures

Responses for Document 00091

- 00091-001:** The reader is referred to Section 4.1.3.2.1, in which the operation and adjustment procedures are described for the vertical support members under changing soil conditions.
- 00091-002:** Thank you for your comment.
- 00091-003:** Thank you for your comment.
- 00091-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00091-005:** Thank you for your comment.
- 00091-006:** Thank you for your comment.
- 00091-007:** Thank you for your comment.
- 00091-008:** Thank you for your comment.
- 00091-009:** Section 4.4.4.7 in the EIS, "Human Health and Safety," provides a detailed analysis of the potential effects of oil spills on human health.

The BLM and member agencies of the JPO are committed to the protection of human health and the environment. The Federal Grant and authorizing legislation (TAPAA) provide unprecedented authority to BLM in assuring the protection of human health and the environment. Stipulations (the guiding conduct of operations for the operator of TAPS) within the Federal Grant contain numerous provisions that are protective of human health and the environment.

TO: ADNR_Administrative_Record@jpo.doi.gov
 And toll free fax: 1-866-542-5904

August 20, 2002

Also mailed to:
 Argonne National Laboratory EAD900
 9700 S. Cass Avenue
 Argonne, IL 60439

Sir,

I would like to suggest with respect to Alaska Native utilization that the terms of the renewal of the Right of Way be adjusted. This would ensure that the BUSINESS CASE for Alyeska to maintain 20% Alaska Native hire is firmly in place. Alyeska would not forget, or downplay, this requirement in the future since there would be direct impact on the financials.

Currently, I believe, there are minimal, limited, teeth should Alyeska not meet the commitment.

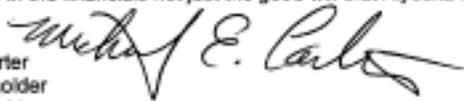
I believe that for every Alaska Native below the employment goal for a specific year, Alyeska should present \$150,000 to an Alaska Native scholarship organization. Also, this scholarship money would have no direct effect on the Alaska Native utilization numbers. The Alaska Native utilization numbers would be reported in pure form with no credits for various activities (scholarships or training).

Currently Alyeska gets credits of one full time Alaska Native for every \$30,000 of scholarships they support. This, in my opinion, is way to low. Give an Alaska Native an Alyeska job and that Alaska Native will send their own children to college. As a matter of fact, credit for scholarships does not make sense to me at all. If Alyeska needs to train someone in order for Alyeska to make their hire goal, they should just do that. There should be no credit.

For example: at the end of a specific year, Alyeska's Alaska Native hire percentage is only 18.5% (not the desired 20%). Based on the employees during that particular year (say 900) this turns out to be 4.5 Alaska Natives that did not have jobs required for Alyeska to be at 20%. Alyeska is required to cut a check for $5 \times \$150,000 = \$750,000$ to an Alaska Native scholarship provider. Alyeska still has to carry their Native hire numbers at 18.5%. Alyeska does not get 'credit' for the scholarship money. It is a penalty, not a reward. Any other money that Alyeska might allocate for scholarships is not counted to offset this penalty. For example, should Alyeska spend funds to train someone for a specific Alyeska job, this does not come out of this penalty calculation. In other words Alyeska is expected to do what it takes to maintain 20%. Should the 20% not be maintained, the penalty is invoked.

I believe this would continue driving the internal business case for Alyeska to get to and maintain the 20%. The business case would be in the financials not just the good will that Alyeska might want to maintain with the Native community.

Thank you,
 Micheal E. Carter
 Doyon Shareholder
 Ahtna Shareholder
 BBNC Shareholder



5006 Seton Circle
 Anchorage, AK 99508
 907-333-6000
alaskanembers@gci.net

92-1

Responses for Document 00092

00092-001: Section 29 issues have been a major component of the ongoing government-to-government process under TAPS renewal. BLM welcomes continued dialog with all affected Native Tribes related to Section 29 issues.

A copy of the 2001 Alaska Native Utilization Agreement (ANUA) and its implementing plan have been added to the FEIS as Appendix F. These documents detail the Section 29 requirements, as agreed to by the company and BLM/DOI.



Tatitlek Village IRA Council

'God's Country, USA'

August 20, 2002

BLM TAPS Renewal Scoping
Argonne National Laboratory, EAD/099
9700 South Cass
Argonne, Illinois 60439

To Whom it May Concern:

The following comments are submitted by the Tatitlek Village Council (Tatitlek), the recognized governing body of the Native Village of Tatitlek. Tatitlek is located 29 nautical miles from the city of Valdez in Prince William Sound, five miles west of the grounding side of the Exxon Valdez in 1989. Tatitlek supports the renewal of the federal agreement and grant of the right-of-way (TAPS Right-of-Way) provided that such renewal promotes a secure and safe operation of the TAPS and provide sample protection to the Tribal members of the Native Village of Tatitlek.

Tatitlek strongly supports the comments and positions of other regional organizations and village Tribal governments in addressing the many deficiencies that the DEIS document contains. We believe that the Bureau of Land Management (BLM) must address these deficiencies in order to properly reflect the impacts of the TAPS. We believe that the 45-day comment period is much too short and should have been extended in order to allow adequate review of the DEIS. Tatitlek, as mentioned earlier, is five miles from the site where over 11 million gallons of North Slope crude was spilled into Prince William Sound. We are very aware of the huge impact that the construction and continued operation the TAPS has had on the people of Prince William Sound. We believe that the DEIS very blatantly minimized the impacts of this catastrophic event. The lives and livelihoods of hundred of people were changed forever by the Exxon Valdez Oil Spill.

93-1

93-2

93-3



Tatitlek Village IRA Council

"God's Country, USA"

Tatitlek was a signatory to Chugach Region Resolution Number 00-01, along with almost all of the other Chugach Region Tribes, ANCSA corporations, and regional organizations. In that resolution, which was basically ignored in the DEIS, three basic issues were put forth, which we still strongly support and want to see addressed in the DEIS. The first is recognition that the transportation corridor extends beyond the pipeline terminus in Valdez, out to the 200 mile limit in the Gulf of Alaska. The BLM cannot responsibly ignore what happens after oil is loaded onto tankers and transported through Prince William Sound. The BLM must redefine the TAPS and include transportation of oil beyond the terminal in Valdez and must analyze the effects of that transportation on the people, land, and resources that it affects. The second issue is that oil industry must be held accountable for promises made in the first right-of-way agreement and demand satisfaction of claims that resulted from the Exxon Valdez Oil Spill. Third, we believe that the establishment of an endowment to provide more meaningful involvement of communities, corporations, and organization in the safe and secure operation of the TAPS is not unreasonable.

93-4

93-5

93-6

To summarize Tatitlek supports renewal of the TAPS right-of-way, but the DEIS, in its present form, is very poorly written and must be redrafted before the final decision of the TAPS right-of-way is made. Tatitlek believes that the BLM must recognize that the subsistence sections have terrible deficiencies that must be addressed, and must provide a more meaningful analysis of the social, cultural, and economic status of the Alaska Natives.

93-7

93-8

We appreciate the opportunity to comment on this issue and wish BLM and the Joint Pipeline Office well in addressing this very complex issue.

Sincerely,


 Gary P. Kompkoff, President
 Tatitlek Village IRA Council

P.O. Box 171 • Tatitlek, Alaska 99677 • (907) 325-2311 • FAX (907) 325-2298

Responses for Document 00093

- 00093-001:** Thank you for your comment.
- 00093-002:** 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.
- 00093-003:** The settlement claim for punitive damages related to the Exxon Valdez oil spill in Prince William Sound is currently in litigation and is outside the scope of the environmental impact statement process for the renewal of the Federal grant of right-of-way. However, the EIS did incorporate information from the Exxon Valdez oil spill into the analysis.
- 00093-004:** The EIS cumulative analysis examines the environmental issues associated with oil transportation by tankers in Prince William Sound. The U.S. Coast Guard and the U.S. Department of Transportation have regulatory authority over the transport of oil within Prince William Sound. The movement of tankers to West Coast and Asian ports is covered in the cumulative impact analysis in Section 4.7 of the FEIS.
- 00093-005:** The reader is directed to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00093-006:** The BLM has no legal or regulatory authority to establish an endowment fund (see Section 2.5).
- 00093-007:** Several sections have been revised and updated for the FEIS.
- 00093-008:** The text in Section 3.24 and Appendix D has been significantly revised to include fuller discussion of many dimensions of subsistence practices, based on re-examination of existing data. Several considerations are addressed, for example, communities in each ecological zone, rates of household participation and production, and rates of sharing. All available data on variation in harvest practices over time are now displayed in figures and discussed. The analysis of impacts on subsistence is now based on a fuller presentation of this source data.

COPPER COUNTRY ALLIANCE
HC60 BOX 306T
COPPER CENTER, AK 99573
(907) 822-3644

August 20, 2002

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

Gentlemen:

Six members of Copper Country Alliance attended the July 31, 2002, TAPS DEIS hearing in Glennallen. Five of us testified, although I was the only one who spoke as a representative of this organization. A copy of my testimony is attached.

It was very clear that all who spoke were most concerned about the very real possibility of an oil spill into one of the many rivers and streams that feed the Copper River, and ultimately, Prince William Sound. We KNOW that such a spill would have catastrophic consequences. Such an event is also the "worst nightmare" of the local Alyeska employees with whom I've talked. However, those employees are not able to give the pipeline the best possible level of protection, because Alyeska's top management and the owners/producers are not giving them the equipment, training, manpower and funding they need. Alaska is home to the local employees, and they care about its future. Alaska is a temporary assignment for most of the decision-makers, and their "worst nightmare" is not an oil spill, but disaffected stockholders. It is critical that this EIS place stipulations on pipeline r.o.w. renewal to force management to give its employees what they need to prevent a catastrophic spill.

94-1

94-2

The DEIS fails to recommend the necessary new stipulations. That doesn't mean that the Final EIS must take the same impotent course. Our organization supports the seven stipulations recommended by the Alaska Forum for Environmental Responsibility (AFER)—not because we are blindly following AFER's lead, but because they make sense to us, based on our local knowledge and experience with pipeline operations. Those recommendations are:

94-3

- o A Citizens Oversight Group: The DEIS (Section 2.5) dismisses the idea of an oversight group, reasoning that "the BLM already has an Alaska Resource Advisory Committee..." That committee is responsible for considering a broad range of BLM issues statewide. TAPS will take the full attention of oversight group members. Group members will have to be very focused and dedicated to understand and keep current on matters relevant to oil spill prevention, detection and response. It is simply not possible for Alaska Resource Advisory Committee members to take on that additional burden. Furthermore, the Alaska Resource Advisory Committee draws some of its members from parts of the state that are far removed from the pipeline. How could they have the incentive and interest to dedicate a large amount of their time to TAPS issues?
- o An escrow account for dismantling, removal and restoration of TAPS: Alaska has many unsightly industrial graveyards that hold the rusting, polluting corpses of dead projects. Why should we simply trust the individual TAPS owner companies (which can sell their assets and abandon Alaska) to "meet these and other financial obligations imposed by Federal Grant" (DEIS Section 2.5), when we could be assured, by means of an escrow account, that those funds will be there?
- o Evaluation every five years: This is critical because, as the pipeline ages, there will be more corrosion, there will be more scouring by sand that is entrained in the oil, and valves and other equipment will wear out.

94-4

94-5

94-6

- o An advisory panel to consider changing the way that TAPS is managed and funded: The second paragraph of this letter explains why the current system is more focused on stockholder returns than pipeline integrity. 94-7
- o An Employee Concerns Program: I have been impressed with the knowledge, experience and caring attitude of many long-time Alyeska employees. When they see potential hazards to pipeline integrity of employee safety, they need to be able to state their concerns with the assurance that they will be heard without jeopardizing their jobs. There aren't many job opportunities in our area, and even fewer that pay well, so job security is an important factor. 94-8
- o Thorough review of stipulations attached to the original Grant and Lease agreements: We all know that technology has improved in the past 25 years. It is only prudent to review stipulations and see if they take advantage of new knowledge. 94-9
- o An immediate mile-by-mile "audit" of the pipeline: TAPS owners, Alyeska management, JPO, and the concerned public all need to know the state of the pipeline at this point in order to make prudent recommendations and decisions. For example, when VSMs were placed deeper on the north side of Squirrel Creek, we were told that problems on the south side of Squirrel Creek would be addressed later. That was two years ago. Has anything been done? 94-10

Some of the recommendations listed above were discussed in "Alternatives and Issues Considered but Eliminated from Detailed Analysis" (DEIS, Section 2.5). Reasons given for eliminating them included "no authority", "not part of the application for renewal", and "would involve a separate rule-making process". It is difficult to view these as anything but convenient evasions. They do not belong in the Final EIS. The BLM and the authors of the document should understand that failing to prevent a catastrophic oil spill will have environmental and social consequences of enormous magnitude. The Final EIS should be a strong document that reflects an understanding of the seriousness of the issue. BLM should use all the power it has to make strong stipulations. If a separate rule-making process is required, then make renewal contingent upon completion of that process. If BLM lacks authority in some area, then make renewal contingent upon an act of Congress that gives it that authority. 94-11
94-12

The EIS should not be treated as a mere writing assignment. It is a document that can give us a safer future.

Sincerely,


Ruth McHenry

Please see document number 00171
for responses to the commentor's
Glennallen hearing testimony.

Testimony of Ruth McHenry
TAPS DEIS Hearing
Glennallen, Alaska
July 31, 2002

Good evening. My name is Ruth McHenry, and I live at mile 17 Edgerton Highway, Kenny Lake and am a 56 year Alaska resident. I have tried, but I haven't read most of the DEIS because it's not compatible with my computer software. I still hope you will grant us more time to read this long document.

I am a member of a local conservation organization, Copper Country Alliance. Our members have put in many volunteer hours learning about Alyeska's operations. Let me assure you that we don't do this out of boredom or piskiness. The mission of our organization is to try to protect the wild and rural character of this region and the habitats upon which those depend. No single event, short of an atomic bomb, would have such a devastating effect on those values as an oil spill that reached the Copper River.

After witnessing two spill drills, one at the Tonsina River and one at the Klutina River, I am unhappy to conclude that an oil spill that reaches a tributary of the Copper River will be unstoppable. It will reach the Copper River. At the Tonsina River, seven hours passed between the time crews assembled at Pump Stations 11 and 12 and the time that the boom was in place. At the Klutina River, the spill scenario called for oil to reach the Klutina River in about an hour and the Copper River shortly after that. (The distance is one to one-and-half miles, and the current at least five knots.) Again, it took hours for boom to be deployed.

Then there is the question of whether boom, once in place, would actually be able to contain oil in a turbulent river. We don't know that.

After witnessing the first drill, I urged that more time and money to be spent on crew training, and for a "hot spot" spill response team to travel up and down the pipeline, training local crews and being ready to assist at a real spill at any location. After witnessing the second drill, and becoming convinced that oil is unstoppable once it reaches moving water, I shifted my focus.

Now I am convinced that pipeline safety demands, and the EIS must require, the following:

1. Better maintenance
2. Better detection
3. Better response-readiness, with an aim to stopping oil before it reaches the water.
- 4.

Let me take these one at a time.

Better Maintenance. Locally, the leaning VSMs and badly-off-center shoes at Squirrel Creek were an example of what can happen when permafrost thaws. (We don't know whether that happened because of climate changes or because the heat pipes weren't working well enough.) To Alyeska's credit, they did go in and sink the VSMs another 20 feet to make them more stable. But it is disconcerting that they didn't know when the VSM movements had taken place, and that they thought it might have happened in the first 10 years. With good maintenance, Alyeska would have known, and it should have fixed the problem earlier, not 25 years after oil started flowing. Is Alyeska adequately monitoring movements now? How many other locations are at risk? As far as I know, Alyeska has not been able

Please see document number 00171
for responses to the commentor's
Glennallen hearing testimony.

Testimony of Ruth McHenry
Glennallen DEIS Hearing, 7/31/02
Page 2 of 2

to answer that question. This is just one of many reasons why the pipeline needs to be audited, mile by mile, and why an independent evaluation should be done every five years.

Better Detection: For the first few years of the pipeline's life, the entire line was flown daily. In the past decade, up until September 11, it was flown weekly, and if weather was bad on the flight day, it wasn't flown until the next week. I understand that it is being flown more often now, but as memories of September 11 fade, will frequency slip again? If overflights were adequate, why didn't they find two major pipe shifts in 2000 (Atigun Pass) and 2001 (Pump Station 5)? It should be obvious that detecting a problem early can make the difference between a minor incident and a devastating spill.

Better Response-Readiness: This includes equipment, people and site-preparation. Equipment: clamps that work at higher pressures, and more of them. Equipment and materials for protecting spill workers from fumes so that there's no waiting time before plugging a spill. People: I still think a hot-shot crew is a good idea, but it would focus on keeping oil from reaching the water. Its only jobs would be to be ready to respond to a spill and to train local crews. Site-preparation: this includes plowing pipeline access roads. (During winter, you can find API's that are plugged with snow berms days or weeks after a snowfall.) It includes making sure there are staging areas at critical points. It includes placing containment berms at creek and river crossings. In short, it means expecting a spill and figuring out in advance what is needed.

To make sure all these things happen, we must have a Citizens Oversight Group. Such a group has greatly improved the situation in terminal and marine operations, but that was after the Exxon Valdez spill had already occurred? Are you going to make us wait until there's oil in the Copper River before you mandate a similar group for the pipeline?

Now, perhaps you will blow these suggestions off as being "being the scope of the EIS". I've got to tell you that I'm disappointed in you folks, the way you blow off scoping suggestions in the DEIS. Some were blown off by way of your section of "Alternatives and Issues Considered but Eliminated from Detailed Analysis". Many others you disdained to even list in the DEIS; they were in a separate eight-page report. Would an eight-page addendum to this huge DEIS done any harm? Are you only going to listen to TAPS owners? They were the only reference you cited for Chapter 2, the chapter in which you dismissed good ideas like a citizens oversight group, fines for TAPS owners when they don't perform, and requiring a pipeline audit as part of the renewal process.

I know how I'm going to feel if I see oil on the Copper River. I'm going to be heartsick, because this is where I live and where I intend to live out my life. I'll also be furious if you folks haven't used the power you have to make this a safer pipeline. You have the power. Use it.

Responses for Document 00094

00094-001: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

APSC's oil spill response capabilities and plans for TAPS are summarized in Section 4.1.4 of the EIS and explained in detail in the "TAPS Oil Discharge Prevention and Contingency Plan" (APSC 2001g) for the pipeline and in the "Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan" (APSC 2001h) for the VMT. The Plans are available to the public through various libraries in several major cities in Alaska. Oil spill prevention and response capabilities and related activities specific to the Copper River Drainage area are discussed in the text box, "Oil Spill Planning for the Copper River Drainage," in Section 4.4.4.3.

00094-002: 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.

00094-003: Thank you for your comment.

00094-004: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00094-005: The reader is directed to the discussion of escrow funds found in Section 2.5.

00094-006: 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.

00094-007: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00094-008: 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.

00094-009: 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.

00094-010: 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.

00094-011: Please see additional information provided in Section 2.5 of the FEIS.

The EIS provides an in-depth analysis of a set of spill scenarios, including several worst-case spill events and the associated potential impacts of these scenarios.

00094-012: The Trans-Alaska Pipeline Authorization Act and the Federal Grant of Right-of-Way provide the BLM with all of the authority it needs to oversee operation of the TAPS and to impose strict and enforceable requirements upon APSC to comply with necessary operational procedures.