

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

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

My name is Karl o. Steen. My grandfather, Ben Osborne, moved to Cordova in 1908. He manufactured gold jewelry and was deeply involved in the commercial life of Cordova. My uncle, Bjorne Osborne, was a commercial fisherman, as I am, and as is my son, Karl A. Steen. My mother, Gail Osborne Steen, was born in Cordova in 1918, and is retired here now. She had a furniture store on First Street. My wife, Ruth Steen, has a gift shop on First Street. My family has been involved in the City of Cordova for almost on 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.

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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*.

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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.

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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.

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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.

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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.

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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).

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

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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.

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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.

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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

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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.

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#2 Establish a TAPS Citizens' Oversight Group.

Following the *L 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.

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#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

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

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

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#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.

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#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.

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

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

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

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

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

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

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

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

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

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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.

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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.

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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 00114

00114-001: 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.

00114-002: 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."

00114-003: 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.

00114-004: 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.

00114-005: 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).

00114-006: 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.

00114-007: 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.

00114-008: 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.

00114-009: 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.

00114-010: 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.

00114-011: 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.

00114-012: 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.

00114-013: 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.

00114-014: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00114-015: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00114-016: 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.

00114-017: 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.

00114-018: 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.

- 00114-019:** 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.
- 00114-020:** 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.
- 00114-021:** 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.
- 00114-022:** 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.
- 00114-023:** 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.
- 00114-024:** 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.
- 00114-025:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00114-026:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00114-027: 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.

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TAPS RENEWAL DEIS
PUBLIC HEARING

Cordova, Alaska

July 26, 2002

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P R O C E E D I N G S

(Cordova, Alaska - 7/26/2002)

HEARING OFFICER GEARY: All right, I'm going to bring this hearing to order.

Good evening. My name is Dennis Geary and I am the Hearing Officer assigned to preside at this hearing. The purpose of this hearing is to receive public comments concerning proposed renewal of the Right of Way for the Trans-Alaska Pipeline System. We invite comments on the following three documents related to that proposal:

1. The Bureau of Land Management Draft Environmental Impact Statement.
2. The Evaluation and Finding regarding subsistence under Section .810 of the Alaska National Interest Lands Act which are contained in Appendix E of the Draft Environmental Impact Statement.
3. The State of Alaska, Department of Natural Resources Commissioner's Statement of Reasons and Proposed Written Determination, Trans-Alaska Pipeline Right of Way Lease Renewal ADL63574.

It's not the purpose of this hearing to engage in a discussion or debate or to respond to questions about the Draft Environmental Impact Statement, subsistence or the Commissioner's Determination or the

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1 Trans-Alaska Pipeline system.

2 In addition to myself, State and Federal
3 representatives from the Joint Pipeline Office are here
4 to listen to your comments. Those folks are Jerry
5 Brossia, authorized officer for the Joint Pipeline
6 Office, Bureau of Land Management.

7 MR. BROSSIA: I'd like to welcome
8 everybody here tonight and we're happy to hear your
9 comments on the Draft. I'm the authorized officer for
10 the administer the Right of Way assignment. And with me
11 tonight is Rhea DoBosh, she's with the State of Alaska

12 MS. DOBOSH: Good evening. Thank you for
13 coming very much. We appreciate you taking your time out
14 of your busy schedule. I'd like to introduce Kaye
15 Laughlin, who is representing the Division of
16 Governmental Coordination this evening.

17 MS. LAUGHLIN: And I thank everyone for
18 coming.

19 HEARING OFFICER GEARY: Notice of
20 availability of the Draft Environmental Impact Statement
21 on the TAPS Right of Way Renewal appeared in the Federal
22 Register on July 5th [sic], 2002 in Volume 67, Number 129
23 at Page 44832. The State of Alaska also provided notice
24 of the availability of the Commissioner's Proposed
25 Determination on July 3rd, 2002. Notification about the

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1 date, time and location for this hearing as well as the
2 six other hearings scheduled to receive comments on the
3 Draft Environmental Impact Statement, subsistence and the
4 Commissioner's Proposed Determination was announced in
5 the media, including newspaper, radio and the internet.

6 In addition, notices about the hearings
7 were sent to individuals and organizations that have
8 requested to be kept informed about this project. If you
9 would like to be on that list, to receive information
10 about this project, you can sign up at the registration
11 table.

12 Both oral and written comments will be
13 taken tonight. In addition, comments can be submitted to
14 BLM by fax, by mail, telephone, the internet or hand-
15 delivered to the Joint Pipeline Office in Anchorage. The
16 State will accept additional written comments sent by
17 mail, fax or e-mail. We will accept additional comments
18 received or postmarked by August 20th, 2002, which is
19 currently the closing date of the public comment period
20 for the Draft Environmental Impact Statement and the
21 Commissioner's Proposed Determination. Information for
22 providing additional comments is on the registration
23 table at the back of the room. All oral and written
24 comments received by the end of the public comment period
25 will be treated equally and will be analyzed and

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1 considered in the preparation of the Final Environmental
2 Impact Statement and the Commissioner's Final
3 Determination. In addition, both the Final Environmental
4 Impact Statement and the Commissioner's Final
5 Determination will contain written responses to the
6 comments received on the respective draft documents.

7 In order to ensure a complete and
8 accurate record of the hearing, it's necessary that only
9 one person speak at a time. It's also requested that
10 everyone remain as quiet as possible when the hearing is
11 in process.

12 If you wish to speak, you'll need to sign
13 in please at the registration table first. Speakers will
14 be called in the order in which they're registered. In
15 the event that a speaker is not present when their name
16 is called, I'll simply proceed on to the next name and
17 I'll call that person's name later on. In order to give
18 everyone who wishes to speak an opportunity to do so we
19 have limited the time for each speaker to 10 minutes.
20 This light box will help you know when your time is
21 nearly up. The light will turn green as you start, it
22 will turn yellow when you've got a minute left to speak
23 and it will turn red and there will be an audible sound
24 when your time is up.

25 A court reporter will record the oral

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1 comments and prepare a verbatim transcript. If you have
2 an extra written copy of your comments, please provide
3 that to the hearing officer so that in the event we need
4 to clarify any of your comments, we can do so. In any
5 event, your remarks will be recorded as you state them.
6 If you wish to supplement your oral comments with
7 additional written material, please provide that material
8 tonight to the hearing officer and it will be marked as
9 an exhibit and made a part of this record of this
10 hearing.

11 All right, are there any questions
12 regarding the conduct of tonight's hearing?

13 When I call your name, please come
14 forward to the microphone, state your name, the
15 organization that you represent, if any, and whether
16 you're also providing written comments. Also, for
17 administrative purposes, please state whether you're
18 commenting on the Draft Environmental Impact Statement,
19 whether you're commenting on subsistence or whether
20 you're commenting on the Commissioner's Proposed
21 Determination.

22 I'd also like to just note for the record
23 that Nancy Bird, vice-mayor, is here tonight with us and
24 is so far not signed up to speak.

25 All right, if there's no questions then

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1 the first name I have and, pardon me, I hope not to
2 slaughter anyone's name too badly, Tom Kuckertz. 00115

3 MR. KUCKERTZ: Hi. My name is Tom
4 Kuckertz and I'm on the staff of the Prince William Sound
5 Regional Citizen's Advisory Council. And we have come
6 over here to Cordova to make some comments. We'll
7 probably also see you in Valdez.

8 Basically we note that the DEIS is a big
9 document, 1,700 pages, many hundreds of literature
10 citations and that the preferred renewal period is 30
11 years. And we also note that this may become the
12 greatest single source of reference data on TAPS. So
13 right or wrong, it may become the last word in publicly
14 available information. So we're concerned about whether
15 it's complete and whether it is without errors. And we
16 note, for example, that, you know, we found two errors
17 that we think need to be corrected. One is that there's
18 a statement about the benefits of the Exxon Valdez Oil
19 Spill outweighing the damage caused to tourism and
20 fishing. And we believe that this is incorrect. We also
21 note that the most important or impact cited is one of
22 economics and we believe that is also incorrect.

23 Basically the time period for the public
24 comment period, we believe is too short. It's nearly
25 impossible for anyone to review a document of that size

115-1

115-2

115-3

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1 with hundreds of literature citations and, you know, we
2 don't have the supporting documents in many cases. A lot
3 of citizens are out, you know, doing their summertime
4 activities so it just really isn't enough time. And
5 RCAC, along with the Trustees for Alaska has requested an
6 extension.

115-3
(Cont.)

7 We also believe that there were some
8 issues excluded from the scope. For example, the
9 ownership issues were excluded, you know, can the owners
10 have an effect on environmental impact. We believe that
11 they can, it can be good or bad depending on what
12 resources they bring. And also the renewal conditions,
13 we believe there should be renewal conditions requiring
14 that TAPS be operated and maintained in accord with the
15 assumptions underlying the predictions of future impact
16 that are in the DEIS. You know, for example, the Exxon
17 Valdez Oil Spill would have had much less impact if the
18 resources supposed to be available were actually
19 available to combat that spill. So we also would
20 recommend that regulatory enforcement tools be included
21 in any reissuing of the draft to ensure a regulatory
22 compliance.

115-4

23 In addition, we believe the DEIS
24 overlooked the environmental impact of citizen's
25 oversight groups. For example, the contingency plans are

115-5

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1 much more detailed, we believe are much better for the
2 Prince William Sound portion and VMT portion of the TAPS
3 than it is for the pipeline itself. And we believe the
4 reason for that is that there is no citizen's oversight.
5 So the RCAC is in favor of a citizen's oversight group
6 for the pipeline.

7 The quality of raw data. There's a lot
8 of raw data in there and we don't know if this data's
9 correct. A lot of it's been provided by Alyeska and the
10 owners. There's a lot of personal communications, which
11 have been somewhat hard to track down. There's
12 considerable citation and reliance upon the TAPS owners,
13 2001-A, this is the Draft Environmental Report provided
14 by the owners. We believe that there's other data that
15 should have been considered. For example, more recent
16 literature has been overlooked. These include studies by
17 the National Oceanographic and Atmospheric Administration
18 and the Auke Bay Laboratories. For example, with respect
19 to toxicity. Studies funded by the oil industry seem to
20 have been favored, e.g., the TAPS owners Environmental
21 Report. Contradictory studies funded by others seems to
22 have been overlooked, e.g., dispersants, oil toxicity and
23 perhaps lingering effect of the Exxon Valdez oil. And
24 there's a big controversy going on right now between the
25 Auke Bay Laboratory and some of the folks funded by the

115-5
(Cont.)

115-6

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1 industry with respect to whether or not there are any
2 lingering effects.

115-6
(Cont.)

3 TAPS, you know, changes, in other words,
4 the oil -- there's a design basis for operation of TAPS.
5 And Environmental Impact Statement presumes that this
6 design basis is how TAPS is going to operate. It does
7 not seem to operate or does not seem to have considered
8 if the TAPS is not operating in accord with its design
9 basis. For example, the Balast Water Treatment Facility
10 has a gravity separation process that is now operating at
11 50 percent of capacity. It has been operating with
12 decreased capacity for a number of years now. This was
13 not considered, I don't even think that the people doing
14 the EIS knew about it. But how does that, you know,
15 effect environmental impact.

115-7

16 There's also interpretation of data to
17 produce conclusions regarding environmental impact that
18 we do not believe that the conclusions necessarily follow
19 some of the analysis. For example, there's a connection
20 between raw data and impact conclusions are not clear.
21 For example, DETS reports a current fleet of 26 tankers,
22 three with double-hulls will reduce to eight to 10
23 tankers by the year 20/20. Now, this data has some
24 errors in and of itself, for example, there are 25
25 tankers and seven of them have double-hulls and by

115-8

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1 double-hulls we mean tankers that do not have OPA90
2 retirement dates. And it is predicted that there'll be a
3 substantial deduction in annual probabilities of
4 accidents and spills based on the fact that you now have
5 this lower number of tankers. But was it considered is
6 the risk really reduced if a minimal number of tankers is
7 attempting to carry one million barrels per day and the
8 owners are resisting further investment in TAPS
9 anticipating a 2034 shut down. In other words, they make
10 the cite they don't want to put anymore money into TAPS
11 and operate as far as they can go without the investment
12 required to preserve the environment.

115-8
(Cont.)

13 There's also a qualitative versus
14 quantitative nature of the impacts. For example, the
15 Exxon Valdez type incident is assigned a probability of
16 occurring once every thousand years or a hundred thousand
17 years. Yet, we know that one has occurred in the last 25
18 years. You know, how is this probability assigned for
19 such a rare event knowing that one has already occurred.

115-9

20 And then there is the equivalence of
21 regulatory compliance and lack of environmental impact.
22 And for example, compliance with environmental
23 regulations is cited as evidence of minimal impact.
24 Well, the fact that you're in compliance with regulations
25 does not mean that there is no impact. These are

115-10

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1 entirely separate issues. And impact assessment needs
2 additional metrics, especially when industry has assisted
3 in the development of the regulations. And typically
4 industry assists in exceptions to the regulations rather
5 than development. And examples of those might be the
6 NPDES permit for the Balast Water Treatment Facility.
7 The Title V air quality permit and the regulations for
8 organic liquid distributions. For example, in that
9 particular regulation, the Valdez Marine Terminal is
10 exempt from any emissions they might omit either from
11 wastewater or from the Balast Water Treatment Facility or
12 crude oil itself is exempt.

13 And then finally there is transparency of
14 TAPS operational processes. We cannot see how these
15 processes work because we need the data to be provided
16 by, you know, the industry itself and even JPO has
17 trouble getting the data it needs to know how that
18 pipeline is operating.

19 With that, I thank you for accommodating
20 our remarks.

21 HEARING OFFICER GEARY: Thank you, Scott
22 Metzger. 00116

23 MR. METZGER: My name's Scott Metzger. I
24 live in Cordova. I'll just read these comments I
25 prepared last night about the Draft Environmental Impact Statement.

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115-10
(Cont.)

1 It is my understanding that the Trans-
2 Alaska Pipeline System has outlived its 30 year life
3 expectancy. It is obvious that the pipeline is aging and
4 not very gracefully judging by the number of operational
5 problems and shutdowns and small spills that the pipeline
6 has had over the last couple of years. It is reasonable
7 then to assume that if the pipeline is not already
8 showing serious signs of wear and tear, it will in the
9 very near future. It is absolutely critical that the
10 proper safeguards be put in place now to ensure the safe
11 operation of the pipeline should the Right of Way lease
12 be renewed.

116-1

13 The Alaska Forum for Environmental
14 Responsibility in its report, The Emperor's New Hose,
15 details some of the serious operational and maintenance
16 problems facing Alyeska and the pipeline over the last
17 couple of years. In this report they make six
18 recommendations about how to change and improve pipeline
19 operations and they insist that these changes be
20 implemented prior to the grant and lease renewal of the
21 Right of Way lease for the Trans-Alaska Pipeline system.
22 These six recommendations include:

23 1. There needs to be a citizen's
24 oversight council established to oversee the operations
25 of the pipeline. We have the Prince William Sound

116-2

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1 Regional Citizen's Advisory Council to oversee tanker
2 operations at the port of Valdez in Prince William Sound
3 and we want a citizen's advisory council for the entire
4 length of the pipeline as a condition to the renewal of
5 the Right of Way lease.

116-2
(Cont.)

6 2. The Trans-Alaska Pipeline system
7 owners should be required to place the dismantling,
8 removal and restoration funds directly into an escrow
9 account so that they no longer continue to profit off of
10 these funds and a portion of these funds should be used
11 to fund the citizen's advisory council.

116-3

12 3. The grant and lease renewal should
13 be made conditional upon satisfactory completion of an
14 independent audit and technical review every five years
15 for the duration of the life of the pipeline.

116-4

16 4. The ownership of the pipeline should
17 be transferred to a single owner with no connections to
18 North Slope crude oil production.

116-5

19 5. A viable employee concerns program
20 must be established and implemented within Alyeska prior
21 to the grant and lease renewal.

116-6

22 6. The Federal and State lease
23 stipulations should be reviewed and updated to reflect
24 the current scientific and technological advances and
25 understandings that have been made during the last three

116-7

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1 decades.

2 These are the recommendations made by the
3 Alaska Forum for Environmental Responsibility and I
4 support them 100 percent also wish them to be implemented
5 before the grant and lease renewal is approved.

6 Cordova's a fishing community whose life
7 blood is the Copper River. The fishermen and women here
8 rely on the healthy and intact spawning habitat that is
9 found in the Upper Copper River watershed and its
10 tributaries to assure continued returns of fish. The
11 Trans-Alaska Pipeline system dissects the entire Copper
12 River watershed and crosses over or under 76 anadromous
13 streams. If the spawning habitat is compromised in a
14 serious way such as with an oil spill and to the Copper
15 River or one of its tributaries the economic and
16 environmental consequences could be devastating for
17 Cordova and all of the other communities in the Copper
18 River watershed. It's absolutely critical that the
19 pipeline be held to the highest possible operational
20 standards and that the employees who operate it feel
21 confident that it is running smoothly and if it is not,
22 they are not afraid to speak up to their bosses. It
23 would be impossible to clean up in a timely manner an oil
24 spill that dumped oil directly into the Klutina River,
25 for example, so hence the reason for the five year

116-7
(Cont.)

116-8

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1 independent audits to assure that the pipeline is
2 operating mechanically as well as is possible to prevent
3 any accidents.

116-8
(Cont.)

4 As far as an oil spill contingency plan
5 for the overland portions of the Trans-Alaska Pipeline
6 system, particularly the Copper River watershed, they are
7 sorely inadequate or lacking. If there were an
8 earthquake that ruptured the pipeline, there is no way
9 that Alyeska, the State or the Feds could mobilize clean
10 up operations in a timely enough manner that would make a
11 difference. Once it has happened it's too late.

116-9

12 Having the pipeline running through the
13 Copper River watershed is like having a gauntlet over our
14 heads just waiting to drop.

15 Two final points, I believe there needs
16 to be permanent air quality monitoring in Valdez. Every
17 time I go there, especially in the winter, you can see
18 the blue smoke lingering in the air from the oil tankers.
19 This should be implemented as a condition to the leases
20 renewal as well.

116-10

21 And finally, I would like the public
22 comment period for the Trans-Alaska Pipeline system grant
23 and lease renewal to be extended and public scoping
24 meetings need to be held in more communities in Alaska
25 and nationally.

116-11

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1 Thank you very much for considering my
2 comments.

3 HEARING OFFICER GEARY: Thank you.
4 Walter Parker, DEFS. Is Walter here? 00117

5 MR. PARKER: Yes. I thought I was
6 further down on the list. My name is Walter Parker. I'm
7 a board member of the Forum for Environmental
8 Responsibility.

9 My testimony here tonight is based on my
10 personal history with TAPS going back to 1968 when oil
11 was discovered at Prudhoe and when I first got involved
12 in environmental assessment, design, review and
13 stipulation and I moved forward from that until Bill
14 Egan, then governor, asked me to serve as his
15 environmental consultant on TAPS and I also became
16 director of the technical staff for the State Pipeline
17 Coordinator's Office and went through that. Also
18 commissioner of highways to keep track of what went on in
19 the construction of the Dalton Highway. I was chair of
20 the Oil Tanker Task Force. And in 1989 I became chair of
21 the Alaska Oil Spill Commission that investigated the
22 wreck of the Exxon Valdez and in 1991, chair of the
23 Alaska Hazardous Substance Spill Technology Review
24 Council.

25 Compared to the process we undertook

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17

1 prior to the construction of TAPS, the present review
2 appears minimal, both in its scope and the time devoted
3 to it. A renewal is being requested for an additional 30
4 years for a pipeline that has been operation for 25.
5 Without doubt, the reliability centered analysis, 23 on
6 the Valdez terminal and 25 on the pipeline have an
7 enormous amount of information contained in them.
8 However, in the time period involved it is very difficult
9 for the interested public to obtain even a smidgeon of
10 that information without highlighting the problem areas
11 section by section. For myself, I am primarily concerned
12 with corrosion, vertical support members and valves. The
13 status of these at river crossings is obviously of
14 particular concern.

117-1

15 My memories are of similar large piles of
16 paper similar to the present Draft EIS and accompanying
17 documents and endless file cabinets with which those of
18 us with oversight responsibilities faced at the beginning
19 of construction. Our initial activities were
20 concentrated on the haul road where massive discrepancies
21 in permafrost location that were not recognized in the
22 computer designed highway occupied us throughout the
23 summer. I'm now on a permafrost task force for the U.S.
24 Arctic Research Commission and also chair of the
25 Circumpolar Infrastructure Task Force for the Arctic

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1 Council. I am briefed on the continued development of
2 the Arctic Climate Impact Assessment several times a year
3 and believe me, it is true that things have been changing
4 very rapidly in the areas affected by permafrost in the
5 past two decades. As can best be determined now the
6 process is accelerating with some rapidity. I know that
7 the owner companies of TAPS are conducting examinations
8 of this but this information is not available as yet for
9 review by U.S. or international permafrost experts. The
10 JPO has identified a good many of the problems with the
11 above ground sections but I believe the scope of the
12 problem is under estimated at present. At the beginning
13 of TAPS construction a great deal of emphasis was placed
14 on the quality assurance, quality control program
15 specified in Section 9 of the Federal grant and Section
16 16 of the State lease. Now, RCM reliability centered
17 maintenance is brought out as a means by which we can be
18 assured that the pipeline will be maintained safely for
19 30 years. QA/QC did not provide the assurance needed on
20 the pipeline and certainly did not foresee the first
21 major problem such as the faulty welding procedures which
22 were discovered by the State office in the spring of 1975
23 after checking those segments that were being welded in
24 the pipe storage yard. The procedures had been adjusted
25 so that the newest members of the Tulsa union that

117-2
(Cont.)

117-3

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1 controlled pipeline welding in the country could do the
2 down welds. QA/QC came in to defend them but could
3 withstand the questioning of our consultant who was a
4 cajun, not very literate but who had tremendous
5 experience in welding on offshore platforms, among other
6 things.

7 RCM is just another phrase until the
8 quality of the oversight and of the Alyeska maintenance
9 force is examined and the budgets which will support
10 those efforts are known. We have already heard from the
11 head of BP about the future of maintenance budgets,
12 nothing was said by government policymakers or regulators
13 in response. The development of the stipulations
14 involving seismic risk at times in design development had
15 40 people, the best in the world in the room when they
16 were finalized. Due to the massive USGS efforts of the
17 past 20 years, the science of seismology has advanced
18 dramatically. I find nothing in JPO or Alyeska documents
19 that indicates that a complete new look has been taken on
20 the seismic problems of the pipeline.

21 Getting back to the river crossings,
22 where one expects the absolute the top of the state of
23 the best practice and best technology to be employed. I
24 will provide you with a little history of my role at the
25 State office, I had to sign off on the bridges later. As

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117-3
(Cont.)

1 Highway Commissioner, I continue to have the Yukon River
2 Bridge as a responsibility. During bridge construction
3 I was advised that a massive fracture had been found in
4 the bedrock under one of the piers. I climbed down in
5 the caisson to look at it and after intensive
6 consultation, reluctantly gave the go ahead to inject
7 epoxy in the fracture. The same system had been approved
8 at the terminal to hold together the rocks under the tank
9 farm. I have faith in epoxy when relatively new. Where
10 is the research that supports continued reliance upon it
11 27 years after it was injected at the terminal and the
12 Yukon River Bridge.

13 We made a reasonably good try at using
14 the top of the state of the art and engineering and
15 science when we constructed TAPS. Unless I hear a good
16 deal more than is contained in present documents about
17 upgrading the stipulations to recognize the advances over
18 the past 30 years in the critical areas that I have
19 addressed, I will continue to have grave apprehensions
20 about the ability of RCM or any maintenance regime to
21 mitigate risks unless very firmly regulated and very well
22 financed. As chairman of the Alaska Oil Spill
23 Commission, I submitted a 1,300 page report to the State
24 of Alaska and the United States on the collapse of
25 Alyeska management oversight and the collapse of the

117-3
(Cont.)

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21

1 State and Federal regulatory regimes. Congress adopted
2 50 of our 52 recommendations in OPA90. The present
3 situation is certainly not as bad as it was in the 1980s
4 but still needs a lot of improvement, which is addressed
5 in Richard Fineberg's report, the Emperor's New Horse and
6 in his previous reports. I am seriously afraid that if
7 the renewal is allowed to slip through without the kind
8 of review requested in our reports that it will be taken
9 as a signal, by both industry and regulators that this is
10 indeed the best of all possible worlds and what can go
11 wrong. This is the kind of thinking that led to Exxon
12 Valdez, to the Challenger incident and to Three-Mile
13 Island, all of which we examined at the Oil Spill
14 Commission.

15 RCM is too thin a reed upon which to
16 place one's faith for the next 30 years without a firm
17 and uncompromising section by section analysis of the
18 present problems by an independent audit. I will not
19 repeat the recommendations of the Alaska Forum here but
20 since I had a hand in developing them I strongly support
21 each and every one, most importantly the request for the
22 independent audit similar to what was done on Exxon
23 Valdez and the need for a citizen's oversight council.

24 Thank you.

25

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117-3
(Cont.)

1 HEARING OFFICER GEARY: Thank you, sir.

2 Stan. 00118

3 MR. STEPHENS: My name is Stan Stephens
4 and I'm from Valdez, Alaska. I represent AFER. And I
5 really kind of will barely touch on all three of the
6 issues. All that's come before you tonight, I totally
7 agree with and mostly with Walt.

8 I have to ask the question, you know,
9 I've been involved for 13 years in trying to do citizen
10 oversight of the marine terminal and I've also been very
11 concerned about the pipeline end. What I can't
12 understand is why, when we have a study that has taken
13 almost five years to complete or been that long by
14 different parties, not by Argonne, but by different
15 parties before Argonne, what is the hurry? Why are we in
16 such a rush to not let the citizens have more than 45
17 days? It's totally ridiculous and it's an insult to the
18 citizens of Alaska. And I can't emphasize that enough.
19 I just can't believe that we're in that kind of rush,
20 that we can't give the citizens of this state more time.

21 One of my major concerns and, Walt
22 touched on it but I want to touch on it again, is this
23 earth is warming up and Alaska is warming faster than any
24 other area. All you have to do is go to Fairbanks and
25 look at the houses that are sinking in permafrost, look

118-1

118-2

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1 at the telephone poles that are leaning one way or the
2 other because the soil is giving away. We have problems
3 with ecosupport members, also are showing signs of
4 problems. We also know that the heat units that are to
5 cool the soil are not all working as properly as they
6 should be. They're functioning but not at 100 percent so
7 you probably don't have the strength in the ground that
8 you should have as far as the cooling goes. And the
9 valves, many of them show signs of leaking and yet, it's
10 been 40 years, 40 years since we've had a major
11 earthquake. Cordova remembers what that earthquake was
12 like and so does Valdez. If the pipeline is going to
13 withstand another earthquake and they're suggesting that
14 it's getting closer, if it's going to stand it we have to
15 have that pipeline in good condition. And I know that
16 JPO has a pretty good handle on what's wrong with the
17 pipeline and what has to be fixed but to say that Alyeska
18 has a plan, has a maintenance plan, I've been watching
19 Alyeska since the '70s, let me tell you they might have a
20 plan but their budget is always cut, they're always
21 reactive because there's always something else coming up,
22 the citizens can't depend on that. We have to have
23 protection.

24 Just take the Klutina River. Let's just
25 take the Klutina River as an example of an issue. There

118-2
(Cont.)

118-3

118-4

118-5

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24

1 is no way on any of these rivers that flow into the
2 Copper, 76 tributaries, streams or rivers that you can
3 clean up an oil spill, that you can even get close to it,
4 I suggest that you just take a box of apples, dump them
5 in the Klutina River, give them five minutes and I'll bet
6 you can't get an apple. And it's going to take you over
7 an hour or more, much more than that, probably to get to
8 an oil spill that's going to occur. This is an area that
9 is very fluidity, it has many problems with soil,
10 there's just no way that we should be saying to Alyeska,
11 we're glad you guys know about this problem and I hope
12 some day you're going to be able to fix it down the road
13 and we, as JPO are going to keep an eye on you to make
14 sure you do. That's not going to get it. We need to
15 have a total audit, starting at the North Slope because
16 the North Slope is part of this whole system. And if any
17 of you read the paper or keep up with it, the North Slope
18 is a real mess right now and we don't want the pipeline
19 to get as bad as it is. But we need a full audit of the
20 North Slope, the pipeline and the terminal. And then we
21 need to add a couple of things with the marine end here
22 at Hinchinbrook Entrance and try to make that safer.

23 So I standby AFER's recommendations. I
24 am president of AFER now and, I won't repeat those. But
25 one that's not in there is the audit and we think we have

118-5
(Cont.)

118-6

118-7

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25

1 to have that audit and I also think we have to have a
2 citizen's group. And I'm not trying to say anything bad
3 about JPO because I know a lot of the fellows that work
4 there and I have great respect for them but they are not
5 free from politics or lobbying or pressure. They get it
6 all the time, they have to live with it. A citizen's
7 group can be free of that and all a citizen's group does
8 is advise, that's all they do is advise. And we need to
9 have people that have a stake in that pipeline to be able
10 to advise JPO and Alyeska and other regulators what needs
11 to take place and what they see is the problem.

12 And I'll just leave it at that, thank
13 you.

14 HEARING OFFICER GEARY: Thank you, Stan.
15 Kenneth Adams. 00119

16 MR. ADAMS: Good evening. My name is
17 Kenneth Adams. I'm a resident of Cordova and fisherman
18 here.

19 I'd like to speak frankly. I don't have
20 the technical expertise that a number of the people
21 giving testimony tonight do have. I do have some
22 experience which I think is valid, though, and I'd like
23 to speak along those lines. And speaking frankly, I
24 would like to say I've never been to a meeting where
25 there is such an appearance of a railroading job as there

118-7
(Cont.)

119-1

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1 appears tonight. And I'm talking about the notification
2 process, for one. I'm talking about begin notified of
3 the occurrence of this meeting in yesterday's newspaper
4 in the Cordova Times. So the meeting follows a day later
5 and we're expected to comment knowledgeably upon a 1,700
6 page document, this is ludicrous. This is utterly
7 absurd.

119-1
(Cont.)

8 Secondly, I think the scheduling of the
9 meeting in general occurs in one of the most active times
10 in this community. This is a fishing community. At this
11 moment there are two fisheries open, well, maybe they
12 just closed. But the prospect of fishermen participating
13 in this meeting has been pretty much precluded by the
14 scheduling of fishing openers. And I'm heartened to see
15 the number of people from the community that are present
16 with us tonight and I think that if the meeting was
17 scheduled at a time when the fleet could participate and
18 I think probably even a better time for a meeting like
19 this to be held is after fishing season, in the fall, not
20 here right in the midst of the fishing season. If the
21 meeting was scheduled later in the fall you'd have
22 greater participation from this community.

119-2

23 I'd like to say with respect to the
24 fisheries, we are in a slump. We've been in a slump for
25 a number of years and the one bright star that we have in

119-3

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1 our local fisheries is with respect to the Copper River
2 gillnet fishery and we are aware that approximately 20
3 percent of the length of this pipeline traverses --
4 salmon streams, which are tributaries to the Copper River
5 and we are very sensitive to the prospect of a pipeline
6 breakage and the pollution of those streams and the
7 consequence fouling of the Copper River watershed. So we
8 take a great deal of interest, even on short notice of
9 the prospect of the appearance of kowtowing to business
10 and perhaps trying to accommodate industry concerns.

11 And Mr. Stephens made the remark about
12 the speed of this process and I raise the question also
13 to you, why so darn fast in this process? Give us time.
14 And I think if you don't take the time then I think
15 you're going to be facing a lawsuit, quite frankly,
16 because we won't put up with this crap. We've been
17 through the EVOS event, we know the destruction of an
18 event like that and the complacency of oversight upon
19 industry, what can result from that, the EVOS is a result
20 from that. And if there is not a true and reliable
21 assessment of the status of this pipeline, again, by an
22 independent audit, of which I am very supportive of, then
23 I think we're leaving ourselves open to another repeat of
24 a failure of a system which is going to negatively impact
25 the environment that we depend on for our livelihoods.

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119-3
(Cont.)

119-4

1 So I want to make that very clear, that the speed that
2 this is apparently going through is unacceptable. Slow
3 the process down and let's give us a chance to talk about
4 it and bring our hard concerns right to the floor.

5 Thank you. 00120

6 HEARING OFFICER GEARY: Thank you, sir.
7 Bruce Cain speaking on the Draft Environmental Impact
8 Statement.

9 MR. CAIN: Hello. My name is Bruce Cain.
10 I'm the executive director for the Native Village of
11 Eyak, Federally-recognized tribe. I'm speaking on behalf
12 of myself as a private citizen tonight. The first thing
13 I just noticed is that there's people in the back that
14 don't have seats and I hope we can make room for
15 everybody.

16 The first thing I'd like to say is
17 starting the meeting at 7:00 in the evening, a meeting of
18 this importance is inconvenient at best and so I
19 encourage everybody to tough it out, if we're here until
20 6:00 in the morning or 6:00 o'clock tomorrow night, we're
21 going to stay here and we're going to do it. If we're
22 here until next week, I think a meeting here for public
23 testimony in Cordova should be at least two days long.
24 And to echo the comments that were just made during the
25 fishing periods, a lot of people can't make it and for

119-4
(Cont.)

120-1

120-2

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1 that reason it should be over a couple of days and also
2 just the amount of time that it's going to take. I think
3 if you take the people here in this room right now and
4 multiply it times the amount of time you're allowing for
5 testimony we're going to be here for a long time but
6 we're going to stay here until it's done. I encourage
7 everybody to stay.

120-2
(Cont.)

8 I have a couple of comments that I'll
9 read to you. In the scoping comments that were provided,
10 there was a comment made that Exxon and any future
11 responsible parties must be required to pay damages prior
12 to the renewal and mechanisms for requiring prompt
13 payment of claims must be included in the renewal
14 mitigation for the damages incurred by the Exxon Valdez
15 Oil Spill. In the environmental impact statement, it
16 says this request is dismissed as not reasonably related
17 to the renewal of the Draft EIS and this is not
18 acceptable. This is appalling. And it violates the
19 Trans-Alaska Pipeline Act, among other laws and
20 regulations. This isn't going to fly. You better pay it
21 or no more oil.

120-3

22 Over 80 percent of the Cordova residents
23 were documented in an ADF&G survey as having participated
24 in subsistence fishing in 1997, yet the Draft EIS states
25 that no subsistence harvest areas exist in Prince William

120-4

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1 Sound except in Tatitlek and Chenega. This makes no
2 sense logically. It simply is not true. And it raises
3 the question, this is so incorrect as to can an error of
4 this nature be inadvertent and it raises a red flag as to
5 what other errors of this nature are in this large
6 document.

120-4
(Cont.)

7 Exxon funded research is the basis for
8 decisions on impacts of oil spills along with TAPS
9 technical reports. There are several instances where no
10 other -- it's cited that there is no other research
11 available, yet we went onto the EVOS website and in less
12 than five minutes downloaded a report of a list of
13 citations over 50 pages long of research funded by EVOS
14 which is not necessarily independent research in and of
15 itself but it's certainly more independent than research
16 funded directly by Exxon. And there are numbers of other
17 studies and research that they can be using in this
18 report. Again, this type of error is so gross that you
19 have to ask the question, can this possibly be
20 inadvertent or there wasn't enough time to get it all
21 done.

120-5

22 There's a complete lack of understanding
23 of subsistence. It's incorrectly analyzed in conjunction
24 with economics. The sociocultural system section lacks
25 recognition of Federally-recognized tribes and relies

120-6

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1 inappropriately on the Handbook of North American Indians
2 rather than the tribes themselves for information about
3 their history and culture. Completely and wholly
4 inaccurate information about the Native Village of Eyak
5 and tribal members, to state that because so few Eyak
6 remain a discussion of the Eyak culture in the 21st
7 Century isn't possible and raises serious questions about
8 environmental justice and other issues.

120-6
(Cont.)

9 The Department of Energy funds Argonne
10 National Laboratory who is responsible for the draft and
11 they prepared the Draft EIS. I feel this is a conflict
12 of interest for DOE to be preparing a Draft EIS.

120-7

13 And I'll throw my two cents in with the
14 others that a 45 day extension of the comment period is
15 appropriate, there's not enough time allowed with 45
16 days, it should be 90.

120-8

17 The other two issues that I'll bring up
18 is the all river crossings, especially river crossings in
19 the Copper River watershed must have valves on both sides
20 of the rivers and you should also look at having in place
21 boom that can be deployed by overhead cable systems.
22 You're not going to pull a boom across a river with a
23 boat and it's not going to be necessarily at the pipeline
24 crossings. You're going to need to have a place where
25 you can deflect the oil into sand bars. None of this

120-9

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1 kind of thinking is in there and we need to, again, with
2 the people that are requesting the audit, I agree with
3 that and that's the kind of thing that needs to be looked
4 at. We need to be ready for things that we know are
5 going to happen.

00121

6 That's all the comments I have.

7 HEARING OFFICER GEARY: Thank you, sir.

8 Bob Henrich.

9 MR. HENRICH: I'm Bob Henrich. I'm
10 president of the Native Village of Eyak. We're the
11 largest tribe in Prince William Sound. I've been a
12 resident here for the past 59 years.

13 The way they've operated this pipeline up
14 to date can't go on. Things have to change. The comment
15 period of 45 days is too short. The thought that the
16 Right of Way ends in Valdez, that's not right, the Right
17 of Way should actually go all the way out through Prince
18 William Sound out to the 200 mile limit. A lot of our
19 people were heavily affected by the Exxon Valdez Oil
20 Spill. There needs to be a mechanism in the next Right
21 of Way agreement that would address damages from oil
22 spills and have some sort of arbitration or something
23 that could set the damages and have them paid in a timely
24 fashion so these oil companies can't destroy people's
25 lives and then hide behind lawyers, that's not right.

120-10

121-1

121-2

121-3

121-4

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1 An alternative that should be considered
2 if you cannot address, adequately address the concerns of
3 the people who live along the pipeline and in Prince
4 William Sound is to shut down the pipeline and get the
5 oil out some other way because I don't want this to go on
6 like it has been.

121-5

7 We need a new citizen's oversight
8 committee that extends over the entire length of the
9 pipeline, not just Prince William Sound and we also need
10 a oversight group of tribes, recognized tribes who have a
11 government to government relationship with the United
12 States, their agencies and the state of Alaska at a
13 higher level than ones -- that the oversight that
14 currently exists.

121-6

15 And that's about all I got right now.

16 HEARING OFFICER GEARY: Thank you, sir.
17 Richard Fineberg. 00122

18 MR. FINEBERG: Thank you. I am Richard
19 Fineberg, Consultant for Alaska Forum for Environmental
20 Responsibility. I want to speak about both the DEIS and
21 the State Proposed Determination.

22 The Alaska Forum has charted out its
23 interest in pipeline safety, the operations, the
24 maintenance and the management of the pipeline and simply
25 biting off what we can chew, we feel this has direct

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1 bering on subsistence but we have not, with very limited
2 resources, seen fit to go there so my comments therefore
3 are oriented to these two areas. My comments will go
4 beyond the 10 minutes so I will simply read until the
5 light stops.

6 It is appropriate that we begin these
7 meetings in Cordova. I recall that in April of 1977,
8 shortly before the pipeline entered service there was a
9 three day public meeting here at the Cordova Fisheries
10 Institute on tanker issues. At that meeting, concerned
11 citizens tried to convince seemingly deaf public
12 officials and their equally deaf consulting minions to
13 head concerns about the consequences that flow directly
14 from the industry's understandable preoccupation with the
15 bottom line. The focus of the hearing at the time was
16 the tanker leg and the double-hull requirements and the
17 bureaucratic back-stepping on double-hulls. This is
18 1977.

19 The industry at the time attempted to
20 assure the public that single hulls were safer and that
21 unproven double hulls might be more dangerous than single
22 hulls. Now, we're told not to worry about the marine leg
23 because the double-hulls will be in place and are safer.
24 So as the meetings progressed and the long silences as
25 question after question went unanswered, the wind howled,

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1 it was Cordova and the rain rattled on the windows.
2 Twelve years later I was sitting in Valdez in a
3 windowless room at an emergency meeting at midnight. The
4 consequences of that failed process 12 years earlier
5 became very clear as I watched four Cordova citizens,
6 whom I did not know, but they became my friends later,
7 approximately 72 hours earlier the Exxon Valdez had
8 grounded. At midnight, with the cleanup efforts stalled,
9 these Cordovans had come to Valdez to join the Exxon
10 executives and the hapless bureaucracy, which I was a
11 member at the time, I should say, that's how I got to be
12 in that particular room, to urge immediate action and to
13 offer their support and their boats to control the dark
14 stench of the oil drifting towards the shores of the
15 marine homeland. That oil, as you know, was unleashed by
16 a single hull tanker, improperly manned under the profit-
17 driven practices of the same oil companies who now seek
18 renewal of the TAPS grant and lease. Worse yet, after
19 years of ignoring reports from the field that Alyeska and
20 the TAPS owners were cutting corners on State and Federal
21 requirements, the public officials were caught flat-
22 footed when the responsible parties were not able to
23 respond competently. It was an awful time. I don't have
24 to tell many of you in the room. In the aftermath of
25 that experience, many of us joined the Cordovans and

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1 became good friends.

2 Now, another 12 years later in October
3 2001, again, a group of well-intentioned citizens
4 gathered, this time in a windowless room in Fairbanks
5 near the end of a series of scoping meetings supposedly
6 called so that the preparers of the Federal DRIS and
7 their State counterparts could listen to concerns about
8 TAPS. Events in the weeks before that evening last
9 October made painfully clear the applicability to TAPS of
10 the lessons from Prince William Sound. Since you
11 obviously didn't hear me then please bear with me for a
12 moment tonight while I tell you again.

13 Three weeks before the meeting in
14 question, on September 20, 2001, I stated to the
15 conveners of the grant and lease renewal scoping meetings
16 that, quote, many of the serious operational problems
17 discussed in earlier AFER reports on TAPS are associated
18 with pipeline restarts. On September 20th, when I made
19 that statement we were in a brightly windowed room at the
20 top of the hotel offering a panoramic view.
21 Coincidentally on that day, if I could see across the
22 mountains I might have known that in Fairbanks the
23 Alyeska senior vice president was proclaiming that TAPS
24 would shut down for a scheduled maintenance two days
25 later. That operation, he wrote in a guest editorial in

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1 the Fairbanks Daily News Miner, was part of a, quote,
2 well-structured and carefully thought out maintenance
3 plan, unquote. He concluded that the shutdown and
4 restart, quote, will go all but unnoticed by almost
5 everyone and that's just the way we like it, unquote.
6 Part of the statement was true, nobody noticed. But the
7 Alyeska workers hustled to restart the line two days
8 later, again, the bottom line, mistakes were made at
9 three separate remote pump stations resulting in three
10 separate oil spills. That marked the seventh year in a
11 row of restart problems. The sixth year was on the cover
12 of my report, which some of you have probably seen. I'm
13 obviously not going to have time to go through this.

14 JPO claims there is no restart problem,
15 specifically JPO in its comprehensive monitoring report
16 in 2001 and this was their big report, it's hard for
17 others that don't monitor the pipeline to know, but this
18 was their main report of the year to stakeholders and it
19 said, that Alyeska is found to be conducting planned
20 pipeline and restarts in a safe manner. You can find in
21 the same report direct evidence to the contrary because
22 you can find the same photograph from the cover of my
23 report showing the pipeline blown off its supports by,
24 what I'll have to summarize as a botched restart. The
25 details are in the report.

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1 Both the Commissioner's Proposed
2 Determination and the DEIS rely heavily on the JPO
3 reports. I submit that they are fatally flawed.

4 Clearly I stand by the recommendations of
5 the report I wrote. I commend to you it's in the
6 library. I would say that I hope the people will respond
7 to derail this train.

8 I believe that many of the points that
9 have been made prior to my speaking tonight have been
10 made far better than I could have and I am proud to
11 follow the people who have spoken thus far.

12 Once, again, Cordova has done a
13 remarkable job and I am both very moved and very proud to
14 be here. Thank you, Cordova.

15 HEARING OFFICER GEARY: Thank you, Mr.
16 Fineberg. Would you like to submit your written comments
17 for the record?

18 MR. FINEBERG: I certainly would, thank
19 you.

20 HEARING OFFICER GEARY: Thank you. I'm
21 going to mark those as number 1.

22 (Hearing Exhibit 1 marked)

23 HEARING OFFICER GEARY: Becky Clausen. 00123

24 MS. CLAUSEN: Hi. I'm Becky Clausen.
25 I'm speaking as a citizen of Cordova. I'm going to be

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1 talking about the Draft Environmental Impact Statement.

2 There's three points I'd like to
3 emphasize tonight for the TAPS renewal process. The
4 first concerns public input. The pipeline crosses public
5 lands, it effects all of our public resources of fish,
6 wildlife and subsistence resources and it needs to be a
7 transparent public process. We have, here in Cordova
8 members of this community have only been notified of this
9 meeting in our paper yesterday afternoon. It's great
10 that folks were able to turn out tonight, but we deserve
11 to have a lot more public notice of a meeting of this
12 magnitude. Most of my friends and neighbors who are
13 fishermen are out working right now and they represent a
14 very large portion of this community that needs to be
15 involved.

16 Cordova deserves a longer comment period
17 and it should be extended.

18 The second point I'd like to address
19 deals with a citizen's oversight group. We need
20 preventative awareness of what's going on with this
21 pipeline. We cannot rely on reactive measures to clean
22 up spills on spawning and rearing habitat. Once one drop
23 of oil enters that water, the damage is done. We need a
24 preventative way to look at maintenance, oversee the
25 issues of the pipeline that need repair and I feel that

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1 this can be accomplished with an oversight group. It
2 should be organized for all the inland waters that the
3 pipeline crosses.

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(Cont.)

4 The third point addresses the changes
5 that of undergone in the past 25 years of the pipeline,
6 and for this I'd just like to use a little analogy. I
7 was born February 16th, 1977 and the newspaper headline
8 that day read the first oil travels through Trans-Alaska
9 Pipeline, so I have a little connection with it. But the
10 main point of that is I'm living proof of the changes
11 that have happened from that day to right now, changes in
12 form and structure. And the pipeline is the material
13 version of the changes in the infrastructure that have
14 occurred. Changes in our understanding of the issues
15 surrounding the pipeline like climate, permafrost
16 changes, changes in its actual structure and form due to
17 corrosion and shifts in the vertical structures. Changes
18 in our understanding of how oil affects water, how it
19 affects fish habitat, how it affects habitat of mammals,
20 if it is spilled. These kind of changes over the past 25
21 years are substantial and they need to be addressed in an
22 independent audit to see -- to incorporate the amount of
23 knowledge we've gained and the amount that we've learned
24 about the pipeline and it's operations and include them
25 to find out, where are we now, what do we know about it

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1 now, incorporating all of this science and engineering
2 work that we've learned.

3 Not only do we need an independent audit
4 right now, here today, we also need to make sure that
5 there are continual audits every five years to --
6 independent audits made by independent parties, National
7 Academy of Science can do it, and see how is it doing
8 every five years before we can really understand its
9 health and integrity. I'm planning on spending a lot of
10 money on doctor's bills in the next 30 years of my life
11 and I think it's only appropriate that there should be
12 money in an escrow account to deal with the preventative
13 repairs and restoration, potentially dismantling of areas
14 that need it over the next 30 years life span of the
15 pipeline.

16 I would like to also say I support the
17 six recommendations that AFER has made. I know that
18 they've been said before tonight so I won't go through
19 them but I'm in full support of those recommendations.
20 They all deserve to be acknowledged in the impact
21 statement.

22 And lastly, I'd just like to add that
23 just this evening a colleague of mine had brought to my
24 attention the amount of Libra cuts that have been
25 experienced with survey and maintenance and inspection

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(Cont.)

1 crews on the pipeline, and I feel like those are very
2 short-term, near-sighted decisions that are forecasting
3 potentially disastrous results. No amount of budgeting
4 or cost cutback decisions should be made when dealing
5 with the oversight of the integrity of the pipeline.

6 Those are my comments. Thanks for
7 letting us speak.

8 HEARING OFFICER GEARY: Thank you. R.J.
9 Kopchak on the Environmental Impact Statement

10 MR. KOPCHAK: Hi. I'm R. J. Kopchak.
11 And I'd be happy to use a little bit of my time. I came
12 in, just like five minutes late, and I know a lot of my
13 friends came in later than that and I'm not quite sure
14 who I'm talking with tonight. And that would be great
15 for me and it can be on my time to know who you folks
16 are. Can I do that?

17 HEARING OFFICER GEARY: Sure.

18 MR. KOPCHAK: Thanks.

19 HEARING OFFICER GEARY: My name is Dennis
20 Geary and I'm the hearing officer that's been appointed
21 to conduct the six different hearings throughout the
22 state. And I'll let the other folks....

23 MR. BROSSIA: I'm Jerry Brossia with
24 Bureau of Land Management.

25 MS. DOBOSH: Rhea DoBosh, Department of

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1 Natural Resources.

2 MS. LAUGHLIN: Kaye Laughlin, Division of
3 Governmental Coordination. 00124

4 MR. KOPCHAK: Well, thanks. I'm R.J.
5 Kopchak and I'm a commercial fisherman here in Cordova
6 and I've been here about 28 years and I've worn a bunch
7 of hats in town.

8 The one I love best is fishing for salmon
9 on the Copper River Delta. It contributes about \$22
10 million a year to our economy. That's an average. Out
11 of those dollars a whole bunch more is spent making my
12 town work, that doesn't count processors and folks
13 working around town or fuel or support or shipping or
14 airlines or anything else. So the Copper River is pretty
15 important to us and we don't have enough time to think
16 about what's happening.

17 So the first thing I'd like us to all do
18 is think about giving us about another 180 days. I think
19 that would be great because this is a complicated thing
20 to try to understand.

21 The other thing I'd like you to do for us
22 is make the process more transparent. I think that the
23 data on the maps and the systems that have been used to
24 record the environmental sensitive areas, the crossings,
25 the seasonal movements of all of the animals and then the

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1 maps also used to provide the engineering and the spill
2 response scenarios for the pipeline need to be digitized
3 and not be static copies that are simply unavailable for
4 anybody to review anywhere. I'm lucky enough to have a
5 copy because I also sit on the Oil Spill Institute Board
6 of Directors as a commercial fisherman. The Oil Spill
7 Institute was created under OPA90 and is funded through a
8 special fund that provides interest to do research
9 relating to oil spill impacts in Arctic and subArctic
10 environments and it does technology review and we do
11 education programs. It has a multi-agency board of
12 directors headed by NOAA.

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(Cont.)

13 One of the things we try to do is use
14 really good people to review the science that we're doing
15 related to oil spills and their impacts. Get independent
16 audits of our work to find out whether we're tracking
17 correctly and to really evaluate whether or not what we
18 spend a million and a half, two million bucks a year on
19 is giving us the information that we need. One of the
20 projects we're doing is modeling Prince William Sound to
21 better predict the trajectory of oil spills and we're
22 doing that in a three-dimensional system that will put
23 the biological density of fish in, along with a weather
24 pattern and tide pattern model so we can respond with the
25 most appropriate technology to spills. We don't have

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1 anything like that even started on the Delta. And,
2 again, I got \$22 million of mine every year, that's my
3 community, riding on production of that fishery.

4 So I think we need to have a look at how
5 we're going to manage spills and do the predictive kinds
6 of science we need so that we can respond to what's going
7 to be a spill.

8 I'd like to congratulate Walt Parker for
9 giving a great synopsis on the decaying portions of the
10 pipeline. I lean to Walt often when I need good advice
11 from somebody who's been around awhile. I think you guys
12 need to listen to him and pay attention.

13 So I think we need oversight. That's the
14 other thing I think we need. OPA90, portions of that, I
15 think this room is full a bunch of the authors of
16 portions of that legislature and they were fishermen and
17 they were ex-agency folks, but mostly they were fishermen
18 and those of us that responded during the early days of
19 the spill. And we helped set the structure for both the
20 Citizen's Advisory Committee and the way the Oil Spill
21 Recovery Institute was set up so we wouldn't get caught
22 so pants-down in the Sound again next time there was a
23 spill.

24 I think you guys need to figure out how
25 to set up the same kind of an effort on the Delta or for

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1 the pipeline corridor. Again 20 percent of that is going
2 through our spot. It is the most important wetland on
3 the west coast of the America's. You know, virtually
4 every little tiny shorebird in the world stops here every
5 spring and you should come for our spring bird festival
6 because it's pretty magic and if there's a spill it won't
7 be good. Because there's no way that can be stopped. It
8 could wipe out the entire world population of some of
9 these shorebirds because they all stop here, every single
10 one of them.

11 So there's some significant levels of
12 populations of good things at risk and we need to do a
13 better job in taking a look at that infrastructure in
14 planning response.

15 So I covered oversight.

16 So I guess I'm getting close. That's it,
17 I guess. I want to thank all my friends for speaking
18 tonight. I really encourage you to give us the extra
19 time to comment because without, again, a bunch of that
20 stuff in digital format, how can those of us that are
21 somewhat informed and I would put myself there, still
22 have the capacity to take a look at what's in that
23 report. I can't do it. And, you know, I'm going to
24 count on friends and they can't even get to the
25 information because we don't even have that stuff around

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(Cont.)

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1 town, not in real accessible formats.

2 So anyway, thanks for your time and I'll
3 give the rest of mine to the next one.

4 HEARING OFFICER GEARY: Thank you for
5 your comments.

00125

6 MR. KOPCHAK: Thanks.

7 HEARING OFFICER GEARY: Gabe Scott.

8 MR. SCOTT: My name is Gabriel Scott. I
9 represent the Cascadia Wildlands Project and also just
10 myself. I live here in Cordova.

11 First off, as far as the .810 hearings,
12 as far as subsistence one thing jumped out at me in the
13 EIS, which I can actually say I've read and that's that
14 subsistence is very important in Cordova. It's just
15 simply incorrect to say that the quote out of the EIS it
16 is not very important in Cordova, that's flat untrue. In
17 fact, as you read that page, you know, the description of
18 Cordova, it's obvious whoever wrote that hasn't ever been
19 here. I hardly recognized the community and I live here.

125-1

20 As far as the EIS and the State decision
21 whether or not to grant another 30 years for the
22 pipeline, my suggestion and the suggestion of the
23 Cascadia Wildlands Project is to, at the soonest
24 possibility, shut it down, pack it up and bring it back
25 where it came from.

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1 There are a few reasons why I think this
2 is a good idea. First, the pipeline as it is, is dirty.
3 Dozens and dozens of reasons, ways, methods and
4 mechanisms that it is dirty, you know, there are hundreds
5 and thousands of dead birds because of that pipe. The
6 EIS expects a best case scenario tens of thousands of
7 more birds will die just from the ongoing spills. There
8 have been more than 4,000 spills if you count the North
9 Slope and pipeline and everything that's happened in the
10 Sound. There have been spills further south in Cascadia
11 because of this pipe. I think it was in San Jose, a
12 tanker went up on its own anchor and spilled a bunch down
13 in California. These are the kinds of impacts that
14 happen when you build a structure like this. It's just
15 flat dirty. And as far as I'm concerned it's not worth
16 the cost.

125-3

17 The second reason we ought to shut it
18 down is that the benefits are decreasing, I think
19 everyone acknowledges that, while the costs and the risks
20 are increasing.

21 Less and less oil is going through the
22 pipe. It's worth less and less. It seems like we're
23 getting less and less benefit from it. We're learning
24 more and more about how dirty it is. Petroleum is a dead
25 end. I mean it takes a three year old to recognize when

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1 you only have so much of a thing, if you keep using it
2 you're going to run out. Real obviously that's the path
3 we're on and it's sort of astounding that still mature
4 adults can't come to admit that in a document like this
5 EIS.

125-4
(Cont.)

6 Irretrievable commitments of resources,
7 it occurred to me maybe oil was one of those things we're
8 committing irretrievably. I mean it's not going to grow
9 back. So I was surprised to see that that wasn't even
10 acknowledged, that we're using up oil.

125-5

11 The third reason that it needs to go is
12 that the oversight is a joke. And I think this is
13 important. It's gone through and, I've only been here a
14 few years, and the more I learn of the history it seems
15 like there are just small circles that happen over and
16 over from the first time an oil person came up and
17 thought it was a good idea to start drilling up there and
18 ship it down a pipe, there have been meetings like this
19 where we're talking to, we're not exactly sure who, they
20 appear to listen, a report's drawn up, paperwork is
21 generated, nothing ever changes. I think you get the
22 sense in this room there's a real profound distrust. I
23 think distrust is really the operative word and that's a
24 dangerous thing. There are good reasons why we don't
25 trust JPO, don't trust Exxon, don't trust UNOCAL, BP,

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1 Phillips, Amerada-Hess, Williams, any of the people
2 calling the shots. It's because they've made promises
3 and broken them over and over and over and over. There's
4 no reason to expect it's different this time.

5 The last reason the pipeline needs to go
6 has to do with who it is who operates it. And I want to
7 single in here on a couple of companies, UNOCAL and
8 Exxon. These are entities that really don't deserve to
9 even have a place on the planet. I mean the crimes
10 they've committed are so unspeakably heinous it's
11 shocking that we're even thinking about giving them our
12 oil and rights across our public land. Just a couple of
13 the specific reasons, UNOCAL. I'm sure many of you are
14 maybe somewhat familiar with the Adona Pipeline Project
15 in Burma. These folks used child slaves for Christ's
16 sake. I mean there were villages massacred for UNOCAL to
17 make a profit. An UNOCAL as a small owner of the
18 pipeline, it seems to me why do we have to grant them the
19 right to operate the pipeline, we could grant it to the
20 other five. But sorry, if you've used child slaves,
21 you're off the list, that seems like a reasonable
22 proposition to me.

23 The second mark against UNOCAL of renewed
24 relevance now a days, I suppose, is their strong advocacy
25 on behalf of the Taliban. You remember those guys, they

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1 were good friends with UNOCAL, that's been well
2 documented in the press. And again, I'm just astounded
3 that we're even thinking about giving them public
4 resources. They don't deserve to exist let alone take
5 stuff from us.

6 As far as Exxon goes, I think the one
7 reason is obvious and that's the junk they spilled into
8 the Sound out here. The way they lied about how it
9 couldn't happen, the way they lied about how much it was,
10 the way they lied about the cleanup, the way they dealt
11 with the cleanup. The way they've dealt with
12 compensation to, you know, following the lawsuits and the
13 judgments against them. It's real transparent, sheer
14 cowardliness and denial on their part. I think there's
15 no doubt that they've destroyed something. Even if we
16 wanted to forgive them we couldn't because they're not
17 sorry. To me, it makes no sense that we would even want
18 to -- I wouldn't let these people in my home, you know,
19 why are we looking at giving them our resources, you
20 know, our children and grandchildren's resources?

21 The second reason Exxon, we don't need to
22 deal with them is things they've done down in Aasa
23 Province, Indonesia. These are issues, by the way, I
24 raised at the scoping hearing and I was kind of
25 disappointed to see that they weren't addressed somewhere

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1 in those 1,700 pages. You know, I would have
2 appreciated, at least, a reason why you were ignoring my
3 comments. In any event, Exxon's guilty of some pretty
4 heinous crimes down in Assa Province, Indonesia. They
5 called it the Exxon Battalion. Committed some pretty
6 heinous -- well, pretty heinous, they, you know,
7 massacred villagers, there's some slavery involved there.
8 This stuff is documented and I've directed you all
9 previously places to find first hand information.

10 To me, those kinds of crimes against
11 humanity at the point where you're using children for
12 slaves, at the point where, you know, you're supporting
13 tyrannical regimes, you kind of need to stop and step
14 back and think about who it is you're dealing with and
15 whether or not you even go the next step and say, okay,
16 well, what is your idea, is it something that's
17 profitable to us both? There's certain people you just
18 don't deal with. There's certain companies we just
19 shouldn't deal with and UNOCAL and Exxon are two of
20 those.

21 So again, I would urge you to consider,
22 in the alternatives, in the consideration of
23 alternatives, approving or not approving the grant of
24 Right of Way to some companies and not others. There's
25 six separate applications to the State and Feds, we can

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(Cont.)

1 make six separate decisions. Tell Exxon and UNOCAL to
2 pack up and take their stuff home, regardless of what we
3 say to the rest of them.

4 The last thing I want to say is that I'm
5 not -- I'm glad that R.J. asked that question of who it
6 is we're talking to because I'm not really sure, you
7 know, who you are. It's always a person at these
8 hearings -- it's always a person sort of like you, who
9 looks you in the eye and listens and takes notes but I'm
10 a little unsure what happens after that. You know, you
11 go -- you work at Argonne or something, maybe, or do you
12 people have a meeting later and share this stuff? In any
13 event, it seems to get lost somewhere in the shuffle and
14 this seems to me a lot more like theater, it's just sort
15 of done because the law requires you to do it. I don't
16 believe that the Federal government or the State
17 government is honestly interested in hearing the concerns
18 of Cordovans.

19 Reasons I believe that, first is that the
20 EIS is downright impossible to read. Like I said, I have
21 actually read the whole thing and it was mind-numbing.
22 And I also learned very little.

23 The second reason is that the comment
24 period is so short. You know, this has been going on for
25 years, you've known this is coming for 30 years, surely

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1 we can have long enough to read the document before we're
2 required to comment on it.

125-8
(Cont.)

3 There's also the fact that there is
4 fishing openers today, you know, all the fishermen are
5 out. I guess it's cowardliness that you're not willing
6 to face up to the fishermen in Cordova and hear what they
7 have to say.

125-9

8 And the last reason, as I said, the
9 scoping comments that I and others have given previously
10 don't appear to be addressed in the EIS and that, aside
11 from sort just of personally being a little bit insulting
12 indicates a lack of a good faith effort to honestly
13 evaluate the impacts of this pipeline. I think if you
14 look at what this pipeline means, it's real clear that
15 the costs far outweigh the benefits, especially when you
16 take into account the risk, really catastrophic things
17 could happen, you know, God forbid a spill into the Yukon
18 River, it'd wipe that sucker out. That's not the kind of
19 risk I'm willing to take. So if it's all the same to
20 you, I'd appreciate it if you'd just shut the pipeline
21 down and take it back.

125-10

125-11

22 Thanks.

23 HEARING OFFICER GEARY: Thank you for
24 your comments. All right, we're going to have one more
25 person and then we'll take a break and we'll take about a

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1 10 minute break and then we'll get back to the rest of
2 the folks. So before the break, Rion Schmidt. 00126

3 MR. SCHMIDT: My name's Rion Schmidt.
4 I'm a resident of Cordova. I'm commenting on the DEIS.

5 And I'd like to, I guess, be as short as
6 possible and say that when you all extend the comment
7 period another 90 days I'll be submitting some written
8 comments but I wasn't able to put anything together
9 before the meeting. And so I think I'd like to second
10 the comments that Gabe Scott just made, I think you
11 should shut the pipeline down and not renew it and for
12 pretty obvious reasons.

126-1

126-2

13 I also think that it's an insult that
14 you've said in your report that Cordova doesn't heavily
15 rely upon subsistence. This year it seems that I'm going
16 to be relying upon it more than ever.

126-3

17 So I'd just like to say, please listen to
18 the comments that have been said here today and think
19 about how you want to do business in the future.

20 I guess with that I'll just let everyone
21 get to their break. And I'll be submitting written
22 comments, additional written comments on behalf of
23 myself.

24 HEARING OFFICER GEARY: Thank you.

25 MR. SCHMIDT: Thanks.

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1 HEARING OFFICER GEARY: All right, we'll
2 take a 10 minute break. I have 8:25, we'll reconvene at
3 8:35.

4 (Off record)

5 (On record)

6 HEARING OFFICER GEARY: All right, I want
7 to call the hearing back to order. All right, during the
8 break I was provided with copies of comments from Walter
9 Parker and I'll mark those as number 2 and from Bruce
10 Cain and I'll mark those as number 3.

11 (Hearing Exhibits 2 and 3 marked)

12 HEARING OFFICER GEARY: And if anyone
13 else who's already spoken would like any of their written
14 comments or notes to be entered, don't hesitate to bring
15 them on up to me. The next person to speak is Patience
16 Anderson-Faulkner.

00127

17 MS. ANDERSON-FAULKNER: Good evening,
18 thank you. I'm an ordinary citizen here in Cordova. I
19 can do lots of different things and I know lots of folks
20 but I'm here as myself.

21 I would like to comment on we need a five
22 year review. 30 years is a long time without the TAPS
23 process being looked at again and a five year review, I
24 think, would be very nice.

127-1

25 We need to also resolve the issues of the

127-2

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1 Exxon Valdez. Many people have testified and spoken on
2 how that impact is and it's very serious, it continues to
3 be very serious. Fourteen fishing seasons later we're
4 still suffering and we will continue to suffer. Whatever
5 happens in EVOS settlement will never make us whole and
6 we can't let that happen again.

7 We need citizen participation on the
8 entire TAPS line very much similar to the RCAC process.
9 It's very important that everyone has an opportunity to
10 speak and discuss issues so that we can be good friends
11 and good neighbors. The oil pollution impact, air
12 emissions in the Valdez Basin and along the TAPS pipeline
13 are high. Those air emissions and pollutants go up, they
14 have to come down, it goes into the water, it goes into
15 the land, it impacts my subsistence foods, impacts my
16 health and it impacts my life. We need to have an
17 opportunity to put all those things in check.

18 The oil companies are always wanting to
19 be good neighbors and they want to be good citizens. So
20 let us be good neighbors, ones who talk and advise each
21 other on the best of everything for both of us.

22 It is imperative that we have the
23 opportunity to enforce the development of our resources.
24 Examples of more than 25 years delay in enforcing Section
25 29 are black and white examples of one party, the oil

127-2
(Cont.)

127-3

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5B

1 industry, ignoring written agreements. We must have
2 leath to the access of the development.

127-3
(Cont.)

3 Thank you.

4 HEARING OFFICER GEARY: Thank you for
5 your comments. Georgia Rodgers on the Environmental
6 Impact Statement.

00128

7 MS. RODGERS: Hello. My name is Georgia.
8 I live in Anchorage. Today, me and some friends of mine
9 collected over 80 signatures in less than two hours just
10 in Cordova. The petition states:

11 We the undersign insist upon the
12 following conditions for the renewal of TAPS operational
13 leases:

14 1. The grant lease should establish a
15 citizen's oversight group funded by the TAPS owners
16 through the Department of the Interior.

128-1

17 2. TAPS dismantling, removal and
18 restoration funds should be immediately placed in an
19 escrow account.

128-2

20 3. Grant and lease renewals should be
21 made conditional on satisfactory completion of an
22 immediate and comprehensive independent field audit, as
23 well as an independent technical review and a field audit
24 every five years.

128-3

25 4. TAPS should be transferred to a

128-4

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1 single responsible managing party with no North Slope
2 production.

128-4
(Cont.)

3 5. A TAPS employee concerns program
4 should be incorporated, as to-date there is none, into
5 lease and Right of Way renewal ensure critical problems
6 are adequately addressed to prevent spills.

128-5

7 6. Stipulations attached to the original
8 Federal and State grant least agreements should be
9 carefully reviewed to ensure that the reflect A)
10 scientific and technological advances during the last
11 three decades and; B) experience with the operation of
12 TAPS.

128-6

13 7. The public comment period must be
14 extended at least 45 days more to ensure ample time for
15 meaningful input.

128-7

16 This is just 80 signatures as I said,
17 today, just in two hours. And had we had any more time,
18 like if we had -- if we knew about this before then we
19 could have gotten, I'm sure, five times as many.

20 HEARING OFFICER GEARY: Thank you.

21 MS. RODGERS: And I'd also like to say,
22 in 1999 six employees of the Alyeska Pipeline Service
23 Company wrote to Federal officials arguing that neglect
24 and maintenance cuts on the pipeline would lead to
25 disaster. They stated that, quote, it would not be a

128-8

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1 single gasket or valve or wire or procedure or person
2 that would cause the catastrophe, it will be a
3 combination of small, perhaps seemingly inconsequential
4 events and conditions that will lead to an accident that
5 we're all dreading and powerless to prevent.

6 The bullet hole that caused 6,800 barrels
7 to spill last October and cost \$7 million to clean up,
8 took 36 hours just to stop the oil from coming out of the
9 pipeline and that's ridiculous. And Alyeska Pipeline
10 Service themselves have stated that there's no way they
11 can monitor every foot of the pipeline and if this -- if
12 the life span of the pipeline is going to be doubled,
13 then some serious monitoring needs to be done and steps
14 need to be taken to ensure that there isn't a major spill
15 because we had three of them last year on the pipeline.

16 Thank you.

17 HEARING OFFICER GEARY: Thank you. I'm
18 going to mark the petition as number 4.

19 (Hearing Exhibit 4 marked)

20 HEARING OFFICER GEARY: Dune Lankard on
21 the Environmental Impact Statement. 00129

22 MR. DUNE LANKARD: Thank you. Good
23 evening. My name is Dune. I'm a past commercial
24 fisherman here in Cordova and a current subsistence
25 fisherman and I represent tonight, the Eyak Preservation

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128-8
(Cont.)

1 Council, which is an environmental watchdog group here in
2 Prince William Sound and the Copper River Delta.

3 The first thing I'd like to do is read
4 from the Draft Environmental Impact Statement for TAPS,
5 while the Exxon Valdez Oil Spill was a significant event
6 in the operation of TAPS, creating significant benefits
7 to the state and local economy that more than offset the
8 economic damage to the fishing and tourism industries in
9 Prince William Sound. It is unlikely that a spill of
10 such magnitude, even if it occurred again, would create
11 the same level of economic activity.

12 My question to you is, what does this
13 statement suggest? That oil spills, they're beneficial
14 to the communities that it happens in? We were doing
15 just fine being a glorified fish camp here in Prince
16 William Sound, much before the Exxon Valdez Oil Spill and
17 it really saddens me that statements like this are in
18 this Draft Environmental Impact Statement. This is our
19 way of life that you're talking about. Our livelihood
20 depends on the health and the bounty of the ocean and its
21 resources. And since the oil spill, a lot of things have
22 changed that you'll never be able to replace or ever
23 compensate us for. And so I think that, you know, out of
24 respect to the people and to the area, that you extend
25 your public comment period at least 90 days and like R.J.

129-1

129-2

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1 said, even extend it 180 days to make sure that you get
2 all of the input from all of the people on what you
3 really need to do to make this a safer transport system
4 for oil. And like Gabe said, even, you know stopping the
5 transport of oil would be even better.

129-2
(Cont.)

6 I really don't believe that the oil
7 industry takes oil spill responsibility seriously. And a
8 good example is on the 10-year anniversary of the Exxon
9 Valdez Oil Spill, the New Caressa grounded in Oregon and
10 half the ship broke off and so they burned the oil in
11 that part of the ship and took the other half out 20 or
12 30 miles offshore and put it full of bullet holes and
13 then they couldn't sink it so they stuck a million dollar
14 missile in it and that was an oil contingency cleanup
15 plan. This is what we've learned after 10 years?

129-3

16 I mean this is a disgrace and you should
17 be very embarrassed that this continues to happen.

18 There has been a number of comments made
19 that the oil pipeline crosses a number of salmon streams,
20 76 salmon streams that lead into the Copper River. I'm
21 also a Copper River guide and I bring a number of people
22 down and I show them where the pipeline crosses into the
23 river where we can visually see it but there's a number
24 of places where we cannot. And right now, if there was
25 an oil spill of any magnitude on the Copper River, there

129-4

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1 is no way you could even begin to clean it up. Just none
2 at all. And I think that without an oil spill
3 contingency clean up plan in place for the Copper River
4 Delta and every place, like Bob Henrich was saying, that
5 this Right of Way responsibility should include, you
6 know, 200 miles offshore. I think it should go clear to
7 the point where you are bringing these oil tankers to the
8 refineries, because your responsibility doesn't end when
9 that oil leaves the shore and certainly your
10 responsibility doesn't begin, either, when the oil spill
11 hits the water, because it's proven that from the oil
12 spill there's very little that you can do to clean it up.
13 So the best method is prevention to stop it from
14 happening in the first place.

129-4
(Cont.)

15 Another example that Georgia brought up
16 about the bullet hole. That was crazy that 32 hours or
17 36 hours went by that a small oil leak caused by a bullet
18 hole could cause so much damage and cost so much money.
19 And so that only, you know, gives you an indication of
20 how vulnerable this oil pipeline is.

129-5

21 I think that under the TAPS renewal
22 process that you should also respect and acknowledge and
23 work with the tribal governments that live and have
24 inherent rights along the 800 mile pipeline. You should
25 be sitting down and having government to government

129-6

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1 relations and talks with these people to figure out how
2 you're going to minimize future oil spills and also
3 create oil spill contingency cleanup plans that actually
4 can work because you have, obviously, several billion
5 dollars set aside in dismantling, removal and restoration
6 and I think a lot of those monies could be used right now
7 to implement a responsible plan to address any future oil
8 spills and they will happen.

9 Also, I think that this EIS should
10 include some of the latest science. And, you know, a
11 good example is, a good friend of ours who is not here
12 this evening, Dr. Ricky Ott, was able to talk with some
13 people about this one part per million that affects the
14 reproduction of wild salmon, one part per million of
15 hydrocarbon pollutants, well, 400 peer review scientists
16 got together and they all acknowledged and stated that it
17 was one part per billion of hydrocarbon pollutants that
18 affects the reproduction of wild salmon. That means that
19 this oil spill, right now, is 1,000 times worse than we
20 ever imagined and believed and our laws still reflect
21 that. And so OPA90 still, you know, that didn't address
22 it. And so we've learned a lot from the Exxon Valdez Oil
23 Spill Trustee Science over the last decade and a lot of
24 this science is either being omitted or ignored. And I
25 think that's really, again, I think that's sad that

129-6
(Cont.)

129-7

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1 that's not being integrated into your studies.

129-7
(Cont.)

2 I believe that you know what's right. I
3 believe that you -- let me take that back. I want to
4 believe that you want to do what's right. And I'm hoping
5 that in this process that you're going to take this
6 testimony from these people and realize that this is
7 about our lives, this is about our future and it's also
8 about our past, because we're still living in the past;
9 we're still dealing with the nation's worst oil spill.
10 And this EIS doesn't reflect what has happened to our
11 people or our way of life. And you haven't proven to us
12 that you have done anything different and that you're
13 going to do anything different that's going to make us
14 trust you.

129-8

15 And like Gabe was saying earlier and a
16 couple of the other folks, that we need to wean off our
17 dependency of oil. We need to look at alternative energy
18 as, you know, the proof of how we can live in this new
19 world rather than continuing to pollute our waters and
20 our lands and our air. And we have the technology and I
21 really believe that you have the collective wealth and
22 the collective intelligence to put forth a comprehensive
23 energy policy that this nation and this world would be
24 proud of and I think that it starts right now by taking
25 responsibility in paying up the debt, the \$5 billion to

129-9

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1 these people and compensating us for our lost way of
2 life.

129-9
(Cont.)

3 And I'm hoping that you will, you know,
4 take this information and extend this period and make it
5 more comprehensive, you know, work with the people.
6 Because, again, like I said, this is our way of life and
7 my people, the Eyak, have lived along the coast for the
8 last 3,500 years and it was brought to my attention that,
9 you know, when the statement says, because so few Eyak
10 remain, a discussion of Eyak culture in the 21st Century
11 is impossible, to whom? How can you possibly say that?
12 Yes, there may only be 140 people of our Eyak people
13 alive today but we have just as much right as you do. We
14 have just as much of a right as anybody else to exist on
15 this planet. And I think that, like I said and I'll say
16 it again, we have the technology and we have the
17 intelligence to safely transport oil, but until you show
18 us different and you prove to us that you really care
19 about what we're saying and what we're feeling and what
20 we're going through and making sure that you're
21 compensating us for our losses, then we will be able to
22 then sit down around the same table and try and discuss
23 how we're going to address this issue in the future
24 because that oil pipeline, it's on the verge of collapse
25 and it's going to happen. And, you know, just like the

129-10

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1 Arctic National Wildlife Refuge, we do not want to put
2 anymore oil through that pipeline than has already gone
3 through there.

4 And I know that in this renewal process
5 that you're trying to show us that you're taking
6 responsibility and you're going to listen to as many
7 people as you can before you make your decisions. But I
8 know that this is a draft and so, you know, please listen
9 and hear what we're saying and incorporate those into
10 your discussions and work with us because we do want to
11 believe in you.

12 And, you know, before the oil spill ever
13 happened, I took a lot of things for granted and I
14 realize that I had to quit fishing in order to help
15 protect this environment. And, you know, please do your
16 job and we'll do ours.

17 HEARING OFFICER GEARY: Thank you, Dune.

18 MR. LANKARD: Thank you. 00130

19 HEARING OFFICER GEARY: Nancy Bird.

20 MS. BIRD: Yes, Nancy Bird. I am vice-
21 mayor of Cordova but I want to make clear that most of my
22 statements -- I have some preliminary statements, I
23 think, I can make on behalf of the City Council.

24 And those are that from listening to the
25 comments tonight, I came here, I have not read either the

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