

1 Renewal Applications for BWTF at the Alaska Marine
2 Terminal, that's Exhibit 20. And finally, Exhibit 21 is
3 a Final Report of a the 2001 Port of Valdez Monitoring
4 submitted to John Devens, Executive Director by Michael
5 Salazar.

6 (Hearing Exhibits 16 through 21 marked)

7 HEARING OFFICER GEARY: Thank you, Mr.
8 Kuckertz. 00160

9 MR. KUCKERTZ: Thank you.

10 HEARING OFFICER GEARY: Stan Stephens.

11 MR. STEPHENS: Well, I'm here again
12 representing AFER, Alaska Forum for Environmental
13 Responsibility. This is my third testimony on the DEIS.
14 I previously testified in Cordova and Valdez.

15 Many of us feel that this DEIS, the
16 decisions are already made and rubber-stamped and that
17 the process that we're going through is one that is
18 required by law and that's why we're doing it. And I
19 think if it were otherwise, it wouldn't have hurt to have
20 more than 45 days for testimony because you would have
21 wanted to hear everything the citizens of Alaska had to
22 say. But it's very obvious that you don't. And I'm not
23 too sure where this is going to go but in my testimony
24 today, like I have at all the hearings, I want to say
25 again, that we just don't have enough time to go through

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1 this 1,700 page report and comment on it in a 45 day
2 period.

3 It's almost like complacency has set in
4 again like it did back in the late '80s. John Devens,
5 who is here tonight had appointed me head of an ad hoc
6 oil committee back then because we had real concerns on
7 not only what the State and Federal government was doing
8 but that we could get nowhere with Alyeska. And in them
9 concerns, a great number of people predicted what
10 happened in 1989. And that same group of people, same
11 bunch of people are saying we're going to have a problem
12 today if we don't make some changes.

13 I want to talk tonight, I won't have a
14 written report for you, I'll get one and hand it in
15 later, I had to write this out in a hurry. But I want to
16 talk about the Copper River drainages and how they could
17 be hurt worse from an oil spill than probably any other
18 area and they're probably more at risk than any other
19 area and in my testimony yesterday I explained why.

20 I don't know if many of you are aware the
21 pipeline leak of crude oil at Kohasat, Minnesota July
22 4th. This line runs from Edmonton, Alberta to Superior,
23 Wisconsin with connections to the Twin Cities, Chicago
24 and elsewhere. Besides the 250,000 gallons or more of
25 crude spilled in the bogs of Kohasat, the same pipeline

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1 ruptured in 1991 just outside Grand Rapids, Minnesota,
2 just a few miles from the Kohasat spill. This was a 1.7
3 million gallon spill including 300,000 gallons that went
4 into the Prairie River. In 1991 this pipeline was 25
5 years old and it weld gave away. A weld that a pig
6 wouldn't be able to pick up. In 2002 it repeated a new
7 rupture when it was 35 years old.

8 The TAPS line is now 25 years old, in
9 this area of the Copper River goes over or under some 76
10 streams, rivers or tributaries that flow into the Copper.
11 Does this DEIS report adequately address these areas?
12 With a reduced budget and fewer personnel will the
13 preventive maintenance and oil response be adequate?
14 Does the report address the reduced budget? Does the
15 report say that even with a reduced budget and manpower
16 the area is adequately protected? I don't believe that
17 Alyeska has the resources or response equipment to
18 fulfill an EIS requirement in this area.

19 At Kohasat they talked about rainbows
20 trapped on the surface of swamp water swirling in the
21 spaces among thick globs of smelly, heavy Canadian crude.
22 They talk about backhoes and dumptrucks trying to cleanup
23 an impossible mess and today they're still trying. And
24 the person that was in charge of that said he didn't
25 think they would ever get it cleaned up.

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1 If you spill oil on any of the Copper
2 River drainages, the game's all over for all of us. You
3 can't clean it up, you will never clean it up. The
4 rivers flow too fast for any existing recovery equipment
5 and even then, the time from spill to response would be
6 too long to be effective. The backhoes and dumptrucks in
7 Minnesota wouldn't work here. Prevention is the only
8 answer.

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9 The area from Glennallen to Pump Station
10 12 and a little beyond is very unstable soil and subject
11 to fluidity and excessive movement in an earthquake.
12 The 1974 agreement and grant of Right of Way for the
13 pipeline stipulated that the pipeline system use state of
14 the art design to prevent any oil leak from seismic
15 activity ranges from 5.5 to 8.5 on the richter scale in
16 the five earthquake zones the line crosses. More than
17 half the pipeline in 1977 crossed permafrost. In 2002,
18 areas of this ground is no longer frozen under the
19 surface. Also some of the VSMs have heat transfer pipes
20 and radiators to keep the ground frozen. We don't
21 believe they are all working as they are designed to work
22 and wonder if the DEIS addresses them. How can Argonne
23 recommend to anyone that the DEIS be approved when it
24 doesn't meet the 1974 agreement on seismic design if
25 these conditions exist.

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1 In 2004 it will have been 40 years since
2 the largest ever earthquake in North America. Some
3 scientists believe we're due for another. Just because
4 RCM knows about the weak spots in the 420 miles of
5 elevated pipe, it doesn't prevent a possible accident or
6 an earthquake from occurring. This line should meet the
7 1974 agreement on seismic design. We need the whole
8 system peer reviewed by an independent company not close
9 to the oil industry or government. We need to prevent
10 accidents, spills and other problems. This can't be done
11 by cutting budget and reducing manpower and this report,
12 DEIS, should be saying just that. This report should ask
13 for a full independent audit from the North Slope to the
14 terminal before a new EIS is issued.

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160-7

15 That's all I have for this evening.
16 Thank you.

17 HEARING OFFICER GEARY: Thank you, sir.
18 John Devens, Sr. 00161

19 MR. DEVENS: Do I need to wait for the
20 green light? Okay, I'm John Devens, Executive Director
21 of the Prince William Sound Regional Citizen's Advisory
22 Council.

23 I was the mayor of Valdez in 1989 during
24 the Exxon Valdez Oil Spill and at that time I became a
25 true believer that citizen's input is extremely valuable

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1 when we're dealing with these types of issues. At that
2 time we had great difficulty getting into the information
3 or decision-making loop. The Regional Citizen's Advisory
4 Council is certainly helping in the area of being able to
5 provide information and advice in the area of oil
6 transportation.

7 Currently, I own property in both Valdez
8 and in this area, actually about Mile 93, I own some
9 property there. So I feel comfortable in speaking both
10 as a property owner and also as the Executive Director of
11 the Prince William Sound Regional Citizen's Advisory
12 Council.

13 I had planned to comment on some of the
14 concerns RCAC has with this 1,700 page DEIS report but
15 I'm going to limit my comments tonight to just two points
16 that I feel are very important.

17 Just before I left Valdez to drive up
18 here for this hearing I was handed a BLM press release
19 indicating that the extension of time requested by
20 numerous Alaskan groups and individuals was denied.
21 Denied at a time when the hearings are in progress and it
22 is quite apparent that Kathleen Clark, BLM director has
23 no interest in the thoughts or opinions of Alaskan
24 citizens. I am the director of a well-funded group with
25 16 employees and we could not adequately assess this

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1 document in the time frame that we had. There is no way
2 that citizens without our resources can read and evaluate
3 this DEIS report. It is an insult that BLM has denied
4 this extension period of time when they are taking
5 testimony and hearing that this is one of the more
6 frequent requests that they're receiving. It is an
7 insult that these hearings are being held during a time
8 when many concerned citizens are busy with subsistence
9 food gathering, commercial fishing, tourism and other
10 activities that must be done during our very short summer
11 months. And it is an insult to the many people who
12 suffered in the 1989 oil spill that this DEIS report
13 states that the economic benefits of the 1989 spill
14 offset any damage to fisheries and tourism.

161-1
(Cont.)

15 This DEIS report portrays oil spills as
16 good for the economy. Tom Kuckertz who has been at three
17 of these hearings and I suspect he'll be at least one
18 more has pointed out many problems with what we have
19 found in doing extensive study in a very short period of
20 time on this report. And it seems imperative that the
21 citizens that are concerned about this be given enough
22 opportunity to be able to study it and respond to it. An
23 underlying principle for the RCAC is that those people
24 with the most to loose from an oil spill should have a
25 say in oil transportation issues. The time frame given

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1 for review and comment of this DEIS report is inadequate
2 and suggests that decisions have been made and that there
3 is little desire for meaningful input from citizens who
4 will be most affected if an oil spill should occur.

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(Cont.)

5 This brings me to my final point for this
6 evening. There is a critical need for a citizen's
7 advisory group for the pipeline. People living in this
8 area need a well-funded, independent organization similar
9 to the Prince William Sound Regional Citizen's Advisory
10 Council to observe what is taking place regarding
11 pipeline issues to verify that what they are being told
12 is correct. To provide objective advice to both industry
13 and citizens and to inform industry and citizens of both
14 potential and real problems with the pipeline and to
15 suggest solutions to these problems.

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16 In summary, I feel that BLM made a
17 serious mistake in denying an extension of this review
18 period and it is time for a citizen's advisory council to
19 be funded for the pipeline.

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00162

20 Thank you.

21 HEARING OFFICER GEARY: Thank you, Mr.
22 Devens. Walter Parker.

23 MR. PARKER: Walter Parker. I testified
24 at Cordova and Valdez.

25 The first point I wish to make tonight is

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1 a bit of a reiteration but it is buttressed by new
2 information. The complacency that's reflected in the
3 DEIS is not justified by the record, you've heard that
4 over and over. And it's a point that will continue to be
5 made in near history and possibly history several years
6 from now if this goes ahead as presently planned.

7 The State complacency has been present
8 for the past eight years as the State has done everything
9 possible to mollify the oil industry in all of its
10 aspects carrying over t the pipeline also. And Federal
11 complacency was not so bad until recently but a
12 combination of deregulation and streamlining is going to
13 remove probably ever safeguard that exists. I was a Fed
14 for a long time, designed the national air system with
15 the help of a thousand other guys and watched the '78
16 Deregulation Act dismantle it. I watched the
17 telecommunications industry dismantled, too, by the
18 Deregulation Act. They were saved for awhile by
19 technology. And this TAPS pipeline, which I've been
20 involved in its development and oversight for well over
21 30 years, watching it and its oversight be dismantled by
22 budget cuts and the refusal to take a strong political
23 position and the JPO cannot take that strong political
24 position. Those who the JPO works for, all 14 agencies
25 or so have to take them.

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1 Brings up another point when the JPO was
2 created, I wish I'd brought it up then but we had a lot
3 of other things on the plate. I think that an
4 independent oversight organization which has to take all
5 the heat itself is badly needed in this. The budgets,
6 split as they are, some Federal and some State input
7 mostly coming through pass-throughs from industry are not
8 going to stand up under the type of complacency, as I
9 said, that's reflected in the DEIS.

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10 I'd like to get to the Copper River Basin
11 now. When we went through design review and developed
12 the stipulations for TAPS, the Copper River Basin was in
13 many ways the toughest because of the fragile permafrost
14 in this area, often, you know, running well over 28
15 degrees, sometimes well over 29 and it was difficult to
16 design the VSMS, it took a long time designing them to
17 meet those kind of conditions. And I see nowhere any
18 strong review of the VSMS and I'll keep coming back to
19 this point because I've been involved with the Arctic
20 Climate Impact Assessment ever since it got started and
21 was in the program when global change before that, and
22 I'm chairing a circumpolar infrastructure task force
23 which works with eight nations and 29 regional
24 governments in the north on these problems now and we're
25 getting reports constantly about the problems of rapidly

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1 increasing permafrost temperatures and the increase in
2 the thaw lawyer is creating. And the Deadhorse airport
3 is one of those that's been reported as showing signs of
4 deformation that are bothersome. So the industry, I
5 realize is taking some steps, but they're holding their
6 information in-house so we have no idea how good it is
7 except occasionally will chat over a bar or over a dinner
8 but have no real idea of what is going on there.

9 And that leads us to the absolute need
10 for the audit which we requested on both the technical
11 aspects of the pipeline, its materials and also the audit
12 that I called for last night on the human factors. We've
13 come a long way in the Sound but have a long way to go on
14 the river crossings. And after I get more information
15 together we'll get back to that one.

16 Director Clark has given us all a
17 disservice by casually tossing this off, since it's
18 already completed, why, what can possibly go wrong, we
19 have the best of all possible worlds and nobody, like I
20 say, that was, as Stan Stephens and John Devens pointed
21 out, that was the feeling before the Exxon Valdez and
22 when I was chairing the Alaska Oil Spill Commission why
23 we took 1,300 pages, almost as many pages as you took on
24 your DEIS recounting the failure of the oversight of the
25 Federal and State agencies and of Alyeska Pipeline. And

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(Cont.)

1 as I've said, I've seen that kind of complacency creep
2 back into the system so I'd advise you to take a quick
3 run through the Spill Commission's report again and
4 realize that it can happen to you here tomorrow.

5 We predicted that the next oil spill in
6 Prince William Sound based on world-wide figures and you
7 don't want to pay too much attention to this but August
8 14th is the anniversary date of the next catastrophic oil
9 spill in Prince William Sound if the figures work out.
10 But those were just something we did for fun but just to
11 remind people it can happen again if you relax.

12 Thank you.

13 HEARING OFFICER GEARY: Thank you, Mr.
14 Parker. Doug Vollman. 00163

15 MR. VOLLMAN: My name's Doug Vollman. I
16 am a writer for the Copper Valley Bi-Weekly but I'm not
17 here to testify for the Cooper Valley Bi-Weekly
18 Newspaper.

19 I'm here to testify because I'm a 17 year
20 resident of Alaska, 10 years were spent in Valdez. I was
21 involved in the fishing industry for those 10 years as a
22 commercial fisherman, in the end a deckhand, a shrimp
23 fisherman in particular. I've lived here in the Copper
24 Valley for seven years and I'm involved with fisheries in
25 another aspect. But I have not read the 1,700 pages of

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1 the Environmental Impact, but I plan to when I get a
2 chance.

3 But my comments would be that the
4 economic impact of a potential spill or a spill is far
5 greater than you believe. I can look back at the Exxon
6 Valdez spill and, certainly there's been a lot of
7 misinformation out there on how great it was, an economic
8 boom to Valdez and I can tell you that that is bull. The
9 only people that made money on that spill in the end were
10 industry themselves. They brought hundreds of boats in,
11 it was a Good 'Ol Boy network and, including our own
12 president or sitting vice-president at the time George
13 Bush had numerous boats involved with the oil cleanup.
14 His podamarine got the first response when SERVS was
15 first formed, podamarine was involved in the first
16 contracts on that.

17 But my main concern is who of you is
18 going to be responsible?

19 To this day, as a shrimp fisherman, my
20 loss has never been addressed. The other day in the
21 mail, after 13 years I got a claim form addressing pot
22 shrimp fishing in Prince William Sound asking me to
23 provide my W2s or 1099s from 1985 until the present in
24 order to address my claim. Now, luckily, the fisherman I
25 worked for has all of his catch records, we called, they

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1 told us, okay, you don't have to provide us all your tax
2 forms, write us a narrative of what you did and what you
3 caught and we will -- but my point is that each and every
4 one of you, in my mind, if you renew the pipeline without
5 looking into the economic impact of a disaster and set up
6 some kind of adequate responsibility for the operators of
7 the pipeline, you are all responsible for the losses that
8 people are going to suffer and especially in this area,
9 the subsistence losses will be far greater.

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10 We've already culturally, you know, I
11 wasn't here during the building of the pipeline but I
12 have many friends that grew up in this area and have seen
13 a definite change in their lifestyle since the pipeline.
14 You know, I, for one, want to see the pipeline renewed
15 but I want these economic impacts addressed because to
16 this day, Exxon, which is a partner in Alyeska has not
17 adequately compensated the people that were truly
18 affected by the spill. And this talk of how great a boom
19 it was, I don't know if any of you lived in Valdez at the
20 time of the oil spill or after, but I saw no economic
21 boom. I saw devastation in a lot of its people. I went
22 to Cordova after the spill and to this day they have not
23 recovered mentally, spiritually, sociologically from the
24 oil spill. And I would hate to see what would happen in
25 this area, to the people, if there was inadequate

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1 response to an oil spill.

2 So I just want to reiterate that I'm not
3 here to tell you not to renew the pipeline because I
4 certainly want it renewed. I think that it's a necessary
5 thing in this state, but I want these economic impacts
6 addressed because to this day -- and I think that the JPO
7 has responsibility to put pressure on Exxon, in
8 particular, to settle, it's been 13 years. And, you
9 know, on one hand we've allowed them to combine, you
10 know, there's been mergers, Exxon-Mobil, never were their
11 liabilities, were they called, you know, to own up to
12 their responsibility. They've delayed it in court.
13 They're asking, you know, they've won in court recently
14 on getting the judgment reduced. But each and every one
15 of your entities has received their money from Exxon.
16 There was a billion dollars out there that you all
17 received that none of us that were truly affected by the
18 spill received. So if and when there is another
19 environmental problem, I will personally come and find
20 you people and ask you to start coughing up some of the
21 costs of the devastation that will occur.

22 So I want to tell you thank you for
23 hearing me and hopefully you will give us a little more
24 time because working in the summer it would be pretty
25 hard to read 1,700 pages let alone 17 pages without

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1 falling asleep at night. So I would hope that you'll
2 extend the comment. I was pretty disgusted when I heard
3 the news today, driving home from work, that you had
4 already decided that the comment period doesn't need to
5 be extended and you'll address all these problems
6 adequately, well, we have a lot of concerns and hopefully
7 you'll allow us the time to read these documents and
8 comment further.

9 Thank you.

10 HEARING OFFICER GEARY: Thank you, Mr.
11 Vollman. Richard Fineberg. 00164

12 MR. FINEBERG: Good evening, Richard
13 Fineberg for the Alaska Forum for Environmental
14 Responsibility.

15 I do note that I have, since 1996, tried
16 to get JPO to do meaningful trending in pipeline
17 problems. I can spot a trend in my third night of
18 testimony that has me very worried. I began the first
19 night with a small document, the second night too, and
20 tonight with this. I think we've got a bad trend.

21 Last night I submitted for the record a
22 copy of my June 2002 report on the pipeline for the
23 Alaska Forum. I am providing you, tonight, for the
24 record a written copy of those remarks.

25 HEARING OFFICER GEARY: Thank you. I'll

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1 go ahead and mark your comments from July 30th as Exhibit
2 22.

3 (Hearing Exhibit 22 marked)

4 MR. FINEBERG: Tonight, I wish to refer
5 you to three specific sections of the report I introduced
6 last night to ask two basic questions for the record.

7 The first is the short section on
8 reliability centered maintenance which Stan Stephens,
9 Walt Parker and I discussed last night. The pages are
10 Pages 47 and 48. With reference to the specific
11 questions I raised about RCM last night, I note again
12 that the DEIS and the State reports placed reliance on
13 RCM impose this question. By what means, if any, have
14 BLM or ADNR assure that an RCM procedure, i.e., either
15 can or will mitigate prenitious effects of owner cost-
16 cutting on TAPS?

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17 I would also like to know by what
18 measures you determined that economics and the
19 operational organization are beyond the scope and where
20 the citizen is supposed to go at that point if they are
21 beyond the scope? I think we have been told where to go.
22 It doesn't feel very good.

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23 Let me move to point number 2, which is,
24 stability at Pages 49 through 52 of the report and
25 Appendix B. Appendix B, by the way, is a report I

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1 prepared and submitted specifically during scoping and I
2 find no reference to it in the some 1,900 pages of State
3 and Federal documents. However, it is my impression that
4 Alyeska has acknowledged the validity of the report and
5 subsequent to receipt of that report has begun to take
6 actions on the questions raised in that report, not
7 prior.

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(Cont.)

8 I would very much like to see the EIS
9 deal with the questions that citizens brought to you on
10 the condition of the pipeline in good faith during the
11 scoping. Specifically, and I raise that tonight because
12 one of the two main areas concerning slope stability is
13 in the Copper River Basin and as others have noted, the
14 slope stability problem is most acute in the warm
15 permafrost to the south ending at Mile 736 just below
16 Pump 12 and directly then is the worst where the seismic
17 threat is the greatest, the southern portion of the
18 pipeline and where the largest earthquake in the history
19 of the United States occurred in '64. And the two are
20 directly related because the slope stability question
21 includes cesium liquefaction.

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22 With that in mind I prepared the
23 technical report which is included in the Emperor's New
24 Horse as Appendix B, submitted it to the scoping conveners
25 on September 20th, brought it to JPO, I believe the 19th,

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1 if I'm not mistaken, specifically handed it to Mr. Remer
2 because I know that the RCM process was in process in
3 Fairbanks and I thought they might be interested. I find
4 no sign of any response in the report. Specifically, the
5 -- and I will try to describe, if I can summarize, how I
6 came to do that report and what the issues are, what some
7 of the issues are.

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(Cont.)

8 Please bear in my mind that one of my
9 concerns on the pipeline is that Alyeska is chronically
10 too slow to identify and mitigate problems of three
11 kinds; operational, physical facilities and management
12 problems. And all three are specifically discussed in my
13 report and when I say, too slow, I use an objective
14 standard of time. One of them is Squirrel Creek right
15 here. When the problems at Squirrel Creek with the above
16 ground pipe were identified, roughly 1990, they were
17 probably identified soon after construction we believe it
18 moved very soon after construction but nobody paid much
19 attention until 1990, it was roughly a nine year hiatus
20 between identification and repair. Objective
21 measurement, I suggest nine years is too slow, subjective
22 own opinion.

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23 Again, we are committed to proper
24 maintenance in the future. The corrective action program
25 at Squirrel Creek was initiated by JPO and ordered only

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1 after a risk assessment by Alyeska in July of 1999
2 determined the repairs were not necessary, then JPD came
3 in. This does not give me confidence in the risk
4 assessment program. I find nothing like it discussed.

164-7
(Cont.)

5 And since we're on the yellow light, let
6 me simply say that you can find the discussion for those
7 of you in the Copper, who have not had the time to look,
8 Section 4.1.3.2.1, which is existing mitigation methods,
9 4.2.2, 4, 5 and 6, which is -- let me go to the table of
10 contents because you have to hunt and peck to find them,
11 which is impacting factors and 4.3.1 -- 4.3.2, which is
12 proposed alternative action, that's the only place it
13 comes anywhere near being discussed adequately in the
14 alternative, not in the repairs where you think you would
15 find it, the routine and preventative maintenance in the
16 impacting factors. And it's not clear to me why those
17 aren't 500 pages earlier in -- it's just not clear why
18 they're buried in the different places in the report and
19 they are in the process, when it is finally discussed,
20 seismic is segregated from slope stability and the point
21 is that the two are very closely related, not adequately
22 dealt with at all.

164-8

23 I am very tempted to say I regret I spent
24 the time and good faith of preparing the information I
25 have prepared, thus far it seems to have been wasted.

164-9

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Thank you.

HEARING OFFICER GEARY: Thank you, Mr.
Fineberg. Janelle Eklund. 00165

MS. EKLUND: I'm Janelle Eklund and I
live in Kenny Lake and I've lived here for 25 years and
I'm representing myself -- actually I've lived here for
27 years. So I'm concerned about the pipeline and its
aging and I have a few comments for the DEIS.

The public comment period of 45 days, I
think, is way too short for such a lengthy document and I
think that this comment period should be extended at
least another 45 days. And also I got here a few minutes
late so I didn't hear where this was advertised
everywhere, but I just wanted to say that advertisement
for public comment should also be done in the Lower 48 to
ensure that everybody's included because we're all
connected and we can all be effected by a spill.

Another point is I think it's very vital
to set up an escrow account for dismantling of the
pipeline when that time comes. If you just walk away
without dismantling, then it would surely present an
environmental disaster.

I'm very concerned about the catastrophic
impacts to the environment due to a spill because of the
aging pipeline and because of climate change or seismic

165-1
165-2
165-3
165-4

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1 activity that could happen. The lives of everyone that
2 live here plus the plants and the animals, the fish and
3 the birds would be changed forever. And so I think that
4 in the grants and lease agreement, they should establish
5 a citizen's oversight group to ensure that the pipeline
6 is maintained and operated in a safe way. And I also
7 believe that there should be an evaluation and a
8 technical review every five years by an independent party
9 to make sure that we have a safe operating pipeline.

165-4
(Cont.)

165-5

10 In the last 25 years there have been
11 advances in technology and science that can help to
12 ensure that the pipeline is operated in a safe way and so
13 in light of this, I think that the stipulations that are
14 in the grant and lease agreement, that they should be
15 thoroughly reviewed.

165-6

16 Thank you.

00166

17 HEARING OFFICER GEARY: Thank you. Bob
18 Henrichs.

19 MR. HENRICHS: Thanks for the opportunity
20 to speak. It's always nice to visit Ahtna country.

21 As I mentioned earlier in Valdez and
22 Cordova, our tribes environmental and natural resource
23 department for the Native Village of Eyak are going
24 through the entire Draft EIS and the staff has assured me
25 they will go through the whole thing and have our

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1 comments done and get them in at the end of the comment
2 period.

3 I'm the president of the Native Village
4 of Eyak and we have over 500 members. We're the largest
5 tribe in Prince William Sound. Knowing that we have
6 resources that some of the other tribes in our region
7 don't have, we've extended an offer of technical
8 assistance to the other tribes and organizations in our
9 region. And we'll make that offer of technical
10 assistance also to the Prince William Sound Regional
11 Citizen's Advisory Council.

12 And now I'll get to my written statement.
13 Continuing to go over that draft EIS, we come to Section
14 3.2.5-12, states that, many Chugach Alutiiq earn wages
15 through jobs or by pursuing commercial fishing but still
16 pursue subsistence to supplement wage based economy.
17 This does not reflect the central role that subsistence
18 plays in the culture. A more accurate statement is that
19 wages supplement subsistence. Further the Draft EIS
20 states that the importance of the Chugach Native Heritage
21 is evident in the frequent reference to kinship to social
22 interaction. This is but one area where heritage is
23 present. The arts and traditional knowledge are
24 essential to the Chugach heritage but this Draft EIS
25 makes no mention of them. This is interesting to note

166-1

166-2

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1 because of the comments made by JPO and Argonne National
2 Laboratory representatives who stated in the scoping
3 meetings that traditional ecological knowledge would be
4 utilized in preparing the Draft EIS. This document
5 demonstrates a lack of understanding of the fact that
6 receiving wages and participating in a culture are not
7 mutually exclusive.

166-2
(Cont.)

166-3

8 Section 3.25.1.1.2, Eyak. This section
9 relies on one or two sources, neither of which are Alaska
10 Native or tribally-based. The document states that Eyak
11 were more commonly associated with the Pacific Northwest
12 culture area, this does not reflect the fact that Eyak
13 people regularly traded with those at Muciiq and the
14 Upper Copper River tribes. This section states that Eyak
15 modified their system to become similar to the Tlingit.
16 This statement implies that the Eyak Tribe do not have
17 their own system. Further it is misleading to make this
18 statement about one tribe and not all. Most tribes
19 modify and adapt to the point that it's difficult to
20 pinpoint which culture borrowed from the other. The
21 Draft EIS states that the Eyak were separated by
22 geographic barriers from the Interior, never mentioning
23 access via the Copper River. Historical accounts of
24 trade between Ahtna and Eyak people, via the Alaganik
25 Village site exist and are still discussed among the

166-4

166-5

166-6

166-7

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1	elders.	166-7 (Cont.)
2	We disagree with the emphasis being	
3	placed on degree of blood as evidence of heritage.	166-8
4	Sociocultural systems are not defined by degree of blood.	
5	Further, many Alaska Native people do not claim their	
6	tribal ancestry during the era of assimilation in this	
7	country. To rely throughout the Draft EIS on census	166-9
8	records that traditionally under count minority	
9	populations is an injustice to the tribes.	
10	Similarly, to the section on Cordova	
11	subsistence, there is no mention of the Federally-	166-10
12	recognized tribe of the Native Village of Eyak that has	
13	over 500 members.	
14	There are numerous references made	
15	throughout this section to Alaska Native Corporations and	
16	the benefits and opportunity they provide. There is no	
17	discussion of the negative sides of these corporations,	166-11
18	the struggles with bankruptcy, the lack of	
19	acknowledgement of the after-borns and the controversy	
20	surrounding selling corporation land.	
21	Section 3.25.1.1.5 on the Koyukon.	
22	States the political awareness influence came with	
23	sedentary villages. This is incorrect. Seasonal	166-12
24	occupation of sites by tribes in the past did not equate	
25	a lack of political influence or awareness. This section	

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1 points out how each Alaska Native village in the area of
2 the Koyukon elects a chief and a village council as if
3 all 229 Federally-recognized tribes in the state of
4 Alaska do anything less. There is also mention of heavy
5 reliance on traditional subsistence resource and respect
6 for the elders, again, as if this does not exist among
7 the majority, if not all tribes. This demonstrates
8 unequal treatment of tribes and cultures in the Draft
9 FIS. It also reveals a shallow treatment of the effects
10 of the TAPS on cultural systems.

166-13

166-14

166-15

11 Section 3.25.1.2 Alaska Native Claims
12 Settlement Act states that Alaska Native lived with
13 little interference from the U.S. government prior to
14 statchood in 1958. This is simply not true. Volumes
15 have been written, particularly in Indian law that
16 outlines the relationship between tribes and the Federal
17 government. This section incorrectly states that the
18 Alaska Native Claims Settlement Act extinguished
19 aboriginal rights to Alaska lands. The Act, Title 43,
20 Chapter 33, Section 1601 of the U.S. Code, states, that
21 no provision of this chapter shall replace or diminish
22 any right, privilege or obligation of Natives as citizens
23 of the United States or of Alaska are relieved, replaced
24 or diminish any obligation of the United States or the
25 state of Alaska to protect and promote rights or welfare

166-16

166-17

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1 of Natives as citizens of the United States or of Alaska.
2 ANCSA extinguished aboriginal claims entitled to Alaska
3 lands, not aboriginal rights. This is a subtle but very
4 important difference.

166-17
(Cont.)

5 Thank you for your time.

6 HEARING OFFICER GRARY: Thank you. Thank
7 you for your comments and I'm going to go ahead and mark
8 them as Exhibit 23. 00167

9 (Hearing Exhibit 23 marked)

10 HEARING OFFICER GEARY: Linda Rutledge.

11 MS. RUTLEDGE: Hello. My name is Linda
12 Rutledge and I'm a resident of the Copper River Basin,
13 it's my home. And we all agree on the fact that an oil
14 spill is devastating and really prevention is the only
15 answer.

16 Walt Parker, Stan Stephens and other
17 informed Alaskans have presented TAPS with six practical
18 recommendations which address prevention. I won't go
19 through them all but the one that particularly strikes me
20 as important is a citizen's oversight group. We live
21 here. This is our home. We will have insights, that you
22 would not want us to be players in this amazes me.

167-1

23 Also the employees that work for the
24 pipeline, that they would have in their grant and lease
25 an opportunity to speak up on problems, to have a

167-2

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1 troubleshooting area. This is your greatest resource,
2 the people that are on the pipeline working day in and
3 day out. I would just encourage you to use this as a
4 practical way for prevention.

167-2
(Cont.)

5 Also to begin this new 30 year lease with
6 an audit of the pipeline's current status, how it is, how
7 it's structurally, if it is sound, that's, just to me, a
8 practical means of prevention and I think that's the key
9 word.

167-3

10 I think the six recommendations are a
11 positive tool to help prevent an oil spill and I
12 encourage you to just give more time in the review
13 process and consider these. I really think it's our
14 moral and spiritual responsibility to do so.

167-4

15 Thank you. 00168

16 HEARING OFFICER GEARY: Thank you. Julie
17 Bator.

18 MS. BATOR: Good evening. I'm Julie
19 Bator, Native Village of Tazlina and also representing
20 the Ahtna Right of Way DEIS Review and Renewal Committee.
21 Thank you for hearing me in case I don't get that in
22 later.

23 We have many statements and I have about
24 12 pages and had to narrow down some of our major
25 viewpoints and we will be submitting all of our comments

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1 in writing, no matter what the deadline is, but we would
2 like to exercise the response that I've heard many times
3 tonight, that we are very disappointed in the lack of
4 character shown for the deadline and I would just like
5 that expressed, again.

6 I can say this as a person who works in
7 the office at the Tazlina Village Office, we did not
8 receive the complete DEIS until the 24th of July. That
9 makes it very hard to comment during a public hearing on
10 something that you have only a few days, a week to be
11 prepared for. I was allowed a copy of the CD which I got
12 from the BLM and that copy was received on the 12th of
13 July, which still doesn't allow you much time to search
14 and comment.

15 We also want to acknowledge that this is
16 not enough time and it is an insult to review such a
17 complex and important document. This deadline falls in
18 the midst of our busiest subsistence gathering seasons
19 and it's very difficult to collect people together to
20 review and coordinate responses when you consider that
21 food, then shelter and safety are unstated priorities.

22 The BLM did not have the authority to
23 convey lands nor do they have the authority to continue
24 to renew it or continue to administer it. This should be
25 noted.

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168-1

168-2

1 Facts collected by an outside
2 organization, whom do not have the background and
3 experience in Alaska Native or rural Alaska lifestyles
4 and traditions should not have been chosen and should not
5 be relied upon.

168-3

6 The DEIS states that oil spill response
7 planning is a separate process. The oil spill response
8 should be a part of the EIS and, the grant, the ability
9 to respond should be required before the grant is
10 renewed.

168-4

11 The executive summary states that the
12 loss of revenue is the most significant of a spill. In
13 the Copper River Basin, the most significant impact
14 should be noted and isn't, that it would be subsistence,
15 it would hurt us dramatically. There isn't a lot of
16 people in our area that receive a direct impact of
17 monetary gain from the pipeline running through our
18 backyard but they would be significantly hurt with an oil
19 spill.

168-5

20 It also should be noted that there needs
21 to be locally equipped and trained certified spill
22 response teams. The teams need to be State and Federally
23 certified. APSC needs to provide the training and the
24 funding and there should be some reference to this.

168-6

25 Because the Copper River Basin is in a

168-7

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1 unorganized borough, the residents do not collect
2 property taxes on TAPS, the State collects the taxes
3 however the funds are not returned to the Copper River
4 Basin and nowhere in there is that stated.

168-7
(Cont.)

5 We would like to see the pipeline have
6 accessible oil spill contingency plans and we want to see
7 a report and the teams actually go out and boom one of
8 these four major rivers that crosses within our 55 mile
9 corridor. We, at the village, had timed an approximate
10 spill from the Tazlina suspension bridge for the time
11 that it reaches the Copper River, at the headway there,
12 would be approximately 57 minutes, that's not very much
13 time and once it hits the Copper it effects all the way
14 up to Mentasta and all the way down to Cordova and I
15 really think that this needs to be stressed in that DEIS.
16 The sites are not accessible. The vehicles are not there
17 for the booming and it would be hours before that oil
18 spill response team could, if it's even possible, boom
19 one of these rivers. This needs to be noted as well.

168-8

20 Supplies and equipment need to be placed
21 at sensitive sites. All moving bodies of water should be
22 considered sensitive sites.

168-9

23 We would also like to see tribal
24 involvement, participation on the JPO and funding for it.
25 There is no reference in there to government to

168-10

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1 government coordination and this is an insult to the
2 Native tribes which have been acknowledged by the state
3 and Federal government as sovereign entities and we
4 demand this.

168-10
(Cont.)

5 If I've missed something, we've got a
6 couple other people in the background and they'll pick it
7 up afterwards.

8 The 20 percent hiring goal should be
9 based on the payroll, not on the hours and that is also
10 not noted in there.

168-11

11 The average Native hire for the last 30
12 years needs to be brought up to 20 percent. APSC is out
13 of compliance with Section 29 and 30 and there's notice
14 in the DEIS as far as we've been able to research at this
15 point to reflect that.

168-12

16 The figure given for 3.72-6, the number
17 of gallons should be a number that is actually feasible
18 and is actually something that people can understand.
19 That statement in that section is really mind-boggling
20 and we'd like to see some clarification on that.

168-13

21 We would also like to emphasize that
22 under Environmental Justice 4.3.97, the entire Argonne
23 project should have been contracted out or at least
24 consulted with Native corporations. This also is in
25 reference to the government to government relations and

168-14

168-15

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1 consultations. This is a major Federal action, no
2 government to government consultation was given and by
3 definition there should have been. Any Federal action
4 that directly effects the tribe demands this. The
5 pipeline runs right through our backyard, we're at risk,
6 our lifestyle's at risk and if the pipeline is going to
7 continue to run through our backyards, this must be
8 considered and compensated for.

9 Thank you.

10 HEARING OFFICER GEARY: Thank you for
11 your comments. Robin Underwood. 00169

12 MS. UNDERWOOD: My name is Robin Mayo
13 Underwood. My address is Mile 9.2, Kenny Lake, Alaska.

14 I'm a life-long Alaskan having been
15 raised in Fairbanks during the heat of the pipeline boom
16 and I now live in the Copper Valley where I have a young
17 family and also a family business guiding rafting trips
18 in the Copper River.

19 I want to digress with some family
20 history if you'll indulge me. My father, Larry Mayo, was
21 involved in the EIS process for the original pipeline
22 Right of Way many years ago. He is a professional
23 glaciologist with extensive experience with the Prince
24 William Sound glaciers. And you can look up in the old
25 documents that, in his opinion, one of the greatest

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168-15
(Cont.)

1 hazards posed by the proposed system was an accident
2 involving icebergs from Columbia Glacier and an oil
3 tanker and he specifically named this location, Bligh
4 Reef. I do not want to say, I told you so, but I do want
5 to say, I hope you are really listening tonight.

6 I would first like to state that I feel
7 extremely unprepared for this hearing, it is the busy
8 summer season. We received a copy of the Draft EIS and
9 computer disk in the mail just a few weeks ago. I have
10 barely had time to look at it much less give the
11 thoughtful study it deserves. To my disappointment as I
12 left for this meeting we received word that the comment
13 period will not be extended as has been requested by
14 interested groups statewide and I'd like to formally
15 object to this.

16 It is hard to believe it was nearly 30
17 years ago that this state was changed forever by the
18 construction of the largest ever privately funded
19 construction project. Whether for good or bad is
20 debatable but there is no doubt that the impact of TAPS
21 on the state's economy, environment and culture has been
22 and will continue to be huge. I would like to make it
23 clear that my purpose in helping monitor pipeline
24 activities is not to shut down the pipeline as has been
25 accused. I am as dependent on petroleum as the next

169-1

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1 person. Rather, I believe citizen involvement is
2 important in ensuring that the pipeline is as safe and
3 environmental friendly as it can possibly be.

4 Therefore, my first and most important
5 recommendation is a citizen's oversight group similar to
6 the one set up to monitor tanker issues in Prince William
7 Sound be set up for the terrestrial portion of the
8 pipeline. How ironic that it took the huge tragedy like
9 the Exxon Valdez Spill to be the catalyst for starting
10 the Valdez-based group. Let's extend that good idea to
11 the rest of the pipeline before disaster strikes.

12 My family business is dependent on the
13 wilderness character of the Copper River of which the
14 pipeline crosses 76 tributaries. I believe greater
15 priority needs to be given to stream crossings, spill
16 prevention and response. Just a few years ago my husband
17 attended one of the first containment boom drills on the
18 Tonsina River at age 25 of the pipeline. I don't know
19 what they were going to do for the past 25 years. The
20 crew took approximately eight hours to deploy boom. In a
21 river flowing 10 miles per hour, it does not take a
22 rocket scientist to realize the response was ridiculously
23 inadequate. I encourage major research and innovative
24 thinking in improving the safety of the stream crossings.

25 In the past Alyeska has been reportedly

169-2

169-3

169-4

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1 unresponsive and even abusive to internal whistleblowers.
2 I would like to see a formal program to address employee
3 concerns as they are on the front lines and know more
4 about what is really going on than any outside observer.

169-4
(Cont.)

5 I would like to see the dismantling,
6 removal and restoration funds be placed in an escrow
7 account to ensure proper completion of the pipeline
8 project when the time comes. In this era of corporate
9 instability a promise is not enough.

169-5

10 Finally, I would like to see the
11 stipulations include independent comprehensive field
12 audits at five year intervals. These audits would not
13 only scrutinize current levels of compliance with the
14 promises so easily given on paper but would also address
15 whether current technological advances are being taken
16 advantage. One has only to compare the '70s and 2000
17 computers and automobiles to know that there have been
18 dramatic advances in the past 30 years when the pipeline
19 has been in operation. We can only imagine what the next
20 30 years will bring and it is important that the Alaska
21 oil industry take full advantage of the new technology
22 and not trundle along with the dinosaur.

169-6

23 Thank you for your time and attention.

24 HEARING OFFICER GEARY: Thank you, Ms.
25 Underwood. Aaron Underwood.

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1 MR. UNDERWOOD: Hello. My name is Aaron
2 Underwood and I live at Mile 9.2 Kenny Lake, Alaska.

3 As an Alaska resident and wilderness tour
4 operator I am very concerned with the status of the
5 pipeline and have been actively involved in citizen
6 monitoring of spill drills and other activities for
7 several years in the area. I believe that there should
8 be a thorough and complete audit of Alyeska's operational
9 procedures including a complete physical status report of
10 the pipeline, which includes documenting the changes of
11 the climate since the designed baselines in 1973 to the
12 current climate profile of 2002.

170-1

13 I believe Alyeska needs to be audited for
14 public review physically and operationally every five
15 years of extended life of the pipeline and lease
16 contingent on the performance monitored by a citizen's
17 advisory council representing local people and interests.

170-2

170-3

18 I am distressed that my concerns
19 expressed at the scoping meeting last fall have not been
20 addressed.

21 They include the failings of Alyeska's
22 contingency plan to address adequately a spill into the
23 Copper River, along with preventative actions that
24 Alyeska could take to ensure the safety of the pipeline.

170-4

25 Finally, I believe that since 20 percent

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1 of our Nation's daily oil needs and virtually all of the
2 state of Alaska's budget revenues, not to mention the
3 national treasure of Alaska's grand wilderness at risk,
4 the Trans-Alaska Pipeline needs to be the most absolutely
5 safest pipeline for the environment and the people of
6 this nation.

7 I would like also to state my support and
8 concurrence with the seven recommendations presented by
9 the Alaska Forum of Environmental Responsibility.

10 I appreciate the opportunity to
11 participate in this process. Thank you.

12 HEARING OFFICER GEARY: Thank you for
13 your comments. All right, we're going to take a 10
14 minute recess. Anyone who would like to speak after the
15 recess, please sign up at the back table. We'll
16 reconvene in 10 minutes.

17 (Off record)

18 (On record)

19 HEARING OFFICER GEARY: All right, I want
20 to call this hearing back to order. We have no
21 additional folks signed up to testify at this time, is
22 there anyone else present that would like to testify?

23 Yes, ma'am, please come forward. If you'd please state
24 your name so we could record it. 00171

25 MS. MCHENRY: Good evening. My name is

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1 Ruth McHenry and I live at Mile 17 at Kenny Lake and I'm
2 a 56 year Alaska resident.

3 I have read a bit of the DEIS but not as
4 much as I would like to because it's not compatible with
5 my computer software. I still hope you will grant us
6 more time to read this long document. I am a member of a
7 local conservation organization, Copper Country Alliance.
8 Our members have put in many volunteer hours learning
9 about Alyeska's operations. Let me assure you we don't
10 do this out of boredom or peskiness. The mission of our
11 organization is to try to protect the wild and rural
12 character of this region and the habitats upon which
13 those depend.

14 No single event, short of an atomic bomb
15 would have such a devastating effect on those values as
16 an oil spill that reaches the Copper River. After
17 witnessing two spill drills, one at the Tonsina River and
18 one at the Klutina River, I am unhappy to conclude that
19 an oil spill that reaches a tributary of the Copper River
20 will be unstoppable. It will reach the Copper River. At
21 the Tonsina River, seven hours past between the time
22 crews assembled at Pump Stations 11 and 12 and the time
23 that the boom was in place. At the Klutina River, the
24 spill scenario called for oil to reach the Klutina River
25 in about an hour and the Copper River shortly after that.

171-1

171-2

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1 The distance is one to one and a half miles and the
2 current is at least five knots. Again, it took hours for
3 the boom to be deployed. Then there is the question of
4 whether boom, once in place, would actually be able to
5 contain oil in a turbulent river, we don't know that.

171-2
(Cont.)

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

14 Now, I'm convinced that pipeline safety
15 demands and the RIS must require the following:

- 16 1. Better maintenance.
- 17 2. Better detection.
- 18 3. Better response readiness with an aim
19 to stopping oil before it reaches the water.

20 Let me take these one at a time.

21 Better maintenance. Locally, the leaning
22 VSMS and badly off-center shoes at Squirrel Creek were an
23 example of what can happen when permafrost thaws. We
24 don't know whether that happened because of climate
25 changes or because the heat pipes weren't working well

171-3

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1 enough. To Alyeska's credit, they did go in and sink the
2 VSMS another 20 feet to make them more stable. But it is
3 disconcerting that they didn't know when the VSM
4 movements had taken place and that they thought it might
5 have happened in the first 10 years. With good
6 maintenance Alyeska would have known and it should have
7 fixed the problem earlier, not 23 years after the oil
8 started flowing.

171-3
(Cont.)

9 Is Alyeska adequately monitoring
10 movements now? How many other leaning VSMS and off-
11 center shoes are there? How many other locations are at
12 risk? As far as I know, Alyeska has not been able to
13 answer that question.

14 This is just one of the many reasons why
15 the pipeline needs to be audited mile by mile and why an
16 independent evaluation should be done every five years.

171-4

17 Better detection. For the first years of
18 the pipeline's life, the entire line was flown daily. In
19 the past decade up until September 11th, it was flown
20 weekly and if the weather was bad on the flight day it
21 wasn't flown until the next week. I understand that it
22 is being flown more often now, but as memories of
23 September 11th fade, will frequency slip again? And if
24 overflights were adequate, why didn't Alyeska find the
25 major pipe shifts in the year 2000 at Atigun Pass and

171-5

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1 2001 at Pump Station 5. It should be obvious that
2 detecting a problem early can make the difference between
3 a minor incident and a devastating spill.

171-5
(Cont.)

4 Better response readiness. This includes
5 equipment, people and site preparation.

6 Equipment. Clamps that work at higher
7 pressures and more of them. Equipment and materials for
8 protecting spilled workers from fumes so that there is
9 less waiting time before plugging a spill.

171-6

10 People. I still think a hot shot crew is
11 a good idea but it would focus on keeping oil from
12 reaching the water. It's only jobs would be to be ready
13 to respond to a spill and to train local crews.

171-7

14 Site preparation. This includes plowing
15 pipeline access roads. During winter you can find APLs
16 that are plugged with snowberms days or weeks after a
17 snowfall. It includes making sure there are staging
18 areas at critical points. It includes placing
19 containment berms at creeks and river crossings. In
20 short, it means expecting a spill and figuring out in
21 advance what is needed.

171-8

22 To make sure all these things happen we
23 must have a citizen's oversight group. Such a group has
24 greatly improved the situation in terminal and marine
25 operations but that was after the Exxon Valdez Spill had

171-9

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1 already occurred. Are you going to make us wait until
2 there's oil in the Copper River before you mandate a
3 similar group for the pipeline?

171-9
(Cont.)

4 Now, perhaps you will blow off these
5 suggestions as being beyond the scope of the EIS. I've
6 got to tell you that I'm disappointed in you folks, the
7 way you blew off scoping suggestions in the DEIS. Some
8 were blown off by way of your section of alternatives and
9 issues considered but eliminated from detailed analysis.
10 Many others you disdained to even list in the DEIS, they
11 were in a separate eight page report. Would an eight
12 page addendum to this huge DEIS done any harm? Are you
13 going to listen to TAPS owners? Are you going to only
14 listen to TAPS owners? They were the only reference you
15 cited in Chapter 2, the chapter in which you dismissed
16 good ideas like a citizen's oversight group, fines for
17 TAPS owners when they don't perform and requiring a
18 pipeline audit as part of the renewal process.

171-10

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

25 And finally, I want to thank all the

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1 people who showed up. It's a beautiful sunshiny day in
2 the Copper River Basin and these people took time out to
3 be here and I want to say good for you, good for us.

4 HRARING OFFICER GEARY: Thank you. All
5 right, any other speakers? Sir, come forward. Have a
6 seat and then state your name, please? 00172

7 MR. JUSTIN: My name is Wilson Justin and
8 I am here as Chesna, a tribal councilmember, a tribal
9 council about 48 miles from here and I also am here as a
10 speaking member of a coalition of tribal councils in the
11 pipeline corridors who have been tracking and monitoring
12 this activity for several years. And finally I work for
13 Mt. Sanford Tribal Consortium as a vice president. And
14 in addition to that I have a vested interest, I believe,
15 as a person, as a person who lives on the river. My
16 family has participated in the economy, both subsistence
17 and cash of this region as long as there's been
18 economies.

19 I don't have any prepared statements for
20 you. But the Chesna Tribal Council will be reviewing the
21 document that's at hand and we will be forwarding our
22 comments and those comments will be extensive. You have
23 heard from a number of concerned individuals and
24 representatives in the area of the deficiency that this
25 process has underlain in terms of the renewal and we will

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1 be directing our comments in the future, written. But
2 tonight I wanted to underscore a couple of items that
3 caught my attention that I think should be reiterated
4 over and over.

5 The first one, I'd like to thank Mr. Bob
6 Henrichs for bringing to your attention the subtle but
7 very important wording that he bought and used in terms
8 of the Alaska Native Claims Settlement Act. Now, I
9 worked with ANCSA since its passing in 1971 and I have
10 always said that the Act was merely a settlement of
11 claims, it did nothing in terms of removing the rights
12 and the special consideration that the United States
13 government has with all indians, whether or not they are
14 represented by a tribe or enrolled to a tribe. The very
15 fact that you're a North American Indian is sufficient in
16 my estimation to invoke the special trust relationship
17 with the United States government. I hold the United
18 States government ultimately responsible for the
19 activities along the pipeline. I have the criticism
20 leveled at Alyeska, but they are just contractors. They
21 just do the work. Ultimately it's the United States
22 government that has the trust responsibility to come here
23 and say, Mr. Indian, we'll guarantee you the safety of
24 the fish that swims in the Copper River that you depend
25 on for your nutritional needs. We'll guarantee you the

172-1

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1 subsistence activities in the zone that the pipeline runs
2 through will not impact your family negatively. We'll
3 guarantee you that Alyeska will hire the promise of 20
4 percent and we do not count contractors in that
5 estimation. Contractors should never be counted in terms
6 of the numbers used for hiring in the pipeline. It was
7 Alyeska that came into being with the promise that 20
8 percent of the hire will be Native, it wasn't the
9 contractors that they hired to do the work, Alyeska only.
10 And I submit that the United States government has the
11 ultimate responsibility to say to Alyeska, irregardless
12 of whether we renew this permit for TAPS or not, that
13 responsibility came into being the day the pipeline was
14 signed into law and it was never relieved of anybody.

15 I know that the Joint Pipeline Office
16 often times get criticized for, for instance, there's a
17 lot of criticism about the shortness of the comment
18 period and it's very valid in my estimation but I also
19 know that the Joint Pipeline Office doesn't set those
20 schedules. Ultimately everybody answers to the Federal
21 government in terms of what the Federal government wants
22 to do.

23 And I like what the young lady said here
24 before about holding you also responsible. I think that
25 individually, irregardless of how this works out, I think

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172-2

1 individually you do have a civic responsibility to the
2 citizens of this state to act on their behalf, to be
3 watch dogs, to represent the citizens as citizens and not
4 simply be what we would call a stalking horse for the
5 industry. The industry is powerful. They're wealthy.
6 They don't need friends. They don't need protectors.
7 They don't need even laws. So why should we, as citizens
8 empower you as regulatory persons to interact on our
9 behalf and yet be considered shields for the industry.
10 And I don't mean to be speaking this way in a personal
11 manner, I worked for the oil industry. I spent two years
12 on a terminal as an oil spill response superintendent. I
13 have technical background and knowledge of booms, of
14 river crossings. I have technical background and
15 knowledge of safety activities on the pipeline. I spent
16 two years emersed in the job and I know a lot about it.
17 But this is neither the time nor the place to talk about
18 how much I know. This time and this place should be
19 spent telling you that when a citizen comes before you,
20 it is expected that the citizen will be given full
21 attention. There should be no citizen of this nation or
22 of this state that comes here and says I am disappointed
23 that the decision was made without my participation on
24 the length of this process. And I think that in the
25 final analysis, irregardless of how well and how good the

172-3

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1 pipeline is put together and run and maintained, the
2 selling out of the basic right of the citizen to
3 participate in decisions effecting them in their own
4 country has fatally flawed the entire process to the
5 point where I don't think in the future we really are
6 going to get much benefit from this process.

172-3
(Cont.)

7 In essence, what I'm saying is that this
8 process should have been a citizen and a tribal
9 government process. That was owed to us. It was
10 promised to us. We were under the impression that the
11 law that obligated those things to us could not be
12 broken. And I think in the final analysis that the JFO
13 should have been the first one to say, hey, it's our job
14 to ensure that you, the little guy gets first crack at
15 this. And I'm a fast reader, I can plow through that
16 1,700 pages in about five days. There are friends and
17 relatives and family members out there who couldn't do it
18 in six months. There was 30 years preceding this time
19 and there'll be 30 years after and I don't regard it as a
20 big problem to have given the entire process and review
21 of the DEIS one year, at least.

172-4

22 I'm going to stop there and I want to
23 thank you for your attention and the opportunity to
24 speak. I was not going to speak but I felt that hidden
25 and underneath a lot of what was being said was that

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1 issue of the citizens of the state and Indians of this
2 nation not being given their just due, was being
3 overlooked and I wanted to bring that to your attention.
4 I thank you again for the time.

5 Thank you.

6 HEARING OFFICER GEARY: Thank you, Mr.
7 Justin. Any additional speakers? Seeing none, I shall
8 adjourn this meeting until 7:00 p.m., on Monday night in
9 Anchorage. Hearing's adjourned.

10 (ADJOURNMENT)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska, and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

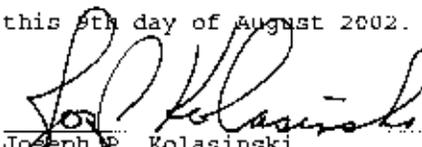
THAT the foregoing Bureau of TAPS Renewal DEIS Hearing was electronically recorded on the 31st day of July 2002, in Glennallen, Alaska;

That this hearing was recorded electronically and thereafter transcribed under my direction and reduced to print;

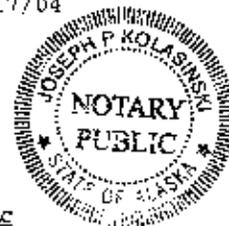
That the foregoing is a full, complete, and true record of said testimony.

I further certify that I am not a relative, nor employee, nor attorney, nor of counsel of any of the parties to the foregoing matter, nor in any way interested in the outcome of the matter therein named.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 9th day of August 2002.



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Notary Public in and for Alaska
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Responses for Document 00159

- 00159-001:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00159-002:** The source material used for preparation of the EIS is extensive and diverse. All references cited have been peer-reviewed. Additional citations have been included in the FEIS.
- 00159-003:** Section 3.11.3 cites research by Dr. Short and also presented other studies with different results. The EIS does not support one side or the other in this current scientific debate, but chooses to present both sides.
- 00159-004:** Additional references and discussion of the ecological impacts of the Exxon Valdez oil spill have been added to Section 4.7, "Cumulative Effects."
- 00159-005:** Section 3.22 has been modified to indicate that sea otters are considered to be recovering from effects of the spill.
- Section 4.4.4.11 summarizes the current status of several indicator bird species (including the harlequin duck) regarding their recovery status from the Exxon Valdez oil spill. This information has been revised to reflect the Exxon Valdez Oil Spill Trustee Council's most recent status update.
- Additional discussion and citations pertaining to effects of oil on fish resources have been added to Section 4.4.4.10.
- 00159-006:** Table 3.13-6 of DEIS (page 3.13-10) lists the total estimated potential emissions of hazardous air pollutants (HAPs) from the Valdez Marine Terminal as 122.9 tons/year. Table 3.13-3 of DEIS (page 3.13-6) lists the total estimated potential emissions of volatile organic compounds (VOCs) from the Valdez Marine Terminal as 3,464 tons/year.
- 00159-007:** Sections 4.3.13, 4.5.2.13, and 4.6.2.13 present potential health impacts associated with the exposures to 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. These potential health impacts 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. As described in Sections 4.3.13.2, 4.5.2.13 and 4.6.2.13, the increased lifetime cancer risk at Valdez residential locations and for all assumed future crude oil throughput would be essentially the same and below levels of concern established by the EPA.
- 00159-008:** Certain literature cited in the DEIS such as the report by Goldstein et al (1990) is old. However, old literature can be useful if it provides information relevant to the current situation when more recent data are not available. The case in point is the use of ambient concentrations of benzene, toluene, ethyl benzene, and xylene (BTEX) in the Valdez area monitored during the personal and ambient monitoring studies and the tracer studies conducted in the Valdez area during the 1990-1991 period. Because these data were obtained during the time when both the vapor emissions from tankers and the BWTF were released, they represent conservatively very high estimates of current ambient concentrations of these HAPs.

- 00159-009:** The cumulative impacts of air emissions from the Valdez Marine terminal are described in Section 4.7.
- 00159-010:** Potential future health impacts associated with the exposures to 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 are presented in Sections 4.3.13, 4.5.2.13, and 4.6.2.13.
- 00159-011:** Thank you for your contribution. We reviewed thoroughly the report "Valdez Marine Terminal Air Quality Oversight Project, Phase I," by Environmental Solutions (May 2002).
- 00159-012:** The EIS correctly identifies that BWTF discharges are below current NPDES permit limits and that concentrations of total PAHs in sediments are below the sediment quality guidelines for marine sediments. The methods used by Feder and Shaw (2000) to detect total PAH concentrations in sediment were sufficiently sensitive to allow comparison to the sediment quality guidelines. This does not mean that there is not some accumulation of PAHs in sediments surrounding the BWTF diffuser near the VMT, just that those levels do not exceed the current sediment quality guidelines for protecting aquatic organisms.
- Instead of stating that BWTF effluent is unlikely to impair sediment quality, the EIS was revised to state that sediment concentrations of PAHs in sediments and water due to BWTF operations are not expected to change substantially as a result of the proposed action and to cite and discuss results of the recent monitoring efforts.
- 00159-013:** While we recognize that the PWS RCAC has recommended that NPDES permit levels for the BWTF be reduced, the EIS correctly identifies that BWTF discharges are below current NPDES permit limits and that concentrations of total PAHs in sediments are below the sediment quality guidelines for marine sediments. This does not mean that there is not some accumulation of PAHs in sediments surrounding the BWTF diffuser near the VMT, just that those levels do not exceed the current sediment quality guidelines for protecting aquatic organisms.
- 00159-014:** The EIS correctly identifies that BWTF discharges are below current NPDES permit limits and that concentrations of total PAHs in sediments are below the sediment quality guidelines for marine sediments. The methods used by Feder and Shaw (2000) to detect total PAH concentrations in sediment were sufficiently sensitive to allow comparison to the sediment quality guidelines. This does not mean that there is not some accumulation of PAHs in sediments surrounding the BWTF diffuser near the VMT, just that those levels do not exceed the current sediment quality guidelines for protecting aquatic organisms.
- Instead of stating that BWTF effluent is unlikely to impair sediment quality, the EIS was revised to state that sediment concentrations of PAHs in sediments and water due to BWTF operations are not expected to change substantially as a result of the proposed action and to cite and discuss results of the recent monitoring efforts.
- 00159-015:** Thank you for your comment.
- 00159-016:** The EIS correctly identifies that BWTF discharges are below current NPDES permit limits and that concentrations of monitored chemicals are within levels established. This does not mean that there is not some accumulation of PAHs in sediments surrounding the BWTF diffuser near the VMT, just that those levels do not exceed the current sediment quality guidelines for protecting aquatic organisms.

Responses for Document 00160

- 00160-001:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00160-002:** Under the Federal Grant, APSC is responsible for maintaining and operating TAPS safely and in a manner that is sufficiently protective of public safety and the environment. (See Grant Stipulation 1.21.1.) Except for contingency planning where Alaska regulations specifically call for an evaluation of the adequacy of resources (equipment as well as personnel) by regulatory authorities, APSC alone has the responsibility for developing appropriate management practices and operating procedures and committing adequate resources to successfully implement those systems. However, in its oversight capacity, the JPO does have the opportunity to evaluate the adequacy of APSC's operating practices and does consider resource commitments (both equipment and personnel, including levels of training) as part of the root cause analyses it performs for all identified operational deficiencies. The JPO also has authority to require APSC to develop and submit for JPO approval, a corrective action plan that may also include implementing resources. It is inappropriate for the JPO to direct the application of specific types and amounts of resources for TAPS operations. APSC retains the sole responsibility for committing sufficient and appropriate resources to meet its obligations under the Federal Grant and its stipulations. See the text box in Section 4.4.4.3 for a complete discussion of oil spill contingency planning in the Copper River Drainage.
- 00160-003:** Impacts to two tributaries of the Copper River (Gulkana and Tazlina Rivers) are discussed in Section 4.4.4.3. Additional information on the Copper River Drainage can be found in the text box "Oil Spill Planning for the Copper River Drainage" in Section .4.4.4.3.
- 00160-004:** VSM stability is obviously critical to TAPS integrity. As such, it is the focus of extensive monitoring and surveillance. JPO oversight ensures that VSM stability is maintained.
- The DEIS considers the status of the heat pipes and efforts to maintain their function. APSC began an experimental program in the fall of 2000 to measure the heat transfer performance of blocked heat pipes (Sorensen, et al. 2002). This program was implemented because of the large number of heat pipes and the increasing number of heat pipes with blockage; it is important to identify those actually needing repair. The test program did obtain the data necessary to determine TAPS heat pipe thermal degradation as a function of hydrogen blockage, and these data are being used to identify heat pipes needing repair to meet design requirements. The test results indicate that the loss of heat transfer functionality as a result of hydrogen blockage is less serious than anticipated. For example, from Fairbanks south to Thompson Pass along the southern part of TAPS, it was originally thought that 6,500 heat pipes out of 62,000 installed in the VSMs in that area might need repair. Instead, it was found that only 2,000 were functioning so poorly as to need maintenance (Bradner 2002b).
- 00160-005:** The original seismic design has been reviewed and updated several times on February 15, 1995, March 31, 1997, June 30, 1997, August 16, 1999, December 21, 2000 and February 14, 2001 by APSC for the adequacy of TAPS criteria. JPO oversight ensures that the stability of the elevated pipeline supports (VSMs) is maintained. See Section 2.5 of the FEIS in which the need for additional audits is discussed. Also see Sections 3.4 and 4.33 for discussions of the November 3, 2002 earthquake.

00160-006: Under the Federal Grant, APSC is responsible for maintaining and operating TAPS safely and in a manner that is sufficiently protective of public safety and the environment. (See Grant Stipulation 1.21.1.) Except for contingency planning where Alaska regulations specifically call for an evaluation of the adequacy of resources (equipment as well as personnel) by regulatory authorities, APSC alone has the responsibility for developing appropriate management practices and operating procedures and committing adequate resources to successfully implement those systems. However, in its oversight capacity, the JPO does have the opportunity to evaluate the adequacy of APSC's operating practices and does consider resource commitments (both equipment and personnel, including levels of training) as part of the root cause analyses it performs for all identified operational deficiencies. The JPO also has authority to require APSC to develop and submit for JPO approval, a corrective action plan that may also include implementing resources. It is inappropriate for the JPO to direct the application of specific types and amounts of resources for TAPS operations. APSC retains the sole responsibility for committing sufficient and appropriate resources to meet its obligations under the Federal Grant and its stipulations.

00160-007: 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.

Responses for Document 00161

- 00161-001:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00161-002:** 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.
- 00161-003:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00161-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00161-005:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00161-006:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

Responses for Document 00162

- 00162-001:** The existing Federal Grant and applicable regulations provide the BLM with ample authority to obtain resources for compliance monitoring on a reimbursable basis.
- 00162-002:** The reader is referred to Section 2.5 of the FEIS, Alternatives Considered but Eliminated from Further Analysis."
- 00162-003:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.
- 00162-004:** Thank you for comment.

Responses for Document 00163

- 00163-001:** Text has been added to Section 4.7.8.3 of the FEIS providing additional sources of information about the impact of the Exxon Valdez oil spill (EVOS) on communities, including intangible impacts, such as psychological stress, and in the fisheries, recreation, and tourism industries in the Prince William Sound area. In addition, compressed overviews of selected impacts of the EVOS have been added to Sections 4.7.8.1 and 4.7.8.2.
- 00163-002:** 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.
- 00163-003:** The Federal Grant and authorizing legislation (TAPAA) provide unprecedented authority to BLM in assuring the protection of human health and the environment. The BLM establishes stipulations that are the guiding conduct of operations for the operator of the TAPS.
- 00163-004:** 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.
- 00163-005:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

Responses for Document 00164

00164-001: The BLM is committed to RCM and believes that this process represents a pro-active approach to oversight and regulation of the TAPS. In addition, RCM is widely used in the airline and other industries as a tool for reducing risk of failure to critical system components. Reducing risk in TAPS critical systems directly translates to reducing safety and environmental risks. Risk will always be present, but RCM will help reduce that risk.

00164-002: It isn't clear what is meant by the comment that economics are beyond the scope. To the contrary, detailed economic analyses occur throughout the EIS, for example, in Sections 3.23, 4.3.19, 4.4.4.13, 4.5.2.19, 4.6.2.19, and 4.7.8.3.

The reader is directed to the discussion of escrow funds found in Section 2.5.

00164-003: Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the DEIS. All scoping comments were considered in preparing the DEIS. Scoping comments are not listed and identified individually or responded to in the DEIS. Comments received on the quality of the analysis in the DEIS are addressed specifically in the FEIS and may result in text changes in the FEIS as well.

Many of the peer-reviewed source documents cited in the subject report are used and referenced in the DEIS.

00164-004: Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the DEIS. All scoping comments were considered in preparing the DEIS. Scoping comments are not listed and identified individually or responded to in the DEIS. Comments received on the quality of the analysis in the DEIS are addressed specifically in the FEIS and may result in text changes in the FEIS as well.

The text of the EIS discusses TAPS operations and maintenance procedures.

00164-005: The southern segment of the pipeline including the Copper River Basin and the Chugach Mountains is sensitive to the thawing of permafrost. VSM stability is obviously critical to TAPS integrity. As such, it is the focus of extensive monitoring and surveillance. Please see Section 4.3.2 of the FEIS (Soils and Permafrost) for additional information.

VSM stability is obviously critical to TAPS integrity, as such, it is the focus of extensive monitoring and surveillance. JPO oversight ensures that VSM stability and integrity are maintained.

The "cesium liquefaction" in the comment probably should read "seismic liquefaction." "Cesium" and "liquefaction" are not related.

00164-006: Thank you for your comment.

00164-007: What you point out is the authority of the BLM and the JPO member agencies to ensure that the operation and maintenance is properly performed.

Problems were first noted shortly after construction in the Squirrel Creek area (Mile Post 717). The area has been monitored for movement since. Features found in this area include tilting supports, rotating bents, out-of-level crossbeams, uneven shoe/beam contacts, and significantly hanging shoes. Eighteen longer supports were installed in the summer of 2000. This area, as well as other locations having slope stability concerns, has been addressed in several JPO reports. See Section 4.1.3.2.1 for a discussion of design monitoring and repair of pipeline structural supports.

- 00164-008:** The complex interrelationships associated with the proposed renewal of the TAPS right-of-way coupled with the diversity of reader interests and needs require the assembly of large amounts of information in the EIS. The interrelationships would allow different sections to be placed in any number of orders. Cross-referencing is used to avoid duplication while enabling readers with diverse needs to access sections of interest to them.
- 00164-009:** In earthquake-prone areas, earthquakes can magnify the potential problems of slope stability (such as landslide, rock fall, and liquefaction). They are part of the focal points of the evaluation in the EIS and are discussed in Sections 3.3.2.1, 3.4.2, 4.3.3, and 4.5.2.3.

Responses for Document 00165

- 00165-001:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00165-002:** The purpose of requesting public comments on a draft environmental impact statement is to obtain additional information that would improve the quality of the analysis in the document. In addition to holding public hearings in Alaska for the purpose of receiving comments on the DEIS, five other ways were provided to submit comments within a 45-day comment period. Comments on the DEIS were received from many locations outside of Alaska.
- 00165-003:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00165-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00165-005:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.
- 00165-006:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

Responses for Document 00166

- 00166-001:** The text in the EIS (now Section 3.25.1.1.7) has been revised to include a more thorough discussion of the role of subsistence in the Chugach Alutiiq sociocultural system.
- 00166-002:** Section 3.25.1.1.7 in the FEIS has been expanded to provide a more complete view of Chugach culture as it is practiced today. In addition to the traditional ecological knowledge contained in the EIS, the 21 directly affected Tribes were contacted in April 2002 by certified mail to explore additional means of acquiring and incorporating such information. To date, no response has been received from any of those Tribes.
- 00166-003:** The EIS discusses economic systems in rural Alaska as “mixed,” meaning that there is a joint and interrelated reliance on wage income and subsistence. This is consistent with the position expressed by anthropologists who specialize in these geographic and topical areas. That stated, text throughout Sections 3.24 and 3.25 has been revised to discuss more thoroughly the nature of such mixed systems and the degree to which rural Alaskans (including Alaska Natives) can earn wages and still participate in their sociocultural systems.
- 00166-004:** The Native Village of Eyak did not respond to a request for information made by certified mail in April 2002 during research for the draft EIS. Information from the Native Village of Eyak has now been provided through public comments on the draft, and has been included in the revised version of Section 3.25.1.1.2.
- 00166-005:** The discussion of the Eyak sociocultural system has been moved to Section 3.25.1.1.8. The EIS intended to convey the idea that traditional Eyak culture is usually regarded as part of the Pacific Northwest Coast culture area, because of its similarities to other Pacific Northwest Coast cultures. It does not state that there were no trading relationships with interior peoples.
- 00166-006:** It is not the intent of the EIS to denigrate the Eyak people. The statement that the traditional Eyak culture was modified under Tlingit influence in no way implies that the Eyak did not have their own culture. They would have had to have their own culture in order to modify it. The commentor correctly states that trait borrowing is common to all cultures. It in no way lessens the value of those cultures. Section 3.25.1.1.8 includes a discussion of Eyak relations with their other neighbors, as well.
- 00166-007:** Section 3.25.1.1.8 notes geographic barriers beyond the Copper River Basin which lessened interaction with interior Alaska. This would not have precluded the Ahtna, who lived in the basin. Moreover, it would not have precluded interaction with other interior peoples, but would have made it more difficult.
- 00166-008:** Section 3.25.1.1.8 has been modified to discuss alternate views of cultural heritage and membership in the Native Village of Eyak in greater detail.
- 00166-009:** Using population figures gathered by a single source, the U.S. Bureau of the Census allows for credible comparisons to be made between regions based on data collected by well documented, systematic methods. The figures for the Native Village of Eyak, proposed by the Native Village Council, have been added to Section 3.25.1.1.8 for comparison.
- 00166-010:** The draft EIS does mention the Village of Eyak in Section 3.25.1.1.2. This discussion has been expanded in Section 3.25.1.1.8 of the FEIS. A new discussion of Tribal governments has been added to Section 3.25.1.2.

- 00166-011:** The referenced section mentions a single corporation and suggests neither positive nor negative effects associated with it. The text in Section 3.25.1.2 has been modified to discuss selected negative impacts of Native corporations.
- 00166-012:** The political awareness and influence discussed here is awareness and influence in the American political system, which does seem to have emerged in many Interior Alaska sociocultural systems with increasingly sedentary settlement. A discussion of the effects of this shift in settlement pattern on sociocultural systems is provided in a text box in Section 3.25.1.1.
- 00166-013:** References to Koyukon political practices were intended to be strictly illustrative and not to imply that the practice of electing chiefs is restricted to the Koyukon. The discussions of other Alaska Native sociocultural systems in Section 3.25.1.1 has been reworded to give greater balance.
- 00166-014:** The examples given for the Koyukon were intended to be strictly illustrative, and not intended to convey the idea that they were restricted to the Koyukon. Section 3.25.1.1 has been reworded to give the discussions of the various Alaska Native sociocultural systems greater comparability.
- 00166-015:** Section 3.25.1.1 has been reworded and expanded to make discussions of Alaska Native sociocultural systems more comparable.
- 00166-016:** Section 3.25.1.2 has been revised to describe the development of ANCSA in greater detail; the referenced passage was removed in the revision process.
- 00166-017:** Thank you for your clarification. The statement in Section 3.25.1.2 accurately reflects the cited reference (Burch,1984), which refers to extinguishment of all claims of aboriginal right. However, the rights extinguished were those involved with claiming entitlement to the land. The text in Section 3.25.1.2 of the FEIS has been changed.

Responses for Document 00167

- 00167-001:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00167-002:** 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.
- 00167-003:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.
- 00167-004:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

Responses for Document 00168

00168-001: Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

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

00168-002: As stated in Section 1.2, "Scope and Decision of Analysis," the TAPAA and the Federal Grant provide the Secretary of the Interior, and therefore the BLM, with the authority and obligation to oversee the construction, maintenance, operation, and termination of the entire pipeline system, regardless of land ownership. Access, land use, and trespass issues related to Native lands, including those owned by the Ahnna Corporation, are addressed in Section 4.3.23.1, "Land Use."

00168-003: As a matter of agency programmatic responsibilities, the BLM is the lead agency for preparation of this EIS. The BLM made the policy decision to contract with a highly respected national scientific agency. The source documentation reviewed in preparation of the EIS includes decades of scholarship conducted in Alaska, often involving intensive interviewing with Alaska Native and rural Alaska residents. Throughout the preparation of the EIS, the BLM consulted with affected Tribal and Native organizations. A public scoping period at the beginning of work produced useful comments from throughout Alaska and many other states. Extensive review comments on the Draft EIS have resulted in many changes in the Final EIS, including changes in the sections on subsistence and sociocultural systems, to more carefully describe the multiple dimensions of the subsistence way of life.

00168-004: Section 2.5, Alternatives and Issues Considered but Eliminated from Detailed Analysis, states that oil spill response planning is a separate process and not part of the decision on the application to renew the federal grant. However, the subject of oil spills, including oil spill response, receives extensive coverage in the EIS, e.g. Section 4.1.4, Spill Prevention and Response and Section 4.4, Spills Analysis for the Proposed Action. See also the discussion on spill contingency planning in the Copper River Drainage in Section 4.4.4.3.2 and a synopsis of the response to the bullet hole incident in October 2001 near Livengood in Section 4.1.1.8.

00168-005: The executive summary has been revised, as has the section of the EIS that deals with spills (Section 4.4). A large spill of a certain type—notably into a river or stream under certain conditions—could have severe impacts on subsistence in the Copper River Basin (and elsewhere, depending on the location of the spill), as discussed in Section 4.7.8.1. Moreover, such impacts would have important implications for the rural sociocultural systems, Native and non-Native, as examined in Section 4.7.8.2. Both of these sections, as well as the executive summary, have been revised to emphasize impacts of a spill, in addition to economic and other impacts that may accompany such an event.

00168-006: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

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

00168-007: Text has been added to the EIS in Sections 4.3.19.1.2 and 4.6.2.19.1 providing additional information on the assumptions used for the analysis of state and local government finances.

00168-008: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

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

00168-009: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

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

The C-Plan is updated periodically and lessons learned from actual occurrences as well as from regular exercises conducted along the pipeline are incorporated into the C-Plan. In addition, the C-Plan is reviewed annually by BLM, every three years by ADEC, and every 5 years by DOT.

00168-010: Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," requires that the federal government consult with Tribal governments during the preparation of an EIS. Government-to-government consultation for this EIS is described in Section 5.3, "Government-to-Government Consultation." As the lead federal agency associated with this EIS, the BLM established government-to-government exchanges with all Tribal governments in Alaska and more focused exchanges with 21 Tribes directly affected by the TAPS. These 21 communities received more detailed mailings, explaining the proposed ROW renewal, the EIS process, and various sources of additional information. Meetings were held with all Tribal organizations and Native groups that requested them, to discuss the EIS process and related issues in greater detail. At the meetings, specific emphasis was placed on how Tribal organizations and Native groups can participate effectively in the EIS and ROW renewal processes.

00168-011: Section 29 issues have been a major component of the ongoing government-to-government process under TAPS renewal. BLM welcomes continued dialog with all affected Native Tribes related to Section 29 issues.

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

00168-012: With regard to Native hiring goals, APSC is now approaching the 20 percent target currently defined under the current Alaska Native Use Agreement. Data on total hires appears in Section 4.3.21. Section 30 concerns compensation for lost subsistence resources due to the TAPS. Although there currently is at least one claim filed under Section 30, no decision has been rendered. There is no evidence that APSC is out of compliance with Section 30.

In general, this EIS is intended to evaluate potential environmental impacts of renewing the TAPS ROW for 30 years and alternatives to that action. As the document is not a regulatory or monitoring tool, it does not evaluate compliance issues and assumes that APSC will comply with all components of the grant and lease. Both Sections 29 and 30 are discussed in Section 4.1.5, and appear in their full form in Appendix B of the FEIS.

- 00168-013:** It is not clear from the comment what the phrase " The figure given for 3.72-6, the number of gallons" is referring to." If it is referring to the spill volumes given in Section 3.7.2.6 of the DEIS in units of gallons, the said volumes can be converted to barrels by dividing them by 42.
- 00168-014:** The Bureau of Land Management is the lead federal agency for preparation of this EIS and has consulted with affected Tribal and Native organizations throughout the TAPS ROW renewal and EIS process. See Section 5.3 in the FEIS. Regardless of the assistance provided in preparation and review of the EIS, the BLM is responsible for its content.
- 00168-015:** Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," requires that the federal government consult with Tribal governments during the preparation of an EIS. As the lead federal agency associated with this EIS, the BLM established government-to-government exchanges with all Tribal governments in Alaska and more focused exchanges with 21 Tribes directly affected by the TAPS. These 21 communities received more detailed mailings, explaining the proposed ROW renewal, the EIS process, and various sources of additional information. Meetings were held with all Tribal organizations and Native groups that requested them, to discuss the EIS process and related issues in greater detail. At the meetings, specific emphasis was placed on how Tribal organizations and Native groups can participate effectively in the EIS and ROW renewal processes. Section 5.3 was rewritten to clarify the extensive government-to-government consultation process BLM used. While comments on the DEIS had to be received by the end of a 45-day comment period to be addressed in the Final EIS, additional provisions for involvement in the decision-making process applied to Tribal governments and Native groups. The process of government-to-government consultation allowed these organizations to continue dialogues with the Bureau of Land Management and for their comments to be considered in the Record of Decision.

Responses for Document 00169

- 00169-001:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00169-002:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00169-003:** Planning among JPO agencies to ensure a coordinated government response and oversight of spill response actions is discussed in Section 4.1.1. 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 the VMT. Analyses of credible spill scenarios is provided in Section 4.4. 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 in the text box associated with Section 4.4.4.3.
- 00169-004:** 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.
- 00169-005:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00169-006:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.

Responses for Document 00170

- 00170-001:** 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.
- 00170-002:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.
- 00170-003:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00170-004:** Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the DEIS. All scoping comments were considered in preparing the DEIS. Scoping comments are not listed and identified individually or responded to in the DEIS. Comments received on the quality of the analysis in the DEIS are addressed specifically in the FEIS and may result in text changes in the FEIS as well.

Responses for Document 00171

- 00171-001:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00171-002:** 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 estimated response times for various spill locations considered in the EIS are provided in Table 4.4-13 on page 4.4-44 of the EIS.
- 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. The plans are available to the public through various libraries in several major cities in Alaska. Oil spill prevention and response capabilities and related activities specific to the Copper River Drainage area are discussed more fully in the text box in Section 4.4.4.3.
- 00171-003:** At Squirrel Creek (Mile Post 717) Vertical Support Member (VSM) movement has been monitored for movement since problems were first noted shortly after construction. Features found in this area include tilting VSMs, rotating bents, out-of-level crossbeams, uneven shoe/beam contacts, and significantly hanging shoes. Eighteen longer VSMs were installed in the summer of 2000. This area, as well as other locations having slope stability concerns has been addressed in several JPO reports.
- The VSMs have performed well over the past 25 years. Of the approximately 78,000 VSMs, no movement has been detected in about 55,000, and only an insignificant movement (less than about one inch) has been detected in most of the other VSMs; about 250 VSMs have tilted greater than 3% from vertical with the maximum tilt being 18%. Twenty-four VSMs have been replaced to date, 18 at Squirrel Creek (Milepost [MP]-717) in 2000, and 6 south of PS 12 (MP-735) this past summer. About 200 VSMs are currently on the watch list for repair or replacement because of movement.
- See Section 4.1.3.2.1 for a discussion on the design, monitoring, and repair of pipeline structural supports, including the VSMs and monitoring of the heat pipes.
- 00171-004:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.
- 00171-005:** Changes to the surveillance of TAPS were made subsequent to the pipeline shift at Atigun Pass. After the events of September 11, 2001, surveillance has again been modified. Security for the TAPS is an issue of national importance. There are elaborate security measures and plans in place, involving numerous Federal and State agencies. BLM has reviewed these confidential plans and agrees with them. Opportunities to strengthen these measures will always be pursued diligently by the agencies involved.
- 00171-006:** See the text box on the MP 400 bullet hole incident in Section 4.1.1.8.

00171-007: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

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

00171-008: 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.

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Oil spill prevention and response capabilities and related activities specific to the Copper River Drainage area are discussed in the text box in Section 4.4.4.3, "Oil Spill Planning for the Copper River Drainage."

00171-009: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00171-010: Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the DEIS. All scoping comments were considered in preparing the DEIS. Scoping comments are not listed and identified individually or responded to in the DEIS. Comments received on the quality of the analysis in the DEIS are addressed specifically in the FEIS and may result in text changes in the FEIS as well.

As part of the application for renewal process, the applicant provides the BLM with a description of how TAPS would be operated. The description of the operation then becomes a component of the impact analysis conducted by BLM.

Responses for Document 00172

00172-001: Thank you for your comment.

00172-002: Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

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

00172-003: The Bureau of Land Management is the lead federal agency for preparation of this EIS and has consulted with affected Tribal and Native organizations throughout the TAPS ROW renewal and EIS process. Government-to-government consultation procedures in accordance with Executive Order 13175 have been followed. In response to this comment and others, Section 5.3 has been significantly re-written to clarify the extensive government-to-government process followed by the BLM. Public involvement through scoping prior to preparation of the DEIS and through the process of receiving comments on the DEIS have been accomplished in accordance with Council on Environmental Quality regulations for implementing the National Environmental Policy Act.

00172-004: Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

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

