

COMMENTS AND RESPONSES

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00099

THE ALLIANCE

August 14, 2002

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

RE: Testimony as presented on August 6, 2002 in Fairbanks, Alaska

Members of the Joint EIS and Proposed Determination Teams:

My name is Cindy Mittiestadt and I am the Communications Manager for The Alaska Support Industry Alliance—commonly referred to as "The Alliance". I'm an Alaskan resident for 13-plus years. I will submit a copy of my remarks at a date later in the public comment period. I testify before you tonight on the Draft Environmental Impact Statement and the Commissioner's Proposed Determination.

The Alliance is a non-profit trade association with chapters in Fairbanks and Kenai and is comprised of over 420 member companies who derive their livelihood from Alaska's oil and gas industry. This equates to more than 35,000 employees statewide — many of whom were involved in the pipeline's original state-of-the art construction. Of approximately 249 vendors providing direct services to the Alyeska pipeline, about 21% are Alliance members and of those member contractors, 18 are Alaska native-owned or enjoy partnerships with native entities and 21 provide direct services through the Alyeska Fairbanks Business Unit.

At its completion in 1977, eight billion dollars was invested in the project. Now in its 25th year of operation, oversight and maintenance of TAPS continues to be unparalleled. TAPS overall performance reliability rate is in excess of 99% since start-up. Alyeska's corrosion control program, valve maintenance program and spill response plans are the leaders in the industry. More than nine billion dollars has been spent each year on its upkeep.

99-1

The financial investment in maintaining the pipeline and continued throughput weighs significantly on future decisions by businesses and state government. A renewal of the pipeline rights-of-way for less than 30 years would disenfranchise new investment in the North Slope and increase business risk for Alaskan operators ultimately leading to downward spirals in employment, population, state product and income. Concurrently, the State of Alaska would experience increased budget shortages further impacting the State's ability to provide necessary services and programs.

99-2

I'd like to share with this team some statistical data compiled in a study entitled *Economic Impact of the Oil and Gas Industry on Alaska*. The study was commissioned by The Alliance and the Alaska Oil and Gas Association. The study found that the industry spends 2.1 billion annually—a dollar value equal to the State of Alaska's general fund. In other words the oil industry provides approximately 80% of the State's unrestricted revenue. Additional findings from this study include:

99-3

- The industry directly spends \$422 million on payroll in Alaska and \$1.7 billion on goods and services in the state.
- In the Fairbanks North Star Borough, the industry directly employs 565 people, pays \$40 million in payroll, and spends \$190 million for goods and services. The industry's total impact is 4,143 jobs and \$158 million in payroll, representing 12 percent of area nonmilitary jobs and 16 percent of area payroll.
- Overall, this spending generates 33,600 jobs, \$1.4 billion in payroll and value added to the Alaska economy of \$1.8 billion, for total output of \$3.1 billion. Providing approximately 17% of the domestic oil supply, the pipeline will continue to provide thousands of jobs and fund state services (through royalties) and programs.

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Now, more than ever, Alaska's contribution to the domestic supply is critical to diminishing our reliance on foreign sources—particularly from nations whose governments are unstable, are often anti-American and some who actively support terrorist acts against the US.

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Regulatory oversight of the Alyeska pipeline is unprecedented to others in North America. The Alliance believes that the Joint Pipeline Office, a

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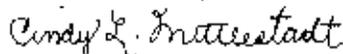
body consisting of **13 federal and state agencies**, serves a unique model for the way government and industry work together to solve problems, avoid duplication of effort and bring about best practices in government and industry.

As contractors with first-hand experience working with regulatory agencies, we know that regulations, permitting and oversight bear significant costs, often in excess of basic transaction costs. Adding an additional "layer" to this regulatory oversight (i.e. the concept of a citizens' advisory group) to the existing oversight body would only increase production costs and reduce state revenues. Such increases can only mean that our contractors will experience similar increases in their costs to provide services—this today in an environment where contractors are already pinched to provide professional and technical labor for nominal margins. Additionally, we know that production is declining as the North Slope field ages. As field production slows and throughput declines, emissions and discharges to air and water quality will be lowered. Adding any additional oversight for the next renewal term simply doesn't make good sense in concept or justify additional costs.

Ladies and gentlemen: The Alliance urges the Bureau of Land Management to renew the Alyeska Pipeline rights-of-way for 30 years under its current terms and conditions and with no additional oversight.

Thank you for the opportunity to testify this evening.

Respectfully submitted,



Cindy L. Mittlestadt
Communications Manager

Enc: Economic Impact of the Oil and Gas Industry on Alaska
Report dated January 15, 2001

99-9

Responses for Document 00099

- 00099-001:** Thank you for your comment.
- 00099-002:** Thank you for your comment.
- 00099-003:** Thank you for your comment.
- 00099-004:** Thank you for your comment.
- 00099-005:** Thank you for your comment.
- 00099-006:** Thank you for your comment.
- 00099-007:** Thank you for your comment.
- 00099-008:** Thank you for your comment.
- 00099-009:** Please see Section 2.5 of the FEIS for information regarding citizens' oversight.

510-540-4163

Jim Johnson

P.O. Box 929, Brighton, MI 48116

August 13, 2002

BLM Director Kathleen Clarke

Subject: Aging Pipeline Requires Environmental Safeguards

Dear BLM Director Kathleen Clarke:

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

My perspective is that prior to any pipeline renewal or lease agreement, government agencies must ensure critical safeguards are established.

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It is my understanding that numerous serious incidents have occurred in the past including:

- The Livengood bullet hole spill (and associated long/delayed response time) - The 2 foot shift in a section of pipeline at Atigun Pass that went undetected for several months.

Additional major concerns would include:

100-2

- Corrosion and support instability from accelerated thawing of permafrost - Future seismic activities.

Spill prevention and response plans at the 800 river and stream crossings (this issue MUST be addressed prior to any lease or contract renewals) Any spill over an anadromous river, such as the Yukon, Copper, Gulkana, or Tanana, would be economically and environmentally devastating.

Despite the fact that the pipeline crosses major fault lines, a complete new assessment on the seismic problems associated with pipeline is lacking. In all cases, contract conditions must require careful, periodic review to ensure that they reflect scientific and technological advances. Therefore, the renewed agreement should include an immediate and comprehensive independent field audit, as well as a regularly scheduled independent technical review and field audit (approximately every 3-5 years).

100-3

Funds for future pipeline dismantling, removal and restoration (DR&R) should also be provided for and placed in an escrow account.

100-4

A long overdue citizens oversight group, funded by the pipeline owners through the Department of the Interior, should be added to the renewal agreement. To ensure critical problems are adequately addressed to prevent spills a pipeline Employee Concerns Program should also be incorporated.

100-5

Thank you for consideration of this input.

Sincerely,

Jim Johnson

Responses for Document 00100

00100-001: Section 4.4.4.7, "Human Health and Safety," provides a detailed analysis of the potential effects of oil spills on human health.

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

00100-002: The text box in Section 4.1.1.8 provides a synopsis of the MP 400 bullet hole incident. Details of the spill and the response are provided. Changes to the pipeline's spill contingency plan that are being made as a result of lessons learned are also discussed.

Integrity of pipeline structural supports is closely monitored. See Section 4.1.3.2.1 for a discussion on the design, monitoring, and repair of pipeline structural supports and heat pipes. Ongoing monitoring of pipeline corrosion is also discussed in Section 4.1.3.2.1. Oil spill contingency planning is extensively discussed in Sections 4.1.1.7, 4.1.4, 4.4, and 4.7.10. The text box in Section 4.4.4.3 provides a detailed discussion on contingency planning in the Copper River Drainage.

00100-003: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00100-004: The reader is directed to the discussion of escrow funds found in Section 2.5.

00100-005: The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

**Tribal Comments, Concerns and Recommendations
Regarding the
Draft Environmental Impact Statement
Renewal of the Federal Grant
for the
Trans-Alaska Pipeline System Right-of-Way
as documented by
The Native Village of Eyak**



P.O. Box 1388
Cordova, Alaska 99574
(907)424-7738
(907)424-7739 fax

August 20, 2002

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- ATTACHMENTS**
- 3** Items Regarding Government-to-Government Consultation
 - BLM Manual Section 8160 – Native American Coordination and Consultation
 - BLM Manual Section 11-8160-1 – General Procedural Guidance for Native American Consultation
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 - Record of Decision regarding the US DOE and Bonneville Power Administration (demonstrates more appropriate involvement of Tribes in a NEPA process)
 - 5** Relevant Research absent from the DEIS (largely EVOS Trustee Council funded)
 - Exxon Valdez oil Spill Trustee Council Bibliography of Published Research Sponsored by the Trustee Council
 - Economic, Social, and Human Impacts: A Selected Bibliography on the Exxon Valdez Oil Spill
 - 6** Original Scoping Comments Submitted by the Native Village of Eyak

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10,000 years in our Traditional Homeland, Prince William Sound, the Copper River Delta, & the Gulf of Alaska

August 16, 2002

Bureau of Land Management
TAPS Renewal Draft EIS
Argonne National Laboratory EAD/900
9700 South Cass Avenue
Argonne, IL 60439

Dear Sir or Madam:

The Native Village of Eyak (NVE) has prepared the following comments on the "Draft Environmental Impact Statement Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way" (DEIS). Upon detailed review of the document, we have identified major concerns that are outlined section by section in the attached document "Tribal Comments, Concerns and Recommendations Regarding the Draft Environmental Impact Statement Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way as Documented by the Native Village of Eyak". We provide the following summary of our comments:

- Tribal consultation, as is required under Executive Order 13175 and the State of Alaska Millennium Agreement, by every federal and state agency involved in the Joint Pipeline Office, has not occurred. The following need to occur in order for meaningful consultation and coordination to occur:
 1. Development of a formal written protocol for consultation with Tribes on all aspects of the TAPS and this decision-making document specifically. This protocol must be developed jointly by agencies of the JPO and Tribes.
 2. Education and training for state and federal agency employees and contractors regarding government-to-government consultation protocols and applicable laws.
 3. Implementation of the developed consultation protocol through in-person meetings between decision makers among federal agencies and Tribal Council representatives to determine appropriate future action on matters that substantially and directly affect Tribes.
- As part of making appropriate decisions on required mitigation, the Bureau of Land Management must fund the Native Village of Eyak to conduct research into past, present and future impacts of the TAPS on subsistence and other Tribal resources in their traditional and customary use areas. This research will be utilized to minimize impacts to subsistence users and subsistence resources, as required under the Trans-Alaska Pipeline Act.

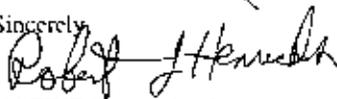
101-1

101-2

- Establish a Tribal oversight group for operations and effects of the TAPS. Composed of representatives from affected Tribes (to be jointly determined by Tribes and federal and state agencies), this group will follow guidelines established in OPA 90. 101-3
- Inconsistencies, factual errors and inaccurate depictions of Tribes, their subsistence, culture, sociocultural systems, histories, present-day status and cultural resources throughout the DEIS must be corrected as part of the Final EIS. These changes must be considered in decision-making regarding significant impacts of the TAPS. Tribes must be the primary sources for information regarding them, their villages, their culture, their histories and their present-day status. 101-4
- The conclusion that subsistence is only minimally impacted by the TAPS is not supported by the data presented. The Native Village of Eyak strongly disagrees with this conclusion. 101-5
- Sections on Environmental Justice and conclusions drawn on impacts to minority and low-income populations are incomplete and inaccurate. An additional examination of Environmental Justice in accordance with Executive Order 12898 must occur as part of the Final EIS. 101-6
- The inappropriate reliance on scientifically questionable data provided by Exxon funded and other industry funded consultants to draw conclusions of oil spill impacts and other TAPS impacts must be eliminated. 101-7
- Require Payment of the EVOS Settlement – Draft EIS states that this issue is not reasonably related to a decision on the application for renewal of the TAPS ROW. We say it is, in accordance with cumulative impacts, NEPA and the TAPAA – requiring timely payment is extremely relevant to the lease. If claims are allowed to sit without being addressed in the courts then there's no recourse for anyone in regards to damages. Expedient payment is required under the Trans-Alaska Pipeline Authorization Act. 101-8

We request that these comments, along with all of those detailed in the attached documents, be appropriately addressed as is required by the National Environmental Policy Act that mandates this environmental impact statement be completed. Substantial changes must be made to insure that this document is an accurate reflection of the Native Village of Eyak and issues that substantially and directly impact them. In attending all of the public hearings on this DEIS except for that held in Minto, I saw firsthand that the Native Village of Eyak is not alone in its concerns regarding this document and the processes surrounding it. We are more than willing to work on a government-to-government basis with the Bureau of Land Management and others to insure the resolution of these conflicts. Please contact me if you have any questions or if our staff may provide more information.

Sincerely,



NATIVE VILLAGE OF EYAK TRADITIONAL TRIBAL COUNCIL
Robert J. Henrichs, President

CC: BLM Authorizing Officer – Jerry Brossia
BLM-ALASKA STATE OFFICE
Secretary of Interior Gale Norton – DOI
Special Assistant/Alaska- Druc Pearce
BLM Director
BLM Deputy Director
BLM Assistant Directors for Land and Renewable Resources, Energy and
Mineral Resources and Support Services
DOE
EPA-Alaska Operations-Jean Gamache
EPA-Alaska Operations-Tod Rockwell
EPA-Region 10-Anita Frankel
EPA-Alaska Operations-Jennifer Curtis
Port Graham Village Council
Nanwalek IRA Council
Tatitlek IRA Council
Chenega IRA Council
Valdez Native Tribe
Qutekac Native Tribe
Chugach Alaska Corporation
Eyak Corporation
Tatitlek Corporation
Chenega Corporation
Chugach Regional Resources Commission
City of Cordova
US Fish & Wildlife Service
US Coast Guard
JPO-Spud William
JPO-Rob McWhorter
ADNR-John Kerrigan
BLM-Brenda Takeshorse
Alaska Federation of Natives

**Tribal Comments, Concerns and Recommendations
Regarding the
Draft Environmental Impact Statement
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August 20, 2002

Executive Summary and Chapter 1. Introduction

See other comments below for issues mentioning the Executive Summary and Chapter 1.

Chapter 2. Alternatives

Section 2.2 Proposed Action – Renew Federal Grant for 30 Years

Section 2.2.2 Requirements and Responsibilities under the Federal Grant

It is under the authority of these requirements and responsibilities that the Native Village of Eyak requests the Authorizing Officer to make changes to reflect federally recognized Tribes in Alaska and their role as governments as part of TAPS operations and to adopt additional mitigation as is outlined below.

Section 2.2.3 Projected BLM Oversight

This section must include Tribes in monitoring responsibilities in coordination with BLM, JPO and other federal and state pipeline regulatory agencies. The statement on page 2-3 should read:

"It is anticipated that during the renewal period, the BLM would continue to exercise its TAPS monitoring responsibilities through coordinated efforts with other federal and state pipeline regulatory agencies in the Joint Pipeline Office (JPO) and federally recognized Tribes."

This monitoring should include a formal Tribal oversight group. Tribal involvement in TAPS operations is mandated under Executive Order 13175 that provides mandates regarding consultation and coordination with Indian Tribal governments put forth November 6, 2000. The order states that federal agencies are to adhere to the following criteria when formulating and implementing policies that have tribal implications: "where possible, defer to Indian tribes to establish standards; and (3) in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribe" (Section 3(c)(2)).

Section 2.5 Alternatives and Issues Considered but Eliminated from Detailed Analysis

Section 2.5 #3. Require Payment of the Exxon Valdez Oil Spill Settlement.

The DEIS states that this issue is not reasonably related to a decision on the application for renewal of the TAPS ROW. We say it is, as required by the Trans-Alaska Pipeline Authorization Act and NEPA. Requiring timely payment is extremely relevant to the federal grant renewal. If claims are allowed to sit without being addressed in the courts then there's no recourse for anyone in regards to damages. Expeditious payment is required under the Trans-Alaska Pipeline Act.

101-10

Moreover, the DEIS itself states that "NEPA regulations require federal agencies to analyze the totality of the effected environmental associated with a federal action , including cumulative impacts" and include "tanker traffic associated with transporting oil from the Valdez Marine Terminal to market." (Section 1.2 Scope of the Decision and Analysis, page 1-2)

Section 2.5 #5. Establish an Advisory Committee Funded by the TAPS Owners

This section states that the BLM has an Alaska Resource Advisory Committee that advises the agency on matters related to the TAPS. The Native Village of Eyak would like information on who serves on this committee, especially in regards to Tribal representation. The DEIS incorrectly states that there is no authority to fund an advisory committee and yet the "Federal Grant provides significant discretion to the AO in exercising authority to correct problems. It enables the government to change requirements to respond to changing situations." (page 2-3). As has been mentioned above, this issue cannot be dismissed. It must be addressed in the Final EIS.

101-11

Section 2.5 #8. Establish an Escrow Account to Fund Emergency Aid for Loss of Subsistence or Economic Benefit Because of TAPS Activities, and Permit Individuals to Sue for Such Aid.

Issues regarding the Trans-Alaska Pipeline Liability Fund are also relevant to the DEIS. This is the fund established for liability of damages under the Trans-Alaska Pipeline Authorization Act (TAPAA). The Native Village of Eyak is unaware of anything but denied claims that were submitted to this fund. This fund was dissolved in 1999 and the Oil Pollution Act of 1990 liability fund replaces it. This also raises the question of how Section 30 claims are being handled since the TAPL fund was dissolved in 1999. There needs to be a mechanism to go through OPA 90 liability claims even if you have a lawsuit pending – these two shouldn't be mutually exclusive. The Secretary of the Interior and/or the Authorizing Officer need to address this extremely important and relevant issue as part of this TAPS ROW renewal.

101-12

Section 2.5 #9. Establish an Escrow Account to Fund Studies of Impacts of TAPS on Rural Alaska and to Address Those Impacts.

The Native Village of Eyak is requesting funding from BLM for Tribes to conduct further research into the effects of TAPS on subsistence as outlined under this Section that states "The BLM has the ability to fund studies it finds necessary in the course of its monitoring of the TAPS and can oblige the TAPS Owners to fund such studies." (Further

101-13

information on such a research model is presented in comments regarding Section 3.25 (Subsistence).

Section 2.5 #10. Require Maintenance of 20% Native-Hire Employment and Allow Natives to Bring Suit for Failure to Achieve That Goal.

This section states that the "ANUA is between APSC, as agent for the TAPS Owners, and DOI" (page 2-7). As part of the DOI's government-to-government responsibility, they must communicate with Tribes regarding this action that directly affects them and their Tribal members. This is addressed in more detail below. This issue cannot be dismissed in the Final EIS as it is in the DEIS.

101-14

Section 2.5 #12. Increase Oil Spill Response Capabilities by Training, Hiring, and Equipping Additional Local Oil Spill Response Crews.

The DEIS states that "Oil spill response planning is a separate process and not part of the decision on the application to renew the Federal Grant" (page 2-7). This is incorrect. Oil spills are a direct impact of TAPS and its operations and it is very much a part of this renewal process. Tribes must be involved in oil spill response issues mentioned. Again, the Authorizing Officer can implement measures such as these in accordance with the Federal Grant. The Native Village of Eyak requests funding for oil spill response training and equipment.

101-15

Section 2.7. Reference for Chapter 2

The only reference cited is the TAPS Owners. This is unacceptable to base decisions on Alternatives on one industry reference.

101-16

Chapter 3. Affected Environment

Section 3.1 TAPS Background

Section 3.1.1 History

There is mention made of Section 29 of the Federal Grant that requires Alaska Natives to make up TAPS employees in numbers similar to their population statewide. The DEIS states "AOSC receives credit toward that employment goal for Alaska Natives enrolled in its Alaska Native training and scholarship programs" and that when adjusted for training and scholarship credits, 19.8% was achieved. The percentage without the adjustment should be stated clearly in the DEIS. Furthermore, Tribes should be consulted on a government-to-government basis regarding implementation and any revisions to the requirements of Section 29.

101-17

This section mentions the JPO comprehensive monitoring program. This monitoring program should include Tribes – consulting and collaborating regarding monitoring and results.

Section 3.11 Anthropogenic Influences on Physical Marine Environment

Section 3.11.5 Exxon Valdez Spill

Section 3.11.5.2 Current Conditions

These sections cite only TAPS Owners and Exxon funded researchers as sources for the effects of the spill. There is no mention of the EVOS Trustee Council funded research over a 13 year period to date (see attachments to this document for a list of references). The DEIS states “There was no evidence of large-scale offshore transport of Exxon Valdez crude to subtidal sediments”. It is also mentioned that there was more oil naturally occurring at unoiled sites (Drier Bay) than at Bay of Isles on Knight Island. These assertions are simply untrue and the research not credible. The EVOS Trustee Council has funded over a decade of research, the majority of which has shown that there were substantial impacts to the environment and people from EVOS, some of which are still occurring. This data was collected by independent researchers (not funded by industry) and has undergone peer review and is published in numerous scientific journals and technical reports. This research must be utilized to determine the environmental impacts of TAPS.

101-18

Section 3.19 Fish, Reptiles, and Amphibians

Section 3.19.1.3 Prince William Sound

This section relies on very few references to the enormous amount of data that exists on fisheries alone. This section pits data collected by consultants funded by Exxon with scientists funded by the Exxon Valdez Oil Spill Trustees Council at respected state and federal agencies and universities. It is not appropriate to base conclusions about effects of the TAPS on Exxon funded, biased research.

101-19

Section 3.22 Threatened, Endangered, and Protected Species

Section 3.22.3.5 Sea Otter

This section states that “several hundred sea otters are taken annually” in Prince William Sound based on TAPS owners data (page 3.22-19). It is inappropriate to report the annual harvest of sea otters on industry data. Data references should be made to the Native Village of Eyak, US Fish & Wildlife and The Alaska Sea Otter and Steller Sea Lion Commission, who co-manage the population and have appropriate data.

101-20

Section 3.23 Economics

Section 3.23.6 Alaska Native Corporations

This section very briefly discusses Alaska Native Corporations. There is no section devoted to federally recognized Tribes along the pipeline and TAPS affected environment, nor of the direct economic impact TAPS has had to Tribes. This must be reported in the Final EIS. 101-21

Section 3.24 Subsistence

Section 3.24.1 Community Harvest Patterns

We object to the incorrect characterization of subsistence as a “collection of opportunistic behaviors” (page 3.24-3). Subsistence is a way of life that is sacred, deeply imbedded in the culture of a Tribe and its members, and passed down from generation to generation in a very deliberate and ritualistic way. 101-22

We question the manner in which subsistence concerns were identified that are presented sporadically throughout this section. There is a huge information gap regarding subsistence concerns of Tribes. Some that were presented during scoping are not included (This is the case with the Native Village of Eyak), while other Tribes were never given the opportunity to communicate their concerns during public scoping. Some subsistence concerns presented were gathered by ADF&G as part of a larger study and should not be presented out of context. 101-23

We strongly disagree that the data presented in this EIS are the “best available on subsistence at the community level” (page 3.24-3). We have attached approximately 75 pages of references for Exxon Valdez Oil Spill Trustee Council funded research into subsistence and other relevant topics to this document. These references must be included in decision making regarding the impacts of TAPS. 101-24

Figure 3.24-1 Locations of Potential Affected Communities and Associated Harvest Areas (when defined) (harvest areas provided by ADF&G) excludes Cordova, while Section 3.24.1.7 states that Nearly 80% of the households in Cordova fished for subsistence in 1997 (page 3.24-16). Where did Cordova residents fish if not in a harvest area of Prince William Sound and/or the Copper River? This is information that needs to be corrected. 101-25

Table 3.24-2 (page 3.24-11) shows that 4 % of households were involved in sea otter subsistence harvests in 1997. We know that there is more recent data than this (1999) collected by the ADF&G (Full Technical Paper No. 252). This data also separated NVE Tribal members from the Cordova population. The most recent and useful data should be utilized by the preparers in the Final EIS. 101-26

Section 3.24.1.7 Cordova

Over 80% of Cordova residents were documented in an ADF&G survey as having participated in subsistence fishing in 1997 (page 3.24-16), yet the DEIS states that **no subsistence harvest areas exist in Prince William Sound except in Tatitlek and** 101-27

Chenequa. This not only makes no sense logically, it is simply not true. Errors such as this in the DEIS are red flags for what other information may be incorrect or misconstrued. We believe this is a direct result of not seeking Tribal input on this document. 101-27 (cont.)

We object to the treatment of subsistence as part of economics. The DEIS states in numerous sections that as wage employment increases, subsistence needs decrease and vice versa. This demonstrates a lack of understanding of subsistence and culture. Subsistence by Tribal members has very little to do with economics and everything to do with culture. Tribal and ADF&G sponsored research has demonstrated that subsistence occurs regardless of what wages one might be bringing in and is not replaced simply because food items are available at the grocery store. Data housed with the Alaska Department of Fish & Game Division of Subsistence, US Fish & Wildlife Service and Tribes must be considered in any discussion of subsistence. 101-28

There is no mention of the Native Village of Eyak in the subsistence section. This is unacceptable. 101-29

The DEIS cites numerous times the lack of quality subsistence data. The Bureau of Land Management, under the direction of the Department of the Interior, must fund Tribes to conduct research into subsistence use and effects of the TAPS on subsistence (prior, present and future). Tribes have the capability, research experience, credentialed staff and know better than anyone what subsistence means and how it is linked to their culture and very existence. The Native Village of Eyak offers the following model for subsistence research to take place (see attachments regarding this program as well): 101-30

The Department of Energy Office of Environmental Management has Tribal Programs/Special Initiatives devoted to the cleanup of nuclear waste sites and facilities that have affected sovereign Tribal nations located near these facilities. Cooperative agreements with Tribes allow the Tribes to establish Tribal environmental programs related to Department of Energy sites and facilities, hire Tribal staff and scientific experts to inform Tribal leaders on cleanup efforts, examine cleanup plans at the sites and provide comments on impacts of past, present and future cleanup work on Tribal lands, and preserve and protect Tribal cultural resources (artifacts, fish and wildlife, native plants, and sacred sites) at the DOE and on Tribal lands.

See www.em.doe.gov/public/tribal/initiatives.html for the model that should be followed for impacts of TAPS to subsistence and other Tribal resources. TAPS should be added to the list of things the DOE Office of Environmental Management addresses and funds, or this successful initiative should be adopted by the Bureau of Land Management/Department of the Interior in regards to TAPS.

Section 3.25 Sociocultural Systems

Section 3.25.1 Alaska Native Sociocultural Systems

This section describes indigenous sociocultural systems in much of the United State as a “distant memory” (page 3.25-1) and states that the main reason for the resilience of Alaska Native sociocultural systems is the “late arrival of non-Natives in Alaska”. We disagree with this characterization, pointing to early contact documented between Russians and non-Natives and crediting the reason for the continued existence of Alaska Native culture to the persistence and strength of the people, not simply a lack of outside contact.

101-31

This statement is typical of those made throughout the Sociocultural Systems section that belittles and discredits Tribes and their organized forms of government. Moreover, there is no scientific evidence to back up this assertion. This is a subjective and inappropriate statement to make in the DEIS.

The sociocultural systems section lacks recognition of federally recognized Tribes and relies inappropriately on the *Handbook of North American Indians* rather than the Tribes themselves for information about their history and culture.

101-32

Section 3.25.1 states that Alaska Native sociocultural systems are intersected by the TAPS (page 3.25-2, inset). This is incorrect. Sociocultural systems include beliefs, ideas and behavioral patterns – they are not something physical that can be crossed. The TAPS crosses the traditional and customary use areas, homelands and territories of *federally recognized Tribes*.

101-33

The Draft EIS focuses on brief historical descriptions of Tribes rather than current information on federally recognized Tribal governments. This must be corrected. The Draft EIS must recognize federally recognized Tribes, their sovereign status and their rights in the TAPS renewal.

101-34

We object to the use of the term “evolved” to describe Alaska Native sociocultural systems (page 3.25-2). This is a curious choice of words to assign to matters pertaining to culture and implies a progression from simple to complex or specialized. All cultures are ever changing and may begin as a complex set of beliefs and change to become less so.

101-35

The Draft EIS “examines the impact of the TAPS on the state economy, including impacts on Alaska Native corporations and on subsistence activities.” This must include impacts to federally recognized Tribes.

101-36

Section 3.25.1.1 (page 3.25-5) states that Alaska Native groups include “Mobile bands of varying composition”. This characterization is not accurate. Seasonal occupation of sites is an accurate characterization. Tribes were not and are not nomadic, which “mobile bands” and “semi-nomadic” implies. In addition, seasonal sites commonly had more than

101-37

100 occupants, not simply “smaller aggregations” and “nuclear families” as the Draft EIS states.

101-37
(cont.)

Sociocultural systems are characterized as egalitarian. This is incorrect. Tribes had chiefs, slaves, clans and wars. Tribes can include complex political systems. To characterize them as egalitarian is a gross oversimplification. There are no sources cited for these characterizations except the Handbook of North American Indians. This is inadequate (page 3.25-5).

101-38

Throughout this section, Alaska Native groups and villages are referred to repeatedly. Federally recognized Tribes are conspicuously absent. This appears to be a deliberate attempt to diminish their importance and undermine their authority. A document prepared by a federal agency in accordance with a federal law should follow impacts to and discussions of federally recognized Tribes, not state chartered, for-profit corporations or villages and communities to the exclusion of Tribes.

101-39

Section 3.25.1.1.1 on Chugach Alutiiq states that there is an “absence of detailed information on the traditional Chugach sociocultural system (page 3.25-11)”. This is completely inaccurate. An entire Alutiiq Museum exists in Kodiak that is devoted to an examination of Alutiiq culture. Chugach Alaska Corporation also operates the Chugach Heritage Foundation that has devoted years to studying Chugach Alutiiq prehistory and inventorying cultural resources in Prince William Sound and other areas. The Tribes in the Chugach region (Native Village of Eyak, Tatitlek, Chenega, Nanwalek, Port Graham, Quteckak and Valdez) are also appropriate sources for this information.

101-40

This section also incorrectly refers to Chenega and Tatitlek as “modern communities”. These are federally recognized Tribes governed by elected Tribal Councils (page 3.25-11). The section also states that the Chugach Alaska Corporation was formed to “accommodate interests of the Chugach” people. This is an incorrect characterization of why Corporations were formed. Corporations were formed as part of the settlement of land claims, not as a solution to all “interests” of Alaska Native people or Tribes.

101-41

Table 3.25-2 is incorrect in stating that there are “286 Natives in Cordova (most probably Chugach).” The Native Village of Eyak has over 500 Tribal members who trace their ancestry to numerous clans and/or Tribes including Tlingit/Haida, Tsimshian, Aleut, Alutiiq, Athabaskan, Eyak, Chugach Eskimo, Yupik, Sugpiat, and Inupiat. The Table also incorrectly states that only 5 Eyak remained in 1985. Native Village of Eyak Tribal members who are Eyak descendants currently number over 100 according to respected elders. To state that Eyak were “largely incorporated into Tlingit” is incorrect. Further, we object to the use of the terms “never more than”, “never greater than”, and “Declining to fewer than” throughout the table. This appears to be an attempt to minimize the numbers of indigenous people so that the impact of the TAPS on these people can be minimized as well.

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Section 3.25.1.1.1 (page 3.25-11) states that many Chugach Alutiiq earn wages through jobs or by pursuing commercial fishing but still pursue “subsistence to supplement wage-

101-43

Section 3.25.1.1.5 on the Koyukon (*page 3.25-13*) states that political awareness and influence came with sedentary villages. This is incorrect. Seasonal occupation of sites by Tribes in the past did not equate a lack of political influence or awareness. This section points out how "each Alaska Native village in the area of the Koyukon elects a chief and a village council" as if ALL 229 FEDERALLY RECOGNIZED TRIBES IN THE STATE OF ALASKA do anything less. There is also mention of a heavy reliance on traditional subsistence resources and respect for elders, again – as if this does not exist among the majority, if not all, Tribes. This demonstrates unequal treatment of Tribes and cultures in the DEIS. It also reveals a shallow treatment of the effects of the TAPS on cultural systems.

101-50

Section 3.25.1.2 Alaska Native Claims Settlement Act

It is stated that Alaska Natives lived with "little interference from the U.S. government" prior to statehood in 1958 (*page 3.25-15*). This is simply not true. Volumes have been written, particularly in Indian Law, that outline the relationship between Tribes and the federal government.

101-51

This section incorrectly states that the Alaska Native Claims Settlement Act "extinguished aboriginal rights to Alaska lands". The Act (*Title 43, Chapter 33, Section 1601 of the US Code*) states that "no provision of this chapter shall replace or diminish any right, privilege, or obligation of Natives as citizens of the United States or of Alaska, or relieve, replace, or diminish any obligation of the United States or of the State or Alaska to protect and promote the rights or welfare of Natives as citizens of the United States or of Alaska". ANCSA extinguished aboriginal claims and title to Alaska lands, not aboriginal rights. This is a subtle, but very important, difference.

101-52

Section 3.25.1.2 inaccurately portrays events related to the passage of the Alaska Native Claims Settlement Act. It does not accurately reflect that there were many Alaska Natives left out of the process of the passage of ANCSA, or the fact that the sovereignty of Indian tribes is inherent. It did not "emerge", as the Draft EIS repeatedly states, with the passage of ANCSA.

101-53

The DEIS incorrectly states that "With the onset of statehood, land claims became an area of dispute" and "Alaska Natives began to organize themselves" (*page 3.25-15*). Tribes had long before filed land claims that had never been addressed or resolved by the federal government. Neither statehood, nor pipeline construction, was the original impetus for land claims. Aboriginal rights to land were at issue long before Alaska was a state. Further, Tribes have had extremely complex, organized social structure and complex political systems since time immemorial. Europeans and Americans did not introduce nor invent politics.

101-54

The DEIS implies that village and regional corporations disperse large amounts of cash and land to individuals (*page 3.25-16*). This is simply not true and there are no appropriate references to back up this assertion.

101-55

The DEIS states that sociocultural systems initially consisted of “semi-nomadic egalitarian bands with little formal organized leadership structure and limited relationships to others outside extended kin units” and that settlement into permanent villages “required the emergence of a leadership structure” (Page 3.25-16). It has long been established that complex leadership structures existed among Tribes and that they were not semi-nomadic, but instead had established traditional and customary use areas better characterized as seasonal occupation. The DEIS is also incorrect in stating that the Indian Reorganization Act of 1934 “established elected formal tribal councils...concepts fundamentally foreign to all of these sociocultural systems”. Tribal Councils are an ancient form of government that have existed as part of Tribal sovereignty. Tribal Councils are not a foreign concept, although state-chartered for-profit corporations were. The IRA of 1934 was merely the federal government’s initial recognition in the law of a well-established form of Tribal government. It did not invent anything, but instead described something that already existed.

101-56

We disagree with the statement that “Alaska Native peoples...today live in sedentary settlements and maintain vestiges of their traditional sociocultural system;” (page 3.25-16). To characterize the wealth of cultural values, resources, heritage, traditional and customary use areas, homelands, subsistence harvest techniques, Alaska Native languages, art, handicrafts and oral history passed down from generation to generation that is alive and well and has persisted despite attempts to eliminate it as a “vestige” is an absolute insult to Tribes and aboriginal peoples across the world.

101-57

The DEIS incorrectly states that “those living in villages formally elect a village governing body and are associated with both a village and a regional corporation” (page 3.25-16) Federally recognized Tribes are governed by elected Tribal Councils. Those Tribes may be in the middle of a municipality or borough, they are not confined to villages. Further, federally recognized Tribes are not associated with state-chartered Corporations. In most cases, board members of corporations are separate and apart from Tribal Council members and Tribal members may or may not be shareholders and vice versa. The preparers of this DEIS obviously have little to no knowledge of Tribes in Alaska – their history, prehistory and present day status.

101-58

Section 3.25.1.3 Overview of Modern Alaska Native Sociocultural Concerns and Benefits

This section focuses on social problems that befall not only Alaska Natives, but the world at large. The DEIS does not mention the multitude of programs and services that Tribes provide, the progress they have made and the fact that they are leaders in research, health and social services. It instead lists substance abuse and suicide as prevalent and does little to place this in context to the larger population, or even to compare rates with lower-48 Tribes. Citing the rates of suicide and alcoholism among Alaska Natives means little when it is not done in an appropriate comparative manner. This section serves to belittle Alaska Natives and to suggest that limited financial resources are at the core of these problems and that money would solve these problems. This comes on the heels of extolling the virtues of Alaska Native corporations and all the economic benefit they have brought. To state that “Alaska Natives experience high levels of violence, substance

101-59

abuse, and behavior leading to personal and social destruction" (Section 3.25.1.3, page 3.25-16) is misleading. These are social ills that plague society as a whole, not solely Alaska Natives. Moreover, it is not quantified with appropriate comparative statistical analyses as stated above. This section also relies too heavily on one source for the conclusions it draws.

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(cont.)

An "Overview of Modern Alaska Native Sociocultural Concerns and Benefits" should include instead the true concerns that were expressed again and again by Tribes and individual Alaska Natives as part of the Scoping process: subsistence has been affected and will continue to be affected by TAPS and mitigation with Tribal involvement must be implemented to deal with it effectively. If this section is an attempt to convey the present day status of Tribes in Alaska, it has failed miserably.

101-60

Section 3.26 Cultural Resources

"In carrying out its responsibilities under section 106, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described" (Section 101(d)(6)(B)). It is clearly stated that Federal agencies shall consult with Indian tribes, not "communities" or individual Alaska Natives, as the DEIS incorrectly states.

101-61

The Archaeological Resources Protection Act of 1979 state in Section 470, cc(c) "Notification to Indian tribes of possible harm to or destruction of sites having religious or cultural importance: If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 470hh of this title." It is clearly stated in the act that Tribes specifically must be notified. The DEIS must, at a minimum, accurately reflect requirements in the law that are applicable to Cultural Resources.

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The Valdez/Prince William Sound region described (page 3.26-1) must include Prince William Sound. Cultural resources were significantly impacted by the Exxon Valdez oil spill in this area. In addition, there are numerous cultural resource sites linked to the Native Village of Eyak located in Prince William Sound that have the potential to be impacted by the TAPS and related operations.

101-63

Section 3.26.1 Archaeological Context

This section states that the "prehistory of Alaska generally is poorly understood" due to a "lack of excavated sites" (page 3.26-1). This is incorrect and we direct the preparers of this document to the Alaska Anthropological Association, its members and their associated scientific, peer-reviewed journal articles for a wealth of information on archaeology in Alaska.

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Section 3.26.2. Known Cultural Resources

The DEIS repeatedly refers to key issues that “remain unresolved” regarding archaeological sites and associated information gaps. We feel it is appropriate for BLM to fund Tribal research into the survey and identification of cultural sites so that TAPS impacts may be realistically determined. The reliance on a decade old document (*Environmental Atlas of the Trans-Alaska Pipeline System*) prepared by the industry to determine known cultural resource site locations is inadequate (page 3.26-2)

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This section states that regulations in place require that the Authorized Officer and an archaeologist be involved when archaeological sites are discovered. Federally recognized Tribes must also be involved in this process. This should be included.

101-66

Section 3.26.2 Traditional Cultural Properties

Tribes are listed numerous times in the National Historic Preservation Act of 1966 as partners with the federal government in providing leadership and stewardship in protecting national heritage and prehistoric and historic resources. Yet, in Section 3.26 Cultural Resources, tribes are referred to only once in regards to the possibility that a tribal consultation may occur if areas might be disturbed, but this will be decided on a case-by-case basis. (Section 3.26.3 Traditional Cultural Properties, page 3.26-7). Given the fact that Tribes “may assume all or any part of the functions of a State Historic Preservation Officer... with respect to Tribal lands” according to the NHPA, it would seem appropriate that Tribes be mentioned more than once in a section devoted to Cultural Resources.

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Section 3.26.4 Historic Structures

TAPS does not currently meet criteria for properties to be included in the National Historic Register. The Secretary of the Interior must begin the process for potentially nominating the TAPS for the NHR by “notifying the owner of a property, and any appropriate local governments, and the general public when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark or for nomination to the World Heritage List” To our knowledge, TAPS is not being considered for such a nomination. It is misleading to present it as such in Section 3.26.4 regarding Historic Structures.

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Section 3.27 Land Uses and Coastal Zone Management

This section fails to include Cordova’s Coastal Zone Management Plan. This is an applicable plan in an affected area of Prince William Sound and must be included, as well as considered, in the Final EIS.

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Section 3.27.1.2 Land Uses

There is an inappropriate reliance on JPO personnel communication and email as sources of information. This section should at least reference communication with Alaska Native Corporations and Tribes regarding Land Uses.

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Section 3.28 Recreation, Wilderness, and Aesthetics

Section 3.28.1 Recreation

We disagree with the statement that there has been "no change in recreational use levels or opportunities...noted by the U.S. Forest Service (USFS) in the last 25 years" (page 3.28-3). Personal communication with a Forest Service employee in Cordova is the source for this statement. The Forest Service has instituted a Revision Plan for the Chugach Forest and many increases in recreation were noted in that document. In addition, there are current projects to expand access within the Chugach Forest due to increasing angler pressure and to expand camping areas and day use areas due to increased use. This statement does not mesh with the projects and technical reports the Forest Service has issued over the past two decades that refer to increased user pressure. It is not appropriate to ignore this data and evidence and base conclusions on personal communication with a Forest Service staff person.

101-71

Section 3.29 Environmental Justice

Sections on Environmental Justice and conclusions drawn on impacts to minority and low-income populations are incomplete and inaccurate. An additional examination of Environmental Justice in accordance with Executive Order 12898 must occur as part of the Final EIS.

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Section 3.24 on Subsistence states that "the flow of subsistence resources through (primarily) Native sociocultural systems via several exchange mechanisms" is one of the factors of complexity. Because subsistence resources disproportionately affect Alaska Natives, this issue should also be analyzed as one of Environmental Justice in the Draft EIS, as required under Executive Order 12898. In the spirit of Executive Order 12898, we believe that Alaska Natives as a group are an "affected community" and should be treated as such in regards to Environmental Justice, no matter where their place of residence is and whether or not that community is considered "minority" based on decade-old census data.

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Chapter 4. Environmental Consequences

Section 4.1 Existing Mitigation Measures

Section 4.1.1.4 JPO Comprehensive Monitoring Program

The DEIS states that "the JPO has recognized that risk can exist in all facets of TAPS operations and can originate anywhere within the TAPS infrastructure (page 4.1-4)." We agree with this statement. However, in the Executive Summary, the conclusion is drawn that "Since the pipeline, pump stations, Valdez Marine Terminal, and other related facilities are already constructed, continued operation of the TAPS should have minimal future environmental impacts" (Section ES.8 Conclusions, page ES-7). If one were to

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follow this line of illogical thinking, one could also conclude that because a nuclear power plant is **already there**, environmental impacts from it will be minimal. 'Because it's already there' does not result in the risks of continued operation being lessened. This faulty reasoning is the basis of most conclusions drawn in the DEIS. Major work is needed to correct this document to a more accurate portrayal of the environmental impacts of the TAPS.

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Section 4.1.3.2 Monitoring, Surveillance, and Maintenance

The DEIS states that both monitoring and surveillance activities have the ability to direct mitigation. "They do produce reliable data on the current condition of critical TAPS equipment... These data, in turn, support mitigation decisions." (page 4.1-18). The Native Village of Eyak requests that the Joint Pipeline Office, Bureau of Land Management and the Department of the Interior fund Tribes to monitor subsistence use and critical subsistence resources for changes over time in the same manner that TAPS equipment is monitored. Timely and accurate data on subsistence can be used to support mitigation decisions.

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Section 4.1.3.3 Biological Considerations for Operations and Maintenance Activities

This section outlines several initiatives that Alyeska Pipeline Service Company (APSC) undertakes to control impacts on biological resources. This includes "training of APSC personnel about potential impacts on biological resources, including appropriate behavior toward wildlife" (page 4.1-24). The Native Village of Eyak requests that similar initiatives be undertaken by APSC to train personnel in cultural sensitivity and appropriate behavior toward Tribal members and all aboriginal peoples, especially in regards to subsistence harvest and use along the TAPS and surrounding impacted areas (this includes PWS). It is essential that mechanisms to include Tribes in all aspects of the TAPS be put in place as part of this renewal.

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Section 4.1.5 Social, Cultural, and Economic Mitigation Features

This section does not address social, cultural or economic mitigation successfully. There are repeated references to other sections of the document as serving the purpose of social and cultural mitigation. For example, "In the environmental category, nearly all stipulations serve to mitigate social impacts" (page 4.1-38). This is a secondary benefit of environmental mitigation and should not be used to satisfy the requirements for social and cultural mitigation. Stipulations on minimizing scour, channel migration, undercutting, ice forces and degradation of permafrost are listed as satisfying social and cultural mitigation. These are clearly not social and cultural mitigation. This section also states that Section 30 of the Federal Grant, regarding "Native and Other Subsistence" is a social, cultural and economic mitigation, however it is clear that Section 30 is not being enforced based on the original intent. Section 30 refers to liability in the event of subsistence damages and the Trans Alaska Liability Fund. Many Tribal members filed claims to this fund and all of the ones that we are aware of were denied. Further, this fund was completely dissolved in 1999, according to Governor Knowles' office, and the

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funds were dispersed to the Denali Commission for leaking underground storage tank removal, The Oil Pollution Act of 1990 liability fund and to the Permanent Fund. Section 30, when paired with the Trans-Alaska Pipeline Act and Trans-Alaska Pipeline Liability Fund, was meant to insure prompt payment of claims resulting from subsistence damages from oil spills along the pipeline, at the terminal, or from any tanker that was loaded at the terminal and proceeded into the marine environment. With the payment of no claims from this fund and now its dissolution, there are no means for injured parties to promptly recover damages. OPA 90 prohibits filing a claim under its liability fund if there are pending claims in court. This effectively eliminates any possibilities of mitigation from subsistence damages. The Native Village of Eyak requests that the Secretary of the Interior investigate and resolve this matter prior to the TAPS ROW renewal.

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Section 4.1.5 also points to "specific commitments made by TAPS Owners and/or APSC" regarding mitigation (page 4.1-39). The Native Village of Eyak responds by saying that voluntary commitments by TAPS Owners or Alyeska are not good enough. These commitments must be part of the renewal and be required and monitored by BLM, JPO and DOI, at a minimum. Further, we are aware of no such commitments that have been made with Tribes. Individual agreements with affected Tribes should be developed that outline specific social, cultural and economic mitigation measures that will be taken.

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While the purpose of Section 29 was to "ensure that Alaska Natives receive certain economic benefits from TAPS operations", it has not been successful. Those Tribes and individual Alaska Natives who do not live in Valdez or Fairbanks and are unwilling to move there from their villages, receive no direct economic benefit. To require that Tribal members move away from their homes and families in order to receive some economic gain from the pipeline is culturally and socially inappropriate. Above all else, social, cultural and economic mitigation should not further degrade social and cultural systems.

101-80

Finally, Section 4.1.5 relies on examples of North Slope mitigation and other EIS analyses of North Slope developments conducted by BLM. The TAPS ROW renewal Draft EIS cannot base conclusions about mitigation and environmental consequences on other EIS documents for North Slope development projects. The TAPS ROW renewal process should involve in depth examinations of mitigation that is specific to this project. The fact that racial tension between oil workers and residents and increased availability of drugs and alcohol were not considered significant disruptions on the North Slope has no relevance to this renewal (page 4.1-39). There is no mention of Prince William Sound, the Interior or affected Tribes in this section. This must be revised in the Final EIS.

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Section 4.3 Proposed Action Alternative Analysis – Routine Operations

Section 4.3.19 Economics

Section 4.3.19.7 Subsistence (page 4.3-82).

We object to the treatment of Subsistence within the section on Economics. This section focuses on the Permanent Fund Dividend and the effect that an increasing Alaskan population would have on the dollar amount (it would diminish). This section claims that "Income growth, partly from the Permanent Fund Dividend, has led to some changes in the way subsistence activities have been undertaken". To credit income growth, and especially the Permanent Fund Dividend, as changing subsistence activities is not factual. The Draft EIS cites no sources at all for drawing this conclusion. The document further states that "A decline in income growth might affect the productivity of subsistence activities and create other socioeconomic impacts". Again, the document cites no references that were utilized in drawing this conclusion. Permanent Fund Dividends are utilized for a multitude of purposes that are as varied as the Alaskan residents who receive them. To state that PFDs somehow go directly towards altering subsistence activities (for better or worse) and to also state that "continued TAPS operation would have [only] a minor impact on subsistence" is contradictory and not based on credible scientific research. Subjective assertions like this are prevalent throughout the Draft EIS and violate the intent of NEPA, which is an objective and scientifically based look at the environmental impacts of a proposed action.

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The Draft EIS states "the demand for subsistence products would increase as the amount of income available for the purchase of consumer market goods would fall." This is again in regards to a potentially decreasing PFD. And again, this demonstrates a lack of understanding of the role that subsistence plays. It has very little to do with economics. Subsistence may increase at any time due to a need to delve into one's cultural systems, provide for Tribal events (like memorial potlatches or celebrations) or other traditional customs, etc. Economics does not play a predominant role in decisions regarding subsistence for Tribal members.

101-86

To devote so much attention throughout Section 4.3.19 (Economics) to the PFD – an indirect benefit of the TAPS – and to correspondingly devote so little attention to more direct effects of TAPS like the *Exxon Valdez* oil spill, is inconsistent and does not represent an unbiased look at the environmental impacts of the TAPS and the proposed renewal. If the settlement of the EVOS pending claims is "not reasonably related" to the renewal of the TAPS, then neither is the PFD.

101-87

Section 4.3.20 Subsistence Impacts

This section states that "negative impacts would have to yield reduced subsistence success as a result of declining resource populations, changing subsistence resource locations, increased competition for resources, disruption of subsistence activities, reduced access to resources, or some combination of these factors that could be linked directly or indirectly to the TAPS and its continuation." (page 4.3-82). The EVOS Trustee Council has published numerous scientific studies that document that all of these impacts to subsistence occurred as a result of the Exxon Valdez oil spill, which is directly related to the TAPS. Yet the Draft EIS goes on to conclude that "any negative impacts to subsistence under the proposed action would be extremely small." The Native Village of Eyak strongly disagrees with this statement and demands that not only EVOS Trustee

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Council research be referenced and utilized when making a determination regarding TAPS subsistence impacts, but that Tribes be funded to conduct additional research into subsistence impacts.

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The Draft EIS cannot conclude that impacts to subsistence would be extremely small when there is no evidence for this. In fact, there is a large volume of evidence that there have been significant and substantial impacts to subsistence directly related to the TAPS.

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This section also states that TAPS has benefited subsistence because people can acquire technology that improves both transportation to subsistence resources and the process of harvesting resources. The Native Village of Eyak would like to stress that while transportation access may be improved in some (but by no means all situations), this would be offset by population reductions or absences in the aftermath of an oil spill and correspondingly higher investments of time spent to obtain uncontaminated resources. This exact situation was documented in Alaska Department of Fish & Game research related to subsistence harvests and uses subsequent to the *Exxon Valdez* oil spill (Fall and Utermohle, 1999).

101-90

We object to the treatment of traditional ecological knowledge (TEK) in the Draft EIS. The document makes no mention of Tribes and their central role in the transfer of TEK, nor the contributions TEK has made to state and federal agency research. In addition, the Draft EIS dismisses TEK as "not conclusive" and justifies this dismissal because the "assignment of cause in such a complex setting is another, challenging matter". The fact that determining causal relationships is complex is not a justifiable reason for discounting TEK. This is especially disturbing in light of the fact that during public scoping, representatives of Argonne National Laboratory and the Joint Pipeline Office explicitly stated in Tribal consultations with the Native Village of Eyak that traditional ecological knowledge would be utilized in preparation of the EIS.

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The Draft EIS states that "the constraints associated with the ROW involve an extremely small area when compared with traditional subsistence harvest areas, suggesting that the magnitude of these impacts would be similarly small." (page 4.3-86) Again, this is extremely illogical and flawed reasoning. With this reasoning, a small wound to the heart of a human being would have similarly small impacts. With this reasoning, the impact of September 11, 2001 is "small" because it only affected three buildings in a country composed of millions of buildings. Anyone can see that these statements are ridiculous, and yet the Draft EIS is full of this reasoning. When a critical habitat area for caribou migration is affected, it does not matter how small the area is. A critical area can have a significant impact.

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We strongly disagree with the statement that "Although subsistence possibly has experienced substantial negative impacts over the past several decades, at least locally, these impacts are not clearly associated with the TAPS to the exclusion of other potential causes." (page 4.3-86). The *Exxon Valdez* oil spill and its effects are clearly associated with the TAPS to the exclusion of other potential causes and should be addressed in this section.

101-94

Section 4.3.21 Sociocultural Systems

Section 4.3.21.1 Alaska Native Sociocultural Systems

Once again, a discussion of sociocultural systems focuses on economics, rather than the multitude of other components that make up a sociocultural system. There is no discussion of the impact on religion, language, art and other handicrafts, subsistence and its cultural basis and traditions that may or may not be passed on due to activities associated with the TAPS (including oil spills). This section concludes that impacts to Alaska Native sociocultural systems "likely would be negative though very small". We question who determines if an impact to a Tribe's culture and tradition is "small".

101-95

This section implies that all Alaska Natives benefit from public services and wage employment from the pipeline. The Native Village of Eyak receives no such economic benefits (page 4.3-87). This section refers to 8 Alaska Native sociocultural systems and 21 largely rural Alaska Native communities considered in this study. The Native Village of Eyak demands that the all federally recognized Tribes that are affected by the pipeline be included in any such analysis of impacts to sociocultural systems.

101-96

Further, the DEIS states that "In the case of the Eyak, near Prince William Sound, anticipated sociocultural impacts would be negligible as years of depopulation and acculturation have left only remnants of the original sociocultural system." This is incorrect information and does not recognize the Native Village of Eyak, a federally recognized Tribe with over 500 Tribal members. The Native Village of Eyak emphatically states that the Tribe has experienced, continues to experience and will experience significant impacts to their culture as a result of the TAPS. This characterization is particularly disturbing when the Native Village of Eyak was never contacted regarding the preparation of the DEIS as it related specifically to the Eyak people. No attempt was made to verify information or obtain additional data that the Tribe may have access to. The section goes on to state how much of the Inupiat traditional sociocultural system remains and how much change the Chugach Alutiiq have undergone. We strongly object to the organization of this section on sociocultural systems. It is inappropriate, incorrect and does not properly address federally recognized Tribes.

101-97

This section concludes that because "these sociocultural systems in a sense are accustomed to the TAPS and the impacts associated with it...the magnitude of these impacts likely would be small." (page 4.3-89) The Native Village of Eyak suggests that Tribes be the ones to determine the magnitude of TAPS impacts to their culture.

101-98

Section 4.3.22 Cultural Resources

This section must be changed to include Tribes. The sentence should read: "Any mitigation measures would be determined on a case-by-case basis through consultation with the Alaska SHPO and the appropriate affected Tribe or Tribes (page 4.3-90)."

101-99

Section 4.4 – Spills Analysis for Proposed Action

Subsection 4.4.4.14 Subsistence

This section conveys the message that subsistence hunters can easily avoid spill areas and shift their activities and that subsistence resources (terrestrial and marine) will “avoid the impact area with little or no effect on their populations or areas of activity” (page 4.4-121). Research into the *Exxon Valdez* oil spill has clearly shown that animals did not simply avoid oiled areas. This section goes on to state that impacts to humans would be quite small, even when the “perception that subsistence resources are dangerous or otherwise unusable might have a broader geographic impact.” (page 4.4-123). The altering of subsistence harvest practices does not have a minor impact on a Tribe or its culture, as research of the *Exxon Valdez* oil spill has clearly demonstrated. A generation of youth was denied the benefit of certain aspects of subsistence and traditional activities as a direct result of the TAPS related EVOS.

101-100

Section 4.4.4.15 Sociocultural Resources

We object to the statement that “even if a culturally important locality were affected, the consequences of such an occurrence should not translate into impacts on a sociocultural system (changing economic orientation, kinship patterns, authority structures, etc.) Noteworthy negative sociocultural impacts are not anticipated in such a situation” (page 4.4-123). There are no scientific references and/or research to back up this situation. Further, government-to-government consultation with Tribes should occur to determine if there are “noteworthy negative sociocultural impacts.” These have already been documented as a result of the EVOS when the transmission of traditional ecological knowledge regarding subsistence was halted by oiled beaches, inaccessibility and mourning over the loss of subsistence harvest areas and resources. Once again, EVOS Trustee Council sponsored research, along with Tribal research, should have been utilized in this section of the DEIS.

101-101

The DEIS incorrectly states that there would be reduced impacts on sociocultural systems by virtue of lessened impact on local economies (page 4.4-124). Sociocultural systems cannot be reduced to economic impacts. There are no references to back up this assertion. The DEIS also states that “shifts of subsistence activities to other rivers or other portions of an affected river” would lessen the severity of impacts without any regard for the fact that the shifting of subsistence activities has its own repercussions to cultural systems.

101-102

We strongly disagree with the statement that EVOS indicated that “sociocultural impacts likely would not be large or last a long time: (page 4.4-125). One source is cited for this statement, rather than the preponderance of evidence that exists to the contrary. EVOS Trustee Council funded research and the scientific literature reflect that EVOS had an enormous effect on sociocultural systems.

101-103

Finally, this section states that a spill cleanup is a positive impact because it generates cash income. This is, quite simply, ludicrous. It is not supported by any scientific evidence. It is not appropriate to include such a biased statement in this document (page 4.4-125). It is disturbing that the attention devoted to spill impacts on Recreation is described as more severe than those impacts to Subsistence (Section 4.4.4.18.1).

101-104

Section 4.4.4.16 Cultural Resources

This section again lacks mention of federally recognized Tribes and their role as relates to Cultural Resources. The EVOS cleanup resulted in theft and removal of artifacts, some of which are only now being returned to Tribes. Affected Tribes must be consulted in regards to Cultural Resources, not merely the SHPO and an industry appointed archaeologist.

101-105

Section 4.4.4.19 Environmental Justice

There is no basis for the conclusion that "because terrestrial resources tend to be dispersed over broad geographic expanses and harvest areas typically involve large areas well removed from the TAPS... Environmental justice impacts thus would not likely be a concern in terms of subsistence due to a spill with localized impacts on birds or terrestrial mammals" (page 4.4-141). In fact, if the area used by a minority or low income community is damaged, it is irrelevant if birds or other resources exist elsewhere that are healthy. The point of Environmental Justice is to protect those resources that are utilized by minority and low income populations and prevent damage to them that results in disproportionate effects to that population. The DEIS does not reflect an understanding of the purposes of Environmental Justice.

101-106

Again as in previous sections, this section states that "environmental justice populations would be among the beneficiaries of spill-related employment" (page 4.4-143), and yet there is no meaningful discussion of long-term negative impacts. This does not follow the requirements set forth by NEPA to look at both positive and negative impacts. Further, to highlight short-term economics and not mention other, more serious issues is inappropriate.

101-107

Section 4.7 Cumulative Effects

Table 4.7-2 Potential Contributions to Cumulative Effects in the Beaufort Sea, North Slope, Interior Alaska, and Prince William Sound does not include the Exxon Valdez Oil Spill (pages 4.7-14 through 4.7-18). This is unacceptable. EVOS is an integral part of cumulative effects of TAPS and must be considered in this section.

101-108

Section 4.7.4.5 Habitation and Development

Section 4.7.4.5.3 Prince William Sound

This section must mention the federally recognized Tribes located in Prince William Sound (Native Village of Eyak Traditional Council, Tatitlek IRA Council and Chenega IRA Council).

101-109

The following statement must be changed from:

“The population of Cordova in 2001 was about 2,500, including Eyak, a federally recognized Native village within the City of Cordova.”

to:

101-110

“The population of Cordova in 2001 was approximately 2,500 people. The Native Village of Eyak, a federally recognized Tribe, houses its main office within the City of Cordova. With a membership of over 500, Tribal members constitute approximately 20% of the population.”

Section 4.7.4.6.4 Alaska Marine Highway

This section should be corrected to reflect that the Alaska Marine Highway System also stops in Tatitlek and Chenega (whistle stops) (page 4.7-42).

101-111

Section 4.7.4.7 Legislative Actions Related to Land Use
Section 4.7.4.7.1 Alaska Native Claims Settlement Act

This section incorrectly states that “the U.S. Congress abandoned its policy of establishing treaties with Native Americans” (page 4.7-43). Treaties were never established with individual Native Americans. They were established with Tribes. This section further incorrectly states that the “status of Alaska Natives relative to the federal government was uncertain” (page 4.7-43). This is incorrect. Many Tribes had long been formed prior to statehood and Alaska Natives were eligible for Indian Health Services for more than a decade prior to statehood and the passage of ANCSA. The passage of ANCSA did not effect the status of Alaska Natives as Indians, as the DEIS implies. Once again, this document has confused Tribes, corporations and land ownership and other issues. This misinformation must be corrected in the Final EIS.

101-112

Section 4.7.7.4 Threatened, Endangered, and Protected Species

The statement that “no substantial increases in noise are anticipated in Prince William Sound, since tanker and boat traffic is not expected to increase substantially over the TAPS renewal period” (page 4.7-107) is not supported by any references. We suggest that there are multiple sources of information, including the State of Alaska, that document steadily increasing use of Prince William Sound. The opening of the road to Whittier has also increased use of Prince William Sound.

101-113

Section 4.7.8 Social Systems

Section 4.7.8.1 Subsistence

The conclusion that “any negative impacts that occurred would be extremely small” is not supported by available data (page 4.7-108). Further, if there is an “absence of data necessary to make a more certain assessment”, BLM must in accordance with its own policies on Native American Consultation and Coordination, conduct research to develop the necessary data. We have included BLM’s Manual, Section 8160 as an attachment to this document.

101-114

This section states that “disruption to movement patterns does not appear to have occurred at a large scale involving more than relatively few individual animals” (page 4.7-109). This conclusion is not supported by available data, nor data quoted immediately preceding this statement that includes “scientific evidence indicates that human activities could change movement patterns...and traditional ecological knowledge from several of the rural communities in the vicinity of the TAPS associate the pipeline and related activity with changes in herd movement”. The DEIS concludes that altering an entire herd is not significant. This is simply not true, according to western scientific standards and traditional ecological knowledge, both of which are supposed to receive weight in this DEIS.

101-115

We dispute the claim that there is any “additional cash” improving subsistence harvest levels in Prince William Sound, as the DEIS asserts (page 4.7-110). This section goes on to state that “The location and size of traditional subsistence harvest areas in Prince William Sound (for Chenega Bay and Tatitlek) would enable avoidance of spill areas” (page 4.7-111). This is simply not true in theory, nor in practice as the EVOS demonstrated. There was no avoidance of spill areas in the aftermath of EVOS – they were everywhere. Subsistence came to a complete and utter halt as people remained in shock. Generations of Tribal members were affected by the inability to practice traditional subsistence, pass down traditional knowledge regarding subsistence and receive traditional knowledge regarding subsistence. Further, the Native Village of Eyak traditional and customary use areas are not mentioned in the DEIS and therefore those effects were not considered in making this mistaken conclusion.

101-116

The paragraph containing these statements does not end properly. An incomplete sentence must be corrected: “The direct effects primarily would be associated with occasional disruptions to the movement of small numbers of subsistence resources due to human” (page 4.7-111, §1).

101-117

This section is summarized with the statements that the size of subsistence harvest areas would enable ample areas to remain unaffected by cumulative impacts. This is simply not true and is not based in any scientific research. On the contrary, most research documents thoroughly the impacts that abound from a single spill event (page 4.7-111, §3).

101-118

Section 4.7.8.2 Sociocultural Systems

The statement "Alaska Natives unfortunately continue to lag behind in several indicators" needs to be quantified with a comparison with minorities nationwide, instead of merely to the Alaska population as a whole (page 4.7-112).

101-119

There is no scientific basis for the statement that "Cumulative impacts would probably occur to the sociocultural systems in Prince William Sound, but they would probably be less extensive than those that would occur in Interior Alaska or the North Slope" (page 4.7-114). The reasoning that Chugach Alutiq and Eyak have already been subject to considerable cultural change over the past two centuries and therefore continued TAPS operation would have little effect is not a logical argument and should not be used in this DEIS.

101-120

The DEIS state that impacts from tanker spills "might also affect sociocultural systems in Prince William Sound" (page 4.7-114). This is not a mere possibility. It is a reality that occurred with the *Exxon Valdez* oil spill in 1989.

101-121

The most glaring error in this section is the statement "Moreover, the only documented subsistence areas in Prince William Sound are in Chenega Bay and Tatitlek" (page 4.7-114). This is simply not true, contradicts available data and other sections of the DEIS, and must be corrected in the Final EIS. There are documented subsistence areas all over PWS that are part of the Native Village of Eyak's Traditional and Customary Use Areas. Many sources have documented this in published scientific journal articles and technical reports, including the heavily relied upon ADF&G.

101-122

Section 4.7.8.4 Cultural Resources

This section is inadequate and does not identify cumulative impacts.

101-123

Section 4.7.8.7 Environmental Justice

We disagree with the conclusions drawn in this section. As we have stated before, Tribal members are the primary users of subsistence resources, cultural resources and the sociocultural systems themselves that are highly impacted by TAPS and its activities. The Native Village of Eyak population is composed entirely of Tribal members and is therefore a minority population as defined in Executive Order 12898. This section must be revised accordingly (page 4.7-123).

101-124

Section 4.8.4 Mitigation of Adverse Effects

This section should be revised in the Final EIS to reflect those new mitigation measures identified by the Native Village of Eyak (page 4.8-2).

101-125

Chapter 5. Consultation and Coordination

Section 5.2 Government-to-Government Consultation

Section 8160 of the Bureau of Land Management's Manual addresses Native American Coordination and Consultation with respect to Native American cultural and religious concerns. The TAPS ROW renewal encompasses many issues (subsistence is but one example) that are inexorably tied to Tribal culture. The BLM Manual lists authorities of the policy that include the National Environmental Policy Act of 1969, the Federal Land Policy and Management Act of 1976 and the Alaska National Interest Lands Conservation Act of 1980 – all of which are directly involved in the TAPS ROW renewal process.

The BLM Manual (included as an attachment to this document) states that District or Area Managers are responsible for "Identifying Indian tribes that have aboriginal and/or historic ties to lands under their [the BLM's] administrative jurisdiction, regardless of where the tribe or group currently resides and they are to give "adequate consideration to identified Native American concerns." and "It is the policy of the BLM to: document fully all coordination and consultation efforts and to "Review proposed land use planning decisions and other major BLM decisions for consistency with tribal land use and resource allocation plans (including Alaska Native village or regional corporation plans, as applicable)." The Native Village of Eyak has an Integrated Resource Management Plan, Sea Otter Management Area Plan, Unified Watershed Assessment, and utilizes Chugach Alaska Corporation's inventory of cultural resource sites in Prince William Sound, Copper River and other traditional and customary use areas. None of these plans has been requested or reviewed by the BLM as required under their own policy.

101-126

"At the initiation of planning and environmental review, interdisciplinary teams should be used to define and consider Native American issues and conflicts as they apply to various proposed program decisions and actions (*BLM Manual Section 8160*)". The Native Village of Eyak has not been informed that BLM attempted to form any such teams. The Manual outlines special techniques that may be needed to identify relevant information, including the review of ethnohistoric and ethnographic literature, interviews with knowledgeable members of the Native American community, and problem-oriented ethnographic field work focusing on Native American cultural and religious values. The Manual further states "Interviews and ethnographic field work should be limited to cases where little or no information exists on the specific Native American communities." The Draft EIS repeatedly states that subsistence data presented are the "best available" but are "dated and of limited utility". This is a clear case where the BLM, according to their own Manual, should conduct interviews and ethnographic field work to obtain additional, more "reliable" information. No such data collection has been done. Further, the Native Village of Eyak, as a directly affected federally-recognized Tribe, was never contacted by the BLM or their designees regarding any Tribal research and/or data that exists on relevant subject matter to the TAPS ROW renewal. It is important to note that any data collection projects must be "reviewed and approved by the appropriate official

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representatives of the specific Native American communities where field work would be conducted."

The Native Village of Eyak submitted comments during the public scoping process prior to release of the Draft EIS in October 2001. These comments were 1) not reported in the Draft EIS and/or 2) dismissed as not reasonably related to the TAPS ROW renewal. This treatment of Tribal concerns not only violates Executive Order 13175, but also the BLM's own policy on Native American Coordination and Consultation. The Manual states that information on Native American cultural issues must receive good faith consideration during decision making and that BLM decisions not unduly or unnecessarily burden the pursuit of traditional lifeways. There is no clearer evidence of the burden placed on the pursuit of the traditional lifeway of subsistence than that being endured as a result of the 1989 Exxon Valdez oil spill (EVOS). This oil spill is a direct effect of the operation of the Trans-Alaska Pipeline. Claims submitted to the Trans-Alaska Pipeline Liability Fund related to this oil spill were processed – they were not dismissed because they were "not reasonably related" as Section 2.5 of the Draft EIS states. The Trans-Alaska Pipeline Act is clear in stating that "if oil that has been transported through the Trans-Alaska pipeline is loaded on a vessel at the terminal facilities of the pipeline, the owner and operator of the vessel and the Trans-Alaska Pipeline Liability Fund established by this subsection, shall be strictly liable without regard to fault...for all damages, including clean-up costs, sustained by any person or entity...as the result of discharges of oil from such vessel." (TAPA Section 1653, subpart (c))

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We do not believe adequate consideration has been given to identified Tribal concerns. The approximately 2,000 pages that make up the Draft EIS include a mere two and a half pages devoted to Consultation and Coordination (Chapter 5). Of those two and a half pages, a brief two pages address Government-to-Government Consultation (Section 5.2). The Draft EIS states that "BLM identified 21 affected villages within the TAPS corridor and developed a formal consultation process with those affected villages." The Native Village of Eyak requests a copy of this 'formal consultation process' policy. There is no mention of the BLM's policy on Consultation and Coordination, the Department of the Interior Alaska Region's policy on Tribal Consultation, nor any mention of the numerous other applicable state and federal agency Tribal policies regarding Tribal Consultation. All member agencies of the Joint Pipeline Office are bound by their own policies and Executive Order 13175.

101-133

The Native Village of Eyak was sent a certified letter that notified them of a "briefing for affected Tribes only" in Cordova on June 4. The Tribe was not asked if this was an appropriate time for a briefing. Representatives from other Tribes, as well as from the Alaska Federation of Natives, were invited by the JPO to this "briefing" that was also labeled a "Government-to-Government consultation" without any knowledge or approval by the NVE Tribal Council. The briefing involved an overview of the public process within NEPA. While this is useful information, it did not address any aspects of Government-to-Government consultation or Tribal concerns. Furthermore, individuals leading the meeting were with Argonne National Laboratory, hardly the appropriate

101-134

federal and state agency representatives that should have been present when consulting with Tribal representatives. In addition, NVE requested an advance copy of the Draft EIS so that they might prepare issues and comments to present at this briefing meeting. There was no response to this request by the June 4 meeting.

101-134
(Cont.)

The lack of BLM understanding of appropriate Tribal consultation is illustrated in the Draft EIS with this statement: "The BLM will continue to conduct government-to-government interactions with Alaska Natives throughout the NEPA process..." Consultation occurs between governments, not with individual Alaska Natives. If the BLM does not have a grasp of this basic premise of government-to-government consultation, it is clear that appropriate Tribal consultation has not occurred.

101-135

There are numerous other sections of the Draft EIS that do not appropriately mention federally-recognized Tribes and their role in the TAPS ROW renewal. We would be happy to discuss these with appropriate BLM officials in person. Sending letters to Tribal Council Presidents and meeting face-to-face should be only the beginning of meaningful dialogue.

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We suggest that all applicable Tribal consultation policies be referenced and summarized in this section. We also request that the written versions of BLM's "formal consultation process with those affected villages" be released to Tribes for their review and input.

101-137

Furthermore, attention to "federally recognized Tribes" throughout the Draft EIS is inadequate. We take issue with language used regarding Tribes and consultation in subsistence and sociocultural systems sections. The BLM and DEIS preparers demonstrate a lack of understanding that these aren't simply communities or villages. These are recognized forms of government, with elected Tribal Councils and are afforded status as sovereign nations.

101-138

Section 5.5 Agency Consultation

Section 5.5 on Agency Consultation states that BLM is in negotiations with the Alaska SIPO to develop a programmatic agreement that will clarify the procedures pertaining to cultural resources in association with future TAPS operation. Federally recognized Tribes should be part of this process on a government-to-government basis. Indeed, Section 106 of the National Historic Preservation Act requires involvement of affected Tribes in regards to cultural resources. The Native American Graves Protection and Repatriation Act also requires consultation with the appropriate Tribe.

101-139

Appendix D Subsistence in the Vicinity of the TAPS

Section D.3.3.7 Cordova (and Eyak)

101-140

<p>This section has numerous inaccuracies and false information. Eyak is wrongly presented as a separate community five miles from Cordova. This is a voting precinct, not a community. This was not an Alutiiq settlement, but one of several village sites used by the Eyak Tribe. There is no separate economy for Eyak as is implied in this section.</p>	<p>101-140 (Cont.)</p>
<p>The traditional homeland of the Native Village of Eyak encompasses Prince William Sound, the Copper River Delta, and the Gulf of Alaska. It is not restricted to an area "annexed by the city of Cordova in 1992" (page D-39).</p>	<p>101-141</p>
<p>The section incorrectly states that "ADF&G conducted no such studies of Eyak" (page D-39). This is incorrect. A 1999 Technical Paper (No. 252) compiled by Fall and Utemoble collected a subset of subsistence data from Tribal member households. This is published and available material.</p>	<p>101-142</p>
<p>We strongly disagree with the statement that "Given the levels of wage employment, subsistence does not play an extremely important role in the Cordova economy" (page D-39). This is not only untrue and not supported by data, but it directly contradicts following statements that subsistence activity involved nearly 94% of households surveyed and hunting involved 77% of households surveyed. This is a clear majority of households and supports that subsistence is indeed an extremely important role in the Cordova economy and sociocultural systems. This is multiplied for the Native Village of Eyak.</p>	<p>101-143</p>
<p>The Native Village of Eyak must be treated separate from the city of Cordova in a manner appropriate to a federally recognized Tribe in the DEIS.</p>	<p>101-144</p>

Other Comments

Length of comment period

<p>The current 45 day comment period (the minimum required by the National Environmental Policy Act - NEPA) falls in the middle of an intense subsistence season in Alaska. This is a time when Native Village of Eyak Tribal members are especially busy with subsistence activities. Since time immemorial, indigenous people that are the ancestors of Native Village of Eyak Tribal members set aside this time to devote to salmon runs, native plants and berries and all of the cultural ceremonies that go along with these activities. This practice has been passed down from generation to generation and is still honored by Tribal members today. To limit public comment to the middle of this sacred time is not culturally appropriate. To expect concerned individuals to choose between practicing their traditional way of life and attending a modern public hearing, devoting time to reading a four volume Draft EIS and formulating comments is not just and equitable. It does not allow for full participation of affected parties, as is required under NEPA. On this basis, we ask that you extend the public comment period for an</p>	<p>101-145</p>
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additional 45 days to allow for effective public participation. A comment deadline of October 4, 2002 (90 days total) permits interested individuals to allocate time to the important issue of the TAPS ROW renewal as the busiest subsistence season begins to wind down. It is ironic that this should be at issue, given the rights and responsibilities outlined in the Alaska National Interest Lands Conservation Act Section 810 regarding subsistence (ANILCA). The Act states "the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the effect of such use, occupancy or disposition on subsistence uses and needs" and "include the findings required by subsection (a) as part of such environmental impact statement." We do not believe BLM has appropriately evaluated the effect of the TAPS on subsistence, in part because they rely on one or two sources of subsistence data. There have been numerous dissertations, scientific journal articles, conference papers and volumes written on the direct effects of TAPS and TAPS related oil spills have had on subsistence that were not cited in the Draft EIS. This is unacceptable.

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101-147

While the Native Village of Eyak understands that as a Tribal government, they are not bound by the public comment deadline, they have elected to submit comments in the same time restriction as was placed on the public. The Tribal Council also advocates on behalf of the rights of individual Tribal members as citizens, who submit comments individually under the public comment deadline. The Tribe believes that the public comment period is overly restrictive and does not allow thorough reviews of the document by citizens.

101-148

Mechanisms for protection from industry

As the Enron scandal has shown, there needs to be some mechanism for the protection of citizens from big business and industry. Relying on the owner companies to exist and have adequate financial resources to dismantle the TAPS when the time for deconstruction comes is risky at best. This renewal must strengthen this weakness in the Federal Grant and assure that individuals will be protected if owner companies falter.

101-149

Questionable Preparers of the DEIS

Department of Energy funded lab (Argonne National Laboratory at University of Chicago) conducted the Draft EIS. It is a conflict of interest for the Department of Energy to be funding research into the renewal of the TAPS. Further, research into the list of preparers reveals that the technical lead for subsistence, sociocultural systems, cultural resources and environmental justice has an apparent area of expertise in US/Mexico border relations and no experience whatsoever with Alaska peoples and cultures. We believe it is no coincidence that these are the areas that we found the most errors and inaccuracies. This is inexcusable, especially when considering the numerous people with appropriate credentials that exist within the state of Alaska. In addition, Tribes were not utilized (nor Alaska Natives) for the work on the DEIS. Here was yet another lost opportunity for Section 29 promises to be upheld regarding Alaska Native hire.

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101-152

Comments on Impacts on Subsistence Pursuant to the Alaska National Interest Lands Conservation Act, Section 810.

101-153

Section 810 (2) requires that the head of the Federal agency, in determining the use of public lands, "gives notice of, and holds, a hearing in the vicinity of the area involved". The Native Village of Eyak does not believe this stipulation of ANILCA was adhered to. With only 7 hearings held throughout the entire state, hearings were obviously not held in the "vicinity of" all areas involved. In particular, Alaska Native villages like Tatitlek, Chenega, Port Graham, Nanwalek and numerous others where substantial and significant impacts to subsistence are felt due to the TAPS, were not given the benefit of hearings. Further adequate notice (one day notice in the Cordova Times, in the case of the first public hearing on July 26) was not given for all hearings.

101-153
(cont.)

The Native Village of Eyak also wishes all other comments that they have submitted that pertain to subsistence be considered when determining if BLM has evaluated "the effect of such use, occupancy, or disposition on subsistence uses and needs" (ANILCA Section 810 (a)). We do not believe BLM has conducted a thorough evaluation of the effect of TAPS on subsistence uses and needs as required by ANILCA.

101-154

Tribal Comments Submitted During Scoping Not Considered in DEIS

The Native Village of Eyak again submits their original comments provided during scoping to be addressed in the Final EIS. They have not yet been appropriately considered. Please see original letter from President Robert Henrichs regarding Scoping comments as an attachment to this document.

101-155

Mitigation for use of Tribal Homeland/Traditional and Customary Use Areas

The Native Village of Eyak proposes direct annual lease payments to Tribes along the TAPS Right-of-Way and in Prince William Sound in return for benefits TAPS receives from the use of Tribal homelands and traditional and customary use areas. Tribes have received few benefits from the billions paid to the State of Alaska, due in large part to reallocation to urban areas by the legislature. Education programs have been largely unavailable to Tribal members. Direct payments of one million dollars per year per Tribe will insure that benefits are received from the use of Tribal resources. The Native Village of Eyak is prepared to present a formal proposal and budget for the use of these dollars.

101-156

Prompt Payment of Liability Claims resulting from TAPS

As suggested in these comments previously, the Native Village of Eyak believes that not only must damages for the Exxon Valdez oil Spill be paid prior to the renewal of the Federal Grant, but methods for prompt payment of all claims must be established. This may involve an escrow fund and stricter enforcement of regulations and mechanisms already established, with revisions as necessary.

101-157

Responses for Document 00101

- 00101-001:** The BLM conducted extensive government-to-government consultations under Executive Order 13175. Consultation with the Village of Eyak included several meetings, written correspondence, and telephone conversations. Section 5.3 of the FEIS provides details of the government-to-government process. The BLM is not required to provide training, education, or financial support for government-to-government interactions.
- 00101-002:** Based on comments on the DEIS, considerable additional review of subsistence information was conducted, including attention to a small number of additional studies. With this additional analysis, the EIS is able to draw reasonable conclusions on the basis of existing information.
- 00101-003:** Establishment of a Tribal oversight role for TAPS operations and maintenance is outside the scope of the environmental impact statement process for the renewal of the Federal Grant of Right-of-Way. In addition, legal and regulatory circumstances do not allow the BLM to create a specific TAPS Tribal oversight group. While Executive Order 13175 requires the BLM to consult with Tribal groups through government-to-government consultation, it does not exempt the BLM from its statutory authority to provide regulatory oversight for all TAPS operations and maintenance. This authority can not be displaced, shared, or abdicated. Agencies that operate within the framework of the Joint Pipeline Office (JPO) also derive their oversight responsibilities from specific statutes and regulations. As with the BLM, these authorities form a legally binding regulatory responsibility on the agencies.
- Tribal participation and Tribal input has and will continue to be a fundamental component of the government's responsibility to ensure safe and environmentally protective TAPS operations. Many laws and regulations that direct specific TAPS oversight and compliance issues include mandated Tribal as well as public review and comment; for example, subsistence hearings and oil spill response planning. Review and comment by Tribal groups and the public ensure full and open disclosure of the decision-making process. In addition, BLM-Alaska has a legally authorized Resources Advisory Council (RAC) that meets regularly to discuss land management issues in Alaska. The RAC is composed of a diverse cross-section of citizens, including a Tribal representative who provides advice to BLM-Alaska and who functions in a collaborative setting.
- 00101-004:** The purpose of an EIS is to compile a wide range of data on the natural and cultural environment as a basis for impact analyses, and synthesize and summarize these data accurately for use by decision makers. It is not possible in a document as broad in scope as this EIS to provide a detailed discussion of all Alaska Native groups affected by the TAPS renewal and still meet the requirement for a simple, understandable document. The sections of the EIS relating to Alaska Natives are based on the main published sources pertaining to the groups of interest. Those sections have been reviewed following the receipt of public comments on the DEIS and any factual errors or misstatements have been corrected.
- 00101-005:** Section 3.24 and Appendix D present available data for the evaluation of subsistence impacts on the rural Alaskans who conduct this activity, including Alaska Natives living in such settings. Section 4.3.20 presents anticipated impacts under the proposed action, Section 4.4.4.14 discusses impacts of spills associated with the proposed action, and Section 4.7.8.1 discusses cumulative impacts of renewing the TAPS combined with other impacts. The existence of greater impacts associated with the TAPS is not supported by available data.
- 00101-006:** As discussed in Section 3.29, the environmental justice assessment in this EIS is based on evidence of likely disproportionate high and adverse impacts to low-income and minority populations. The evaluation of environmental justice impacts involves all impact areas and all alternative actions (including those considered under cumulative impacts) examined in the document. The Native Village of Eyak evaluation of the assessment is noted.

00101-007: As stated in Section 4.4.1 of the EIS, the spills analysis applied in the EIS is based on available literature concerning current TAPS operations, taking into account spills analyses that have been performed in other EISs. This was done to ensure due consideration of a wide spectrum of spill scenarios consistent with current industry practice.

00101-008: The reader is directed to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00101-009: Establishment of a Tribal oversight role for TAPS operations and maintenance is outside the scope of the environmental impact statement process for the renewal of the Federal Grant of Right-of-Way. In addition, legal and regulatory circumstances do not allow the BLM to create a specific TAPS Tribal oversight group. While Executive Order 13175 requires the BLM to consult with Tribal groups through government-to-government consultation, it does not exempt the BLM from its statutory authority to provide regulatory oversight for all TAPS operations and maintenance. This authority can not be displaced, shared, or abdicated. Agencies that operate within the framework of the Joint Pipeline Office (JPO) also derive their oversight responsibilities from specific statutes and regulations. As with the BLM, these authorities form a legally binding regulatory responsibility on the agencies.

Tribal participation and Tribal input has and will continue to be a fundamental component of the government's responsibility to ensure safe and environmentally protective TAPS operations. Many laws and regulations that direct specific TAPS oversight and compliance issues include mandated Tribal as well as public review and comment; for example, subsistence hearings and oil spill response planning. Review and comment by Tribal groups and the public ensure full and open disclosure of the decision-making process. In addition, BLM-Alaska has a legally authorized Resources Advisory Council (RAC) that meets regularly to discuss land management issues in Alaska. The RAC is composed of a diverse cross-section of citizens, including a Tribal representative who provides advice to BLM-Alaska and who functions in a collaborative setting.

00101-010: The reader is directed to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00101-011: Section 2.5 has been revised to better explain why BLM is not considering in detail an alternative including creation of an advisory committee.

00101-012: Section 30 of the Federal Grant requires Permittees to give special attention to the protection of subsistence resources in the vicinity of TAPS, as well as complying with any additional requirements the Secretary may impose to protect the interests of people in the area who rely on subsistence resources. In an emergency situation (large oil spill) the Secretary may order Permittees to provide emergency subsistence or other aid, pursuant to claims submitted under Section 204(a) of the Trans-Alaska Pipeline Authorization Act. Such claims may be determined either by arbitration or judicial proceedings.

00101-013: The reader is directed to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

00101-014: 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.

00101-015: The EIS clearly views oil spills as an impacting factor and presents an in-depth analysis of potential oil spill scenarios (Sections 4.4, 4.5.1.2, and 4.6.1.2). The implementation of oil spill planning is contained in the Trans-Alaska Pipeline System Pipeline Oil Discharge Prevention and Contingency Plan, CP-35-1 GP, prepared in 2001 by the APSC (C-plan). Oil spill planning is an ongoing process, and the logistics of oil spill responses consider the entire TAPS system. This is conducted within the guidelines of the C-plan process. The awarding of contracts for oil spill responses is outside the scope of the EIS process.

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

00101-016: 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 extensive impact analysis conducted by the BLM.

00101-017: 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.

00101-018: The discussion of the EVOS is included in the document as background and to describe the environment that could potentially be affected by future pipeline operations. It is not meant to be an exhaustive treatment and does not attempt to list or quantify the impacts caused by the EVOS.

Additional information about the fate and effects of aqueous phase oil has been added to the discussion of impacts from spilled oil in Section 4.4.4.10. The discussion in Section 4.4.4.10.2 of the effects of the EVOS on fish resources has been expanded and includes additional citations.

00101-019: We believe that the EIS fairly presents the status of the debate over ongoing impacts of the Exxon Valdez oil spill on fish populations in Prince William Sound. Additional references and discussion have been added to Section 3.19.3.

00101-020: Section 3.22.3.5 text has been revised to indicate that the mean annual subsistence harvest of sea otters was 297 from 1996 to 2000, based on U.S. Fish and Wildlife Service data.

00101-021: Text discussing federally recognized Tribes has been added to Sections 3.25.1.1 and 3.25.1.2.

00101-022: Subsistence is defined at the beginning of Section 3.24. Included in that definition is the range of resources that subsistence activities provide, and the three main roles that subsistence by Alaska Natives plays: economic (in the sense of providing resources), socio-cultural, and ceremonial. The statement cited in the comment has been modified to refer to "flexible and strategic" behaviors, and is intended to convey the idea that specific subsistence activities change in response to a number of factors such as resource availability.

00101-023: During the preparation of the EIS, the EIS team reviewed public scoping documents to include all pertinent subsistence concerns that were (or could be) directly related to the TAPS. Comments provided by the Native Village of Eyak were included in more general terms; Section 3.24.2.4.2 has been revised to note these concerns more explicitly.

All Alaska Native Tribes were provided an opportunity to provide scoping comments, which could have been submitted in seven different ways. The majority of these did not require attending public scoping meetings.

00101-024: A member of the EIS team reviewed the list of references provided with the comment. The list totaled 46 pages, as opposed to approximately 75 pages noted in the comment. Moreover, the vast majority of the references pertain more to biological resources rather than subsistence, though a relationship between biological resources and subsistence certainly exists. Of the references listed, 14 explicitly concern subsistence and none of those present subsistence-harvest data that would improve the overview presented in the EIS with respect to the breadth of resources used, levels of participation, or levels of use at the community level. The EIS is obliged to consider sufficient published and other resources on which to base an evaluation of impacts from all alternative actions, which may or may not include the references on this list. As it turns out, several of the references on the list were consulted during preparation of the EIS, and are cited accordingly for subsistence and other impact areas (e.g., human health).

00101-025: Additional consultation with ADFG and the US Forest Service resulted in access to GIS data documenting the traditional subsistence use area of Cordova residents (including Eyak Tribal members) based in interviews conducted by ADFG in the late 1980s. This subsistence use area is now included in Map 3.24-1, and displayed in more detail in Section D.2.3.4.2.

With regard to seeking Tribal input on this document, in April 2002 EIS personnel contacted the 21 directly affected villages/tribes by certified mail to explore the acquisition of additional information, including traditional ecological knowledge pertaining to subsistence (which could have included geographic information on subsistence harvest areas). These letters were sent to the tribal councils of Eyak, Pt. Graham, and Nanwalek. To date, no response to those letters has been received. In addition, the EIS process has been coordinated through government-to-government interaction between the Bureau of Land Management, the State of Alaska, and federally recognized tribes in Alaska that has been ongoing since April 26, 2001, as described in Section 5.3, Table 5.3-1.

00101-026: Additional consultation with ADFG and the US Forest Service resulted in access to GIS data documenting the traditional subsistence use area of Cordova residents (including Eyak Tribal members) based in interviews conducted by ADFG in the late 1980s. This subsistence use area is now included in Map 3.24-1, and displayed in more detail in Section D.2.3.4.2.

With regard to seeking Tribal input on this document, in April 2002 EIS personnel contacted the 21 directly affected villages/tribes by certified mail to explore the acquisition of additional information, including traditional ecological knowledge pertaining to subsistence (which could have included geographic information on subsistence harvest areas). These letters were sent to the tribal councils of Eyak, Pt. Graham, and Nanwalek. To date, no response to those letters has been received. In addition, the EIS process has been coordinated through government-to-government interaction between the Bureau of Land Management, the State of Alaska, and federally recognized tribes in Alaska that has been ongoing since April 26, 2001, as described in Section 5.3, Table 5.3-1.

00101-027: Additional consultation with ADFG and the US Forest Service resulted in access to GIS data documenting the traditional subsistence use area of Cordova residents (including Eyak Tribal members), based in interviews conducted by ADFG in the late 1980s. This subsistence use area is now included in Map 3.24-1, and displayed in more detail in Map D-1.

With regard to seeking Tribal input on this document, in April 2002 EIS personnel contacted the 21 directly affected villages/tribes by certified mail to explore the acquisition of additional information, including traditional ecological knowledge pertaining to subsistence (which could have included geographic information on subsistence harvest areas). These letters were sent to the tribal councils of Eyak, Pt. Graham, and Nanwalek. To date, no response to those letters has been received. In addition, the EIS process has been coordinated through government-to-government interaction between the Bureau of Land Management, the State of Alaska, and federally recognized tribes in Alaska that has been ongoing since April 26, 2001, as described in Section 5.3, Table 5.3-1.

00101-028: The comment misstates the position of the EIS with regard to subsistence and economics (here wage labor). To begin with, subsistence is examined as a separate impact area in the EIS, not as a part of economics, with the many places where both issues are discussed noted in the Table of Contents in Volume 1. Although the EIS characterizes subsistence in terms of three roles—economic, sociocultural, and ceremonial (Section 3.24)—it does not view subsistence for Alaska Natives in economic terms to the exclusion of the other two. With regard to the impact of wage employment on subsistence, the EIS states in several places (e.g., Section 4.3.20, Section 4.7.8.1) that additional cash would provide improved access to technology used to conduct subsistence. In the discussion of impacts under the No-Action alternative (Section 4.6.2.20), allusion is made to possible increases in subsistence activity in the face of reduced cash income with which to purchase food, but that focuses on rural Alaskans (not exclusively on Alaska Natives) as a whole and would be one possible and likely response to meeting nutritional needs. Sections 4.3.19 and 4.6.2.19 have been revised to note that subsistence is not purely an economic pursuit and subsistence activity is not necessarily tied to economic behavior. The primary source of data on subsistence comes from the Alaska Department of Fish and Game; the EIS relied heavily on these data, as noted primarily in Section 3.24 and Appendix D.

00101-029: Eyak is explicitly mentioned in Section D.2.3.4.2, which deals with subsistence in Cordova (and Eyak). We have added text to Section 3.24.2.4.2 which similarly describes the Native Village of Eyak and its annexation by Cordova.

00101-030: The BLM recognizes that there may be interactions between the TAPS and subsistence resources. The BLM also notes that current information does not show a direct relationship between TAPS and subsistence impacts. The BLM and State of Alaska within JPO are currently working with industry and others to develop a science-based approach to determine how TAPS and subsistence interact.

00101-031: No statement in the EIS is intended to belittle, demean, or patronize Alaska Natives, federally recognized Tribes, or any other group. Section 3.25.1 has been revised to provide a more thorough treatment of Alaska Native sociocultural systems.

00101-032: A discussion of federally recognized tribes and their relationship to Native corporations and village corporations has been added to Section 3.25.1.2.

The Handbook of North American Indians remains an important scholarly synthesis of ethnographic and ethnohistoric material on Alaska Natives. Attempts to involve the 21 directly affected villages, including the Native Village of Eyak, in providing additional information on their cultures (e.g., certified letter of April 2002, exploring the possibility of acquiring traditional ecological knowledge and knowledge of traditional cultural properties) received no response.

00101-033: The inset in Section 3.25.1 has been revised.

- 00101-034:** Text discussing federally recognized Tribes has been added to Sections 3.25.1.1 and 3.25.1.2.
- 00101-035:** The term “evolve” is used here in the sense of “change over time.” No inherent value is implied for that change. An increase in cultural complexity is not necessarily implied. The comment correctly notes that all cultures are ever-changing.
- 00101-036:** Differences in the impact of renewal and termination for different parts of the state, presented in terms of population (including migration), employment, and personal income, are included in the EIS. This includes impacts that would occur in three boroughs (Fairbanks-North Star and North Slope), three census areas (Southeast Fairbanks, Valdez-Cordova and Yukon-Koyukuk) and in Anchorage. At this level it is clear that that the decision to renew or terminate TAPS would have differential impacts in each of these areas, with impacts across the six areas varying according to various factors, in particular, the extent of local employment directly related to pipeline operations and local government reliance on property tax revenues on oil property..
- In general, personal incomes in Alaskan Native Villages are lower than in the state as a whole and unemployment, especially in smaller Villages, is high, particularly during the winter when there is little alternate market-based activity. Because of the key role of subsistence in many Village economies, economic data that is collected for these communities may not fully represent their economic well-being. For example, many transactions between individuals involving the exchange of subsistence products that would otherwise provide income if they took place in the marketplace are not reflected in personal income statistics. Similarly, unemployment data may not reflect the extent to which additional economic activity may be required if subsistence activities provide a sufficient alternative to participation in the marketplace. In addition, the large differences in prices between urban and rural Alaska may exaggerate the corresponding differences in economic well-being depending on the extent to which local community members in rural areas have to participate in the local market economy for key consumer items, such as food, clothing, and energy, and the extent to which these items can be obtained through participation in subsistence activities. Because of these problems, the analysis undertaken for the EIS did not estimate the impacts of renewal and non-renewal for areas and Villages below the level of the Census Area/Borough.
- Additional text has been added to Section 3.23 of the EIS to clarify the scope of the economic analysis.
- 00101-037:** The terms “nomadic,” “seminomadic,” and “mobile” are not pejorative and are accurate characterizations of traditional settlement systems for “many Alaska Native groups,” a passage which the comment seemed to exclude. The EIS uses the terms “nomadic” and “seminomadic” only in reference to traditional lifeways practiced at or shortly after Euro-American contact. It uses the term “mobile” in reference to seasonal site occupation, a practice that requires mobility. No pejorative meaning is attached to any of these terms. Neither is there any negative connotation associated with the seasonal dispersal of Alaska Native groups into smaller units and reaggregation into larger groups, depending on the resource being exploited. No absolute size limits are implied.
- 00101-038:** The EIS describes an egalitarian tendency among “most” Alaska Native sociocultural systems, in particular, pointing to these systems around the time of Euro-American contact. This does not imply that all systems are or were egalitarian. Moreover, the EIS does not equate “egalitarian” with “simple” or “primitive.” In egalitarian societies, status is achieved rather than ascribed at birth. Table 3.25-2 describes a number of complex egalitarian-ranked societies, with partially inherited leadership as well as hierarchical clan structure, which the comment appears to have overlooked. The Handbook of North American Indians of course presents overviews of Native peoples based on hundreds of references; in addition, a number of other references were consulted in developing the synthesis of Native peoples in Section 3.25.1.
- 00101-039:** There has been no attempt in the EIS to demean or trivialize federally recognized Tribes or federally recognized tribal governments. Text concerning federally recognized tribes has been added to Section 3.25.1.2, which also offers a discussion about Alaska Native regional and village corporations.

- 00101-040:** The Chugach were among those Alaska Natives to come into early and sustained contact with Euro-Americans. Archaeological evidence suggests that their traditional culture was altered before it could be systematically recorded. The existence of museums and heritage centers does not change this fact, and indeed they would be hindered in their understanding of pre-contact and early contact sociocultural systems by the same constraints. The conclusions of archaeological and ethno-historical investigations of the Alutiiq must of necessity remain speculative to some degree.
- 00101-041:** It is not inherently inconsistency to describe federally recognized tribes as “modern communities” if they are such. Section 3.25.1.1.1 has been reworded.
- 00101-042:** Table 3.25-2 has been revised to note that the 2000 Census identifies 368 Alaska Native residents in Cordova. This is the figure for persons identifying themselves as part or all Alaska Native. This Table and the associated text concerning the Eyak sociocultural systems have been substantially revised to indicate that the figures cited in the comment derive from academic scholarship, in which language and blood quantum were emphasized in identifying Eyak cultural heritage. The contrasting perspective of the Native Village of Eyak is now described in the text, noting that the Tribe reports a membership of over 500, with many Alaska Native ethnicities; 100 members are recognized by elders as being of Eyak descent.
- 00101-043:** The comment quotes a passage in the middle of a sentence in Section 3.25.1.1.1 designed explicitly to support the persistence of key components of the Chugach Alutiiq sociocultural system. We have corrected a typographic error in the sentence and have modified it to state the supplemental role of subsistence in less constant terms.
- 00101-044:** It was not possible to mention all culturally important factors in all Alaska Native sociocultural systems affected by the TAPS renewal. The factors mentioned are simply illustrative, though the examples have been expanded (see Section 3.25.1.1.7). The EIS incorporates a number of references to traditional ecological knowledge. In addition, in an attempt to augment available data on traditional ecological knowledge, certified letters were sent in April 2002 to the Village of Eyak and the other 21 Tribes identified by the BLM as “directly affected,” requesting information regarding traditional knowledge, including traditional ecological knowledge. To date, no response to those letters has been received.
- 00101-045:** The text in Section 3.25.1.1.8 has been substantially revised to report both the perspectives of academic scholarship and some Eyaks, and the perspective of the Native Village of Eyak. Within the former perspective, the decline in Eyak demography and cultural continuity is noted. The contrasting Tribal perspective is now described, emphasizing the large membership (comprising Alaska Natives from many cultural groups) and the ambitious growth in Tribal programs.
- 00101-046:** The Handbook of North American Indians and other references were used to provide basic information on the Eyak. We do not believe that the ethnicity of the authors of those references calls into question their utility or accuracy. The “Essential Information” source is an interview with members of the Native Village of Eyak. Additional sources, including the Native Village of Eyak website, have been used to augment the description of the Eyak found in the EIS. Students of Native American cultures have attempted to group sociocultural systems according to ecological regions and cultural similarity. The boundaries between such groupings are always somewhat arbitrary and are open to debate. Similarities observed between the Eyak and Northwest Coast cultures has resulted in most authorities grouping the Eyak with the Northwest Coast cultures. This does not preclude contact or trade with cultures in other areas. In fact, interaction between such culture areas is the norm. The statements regarding relationships between the Eyak and Tlingit in no way imply that the Eyak had no sociocultural system of their own. The description of the Eyak sociocultural system attempts to provide a brief overview of a complicated sociocultural system, and, as such, it was impossible to include all possible trade relationships with other peoples.

- 00101-047:** The text and the associated sections of Table 3.25-2 have been revised to note that the 2000 Census identifies 368 Alaska Native residents in Cordova. This is the figure for persons identifying themselves as part or all Alaska Native. This text concerning the Eyak sociocultural system has been substantially revised to indicate that the figures cited in the comment derive from academic scholarship, in which language and blood quantum were emphasized in identifying Eyak cultural heritage. Within this approach, it is logical to conclude that Eyak cultural continuity is strongest when the Eyak language is learned and spoken. The contrasting perspective of the Native Village of Eyak is now described in the text, noting that the Tribe reports a membership of over 500, with many Alaska Native ethnicities; 100 members are recognized by elders as being of Eyak descent.
- 00101-048:** A discussion of federally recognized Tribes has been added to Section 3.25, and mention of the federally recognized Tribe of Eyak is made in Section 3.25.1.1.8.
- 00101-049:** Section 3.25.1.2 has been modified to acknowledge certain negative consequences of Alaska Native regional and village corporations.
- 00101-050:** The political awareness and influence referred to in this section is awareness and influence in the Euro-American political system in which concentrations of population tend to wield more influence whether they be Native or non-Native. The section does not state that political awareness and influence came with sedentary villages, only that increased sedentism led to a concentration of awareness and influence. References to aspects of life in Koyukon Native villages are meant to be illustrative of those systems and are in no way meant to be demeaning of villages in other areas. The addition to Section 3.25 of discussions pertaining to federally recognized Tribes helps to ensure that the reader will recognize the existence and role of such tribes for all sociocultural systems considered. The extended discussion of subsistence, in both Section 3.24 and Appendix D, presents data showing which rural communities in the vicinity of the TAPS are more reliant on subsistence.
- 00101-051:** Section 3.25.1.2 has been substantially revised to describe a more complex history of Alaska Native political self-assertion in the 20th century. The language cited in the comment has been deleted.
- 00101-052:** The text in Section 3.25.1.2 has been revised as suggested in the comment.
- 00101-053:** The EIS includes no discussion of inherent Indian sovereignty. A discussion of various aspects of Alaska Native organizational structure is included in Sections 3.25.1 and 3.25.1.2 for purposes of background, contrasting traditional and modern forms of sociopolitical and socioeconomic (in the case of corporations) organization. No mention in the EIS is made of Alaska Native sovereignty “emerging” with ANCSA, as the comment states, but rather of the village and regional corporations which indeed were created by that act. The text has been changed to explicitly note that ANCSA “did not terminate Alaska Native tribes nor eligibility for national programs intended to fulfill the federal trust responsibility to Native Americans.”
- 00101-054:** The text in Section 3.25.1.2 has been substantially revised to note the earlier historic roots of Alaska Native political organization and land claims.
- 00101-055:** The EIS does mention that Alaska Native regional corporations are represented among the most successful businesses in Alaska, and that Native corporations distribute monies to village corporations and individuals. There is no statement that large amounts of cash and land are distributed to individuals by these corporations.. That stated, Section 3.25.1.2 has been revised to clarify the role of ANCSA and the corporations that arose from it.

- 00101-056:** The indigenous groups that occupied what is now the State of Alaska varied in their social organization and residence patterns. Most groups did follow a seasonal round that allowed for the patterned exploitation of subsistence resources as they became available. Whether one calls this seasonal occupation, or semi-nomadism is largely a semantic issue. The underlying principle is that the size of the group exploiting a resource and the length of their stay in a particular location was dependent upon the nature of the resource being exploited. None of these terms has any negative connotation, but each describes an efficient and long-lived subsistence pattern. Groups varied in the complexity of their political structures, but tended to be egalitarian. The DEIS does not imply that Alaska Natives had no internal political structures before 1936, only that the IRA formally incorporated tribal councils into the American legal framework and instituted American-style elections where they did not already exist. The text has been changed to note that the IRA was extended to Alaska in 1936 and to state “the Indian Reorganization Act of 1934 extended legal recognition of formally elected tribal councils.”
- 00101-057:** Section 3.25.1.2 has been revised, including deletion of the word “vestiges.”
- 00101-058:** Text discussing federally recognized Tribes has been added to Section 3.25.1. The EIS does not state that there is a relationship between federally recognized Tribes and either village or regional corporations, but rather that a given individual may have a relationship to multiple entities (Tribe, village corporation, and regional corporation). The text in Section 3.25.1.2 has been rewritten to clarify this point.
- 00101-059:** Section 3.25.1.3 is intended to report some of the significant challenges confronting, and being addressed, in the Alaska Native community as a result of rapid cultural and technological change in the past several decades. This is consistent with efforts by AFN and other organizations to attract attention, and to promote funding for responses to these issues. The text throughout this section, and in the regional accounts of the preceding section, has been substantially revised to emphasize the importance of Alaska Native Tribes, regional Tribal associations, and Tribal Health Corporations in responding to these problems.
- 00101-060:** Section 3.25.1.3 has been substantially revised to discuss the importance of political self-assertion and civic capacity in the ways the Alaska Native community is responding to the wide range of changes that have occurred in the past several decades. This includes significant growth in the general Alaskan population and economy, including resulting impacts on subsistence practices in the 21 communities (many of which are federally recognized Tribes) of interest in this analysis. The challenge is discerning which of those changes are reasonably attributable to TAPS, and which are results of the cumulative impacts examined in Section 4.7.8.
- It is not the intent of the Section 3.25 to discuss subsistence issues, which appear in Section 3.24, “Subsistence.”
- 00101-061:** Section 3.26 has been revised to appropriately reflect Section 106 of the National Historic Preservation Act.
- 00101-062:** Section 3.26 has been modified in response to the comment.
- 00101-063:** Section 4.7.8.4 has been revised to discuss impacts to cultural resources in Prince William Sound due to the Exxon Valdez oil spill.
- 00101-064:** The statement has been deleted from Section 3.26.

- 00101-065:** The issues associated with the current information on cultural resources are included in Section 3.26. In addition, Section 4.3.22 has been modified to include a discussion of a programmatic agreement, currently in preparation, that will further clarify the process for considering cultural resources under the proposed action.
- 00101-066:** Section 3.26 has been revised.
- 00101-067:** The text in Section 3.26.2 has been changed to reflect the involvement of federally recognized tribes more accurately.
- 00101-068:** It is true that the pipeline has not been nominated for listing on the National Register of Historic Places. However, TAPS's status as a unique engineering feat and its role in the development of Alaska during the final decades of the twentieth century make it reasonable that the pipeline could be determined eligible and be nominated for listing on the National Register in the next three decades (the period of the proposed action).
- 00101-069:** The EIS focuses on elements of the TAPS that are within and adjacent to the pipeline corridor and which are entirely within the Valdez Coastal Zone at the southern end of the pipeline.
- 00101-070:** There were extensive communications with Alaska Native Corporation and Tribes during the preparation of the EIS. To the extent that they affected land use, they are reflected in the document. For example, the Chugach Corporation and the Ahtna Corporation are among the referenced sources related to land use along the pipeline corridor.
- 00101-071:** While recreational use may have increased in the Chugach National Forest generally, the EIS focuses on recreational uses within and adjacent to the TAPS pipeline corridor.
- 00101-072:** As discussed in Section 3.29, the environmental justice assessment in this EIS is based on evidence of likely disproportionate high and adverse impacts to low-income and minority populations. The evaluation of environmental justice impacts involves all impact areas and all alternative actions (including those considered under cumulative impacts) examined in the document. The Native Village of Eyak evaluation of the assessment is noted.
- 00101-073:** As discussed in Section 3.29, the environmental justice analysis considers impacts in all issue areas examined in the EIS, including subsistence. Moreover, Section 3.29 notes that subsistence is singled out in Executive Order 12898, and as such receives special consideration in the EIS. The evaluation of subsistence focuses on the 21 Tribes likely to be directly affected by the TAPS, as defined by the U.S. Bureau of Land Management. This list includes three villages located more than 200 mi from any part of the TAPS, and thus considers peoples located a relatively large distance from the pipeline, given the nature of likely impacts. Alaska Natives are among the groups that compose the "minority" category. The data used to identify minority peoples are from the most recent U.S. decennial census of population and housing, which was conducted in 2000, and hence is two years old but is the most recent available.
- 00101-074:** The Executive Summary has been substantially revised.
- 00101-075:** The BLM recognizes that there may be interactions between the TAPS and subsistence resources, including subsistence resources. The BLM also notes that current information does not show a relationship between TAPS and subsistence impacts. The BLM and State of Alaska within JPO are currently working with industry and others to develop a science-based approach to determine how TAPS and subsistence resources interact.

- 00101-076:** The APSC has a number of training and education programs that highlight both the importance and requirements of protecting the environment, human health and safety, and cultural resources. The BLM will request that APSC continue to highlight to their staff and contractors the importance of taking Native values and Native subsistence activities into account.
- 00101-077:** The aim of Section 4.1.5 is to summarize existing mitigations. The sentence following the quoted passage provides connections of the example stipulations with social issues.
- 00101-078:** Section 30 of the Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline may be found in Appendix B of the FEIS. To date, several claims have been made under Section 30. Although none have been awarded, this is not necessarily an indication that Section 30 is not being enforced in accordance with its original intent. Section 30 remains in place as a potential means of mitigating impacts to subsistence due to the TAPS.
- 00101-079:** Commitments that are made by APSC or the TAPS Owners in accordance with specific requirements in the Federal Grant, for example Section 29, Training of Alaska Natives, and Section 30, Native and Other Subsistence, are enforced with the same authority as all other stipulations. Neither BLM nor the other JPO agencies are authorized to require or to enforce commitments that are made by APSC or the TAPS Owners directly with individuals or groups.
- 00101-080:** The commentor is correct that Section 29 and the underlying Alaska Native Utilization Agreement relate to employment and training of Alaska Natives and do not require that the jobs be located in the villages for tribal members. Any modifications to Section 29 are beyond the scope of this EIS.
- 00101-081:** While some North Slope examples of mitigation are used for illustration in Section 4.1.5, virtually all the measures apply to the TAPS in its entirety.
- 00101-082:** NEPA guidance recommends that EISs tier off of previous studies to avoid redundant analyses.
- The results of the analyses of similar development in similar sociocultural contexts are clearly relevant to the TAPS EIS. An additional sentence has been added to help establish the relevance of the North Slope inquiries with TAPS-related mitigation.
- 00101-083:** Section 4.1.5 describes existing mitigating measures. As existing measures do not make geographic references to the regions of Alaska mentioned in the comment, the section cited similarly makes no such reference.
- 00101-084:** The text in the EIS has been changed to reflect the fact that many subsistence activities have cultural significance to Alaska Natives, and are not necessarily replaced by greater participation in the market economy as personal income increases in Alaska Native communities, and that decreases in income do not necessarily affect the productivity of subsistence activities. The text in Section 3.24 (subsistence affected environment) also has been modified to discuss subsistence from a broader cultural perspective.
- 00101-085:** The BLM believes that the statements presented in this EIS are not subjective, but are based on straightforward logic related to income, spending, and subsistence.
- The text in the EIS has been changed in Section 4.3.19.7 to reflect the fact that many subsistence activities have cultural significance to Alaska Natives, that they are not necessarily replaced by greater participation in the market economy as personal income increases in Alaska Native communities, and that decreases in income do not necessarily affect the productivity of subsistence activities.

- 00101-086:** The text in Section 4.3.19.7 of the EIS has been changed to reflect the fact that many subsistence activities have great cultural significance to Alaska Natives. These activities are not necessarily replaced by higher levels of participation in the market economy as personal income increases in Alaska Native communities, and that decreases in income do not necessarily affect the productivity of subsistence activities.
- 00101-087:** The economic impact of the Exxon Valdez oil spill (EVOS), including the various compensation payments, is covered in Section 4.7.8.3, "Cumulative Impacts," of the FEIS. Text has been added to Section 4.7.8.3 of the FEIS providing additional sources of information about the impact of 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.
- 00101-088:** Impacts associated with tanker accidents are discussed under cumulative impacts (see Section 4.7.8.1), not normal operations under the proposed action (the section cited in the comment). In response to comments on the DEIS, the discussion of cumulative impacts on subsistence has been expanded to include persisting subsistence impacts on the five villages considered in this document that were directly affected by the Exxon Valdez oil spill. Pertinent Exxon Valdez Trustee Council-funded research has been cited in the EIS, most importantly the subsistence data collected for 1997 (through September 1998) and evaluations of persisting subsistence impacts (e.g., Fall 1999; Fall and Utermohle 1999; and Impact Assessment, Inc., 2001). The facilitation of funding of Tribes to conduct further research into continuing subsistence impacts of the Exxon Valdez oil spill is beyond the scope of this EIS.
- 00101-089:** The DEIS sections on subsistence received many critical public comments, and as a result, have undergone substantial revision. A small number of additional sources were identified, including the map of Cordova subsistence use areas and North Slope studies of impacts on subsistence economies from oil development. Previous sources were considered more closely, as when time-series data were derived from the ADFG Division of Subsistence studies; and harvest permit data were broken down further to distinguish patterns of rural and non-rural residents. With additional analysis of this data, the EIS draws reasonable conclusions, on the basis of existing information.
- 00101-090:** The primary point of this comment, concerning documented impacts of the Exxon Valdez oil spill is acknowledged, and the text summarizing this research has been expanded, in Section 4.7, "Cumulative Effects." The section cited in the comment focuses more specifically on routine operations within the TAPS right-of-6way itself, ending at the Valdez Marine Terminal. The quoted analysis of impacts is appropriate for the spill scenario at the Valdez Marine Terminal.
- 00101-091:** Traditional ecological knowledge is considered throughout the FEIS, consistent with statements made during public scoping, viewing it as pertinent and relevant to the evaluation of TAPS-related impacts on subsistence as any other type of data. The FEIS does not discount traditional ecological knowledge. However, in noting the difficulty in assigning cause of subsistence impact, the FEIS shows reluctance in basing an assessment on this single source of information. In evaluating impacts to subsistence, the FEIS considers all pertinent data to provide a balanced treatment of the subject.

When the various sources of information suggest different conclusions, analytic judgment must be exercised. The intention of the document is to offer an explicit and transparent reasoning process so the basis for a judgment is clear.

As further evidence of the importance placed on traditional ecological knowledge by this project, it is worth noting that, in April 2002, EIS personnel contacted the 21 directly affected villages/tribes by certified mail to explore the acquisition of additional information, including traditional ecological knowledge pertaining to subsistence. Included among those contacted was the Tribal Council of the Native Village of Eyak. To date, no response to those letters has been received.

- 00101-092:** Apart from the TAPS facilities themselves (such as pump stations and the pipeline itself), there effectively are no constraints to subsistence because of the TAPS. This contrasts with subsistence use areas that in some cases approach 18,000 square miles (in the case of Stevens Village). Section 4.3.20 has been revised to present existing constraints more clearly, and Appendix D now lists the sizes of subsistence use areas.
- 00101-093:** None of the restrictions on subsistence activities due to the TAPS would affect more than 7.0 percent of a subsistence harvest area, less in many cases, for a total of five communities. None of the restricted areas has been shown to be a critical area for caribou migration, the example cited in the comment. Text has been added to Section 4.3.20 to provide additional detail on the restricted areas.
- 00101-094:** Impacts associated with tanker accidents are discussed under cumulative impacts (see Section 4.7.8.1), not normal operations under the proposed action (the page cited in the comment). In response to comments on the DEIS, the discussion of cumulative impacts on subsistence has been expanded to discuss persisting subsistence impacts on the five villages considered in this document that were directly affected by the Exxon Valdez oil spill.
- 00101-095:** The EIS focuses on those aspects of sociocultural systems most likely to be directly affected by TAPS renewal. Since the TAPS is already in place, the greatest effects would most likely be economic and on subsistence. Subsistence practices are intricately interwoven throughout Alaska Native sociocultural systems and cannot be seen as purely economic. Section 4.3.21.1 has been expanded to discuss other sociocultural impacts. Factors that affect subsistence are discussed as a part of a number of potential effects.
- 00101-096:** Language has been added to Section 3.25.1.2 discussing federally recognized tribes, in addition to that already discussing Native regional corporations and village corporations.
- The language in the EIS has been modified to note that public services and programs benefit many Alaska Natives, to remove the implication that all Natives benefit. The discussion in Section 4.3.21.1 already states that wage employment involves many Alaska Natives, thereby removing the implication that it is a benefit for all.
- 00101-097:** The EIS refers to traditional Eyak culture, not to the modern Native Village of Eyak whose residents come from many traditional sociocultural systems. Sections 3.25.1.1.8 and 4.3.21 have been modified to clarify the role of, and composition of, the Native Village of Eyak.
- The commentor is incorrect in stating that the Native Village of Eyak was never contacted in the preparation of this EIS. In fact the Native Village of Eyak was contacted by registered mail in April 2002 to solicit input regarding Alaska Native issues. No response was received from the Village. In addition, several other opportunities were provided to the Native Village of Eyak to provide information pertinent to the EIS at meeting explicitly held for EIS purposes (see Table 5.3-1).
- 00101-098:** Federally recognized Tribes have been explicitly incorporated into the right-of-way renewal process since April 2001, through government-to-government consultations. Moreover, the National Environmental Policy Act process, which includes an explicit public scoping period prior to the preparation of an EIS and a public review of the draft EIS (the process currently under way) provides additional input to the document. Several Tribes, including the Native Village of Eyak, have expressed their positions about sociocultural impacts of the TAPS, and these positions have been (and are being) considered.
- 00101-099:** The text in Section 4.3.22 has been changed.

00101-100: The primary point of this comment, concerning documented impacts of the Exxon Valdez oil spill (EVOS) is acknowledged, and the text summarizing this research has been expanded, in Section 4.7, "Cumulative Effects." Significant impacts were identified, particularly in the early years following the spill. However, the formal research on EVOS impacts on subsistence does not support the contention that "a generation of youth was denied the benefit of subsistence and traditional activities." Fall and Utermohle 1999 and Impacts Assessment, Inc. 2001 indicate that youth participation in subsistence and related cultural transmission activities rebounded within three to four years of the spill, and were largely reestablished by nine years after the spill.

Section 4.4.4.14 focuses more specifically on renewal of the TAPS ROW itself, ending at the Valdez Marine Terminal. The quoted analysis of impacts is appropriate for the spill scenario at the Valdez Marine Terminal.

00101-101: The EIS statement regarding the lack of "noteworthy negative sociocultural impacts" is an expression of confidence in the adaptability and vigor of Alaska Native cultures. The sociocultural systems of Alaska have proven themselves adept at responding to harsh and changing environmental conditions. It is expected that in the long term the basic fabric of the culture would not be harmed by a terrestrial oil spill. However, contamination from an oil spill is beyond traditional knowledge, and there would be short-term traumatic effects on Native communities. A discussion of sociocultural impacts of the Exxon Valdez oil spill has been added to Section 4.7.8.2 of the FEIS to provide a more complete appreciation of the effects possible. However, the terrestrial spills referred to in the comment would affect a far smaller area than the Exxon Valdez spill, and their negative consequences would be expected to be much less.

The commentor suggests that Alaska Native input is required in order to determine the degree of potential effect of the TAPS ROW renewal on sociocultural systems, and that EVOS Trustee Council sponsored research be continued in the EIS. The commentor was provided the opportunity for government-to-government consultation while the DEIS was being written, including an explicit invitation in April 2002 to provide traditional ecological knowledge, and did not respond. The DEIS considered several references sponsored by the Trustee Council, and the FEIS has added further references to this research.

00101-102: The text in Section 4.4.4.15 has been corrected to note the limited impacts on subsistence as well, which (in addition to cash economy) would have important sociocultural implications. The second quote of a partial sentence included in the comment left out some key components of that sentence, including the adaptability of sociocultural systems and the broad areas exploited for fishing. Adjustments, in sociocultural systems as a whole and subsistence strategies in particular, in response to shifting environmental challenges are commonplace. It would be a disservice to the sociocultural systems of rural Alaskans (as well as inaccurate) to suggest that despite a heritage of adaptation under particularly difficult conditions, they could not shift from one portion of their traditional fishing area to another portion of that area without experiencing sociocultural change.

00101-103: The commentor has omitted an important word from Section 4.4.4.15. The actual quote is "many sociocultural impacts would not be large or last a long time despite the large negative effect on local economies." This does not mean that there would be no large sociocultural impacts of some duration. Section 4.4.4.15 has since been revised to discuss the nature of likely impacts more thoroughly. Section 4.7.8.2 also has been revised to include a discussion of sociocultural impacts of the Exxon Valdez oil spill. Results of research funded by the Exxon Valdez Oil Spill Trustee Council was consulted during the preparation of the DEIS; additional references have been consulted in developing the FEIS.

00101-104: Any oil spill would generate a number of impacts. The EIS is obliged to consider both positive and negative impacts, which is what the section to which the comment refers contains. The receipt of cash for assistance in oil cleanup is based on the practice of the APSC and other companies (e.g., Exxon) of paying for such assistance, which is more historic or procedural than "scientific," per se. The impacts to recreation from a spill need not be larger or smaller than impacts to subsistence or any other impact area.

- 00101-105:** Section 4.7.8.4 has been revised to include the impacts of vandalism on cultural resources that occurred during the Exxon Valdez oil spill cleanup.
- 00101-106:** As stated in Section 3.29, Executive Order 12898 addresses disproportionately high and adverse human health or environmental effects. The effects of a terrestrial spill are not anticipated to produce high and adverse impacts, as discussed in the referenced section.
- 00101-107:** Virtually all of the seven and one-half pages on environmental justice implications of spills in the EIS (Section 4.4.4.19) discuss negative impacts, some of them long-term. The text in which the EIS “highlight[s] short-term economics” comprises two sentences, in contrast to the volume of text just cited which discusses negative impacts, and does so explicitly to cover both positive and negative issues (as noted in the comment).
- 00101-108:** Table 4.7-2 lists petroleum spills, including those associated with transportation, such as the Exxon Valdez oil spill (EVOS). The continuing impacts of EVOS were considered in assessing the impacts of the proposed action and other past, present, and future actions for the renewal period. The historic impacts of EVOS are included in the discussions of the affected environment in Section 3 of the TAPS EIS.
- 00101-109:** Section 4.7.4.5 discusses the size and economic base of the larger communities in three geographic regions examined under cumulative impacts. It does not discuss their organization or political structure, and as a consequence discussion of tribal councils is not germane. As noted in the section, only communities with a population greater than 200 are discussed individually in this summary (which would exclude Chenega and Tatitlek). Section 4.7.4.5.3 does mention the federally recognized Native Village of Eyak, but only in the context of its inclusion in the larger community of Cordova. A discussion of federally recognized Native Villages and Tribes has been added to Section 3.25.1.2.
- 00101-110:** The DEIS follows the results of 2000 census in determining the population of Cordova and the number of Alaska Natives in Cordova (see Table 3.29-1). Text in Section 3.25.1.1.8 has been changed to note the approximate membership of the Native Village of Eyak.
- 00101-111:** Chenega and Tatilek have been added to the list of communities serviced by the Alaska Marine Highway (Section 4.7.4.6.4).
- 00101-112:** The primary source document for the language in Section 4.7.4.7.1 is the “Final Report to the Governor,” by the Alaska Commission on Rural Governance and Empowerment, June, 1999; specifically, Part Two, Alaska Natives, Local Governance, and Government Relations. While this document makes specific reference to treaties with Native Americans, it may be using the term in a collective rather than an individual sense. In addition, the document specifically addresses the complex situation in Alaska involving tribal governments and regional organizations. Section 3.25.1.2 has also been changed to note that ANCSA did not affect the political status of Alaska Natives.
- 00101-113:** As described in the DEIS at 4.3.8.4, TAPS-Associated Marine Traffic, the number of tanker visits to the Valdez Marine Terminal is estimated to decline from 496 in 2004 to 82 in 2034. The text at 4.7.7.4 reflects that significant decline and the assumption that non-tanker traffic will not increase proportionately.

00101-114: The DEIS sections on subsistence and socio-cultural systems received many critical public comments, and as a result, have undergone substantial revision. A small number of additional sources were identified, including the map of Cordova subsistence use areas and North Slope studies of impacts on subsistence economies from oil development. Previous sources were considered more closely, as when time-series data were derived from the ADFG Division of Subsistence studies; and harvest permit data were broken down further to distinguish patterns of rural and non-rural residents.

It is important to also note that the development of this EIS included several rounds of consultation with Tribes and the general public, including requests for additional information. In April 2001, a meeting was held with the Alaska Federation of Natives and the Tanana Chiefs Conference to identify information and exchange perspectives to ensure a thorough analysis of subsistence. The meeting was useful, and additional resources were identified, though these did not include new quantitative data. In the same month, EIOS personnel contacted the 21 directly affected villages/tribes by certified mail to explore the acquisition of additional information, including traditional ecological knowledge pertaining to subsistence. The Native Village of Eyak was among the groups contacted. To date, no responses to these letters have been received.

With this additional analysis, the EIS is able to draw reasonable conclusions on subsistence impacts on the basis of existing information.

00101-115: This comment misstates the conclusions drawn in Section 4.7.8.1. The sentence quoted in sections by the comment indicates that although scientific evidence indicates that human activities can change the movement patterns of caribou, disruption of movement patterns at a large scale does not appear to have occurred. Thus, the EIS concludes that there has been no alteration of the movement of the entire herd; the significance of an impact that appears not to have occurred is not an issue.

00101-116: The EIS assumes that residents of Alaska in the Prince William Sound area would receive annual payments from the permanent fund dividend, in accordance with the state law providing "additional cash." As the permanent fund dividend depends in part on oil revenues, the relationship to the TAPS and other oil activities seemed apparent (see Section 3.23). The EIS also assumed that residents of the Prince William Sound area are employed by APSC, providing additional cash in the form of direct wages and remittances (see Section 3.23.3.4).

The comment challenging the assertion that subsistence practitioners in Chenega Bay and Tatitlek could avoid spill areas appears to be based on the assumption that a spill the size of the Exxon Valdez oil spill would occur. Although the EIS views a spill of such magnitude to be highly unlikely, it does acknowledge that such a spill could occur. The text in Section 4.7.8.1 has been revised to reflect this and the potentially severe impacts to subsistence that could accompany such a spill.

00101-117: The referenced sentence in Section 4.7.8.1 has been corrected.

00101-118: Section 4.7.8.1 has been revised to discuss the nature of cumulative impacts in greater detail, including spills that would be included under cumulative impacts. For spills occurring under anticipated and likely probabilities, the relatively small area affected would make avoidance of the spill area a realistic response.

00101-119: The EIS compares Alaska Natives with various components of the American population, in part to make certain points. In using Alaska statistics for the basis of comparison, the aim is to focus on a population that in a sense lives in a broadly similar environment and encounters similar cumulative urban and rural conditions.

- 00101-120:** The EIS does not make the argument that because the Chugach Alutiiq and Eyak have been subject to considerable cultural change over the past two centuries that the continued operation of the TAPS would have little effect on sociocultural systems of these communities. It makes the point that because of this contact that the overall negative effect would be less than for cultures that have had less contact with Euroamerican culture over a shorter time. The Alutiiq and Eyak have had more time to adapt to Euroamerican industrial culture, so continued contact would likely be less traumatic than for cultures where the TAPS was a sudden and new intrusion of industrial culture. In this section the TAPS must be considered in a wider context of Euroamerican industrial undertakings, all of which affect the cultures of Alaska Natives. The increment of affect that can be attributed to the TAPS renewal is difficult to estimate, but it is likely to be smaller in this context than in a context of fewer similar undertakings. The second point made in this section is that there are fewer TAPS activities in the Prince William Sound area than in the interior or the North Slope, making the increment of negative affect attributable to the TAPS alone smaller than elsewhere along the TAPS right-of-way.
- 00101-121:** Section 4.7.8.2 has been revised to discuss possible impacts of tanker spills in greater detail.
- 00101-122:** Additional consultation with ADFG and the US Forest Service resulted in access to GIS data documenting the traditional subsistence use area of Cordova residents (including Eyak Tribal members) based in interviews conducted by ADFG in the late 1980's. This subsistence use area is now included in Map 3.24-1, and in more detail in Map D-1.
- 00101-123:** Section 4.7.8.4 has been revised.
- 00101-124:** The first sentence notes that the identification of environmental justice impacts relies on the identification of high and adverse impacts, which are not in evidence as cumulative impacts. The minority status of the Native Village of Eyak is not at issue here.
- 00101-125:** Section 4.8.4 in the EIS has been revised to provide potential mitigation actions.
- 00101-126:** The EIS considered documents and other sources of information pertinent to the evaluation of impacts under the proposed action and alternatives. Many of these cover the same geographic areas, and topics, covered in the referenced reports. For instance, the cultural resources assessment examined the cultural resources database maintained by the State Historic Preservation Office, which is the central repository for such information in the state of Alaska (see Section 3.26). In general, the BLM has maintained government-to-government consultations explicitly focused on the TAPS ROW renewal beginning in April 2001 (see Section 5.3, Table 5.3-1), both to comply with the direction and spirit of Executive Order 13175 and to provide ample opportunity for federally recognized tribes to direct attention to issues of particular concern and material that may support their concerns.
- 00101-127:** The BLM team conducted extensive government-to-government planning and implementation activities. The reader is directed to Section 5.3 in the FEIS.
- 00101-128:** A wide range of historic and contemporary scholarship, along with local testimony, has been examined to develop the description of subsistence patterns and analysis of impacts. With additional analysis of these sources, the FEIS is able to draw reasonable conclusions on subsistence impacts on the basis of existing information.
- 00101-129:** The Native Village of Eyak was incorporated in government-to-government consultations throughout the right-of-way renewal period, beginning with a registered letter in April 2001 noting the onset of the renewal process. More recently, a registered letter, dated 3 April 2002, was sent to the Native Village of Eyak requesting that it provide traditional ecological knowledge about subsistence and traditional information about cultural resources. To date, there has been no response to the second letter (which our records show arrived on 10 April 2002).

- 00101-130:** 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. 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 to the FEIS as well.
- 00101-131:** In response to comments on the DEIS, available subsistence-harvest data for a broad range of resources (reported as per capita pounds harvested) for the five villages directly affected by the Exxon Valdez oil spill, and accompanying text, have been added to Section 3.24.2.4. Those data show harvest levels for all years available, both before and after the Exxon Valdez oil spill.
- 00101-132:** The reader is directed to Section 2.5 of the FEIS, “Alternatives and Issues Considered but Eliminated from Detailed Analysis.”
- 00101-133:** Section 5.3 in the FEIS contains a complete description of the government-to-government process that the BLM followed.
- 00101-134:** The BLM produced a “Summary of Scoping” document and sent it to Eyak and other Tribes in November 2001. The settlement claim for punitive damages related to the Exxon Valdez oil spill in Prince William Sound is currently in litigation and is outside the scope of the environmental impact statement process for the renewal of the Federal Grant of Right-of-Way.
- 00101-135:** Government-to-government consultation is presented in Section 5.3 of the FEIS.
- 00101-136:** The BLM and member agencies of the JPO are committed to ongoing government-to-government consultations for the remainder of the renewal project and welcome invitations to participate in meetings and dialogues with Native Tribes.
- 00101-137:** Section 5.3 of the FEIS contains a detailed description of the extensive government-to-government process followed by the BLM. The BLM welcomes input on this process.
- 00101-138:** The BLM is fully aware that these Tribes are federally recognized Tribal governments. Please see the expanded government-to-government background material contained in Section 5.3 of the FEIS. Text discussing federally recognized Tribes has also been added to Sections 3.25.1.1 and 3.25.1.2.
- 00101-139:** A Programmatic Agreement is being developed separately from the EIS to streamline the required Section 106 process. Federally recognized Tribes are being consulted.
- 00101-140:** The Alaska Department of Community and Economic Development states that “Eyak was first reported in 1869 as ‘Hyacks,’ an Alutiiq village.” (see http://www.dced.state.ak.us/cbd/commdb/CF_BLOCK.cfm). The EIS corrected the misstatement that Eyak is a separate community, as it was in the past, bringing the text in line with a statement (later in Section D.2.3.4.2, the section to which the comment refers) that Eyak was annexed by Cordova in 1992. Section D.2.3.4.2 has been corrected to identify Eyak as the Native Village of Eyak, a federally recognized Native village within the city boundaries of Cordova that is designated by the U.S. Bureau of the Census as an “Alaska Native Village Statistical Area.” The section to which the comment refers does not imply that there is a separate economy of Eyak. It does state, “Eyak has been more peripheral to development in eastern Prince William Sound than Cordova,” which is consistent with the data we compiled for the area.
- 00101-141:** Section D.2.3.4.2 in the FEIS, which has been revised, describes the contemporary community of Cordova and the village of Eyak. It is not intended to discuss the traditional range of the Eyak people, which is summarized in Table 3.25-2.

00101-142: Section D.2.3.4.2 in Appendix D in the FEIS (formerly Section D.3.3.7 in the DEIS) has been revised to clarify that separate subsistence harvest information was not presented for Eyak in the Alaska Department of Fish and Game data.

00101-143: Data presented in the 2000 decennial census of population and housing indicate an overwhelming economic importance of wage labor in Cordova. The data presented indicate high subsistence participation rates for the households surveyed, but do not contradict the sentence cited in the comment. That stated, the sentence in Section D.2.3.4.2 of the FEIS has been revised to avoid any interpretations that might be considered inaccurate.

00101-144: Appendix D (Section D.2.3.4.2 in the FEIS) has been changed to separate Cordova from the Native Village of Eyak.

00101-145: 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.

00101-146: 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 a dialogue with the Bureau of Land Management.

The EIS addresses subsistence impacts anticipated under the proposed action and other alternatives considered (see Sections 4.3.20, 4.4.4.14, 4.5.2.20, 4.6.2.20, and 4.7.8.1). It also considers subsistence impacts explicitly under ANILCA in Appendix E.

00101-147: The FEIS provides a substantially revised analysis of subsistence data, focused on communities, and organized within ecological zones. A wide body of scholarly research and testimony was examined in preparing this analysis. The EIS personnel examined more closely several studies concerning impacts to subsistence from oil development on the North Slope, as well as the summary reports concerning nearly a decade of research on consequences of the Exxon Valdez oil spill on the subsistence practices of the affected villages in Prince William Sound and Lower Cook Inlet, authored by Fall and Utermohle, Jorgenson, and Impact Assessment, Inc.

In the organization of the Environmental Consequences chapter, the analysis of impacts to subsistence and socio-cultural systems in Sections 4.3 – 4.6 is limited to consideration of renewal of the TAPS right-of-way, itself. On note, the geographic scope of the TAPS in these sections, ends with the Valdez Marine Terminal. In Section 4.7, cumulative effects of past, present, and reasonably foreseeable activities are considered. Specifically, continuing exploration and oil field development on the North Slope, and marine transport of oil from Valdez to market is added to the analysis. In Sections 4.7.8.1 and 4.7.8.2, a more thorough discussion of impacts from the Exxon Valdez oil spill is now included.

- 00101-148:** 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.
- 00101-149:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00101-150:** The Bureau of Land Management is the lead federal agency for the preparation of this EIS. Regardless of the assistance provided in the preparation and review of the EIS, the BLM is responsible for its content.
- 00101-151:** Thank you for your comment.
- 00101-152:** The Bureau of Land Management is the lead federal agency for the 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. See Section 5.3 in the FEIS. Regardless of the assistance provided in the preparation and review of the EIS, the BLM is responsible for its content.
- 00101-153:** Hearings related to Section 810 of ANILCA were held in accordance with required procedures. As the lead federal agency associated with this EIS, the BLM established government-to-government exchanges with all tribal governments in Alaska and more focused exchanges with 21 tribes directly affected by the TAPS. These 21 communities received more detailed mailings explaining the proposed ROW renewal, the EIS process, and the 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. Detailed and timely information about hearing schedules was provided directly to Native organizations and the media. BLM had no control over when the media chose to publish that information. 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 groups. The process of government-to-government consultation allows these organizations to continue dialogue with the Bureau of Land Management and for their comments to be considered in the Record of Decision.
- 00101-154:** All comments on the DEIS, including those provided by the Native Village of Eyak, have been systematically evaluated and responded to in the process of preparing the FEIS. Any comments pertinent to the evaluation of issues defined under the Alaska National Interest Lands Conservation Act Section 810(a) have been incorporated in that evaluation.
- 00101-155:** 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. 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 to the FEIS as well.

00101-156: Access, land use, and trespass issues related to Native lands are addressed in the EIS in Section 4.3.23.1, "Land Use." The issue of financial compensation for use of Tribal lands is outside the scope of this EIS, which addresses the use of lands under the jurisdiction of the BLM.

00101-157: The reader is directed to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

Document previously
Forward to:
366-542-8901 on 9/26/02

CHENEGA I.R.A. COUNCIL

00102

**Chenega IRA Council
Comments on Draft EIS TAPS Review
August 20, 2002**

- 1. Requesting 45-day extension on the TAPS right of way renewal comments on draft EIS. 102-1

- 2. Section 3.11.5 Exxon Valdez Spill
Scientificallly supported data gathered by Auke Bay Laboratory's '01 survey, which stated that, "Subsurface oil was found at a lower tide height than expected (between 0 & 6 feet)... This is significant because the pits with the most oil were found low in the intertidal zone, closest to the zone of biological reproduction and indicate that our estimates are conservative at best." (See: Auke Bay Laboratory, NOAA, AFSC Quarterly Report, The Exxon-Valdez Oil Spill: How Much Oil Remains, July-Aug-Sept. 2001.) Chenega believes that a significant amount of crude oil still remains in the Prince William Sound. This section speaks only minimally to the most recent data collected. 102-2

- 3. Section 4.2.2.6.3 Pump Station upgrades and Valdez Marine Terminal Modifications
Discusses an engineering study for potential facility upgrades, which would include the removal of two berths. Section talks about adding automated controls and eliminating pump stations. This is an inadequate analysis. The upgrades and changes discussed in this section are not clearly defined. We believe that automation will increase the response time should a major spill occur. 102-3

- 4. 4.3.19.7 Subsistence
States: Decline in permanent fund. Claiming that there will be more people, but less oil production, therefore, less revenue.

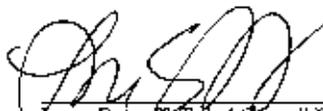
ROW benefits for access to subsistence areas are likely to be reduced due to increased security. More restrictions on use likely would apply to users. 102-4

Makes note of TEK to list potential negative impacts. It is not clearly defined how TEK will be gathered and used. There are concerns regarding public release of sensitive cultural data, and that the TEK is given appropriate weight in the decision making process. Tribal participation and consultation is needed in this process.

- 5. 4.7.6.6 Physical Marine Environment
Describes Prince William Sound tidal currents and wind directions as they would apply to different spill scenarios. NOAA and the University of Alaska have substantial data on tidal action, wind and currents within and surrounding Prince William Sound. It is clear to us that any spill of significance within and near the Sound will eventually impact a large area of the sound due to these natural processes. A more detailed analysis of spill scenarios in different locations within the Sound needs to be conducted. Prevailing winds and tidal currents would bring the oil to the Chenega area whether oil is spilled in eastern or central Prince William Sound. (Royer, T.C. J.A. Ver Mersch, T.J. Weingartner, H.J. Niebauer, R.D. Muench, 1990 Ocean Circulation Influencing Exxon Valdez Oil Spill Oceanography V3, 3-10. Galt, J.A. W.J. Lehr, D.L. Payton. 1991 Fate and Transport of Exxon Valdez Oil Spill. Environmental Science and Technology, Volume 25, 202-209. 102-5

CHENEGA I.R.A. COUNCIL

6. 4.7.8 Social Systems, 4.7.8.1. Subsistence - Discussing potential cumulative impacts upon.
- a. Statement: "Larger amounts of cash would probably be available to individuals pursuing subsistence activities enabling them to purchase improved subsistence-related technologies (though the precise impact of cash or subsistence activity has not been measured)." Where does this assumption of larger amounts of cash come in when above it states that there will be decreased revenues of permanent fund, etc.?
 - b. Discusses cumulative impacts upon subsistence, and again find a statement: "Improved subsistence by enhanced travel to and from subsistence areas, increased harvest levels or efficiency, or both through the availability of additional cash." And "improved sport harvests by enhanced travel to and from hunting and fishing areas, increased harvest levels, increased opportunities..." Again, where is the extra cash assumption coming from? If we have more restricted travel because of security issues, more competition from increased access into the Sound, less revenue, etc., wouldn't that equal less subsistence opportunity, less cash, etc.?
7. Appendix D. 3.3.4. Chenega Bay
A description of the community, subsistence resources and subsistence gathering areas. *The Ataska Fish & Game map utilized in this section is incomplete, not dated and not approved by Tribal Council.* The Chenega IRA Council has identified the traditional subsistence resource areas. Due to concerns regarding FOIA and the release of sensitive cultural information, the Council hesitates to publicize this information.
8. Cultural section is poorly addressed. We suggest that a meeting with the DEIS writer to more adequately address native concerns.
9. Public oversight. There is concern that PWS/RCAC may not adequately offer a forum that addresses all public entities. Additional seats, or alternative structure is suggested in order to ensure that all parties are heard equally.
10. Please see attached Chugach Regional Summit Resolution 01-01 on Natural Resources.
11. DEIS does not adequately take into account mandates under Section 30, referring to cumulative environmental damages.
12. There has been a trend lately of cost reductions, which results in less drills, meetings, maintenance etc. How can TAPS ensure adequate maintenance, spill response and operations when downsizing ALYESKA?


Larry Evankoff, Tribal Council President

Responses for Document 00102

- 00102-001:** 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.
- 00102-002:** The FEIS states that certain parts of Prince William Sound contain bottom sediments contaminated with hydrocarbons derived from the Exxon Valdez oil spill (Section 3.11.5.2).
- 00102-003:** Response time would not be allowed to change from the current required times if any upgrades are made at pump stations or the Valdez Marine Terminal.
- 00102-004:** Traditional ecological knowledge (TEK) was one of several sources of information used in the analysis of subsistence impacts (Section 4.3.20). Sensitive or confidential information was noted used in preparing the FEIS.
- 00102-005:** We have a response from Tomasko that covers the extent of spill area in PWS (a similar comment came from RCAC, Eyak, or Chugach).
- 00102-006:** Section 4.7.8.1 has been revised to more clearly explain possible relationships between economic factors of a cash economy and subsistence activities.
- 00102-007:** Thank you for your comment.
- 00102-008:** Sections 3.2.6 and 4.3.22 have been revised.
- 00102-009:** The status of RCAC is beyond the scope of the EIS.
- 00102-010:** Thank you for your comment.
- 00102-011:** Section 30 remains in full effect. The cumulative analysis presented in section 4.7 analyzes impacts on the North Slope, the pipeline ROW and surrounding region, Prince William Sound, and tanker traffic issues in the Gulf of Alaska and Pacific Ocean. Impacts to subsistence are included in all the cumulative analyses.
- 00102-012:** The BLM and member agencies of the JPO enforce all aspects of the Federal Grant independently of business decisions made by APSC. This means that all regulatory and legal requirements are enforced at all times. APSC has the ability to modify employment and capital expenditure decisions related to pipeline operations. The BLM and JPO review these plans, but can not regulate business decisions made by APSC.

BLM's
Trans-Alaska Pipeline System
Right-of-Way Renewal
Public Comment 02/15/20 10:11:26

Fish, Clean Water, Health
are sustainable
if there is proper Maintenance
and Monitoring of the
TRANS ALASKA PIPELINE

It's no big secret that Alaska has undergone
drastic changes in the climate and
permafrost since construction of the
pipeline began 30 years ago.

- Maintenance of the pipeline needs
to be increased now - not cut back.
- Swift-water oil recovery procedures
and equipment need to be developed.
- Oil spill response equipment
should be stored at every river
crossing.

We wish to see the formation of a
CITIZEN'S PIPELINE MONITORING GROUP
to allow the people of Alaska to
oversee the condition and maintenance
of the pipe and ensure the protection
of our land. This is such a serious
situation that it cannot be left solely
up to the oil companies to police
themselves.

OIL Spills Happen
WE DEMAND RESPONSIBLE PROTECTION

NAME: CARA JOHNSON
ADDRESS: 1229 G St.
Anchorage AK 99501

103-1

103-2

103-3

Responses for Document 00103

00103-001: 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.

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

Monitoring for potential impacts from changes brought about by climate change is discussed in Section 4.1.3.2.1. The adaptive nature of the JPO's oversight authority allows the JPO to issue directives to APSC that could introduce new monitoring or technical requirements in the face of changing ambient conditions. See Section 4.1.1.2.

Finally, the JPO and APSC have entered into memoranda of agreements committing APSC to the use of reliability centered maintenance (RCM) protocols to form the basis of its maintenance decisions. See Section 4.1.1.7.

00103-002: The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

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

The C-Plan is updated periodically and lessons learned from actual occurrences as well as from regular exercises conducted along the pipeline are incorporated into the C-Plan. In addition, the C-Plan is reviewed annually by BLM, every three years by ADEC, and every five years by DOT. EPA also reviews the plan as it applies to pump stations. As part of this process, APSC and the federal and state agencies with oversight responsibilities for TAPS make sure that the appropriate emergency response equipment and personnel are made available along the TAPS.

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

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

00103-003: 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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BLM TAPS Renewal
Argonne National Laboratory EAD/900
9700 S. Cass Avenue
Argonne, IL 60439

August 19, 2002

To Whom It May Concern,

Attached are 100 signatures collected at the Tanana Valley State Fair in Fairbanks Alaska. These signatories all agree to the following seven statements and insist that they should be included in the conditions for the renewal of the TAPS Operational Lease.

- The grant lease should establish a citizens oversight group (COG) funded by the TAPS owners through the Department of Interior. 104-1
- TAPS dismantling, removal and restoration (DR&R) funds should be immediately placed in an escrow account. 104-2
- Grant and lease renewal should be made conditional upon satisfactory completion of an immediate comprehensive independent field audit, as well as an independent technical review and field audit every five years. 104-3
- TAPS should be transferred to a single responsible managing party with no North Slope production. 104-4
- A TAPS employee concerns program should be incorporated into lease and right-of-way renewal to ensure critical problems are adequately addressed to prevent spills. 104-5
- Stipulations attached to the original federal and state Grant and Lease agreements should be carefully reviewed to ensure that they reflect a) scientific and technological advances during the last three decades and b) experience with the operation of TAPS. 104-6
- The public comment period must be extended by at least 45 days to ensure ample time for meaningful input. 104-7

These stipulations must be included in the conditions for the renewal of the TAPS Operational Lease to ensure the safe, reliable continued operation of the Trans-Alaska Pipeline System.

Sincerely,

David Shaw
David Shaw
3124 Goldhill Road
Fairbanks, AK 99709
hillsend@mosquitonet.com

Petition for Conditions of TAPS Lease Renewal

- We, the undersigned insist up on the following conditions for the renewal of TAPS operational Leases:
- The grant lease should establish a citizens oversight group (COG) funded by the TAPS Owners through the Department of the Interior.
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Name	Address	Date
1. Barbara Ron Bellier	1033 Lathrop Fbks, AK 99701	8/4/02
2. Margaret Eagleton	2682 Goldhill Rd Fbks, AK 99709	8/4/02
3. Kenneth Fisher	PO Box 81936 Fbks 99708	8/4/02
4. GERALD STINSON	109 IVA Fbks, AK 99701	8/4/02
5. Varen Stern	1070 Amanita Fbks Ak	8/4/02
6. Barlan Bachmann	1150 Skyline Dr. Fbks AK 99712	8/5/02
7. Mary Clare Andrews	1150 Skyline Dr, Fbks, Ak 99712	8/5/02
8. Janice Riley	209 Bentley Dr. Fbks AK 99701	8/5/02
9. Patricia Stark	PO Box 82525 Fbks Ak 99708	8/5/02
10. Douglas Leggett	209 Second Ave Fbks AK 99701	8/5/02
11. Ellen Molson	2295 STEWENS AVE Fbks AK 99701	8/4/02
12. Douglas Peters	PO Box 6468 Fairbanks AK 99706	8/5/02
13. John Hagen	POB 75198 Fairbanks, AK 99707	8/6/02
14. Santa Maryoek	PO Box 75198 Fairbanks, Ak. 99707	8/6/02
15. Steve J. Judd	4222 Resurrection Dr, Anch, AK 99504	8/6/02
16. MAREHA COLLIER	PO Box 74908 Fbks 99707	8/6/02
17. Heather Reichenberg	2185 Fairbanks, Ak 99707	8/6/02
18. Gary Dehn	PO Box 78 Ester 99725	8-6-02
19. Charlotte Baslan	PO Box 78 Ester 99725	8-6-02
20. SANDRA DAWENHAWER	POB 418 ESTER 99725	8/6/02

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Name	Address	Date
1. Hilmar A. Maier	240 Twin Flowers DR FBE 99709	6/25/02
2. Michelle De Corso	PO BOX 162 McGrath, AK 99627	6/26/02
3. Mark De Corso	PO Box 162 McGrath AK 99627	6/26/02
4. Valerie Barber	PO Box 84442 Fbx AK 99708	6/26/02
5. Amy Hallen	455 Marshall Dr Fairbanks	8/6/02
6. Betty Connor	1540 Bluegrass 99709	8/6/02
7. Greg Connor	1540 Bluegrass 99709	8/6/02
8. Robert Hallen	1681 WOLVERINE LA. 99709	8
9. Alice Mural	1605 CARR Fairbanks AK 99709	8-7-02
10. LORAIN BARRETT	3518 RESERVE RD FBKS. 99709	8-7-02
11. Nick Kopperman	710 Clara Ridge 99709	8-7-02
12. Dorothy L. Thompson	P.O. Box 88368 Fairbanks Ak 99708	8/7/02
13. L.M. MART	300 HOWARD RD #33, FBKS, AK 99712	8/7/02
14. Hilmar A. Maier	PO. Box 71693 Fairbanks, Alaska 99707	8/7/02
15. Nancy McGuire	PO. Box 56989 North Pole AK 99705	8-7-02
16. Trista Saunders	PO Box 16062 Two Rivers AK 99716	8-7-02
17. Alex Rhoady	1222 5TH AVE FBKS, AK 99701	8-7-02
18. Sandra Wildfeuer	PO Box 95006 FBKS 99708	8-7-02
19. Natalie Mayer	PO Box 70317 FBKS 99707	8-7-02
20. Lucy Durbin	P.O. Box 438 Healy, AK 99743	8-7-02

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Name	Address	Date
1. <u>Jess Paito</u>	PO Box 533 Jack St Fairbanks AK 99709	8/10/02
2. <u>A. Strozell</u>	PO 333 R2 Fairbanks AK 99708	8/7/02
3. <u>Emily Sousa</u>	1485 Ithaca Rd. Fairbanks AK 99709	8/7/02
4. <u>Jennifer Smerck</u>	2002 Curt Ave Fairbanks AK 99709	8/7/2002
5. <u>Rena Coghill</u>	160 City Lights Blvd 99712	8/7/2002
6. <u>Yvonne Wilder</u>	200 8th Ave Fairbanks 99701	8/8/02
7. <u>HERMAN ROSCH JR.</u>	PO Box 406 ESTER, AK 99725	8/8/02
8. <u>Sheryl Stevens</u>	PO Box 16083 Two Rivers, 99716	8/8/02
9. <u>Yip Rose</u>	901-7th Ave. FBX. 99701	8-8-02
10. <u>CDukeminier</u>	PO Box 13369 99708	8-8-02
11. <u>Sharon Ham</u>	PO Box 70905 FBX 99707	8-8-02
12. <u>Carrie Nash</u>	2140 Sojourner Lane FBX 99709	8-8-02
13. <u>Lee Nash</u>	" " "	8-8-02
14. <u>Tom Dolan</u>	193 Crest Dr. Fairbanks AK 99712	8/8/02
15. <u>Julie Maser</u>	2140 Twin Flower Dr FBX, AK 99709	8/08/02
16. <u>VALERIE BLAJESKI</u>	P.O. BOX 58673 FBX AK 99711	8/8/02.
17. <u>MATHEW CASORT</u>	510 YAK RD #155A FBX AK 99709	8/8/02
18. <u>April Moore</u>	1027 9th Ave. FBX 99701	8/8/02
19. <u>Carolyn Kremers</u>	PO Box 84223 FBX, AK 99708	8/8/02
20. <u>Susan Todd</u>	PO Box 85059 FBX 99708	8/8/02.

Petition for Conditions of TAPS Lease Renewal

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Name	Address	Date
1. IAN Fritoni	PO BOX 80448 FB AK 99708	8/8/02
2. Ronald D. Ellingworth	PO Box 57402 North Pole, AK 99705	8/8/02
3. Pamela A. Miller	PO Box 10811 Anchorage AK 99510	8/8/02
4. Nicky Eiseman	PO Box 108 Ester 99705	8/8/02
5. Robert J Thompson	Box 35 Kotzebuk AK 99747	8-8-02
6. BEBEKAT L. LEW-MERRELL	Box 71 HEALY, AK 99743	8-8-02
7. HUGA TERDOFF	2600 Bradmore Ave Fairb. AK 99709	8-8-02
8. Jennine Williamson	2454 Killarney Way 99709	"
9. Judith Steyer	1092 Propulsion Dr Fairbanks AK 99709	8/9/02
10. Sherree Lewis	2215 Solar Ave Fairbanks AK 99709	8/9/02
11. Louise James	Box 156 Ester, AK 99725	"
12. Nora P. Foster	2999 Goldhill Rd Fairbanks 99709	8/9/02
13. Steven Mathews	482 Cindy Dr Fbks, AK 99701	8/9/02
14. Karen Matthews	482 Cindy Dr FBKS AK 99701	8/9/02
15. Dana Durham	P.O. Box 60182 Fbks AK 99706	8/9/02
16. RON KOVALIK	Box 72563 " " 99707	"
17. NANA NORUM	PO BOX 58180 Fairb. AK 99711	8/9/02
18. Bill Wille	PO Box 60393 Fbks, AK 99706	8/9/02
19. Margo Savell	4105 Billy's Ln Fbks AK 99709	8/9/02
20. Greg Egan	981 Gold Mine Tr. Fbks AK 99712	8/9/02

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Name	Address	Date
1. <u>Phil Wildfang</u>	299 Hawk Rd, Fbks 99712	8/9/02
2. <u>Jan Payne</u>	299 Hawk Rd Fbks 99712	8/9/02
3. <u>Uma Skottt</u>	1585 Gonzaga way 99709	8/9/02
4. <u>David Newman</u>	1585 Gonzaga way 99709	8/9/02
5. <u>JANA SMITH</u>	PO BOX 81136 Fbks AK 99708	8/9/02
6. <u>Keremay Boush</u>	5861 Tinnu Dr Anch AK 99507	8-9-02
7. <u>Danielle Thompson</u>	PO Box 71743 Fairbanks AK	99702 8/10/02
8. <u>Jonathan Rosenberg</u>	1140 Blue Fox Run Fairbanks AK	99712
9. <u>Charlotti Behan</u>	P.O. Box 84892 Fbks AK	99708 8/10/02
10. <u>MARY LACITENA</u>	PO BOX 85238	99708
11. <u>Cole Sorensen</u>	P.O. Box 178, Esterham 99725	8/10/02
12. <u>John Finch</u>	P.O. Box 81246 Fb, AK 99708	8/10/02
13. <u>Winnie Atwood</u>	PO Box 85318 L. 4 99708	8/10/02
14. <u>Ann Alison York</u>	1140 Sundance Loop Fbks 99709	8/10/02
15. <u>Luana Gallo</u>	1507 Circle Board Rd Fbks 99712	8/10/02
16. <u>PATRICK KERBER</u>	1618 SCENIC LOOP, Fbks 99709	8/10/02
17. <u>Mike Endres</u>	2150 Sojourn Ln, Fbks 99709	8-10-02
18. <u>Hilary McMillan</u>	PO Box 84198 Fbks 99708	8-10-02
19. <u>Alina Gaus</u> <u>Olivia Gaus</u>	Box 84198 Fbks 99708	8-10-02
20. <u>David Shaw</u>	3124 Goldhill Rd. Fairbanks AK 99709	8-12-02

Responses for Document 00104

- 00104-001:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00104-002:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00104-003:** 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.
- 00104-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00104-005:** The BLM and the agencies within JPO acknowledge both that there have been legitimate issues related to APSC's Employee Concerns Program (ECP) and that APSC has undertaken considerable efforts to improve and refine its ECP program.
- The BLM and JPO expect to continue to evaluate the effectiveness of APSC's ECP through confidential surveys that will seek input from all TAPS employees (see Section 4.8.4 of the FEIS). Like the three prior surveys, these efforts can provide broad measures of the confidence that TAPS workers have in APSC's ECP and can suggest areas needing improvement.
- The JPO also notes that a confidential hotline (1-800-764-5070) currently exists for employees or members of the public to report issues and concerns about TAPS. Recorded messages are checked daily by the BLM-Alaska Special Agent's office. The purpose of the hotline is to identify issues relating to pipeline integrity, public safety, environmental protections and regulatory compliance for incorporation into the JPO work program. The BLM also refers employees seeking personal relief (e.g., restoration of employment or lost compensation) to the U.S. Department of Labor or other appropriate authorities for further investigation.
- 00104-006:** 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.
- 00104-007:** 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.