

1 Tony Parkin. I am also with the Prince William Sound  
2 RCAC. Even though this is more of a personal comment,  
3 I've left the more technical input to Tom and others.

4 I'm with the RCAC. I'm based in Valdez.  
5 Primarily involved with oil spill prevention and response  
6 but also using my marine environmental engineering  
7 background, I'm involved with the long-term studies of  
8 the effects of the Exxon Valdez Oil Spill and the ongoing  
9 operations of the Valdez Marine Terminal. I'd like to  
10 add my comments to the record tonight broadly regarding  
11 the DEIS and the Proposed Determination.

12 I have attended the three hearings, so  
13 far in Cordova, Valdez and Glennallen and I must say that  
14 I'm saddened but not wholly surprised by the indifference  
15 being shown to the citizens of Alaska that are concerned  
16 about the future of this pipeline. The fact that BLM  
17 could not wait until the public hearings to be over to  
18 announce that there will not be an extension to the  
19 comment period shows to me the level of contempt that the  
20 opinions of the public are held in this process.

21 I did not testify in the first three  
22 hearings, I felt it was more the role of the people  
23 living in these regions for certainly longer than I have  
24 to be heard before my opinion was given. I was greatly  
25 encouraged by the levels of concern and the emotional

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1 attachment that many people have to the area particularly  
2 that of the Copper River drainage. The enormity and  
3 environmental significance of this area is mind-boggling,  
4 not only for the fish, the migratory birds and the people  
5 that live and work there but also to the ecosystem as a  
6 whole. The other reason I did not speak earlier, I'm  
7 obviously not Native Alaskan, actually not American but I  
8 came to the U.S. with the dream of living in Alaska and  
9 all the grandeur that that means. I'm from the UK, born  
10 in England, which can only be described as an overcrowded  
11 little island. Recently when I went back I'm amazed  
12 there's any clean water there. The bears have long gone.  
13 There's very few salmon. And Alaska, now that I live  
14 here, I find, is truly a world treasure and we're  
15 responsible for its protection and upkeep.

16 I left England in 1980, came to Alaska in  
17 '84 actually working for the oil companies on the North  
18 Slope at that time in the Beaufort Sea and have worked  
19 all over the state and have now settled in Valdez. Today  
20 I drive up, I normally fly up, I fly all over the place  
21 and consume petroleum products as much as anybody else.

22 My analogy for the pipeline actually has  
23 already been used but my analogy involves my first car.  
24 My first nice car was a 1959 Austin-Healy convertible. I  
25 bought it when it was 20 years old. When it was first

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1 designed it was definitely state of the art and using the  
2 best available technology. By the time I got it, it  
3 still looked good, sounded good but in reality it was far  
4 from being the best available technology and, in fact,  
5 was far from being reliable. It began to let me down. I  
6 had to start spending more money on it. But eventually  
7 it became unsafe. The brakes were suspect and, in fact,  
8 I took it off the road. And in the UK, the government  
9 will make you take unsafe things off the road. This is  
10 how I view the pipeline. Certainly it still functions.  
11 It looks good from a distance. But in order for the  
12 pipeline to keep functioning in a safe manner, the  
13 maintenance and surveillance programs have to be  
14 increased and adequately funded and not cut back as was  
15 recently requested by one of the main oil companies that  
16 pump their oil along the TAPS.

17           Although my role at RCAC is oil spill  
18 prevention and response in the marine environment, I want  
19 to address two things this evening, risk assessment and  
20 best available technology.

21           Prior to joining RCAC I worked as a  
22 contractor for a major oil company in Southeast Asia  
23 conducting an offshore risk assessment survey for a new  
24 gas field development. I spent two months off shore  
25 collecting data, both sub-sea and sea bed data and then

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(Cont.)

1 two months analyzing this data to assess the risks for  
2 this new field. One aspect of the field development was  
3 installing sea bed pipelines. This area in Asia is  
4 equally if not more so seismically active than the area  
5 through which the TAPS passes. And the sea bed soil  
6 stability is a major concern due to liquefaction of the  
7 sands in the event of an earthquake. We analyzed this  
8 data to death as this was a risk money project to the oil  
9 company, they had an acceptable level of risk that they  
10 would tolerate so for the chance of the pipeline  
11 rupturing due to an earthquake, say the risk that was  
12 acceptable was 10 to the minus seven, this would be  
13 multiplied by the cost to repair the pipeline and the  
14 loss of revenue at the time and this would give them a  
15 dollar of exposure that they were willing to live with.  
16 This risk will increase with each year that the pipelines  
17 are in place.

18 I assume this has been done for TAPS.  
19 Into the next 30 years, is the risk acceptable that we  
20 can cut back on funding for surveillance and monitoring,  
21 I imagine it is in their minds. In my mind there should  
22 be as close to zero risk as possible.

23 We have seen in the event of a major  
24 spill, as in the case of the Exxon Valdez, yes, it did  
25 cost a lot of money to the responsible party but this is

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1 still in litigation and will be for decades to come and  
2 the true costs and the true penalties to the responsible  
3 party are still unknown.

4 The second point I'd like to address is  
5 best available technology and I'm becoming more involved  
6 with this in oil spill response and particularly the  
7 recovery of oil in iced water. And in that area we are  
8 trying, we are striving to have the best available  
9 technology for oil spill response. When I joined RCAC I  
10 heard Stan Stephens say, he testified earlier that spill  
11 response is vital but prevention is the key to any  
12 impending disaster on the TAPS, on a TAPS rupture. So  
13 BAT, we will agree it's a good idea and certainly the  
14 SERVS escort vessel system is a fine example of BAT,  
15 thanks in part to the citizen's group, RCAC pushing and  
16 forcing the system to be in place. There's obviously  
17 some room for improvement as the technology changes but  
18 generally this is a good effort.

19 I'd like to talk about leak detection.  
20 The TAPS is now pumping half of the volume of oil that it  
21 was a few years ago, there is a problem with leak  
22 detection and this has been agreed, in principle, by  
23 ADEC. The leak detection system is unable to detect a  
24 leak equivalent to the one that occurred by the bullet  
25 hole in Livengood. A hole of this magnitude and the leak

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1 would not be detected by the current system. Could you  
2 imagine what damage this would be done in the Copper  
3 River if this happened to one of the many rivers that the  
4 TAPS passes that drain into the Copper River. Technology  
5 is constantly changing and the TAPS engineering needs to  
6 be updated constantly.

205-5  
(Cont.)

7 As this is a personal comment, I've left  
8 in some of the words and, you know, I find, I mean in my  
9 view it was an insult that BLM stated that the Right of  
10 Way comment period will not be extended and I was further  
11 appalled to see that the statement that the reason there  
12 is no extension is because this is a system that has been  
13 in place for 25 years, not a new project with major new  
14 impacts. This, I think, is precisely the reason why this  
15 whole procedure needs to be reviewed. This is like an  
16 old car again, sure you love it, but you're not going to  
17 drive it to Fairbanks every weekend and certainly not in  
18 the winter.

205-6

19 Just reflect on this statement from the  
20 BLM as to why the period of public comment will not be  
21 extended. The reason the period will not be extended is  
22 because this is [sic] a new project with no new major  
23 impacts, there will be impacts and this DEIS in my view  
24 has not adequately addressed this.

205-7

25 In this day and age with the technology

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1 that allows us to communicate with each other it is  
2 unforgivable that the Eyak people were not consulted on  
3 the impacts of the first 25 years of TAPS or on the next  
4 30 years. It is absolutely incredible to me that the  
5 people along the pipeline in the Copper River watershed  
6 should have to beg and plead for adequate spill response  
7 equipment to be staged at river crossings and the speed  
8 of the river and the difficulty of containing a spill are  
9 not adequate arguments for listening to the demands of  
10 the people in the Copper River watershed.

205-8  
(Cont.)

11 Prior to the development of the North  
12 Slope reserves, I'm sure it was considered too hard and  
13 expensive to bring this product to market. The same was  
14 said about oil in deep water gulf of Mexico, this was  
15 originally considered to be an impossible task, both took  
16 place, I'd like to see the same level or a similar  
17 engineering marvel or miracle to occur to have the best  
18 spill response system in the Copper River watershed.

205-9

205-10

19 RCAC and myself, we are not asking for  
20 the pipeline to be closed. We are not asking for the 30  
21 year renewal to be stopped in any way or not granted.  
22 We're asking for it to be closely looked at prior to the  
23 renewal to operate. We'd like to see another citizen's  
24 group similar to ours to be set up along the pipeline.  
25 We'd like to see the pipeline adequately maintained over

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205-12

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1 the next 30 years and we're looking for an independent  
2 engineering audit every five years along TAPS.

3 Prevention is the key. And I understand  
4 that on the Hillside in Anchorage right now, Federal  
5 dollars are being spent to clear away dead trees and  
6 brush to protect the homes there. This is called  
7 prevention. Once the oil hits the water it is all over.

8 Thank you for my chance to comment.

9 HEARING OFFICER GEARY: Thank you for  
10 your comments. All right, we're going to take a 10  
11 minute break and we'll start back up with Wesley Nason,  
12 number 33. And I am informed that we've got a number of  
13 folks who have submitted comments in lieu of their  
14 testimony and so I'll enter those into the record when we  
15 get back on the record. We stand adjourned for 10  
16 minutes.

17 (Off record)

18 (On record)

19 HEARING OFFICER GEARY: All right, I'm  
20 going to call the hearing back to order. Before we ask  
21 Mr. Nason to come up, I'm going to enter into the record  
22 some exhibits. The first one is Exhibit 42, a statement  
23 from Pete Kompkoff. Exhibit 42 is a statement from  
24 Jeanine St. John. Exhibit 43 is an exhibit from Carolyn  
25 Smith. Exhibit 44 are comments of Stan Jones. Exhibit

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1 45, comments from Ed Lafehr. Exhibit 46 is comments from  
2 Scott Semans. Exhibit 47 are comments from James Boltz.

3 (Hearing Exhibits 42 through 47 marked)

4 HEARING OFFICER GEARY: For those of you  
5 who are left, I might point out that oral comments are  
6 only one way to make submittal to the record. You can do  
7 that either through the written comments by submitting e-  
8 mail, faxes or even phoning the Joint Pipeline Office  
9 where your input will be recorded. So for those of you  
10 who want to take advantage of that alternate way, might  
11 cut the evening a little shorter.

00206

12 All right, Wesley Nason.

13 MR. NASON: Thank you. My name is Wesley  
14 Nason. I'm currently employed by Veco Alaska as manager  
15 of pipeline construction responsible for constructability  
16 studies on the Alaska to Gas pipeline studies and also  
17 the McKenzie pipeline studies in Canada. I've been a  
18 resident of Alaska since 1973.

19 As one who helped built TAPS and who has  
20 lived in Alaska since before construction was begun and  
21 who has also spent years working as a contractor to help  
22 maintain the TAPS system, I'd like to contribute my  
23 reasons for supporting renewal of the grant of Right of  
24 Way for a full 30 year term.

206-1

25 1. The system's original design has

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1 fulfilled its intent of providing a reliable and safe  
2 system for transporting up to 20 percent of our nation's  
3 crude oil needs.

206-2  
(Cont.)

4 2. The system's integrity remains a top  
5 priority of its maintenance program under operator  
6 Alyeska Pipeline Service Company.

206-3

7 3. Alyeska and the TAPS owner companies  
8 have shown steadfast dedication to updating the system  
9 hardware and annually expend large sums of money to  
10 implement these changes. Whether it be the systemwide  
11 electrical code upgrades which we completed in 1998 or  
12 complete replacement of 8.5 miles of main line pipe in  
13 Atigun Pass in 1993 to name just two projects. Alyeska  
14 and the owners have not flinched at investigating the  
15 dollars needed to thoroughly comply with the  
16 responsibility to maintain system integrity through  
17 professional engineering, planning and implementation.

206-4

18 4. Alyeska has made timely improvements  
19 to the system monitoring and communication systems.  
20 Their internal pipeline monitoring using smart pigs is  
21 word renowned as being state of the art. The 1997 remote  
22 gate valve monitoring upgrades were thoroughly planned  
23 and implemented. In the rare instance where an upgrade  
24 does not meet system integrity standards such as the  
25 installation of a fiberoptic backbone system built in

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1 1996 and '97, Alyeska has shown that it is willing to  
2 swallow costs and do it right before implementation.

206-5  
(Cont.)

3 5. Besides being a well-designed and  
4 functional system, TAPS has truly become Alaska's  
5 economic umbilical cord. It's daily throughput has  
6 provided the state government with the bulk of its  
7 revenues, provided jobs and training to thousands of  
8 Alaskans and its major cities as well as rural locations  
9 along the Right of Way and provided feedstock for local  
10 refineries, Valdez and Fairbanks. Without TAPS Alyeska's  
11 [sic] economy would collapse.

206-6

12 While fully supporting the TAPS Right of  
13 Way renewal for the above reasons, I would like to speak  
14 out against suggestions to increase citizen oversight by  
15 creating new panels or boards. Because TAPS is so  
16 important to Alaska's economy and because the Joint  
17 Pipeline Office was created to monitor Alyeska's  
18 compliance with the grant of Right of Way, there's always  
19 been very good visibility of TAPS operations and always  
20 will be with the continued oversight by the JPO.  
21 Creation of new review boards would serve as an  
22 impediment to the current process of oversight by the JPO  
23 and would drain funds which could otherwise increase the  
24 economic return on the pipeline's assets or be used for  
25 maintenance.

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1                    Since crude oil is a commodity whose  
2 price is largely determined by worldwide supply and  
3 demand factors, the economic delivery of Alaska's oil  
4 cannot be taken for granted. No extraneous costs or  
5 barriers should be erected which might lessen the ability  
6 of the pipeline owners to recover their costs and achieve  
7 a return on their investment. In a world economy if an  
8 asset such as TAPS fails to deliver economic returns to  
9 all stakeholders, the state of Alaska and the people of  
10 Alaska will risk losing the centerpiece of the state's  
11 economic infrastructure.

206-8

12                    Thank you for hearing my comments and  
13 please expedite the renewal of the TAPS grant of Right of  
14 Way.

15                    Parenthetically, I might mention, I've  
16 heard a few comments this evening about some concerns of  
17 thaw settlement at VSMS or geotechnical concerns due to a  
18 warming climate and I might suggest to those concerned  
19 about those types of things to visit and maybe research  
20 some problems encountered in the pipeline industry in  
21 Canada. Just last summer I had an opportunity to do some  
22 reconnaissance work there and in one area they have  
23 regional land slides which have pushed and buried 30 and  
24 36 inch diameter gas pipelines above ground and yet the  
25 operating companies have been able to mitigate this type

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1 of ground movement by putting the pipelines above ground  
2 on sleepers and designed drainage structures. In other  
3 cases, they have deep muskogs over there instead of  
4 permafrost which are basically saturated peat bogs and  
5 they actually clothesline the pipeline through these  
6 areas making them inaccessible during summer months  
7 whereas here TAPS has virtually full access to its entire  
8 length if something does go wrong. And in a third  
9 instance, they have a buried warm oil pipeline that's run  
10 through permafrost coming up the McKenzie Valley. This  
11 pipeline was successfully designed and operated for 25  
12 years and without any catastrophic results due to thaw  
13 settlement and the problems they have had have been  
14 successfully mitigated in the field.

15 Thanks again for a chance to make my  
16 comments.

17 HEARING OFFICER GEARY: Thank you, sir.  
18 We'll include your comments as Exhibit 48.

19 (Hearing Exhibit 48 marked)

20 HEARING OFFICER GEARY: Mark Huber. 00207

21 MR. HUBER: Good evening. Well, we've  
22 lasted long enough, we've out lasted the rain outside and  
23 the evening is waning. But I wanted to thank you for the  
24 opportunity to comment on TAPS Right of Way renewal Draft  
25 Environmental Impact Statement. My name is Mark Huber

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(Cont.)

1 and I'm vice president of Doyon Universal Services and a  
2 15 year resident of the state of Alaska.

3 Doyon Universal Services is a 50/50 joint  
4 venture with Doyon Limited Regional Corporation and  
5 Universal Services. We provide catering, housekeeping,  
6 maintenance, security, medical and fire support services  
7 within the state of Alaska. Our clients include Phillips  
8 Alaska, BP Alaska, Nabors Drilling, Doyon Drilling, Peak  
9 Oilfield Services and Alyeska Pipeline Service Company.  
10 DUS or Doyon Universal Services employee 750 people with  
11 an annual payroll of \$25 million.

12 Our association with the Trans-Alaska  
13 Pipeline system and Alyeska began more than 25 years ago.  
14 During construction of the pipeline, Universal Services  
15 provided catering and housekeeping services to all of the  
16 construction camps north of the Yukon River.

17 Today, Doyon Universal Services provides  
18 catering and housekeeping services for all the pump  
19 stations and security and medical services for all the  
20 Alyeska facilities in Alaska. Doyon Universal also  
21 provides fire service in response to the Valdez Marine  
22 Terminal.

23 We employ 275 people providing services  
24 to Alyeska. Of the Doyon Universal employees assigned to  
25 Alyeska, 95 percent are Alaska residents and 26 percent

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1 are of Alaska Native descent.

2 Alyeska is a good neighbor and partner  
3 for Doyon Universal Services. Alyeska holds itself and  
4 its contractors to the highest standards of performance  
5 in work place safety, quality and environmental  
6 practices. Alyeska is a strong advocate of employment  
7 and training and advancement of Alaska Native  
8 individuals. Alyeska is joined with Doyon Universal in  
9 investing thousands of dollars in training and  
10 internships for Doyon shareholders and Alaska Native  
11 individuals.

12 We appreciate Alyeska's support of Doyon  
13 villages and the communities in which they operate.  
14 Alyeska and its employees are active in making a  
15 difference in their communities. From Anchorage to  
16 Fairbanks, Delta Junction to Valdez, a red truck and a  
17 friendly Alyeska smile are never far away.

18 As you can hear, Doyon Universal Services  
19 is deeply involved in the oil and gas industry and with  
20 Alyeska Pipeline Service Company. We literally live with  
21 the pipeline, from the Brooks Range to the Alaska Range,  
22 50 percent of the pipeline runs through the Doyon region.  
23 And you'll hear tomorrow night, in Fairbanks, from  
24 stakeholders of the Doyon region in the Fairbanks  
25 community.

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1 Doyon Universal strongly supports renewal  
2 of the TAPS Right of Way for a 30 year period. The  
3 pipeline is the backbone of Alaska's economy. The oil  
4 and gas industry provide thousands of jobs and provide a  
5 majority of our state's revenue base. Today, it is more  
6 critical than ever to provide long-term stability for the  
7 pipeline. While a stable environment for TAPS will  
8 result in less investment and development by the industry  
9 resulting in decreased population growth, employment,  
10 income and tax revenues within the state of Alaska.

207-3

207-4

11 In the last 25 years TAPS has moved 13  
12 billion barrels of oil through the system with a 99  
13 percent reliability. Alyeska measures the annual volume  
14 of oil spilled in increments of teaspoons. Over 20 State  
15 and Federal agencies oversee operations and maintenance  
16 of TAPS. We believe this oversight of TAPS is  
17 comprehensive and sufficient. TAPS should not be  
18 burdened with the additional cost of oversight and  
19 regulation without solid benefits to operational safety  
20 and the environment.

207-5

207-6

207-7

21 TAPS is posed to the backbone of Alaska's  
22 economy for the next 30 years.

23 Doyon Universal Services urges you to  
24 renew the Right of Way agreement for the next 30 years  
25 without additional oversight.

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1 HEARING OFFICER GEARY: Thank you for  
2 your comments. I'll include these as Exhibit 49.

3 (Hearing Exhibit 49 marked)

4 HEARING OFFICER GEARY: Tadd Owens,  
5 number 35. 00208

6 MR. OWENS: Thank you. For the record,  
7 my name is Tadd Owens. I'm executive director of the  
8 Resource Development Council for Alaska. RDC is a  
9 private non-profit trade association representing  
10 individuals and companies from Alaska's mining, timber,  
11 tourism, fisheries and oil and gas industries. Our  
12 membership also includes business associations, labor  
13 unions, Native corporations, local governments and  
14 hundreds of individuals. Our mission is to grow Alaska's  
15 economy through the responsible development of our  
16 State's natural resources.

17 My comments today are in strong support  
18 of a 30 year renewal of the Trans-Alaska Pipeline system.  
19 The economic impact of TAPS and the over 13 and a half  
20 billion barrels of oil that have flowed through it are  
21 both significant to the public and private sectors in  
22 Alaska.

23 Thousands of jobs, funding of State  
24 programs and services through royalties and providing  
25 nearly 20 percent of the nations domestic oil supply are

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1 a few of the benefits resulting from TAPS. In addition,  
2 TAPS directly and indirectly helps fund local non-profits  
3 like RDC, AMref (ph), the United Way and the Nature  
4 Conservancy.

208-2  
(Cont.)

5 The oversight and maintenance of TAPS is  
6 unparalleled boasting an extremely high rate of  
7 reliability since start up. Alyeska's corrosion control  
8 program, valve maintenance program and spill response  
9 plans are leaders in the industry.

208-3

208-4

10 In addition, over 20 State and Federal  
11 agencies regulate the pipeline and millions of dollars  
12 are spent annually on its upkeep. Any additional  
13 regulation resulting from the reauthorization must be  
14 supported by clearly defined benefits to safety in the  
15 environment. TAPS should not be burdened by unnecessary  
16 costs. An example of unnecessary costs would be the  
17 creation of a citizen's advisory group to oversee  
18 pipeline operations. This concept was not deemed  
19 appropriate for evaluation in the DEIS and RDC urges BLM  
20 to refrain from including such a group in the Final  
21 Environmental Impact Statement. Not only would the costs  
22 for such a group be significant but also Federal and  
23 State laws traditionally do not favor the creation of  
24 citizen's oversight groups with regulatory authority.  
25 Such a group would be duplicative as TAPS is already

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1 heavily regulated with intense and comprehensive  
2 oversight.

208-6  
(Cont.)

3 One alternative recommends a renewal  
4 period of less than 30 years. The impact of such a  
5 renewal would be significant. It would threaten  
6 investment in new North Slope production and subsequently  
7 decrease throughput levels. TAPS is so important to  
8 Alaska that a renewal period shorter than 30 years would  
9 reduce growth rates and population, gross State product,  
10 employment, income and tax revenues.

208-7

11 Finally the DEIS mentions climate change  
12 and its possible affect on the pipeline. TAPS design  
13 represents state of the art engineering for cold  
14 climates. The design was based on protecting the  
15 permafrost from pipeline impacts and the pipeline from  
16 permafrost problems. The notion that some soil  
17 conditions may change over time has been built into the  
18 current design. Alyeska's ongoing monitoring approach  
19 with JPO oversight is more than sufficient to provide  
20 adequate maintenance and response.

208-8

21 In conclusion, I'd like to reiterate  
22 RDC's strong support for a 30 year renewal of TAPS and  
23 thank you for both your patience and the opportunity to  
24 testify.

208-9

25 HEARING OFFICER GEARY: Thank you. Jack

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1 Williams, number 39.

2 MR. WILLIAMS: Thank you. My name is  
3 Jack Williams. I'm the Alaska production manager for  
4 Exxon Mobile Production Company. Exxon Mobile  
5 appreciates the opportunity to provide comments on  
6 alternatives under consideration by the Bureau of Land  
7 Management of the Environmental Impact Statement related  
8 to TAPS Right of Way renewal. This statement is delivered  
9 from the perspective of a major North Slope producer and  
10 my comments tonight will apply to both the Federal grant  
11 and State lease Right of Way renewal hearings.

12 As a North Slope producer, we want to  
13 emphasize the importance of a long-term, low cost  
14 reliable oil transportation system for continued  
15 development of Alaska's North Slope resources. Renewal  
16 of the TAPS Right of Way will support continued North  
17 Slope development, thus creating jobs, providing a  
18 continued market for local goods and services and  
19 generating additional government revenues through taxes  
20 and royalties. We view this as a long-term win for those  
21 who live and work in Alaska.

22 Of immediate concern to Exxon Mobile is  
23 the timely evaluation and development of the Point  
24 Thompson Gas Condensate Resource. As many are aware,  
25 Exxon Mobile along with other Point Thompson owners is

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209-1

1 currently evaluating a gas cycling project which will  
2 recover an estimated 400 million barrels of condensate  
3 over a 30 year project life. The project involves  
4 producing approximately 1.5 trillion cubic feet of gas  
5 per day, separating the condensate, reinjecting the lean  
6 gas and transporting the condensate to Pump Station one  
7 for delivery through TAPS to the market. Project costs  
8 is estimated to be over one billion dollars on money  
9 forward basis with startup currently envisioned in late  
10 2006. Given the high development costs, long project life  
11 and resource complexities, the Point Thompson Gas Cycling  
12 Project carries significant development risks from the  
13 economic standpoint.

14 As such, Exxon Mobile supports the  
15 reauthorization a 30 year TAPS Right of Way renewal to  
16 provide greater certainty of liquid transportation costs  
17 over the expected life of the project.

18 A TAPS Right of Way renewal term of less  
19 than 30 years would introduce an additional commercial  
20 risk that would need to be factored into the final  
21 funding decision for Point Thompson.

22 In addition, the continued development  
23 existing North Slope resources, such as Prudhoe Bay and  
24 nearby Satellite fields is dependent on a low cost  
25 transportation system and stable physical terms. Prudhoe

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209-3

209-4

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1 owners spend hundreds of millions of dollars every year  
2 in incremental development projects to recover oil over  
3 10, 20 and 30 year time spans. For resources to continue  
4 to be attractive, the transportation costs from the oil  
5 field to refinery must be kept certain and kept to a  
6 reasonable minimum over the long term.

209-4  
(Cont.)

7 Over the past 25 years Alyeska has  
8 demonstrated the ability to operate and maintain the  
9 pipeline in a safe and environmental acceptable manner  
10 with a high reliability. Exxon Mobile is confident  
11 Alyeska remains committed to continue this exemplary  
12 performance which is necessary to maintain economic  
13 returns on North Slope investments.

209-5

14 The State and people of Alaska will  
15 benefit the most from maximum oil and gas production from  
16 existing fields as well as development of new North Slope  
17 resources like Point Thompson. The 30 year Right of Way  
18 renewal provides the greatest likelihood that this will  
19 occur.

209-6

20 Thank you.

21 HEARING OFFICER GEARY: Thank you.  
22 Number 42, Bruce Tiedeman. David Comins, 43. Tom  
23 Krzewinski, K-R-Z-E-W-I-N-S-K-I. Julie Bator.

24 MS. BATOR: Do I say good morning yet?

25 HEARING OFFICER GEARY: Not yet.

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1 MS. BATOR: I didn't wear my watch  
2 purposely. Thank you for hearing me tonight.

3 I am here to speak on the DEIS. I'm  
4 representing myself as an Athabascan Indian born and  
5 raised in the Copper River Basin and also representing  
6 the Ahtna, Inc. Right of Way Renewal Committee as well as  
7 being the vice president of the Native Village of  
8 Tazlina.

9 You can picture a blue sky, green  
10 hillside with fireweed and spruce and birch growing tall,  
11 the pipeline glinting the sun as you drive along the  
12 Richardson Highway. It's become a regular tourist  
13 attraction and something we've grown and it's just become  
14 a part of our lives. The snaking pipe hauling the crude  
15 to supply all of our homes, vehicles and pocketbooks,  
16 everyone enjoys it and is apparently proud of it here.  
17 Please do not misunderstand, this is the widely  
18 representing view amongst the eight villages that Ahtna  
19 incorporates, we do not wish its non-existence. We are  
20 simply concerned, as you all would be if this went  
21 through your backyard.

22 The pipeline goes over the Tazlina River  
23 which is less than one quarter of a mile from my home. I  
24 can look out my bedroom window and see the pipeline, I  
25 don't think anybody else in this room can say that.

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1                   The supplier of the aquifer for my well,  
2 my home, my neighbors home, my grandparents home and a  
3 trailer park and our local businesses is the Tazlina  
4 River. We are Alaska Natives and able to trace our  
5 ancestors back to at least 300 years in our valley. And  
6 just six miles away, also on the TAPS corridor, KluDeeKah  
7 Ahtna Native peoples have inhabited the valley for four  
8 to seven thousand years. This is by no accident. We  
9 have a variety of wildlife, fish and vegetation with four  
10 major rivers to travel on and over. Our way of life  
11 today may not be totally reliant on the land but this is  
12 not by choice.

13                   The DEIS represents the Federal  
14 government and it is disregarding the subsistence issues  
15 in socio-economic problems created by increased traffic  
16 inability to develop our lands or have clear access to  
17 them amongst other things.

18                   Over my lifetime, caribou have changed  
19 their migratory path from one within three miles of our  
20 homes to one of 70 miles away. Why? I guess that is for  
21 biologists to say for sure but 90 year old people in our  
22 valley, in our village, can distinctly mark the change  
23 with the arrival of TAPS. Where I come from we value and  
24 respect the knowledge of our elders. I had hoped that  
25 BLM, with no pun intended, tap into this.

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210-3

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1 I had hoped to have a much more detailed,  
2 new material to reveal to you tonight but due to the  
3 summertime release of the DEIS I spoke at Glennallen's  
4 hearing on the timeline. This timeline provides little  
5 time to get representatives together from our eight  
6 different villages to exchange data and each of our own  
7 studies. This is the busiest time of the year for our  
8 people. We're reliant on subsistence gathering, not only  
9 for food but traditionally gathered food is culturally  
10 and nutritionally more of a priority than the DEIS. I  
11 think everybody could understand that if they had only to  
12 look in their freezer and not drive four hours to get to  
13 a grocery store here.

210-4

14 This is why we requested a longer period  
15 to review and comment on such an important and vast  
16 document. TAPS affects us all. We should all have ample  
17 time to review the document. Alas, this was not granted.  
18 This is a major disappointment.

19 And at this time I will briefly highlight  
20 some of the written comments we will be submitting by the  
21 20th of August.

22 Let me start with this. BLM did not have  
23 the authority to convey lands nor do they have the  
24 authority to renew it or continue to administer it.

210-5

25 Also I'd like to address Section 4.3.9.7

210-6

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1 environmental justice. The entire Argonne project should  
2 have been contracted out to or at least consulted with  
3 Native corporations and villages as to the selection of a  
4 firm to develop the DEIS. This is a major Federal  
5 action. There was no government to government  
6 relationship maintained here. And by definition, a major  
7 Federal action that directly affects a tribe demands  
8 this. We are a Federally and State recognized tribe. We  
9 demand this.

210-6  
(Cont.)

10 We would also like to see the JPO have a  
11 continued oversight over this. We would like to see a  
12 seat on that JPO either be a revolving seat for the eight  
13 Ahtna villages or one seat for Ahtna, period.

210-7

14 Another issue that was brought to my  
15 attention to be addressed tonight was that there is no  
16 adequately tested oil spill contingency plan. Not ever  
17 physically successful on any of the four rivers in our  
18 valley. They have never been able to successfully boom  
19 any of the four major rivers in our valley. You're all  
20 familiar with Copper River red salmon, you can kiss those  
21 goodbye if it should hit the Copper River.

210-8

22 There's no equipment for oil spills and  
23 it would take hours to get it up there. There's no  
24 access, winter or summer to the containment sites that  
25 they have set up. This is evidenced by 1998 aerial

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1 photos that we have taken and the fact that I live across  
2 the street from the pipeline.

3 There's no adequately trained local  
4 personnel and not enough of them to operate any plan to  
5 date.

6 Excuse me as I turn pages here. I have  
7 12 pages of notes that I have to pick from.

8 It was noted in the DEIS, oil spill  
9 response planning is a separate process. The oil spill  
10 response should be a part of a the EIS and the grant.  
11 The ability to respond should be required before the  
12 grant is renewed. There needs to be locally equipped and  
13 trained, certified spill response teams, such as hot shot  
14 teams. The teams need to be State and Federally  
15 certified. APSC needs to provide the training and the  
16 funding for this. This is vital.

17 As the pipeline ages, they should be  
18 spending more time and money working on oil spill  
19 contingency plans, not less.

20 The supplies and equipment need to be  
21 placed and stationed at all sensitive sites. For  
22 example, a sensitive site would be all moving bodies of  
23 water.

24 There needs to be continuous subsistence  
25 data collection and analysis throughout the life of the

210-8  
(Cont.)

210-9

210-10

210-11

210-12

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1 Right of Way. Currently decisions effecting subsistence  
2 are based on 20 year old data.

210-12  
(Cont.)

3 A hurry for another 30 year renewal is  
4 not in the best interest of citizens who live along the  
5 corridor. Those who make their living off of non-  
6 petroleum products, you must continue to assess benefits  
7 and costs to all citizens not just those who have direct  
8 gain but consider those who could possibly have  
9 catastrophic loss due to TAPS. Please consider other  
10 alternatives than to a 30 year renewal.

210-13

11 I'd like to finish with our lands and our  
12 people and our way of life are at risk. Please  
13 acknowledge this. If the pipeline is going to continue  
14 to go through our backyard, this must be considered and  
15 compensated for.

16 Thank you for your patience and your  
17 attention.

18 HEARING OFFICER GEARY: Thank you. Joe  
19 Willing.

00211

20 MR. WILLING: My name is Joe Willing.  
21 I'm a former Alyeska employee and also a former Exxon  
22 pipeline employee. I'm retired now but I was a pipeline  
23 engineer for 42 years.

24 In 1968, in August of '68, I guess I was  
25 at the right place at the right time and my boss came in

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1 and put me on a project that was going to affect the best  
2 part of my life. I was assigned to a group that was going  
3 to put together something that was going to be the Trans-  
4 Alaska Pipeline. But at that time it was just recently  
5 announced and my first assignment was to be on a task  
6 force of pumpability, a pumpability task force to see how  
7 this oil coming out of the ground there was going to be  
8 pumped, if it could be pumped and there were a number of  
9 obstacles that had to be overcome which was something to  
10 come over the next 20 years.

11 We had obstacles. I was involved in the  
12 mainline pumping equipment, the pump station design, the  
13 valves, mechanical equipment. But before it was all  
14 over, it seemed like I had my hands into everything.  
15 Fake welds, you know, X-rays that were -- the man said  
16 today, but you can hardly blame that on Alyeska because  
17 they caught the problem, they whipped the problem, they  
18 endured the embarrassment and all of the cartoons that  
19 came about.

20 And my life with Alyeska and the people,  
21 the cream of the crop, so to speak of the owner company  
22 consultants and experts in certain phases of equipment  
23 and in design was a great experience for me. And I have  
24 monstrous faith in the integrity of the pipeline and I  
25 left it, I retired in 1988 as an engineer and advisor.

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211-1

1 And I haven't been involved with it since 1988 but I have  
2 kept up with it through various publications and stuff.  
3 And I feel like this pipeline is in better shape today  
4 than it was when I left and I had full confidence when I  
5 left. I left, retired, after we had already pumped two  
6 million barrels a day which was our goal way back in  
7 1968. And I had the extinction -- not the extinction but  
8 the distinction of being, when I retired, I was the last  
9 of the Mohicans, so to speak, I was the last one that was  
10 actively involved with Alyeska Pipeline since it was in  
11 -- since the inception of the feasibility study in the  
12 fall of 1968.

211-1  
(Cont.)

13 And I certainly support the continuation  
14 of the 30 year grant and I would be not supportive of the  
15 additional burden of a citizen's council that would be  
16 doing whatever they do.

211-2

17 Thank you. I don't have a written  
18 report. 00212

19 HEARING OFFICER GEARY: Thank you, Mr.  
20 Willing. Dennis Dooley, 47.

21 MR. DOOLEY: Thank you, gentlemen. I  
22 come to this table with 30 years of experience involved  
23 in a variety of roles with the TAPS project.

24 The first was as a commission from Sohio  
25 to evaluate the marine leg from Valdez to the West Coast.

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1 That effort defined the requirements for the fleet to  
2 serve Valdez to have an average 120,000 ton tankers, four  
3 berths at Valdez and the fact that there was inadequate  
4 berth capacity at that time at the West Coast. Since  
5 then, positions with the Governor's office, budget  
6 management, where I was the agent for correcting false  
7 revenue expectations TAPS had given the State in terms of  
8 severance tax. Later I was the staff person responsible  
9 for organizing the West Coast Port Oil Policy Group, a  
10 forum composed of representatives of the West Coast  
11 governors and British Columbia to evaluate the marine  
12 transportation leg from Alaska along the West Coast.

13 As an Alaska Pipeline surveillance  
14 officer, I was charged with the responsibility to  
15 evaluate Alyeska's initial concept of an oil spill  
16 contingency plan. Later, as a technical studies director  
17 of the Alaska Oil Spill Commission and most recently  
18 attempting to digest this DEIS and the Commissioner's  
19 Statement, no one and I have attended hearings in Valdez,  
20 Glennallen and here, no one denies the justifiable pride  
21 of those involved in the TAPS project. No one on record  
22 that I know denies the economic impact to the state,  
23 nation nor it's contribution to national security.

24 The suggestion that a citizen's advisory  
25 committee would put all that at peril is totally without

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1 foundation.

212-1  
(Cont.)

2 Now, to the DEIS. This document is a  
3 prime example of minimization. The art of minimizing  
4 facts while presenting a picture that appears to be  
5 adequate, that contains basic flaws. For example,  
6 discussion of an oil spill effecting the Yukon notes the  
7 villages down river will suffer some impact. Nowhere  
8 does it acknowledge the impact for those communities up  
9 river from the spill. It should be known such a calamity  
10 would probably have international implications.

212-2

11 I'm not going to chase the numeric  
12 numerous errors or misrepresentation of facts contained  
13 in this document. There is a major flaw in the  
14 organization and development of the DEIS that I will get  
15 to in a minute. My major concern today is the question,  
16 why the scoping for this document would not address the  
17 possibility of the citizen's oversight committee that has  
18 subpoena powers similar to the committee established for  
19 the marine log after the Exxon Valdez incident. I note,  
20 no one has testified how that has imperiled marine  
21 transportation. And, in fact, we have on record from  
22 Alyeska, a recognition of its contribution.

212-3

23 No one, to my knowledge, has submitted  
24 shutting the pipeline down. Most suggestions have been  
25 made with an eye to increase security and safety. After

212-4

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1 reading the Emperor's Horse by Mr. Fineberg, I am struck  
2 by the array of similar corporate conduct by Alyeska and  
3 its governmental oversight agencies as they exercise  
4 concern regarding the potential of a catastrophic oil  
5 spills, namely, the longer a period of little pollution  
6 activity that all concern, including corporate owners and  
7 political leaders to treat their responsibilities with  
8 little real incentive for pursuing real pollution  
9 abatement strategies.

10 The parallels here for the overland  
11 segment of the transportation system are striking. I do  
12 confess to certain naivety here. This shouldn't have  
13 been a surprise. TAPS ownerships traits in this regard  
14 have infected the entire project systemically. What is  
15 surprising is the degree to which the oversight agencies  
16 are also lackadaisical about enforcing drills for oil  
17 spill containment, prompt maintenance and training of  
18 personnel as required in the Right of Way permit on a  
19 schedule which reflects the turnaround of both managers  
20 and line employees.

21 I have considerable concern how Argonne  
22 with its nuclear plant design and operations expertise  
23 could dismiss the human factors in pipeline operations,  
24 especially a pipeline that's been experiencing  
25 considerable turnover of its in-house expertise. Dr.

212-5

212-6

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1 Todd LaPort, a member of a recognized organizational  
2 theorists on reliability at UC Berkeley examining the  
3 effects of technology on a large technical system such as  
4 nuclear plants that operate technology that is  
5 beneficial, costly and hazardous so their benefits are  
6 importantly dependent on failure free operations. During  
7 his testimony at the Alaska Oil Spill Commission he  
8 emphasized we are insisting increasingly that  
9 organizations operating such systems do not make serious  
10 errors but then works to import them. The effect of  
11 failure are so disastrous that we press them to never  
12 fail. He went on to explain, probably for the first time  
13 in history the cost and consequences associated with  
14 major failure are greater than the value of the lessons  
15 we learn from the failure. The time for these  
16 organizations to learn from trial and error is past.

17 He characterized the pipeline structure  
18 organization is one which 1) the individuals involved  
19 share a common goal of efficiency, 2) they share a goal  
20 of avoiding operational failures altogether, 3) they  
21 perform complex demanding tasks under considerable time  
22 pressure and 4) they do this with very low failure rates  
23 and almost total absence of catastrophic failure.

24 He went on to suggest there are at least  
25 two strategies for such organizations to prepare for the

212-7

212-8

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1 failure event. First, there must be assessments by the  
2 organization for an all-eyes on failure mode. In other  
3 words, everyone involved must be empowered to watch and  
4 comment without fear of punishment. Secondly, the use of  
5 contingency plans should be with repeated response  
6 exercise. A contingency plan that is taken seriously.  
7 One that asks the question, what about this before you  
8 ever have the problem. The question about what you would  
9 do to contain the problem with minimum damage. This  
10 organization has not thought about that sufficiently.  
11 And we all have some degree of angst that it won't be  
12 handled adequately.

212-8  
(Cont.)

13 This organization is characterized as  
14 high hazard and low risk and this is the basic fault of  
15 the Argonne report. It is only portraying low risk side  
16 of a pipeline structure with no real effort to apply  
17 criteria in the event of a major calamity. Pipelines are  
18 inherently extremely reliable and low risk, but it isn't  
19 the technologies and the design that makes them that way,  
20 it is the human beings operating them that makes them  
21 that way. Thus there's a requirement for a series of  
22 watching groups. Sometimes they are formal regulators  
23 such as DEC or the FPO. The danger evident today I see  
24 is the same danger we observed in retrospect while  
25 examining the Exxon Valdez incident. That, of the

212-9

212-10

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1 watching groups becoming benign and toothless either  
2 through political pressure such as tolerance or just  
3 plain reluctance to pursue their duties with diligence.

212-10  
(Cont.)

4 The solution the AOC came up with was to  
5 develop an independent watching group composed of  
6 stakeholders to review the actions of both the formal  
7 regulatory agencies as well as the operations of Alyeska.  
8 Evidence abounds in how pipeline regulators have been  
9 compromised. For instance, the reluctance require  
10 meaningful oil spill response drills as part of a  
11 contingency plan as required in a Right of Way permit.  
12 The reluctance to require immediate attention to VSM  
13 maintenance is another example.

212-11

14 I'll conclude now, thank you.

15 HEARING OFFICER GEARY: Thank you, Mr.  
16 Dooley. Let me repeat, Bruce Tiedeman, David Comins, Tom  
17 Krzewinski. Steve Conn. 00213

18 MR. CONN: Thanks very much for letting  
19 me speak briefly on the subject at hand. It has been a  
20 learning experience for me to listen to the many points  
21 of view expressed and well worth the late hour.

22 I am Steven Conn. I am executive  
23 director of Alaska Public Interest Research Group, a  
24 retired professor from the University of Alaska and like  
25 so many who are in this room who are not Alaska Native, a

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1 30 year resident of the state so I've seen the past 30  
2 years, too, but not from the perspective of the Veco  
3 employees but as an academician and a person consistently  
4 concerned with issues related to Alaska Natives.

5 As the BLM and the committee well --  
6 probably know, Native issues and the pipeline are  
7 intrinsically connected. Mary Clay Berry, University of  
8 Indiana Press has written a book, Alaska Native Claims  
9 Settlement Act and the Trans-Alaska Pipeline. But for  
10 the willingness of the Native population to resolve land  
11 issues, there would have been no pipeline. And the  
12 creation of corporations such as the Doyon Universal that  
13 are now in firm alliance with the pipeline and the  
14 pipeline constructors is a fruit of that endeavor.

15 I have asked myself throughout these many  
16 hours, why 30 years? Why has the cartel of owners  
17 reached for 30 years? At one level, chutzpa. But in an  
18 another, they've told us, as Kevin Meyers told us that it  
19 has to do with economic planning, but frankly folks  
20 that's nonsense. You can look all around the world and  
21 see whether 30 year windows are necessary as the oil and  
22 gas companies play the world piano, us being one key,  
23 whether it's in Russia or the Arabian countries and so  
24 forth and so on. They have a sweet deal. The state of  
25 Alaska defer to the oil companies in an active blatant

213-1

213-2

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1 cowardness, no doubt, and they own this pipeline that is  
2 this lifeline of the petroleum resource that they do not  
3 own. They like that deal. They like the arrangement.  
4 And so what they're trying to buy here -- they know Ted  
5 Stevens and their friends in State and Federal government  
6 are going to die in 30 years, they're going to get dis-  
7 elected, they're going to go senile and they may not have  
8 the same level of friendship so they're looking from you  
9 and from the BLM, an interesting agency to pick, for a  
10 kind of political immunity so that they can do their  
11 thing. Why was it that only one person shot the Trans-  
12 Alaska Pipeline in all these years? It wasn't planning  
13 or security, it was dumb luck. It was amazing dumb luck.  
14 And as the years go on and whatever endeavor actuarial  
15 tables will tell you that it is more likely that more  
16 people will shoot the pipeline, that it is more likely  
17 there will be an earthquake, that it is more likely there  
18 will be disastrous accident. They know this. And so  
19 they're buying some insurance and have apparently  
20 persuaded the perfect agency, the BLM, that is infamous  
21 for its loss of millions of dollars of Indian trust money  
22 and much under a cloud within the Department of Interior  
23 to take this job on for them.

24                   So what we have seen in this time frame,  
25 however, is somewhat a guide to the future but not

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213-2  
(Cont.)

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1 entirely a guide to the future. And the future is being  
2 defined under our feet. A few weeks ago, this hearing  
3 would not have occurred in a period when every day our  
4 public votes against corporate corruption and has no  
5 belief in corporate behavior and they do it through the  
6 Stock Market. President Bush switched in seven days from  
7 being pro-business to handcuff the crooks and take them  
8 away. So the question has to be looked at in terms of  
9 empirical facts.

10 The company culture that has arisen as  
11 testified by the many people who talk about the attitude  
12 towards whistleblowers and the attempt to suppress real  
13 information, if it's looked at in the context of Enron  
14 and in the context of today's public attitude and  
15 political attitude, this is entirely reprehensible and  
16 entirely unacceptable and inappropriate. It requires  
17 some level of oversight. Whether from a citizen's group  
18 or from some other group ready to oversee that kind of  
19 corporate culture. That's unacceptable today. It wasn't  
20 a few weeks ago, it is today and it will be tomorrow.

21 We've seen how Exxon, who rarely comes  
22 out of their hole but tonight testified, has worked  
23 systematically to undercut all legal penalties. I  
24 watched Veco emasculate the tort reform legislation in  
25 this state which will guide ultimate criminal penalties.

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1     So they've managed to destroy the use of law as a way to  
2     penalize and deter corporate misconduct. Again, this  
3     suggests then that it is incumbent on the Federal  
4     government, in terms of today's world and to, at least,  
5     provide a component that involves citizen oversight.  
6     Veco, of course, one and all, can be totally discredited  
7     because they've made more money on disasters in the oil  
8     field than they have on safe oil production. And the  
9     Exxon Valdez and the Exxon Valdez Oil Spill was a  
10    cornucopia of wonder for them even though it destroyed  
11    Alaska Native villages.

213-4

12                   Will there be an earthquake? Most  
13    likely. Actuarially, yes, because there wasn't one in the  
14    last 30 years that will destroy -- what -- the issue --  
15    the fundamental issue though on 30 years and why I would  
16    suggest that 30 years is entirely inappropriate is the  
17    issue of incentives and dis-incentives. As I've sort of  
18    suggested to you in passing, to give a pass to this  
19    cartel of owners for 30 years where they feel they will  
20    be relatively immune from scrutiny and political  
21    oversight is not to encourage them to adopt the best  
22    technology, is not to encourage them to do the best job,  
23    is to encourage them to continue to punish whistleblowers  
24    and to continue them to -- is to encourage them to  
25    continue to corrupt the political system and the legal

213-5

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1 system to suit their fancy. So the incentives are really  
2 wrongly put. A dis-incentive would be a shorter time  
3 frame and a level of scrutiny.

4 As to the citizen's advisory board, this  
5 is not a pie in the sky, ideological phenomenon, we have  
6 track records of citizen advisory boards stemming from  
7 the Exxon Valdez spill. They, in their initiatives  
8 brought about the double-hull tankers not the oil  
9 companies desire to invest in double hull tankers and  
10 that is only one. Everything from the Exxon Valdez Spill  
11 Commission forward suggests that intelligent citizens  
12 will stay the course and will provide the necessary  
13 remedy.

14 I do agree, in passing, and one more  
15 thing here, I do agree with the fellow from the -- the  
16 nice dressed young fellow, from the Trustees for Alaska,  
17 that the DR&R money should be escrowed although I do not  
18 think the BLM has any history that suggests it knows how  
19 to hold onto money and track it over time if the Indian  
20 Trust monies are any clue. But I do believe that that  
21 money, it was, in fact, and documentatedly an unintended  
22 benefit to cartel of owners. In fact, it's meant to  
23 remedy -- to cleanup the mess when they decide to  
24 dismantle the pipeline. And if these people are pushing  
25 for a 30 year window at this juncture, how can they, in

213-6

213-7

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1 the same breath, not disgorge the DR&R money and put it  
2 into hands of some third-party where it can be used for  
3 the various scrutiny level and remedies that are being  
4 suggested here.

213-7  
(Cont.)

5 So at the end of the day if Harvey Pitt  
6 was here right now, I don't think he would be inclined at  
7 this juncture, the heat he is feeling with the SEC to  
8 give a pass to these owners based on their track record  
9 because part of it is their intelligence and their  
10 expertise but a lot of it, like that shooting of the  
11 pipeline, it was just luck, real luck.

12 So I conclude by suggesting to you that  
13 the 30 year component of the Right of Way permit is they  
14 can ask for it but it's absurd and it's absurd in an era,  
15 a political era that even exists in Alaska when corporate  
16 corruption is looked at with a lot less sympathy.

213-8

17 Thank you very much.

18 HEARING OFFICER GEARY: Thank you for  
19 your comments.

20 We're going to take another short break.  
21 But before I do I want to make sure that -- I'm going to  
22 read the names that I have remaining here and if you  
23 don't hear your name called and you do wish to testify  
24 make sure that you check in with the desk at the back.  
25 Chip Nordhoff. Soren Wuerth. Carl Wassilic. Cara

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1 Johnson. Walt Parker. Bob Dugan. Donna Schantz. Peter  
2 Macksey. Dan Dryden. Steve Mihalik.

3 So if you did not hear your name, please  
4 check in at the back table. We'll adjourn for 10  
5 minutes. Off record.

6 (Off record)

7 (On record)

8 HEARING OFFICER GEARY: All right, I'm  
9 going to reconvene the hearing. The next person that's  
10 scheduled to speak is Chip Nordhoff, number 50. 00214

11 MR. NORDHOFF: Hi. I'm Chip Nordhoff.  
12 I'm an elementary school teacher here in Anchorage. I  
13 think the longevity of the comments tonight really show  
14 what an important issue this is and I've noticed a lot of  
15 more recent comments, the later in the evening they go,  
16 there's a lot more folks who are really concerned about  
17 the 30 year lease and the DEIS. I know it's getting late  
18 and I know I'm getting kind of loopy. I hope that you  
19 all are able to listen at the same attention as you were  
20 at the beginning.

21 As far as the TAPS lease renewal goes, I  
22 don't believe the 30 year lease is necessary, as we've  
23 heard, nor appropriate. If it's renewed, at all, I think  
24 it should be for five years at a time. The land on which  
25 the pipeline is built is not the same as it was 30 years

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1 ago nor will it remain so. The lowering of the  
2 permafrost layer is changing the stability of the  
3 pipeline. This needs to be monitored regularly as does  
4 the wear and tear from being used for 25 years, 24 hours  
5 a day, seven days a week. This monitoring should be  
6 performed by an independent citizen's oversight group  
7 which is funded by the industry. They definitely have  
8 enough money and as we've heard so often that there's no  
9 conceivable problem with the pipeline why would the  
10 industry have any reason not to increase oversight.

214-2

214-3

11 The way I understand it, the industry is  
12 asking for the longest possible lease with the shortest  
13 possible comment period. This is not just blatant  
14 disregard of the voices of Alaskans, it is also typical  
15 of the arrogance of the oil industry here in Alaska.

214-4

16 It outrages me to hear the oil executives  
17 tonight take credit for the PFD like it was their idea.  
18 Exxon, Mobil continues to shirk responsibility for the  
19 Exxon Valdez disaster while Alaskans continue to suffer  
20 for their and Alyeska's mistakes. Their trust attitude  
21 didn't work 13 years ago at Bligh Reef, nor did it cover  
22 up the ridiculous wait time up in Livengood. Even the  
23 millions of dollars the industry spends can't clean up  
24 the fact that their response is woefully inadequate and  
25 always an afterthought.

214-5

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1                   Hearing so much, don't worry, it's all  
2 good, trust us rhetoric only makes me more concerned.  
3 This is the complacency that I heard about that was  
4 predominant at the time of the Exxon oil disaster.

5                   Crude oil is not just as commonly as we've  
6 heard so often tonight, it's also a poison. One gallon  
7 of oil will contaminant 100,000 gallons of water and  
8 we're all aware of the importance of rivers and streams  
9 and the subsistence practices of Alaskans. The pipeline  
10 crosses 800 rivers and streams that network and weave  
11 their way all over the state. Those rivers are the life  
12 blood of thousands of us and especially major rivers like  
13 the Yukon and the Copper River. I think Judy's point  
14 earlier was one of the most important things said  
15 tonight, that many of the subsistence users are not nearby  
16 right now, they're out and they're busy at fish camp or  
17 berry camp and they won't even be aware of this comment  
18 period much less have the time to read the DEIS and  
19 comment on it.

20                   This Environmental Impact Statement is  
21 even more important to Alaskans than the first one for  
22 TAPS since the pipeline is so much older. Please don't  
23 minimize this process, our future is at stake.

24                   HEARING OFFICER GEARY: Thank you for  
25 your comments. Soren Wuerth. Carl Wassilie.

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214-6

1 MR. WASSILIE: Good morning. Thank you  
2 for allowing me to speak here. I appreciate the  
3 opportunity.

4 It's unfortunate that, you know, a lot of  
5 communities along the coast of the Bering Sea will not be  
6 able to testify since it costs anywhere between 400 and a  
7 thousand dollars to come out, either to Anchorage or  
8 Fairbanks to testify. There's communities in the Bering  
9 Sea that are affected. It didn't say anything about  
10 other governments which includes First Nations, Yukon  
11 Territory, these are other areas that are affected by  
12 this pipeline. Because I think the Canadians should have  
13 comment. The fish don't stay in one place.

14 Yeah, I guess I'll comment on the  
15 lateness again. You know, it's kind of put on by the  
16 regulators themselves and have a public comment meeting  
17 that starts at 7:00 at night and it's actually -- for a  
18 hearing to start at 7:00 at night in a city this large, I  
19 figured it'd go pretty late. But, yeah, the public  
20 process on the Draft EIS here is pretty slim considering  
21 it's more important than the original EIS.

22 West Coast cities are dependent on the  
23 oil that flows through there, a billion gallons per day,  
24 why aren't their comments -- why aren't there hearings  
25 being held down there. I think that needs to be in

215-1

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(Cont.)

1 consideration.

2           The time line, 45 days, is totally  
3 inadequate. 180 days would be more adequate. Especially  
4 considering the cultural differences in the state are  
5 vast. And the waterways in which this pipeline crosses  
6 extend to all the seas with major fisheries, wildlife and  
7 subsistence populations. Yeah, we've all seen government  
8 complacency before working hand in hand with the -- with  
9 the oil companies, big oil here trying to cut -- cut on  
10 maintenance and safety. We heard before from Steve Conn  
11 about corporate corruption and that is an issue here in  
12 the United States. I mean I don't trust the TAPS owners,  
13 Alyeska Pipeline Service. I saw the oil spill. The  
14 suicides from the Native, wasn't just an affect on the  
15 wildlife, there was a lot of people that will feel this  
16 their whole lives in Prince William Sound.

215-2

17           A citizen's oversight group is needed,  
18 citizen's oversight council, citizen's oversight  
19 committee. Citizen's oversight.

215-3

20           Yeah, the people -- the people all over  
21 the state need to be involved in this public comment.  
22 There's a pipeline that's corroding and it's leaking all  
23 over the place and those are facts. You need to take a  
24 closer look at this pipeline audit, look at the  
25 maintenance. Look at the issues, the past issues, this

215-4

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1 historical context, section by section by auditing. Give  
2 a holistic picture of the reality of the pipeline and  
3 that's -- that can be done with citizen's oversight  
4 working with industry and government -- many governments.

215-5

5  
6                   Yeah, I think it's important that these  
7 cross-cultural miscommunications are looked at because  
8 most -- the most effective way that the Native people  
9 communicate is orally. Sometimes it's difficult to get a  
10 better -- to get written comment or to ask somebody to  
11 comment on something like this, it's a different culture  
12 and allowing more time for people to talk about things,  
13 how this pipeline affects them, I think, would be the  
14 number 1 way to go for when you decide to have more  
15 hearings in different parts of the state and respecting  
16 the government relationship with other governments,  
17 including Canada and the Bering Sea communities.

215-6

18                   HEARING OFFICER GEARY: Thank you. Cara  
19 Johnson. Cara. Walter Parker.                   00216

20                   MR. PARKER: Thank you. Walter Parker.  
21 Board member of the Forum for Environmental  
22 Responsibility. I testified previously at Cordova,  
23 Valdez and Glennallen. This testimony is in addition to  
24 what was presented there.

25                   I think the last speaker clearly made the

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1 point and he gets some of it from me since he's my  
2 grandson, that this is the most important EIS proceeding  
3 to come before the state since the original EIS, which I  
4 was heavily involved with. And it's important to  
5 remember that that EIS never made it through the process  
6 and it took the Act of Congress with the famous tie vote  
7 in the Senate being broken by Spiro Agnew to authorize  
8 the construction of the Trans-Alaska Pipeline and to  
9 allow the Department of Interior to issue the lease on  
10 the Federal lands.

11 Since last testifying, I have continued  
12 to read the Federal Draft Environmental Impact Statement  
13 and the State of Alaska Proposed Determination. This  
14 exercise has confirmed my previous request for an  
15 environmental and operational audit by an independent  
16 team that would provide more assurance for the future  
17 than is provided in the present draft. Because of the  
18 lack of specificity addressing problems with TAPS that  
19 have been occurring for years, it is difficult to see how  
20 this draft and the material in it can provide the  
21 assurance that would justify a 30 year renewal or,  
22 indeed, any renewal. My lack of faith in the TAPS  
23 owners, the Alyeska Pipeline Service Company and the  
24 Federal and the State agencies that make up the JPO is  
25 based on hard learned lessons of the past 34 years. From

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1 1968 to 1977, I and my colleagues put in a lot of effort  
2 to ensure the best possible system for transporting North  
3 Slope crude from Pump Station One to the West Coast  
4 refineries. We worked closely with the West Coast  
5 states, three Federal administrations and two Alaska  
6 Governors to develop the programs that were in place when  
7 the Arco Fairbanks sailed from Valdez on August 1st, 1977  
8 with the first load. By this time the promises made by  
9 the Nixon Administration for double-bottomed and double-  
10 hulled tankers had been reneged upon due to the failure  
11 of the Coast Guard to seek Congressional or Presidential  
12 authority for them. To counter this, we passed State  
13 Legislation to ensure that best available technology and  
14 best operational practices would be used in the Alaska  
15 trade. The better your ship the less you paid into the  
16 Coastal Management Fund.

17 Two months after the terminal opened, the  
18 TAPS owners sued the state of Alaska, Chevron versus  
19 Hammond, on the grounds that we had preempted Federal  
20 authority. They won this case in 1979 and immediately  
21 began to strongly lobby the Alaska Legislature to remove  
22 the few safeguards remaining. The system was rapidly  
23 dismantled by both Federal and the State authorities  
24 despite continual notices from Dan Lawn and others at  
25 Valdez that there were grave dangers. The TAPS owners

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1 even reached the level of arrogance where they were using  
2 the space between hulls for oil storage on the few  
3 double-hull tankers constructed in answer to the State's  
4 Coastal Management Fund.

216-2  
(Cont.)

5 So inevitably, the Exxon Valdez occurred  
6 and I had the misfortune of chairing the Alaska Oil Spill  
7 Commission to investigate why the wreck on the Bligh Reef  
8 occurred.

9 Luckily, the Alaska Legislature gave us  
10 subpoena powers and our investigators were able to bring  
11 forth in detail the problems and lack of regulatory  
12 oversight that led to the wreck. Congress rectified some  
13 of this in OPA90 accepting 50 of our 52 recommendations  
14 and the State Legislature imposed some standards on the  
15 response system. Unfortunately this only applied to  
16 tanker traffic and part of the terminal. Congress  
17 inserted language in OPA90 asking the president to  
18 provide an audit of the pipeline through an independent  
19 body and to make recommendations for further action but  
20 industry lobbying and the Republican takeover of the  
21 Congress stalled effectively any efforts to implement  
22 this.

216-3

23 For the past 10 years, the Forum on  
24 Environmental Responsibility was reported on a wide range  
25 of problems. These are detailed in successive reports by

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1 Richard Fineberg. The response has been, by the  
2 regulators, to be increasingly weak and submissive to the  
3 industry and by TAPS owners to make threats about the  
4 lack of a competitive environment in Alaska because of  
5 too much regulatory delay. The Federal response now is  
6 deregulation and streamlining, two efforts almost  
7 guaranteed to increase the risk of catastrophic pipeline  
8 failure.

216-4

9                   So what are the areas of risk from TAPS?  
10 The Sagavanirktok, Kuparuk and Toolik drainages on the  
11 North Slope plus possible coastline affects from the  
12 Colville to Demarcation Point.

216-5

13                   The entire Yukon watershed in the  
14 Interior, comprising 25 percent of the state land mass  
15 and 15 percent of its population in some 52 small  
16 communities and the state's second largest city. The  
17 DEIS only identified 21 communities at risk, ignoring  
18 what the affects of oil would be on the Yukon salmon  
19 runs, its bird populations and other species upon which  
20 subsistence is dependent.

216-6

21                   The entire Copper River watershed and the  
22 Gulf Coast from Kayak Island to the Kenai Fjords at least  
23 for another oiling with some 15 communities of which 13  
24 are identified in the DEIS.

216-7

25                   And the Lowe River drainage with possible

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1 effects throughout Prince William Sound and affecting  
2 three communities, at least.

216-7  
(Cont.)

3 Now, this is a very different picture  
4 from that presented in the DEIS which tends to assume the  
5 best in unproven oil spill response in rivers. Half of  
6 the land area of Alaska is threatened and one-third of  
7 its communities. This is a risk which the DEIS treated  
8 in a ho-hum fashion in which BLM Director Kathleen Clarke  
9 tossed off as what can go wrong, it's been working for 25  
10 years. The State's response has been a thundering  
11 silence, largely, except to pat Alyeska on the back for  
12 its delayed spill response on the bullet hole leak.

216-8

13 Just to bring out a few more problems  
14 that may be caused by the effects of climate change in  
15 the Arctic identified in my previous testimony is the  
16 major omission despite the circumpolar secretariat for  
17 the Arctic Climate Impact Assessment being located in  
18 Fairbanks.

216-9

19 On the North Slope permafrost will  
20 continue to be more stable than in the other areas  
21 traversed by the TAPS, the areas where the pipeline goes  
22 over the stream terraces along the Sagavanirktok River  
23 were very touchy during construction and promise to be  
24 more so now. You can go back and look at the permafrost  
25 national monument, as I termed it, and give you an idea

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1 of what may occur. The burial of the pipeline in the  
2 river needs to be assessed against the possibility of  
3 much greater flooding, which is occurring in other parts  
4 of the Arctic threatened by warming. Extreme weather  
5 events, including floods, may be of greater consequence  
6 than the warming itself.

216-9  
(Cont.)

7                   During construction, I regarded the  
8 western slopes of the South Fork of the Koyukuk as having  
9 great potential for future solifluction, solifluction  
10 presently being held in check by permafrost. All river  
11 crossings are at some hazard as the thaw bulbs increase  
12 in size and shape. These are certainly not  
13 insurmountable problems but do require some attention  
14 from a first class team. These problems are being  
15 addressed here and there but industry in its desire for  
16 budget cuts has limited the action to a scale well below  
17 what is called for by the magnitude of the risk.

216-10

18                   The minimal treatment of the VSMS is one  
19 of the major reasons why an independent audit is needed.  
20 With half of the pipeline at increased risk from  
21 increased soil instability, more liquefaction and  
22 erosion, the talents of the best hydrologists and  
23 permafrost geologists should be brought into play as  
24 rapidly as possible.

216-11

25                   If a citizen's oversight group is created

216-12

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1 in response to almost universal citizen demand, it will  
2 require the assistance of a continuing audit by  
3 independent professionals, similar to the manner in which  
4 the two existing citizen's group employ them. The  
5 pipeline will require a substantially larger budget, but  
6 there is no better way to restore some faith in the  
7 process than a well financed oversight commission with a  
8 budget big enough to carry on an ongoing audit.

9           The changes in attitude created after the  
10 Exxon Valdez in the regulatory agencies and the industry  
11 have largely faded away into complacency. Fortunately,  
12 that complacency does not exist in much of the citizenry  
13 that has come before you. If you listen, there is some  
14 hope of working out an extension that will provide some  
15 hope for the future. The actions of Director Clarke,  
16 thus far do not bode well that such is possible on the  
17 Federal side but one can always hope.

18           The upcoming Governor's race in Alaska  
19 offers a forum for citizens to find out how important the  
20 future of TAPS reliability is to the candidates. Since a  
21 major interruption of the TAPS would have a massive  
22 detrimental affect upon the fiscal gap, I would hope they  
23 would have something to say about it.

24           Thank you. See you in Fairbanks.

25           HEARING OFFICER GEARY: Thank you, Mr.

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216-12  
(Cont.)

1 Parker. Did you want to submit that for the record?

2 MR. PARKER: Yes.

3 HEARING OFFICER GEARY: Thank you. And  
4 I'll mark it as Exhibit 50. Bob Dugan. Bob Dugan,  
5 number 55. Donna Schantz. 00217

6 MS. SCHANTZ: Hi. My name is Donna  
7 Schantz and I work for the Prince William Sound Regional  
8 Citizen's Advisory Council and they will be submitting  
9 more extensive technical written comments on the DEIS,  
10 however, I also wanted to convey my personal concerns as  
11 a Valdez resident and a resident of Jack Bay, Prince  
12 William Sound.

13 My comments tonight center on the quality  
14 of literature cited in the DEIS.

15 Studies funded by the oil industry seem  
16 to have been favored in the DEIS and more recent  
17 literature has been overlooked. Studies funded by non-  
18 industry experts that contradict studies performed by  
19 industry have been left out of the DEIS. For example,  
20 NOAA and Auke Bay Laboratory toxicity tests indicate that  
21 Alaska North Slope crude oil is much more toxic than  
22 originally thought and that toxicity is amplified by  
23 sunlight. Research by Dr. Jeff Short has been cited in  
24 the DEIS, specifically his work associated with possible  
25 sources of hydrocarbons in Prince William Sound from

217-1

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1 other than Alaska North Slope crude oil. However, Dr.  
2 Short has conducted considerable research and published  
3 reports on the lingering effects of the Exxon Valdez Oil  
4 Spill that has been left out of the DEIS. Let's see, Dr.  
5 Short's research on hydrocarbons from coal, seeps at  
6 Katalla and other geologic features are included in the  
7 DEIS while his research on his effects of the Exxon  
8 Valdez Oil Spill on the intertidal zone of beaches is  
9 omitted. This is very misleading because the naturally  
10 occurring oil is not as bioavailable as the North Slope  
11 crude oil that might be spilled by a tanker, such as the  
12 Exxon Valdez Oil Spill or that could be spilled into the  
13 many rivers and streams along the pipeline.

217-2

14 Considerable recent literature is  
15 available on the toxicity of North Slope crude oil from  
16 Jeff Short and others. A more detailed discussion on the  
17 environmental impact of spilled oil supported by recent  
18 literature needs to be in the DEIS if there is to be any  
19 reasonable claim that the cumulative impact and lingering  
20 effects of oil has been addressed.

217-3

21 Section 1502.24 of the National  
22 Environmental Policy Act reads, quote, agencies shall  
23 ensure the professional integrity including scientific  
24 integrity of the discussions and analysis in  
25 environmental impact statements. They shall identify any

217-4

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1 methodologies used and shall make explicit reference by  
2 footnote to the scientific and other sources relied upon  
3 for conclusion in the statement. An agency may place  
4 discussion of methodology in an appendix, end quote.

217-4  
(Cont.)

5 The TAPS owners 2001 A environmental  
6 report is referenced throughout the DEIS, please note  
7 that this report is in draft form and was prepared by the  
8 TAPS owners. Information contained within a draft  
9 document should not be considered to have professional  
10 integrity including scientific integrity of the  
11 discussions and analysis. Additional scientific  
12 information on the environmental impact of North Slope  
13 crude oil needs to be referenced and considered in the  
14 final EIS.

217-5

15 The Prince William Sound Regional Citizen  
16 Advisory Council will be submitting a bibliography of  
17 recent literature on the increased toxicity of North  
18 Slope crude.

19 If the final EIS does not recognize some  
20 of this research I am personally requesting an  
21 explanation as to why it has not been considered or  
22 cited. And this explanation should not be that the  
23 information is not relevant because it is extremely  
24 relevant to the environmental impacts.

217-6

25 I was going to say that I have not heard

217-7

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1 anybody state flat out that the TAPS should not be  
2 renewed for 30 years but there was some testimony just  
3 before me that will make me have to say that most people  
4 that I've talked to and heard tonight do not think that  
5 it should not be renewed for 30 years but what we are  
6 asking is that for increased prevention and maintenance  
7 plans, that they're put in place and enforced as a term  
8 of the renewal. There must be a balance between industry  
9 and environmental protection.

217-7  
(Cont.)

10 If environmental impacts are properly  
11 outlined and discussed in the DEIS, then I believe  
12 increased oversight, prevention and maintenance plans  
13 will be forced into the decision-making process. Only  
14 when this happens will the DEIS be balanced.

217-8

15 I thank you for the opportunity to  
16 comment.

17 HEARING OFFICER GEARY: Thank you.

18 MR. MACKSEY: Macksey. 00218

19 HEARING OFFICER GEARY: Could you spell  
20 your last name, please?

21 MR. MACKSEY: M-A-C-K-S-E-Y. The  
22 penmanship's not hot. For the record, my name is Peter  
23 Macksey. I'm a structure iron worker. I spent a year at  
24 Tonina, Pump Station 12 building the pipeline. I'm  
25 currently a steel salesman for a local company and

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1 Alyeska is one of my customers.

2           During the year I spent building the  
3 pipeline, myself and a lot of other men and women built  
4 what we thought was a quality product and it stands to  
5 this day as a quality product.

218-1

6           People have brought up that the  
7 pipeline's aging, I'm not sure that's the right word for  
8 it. I think maturing is more to the point. In the last  
9 25 years we've learned about managing problems and we've  
10 learned about how to implement systems to take care of  
11 problems that have come up. People keep bringing up a  
12 recent oil spill and our Exxon Valdez Oil Spill. Both  
13 those were human error, alcohol-induced errors that were,  
14 I think out of the hands of the physical make up of the  
15 pipeline itself. And it's, I think, maybe we weren't  
16 ready for the Exxon Valdez, I think we were ready for the  
17 guy shooting the hole in the side. I don't think of 36  
18 hours of shutting down the pipeline was unreasonable,  
19 nobody got hurt.

218-2

218-3

20           I'd like you to look at -- I'm kind of  
21 impressed at some of the, that's changed my attitude on  
22 some of the attitude. I'm for the 30 year renewal.  
23 Hopefully in the 30 year time, I won't have to do this  
24 again. We won't have to do a four volume EIS statement  
25 again for 30 years. But on the same token, I'd like to

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1 look at Joint Pipeline Office as looking at maybe having  
2 a 10 or a five year oversight by an outside group. I  
3 don't think that's an unreasonable ask. I don't see  
4 where a citizen's oversight group is going to do anymore  
5 than the Joint Pipeline Office is doing now. I wouldn't  
6 mind seeing maybe a seat on it for an outside group or  
7 maybe more than one. But I don't think a sole committee  
8 is going to help anymore with what we're doing.

9 Let's see what else I want on the record.  
10 I'm pro-global warming. After this summer, I'm kind of  
11 interested in it staying as warm as it is.

12 And other than that, I thank you for your  
13 time. I'm impressed with your patience with the group.

14 HEARING OFFICER GEARY: Thank you for  
15 your testimony. Dan Dryden. Steve Mihalik. 00219

16 MR. MIHALIK: Good morning and thank you  
17 for the opportunity to speak. I hope you all can stay  
18 awake for me. I don't know if I'm necessarily worth  
19 staying awake this late. My name is Steve Mihalik. I'm  
20 the general manager of Work Safe, a wholly owned  
21 subsidiary of the NANA Development Corporation.

22 This evening we had an opportunity to  
23 hear from a lot of great companies, Veco to Doyon  
24 Universal Services, the NANA Development Corporation.  
25 Everybody had a chance to speak about the large

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218-5

1 corporation. Today, this morning, I'm going to talk  
2 about the impact of a small company.

3 As a general manager of a small business  
4 which provides services to just about every industry in  
5 Alaska. I understand how changes in the regulation affect  
6 a business climate. I'm also very aware of how important  
7 the Trans-Alaska Pipeline and the oil industry is to the  
8 Alaska economy and to the small business. The Trans-  
9 Alaska Pipeline system is a vital component to the Alaska  
10 economy and landscape providing economic development and  
11 jobs. I have a long list of statisticals of how the  
12 impact to the Alaska economy has but other organizations  
13 such as the Oil Support Alliance, the RDCADC all spoke  
14 very clearly of how the economic impact affects our  
15 state.

16 What I'm here to say is a renewal period  
17 shorter than 30 years could reduce the growth rates of  
18 population, employment, income, tax revenues, increasing  
19 annual state budget deficits and possibly jeopardizing  
20 services and programs. Moreover, anything less than 30  
21 years would jeopardize the future of thousands of small  
22 companies and their employees.

23 In closing, it's been a long night, let's  
24 keep Alaska open for business and finalize the right of  
25 the renewal. I support the renewing of the Trans-Alaska

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219-2

1 Pipeline systems Right of Way renewal for 30 years. Oil  
2 production has been good for Alaska, good for my  
3 employees and good for the environment.

4 Thank you very much. Have a good  
5 evening.

6 HEARING OFFICER GEARY: Thank you for  
7 your comments. One more time, Bruce Tiedeman, David  
8 Comins, Tom Krzewinski, Soren Wuerth, Cara Johnson, Bob  
9 Dugan, Dan Dryden.

10 This hearing stands adjourned until 7:00  
11 p.m. tomorrow in Fairbanks. Off record.

12 (ADJOURNMENT)

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## Responses for Document 00173

**00173-001:** Thank you for your comment.

**00173-002:** Thank you for your comment.

**00173-003:** Thank you for your comment.

**00173-004:** Thank you for your comment.

## Responses for Document 00174

**00174-001:** Thank you for your comment.

**00174-002:** Thank you for your comment.

**00174-003:** Thank you for your comment.

**00174-004:** Thank you for your comment.

## Responses for Document 00175

- 00175-001:** Thank you for your comment.
- 00175-002:** Thank you for your comment.
- 00175-003:** The past operational and maintenance histories of TAPS were considered in the analysis.
- 00175-004:** Issues related to the safety of the TAPS are discussed in Sections 3.1, 4.1, 4.4, and 4.7 of the EIS. The record of safety over the last 25 years of operation as well as the predicted safety aspects over the proposed ROW renewal period are given. The EIS is intended to provide the absolute values of the impacts and to compare the impacts with applicable standards, regulations, and laws. Comparison evaluation of the safety record of TAPS with other pipelines, although it may be informative, is not appropriate for the EIS.
- 00175-005:** Thank you for your comment.
- 00175-006:** The reader is referred to Section 2.5 of the FEIS, Alternatives and Issues Considered but Eliminated from Detailed Analysis.

## Responses for Document 00176

**00176-001:** Thank you for your comment.

**00176-002:** Thank you for your comment.

## Responses for Document 00177

**00177-001:** Thank you for your comment.

**00177-002:** Thank you for your comment.

## Responses for Document 00178

**00178-001:** Thank you for your comment.

**00178-002:** Thank you for your comment.

**00178-003:** Thank you for your comment.

**00178-004:** Thank you for your comment.

**00178-005:** Thank you for your comment.

## **Responses for Document 00179**

**00179-001:** The operation and maintenance histories of TAPS were considered in the analysis.

**00179-002:** Thank you for your comment.

**00179-003:** Thank you for your comment.

## Responses for Document 00180

**00180-001:** Section 29 is a specific provision in the Federal Grant of Right-of-Way for the TAPS that addresses aspects of Alaska Native employment on the TAPS (APSC and contractor employment). The need for this provision arose in the early 1970s in conjunction with the settlement of Alaska Native land claims and the construction of the TAPS.

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

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

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

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

**00180-002:** Thank you for your comment. The contracting practices of the Alyeska Pipeline Service Company are beyond the scope of this EIS.

**00180-003:** The settlement claim for punitive damages related to the Exxon Valdez oil spill in Prince William Sound is currently in litigation and is outside the scope of the EIS process for the renewal of the Federal Grant of Right-of-Way.

**00180-004:** The description and analysis of subsistence harvest patterns are based on a thorough review of a large body of systematic research as well as the traditional knowledge provided in testimony by local residents. A careful effort was made to include all sources of information and none were dismissed as unimportant. Major references include classic ethnographies such as Osgood's work among Alaska Athabascans and Birket-Smith and DeLaguna's work in Prince William Sound, all dating to the 1930s. In addition, the analysis drew on over two dozen community harvest surveys conducted by the ADFG Division of Subsistence since the early 1980's. A very recent publication, systematically documenting the traditional ecological knowledge of Ahtna Elders regarding salmon in the Copper River, was incorporated into the revised analysis. In all cases, these reports are based on extensive and systematic interviews with local people. The sources of information were developed in close consultation with Alaskan specialists, the draft analysis was widely circulated for review, and substantial improvements have been incorporated into the FEIS.

Every effort has been made to emphasize that contemporary subsistence patterns are founded in economic/ecological, social organizational, and ceremonial or cultural dimensions. There is no intention to reduce the rich fabric of the subsistence way of life to justify the economic elements, and certainly not to suggest that rising incomes substitute for subsistence.

With regard to incorporating Tribal input on this EIS, it is important to note that several references to traditional ecological knowledge appear throughout the document. In an attempt to acquire additional information from the Tribes, 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. To date, no response to those letters has been received.

**00180-005:** 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 the BLM nor the other JPO agencies are authorized to require or enforce commitments that are made by APSC or the TAPS Owners directly with individuals or groups.

**00180-006:** The issue of subsistence impacts under the proposed action and alternatives has been revisited carefully in response to public comments. The revised version of Section 3.24 of the FEIS discusses a variety of subsistence data, including community harvest data, approximated subsistence harvests of selected game by geographic area, information on resource populations (see also Sections 3.19, 3.20, 3.21, and 3.22), and traditional ecological knowledge. Sections 4.3.20 and 4.7.8.1 refer to studies that have focused on impacts related to the oil industry on subsistence, thus providing an interpretation of key situational data on subsistence. The available data are adequate for purposes of evaluating impacts of the proposed action and all alternatives considered in this EIS. Any additional data collection, should it occur, is beyond the scope of this EIS.

Sections 3.23 and 3.24 have both been revised to discuss village economies. Subsistence continues to be presented as an activity important to rural Alaskans for a variety of reasons.

## Responses for Document 00181

**00181-001:** Thank you for your comment.

**00181-002:** Thank you for your comment.

**00181-003:** Thank you for your comment.

**00181-004:** Thank you for your comment. The cumulative impact analysis assumed that for the No Action alternative a natural gas pipeline could still be constructed.

**00181-005:** Thank you for your comment.

**00181-006:** Thank you for your comment.

## Responses for Document 00182

- 00182-001:** 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.
- 00182-002:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00182-003:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00182-004:** VSM stability is obviously critical to TAPS integrity. As such, it is the focus of extensive monitoring and surveillance. Please see Section 4.3.2 of the FEIS (Soils and Permafrost) for additional information.
- 00182-005:** Yes, APSC's Aboveground Monitoring and Maintenance Program maintains detailed engineering information on each VSM. If a corrective maintenance threshold is reached, then maintenance action is taken. This process is cataloged in great detail in APSC's Annual MP 166 Aboveground Monitoring Report.
- The blockage referred to in the comment appears to relate to hydrogen that is present in some of the heat pipes. This non-condensable gas diminishes the heat exchanging capacity of the heat pipes so affected. See the discussion in Section 4.1.2.2.5, including the text inset.
- Actually, the blockage problem has received considerable attention. Devices have been designed and installed to remove the hydrogen gas from heat pipes. Also, APSC is perfecting the monitoring of heat pipes with infrared cameras to better identify those heat pipes that might have hydrogen build-up, and thus reduced heat transfer efficiencies. The results of the monitoring are factored into a maintenance algorithm to develop repair schedules.
- The heat pipes were redundant at the time of construction. However, with the recent warming trend in Alaska, some locations require more than one heat pipe to maintain the soil frozen. APSC monitors heat pipe performance and maintains sufficient cooling capacity to keep the VSM stable (i.e., frozen).
- 00182-006:** The age and condition of the TAPS were considered in the analysis. Sections of the pipeline are designed to slip to accommodate ground movement and expansion of the pipeline without endangering the structural integrity of the pipeline. Anchor structures are positioned along the pipeline to maintain the degree of slippage within design limits.

- 00182-007:** Information regarding data collected during instrument pig runs, as well as interpretation of that highly technical data, is available in the various reports filed by JPO under its comprehensive Monitoring Program (CMP). All CMP reports are a matter of public record and are available for review at the JPO offices. In addition, when data from instrumented pigs suggests additional investigations or repairs are warranted, JPO issues directives to APSC for such activities. JPO oversight of the subsequent actions is often summarized in engineering reports. Although highly technical, engineering reports are also available for public review.
- Curvature analysis is provided by APSC to JPO in MP-166 reports that are available for public review at the JPO Anchorage offices. To summarize, there have been no curvature changes under rivers in the past years of data (1993-1995, 1998) that were significant (within the accuracy of the measuring tool). The corrosion pig has located corrosion, and the extent and depth are evaluated by using appropriate data analysis methodologies. All significant corrosion has been inspected and repaired when necessary. Currently, APSC continues to monitor corrosion and address it prior to its becoming a concern.
- 00182-008:** Any such operational issues are the subject of JPO's Comprehensive Monitoring Program (CMP), as well as the associated Reliability-Centered Maintenance Analysis. When assessment under this JPO oversight identifies a potential problem, JPO may choose to issue directives to APSC to develop and submit for JPO approval a corrective action plan and schedule for correcting the deficiency.
- 00182-009:** The degree of corrosion and corrosion protection measures were considered in the analysis. While targeted audits, inspections, field surveys, and monitoring programs provide useful information on the condition of the TAPS, targeted assessments of specific activities do not generally provide the necessary framework to systematically address all critical TAPS functions and their associated reliability. Thus, the BLM and member agencies of JPO, in close cooperation with APSC, have begun a systematic process to identify the critical functional components of the TAPS. The process, called reliability centered maintenance (RCM), is an ongoing system-by-system audit that determines function, failure modes, consequence, and preventive maintenance of critical systems. The BLM is committed to RCM and believes that this process represents a proactive approach to oversight and regulation of the TAPS. In addition, RCM is widely used in the airline and other industries as the standard tool for reducing risk of failure to critical system components. Reduced risk in TAPS critical systems directly translates into reduced safety and environmental risks.
- 00182-010:** VSM stability is obviously critical to TAPS integrity. As such, it is the focus of extensive monitoring and surveillance. Please see Section 4.3.2 of the FEIS (Soils and Permafrost) for additional information.
- 00182-011:** The Transient Volume Balance (TVB) system in use at the TAPS can detect leaks down to 100 barrels per hour within 20 hours, i.e., 2,000 barrels. A 1 gallon per minute underground leak should be detected and located within 3 months (which is approximately 3,100 barrels).
- 00182-012:** Operational problems with the communication systems have received oversight attention from JPO. APSC is currently converting from the microwave system to the Fiber Optic System for its RGV controls. This conversion will be completed by the end of 2003. The fiber optics system will be backed up by satellite earth stations at all pump stations (except PS 2) and at the VMT.
- 00182-013:** The adequacy of pipeline surveillance is an open JPO finding documented in both the 1999/2000 and 2002 CMP reports. As discussed in those reports, the JPO is using RCM methodology to fully address pipeline monitoring.
- 00182-014:** The impacts to Port Valdez water and marine organisms from an addition 30 years of TAPS operation are discussed in Section 4.3.8.

**00182-015:** There is no evidence that the problems with the BWTF have resulted in off-normal effluent discharges that have had an impact on the environment or public health and safety. The Alyeska Annual Data Report for June 2000-May 2001, filed with the EPA and ADEC pursuant to Part III.B.6 of NPDES Permit No. AD-002324-8, shows the effluent from the BWTF did not exceed the specific limits established in the Permit. Since the effluent limits in the Permit are established by the EPA, and certified by the ADEC, at levels expected to prevent adverse effects on receiving waters, it is reasonable to conclude that when these effluent limits are met there is no significant adverse effects to existing water quality of Port Valdez from BWTF effluent discharges regardless of certain less than optimum plant operations. Other sections of the DEIS deal with the impact of contaminants, from all sources, on the physical marine environment.

While we recognize that the PWS RCAC has recommended that NPDES permit levels for the BWTF be reduced, the EIS correctly identifies that BWTF discharges are below current NPDES permit limits and that concentrations of total PAHs in sediments are below the sediment quality guidelines for marine sediments. The methods used by Feder and Shaw (2000) to detect total PAH concentrations in sediment were sufficiently sensitive to allow comparison to the sediment quality guidelines. This does not mean that there is not some accumulation of PAHs in sediments surrounding the BWTF diffuser near the VMT, just that those levels do not exceed the current sediment quality guidelines for protecting aquatic organisms. As identified in the comment, PAH accumulation was detected in mussels used to monitor water quality in Port Valdez as part of a PWS RCAC-sponsored monitoring program (Salazar et al. 2002). In that study, it was found that all measured concentrations of PAHs in water and estimated on the basis of bioaccumulation in mussel tissues indicated that the concentrations of PAHs in Port Valdez waters are in the low parts-per-trillion range, well below the levels that have been associated with adverse effects in herring and salmon embryos (Salazar et al. 2002). In addition, Salazar et al. (2002) did not detect reductions in overall growth of caged mussels that could be attributed to PAH burdens. Instead of stating that BWTF effluent is unlikely to impair sediment quality, the EIS was revised to state that sediment concentrations of PAHs in sediments and water due to BWTF operations are not expected to change substantially as a result of the proposed action and to cite and discuss results of the recent monitoring efforts.

**00182-016:** Table 3.13-6 of DEIS (page 3.13-10) lists the total emissions of hazardous air pollutants (HAPs) from the Valdez Marine Terminal as 122.9 tons per year, which is approximately 5 times the threshold level of HAPs emission rate for a major source as defined by EPA (25 tons/year of any combination of HAPs). The 25 tons per year value is merely a threshold value used to define "major source of HAPs," not the upper limit of the HAPs emissions that the law [Clean Air Act] allows.

**00182-017:** The EIS correctly identifies that BWTF discharges are below current NPDES permit limits and that concentrations of total PAHs in sediments are below the sediment quality guidelines for marine sediments. This does not mean that there is not some accumulation of PAHs in sediments surrounding the BWTF diffuser near the VMT, just that those levels do not exceed the current sediment quality guidelines for protecting aquatic organisms.

**00182-018:** 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 significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline.

The C-Plan is updated periodically and lessons learned from actual occurrences as well as from regular exercises conducted along the pipeline are incorporated into the C-Plan. In addition, the C-Plan is reviewed annually by BLM, every three years by ADEC, and every 5 years by DOT. EPA also reviews the plan as it applies to pump stations. As part of this process, APSC and the Federal and State agencies with oversight responsibilities for TAPS make sure that the appropriate emergency response equipment and personnel are made available along the TAPS. See MP 400 retrospective in Section 4.1.1.8.

**00182-019:** APSC has an Oil Spill Contingency Plan in place. That plan includes tactics and strategies for response in every river crossed by TAPS. The plan is approved by the appropriate state and federal agencies.

The Joint Pipeline Office (JPO) oil-spill planning and prevention program is a large-scale, multi-agency endeavor. Each of four participating agencies (Alaska Department of Environmental Conservation (ADEC), Environmental Protection Agency (EPA), Bureau of Land Management (BLM), and Alaska Department of Natural Resources (ADNR)) has a particular focus; however, their individual objectives are considered collectively in the JPO TAPS oil spill response and planning group. This interagency group generally meets monthly and maintains a continuous monitoring program on TAPS oil-spill planning and related issues.

The emphasis of the four agencies is the prevention of spills. Spill prevention is accomplished through a combination of: 1) oversight of spill contingency planning (including 64 exercises conducted 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, the JPO has a number of highly trained individuals who are fully prepared to respond quickly and effectively. River crossings are important elements of the strategy for prevention and response to oil spills.

The TAPS Pipeline Oil Discharge Prevention and Contingency Plan (APSC 2001g) provides for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline.

**00182-020:** The possibility of introducing nonindigenous organisms via untreated segregated tanker ballast water is addressed as part of the analysis of cumulative effects in Section 4.7.7.2.1.

**00182-021:** 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.

**00182-022:** As identified in the EIS, BWTF discharges are below current NPDES permit limits and that concentrations of monitored chemicals are within levels established. This does not mean that there is not some accumulation of PAHs in sediments surrounding the BWTF diffuser near the VMT, just that those levels do not exceed the current sediment quality guidelines for protecting aquatic organisms.

Accumulation of PAHs was detected in mussels used to monitor water quality in Port Valdez as part of a PWS RCAC-sponsored monitoring program (Salazar et al. 2002). In that study, it was found that all measured concentrations of PAHs in water and estimated on the basis of bioaccumulation in mussel tissues indicated that the concentrations of PAHs in Port Valdez waters are in the low parts-per-trillion range, well below the levels that have been associated with adverse effects in herring and salmon embryos (Salazar et al. 2002). In addition, Salazar et al. (2002) did not detect reductions in overall growth of caged mussels that could be attributed to PAH burdens. Instead of stating that BWTF effluent is unlikely to impair sediment quality, the EIS was revised to state that sediment concentrations of PAHs in sediments and water due to BWTF operations are not expected to change substantially as a result of the proposed action and to cite and discuss results of the recent monitoring efforts. In addition, additional information about the toxicity of oil (especially aqueous components such as PAHs) to fish and invertebrates has been added to Section 4.4.4.10.

**00182-023:** We assume that the comment refers to the enhanced toxicity that has been demonstrated when some of the PAHs in oil are exposed to sunlight. Text has been added to Section 4.4.10 that mentions this enhanced toxicity and provides additional citations.

**00182-024:** The operation and maintenance of TAPS is under the scrutiny of the JPO. APSC must meet the stipulations of the grant and lease. APSC has some latitude in how this is accomplished organizationally.

**00182-025:** Potential spill scenarios and their impacts on the North Slope are addressed in Section 4.7 of the EIS under Cumulative Impacts.

**00182-026:** The Joint Pipeline Office (JPO) oil-spill planning and prevention program is a large-scale, multi-agency endeavor. Each of four participating agencies (Alaska Department of Environmental Conservation (ADEC), Environmental Protection Agency (EPA), Bureau of Land Management (BLM), and Alaska Department of Natural Resources (ADNR)) has a particular focus; however, their individual objectives are considered collectively in the JPO TAPS oil spill response and planning group. This interagency group generally meets monthly and maintains a continuous monitoring program on TAPS oil-spill planning and related issues.

The emphasis of the four agencies is the prevention of spills. Spill prevention is accomplished through a combination of: 1) oversight of spill contingency planning (including 64 exercises conducted 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, the JPO has a number of highly trained individuals who are fully prepared to respond quickly and effectively. River crossings are important elements of the strategy for prevention and response to oil spills.

The TAPS Pipeline Oil Discharge Prevention and Contingency Plan (APSC 2001g) provides for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline.

**00182-027:** 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.

**00182-028:** VSM stability is obviously critical to TAPS integrity. As such, it is the focus of extensive monitoring and surveillance. Please see Section 4.3.2 of the FEIS (Soils and Permafrost) for additional information.

**00182-029:** Comments received during scoping are aggregated into a record of public scoping and are used to frame the issues and the analyses in the DEIS. All scoping comments were considered in preparing the DEIS. Scoping comments are not listed and identified individually or responded to in the DEIS. Comments received on the quality of the analysis in the DEIS are addressed specifically in the FEIS and may result in text changes in the FEIS as well.

## Responses for Document 00183

**00183-001:** Thank you for your comment.

**00183-002:** Thank you for your comment.

**00183-003:** Thank you for your comment.

## Responses for Document 00184

- 00184-001:** Thank you for your comment.
- 00184-002:** Thank you for your comment.
- 00184-003:** The current Federal Grant and associated stipulations, along with the provisions of TAPAA, provide BLM with extensive and ongoing regulatory control of TAPS operations. These conditions would not change upon renewal.
- 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.
- 00184-004:** The BLM and member agencies of the JPO are committed to the protection of human health and the environment. The Federal Grant and authorizing legislation (TAPAA) provide unprecedented authority to BLM in assuring the protection of human health and the environment. This authority allows the BLM and JPO to ensure that the future performance of TAPS meets the requirements placed on its operation and maintenance.
- 00184-005:** Thank you for your comment.
- 00184-006:** Thank you for your comment.
- 00184-007:** Regular monitoring is used to determine compliance and take appropriate action.
- 00184-008:** The current Federal Grant and associated stipulations, along with the provisions of TAPAA, provide BLM with extensive and ongoing regulatory control of TAPS operations. These conditions would not change upon renewal.
- 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.
- 00184-009:** Thank you for your comment.

## Responses for Document 00185

**00185-001:** Thank you for your comment.

**00185-002:** Thank you for your comment.

**00185-003:** Thank you for your comment.

**00185-004:** Thank you for your comment.

## Responses for Document 00186

**00186-001:** The BLM and the agencies within JPO acknowledge both that there have been legitimate issues related to APSC's employee concerns program (ECP) and that APSC has undertaken considerable efforts to improve and refine their ECP program.

The BLM and JPO 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, this effort can provide broad measures of the confidence that TAPS workers have in APSC's ECP and can suggest areas needing improvement.

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

**00186-002:** See Section 3.1.1 for a discussion of the history of government oversight of TAPS. Subsequent to the 1976 hearings referred to in the comment, the Department of Transportation reviewed pipeline construction and certified the pipeline in 1977.

The JPO's comprehensive monitoring program (CMP) grew out of recommendations from a Booz Allen & Hamilton contract to broaden and add structure to the JPO's monitoring efforts in light of congressional hearings, TAPS audits, and 1991 GAO criticism.

In 1995, the GAO reviewed TAPS monitoring and the early stages of the CMP. The GAO made no further recommendations.

**00186-003:** The comment is a recapitulation of widely reported events of the mid-1980s to early 1990s. All such issues have been addressed and some have resulted in substantial improvements to operating procedures and expanded and refocused JPO oversight activities.

**00186-004:** Many of the findings in the referenced audits were incorporated into JPO's comprehensive monitoring program (CMP). The status of resolving these issues is reported in annual CMP reports. See Section 4.1.1.4 for a discussion of the CMP.

**00186-005:** A recent JPO summary (Elleven 2002a) of the Engineering Report JPO-00-E-031 was reviewed in preparing the DEIS. JPO's finding that APSC was not in compliance with Stipulation 1.20 was "satisfactorily closed" on January 23, 2002. The VMT fatality is mentioned on pages 3.17-2 and 3.17-3. In addition, in response to another comment, text has been added to Section 4.3.13.1.2 (Employee Safety Concerns) that now states, "There is an unsatisfactory trend where health and safety hazards have not been abated in a timely manner or interim safety controls have not been implemented to minimize the hazard."

**00186-006:** Issues related to fire safety and electrical code violations were summarized in Sections 4.3.13.1.3 and 4.3.13.1.4. A number of reviews were conducted by the JPO and a Regional Citizen's Advisory Council, which were cited in these sections. The impetus for these reviews was APSC's past performance in this area, allegations by concerned employees, numerous (e.g., 124) potential National Electrical code violations, and JPO audit findings. However, the Berth 4 spark incident (which was reviewed by the JPO and resulted in one finding) was not specifically mentioned in these sections, because this finding was satisfactorily closed with Engineering Report 01-E-002.

**00186-007:** The entire Livengood (or Milepost 400 “bullet hole”) incident response was the subject of an interagency (including industry) report “Joint After-Action Report for the TAPS Bullet Hole Response,” dated February 8, 2002. Major findings include: quick detection of the leak by APSC’s security force; apprehension of the alleged shooter by the state troopers within hours; activation in Fairbanks of the state/federal/industry unified command with several hours; rapid isolation of the affected pipe section and appropriate pressure-relief actions; containment of the spilled oil was effectively achieved with trenches, berms, and pits; safety concerns were appropriately the paramount consideration throughout the incident; and permanent repairs were effected as soon as the situation permitted. A number of recommendations to improve future responses were made. See the text box in Section 4.1.1.8 for a more complete discussion of the MP 400 incident.

Similarly, the situation at Atigun resulted in a series of changes to the way valves are operated to preclude future shifts of the pipeline at the pass.

**00186-008:** The entire Livengood (or Milepost 400 “bullet hole”) incident response was the subject of an interagency (including industry) report “Joint After-Action Report for the TAPS Bullet Hole Response,” dated February 8, 2002. Major findings include: quick detection of the leak by APSC’s security force; apprehension of the alleged shooter by the state troopers within hours; activation in Fairbanks of the state/federal/industry unified command with several hours; rapid isolation of the affected pipe section and appropriate pressure-relief actions; containment of the spilled oil was effectively achieved with trenches, berms, and pits; safety concerns were appropriately the paramount consideration throughout the incident; and permanent repairs were effected as soon as the situation permitted. A number of recommendations to improve future responses were made. See the text box in Section 4.1.1.8 for a more complete discussion of the MP 400 incident.

Similarly, the situation at Atigun resulted in a series of changes to the way valves are operated to preclude future shifts of the pipeline at the pass.

**00186-009:** The U.S. Department of Transportation, Office of Pipeline Safety (OPS) regulates the design, construction, operation, maintenance, and transportation by pipeline of hazardous liquids and gases (49 C.F.R. §192 and 49 C.F.R. §195). The State Right-of-Way lease incorporates these regulations through stipulation 3.2.1.1. The Department of Natural Resources, State Pipeline Coordinator’s Office actively works with U.S. DOT/OPS and BLM to ensure compliance with regulations and lease requirements. Specifically stipulation 1.18.1 requires the Lessees to:

During the construction, operation, maintenance and termination of the Pipeline/Pipeline System, Lessees/Permittees shall conduct a surveillance and maintenance program applicable to the subarctic and arctic environment. This program shall be designed to: (1) provide for public health and safety; (2) prevent damage to natural resources; (3) prevent erosion; and (4) maintain Pipeline/System integrity.

APSC’s maintenance program has been subject to JPO oversight since the office was formed in 1990. Various audits, assessments, surveillances and Comprehensive Management Program reports have focused on different aspects of this program. The 2002 JPO Comprehensive Monitoring Program Report (CMP-02-C-002) “TAPS Maintenance and Sustained Useful Life, January 2001 – May 2002” provides the most comprehensive review of TAPS maintenance strategies and implementation. The author reports that APSC maintenance practices over the past 25 years have resulted in a 99.98 percent reliability record. The report also states that the essential elements for effective maintenance management are in place and that based on the Reliability Centered Maintenance analyses conducted through June 2000, and the associated programmatic changes APSC made to its’ TAPS maintenance strategies the physical life of TAPS can be sustained for an unlimited duration. Therefore, there is no basis to support the contention that the State of Alaska is not adequately funding the level of oversight necessary to ensure that TAPS is being properly maintained.

**00186-010:** Thank you for your comment.

**00186-011:** Operation of TAPS over time has provided the BLM and JPO with significant factual information and experience with which to formulate future management.

**00186-012:** Thank you for your comment.

**00186-013:** The Bureau of Land Management does not have the legal or regulatory authority to impose fines on the operator of the TAPS.

The BLM and the agencies within the JPO acknowledge that there are legitimate issues related to the current employee concerns program (ECP). The BLM and JPO will undertake actions to improve the ECP. The JPO will undertake a confidential survey that will seek input from all TAPS employees (see Section 4.8.4 of the FEIS). The survey will be constructed to determine areas that need improvement, areas that are currently effective, and new programs that can be implemented to improve the ability of TAPS employees to communicate concerns to the BLM and JPO. The JPO also notes that a hotline (1 800 764 5070) currently exists for TAPS employees to confidentially report issues and concerns. The BLM will also invite the U.S. Department of Labor and the U.S. Department of Transportation to effectively carry out their current authorities in addressing employee environmental, safety, and integrity concerns as partners with the JPO community.

The BLM has no authority under the current Federal Grant or TAPAA to institute new rule-making as a component of the renewal process, nor does it have the authority to compel action by the United States Congress to change the law. If the authority were provided, new rulemaking and the associated National Environmental Policy Act analysis would be necessary.

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

## Responses for Document 00187

**00187-001:** Thank you for your comment.

**00187-002:** Thank you for your comment.

**00187-003:** Thank you for your comment.

**00187-004:** Thank you for your comment.

## Responses for Document 00188

- 00188-001:** Thank you for your comment.
- 00188-002:** Thank you for your comment.
- 00188-003:** Thank you for your comment.
- 00188-004:** Thank you for your comment.
- 00188-005:** Thank you for your comment.
- 00188-006:** Thank you for your comment.
- 00188-007:** Thank you for your comment.
- 00188-008:** Thank you for your comment.
- 00188-009:** Thank you for your comment.

## Responses for Document 00189

**00189-001:** Thank you for your comment. Impacts of the TAPS and likely impacts of ROW renewal, both positive and negative, are discussed in Sections 3.25 and 4.3.21, respectively.

**00189-002:** Thank you for your comment.

## Responses for Document 00190

- 00190-001:** Thank you for your comment.
- 00190-002:** The FEIS has been revised to include a more extensive analysis of spill scenarios and spill response in the Copper River Drainage. Also, section 4.1.1.8 provides a synopsis of the response to the bullet hole incident in October 2001 near Livengood.
- 00190-003:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00190-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00190-005:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00190-006:** The BLM and the agencies within JPO acknowledge both that there have been legitimate issues related to APSC's Employee Concerns Program (ECP) and that APSC has undertaken considerable efforts to improve and refine its ECP program.
- The BLM and JPO expect to continue to evaluate the effectiveness of APSC's ECP through confidential surveys that will seek input from all TAPS employees (see Section 4.8.4 of the FEIS). Like the three prior surveys, these efforts can provide broad measures of the confidence that TAPS workers have in APSC's ECP and can suggest areas needing improvement.
- The JPO also notes that a confidential hotline (1-800-764-5070) currently exists for employees or members of the public to report issues and concerns about TAPS. Recorded messages are checked daily by the BLM-Alaska Special Agent's office. The purpose of the hotline is to identify issues relating to pipeline integrity, public safety, environmental protections and regulatory compliance for incorporation into the JPO work program. The BLM also refers employees seeking personal relief (e.g., restoration of employment or lost compensation) to the U.S. Department of Labor or other appropriate authorities for further investigation.
- 00190-007:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00190-008:** 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.

**00190-009:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.

The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

**00190-010:** Please see Section 2.5 of the FEIS for information regarding escrow of DR&R funds.

## Responses for Document 00191

**00191-001:** Thank you for your comment.

**00191-002:** Thank you for your comment.

**00191-003:** Thank you for your comment.

**00191-004:** Thank you for your comment.

**00191-005:** Thank you for your comment.

**00191-006:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

**00191-007:** Thank you for your comment.

## Responses for Document 00192

**00192-001:** Thank you for your comment.

**00192-002:** Thank you for your comment.

**00192-003:** Thank you for your comment.

**00192-004:** Thank you for your comment.

**00192-005:** Thank you for your comment.

**00192-006:** Thank you for your comment.

**00192-007:** Thank you for your comment.

**00192-008:** Thank you for your comment.

## Responses for Document 00193

**00193-001:** Thank you for your comment.

**00193-002:** Thank you for your comment.

## Responses for Document 00194

- 00194-001:** The oil that was spilled in Prince William Sound as a result of the Exxon Valdez oil spill did come through the TAPS. Sections 4.7.8.1 and 4.7.8.2 have been expanded to include more complete discussions of the impacts of the Exxon Valdez oil spill on Alaska Natives in the Prince William Sound area.
- 00194-002:** The referenced section in the EIS (now 3.25.2.2) has been revised to clarify the discussion of the ANCSA. However, the discussion of ANCSA in particular is to provide a sense of key characteristics of modern Alaska Native sociocultural systems, not to discuss the merit of the ANCSA or other decisions that led to the current situation.
- 00194-003:** The pertinent section of the FEIS (now 3.25.2.2) has been revised to discuss the emergence of land claims more thoroughly. The description of various sociocultural systems acknowledges that Alaska Natives had complex sociopolitical systems prior to Euro-American contact. The EIS neither states nor implies that Europeans nor Americans introduced or invented politics, though the formal political structure of Alaska Native Tribes was an introduction of the Indian Reorganization Act, extended to Alaska in 1936 (as the FEIS discusses).
- 00194-004:** It was not the intent of the EIS to give the impression that Native corporations disperse large sums of cash to all shareholders. Section 3.25.1.2 has been reworded to clarify this point.
- 00194-005:** It would be incorrect to lump all Alaska Native sociocultural systems into a single category of complexity or residence pattern. There has been a range of complexity over time among Alaska Natives, which the EIS attempts to convey briefly in Section 3.25.1. The EIS does not dispute that Alaska Native sociocultural systems had complex leadership, again discussed in Section 3.25.1. Researchers who have considered the implications of sedentary settlement among formerly mobile (or semi-nomadic) groups introduced changes in the sociopolitical structure of those groups, as presented in the text box in Section 3.25.1.1 (using Ahtna as an example). The commentor seems to feel that the term "semi-nomadic" has a negative connotation. It does not. The term "semi-nomadic" accurately describes a residence pattern marked by seasonal occupation.
- 00194-006:** The Indian Reorganization Act of 1934 was extended to include Alaska Native Villages in 1936. While it is true that councils of various forms did exist prior to this act, the act added such Western features as written constitutions with Western-style elections. A brief discussion of this act is found in the revised version of Section 3.25.1.2 in the FEIS.
- 00194-007:** The referenced text has been revised (Section 3.25.2.2 in the FEIS) to reflect more accurately the current form of modern Alaska Native sociocultural systems.
- 00194-008:** Section 3.25.1.2 has been reworded to clarify the relationship between Tribal Councils and state-chartered Village corporations, and to discuss in greater detail federally recognized tribes.
- 00194-009:** Thank you for your comment.
- 00194-010:** Section 3.25.1.3 is included to highlight some of the problems that result when indigenous cultures encounter and are forced to adapt to external cultures over a short time span. The stress resulting from this encounter is expressed in a number of social ills. It is relevant to the EIS because the construction of the TAPS increased the interaction between Native and Euro-American cultures dramatically in some areas. Section 3.25.1.3 has been reviewed and reworded as appropriate. Other sections discussing Alaska Native sociocultural systems (e.g., Section 3.25.1.1.8) have been expanded to discuss Tribal initiatives to help reduce such problems.

**00194-011:** Impacts to subsistence are discussed in Section 4.3.20. This section has been substantially revised since the DEIS to discuss the nature of negative impacts in greater detail. Although there have been several impacts in recent decades on subsistence, as noted in Section 4.3.20, the vast majority of those impacts are due to causes other than the TAPS (see also the revised version of Section 3.24).

Input from Alaska Natives has been sought throughout the EIS process for TAPS ROW renewal, as documented in part in Table 5.3-1. The BLM and TAPS owners will continue to work with Alaska Natives to mitigate any effects of the TAPS on subsistence resources.

## Responses for Document 00195

**00195-001:** Thank you for your comment.

**00195-002:** Thank you for your comment.

**00195-003:** Thank you for your comment.

**00195-004:** Thank you for your comment.

**00195-005:** Thank you for your comment.

**00195-006:** Thank you for your comment.

**00195-007:** Thank you for your comment.

## Responses for Document 00196

**00196-001:** 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.

**00196-002:** Thank you for your comment.

**00196-003:** 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.

**00196-004:** The BLM and the agencies within JPO acknowledge both that there have been legitimate issues related to APSC's Employee Concerns Program (ECP) and that APSC has undertaken considerable efforts to improve and refine its ECP program.

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

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

**00196-005:** For this report, JPO did not determine that it was necessary to retain an electrical engineer or designer. JPO has on staff an Alaska Department of Labor electrical specialist with enforcement authority. Further, JPO can obtain, through contract, electrical engineering expertise as it did in 1994-1995 to review related audit action item closures.

**00196-006:** The BLM and the agencies within JPO acknowledge both that there have been legitimate issues related to APSC's Employee Concerns Program (ECP) and that APSC has undertaken considerable efforts to improve and refine its ECP program.

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

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

**00196-007:** The technology referred to in the comment is outside of the TAPS ROW; therefore, the stipulation noted in the comment does not apply. The TAPS ROW, as it relates to the North Pole Metering Station (NPMS), includes only the meters and related leak detection equipment and those areas of the main 48-inch TAPS crude pipeline for crude supply to the NPMS, up to and including the first isolation valve, and residuum from the NPMS, back to and including the nearest isolation valve (Joint Pipeline Office Analysis and Review of the "Itemized Punch List of Non-Compliances" associated with Project B 176, North Pole Metering Station, September 2000).

**00196-008:** Thank you for your comment.

**00196-009:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

## Responses for Document 00197

- 00197-001:** 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. Many security measures for TAPS are not addressed in the DEIS.
- 00197-002:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.
- 00197-003:** The BLM and other JPO agencies operate within the limitations and authority of the federal grant and authorizing legislation (TAPAA). BLM has unprecedented authority to assure protection of human health and the environment. This authority is exercised as needed in planning and evoking actions that affect TAPS.
- 00197-004:** Since the Exxon Valdez oil spill in 1989 and the enactment of the Oil Pollution Act in 1990, significant improvements have been made in the procedures, staffing, and the equipment needed to prevent and respond to potential oil spills from tankers in Prince William Sound. Among the improvements made are the following: (1) APSC's Ship Escort/Response Vessel System was established in July 1989 to help tankers navigate through PWS and to respond to potential oil spills, (2) new procedures were established and regulations put in place by the United States Coast Guard to better control the tanker traffic in PWS, (3) PWS Regional Citizens' Advisory Council was created to help plan for and oversee the oil spill prevention and response operations, (4) the amount of equipment and personnel available for oil spill prevention and response was increased, (5) more stringent training and personnel monitoring programs were established, (6) government oversight was increased, and (7) the spill prevention and response budget was increased dramatically. The currently available oil spill response capabilities and plans for PWS are summarized in Section 4.1.4 of the EIS and are provided in detail in the Prince William Sound Oil Discharge Prevention and Response Plan (Prince William Sound Tanker Plan Holders 1999).
- 00197-005:** The oil spill prevention and contingency plans along the pipeline and at the North Slope are summarized in Section 4.1.4 of the EIS. References are provided from Section 4.1.4 to the detailed planning documents for the two geographic areas. These documents are updated and reviewed by various State and Federal agencies periodically ranging from every year to every 5 years. The substantive elements of the contingency plans are controlled by ADEC rules (18 AAC75), which include provisions for public review and comment as part of the plan update procedures. The EIS team used the information that was available in the latest versions of the spill prevention and contingency plans as discussed in Section 4.1.4 and Section 4.4 of the EIS. Section 4.4 of the EIS provides the spill scenarios considered and the estimated impacts from these scenarios along the pipeline and at the VMT. The spill scenarios and impacts that are applicable to the North Slope are discussed in Section 4.7 of the EIS.

**00197-006:** ANILCA Section 810 focuses on restrictions on subsistence use from federal authorizations (see Appendix E), but spills (particularly large spills) by definition are accidental and thus not normally considered part of normal operations of any oil-related activity.

Mitigation of spill impacts include cleanup activities, as well as compensation under Section 30 of the Agreement and Grant Right-of-Way for Trans-Alaska Pipeline, as discussed in Section 4.1.5 (see also Appendix B).

**00197-007:** The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

The TAPS Pipeline Oil Discharge Prevention and Contingency Plan (APSC 2001g) provides for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline. The owner companies address spills resulting from exploration and production facilities on the North Slope. The oil exploration and production activities are not part of the proposed action analyzed in this EIS. However, they are addressed under the Cumulative Impacts in Section 4.7 of the EIS.

**00197-008:** Thank you for your comment.

**00197-009:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.

The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

## Responses for Document 00198

- 00198-001:** 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.
- 00198-002:** The EIS addresses three alternatives and analyzes the direct impacts and indirect impacts of each alternative, as well as the cumulative effects. The EIS also addresses the full time period for all proposed activities under each alternative. Chapter 3 of the EIS provides site-specific baseline data for TAPS, and this site-specific information forms the basis for the impact analysis.
- 00198-003:** The number of North Slope spills identified for the first 25 years of operation of the pipeline is not consistent with the historical spill record for the pipeline. For example, the TAPS spills database identifies only about 200 crude oil spills of greater than 1 gallon. The frequencies associated with small to moderate sized spills reported in the DEIS is consistent the historical record on these TAPS pipeline events.
- The spill scenarios and impacts associated with the spills along the pipeline and at the VMT are given in Section 4.4 of the EIS. Similarly spill scenarios and impacts associated with transportation of oil from VMT and with production and exploration activities on the North Slope are provided in Section 4.7 of the EIS. The scenarios range from high frequency/low consequence events to low frequency/high consequence occurrences. In estimating the frequencies and spill volumes for future spills, both the historical data from past spills and the potential for catastrophic spills of large consequence were considered.
- 00198-004:** The spills analysis for the DEIS did consider historical initiators such as maintenance failures for potential future spill events. In fact, the dominant contributors to TAPS pipeline leaks are sabotage, maintenance errors, and corrosion.
- The maintenance cause category considered in the DEIS encompasses leaks from maintenance equipment striking the line, or maintenance errors during repairs, hot tapping, stoppling, or other hot or live work.
- Two incidents have occurred in 25 years of pipeline operation, the first being an 1,800 bbl spill at Check Valve 7 due to front-end loader impact (7-19-77). The second was a maintenance error at Pump Station 5 on September 22, 2001, which caused a 50 bbl spill outside of containment. There have been a number of maintenance-related spills into containment that did not reach the environment.
- As analyzed in the EIS, the spill analysis did include less-than-catastrophic spill events such as might occur as a result of equipment failure.
- 00198-005:** See the text box on the MP 400 bullet hole incident in Section 4.1.1.8 of the FEIS.
- 00198-006:** VSM stability is obviously critical to TAPS integrity. As such, it is the focus of extensive monitoring and surveillance. Please see Section 4.3.2 of the FEIS (Soils and Permafrost) for additional information.

- 00198-007:** The FEIS considers the cumulative impacts of North Slope oil production, the TAPS corridor, Prince William Sound, and the delivery of oil to West Coast and Asian ports. The economic analysis considers local impacts, state impacts, and national level impacts. The spill scenarios evaluate the transport and fate of spilled oil in the major rivers and streams that cross the TAPS corridor. The alternatives consider both the operational time period of the action and the time periods required for removal and restoration. Thus, the BLM has considered the proper scales at which to evaluate TAPS impacts.
- 00198-008:** The TAPS renewal EIS addresses a very specific decision: to act on a request by the applicant for a 30-year renewal of the Federal Grant. The renewal decision is a specific component and requirement of TAPAA and the current Federal Grant. Thus, the BLM decision is narrowly defined and does not require an extensive analysis of alternative energy policies or methods of transportation. The reader is directed to Section 2.5 of the FEIS.
- 00198-009:** Thank you for your comment.
- 00198-010:** The reader is directed to Section 2 and especially to Section 2.5 for a discussion on alternatives considered but eliminated from detailed analysis.
- 00198-011:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00198-012:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00198-013:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00198-014:** As discussed in Section 2.5, and in accordance with the National Environmental Policy Act, many alternatives were considered in addition to those that were subjected to detailed analysis. The rationales for eliminating each alternative from further analysis are provided in that section.
- 00198-015:** The reader is directed to the discussion of escrow funds found in Section 2.5.

## Responses for Document 00199

**00199-001:** 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.

**00199-002:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.

The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

**00199-003:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.

The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

**00199-004:** Thank you for your comment.

**00199-005:** 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.

**00199-006:** The American Petroleum Institute's Pipeline Performance Tracking System (PPTS) currently (as of summer 2002) has only two full years of data. At the time that the DEIS was prepared, the PPTS contained spill data for only one year of pipeline operations. To develop historical trends needed for the spills analysis in the DEIS, spills data over a number of years was necessary.

The frequencies of postulated spill scenarios for the DEIS were primarily based on data from the 25 years of operations of the TAPS pipeline. These frequencies were compared with other appropriate references. The spills analysis in the DEIS is consistent with other recent NEPA documentation, in which U.S. Department of Transportation data on spills is used as a check on unit spill frequencies for pipeline operations.

VSM stability is obviously critical to TAPS integrity. As such, it is the focus of extensive monitoring and surveillance. Please see Section 4.3.2 of the FEIS (Soils and Permafrost) for additional information.

**00199-007:** Section 4.1.3 provides an overview of the ongoing monitoring and surveillance activities on the pipeline. Monitoring of structural support members (including VSMs) is discussed in Section 4.1.3.2.1. Alternatives related to renewal of the Federal Grant are discussed in Section 2. Some of the suggested options in the comment (e.g., audits) are discussed in Section 2.5.

**00199-008:** Thank you for your comment.

**00199-009:** It is unclear as to which figures of reliability the comment is referring to. Reliability is generally defined as the ability of a system or component to perform its required functions under stated conditions for a specified period of time. Since North Slope oil production began in 1977, TAPS' reliability has averaged higher than 98 percent; i.e., TAPS has been operating and available to transport product to market more than 98 percent of the time.

The spills analysis for the EIS considers spills in a number of media and under various conditions, to bound the potential impacts from spills of crude oil and other hazardous compounds. The spill volumes are given in absolute quantities rather than in statistical terms. Section 4.4 of the EIS lists the spill scenarios considered, their expected frequencies, and estimated spill volumes and discusses the potential environmental impacts that would be caused by them.

## Responses for Document 00200

- 00200-001:** 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.
- 00200-002:** Thank you for your comment. Measures to prevent spills were taken into consideration in the preparation of the DEIS.
- 00200-003:** Since the Exxon Valdez oil spill in 1989 and the enactment of the Oil Pollution Act in 1990, significant improvements have been made in the procedures, staffing, and the equipment needed to prevent and respond to potential oil spills from tankers in Prince William Sound. Among the improvements made were the following: (1) APSC's Ship Escort/Response Vessel System was established in July 1989 to help tankers navigate through PWS and to respond to potential oil spills, (2) new procedures were established and regulations put in place by the United States Coast Guard to better control the tanker traffic in PWS, (3) PWS Regional Citizens' Advisory Council was created to help plan for and oversee the oil spill prevention and response operations, (4) the amount of equipment and personnel available for oil spill prevention and response was increased, (5) more stringent training and personnel monitoring programs were established, (6) government oversight was increased, and (7) the spill prevention and response budget was increased dramatically. The currently available oil spill response capabilities and plans for PWS are summarized in Section 4.1.4 of the EIS and are provided in detail in the Prince William Sound Oil Discharge Prevention and Response Plan (Prince William Sound Tanker Plan Holders 1999).
- 00200-004:** Thank you for your comment.

## Responses for Document 00201

- 00201-001:** Thank you for your comment.
- 00201-002:** Thank you for your comment.
- 00201-003:** Thank you for your comment.
- 00201-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00201-005:** Thank you for your comment.

## Responses for Document 00202

**00202-001:** Thank you for your comment.

## Responses for Document 00203

**00203-001:** Thank you for your comment.

**00203-002:** Thank you for your comment.

**00203-003:** Thank you for your comment.

**00203-004:** Thank you for your comment.

**00203-005:** Thank you for your comment.

**00203-006:** Thank you for your comment.

## Responses for Document 00204

- 00204-001:** Thank you for your comment.
- 00204-002:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00204-003:** As part of the application for renewal process, the applicant provides the BLM with a description of how TAPS would be operated, together with its environmental report. Those materials then become a component of the impact analysis conducted by the BLM. As the lead federal agency for preparation of this EIS, BLM is responsible for its content, regardless of the assistance provided in the preparation and review of the document.
- 00204-004:** The environmental consequences of conducting routine TAPS operations in compliance with stipulations are addressed at considerable length and detail in Section 4 of the EIS. A summary of those impacts is presented in Table 2.1. Compliance with stipulations is intended to minimize and mitigate environmental impacts, but it cannot eliminate them entirely.
- 00204-005:** Buildup of waxy solids in tanks at the Ballast Water Treatment Facility has received considerable attention by the JPO and APSC, as well as by citizen groups such as PWS RCAC. There is concurrence on an appropriate course of corrective action. See the text box in Section 4.3.13.1.3.
- 00204-006:** The comment identifies both the problem and the appropriate response action. APSC is responsible for operating TAPS in accordance with its approved design basis and in a safe manner that is fully protective of the environment. Under the grant stipulations, APSC is responsible for addressing any off-normal condition to prevent it from causing adverse impact to public health or the environment. As the comment relates, the JPO is aware of the situation and has directed APSC to develop and submit a corrective action plan.
- Buildup of waxy solids in tanks at the Ballast Water Treatment Facility has received considerable attention by the JPO and APSC, as well as by citizen groups such as PWS RCAC. There is concurrence on an appropriate course of action and resolution of the problem may be in place by February 2003. See the text box in Section 4.3.13.1.3.
- 00204-007:** Buildup of waxy solids in tanks at the Ballast Water Treatment Facility has received considerable attention by the JPO and APSC, as well as by citizen groups such as PWS RCAC. There is concurrence on an appropriate course of corrective action. See the text box in Section 4.3.13.1.3.
- 00204-008:** The BLM and member agencies of the JPO, in close cooperation with APSC, have begun the reliability centered maintenance (RCM) process and are systematically evaluating the function, failure modes, consequences and preventative maintenance of critical systems. The BLM is committed to RCM and believes that this process represents a proactive approach to oversight and regulation of TAPS. APSC has committed to the RCM process as the core of its maintenance strategy through a memorandum of agreement dated June 2002 and is revising its TAPS maintenance procedures manual, MP-167, accordingly. A second memorandum of agreement between the JPO and APSC clarifies the expectations from the use of RCM. See additional discussions in Section 4.1.1.7.

- 00204-009:** Build up of waxy solids in tanks at the Ballast Water Treatment Facility has received considerable attention by JPO and APSC, as well as citizen groups such as PWS RCAC. There is concurrence on an appropriate course of corrective action. See the text box in Section 4.3.13.1.3. JPO intends for the RCM decision-making process to be available to the public. See the discussion in Section 4.1.1.7.
- 00204-010:** The EIS cites RCM but does not state that RCM or RCM implementation is “evidence of benign environmental impact.” The EIS needs to be read as a whole document. RCM is identified as the methodology committed to by APSC to form the basis for its maintenance decisions. See Section 4.1.17 for additional discussions on RCM.
- 00204-011:** 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.
- 00204-012:** The DEIS has considered a range of possible sources of oil spills in addressing cumulative impacts. These are considered to be representative of potential cumulative impacts during the renewal period.
- 00204-013:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.
- 00204-014:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

## Responses for Document 00205

**00205-001:** 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.

**00205-002:** The BLM has the necessary authority under the Federal Grant and TAPAA to rigorously enforce compliance with all current and future stipulations.

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.

**00205-003:** The BLM and member agencies of the JPO use an adaptive management approach to evaluate the effectiveness of stipulations and regulatory oversight. Ongoing monitoring programs, as identified in the 12 Comprehensive Monitoring Reports published since 1996, provide BLM and JPO with the necessary information to evaluate the effectiveness of stipulations in the Grant and Lease.

The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

**00205-004:** 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.

**00205-005:** As described in Section 4.1.2.9 of the EIS, APSC has three different leak detection systems in place: 1) Deviation Alarms, 2) Line Volume Balance (LVB) and 3) Transient Volume Balance (TVB). The size of the leak for the Livengood Bullet Hole incident was too small to trigger the Deviation Alarms. The time interval between visual detection and pipeline shutdown was less than the time interval required for LVB to detect and trigger an alarm. The pipeline shutdown was begun within 30 minutes of the onset of the leak. Only the TVB had a theoretical chance of detecting and alarming for a leak of this magnitude in the 30-minute time window between the onset of the leak and pipeline shutdown. Although the TVB did not alarm, it is estimated that LVB would have alarmed within 4 to 10 hours after the start of the leak (available at [http://www.state.ak.us/dec/dspar/perp/011004301/report/aft\\_03.pdf](http://www.state.ak.us/dec/dspar/perp/011004301/report/aft_03.pdf)).

Impacts of spills to tributaries of the Copper River (Gulkana and Tazlina Rivers) are discussed in Section 4.4.4.3. Additional information for spills in the Copper River Drainage is presented in the text box in Section 4.4.4.3, "Oil Spill Planning for the Copper River Drainage."

**00205-006:** 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.

**00205-007:** 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.

**00205-008:** Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," requires that the federal government consult with Tribal governments during the preparation of an EIS. Government-to-government consultation for this EIS is described in Section 5.3, "Government-to-Government Consultation." As the lead federal agency associated with this EIS, the BLM established government-to-government exchanges with all Tribal governments in Alaska and more focused exchanges with 21 Tribes directly affected by the TAPS. These 21 communities received more detailed mailings explaining the proposed ROW renewal, the EIS process, and 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.

**00205-009:** APSC's oil spill response capabilities and plans for TAPS are summarized in Section 4.1.4 of the EIS and explained in detail in the "TAPS Oil Discharge Prevention and Contingency Plan" (APSC 2001g) for the pipeline and in the "Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan" (APSC 2001h) for the VMT. The Plans are available to the public through various libraries in several major cities in Alaska during the time of plan review. Oil spill prevention and response capabilities and related activities specific to the Copper River drainage area are discussed in the text box "Oil Spill Planning for the Copper River Drainage" in Section .4.4.4.3.

**00205-010:** The Joint Pipeline Office (JPO) oil spill planning and prevention program is a large-scale, multiagency endeavor. Each of four participating agencies (Alaska Department of Environmental Conservation [ADEC], U.S. Environmental Protection Agency [EPA], Bureau of Land Management [BLM], and Alaska Department of Natural Resources [ADNR]) has a particular focus. However, their individual objectives are considered collectively in the JPO TAPS oil spill response and planning group. This interagency group generally meets monthly and maintains a continuous monitoring program on TAPS oil spill planning and related issues.

The emphasis of the four agencies is the prevention of spills. Spill prevention is accomplished through a combination of (1) oversight of spill contingency planning (including 64 exercises conducted on TAPS annually) and (2) JPO's comprehensive TAPS operations oversight monitoring issues that could contribute to a spill in the future. JPO is doing everything possible to prevent and respond to a potential oil spill from TAPS. Please refer to the text box that has been added to Section 4.4.4.3 for details on the oil spill prevention and response capabilities and related activities specific to the Copper River drainage area.

**00205-011:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

**00205-012:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.

## Responses for Document 00206

- 00206-001:** Thank you for your comment.
- 00206-002:** Thank you for your comment.
- 00206-003:** Thank you for your comment.
- 00206-004:** Thank you for your comment.
- 00206-005:** Thank you for your comment.
- 00206-006:** Thank you for your comment.
- 00206-007:** Thank you for your comment.
- 00206-008:** Thank you for your comment.
- 00206-009:** Thank you for your comment.

## Responses for Document 00207

- 00207-001:** Thank you for your comment.
- 00207-002:** Thank you for your comment.
- 00207-003:** Thank you for your comment.
- 00207-004:** Thank you for your comment.
- 00207-005:** Thank you for your comment.
- 00207-006:** Thank you for your comment.
- 00207-007:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00207-008:** Thank you for your comment.

## Responses for Document 00208

- 00208-001:** Thank you for your comment.
- 00208-002:** Thank you for your comment.
- 00208-003:** Thank you for your comment.
- 00208-004:** Thank you for your comment.
- 00208-005:** Thank you for your comment.
- 00208-006:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00208-007:** Thank you for your comment.
- 00208-008:** Thank you for your comment.
- 00208-009:** Thank you for your comment.

## Responses for Document 00209

**00209-001:** Thank you for your comment.

**00209-002:** Thank you for your comment.

**00209-003:** Thank you for your comment.

**00209-004:** Thank you for your comment.

**00209-005:** Thank you for your comment.

**00209-006:** Thank you for your comment.

## Responses for Document 00210

- 00210-001:** Thank you for your comment.
- 00210-002:** Sections 3.23, 3.24, 3.25, and 3.27 discuss existing conditions associated with the TAPS in detail with regard to economics, subsistence, sociocultural systems, and land use, respectively. These same issues are considered throughout the EIS under all three alternatives, spills, and cumulative impacts, as detailed in the table of contents. Concerns about traffic, land use, and restricted access are explicitly considered in the EIS.
- 00210-003:** The EIS notes that subsistence users have identified changes in caribou migration as an impact to subsistence, further stating that the TAPS has been identified as one possible cause of these changes (see community descriptions in Section 3.24.1 and Appendix D). This information has been accorded as much validity as any other on the topic. However, to provide a balanced description of existing and potential future impacts, the EIS also discusses evidence that suggests that there are several causes of such changes and that any such impacts associated with the TAPS likely are minimal (see Section 3.21.1.2).
- It is worth noting that once the preliminary evaluation of subsistence impacts was completed in April 2002, the 21 federally recognized tribes examined in this impact assessment were contacted by certified letter to invite participation in further exchange of traditional ecological knowledge on subsistence. To date, none of these tribes have responded.
- 00210-004:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- While comments on the DEIS had to be received by the end of the 45-day comment period in order to be addressed in the Final EIS, additional provisions for involvement in the decision-making process apply to Tribal governments and Native organizations. The process of government-to-government consultation allows these groups to continue dialogue with the Bureau of Land Management.
- 00210-005:** As stated in the EIS in Section 1.2, "Scope and Decision of Analysis," the TAPPA and the Federal Grant provide the Secretary of the Interior, and therefore the BLM, with the authority and obligation to oversee the construction, maintenance, operation, and termination of the entire pipeline system, regardless of land ownership. Access, land use, and trespass issues related to Native lands, including those owned by the Ahtna Corporation, are addressed in Section 4.3.23.1, "Land Use."
- 00210-006:** Government-to-government consultation is not an explicit component of environmental justice, either as defined in Executive Order 12898 or in the Environmental Protection Agency or Council of Environmental Quality implementing guidelines. However, government-to-government consultation has been maintained, per Executive Order 13175, as described in Section 5.3, Table 5.3-1. This consultation has involved considerable correspondence as well as face-to-face meetings, and offers for further meetings to which responses were never received.
- Environmental justice is examined in some detail in Sections 3.29, 4.3.25, 4.4.4.19, 4.5.2.25, 4.6.2.25, and 4.7.8.7.
- 00210-007:** The Joint Pipeline Office currently has a position open for Alaskan Native liaison. Ahtna may have a qualified applicant who may wish to apply for it.

**00210-008:** The EIS recognizes that there would be potential for impacts to salmon resources if an oil spill occurs in a salmon-bearing stream or river (Section 4.4.4.10). The extent of the impacts would be related to the amount of oil spilled, the size of the receiving stream, and the location of various salmon resources and life stages relative to the spill location. The estimated probabilities of various oil spill scenarios occurring at particular locations along the TAPS are presented in Section 4.4.1.1. APSC's oil spill response capabilities and plans for the pipeline are summarized in Section 4.1.4 of the EIS and explained in detail in "TAPS Oil Discharge Prevention and Contingency Plan" (C-Plan). The C-Plan is available to the public at various libraries in several major cities in Alaska. Oil spill prevention and response capabilities and related activities specific to the Copper River drainage area are discussed more fully in a text box that has been added to Section 4.4.4.3.

**00210-009:** The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

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

The C-Plan is updated periodically and lessons learned from actual occurrences as well as from regular exercises conducted along the pipeline are incorporated into the C-Plan. In addition, the C-Plan is reviewed annually by BLM, every three years by ADEC, and every 5 years by DOT. EPA also reviews the plan as it applies to pump stations. As part of this process, APSC and the Federal and State agencies with oversight responsibilities for TAPS make sure that the appropriate emergency response equipment and personnel are made available along the TAPS.

**00210-010:** Thank you for your comment.

**00210-011:** The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.

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

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

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**00210-012:** The BLM recognizes that there may be interactions between the TAPS and subsistence resources. The BLM also notes that current information does not show a relationship between TAPS and subsistence impacts. The BLM and State of Alaska within JPO are currently working with industry and others to develop a science-based approach to determine how TAPS and subsistence resources interact.

**00210-013:** Thank you for your comment.

## Responses for Document 00211

**00211-001:** Thank you for your comment.

**00211-002:** Thank you for your comment.

## Responses for Document 00212

- 00212-001:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00212-002:** Section 4.4.4.14 has been revised to identify impacts to communities on the Yukon River upstream of the TAPS.
- 00212-003:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00212-004:** Thank you for your comment.
- 00212-005:** The oil spill planning and prevention effort in the JPO is a large-scale, multi-agency endeavor. Each participating agency (Alaska Department of Environmental Conservation, Environmental Protection Agency, BLM, and the Alaska Department of Natural Resources) has a particular focus, but these are all considered collectively in the JPO TAPS oil spill response and planning group. This inter-agency group generally meets monthly with APSC and maintains a continuous monitoring program on TAPS oil spill planning and related issues. The group also coordinates with the Office of Pipeline Safety, which reviews the Pipeline Oil Spill Contingency Plan.
- The emphasis of all agencies is on the prevention of spills. This is accomplished through a combination of: 1) oversight of spill contingency planning (including 64 exercises on TAPS annually) and, 2) through JPO's comprehensive TAPS operations oversight, monitor issues which could contribute to a spill in the future. In the event of a spill, however, JPO has a number of highly-trained individuals who are fully prepared to respond quickly and effectively.
- The Trans-Alaska Pipeline System Pipeline Oil Discharge Prevention and Contingency Plan, CP-35-1 GP, prepared in 2001 by the Alyeska Pipeline Service Company (C-plan) provides full disclosure of spill planning, reporting, and response. The C-Plan is approved by the member agencies of JPO.
- 00212-006:** The performance of the operations and maintenance of TAPS was considered in preparing the EIS. APSC has the latitude to organize as it needs as a business as long as the stipulations and other applicable regulations and laws are met. The BLM and JPO have the authority to ensure that operations and maintenance is done in an acceptable manner.
- 00212-007:** Thank you for your comment.

**00212-008:** The BLM and the agencies within JPO acknowledge that there are legitimate issues related to the current employee concerns program (ECP). The BLM and JPO will undertake actions to improve the ECP. The JPO will undertake a confidential survey that will seek input from all TAPS employees (see Section 4.8.4 of the FEIS). The survey will be constructed to determine areas that need improvement, areas that are currently effective and new programs that can be implemented to improve the ability of TAPS employees to communicate concerns to BLM and JPO. The JPO also notes that a hotline (number here) currently exists for TAPS employees to confidentially report issues and concerns.

The BLM will also invite the U.S. Department of Labor and the U.S. Department of Transportation to effectively carry out their current authorities to address employee environmental, safety, and integrity concerns as partners with the JPO community.

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

**00212-009:** The reader is referred to Section 2.5 and specifically to the text on citizens' oversight and independent audit.

**00212-010:** TAPS operates under a series of oversight groups. The Bureau of Land Management (BLM) has statutory authority to provide regulatory oversight for all TAPS operations and maintenance. 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 agency.

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.

Citizen participation and citizen 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 public review and comment on topics, such as oil spill response planning and others (for example, permits and subsistence hearings).

Public review and comment ensure full and open disclosure of the decision-making process. The JPO has an Executive Council, composed of the agency heads of JPO's constituent offices. This group meets periodically to review important JPO issues and provide policy-level guidance. These meetings are open to the public and opportunity for public comment is provided for in the agenda. In addition, the BLM-Alaska has a legally authorized Regional Advisory Council (RAC) that meets regularly to discuss land management issues in Alaska. The RAC is composed of a diverse cross-section of citizens who provide advice to BLM-Alaska and who work together in a collaborative setting.

**00212-011:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

## Responses for Document 00213

- 00213-001:** The work by Mary Clay Berry was referenced in the EIS, as were the regional Alaska Native Corporations that emerged from ANCSA (e.g., Section 4.3.21.1).
- 00213-002:** Thank you for your comment.
- 00213-003:** The possibility of intentional acts of sabotage against TAPS was considered in the analysis. Security along TAPS has been increased as a result of the events of September 11, 2001. These security measures are confidential, but have been reviewed and concurred with by government oversight agencies.
- 00213-004:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00213-005:** Please see textbox in Section 3.4 of the FEIS that highlights the November 3, 2002 earthquake.
- 00213-006:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00213-007:** The reader is directed to the discussion of escrow funds found in Section 2.5.
- 00213-008:** Thank you for your comment.

## Responses for Document 00214

- 00214-001:** Thank you for your comment.
- 00214-002:** VSM stability is obviously critical to TAPS integrity. As such, it is the focus of extensive monitoring and surveillance. Please see Section 4.3.2 of the FEIS (Soils and Permafrost) for additional information.
- 00214-003:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00214-004:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00214-005:** Thank you for your comment.
- 00214-006:** Section 4.4.4.14 of the EIS discusses the subsistence impacts of a spill into a river or stream, in the process examining potential impacts for several example waterways. As noted in that section, under certain conditions (including stream/river configuration, flow level, and timing in fish reproductive cycle), the magnitude of such an impact could indeed be severe.

## Responses for Document 00215

- 00215-001:** The purpose of requesting public comments on a draft environmental impact statement is to obtain additional information that would improve the quality of the analysis in the document. In addition to holding public hearings in Alaska for the purpose of receiving comments on the DEIS, five other ways were provided to submit comments within the 45-day comment period. Comments on the DEIS were received from many locations outside of Alaska.
- 00215-002:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.
- 00215-003:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00215-004:** Any specific information regarding corrosion along the TAPS should be reported to the JPO. There are a number of safeguards against corrosion in place along the pipeline, such as impressed current and sacrificial anodes. Pigs (mechanical device with ultrasonic sensors) are sent through the pipeline on a three-year cycle. In areas where corrosion is suspected based on the pig data, the pipeline is uncovered and repaired as needed. Repairs are made well before the pipe is in danger of leaking. See Section 4.2.2.4 (Routine and Preventive Maintenance Activities) and Section 4.2.2.5 (Repair Activities) for a discussion of the corrosion monitoring and repair activities. See Sections 4.4.1.1, 4.5.1.2, and 4.6.1.2 for a discussion of spills related to pipeline corrosion.
- 00215-005:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."
- 00215-006:** Although 45 days is understandably a short time to review a document of this size, the time period is consistent with the Council on Environmental Quality regulations for implementing the National Environmental Policy Act regarding the review of draft environmental impact statements. Significant effort was made to advise people of the schedule and duration of the review well in advance (one year). The DEIS was published on schedule and many substantive comments on the content of the DEIS, including yours, were received during the 45-day period.

## Responses for Document 00216

- 00216-001:** The reader is referred to Section 2.5 of the FEIS, in which audits are addressed under Alternatives and Issues Considered but Eliminated from Detailed Analysis.
- 00216-002:** The comment refers to a condition that existed in the 1979 time period. With the passage of the Oil Pollution Act, oil tanker hull configurations are now specified and substantially more controls have been established for tanker movements within PWS. In addition, in accordance with OPA and ADEC regulations, contingency plans for response to spills have been greatly enhanced and undergo continuous reviews by federal and state authorities.
- 00216-003:** 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.
- 00216-004:** 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.
- 00216-005:** Thank you for your comment.
- 00216-006:** Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," requires that the federal government consult with Tribal governments during the preparation of an EIS. Government-to-Government consultation for this EIS is described in Section 5.3, Government-to-Government Consultation. As the lead federal agency associated with this EIS, the BLM established government-to-government exchanges with all tribal governments in Alaska and more focused exchanges with the 21 tribes that identified themselves as 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.
- 00216-007:** Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," requires that the federal government consult with Tribal governments during the preparation of an EIS. Government-to-Government consultation for this EIS is described in Section 5.3, Government-to-Government Consultation. As the lead federal agency associated with this EIS, the BLM established government-to-government exchanges with all tribal governments in Alaska and more focused exchanges with the 21 tribes that identified themselves as 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.

- 00216-008:** The operational history of TAPS, maintenance activities, spill response capabilities, and the potential for spills associated with TAPS were considered in the analysis. Impacts associated with potential spills are discussed in Section 4.4 of the EIS. APSC's oil spill response capabilities and plans for TAPS are summarized in Section 4.1.4 of the EIS and explained in detail in the "TAPS Oil Discharge Prevention and Contingency Plan" (APSC 2001g) for the pipeline and in the "Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan" (APSC 2001h) for the VMT. The Plans provide for significant resources, including equipment, trained personnel, and effective organization, to respond if oil does spill from the pipeline or at VMT. They are available to the public through various libraries in several major cities in Alaska during the public review process conducted every 3 years. These documents are updated and reviewed by various State and Federal agencies periodically ranging from every year to every 5 years. Lessons learned from actual occurrences such as the Livengood bullet hole incident as well as from regular exercises conducted by the owner companies and the government agencies are incorporated into the Plans. It is expected that this process would continue throughout the ROW renewal period, if granted, and the Plans would be kept up to date.
- 00216-009:** VSM stability is obviously critical to TAPS integrity. As such, it is the focus of extensive monitoring and surveillance. Please see Section 4.3.2 of the FEIS (Soils and Permafrost) for additional information.
- 00216-010:** The stability and integrity the pipeline are critical to the pipeline's operation. Please see the text change in Section 4.3.2 (Soils and Permafrost) of the FEIS.
- 00216-011:** 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."
- 00216-012:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

## Responses for Document 00217

- 00217-001:** 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 and a discussion of observed and potential effects of oil on infaunal and epifaunal invertebrates has been added.
- 00217-002:** Dr. Short's research is referenced and discussed in Section 3.11.3.1.
- 00217-003:** Dr. Short's research on the source of background hydrocarbons is referenced and discussed in Section 3.11.3.1. 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 Exxon Valdez oil spill on fish resources has been expanded and includes additional citations.
- 00217-004:** Please see Appendix A, "Methodology Descriptions," in the EIS.
- 00217-005:** As part of the application for renewal, the applicant provided the BLM with a description of how TAPS would be operated and its own environmental report. Those documents then became a component of the impact analysis conducted independently by the BLM. As the lead federal agency for this EIS, the BLM is responsible for its content, regardless of the assistance provided in the preparation and review of the document.
- 00217-006:** The FEIS contain numerous additions to the literature citations.
- 00217-007:** The current Federal Grant and associated stipulations, along with the provisions of TAPAA, provide BLM with extensive and ongoing regulatory control of TAPS operations. These conditions would not change upon renewal.
- 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.
- 00217-008:** The current Federal Grant and associated stipulations, along with the provisions of TAPAA, provide BLM with extensive and ongoing regulatory control of TAPS operations. These conditions would not change upon renewal.
- The reader is referred to Section 4.1.1 (JPO oversight) and specifically to Sections 4.1.1.2 (Adaptive Nature of the Grant in Compliance Monitoring), 4.1.1.3 (Risk-based Compliance Monitoring), 4.1.1.4 (JPO Comprehensive Monitoring Program), and 4.1.1.8 (Coordinated Planning and Response to Abnormal Incidents) for more information on the role of adaptive management as a JPO business practice.

## Responses for Document 00218

**00218-001:** Thank you for your comment.

**00218-002:** Thank you for your comment.

**00218-003:** Thank you for your comment.

**00218-004:** Thank you for your comment.

**00218-005:** The reader is referred to Section 2.5 of the FEIS, "Alternatives and Issues Considered but Eliminated from Detailed Analysis."

## Responses for Document 00219

**00219-001:** Thank you for your comment.

**00219-002:** Thank you for your comment.



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**TAPS RENEWAL DEIS**  
**PUBLIC HEARING**

Fairbanks, Alaska

August 6, 2002

**COMPUTER MATRIX COURT REPORTERS, LLC**  
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1 Trans-Alaska Pipeline system.

2 In addition to myself, Federal and State  
3 representatives from the Joint Pipeline Office are here  
4 to listen to your comments.

5 MR. BROSSIA: I'm Jerry Brossia with the  
6 Bureau of Land Management. I'm the authorized officer  
7 administering the Trans-Alaska Pipeline Right of Way.  
8 Thank you.

9 MR. THOMPSON: I'm Mike Thompson, State  
10 of Alaska. I'd like to thank you all for coming this  
11 evening.

12 HEARING OFFICER GEARY: Notice of  
13 availability of the Draft Environmental Impact Statement  
14 on the TAPS Right of Way Renewal appeared in the Federal  
15 Register on July 5th, 2002 in Volume 67, Number 129 at  
16 Page 44832. The State of Alaska has also provided notice  
17 of the availability of the Commissioner's Proposed  
18 Determination on July 3rd, 2002. Notification about the  
19 date, time and location for this hearing as well as the  
20 six other hearings scheduled to receive comments on the  
21 Draft Environmental Impact Statement, subsistence and the  
22 Commissioner's Proposed Determination was announced in  
23 the media including newspaper, radio and the internet.  
24 In addition, notices about the hearing were sent to  
25 individuals and organizations that have requested to be

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1 kept informed about this project. If you would like to  
2 be on the list to receive information about this project,  
3 you can sign up at the back of the room at the  
4 registration table.

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

25 In order to ensure a complete and

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1 accurate record of the hearing, it is necessary that only  
2 one person speak at a time. It's also requested that  
3 everyone remain as quiet as possible while the hearing is  
4 in process.

5 At this time please turn off all cell  
6 phones or turn them to a vibrate only mode. If you wish  
7 to speak, please sign in at the registration table first.  
8 Speakers will be called in the order in which they're  
9 registered. In the event that a speaker is not present  
10 when I call their name, I will proceed and that person's  
11 name will be called at a later time. In order to give  
12 everyone who wishes an opportunity to speak, we've  
13 limited the time for each speaker to 10 minutes. This  
14 box light will help you know when your time is nearly up.  
15 The light will turn green as you begin your comments and  
16 will turn yellow when you have one minute remaining and  
17 will turn red when your time is up.

18 A court reporter will record the oral  
19 comments and prepare a verbatim transcript. If you have  
20 an extra written copy of your comments, please provide it  
21 to me so that we can use it for any clarification that  
22 may be necessary. In any event, your remarks will be  
23 recorded as you state them. If you wish to supplement  
24 your oral comments with additional written material,  
25 please provide that material to me and it will be marked

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1 as an exhibit and made a part of this hearing.

2 All right, are there any questions about  
3 the process of the hearing tonight?

4 All right, when I call your name, please  
5 come forward to the microphone, state your name, the  
6 organization that you represent, if any, and whether  
7 you're also providing written comments. Also, for  
8 administrative purposes, please specify whether you're  
9 commenting on the Draft Environmental Impact Statement,  
10 whether you're commenting on subsistence under .810 of  
11 ANILCA or whether you're commenting on the Commissioner's  
12 Proposed Determination.

13 So far we have 39 individuals scheduled  
14 who have signed up to speak. So we'll start at the top  
15 of the list, Mayor Rhonda Boyles. 00220

16 MAYOR BOYLES: Good evening. I'm the  
17 proud mayor of the Fairbanks North Star Borough  
18 progressive and positive environment. Rhonda Boyles.

19 North Slope oil reserves, however  
20 decreased from prior years are still sufficient to  
21 support another 30 years of pipeline operations. And  
22 backing up, I guess I would be commenting on the  
23 Commissioner's Finding, sir. I'll let you decide that  
24 after you hear what I'm saying. Pipeline assessed value  
25 for the Fairbanks North Star Borough for the year 2001

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