

Point Thomson Export Pipeline (PTEP) Public Comments

On September 21, 2012, the Department of Natural Resources (DNR) State Pipeline Coordinator's Office (SPCO) issued public notice of the Commissioner's Analysis and Proposed Decision for the Pt. Thomson Export Pipeline. Public hearings were held in the communities of Barrow (October 23), Kaktovik (October 24), Nuiqsut (October 25) and Fairbanks (October 29). Below are summaries of the formal comments received during this period, along with the SPCO's response.

ROW Location

Commenter	Community	Comment	Response
Mayor Dwayne Hopson Sr.; Clarence Ahnupkana	Nuiqsut	The pipeline is too close to coastal shore; reconsider moving it further inland.	The applicant considered topography, habitat and economics factors, along with local coastal erosion rates and spill response considerations when determining the pipeline's route and finalizing its design. The setback of the pipeline considers the threats posed by ivus (ice surges), coastal erosion over the life of the facilities, and storm surges. As part of the processes at the State Pipeline Coordinator's Office, and through the federal Environmental Impact Statement, various state and federal agencies have reviewed the pipeline setback from the coast and concluded that the current location is sufficient. Some of the agencies use a buffer concept, determining the time for oil to reach water and ensuring that a response can be made within the time window to respond to a leak. Moving the pipeline beyond the needed buffer distance has marginal value, and might hinder emergency response in some scenarios. This is a roadless pipeline; therefore, some locations along the route may be best accessed by heavy equipment from the coast, depending on the time of year.

Environmental and Land Related Issues

Clarence Ahnupkana	Nuiqsut	There are graveyards near the Pt. Thomson project area. Some are unmarked, and there is concern that they might be accidentally impacted.	The U.S. Army Corp of Engineers initiated the Section 106 consultation with the State Historic Preservation Office (SHPO) for the Pt. Thomson Project on August 2, 2011, which led to the development of a Programmatic Agreement (PA) and the confidential Cultural Resource Management Plan (CRMP). The CRMP is a guide for the PA Signatories and consulting parties regarding the identification, assessment and treatment of cultural resources in the project area. The CRMP identified a number of known and recorded archaeological sites in or adjacent to the Point Thomson Project area. A sensitivity map within this plan has been created to establish sensitive areas that should be avoided or developed only under close supervision. Stipulation 1.4.3 requires the lessee to submit a plan for Cultural Resource Preservation prior to construction. Lease stipulation 1.19 states the lessee must "take affirmative responsibility to require its agents, employees, and Contractors to protect cultural resources while conducting Pipeline Activities." This stipulation requires any activities that could damage or disturb cultural resource sites cease until SHPO and the North Slope Borough have been notified.
Clarence Ahnupkana	Nuiqsut	Fish are present in many of the little lakes and ponds. Numerous kinds of animals live in the area. Local residents eat plants and animals from the project area. There is concern that waste residue produced during project construction or operations might transfer to these plants and animals creating the potential for	With regard to fish, Section IV "Fish, Wildlife and Biotic Resources" of the Commissioner's Analysis discusses the Department of Fish and Game's (ADF&G) studies on the lakes and streams in the project area. Stipulations in the Right-of-Way Lease give the Department of Natural Resources (DNR) and ADF&G authority to protect fish and wildlife. Specifically, Stipulation 1.4.3 requires the completion of a Fish and Wildlife Protection plan prior to the start of construction; Stipulation 2.6 outlines requirements for the lessee such as pump intakes, water diversion structures, and other requirements to protect fish spawning beds, rearing areas, and overwintering areas.

		<p>animals and people sick.</p>	<p>As to plants and animals, the Right-of-Way Lease incorporates required mitigation measures as stipulations that are effective during construction, operation, maintenance and termination of the pipeline. For instance, Stipulation 1.4.3 requires the lessee to develop several plans to protect the natural resources and health of animals, plants, and people in the area. Some of these plans include: Control, Sanitation, and Disposal of Hazardous Waste and Hazardous Substances; Groundwater Control; Fish and Wildlife Protection; Use of Pesticides, Herbicides, Preservatives, and Other Chemicals; and Handling of Solid and Liquid Waste. Additionally, the lessee's Quality Management Program, required by Stipulation 1.4.4, details company processes for a variety of subjects, including environmental protection.</p> <p>Further protections include the Surveillance and Maintenance Program, required by Stipulation 1.7, which outlines how the lessee will monitor for any threats to public health or damage to natural resources. The SPCO conducts regular surveillances on all 38.35 right-of-way leases. A portion of these surveillances include ensuring the lessee is following their own processes and programs.</p> <p>Additionally guidelines in the Right-of-Way Lease include Stipulation 1.16, which requires the lessee to take all measures necessary to protect the health and safety of all Persons affected by Pipeline Activities; and Stipulation 2.2, which establishes guidelines for pollution control.</p> <p>Finally, incidents such as spills must be reported to the State per Stipulation 1.8.</p> <p>As for subsistence activities, DNR requires that special safeguards be in place for natives and others subsisting on the biotic resources of the general area of the proposed pipeline ROW. The stipulations attached to the Point Thomson lease addressing wildlife, design parameters, and</p>
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			the timing of construction, in conjunction with the project proponent's Subsistence Mitigation Plan that is required by the North Slope Borough, serve to mitigate possible impacts to subsistence users of the area.
George Tagarook	Kaktovik	Page 22 of the Commissioners analysis discusses whaling but not beluga, which is also a food source.	Thank you for your comment. The Point Thomson Right-of-Way Lease and Stipulations are not designed to protect any whale species. The project proponent is working with the Alaska Eskimo Whaling Commission and has signed a Conflict Avoidance Agreement to not conflict with whaling seasons. The DNR will encourage the project proponent to also coordinate with the Alaska Beluga Whale Committee.
George Tagarook	Kaktovik	Page 21 of the Commissioner's Analysis states that residents hunt within a 30 miles radius; the document should have recognized that residents hunt to a 100 mile radius and this information is documented in a 1980's community report). The Analysis should not list a specific mile range for subsistence activities because hunters they go as far as they need to go to hunt.	The DNR agrees that subsistence hunters will go where the resources are located, which could be well beyond a 30 mile radius.
George Tagarook	Kaktovik	Where did the subsistence data come from? It does not appear to be from Kaktovik residents.	The Commissioner's Analysis subsistence data was provided by the ADF&G. Since 2008, PTE Pipeline LLC has attended whaling meetings in the local communities and met with the leadership and communities of Nuiqsut and Kaktovik about subsistence hunting and traditional knowledge. Additional information on the subsistence data sources can be found in the References section of the Analysis, Attachment G.

Design			
Clarence Ahnupkana	Nuiqsut	Sometimes caribou migrate from the Northeast towards the Southwest. Based on television footage showing Caribou traveling near TAPS, it appears the Caribou almost have to crawl on the ground to get under the pipeline. Seven feet is too low - caribou can barely pass under some of the current pipelines.	<p>The North Slope Borough zoning ordinances (Code of Ordinances Title 19, Chapter 19.70.050 (L)(5)(a)) call for above-ground pipelines to be elevated for wildlife crossings a minimum of seven feet from the ground to the bottom of the pipe. The seven-foot height of the PTEP is intended to ensure that caribou are physically able to cross under the pipeline, even in the presence of drifted snow. The requirement for seven-foot separation between the tundra and the bottom of the pipeline jacket has been used by various government agencies in their reviews for nearly two decades. The criterion was increased from the original requirements based upon recommendations from wildlife biologists who conducted long-term studies of caribou movement.</p> <p>The PTEP has two advantages over most previous pipelines: 1) The vibration dampeners would be mounted above the pipeline, instead of hanging below leaving the distance between VSMS unobstructed thus enabling easier wildlife passage; and 2) the PTEP design uses the seven feet as a minimum separation, so within areas of uneven terrain the distance between the tundra surface and the bottom of the insulation jacket often exceeds seven feet.</p>

Misc.			
Clarence Ahnupkana	Nuiqsut	Use spill guards under vehicles to prevent oil from dripping in the ground.	The use of spill guards and drip pans under vehicles is standard North Slope practice. DNR has contacted the lessee regarding the use of drip pans during all activities associated with the project. Due to DNR's request the Lessee is updating their Sanitation and Disposal of Hazardous Waste Plan to include the Drips and Drops program which includes the use of drip pans.
George Tagarook	Kaktovik	What is the state doing to help with energy and transportation costs? Kaktovik needs a small spur gas pipeline and compressor station to extract gas to the village (like Nuiqsut, but not have NSB run it; let community run it). A road could also be part of the project. A state program could fund the project.	Thank you for your comment. This issue is outside the scope of the Point Thomson Export Pipeline decision.
George Tagarook	Kaktovik	Kaktovik fought to open ANWR to bring local energy, but nothing has happened.	Thank you for your comment. This issue is outside the scope of the Point Thomson Export Pipeline decision.
George Tagarook	Kaktovik	Diesel is being shipped. If a ship goes aground between Prudhoe Bay and Kaktovik wildlife could be devastated.	Thank you for your comment. This issue is outside the scope of the Point Thomson Export Pipeline decision.