Proposed Action: The Department of Natural Resources (DNR) received a request from Alyeska Pipeline Service Company (APSC), agent for the Trans-Alaska Pipeline System (TAPS) lessees, to amend the Trans-Alaska Pipeline Right-of-Way (ROW) Lease, ADL 63574 to add lands 50 miles north of Pump Station 5 and approximately 266 road miles north of Fairbanks. The proposed ROW addition is approximately 675 ft. long by 232.32 ft. wide; located within the NW1/4NE1/4 of Section 18, Township 30 North, Range 11 West, Fairbanks Meridian, those lands adjacent to the TAPS ROW and below the Ordinary High-Water (OHW) line; containing approximately 3.6 acres of state land. The construction area is approximately 6.4 acres total, with 2.8 acres located on the uplands and 3.6 acres located below the OHW line.

This amendment request is necessary to support the extension and repair of the existing revetment that extends outside the existing TAPS ROW below OHW. Once construction activities are concluded, the added land to the operational ROW will be surveyed and may include less acreage than approved for construction.

The additional lands are necessary to support the existing pipeline system as defined in AS 38.35.230(7) and authorized by the TAPS ROW Lease, ADL 63574. See drawings for more details (Attachment A).

Authority: AS 38.35.015 and TAPS ROW Lease, ADL 63574.

Administrative Record: TAPS ROW Lease, ADL 63574, and the associated ROW Lease Amendment case file constitute the administrative record.

Background: On May 5, 2022, the Public Notice of the ROW amendment request was published in the Anchorage Daily News and Fairbanks Daily News-Miner newspapers and posted on the State of Alaska online Public Notice and Division of Oil and Gas Newsroom webpages. The Public Notice was sent for posting in the Noel Wien Library in Fairbanks and U.S. Post Offices in Anaktuvuk Pass, Coldfoot, and Fairbanks.

Pursuant to AS 38.35.070, the following coordinate agencies were notified of the applications and associated documents: Department of Labor & Workforce Development, Department of Transportation & Public Facilities, Department of Environmental Conservation, and Regulatory Commission of Alaska. Additionally, the following agencies received the link to the applications and associated documents: the Alaska Departments of Fish & Game (ADF&G), Revenue, and Public Safety.

The Office of History and Archaeology (OHA) and State Historic Preservation Office (SHPO) reviewed the proposed revetment construction zones. If inadvertent discoveries of cultural resources occur, OHA must be notified to evaluate whether the resource should be preserved in...
the public interest pursuant to AS 41.35.070(d). Examples of cultural resource sites that may be encountered include: historical cabin remains, adits, dredges, mining equipment, cultural depressions or pits, graves or cemeteries, tools, artifacts, and paleontological remains.

**Project Description:** The State Pipeline Coordinator’s office received an application from APSC to amend the TAPS lease to include the above-described lands for the purpose of repairing and extending the existing revetment below the OHW line. The federal government owns the uplands in this area and the Bureau of Land Management (BLM) shall issue the required permits for the upland work.

The Middle Fork Koyukuk River is an anadromous fish stream which flows south and is described as well-defined with occasional braiding and riffles, with rocks in the main channel. The TAPS mainline and the Dalton Highway lie to the east of the river. On September 19, 1973, the BLM received a ROW application to build an erosion control structure under site drawing C-00-L1097. On January 23, 1974, this drawing and structure were incorporated with the Federal Agreement and Grant of Right-of-Way issued by BLM for TAPS.

Over time, the main channel of the Middle Fork Koyukuk has migrated east towards the pipeline. The existing revetment apron and side slopes will be repaired and extended south with approximately 3,200 cubic yards of riprap below OHW. The revetment will be approximately 675 ft. in length, extending along the existing bank rather than building the bank out to the pre-erosion extent. This will minimize adverse impacts to non-wetland waters, the floodplain, existing vegetation, and water flow. Construction will occur from the bank unless low flow conditions are encountered in the field, in which case the revetment will be built from the bottom. Incidental clearing will be required to provide an equipment staging area. Any cleared material will be set aside to restore the area after construction.

**Title:**
The State of Alaska applied for title to the lands above OHW in Section 18, Township 30 North, Range 11 West, Fairbanks Meridian under community grant selection (CG-108) on June 23, 1986. BLM rejected the application on August 27, 1986, as the lands were withdrawn under Public Land Order (PLO) 5150. As such, the uplands are owned by the federal government and managed by the BLM.

On December 4, 2013, the Department of Natural Resources, Division of Water-Navigability Section conducted a river navigability study of the Middle Fork Koyukuk River and concluded the entire length of the river from the North Fork to the confluence of the Dietrich and Bettles Rivers was classified as navigable. This revetment extension and repair project is located near Dalton Highway milepost 187, between the confluence of both rivers. The State of Alaska asserts ownership to the shore lands beneath the Middle Fork Koyukuk in the project area under the Equal Footing Doctrine and the Submerged Lands Act of 1953, in addition to the navigability report.

**Planning and Classification:** The lands encompassed by this application are within the Dalton Highway corridor (AS 19.40.010). There is nothing in the Dalton Highway corridor (AS 19.40.010) designation that prohibits the issuance of this right-of-way amendment for the construction and maintenance of this revetment. Pursuant to AS 19.40.200(a), the state may not
dispose of state land under AS 38 that is within five miles of the highway right-of-way; however, AS 19.40.200(b)(4) states the prohibition of disposal of state land under (a) of this section does not apply to a disposal for lands necessary for exploration, development, production or transportation of oil or gas in this project area.

The lands encompassed by this application are within Mineral Order (MO) 1147, closing state land within 300 feet of either side of the TAPS centerline. MO1147 authorizes changes to the to accommodate future related facilities to TAPS, as well as any amendments or renewals.

The proposed revetment will provide improvements to the integrity of TAPS and is consistent with the management intent of the area for resource management.


If public comment indicates the need for significant changes in the proposed decision, additional public notice will be given on or after July 6, 2022. If no significant change is required, the proposed decision, including any minor changes, will be issued as the final decision of the Department of Natural Resources after July 6, 2022, without further notice.

Analysis: AS 38.35, the Alaska Right-of-Way Leasing Act, sets forth the procedures by which certain ROW leases are granted by the State of Alaska and the conditions under which they can be amended. Pursuant to AS 38.35.010, it is the policy of the state that development, use, and control of a pipeline transportation system make the maximum contribution to the development of the human resources of this state, increase the standard of living for all its residents, advance existing and potential sectors of its economy, strengthen free competition in its private enterprise system, and carefully protect its incomparable natural environment.

Pursuant to AS 38.35.015, the Commissioner has the power to grant leases of state land for pipeline ROW purposes. The Commissioner found it to be in the best interest of the residents of the State of Alaska to issue the Trans-Alaska Pipeline ROW Lease, ADL 63574 on May 3, 1974, and the Renewal and Amendment of ROW Lease for the Trans-Alaska Pipeline and Associated Rights, ADL 63574, effective May 2, 2004. The terms, conditions, stipulations and reservations contained in the Trans-Alaska Pipeline ROW Lease, ADL 63574, will apply to these lands if added to the lease.

AS 38.35.020(a) requires the applicant to obtain a ROW lease of state land from the Commissioner. The erosion control structure incorporated with the Federal Agreement and Grant of Right-of-Way issued by BLM for TAPS stabilized the east bank of the Middle Fork Koyukuk River near PLMP 225.1, preventing further erosion and providing a buffer zone to the pipe. These activities were to protect the integrity of the pipeline and are consistent with the original purpose of the lease. The proposed repairs and extension of the existing revetment below OHW constitutes an additional disposal of interest in state land beyond what was included in the original terms of the Trans-Alaska Pipeline ROW Lease, ADL 63574. Therefore, an amendment to the lease is required when there is a disposal of an interest in state land or resources beyond what was reviewed and approved during the original adjudication.
**Findings:** The proposed project is integral to the protection of the pipeline. The revetment repair and extension at the east bank of the Middle Fork River near PLMP 225.1 prevents further erosion and will enhance the buffer between the left/easterly riverbank and the above-ground pipeline in this area. The revetment is considered a "Related Facility," as defined by the lease, and will be managed under the lease. The proposal to add the above-described lands to the Trans-Alaska Pipeline ROW Lease, ADL 63574, is consistent with the lease. The terms, conditions and stipulations contained in Trans-Alaska Pipeline ROW Lease, ADL 63574, adequately address and protect the interest of the State of Alaska. The proposed improvements will stabilize the bank and repair some of the upland buffer that has been lost, protecting the integrity of TAPS.

The addition of these lands to the lease does not constitute a significant amendment to the lease since the impact on State resources will be negligible; the project does not conflict with or significantly change existing use of the land; and, the environmental effect from the placement of the revetment material is considered protective of a vital state resource. Approval of the request for the amendment for addition of the described lands is a ministerial function of the lease and is consistent with state statutes and terms of the lease.

**Proposed Decision:** I find that the request to amend the Right-of-Way Lease for the Trans-Alaska Pipeline, ADL 63574, to include the lands described in this proposed decision is in the best interest of the state and does not constitute a significant amendment to the lease.

If no significant change is required because of public comment or objection, then the proposed decision, including any minor changes, will be issued as the final decision of the Department of Natural Resources after July 6, 2022, without further notice.

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**Anthony Strupulis, P.E.**
State Pipeline Coordinator

6/3/2022

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Attachment A: Trans-Alaska Pipeline System  
Pipeline MP 225.1, Revetment Repairs and Extension at Middle Fork Koyukuk River, Revetment Plan Map, Plate 2, Dated March 2022 (1 Page)