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 TAPS Right-of-Way (ROW) Lease, ADL 63574 to add State lands approximately 33 miles south of Pump Station 1 near Deadhorse, Alaska. Recent high-water events on the Sagavanirktok River have resulted in changes to the channel resulting in increased bank erosion threatening the integrity of TAPS.

The proposed ROW addition is located within the NW1/4SE1/4 of Section 7, Township 5 North, Range 14 East, Umiat Meridian, those lands adjacent to the TAPS ROW and above the Ordinary High Water (OHW) line; containing approximately 11 acres, more or less. The total construction area is approximately 13.7 acres, including 2.8 acres of State land below the OHW.

The amendment request is necessary to protect TAPS from continued accelerated erosion as a result of high-water flood events. The project is described in more detail below in the Project Description section. Once construction activities conclude, the added operational ROW land will be surveyed and may include less acreage than approved for in this amendment.

The additional land is necessary to support the existing pipeline system as defined in Alaska Statute (AS) 38.35.230(7) and authorized by the TAPS ROW Lease, ADL 63754. See the attached project drawings (Attachment A) for more details.

Authority: AS 38.35.015 and the Trans-Alaska Pipeline Right-of-Way Lease, ADL 63574.

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

Location: The proposed construction ROW areas for this project consists of a 400-foot by 1,500-foot area encompassing approximately 13.7 acres total with 2.8 acres below the OHW, for a buried sill within the NW1/4SE1/4 of Section 7, Township 5, North, Range 14 East, Umiat Meridian. The final ROW addition will encompass approximately 11 acres, more or less.

Background: Public Notice of the ROW amendment request was published in the Anchorage Daily News, posted on the State of Alaska Online Public Notice and the Division of Oil and Gas Newsroom and TAPS webpages, and sent for posting in the Tuzzy Consortium Library in
Utqiagvik, and the U.S. Post Office in Prudhoe Bay on May 19, 2022. In addition, the Public Notice was published in the Arctic Sounder on May 19, 2022.

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

The Office of History and Archaeology (OHA) State Historic Preservation Office (SHPO) is reviewing the amendment request. If inadvertent discoveries of cultural resources occur during project activities, 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 can be encountered include: historical cabin remains, adits, dredges, mining equipment, cultural depressions or pits, graves or cemeteries, tools, artifacts, and paleontological remains.

Comments received to date include a letter of non-objection from Alaska Gasline Development Corporation dated May 20, 2022.

**Project Description:** The project site is located approximately 33 miles south of Pump Station 1 and 25 miles north of Pump Station 2, east of the Dalton Highway, and west of the Sagavanirktok River. In this area the Dalton Highway and TAPS follow the west side of the Sagavanirktok River floodplain, which is over a mile wide. Soils consist of organic silt, with some sand, gravel, cobbles and scattered boulders. The Sagavanirktok River is the second largest river on the North Slope of Alaska and is an anadromous fish stream containing arctic char, arctic grayling, burbot, and white fish.

Changes in the channel and flow pattern of the Sagavanirktok River in the project area present the possibility of bank erosion and threaten the integrity of the buried TAPS pipe. APSC proposes to install a buried sill adjacent to the Sagavanirktok River in this location to protect TAPS. A buried sill is the preferred alternative to a conventional spur dike or revetment to minimize the footprint of the project. No impacts to aquatic life are anticipated as the structure is entirely within the floodplain and not in active channels. No instream work will occur within the Sagavanirktok River.

Between June and October of 2022, APSC plans to install a buried sill at PLMP 33.3 using Class III and IV rip rap. The organic top layer will be stripped and stacked separately from the excavated spoils. During installation of the buried sill, excavated spoils will be used to fill in voids. As the rip rap is installed, gravel from the excavation will be placed to fill voids in the rip rap. The project site will then be backfilled to original grade, and the organics replaced and track-walked with fertilizer if appropriate. The project should take approximately 24 days to complete.

Analysis and Proposed Decision
Trans-Alaska Pipeline Right-of-Way Lease Amendments, ADL 63574
Buried Sill at the Sagavanirktok River, Pipeline Milepost 33.3
Page 2 of 6
APSC will use trucks, backhoes, and loaders for the project. Other than the access paths on tundra mats, equipment travel will be confined to the buried sill footprint. Silt fences and fabric liner material will be used as needed along the temporary ditch spoil stockpile and excavation to protect any adjacent wet ground. There is a possibility ground water will be encountered in the trench, but the excavation will not be dewatered. No loss of wetlands and no additional mitigation are planned.

**Title:** The State of Alaska holds fee title to the subject land under GS 1609, Patent No. 50-74-0107, recorded April 1, 1974 in Book 278, Pages 446 and 447, in the Fairbanks Recording District as Document Number 401-1974-003789-0. On June 19, 1992, the Bureau of Land Management issued a Water Acreage Credit to the State of Alaska for lands under navigable waters, recorded in the Barrow Recording District in Book 63, Pages 982 through 999, as Document Number 413-1992-000576-0. Patent 50-74-0107 was not changed to reflect the acreage credit.

Reservations: The United States excepts and reserves unto itself a right-of-way for ditches or canals and a right-of-way for railroads, telegraphs, and telephone lines.

The United States pursuant to Sec. 9(c) of the Act of December 18, 1971 (85 Stat. 688), reserved for the benefit of the Alaska Natives, payments into the Alaska Native Fund. The reservation would continue only until $500,000,000 had been paid into the Alaska Native Fund from sources identified in Sec. 9 of the 1971 Act. This reservation no longer applies since the obligation has been fulfilled and final payment was made in 1980.

**Planning and Classification:** The proposed land to be added to the TAPS ROW is subject to ADL 50666, North Slope Special Use Area; within the James Dalton Highway, a Legislatively Designated Area (LDA); and is subject to the North Slope Area Plan. The North Slope Special Use Area does not prohibit the development of land within the Umiat Meridian for the proposed erosion control structure.

Under 11 AAC 96.014, for the North Slope Area (ADL 50666), all state lands are designated in the Umiat Meridian as “special use land”. This designation as special use land requires that, in addition to permitting requirements under 11 AAC 96.010, a permit is required for motorized vehicle use, unless that use is for subsistence purposes or is on a graveled road. The requirement for a permit or authorization would be fulfilled through the issuance of the proposed TAPS ROW Lease amendment. This requirement does not prohibit the development of lands within the Umiat Meridian and does not prohibit the proposed action.

The James Dalton Highway LDA is designated under AS 19.40.010. Pursuant to the AS 19.40.200(a), the state may not dispose of state land under AS 38.35 that is within five miles of the highway right-of-way. However, AS 19.40.200(b)(4) states the prohibition on 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. This designation does not prohibit the proposed ROW amendment.

The proposed ROW amendment lies within the North Slope Area Plan adopted on March 12, 2021. The James Dalton Highway LDA comprises the “Dalton Corridor Region”. The North Slope Area Plan does not provide management guidance for the Dalton Corridor Region other than to provide a plan designation for the Dalton Highway Corridor, for use by DNR when issuing authorizations which constitute a disposal of interests in state land. The lands encompassed by the proposed ROW amendment fall within Unit D-22 of the Dalton Corridor Region. The lands within this unit are designated as Habitat/Transportation Corridor (Ha/Tc) lands with potential for Borough Selections. This sub-unit will be managed to maintain transportation and pipeline development while considering impacts on the habitat and harvest values and including general mitigation measures to avoid or minimize any potential negative effects. Lands are available for lease, permit, or other less-than-fee disposals. The North Slope Area Plan does not change or affect the North Slope Special Use Area, ADL 50666. The North Slope Area Plan that prohibits the proposed addition of land to the TAPS ROW to protect the transportation of oil resources.

**Public Notice:** Notice of this Analysis and Proposed Decision for the lease amendment request will be published in the Anchorage Daily News on June 23, 2022. The Notice will be posted on the State of Alaska online Public Notice and the Division of Oil and Gas Newsroom webpages on June 23, 2022. This Notice will also be sent for posting in the Tuzzy Consortium Library in Utqiagvik and the U.S. Post Offices in Prudhoe Bay and Utqiagvik. Notice of the Analysis and Proposed Decision will also be published in the Arctic Sounder on June 23, 2022.

If public comment indicates the need for significant changes in the proposed decision, additional public notice will be given on or after July 25, 2022. If no significant change is required, the proposed decision, including any minor changes, will be issued as the final decision of DNR after July 25, 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 national 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 TAPS ROW Lease, ADL 63574, on May 3, 1974, and the Renewal and Amendment of the ROW Lease on May 2, 2004. The terms, conditions, stipulations, and
reservations contained in the TAPS ROW Lease, ADL 63754, will apply to these lands if added to the Lease.

AS 38.35.020(a) requires the applicant to obtain a ROW lease for state land from the Commissioner when the proposed use is for an oil, products, or natural gas pipeline. The erosion control structure proposed will mitigate ongoing and prevent future erosion caused by flood events for protecting TAPS integrity, and is consistent with the original purpose of the lease. Erosion control structures are addressed under Stipulation 1.1.1.36 of the TAPS ROW Lease, ADL 63574 that defines “Related Facilities”, as “… those structures, devices and improvements and sites, the substantially continuous use of which is necessary for the operation or maintenance of the Oil transportation pipeline, including … (8) retaining walls, berms, dikes, ditches, cuts and fills, including hydraulic control structures; …”. Since the improvements will be outside the existing ROW boundaries, they require an additional disposal of interest in state land beyond what was included in the original terms of the TAPS ROW Lease, ADL 63574. An amendment to the lease is required when there is a disposal of 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 erosion control structure is considered a “Related Facilities”, as defined by the lease, and will be managed under the lease. The proposal to add the above-described land to the Trans-Alaska Pipeline ROW Lease, ADL 63574, is consistent with the lease. The terms, conditions and stipulations contained in the Trans-Alaska Pipeline ROW Lease, ADL 63574, adequately address and protect the interests of the State of Alaska. The buried sill will mitigate impacts from ongoing and future erosion and potential exposure of the buried pipeline during flooding events.

DNR will examine the project areas upon completion of the construction activities to ensure all lands are in a condition acceptable to the Commissioner. An as-built survey is required for the amendment to identify the additional ROW area and to depict the location of the buried sill in relation to the control line survey of the TAPS ROW. The as-built survey is to be submitted for review and acceptance by the Commissioner, pursuant to Section 1(e) of the TAPS ROW Lease, ADL 63574, as amended.

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 and the project does not conflict with or significantly change existing use of the land. Approval of the request for the amendment to add the described land is consistent with state statutes and the terms of the lease. The lessee is required to secure all necessary permits or authorizations required by other local, state, and federal agencies.

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 due to 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 25, 2022, without further notice.

Anthony Strupulis P.E. Date
State Pipeline Coordinator

6/22/2022

Attachment A: 2022 Rivers and Floodplains Improvements Lower Sagavanirktok. River – MP 33.3 Buried Sill Location and Vicinity Map (1 Page)

Attachment B: 2022 Rivers and Floodplains Improvements Lower Sagavanirktok. River – MP 33.3 Buried Sill Plan (1 Page)

Attachment C: 2022 Rivers and Floodplains Improvements Sagavanirktok. River – MP 33.3 Buried Sill Sections (1 Page)
ESTIMATED MATERIAL QUANTITIES

<table>
<thead>
<tr>
<th></th>
<th>BELOW OHW</th>
<th>ABOVE OHW</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLASS III-IV RIPRAP (CY)</td>
<td>0</td>
<td>4,100</td>
<td>4,100</td>
</tr>
<tr>
<td>CLASS III-IV RIPRAP (SF)</td>
<td>0</td>
<td>18,000</td>
<td>18,000</td>
</tr>
</tbody>
</table>

TEMPORARY STOCKPILE OF EXCAVATED MATERIAL (PLACED ON TUNDRA MATS OR ELSE PLACED ON TAPS WORKPAD)

ORGANIC MATERIAL (RE-PLACED)

TUNDRA MAT (AS REQUIRED)

LIMIT OF EXCAVATION

CLASS III-IV RIPRAP W/GRAVEL-FILLED VOIDS

EXISTING GROUND

OHW

CUT BANK

SCALE: 1" = 10'

ADJACENT PROPERTY OWNER: STATE OF ALASKA

2022 RIVERS AND FLOODPLAINS IMPROVEMENTS
LOWER SAGAVANIRKTOK RIVER – MP 33.3 BURIED SILL
SECTIONS

ALYESKA PIPELINE SERVICE CO.

TRANS ALASKA PIPELINE SYSTEM

DATE: 03/28/22

PLATE 3

REV. C DWN. MTH CKD. AJN APPR. JPD

SCALE: AS NOTED

SHEET 3 OF 3

AUTOCAD DWG. DO NOT REVISE MANUALLY.