

Prepared for:



**US Army Corps
of Engineers**
Alaska District

Alaska Stand Alone Pipeline Project

Final Supplemental Environmental Impact Statement

Chapter 1: Purpose & Need

June 2018

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June 2018

United States Army Corps of Engineers, Alaska District



In Cooperation with:

U.S. Bureau of Land Management
U.S. Department of Transportation, Pipeline and Hazardous Materials Safety
Administration
U.S. National Park Service
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
Alaska Department of Natural Resources, State Pipeline Coordinator's Section

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ACRONYMS AND ABBREVIATIONS

ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
ADNR.....	Alaska Department of Natural Resources
AGDC.....	Alaska Gasline Development Corporation
ANILCA.....	Alaska National Interest Lands Conservation Act
APDES.....	Alaska Pollutant Discharge Elimination
ARRC.....	Alaska Railroad Corporation
AS.....	Alaska Statute
ASAP	Alaska Stand Alone Pipeline
BGEPA	Bald and Golden Eagle Protection Act
BLM	Bureau of Land Management
CAA.....	Clean Air Act
CEQ.....	Council on Environmental Quality
CFR	Code of Federal Regulations
CNG.....	Compressed Natural Gas
CSU.....	Conservation System Unit
CWA	Clean Water Act
DA Application.....	Department of the Army Permit Application
DNPIA.....	Denali National Park Improvement Act
DOT&PF.....	Department of Transportation and Public Facilities
EIS	Environmental Impact Statement
ESA	Endangered Species Act
EPA	United States Environmental Protection Agency
FEIS.....	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
FNSB.....	Fairbanks North Star Borough
FR	Federal Register
HDD	Horizontal Directionally Drilled
INHT	Iditarod National Historic Trail
IRA.....	Indian Reorganization Act
LNG	liquefied natural gas
LWCF	Land and Water Conservation Fund
Mat-Su.....	Matanuska-Susitna
MBTA	Migratory Bird Treaty Act
MLA.....	Mineral Leasing Act
MMPA.....	Marine Mammal Protection Act
MMscfd	million standard cubic feet per day
NEPA.....	National Environmental Policy Act
NHPA.....	National Historic Preservation Act
NMFS.....	National Marine Fisheries Service

NOA Notice of Availability
NOAA National Oceanic and Atmospheric Administration
NOI Notice of Intent
NPDES..... National Pollutant Discharge Elimination System
NPP..... National Park and Preserve
NPS National Park Service
NSB North Slope Borough
PA Programmatic Agreement
PHMSA Pipeline and Hazardous Materials Safety Administration
P.L. Public Law
ROW right-of-way
SEIS Supplemental Environmental Impact Statement
SHPO Alaska State Historic Preservation Office
SPCS State Pipeline Coordinator’s Section
U.S..... United States
USACE United States Army Corps of Engineers
U.S.C..... United States Code
USDOT United States Department of Transportation
USFWS United States Fish and Wildlife Service

1. PURPOSE AND NEED

The Alaska Stand Alone Pipeline (ASAP) Project is a 733-mile-long, buried, natural gas pipeline system spanning from Alaska’s North Slope to an existing natural gas distribution infrastructure in the Southcentral region of the state. The intent of this Supplemental Environmental Impact Statement (SEIS) is to evaluate, in compliance with the National Environmental Policy Act (NEPA) (42 United States [U.S.] Code [U.S.C.] 4321 et seq.) and the U.S. Army Corps of Engineers’ (USACE) NEPA Procedures¹, the potential direct, indirect, and cumulative impacts on the human environment of constructing and operating the proposed ASAP gas pipeline Project and alternatives.

As a supplement to the Final Environmental Impact Statement (FEIS) that was published by USACE in October 2012, this SEIS provides an evaluation of changes to the proposed Project that have occurred since the FEIS, as well as new information that has become available since 2012. These proposed Project changes are evaluated within this SEIS to fulfill the NEPA compliance responsibilities for USACE and cooperating agencies. The SEIS intends to disclose information to the public, allow for comments, and provide agency decision-makers with data necessary for making informed permitting decisions.

This introductory chapter describes the purpose and need for the federal action evaluated in this Draft SEIS. It also provides a history of this document beginning with the 2012 FEIS (USACE, 2012a); an overview of U.S. Bureau of Land Management (BLM) and U.S. Department of Transportation (USDOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) purpose and need statements associated with this proposed Project; an overview of NEPA of 1969 and its procedural requirements as well as other applicable laws and regulations; an overview of the NEPA scoping process undertaken; and a review of the future steps that will be taken to finalize the Draft SEIS.

1.1. Background

USACE has jurisdictional authority pursuant to Section 404 of the Clean Water Act (CWA) [33 U.S.C. 1344] to issue or deny permits for the discharge of dredged or fill material in waters of the U.S., including wetlands. USACE has jurisdictional authority pursuant to Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) to regulate structures or work affecting the course, condition, and/or capacity of navigable waters of the U.S. The extent of USACE’s federal control and its decisions following completion of the SEIS extend to the entire proposed Project, regardless of land ownership.

On December 4, 2009, USACE, Alaska District, and seven cooperating agencies initiated the NEPA process for the proposed ASAP Project. A Draft Environmental Impact Statement (EIS) was issued on January 20, 2012 (USACE, 2012b) and the FEIS was issued on October 9, 2012 (USACE, 2012a). The FEIS examined the potential impacts of construction and operation of a proposed natural gas pipeline from the North Slope of

¹ 33 Code of Federal Regulation 230 Procedures for Implementing NEPA.

Alaska to Fairbanks and the Cook Inlet area. The 2012 FEIS can be accessed at: <http://www.arlis.org/thepipefiles/Record/1472882>. Since the publication of the 2012 FEIS, Alaska Gasline Development Corporation (AGDC) has selected the location for material sites, access roads, and other infrastructure, as well as proposed revisions to the ASAP Project based on several design improvements that would increase efficiency, make gas more accessible and affordable, and reduce environmental impacts.

Whenever there are changes, new information, or new circumstances on a project for which a draft or final EIS has been prepared, a determination must be made as to whether these result in significant environmental impacts that were not evaluated in the EIS, and therefore, warrant the need for preparation of an SEIS. USACE determined that an SEIS was required based on a revised Department of the Army Permit Application (DA Application) submitted by ADGC on July 23, 2014 requesting a Department of the Army permit pursuant to Section 404 of the CWA (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 403) (AGDC, 2014b). A Notice of Intent (NOI) to prepare an SEIS was published in the *Federal Register* (79 FR 44758) on August 1, 2014. A scoping period was held August 1 through October 14, 2014 to gather input from stakeholders regarding the proposed Project. As a result of stakeholder comments received during the 2014 scoping period, AGDC has made several refinements to the route alignment to minimize and further avoid impacts to the environment and properties within the pipeline corridor. On January 13, 2016, AGDC provided USACE with a revised DA Application, which was subsequently amended in July 2016. The Environmental Evaluation Document (EED) (and addenda) was also resubmitted to USACE in January 2016 (AGDC, 2016b) and then amended in July 2016.

1.2. Applicant's Stated Purpose & Need

The proposed ASAP Project would deliver North Slope natural gas to Fairbanks, Southcentral, and other communities in Alaska. The Applicant's stated purpose of the proposed Project is to provide Alaskans with a stable, affordable, long-term supply of natural gas for heating and powering their homes and businesses. The purpose of AGDC, the project sponsor and Applicant, is established in Alaska Statute (AS) 31.25.005, which states that the corporation shall, for the benefit of the state, to the fullest extent possible:

...Develop and have primary responsibility for developing natural gas pipelines...and other transportation mechanisms to deliver natural gas in-state for the maximum benefit of the people of the state;

When developing natural gas pipelines...and other transportation mechanisms to deliver natural gas in-state, provide economic benefits in the state and revenue to the state;

Assist the Department of Natural Resources and the Department of Revenue to maximize the value of the state's royalty natural gas, natural gas delivered to the state as payment of tax, and other natural gas received by the state;

Advance an in-state natural gas pipeline...in a safe, prudent, economical, and efficient manner, for the purpose of making natural gas...available to Fairbanks, the Southcentral region of the state, and other communities in the state at the lowest rates possible;

...Endeavor to develop natural gas pipelines ...to deliver natural gas...to public utility and industrial customers in areas of the state to which the natural gas...may be delivered at commercially reasonable rates; and

Endeavor to develop natural gas pipelines ...that offer commercially reasonable rates for shippers and access for shippers who produce natural gas...

The proposed ASAP Project would help meet the statewide demand for improved access to an energy source that is clean, reliable, and affordable. In 2013, the Alaska State Legislature enacted Senate Bill 23, authorizing the Alaska Industrial Development and Export Authority to finance a project to provide some Fairbanks North Star Borough (FNSB) communities with liquefied natural gas (LNG) by truck until an in-state gas pipeline can be developed (AS 44.88.010(a)).

Improved access to natural gas would help to improve air quality in the Fairbanks area, which is adversely affected by widespread combustion of wood and coal. Electricity is distributed to the Fairbanks area by the Golden Valley Electric Association and is supplied by 10 generation plants fueled by 35 percent natural gas, 28 percent coal, and 25 percent oil. Construction of a second coal power plant in Healy has increased the baseload of coal-fired generation and contributes to long-term stability. Fairbanks is currently classified as an air quality Non-attainment Area by Alaska Department of Environmental Conservation (ADEC) and U.S. Environmental Protection Agency (EPA). The Fairbanks air quality Non-attainment is described in detail in documents provided on ADEC's Division of Air Quality website: http://dec.alaska.gov/air/pm2-5_ak.htm. Infrastructure for local gas distribution is currently being developed in and around Fairbanks, and a reliable supply of natural gas would result in cleaner air, as well as more affordable heating and electric power generation.

The proposed ASAP Project would provide up to 500 million standard cubic feet per day (MMscfd) of natural gas from North Slope gas reserves to in-state markets; thereby meeting current and projected future in-state energy demands (AGDC, 2014b; Northern Economics, Inc., 2013), as well as helping to improve air quality in the Fairbanks area. Since the proposed ASAP Project would transport natural gas, it would be accessible to communities adjacent to the line that choose to tap into it and develop the required infrastructure for its use. The proposed Project would make expansion of commercial and industrial enterprises possible statewide. It would also provide a substantial number of jobs to Alaskans and economic benefit to the State of Alaska through royalties.

AGDC (2015a)² presented an overview of the current and future (2040) natural gas demand for the proposed Project Area by demand segment³ as follows:

- Current Demand: 214 MMscfd – Southcentral area current demand
- Future Demand: 332.4 to 422 MMscfd – Total
 - 243 to 295 MMscfd – Southcentral area future demand
 - 41 to 50 MMscfd – Fairbanks area⁴ future demand
 - 15 to 17 MMscfd - Interior power generation
 - 30 to 40 MMscfd – Mining operations
 - 3.4 to 20 MMscfd – Small communities within 50 miles of pipeline

With an estimated supply of 500 MMscfd of natural gas to in-state markets, the natural gas supply provided by the proposed ASAP pipeline would meet the current demand (214 MMscfd) as well as the estimated future demand (332.4 to 422 MMscfd) for natural gas in Alaska.

The public benefit of the proposed ASAP Project is the potential for delivery of a long-term, reasonably priced supply of natural gas to Southcentral, Fairbanks, and other Alaskan communities for:

- Heating homes, public safety facilities, military bases, and businesses
- Generating electrical energy
- Continuing economic stability and growth by supporting industrial users
- Accommodating future population growth and increased commercial usage served by the existing ENSTAR Natural Gas Company’s distribution system, and for the Fairbanks/North Pole area and other Railbelt communities
- Improving air quality in the Fairbanks area, which is currently classified as an air quality Non-attainment Area by ADEC and EPA (see ADEC Division of Air Quality website: https://dec.alaska.gov/air/PM2-5_AK.htm)
- Promoting Compressed Natural Gas (CNG) as a substitute for gasoline and diesel fuel used by cars and trucks in Fairbanks; for use by communities along the Parks Highway, including tour buses in Denali National Park and Preserve (NPP); and for use by Anchorage and communities on the Kenai Peninsula

² Report based on publicly available information regarding historical natural gas use, capacities, generation assets, gas purchase contracts, and other public documents to develop the forecast results discussed herein.

³ Includes southcentral natural gas utilities, southcentral electric utilities, industry (Cook Inlet field operations, Tesoro oil refinery and other small consumers).

⁴ Includes Fairbanks Natural Gas and Interior Natural Gas Utility.

- Providing CNG for distribution to rural Alaska communities via the Yukon and Tanana rivers and marine barges from Cook Inlet
- Facilitating the development of infrastructure to allow more economic development of mining and oil and gas projects

In many regions in Alaska, there is no long-term source of fuel other than heating oil. Alaska's North Slope has more than 30 trillion cubic feet of conventional natural gas reserves. A pipeline is a proven and efficient way to transfer this energy source and develop it for the benefit of Alaskans. AGDC's proposed Action meets the goal of providing a stable, long-term supply of clean, affordable energy to both developed and developing markets within Alaska, including Southcentral, Fairbanks, and the Railbelt.

1.3. Project Revisions Driving the Need for the SEIS

An SEIS is required under NEPA if there are:

- Significant new circumstances or new information relevant to environmental concerns; or
- Substantial changes in the proposed action relevant to environmental concerns (40 Code of Federal Regulation [CFR] 1502.9(c)(1)).

In compliance with NEPA, this SEIS will:

- Update and revise the 2012 FEIS (USACE, 2012a) analysis;
- Evaluate changes to the proposed Project; and
- Focus on environmental consequences associated with the addition of materials sites, access roads, and other infrastructure as well as route refinements, including changes in route location in specific areas, reduced pipeline length, reduced river and stream crossings, work at West Dock, winter dredging of a navigational channel/turning basin, and disposal of the dredge material, and any relevant new information since October 2012.

This SEIS will focus primarily on the proposed Project changes, incorporating by reference or summarizing the previous analysis from the 2012 FEIS, as required under 40 CFR 1502.21 and in accordance with USACE NEPA regulation 33 CFR 230.13(b) ("references to the draft or FEIS being supplemented should be used to eliminate repetitive discussions in order to focus on the important issues and impacts"). Table 2.2-1 in Chapter 2, Alternatives, of this SEIS provides an overview of key Project changes since the publication of the 2012 FEIS.

1.4. ASAP Interactive Map Viewer

AGDC has developed an Interactive Map Viewer to provide stakeholders with a tool for viewing the proposed Project's geographic footprint and design components so that these aspects of the proposed Project can be visualized. The Interactive Map Viewer overlays the entire proposed pipeline route and associated ancillary facilities on aerial

photography or topographic maps. It integrates information pertaining to nearby communities, ROW, land status, and wetlands with visual representations of land and waterways. The Interactive Map Viewer's accompanying user guide provides instructions for operation, navigation, and interpretation of symbols and map features. It can be accessed from the SEIS website (<http://asapeis.com/maps.html>).

1.5. The Alaska Liquefied Natural Gas Project

The proposed ASAP Project is differentiated from the Alaska LNG project in that the Alaska Legislature intended ASAP to address in-state gas needs as the primary Project objective (AS 31.25.005). The statute also placed the responsibility on AGDC to:

...endeavor to develop natural gas pipelines and other transportation mechanisms to deliver natural gas, including propane and other hydrocarbons associated with natural gas other than oil, to public utility and industrial customers in areas of the state to which the natural gas, including propane and other hydrocarbons associated with natural gas other than oil, may be delivered at commercially reasonable rates... (AS 31.25.005(6)).

The Alaska LNG pipeline project is under the jurisdiction of the Federal Energy Regulatory Commission (FERC). Under the Alaska LNG project, the State of Alaska (AGDC) is studying the feasibility of a natural gas liquefaction plant, storage facilities, and an export terminal at Nikiski on the Kenai Peninsula, an 800-mile gas pipeline from southcentral Alaska to the North Slope largely along the same route as the proposed ASAP Project, a gas treatment plant on the North Slope, and transmission lines connecting the project to gas producing fields. The project is expected to produce and export up to 20 million metric tons of LNG per year for foreign commerce.

The Alaska LNG project is self-defined as an LNG export project with very different objectives. Given the magnitude of both projects to deliver natural gas from the North Slope to Southcentral Alaska, it is unlikely both projects would be built.

1.6. USACE Project Purpose

USACE has jurisdictional authority pursuant to Section 404 of the CWA (33 U.S.C. 1344) to issue or deny permits for the discharge of dredged or fill material in waters of the U.S., including wetlands. USACE has jurisdictional authority pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) to regulate structures or work affecting the course, condition, and/or capacity of navigable waters of the U.S., and jurisdiction over the transportation of dredged material for purposes of ocean dumping, pursuant to Section 103 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1413).

As the identified lead agency and under the requirements of NEPA, as amended (42 U.S.C. 4321 et seq.) and the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR 1500-1508), it is USACE's responsibility to prepare the SEIS and define the proposed Project's purpose and need.

1.6.1. Overall Project Purpose

The overall Project purpose is used for evaluating practicable alternatives to the Applicant's proposed Project under the Section 404(b)(1) Guidelines and must be specific enough to define the Applicant's needs, but not so restrictive as to preclude all discussion of alternatives. Defining the overall Project purpose is the responsibility of USACE; however, the Applicant's needs must be considered in the context of the desired geographic area of the development, and the type of project being proposed. Consistent with this responsibility, USACE has determined that the overall purpose of the proposed Project is driven by AS 31.25.005(4), to provide an affordable, long-term, stable supply of up to 500 MMscfd of natural gas from existing reserves within North Slope gas fields to markets in the Fairbanks and Southcentral regions of Alaska and other communities.

1.7. BLM Project Purpose & Need

In accordance with Section 28 of the Mineral Leasing Act (MLA) as amended, BLM's purpose and need for the proposed Project is to respond to a right-of-way (ROW) application submitted by AGDC to cross federally managed lands. Consistent with the requirements of Section 28 of the MLA, as amended, BLM will decide whether or not to approve, approve with modification, or deny issuance of a ROW grant to AGDC for the proposed Project; and if so, under what terms and conditions. The proposed ROW action will be reviewed for consistency with approved BLM land use planning.

1.8. Agency Participation

There are six cooperating agencies including BLM, PHMSA, U.S. National Park Service (NPS), EPA, U.S. Fish and Wildlife Service (USFWS), the Alaska Department of Natural Resources (ADNR), and the State Pipeline Coordinators Office. These agencies are participating as cooperating agencies under a Memorandum of Understanding to develop and review the SEIS.

1.8.1. Regulatory Obligations of the Lead Agency – U.S. Army Corps of Engineers

As the lead agency, USACE is responsible for the development of the SEIS, as well as necessary permits within its jurisdiction. USACE has the authority to issue or deny permits for discharge of dredged or fill material in the waters of the U.S., including wetlands, and to regulate structures or work affecting the course, condition and/or capacity of navigable waters of the U.S. The extent of USACE's federal control and its decisions following completion of the SEIS extend to the entire proposed Project, regardless of land ownership. USACE is assigned these responsibilities under the following regulatory frameworks:

- NEPA sets policy and provides the means by which the federal government, including both the lead agency and the federal cooperating agencies, examines major

federal actions that may have significant effects on the environment, such as the authorization of a gas pipeline ROW contemplated in this SEIS (42 U.S.C. 4231 et seq.; 33 CFR 325).

- Under Section 404 of the CWA (33 U.S.C. 1344 et seq.), USACE regulates the discharge of dredged or fill material in waters of the U.S., including wetlands.
- Under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), USACE requires prior approval for any work performed or structures constructed in, on, over, or under navigable waters of the U.S., or which affects the course, locations, condition or capacity of such waters.
- Under Section 103 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1413), USACE regulates the transportation of dredged material for purposes of ocean dumping and the selection of dumping site locations.

1.8.2. Cooperating Agencies and Their Associated Regulatory Obligations

This SEIS is intended to fulfill the needs and obligations set forth by NEPA and other relevant laws, regulations, and policies of USACE (lead agency) and of the cooperating agencies.

1.8.2.1. U.S. Bureau of Land Management

BLM is responsible for land-use authorizations on federal lands managed by BLM. The authority for management of the land and resource development options presented in the SEIS comes from several statutes, including NEPA, the Federal Land Policy and Management Act (FLPMA), the MLA, Title VIII and IX of the Alaska National Interest Lands Conservation Act (ANILCA), and the National Trails System Act. BLM is assigned these responsibilities under the following regulatory frameworks:

- Under the FLPMA, the Secretary of the Interior has broad authority to regulate the use, occupancy, and development of public lands and to take whatever action is required to prevent unnecessary or undue degradation of public lands (43 U.S.C. 1732). In accordance with the FLPMA, BLM manages its Alaska lands and their uses to ensure healthy and productive ecosystems.
- Under Section 28 of the MLA (30 U.S.C. 185) and under 43 CFR 2881.11, BLM has the authority to issue grants for oil or gas pipelines or related facilities to cross federal lands under BLM jurisdiction or the jurisdiction of two or more federal agencies, except land in the National Park System, land held in trust for Indians, or land within the Outer Continental Shelf. AGDC would need to obtain a ROW grant and temporary use permits from BLM for crossing lands managed by BLM or the Department of Defense. AGDC has submitted an application with BLM for a ROW across federal lands.

- Title VIII of the ANILCA establishes procedures for federal agencies to evaluate impacts on subsistence uses and needs, and means to reduce or eliminate such impacts (16 U.S.C. 3120).
- Title XI of ANILCA is entitled Transportation and Utility Systems in and Across, and Access into, Conservation System Units (CSUs). Section 1105 of Title XI outlines the specific steps and standards for granting approval to develop such projects as airports, roads, ferry terminals, and transmission or communication lines in CSUs. ANILCA supersedes the Wilderness Act (Public Law [P.L.] 88-577) with regard to allowable uses of designated wilderness in Alaska.
- Pursuant to the National Trails Systems Act of 1968 (16 U.S.C. 1241-1251), BLM is the statutorily-designated federal administrator for the Iditarod National Historic Trail (INHT), and is the federal point-of-contact for INHT matters.

BLM's proposed action would be to provide AGDC with legal access across federal lands for the construction and operation of a natural gas pipeline to bring gas from the North Slope to Fairbanks and Southcentral Alaska. The need for the BLM proposed action is established by BLM's responsibility under the MLA to respond to a request for a ROW grant for legal access across federal lands submitted by AGDC to construct and operate a 36-inch natural gas pipeline.

1.8.2.2. U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration

USDOT is mandated to provide pipeline safety under Title 49, U.S.C. Chapter 601. PHMSA is responsible for regulating and ensuring the safe and secure movement of hazardous materials to industry and consumers by all modes of transportation, including pipelines. PHMSA administers the national regulatory program to ensure the safe transportation of natural gas and other hazardous materials by pipeline. It develops safety regulations and other approaches to risk management that ensure safety in the design, construction, testing, operation, maintenance, and emergency response of pipeline facilities. USDOT pipeline standards are published in 49 CFR 190 to 199. Part 192 specifically addresses natural gas pipeline safety issues and Part 195 addresses natural gas pipelines. Several of the regulations are written as performance standards that set the level of safety to be attained and allow the pipeline operator to use various technologies to achieve safety.

1.8.2.3. U.S. National Park Service

NPS is responsible for management of lands within Denali NPP and Gates of the Arctic NPP for the purpose of this SEIS. NPS is assigned these responsibilities under the following regulatory frameworks:

- Title XI of the ANILCA would apply if AGDC proposes to cross the Denali NPP, which is a CSU. Transportation systems that are proposed to cross a CSU created or expanded by the ANILCA require an act of Congress if such transportation system

would cross any congressionally-designated wilderness area, or if there is no existing authority for granting a ROW for the particular type of transportation system proposed, such as a natural gas pipeline across NPS units in Alaska. On September 18, 2013, P.L. 113-33, the Denali National Park Improvement Act (DNPIA), was enacted. Section 3(b) allows for:

A high-pressure natural gas transmission pipeline (including appurtenances) in non-wilderness areas within the boundary of Denali National Park within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park; and any distribution and transmission pipelines and appurtenances that the Secretary determines to be necessary to provide natural gas supply to the Park.

- The Denali NPP Route Variation (a component of Alternative 2 described in Chapter 2) is considered in detail for the first time in this SEIS because the 2012 FEIS preceded the passage of this Act. In alignment with the DNPIA, NPS has worked with the Project proponent and USACE to identify an alternative pipeline route through the eastern edge of Denali NPP that would minimize adverse environmental effects in the park. Should the Corps find the Denali NPP Route Variation (Alternative 2) to be the Least Environmentally Damaging Practicable Alternative in the Final SEIS, NPS would work with the USACE and the Project proponent regarding potential routes, ANILCA Title XI requirements, and submission of the ROW application. Title XI requires:

...a determination with respect to whether there is any economically feasible and prudent alternative to the routing of the system through or within a conservation system unit, national recreation area, or national conservation area, and if not, whether there are alternative routes or modes which would result in fewer or less severe adverse impacts upon the conservation system unit.

- NPS Organic Act of 1916 (16 U.S.C. 1 2 3, and 4) would also apply to the Denali NPP Route Variation alternative that involves use of lands within the Denali NPP. The Organic Act gives NPS the authority to grant permits and regulate the use of public lands and to take whatever action is required to prevent unnecessary or undue degradation of these lands.
- NPS also has a role as Federal Land Manager under the Clean Air Act (CAA). Federal land managers are charged with direct responsibility to protect the air quality and related values (including visibility) of Class I lands and to consider, in consultation with EPA, whether proposed industrial facilities would have an adverse impact on these values ([42 U.S.C. 7475\(c\)](#)). Federal land managers are also required to determine whether existing industrial sources of air pollution must be retrofitted to reduce impacts on Class I areas to acceptable levels.

- NPS has oversight responsibility for certain state and local recreational resources pursuant to Section 6(f)(3) of the Land and Water Conservation Fund (LWCF) Act (P.L. 88-198) and its implementing regulations within 36 CFR 59. Section 6(f)(3) would apply to segments of the pipeline constructed within Denali State Park. Section 6(f)(3) prohibits the conversion of property acquired or developed with LWCF grants to a non-recreational purpose without the approval of NPS and replacement lands of equal value, location and usefulness. In Alaska, the Section 6(f)(3) program is administered by the Alaska Division of Parks and Outdoor Recreation.

1.8.2.4. U.S. Environmental Protection Agency

EPA authority to regulate the proposed Project is contained in the CWA (33 U.S.C. 1251 et seq.), CAA (42 U.S.C. 7401 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300). As with the authority of USACE, EPA's authority extends, and its decisions following completion of the SEIS would extend to the entire proposed Project, regardless of who owns the land. EPA is assigned these responsibilities under the following regulatory frameworks:

- Under Section 402 of the CWA (33 U.S.C. 1344 et seq.), EPA oversees ADEC's administration of the Alaska Pollutant Discharge Elimination System (APDES) program that regulates the discharge of pollutants from a point source into waters of the U.S. for facilities and construction. Point-source discharges that require an APDES permit include, but are not limited to: sanitary and domestic wastewater, dewatering of gravel pits and construction areas, and hydrostatic test water, and stormwater discharges (40 CFR 122).
- Under Section 404 of the CWA (33 U.S.C. 1251 et seq.), EPA reviews and comments on USACE Section 404 permit applications for compliance with the Section 404(b)(1) guidelines and other statutes and authorities within its jurisdiction (40 CFR 230).
- Under Sections 165 and 502 of the CAA (42 U.S.C. 7401 et seq.), ADEC is delegated authority to issue air quality permits for facilities operating within state jurisdiction for the Title V operating permit (40 CFR 70) and the Prevention of Significant Deterioration permit (40 CFR 52.21) to address air pollution emissions. EPA maintains oversight authority of the state's program.
- Under NEPA of 1969 and the CEQ's implementing regulations, EPA has general statutory authority.
- Under Section 309 of the CAA (42 U.S.C. 7401 et seq.), EPA has the specific responsibility to review and comment on, in writing, the SEIS for compliance with CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508), and make the written comments available to the public.

- Under Executive Order 11514 Protection and Enhancement of Environmental Quality, EPA reviews and evaluates the draft and final SEIS for compliance with CEQ guidelines.
- Under Sections 3001 through 3019 of the Resource Conservation and Recovery Act (42 U.S.C. 3251 et seq.), EPA establishes criteria governing the management of hazardous waste. Any hazardous waste generated at a facility associated with the proposed Project is subject to the hazardous waste regulations administered by EPA.
- Under the Oil Pollution Prevention regulations (40 CFR 112), EPA requires facilities that store, use, and manage petroleum products to develop a Spill Prevention, Control, and Countermeasure Plan and a Facility Response Plan. EPA has the responsibility to review these plans.
- Under Section 11 of the Alaska Statehood Act, the Denali NPP Route Variation that crosses the park could potentially trigger EPA's regulatory authorities. For example, EPA retains the CWA Section 402 National Pollutant Discharge Elimination System (NPDES) and Section 401 Water Quality Certification authority within the park, among other authorities.

1.8.2.5. U.S. Fish and Wildlife Service

USFWS is an agency of the Department of the Interior with responsibilities to help conserve, protect, and enhance fish and wildlife and their habitats. USFWS is responsible for implementing and enforcing the Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), the Bald and Golden Eagle Protection Act (BGEPA), the Marine Mammal Protection Act (MMPA), and the Fish and Wildlife Coordination Act (FWCA). Section 7 of the ESA, 16 U.S.C. 1536(a)(2), requires all federal agencies to consult with USFWS if they are proposing an “action” that may affect endangered or threatened species or result in the destruction or adverse modification of their designated critical habitat. Action is defined broadly to include funding, permitting, and other regulatory actions (50 CFR 402.02). The MBTA (16 U.S.C. 703-712) was enacted to ensure protection of international migratory bird resources. USFWS is the lead agency for migratory birds and may issue permits for takes⁵ of migratory birds for activities such as scientific research, education, and depredation control. The BGEPA protects bald and golden eagles and their nests from take⁶, including disturbance. The MMPA (16 U.S.C. 136I et seq.) prohibits takes⁷ of all marine mammals in the U.S. (including territorial seas) with few exceptions. In Alaska, marine mammal species under USFWS’ jurisdiction within the proposed Project Area include polar bear and Pacific walrus. The

⁵ Under the MBTA, “take” is defined as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect” ([50 CFR 10.12](#)).

⁶ Under BGEPA, “take” means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb.

⁷ Under the MMPA, “take” means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal ([50 CFR 216.3](#)).

FWCA (16 U.S.C. 742a-742j) allows the USFWS to provide recommendations to avoid and minimize impacts to migratory bird trust resources. Section 7 consultation with USFWS is ongoing at this time.

1.8.2.6. Alaska Department of Natural Resources State Pipeline Coordinator's Office

The ADNR SPCS is representing all State agencies including ADNR, Alaska Department of Fish and Game (ADF&G), ADEC, Alaska Department of Transportation (ADOT), and Alaska Department of Health and Social Services (ADHSS). ADNR manages development on its lands within the proposed Project corridor on which the proposed pipeline ROW is located. A State of Alaska Title 38 Right-of-Way Lease is required for use of state lands. The SPCS specifically manages the ROW and the lands encompassed by the ROW in accordance with the lease for the purposes of construction, operation, maintenance, and termination of a pipeline and all pipeline associated activities.

The State of Alaska is responsible for regulating activities and developments on federal, state, and private lands that may affect air or water quality or resident species of fish and wildlife, including management of anadromous fish streams. The State of Alaska is also responsible for providing for subsistence use of fish and wildlife. This SEIS studies development options that will inform the State of Alaska resource agencies and administer their respective responsibilities under various state statutes, including AS Title 16 (Fish and Game), Title 31 (Oil and Gas), Title 38 (Public Land), Title 41 (Public Resources), and Title 46 (Water, Air, Energy, and Environmental Conservation). Consequently, following completion of the SEIS, the State of Alaska will make some decisions on the entire proposal. AGDC submitted a Right-of-Way Leasing Act AS 38.35.050 Application for Pipeline Right-of-Way Lease on March 21, 2011. The State of Alaska issued Right-of-Way Lease ADL 418977 to AGDC on July 25, 2011; the Right-of-Way Lease was amended by the State of Alaska in 2014 and 2016.

1.9. Tribal Government-to-Government Consultation and Coordination

Pursuant to the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments, federal agency leaders are "responsible for ensuring that each agency operates within a government-to-government relationship with federally recognized" tribes. Further, each agency is tasked with consulting with potentially affected tribal governments "prior to taking actions that affect federally recognized tribal governments." Each agency must also evaluate the "impact of Federal Government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, project programs, and activities" (Clinton, 1994). USACE follows the U.S. Department of Defense American Indian and Alaska Native Policy guidance for developing and maintaining government-to-government relationships with federally recognized tribes. This section outlines USACE's approach to conducting consultation and coordination with tribes for the

proposed Project SEIS development process. Consultation that occurred as part of this Project's previous NEPA process is described in the 2012 FEIS (USACE, 2012a).

As the lead agency for this SEIS, USACE is responsible for government-to-government consultation and coordination with federally recognized tribes that may be impacted by this proposed Project. USACE initially invited 22 potentially affected, federally recognized tribes to participate in the proposed Project NEPA process through consultation and coordination. Tribes considered to be potentially affected by the proposed Project by virtue of their location along the proposed pipeline corridor include:

- Alatna Village
- Allakaket Village
- Village of Anaktuvuk Pass
- Inupiat Community of the Arctic Slope (Indian Reorganization Act [IRA])
- Native Village of Utqiagvik Inupiat Traditional Government
- Native Village of Cantwell
- Cheesh-Na Tribal Council
- Chickaloon Native Village
- Evansville Village
- Native Village of Gakona
- Gulkana Village
- Kaktovik Village
- Kenaitze Indian Tribe (IRA)
- Native Village of Kluti-Kaah
- Knik Village
- Manley Hot Springs Village
- Native Village of Minto (IRA)
- Nenana Native Association
- Ninilchik Traditional Council
- Native Village of Nuiqsut
- Native Village of Stevens (IRA)
- Native Village of Tanana (IRA)

It is USACE's goal to consult early and often with federally recognized tribes that may be impacted by the activities of the proposed Project. The following milestones and opportunities for meaningful participation by tribal governments have been provided thus far during the SEIS process.

- **Notification and Invitation to Consult Letter Sent (July 11, 2014):** An initial notification and invitation to consult letter was sent to the 22 tribes identified as potentially affected by the proposed Project on July 11, 2014. The letter briefly described the proposed Project, offered government-to-government consultation, and invited tribes to a teleconference on August 6, 2014. The letter included a consultation questionnaire for the tribes to return to USACE, which indicated their level of interest and expected engagement in the proposed Project SEIS, a scoping meeting schedule, and an expanded Project Description. Telephone calls were made and emails sent to the tribes to ensure that the letters were received and to confirm attendance at the teleconference.

- **Teleconferences for Tribes (August 6, 2014 and October 9, 2014):** USACE provided the tribes with a toll-free teleconference number to join in the first informational discussion regarding the proposed Project and SEIS development on August 6, 2014. A second teleconference for the tribes was held on October 9, 2014.
- **Native Tribe Consultation Meetings (August – December 2014):** Beginning in August 2014, several meetings between USACE and Native Tribes have occurred including the following tribes:
 - Ninilchik Traditional Council – August 27, 2014
 - Kenaitze Native Tribe – August 28, 2014
 - Salamatof Native Association – August 28, 2014
 - Evansville Village – October 10, 2014
 - Chickaloon – December 11, 2014

The Native Village of Minto has expressed interest in the 106 process but has not chosen to participate in consultation (to present date).

- **Phone calls to Tribes (August - December 2014):** Phone calls were made to the **22 tribes** originally consulted to update their contact information, including current leadership points-of-contact and e-mail addresses.
- **Notification to Tribes to provide update on ASAP Status (February - March 2016):** The ASAP review was temporarily suspended in 2014 due to changes in the Project alignment and other Project components as described in Section 1.3. Tribal communications were also suspended during this time. A revised DA Application was received by the Corps in January 2016 (further amended July 2016). Phone calls, letters and emails were provided to 23 tribes and four corporations informing each recipient of the specific changes to the ASAP project, identifying additional opportunities for Government to Government consultation, where appropriate, serve in consulting party roles under Section 106 of the National Historic Preservation Act, or provide comments during the public process as private citizens. Communication will be ongoing throughout the SEIS process and in fulfillment of consultation requirements under Section 106.
- **Programmatic Agreement (PA):** As the lead federal agency responsible for developing the SEIS under NEPA and complying with the National Historic Preservation Act (NHPA), USACE has developed a PA that describes how the Section 106 process was completed for the Project. This includes identification and evaluation of cultural resources, minimization and mitigation of impacts, monitoring of construction, and procedures for responding to inadvertent discovery of cultural resources. The Draft PA (see Appendix B) was written and executed by responsible parties including USACE, the State Historic Preservation Office (SHPO), and BLM, in consultation with local governments, Alaska Native Tribes, and other consulting parties. The PA addresses management of known cultural resources and any others

discovered during Project construction and operation if the Project is permitted (see also Section 3.15 for more information on the PA and Section 106 process).

1.10. Public Meeting Process

Scoping activities began on August 1, 2014, when the NOI was published in the *Federal Register* (79 FR 44758) for the scoping comment period that ended on October 14, 2014.

On June 30, 2017, the Notice of Availability (NOA) was published in the *Federal Register* (82 FR 29859 and 82 FR 39424) announcing the public comment period for the Draft SEIS, which ended on August 29, 2017 (see Appendix Q, Attachment A). The aim of the public comment process is to invite potentially affected and interested individuals, agencies, and groups to help:

- Share information and identify concerns about the proposed Action;
- Define a range of alternatives;
- Determine and define the scope of issues to be examined;
- Identify other environmental and consultation requirements;
- Gather additional information regarding potential effects of the proposed Action; and
- Inform and identify potentially interested parties.

Central to the public comment process is to gather input on the proposed Action and alternatives presented in the Draft SEIS.

Public comments were received through August 29, 2017, and are summarized in a Public Comment Analysis Report. A basic principle of public participation is reporting to stakeholders about the process in which they take part. In keeping with a transparent process, the ASAP Comment Analysis Report is included as Appendix Q to this SEIS.

Public meetings were held in 11 Alaska communities. Table 1.10-1 shows the dates and locations of these meetings. Official transcripts from the public meetings are included in Appendix Q, Attachment E.

A total of 81 submissions were received in addition to 26 submissions from public hearings (including verbal testimony and comment forms). These submissions generated a total of 750 substantive comments: 75 from public hearing testimony and 675 from emails and letters.

Table 1.10-1 Dates and Locations of Public Meetings

Date	Location	Venue	Venue Address
July 17, 2017	Utqiagvik	Inupiat Heritage Center	5421 North Star Street Utqiagvik, Alaska 99723
July 18, 2017	Nuiqsut	Kisik Community Center	P.O. Box 89148 Nuiqsut, Alaska 99789
July 20, 2017	Fairbanks	Westmark Hotel	813 Noble Street Fairbanks, Alaska 99701
July 21, 2017	Minto	Minto Lake View Lodge	Lake View Road Minto, Alaska 99758
July 25, 2017	Bettles/ Evansville	Evansville Community Hall	P.O. Box 26087 Bettles Field, Alaska 99726
July 26, 2017	Wiseman	Community Center of Wiseman	Wiseman, Alaska
August 1, 2017	Anchorage	APU Lecture Hall	4101 University Drive Anchorage, Alaska 99508
August 2, 2017	Healy	Tri-Valley Community Center	1 Healy Spur Road Healy, Alaska 99743
August 3, 2017	Cantwell	Cantwell Community Hall	Cantwell, Alaska 99729
August 4, 2017	Trapper Creek	Trapper Creek Community Park Facility	East TC Park Circle
August 18, 2017	Willow	Willow Community Center	P.O. Box 1027 Willow, Alaska 99688

In all, 30 issues were raised by stakeholders during the comment period. These issues are defined in Table 1.10-2. Figure 1.10-1 presents the number of comment summary statements raised by stakeholders on specific issues during the public comment period.

Substantive public comments resulted in design changes made by AGDC to address property issues and were taken into consideration during development of the Final SEIS. In some cases, specific sections of the SEIS document address public comments; these sections are listed in Appendix Q, Attachment D.

Figure 1.10-1 Number of Comment Summary Statements on Issues Raised During the Public Comment Period

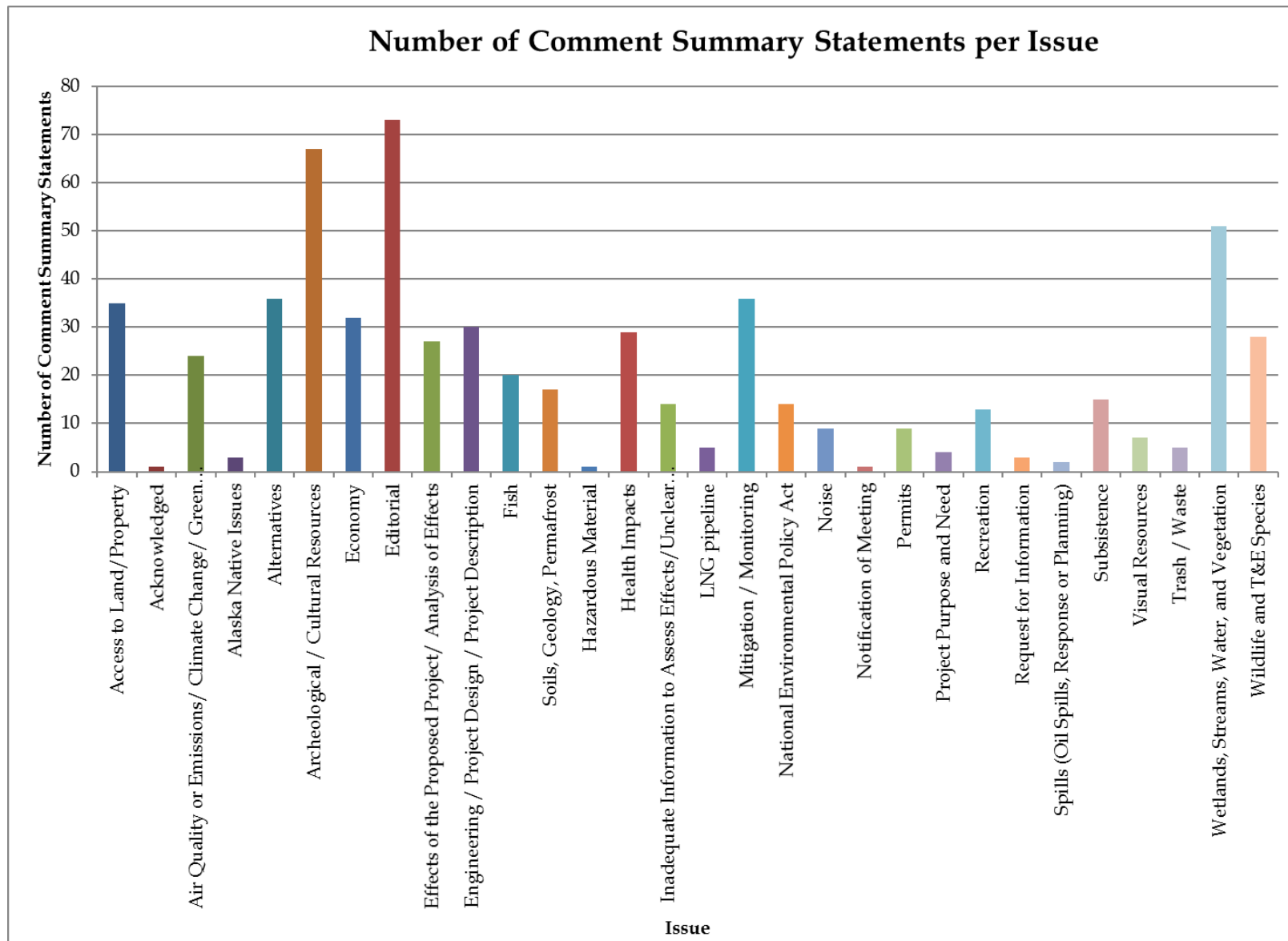


Table 1.10-2 Issues Raised during the Public Comment Period and Where They are Discussed in the SEIS

Code	Issue Text	Description	Sections in the SEIS Where the Issue is Discussed
ACC	Access to Land/Property	Comments that discuss property/land access.	3.11, 3.12, 3.19, 4.0
ACK ¹	Acknowledged	Acknowledges the receipt of the communication that may be related to another topic other than the proposed ASAP Project.	--
AIR	Air Quality or Emissions/ Climate Change/ Green House Gases	Comments related to air quality, air emissions, climate change, or greenhouse gas (GHG) emissions.	3.2, 3.18, 4.21, 4.22, 4.26, Appendix O
AKN	Alaska Native Issues	Comments on the analysis of the cultural and social impacts of the alternatives on Alaska Natives.	--
ALT	Alternatives	Comments that support or reject the preferred alternative or suggest new alternatives or alignments.	2.4, 2.6, 2.7, 4.6, 4.7, 4.8, 4.9
CUL	Archeological / Cultural Resources	Comments regarding the archeological / cultural resources impacts of the Project.	1.9, 3.15, 4.19, Appendix K
ECO	Economy	Comments regarding economic impacts of the proposed Project.	2.4, 2.6, 4.18
EDI	Editorial	Comments providing suggestions for improving the organization and readability of the document as well as accuracy of the content.	Executive Summary, 1.0, 2.0, 3.0, 4.0, Appendices
EFF	Effects of the Proposed Project/ Analysis of Effects	Comments on the potential effects of the proposed Project, analysis of effects (including direct, indirect and cumulative), or the methods developed to analyze the alternatives.	Executive Summary, 3.3, 4.1, 4.26
ENG	Engineering / Project Design / Project Description	Comments discussing Project engineering, Project design (including gas composition), or proposed changes.	Executive Summary, 2.2, 2.6, 3.14, 4.6, 4.7, 4.9, 4.23, 4.25, Appendix M
FISH	Fish	Comments regarding fish and fish habitat.	3.3, 3.7, 4.11, Appendix M
GEO	Soils, Geology, Permafrost	Comments regarding soils, geology, and permafrost.	2.6, 4.6, 4.9, 4.25, 4.26
HAZ	Hazardous Material	Comments regarding potential risks related to hazardous materials or handling of hazardous materials associated with the proposed Project.	4.26
HIA	Health Impacts	Comments related to the health impact assessment in the NEPA process or concern about health impacts.	3.17, 4.21, 4.26
INA	Inadequate Information to Assess Effects/Unclear Information	Comments stating the information provided in the analysis of the alternatives or potential effects is inadequate, inaccurate, or confusing.	3.17, 4.0
LNG	LNG pipeline	Comments comparing ASAP to the LNG pipeline project.	4.26
MIT	Mitigation / Monitoring	Comments related to mitigation and monitoring associated with the proposed Project.	4.5, 4.10, 4.11, 4.21, Appendix M
NEPA	National Environmental Policy Act	Comments regarding the NEPA and SEIS process.	4.6
NOI	Noise	Comments regarding noise concerns.	4.21, 4.23
NOTE	Notification of Meeting	Comments regarding notification issues.	1.0

Code	Issue Text	Description	Sections in the SEIS Where the Issue is Discussed
PER	Permits	Comments on permits and the permitting process.	Executive Summary, 1.10, 2.2, 3.3, 4.6, 4.7, 4.25
PUR	Project Purpose and Need	Comments regarding the Project purpose and need.	--
REC	Recreation	Comments regarding recreation concerns.	2.2, 3.12, 4.0, Appendix M
RFI	Request for Information	Comments requesting information including maps, presentations, or descriptions of locations.	--
SPILL	Spills (Oil Spills, Response or Planning)	Comments related to potential oil spills, spill response, or planning.	3.3
SUB	Subsistence	Comments on potential impacts to subsistence activities.	Executive Summary, 3.17, 4.20
VIS	Visual Resources	Comments regarding visual/scenic resources.	4.17, 4.26
WAS	Trash / Waste	Comments regarding effects of trash/waste during construction and operation.	3.11
WET	Wetlands / Water	Comments regarding wetlands, streams, rivers, or associated vegetation.	Executive Summary, 3.3, 3.20, 4.0, Appendix E, Appendix M, Project Website
WLD	Wildlife	Comments regarding potential effects on wildlife or wildlife-related issues with the proposed pipeline.	2.4, 3.6, 3.10, 4.10, Appendix M

^a These comments are not included in the total as substantive to the proposed action.

1.10.1. Key Changes to the Final SEIS

Several key changes have been made to the Final SEIS based on input on the Draft SEIS from the public and cooperating agencies. Public comments and responses to comments are provided in the ASAP Comment Analysis Report (Appendix Q). Key changes include:

- Several refinements to the Project footprint in response to public comments. The refinements are described in Appendix M, Attachment II.
- Chapter 2 has been revised to describe why the following proposed alternatives were not carried forward for evaluation in the Final SEIS: an alternative to elevate the pipeline from MP0 to MP168 (Section 2.6.3), and the use of Dock Head 4 at West Dock (Section 2.6.5).
- Chapter 2 has been revised to indicate that based on further geotechnical analysis and a decision by AGDC to use thicker wall pipe, AGDC does not intend to apply for a Special Permit from PHMSA (see Appendix A, Attachment II).
- Section 4.5 has been added to Chapter 4, which describes a revised approach to identify agency-recommended mitigation measures received during the public comment period on the Draft SEIS. The subsequent sections of Chapter 4 have been updated to describe the agency-recommended mitigation measures; in some

instances, a separate impact analysis has been provided to illustrate how the impacts could be reduced if these recommended mitigation measure were implemented. Regulatory agency recommended mitigation measures are also listed in Appendix M, Attachment III.

- In addition to the appendices described above, the following new documents provided by the Project proponent in response to requests by the cooperating agencies have been included as appendices to the Final SEIS:
 - Appendix E, Attachment II: Analysis of Potential Indirect Impacts to Wetlands Related to Buried Pipeline Construction (updated)
 - Appendix E, Attachment III: Segregation of the Surface Layer
 - Appendix E, Attachment IV: Comparative Belowground Designs and Return of Wetlands
 - Appendix L: ASAP Air Quality Emission, Regulatory, and Support Documentation (updated)

1.11. Permits, Approvals, Compliance with Executive Orders, Statutes, and Regulatory Requirements

This SEIS is intended to fulfill the needs and obligations set forth by NEPA and other relevant laws, regulations, and policies of the lead and cooperating agencies. Several other federal, state, and local government agencies have authorities that would apply to the Proposed Action. These include the following federal and state agencies: USFWS; National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS); ADEC; ADF&G; Alaska Department of Transportation and Public Facilities (DOT&PF); and the Alaska Railroad Corporation (ARRC). Local authorities include the North Slope Borough (NSB), FNSB, Denali Borough, Matanuska-Susitna (Mat-Su) Borough, and the City of Nenana. Table 1.11-1 summarizes authorities that apply to the Proposed Action.

Table 1.11-1 Authorities Applying to the Proposed Action

Legal Authority	Authorizations	Statutory / Regulatory Intent
Federal		
Federal Laws and Executive Orders Common To Multiple Federal Agencies		
Alaska National Interest Lands Conservation Act (ANILCA) 16 U.S.C. 410hh-3233 43 U.S.C. 1602-1784 43 CFR 36	Title XI: SF 299 - Application for Transportation and Utility Systems and Facilities on Federal Lands. Transportation systems that are proposed to cross a CSU created or expanded by the ANILCA require an act of Congress if such a transportation system would cross any Congressionally designated wilderness area, or if there is no	Minimize impacts to CSUs through the approval or disapproval of transportation and utility system applications across public lands in Alaska. Provide the opportunity for rural Alaska residents to continue to engage in a subsistence way of life.

Legal Authority	Authorizations	Statutory / Regulatory Intent
	<p>existing authority for granting a right of way for the particular type of transportation system proposed, such as a natural gas pipeline across NPS units in Alaska. In January 2017 Congress enacted a bill to amend the DNPIA to clarify certain provisions relating to the natural gas pipeline. The bill would allow that a proposed gas transmission pipeline may be located in a non-wilderness area within the boundary of Denali National Park, and shall not be subject to title XI of the ANILCA. The bill is currently under review.</p> <p>Section 906(k) requires state concurrence on selected lands prior to granting ROW.</p> <p>Title VIII: Section 810 – Federal land managing agencies must evaluate and provide a finding of effects of proposed development on subsistence.</p>	
<p>American Indian Religious Freedom Act of 1978 42 U.S.C. 1996</p>	<p>Federal agencies must consider protection of sites considered sacred to Native Americans.</p>	<p>Reaffirm Native Americans’ right to religious freedom, “including, but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites.”</p>
<p>Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments</p>	<p>Federal agencies must operate within a government-to-government relationship with federally recognized tribes; are tasked with consulting with potentially affected tribal governments prior to taking actions that affect federally recognized tribal governments; and must also evaluate the impact of Federal Government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects programs, and activities.</p>	<p>Encourage government-to-government cooperation and consultation between the federal government and Native American tribal governments with regard to federal agency actions, activities, plans, projects and programs.</p>

Legal Authority	Authorizations	Statutory / Regulatory Intent
Executive Order 11514 - Protection and Enhancement of Environmental Quality	<p>EPA reviews and evaluates the Draft and FEIS for compliance with CEQ guidelines.</p> <p>Federal government shall provide leadership in protecting and enhancing the quality of the nation's environment to sustain and enrich human life.</p> <p>Federal agencies must initiate measures needed to direct their policies, plans, and programs so as to meet national environmental goals.</p>	This Executive Order details the responsibilities of federal agencies and the CEQ in directing their policies, plans, and programs to meet national environmental goals.
Executive Order 11988 - Floodplain Management	Federal agencies must establish procedures to ensure that the potential effects of flood hazards and floodplain management are considered for actions undertaken in a floodplain. Impacts to floodplains are to be avoided to the extent practicable.	Protect floodplains and manage risk from flooding.
Executive Order 11990 - Protection of Wetlands	Federal agencies must avoid short- and long-term adverse impacts to wetlands whenever a practicable alternative exists.	Protect wetlands.
Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	Federal agencies must develop environmental justice strategies to identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations (including Native American tribes).	Protect the health and environment of minority and low-income populations.
Executive Order 13007 - Indian Sacred Sites	Federal agencies must accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites.	Protect and accommodate access to Native American sites.
Executive Order 13112 - Invasive Species	Federal agencies are to prevent the introduction of invasive species, control those that are introduced, and provide for the restoration of native species.	Prevent the introduction of invasive species and provide for their control.

Legal Authority	Authorizations	Statutory / Regulatory Intent
Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds	Federal agencies must avoid or minimize the impacts of their actions on migratory birds and take active steps to protect birds and their habitat.	Protect migratory bird habitat and populations.
Executive Order 13212 – Actions to Expedite Energy-Related Projects	Federal agencies must take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission, or conservation of energy.	Increase production and transmission of energy in a safe and environmentally sound manner.
National Environmental Policy Act (NEPA) 42 U.S.C. 4321	The NEPA of 1969 requires all federal agencies to prepare a detailed statement of the environmental effects of proposed federal actions that may significantly affect the quality of the human environment.	Protect the environment through procedures that ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.
National Historic Preservation Act (NHPA) of 1966 16 U.S.C. 470 et seq.	Federal agencies are responsible for ensuring that "historic properties" (cultural resources that are already listed or determined eligible for inclusion on the National Register) are accounted for in the planning and execution of federal undertaking. Fulfillment of the Section 106 obligation is inherently a federal obligation. The State Historic Preservation Office (SHPO) is consulted during the Section 106 process by an agency to either concur or not concur with federal decisions regarding the process. As part of this process, a PA is developed among USACE, BLM, SHPO, and AGDC that describes the Section 106 process and how potential impacts to cultural resources (known and any discovered during construction/operation) will be minimized and/or avoided.	Ensure consideration of the values of historic properties in carrying out federal actions. Make efforts to identify and mitigate impacts to significant historic properties.
Native American Graves Protection and Repatriation Act 25 U.S.C. 3001	Discovery or disturbance of any human remains in the proposed Project Area must be accounted for and protected and/or properly returned to the tribe of origin.	Protect Native American sacred and grave sites.

Legal Authority	Authorizations	Statutory / Regulatory Intent
Paleontological Resources Protection Act: Public Law 111-111, Title VI, Subtitle D; 16 U.S.C. 470	The Act requires that paleontological resources be preserved, managed, and protected on lands administered by the BLM, the Bureau of Reclamation, the NPA, and the USFWS.	The Act addresses the management, collection, and curation of paleontological resources including management using scientific principles and expertise, collecting resources with and without a permit, curation in an approved repository, maintaining confidentiality of specific locality data, and authorizing penalties for illegal collecting, sale, damaging, or otherwise altering or defacing paleontological resources
Bureau of Land Management (BLM)		
Alaska Native Claims Settlement Act (ANCSA) 14 U.S.C. 33 1601-1629g	BLM is responsible for consultation with Native Corporations on selected lands prior to granting a ROW, and for transfer of federal lands to Native corporations and villages.	The ANCSA established Alaska Native land entitlements.
Federal Land Policy and Management Act (FLPMA) 43 U.S.C. 1732 and 43 CFR 2800	BLM has the authority to grant permits and regulate the use, occupancy, and development of the public lands and to take whatever action is required to prevent unnecessary or undue degradation of the public lands.	Provide for multiple uses of public lands while protecting them from unnecessary or undue degradation.
National Trails Systems Act of 1968 16 U.S.C. 1241-1251	Requires BLM to identify segments and sites for inclusion in National Historic Trail System; coordinate protection and/or improvement of Trail System, and liaison between land managers, private trail organizations, and trail managers by providing an information network.	BLM is the statutorily-designated federal administrator for the Iditarod National Historic Trail (INHT), and is the federal point-of-contact for INHT matters.
Rights of Way, under Section 28 of the MLA 43 CFR 2880 MLA of 1920	BLM has the authority to approve a Federal Pipeline Grant of ROW and associated Temporary Use Permits across certain federal lands.	Provide for mineral development on public lands while protecting them from unnecessary or undue degradation.
Wilderness Act of 1964 16 U.S.C. 1131 et seq.	BLM documents information that constitutes an inventory finding on wilderness characteristics under the Secretary of Interior’s Order 3310 of December 22, 2010.	The Wilderness Act of 1964 establishes definition of wilderness and is used in identifying lands with wilderness characteristics.
U.S. Army Corps of Engineers (USACE)		
Clean Water Act (CWA) of 1972 33 U.S.C. 1344	USACE issues a Section 404 permit for discharge of dredged and fill material into U.S. waters, including wetlands.	Minimize impacts to waters of the U.S., including wetlands, by regulating the discharge of dredged and/or fill material.

Legal Authority	Authorizations	Statutory / Regulatory Intent
Rivers and Harbors Act of 1899 33 U.S.C. 403	USACE issues Section 10 permits for structures or work in, or affecting, navigable waters of the U.S.	Prohibits the unauthorized obstruction or alteration of any navigable water of the United States. This section provides that the construction of any structure in or over any navigable water of the United States, or the accomplishment of any other work affecting the course, location, condition, or physical capacity of such waters.
Section 103 of the Marine Protection, Research, and Sanctuaries Act 33 U.S.C. 1413	USACE issues permits for the transportation of dredged material for purposes of ocean dumping and the selection of dumping site locations.	Minimize impacts to ocean waters.
U.S. Environmental Protection Agency (EPA)		
Section 11 of the Alaska Statehood Act, Mt. McKinley National Park Military Lands, Civil and Criminal Jurisdiction	Under the Act EPA retains the CWA Section 402 NPDES and Section 401 Water Quality Certification authority within the Park	The Denali NPP Route Variation that crosses the park could potentially trigger EPA's regulatory authorities within the park.
Clean Air Act (CAA) of 1967, Amended 1977 42 U.S.C. 7401 et seq.	As oversight EPA conducts a review and evaluation of the Draft and FEIS as authorized by Section 309 of the CAA.	Protect and enhance the quality of the nation's air resources by controlling emissions of EPA-designated air pollutants by stationary and mobile sources. EPA maintains oversight of ADEC's implementation of the federal Prevention of Significant Deterioration program through its state implementation plan.

Legal Authority	Authorizations	Statutory / Regulatory Intent
<p>CWA of 1972, Amended 1977 33 U.S.C. 1251 et seq.</p>	<p>The NPDES Permit program is administered under Section 402, CWA of 1972, as amended for discharges of pollutants, including oil and gas, from a point source into waters of the U.S. Through program delegation, EPA oversees ADEC’s administration of the APDES program that regulates the discharge of pollutants from a point source into waters of the U.S. for facilities, and construction.</p> <p>Section 402 – APDES Water Discharge Permit, AKG-33-0000 for hydrostatic testing and discharges of excavation, dewatering, and stormwater from temporary camps, or an individual permit covering these discharges could be issued.</p> <p>Section 311 – EPA provides a Federal On-Scene Coordinator responsible for direction and monitoring of spills. EPA requires owners/operators to prepare and implement spill prevention, control, and countermeasure (SPCC) Plans for facilities that store more than 1,320 gallons in aggregate in aboveground tanks with capacity of 55 gallons or more.</p> <p>Section 404 –USACE evaluates permit applications for compliance with Section 404(b)(1) guidelines and other statutes and authorities within their jurisdiction.</p>	<p>The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. It prohibits the “discharge of toxic pollutants in toxic amounts” to navigable waters of the U.S.</p> <p>Section 402 establishes guidelines for effluent discharges from point-sources to the waters of the U.S. and for the NPDES permitting program.</p> <p>Section 311 establishes procedures, methods and equipment, and other requirements for equipment to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the U.S. or adjoining shorelines.</p> <p>The purpose of Section 404 is to minimize impacts to waters of the U.S. (including wetlands) by regulating the discharge of dredged and/or fill material.</p>
<p>Comprehensive Environmental Response, Compensation and Liability Act and the Superfund Amendments and Reauthorization Act 42 U.S.C. 9601</p>	<p>EPA implements facility reporting requirements to state and federal agencies for releases of hazardous substances in excess of specified amounts.</p>	<p>Protect public health and the environment from risks posed by uncontrolled hazardous waste sites.</p>
<p>Oil Pollution Act (OPA) of 1990 40 CFR 112.20</p>	<p>Section 4202 of the Oil Pollution Act amended the CWA Section 311(g) by requiring owners or operators of tank vessels, offshore facilities, and certain onshore facilities to prepare, submit, and implement Facility Response Plans (FRPs).</p>	

Legal Authority	Authorizations	Statutory / Regulatory Intent
Resource Conservation and Recovery Act of 1976 42 U.S.C. 6901	EPA develops and implements regulatory programs to manage hazardous waste from generation until ultimate disposal, including issuing an identification number for any entity that generates hazardous wastes.	The protection of human health and environment from the potential hazards of waste disposal, conservation of energy and natural resources, waste reduction, and environmentally sound waste management.
Toxic Substances Control Act 15 U.S.C. 2601	EPA develops and implements regulatory requirements for the testing of new and existing chemical substances and regulates the treatment, storage, and disposal of certain toxic substances.	The protection of human health and the environment from hazardous chemicals.
U.S. Coast Guard (USCG)		
Rivers and Harbors Act of 1899 33 U.S.C. 403	Under Section 9, USCG issues permits for construction of bridges across navigable waters to ensure safe navigability of waterways.	Prevent unauthorized obstruction or alteration (dam, dike, or other structure) of any navigable waters of the U.S.
U.S. Department of Transportation, Pipeline Hazardous Materials Safety Administration (USDOT, PHMSA)		
Pipeline Safety Regulations Title 49 CFR 190-199 Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 P.L. 109-468 The Pipeline Safety Statute 49 U.S.C. 60101-60301	Pipeline transportation and pipeline facilities must meet the minimum safety standards as regulated and enforced by USDOT PHMSA.	<p>To enable USDOT PHMSA to achieve and maintain pipeline safety.</p> <p>To provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline.</p> <p>To provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities by improving the regulatory and enforcement authority of the Secretary of Transportation.</p>
Hazardous Materials Transportation Act 49 U.S.C. 1801-1819	Hazardous materials must be transported according to USDOT regulations.	The Secretary of Transportation must protect the nation adequately against risks to life and property that are inherent in the transportation of hazardous materials.
U.S. Fish and Wildlife Service (USFWS)		
Fish and Wildlife Coordination Act (FWCA) 16 U.S.C. 661 et seq. FWCA of 1980 16 U.S.C. 2901	USFWS provides consultation on effects to fish and wildlife resources. USFWS consults with the state agency responsible for fish and wildlife resources to conserve or improve wildlife resources.	Ensure that fish and wildlife resources receive equal consideration to other project features. Conserve and promote conservation of non-game fish and wildlife species and their habitats.

Legal Authority	Authorizations	Statutory / Regulatory Intent
Bald and Golden Eagle Protection Act 16 U.S.C. 668	USFWS may permit non-purposeful take (including disturbance) of eagles, and removal or relocation of an eagle nest in certain instances of resource development or recovery operations. Authorization is subject to conditions to minimize impacts.	Protect bald and golden eagle nests and populations.
Marine Mammal Protection Act (MMPA) 16 U.S.C. 1361-1407	USFWS may issue a Letter of Authorization for incidental take of certain marine mammals, including polar bear and walrus. Authorization is subject to conditions to minimize impacts.	Ensure that marine mammal populations are maintained at, or in some cases restored to, healthy population levels.
Migratory Bird Treaty Act (MBTA) 16 U.S.C. 703	USFWS implements provisions of the MBTA that protect nesting, brood rearing, and migrating birds.	Protect international migratory bird species; the MBTA is a treaty agreement between the U.S., Canada, Mexico, Japan and Russia.
Endangered Species Act (ESA) of 1973 16 U.S.C. 1531	USFWS provides consultation on effects to threatened or endangered species and designated critical habitat, and authorizes incidental take. Incidental take authorizations are subject to conditions to minimize impacts.	Ensure that actions funded, authorized, permitted, or otherwise carried out by federal agencies will not jeopardize the continued existence of any listed species or adversely modify designated critical habitats.
National Oceanic and Atmospheric Administration (NOAA) Fisheries		
Fish and Wildlife Coordination Act 16 U.S.C. 661 et seq.	NOAA Fisheries (NMFS) provides consultation regarding effects on marine fish and wildlife resources.	Ensure that fish and wildlife resources receive equal consideration to other project features.
Magnuson-Stevens Fishery Management and Conservation Act 16 U.S.C. 1801-1883	NOAA Fisheries provides consultation on the effects on Essential Fish Habitat. Essential Fish Habitat includes habitats necessary to a species for spawning, breeding, feeding, or growth to maturity.	Protect fish habitats and populations identified under the Essential Fish Habitat statute.
MMPA 16 U.S.C. 1361-1407	NOAA Fisheries provides consultation regarding effects on marine mammals except for polar bears, Pacific walrus and sea otters, which are under USFWS jurisdiction. NOAA Fisheries issues Incidental Harassment Authorization under the MMPA for incidental takes of certain protected marine mammals (<i>i.e.</i> , ringed seals and bowhead whales).	Ensure that marine mammal populations are maintained at, or in some cases restored to, healthy population levels.

Legal Authority	Authorizations	Statutory / Regulatory Intent
The ESA of 1973 16 U.S.C. 1531	NOAA Fisheries provides consultation on effects to threatened or endangered species, and to designated critical habitat, and issues incidental take authorizations.	Protect certain species of marine mammals and fish in danger of becoming extinct, and conservation of the ecosystems on which endangered and threatened species depend.
National Park Service (NPS)		
NPS Organic Act 39 Stat. 535, 16 U.S.C. 1 et seq., as amended	NPS must manage NPS lands to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of these lands in such manner that will leave them unimpaired for the enjoyment of future generations.	Promote and regulate the use of the national parks, monuments, and reservations for the purpose of conserving the scenery, natural and historic objects, and wildlife and to provide for the enjoyment of these lands in a manner that will leave them unimpaired for the enjoyment of future generations.
Section 6(f) of the Land and Water Conservation Fund (LWCF) 16 U.S.C 4601 et seq.	Prohibits the conversion of property acquired or developed with LWCF grants to a non-recreational purpose without the approval of NPS.	Ensures that replacement lands of equal value, location, and usefulness are provided as conditions to approval of conversion of lands acquired with LWCF funds.
U.S. Department of the Treasury		
Treasury Department Order No. 120-1	Bureau of Alcohol, Tobacco, Firearms and Explosives requires that Applicants obtain a Permit to Purchase Explosives for Blasting prior to the purchase, storage, and use of explosives for conducting blasting activities.	Regulates blasting activities to ensure public safety.
State		
Alaska Department of Environmental Conservation (ADEC)		
CAA of 1967, Amended 1977 42 U.S.C. 7401 et seq. Air Quality Control 18 AAC 50 et seq.	ADEC issues Air Quality Control permits, which include Title I Construction Permits and Title V Operating Permits. Prevention of significant deterioration permits for air pollutant emissions may be required under CAA Amendments (Title V).	Identify, prevent, abate, and control air pollution in a manner that meets the purposes of AS 46.03, AS 46.14, and 42 U.S.C. 7401 - 7671q (CAA).

Legal Authority	Authorizations	Statutory / Regulatory Intent
<p>CWA of 1972, Amended 1977 33 U.S.C. 1251 et seq.</p>	<p>Section 402 – Requires ADEC to certify that federal permits meet standards set by the Water Quality Standards program. ADEC issues 401 Certification of Reasonable Assurance for 404 permits, which confirm that fill activities will meet state water quality standards. ADEC also reviews and approves Storm Water Discharge Pollution Prevention Plans.</p>	<p>The intent of the CWA is to ensure that permits established under this federal authority comply with State Water Quality Standards.</p>
<p>CWA of 1972, Amended 1977 33 U.S.C. 1251 Wastewater Disposal 18 AAC 72 Alaska Pollutant Discharge Elimination System 18 AAC 83 Water Quality Standards 18 AAC 70</p>	<p>ADEC provides engineering plan approvals for domestic and non-domestic wastewater collection, treatment, and disposal systems and issues permits for discharges to surface waters under 18 AAC 83 and disposal to land under 18 AAC 72. Alternatively, ADEC may authorize disposal to land via plan review in lieu of permit under the authority of AS 46.03.100(c) and 18 AAC 72.</p> <p>ADEC requires a permit for disposal of domestic and non-domestic wastewater.</p> <p>ADEC is fully authorized to administer EPA’s NPDES program through the APDES. Existing regulations at 18 AAC 15 and 18 AAC 72 were amended to comply with the CWA.</p> <p>ADEC provides approval for treatment and disposal plans for industrial wastewaters.</p>	<p>Regulation of discharges to protect water quality.</p> <p>On October 31, 2008, EPA formally approved the state's NPDES Program application. The state's approved program is called the APDES Program. Transfer of authority over the federal permitting and compliance and enforcement programs to ADEC was completed on October 31, 2012.</p>
<p>Resources Conservation and Recovery Act of 1976 42 U.S.C. 6901 18 AAC 60.430. – AS 46.03.005, 010 Permit Application 18 AAC 60.210-.215</p>	<p>ADEC reviews and approves solid waste processing and temporary storage facilities plans for handling and temporary storage of solid waste on state lands.</p> <p>ADEC reviews permits for solid waste landfills on state lands.</p>	<p>The protection of human health and environment from the potential hazards of waste disposal, conservation of energy and natural resources, waste reduction, and environmentally sound waste management.</p>
<p>Permit and Registration Requirements 18 AAC 31.020</p>	<p>ADEC may issue permits for persons seeking to operate a food establishment.</p>	<p>Protect public health through the regulation of food establishments.</p>
<p>Drinking Water Standards 18 AAC 72</p>	<p>ADEC may issue approval of drinking water plans.</p>	<p>Protect public health through regulating the provision of drinking water.</p>

Legal Authority	Authorizations	Statutory / Regulatory Intent
Open Burning 18 AAC 50.065	ADEC enforces air quality requirements for open burning, and requires a permit for controlled open burning of forest land, vegetative cover, fisheries, or wildlife habitat in excess of 40 acres annually.	Protect public health through the regulation of open burning.
Oil and Hazardous Substances Pollution Control Regulations 18 AAC 75 AS 46.04.040, AS 46.04.050	ADEC requires natural gas production and terminal facilities having an effective aboveground or belowground storage capacity of greater than 10,000 barrels (420,000 gallons) of refined petroleum products to prepare an Oil Discharge Prevention and Contingency Plan and provide Proof of Financial Responsibility.	Protect public health through regulation of the storage of refined petroleum products by ensuring the ability of the facility owner or operator to respond to and address the damages cause by a spill.
Alaska Department of Fish and Game (ADF&G)		
The Fish and Wildlife Conservation Act of 1980 16 U.S.C. 2901 The Fish and Wildlife Conservation Act of 1980 16 U.S.C. 661 et seq.	ADF&G consults with USFWS regarding fish and wildlife resources to conserve or improve wildlife resources. ADF&G provides comments and recommendations to federal agencies pursuant to the FWCA.	Conserve and promote conservation of non-game fish and wildlife species and their habitats. Ensure that fish and wildlife resources receive equal consideration to other project features.
Anadromous Fish Act AS 16.05.871 Fishway Act AS 16.05.841	An individual or governmental agency notifies and obtains authorization from ADF&G for activities that could use, divert, obstruct, pollute, or change natural flow of specified anadromous fish streams.	Protect the integrity of the various rivers, lakes, and streams or parts of them that are important for the spawning, rearing, or migration of anadromous or resident fish. The Fishway Act requires a fishway or device for the efficient passage of fish if a dam or other obstruction is placed in a stream frequented by salmon or other fish.
Activities Requiring a Special Area Permit AS 16.20	A special area permit must be obtained from ADF&G for activities (except for lawful hunting, trapping, fishing, viewing, and photography) occurring in state game refuges, state recreation areas, across designated wild and scenic rivers, or through state parks.	Prevent significant effects to vegetation, drainage, water quality, soil stability, fish, wildlife, or their habitats. State recreation areas, state parks, or wild and scenic rivers do not fall under this statute or any ADF&G authority.
License, Permit, and Tag Fees; Surcharge; Miscellaneous Permits to Take Fish and Game AS 16.05.340	ADF&G may issue a permit to collect fish and game, subject to limitations and provisions that are appropriate, for a scientific, propagative, or educational purpose.	To permit and regulate the collection of fish and game.

Legal Authority	Authorizations	Statutory / Regulatory Intent
Permit for Scientific, Educational, Propagative, or Public Safety Purposes 5 AAC 92.033	ADF&G may issue a permit for the taking, possessing, importing, or exporting of game for scientific, educational, propagative, or public safety purposes.	To permit and regulate the collection of game.
Alaska Department of Natural Resources (ADNR)		
Alaska Historic Preservation Act AS 41.35.010 to .240 NHPA of 1966 16 U.S.C 470 et seq. 36 CFR 800 Sections 106 and 110 The Archeological Resources Protection Act of 1979 16 U.S.C. 470	Section 106 of the NHPA requires consultation with Alaska SHPO and, when there are effects on cultural resources listed on or eligible for inclusion in the National Register of Historic Places, with the President’s Advisory Council on Historic Preservation. SHPO issues a Field Archaeology Permit for archaeological fieldwork on state lands. SHPO would also be consulted by USACE. ADNR Office of History and Archeology issues a Cultural Resources Concurrence for developments that may affect historic or archaeological sites.	Protect cultural and archaeological resources to ensure consideration of the values of historic properties in carrying out federal activities and to make efforts to identify and mitigate impacts to significant historic properties. The Archeological Resources Protection Act secures the protection of archaeological resources and sites on public and Native American lands and encourages the exchange of information between involved individuals and entities.
Public Land Act Material Sales AS 38.05.110 Permits AS 38.05.850 Mining Sites Reclamation Plan Approvals AS 27.19	ADNR issues a Material Sales Contract for mining and purchase of gravel from state lands. ADNR issues ROW and Land Use permits for use of state land, ice road construction on state land, and state waters. ADNR approves mining reclamation plans on state, federal, municipal, and private land and water.	Manage use of Alaska’s land and water resources.
Right-of-Way Leasing Act AS 38.35.020	ADNR SPCS issues pipeline ROW leases for pipeline construction and operation across state lands. ADNR Commissioner signs the leases and the SPCS manages the leases.	Manage use of Alaska’s land and water resources.
Water Use AS 46.15	ADNR issues a Temporary Water Use Authorization for water use necessary for construction and operations. ADNR issues a Water Rights Permit for appropriation of a significant amount of water on other than a temporary basis.	Manage use of Alaska’s land and water resources.

Legal Authority	Authorizations	Statutory / Regulatory Intent
Duties and Powers of Department of Natural Resources, Limitations AS 41.21.020 Section 6(f) of the LWCF 16 U.S.C 4601 et seq.	ADNR has the responsibility for outdoor recreation planning and administering the LWCF program within Alaska.	Assures that replacement lands of equal value, location and usefulness are provided as conditions to approval of conversion of lands acquired with LWCF funds.
Alaska Department of Public Safety, Division of Fire and Life Safety		
General function of the Department of Public Safety with respect to fire protection. AS 18.70.010 Alaska Fire and Life Safety Regulations 13 AAC 50-55	The Division of Fire and Life Safety has statewide jurisdiction for fire code enforcement and plan review authority except in communities which have received deferrals which include the Municipality of Anchorage, Fairbanks, University of Alaska Fairbanks, and Wasilla/Lakes.	To prevent the loss of life and property from fire and explosion through plan review and approval prior to construction, repair, remodel, addition, or change of occupancy of any building/structure, or installation or change of fuel tank(s).
Alaska Department of Transportation and Public Facilities (DOT&PF)		
Chapter 25 Operations, Wheeled Vehicles: Oversize and Overweight Vehicles 17 AAC 25.320	DOT&PF issues permits for oversize or overweight vehicles.	To protect Alaska's highway investments by regulating the transport of oversize and overweight loads on Alaska highways.
Chapter 25 Operations, Wheeled Vehicles: Transportation of Hazardous Materials, Hazardous Substances, or Hazardous Waste 17 AAC 25.200	DOT&PF regulates the transportation of hazardous materials, hazardous substances, or hazardous waste by vehicles.	To ensure compliance at the State level with the Hazardous Materials Transportation Act (49 U.S.C. 1801-1819); to protect the State adequately against risks to life and property that are inherent in the transportation of hazardous materials.
Lane Closure Permit, 17 AAC 20.017	DOT&PF issues this permit for the use of a highway ROW for access to, or construction and maintenance activities related to, physically contiguous land during the construction, alteration, or maintenance of improvements, or to allow access to utility facilities for which a permit has been issued.	
Driveway/Approach Road Permit, 17 AAC 10.020	DOT&PF issues this permit for driveway approaches and roads accessing a state highway right of way. This would apply to all new and temporary access points proposed by the ASAP Project. Additionally, a Traffic Impact Analysis may be required per 17 AAC 10.070.	

Legal Authority	Authorizations	Statutory / Regulatory Intent
Utility Permits 17 AAC 15.011	DOT&PF issues permits authorizing the Applicant to construct or install utility facilities within a department ROW.	Protect the public interest by ensuring that utility facilities do not adversely affect the design, construction, maintenance, safety, or operation of highways within the State.
Alaska Railroad Corporation (ARRC)		
Alaska Railroad Corporation Act of 1984 AS 42.40.10 et seq.	ARRC requires developers to obtain a permit from the ARRC prior to use of ARRC-owned lands.	The Act created the ARRC as a self-sustaining, state-owned corporation. ARRC has the authority to support its operations by generating revenue from freight, passenger and real estate services.
Alaska Division of Homeland Security & Emergency Management		
Hazardous Chemicals, Materials, and Wastes AS 29.35.500	The State Emergency Response Commission enforces reporting and planning requirements for facilities that handle, store, and/or manufacture hazardous materials.	To implement the Superfund Amendments and Reauthorization Act at the state and local levels in order to support emergency response planning and community right-to-know relative to hazardous materials.
State of Alaska Mental Health Trust		
Management of Alaska mental health trust land 11 AAC 99	Use of State of Alaska Mental Health Trust owned land may require a land use permit	The Trust Land Office authorizes certain requests for use of Trust land when that use is consistent with Trust management principles, as defined in regulation (11 AAC 99).
University of Alaska		
University of Alaska Board of Regents' Policy 05.11 - Real Property	Use of University of Alaska owned land may require a land use permit	The University of Alaska, through its Facility and Land Management office, authorizes certain requests for use of University land when proposed uses are consistent with the guidelines for prudent management, including trust management, and use of all University real property, as defined in Board of Regents' Policy 05.11 - Real Property

Legal Authority	Authorizations	Statutory / Regulatory Intent
Local		
North Slope Borough (NSB)		
North Slope Borough Land Management Regulations (§§19.10.010 – 19.70.060)	The NSB requires compliance with its zoning and permitting ordinances and issues permits for development, uses, and activities on land within the NSB.	The NSB regulates land uses and activities within the borough to provide for the protection of the health, safety, and welfare of NSB residents and to ensure compliance with environmental policies of local concern.
Fairbanks North Star Borough (FNSB)		
FNSB Title 18 Zoning Code (§§18.02-18.58)	The FNSB requires compliance with its zoning code. The borough requires that an approved zoning permit be acquired prior to any excavation, construction, relocation, or installation for a new land use.	The FNSB regulates land uses and activities within the borough to provide for the protection of the health, safety, and welfare of FNSB residents and to ensure compliance with environmental policies of local concern.
Denali Borough		
Denali Borough Title 9 Land Use Code (§§9.05.10 -9.25)	The Denali Borough requires compliance with its Land Use Code, which includes the Comprehensive Land Use Plan, zoning code, and gas exploration and development ordinance (Chapter 9.25.010).	The Denali Borough regulates land uses and activities within the borough to provide for the protection of the health, safety, and welfare of Denali Borough residents and to ensure compliance with environmental policies of local concern.
Mat-Su Borough		
Mat-Su Borough Title 17 Zoning (§§17.01-17.125)	The Mat-Su Borough requires compliance with its zoning code. All land development in the Borough is subject to Mat-Su Borough Title 17.02, Mandatory Land Use Permit.	The Mat-Su Borough regulates land uses and activities within the borough to provide for the protection of the health, safety, and welfare of Mat-Su Borough residents and to ensure compliance with environmental policies of local concern.
City of Nenana		
Land Use Permit	Development within the City requires mayoral approval of a Land Use Permit.	The City of Nenana maintains oversight over development within the City.

1.12. Next Steps in the NEPA Process

USACE published an NOA in the *Federal Register*, which began the 30-day waiting period for the Final SEIS. The NOA is also provided on the ASAP Project website (www.asapeis.com).