

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
STATE PIPELINE COORDINATOR'S OFFICE

NOTICE OF RIGHT-OF-WAY AMENDMENT APPLICATION  
ALASKA GASLINE DEVELOPMENT CORPORATION  
ALASKA STAND ALONE GAS PIPELINE/ASAP – ADL 418997

The Commissioner of the Department of Natural Resources (DNR), pursuant to Alaska Statute (AS) 38.35.070, hereby gives notice that Alaska Gasline Development Corporation submitted a request on January 10, 2014 to amend the right-of-way lease for the Alaska Stand Alone Gas Pipeline/ASAP, ADL 418997.

The amendment application proposes several significant changes to the lease, including a change in pipeline design from a 24-inch diameter high pressure pipeline with a maximum allowable operating pressure of 2,500 psi to a 36-inch diameter lean gas pipeline with a maximum allowable operating pressure of 1,480 psi. The application also proposes to revise the lease to reflect recent legislative actions. House Bill 4 (HB 4), passed by the Alaska Legislature in 2013, resulted in changes to AS 38.35 that directly affect the lease, including the authorization of contract carriage. HB 4 expressed the intent of the legislature that the parties to ADL 418997 as soon as practicable amend the lease consistent with the new legislation.

The amendment application also includes lands on the North Slope for facilities associated with the project. Specifically, the amendment requests:

- 100 acres for a Gas Conditioning Facility Pad;
- 23 acres for a construction and operations camp pad for the Gas Conditioning Facility;
- Three roads, totaling 12.8 acres, connecting the camp to the Gas Conditioning Facility and currently existing Haul Road and Central Gas Facility;
- An additional pipeline right-of-way, approximately 6.8 acres in size, for multiple pipelines connecting the Gas Conditioning Facility to the currently existing Central Gas Facility; and
- Alignment changes between pipeline mileposts 0 – 3.

The amendment application and revised project description are available at the State Pipeline Coordinator's Office (SPCO) website: <http://dnr.alaska.gov/commis/pco>. The public may obtain copies of the application, at cost, from the SPCO. Copies will also be available at the following locations: Noel Wein Public Library (Fairbanks), Tuzzy Consortium Library (Barrow), Kaveolook Community Library (Kaktovik) and Nuiqsut Trapper School.

Alaska Statute 38.35.200 governs judicial review of a decision of the commissioner:

- (a) An applicant or competing applicant or a person who has direct financial interest affected by the lease who raises objections within 60 days of the publication of notice under AS 38.35.070 are the only persons with standing to seek judicial review of a decision of the commissioner under AS 38.35.100.
- (b) The only grounds for judicial review of a decision of the commissioner are
  - (1) failure to follow the procedures set out in this chapter; or
  - (2) abuse of discretion so capricious, arbitrary, or confiscatory as to constitute a denial of due process.

- (c) Except as provided for an applicant in (a) of this section and notwithstanding any contrary provision of law, an action or decision of the commissioner or other state officer or agency concerning the issuance or approval of a necessary right-of-way, permit, lease, certificate, license, or other authorization for the planning, financing, acquisition, maintenance, development, construction, or initial operation of a natural gas pipeline by the Alaska Gasline Development Corporation under AS 31.25 that uses a right-of-way subject to this chapter may not be subject to judicial review, except that a claim alleging the invalidity of this subsection must be brought within 60 days after the effective date of this Act, and a claim alleging that an action will deny rights under the Constitution of the State of Alaska must be brought within 60 days following the date of that action. A claim that is not filed within the limitations established in this subsection is barred. A complaint under this subsection must be filed in superior court, and the superior court has exclusive jurisdiction.

Notwithstanding AS 22.10.020(c), except in conjunction with a final judgment on a claim filed under this subsection, the superior court may not grant injunctive relief, including a temporary restraining order, preliminary injunction, permanent injunction, or stay, against the issuance of a necessary right-of-way, permit, lease, certificate, license, or other authorization for the planning, financing, acquisition, maintenance, development, construction, or initial operation of a natural gas pipeline by the Alaska Gasline Development Corporation. In this subsection, "natural gas pipeline" has the meaning given in AS 38.34.099.

- (d) An appeal of a permitting decision or authorization by the Department of Environmental Conservation under AS 46.03 or AS 46.14 that is made under a program approved or delegated by the United States Environmental Protection Agency is not (1) subject to the limitation in (a) of this section; (2) included in the actions or decisions described in (c) of this section.

Any objections pursuant to AS 38.35.200 must be submitted in writing to the address below by 5:00 p.m. on March 28, 2014.

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411 West 4<sup>th</sup> Avenue, Suite 2  
Anchorage, AK 99501-2343  
Phone: (907) 269-6403  
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The State of Alaska, Department of Natural Resources, State Pipeline Coordinator's Office, complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, or special modifications to participate in this review may call 269-8411 TTY/TTD. Please provide sufficient notice in order for the department to accommodate your needs.

The State Pipeline Coordinator's Office reserves the right to waive technical defects in this publication. Please contact the SPCO for more information.

/s/ Allison Iversen  
Acting State Pipeline Coordinator  
Department of Natural Resources

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