





Chapter Fifteen Land Use & Land Management





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CHAPTER 15: LAND USE & LAND MANAGEMENT

The North Slope has a myriad of landowners, land managers, and land rights at all levels of government. There are some factors that are consistent across the entire North Slope, such as Alaska Native Claims Settlement Act, NSB land use and subdivision regulations, and the need to coordinate amongst many of different land managers and landowners.

Two very significant land issues that have remained unresolved for decades both relate to lands being returned or conveyed to the residents. The first is ANCSA related, and the second deals with Municipal Entitlements and other ways to acquire land for the borough.

LAND USE BACKGROUND

ANCSA, enacted into law on December 18, 1971, was intended to settle outstanding Alaska Native land claims and establish clear title to Alaska's land and resources.

ANCSA established 12 Alaska Native regional corporations (with a 13th regional corporation created later for Alaska Natives not residing in Alaska), and over 200 local village corporations. The Act established regional and village corporations with village corporations receiving title to the surface estate in and around their respective village(s), and regional corporations retaining subsurface (mineral) estate rights on

selected lands. Section 14(c)(3) of ANCSA provides that the village corporation shall convey to a municipal corporation (city) or the state in trust (where an incorporated city does not exist), lands identified for present and future community needs.^{331, 332}



There are two types of protected (restricted) land for Native Alaskans: Native Allotments and Restricted Townsite lots.

Restricted land is inalienable; the property owner cannot lease, sell or convey the land, or any inherited interest in the land, without first obtaining approval from the BIA. Generally, restricted land is also not subject to state or local laws, including taxation and land use regulations, such as zoning. Native restricted land will remain tax-exempt unless changed by the United States Congress or the restrictions are removed with expressed approval by the BIA.³³³

Restricted lots were generally distributed via two federal statutes: the Alaska Native Allotment Act of 1906 and the 1926 Alaska Native Townsite Act. The Alaska Native Allotment Act of 1906 authorized the Secretary of the Interior to grant individual Alaska Natives ownership of up to 160

³³¹ State of Alaska. Department of Commerce, Community and Economic Development. 2016. Division of Community and Regional Affairs. *Planning and Land Management*. www.commerce.alaska.gov/web/dcra/PlanningLandManagement/ResourcesforANCSA14c3.aspx.

³³² Additional information on the 14(c)(3) process can be found in the Getting Started on 14(c)(3): A Basic Guide for City and Village Councils prepared by the Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs, www.commerce.alaska.gov/web/Portals/4/pub/14c3Getting%20Started2004.pdf.

³³³ Kawerak, Inc. *Land Management Services*. 2018. *Restricted Native Land*. www.kawerak.org/download/land-management-services-info-sheet/.





acres of “vacant, unappropriated, and unreserved non-mineral” land. The majority of Native allotments are near villages and along rivers, streams, lakes, and coastal waters. There are 725 Native allotments within the North Slope, most of which are located near the villages of Point Hope, Wainwright, Point Lay, Atkasuk, Utqiagvik, and Nuiqsut. Of the 725 Native allotments, only 130 of those are near the communities of Anaktuvuk Pass and Kaktovik.³³⁴ In 1971, one of the ANCSA provisions repealed the authority to grant Native allotments, with an exception of those applications that had already been submitted prior to December 18, 1971. The Alaska Native Vietnam Veterans Allotment Act of 1998, however, allowed qualifying Alaska Native Vietnam-era veterans who were on active duty in August 5, 1964 through May 7, 1975, to file an allotment claim under the 1906 Allotment Act even though it had been repealed in 1971.

As of July 2017, there were still approximately 272 pending applications for Native allotment land.^{335, 336} Certificates for 255 allotments have been issued, and seven parcels remain pending.³³⁷

The 1926 Alaska Native Townsite Act was passed by the United States Congress for the purpose of conveying public lands to Native Alaskans for homes within villages. All Townsite Act designations were repealed by the passage of the Federal Land Use Policy and Management Act (FLPMA) in 1976 however lots that were

already designed as ‘Native restricted’ under the Townsite Act did not lose their status. Restricted deeds are managed for Native land owners by the federal government. The owners’ ability to sell or transfer the property is limited, but since federal law limits state and municipal jurisdiction over land uses on property held in trust by the U.S. government, restricted lots are not subject to NSB land use regulations nor are they subject to property tax. There are approximately 533 restricted lots within the North Slope Borough, most of which are in the villages of Point Hope and Utqiagvik.³³⁸

Unlike other forms of property which are subject to the probate jurisdiction of state or Tribal courts, Native restricted property is completely within the U.S. Interior Department’s jurisdiction. Because some restricted landowners do not always have wills that specify beneficiaries, heirs in common inherit the land, often for several generations. Some property may have multiple owners and with each passing generation, the portions of property interest become smaller and smaller, causing the property to become fractionalized. Even without probate issues, it may be difficult to reach a consensus amongst multiple property owners, a status which jeopardizes a property’s usefulness.

Native restricted land can become unrestricted. Once the restricted status is removed, the land can be taxed and sold without BIA approval or oversight. For example, if a restricted property is

³³⁴ U.S. Department of the Interior. Bureau of Land Management. n.d. *Spatial Data Management System (SDMS)*. <http://sdms.ak.blm.gov/isdms/imf.jsp?site=sdms>.

³³⁵ U.S. Department of the Interior. Office of Congressional and Legislative Affairs. 2017. *Statement of John Ruhs Acting Deputy Director for Operations Bureau of Land Management, U.S. Department of the Interior Senate Energy and Natural Resources Committee Subcommittee on Public Lands, Forests and Mining S.785 Alaska Native Veterans Land Allotment Equity Act*. www.doi.gov/ocl/s-785.

³³⁶ U.S. Department of the Interior. Bureau of Land Management. 2013. *Land Transfer*. www.blm.gov/ak/st/en/prog/ak_land_transfer.html.

³³⁷ U.S. Department of the Interior. Office of Congressional and Legislative Affairs. 2017. *Statement of John Ruhs Acting Deputy Director for Operations Bureau of Land Management, U.S. Department of the Interior Senate Energy and Natural Resources Committee Subcommittee on Public Lands, Forests and Mining S.785 Alaska Native Veterans Land Allotment Equity Act*. www.doi.gov/ocl/s-785.

³³⁸ North Slope Borough. 2018. *Assessor’s Division GIS data*.





sold or willed to a non-Native, it will be conveyed to that person in an unrestricted status. Natives that chose to will a restricted property to a non-Native can opt to leave it as a life estate. The non-Native heir would use the property during his or her lifetime and when he/she passes away, the property is transferred to the second choice named in the owner’s will, thus potentially returning it to restricted status.³³⁹

Designated Native restricted property, can represent land use concerns for the NSB or surrounding parties. For example, if a structure on a restricted property becomes a safety hazard for the community, local land use regulations cannot require that property owners mitigate the property to remove the risk.

MUNICIPAL LAND ENTITLEMENT

The intent of the State of Alaska’s Municipal Entitlement program is stated in AS 29.65.129, “Consistent with the best interest of the state, it is the policy of the state to provide a newly formed municipality with a general grant land entitlement that is no less than 10 percent of vacant, unappropriated, unreserved land located within its boundaries. It is the policy of the state to provide for expeditious transfer and patent of land to a municipality in fulfilling its entitlement.”

At the time of the borough’s first selections, the Municipal Land Entitlement Act (originally AS 29.18.190, now AS 29.65.010) entitled the borough to select up to 10 percent of the state’s general grant lands within the borough’s borders. That would have been approximately 700,000 acres. The borough’s initial selection

(May 29, 1973, ADL 64646) was for a little more than 367 acres and included 25 of the 75 Deadhorse lease tracts. The selection was rejected, and the borough appealed unsuccessfully in *North Slope Borough v. LeResche*.³⁴⁰

The mid-1970s through the early 1980s saw the development of Deadhorse or Service Area 10 and the borough’s utility operations and the construction of the Kuparuk Industrial Center (KIC). This development was essential to support oil production, which peaked in 1988.

The state recognized the importance of these developments in its 2002 decision to reclassify and convey the two parcels upon which SA 10 Camp and Utility were located.³⁴¹ The decision described the state’s obligation to grant these parcels is:

All of the industrial lease tracts are a source of revenue to the state; however, the state has an obligation to fulfill the municipal entitlement given to the borough under AS 29.65.010. The purpose of the municipal entitlement is to create a source of revenue generation for qualifying municipalities. . . The economic benefit to the NSB is that it will have a land base as a whole from which to stimulate community development and economic growth within the borough.

DNR’s 2005 and 2006 decisions likewise included reclassification of previously classified land for conveyance to the borough. Additional DNR commissioner decisions that support reclassification and conveyance of state lands include the 1997 Cross Island decision, the 2002

³³⁹ Maniilaq Association. 2014. *Probates and Estate Services*. www.maniilaq.org/Probates%20&%20Estate%20Services.doc.

³⁴⁰ North Slope Borough v. LeResche. 581 P.2d 1112 (Alaska 1978).

³⁴¹ See the July 9, 2002 Final Finding & Decision on ADLs 414783 and 417199: Deadhorse Lease Tracts.





decision regarding SA-10 parcels in Deadhorse, the 2007 Chukchi barrier islands decision, and the final decision from December 2011 for various tracts in Prudhoe Bay and Kuparak areas.

Consistency

As stated in *LeResche* and many other cases in Alaska and U.S. jurisprudence,³⁴² the standard of review for an agency's action on matters committed to agency discretion is limited to whether the decision was arbitrary, unreasonable or an abuse of discretion. Inconsistent decisions may be considered arbitrary.³⁴³

DNR stated at the January 28, 1999 NSB Planning Commission meeting that it agreed with AOGA's position that lands classified "Resource Management" prior to September 1, 1983 were not conveyable. This statement appears to be a reversal from its earlier statements made on December 2, 1996 and August 6, 1998.

The position that Prudhoe Bay lands cannot be reclassified is also inconsistent with DNR's analysis in the Preliminary Decision that Tracts A and B of ASLS 85-48,³⁴⁴ on which the Kuparak Industrial Center sits, is appropriate for reclassification and conveyance under the

Municipal Entitlement Act. If some lands may be reclassified and reconveyed, then it would be arbitrary for DNR to find that "[n]o reclassification can operate to make [Prudhoe Bay] lands available for selection by the borough."³⁴⁵

DNR has reclassified and conveyed lands (including Resource Management lands classified prior to 1983) to both the Denali Borough and the City of Valdez.³⁴⁶ Refusal to convey Resource Management lands to the North Slope Borough would be inconsistent.

State and Borough Best Interests

Not only is it in the public interest to reclassify parcels already classified for oil and gas development so that they can be used for a variety of purposes by the borough, the borough's interest in obtaining these parcels outweighs the state's interest in retaining them. The following analysis of these interests applies to all of the requested parcels.

The borough has developed land management ordinances for fair and predictable management of tracts and materials currently under its ownership.³⁴⁷ The borough offers competitive land management options and competitive

³⁴² North Slope Borough v. LeResche. 581 P.2d at 1115n11 (siting numerous cases).

³⁴³ E.g. Rochester-Genesee Regional Transp. Authority v. Hynes-Cherin, 531 F.Supp.2d 494, 504 W.D.N.Y.,2008 (inconsistent agency action violated Administrative Procedure Act); Hiwassee College, Inc. v. Southern Association of Colleges and Schools, Inc., No. CIV.A. 1:05-CV-0951, 2007 WL 433098 (N.D.Ga. Feb. 05, 2007).

³⁴⁴ Preliminary Decision at 25.

³⁴⁵ Brady Letter at p. 7.

³⁴⁶ E.g. ADL 415646 (640 acres to the Denali Borough); CL 916 (City of Valdez); ADL 225441 (505 acres, 12/15/1997); ADL 225451 (1,075 acres, 12/15/1997); ADL 229099 (180 acres, 3/11/05).

³⁴⁷ Under NSBMC 2.38.170, all borough lands not needed for, or devoted to, a public use, may be leased or sold, when the sale or lease would be in the best interest of the public. Under NSBMC 2.38.180, sales and leases are open to any adult citizen or permanent resident of the U.S. and any entity authorized to conduct business under the laws of Alaska or the United States of America, unless that person has failed to make payment in relation to borough land in the previous five years, or the person is currently (or has been within the past five years) in breach or default on any contract or lease involving land in which the borough has an interest, or the borough has other good cause to believe that the person is unlikely to make payment or responsibly perform under the lease or other contract. Under NSBMC 2.38.250, a lease for more than four years is subject to a rental adjustment at intervals of no more than four years unless the lease specifies longer intervals. When not otherwise specified by the terms of the lease, all rental adjustments are for the appraised fair market rental value of the premises. NSBMC 2.38.270 allows the Mayor to negotiate a land lease without a public offering (but with the approval of the Assembly) if the lease is for property at fair annual rental value for a term not exceeding ten years; or the lease is for a beneficial new industry, subject to the terms of this chapter; or the lease is for a public purpose, to a governmental agency or not-for-profit corporation formed for the purpose of carrying on the public service.





access to material sites to support that development – both for the oil and gas industry itself and the support industries that dominate Deadhorse. New development is already happening on borough-owned tracts in Deadhorse where development previously did not exist. A number of developers testified to the borough’s land and gravel management ability at the July 8, 2009 hearing, including Joe Nukapigak (Kuukpik Corporation), Sam Brice, T.J. Bourdon (ICE Services), and Cindy Bailey (BP).

Service Area 10 is an example of the borough’s management abilities. The borough established Service Area 10 to provide quality refuse collection and disposal services, water service, and sewer service to industrial users in the Prudhoe Bay/Deadhorse and Kuparuk areas; to protect the investments of the North Slope borough through prudent management and sound fiscal policies; to provide employment for residents of the North Slope Borough; and provide services in a manner which is safe for employees and the environment; and to provide a point of contact for state and federal agencies, oil and gas industries and other major companies doing business in the area.

Market values of land in the Deadhorse area have increased since the borough took ownership of land parcels and commenced lease auctions. A 2003 appraisal stated that

demand for industrial land in the North Slope Industrial Tracts held by the state was low, although there was significant room for development.³⁴⁸ The appraisal suggested that a change in demand was unlikely unless new discovery or construction of a natural gas pipeline occurred.³⁴⁹

A 2009 appraisal by the same assessor told a different story. With DNR’s and NSB’s competitive lease activity, subleases of North Slope lease tract parcels became more prevalent.³⁵⁰ Demand for industrial land in the North Slope lease tracts increased while supply declined.³⁵¹

There are vast resources of gravel in the North Slope’s floodplains, river deltas, and riverbanks. In Prudhoe Bay, gravel mines occupy the entire floodplain of the Put River.³⁵² Over 5,200 acres of the Sagavanirktok River were mined for the Trans-Alaska Pipeline, including in the river channel itself.³⁵³ New mines are still being bulldozed in river flood plains. Mining recently took place in the Kuparuk River floodplain for the Northstar oil field and in East Badami Creek floodplains for the Badami field.³⁵⁴ A mine is proposed in floodplains of the Kadleroshilik River for the Liberty offshore oil field.³⁵⁵

The borough has requested a limited number of sites that are gravel sources. The borough would

³⁴⁸ MacSwain Associates LLC. *Chapter 5: Self-Contained Appraisal Report (draft) Nuiqsut Natural Gas Pipeline Right-of-Way*. ADL 416202, Valuation Date October 1, 2003.

³⁴⁹ MacSwain Associates LLC. *Chapter 5: Self-Contained Appraisal Report (draft) Nuiqsut Natural Gas Pipeline Right-of-Way*. ADL 416202, Valuation Date March 1, 2009.

³⁵⁰ Ibid

³⁵¹ Ibid

³⁵² Walker D. A.. 1996. *Disturbance and recovery of Arctic Alaskan vegetation*. pp 35-71 In: J.F. Reynolds and J.D. Tehhunen (eds.), *Ecological Studies*, Vol. 120, p. 42.

³⁵³ Pamplin, W. Lewis Jr. 1979. *Construction-Related Impacts of the Trans-Alaska Pipeline System on Terrestrial Wildlife Habitat*. Joint State / Federal Fish & Wildlife Advisory Team. Special Report No. 24. August.

³⁵⁴ U.S. Army Corps of Engineers. *Public notice of application for permit (October 11, 2000), Kuparuk River 128 (4-2000-1037), p. 1 {Meltwater field development}; U.S. ACE, Public notice of application for permit (August 26, 1997), Kuparuk River 124 (4-970705) p.1 {Tarn field}*.

³⁵⁵ U.S. Department of the Interior. Minerals Management Service. 2001. *Liberty Development and Production Plan draft environmental impact statement, Fig. II.A-9*.





benefit from the use of gravel for its capital improvement projects, as well as the revenue that gravel sales provide. The borough is in a good position to manage the sites, as it already has infrastructure and personnel in close proximity.³⁵⁶

Gravel is critical to the operations and maintenance of the oil fields and the maintenance and construction of new infrastructure. Thirty-six gravel mines have been excavated for the oil fields and transportation on the North Slope. Twenty four mines have been excavated for the oil fields³⁵⁷ totaling at least 6,364 acres of river and tundra sources combined.³⁵⁸ Another 12 gravel mines are in use for the Trans-Alaska Pipeline and Haul Road (Dalton Highway) with the North Slope.³⁵⁹ The borough has no intention of managing gravel in a way that would interfere with oil field development (on which the borough also depends for tax revenue).³⁶⁰

The southern half of the PUT 23 mine site was conveyed to the borough in 2011 and is currently operated through an agreement with BP and is a significant source of gravel material in the central Prudhoe Bay area. Mine Site F, also conveyed in 2011, is in the final steps of being permitted as a new material site in the far western area of the Kuparuk River Unit and is likely to be an important source of material for the development of the Nanushuk project. Mine Site 3, also conveyed in 2011, is also in the final

permitting phases with the U.S. Corps of Engineers to provide material for Dalton Highway maintenance and to also fill the need for gravel in the Deadhorse area as PUT 23 resources decline. Material sales are currently already in place for PUT 23, and the borough expects a contract soon for Mine Site F.

Developments beyond Oil and Gas

It is unrealistic to categorize the entire area around Deadhorse for oil and gas development. Even if every parcel were capable of producing oil, some parcels would still need to be devoted to developments that support the oil and gas industry. Thus, parcels should be analyzed individually to determine their highest and best use.

The borough is aware, just as the state must be, that oil and gas reserves in the Deadhorse area will eventually be exhausted. Other industries, particularly the service industry, are and will be essential in this area to support eastern and western field expansions.

Lack of Alternatives

The borough's interest in the lands around Deadhorse becomes more apparent when the lack of alternative selections is considered. DNR recognized this in its 2005 Preliminary Determination, finding that the state-owned land available for selection on the North Slope "includes vast amounts of inaccessible land located many miles south of the developed area

³⁵⁶ Currently, the state does not have a record of the location and volumes of gravel that it has available for sale, nor is an accounting of the volumes of gravel that have already been mined and/or committed for sale.

³⁵⁷ National Research Council, 2003 p.65

³⁵⁸ National Research Council, 2003, p. 12; State of Alaska DNR, North Slope Material Sales contracts pit information (March 28, 2001), Fairbanks; US Army Corps of Engineers, (June 24, 1997), Colville River 17 Permit (4-960869) to Nuiqsut Constructors [Alpine Gravel Pit].

³⁵⁹ State of Alaska DNR, (May 33, 2001), North Slope Material Sale Contracts Pit Information; US Dept of Interior, Bureau of Land Management, (November 2002), Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way, Final EIS, Vol. 2, Table 3.5-1 and Vol. 7, Map Atlas pp. 1-6.

³⁶⁰ NSBMC 2.38.280 allows the borough to make gravel on Borough lands available for the purposes of development. Sales must be at fair market prices.





of Prudhoe Bay, and mostly south of approximately Pump Station 2. This land has no near-term development potential, except and unless gas fields are found in the North Slope Foothills . . . There is some acreage of selectable land along the Dalton Highway, but much of this is not suitable for any form of economic development. The borough has selected most of the land along the Dalton Highway that is suitable and available. Virtually the only other selectable acreage that is potentially valuable for borough ownership is the Deadhorse lease tracts that are a part of this decision.”³⁶¹

The state’s granting of municipal land entitlements is essential in fulfilling the constitutional provisions for maximum local self-government.³⁶² Conveyance of the borough’s requested lands and material sites will allow the borough to manage lands that are vital to the well-being of its residents.

State Benefits of Conveyance

The state has limited resources to devote to monitoring North Slope development activities. Conveyance of lands to the borough would reduce the state’s administrative and oversight burdens, and allow the state to concentrate on other priorities. Furthermore, the state will gain a partner in attracting development to the Slope—not just a competitor. The borough has a strong track record of facilitating onshore and nearshore oil and gas developments. Borough ownership of some of the land on which development takes place would in no way complicate the state’s permitting and management of these developments.

The borough appreciates DNR’s consideration of its requested selections and of these comments. To date, DNR has conveyed a little over 12,000 acres of the borough’s 89,850 acres entitlement. The borough has increased development on the land already conveyed and will continue to facilitate development and good management of its lands and resources. It is in the public interest for the borough’s requested selections to be reclassified and conveyed to the borough.

North Slope Management Plan Scoping Comments

The role of state land use plans was established by state statute (AS 38.04.005). It is the policy of the State of Alaska “...to establish a balanced combination of land available for both public and private purposes. The choice of land best suited for public and private use shall be determined through the inventory, planning, and classification processes...”

The plan determines management intent, land-use designations, and management guidelines that apply to all state lands in the planning area. The borough’s interest in this process is not just related to how the state will manage its land, but also how the state will provide for the satisfaction of municipal land selections by the borough and how the borough will coordinate its management efforts. Changing the old way of thinking is necessary to produce a long term management plan that will accommodate the borough’s interests and form a framework for resolving conflicting ideas about land use.

³⁶¹ See 2005 Preliminary Decision at pp. 14-15.

³⁶² See AK Const. Art. X (providing for maximum local self-government with a minimum of local government units (Sec. 1); taxing powers (Sec. 2); service areas (Sec. 5), and home rule (Sec. 11); AS 38.05.910: “It is the policy of the state to encourage the settlement of its land and the development of its resources by making them available for maximum use **consistent with the public interest** . . . (emphasis added).”





Although no area plan has been developed for this area, land that was owned by the federal government has been conveyed to Native organizations and the State of Alaska over the last 20 years. Several areas of federal land interest have not yet been resolved, but should be considered as part of this planning process. Land that was assumed to be state land is now either owned by the borough or by Native organizations. Assumptions about how land will be managed are now more complex issues, but not one that should be assumed to be more difficult or unwieldy to manage. Memorandums of Understanding have become a tool to better coordinate land management and permitting. The originally estimated area of oil and gas development and its ultimate life span have both increased substantially, as have the number of interested parties. Management of the oil and gas units has diversified beyond a very limited number of large companies to now include smaller and midsized companies that are not owners of the primary transportation infrastructure.

Issues that aren't going away soon – gravel needs, wetland mitigation, subsistence impacts, utility needs.

A major consideration is the changing population and geographic range of the various caribou herds on the North Slope. There is a need to incorporate the latest information about each of the herds in the area plan and include guidance for authorization issues by the Department that pertain to concentration areas and movement corridors.

The interest in oil and gas development, both onshore and offshore has quickened during the last decade, and will continue despite short term reductions in the price of oil. Areas that were

not considered for development are now the subject of new projects. With this renewed activity comes the need to revise the old way of thinking. Aging infrastructure also should compel the parties to this process to think differently about how services are provided to support the oil and gas industry and where they will be located. The oil industry must reduce their cost of operating the fields that provide such a substantial source of revenue to the State of Alaska and the North Slope Borough. The borough must also improve communication and service needs to address this change in business model.

The plan is meant to establish land use designations for state land and describe their intended uses. The area of significant interest to the borough is how these designations will direct land use and its availability to satisfy municipal entitlements and also best serve the residents that rely on the land and the lease holders who operate the oil and gas fields that support the local economy. Although some proposed uses might be in conflict with each other, many different uses can occur through the planning area while protecting vital resources, provided that the uses are properly managed.

General management guidelines for major resources and land uses with the planning area as well as guidelines for the development and use of resources for specific parcels must be a combined effort of the state and the borough. The residents of the North Slope Borough will remain here when the oil and gas are gone and must be prepared to co-manage the resources along the way.

Improving the permitting and permit review process should always be a shared goal. The area plan should guide both state and local





decisions for leases, sales, and permits to use the lands in the planning area and the adjoining areas outside of the scope of this project that will rely on the infrastructure and transportation modes that exist or are reasonably foreseeable.

Near Shore State Waters

Two critical areas of the Beaufort Sea have been traditionally considered off-limits for oil and gas leasing – the Utqiagvik area and the Kaktovik area associated with whaling activity. Additional areas in the mid-Beaufort near Cross Island have also had seasonal activity restrictions. Will these areas continue to maintain protection for the benefit of subsistence users as a more permanent planning effort, or will they continue to be subject to best interest findings?

A similar area exists in the Chukchi Sea related to walrus haul outs. This is outside of the North Slope Area Plan, but was not clearly identified in the Northwest Area Plan. The thought process behind these selections is as follows:

- Currently conveyed/selected land areas are expanded in order to provide for expanded utilization of these areas for economic development.
- Previously conveyed sites have already passed the *LeResche* tests for the borough’s interests exceeding the states.
- Reclassification, when necessary, has already been accomplished by formal finding of the state.
- Additional new areas were selected based on previous uses as development nodes and/or material sites. The proposed selections support a plan to define five

basic development nodes within the borough’s boundary along the Dalton Highway – Deadhorse, Franklin Bluffs, Happy Valley, Pump 3/Material Site 119-4, and Galbraith. Two general development nodes are proposed along the Spur Road in the KIC area and near the Colville River (either north or south of the Alpine Pipeline). The interagency land management agreements (ILMA) at many of these locations should be part of a discussion with DNR and DOT&PF in order to clearly identify the necessary land area for their purposes and minimize the size in order to more efficiently facilitate shared use.

- Material sites have already been disturbed, and consistent with Title 19, should be maximized prior to opening new sites to satisfy gravel demands both along the Dalton Highway and within the oil fields. The general material sites areas include combinations of submerged lands and upland gravel sources. The borough realizes that submerged sources are not conveyable. Rather, the borough’s goal is to “zone” such development consistent with Title 19, regardless of the agency that may own or operate the site. Seven generalized areas for concentrating material site development are also identified.
- Known lease areas related to guide hunting have also been selected.
- The NSB is not interested in owning or maintaining the additional airports/airstrips, but does feel that these development nodes are the most efficient





locations to centralizing services. Maintenance, fuel storage, utility provision, temporary lay down or camp space to support all users can be more efficient by planning ahead and coordinating efforts.

- Additional selections related to protection of subsistence activity areas has been minimized due to the previously successful selection and conveyance of similar sites by the regional and village corporations.

All of the North Slope Borough communities are surrounded by federal lands managed by difference agencies with different purposes. This does not provide an opportunity for the borough or its communities to expand, increase economic development or physically connect to their neighbors or the state transportation system. Some of the lands that are eventually reclassified and conveyed by the state should be considered for land exchange with the federal government. Consideration should be made for exchanging certain lands that borough acquires with federal and private landowners for the purpose of creating economic opportunity, developing resource potential, identifying necessary transportation support corridors, development nodes and utility sites that also support industrial activity and also protect critical historical and subsistence locations.

For the purpose of long term planning and land use, the borough has attempted to cluster development nodes consistent with the original Dalton Highway Master Plan and the NSB Comprehensive Plan. Grouping such development into these areas minimizes the long term impact on the Dalton Highway corridor. Similarly, consolidating planned regional material sites into more discrete areas also accomplishes this goal.

Additional selections will be necessary to ultimately satisfy the full entitlement. The borough’s original entitlement was 89,850 acres. The next step was to finalize the next group of borough selections for consideration. The Land Selection Group recommended addressing the following parcels (roughly 23,000 acres) in 2014

- Nuiqsut (414826) – 10,240 acres
- Beaufort Islands Groups (East, Middle & West) (414854, 414853, 414852) – approximately 6,600 acres
- Thetis Island (414857) – 118 acres
- Pump 2 (414836) – 2,299 acres
- Happy Valley (414838) – 2,917 acres
- Franklin Bluffs (414835) – 830 acres
- Pt. Thompson (414827) – 320 acres

The Beaufort Islands and Nuiqsut parcels were controversial. The Dalton Highway parcels will require more work and cooperation with DNR, DOT&PF and industry and were further delayed.

The preliminary decision on these priorities was to completely reject all requests. The borough appealed the decision and the Commissioner suspended the preliminary decision with the commitment to complete a North Slope Management Plan that would finally address on an area-wide basis what had been required to complete for the site-specific plans of the few selections that had been resolved.

- A new Land selection process will be needed when the North Slope Management Plan is completed.
- It has been almost twenty five years since the North Slope Borough has worked with its communities and the Planning Commission to review, prioritize and select





lands for consideration by the State of Alaska for conveyance.

- The last process involved senior staff reviewing priorities for selection. In parallel, the Planning Department led the effort to engage local residents in identifying areas of key subsistence value and other resource value.
- It is time to review the lands that have been selected and conveyed to date and reevaluate local priorities. The records of the public meetings in the late 1980's are scattered, so it is difficult to assess the reasoning behind all of the selected areas. Formation of a review committee with instructions to document, collect public input, and reprioritize should be high on or list of tasks to complete.
- Over 85 percent of the North Slope Borough's land selections have not been adjudicated. Thousands of acres have been adjudicated in the process of conveying the lands that the borough has received. These deductions leave the borough underselected in total; the borough needs to re-evaluate what has been selected, ensure that it meets long term needs, and submit additional selections. After that process, the borough anticipates reengaging DNR to evaluate the highest priorities through a new adjudication process.
- Areas that are of economic value, have gravel potential, and are appropriate locations for development nodes/utility

locations are very important. Also important are areas that provide for protection of traditional travel routes and subsistence access.

- Additional lands may also be selected for the purpose of exchange with the federal government in areas that the borough could not select entitlement land.

ZONING AND LAND USE REGULATION

One of the primary ways to implement a comprehensive plan is through land development regulations. Zoning districts identify how land can be used and often establish development regulations. Subdivision regulations are developed by the NSB to promote safe usage and occupancy by the residents of the NSB, provide future growth and development opportunity, and mitigate against environmental impact (e.g. coastal erosion etc.) by development activities; while protecting and maintaining the social, cultural and economic stability of the borough. A subdivision³⁶³ is a tract or parcel of land for the use (immediate or future), sale, financing, lease, development or transfer of any interest in real property.

A major component of local planning is zoning, the division of areas into land use districts and the regulation of lands within those districts. Zones are designed to accommodate current and potential uses. Detailed regulations guide how each district can be used. The NSB is charged

³⁶³ North Slope Borough. 2018. *North Slope Borough Municipal Code Of Ordinances. Title 18: Subdivisions. Chapter 18.08.010 – Policy and Purpose.* https://library.municode.com/ak/north_slope_borough/codes/code_of_ordinances.





with administering platting and zoning on behalf of residents.

The NSB has created zoning districts for all land within its jurisdiction, public and private. There are currently nine distinct land use planning zones within the NSB. The vast majority of the NSB is zoned for conservation purposes.

Official zoning maps are maintained by the NSB. The NSB Planning Commission can recommend modifications to these official mapped zoning boundaries, with decision making authorization

on zoning boundaries only assigned to the NSB Assembly. The official rezoning process is detailed in NSBMC §19.60.060 where any rezoning application requires a public engagement process with the surrounding community(ies), to take into consideration the wishes of area residents.

Maps 19 and 20 are official NSB zoning maps for the Resource Development District and Utqiagvik. The entirety of the North Slope’s seven rural villages are within the Village Zoning District.

Table 37: Zoning Districts

Zoning District	Area (square miles)	Percent	Description
Barrow Industrial and Storage (I)	2.3	0.003%	This District is for aviation, shipping, storage, and warehousing of materials and goods in bulk that are not compatible with residential and commercial uses. Uses often include loading docks, terminals, storage sheds, and accessory offices (Map 20).
Barrow Mixed Use (MU)	0.75	0.001%	This is a residential and general use area, reflecting the traditional settlement pattern of the older sections of the borough’s communities and is characterized by a mix of residential, commercial, and other uses. Uses should enhance economic opportunities but not intrude into residential areas with unnecessary congestion, noise, or environmental impacts (Map 20).
Barrow Reserve (R)	17	0.019%	This District provides protection of environmental resources, especially watersheds, and local subsistence and recreational opportunities. It is also an area which requires infrastructure such as roads, sewer, water, and power before development (Map 20).
Barrow Suburban Residential (S)	0.8	0.001%	This is a low density quiet residential area that encourages traditional Iñupiat settlement pattern of individual family home sites with single-family homes on large lots and ample storage area for vehicles, boats and subsistence equipment (Map 20).
Conservation (C)	87,205	96.029%	This District encompasses the undeveloped areas of the borough and is intended to conserve the natural ecosystem. It can accommodate resource exploration and development on a limited scale, but major resource development projects must apply for rezoning to the Resource Development District classification.





Zoning District	Area (square miles)	Percent	Description
Resource Development (RD)	1,600	1.762%	This District addresses large scale resource extraction and related activities as well as offers developers quick, inexpensive, predictable permit approvals for master planned developments that do not impair the capacity of the surrounding ecosystem to support the plants and animals upon which borough residents depend for subsistence. RD Districts are primarily focused around the oil and gas fields of the Prudhoe Bay area (Map 19).
Scientific Research (SR)	140	0.154%	This district is elective; it may only be requested by the landowner or an authorized agent. It is used exclusively for scientific research and the support facilities to conserve areas that have scientific research value or have been used for scientific research. These areas should accommodate subsistence use. An example of this zoning district is the Barrow Environmental Observatory (BEO) (Map 20).
Transportation Corridor (TC)	1,745	1.922%	The TC District is for linear transportation facilities such as roads and pipelines along with development nodes for public and commercial facilities and services. Development should accommodate industrial, commercial recreation, and visitor industry development and enhance economic opportunities for borough residents.
Village (V)	100	0.110%	The V District governs the city limits of each incorporated village and the sites and immediate environs of unincorporated villages in the borough. This District as detailed in NSBMC § 19.40.060 allows uses that are consistent with traditional values and lifestyles; are in accordance with borough plans; and are consistent with the desires of the village residents. Each village within the borough (with the exception of Utqiagvik) is zones as a Village District.





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OFFICIAL ZONING MAP OF THE NORTH SLOPE BOROUGH RESOURCE DEVELOPMENT DISTRICT

- UNITS**
- Alpine Satellite
 - Nuna
 - Beechey Point
 - CD-5
 - Alpine
 - Badami
 - Cascade
 - Duck Island - Endicott
 - Gwydyr Bay
 - Kuparuk River
 - Liberty Development Project
 - Melt Water
 - Milne Point
 - Nikiatchuq
 - Northstar
 - Oliktok Point
 - Oooguruk
 - Point Thomson
 - Prudhoe Bay
 - West Dock & Point Macintyre

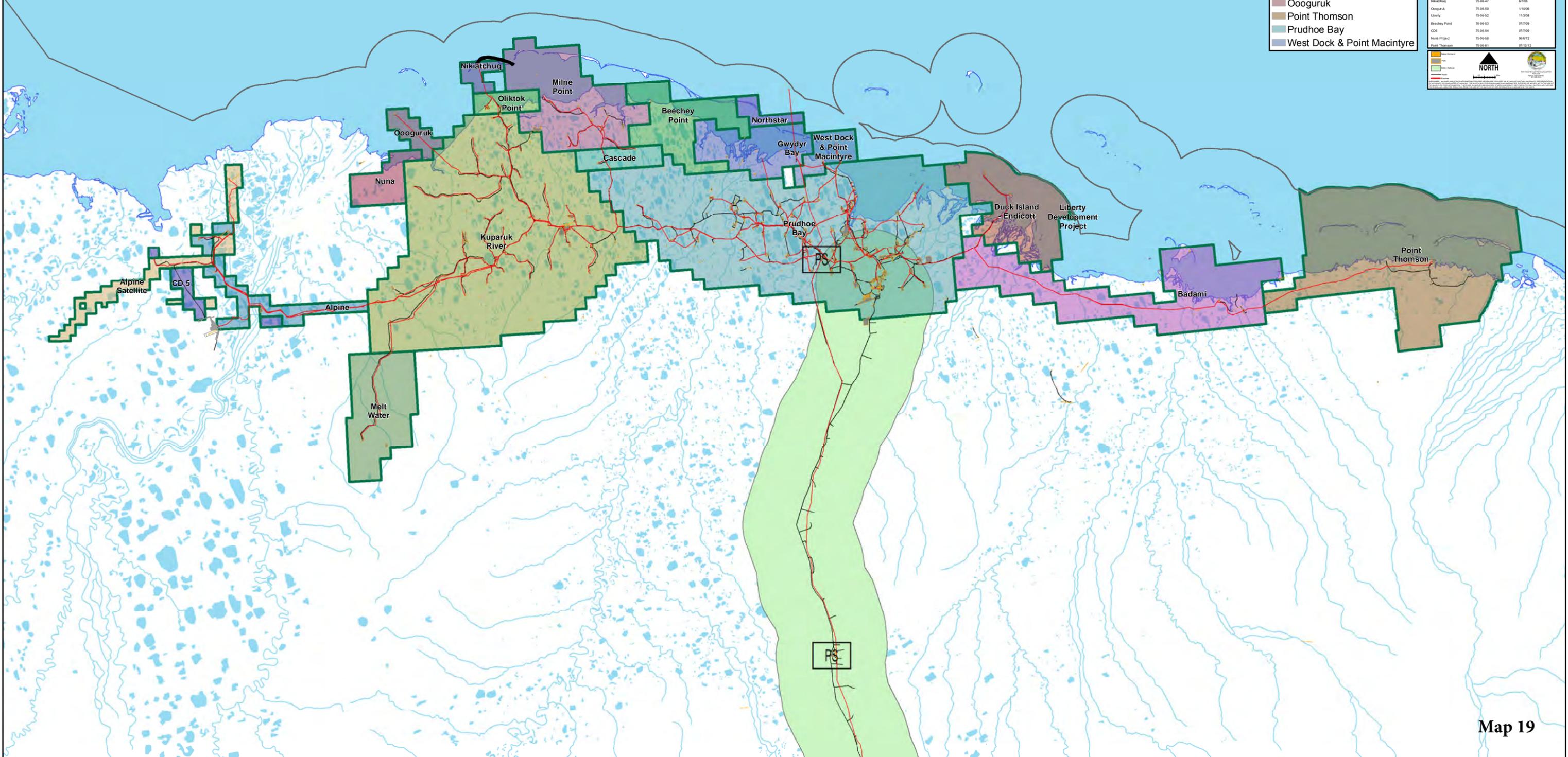
**NORTH SLOPE BOROUGH
ORDINANCE NUMBER 75-08-66
PROPOSED ALPINE SATELLITE REZONE**

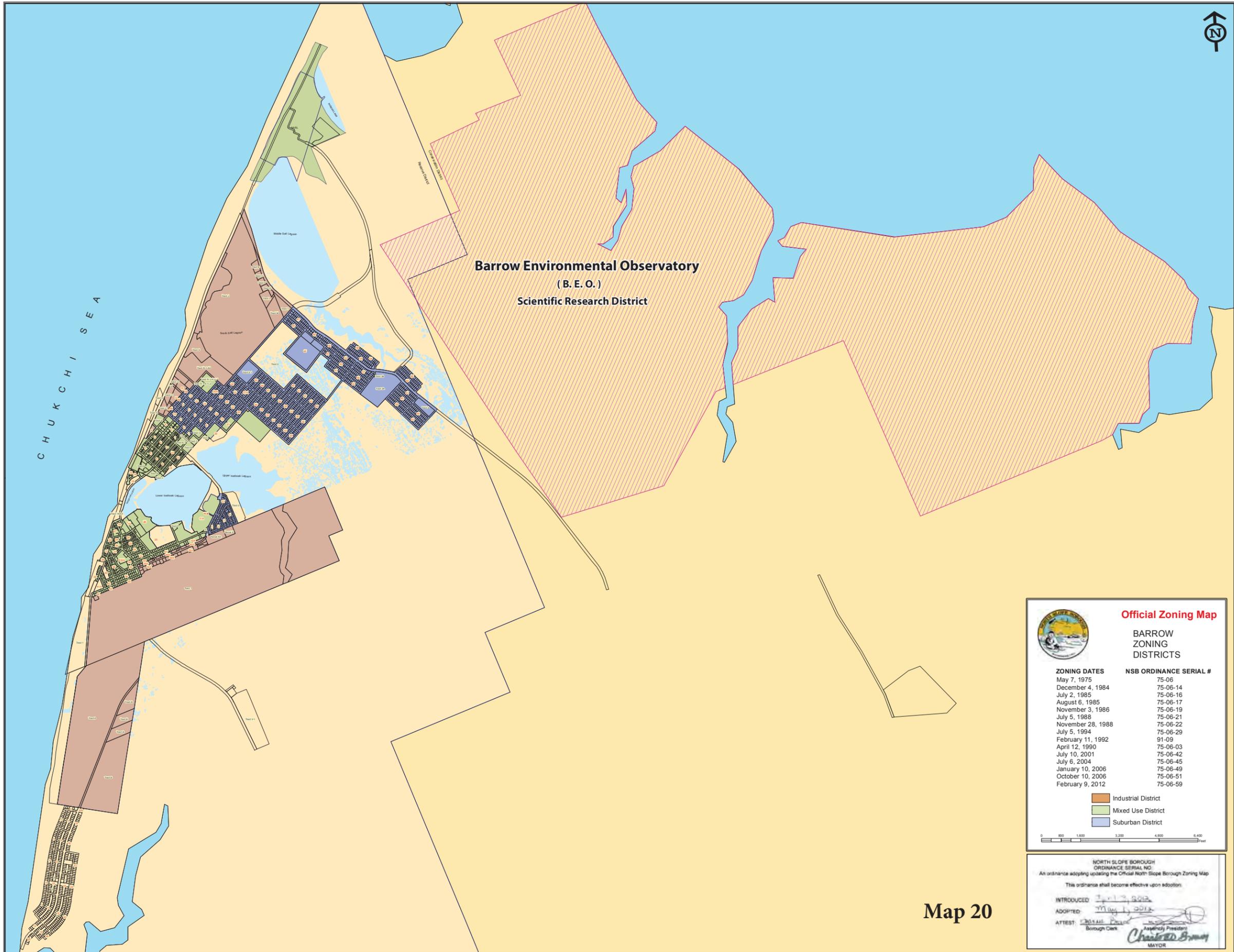
INTRODUCED: August 4, 2015
ADOPTED: December 1, 2015

APPROVED: [Signature]
MAYOR: [Signature]
SPECIAL CLERK: [Signature]

RESOURCE DEVELOPMENT DISTRICTS

Development District	Ordinance Number(s)	Adoption Date(s)
Transportation Corridor	75-08, 75-08-05, 75-08-10	6/7/75, 6/21/75, 12/7/82
Prudhoe Bay	75-08, 75-08-10, 75-08-15	6/7/75, 12/7/82, 2/12/85
Kuparuk River	75-08, 75-08-10, 75-08-15	6/7/75, 12/7/82, 2/12/85
Gwydyr Bay	75-08, 75-08-10, 75-08-15	6/7/75, 12/7/82, 2/12/85
Duck Island-Endicott	75-08, 75-08-10, 75-08-15	6/7/75, 12/7/82, 2/12/85
Milne Point	75-08, 75-08-10, 75-08-15	6/7/75, 12/7/82, 2/12/85
Point Thomson	75-08, 75-08-10, 75-08-15	6/7/75, 12/7/82, 2/12/85
Cascade	75-08-31	2/9/95
Badami	75-08-30, 75-08-32	10/6/94, 9/12/95
Oliktok Point	75-08-34	10/14/97
West Dock & Point Macintyre	75-08-34	10/14/97
Alpine	75-08-35	12/14/97
North Star	75-08-38	12/1/98
Nikiatchuq	75-08-41	01/16/01
Alpine Satellite	75-08-46, 75-08-66	11/9/04, 12/1/15
Nikiatchuq	75-08-47	6/7/05
Oooguruk	75-08-60	1/10/06
Liberty	75-08-62	11/3/08
Beechey Point	75-08-63	07/7/09
CD5	75-08-64	07/7/09
Nuna Project	75-08-68	06/6/12
Point Thomson	75-08-69	07/12/13





**Barrow Environmental Observatory
(B. E. O.)
Scientific Research District**

C H U K C H I S E A

Official Zoning Map

**BARROW
ZONING
DISTRICTS**

ZONING DATES	NSB ORDINANCE SERIAL #
May 7, 1975	75-06
December 4, 1984	75-06-14
July 2, 1985	75-06-16
August 6, 1985	75-06-17
November 3, 1986	75-06-19
July 5, 1988	75-06-21
November 28, 1988	75-06-22
July 5, 1994	75-06-29
February 11, 1992	91-09
April 12, 1990	75-06-03
July 10, 2001	75-06-42
July 6, 2004	75-06-45
January 10, 2006	75-06-49
October 10, 2006	75-06-51
February 9, 2012	75-06-59

- Industrial District
- Mixed Use District
- Suburban District

0 800 1,600 3,200 4,800 6,400 Feet

NORTH SLOPE BOROUGH
ORDINANCE SERIAL NO. _____
An ordinance adopting updating the Official North Slope Borough Zoning Map
This ordinance shall become effective upon adoption.

INTRODUCED: April 3, 2012
ADOPTED: May 1, 2012
ATTEST: [Signature] Borough Clerk [Signature] Assembly President

[Signature]
MAYOR

Map 20



The NSB’s subdivision ordinances are codified in the NSB Municipal Code Title 18. The NSB through Municipal Code §18.04 has jurisdictional oversight of any action within its jurisdictional boundaries, including federal, state, public and private lands (except as otherwise stated by law) involving the subdivision of land. This includes the development, improvement, and new openings of streets, utilities and pipelines. Subdivision regulations enable the NSB to plan the specific amount of land in a variety of locations for different types of development and economic growth that it predicts will be needed in the future. There are two different categories of subdivisions: minor and major subdivisions.

- A minor subdivision is a division which: creates six or fewer lots, none of which is larger than one acre in size, will not deny access to and from all lots or tracts created by the or those adjacent to the subdivision and requires no public installation or extension of existing public utilities.
- A major subdivision is all other subdivisions not designated as ‘minor’ and which require variances and /or vacations.³⁶⁴

Subdivision requests or proposals throughout the NSB are subject to the NSB Platting Administrator’s and NSB Planning Commissions’ oversight.

NSB PLANNING

The NSB Department of Planning and Community Services oversees proposed development and land use applications in accordance with NSB zoning and subdivision requirements. Its mission is to protect the land and cultural resources of the NSB by creating a department that established means to protect the land and wildlife resources within the borough, regulates and monitors development, manages borough owned real estate, plans for future growth and enhances community sustainability.³⁶⁵ NSBMC Title 19: Zoning requires land use permits for all development and uses within the NSB boundaries out to three nautical miles (nm) offshore.

To ensure the protection of the NSB’s cultural history, archeological clearances or cultural resources studies are commonly required to occur on all proposed development(s).

Impact Minimization

Responsible and balanced development requires industry and government to employ the best practicable technologies and planning methods. The NSB encourages the use of technologies such as low emission drill rigs, especially near population centers and directional drilling. Additionally, government and industry must fund scientific research to advance industrial technologies and learn more about the effects of natural resource development on the arctic environment and subsistence activities. Utilizing these technologies and funding technological

³⁶⁴ A vacation is the act of making legally void any right-of-way, easement, public area, other public interests or any part of a recorded subdivision.

³⁶⁵ North Slope Borough. 2018. *Department of Planning and Community Services 2018/19 FY Budget*. www.north-slope.org/assets/images/uploads/Planning_Section_F_FY17-18.pdf.





advancements will greatly reduce the impacts of development.

Planning efforts must include the consultation and collaboration with the North Slope Borough, Alaska Native organizations, local communities, and subsistence users. Industry must fully comply with the borough's permitting process. Planning efforts should also incorporate and utilize traditional Iñupiat knowledge. In some cases, it may be necessary for industry to employ subsistence representatives to monitor operations. Moreover, proper planning includes the identification and preservation of traditional land use sites and other areas of archaeological, historical and cultural importance. Proper planning further requires development to occur at a manageable pace, allowing adequate time and opportunity for comments, consultation and mitigation. Rushing development can result in less economic and less environmentally friendly determinations. Therefore, industry should work with the North Slope Borough and others to ensure that decisions are well informed and sensitive areas are protected.

The planning process must involve pre-development information gathering and analysis to ensure that decision makers are well informed. This data gathering must include the predicted impacts to subsistence hunting, the health of residents, wildlife and air and water quality. Collecting baseline data is also necessary to assess the cumulative effects of development over time. Areas critical to subsistence hunting and wildlife populations, such as Teshekpuk Lake and Hanna Shoal, as well as buffer zones for traditional subsistence whaling, should be excluded from leasing and development plans. Industry, researchers, and others should adopt of conflict avoidance agreements with subsistence user groups. In the past, such

agreements successfully brought together developers and subsistence whalers to mitigate impacts to subsistence whaling activities. The borough hopes that the conflict avoidance agreement model will be expanded to include other subsistence resources, such as caribou and other marine mammals.

Effective planning also necessitates developers to work together to consolidate their facilities and operations to reduce their overall footprint. Industry should share facilities, pipelines, roads, ice roads and other infrastructure whenever possible. Accordingly, industry and others should limit air and ground traffic and consolidate transportation to and from worksites to minimize disturbances to wildlife, emissions of dust and limit impacts to tundra. Industry must also be conscious of the effects of air traffic on wildlife, particularly walrus and caribou, and implement adequate flight restrictions to address these issues. Industry should also monitor and mitigate the effects on housing prices, airfare and the availability of flights due to influx of workers.

To minimize impacts to human health and air quality, industry should monitor air emissions and harmful chemical constituents at the right times and locations and publically release any data that may inform human health impacts. In some cases, industry will need to set up permanent or mobile monitoring centers, and in consultation with communities may adopt higher emissions standards near population centers. For example, traffic and engine idling can and should be minimized in or near residential areas. In summary, consolidating facilities and operations and monitoring emissions and industry effects on local prices will go a long way to minimize the impacts of development to the local communities.





Lastly, to minimize impacts, industry must engage in dismantlement, removal, and remediation (DR&R). DR&R requires industry to dismantle and remove facilities and equipment that will no longer be used and engage in land rehabilitation. DR&R includes the safe and responsible disposal of all wastes, decommission of old infrastructure, cleanup of legacy wells, rehabilitation of pads, mine sites, oil spill sites and tundra. In some circumstances, developers should be mandated to post bonds to assure DR&R. Furthermore, to ensure safety of residents and wildlife, industry should take soil and water samples near old industrial sites. If levels of contamination violate local, state or federal standards or are of public concern, industry needs to remediate the contaminated soil and water. Monitoring of contaminated areas may be necessary during and after this process. The federal government also has considerable responsibilities in this domain, as many old military sites still require remediation. Thus, to minimize impacts industry must engage in DR&R by removing old infrastructure, rehabilitating land and monitoring contaminated areas.

Build Up Local Communities and Infrastructure

Developers should partner with local communities, businesses, and native organizations to promote local employment, training and educational opportunities. This involves hiring North Slope residents and contracting with native corporations and local businesses in all aspects of development, including operations, maintenance of infrastructure, utility services and local spill response. To further this objective, industry should coordinate with the North Slope Borough and Iñisavik College to offer specialized training

for residents. Additionally, local institutions should have more authority over the management of wildlife resources on the North Slope. Thus, regulators should work with the North Slope Borough and tribal organizations in operations and to co-manage wildlife populations, similar to the Alaska Eskimo Whaling Commission.

To build up local infrastructure, more operations and support facilities, including airports, docks, roads, pads and other production related facilities should be located near communities. This will allow more opportunities for local employment and will increase local capabilities, such as emergency response. These actions will help share the rewards of development and make local communities intrinsically invested in the success and careful planning of such operations. Another positive potential effect of development is that it opens up the possibility to provide natural gas to residents. Natural gas is a relatively environmentally friendly and affordable energy source, very abundant on the North Slope, which should be expanded to more of the local communities. Therefore, locating operations and facilities near North Slope communities will result in increased employment and improved services and capabilities throughout the North Slope.

In the outer continental shelf, state and local governments currently have very little to gain from natural resource exploration and development and bear all the direct risks, only benefitting if industry happens to locate facilities onshore. To resolve this problem, the borough supports the development and implementation of a revenue sharing mechanism that allows state and local communities to share in the profits of offshore development. Furthermore, the borough encourages the transportation of oil





produced offshore via subsea pipelines to shore-based facilities. Subsea pipelines are a safer means of transporting oil than barging. Revenue sharing and pipelines to shore based facilities would help mitigate the impacts from offshore development and bring the North Slope Borough into a position where communities could benefit from offshore development.

Oil Spill Prevention and Response

Responsible and balanced development requires government and industry to give great emphasis to spill prevention and response. Spill prevention is critical in the arctic, as spill response is likely to achieve only partial success in remote areas in the arctic. Effective spill prevention includes ample personnel, training and expertise, frequent drills and inspections, effective government and industry regulation and oversight, up to date usable spill response plans, improving ice management capabilities and requiring compulsory pilotage of vessels in the outer continental shelf. Spill prevention also includes the use of corrosion and leak detection monitoring systems, secondary containment for storage tanks and subsea pipelines to shore for offshore projects. Regulations and oversight in the outer continental shelf must be strict and rigorous, as data gaps are large and the arctic marine environment is subject to significant disruption and harm from poorly managed oil and gas activities. Effective spill prevention and response also necessitates government and industry to invest aggressively in oil spill response capabilities. Industry and government should collaborate in developing new and more efficient and safe drilling technologies. Summarily, effective spill prevention requires ample personnel and resources, strict regulation and oversight, and improved technologies.

Effective spill response requires authorities to be capable of effectively and rapidly responding to spills and other disasters. This requires ample personnel and training, rapid response capability, strategic and positioning of equipment and Coast Guard presence. Personnel must be located on the North Slope for initial response, with other personnel able to arrive onsite within 48 hours. Effective spill response also requires communities to be quickly notified of disasters in a transparent manner. Moreover, as offshore exploration and development continues, it may become necessary to position well capping equipment, and other spill response equipment, on the North Slope to ensure that this equipment is available for immediate well control without significant delay.

As commercial vessel traffic and offshore development ramps up, there are increasing concerns of oil spills and other accidents in arctic marine waters. Increased needs for navigation aid placement, vessel traffic management, ship compliance inspections, security considerations and emergency response capability clearly suggest that enhanced federal safety infrastructure and maritime resources need to be committed to this region. For these reasons, the government should establish a year round Coast Guard station and resources, including icebreakers in the arctic.

Furthermore, the borough insists that response capabilities are confirmed through rigorous and realistic testing under a broad range of foreseeable arctic conditions. Industry should demonstrate that it has the ability to retrieve spilled oil in broken or refreezing ice conditions during transitional periods in spring and autumn. Allowing offshore development to occur without such a demonstration means that the borough is accepting substantial risk without any assurance





that industry and government can properly respond to a spill in Arctic waters. It is unacceptable to further pursue offshore development in the arctic outer continental shelf absent such a demonstration.

Archeological Clearance and Cultural Resources

Projects that utilize federal funding or involve federal authorization requires a cultural resources survey and clearance. Projects in areas with known cultural resources also require clearance. The NSB Planning and Community Resources Department also often requires cultural resource clearance from the NSB Iñupiat History, Language, and Culture Department before issuing some permits. The potential need for a cultural resources survey should be considered during the early stages of project development.

The databases of cultural resources sites does not necessarily contain all or even most sites. Many areas of the North Slope have not been surveyed. Additionally, not all sites found in academic or earlier federal agency surveys have been entered into the Alaska Heritage Resources Survey (AHRs). Also, many oil company surveys have been kept confidential, which in some cases seems to have included not reporting sites. Some projects which did not go forward never submitted reports to the State Historic Preservation Office (SHPO) and did not tell the archaeologist so that site forms could be sent separately. Since graves are not always eligible for inclusion on the National Register of Historic Places (NRHP), some have not had site forms done to add them to the AHRs.³⁶⁶

Village Planning

Comprehensive plans guide decisions affecting land use and the revisions of NSB land use regulation, transportation, fire protection, public facilities and economy. Each community within the NSB has stand-alone Village Comprehensive Plans that support and complement the NSB's Areawide Comprehensive Plan. The Planning Commission reviews the village comprehensive plans every two years to ensure that the information and direction is up-to-date.

Land Ownership

The NSB owns property in every village that is used to provide services to the community. NSB land ownership includes the school tracts, teacher housing, housing, utility tracts for public utilities (fuel tank farm, storage, sewage lagoon, power plant, water treatment plant, wastewater treatment plant, etc.). The borough also has easements throughout the communities for access to water and sewer infrastructure. While the different percentages of land owned within the communities jurisdictions varies; the main landowner within all communities is associated with roads, native patents and federal agencies. The nature of each community being "land-locked" by federally owned and managed lands creates an inability for the communities to expand. At some point, options for land swap with the federal agencies needs to be considered for village expansion and also for other economic development opportunities.

ANCSA

Landownership within each community is ever evolving, in part due to ANCSA Section 14(c)(3). This section not only established village corporations, but also identified that village

³⁶⁶ Jensen, Anne. Senior Scientist. UIC Science. Personal communication.





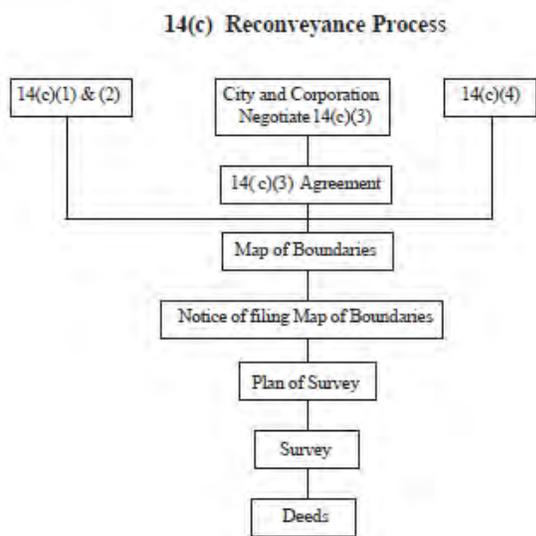
corporations shall convey to a municipal corporation (city), or the state in trust, lands identified for present and future community needs.³⁶⁷ Only lands selected and conveyed by patent of interim conveyance to the subject village corporation are subject to the 14(c) conveyance provision. Under ANCSA, a municipal corporation is entitled to 1,280 acres. However in 1981 ANILCA modified this entitlement acreage to ‘not less than 1,280 acres’ unless the village corporation and the municipal corporation (city) (or the state in trust), agree in writing on a different amount that is less than 1,280.³⁶⁸ Most 14(c)(3) conveyances are between zero and 1,280 acres. Lands subject of re-conveyance are defined under ANCSA 14(c)(3) to include:

“title to the remaining surface estate of the improved land on which the Native Village is located and as much additional land as is necessary for community expansion, appropriate rights of way for public use and other foreseeable community needed.”

Section 14(c)(1) further enables conveyances from village corporations to any Native or non-Native occupant of surface estate tract occupied as of December 18, 1971. Section 14(c)(2) enables the conveyance of occupied surface estate occupied by non-profit organizations, as of December 18, 1971.

The acreage (or percentage thereof) to be conveyed to the different municipal corporations (cities) from the individual village corporations are in varying stages of completion. However the re-conveyance process is the same for all communities (Figure 21).

Figure 21: ANCSA 14(c) Re-conveyance Process³⁶⁹



The North Slope Borough’s municipal land / general grant land entitlement is 89,850 acres as stipulated under AS 29.65.010: Determination of Entitlement of Boroughs and Unified Municipalities. General grant land entitlements are property rights that vest on the date on incorporation of the municipality. The State of Alaska has approved 13,020 acres for conveyance to the NSB through several Final Finding and Decisions (1997, 2002, 2006, 2007, 2010). Approximately 77,000 acres of entitlement remains.³⁷⁰ The North Slope Management Plan update will classify state lands in the planning area, to allow for the borough to select lands to fulfill their remaining

³⁶⁷ State of Alaska. Department of Commerce, Community and Economic Development. 2018. *Planning and Land Management*. www.commerce.alaska.gov/web/dcra/planninglandmanagement/resourcesforancsa14c3.aspx.

³⁶⁸ State of Alaska. Department of Commerce, Community, and Economic Development. 2012. *Getting Started on 14(c)(3): A Basic Guide for City and Village Councils*. www.commerce.alaska.gov/web/Portals/4/pub/14c3Getting%20Started2004.pdf.

³⁶⁹ Ibid

³⁷⁰ Alvarez, Monica. 2018. *North Slope Management Plan*. Presentation, Oil and Gas Forum.





entitlement.³⁷¹ This process may also convey lands to the borough that could be used to exchange for other lands within the Federal Reserve areas.

As enacted by Section 12 of ANCSA, each community within the North Slope established Native village corporations and selected lands to be owned by that corporation. Combined with the regional corporation, ASRC, over 4 million acres of land rights were conveyed to the regional and eight village corporations. Within each community, land ownership is a mixture of NSB, individual Native village corporation, various federal agencies, municipal, and Tribal.

Community Land Ownership Overview

In 1959, the City of Anaktuvuk Pass was originally incorporated as a fourth class. The Native village corporation for the community is the Nunamiut Corporation with ownership of approximately 92,000 acres of surface lands in and around the community of Anaktuvuk Pass.³⁷² Other landowners within and surrounding Anaktuvuk Pass include the NSB, the federal government, the City of Anaktuvuk Pass, and others.

Atqasuk’s village Native corporation, the Atqasuk Corporation, owns approximately 73,000 acres of surface lands in and around the community.³⁷³ Other landowners within the community include the NSB and the City of Atqasuk, among others. The City of Atqasuk was incorporated in 1982 as a second class city. The primary landowner for areas outside of the city boundary is the federal government,

administered by BLM. Atqasuk is surrounded on all side by the NPR-A. There are a number of Native allotments exist along the banks of the Meade River adjacent to Atqasuk. The community of Atqasuk, as well as its recognized surrounding Area of Influence consists of 30,000 acres³⁷⁴ and is solely contained within the NPR-A.

The Kaktovik Iñupiat Corporation (KIC), is the village Native Corporation for Kaktovik. The City of Kaktovik was incorporated in 1971 as a second class city. The city limits of Kaktovik encompass roughly 0.8 square miles and land and 0.2 square miles of water. KIC is entitled to receive 92.2 acres within the city limits of Kaktovik and beyond, including an additional 5,207 acres of land within ANWR boundary, per patent number 50-77-0046.³⁷⁵ As with other Native village corporations, additional land selections are in the process of being approved for conveyance by BLM to the community. The NSB is a large landowner within the community of Kaktovik; it owns the school, health clinic, fire station, air field, power plant, water and wastewater treatment plant, landfill, and Public Works buildings. Other large landownership entities include federal agencies including the USAF, NOAA, and BLM.

The village Native corporation for Nuiqsut is the Kuukpiik Corporation which owns approximately 146,000 acres of surface lands in and around the community, including surface lands of the Alpine oil field. The City of Nuiqsut’s boundary encompass 9.2 square miles of land. The City of

³⁷¹ Alvarez, Monica. 2018. *North Slope Management Plan*. Presentation, Oil and Gas Forum.

³⁷² Arctic Slope Regional Corporation. *Anaktuvuk Pass*. www.asrc.com/Communities/Pages/AnaktuvukPass.aspx.

³⁷³ Arctic Slope Regional Corporation. *Atqasuk*. www.asrc.com/Communities/Pages/Atqasuk.aspx.

³⁷⁴ North Slope Borough. 2017. *Atqasuk Comprehensive Plan 2017 - 2037*. Prepared for the North Slope Borough by ASRC Energy Services and UMIAQ Environmental. www.north-slope.org/assets/images/uploads/FINAL_Atqasuk_Plan_Adopted.pdf.

³⁷⁵ North Slope Borough. 2015. *Kaktovik Comprehensive Plan*. www.north-slope.org/assets/images/uploads/APRIL_2015_KAK_Comp_Plan_adopted.pdf.





Nuiqsut was incorporated in 1975 as a second class city. Federal and state lands are the predominant ownership entities beyond the cities jurisdictional boundaries. The majority of lands selected for conveyance have been transferred to the Kuukpik Corporation. Approximately 2,041 acres are remaining to be conveyed from the BLM.

Tikigaq Corporation, the village Native corporation established under ANCSA, is the primary landowner in the Point Hope area. Tikigaq Corporation has selected and received 3,165 acres under ANCSA, in and around the community that include the old and new village sites. Approximately 227.1 acres are remaining to be conveyed before Tikigaq Corporation receives its full ANCSA land entitlement.³⁷⁶ The City of Point Hope was incorporated in 1966 as a second class city. The NSB is landowner of several tracts in the community, namely the school, landfill, health clinic, and fuel tank farm. The borough also has easements throughout the community for water and sewer infrastructure.

The village Native corporation established under ANCSA for the community of Point Lay is the Cully Corporation. The Cully Corporation, a primary landowner in the area, has selected and received 90,000 acres of surface lands under ANCSA in and around the community.³⁷⁷ As with the other communities, the NSB land ownership within the village of Point Lay is on lands used to provide services to the community, such as the school, teacher housing, and utility tracts for

public utilities. The community of Point Lay is not an incorporated city.

The Ukpeaġvik Iñupiat Corporation is the village Native Corporation for Utqiagvik. UIC owns 212,000 acres of surface land rights within the Utqiagvik area, including 7,400 acres that were set aside in 1992 for scientific research. This area is the Barrow Environmental Observatory (BEO). The City of Utqiagvik was incorporated in 1958 as a second class city and later as a first class city. Other landowners within Utqiagvik include ASRC, the Native Village of Barrow, and NSB, and federal agencies. Approximately 13,743 acres is contained within the village boundary of Utqiagvik and UIC is the primary landowner. UIC has selected and received approximately 175,620 acres in fulfillment of its ANCSA entitlement. The corporation can select an additional 7,177 acres to receive its full entitlement. Several federal agencies own lands within or in proximity to Utqiagvik. These include: U.S. Air Force, U.S. Navy, NOAA, BLM, and the U.S. Geological Society (USGS),³⁷⁸ among others.

Wainwright's village Native corporation is the Olgoonik Corporation (OC), which owns surface estate to over 175,000 acres of land surrounding Wainwright. ASRC owns the subsurface estate to over 160,000 acres of land beneath OC's surface estate.³⁷⁹

³⁷⁶ Chinn, Ramona. Supervisory Land Law Examiner. U.S. Bureau of Land Management. Personal Communication. May 31, 2016.

³⁷⁷ North North Slope Borough. 2017. *Point Lay Comprehensive Plan 2017 - 2037*. Prepared for the North Slope Borough by ASRC Energy Services and UMIAQ Environmental. www.north-slope.org/assets/images/uploads/PIZ_Plan_Adopted.pdf.

³⁷⁸ North Slope Borough. 2015. *Soaring to the Future: Barrow Comprehensive Plan 2015 - 2035*. www.north-slope.org/assets/images/uploads/Barrow_Comp_Plan_March_2015_FINAL.pdf.

³⁷⁹ North Slope Borough. 2014. *Wainwright Comprehensive Plan*. Prepared for the North Slope Borough by UMIAQ. www.north-slope.org/assets/images/uploads/2014_Wainwright_Comp_Plan_Final.pdf.





LAND MANAGEMENT PLANS & SPECIAL AREAS

Within the boundary of the North Slope Borough, there are several federal and state jurisdictional land management plans and designated Special Areas. Land management plans are developed as a way forward for regulatory agencies to manage the needs of the competing uses on the land subject to each management plan. Land use planning is a way of sorting through to options for federal and state land use, and with involvement from the public, detailing a multi-year plan for land use and activities.

Many of the federal land management plans for the North Slope region include:

- Gates of the Arctic National Park & Preserve;
- Seward Kobuk Resource Management Plan;
- Arctic National Wildlife Refuge;
- Northwest Alaska Area Plan;
- Central Yukon Resource Management Plan;
- NPR-A Integrated Activity Plan and Environmental Impact Statement;
- Utukok River Uplands Special Area;
- Peard Bay Special Area;
- Colville River Special Area;
- Teshekpuk Lake Special Area;
- Kasegaluk Lagoon Special Area;
- Alaska Maritime National Wildlife Refuge;
- Coastal Plain EIS
- Wild and Scenic Rivers;
- Northwest Alaska Transportation Plan;
- Dalton Highway Master Plan (and related Dalton Highway Recreation Area Management Plan),³⁸⁰ and
- Alaska Department of Natural Resources North Slope Management Plan.

Table 38 provides a comparison of the goals of several land management plans affecting the North Slope.

Land management planning process is an extensive and lengthy process designed to gain public input and comment at several key stages. While the duration of the different phases undertaken within the planning process may differ depending on area of interest, type of plan, and overseeing agency; generally the process consists of eight different milestones, outlined below and shown in Figure 22.

Figure 22: Land Management Planning Process



- Step 1 – Identify issues and concerns to be addressed within/by the planning document.
- Step 2 – Gather information about the natural resources, land use, land ownership, local economy (past, present and future).

³⁸⁰ State of Alaska. Department of Transportation and Public Facilities. 1989. *Dalton Highway Master Plan*. http://dnr.alaska.gov/mlw/planning/mgtplans/dalton_highway/pdf/dalton_hwy_plan_complete.pdf.





- Step 3 – Prepare and evaluate alternative and describe the effects each may have on the overarching goal for the area management.
- Step 4 – Prepare Draft Plan.
- Step 5 – Release Draft Plan for public comment. This step may involve conducting public engagement meetings/open houses etc.
- Step 6 – Prepare Final Plan incorporating received public comments.
- Step 7 – Approve Plan.
- Step 8 – Implement Plan and re-evaluate as needed.

Table 38: Land Use Plans Goal Comparison

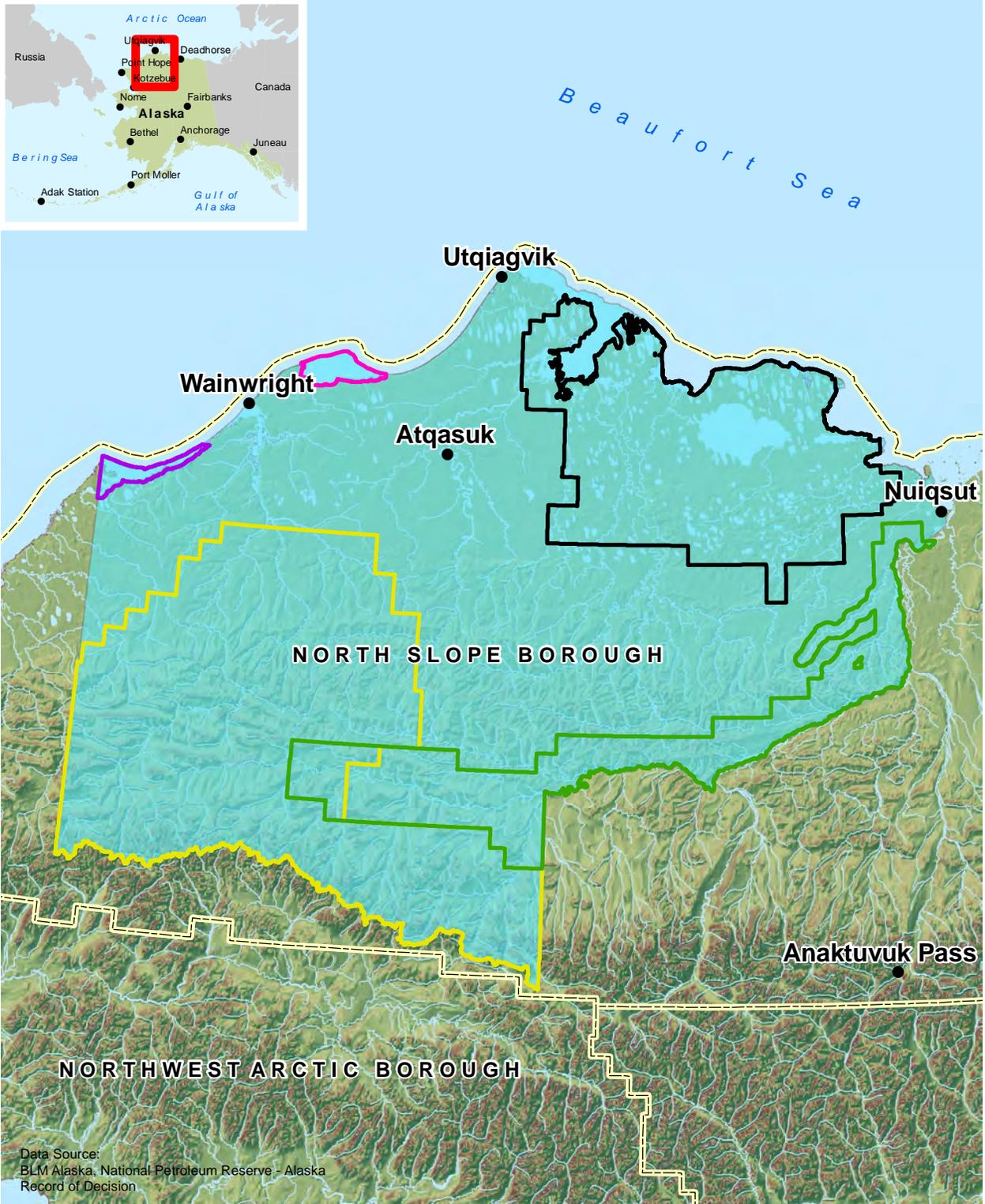
2019 - 2039 North Slope Borough Comprehensive Plan	2005 North Slope Borough Long Range Transportation Plan	Northwest Area Transportation Plan Draft Goals	Arctic Strategic Transportation and Resources (ASTAR)
<p>Goal 1: Cooperate with land owners and managers to update land use regulations consistent with village priorities.</p> <p>Goal 7: Provide essential public infrastructure and services.</p>		<p>Goal 1: Provide basic access to social services.</p>	<p>The goal is to develop a strategic plan that first prioritizes community needs and then looks to identify infrastructure opportunities for the most cumulative benefit and quality of life for the region.</p>
<p>Goal 1: Cooperate with land owners and land managers to update land use regulations consistent with village priorities.</p> <p>Goal 2: Maximize opportunities by encouraging self-determination.</p> <p>Goal 4: Improve transportation between North Slope communities.</p>	<p>Plan, design, construct and maintain transportation facilities in a manner that preserves the local environment and subsistence lifestyle.</p>	<p>Goal 2: Improve community connectivity through modernization or preservation of the transportation system.</p> <p>Goal 2a: Modernize/enhance the system.</p> <p>Goal 2b: Ensure the preservation of the system.</p>	<p>Enhance access to create opportunities to strengthen cultural exchange and community connectivity.</p>
	<p>Maintain a diverse transportation system to support mobility.</p>	<p>Goal 3: Enhance transportation system efficiency.</p> <p>Goal 3a: Reduce project costs to design, construct, and maintain.</p> <p>Goal 3b: Reduce project delivery delays.</p>	
		<p>Goal 4: Support improvements to transportation levels of services.</p>	





2019 - 2039 North Slope Borough Comprehensive Plan	2005 North Slope Borough Long Range Transportation Plan	Northwest Area Transportation Plan Draft Goals	Arctic Strategic Transportation and Resources (ASTAR)
	Support transportation facilities that provide for social and economic growth.	Goal 5: Enhance system adaptability and flexibility.	Lower the cost of energy, basic goods, utilities, and other services
Goal 6: Develop strong, resilient local and regional economies.		Goal 6: Facilitate economic development.	
Goal 8: Partner and collaborate with industry for the benefit of borough residents.	Create healthy, safe and efficient transportation.	Goal 7: Facilitate development of natural resources.	Improve infrastructure to provide community stability and improve public safety





**North Slope Borough
Land Management Plans Special Areas
Map 21**



- Borough Boundaries
- National Petroleum Reserve - Alaska
- Utukok River Special Area
- Teshekpuk Lake Special Area
- Colville River Special Area
- Kasegaluk Lagoon Special Area
- Peard Bay Special Area





Table 39: Land Use Management Plans / Special Areas within the North Slope³⁸¹

Land Management Plan	Jurisdiction/ Agency	Acreage	Zone of Influence	Purpose
Gates of the Arctic National Park & Preserve	BLM	8.4 million acres 7.1 million acres designated 'wilderness'	Straddle the Brooks Range for approximately 200 miles north of the Arctic Circle. Located both within the NSB and the Northwest Arctic Borough.	To preserve the vast, wild, undeveloped character and environmental integrity of Alaska's central Brooks Range and to provide opportunities for wilderness recreation and traditional subsistence uses. ³⁸²
TAPS Utility Corridor	BLM / State of Alaska	6.1 million acres	Route of the Trans Alaska Pipeline System from Prudhoe Bay to Valdez, Alaska.	Multiple use of planning area resources while also providing resource protection. Overriding priority of the plan is to preserve the Utility Corridor for the transportation of energy minerals. ³⁸³
NPR-A	BLM	23,599,999 acres	North Slope of Alaska, west of the Colville river through to the Chukchi coast.	Originally designated for ensuring U.S. oil reserves, with provisions applying to exploration/production activities and protection of subsistence activities.
Utukok River Uplands Special Area	BLM	7.06 million acres ³⁸⁴	Area encompasses foothills of the Brooks Range mountains, tundra and coastal wetlands. Encompassed within the NPR-A.	To protect habitat used by the Western Arctic Caribou Herd for calving and insect relief.
Peard Bay Special Area	BLM	107,218 acres	Along the northern coast of Alaska.	Designated area restricts oil and gas activities within the designated boundaries, for the protection of 3 habitat types: haul out areas and near shore waters for marine mammals and high use staging/migration areas for shore and water birds

³⁸¹ State of Alaska. Department of Natural Resources. 2016. *North Slope Management Plan*. http://dnr.alaska.gov/mlw/planning/mgtplans/nsmp/pdf/nsmp_boundary_map.pdf.

³⁸² U.S. Department of the Interior. 2016. *National Park Service. Gates of the Arctic National Park & Preserve: Significant Value of Gates of the Arctic*. www.nps.gov/gaar/learn/significant-values-of-gates-of-the-arctic.htm.

³⁸³ U.S. Department of the Interior. U.S. Bureau of Land Management. 1989. *Proposed Resource Management Plan and Final Environmental Impact Statement – Utility Corridor*. https://eplanning.blm.gov/epl-front-office/projects/lup/35315/44183/47566/Utility_Corridor_PRMP_FEIS_final_web.pdf.

³⁸⁴ U.S. Department of the Interior. U.S. Bureau of Land Management. 2013. *National Petroleum Reserve – Alaska, Integrated Activity Plan, Record of Decision February 21, 2013*. https://eplanning.blm.gov/epl-front-office/projects/nepa/5251/42462/45213/NPR-A_FINAL_ROD_2-21-13.pdf.





Land Management Plan	Jurisdiction/ Agency	Acreage	Zone of Influence	Purpose
Kasegaluk Lagoon Special Area	BLM	97,408 acres. Spanning 125 miles along Chukchi Sea coast	Encompassed within the NPR-A.	Designated area restricts oil and gas activities within the special area boundaries due to the areas importance for marine mammal habitat and extensive lagoons and barrier islands.
Coleville River Special Area	BLM	2,442,929 acres	Lands bordered by the Colville, Kogosukruk and Kikiakrorak rivers including bluffs and riparian habitat. Encompassed within the NPR-A.	Designated area restricts oil and gas activities within the designated boundaries
Teskepkuk Lake Special Area	BLM	3.65 million acres ³⁸⁵	Inclusive of Teskepkuk Lake, north to the Beaufort Sea and Smith and Harrison Bay. Area extends south east and south west of Teskepkuk Lake. Encompassed within the NPR-A.	Set aside for special management because of its unique environmental value. Designated area restricts oil and gas activities within the designated boundaries
ANWR	USFWS	19,286,722 acres (including Section 1002 (1.5 million acres))	East of the Trans Alaskan Pipeline System to the Canadian border. Section 1002 consists of coastal plain territory	Preservation for research and the protection of nature. Section 1002 area includes natural resources (petroleum) studies.
Alaska Maritime National Wildlife Refuge	United States Fish and Wildlife Service	34,399 acres	Coastal areas surrounding Point Lay Approximately 21 miles south and 50 miles north of the community.	Protection of diversity of marine and coastal ecosystems. Set aside a network of coastal areas (land and waters) for the conservation of fish, wildlife and plants.

³⁸⁵ U.S. Department of the Interior. U.S. Bureau of Land Management. 2013. *National Petroleum Reserve –Alaska, Integrated Activity Plan, Record of Decision February 21, 2013.* https://eplanning.blm.gov/epl-front-office/projects/nepa/5251/42462/45213/NPR-A_FINAL_ROD_2-21-13.pdf.

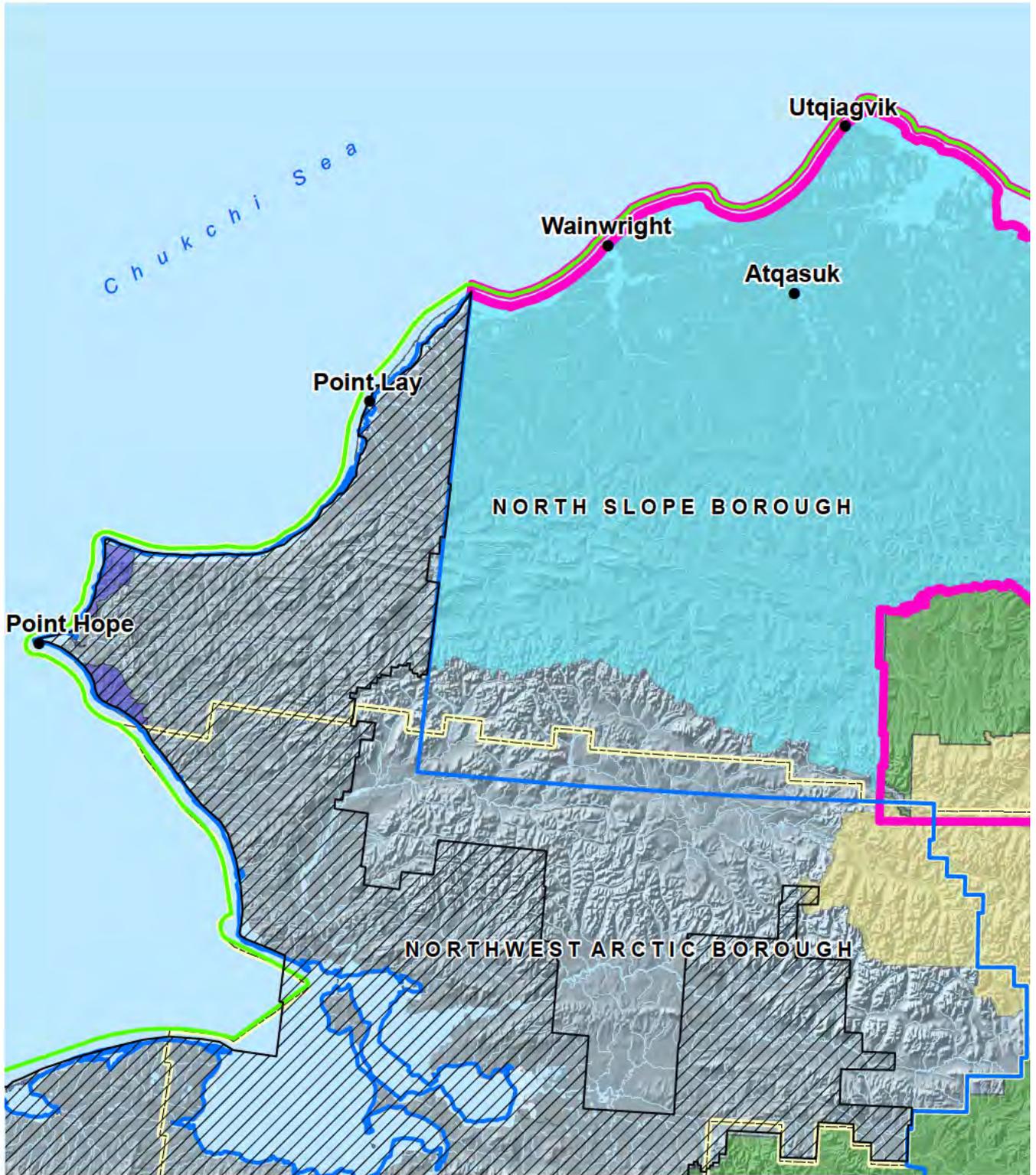




Land Management Plan	Jurisdiction/ Agency	Acreage	Zone of Influence	Purpose
Wild and Scenic Rivers	USFWS	3 rivers within the NSB have designation under the Wild and Scenic River Act <ul style="list-style-type: none"> • Iviskak Wild & Scenic River (80 miles) • Wind Wild & Scenic River (140 miles) • Sheenjek Wild & Scenic River (160 miles) 		To preserve certain rivers with outstanding natural, cultural and recreational values in a free flowing condition for the enjoyment of present and future generations. To safe guard the special character of designated rivers while recognizing the potential for their appropriate use and development. To encourage river management that crosses political boundaries and promoting public participation. ³⁸⁶
Dalton Highway Master Plan	ADOT&PF	700,000 acres (estimated)	1 mile west of Livengood, and ends 414 miles north, at the Deadhorse Airport	Removed lands from mineral resource development, and state / Native Alaskan allocation. Corresponding RAMP guides BLM's recreation facilities along Dalton Highway
North Slope Management Plan	ADNR	12 million acres of state lands	Uplands, shore lands, tide and submerged lands, north of Atigun Pass encompassing area between eastern boundary of NPR-A and western boundary of ANWR. 3nm offshore limit included.	Long term management of state land and water within the defined zone of influence. Excludes federally selected lands. Increase permitting efficiency and predictability for the public

³⁸⁶ National Wild and Scenic Rivers System. 2014. *About the WSR Act*. www.rivers.gov/wsr-act.php.



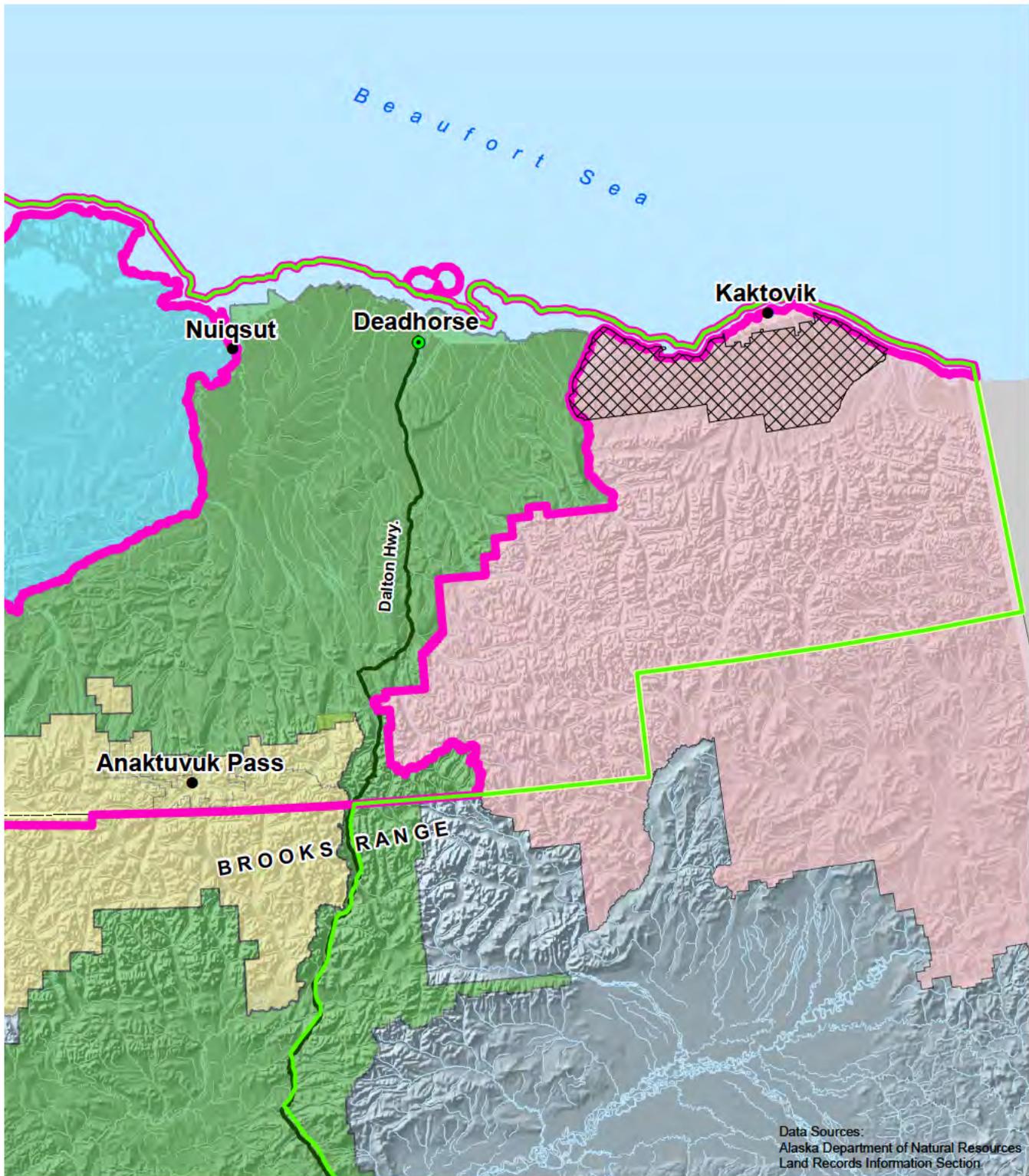


**North Slope Borough
Planning Areas – Map 22**



Note:
Northwest Alaska Transportation Plan includes Northwest Arctic Borough,
Seward Peninsula Norton Sound Subregion, and
Middle Yukon River Basin Subregion.





Data Sources:
Alaska Department of Natural Resources
Land Records Information Section

- | | | |
|-------------------------------------------------|----------------------------------------------|-------------------|
| Coastal-Plain-EIS | North Slope Management Plan Boundary | NSB Communities |
| Kobuk-Seward-Peninsula-RD | Borough Boundaries | Industrial Center |
| Northwest Area Plan | Arctic National Wildlife Refuge | |
| Northwest Alaska Transportation Plan | Gates of the Arctic National Park & Preserve | |
| Alaska Maritime National Wildlife Refuge | National Petroleum Reserve - Alaska | |
| Central Yukon Resource Management Plan Boundary | | |





CURRENT LAND USE

Community Zoning

Communities within the NSB have a mixture of residential, commercial, mixed use or industrial land uses. Utqiagvik has an additional land use designation of ‘institutional uses’ due to the infrastructure of Iļisaġvik College. The percentage of land use within each zoning district is shown Table 37.

Detailed maps of current and future land use goals within each community are included within the different communities Comprehensive Plans, which are contained as appendices to this Area wide Comprehensive Plan.

North Slope Subsistence Rural Region Designation

Subsistence is defined in Alaska state law as the “noncommercial” customary and traditional uses” of fish and wildlife. These uses include for the purpose of: food, sharing, home and other buildings, fuel, clothing, tools/home goods, transportation and handicrafts. State laws pertaining to subsistence activities differ from federal laws in that under state laws subsistence activities can occur outside of non-subsistence use areas regardless of ethnicity. The federal Marine Mammal Protection Act enables only Alaska Natives who live on the coast of the North Pacific Ocean or the Arctic Ocean to harvest marine mammals for subsistence purposes. Additional information regarding the subsistence culture and its importance to the communities of the North Slope are contained in Chapter 6.

Federal subsistence regulations can undergo review and modification every year. The USFWS, every year, issued a call for proposals to change federal subsistence fishing and wildlife regulations. Any person or group can submit proposals to change federal subsistence regulations, comment of proposed changes or provide comment at meetings. The call for proposals related to subsistence fishing regulations are issued in January of even numbered years (e.g. 2018, 2020). A call for proposals for changing federal wildlife subsistence activities is issued on odd numbered years (e.g. 2017, 2019). Proposal for modification to these regulations can be submitted by anyone, in any written format within a 30 calendar day timeframe stipulated by the USFWS.³⁸⁷

Subsistence Designation

Under the authority of the ANILCA regulations established rural subsistence use on federal lands. Rural / Non rural determinations are for the purpose of identifying rural residents who may harvest fish and wildlife for subsistence uses on federal public lands in Alaska. Title VIII of ANILCA declares that the continuation of the opportunity for subsistence uses by rural residents of Alaska... on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional and cultural existence.

ANILCA “§242.15 Rural determination process, governs such designations:

(a) The Board shall determine if an area or community in Alaska is rural. In determining

³⁸⁷ U.S. Department of the Interior. 2018. U.S. Fish and Wildlife Service, Bureau of Land Management, National Park Service and Bureau of Indian Affairs. *How to Submit a Proposal to Change Federal Subsistence Regulations: Informational Flyer.* www.doi.gov/sites/doi.gov/files/uploads/nsrc_winter2018_book_0.pdf.





whether a specific area of Alaska is rural, the Board shall use the following guidelines:

- (1) rural unless such a community or area possesses significant characteristics of a non-rural nature, or is considered to be socially and economically a part of an urbanized area.
- (2) Communities or areas with populations above 2,500 but not more than 7,000 will be determined to be rural or non-rural.
- (3) A community with a population of more than 7,000 shall be presumed non-rural, unless such a community or area possesses significant characteristics of a rural nature.
- (4) Population data from the most recent census conducted by the United States Bureau of Census as updated by the Alaska Department of Labor shall be utilized in this process.
- (5) Community or area characteristics shall be considered in evaluating a community's rural or non-rural status. The characteristics may include, but are not limited to:
 - (i) Use of fish and wildlife;
 - (ii) Development and diversity of the economy;
 - (iii) Community infrastructure;
 - (iv) Transportation; and
 - (v) Educational institutions.
- (6) Communities or areas which are economically, socially, and communally integrated shall be considered in the aggregate.
 - (b) The (Federal Subsistence) Board shall periodically review rural determinations. Rural determinations shall be reviewed on a 10-year cycle, commencing with the publication of the year 2000 U.S. Census. Rural determinations may be reviewed out-of-cycle in special circumstances. Once the Board makes a determination that a community has changed from rural to non-

rural, a waiting period of 5 years shall be required before the non-rural determination becomes effective.”

As noted within §242.15(a)(2), the largest community in the North Slope, Utqiagvik, is still considered to be ‘rural’ in nature. For this designation to be removed, Utqiagvik’s population would need to exceed 7,000 residents as recorded by the U.S. Bureau of Census, for the community to lose its presumptive designation as part of the North Slope Subsistence Rural Region (NSSRR). The latest NSB Census reported a population of 4,974; with a decreased population of 4,825 by 2014.^{388 389} Based on population trends and projections for Utqiagvik, as detailed in Chapter 4, its designation as a NSSRR may not be in jeopardy until 2037. The remaining communities of the North Slope are not expected, based on population trends and projections, to lose their NSSRR designation in the foreseeable future.

Should Utqiagvik’s population exceed the 7,000 person upper threshold that would revoke its NSSRR designation, the USFWS does have a process for communities to engage in for reinstating this status. The community can petition the Federal Subsistence Board to retain its status as part of the NSSRR.³⁹⁰

Historical Structures and Lands

The North Slope Borough has a rich historical and cultural legacy that expands back thousands of years. Such historically important sites are

³⁸⁸ North Slope Borough. 2010. *North Slope Borough 2010 Economic Profile and Census Report*. Prepared by Circumpolar Research Associates Shepro, C., Maas, C. and D. Gallaway with J. McAnich for the North Slope Borough. www.north-slope.org/assets/images/uploads/North_Slope_Borough.pdf.

³⁸⁹ North Slope Borough. 2015. *North Slope Borough 2015 Economic Profile and Census Report Volume XI*. Prepared by Circumpolar Research Associates Shepro, C., Maas, C. and D. Gallaway and edited by Jason Bergerson for the North Slope Borough. www.north-slope.org/assets/images/uploads/NSB_Economic_Profile_and_Census_Report_2015_FINAL.pdf.

³⁹⁰ North Slope Borough. 2015. *Soaring to the Future: Barrow Comprehensive Plan 2015 - 2035*. www.north-slope.org/assets/images/uploads/Barrow_Comp_Plan_March_2015_FINAL.pdf.





reflected in the Birnirk Archeological Site, a 16 mound Birnirk and Thule culture historic landmark, the Archeological district near Anaktuvuk Pass and its findings on about the Arctic Small Tool Tradition, and too many other culturally important sites throughout the North Slope, to mention here. Chapter 1 contains additional detail on the historical locations throughout the borough. The wealth of historical sites throughout the borough, does however impact land use activities, currently, as well as in the future.

Existing Infrastructure

Over the course of the last forty years, lease holders have developed an extensive network of gravel roads, pads and other infrastructure that in the strictest sense must all be removed in

accordance with the DR&R provisions of their leases and unit agreements.

With very few exceptions, the roads and ports are not classified that same way public infrastructure would be defined, making it difficult to determine the best way forward to provide valuable infrastructure to the local organizations while also address the DR&R liability of the companies that constructed it for oil and gas development.

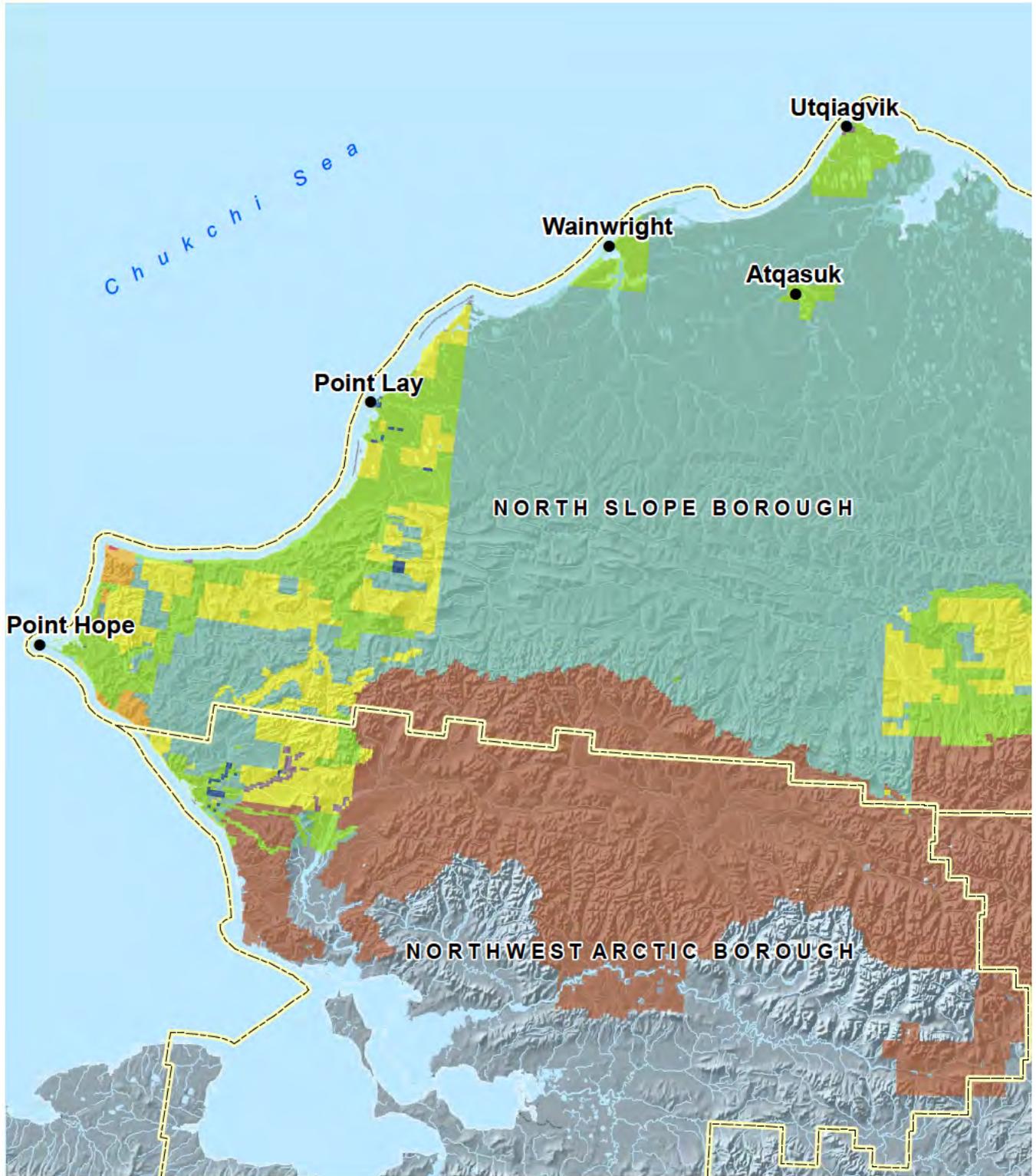
Some of this infrastructure should remain. The central road network (the Spine Road) and its key offshoots to Milne Point, Oliktok Point, Endicott and West Dock are critical road and dock facilities that should be sustained by the state or borough to address increased arctic shipping activities and the potential need for spill response.





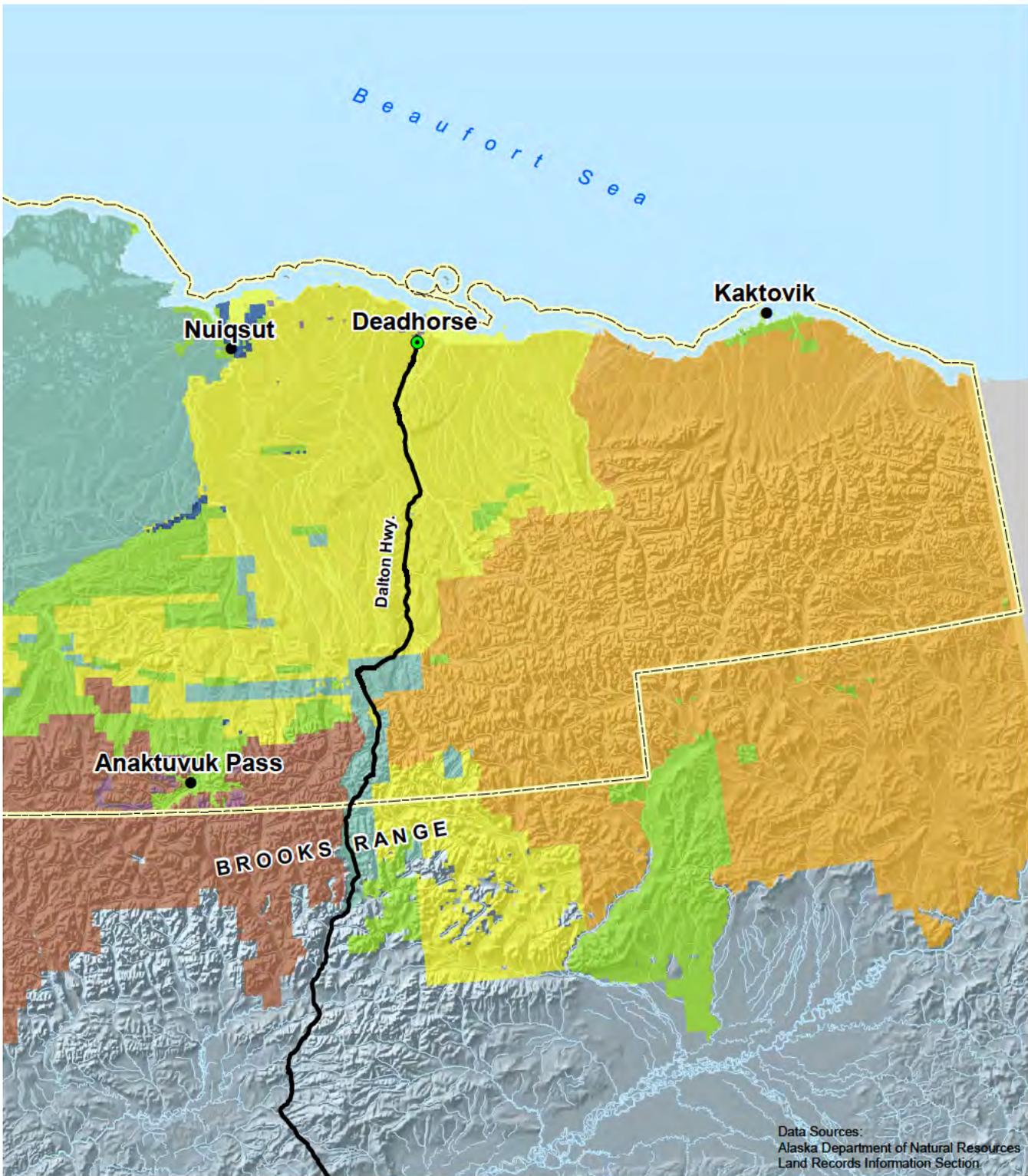
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**North Slope Borough
Land Ownership – Map 23**

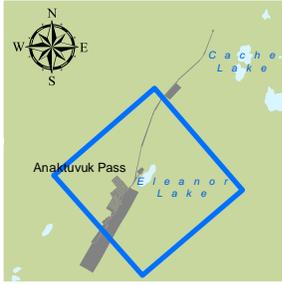




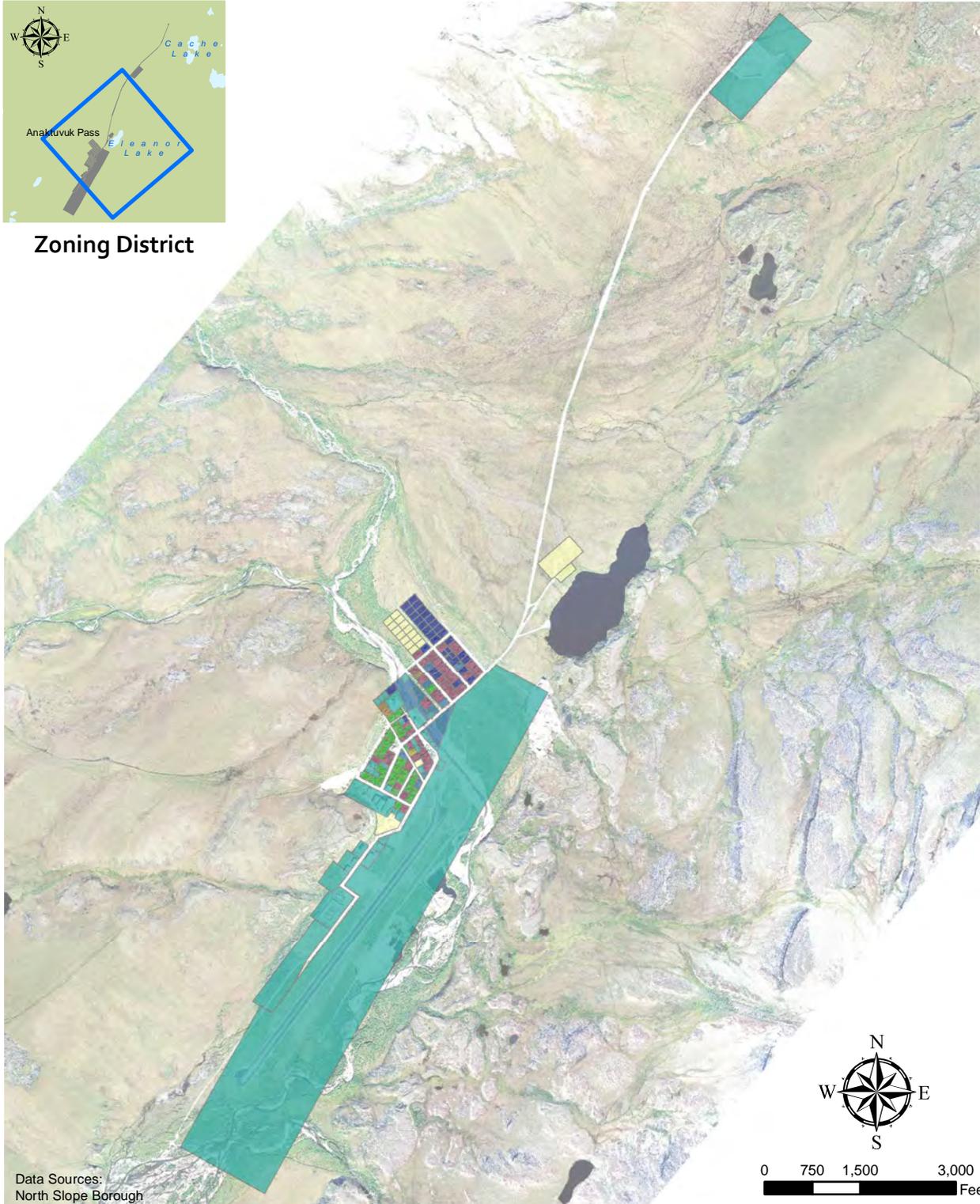
Data Sources:
Alaska Department of Natural Resources
Land Records Information Section

- | | | |
|---------------------------|--------------------------|-------------------|
| Borough Boundaries | National Wildlife Refuge | State and Native |
| Bureau of Land Management | Native | NSB Communities |
| Major Military | Private or Municipal | Industrial Center |
| National Park Service | State of Alaska | |





Zoning District



Data Sources:
North Slope Borough

**North Slope Borough
Anaktuvuk Pass Land Ownership
Map 24**

- | | |
|-------------------|---------------------|
| Corporation | North Slope Borough |
| City | Private |
| Housing Authority | Religious |
| Lessee | State of Alaska |
| Native Restricted | Tribal Government |

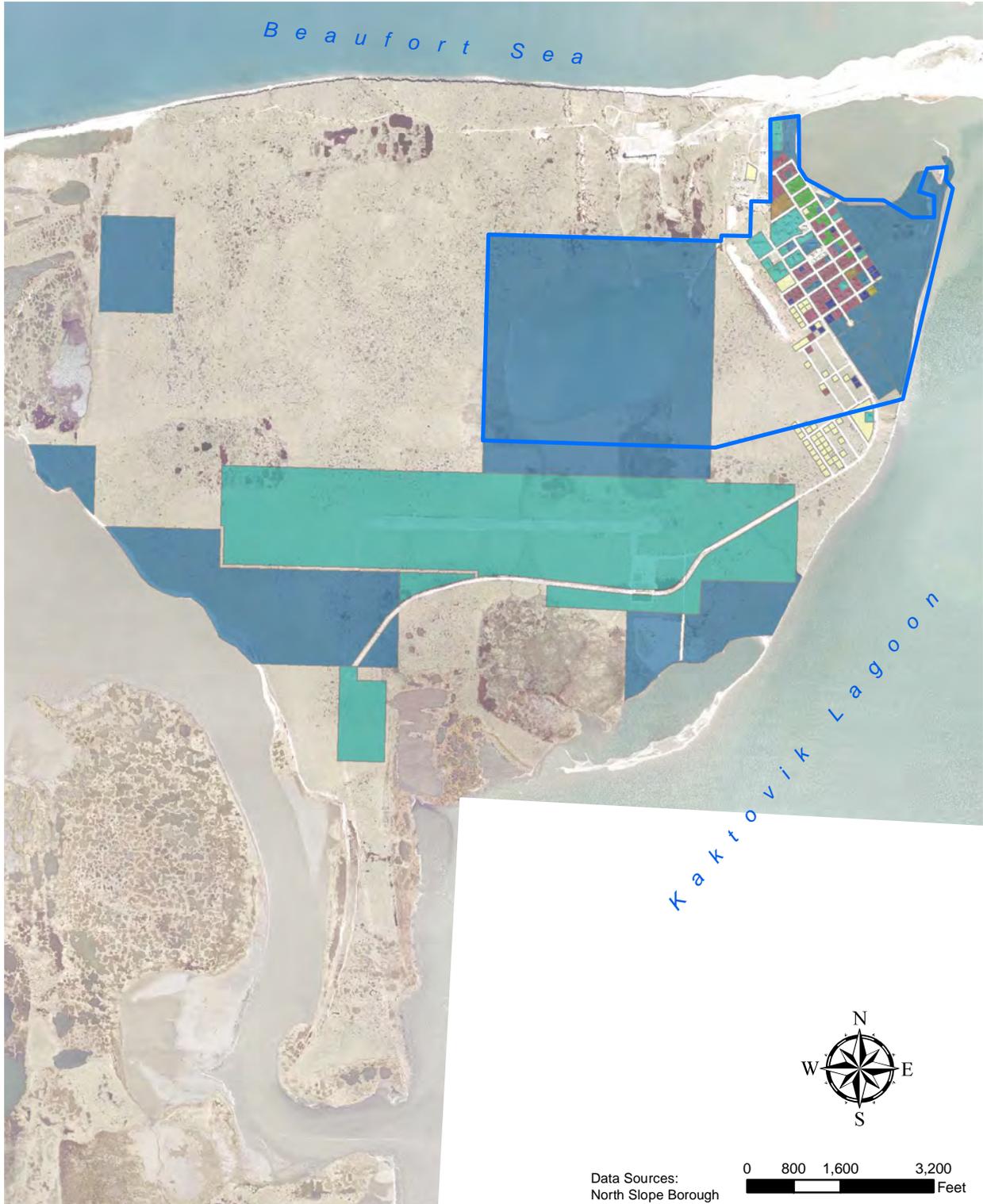




**North Slope Borough
 Atqasuk Land Ownership
 Map 25**

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Corporation | North Slope Borough |
| City | Private |
| Housing Authority | Religious |
| Lessee | State of Alaska |
| Native Restricted | Tribal Government |

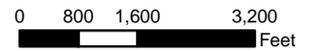




**North Slope Borough
 Kaktovik Land Ownership
 Map 26**

- | | |
|-------------------|---------------------|
| Zoning District | North Slope Borough |
| Corporation | Private |
| City | Religious |
| Housing Authority | State of Alaska |
| Lessee | Tribal Government |
| Native Restricted | |

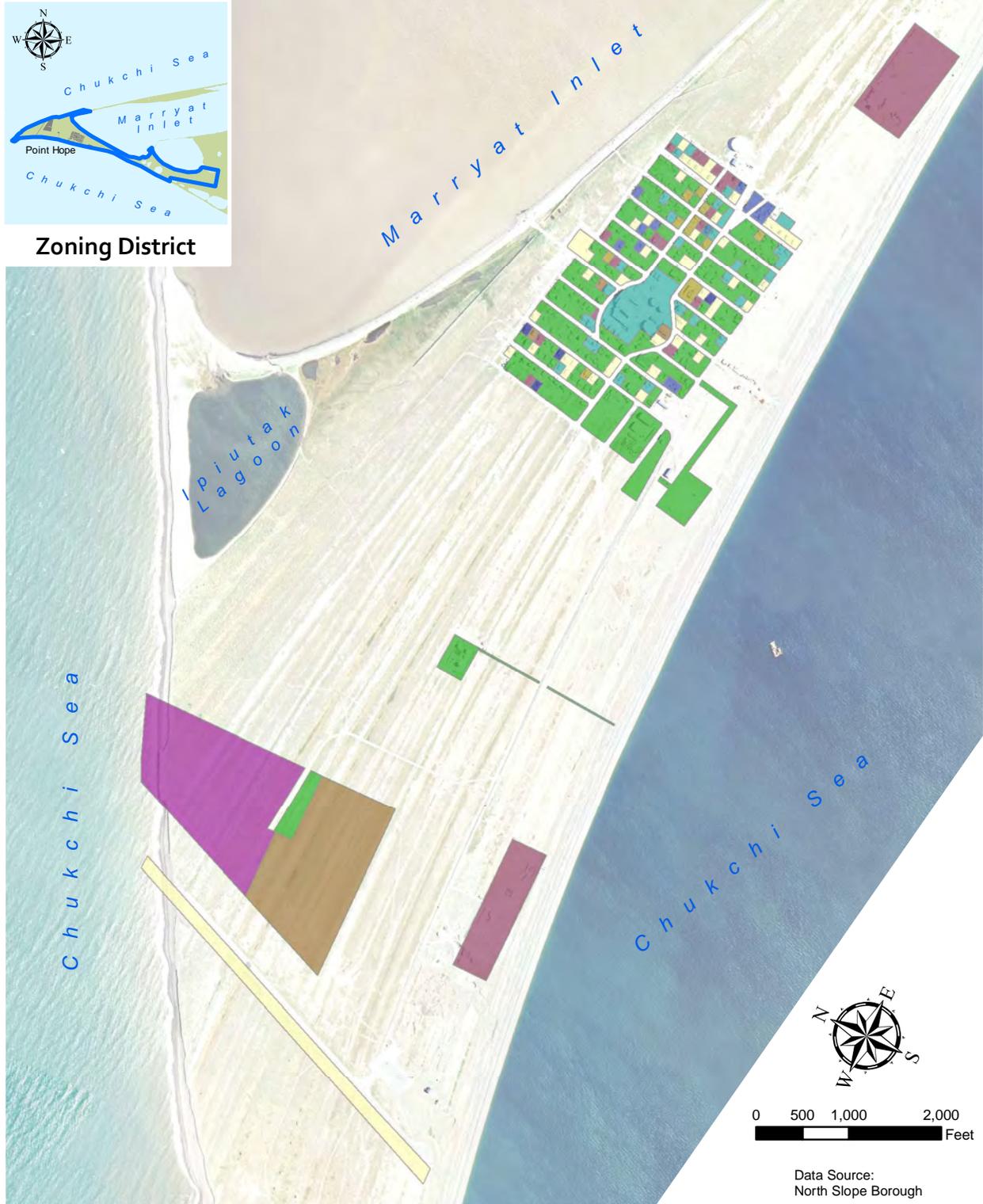
Data Sources:
 North Slope Borough





**North Slope Borough
 Nuiqsut Land Ownership
 Map 27**

- | | |
|-------------------|---------------------|
| Corporation | North Slope Borough |
| City | Private |
| Housing Authority | Religious |
| Lessee | State of Alaska |
| Native Restricted | Tribal Government |



**North Slope Borough
Point Hope Land Ownership
Map 28**

- | | |
|-------------------|---------------------|
| Corporation | North Slope Borough |
| City | Private |
| Housing Authority | Religious |
| Lessee | State of Alaska |
| Native Restricted | Tribal Government |

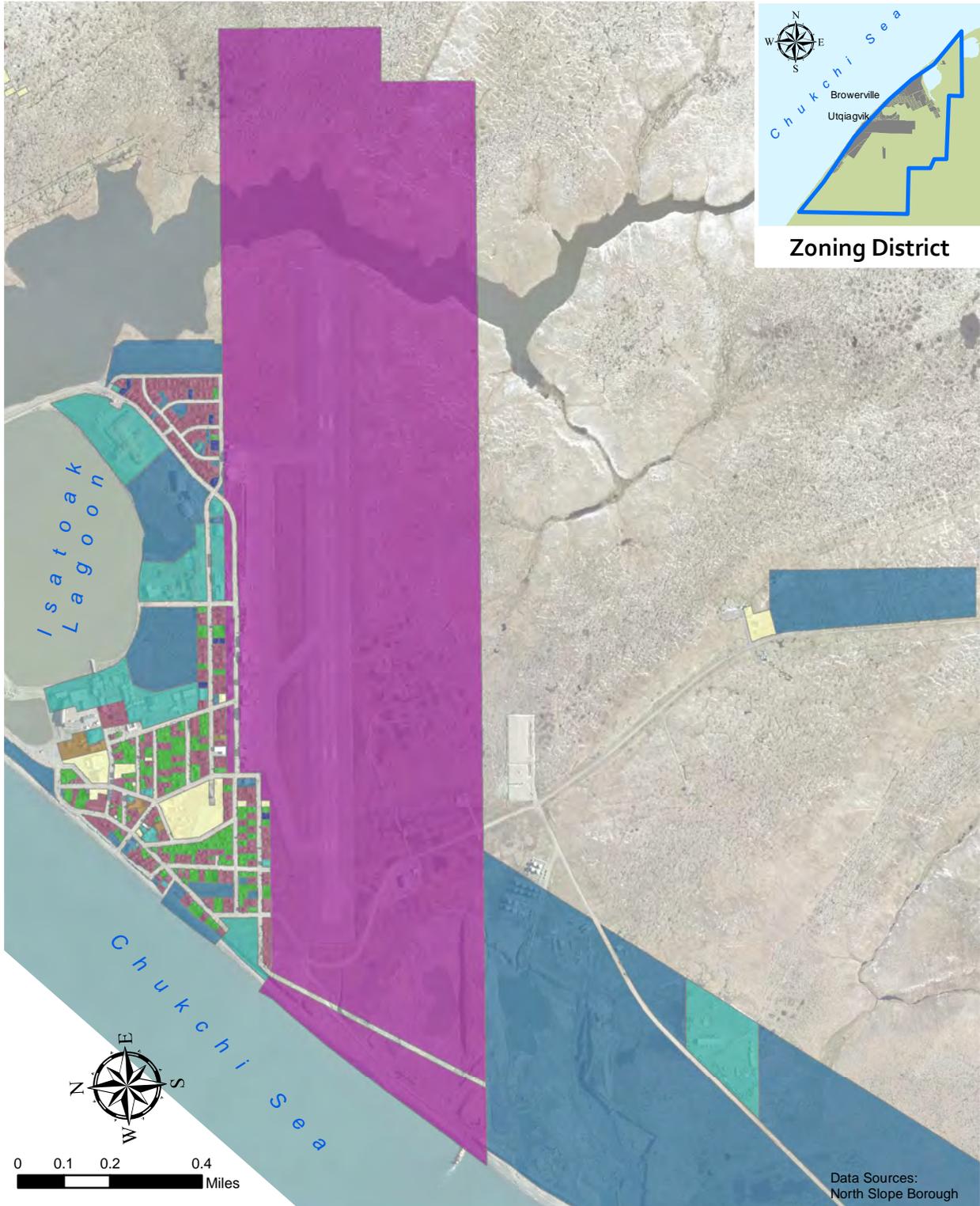




**North Slope Borough
 Point Lay Land Ownership
 Map 29**

- | | |
|-------------------|---------------------|
| Zoning District | North Slope Borough |
| Corporation | Private |
| City | Religious |
| Housing Authority | State of Alaska |
| Lessee | Tribal Government |
| Native Restricted | |

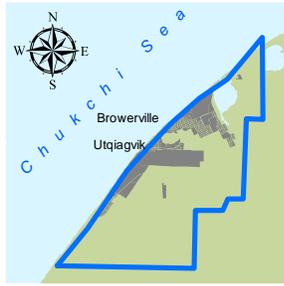




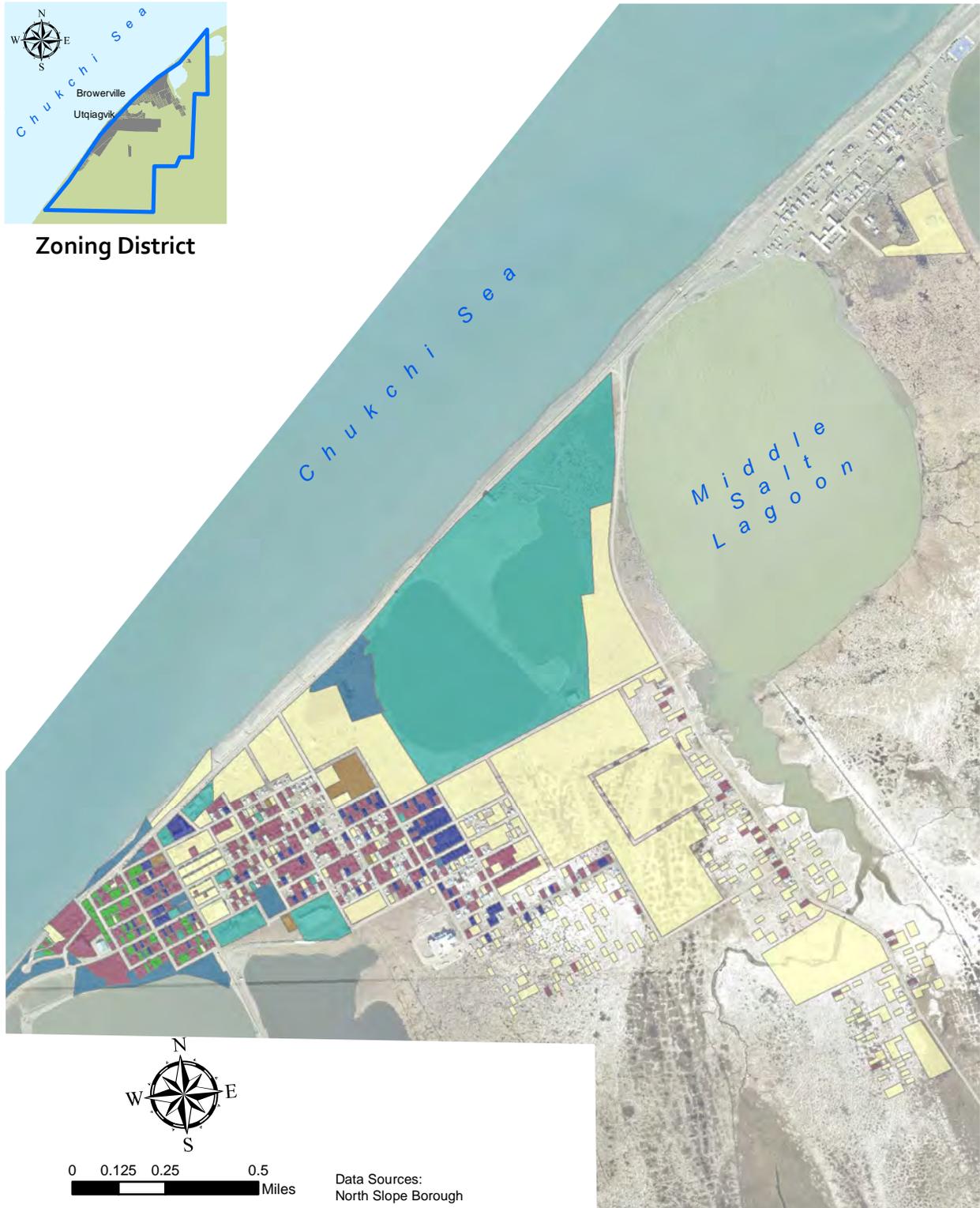
**North Slope Borough
Utqiagvik Land Ownership
Map 30**

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Corporation | North Slope Borough |
| City | Private |
| Housing Authority | Religious |
| Lessee | State of Alaska |
| Native Restricted | Tribal Government |





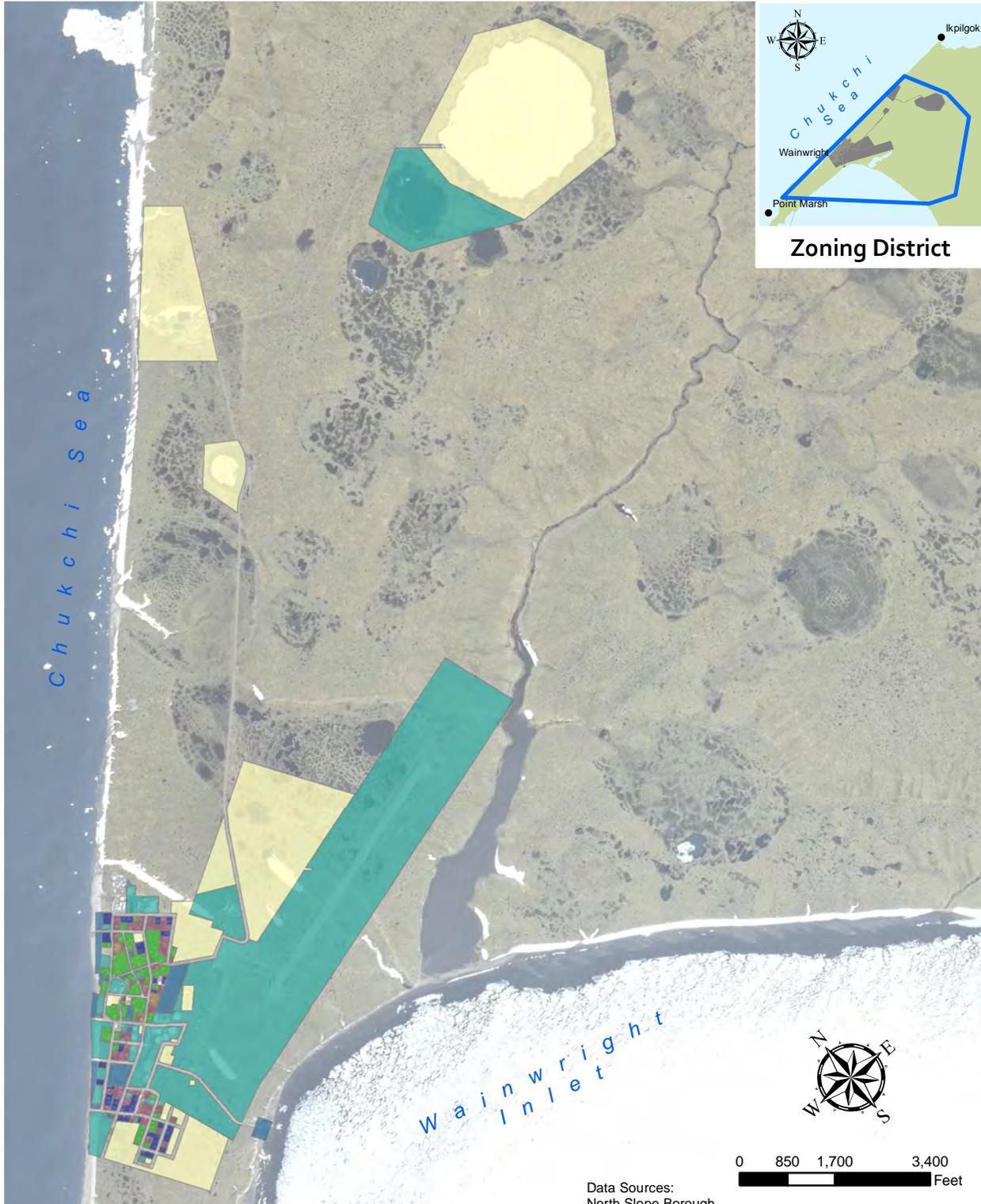
Zoning District



North Slope Borough
 Browerville Land Ownership
 Map 31

- | | |
|-------------------|---------------------|
| Corporation | North Slope Borough |
| City | Private |
| Housing Authority | Religious |
| Lessee | State of Alaska |
| Native Restricted | Tribal Government |

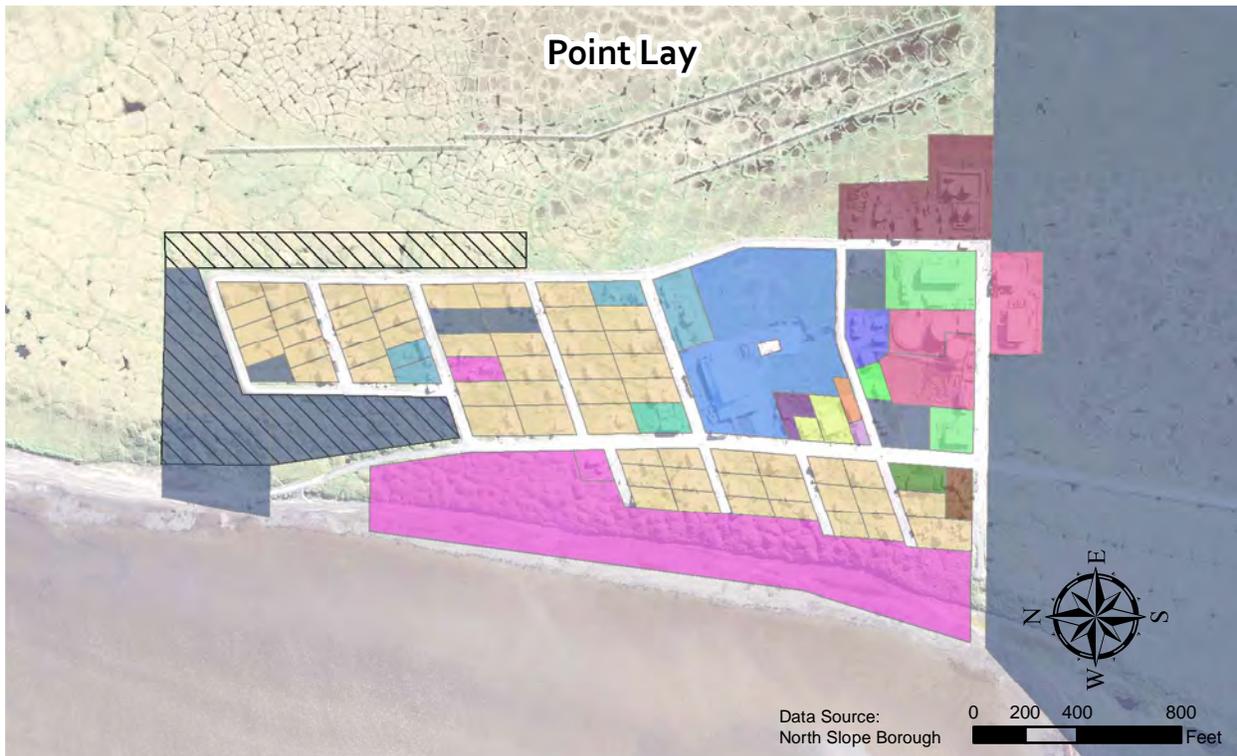
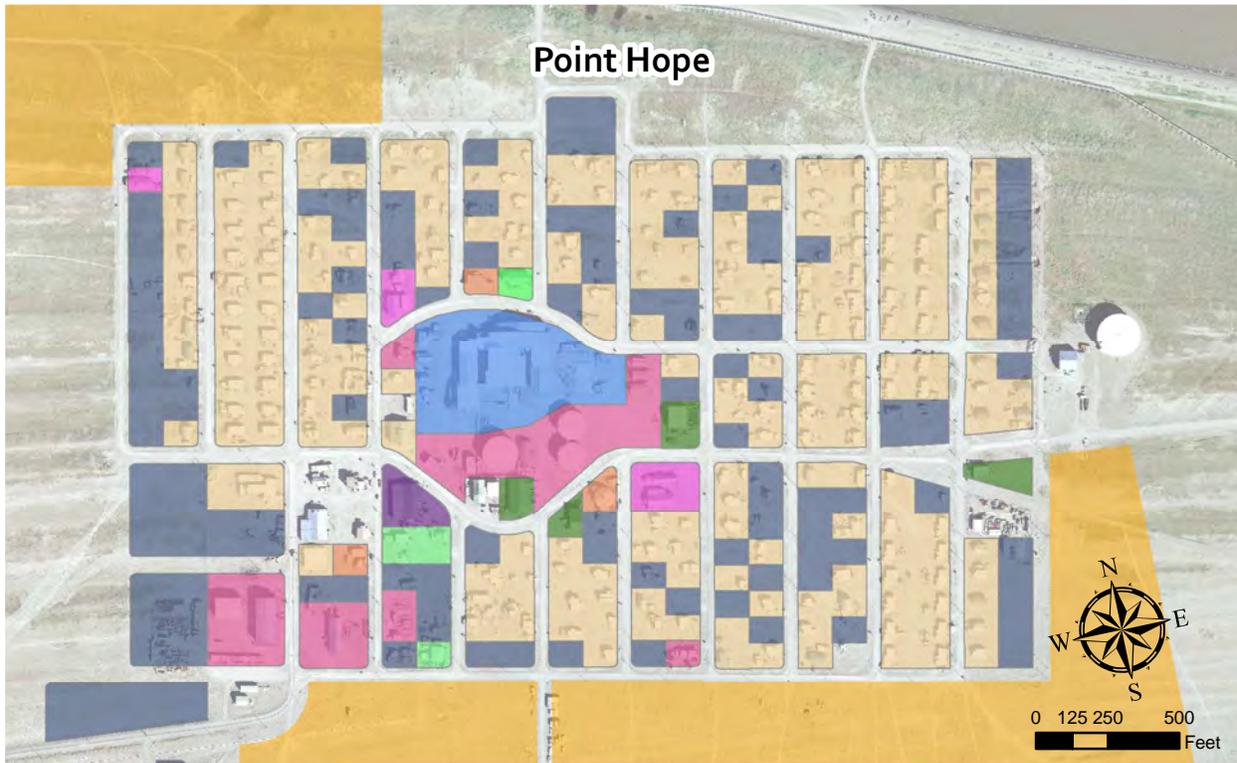




**North Slope Borough
Wainwright Land Ownership
Map 32**

- | | |
|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
|  Corporation |  North Slope Borough |
|  City |  Private |
|  Housing Authority |  Religious |
|  Lessee |  State of Alaska |
|  Native Restricted |  Tribal Government |

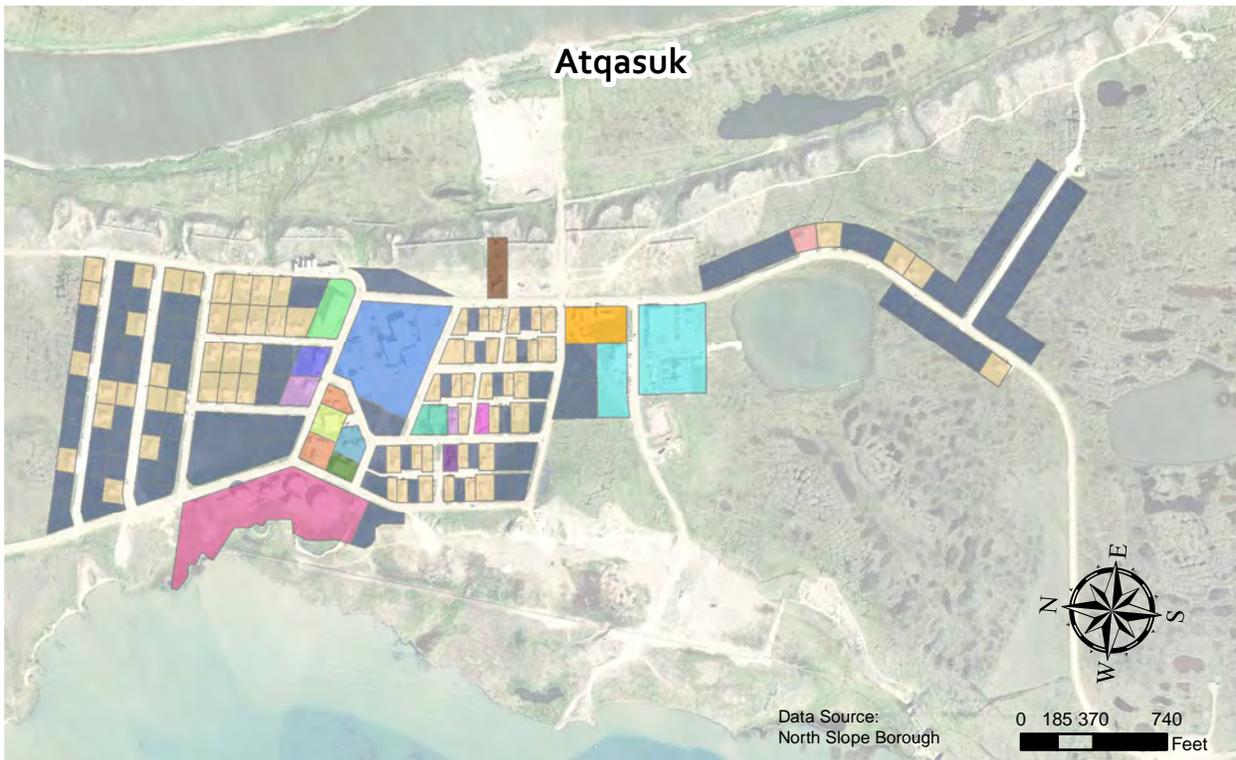
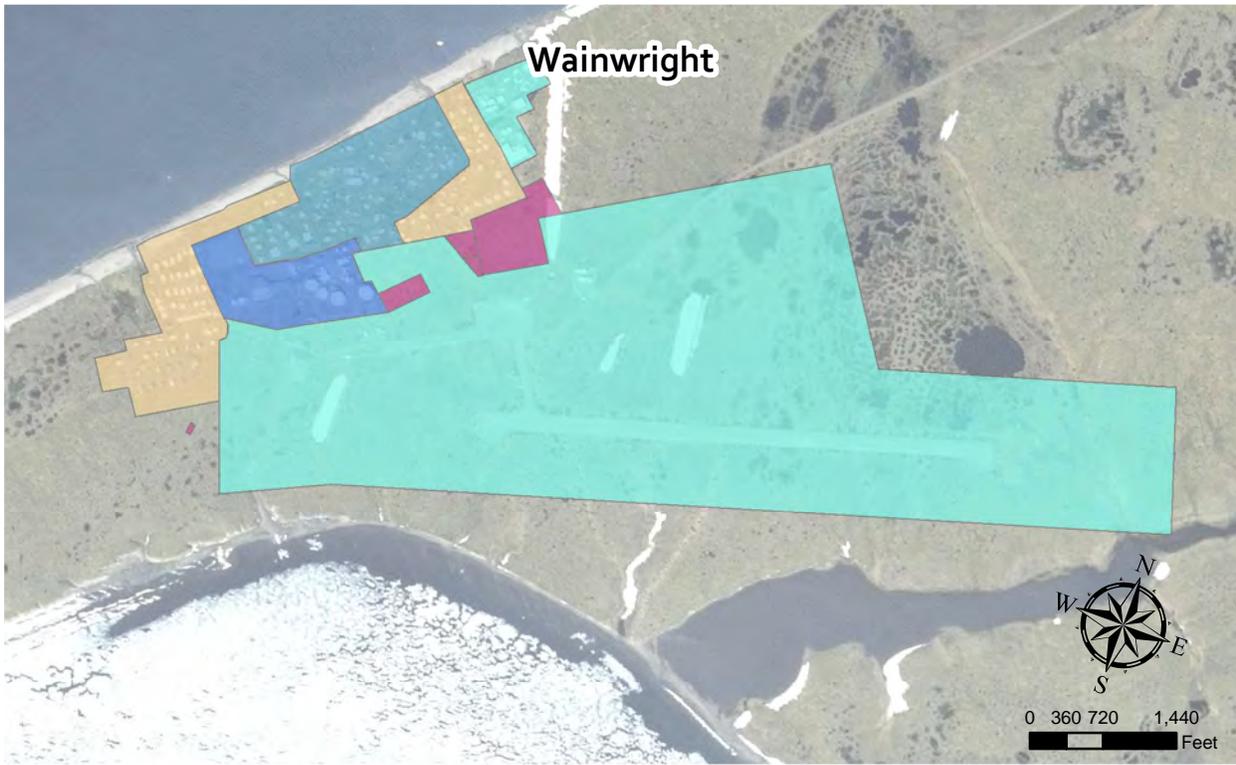




**North Slope Borough
 Land Use
 Map 33**

- | | | | |
|--------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------------|
| ■ Mixed Use | ■ Fire / Rescue | ■ Police Dept / Public Safety | ■ Utility |
| ■ Teacher Housing | ■ Fuel | ■ Mixed Use Residential | ■ Vacant |
| ■ Cemetary | ■ Government Building | ■ Teleconference Center | ■ Warehouse |
| ■ Church | ■ Industrial | ■ Retail / Store | ■ Native Allotments |
| ■ Community Hall | ■ Medical Facility | ■ Residential | |
| ■ Education | ■ Motel | ■ Telephone / Communications | |

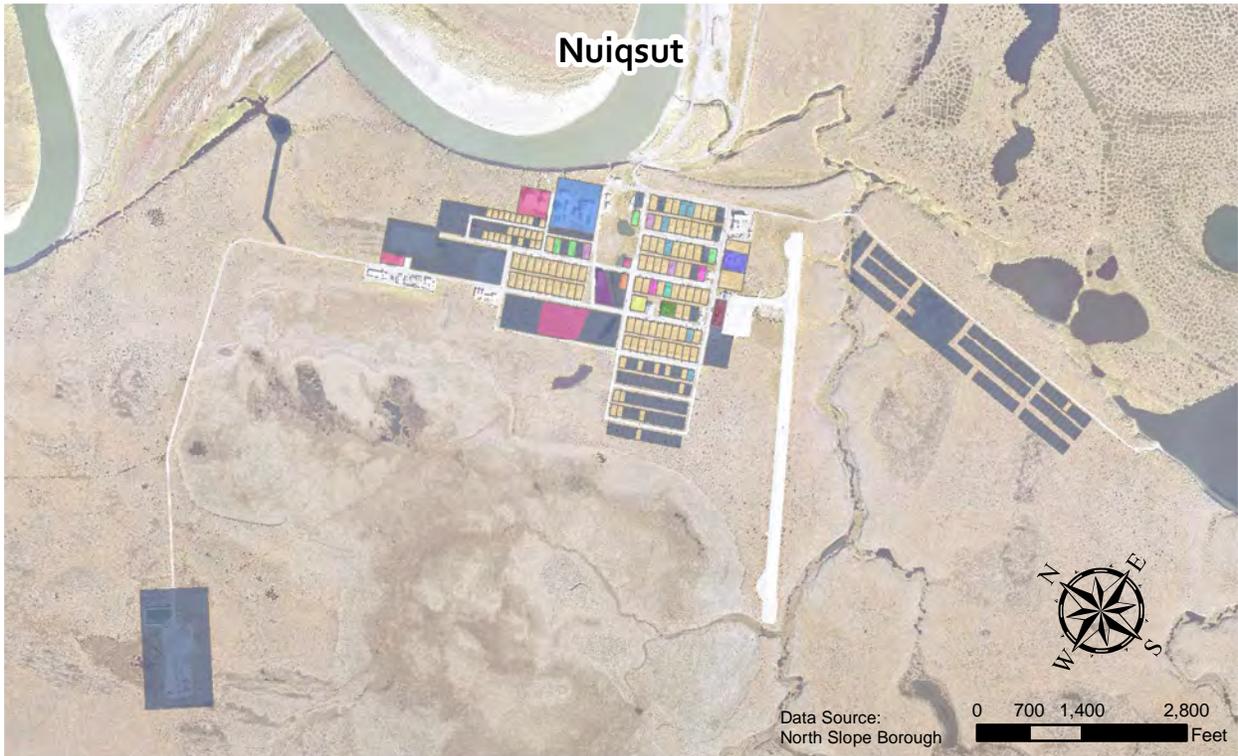
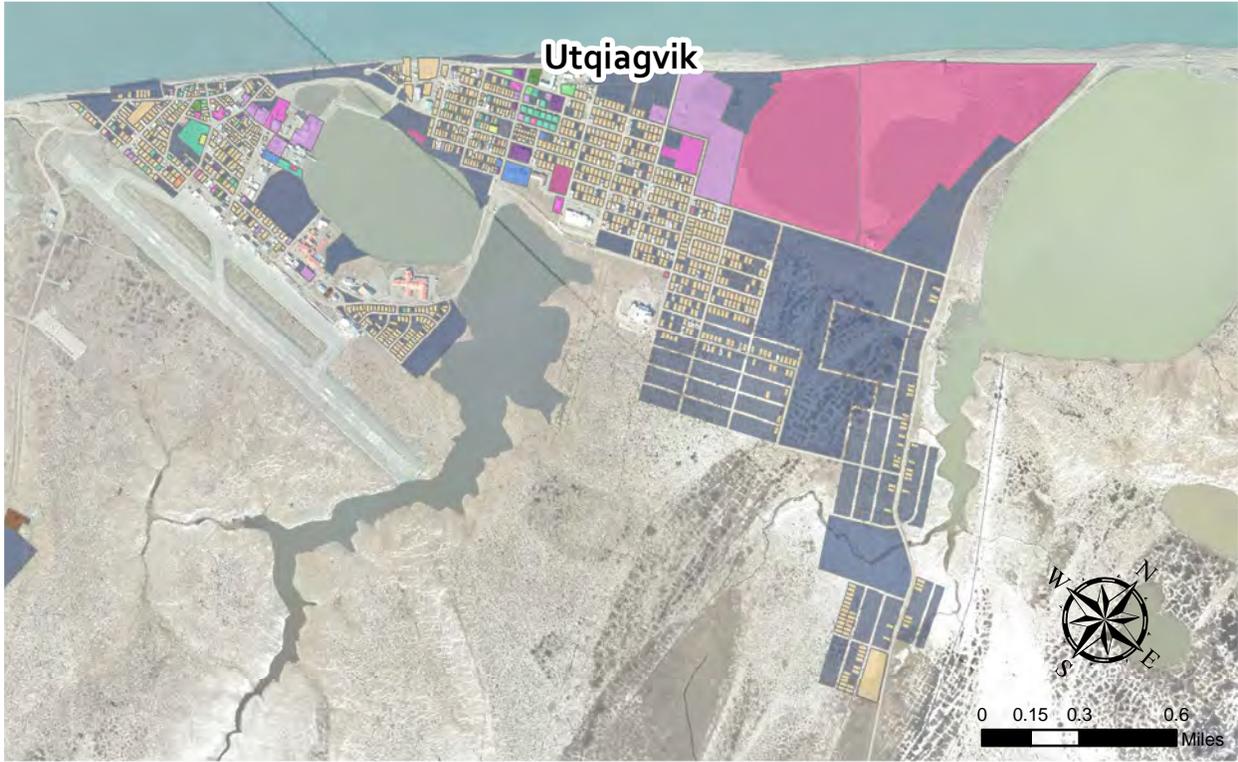




**North Slope Borough
Land Use
Map 34**

- | | | | |
|--------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------------|
| ■ Mixed Use | ■ Fire / Rescue | ■ Police Dept / Public Safety | ■ Utility |
| ■ Teacher Housing | ■ Fuel | ■ Mixed Use Residential | ■ Vacant |
| ■ Cemetary | ■ Government Building | ■ Teleconference Center | ■ Warehouse |
| ■ Church | ■ Industrial | ■ Retail / Store | ■ Native Allotments |
| ■ Community Hall | ■ Medical Facility | ■ Residential | |
| ■ Education | ■ Motel | ■ Telephone / Communications | |

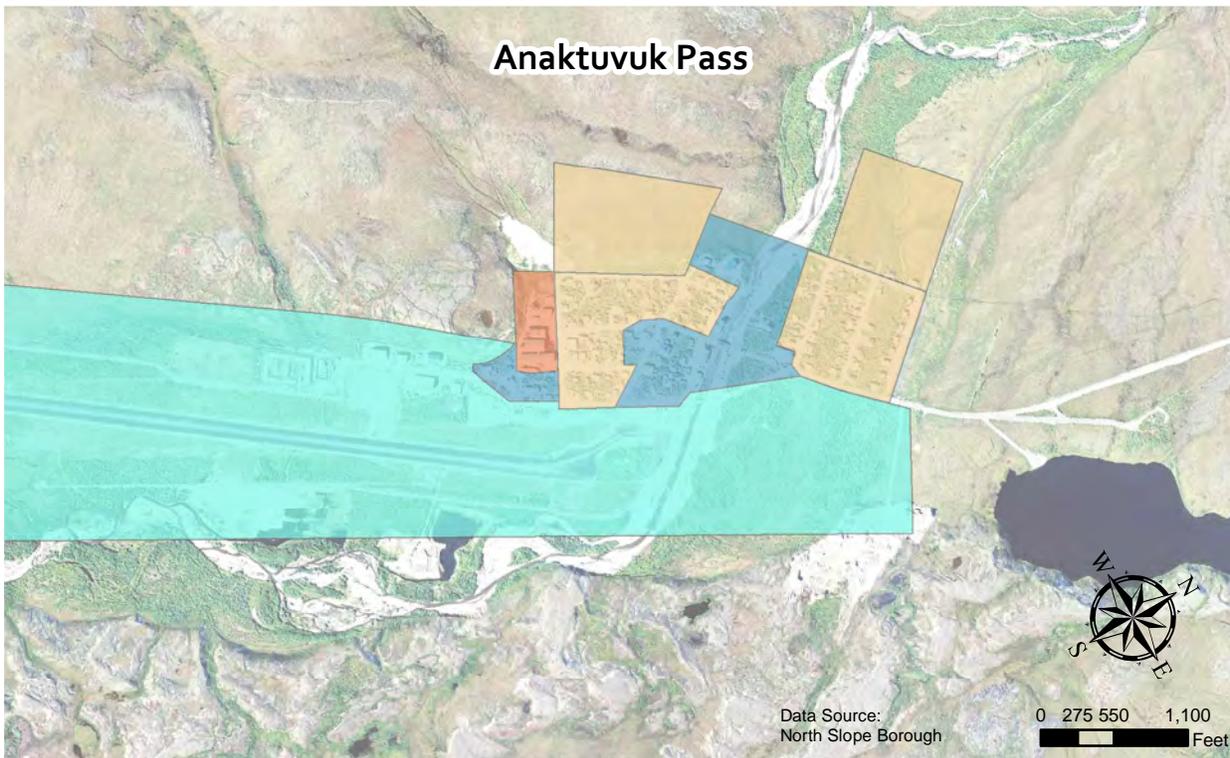




**North Slope Borough
Land Use
Map 35**

- | | | | |
|-----------------|---------------------|-----------------------------|----------------------------|
| Mixed Use | Fire / Rescue | Mixed Use | Telephone / Communications |
| Teacher Housing | Fuel | Mixed Use Residential | Utility |
| Cemetary | Government Building | Teleconference Center | Vacant |
| Church | Industrial | Police Dept / Public Safety | VSG |
| Community Hall | Medical Facility | Retail / Store | Warehouse |
| Education | Motel | Residential | |





**North Slope Borough
 Land Use
 Map 36**

- | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Mixed Use | Fire / Rescue | Mixed Use | Telephone / Communications |
| Teacher Housing | Fuel | Mixed Use Residential | Utility |
| Cemetary | Government Building | Teleconference Center | Vacant |
| Church | Industrial | Police Dept / Public Safety | VSG |
| Community Hall | Medical Facility | Retail / Store | Warehouse |
| Education | Motel | Residential | |





FUTURE LAND USE

While each community is distinct, they do all share common land use goals and issues.

Community Zoning

All communities have a demonstrated need for increased housing. Accompanying the need for increased housing is the need for designated utility and road rights of way. Meeting this need will be a result of appropriately conveyed lands, potential modification of community zoning and land designations by the NSB and community economics as the cost of residential developments are considerably higher and more challenging for residents on the North Slope, then in other more southerly locations in the state.

Climate Change

All communities land use practices and lands available for use, are impacted daily by climate change.

Recent storms in 2017 are continuing to impact coastal communities, through coastal erosion, flooding and eroding away streets and access roads, as well as critical infrastructure such as marine headers needed for the community's annual delivery of fuel, or waste water outfall areas (e.g. Wainwright). Fortifying coastal areas, at times on an annual basis, are costly to the community and to the borough, diverting funds from other needed community improvement or growth projects. Climate change is impacting the way the borough as well as its residents use the land. Subsidence and melting permafrost is impacting placement of gravel pads needed for infrastructure development, while on a personal

/individual level, residents are experience a loss of permafrost which is impacting the usability of ice cellars. Additional details on climate change and the impacts felt by the communities and the NSB in found is Chapter 5.

ANCSA 14(c)

Ongoing ANCSA Section 14(c)(3) conveyance requirements will further impact land use opportunities and activities. Finalization of 14(c)(3) land conveyances from the village corporations of Kaktovik and Utqiagvik have been received and accepted by the BLM. Needed information such as a map of boundaries from Anaktuvuk Pass, Atqasuk, Nuiqsut, Point Hope, and Point Lay are still required before completion of the 14(c) conveyance process can occur³⁹¹ Surveying of agreed upon conveyed land within Wainwright is anticipated to occur in 2018. This land transfer process and the length of time required to finalize this transfer will have a direct impact on the future land use within the various communities.

Recent Records of Decision (RODs) from the BLM for ANWR and political federal initiatives for Section 1002 in ANWR regarding oil and gas resource development opportunities has the potential to significantly impact land use opportunities for surrounding communities and for the NSB. Should these RODs and political initiatives result in expanded oil and gas exploration, the state, the borough and the surrounding communities could benefit through increased revenue, increased zoning requirements and permit processing, increased employment opportunities and potentially increased infrastructure being needed within the communities to support the development (e.g. increased roads, utilities etc.).

³⁹¹ Erickson, Nathan. Bureau of Land Management. Personal Communication.





North Slope Borough
Future Regional Land Use – Map 37





Data Sources:
Alaska Department of Natural Resources
Land Records Information Section

- | | | | |
|--------------------|--------------------------|--------------------------------------------|---------------|
| Borough Boundaries | Ambler Mining District | Potential Oil & Gas Development | Cr – Chromium |
| Mineral Deposits | Cape Beaufort Coal Field | Arctic National Wildlife Refuge | Ni – Nickel |
| Existing Roads | Kukpowruk Coal Field | Arctic National Wildlife Refuge 1002 | Zn – Zinc |
| NSB Communities | Lisburne Coal Field | Transportation Corridors | Pb – Lead |
| Industrial Center | | | Ag – Silver |
| | | | Ba – Barium |





COMMUNITY INPUT, FINDINGS, NEEDS, AND CHALLENGES

The North Slope has a myriad of landowners, land managers, and land rights at all levels of government, making coordinate and development difficult processes. ANCSA, the state municipal entitlements, Native restricted properties provide an additional layer of complexity.

Land use and land management issues and concerns identified by workshop participants are provided in Chapter 2 and listed below:

- Permitting process allows industry to develop where and when they want; industry not required to address residents’ concerns
- Better collaboration on comprehensive plans at department level
- Contaminated federal site clean-up lack of coordination and land use planning
- Inconsistency and complicated co-management regimes (fed, state)
- Funding for homes and renovations on Native restricted lots is difficult
- Probate issues limit use of many Native restricted lots
- NSB Titles 17, 18, 19 could incorporate building standards and/or a building official
- Condos or zero lot line homes for those that wish to purchase a starter/less expensive home

Findings

NSB municipal land entitlements have not been completed. DNR has conveyed approximately 12,000 acres of the borough’s 89,850 acres entitlement.

Over 85 percent of the North Slope Borough’s land selections have not been adjudicated.

The vast majority of land within the borough is zoned Conservation (96 percent), which is intended to conserve the natural ecosystem

Planning goals in federal, state, and local plans should be consistent.

Conflict avoidance agreements have successfully brought together developers and subsistence whalers to mitigate impacts to subsistence whaling activities.

State and local governments currently have very little to gain from natural resource exploration and development offshore.

Needs & Challenges

The state needs to reclassify parcels already classified for oil and gas development so that they can be used for multiple purposes by NSB.

Reclassified state lands and conveyed to NSB via municipal land entitlement would allow the borough to support gravel needs for itself and for industry.

Industry and others should limit air and ground traffic and consolidate transportation to and from worksites to minimize disturbances to wildlife, emissions of dust and limit impacts to tundra.

Industry should monitor air emissions and harmful chemical constituents at the right times and locations and publically release any data that may inform human health impacts.

Partnerships between industry and local communities, businesses, and native organizations to promote local employment, training, and educational opportunities should be encouraged.

Development and implementation of a revenue sharing mechanism that allows state and local communities to share in the profits of offshore development.





PRIMARY LAND USE AND LAND MANAGEMENT GOALS

Goal 1: Cooperate with landowners and land managers to update land use regulations consistent with village priorities.

Objective 1. Land use regulations and procedures should reflect current goals and priorities.

- 1.1.1. Revise the borough’s zoning and subdivision ordinances for consistency with the goals of this plan and borough priorities.
- 1.1.2. Ensure revised zoning and land use regulations provide positive impacts and do not allow incompatible uses.
- 1.1.3. Encourage infill development with parcels already served by roads and water and sewer connections, potentially through incentives.
- 1.1.4. Incorporate traditional knowledge into local regulations as appropriate.
- 1.1.5. Protect subsistence corridors and hunting and fishing areas through the development of a subsistence zoning district.
- 1.1.6. Ensure inclusion of villages in the notification and decision-making process before permits are issued.
- 1.1.7. Establish future transportation and utility corridors where appropriate with collaboration with federal and state agencies and landowners.
- 1.1.8. Develop design and building standards that reflect the arctic climate and culture.
- 1.1.9. Ensure rezoning, subdivisions, and permitting processes are streamlined, predictable, and understandable.

Objective 2: Promote cooperation between Native, federal, and state, local and private entities.

- 1.2.1. Recognize and respect that North Slope communities have different land use planning and development needs.





- 1.2.2. Create a strategy with the respective state and local decision-makers to complete the land selection process for the borough, Native corporations, and municipalities to more effectively and cooperatively plan for land management and current and future needs.
- 1.2.3. Develop cooperative agreements between landowners, cities, NSB, and state and federal regulatory agencies to coordinate land development funding and logistics.
- 1.2.4. Coordinate closely with state and federal regulators to ensure that village residents' concerns are considered and addressed in oil and gas development proposals.
- 1.2.5. Increase partnerships between the NSB, Tribal and city governments, and Native corporations.
- 1.2.6. Remain actively engaged in state and federal land use planning and development within the borough through participation on committees, maintaining a strong relationship with agencies representatives, and consistently providing comments on potential actions.

Objective 3: Ensure comprehensive plans remain relevant.

- 1.3.1. Include a staggered review of comprehensive plans as part of the NSB Planning Commission's annual calendar as needed and required by ordinance.
- 1.3.2. Adequately fund and prioritize comprehensive plan reviews and updates.
- 1.3.3. Review and update the NSB Comprehensive Plan and village comprehensive plans vision statements, background research, and goals every five years.
- 1.3.4. Update the comprehensive plans thoroughly at least every ten years.
- 1.3.5. Establish a committee, potentially comprised of Planning Commissioners, residents, NSB Mayor's office and NSB Planning & Community Services Department staff, and others to steward the comprehensive plans and monitor and facilitate implementation progress.
- 1.3.6. Conduct regular reviews of implementation efforts by the NSB Planning & Community Services Department.
- 1.3.7. Incorporate the comprehensive plans into the annual capital improvement planning process.





Goal 2: Maximize opportunities by encouraging self-determination.

Objective 1: Seek ways for communities to become more self-sufficient.

- 2.1.1. Seek local involvement consistency, especially through community leadership participation and input.
- 2.1.2. Proactively involve students and young adults to train future community leaders and convey the importance of community involvement.
- 2.1.3. Develop a pilot program to create a village planning commission(s) if desired.
- 2.1.4. Identify ways that villages can have more control over local issues.
- 2.1.5. Facilitate positive relationships building between entities within each community to spur interaction and coordination.

Objective 2: Adjust each borough program to specific community needs.

- 2.2.1. Investigate creating a NSB department of natural resources to develop natural resources for borough residents, to become a leader in resource development, protect critical areas of the region important for subsistence activities, and to act as a central resource for climate change issues.
- 2.2.2. Take advantage of the existing regulatory procurement process to work more closely with village corporations, 8a disadvantaged business enterprise program (DBE) businesses, and long-term contracting in the public interest with Public Interest Determination (PID) contracting.
- 2.2.3. Develop stronger relationships between the NSB and village corporations, potentially through memorandums of understanding to further common interests.
- 2.2.4. Foster programs to train police officers, teachers, pilots, and other professionals from within the region.
- 2.2.5. Increase partnerships between the NSB, Tribal and city governments, regional governments, Native corporations, and other stakeholder organizations to reduce duplicity in services and increase efficiency.





- 2.2.6. Research the feasibility of merging similar programs, activities, and providers, such as ASNA and the NSB Health & Social Services Department.
- 2.2.7. Review insurance requirements to ensure that they are a necessary for small contractors.
- 2.2.8. Develop succession plans for critical positions to ensure continuity in service delivery.
- 2.2.9. Implement programmatic or other changes in one village as pilot programs to demonstrate successes.

Objective 3: Strengthen relationships with external agencies for the benefit of residents.

- 2.3.1. Develop recommendations for use by outside entities in communicating with village residents that include advance contact and scheduling, meeting consolidation to avoid meeting fatigue, and consideration of village subsistence activities and other local priorities and activities.
- 2.3.2. Participate in regular regional planning with neighboring jurisdictions, such as the Northwest Arctic Borough and the Yukon-Koyukuk Borough.
- 2.3.3. Encourage interagency and science research coordination in research, planning, and regulatory changes.
- 2.3.4. Seek effective opportunities for agency participation and coordination with villages, including encouraging use of subsistence observers and sharing information.

