



North Slope Borough

Department of Planning and Community Services

Instructions for Completing Form 100 - Industrial Development & Use Permit Application Oil & Gas, Mining, and Other Industrial Development and Land Uses

GENERAL INFORMATION

Who needs a permit?

Title 19 of the North Slope Borough Municipal Code (NSBMC) requires land use permits for all developments and uses within the North Slope Borough (NSB) boundaries, out to three nautical miles offshore. The person(s) responsible for the use or development, including private entities and state or federal agencies, must submit a NSB permit application for any developments and uses within NSB boundaries.

When do I use this form?

This form is used to request approval for all industrial developments and uses within any zoning district in the NSB.

How can I get help filling out this form?

The NSB has created this application form and provided these detailed instructions to streamline the application process. The NSB Department of Planning and Community Services (DPCS) Administration and staff are also available to answer specific questions pertaining to your application. Please contact the NSB Land Management Administrator (NSB DPCS Director) at (907) 852-0320 to schedule a pre-application meeting or obtain additional information.

Where can I find the NSBMC?

Title 19 of the North Slope Borough Municipal Code (NSBMC) governs zoning and land use permitting. The NSBMC can be found at https://www.municode.com/library/ak/north_slope_borough/codes/code_of_ordinances. For ease of reference, these instructions contain relevant parts of the NSBMC. Please refer to the entire NSBMC for full and complete guidance.

Do I need to submit a permit application if I am sharing another owner/operator's facility or road?

Yes. NSB requires all operators to submit a permit application for all their developments and uses. If you are sharing the facilities of another owner/operator's facility or road, you must state that in your application. You must also provide a statement of contractual terms signed by the owner/operator to show proof that you have legal access to use that facility or road. The NSB has an example statement of contractual terms form for you to use as a template (**Form 1100**). NSB will issue a new permit and provide a copy of that permit to you and to the owner/operator of the shared facilities. You may not use the shared facility or road until you receive an approved NSB permit.

If I just purchased a facility/operation, do I need to submit a new permit application to change the owner/operator name on the permit?

Yes. NSB requires all new owner/operators to submit a NSB permit application. You may not operate the facility/operation until you receive an approved NSB permit.

How do I know if I selected the right application form?

Form 100 applies to industrial developments and uses within any zoning district within the NSB. Examples of developments and uses include: construction, reconstruction, relocation, placement or alteration of a structure; change in the use or material increase in use of site, including any structure thereon; dredge or fill activities; creation of an equipment or material storage site or tailing pile; creation of a reservoir, settling or evaporation pond, reserve pit or leach fields or placer mining; seismic exploration; activities directly related to resource extractions such as drilling, production and transportation of oil and gas; tundra travel; and OCS resupply and docking. See NSBMC § 19.20.020 for additional information, or contact the NSB Land Management Regulations (LMR) Manager at (907) 852-0320 to confirm you have selected the correct application form.

Use the Form 100 application for industrial developments and uses, regardless of zone.

- Use **Form 150** for All Other Permitted Activities that do not fit in one of the categories listed below.
- Use **Form 200** for Commercial Recreation activities.
- Use **Form 300** to apply for a Rezoning and Master Plan approval.
- Use **Form 400** to apply for a stand-alone Study Permit. **Form 100** may be used for studies performed in connection with an industrial development and use project.
- Use **Form 500** to apply for a Certificate of Traditional Land Use Inventory (TLUI) Clearance.
- Use **Form 600** to apply for a TLUI Data Request.
- Use **Form 700** for Village District Residential Permits.
- Use **Form 750** for Village District Commercial Development and Public Facilities Permits.
- Use **Form 800** for Barrow District Residential Permits.
- Use **Form 850** for Barrow District Commercial Development and Public Facilities Permits.

What types of permits are issued using a Form 100 Application?

There are three different types of permits that can be issued using a Form 100 Application to permit developments and uses: (1) Administrative Approval Permit; (2) Development Permit; and, (3) Conditional Development Permit.

What is the permit fee?

The application fees are: \$1,500 for Administrative Approval Permits; \$2,000 for Development Permits; \$3,000 for Conditional Development Permits; \$12,000 for each Special Commission Meeting; and \$500 per well. The fee of \$500 is required for each exploration, production, injection, disposal, and monitoring well. New wells and sidetracks to existing wells each require a \$500 fee. Amendments and Renewal Applications are charged these same fees. Your application will be returned if the sufficient fee is not submitted. A Renewal Application must be submitted at least six months before your permit expires, and the requisite fee must be paid before your renewal application is processed.

Is there a process to waive the application fee?

Application fees may be waived by the NSB Land Management Administrator if the NSB, state, federal, or a local government is the applicant. To apply for fee waiver, you must attach a NSB Form 1200 fee waiver application form to your Form 100 application.

How do I submit my application?

Signed applications must be mailed to the NSB Land Management Administrator, NSB Department of Planning and Community Services, P.O. Box 69, Barrow, Alaska 99723, along with a copy of all required attachments and fee payment. You must submit one signed hard copy of the application with the required fee payment and all attachments by mail, one electronic version (pdf), and one electronic GIS mapfile. The hard copy and check must be received by the NSB before the application approval process formally starts.

How long will my permit be valid?

Temporary operations such as exploration, prospecting, ice roads, studies and surveys are typically issued permits for one year periods. Development Permits and Conditional Development Permits for permanent facilities are typically issued for the life of the facility, provided you remain in compliance with the terms and conditions of your permit. You must submit an application to renew your permit at least 6 months before it expires. Permits automatically expire 12 months after issuance if no construction, activity, or occupancy has commenced, or if the development or use has been suspended for 12 consecutive months. If your permit expires, you must reapply for a new permit. [NSBMC §19.30.070.]

What happens if my application is incomplete?

Submittal of an application does not guarantee that it will be accepted by the NSB. Only applications that are determined to be entirely complete, including fee payment will be accepted. Incomplete applications will be returned to the Applicant for additional information and revision. Once an application is accepted, if the Administrator or Planning Commission determines that additional information is needed, the approval process may be suspended until the information is provided.

How long will it take to obtain a permit?

Once an application is deemed complete, it takes on average 10 days to issue an Administrative Approval, 30-40 days to approve a Development Permit, and 60-90 days to approve a Conditional Development Permit. Please plan your business accordingly to ensure you leave sufficient time to obtain a permit prior to start of operations.

Can NSB start processing my application without receiving a hard copy and check for fee payment?

No. You must submit one signed hard copy of the application with the required fee payment and all attachments by mail, one electronic version (pdf), and one electronic GIS mapfile. The hard copy and check must be received by the NSB before the application approval process formally starts.

What should I do if a section of the application does not apply?

Mark all non-applicable sections of the application “N/A,” this way the NSB knows that you considered the application requirement and determined that it was not applicable to your development or use. You can provide further written explanation in your attached project description if needed for clarity.

PART 1 – APPLICANT INFORMATION

Is a pre-application meeting required?

Yes. The NSB requests that you contact the NSB Land Management Administrator at (907) 852-0320 to discuss your permit application prior to submittal. The Administrator will provide advice on how to complete the application, and will assign a Land Management Specialist to review your permit application. Depending on the complexity of your permit application, the Administrator may request a formal meeting via teleconference or in-person to review your application in more detail. NSBMC § 19.50.010 (A)(1). This way any issues or concerns on your application can be addressed early on. A Form 100 application will not be accepted as complete until the pre-application meeting is held.

What if I selected the wrong type of approval process?

The Administrator will inform you of the appropriate approval process at your pre-application meeting. Therefore, this problem should not arise if you complete the pre-application meeting requirement.

What approvals do I need before I start my project?

Prior to beginning any development or use, you must obtain all required local, state, federal, or tribal permits.

Prior to applying for a permit for any new construction, earth moving activities, or ice roads/pads outside of Barrow and the villages, you must apply for and obtain a Certificate of TLUI Clearance (Form 500). A Form 100 application will not be accepted as complete until the Certificate of TLUI Clearance is obtained.

If you are planning a large-scale project for an area that does not have an approved Master Plan and is not part of the Resource Development District, the area may need to be rezoned to Resource Development, and/or you may need to obtain approval for a Master Plan (Form 300).

Who assigns new permit numbers?

The NSB will assign a permit number when your application is received. Please refer to this number in all future correspondence.

How do I know if I need a permit amendment?

You need to apply for a permit amendment if you would like to undertake a development or use that is not listed in your permit; materially change any of the developments or uses allowed in your permit; or change the degree of use.

How do I submit a Minor Alteration (Amendment) to an existing permit?

A separate application amendment is required for each minor alteration (amendment) to an existing permit that is more than 1,320 feet apart. [NSBMC § 19.20.020.].

How do I find the Township, Range, Section, and NSB Zoning District for my Project?

If you have the GPS location for your proposed project, you can use Google Earth and Earth Point Township data to obtain the Township, Range, and Section. See <http://www.earthpoint.us/townships.aspx>. You may contact NSB staff to obtain information on the NSB Zoning District.

What is the village area of influence?

This is the area outside of a village that is used by some or all of the village residents for subsistence, transportation, public facilities, or other purposes. NSBMC § 19.20.020. Your project may be situated in the area of influence for more than one village. Village areas of influence are indicated on the Comprehensive Plan maps 11 A, B and C.

What are the different types of approval levels?

The NSBMC § 19.40 lists the types of developments and uses that are allowed in each zoning district and the required level of approval. The NSB Land Management Administrator can issue “**Administrative Approvals**” without public notice for development described in a Master Plan already approved by the NSB Assembly, minor amendments to existing NSB permits, and a limited list of activities depending on the district. Therefore, it is important for your application to demonstrate that the proposed development or use is already included in an approved Master Plan to expedite your permit processing time. There are no Administratively Approved uses in the offshore area.

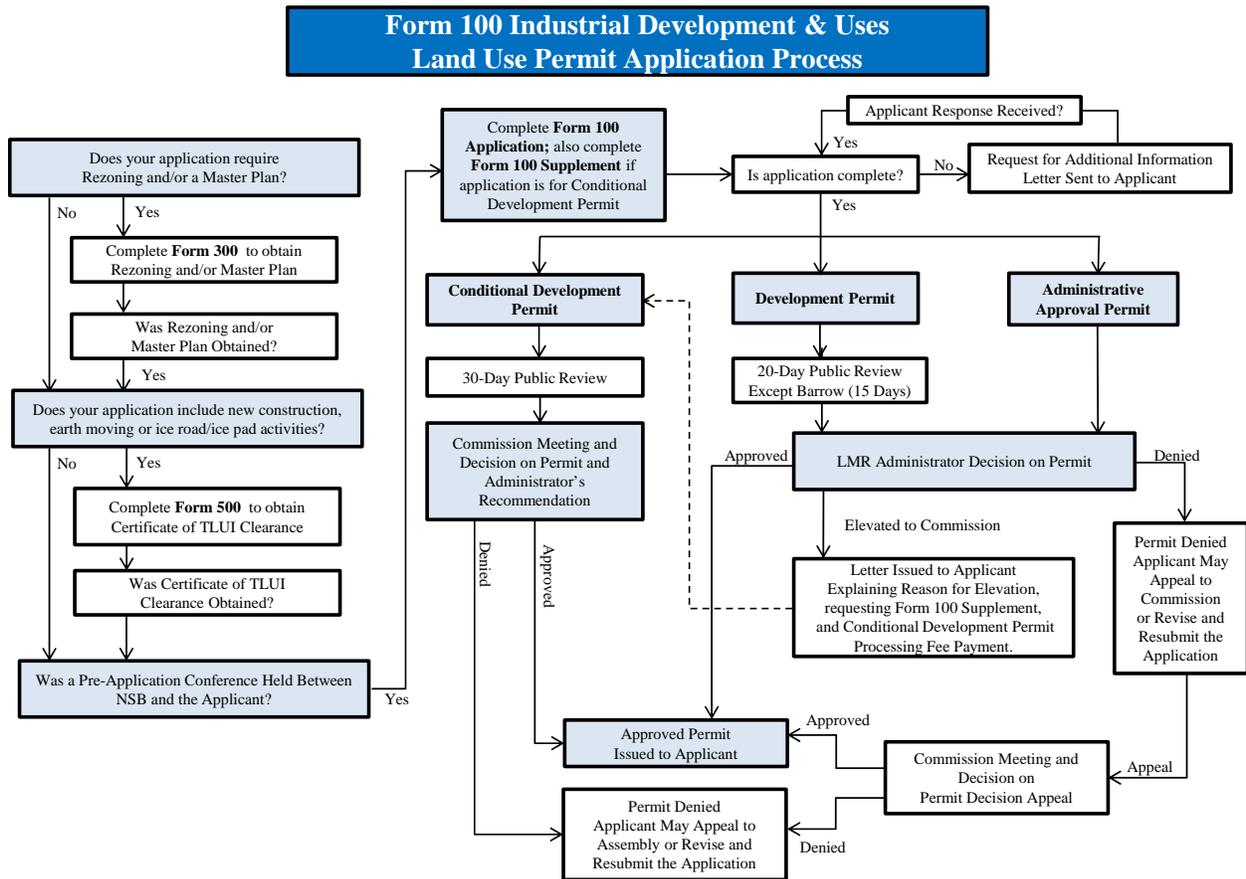
The Administrator can issue “**Development Permits**” with public notice. Development Permits may include a development or use that was not described in a Master Plan, major amendments to an existing permit, or specific activities in certain districts that warrant additional public review and input.

Approval by the appropriate commission is required for “**Conditional Development Permits.**” The appropriate commission is the Barrow Zoning Commission for all developments and uses within Barrow zones and the Planning Commission for all other areas. A hearing on a proposed permit must take place. The hearing will be scheduled for the next regularly scheduled Commission meeting. If the Applicant wants to expedite the hearing timeline, they may request a Special Planning Meeting to be scheduled, for an additional fee of \$12,000. Special Meetings will be granted at the discretion of the Commission.

The approval levels applicable to each zoning district are discussed in the Part 3 Instruction below in both a narrative and table format. Both formats are intended to provide advice rather than serve as a legal interpretation. Please refer to the text of NSBMC Title 19 and/or consult with the NSB Land Management Administrator if you have questions regarding the level of approval required for your proposal.

Is there an application and approval process flow chart that I can refer to?

NSB has developed the process flow chart below to help you navigate the Industrial Development & Use application requirements.



What development is allowed in each zone, and what kind of approval is required?

Resource Development District (see NSBMC § 19.40.080):

An Administrative Approval Permit issued through Form 100 is required for development indicated on a NSB-approved Master Plan; minor alterations to an existing permit or development; exploration, prospecting or limited development in anticipation of resource extraction; and ice roads and ice pads. Administrative approvals may be approved by the NSB Land Management Administrator, without public notice.

A Development Permit is required for major alterations to existing development permits and development/uses not indicated on a Master Plan. Development permits are approved by the NSB Land Management Administrator, after public review.

A Conditional Development Permit is required for all development within areas that do not have an approved Master Plan. The Conditional Development Permit approval process also applies to Administrative Approval Permit and Development Permits that are elevated to the appropriate commission by the NSB Land Management Administrator under NSBMC § 19.50.020. Applications may be elevated if the use would have potential significant or negative impacts on or conflict with NSB interests, resources, or activities that warrant consideration by the appropriate commission. NSBMC § 19.50.020. Conditional Development Permits are approved by the Commission after public review.

Conservation District (see NSBMC § 19.40.070):

An Administrative Approval Permit issued through Form 100 is required for temporary uses (including fuel storage) of existing gravel airstrips in support of pre-exploration activities, archaeological surveys, tundra travel, and minor alterations to an existing permit or development/use. Administrative approvals may be approved by the NSB Land Management Administrator, without public notice.

A Development Permit is required for commercial recreation, ice roads and ice pads, exploration, prospecting or limited development in anticipation of resource extraction, , and offshore development in compliance with the policies of § 19.70.040. Development permits are approved by the NSB Land Management Administrator, after public review.

Conditional Development Permits are required for offshore development/use, development and any development/use elevated by the Administrator under NSBMC § 19.50.020. Applications may be elevated if the use would have potential significant or negative impacts on or conflict with NSB interests, resources, or activities that warrant consideration by the appropriate commission. NSBMC § 19.50.020.

Scientific Research District (see NSBMC § 19.40.075):

An Administrative Approval Permit issued through Form 100 is required for minor alterations to an approved Master Plan concerning industrial development and uses. Administrative approvals may be approved by the NSB Land Management Administrator, without public notice.

A Development Permit is required for major alterations to existing development permits; and development and uses not indicated on a Master Plan. Development permits are approved by the NSB Land Management Administrator, after public review.

A Conditional Development Permit is required for any development or use of land involving the introduction of radioactive materials. The Conditional Development Permit approval process also applies to Administrative and Development Permits elevated to the appropriate commission by the NSB Land Management Administrator under § 19.50.020. Conditional Development Permits are approved by the Commission after public review.

Transportation Corridor District (see NSBMC § 19.40.090):

An Administrative Permit issued through Form 100 is required for minor alterations and maintenance of existing developments within the node areas shown on the official map; tundra travel; commercial recreation, and communication equipment or utility facilities. Administrative approvals may be approved by the NSB Land Management Administrator, without public notice.

A Development Permit is required for the following kinds of industrial development and uses when they take place within or outside of identified development nodes: new transportation facilities including gas lines, oil lines, associated roads, pump stations, pipeline maintenance facilities, resource extraction and necessary supporting developments; bulk fuel storage; temporary construction facilities; staging or equipment storage on existing pads or abandoned airstrips; and commercial recreation occurring outside of a development node. Development permits are approved by the NSB Land Management Administrator, after public review.

A Conditional Development Permit is required for development or uses not listed in the above subsections. The Conditional Development Permit approval process also applies to Administrative and Development Permits elevated to the appropriate commission by the Administrator under NSBMC § 19.50.020. Conditional Development Permits are approved by the Commission after public review.

Other Districts:

Industrial development and uses may be approved under the Conditional Development Permit approval process in the Barrow Mixed Uses District (NSBMC § 19.40.020), the Barrow Industrial and Storage District (NSBMC § 19.40.040), the Barrow Reserve District (NSBMC § 19.40.050) and the Village District ((NSBMC § 19.40.060).

The table below summarizes the type of permit required in each zoning district.

Industrial Development & Use Type	Zoning District								
	MU	S	I	R	V	C	SR	RD	TC
Development on Approved Master Plan	CD	X	CD	CD	CD	AA	AA	AA	U/D
Development not on Master Plan	CD	X	CD	CD	CD	CD	U/D	U/D	U/D
Minor Alteration to Existing Permit	CD	X	CD	CD	CD	AA	AA	AA	AA
Major Alteration to Existing Permit	CD	X	CD	CD	CD	CD	U/D	U/D	U/D
Pre-exploration, including use of existing gravel roads/airstrips	CD	X	CD	CD	CD	AA	CD	AA	AA
Exploration or Prospecting	CD	X	CD	CD	CD	U/D	CD	AA	CD
Seismic and Geophysical Studies	CD	X	CD	CD	CD	U/D	U/D	AA	U/D
Ice Roads/Pads	CD	X	CD	CD	CD	U/D	CD	AA	CD
Gravel Roads/Pads	CD	X	CD	CD	CD	CD	CD	U/D	CD
Tundra Travel	CD	X	CD	CD	CD	AA	CD	U/D	AA
Communication Equipment	CD	X	CD	CD	CD	CD	CD	U/D	AA
Transportation Facilities	CD	X	CD	CD	CD	CD	CD	CD	U/D
Bulk Fuel Storage	CD	X	CD	CD	CD	CD	CD	U/D	U/D
Temporary Construction Facilities	CD	X	CD	CD	CD	CD	CD	U/D	U/D
Staging or Equipment Storage on Existing Pads or Abandoned Airstrips	CD	X	CD	CD	CD	CD	CD	U/D	U/D
Offshore Development	CD	X	CD	CD	CD	CD	CD	CD	CD
Use of Radioactive Materials	CD	X	CD	CD	CD	CD	CD	CD	CD
Development elevated by Administrator	CD	X	CD	CD	CD	CD	CD	CD	CD

Abbreviations:

1. "MU" means the Mixed Uses District.
2. "S" means the Suburban Residential District.
3. "I" means the Industrial and Storage District.
4. "R" means the Reserve District.
5. "V" means the General Village District.
6. "C" means the Conservation District.
7. "SR" means the Scientific Research District.
8. "RD" means the Resource Development District.
9. "TC" means the Transportation Corridor District.
10. "AA" means that Administrative Approval is required.
11. "D" means that a Development Permit is required.
12. "CD" means that a Conditional Development Permit is required.
13. "X" means that the use or development is not allowed.

What if I need a permit for something not listed here?

The Administrator will determine if the proposal is for a development or use similarly situated to one listed in NSBMC § 19.40; if so, it will be processed accordingly. If the proposal is for a development or use dissimilar to the one listed in NSBMC § 19.40, it may be processed as a Conditional Development Permit.

PART 2 – OTHER APPROVALS RELEVANT TO THIS APPLICATION

When is Rezoning required?

Rezoning is required when a developer proposes a large-scale project consisting of developments and uses that are generally not allowed in the existing zone. Rezoning is most often sought for industrial development and uses in the Conservation District, which can accommodate resource exploration and development only on a limited scale. NSBMC § 19.40.070. Rezoning an area to Resource Development requires a Form 300 application to be completed and approved.

When is a Master Plan required?

A Master Plan is submitted with any application to rezone an area to the Resource Development District. NSBMC § 19.60.070. It shows the location, type, and schedule for all developments and uses that may be administratively approved by the Land Management Administrator. NSBMC § 19.20.020. You must specify the name and date of the Master Plan that governs your project in your application. If your project is outside of the Resource Development District, consult with a NSB Permitting Specialist regarding the need for rezoning.

Why do I have to specify the Rezoning Ordinances and Master Plans?

If your proposed development or use is indicated on an existing, approved Master Plan, provide an electronic copy of the Master Plan and indicate the pages showing approval of the relevant development/uses. This information will facilitate approval of your application, because permits for development included in a Master Plan that has already been approved by the NSB Assembly can be approved by the Administrator without public review.

An Administrative Approval Permit issued through Form 100 is required for development indicated on a NSB-approved Master Plan; minor alterations to an existing permit or development; exploration, prospecting or limited development in anticipation of resource extraction; and ice roads and ice pads. Administrative Approvals are typically issued in 10 days. Therefore, it is important that you clearly explain in your application how your proposed development or use is already included in the approved Rezoning Ordinance and/or Master Plan for your project area. To expedite review, NSB requires that you submit an electronic copy of the ordinance and plan, and indicate the relevant pages.

A Development Permit is required for major alterations to existing development permits and development/uses not indicated on a Master Plan. Development Permits are typically issued in 30 days.

A Conditional Development Permit is required for all development within areas that do not have an approved Master Plan. The Conditional Development Permit approval process also applies to Administrative Approval Permit and Development Permits that are elevated to the appropriate commission by the NSB Land Management Administrator under § 19.50.020. Applications may be elevated if the use would have potential significant or negative impacts on or conflict with NSB interests, resources, or activities that warrant consideration by the appropriate commission. NSBMC § 19.50.020. Conditional Development Permits are typically issued in 60-90 days.

What is a Certificate of TLUI Clearance?

A Certificate of Traditional Land Use Inventory (TLUI) Clearance is a formal approval process developed by the NSB Department of Planning and Community Services to ensure that sites with historic, archaeological, or cultural significance (“Critical Sites”) are protected. Clearance involves a two-step process that is coordinated by the Land Management Regulation (LMR) Division within the NSB Department of Planning and Community Services. The application forms necessary for this process include: Form 500 (Certificate of TLUI Clearance Application) and Form 600 (TLUI Data Request Application). These forms can be obtained by contacting the LMR Division at (907) 852-0320 or on the Internet at <http://www.north-slope.org/departments/planning-community-services/applications-and-forms> Form 100 Applications requiring a Certificate of TLUI Clearance cannot be processed until this certificate is provided.

PART 3 – PROPERTY INFORMATION

How do I know who owns the land I will be operating on?

The NSB has information on land ownership and can assist you in determining who owns the land that may be involved in your proposed study area. It is very important to determine who owns the land, and obtain requisite approvals for use of that land from the landowner prior to conducting any industrial development or use operations. You can view a land ownership map during a pre-application meeting; however, NSB does not guarantee the accuracy. You may want to consult with an attorney, a land man, and/or a land surveyor.

Do I need to show evidence of property owner approval to use private, government, or Native lands?

Yes, unless you are landowner, you must provide proof of landowner land use approval with your application. For state and federal lands, please submit a copy of a state or federal land use permit, or written consent. For private and Native lands, please submit a letter of non-objection signed by the landowner or Native Allotment Owner. Information on Native Allotments can be obtained from ICAS Reality at (907) 852-4227. The property owner approval must clearly state that you are allowed to operate on these lands for the full term of your NSB permit. If the property owner restricts your access to a shorter term, your NSB

permit will be limited to that term. The NSB has a form that you can use to show evidence (**Form 1300**) Property or Land Owner Consent Form

How do I determine what zoning district I will be operating in?

NSB Zoning District Maps can be obtained by calling the NSB GIS Division at (907) 854-0320.

What other location information does NSB need?

The NSB needs to know the location of transportation facilities and the timing/frequency of use to assess impacts on wildlife and subsistence. The NSB limits the timing of tundra travel in order to ensure adequate tundra protection. Waterbodies should generally be crossed when frozen and when snow ramps or bridges can be created, and a minimum of six inches of snow or ice on 12 inches of frozen ground is required for tundra travel. NSBMC §§ 19.50.030(J), 19.60.040(O). The NSB also limits vessel travel that may disturb whales during migratory periods (NSBMC §§ 19.70.040(E), 19.70.50(B, C)) and low-flying air travel over animal herds or colonies during sensitive periods such as breeding and molting (NSBMC § 19.70.50(I)(1)).

PART 4 – NEW OR ADDITIONAL DEVELOPMENTS & USES

What if I do not, yet, have information on all the developments and uses that could be associated with my project?

In order to issue a permit, the NSB needs to know in advance what developments and uses to authorize. Your project plans must be sufficiently detailed to identify all potential developments and uses before an application is submitted. If your developments or uses materially change once you are issued a permit, you will need to apply for a permit amendment and receive NSB approval before making that change.

How do I provide more information on the type of uses and developments?

Your project scope (Part 2 of the Permit Application Form) should provide a detailed explanation of all the developments and uses marked in Part 4 of the application. If your project is complex, please attach an additional written explanation to the permit application to supplement the information in Part 2.

Do I need to submit a permit application for offshore operations in the Outer Continental Shelf (OCS) that involve developments and uses within NSB Boundaries?

Yes. You must submit a NSB permit application and receive approval, prior to conducting offshore operations in the Outer Continental Shelf that require vessels or equipment to transit in NSB waters that extend from the shoreline to three miles offshore, require docking to offload or load supplies, or require any onshore support activities within the NSB.

Do I need to submit a permit application for marine operations in NSB waters?

Yes. You must submit a NSB permit application and receive approval, prior to conducting marine operations in NSB waters that extend from the shoreline to three miles offshore, or require docking to offload or load supplies, conduct personnel transportation to shore, or require any onshore support activities within the NSB. For example, if you are conducting barge transit operation in NSB waters, you must apply for and receive a NSB permit before conducting those marine operations.

Do I have to complete this part of the application if I am submitting an amendment to an approved permit?

Yes, but you should complete only those sections relevant to the additional developments or uses. For example, if your permit amendment requests approval to add a new residential camp and place fill, just mark the box “residential camp” and “fill placement” boxes.

Why do I have to indicate the distance of oil, fuel, and hazardous materials from water?

NSBMC § 19.70.050 (J)(3)(d) generally prohibits development on or near a shoreline that has the potential of adversely impacting water quality (for example, fuel storage landfills and hazardous materials storage areas). “Near the shoreline” means the area within a 1,500-foot setback from the mean high water mark along the coast, lake shore or river. NSB permits typically restrict storage within 100 feet of any body of water which would include smaller bodies of water such as ponds and creeks. You should ensure that your proposal provides an adequate setback from waterbodies for any oil, fuel, and hazardous materials.

Does the NSB regulate emissions sources?

Pursuant to Title 19, the NSB ensures that emissions are properly permitted under federal and state law. See NSBMC §§ 19.70.050(H), 19.70.050(I)(3-5), 19.70.050(R)(5). The NSB also ensures that the impact of emissions on subsistence, habitat, and Borough residents is mitigated or minimized. See, e.g., § 19.70.050(L).

Which studies need to be completed in connection with this permit?

Pursuant to NSBMC § 19.30.070, the NSB may require wildlife, subsistence, or other studies to be conducted as a condition of approving your industrial development or use. If studies will be conducted in conjunction or simultaneously with your other activities, you may apply for permission to conduct all your activities, including the studies, using Form 100.

If you are only applying for approval to conduct a study at this time (and not industrial development or use), use the simplified Form 400 Application for study approval. Form 400 applications can be administratively approved, typically in less than two weeks.

PART 5 – UTILITIES AND SERVICES

Can I provide my own utilities for my project?

All development and uses within the NSB Service Area 10 must use Service Area 10 water, sewer, and waste disposal services unless other arrangements are approved by the NSB Mayor. Development and uses outside of the NSB Service Area 10 can be provided by the Applicant.

How do I request an exemption from the NSB Service Area 10 requirements?

If your project is located within Service Area 10 but you do not plan on using the NSB’s Service Area 10 services, please contact the NSB Mayor’s office to discuss whether the Mayor will grant an exemption from this requirement. It is most efficient if you obtain a decision from the Mayor prior to submitting your application to the NSB DPCS. Otherwise, the NSB DPCS will need to suspend your application until the Mayor has made a decision on whether to grant your exemption request.

What NSB requirements are there for waste disposal?

Per NSBMC § 19.60.060(E)(2), an Applicant must demonstrate that the project area has adequate services, including waste disposal. (See also NSBMC § 19.70.060(L)), requiring development along the Haul Road to be serviced by adequate facilities and services inclusive of sanitation and utilities). This includes solid waste and sewage disposal facilities that meet state and federal regulations. NSBMC § 19.70.050 (I) (4, 5).

The NSB Public Works Department generally provides potable water waste disposal services within the villages. The NSB Public Works Service Area 10 Division operates wastewater and landfill services for Service Area 10, which encompasses much of the NSB. Under NSBMC §§ 9.04.030, 9.08.020, 9.12.020, and 9.16.020, developers are required to use Service Area 10 for potable water provisions and for disposal of solid waste, sanitary waste, and sewage unless facilities pre-exist Service Area 10 or receive an exemption from the NSB Mayor.

Backhaul to a landfill is the preferred waste disposal method outside of Service Area 10. Small incinerators may be permitted (please provide information on the type and size of incinerator and type of waste proposed for incineration in your application). Open burning of waste will not be permitted without careful review by the NSB Land Management Administrator. If you request approval to conduct open burning, your application must include a schematic or photo of the structure and equipment that will be used for open burning, a list of materials that will be burned, and site plans drawn to scale accurately reflecting on-site conditions. You must explain how you will ensure that human health in the nearest village will be protected, as well as how the human health of any subsistence use hunters near your project areas during the burn will be protected. Your plan must include cleanup procedures for ash and residue at the burn site, and proper waste disposal at an authorized site.

You must submit a waste management plan to demonstrate the methods that will be used to properly dispose of human and solid waste. Please contact the NSB Public Works at 907-852-0489 to discuss the best way to handle your waste.

PART 6 – REQUIRED ATTACHMENTS TO THE APPLICATION FORM

What information must I attach to my application?

Part 6 of the application lists each item that must be submitted along with the application. Complete, detailed applications expedite the permitting process. Review of incomplete applications will be suspended while additional information is requested to complete your application. Therefore, the NSB encourages you to provide a detailed, complete application to expedite permit review and processing, and to avoid delays associated with requests for additional information.

What if I already submitted the requested information in a previous application?

You may refer to the number of the previous application/permit; however, providing all the requested information together with your application will facilitate timely processing.

What format is required for the maps?

The map(s) showing boundary lines and land ownership must be submitted in Geographic Information System (GIS) Mapping Format (a digital GIS shape file of the proposed permit area, projected in Alaska Albers Equal Area Conic using either a NAD 1927 or a NAD 1983 horizontal datum) for ready inclusion in the NSB GIS Database.

The map showing existing uses should be in the form of an as-built survey, depicting any pads, wells, housing, tanks, etc.

How do I know the location of the buffer around critical sites?

If your project requires a Certificate of TLUI Clearance, then the clearance process should have indicated any required buffers. If there are no critical sites requiring buffers and/or your project does not require a Certificate of TLUI Clearance, then your map need not show these buffers.

What evidence of landowner approval do I need to provide?

Unless you are landowner, you must provide evidence of landowner approval. For state and federal lands, please submit a copy of a state or federal land use permit, or written consent. For private and Native lands, please submit a letter of non-objection signed by the landowner or Native Allotment Owner. The NSB has an example letter of non-objection form for you to use.

Do I need to provide a complete list of tribal, state, and federal permits for all developments and uses?

The NSB recognizes that you may not have obtained all the required permits prior to applying for your NSB Permit. If you have not yet applied for any tribal, state, or federal permits, please provide the NSB a list of the permits for which you plan to apply and the expected timelines for obtaining these permits. If you have already submitted applications or received permit approvals, please provide a complete list and the date of permit issuance, or expected permit issuance.

What kinds of drawings do I need to provide?

Submit design plans for construction, roads, pipelines, and other large equipment or construction drawn to scale. Include drawings of pipeline cross-sections. Design plans are critical for offshore structures. The plan must show that offshore structures, including pipelines, can withstand geophysical hazards and forces that may occur while at the drill site (specifically, sea ice), and design criteria must be based on actual measurements or conservative estimates of geophysical forces. NSBMC § 19.70.050(I)(2).

What kind of photographs do I need to provide?

Provide aerial photographs, and other photos of equipment, location, and sensitive areas. If your proposal involves aircraft, provide photographs showing the tail numbers. If your proposal involves vessels, provide photographs showing the vessel name or otherwise enabling identification.

What kinds of Wildlife Interaction Plans are required?

If your project will take place outside of a village, Prudhoe Bay, or other heavily developed area, submit plans for avoiding interactions with polar bears, grizzly bears, and other species expected in the area. If you are unsure as to what species are in the area, consult with the NSB Department of Wildlife Management at (907) 852-0350.

What information is needed in the Water Use and Waste Management Plan?

You must submit a plan demonstrating the methods that will be used to provide potable water and properly dispose of human and solid waste, as discussed in Part 5 of the Instructions. If your project is within NSB Service Area 10 but you will not be using NSB's services, provide proof of the NSB Mayor's approval. If you request approval to conduct open burning, your application must include: a schematic or photo of the structure and equipment that will be used for open burning, a list of materials that will be burned, and site plans drawn to scale accurately reflecting on-site conditions. You must explain how you will ensure human health of the nearest affected village will be protected, and any subsistence use hunters near your project areas during the burn. Your plan must include clean up procedures for ash and residue at the burn site, and proper waste disposal at an authorized site. Small incinerators may be permitted; please provide information on the type and size of incinerator and type of waste proposed for incineration in your application. You must list the location and type of all water resources that will be used (e.g., marine waters, lakes, snow, ice).

What information is needed in the Subsistence Plan?

If you completed a Form 100 Supplement, you should have discussed any potential impact to subsistence resources and your mitigation plans. If not, you must discuss this in a Subsistence Plan. Attach any additional relevant information to the application, including plans to hire a subsistence representative. All developments and uses within 100 miles of a village must hire a subsistence representative familiar with the area.

What information is needed in the Transportation Plan?

Describe all transportation equipment that will be used for this project including: fixed wing aircraft and helicopter tail numbers; vessel make, model and length; and on-road vehicle or heavy equipment makes and models. Provide travel routes and any changes to those routes during the year. The route must minimize impacts to subsistence activities, in consultation with any community within 100 miles of the permitted activity. Submit evidence of community consultation.

What information is needed in the Emergency and Medical Plan?

You must submit an Emergency and Medical Plan to demonstrate your ability to address emergencies and medical problems. The plan must indicate whether you have the ability to evacuate in the event of an emergency.

What studies are considered relevant?

Submit copies of any studies associated with your proposal, including those required by a previous approval (i.e., a previous permit for the same project or the rezoning ordinance). If a study is incomplete, indicate the status. Studies may include those pertaining to wildlife, subsistence, socio-economic wellbeing, health, ice, engineering, or other topics.

If you plan to conduct studies in connection with the industrial development or use in your application, provide a study plan. If you are only applying for approval to conduct a study at this time, use the simplified Form 400 Application.

What information is needed in the Economic Development Plan?

You must submit a local hire and economic development plan to show what steps your company took, and will take, to promote local hire and the use of Regional and Village Corporations and other locally owned businesses, and how your business will contribute to the local economy.

Do I have to submit a relief well plan?

If your proposal provides for offshore drilling, NSBMC § 19.70.050(I)(6) requires that a relief well plan be submitted along with an emergency countermeasure plan. The relief well drilling plan must identify suitable alternative drilling rigs and their locations; identify alternative relief well drilling sites; identify support equipment and supplies including, mud, casings and gravel supplies which could be used in an emergency; and specify the estimated time required to commence drilling and complete a relief well. The emergency countermeasures plan (required by the same section) must identify the steps which will be taken to protect human life and minimize environmental damage in the event of loss of a drilling rig; ice override; or loss or disablement of support craft or other transportation systems.

What kind of surety or bond may be required?

NSBMC § 19.30.070(A) allows the NSB to require that funds be set aside for reclamation or mitigation as a condition of approval. The NSB will determine the form and amount of the bond, surety, or other financial mechanism based on the magnitude, type and costs of the activities planned and the nature, extent and duration of the operations. The NSB will be able to provide you advice on whether a surety bond will be required, and if so, the amount of the surety or bond after the pre-application meeting is held and the scope of your project is understood.

What kind of liability insurance is needed?

The NSB will determine the form and amount of insurance needed for your application after the pre-application meeting is held and the scope of your project is understood.

What kind of reclamation plan do I have to submit?

Submit a plan showing that you can meet the NSBMC reclamation requirements at the end of your project. If a suitable reclamation plan is already in existence, please provide a copy, the NSB may find that plan fulfills the requirements of this section.

NSBMC § 19.70.050(I)(10) requires residential development associated with industrial and resource extraction development to be removed and the area rehabilitated once the project is completed, unless removal is more environmentally harmful than not removing it. In the Transportation Corridor, reclamation of all upland and floodplain mining sites is required unless such

reclamation would cause greater adverse impact to the environment than leaving the area un-reclaimed. Excavated areas should be converted to fish or waterfowl habitat whenever feasible and prudent. NSBMC § 19.70.060(F).

NSBMC § 19.30.070(B) requires reclamation plans to contain (at a minimum) the following components:

- (a) A grading and site plan drawn and certified by an Alaska licensed professional engineer or land surveyor, indicating the areas excavated or filled, the proposed finished grades and contours, drainage directions and any control structures to be installed;
- (b) The methods and plans to be employed for reclamation of the site during and after the activity and a time table for completions;
- (c) A description of all roads and structures and a site map showing the locations of all roads and development which will be built indicating which will remain after cessation of activities; and,
- (d) A description of any known reclamation requirements of any other governmental entity, and a copy of any reclamation plan under development or in existence for the activity.

All maps in the reclamation plan must be submitted at a scale of one inch equals 200 feet extending 200 feet beyond the site area with a maximum contour interval of five feet.

What are the application fees?

Applications are subject to the following fees: Administrative Approvals (\$1,500), Development Permits (\$2,000), and Conditional Development Permits (\$3,000). Additionally, an application fee of \$500 per well and each sidetrack must be submitted for each surface hole created, including setting of conductor casing. If a Special Planning Commission Meeting is needed to expedite processing, the fee is \$12,000 per meeting.

Your application must include a check made payable to the North Slope Borough for the application fee. The NSB will not start processing your application until this fee is received. Fees must be paid by corporate check or cashier's check. Credit cards are not accepted.

What kinds of spill plans are required for in-land, onshore operations that do not pose a risk to marine waters?

The Applicant must have an oil spill control, prevention, and clean-up plan(s) approved by the Alaska Department of Environmental Conservation (ADEC). For onshore operations that do not pose a risk of a spill to marine waters, you may provide a copy or name of the plan approved by the State of Alaska (if you have already provided a copy to NSB).

If no oil and gas activities are planned but fuel will be stored at the site, the Applicant must have a fuel spill plan.

A worst-case oil spill trajectory map showing the largest potentially impacted area must be submitted as part of the application to verify that the spill would not affect marine waters.

What kinds of spill plans are required for operations that pose a risk to marine waters?

The Applicant must have an oil spill control, prevention, and clean-up plan(s) approved by the NSB for all oil and fuel spills that could reach marine waters. This includes offshore facilities located in NSB waters out to the three mile limit, and coastal facilities where the oil or fuel could spill to marine waters. This plan can be the same one submitted to the Alaska Department of Environmental Conservation (ADEC); however, the NSB must also approve the plan.

The plan(s) must contain a risk analysis indicating where oil spills are likely to flow under various sets of local meteorological or oceanographic conditions. Impacts must be identified and strategies fully developed to protect environmentally sensitive areas. The spill control and clean-up equipment available to the operator and the response time required to deploy this equipment under the various scenarios must be contained in the risk analysis. NSBMC § 19.70.050(I)(7). The NSB must approve this plan in advance. You may submit one plan to the NSB for approval prior to ADEC submission (this is the preferred approval route), or you may submit an ADEC-approved plan to the NSB and later submit a supplement to ADEC to address any NSB requirements.

If no oil and gas activities are planned but fuel will be stored at the site, the Applicant must have a fuel spill plan.

What are the additional attachments required for a Conditional Development Permit?

A Form 100 Supplement is required for all Conditional Development Permit Applications. Please fill out the Form 100 Supplement and attach it to your application.

Instructions for Form 100 Supplement— For Conditional Development Permits Only

Oil & Gas, Mining and Other Industrial Development and Land Uses

Who completes the Supplement?

If your application requires a Conditional Development Permit to be approved by the NSB Planning or Barrow Zoning Commission, then you must complete the Supplement. Also, if the NSB Land Management Administrator elevates your application pursuant to NSBMC § 19.50.020, you will be required to complete this supplement. Likewise, if you incorrectly determined that your project requires an Administrative Approval or Development Permit, when it actually requires a Conditional Development Permit, your application will be returned so you can complete this section. This problem should be avoided by completing the pre-application meeting requirement.

What is the purpose of the Supplement?

In order for Conditional Development Permits to be approved, the proposal must comply with the policies in NSBMC Chapter 19.70 and satisfy the criteria in NSBMC § 19.60.040. This section, along with other parts of the application, serve as the NSBMC § 19.70 and 19.60.040 analysis. Where space is provided for an explanation, summarize the impacts of your proposal and any mitigation measures relevant to the question, attaching additional pages as necessary. Keep in mind that, per § NSBMC 19.70.050(L), development is required to minimize its negative impact.

VILLAGE AND ECONOMIC POLICIES

For purposes of a NSB application, why does compliance with village policies matter?

NSBMC § 19.70.020 requires compliance with village policies, including village comprehensive plans, and encourages all developments and uses that provide lower-cost fuel or power and local employment.

How do I obtain village plans and other policies?

During or prior to the pre-application meeting you can work with a NSB Land Management Specialist to obtain a copy of the NSB-approved village comprehensive plans and village contact information.

Does my proposal have to provide local jobs and use local suppliers, art, and energy?

NSBMC § 19.70.030 (Economic Development Policies) encourages all developments and uses to use local suppliers or subcontractors, employ local Borough residents, use flexible employment procedures to allow subsistence pursuits by local Borough resident employees, incorporate job training programs, use Iñupiat arts and crafts, use locally obtained energy, and generate tax revenues in excess of the NSB's infrastructure expenditures. Such economic development can help mitigate the potential negative impacts of your proposal.

COASTAL MANAGEMENT POLICIES

Where is mining allowed?

NSBMC § 19.70.050(J)(3)(i) generally prohibits mining of beaches, barrier islands, or offshore shoals. While mining in these areas may be allowed in circumstances where no feasible and prudent alternatives exist, substantial alteration of shoreline dynamics is prohibited. The NSB evaluates proposals for mining (including sand and gravel extraction) in the coastal area with respect to the type of extraction operation, location, possible mitigation measures, and season so as to lessen, to the maximum extent practicable, environmental degradation of coastal lands and waters (for example, siltation of anadromous rivers and streams). NSBMC § 19.70.050(R)(1).

Can development take place in floodplains and geological hazard areas?

NSBMC § 19.70.050(J)(3)(j) generally prohibits the placement of structures in floodplains subject to a 50-year recurrence level, areas of moderate and severe ridging and historic ice override, and areas of moderate and severe ice ridging. NSBMC § 19.70.050(L)(6) requires development in floodplains, shoreline areas, and offshore areas to be sited, designed and constructed to minimize loss of life or property due to riverine flooding, icings, stream bank erosion, oceanic storms, sea waves, ice gouging and override and shore erosion. In the Transportation Corridor, development must generally be located outside active floodplains. NSBMC § 19.70.060(H). You should consult with a Land Management Specialist to view maps of geological hazard areas and floodplains, and to determine whether your project can sufficiently mitigate the risks associated with these areas.

What requirements does the NSB have for permafrost protection?

Development is required to maintain the natural permafrost insulation quality of existing soils and vegetation. NSBMC § 19.70.050(L)(3). NSBMC §§ 19.50.030(G) and 19.60.040(L), which contain criteria for evaluating development proposals, require proposals for developments and uses to provide for permafrost stability.

How would the NSB determine that my activities are depleting subsistence resources?

NSBMC § 19.70.050(A) requires that “[d]evelopment shall not deplete subsistence resources below the subsistence needs of local residents of the Borough.” The NSB may show that a project depletes subsistence resources by documenting the subsistence needs of local residents and demonstrating by a preponderance of evidence that the project depletes a subsistence resource below the level necessary to meet those needs.

How would the NSB determine that my activities are impacting access to subsistence resources?

NSBMC § 19.70.050(J)(3)(b) generally prohibits development that restricts subsistence user access, and NSBMC § 19.70.050(D) requires that “[d]evelopment shall not preclude reasonable subsistence user access to a subsistence resource”. The objective is to ensure that development will not preclude reasonable access to a subsistence resource on which residents depend. “Reasonable access” refers to modes of access that are generally available to subsistence users. “Precluding access” refers to precluding modes of access to areas where resources are present and can be used by subsistence users.

What are the NSB’s rules regarding ecosystem productivity?

NSBMC § 19.70.050(J)(3)(a) generally prohibits development that significantly decreases productivity of subsistence resources or their ecosystems.

What protections does the NSB require for bowhead whales?

NSBMC § 19.70.050(B) requires that offshore activity conducted within the area of bowhead whale migration during the migration seasons “shall not significantly interfere with subsistence activities nor jeopardize the continued availability of whales for subsistence purposes.” The NSB annually determines the area of the bowhead whale migration based on the best scientific information available. Seismic exploration and non-essential traffic may be prohibited in the vicinity of migrating whales. Essential traffic (traffic that could not reasonably occur prior to or after the period of whale migration through the area) must avoid disrupting whale migration and subsistence activities, and it must be coordinated with the Alaska Eskimo Whaling Commission (AEWC). NSBMC § 19.70.040(E).

What protections does the NSB require for beluga whales?

Areas in and around Kasegaluk Lagoon, including Kukpowruk Pass, Akunik Pass, Utukok Pass, Icy Cape Pass, and Alokiakatat Pass, are used intensively by beluga whales and beluga subsistence hunters. (See Coastal Resource Atlas Map 11 for the location of these passes). NSBMC § 19.70.050(C) requires that development on barrier islands and in the marine and estuarine waters within three miles of these passes “shall not significantly interfere with subsistence use of beluga whales; shall not cause the whales to be displaced from these passes; and shall not jeopardize the continued use of these passes and lagoon system by beluga whales”. NSBMC § 19.70.050(J)(3)(c) generally prohibits vessel and air traffic and other loud noise-generating activities that could displace beluga whales from Kasegaluk Lagoon during the subsistence period (generally June 15 to July 31).

What rules does the NSB have regarding noise levels?

NSBMC § 19.70.50(I)(1) requires that vehicles, vessels, and aircraft that are likely to cause significant disturbance must avoid areas where species that are sensitive to noise or movement are concentrated. Concentrations may be seasonal or year-round and may be due to behavior (for example, flocks or herds) or limited habitat (for example, polar bear denning and seal haulouts). Horizontal and vertical buffers will be required where appropriate. Concern for human safety will be given special consideration when applying this policy.

What rules does the NSB have regarding causeways?

NSBMC § 19.70.050(I)(9) requires causeways to be sited and designed to allow free passage of fish, marine mammals and molting birds with due consideration for migration patterns; to prevent changes in water circulation patterns that would have significant adverse impacts on fish and wildlife; and to ensure adequate sediment transport.

What habitat protections does the NSB require?

In addition to the requirements discussed above regarding whale habitat and ecosystem productivity, NSBMC § 19.70.050(R)(2) requires development to be located, designed and maintained in a manner that prevents significant adverse impacts on fish and wildlife and their habitat, including water circulation and drainage patterns and coastal processes.

What watershed protections does the NSB require?

NSBMC § 19.70.050(J)(3)(d) generally prohibits development on or near a shoreline that has the potential of adversely impacting water quality (for example, landfills, hazardous materials storage areas, dumps and the like). "Near the shoreline" means the area within a 1,500-foot setback from the mean high water mark along the coast, lake shore or river. NSBMC §§ 19.50.030(G) and 19.60.040(L), which contain criteria for evaluating development proposals, require that natural features such as drainage basins and watersheds be conserved, and that watershed areas be protected during and after construction. This means that siltation, road and surface runoff, and water pollution must be eliminated or minimized.

What are the NSB requirements on tundra travel?

NSBMC §§ 19.50.030(J) and 19.60.040(O), which contain criteria for evaluating development proposals, address tundra travel as follows: "Vehicles shall be operated in a manner such that the vegetative mat of the tundra is not disturbed and blading or removal of the tundra vegetative cover is prohibited. Snow ramps, snow/ice bridges or cribbing shall be used to cross frozen water bodies to preclude cutting, eroding or degrading of their banks. Snow ramps and snow/ice bridges shall be substantially free of soil and debris and of sufficient thickness to support vehicles. Snow/ice bridges must be removed or breached, and cribbing removed after final use or prior to breakup, whichever occurs first. Frozen water courses shall be crossed at shallow riffle areas, if such areas exist. Where those areas do not exist, an environmentally preferred location will be identified. Vehicles shall not be abandoned. A minimum of six inches of snow or ice on 12 inches of frozen ground is required for tundra travel."

What are the NSB's requirements regarding gravel extraction?

NSBMC § 19.70.050(R)(4) requires gravel extraction activities within floodplains to maintain buffers between active channels and the work area, avoid in-stream work, permanent channel shifts and ponding of water, clearing of riparian vegetation, and disturbance to natural banks. Proposals for sand and gravel extraction are evaluated based on the type of extraction operation, location, possible mitigation measures, and season to lessen, to the maximum extent practicable, environmental degradation of coastal lands and waters. NSBMC § 19.70.050(R)(1).

What rules does the NSB have regarding seismic activity?

NSBMC § 19.70.050(L)(7) requires seismic exploration to be conducted in a manner that minimizes its impact on fish and wildlife. Under NSBMC § 19.70.050(B), seismic exploration is prohibited in the vicinity of migrating whales when the exploration is likely to significantly interfere with subsistence activities or to jeopardize the continued availability of whales for subsistence purposes.

What requirements does the NSB have regarding pipelines?

NSBMC § 19.70.050(L)(5) requires that Applicants proposing pipelines provide a mechanism for wildlife to cross these pipelines. Pipeline design must be based on the best available information and include adequate pipeline elevation, ramping or burial to minimize disruptions of migratory patterns and other major movements of wildlife. Aboveground pipelines must be elevated at least five feet (and typically seven) from the ground to the bottom of the pipe, except at those points where the pipeline intersects a road, pad or caribou ramp, or is constructed within 100 feet of an existing pipeline that is elevated less than five feet. Temporary pipelines (not to exceed six months) may be exempted from this policy.

What kinds of transportation facilities are allowed?

NSBMC § 19.70.050(J)(3)(e) generally prohibits the development of new roads, unless they are indicated in the state and/or local capital improvements program. NSBMC § 19.70.050(J)(3)(h) generally prohibits duplicative transportation corridors from resource extraction sites, and NSBMC § 19.70.050(R)(6) requires that transportation facilities and utilities be consolidated to the maximum extent possible. NSBMC § 19.70.050(J)(3)(g) indicates a preference for transporting oil and gas by pipeline rather than by marine tankers. Ice and gravel roads and other transportation facilities are approved on a project-specific basis, and should be indicated in your master plan.

What requirements does the NSB have for transportation facilities and utilities in relation to wildlife and habitat?

NSBMC § 19.70.050 (J)(3)(f) generally prohibits transportation development, including pipelines, which significantly obstructs wildlife migration. Applicants proposing roads must provide for a mechanism for wildlife to cross these roads. NSBMC § 19.70.050(L)(5). NSBMC § 19.70.050(L)(2) requires that transportation and utility facilities (including ice roads) are sited, designed, constructed and maintained to minimize alteration of shorelines, water courses, wetlands, tidal marshes and significant disturbance to important habitats and to avoid critical fish migration periods. Airports and helicopter pads are required to be sited, designed, constructed and operated in a manner that minimizes their impact upon wildlife. NSBMC § 19.70.050(L)(4).

Which facilities are allowed in the field, and which are considered unnecessary?

The NSB recognizes the value of having personnel at the site at all times to ensure proper oversight of activities and to provide immediate emergency response. That said, resource extraction support facilities, including administration offices, operations, residences, and other uses not absolutely required in the field must be located in a designated service base which is sited, designed, constructed and maintained to be as compact as possible and to share facilities to the maximum extent possible. NSBMC § 19.70.050(R)(3).

What are “critical sites,” and how are they protected?

“Critical sites” are sites with potential historic, prehistoric, archeological, cultural, paleontological resources or significance, including sites where traditional activities take place. They may include cultural or historic sites listed on the National Register of Historic Places; sites eligible for inclusion in the National Register; sites on the Traditional Land Use Inventory; sites identified in the NSB District Coastal Management Plan; or other sites identified as important to the study, understanding or illustration of national, state, or local history or prehistory. NSBMC § 19.70.50(E) requires that development avoid these sites, while § 19.70.050(F) requires that development not interfere with traditional activities that take place at the sites. The NSB generally sets buffer zones around the sites where no activity can take place. This occurs through the Form 500 Certificate of TLUI Clearance Application Process.

OIL AND GAS POLICIES (FOR OIL AND GAS CONDITIONAL DEVELOPMENT PERMITS ONLY)

Can I drill any time of year?

Federal and state laws impose various drilling requirements. In addition to these, NSBMC § 19.70.040 sets the following general time periods for projects located in areas where an oil spill may reach the sea:

- (1) Drilling above threshold depth may occur year-round.
- (2) Drilling below threshold depth shall be conducted during the winter (November 1 through April 15) and be completed as early in this period as practicable.
- (3) Confirmation, extension or delineation drilling, well testing and other well completion activities shall be completed by June 15. Any additional drilling or other activities shall not penetrate any new oil or gas bearing formations, or significantly increase the risk of an oil spill.
- (4) All nonessential boat, barge and air traffic associated with drilling activity shall occur prior to or after the period of whale migration through the area.
- (5) Year-round drilling can occur following the unitization and approval of the plan of operation and NSB approval of the rezoning and master plan.

What offshore drilling technology is required?

Federal and state laws impose various technology requirements. In addition to these, NSBMC § 19.70.040 requires that offshore drilling be conducted from bottom founded structures. Offshore structures and oil transport systems (including pipelines) must be able to withstand geophysical hazards and forces which may occur at the drill site, particularly sea ice. NSBMC § 19.70.050(I)(2,8). Design criteria must be based on actual measurements or conservative estimates of geophysical forces. In addition, structures must have monitoring programs and safety systems capable of securing wells in case unexpected geophysical hazards or forces are encountered. NSBMC § 19.70.050(I)(2). Plans for offshore drilling activities are required to include a relief well and an emergency countermeasure plan. NSBMC § 19.70.050(I)(6).

What kinds of tanks and lining do I have to use?

Federal and state laws impose various technology requirements for tanks, lining, and spill prevention. In addition to these, NSBMC § 19.70.050 requires impermeable lining and diking for fuel storage facilities with a capacity greater than 660 gallons.

The NSB typically requires secondary containment capable of containing 110% of the volume of all tanks. Vinyl liners, with foam dikes and a capacity of 25 gallons, generally must be placed under all valves or connections to fuel tanks when located outside of secondary containment. For offshore locations, where space is limited, the NSB generally requires double walled tanks to meet this requirement.

Are marine tankers prohibited?

NSBMC § 19.70.050 (J)(3)(g) indicates a preference for transporting oil and gas by pipeline rather than by marine tankers. Use of marine tankers for oil and gas transportation is limited to instances where no feasible and prudent alternative exists, recognizing that development of marine tanker facilities is a use of state concern. Ice and gravel roads and other transportation facilities are approved on a project-specific basis, and should be indicated in your Master Plan.

When are plans for relief wells, emergency countermeasures, and monitoring required?

NSBMC § 19.70.050(I)(2,6) requires a Relief Well Drilling Plan, an Emergency Countermeasure Plan, and a Plan for Monitoring Program/Safety System. These plans must be approved by the NSB prior to drilling.

**TRANSPORTATION CORRIDOR POLICIES (FOR TRANSPORTATION CORRIDOR DISTRICT
CONDITIONAL DEVELOPMENT PERMITS ONLY)**

Do I need to complete the section on Transportation Corridor Policies?

Only Applicants proposing projects in the Transportation Corridor district need to complete this section.

Does my Transportation Corridor project have to be directly related to the Haul Road?

At this time, the only Transportation Corridor District in the Borough is centered around the Haul Road (also known as Dalton Highway). NSBMC § 19.70.060(A) requires projects to be directly related to the use of this road as a public highway and for resource extraction related development.

If I have a research facility, does it have to be located at Toolik?

To minimize tundra disturbance, research facilities are encouraged (but not required) to be in a central facility in the disturbed area at Toolik. NSBMC § 19.70.060(B).

What are the NSB’s requirements for buffers in the Transportation Corridor?

Where feasible and prudent, stream banks and lake shores of fish-bearing waters and drinking water supplies must be protected by providing an adequate buffer strip of undisturbed vegetation to mitigate adverse impacts. NSBMC § 19.70.060(G).

Can a project take place in a “sensitive habitat” in the Transportation Corridor?

Developments and uses may be prohibited in sensitive habitats such as wolf den areas, mineral licks and during a lambing season in identified Dall sheep lambing areas. NSBMC § 19.70.060(I).

Where are commercial structures and recreation activities allowed?

New commercial recreational activities involving structures; campgrounds; visitor accommodations such as lodges, and hotels; convenience stores; food services; roadside services such as gas stations, emergency and accident response services are allowed only at the existing pad areas of the former construction camps at Happy Valley and Chandalar Shelf. NSBMC § 19.70.060(K). Commercial recreation activities should be permitted using Form 200.

What are the NSB’s requirements for airports and airstrips in the Transportation Corridor?

Any expansions or reactivation of airstrips must be done on the basis of plans and permits reviewed and approved by the Borough and appropriate villages. Land use at airports must be directly related to the primary industrial uses in the area. NSBMC § 19.70.060(C).

What are the NSB’s requirements for sand and gravel use in the Transportation Corridor?

Sand and gravel use for operation, maintenance and construction of a new natural gas pipeline, and the existing road and pipeline have first priority. Gravel may be extracted for essential government and industrial uses, but only if it is not feasible and prudent to use existing pads and developed areas. NSBMC § 19.70.060(D). Extraction must be conducted in accordance with reclamation plans that provide for enhancement to wildlife habitat, or minimize environmental impacts or improvement to the affected area for human use. NSBMC § 19.70.060(E).

VILLAGE ZONE POLICIES (FOR CONDITIONAL DEVELOPMENT PERMITS WITHIN VILLAGE AND BARROW ZONES ONLY)

Who completes this section?

If your project will be within any of the village or Barrow zoning districts, please complete this section.

What are the additional requirements for uses and developments located within the villages in Barrow?

NSBMC § 19.60.040 contains criteria that may be used to evaluate applications for uses and developments in the project area, including the following:

- The proposal shall not unduly increase the number of people or buildings per lot above that of the surrounding neighborhood.
- The proposal shall blend in with the general neighborhood appearance and shall not excessively deprive the neighbors of solar access.
- The proposals shall not overload the street system with traffic or result in unsafe streets or dangers to pedestrians.
- There shall be adequate “parking and loading spaces ... safe and properly designed to prevent excessive noise, lack of parking for occupants or neighbors or danger to pedestrians.”
- The proposal shall not have significantly different peak use or occupancy characteristics than the surrounding neighborhood.
- The proposal shall not significantly impact surrounding properties with excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises.

Additionally, the NSB requires that structures may not be placed on property lines, in the street, or over easements.

What are the requirements for Barrow zones, and why are they different from those for other villages?

NSBMC § 19.40.100 contains dimensional standards for the Barrow zones, including the Mixed Use (MU), Suburban Residential (S), Industrial (I) and Reserve (R) Districts. These are generally the highest density areas in the Borough, and the purpose of these standards is to provide adequate parking, privacy, separation between traffic and buildings and to ensure fire access and safety. No dimensional standards are applied to the other zoning districts except those set by an approved Master Plan, a Conditional Development Permit, or by a more stringent state law (such as the State Building Code).

NSBMC § 19.40.100(A) sets the maximum density for each Barrow zone. For the Suburban Residential District, the lot area for each dwelling unit must be at least 4,500 square feet. For the mixed use district, the principal structure must have a lot area of at least 3000 square feet, while each dwelling unit must have at least 2,000 square feet of lot area.

NSBMC § 19.40.100(B) sets the minimum off-street parking spaces for Barrow zones. Each parking space must be 400 square feet, and there must be one parking space per dwelling unit on the same lot or on an adjacent lot under the same ownership. Nonresidential uses must have one additional parking space per 400 square feet of gross floor area, except warehouse and storage buildings where the ratio is one space per 1,000 square feet of gross floor area.

NSBMC § 19.40.100(C) contains setbacks for Barrow zones. Side and rear yard setbacks are ten feet. The front yard setback is five feet, or 10 feet if on a corner lot. Residential buildings on same lot must be separated by ten feet. Height of structures is limited to 30 feet. For industrial uses, a minimum 50-foot setback is required from any residential lot.

What if there are existing structures on the property that do not meet the NSBMC § 19.40.100 standards?

NSBMC § 19.40.110 addresses uses, structures, and lots that began before the dimensional standards of Title 19 were in place (1991). These uses, structures, and lots may continue as they are, or be changed such that they are more consistent with Title 19. If structures were built, repaired, or remodeled at a cost that exceeds 65% of their current assessed value, then they must come into compliance with Title 19.