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## Instructions for Completing Form 500 - Certificate of TLUI Clearance

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### Who must apply?

You must complete this application if you are a property owner or lessee seeking a new Land Use Permit from the NSB for industrial/commercial development in a Resource Development, Conservation, Scientific Research, & Transportation Corridor District for a use or development that consists of an earth-moving activity (including placement of a new structure that covers new undisturbed ground), ice road, or seismic survey that has not already been issued a Certificate of TLUI Clearance to you or the company you represent. A contractor, architect, consultant, or subcontractor may assist a property owner or lessee in the preparation of this application, but the application must be signed and submitted by the property owner or lessee president, project manager, or other person authorized to act in this regard.

### When did the Form 500 Application process start?

The Form 500 Application process for earth-moving activity (including placement of a new structure that covers previously undisturbed ground) started on September 21, 2009, and the clearance process for ice roads and seismic surveys started on May 1, 2010.

### Why do I need this approval?

The Iñupiat History, Language & Culture (IHLC) Commission has responsibility for developing and maintaining a complete historical record of the land, people, and villages of NSB. NSBMC § 2.16.110. Development must not disturb traditional subsistence activities or values at historic, archaeological and cultural sites (hereinafter referred to as “Critical Sites”) identified in published studies or by the IHLC Commission. NSBMC § 19.50.030(F) and § 19.60.040(K). While Applicants are required to obtain clearance from the State Historic Preservation Office (SHPO) to obtain state permits, SHPO clearance alone may not be sufficient to ensure that sites listed in the NSB’s Traditional Land Use Inventory (TLUI) are protected. The TLUI clearance process is needed to protect TLUI sites. Therefore, you must now obtain **both** SHPO and TLUI clearance. For information on the SHPO requirements please contact, the current state official in the Office of History and Archaeology, Review and Compliance Division, at (907) 269-8720.

### What is a Certificate of TLUI Clearance?

A Certificate of TLUI Clearance is a formal approval process developed by the NSB Department of Planning and Community Services (DPCS) to ensure that sites listed in NSB’s TLUI are protected. The requirement to identify and protect TLUI sites is not new; however, the previous, less formal process resulted in some unintended impacts to TLUI sites. This new process will ensure that developers thoroughly study and survey the area they propose to develop, and demonstrate they have a plan to protect and respect TLUI sites. The Certificate does not constitute clearance/approval by the SHPO. You must also obtain SHPO approval to ensure Alaska Historic Resource Sites (AHRS) are protected.

### Is this a new procedure?

No. In 2009, the NSB Assembly, Planning Commission, and IHLC Commission instituted new procedures for TLUI site clearance. What is new is that the responsibility for administering Form 500 applications was transferred from the new IHLC Department (planned for 2015) to the Land Management Regulation (LMR) Division and the Form 500 name was changed from Certificate of IHLC/TLUI Clearance Application to Certificate of TLUI Clearance Application.

Persons wishing to engage in the activities described in “Who Must Apply?” are now required to submit an application to the LMR Division to obtain site clearance for your proposed project area using Form 500 (Certificate of TLUI Clearance Application). A Certificate of TLUI Clearance must be applied for **prior to obtaining a NSB Land Use Permit**. You may need to conduct the Critical Site survey work to obtain the information required to secure a Certificate of TLUI Clearance. Critical Site survey work requires a Land Use Permit from the NSB DPCS.

### **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 [http://www.north-slope.org/departments/law/Code\\_of\\_Ordinances.php](http://www.north-slope.org/departments/law/Code_of_Ordinances.php). For ease of reference, these instructions contain relevant parts of the NSBMC. Please refer to the entire NSBMC for full and complete guidance.

### **You do not need to file this application if:**

- You, or the company you represent, already have a Certificate of TLUI Clearance for this site (go straight to the NSB DPCS for a permit). If you or the company you represent did not obtain the Certificate, you must submit a Form 500 Application.
- You never obtained a Certificate of TLUI Clearance because you obtained your development permits prior to September 21, 2009, when use of Form 500 was instituted. The earth-moving activity (including gravel placement) and permanent structures placement authorized under NSB Land Use Permits issued prior to September 21, 2009 are grandfathered. However, any modification to NSB Land Use Permits issued prior to September 21, 2009 that consists of a new earth-moving activity (including placement of a new structure that covers new undisturbed ground and additional gravel placement), construction of a new ice road, or a new seismic survey requires a Form 500 Application. Therefore, if you are planning to expand existing gravel pads that were permitted prior to September 21, 2009, or you are planning to construct an ice road to access an existing project location that was permitted prior to September 21, 2009, you must file a Form 500 Application.
- You are applying for a “Commercial Recreation” Land Use Permit, and your project does not include earth-moving activities.
- You are applying for a Barrow Zoning District or Village District Land Use Permit.

### **How do I submit my application?**

Submit in person or mail signed applications to:

North Slope Borough Department of Planning and Community Services  
Land Management Regulation (LMR) Division, LMR Manager  
P.O. Box 69, Barrow, AK 99723  
Tel: 907-852-0320

### **Is there an application fee?**

Yes. The application fee for new applications and amendments is \$100. Check should be made payable to the North Slope Borough and submitted with your application.

### **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 500 application.

### **What information must I submit with my application?**

You must fill out Form 500, and submit all the information required in the application. It is very important that your application describe your proposed plan of operation in as much detail as possible. Complete, detailed applications expedite the permitting process. The application seeks basic information about your company. The application also requires you to identify the NSB zoning district that you proposed to operate in. Your activities may cover more than one zoning district. Township, Range and Section information describing the locations of your activities must be provided. Please contact the NSB at (907) 852-0320 if you need assistance in determining the zoning district or need a current NSB Zoning Map.

### **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. The NSB will work with applicants to obtain the required information to ensure the application is complete before processing it. Incomplete applications that are not remedied by the Applicant in a timely manner will be returned to the Applicant.

**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.

**Who do I call if I have a question on how to fill out this application?**

Please contact the NSB Cultural Resource Specialist at (907) 852-0320.

**Who assigns an application number?**

The NSB, LMR Staff assigns the application numbers based on the date the application was received. Please refer to this number in all correspondence.

**Can I obtain information from the IHLC Commission to assist me in preparing my application?**

Yes. The IHLC Commission has information on TLUI sites that may be helpful to you in preparing your application and the NSB Community Planning and Development (CPD) Division has maps containing TLUI sites and coordinates. To obtain this data, please submit Form 600-IHLC Resource Request. The IHLC Commission is not authorized to distribute any SHPO Alaska Historic Resource Site (AHRS) information. Requests for AHRS data must be directed to the Alaska Office of History and Archaeology (OHA) in Anchorage, Alaska.

The IHLC Commission and CPD Division provide no guarantee that geographic coordinates suspected of being Critical Sites corresponds to the precise location of such Critical Sites. You are nevertheless responsible for ensuring that your operations do not cause any adverse impacts to Critical Sites, and you are responsible for reporting to the IHLC Commission the proper coordinates of any critical site you discover.

**Is a pre-application meeting required?**

Mandatory pre-application meetings are required for (1) A development permit inside the Resource Development District; (2) A conditional development inside the Resource Development District; (3) A master plan for incorporation into the comprehensive plan; or (4) A rezone of a part of any land use district [NSBMC § 19.70.050(A)(1)]. Requirements for Certificate of TLUI Clearance will be discussed at that meeting. If a mandatory pre-application meeting is not required, the NSB requests that you contact the NSB Cultural Resource Specialist at (907) 852-0320 or by email to discuss your permit application prior to submittal. This way any issues or concerns on your application can be addressed early on and NSB can streamline review and approval of your application. The NSB Cultural Resource Specialist will provide advice on how to complete the application and answer any questions you may have on the application process.

**The NSB strongly recommends a record of consultation with the nearest affected Village Tribal President(s) and City Mayors(s). What level of consultation is recommended?**

The consultation goal is to ensure that local leaders are provided an input opportunity. The consultation requirement can be achieved by a phone call, email, a letter, or a meeting. A written record of the contact must be provided as part of the application, along with a summary of the input received if any, and how any issue raised was addressed. Consultation is strongly recommended, however, there may be certain circumstances where consultation is not needed (e.g., in heavily developed industrial areas such as Prudhoe Bay and Deadhorse, or for projects located long distances away from Villages). More information may be obtained on Village areas of interest and concern, including maps by reviewing the NSB Comprehensive Plan, Village Profiles and maps at [http://www.north-slope.org/information/comp\\_plan/comp\\_plan.php](http://www.north-slope.org/information/comp_plan/comp_plan.php). If you elect not to complete the consultation process, you must attach a written explanation of why you elected not to complete the consultation process and how your election will not adversely affect the Village's interest.

**Can I apply for a NSB Land Use Application Prior to Obtaining TLUI Clearance?**

You must submit a copy of the approved Certificate of TLUI Clearance as part of the NSB Land Use application for any project that involves a use or development that consists of an earth-moving activity (including placement of new structure that covers previously undisturbed ground), ice road, or seismic survey. Careful project planning will be required to meet these requirements and it will be important to talk with NSB staff about your project schedules and deadlines during the pre-application process, so the NSB staff can work with you to meet your project goals.

**Subsistence Protection**

The Applicant's field work must document caribou migration routes on a map. The map must be submitted with the application. Development and uses must avoid these routes during periods of migration [NSBMC § 19.70.050(I)(1)].

**Can the 500' buffer zone be reduced?**

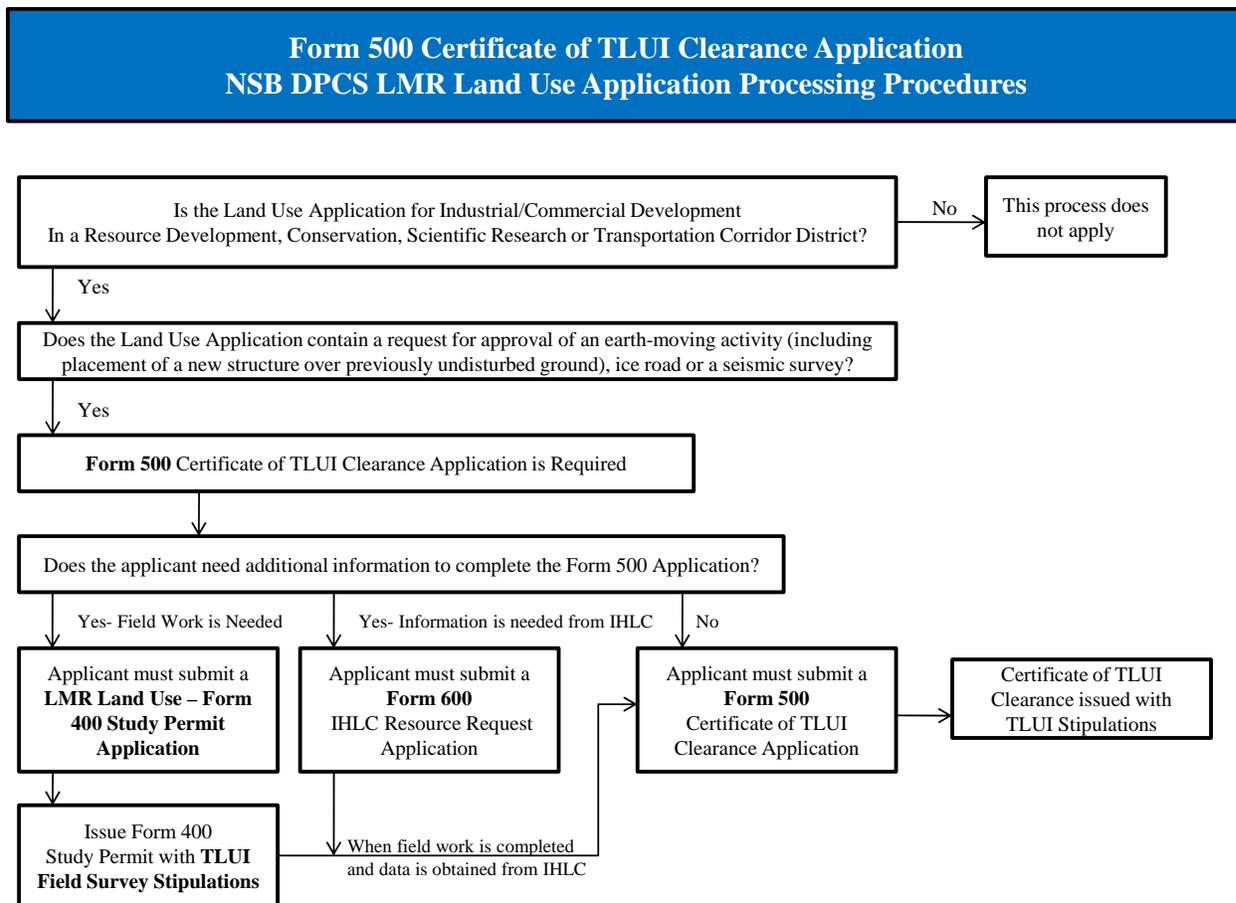
The buffer zone will be a function of site sensitivity, data quality and other factors as determined by the NSB staff. The default buffer zone is at least 500' and **may be expanded** or contracted based on site specific information.

**What are the LMR Division's application processing procedures?**

The NSB Staff will examine this application and NSB's records relating to the proposed development site of your project. The NSB Staff will determine whether there are any Critical Sites that may be affected, and how these sites can be protected while development proceeds.

**Is there a flow chart that I can refer to better understand the requirements?**

Yes. Please see the flowchart provided below.



**Am I required to conduct a physical field survey or is a literature review sufficient?**

Yes. You must conduct a physical field survey for each location that you are requesting clearance or you must provide written documentation that a qualified professional has completed a physical field survey in the past. A copy of the past field survey must be attached to your application. If you did not conduct the field study, you must obtain permission from the person/company that conducted the field study to use this information to support your application. You must include evidence of that approval in your application. If the study is publically available, you must provide evidence that it is publically available in your application. For example, SHPO may have provided you data that is publically available and you would note that you obtained data from SHPO in your application. If the previously conducted field survey is accepted by NSB as complete and sufficient for your application, you will not be required to complete another field survey. If a prior field survey was complete, but is determined to be inadequate, NSB may require a new survey be completed.

**If another applicant previously obtained a Certificate of TLUI Clearance, do I need to submit a Form 500 Application for the same or a similar location or route?**

Yes. You must submit a Form 500 application for your proposed project location regardless of whether a prior applicant obtained a Certificate of TLUI Clearance. However, the fact that a prior Certificate of TLUI Clearance was issued to another

applicant will expedite your permit application and approval process. The NSB can offer a streamlined approval process if the applicant can provide information to show that the area has been previously cleared by the NSB for another applicant. The application is streamlined because a field survey may not be required if one was previously done for the same area (see paragraph above “Am I required to conduct a physical field survey or is a literature review sufficient.”) The application includes a location for you to list the prior TLUI Clearance Approval number, and to identify the name of the applicant that obtained the prior clearance. This situation might arise where one company had previously obtained a TLUI Clearance for a seismic survey or ice road route, and years later another company wants to follow a similar route. The NSB still requires the new applicant to submit and complete the Form 500 application and obtain approval for the following reasons: (1) to ensure that the location was previously cleared as the applicant indicates; (2) to provide documentation to the LMR Division to ensure that the clearance process has been completed, so that a land use permit can be issued; and, (3) to ensure that the new applicant is issued an approval that includes compliance with TLUI stipulations for that project.

**How does NSB handle Unforeseen Emergency Circumstances where there is insufficient time to apply for a Form 500 Application and obtain approval before earth moving or ice road construction is required?**

The NSB recognizes that unforeseen emergency circumstances may occur (e.g. a spill response, or emergency repair) and there may not be sufficient time obtain an approved application. If emergency circumstances arise, you must contact the North Slope Borough, Department of Planning and Community Services Director or designee at (907) 852-0320 and explain the unforeseen emergency circumstances, and follow that phone call with a brief email or letter documenting your request and providing sufficient location information for a NSB Cultural Resources Specialist to be able to identify the known TLUI sites in that area. You must obtain the Director’s approval to proceed with the emergency actions absent completing the full clearance process. You must also contact the NSB Cultural Resource Specialist at (907) 852-0422 to obtain a list of TLUI sites that must be avoided and protected in the area of the emergency. After the emergency is over, you must submit a report to the NSB Cultural Resource Specialist documenting the emergency circumstances, and the precautions that were taken during the emergency to protect TLUI sites. Unforeseen Emergency Circumstances do not include any activities where a Form 500 Application could have been submitted and a Certificate of TLUI Clearance issued with careful advanced planning. Under no circumstances will seismic data collection or placement of a permanent structure be considered “Unforeseen Emergency Circumstances.”

**Is a Form 500 Application required for gravel boreholes less than 8” in diameter?**

Yes. A Form 500 Application is required for all gravel borehole drilling because the drilling process involves earth-moving activities. However, NSB offers a streamlined approval process for gravel boreholes. The streamlined approval process does not require a field survey or an archeological report. Instead, you just submit the Form 500 application including your plan of operation and a map of where your boreholes will be drilled so that the NSB Cultural Resource Specialist can review the area and provide you specific advice on how to avoid any known TLUI sites. You must also contact the State Historic Preservation Office (SHPO) to obtain a list of AHRS protected sites. Your borehole drilling operations must avoid all known TLUI and AHRS sites.

**Can I appeal the outcome of this application?**

Yes, you may file an appeal in accordance with NSBMC § 19.30.130. You must serve written notice to the secretary of the appropriate Commission within 30 days of receipt of the decision on your application. Your notice must state the reasons why you believe the decision was improper. The issues before the Commission are limited to those identified on the appeal, and the evidence is limited to a review of the record, although further argument may be allowed. You will have the burden of proof on the appeal.