Appendix G: North Slope Borough Standard Permit Stipulations

Stipulations: **Industrial Development & Use (Form 100)**

Applicability: All industrial development and use permit applications.

Instructions: The NSB has developed a standard set of Industrial Development & Use Permit Stipulations, which is divided between Offshore Stipulations (mostly for oil and gas), Onshore Stipulations (mostly for oil and gas), and Wildlife Stipulations. Not all of the stipulations in this document will apply to every project, particularly since not all industrial development and uses involve oil and gas.

If a project includes a study as part of the project, you may need to add example stipulations from Form 400 (Study Permits). Likewise, if there an industrial development or use application within Barrow or Village zoning districts, you may need to add example stipulations from Form 750 (Village Commercial Permits) or Form 850 (Barrow Commercial Permits).

In addition, you may need to apply Project Specific Stipulations. Since each application is unique, it is not possible to consider every possible situation, condition or public concern in a standard set of stipulations. Project Specific Stipulations may need to be developed by the Land Management Specialist in response to NSB Management input, Legal Department, Wildlife Department or other public input. Project Specific Stipulations should be drafted and reviewed with the NSB Management and the NSB Legal Department prior apply to a permit.

If you find errors, or changes needed in this stipulation, please bring them to the NSB Land Management Administrator’s attention.

Note: The example stipulations listed below are draft stipulations require some input and consideration when applying the stipulation to a permit. Text highlighted in yellow indicates area that need permit specific information, or provides you with instructions on whether to include the stipulation in the permit. All yellow highlighted areas must be filled in by the permit staff or deleted when finalizing the permit.
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**General Stipulations**

[Note: These stipulations should apply to most permits. Please review and customize if necessary.]

1. **Permit Term**: Temporary uses under the permit are valid for a period of one year from original date of issue, provided Applicant is in compliance with permit terms and conditions. [Note: Do not extend the permit duration beyond one year for temporary operations without Director and Legal approval.] Infrastructure installed is permitted for the life of the structure, provided Applicant is in compliance with permit terms and conditions. All other developments and uses are subject to the permit term approved by the Administrator. The permit is not a property right; it is revocable at the discretion of the NSB at any time upon notice. NSBMC §§ 19.30.070 and 19.50.010.

2. **Minor Amendments**: Minor amendments may be made by submitting the appropriate fee and a request for approval prior to the permit expiration. NSBMC §§ 19.30.070 and 19.50.010.

3. **Renewal**: A request to renew the permit may be made by submitting the appropriate fee and a request for renewal prior to the permit expiration. If a permit is not renewed prior to expiration, a new permit application is required. NSBMC §§ 19.30.070 and 19.50.010.

4. **Compliance with Requirements**: Permittee must not conduct any activities that are not specifically described in the permit application. Permittee must comply with its approved plans and all local, state, and federal laws, regulations, rules and orders, and requirements and stipulations included in this authorization. Permittee must inform and ensure compliance with these stipulations by his agents, employees, and guests. This permit shall be provided to agents and employees for their records. A copy of this permit must be posted at the facility or carried by the Permittee, and must be available at the permitted operation. NSBMC §§ 19.30.100, 19.50.010, 19.70.050(D), and 19.70.050(H).

5. **Compliance with Plans**: Permittee must comply with all plans required and approved in connection with the permit application, which may include Design Plans, Wildlife Interaction Plan, Water and Waste Management Plan, Subsistence Plan, Transportation Plan, Emergency Medical Plan, Economic Development Plan, Study Plan, Transportation Plan, and Spill Plans. [Note: Modify this stipulation to just list the plans required for the permit that is being issued.] NSBMC §§ 19.50.010 and 19.50.030, and 19.70.

6. **Land Owner Authorization**: Permitted activities on private, local, state, or federal land may not commence without land owner approval (this includes travel across lands and use of lands). The NSB reserves the right to request a copy and verify all land owner authorizations related to this permit. Land owner approval to access lands described in this permit must be maintained during the permit term or this permit is null and void. NSBMC § 19.50.010(B).

7. **Indemnification**: Permittee assumes all responsibility, risk and liability for all activities of the Permittee, its employees, agents, guests, contractors, subcontractors or licensees directly or indirectly conducted in conjunction with this permit, including environmental and hazardous substance risks and liabilities, whether occurring during
or after the term of this permit. Permittee shall defend, indemnify and hold harmless the NSB, its employees and agents from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatever kind of nature including all attorney fees and litigation costs, arising out of, in connection with or incident to any act or omission by the Permittee, its employees, agents, clients, guests, contractors, subcontractors or licensees. This indemnification shall survive the expiration or termination of this permit. NSBMC § 19.50.010 (B).

8. Damages and Claims: Permittee must pay the NSB for any damage to permitted property resulting from its use. NSBMC § 19.50.010(B).

9. Reservation of Rights: The NSB reserves the right to grant additional authorizations to for compatible uses on or adjacent to the land covered under this authorization. Authorized concurrent users of lands within the NSB, their agents, employees, contractors, subcontractors and licensees must not interfere with the operation or maintenance activities of each user. NSBMC § 19.50.010(B).

10. Licenses, Permits and Authorizations: Permittee must maintain any private, local, state, or federal license, permit, or authorization required during the entire permit term or this permit will be null and void. The NSB reserves the right to request a copy of all licenses, permits, or authorizations. NSBMC § 19.50.010(B).

11. Inspections: The NSB or authorized representative must be allowed to inspect the authorized activity at any time deemed necessary to ensure that the activity is being or has been accomplished in accordance with the terms and conditions of this permit. Permittee must provide NSB representatives with transportation to site, if not on a road system or accessible by government airport. Permittee may be required to reimburse the NSB for the expense of conducting an inspection if a violation is found. NSBMC § 19.50.010(B).

12. Public Access: Permittee shall not prevent access used by the general public to NSB, state, or federal lands. NSBMC § 19.50.010(B).

13. Permit Evidence: Permittee and Permittee’s employees shall carry a copy of this permit at all times. NSBMC § 19.50.010(B).

14. Permit Assignment: This permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party. If this permitted development or use is sold or assigned to the responsibility of another organization or contractor who did not file this application, this permit is no longer valid. A new permit application must be submitted and approved by the NSB before a new owner, operator or contract may proceed. NSBMC § 19.50.010(B).

15. Violations and Enforcement: This authorization is revocable immediately upon violation of any of its terms, conditions, and stipulations or upon failure to comply with any applicable laws, statutes, or regulations. This permit may be revoked if the NSB receives and validates a complaint regarding impact to subsistence use, human health, or safety. Pursuant to NSB Municipal Code (NSBMC) Chapter 19.30.100, 19.30.110, and 19.30.120, a person who violates a provision of this permit is subject to any action available to the NSB for enforcement and remedies, including revocation of the permit, civil action, or criminal action. NSBMC §§ 19.30.100, 19.30.110, and 19.30.120.
16. **Land Management Orientation**: The Permittee must ensure a NSB Land Management Orientation is given to all field crews working in the North Slope Borough (including in offshore areas). The content of the orientation program must be developed by the Permittee and approved by the NSB. This training must be completed prior to the start of any field work. The Permittee is responsible for ensuring that its employees, contractors, and representatives adhere to the provisions set forth in the orientation. A training roster listing the names, date of training, location and name of NSB Land Management Staff must be on file at the NSB Planning Department prior to initiating any field work under this permit. NSBMC § 19.50.010(B).

17. **Waste Handling**: The proper and lawful disposal of waste in an environmentally sound manner is a condition of this permit. All solid waste including incinerator residue shall be backhauled to an authorized solid waste disposal facility. The NSB is authorized to develop, operate and maintain a system for solid and sanitary waste collection and disposal and operate potable water production and distribution system in Service Area 10. The extent of Service Area 10 is defined in NSBMC § 15.04.010. All solid and sanitary waste created within Service Area 10 must be treated and disposed of by the NSB solid and sanitary waste collection and disposal system, unless allowed under the exceptions granted in NSBMC §§ 9.04.040, 9.08.040, 9.12.030, and 19.16.030, and NSB written approval for the exception is obtained. Permitted activities outside of Service Area 10, or permitted activities operating within Service Area 10 under a NSB approved exception, must have an approved state and/or federal permit for temporary or permanent sanitary and solid waste disposal and potable water facilities. The state and/or federal approve permits must be on file with the NSB Permitting and Zoning Division to become a part of this permit file, prior to operation of this facility. NSBMC §§ 9.04.040, 9.08.040, 9.12.030, 19.16.030 and 15.04.010.

18. **Open Burning**: Open burning of waste is prohibited unless approved by the NSB Land Management Administrator. Open burning of hazardous or contaminated material is strictly prohibited. Black smoke is prohibited. NSBMC §§ 19.50.030.

19. **Incinerator Operation**: [delete if an incinerator is not approved for this permit] Permittee shall establish procedures to manage and monitor the combustion cycle of any incinerator to maximize combustion efficiency, minimize adverse environmental effects, and limit smoke. The burning system must be sited to ensure prevailing winds blow smoke away from nearby villages and/or subsistence use areas. NSBMC §§ 19.70.050(H and I).

20. **Vessel and Aircraft Operation**: A vessel and/or aircraft route that minimizes impacts to subsistence activities must be established from routine site locations. The route must be on file at the NSB offices prior to the start of vessel or aircraft activity. The route must be developed in consultation the nearest affected village. Evidence of community consultation must be submitted. Before commencement of activities, Permittee must provide a list of the aircraft and vessels including make, tail number, and color. Permittee must update the NSB with any changes to this plan list. Permittee must not deviate from that prescribed route, except to avoid large concentrations of animals or for human safety. NSBMC §§ 19.50.030(C), and 19.70.050(A, B, D, and I).

21. **Impact Mitigation**: Development/uses shall not significantly impact the surrounding area with excessive noise, fumes or odors, glare, smoke, light, vibration, dust, or litter.
The lands, waters, and facilities subject to this permit must be maintained in good condition and in conformance with the terms and conditions of this permit. Permittee is not relieved of this requirement if the permitted activity is abandoned. NSBMC §§ 19.50.030(I), and 19.60.040(N).

22. Abandonment or Transfer of Operations/Ownership: Requests to abandon, or cease maintenance or transfer permitted activities or facilities to a third party, must be approved by the NSB Land Management Administrator. Permittee, by accepting this permit and commencing any activities under this permit, is liable for all the costs associated with removal, restoration, and re-vegetation of the area. Removal, restoration and re-vegetation requirements and timing will be established by the NSB Land Management Administrator and may be triggered by a request to abandon, or cease maintenance or transfer permitted activities, or non-compliance found under this permit. A Reclamation Plan meeting the requirements of the NSBMC § 19.30.070(B) must be submitted and approved prior to the end of the project.

23. Inform Agents, Contractors, and Agents: Permittee shall inform and ensure its agent’s, contractors, and employee’s compliance with these stipulations. This permit shall be posted in a conspicuous place for these individuals to see at the project building site, or provided to agents and employees to carry on site if no central building exists. NSBMC § 19.50.010(B).

Reporting & Recordkeeping Requirements

1. NSB Permit Marked on All Communication. All communication regarding activities and reports required under this permit must be clearly marked with the NSB permit number on the front page of the document and submitted to the NSB Land Management Administrator, P.O. Box 69 Barrow Alaska 99723. NSBMC § 19.50.010(B).

2. Transportation Use Notification. Permittee must provide the NSB with a photograph all transportation equipment that will be used in its operation prior to use. NSBMC § 19.50.010(B).

3. Complaint Notification. Permittee must notify the NSB of any written or verbal complaint received within 24 hours by contacting a LMR Permit Specialist at (907) 852-0320. The NSB will also notify the Permittee of any complaints received at the NSB Offices. Within seven (7) calendar days of receiving a complaint, or being notified of a complaint by the NSB, the Permittee must provide a written response to the NSB explaining the steps taken to resolve the complaint or reasons why it is not a valid complaint. NSBMC § 19.50.010(B).

4. Spill Reporting. Spills of fuels, hydrocarbons, or chemicals must be cleaned up immediately and thoroughly to the NSB Land Management Administrator’s satisfaction. Permittee must immediately report all oil and other hazardous material spills larger than 55 gallons to the NSB by telephoning (907) 852-0440 [during business hours] or (907) 306-9285 or (907) 360-6153 [after business hours.] The follow-up written report must be faxed to the NSB Department of Planning and Community Services fax (907) 852-5991 or (907) 822-0322 within 24 hours. Discharges less than 55 gallons must be reported in writing within 30 days. NSBMC §§ 19.50.010(B), and 19.50.040.
5. **Tundra Damage Reporting.** Any tundra damages that have occurred must be reported to the NSB Department of Planning and Community Services by phone by calling (907) 852-0440 within 24 hours. A written report must be submitted to the NSB Land Management Administrator within seven (7) calendar days. The written report must include a description of the damage, an explanation of how it occurred, an estimate of the damage size in square feet, photos of the damage, and a plan to remediate the site. NSBMC § 19.50.010(B).

6. **Amendments:** Permittee shall immediately notify the NSB of any change of information submitted in this application. Permittee is only authorized to conduct the activities described in this permit application and approval. Any change to the operation will require a permit amendment application to be submitted and approved prior to conducting those activities. NSBMC § 19.50.010(B).

7. **Completion Report.** A completion report must be submitted within sixty (60) calendar days upon termination of permit activities. NSBMC § 19.50.010(B). This report must contain the following information:

   A. Confirmation that all permit stipulations and requirements have been met;
   B. Confirmation that the area used is clean and restored as nearly as possible to pre-existing conditions and that all temporary equipment and supplies have been removed;
   C. Actual routes of travel, and, if utilized, the location of all camps depicted on a USGS topographic map;
   D. A list of transportation equipment used for any off-road travel that may have taken place;
   E. Confirmation that any spills or tundra damage that may have occurred has been remediated; and,
   F. A written summary describing clean-up activities conducted, and photographs of the permit area demonstrating it is completely cleaned and remediated to its original state.

8. **Study Report.** A copy of all study reports and results must be provided to the NSB within 180 calendar days upon termination of permit activities. NSBMC § 19.50.010(B).

9. **Recordkeeping:** Permittee shall keep and preserve all record of business activities conducted in NSB for at least 5 years. NSBMC § 19.50.010(B).

**Subsistence, Habitat, and Wildlife Protection Stipulations**

1. **Subsistence Protection:** Permittee’s uses of land and wildlife habitat must minimize adverse impacts on subsistence activities and resources. NSBMC §§ 19.50.030(C, G and I), 19.60.040(L and N), 19.70.050(A, B, D, H, I, J, and L).

   A. Permittee must not preclude reasonable subsistence user access to a subsistence resource.
   B. Noise must be mitigated to avoid disruption to subsistence activities and nearby communities.
C. Hazing of wildlife is prohibited. Pursuit of running wildlife is hazing. If wildlife begins to run as an aircraft approaches, the aircraft is too close and must break away.

D. Permittee must minimize alteration of shorelines, water courses, wetlands, tidal marshes.

E. Permittee must minimize disturbance to important habitats and avoid critical fish migration periods.

F. To avoid impacts to potential fish over-wintering areas, crossings of rivers and streams is restricted to those areas where the ice is frozen solidly to the river/stream bed.

G. Permittee must mitigate adverse impacts on subsistence activities and must not interfere with subsistence activities or restrict the boating routes, mooring spots or safe harbor of any subsistence hunters or vessels.

H. Transportation routes and facilities must not obstruct wildlife migration or interfere with subsistence activities.

I. Aircraft used in support of permit activities must maintain an altitude of at least 1,500 feet above ground level over groups of caribou (except takeoffs and landings), unless doing so would endanger human life or violate safe flying practices. However, if state or federal regulation requirements are more restrictive, those should be followed.

10. Good Neighbor: Development/uses must not significantly impact the surrounding areas with excessive noise, fumes or odors, glare, smoke, light, vibration, dust, or litter. The lands, waters, and structures subject to this permit must be maintained in good condition and in conformance with the terms and conditions of this permit. All areas must be kept clean. NSBMC §§ 19.50.030(I), and 19.60.040(N).

11. Site Disturbance: All activities must be conducted in a manner that will minimize the disturbance of soil and vegetation and changes in the character of natural drainage systems to protect local habitat. Vehicles must be operated without disturbing the vegetative mat and underlying substrate. Particular attention must be paid to prevent pollution and siltation of streams, lakes, ponds, seeps and marshes, and to prevent disturbances to fish and wildlife populations and habitats. NSBMC §§ 19.50.030(J), 19.60.040(O), and 19.70.050(L).

12. Fires: Permittee must take all reasonable and prudent precautions to prevent and suppress fires. Open burning of hazardous or contaminated material is strictly prohibited. Black smoke is prohibited. NSBMC §§ 19.50.030(H), and 19.60.040(M).

13. Watershed Protection: Watershed areas must be protected. All operations must be conducted to minimize or eliminate siltation, road and surface runoff and pollution of the water supply. No stationary or mobile equipment may be transported over, refueled on, or operated on a public drinking water supply. Except in the case of emergency and for float planes, refueling of helicopters and aircraft on lakes or any other water bodies is prohibited. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I and J).

14. Grey Water and Human Waste Disposal: All grey water and human waste must
be disposed of in containment that can be transported for disposal at a NSB facility or ADEC approved disposal site. All waste storage must be located at least 100' from the ordinary high water mark of the nearest waterbody. NSBMC §§ 19.50.030(C), and 19.70.050(I, K).

[Note: Use this stipulation only for temporary winter operations in polar bear habitat areas.]

15. Polar Bear Habitat Protection. Prior to the commencing temporary winter operations (e.g., ice roads), the Permittee will consult with the U.S. Geological Survey Biological Research Division and the U.S. Fish & Wildlife Service to acquire the most recent location of active polar bear dens in the project area. Operations that can be feasibly relocated (e.g., ice roads, on-ice cuttings storage area) will avoid known active dens by one mile. If previously undocumented dens are encountered in the field, facilities that can be feasibly relocated will avoid the dens by a distance determined on a case by case basis through consultation between the Permittee and the U. S. Fish and Wildlife Service. If a den is found near permanent facilities off-site activity may be restricted. Appropriate restrictions will be determined through consultation between the Permittee and U. S. Fish and Wildlife Service (FWS). A copy of correspondence between the Permittee and the FWS must be submitted to the NSB Department of Wildlife Management at the time of issue. NSBMC §§ 19.70.050(I, K and L).

[Note: Use this stipulation only for areas where there are likely to be Spectacled and Steller’s eiders—check with NSB Wildlife Department.]

16. Spectacled and Steller’s Eiders Habitat Protection. Spectacled and Steller’s Eiders are listed as threatened under the U.S. Endangered Species Act. These birds are distributed along the western and northern coastal plains of Alaska. Permittee must not adversely affect any species listed as threatened or endangered under the Endangered Species Act (ESA) of 1973 as amended. Prior to conducting any operations under this permit, Permittee must contact the U.S. Fish and Wildlife Service (FWS) regarding the presence of threatened or endangered species in the project area. If the FWS determines that a Section 7 ESA consultation is required, this permit is not valid until the Section 7 ESA consultation is completed and FWS has issued a decision. All correspondence on Section 7 consultation must be provided to the NSB Department of Wildlife Management and the NSB Planning Department, as issued. NSBMC §§ 19.70.050(I, K and L).

[Note: Use this stipulation only for operations in grizzly bear habitat areas.]

17. Grizzly and Brown Bear Habitat Protection. Permittee shall prepare and implement a Grizzly & Brown Bear Interaction Plan to minimize conflicts between bears and humans, including measures to: (a) minimize attraction of bears to the Exploration or Development camp and drilling area; (b) organize layout of camp and work area to minimize human/bear interactions; (c) warn personnel of bears near or in the exploration or development camp and the proper procedures to take; (d) if authorized, deter bears from the camp area; (e) provide contingencies in the event that bears do not leave the site or cannot be deterred by authorized personnel; (f) discuss proper storage and disposal of materials that may be toxic to bears; and (g) provide a systematic record of bears on the site and in the immediate area. The Grizzly & Brown Bear Interaction Plan must be submitted to the NSB Planning Department before the start of any field activities. NSBMC §§ 19.70.050(I, K and L).
Stipulations Related to Hazardous Materials, Spills, and Waste Disposal

SPILL PREVENTION & RESPONSE PLAN STIPULATIONS

[Note: Most of these stipulations will apply to projects with oil and gas, large volumes of fuel, or other hazardous materials.]

1. Permittee’s oil spill prevention and response plan must be provided to the NSB Land Management Administrator prior to conducting any development or use under this permit. NSBMC § 19.50.040.

2. Approval of the Permittee’s oil spill prevention and response plan must be obtained prior to drilling, storing hydrocarbons, or producing hydrocarbons offshore or onshore near the coastline or major river system where a spill could reach or affect marine waters. NSBMC § 19.70.050(I).

3. Permittee’s oil spill prevention and response plan must, at a minimum, include best available spill prevention technology for drilling operations, pipeline leak detection, tank leak detection, corrosion control, a comprehensive oil spill prevention training program; a plan to protect environmentally sensitive areas, and an effective arctic grade oil spill response systems for oil spill control and cleanup for all potential oil spill volumes. Subsurface safety valves must be installed and maintained operational in all offshore wells. The well must be immediately shut-in if the valve fails. The oil spill response equipment must be effective for use in an arctic environment. NSBMC §§ 19.50.040, and 19.70.050(I).

4. [Use this additional stipulation if the well(s) are located in an environmentally sensitive area and/or the oil spill trajectory for the well(s) could reach a nearby lake, river or marine waters. Otherwise delete.] During production operations, all wells capable of flowing oil and gas to the surface unassisted, and located near an environmentally sensitive and/or marine area must be equipped with surface controlled subsurface safety valve systems. The subsurface safety valve must be maintained in proper working order and the well must be immediately shut-in if the valve fails. The well shall not resume operations until the valve has been repaired. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I, J, K, and L).

5. Drip pans must be placed under vehicles and equipment that is parked more than 5 minutes. NSBMC §§ 19.50.010(B) and 19.50.040.

6. Pink dye must be added to all diesel fuel prior to transporting to the field crews to aid in spill detection. NSBMC §§ 19.50.030(J), 19.60.040(O), and 19.70.050(A, B, C, D, I and L).

FUEL & HAZARDOUS MATERIAL STORAGE & USE STIPULATIONS

[Note: These stipulations apply to projects where there is fuel or hazardous material storage.]
1. Impermeable lining and diking is required for fuel storage and hazardous material facilities with a capacity greater than 660 gallons. The lining and diking system must be designed to hold 110% of the contents of the largest tank in the containment area and must be designed to capture tank contents. An engineer, certified in the State of Alaska, must certify that the lining and diking system meets these standards before fuel is placed in the tank. NSBMC § 19.70.050(I).

2. Temporary fuel storage and hazardous material facilities (less than 12 months) must not be placed within 100 feet of waterbodies. NSBMC §§ 19.50.010(B), 19.50.030(G), 19.60.040(L), and 19.70.050(H, I and J).

3. Permanent fuel and chemical storage, drill sites, and hazardous material facilities (more than 12 months) must be setback 1500 feet from the mean high water mark along the coast, lakeshore or river shoreline and must not be placed within 100 feet of water bodies. NSBMC §§ 19.50.010(B), 19.50.030(G), and 19.70.050(J).

4. All hazardous material containers and fuel drums must be marked with the Permittee’s name, name of contents and date. 19.50.010(B).

5. Vinyl liners, with foam dikes and a capacity of 25 gallons, must be placed under all valves or connections to fuel and chemical tanks when located outside of secondary containment. NSBMC §§ 19.50.010(B), and 19.50.040.

6. Fuel transportation and transfers must be performed by two trained refueling operators. NSBMC §§ 19.50.010(B), and 19.50.040.

7. Pink dye must be added to all diesel fuel prior to transporting to the field crews to aid in spill detection. NSBMC §§ 19.50.030(J), 19.60.040(O), and 19.70.050(A, B, C, D, I and L).

**DRILLING MUDS & CUTTINGS DISPOSAL STIPULATIONS**

[Note: These stipulations apply to both onshore and offshore drilling.]

8. All drilling muds and cuttings must be injected into an Environmental Protection Agency (EPA) approved disposal well onsite, or transported to an EPA-approved disposal well for injection. NSBMC §§ 19.50.030(G), 19.60.040(L), 19.70.050(H, I, J, K and L).

9. Temporary storage of muds and cuttings must be placed in impermeable lined containment pits with adequate berm height to contain the waste. Muds and cuttings may not be stored onsite more than 12 months prior disposal. NSBMC §§ 19.50.010(B), §§ 19.50.030(G), 19.60.040(L), 19.70.050(H, I, J, K and L).

10. No drilling muds and cuttings may be disposed in the water or on land. NSBMC §§ 19.50.030(G and J), 19.60.040(L and O), and 19.70.050(H, I, J, K, and L).

**OIL SPILL CONTINGENCY MITIGATION AGREEMENT STIPULATIONS**

[Note: the Oil Spill Contingency Mitigation Agreement stipulation must be applied to all offshore oil and gas permits and all onshore oil and gas permits where an oil spill could potentially reach the ocean.]
unless the NSB Land Administrator, Legal Department, and AEWC agree that that this stipulation does not apply.

1. Prior to operation, Permittee must sign an Oil Spill Contingency Mitigation Agreement with the NSB, which may also be signed by the Inupiat Community of the Arctic Slope (ICAS) and the Alaska Eskimo Whaling Commission (AEWC) prior to operation. NSBMC § 19.50.010(B), 19.50.040, NSBMC §§ 19.70.050 (A, B, C, D, and I).

2. The Oil Spill Contingency Mitigation Agreement must remain in place during the term of this permit; and a valid bond or other financial instrument must be in place to secure damage associated with an oil spill. NSBMC §§ 19.50.010(B), 19.30.100, 19.30.110, and 19.30.120.

Stipulations Related to Onshore Operations

GENERAL ONSHORE STIPULATIONS

[Note: These stipulations apply to all onshore projects.]

1. Facilities shall be adequately served by water, sewer, electricity and other utilities and shall be properly drained to prevent additional drainage problems for the surrounding area. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I, J and K).

2. Development is required to maintain the natural permafrost insulation quality of existing soils and vegetation. Siting, design, construction, and maintenance of facilities and transportation systems shall provide for the conservation of natural features such as drainage basins and watersheds, permafrost stability and the general environment of the area. NSBMC §§ 19.50.030(G and J), 19.60.040(O), and 19.70.050(J and L).

3. Development/uses must minimize alteration of shorelines, water courses, wetlands, tidal marshes and significant disturbance to important habitats and avoid critical fish migration periods. Watershed areas must be protected during and after construction, all operations must be conducted to minimize or eliminate siltation, road and surface runoff and pollution of the water supply. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(A, B, C, D, H, I, J, K, and L).

4. Resource extraction support facilities, including administration offices, operations, residence, 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(I) and 19.70.050(K).

TUNDRA PROTECTION STIPULATIONS

[Note: These stipulations apply to all onshore projects with tundra travel.]

1. **Tundra Protection:** Vehicles must be operated in a manner such that the vegetative mat of the tundra is not disturbed. Blading or removal of tundra or vegetative cover is prohibited unless specifically approved by the NSB Land Management Administrator.
2. **Tundra Damage**: If any tundra damage occurs, the Permittee must immediately stop activities that caused the tundra damage, or could continue to cause additional tundra damage, and must report the damage to NSB Department of Planning and Community Services within 24 hours by phone by calling (907) 852-0440. The Permittee is not authorized to conduct any further activities that caused the tundra damage, or could continue to cause additional tundra damage. The Permittee must follow all reporting, recordkeeping and rehabilitation/remediation requirements related to tundra damage.

3. **Water Crossings**: Snow ramps, snow/ice bridges, or cribbing must be used to cross-frozen water bodies to prevent bank cutting, erosion, or degradation. Snow ramps and snow/ice bridges must be substantially free of soil and debris and of sufficient thickness to support vehicles. Snow/ice bridges must be removed or breached, and cribbing must be removed after final use or prior to breakup, whichever occurs first. Frozen watercourses must be crossed at shallow riffle areas, if such areas exist. Crossing of rivers and streams is restricted to areas where the ice is frozen solidly to the river/stream bed to avoid impacts to potential fish over wintering areas. Where such areas do not exist, an environmentally preferred location will be identified. NSBMC §§ 19.50.030(J), 19.60.040(O), 19.70.050(K)(2), and 19.70.050(L)(2&3).

4. **Road and Trail Consolidation**: Existing roads must be used to prevent creating new areas of tundra impact. Existing trails must be used when use will minimize cumulative tundra impact. Trail widths must be kept to the minimum necessary. Trail surface may be cleared of timber, brush, stumps, and snags. NSBMC §§ 19.70.050(K)(6), and 19.50.010(B).

5. **Willow Protection**: Movement of equipment through willow (Salix) stands must be avoided where possible. NSBMC §§ 19.70.050(L)(2&3). During winter, this applies to willow stands that extend above the snow level.

6. **Start of Winter Tundra Travel**: Winter on-tundra travel may begin when six inches (6”) of snow cover or six inches (6”) of ice cover and twelve inches (12”) of frost depth conditions exist for the activities intended as determined by an authorized field representative of the NSB Land Management Administrator. In areas of tussock tundra, nine inches (9”) of snow cover and twelve inches (12”) of frost depth is required, consistent with the more stringent State of Alaska Department of Natural Resources protection standard for sensitive tussock tundra. It is possible that tussock tundra may exceed heights of 9” and extend above the snow level, tundra travel must avoid all tussock tundra that can be seen above the snow cover.

The 12” of frost depth must be measured by a thermistor installed 12” below the ground. The thermistor must read a ground temperature of at least -5°C (23°F) or colder, consistent with the State of Alaska Department of Natural Resources requirement. Written NSB Land Management Administrator approval is required for any tundra activities that may begin sooner. Pre-packing is authorized, however ice road/tundra travel will not be authorized until tundra travel is opened in the area. NSBMC §§ 19.50.030(J), and 19.60.040(O).

7. **April 15th Tundra Travel Termination within 72 hours**: After April 15 of each year, on-tundra travel will be subject to termination within 72 hours of notification by the
8. **Permafrost Protection**: Development is required to maintain the natural permafrost insulation quality of existing soils and vegetation. NSBMC §§ 19.70.050(I)(3).

9. **Approved Vehicles**: Only those vehicles approved for summer/winter travel use by the State of Alaska Department of Natural Resources, Division of Mining, Land and Water Management are permitted. NSBMC §§ 19.50.030(J), 19.60.040(O), 19.70.050(K)(2), and 19.70.050(L)(2&3).

10. **No Abandoned Equipment**: Vehicles and other transportation equipment must not be abandoned. NSBMC §§ 19.50.030(J).

11. **Prohibited Activities on Tundra**: Vehicle maintenance, campsites, and storage or stockpiling of material on the surface ice of lakes, ponds or rivers or on sea ice within the NSB is prohibited with the following exceptions: a) the use of light plants and water pumps (including refueling) on the surface ice of lakes and ponds may be allowed with prior written consent from the NSB, b) storage or stockpiling of material on the surface ice of lakes and ponds that do not contain fish may be allowed with prior written consent from the NSB; c) storage or stockpiling of material on grounded ice in fish bearing waters may be allowed with prior written consent from the NSB. NSBMC §§ 19.70.050(K)(2), 19.70.050(L)(2&3).

12. **Waste Handling**: Trails and campsites must be kept clean. All solid waste including incinerator residue must be backhauled to an authorized solid waste disposal facility. NSBMC §§ 19.70.050(I)(4&5).

13. **Spill Prevention**: Inspections of all transport equipment for leaks must be made prior to commencement of tundra travel. Drip pans liners must be placed under leaking equipment and equipment must be repaired prior to use. Use of leaking equipment is prohibited on the tundra. Drip pans must be placed under all vehicles parked over 5 minutes. Pink dye must be added to all diesel fuel prior to transporting to the field crews to aid in spill detection. NSBMC §§ 19.70.050(L)(2&3), and 19.50.010 (B).

14. **Tundra Protection Training**: Permittee must train its staff and contractors to protect the tundra, to immediately report any tundra damage that may occur, and to immediately stop all activities that are causing or could cause tundra damage. NSBMC §§ 19.50.030(J), 19.60.040(O), 19.70.050(K)(2), and 19.70.050(L)(2&3).

15. **Tundra Specialists**: Permittee must hire a tundra specialist to assist in scouting and selecting the lowest impact route, monitoring the route for damage and training staff and contractors on tundra protection methods and strategies. The tundra specialist must be hired in advance of any operations occurring under this permit, and be retained throughout the period of tundra travel authorized under this permit. The tundra specialist must have traditional knowledge of the immediate area where the tundra travel is planned, traditional knowledge of methods to protect the tundra, and knowledge on the effect of weather changes and equipment types and loads on the tundra. NSBMC §§ 19.50.030(J), 19.60.040(O), 19.70.050(K)(2), and 19.70.050(L)(2&3).

16. **Tundra Damage Reporting**: Any tundra damage that has occurred must be reported to the NSB Department of Planning and Community Services by phone by calling (907) 852-
A follow-up written report must be submitted to the NSB Land Management Administrator within seven (7) calendar days of each tundra damage incident. The written report must include a description of the damage, an explanation of how it occurred, a description of how the damage could have been prevented, an estimate of the damage size in square feet, and photos of each damaged area labeled high, moderate or low levels of damage.

A. **High levels of tundra damage are defined as:** disturbance or alteration of more than 50% of the tundra vegetation or shrub cover over any square foot of surface area; more than 15% of the soil has been exposed over any square foot of surface area; obvious track depressions exists; standing water is apparent in the trail that is not present in adjacent areas in wet years; evidence of crushed tussocks or hummocks that is nearly continuous; or a general depression of the trail with a change in vegetation composition exists.

B. **Moderate levels of tundra damage are defined as:** disturbance or alteration of 25-50% of the tundra vegetation or shrub cover over any square foot of surface area; 5-15% of the soil has been exposed over any square foot of surface area; evidence of crushed tussocks or hummocks that is not continuous, and shows some evidence of regrowth; or portions of the trail may appear wetter than surrounding area.

C. **Lower levels of tundra damage are defined as:** disturbance or alteration of less than 25% of the tundra vegetation or shrub cover over any square foot of surface area; less than 5% of the soil has been exposed over any square foot of surface area; only very slight scuffing of tussocks or hummocks, and the trail is only slightly evident.

17. **Tundra Damage Equipment Extraction Plan.** If equipment is stuck in the tundra, a written equipment extraction plan must be submitted to the NSB Land Management Administrator and approved by the Administrator prior to conducting any extraction procedures that could result in additional tundra damage. The extraction plan must propose a method to extract the equipment that causes the least impact to the tundra. NSBMC §§ 19.30.070, 19.30.100, 19.50.030(J), 19.60.040(O), and 19.50.010 (B).

18. **Tundra Damage Rehabilitation/Remediation Plan.** Within 60 days of the tundra damage, the Permittee must submit a Tundra Damage Rehabilitation/Remediation Plan for NSB Land Management Administrator approval. Once approved, the plan must be implemented and continue until the NSB Land Management Administrator determines that the tundra damage has been sufficiently rehabilitated/remediated to its satisfaction. NSBMC §§ 19.30.070, 19.30.100, 19.50.030(J), 19.60.040(O), and 19.50.010 (B). At a minimum, the Tundra Damage Rehabilitation/Remediation Plan must:

A. Be prepared by a tundra rehabilitation/remediation expert with the goal of restoring the damaged tundra to as close to baseline (undamaged) condition as possible, preferentially using native vegetation and indigenous species;

B. Incorporate traditional ecological knowledge in development of the plan;

C. Incorporate NSB Department of Wildlife Management recommendations in development of the plan;
D. Include a schedule of milestones and activities;

E. Commit annual funding to rehabilitation/remediation damaged tundra, until determined satisfactory by the NSB Land Management Administrator;

F. Include a monitoring program that provides transportation for NSB employees and contractors to visit and inspect the tundra damage at least once per year;

G. Include an annual report (on or before December 31 of each year) documenting rehabilitation/remediation progress, including photos of each damaged location and annual progress achieved.

The permittee must also submit a Compliance Plan to the NSB Land Management Administrator for approval related to the specific permit where the tundra damage occurred. The Compliance Plan must describe changes the Permittee will make in its policies, procedures and training to ensure tundra damage does not occur in the future.

GRAVEL ROAD, PAD & AIRSTRIP STIPULATIONS

[Note: These stipulations apply to most onshore projects with gravel roads, pads, or airstrips, or gravel extraction.]

1. Gravel roads, pads, and airstrips may be constructed only where there is written consent from the landowner, and are limited to the routes shown in this permit application. Your application required proof of landowner approval. If landowner approval is revoked, the Permittee must immediately cease these activities. Alternate or additional routes require a permit amendment, unless an exception is granted by the NSB Land Management Administrator in an emergency. NSBMC §§ 19.50.010(B), and 19.30.100.

2. Gravel extraction in the coastal area must not cause environmental degradation of coastal lands and waters. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I, J and K).

3. Gravel roads, pads, and air strips and associated utilities must be sited, designed, constructed, and maintained to be as compact as possible and to share facilities to the maximum extent possible. Duplicative transportation corridors are not permitted without NSB Land Management Administrator approval. NSBMC §§ 19.70.050(I, J, K and L).

4. Gravel extraction activities within the floodplain shall 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. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I, J and K).

5. Gravel roads, pads, and air strips are required to maintain the natural permafrost insulation quality of existing soils and vegetation. To adequately protect the underlying permafrost from thermal degradation a layer of fill material, at least 4 feet thick, must be placed on the ground to maintain the integrity of the permafrost, if present. Signs of thermokarsting or standing water indicate non-compliance with this condition. NSBMC §§ 19.50.030(J), 19.60.040(O), and 19.70.050(L).
6. 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(A, B, C, D, I, K and L).

7. Gravel roads, pads, and air strips in floodplains and shoreline areas are required 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. NSBMC § 19.70.050(L).

8. An adequate number of culverts shall be installed and maintained under fills authorized under this permit to avoid interruption of natural surface drainage. Excessive ponding of areas next to fills indicates non-compliance with this condition. Adequate culverts must be installed to maintain natural drainage patterns and free passage of fish. Culvert installations must be marked for location year-round. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I, J, K and L).

9. There shall be no discharge of fill material for pad or road construction within 100 feet of the high tide line of any tidal water or within 100 feet of the ordinary high water mark of any lake, stream, river, pond, slough, or other non-tidal water without the approval of the NSB Land Management Administrator. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I and J).

ICE ROAD, ICE PAD AND ICE AIRSTRIPE STIPULATION

[Note: These stipulations apply to projects with ice roads, pads, or airstrips.]

1. Ice roads, ice pads, and ice airstrips may be constructed only where there is written consent from the landowner, and are limited to the routes shown in this permit application. Your application required proof of landowner approval. If landowner approval is revoked, the Permittee must immediately cease these activities. Alternate or additional routes require a permit amendment, unless an exception is granted by the NSB Land Management Administrator in an emergency. NSBMC §§ 19.50.010(B), 19.30.100, and 19.70.050(L).

2. Water must only be extracted from sources approved by the Alaska Department of Natural Resources. Water may not be withdrawn in amounts that adversely impact subsistence resources or waterfowl and fish populations. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I, J, K and L).

3. Permittee shall monitor all permitted water sources used for ice road and ice pad water withdrawals for spring recharge events of the lake to assure normal levels are achieved. NSBMC §§ 19.50.030(G), 19.60.040(L), 19.70.050(A, B, C, D, H, I, J, K and L) and 6.02.

4. Permitted natural water bodies used for ice road or ice pads construction must not be depleted. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(A, B, C, D, H, I, J, K and L).

5. Permitted natural water bodies used for winter water withdrawals containing fish species shall be monitored for life sustaining qualities in times of low water tables caused by a drought year. NSBMC §§ 19.50.030(G), 19.60.040(L), 19.70.050(A, B, C, D,
6. Onshore ice road construction must not commence until frost has penetrated the ground to a depth of 12 inches and 6” of snow or ice covers the tundra. The ice road must be maintained at a minimum thickness of six (6) inches. NSBMC §§ 19.50.030(J), 19.60.040(O), and 19.70.050(L).

7. Ice roads, that cross established subsistence trails, must be constructed in a manner that provides a smooth transition at the crossing to ensure that local residents using the trail have safe passage. NSBMC §§ 19.70.050 (A, B, C, D, and I).

8. Spills of fuels, hydrocarbons, or chemicals on ice pads must be cleaned up immediately and thoroughly to prevent damage to the underlying tundra when the ice pad melts. NSBMC §§ 19.50.030(J), 19.60.040(O), and 19.70.050(A, B, C, D, I and L).

ONSHORE OIL & GAS DRILLING STIPULATIONS

[Apply these stipulations 1-4 if drilling would result in a spill to marine waters—for example a drilling operation at the coast line- otherwise delete.]

1. Approval of the Permittee’s oil spill prevention and response plan must be obtained prior to drilling, storing hydrocarbons, or producing hydrocarbons offshore or onshore near the coastline or major river system where a spill could reach or affect marine waters. NSBMC § 19.70.050(I).

2. Because this drilling project has the potential to spill to marine waters, drilling below threshold depth must be conducted during the winter (November 1 through April 15) and be completed as early in this period as practicable. NSBMC § 19.70.040(C).

3. Drilling above threshold depth may occur year-round. NSBMC § 19.70.040(B).

4. Well testing and other well completion activities must be completed no later than June 15, or before ice conditions become unsafe. NSBMC § 19.70.040(D).

[Apply stipulation 4 to all onshore drilling]

5. Permittee must develop and maintain a well control plan for its drilling rig that includes primary and secondary blowout prevention systems, a well capping program, and a relief well plan designed for successful operation in arctic conditions. NSBMC § 19.50.040. The well control plan must include but is not limited to:

A. A written well control plan prepared by a qualified expert, including immediate plans to initiate well capping, and provisions for a relief well;

B. All well capping equipment required to control a well blowout must be staged at the drill site for immediate access and deployment and shall be maintained and operational for immediate deployment;

C. Primary and secondary blow-out prevention systems;

D. Trained personnel capable of executing the plan; and

E. A copy of signed contracts demonstrating Permittee has contracts in place for well control resources and trained personnel and equipment to respond to all
spills up to an including the worst-case oil spill at the project site.

F. Permittee must have a trained and qualified well capping expert on-site, or available not farther away than Anchorage to be immediately deployed by plane to the drill site in the event of a blowout;

G. Within 48-hours of an unsuccessful well capping procedure, Permittee shall deploy a relief well rig to a pre-identified location and commence relief well operations.

ONSHORE OIL & GAS PIPELINE STIPULATIONS

[Note: Use these stipulations if the application includes onshore pipelines.]

1. A means of providing for unimpeded wildlife crossing shall be included in the design and construction of structures such as roads and pipelines that are located in areas used by wildlife. Pipeline design shall 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 and all associated infrastructure (including fiber optic and other cables, vibration dampers and other appurtenances) must be elevated at or above the 7 foot minimum VSM height 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 5 feet. Pipelines must be separated from roads by a minimum distance of 500 feet except at those points where the pipeline intersects a road, pad, or caribou ramp. Temporary pipelines (not to exceed 6 months) are exempt from this policy. NSBMC §§ 19.50.030(C), 19.70.050(A, D, I, J, K and L).

2. Flowlines shall not be constructed at a distance greater than one thousand (1,000) feet from any access road, unless the Applicant chooses to submit a monitoring program to the NSB Land Management Administrator for review and approval, which would allow for a greater offset from an access road. NSBMC §§ 19.70.050(A, D, and I), and 6.02.

3. Pipelines must be consolidated to the maximum extent possible. NSBMC §§ 19.70.050(J), and 19.70.050(K).

4. Adequate culverting must be installed to ensure natural drainage patterns are maintained. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I and J).

[Note: If the application includes a proposal to replace an existing 5’ pipeline, it may be appropriate to require a higher pipeline height up to 7’ for the replacement pipeline, although this will require a site specific analysis.]

ONSHORE SEISMIC STIPULATIONS

[Note: Use these stipulations if the application includes onshore seismic.]

1. Seismic operations must not preclude subsistence user access to subsistence resources. Specifically, operations in the vicinity of [enter name of applicable village here] must not interfere with subsistence caribou hunting and fishing. Seismic activities must not
interfere with marine mammals and all wildlife. If the subsistence hunters desire to confer with the seismic crew, they must be allowed to approach the camp. NSBMC §§ 19.70.050 (A, D, I and L).

2. Seismic exploration must be conducted in a manner that minimizes its impact on fish and wildlife. Permittee must not remove snow cover from fish bearing lakes and overwintering habitat. NSBMC §§ 19.70.050 (A, D, I, K and L).

3. Camps must be made in areas of adequate snow cover to protect the tundra. In years of unusually light snowfall, camps must be limited to a maximum of five units plus a tractor. Camps must be moved over the tundra in a dispersed fashion to avoid running vehicles in multiple passes through the same set of tracts. NSBMC §§ 19.50.030(J), 19.60.040(O), and 19.70.050(L).

4. Seismic lines must not cross Native Allotments, or be conducted on private lands unless permitted by the landowner. NSBMC § 19.50.010(B).

5. Seismic surveys are limited to the locations depicted in the application for this permit. Additional survey locations require a permit amendment, and cannot be conducted until approved by the NSB Land Management Administrator. NSBMC § 19.50.010(B).

6. Seismic operations after April 15th will be subject to 72 hours’ notice to cease operations. NSBMC § 19.50.010(B) and 19.70.050(L).

MINING STIPULATIONS

[Note: Use these stipulations if the application includes mineral or gravel mining operations.]

1. Mining operations are required 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. Environmental degradation of coastal lands and waters, including siltation of anadromous rivers and streams, is prohibited. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I, J, K and L).

2. Mining operations within the floodplain must 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. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I and J).

3. Mining operations in floodplains, shoreline areas and offshore areas are required 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. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I, J, L).

4. Mining operations must be conducted in a manner that minimizes particulate matter emissions in the air and the deposition on the surrounding ecosystem. NSBMC §§ 19.70.050(H and I).

5. All activities must be conducted in a manner that will minimize the disturbance of soil and vegetation and changes in the character of natural drainage systems to protect
local habitat, except for those areas specifically authorized for mining. Particular attention shall be paid to prevent pollution and siltation of streams, lakes, ponds, seeps and marshes, and to prevent disturbances to fish and wildlife populations and habitats. NSBMC §§ 19.50.030(G and J), 19.60.040(L and O), and 19.70.050(H, I, J, K, and L).

6. Permittee’s mining operations must not adversely affect spawning, rearing, migrating, or overwintering areas for anadromous fish. Mining shall not be conducted in locations which have been documented to provide spawning, rearing, or overwintering habitat for anadromous fish. NSBMC §§ 19.70.050(I, K and L).

7. Permittee’s mining operations shall avoid causing increases in sedimentation, siltation, and the resulting turbidity that could have a significant adverse impact to aquatic productivity and habitats, marine fish, shellfish, or anadromous fish populations in marine, estuarine, and freshwater environments. In streams and their floodplains which provide habitat for anadromous fish, mining operations shall minimize clearing of riparian vegetation and disturbance of natural banks and mining site configurations shall be shaped to blend with physical features and surroundings to provide for diverse riparian and aquatic habitats. NSBMC §§ 19.50.030(G and J), 19.60.040(L and O), and 19.70.050(H, I, J, K, and L).

8. To protect fish, explosives shall not be detonated within, beneath, or adjacent to marine, estuarine, or fresh waters that support fish unless 1) the detonation of the explosives produces an instantaneous pressure change in the water body of no more than 2.7 pounds per square inch, and a vibration of no more than 0.5 inches per second or 2) the water body, including its substrate, is frozen, or 3) fish and marine mammals are not present. NSBMC §§ 19.70.050(A, D, I, K and L).

9. Mining operations in stream floodplains shall be located and designed to avoid adverse changes to channel hydraulics and the potential for channel diversion through the mining site. A stable bank and bed profile shall be maintained during mining. A stable bank and bed profile is one that will not alter river currents or change erosion and deposition patterns downstream. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I, J, L).

10. Mining operations shall not adversely affect natural stream hydraulics by channelization, diversion, spur dike construction, or other activities. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I and J).

11. Mining operations shall not withdraw surface waters at a withdrawal rate or timing which adversely affects anadromous fish habitat, particularly spawning or overwintering areas. NSBMC §§ 19.70.050(A, D, I, K and L).

12. Mining operations shall not adversely impact water quality and natural productivity of streams, rivers, and lakes within the NSB and shall significantly increase water turbidity or rate of sediment deposition above natural levels. Toxic/harmful effluents shall not be discharged into the NSB watersheds or water bodies. Zero water pollution discharge must be achieved unless the Applicant proves to the NSB that it is not technically feasible. NSBMC §§ 19.50.010(B), 19.50.030(G), 19.60.040(L), and 19.70.050(A, H, I and J).

13. No overburden shall be disposed of in lakes, within the mean annual floodplain
of streams or rivers, or below the limit of mean high water in intertidal areas and estuaries. Overburden in upland areas shall be saved and replaced on the cleared area to conform to the natural topography as part of the reclamation procedure. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I and J).

14. Mines must be sited, designed, and operated in a manner that protects human health from adverse impacts. Mines must improve the quality of life for local residents and must not have adverse socioeconomic affects. NSBMC §§ 19.50.030(C), 19.70.050 (A, B, D, and I).

15. Transportation routes and methods used to bring equipment and supplies to the mine site and to transport recovered materials from the mine site shall not adversely impact biological resources or community lifestyle. Any damage to road systems, docks or other public transportation infrastructure shall be repaired by the Permittee at its cost. NSBMC § 19.50.010(B), § 19.30.100, 19.30.110, 19.30.120.

16. Docks, ports, and loading facilities must be sited to limit impact on fish, shellfish, wildlife, and their habitat. Docks and ports must be added to accommodate mine needs. Subsistence hunters and fishermen and local vessels must be allowed safe harbor. Dredging must not adversely impact fish or shellfish resources. NSBMC §§ 19.50.010(B), and 19.70.050(A, B, C, D, I, K and L).

17. Watershed areas shall be protected. All operations shall be conducted to minimize or eliminate siltation, road and surface runoff and pollution of the water supply. Stationary or mobile equipment shall not be transported over, refueled on, or operated on a public drinking water supply. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I and J).

18. Signs must be posted at the mine location to identify hazards to the public. NSBMC § 19.50.010(B).

Stipulations Related to Offshore Operations

OFFSHORE GENERAL STIPULATIONS

[Note: These stipulations apply to all offshore projects.]

1. All nonessential air and vessel traffic associated with project activities shall occur prior to or after the period of whale migration through the area. Essential traffic (traffic that could not reasonably occur prior to or after the period of whale migration through the area) shall avoid disrupting the whale migration, subsistence activities and be coordinated with the Alaska Eskimo Whaling Commission. NSBMC §§ 19.70.040(E), and 19.70.050(A, B, C, D, and I).

2. Vessels that are likely to cause significant disturbance must avoid areas where species that are sensitive to noise or movement are concentrated at times when such species are concentrated. Concentrations may be seasonal or year round and may be due to behavior (e.g., flocks or herds) or limited habitat (e.g., polar bear denning, seal haulouts). NSBMC §§ 19.70.040(E), and 19.70.050(A, B, C, D, and I).

3. Development is required 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. NSBMC § 19.70.050(L).

4. Offshore structures must be able to withstand geophysical hazards and forces which may occur while at the drill site. Design criteria must be based on actual measurements or conservative estimates of geophysical forces. Offshore 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(l).

**OFFSHORE OIL & GAS DRILLING STIPULATIONS**

*Note: These stipulations apply to all offshore drilling projects.*

5. Drilling must be conducted from bottom founded structures. NSBMC § 19.70.040(A).

6. Drilling above threshold depth may occur year-round. NSBMC § 19.70.040(B).

7. Drilling below threshold depth must be conducted during the winter (November 1 through April 15) and be completed as early in this period as practicable. NSBMC § 19.70.040(C).

8. All offshore wells must have surface and subsurface safety valves installed. NSBMC § 19.50.010(B), NSBMC §§ 19.70.050 (A, B, C, D, and I).

9. Well testing and other well completion activities must be completed no later than June 15, or within 72 hours of written notice from the NSB Land Management Administrator that ice conditions have become unsafe. NSBMC § 19.70.040(D).

10. Offshore drilling 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. NSBMC §§ 19.70.040(E), and 19.70.050(A, B, C, D, and I).

11. Drilling on barrier islands and in the marine and estuarine waters within three miles of passes intensively used by beluga whales 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 §§ 19.70.040(E), and 19.70.050(A, B, C, D, and I).

12. Offshore structures must be able to withstand geophysical hazards and forces which may occur while at the drill site. 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(l).

13. Permittee must develop and maintain a well control plan for its drilling rig that includes primary and secondary blowout prevention systems, a well capping program, and a relief well plan designed for successful operation in arctic conditions. NSBMC §§ 19.50.040, and 19.70.050(l). The well control plan must include but is not limited to:

   A. A written well control plan prepared by a qualified expert, including immediate plans to initiate well capping, and provisions for a relief well;
B. All well capping equipment required to control a well blowout must be staged at the drill site for immediate access and deployment and shall be maintained and operational for immediate deployment;

C. Primary and secondary blow-out prevention systems;

D. Trained personnel capable of executing the plan; and

E. A copy of signed contracts demonstrating Permittee has contracts in place for well control resources and trained personnel and equipment to respond to all spills up to and including the worst-case oil spill at the project site.

F. Permittee must have a trained and qualified well capping expert on-site, or available not farther away than Anchorage to be immediately deployed by plane to the drill site in the event of a blowout;

G. Within 48-hours of an unsuccessful well capping procedure, Permittee shall deploy a relief well rig to a pre-identified location and commence relief well operations.

**OFFSHORE OIL & GAS PIPELINE STIPULATIONS**

[Note: Use these stipulations if there are offshore pipelines.]

1. Offshore oil and gas pipelines must be specifically designed to withstand geological hazards associated with Arctic waters, specifically sea ice. NSBMC § 19.70.050(I).

2. Offshore oil and gas pipeline construction and operation 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. NSBMC §§ 19.70.040(E), and 19.70.050(A, B, C, D, and I).

3. Pipelines are required 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. Siting, design, construction, and maintenance of pipelines must minimize alteration of shorelines, water courses, wetlands, tidal marshes and avoid critical fish migration periods. NSBMC §§ 19.50.030(G), 19.60.040(L), 19.70.050 (A, B, C, D, H, I, J, K, and L).

4. Pipelines must be consolidated to the maximum extent possible. NSBMC §§ 19.70.050(J), and 19.70.050(K).
CONFLICT AVOIDANCE AGREEMENT (CAA) STIPULATION

(Note: the CAA stipulation must be applied to all offshore permits and onshore permits that require barges or vessel traffic, unless the NSB Land Administrator, Legal Department, and AEWC agree that activities will not interfere with whaling and that this stipulation does not apply.)

1. Prior to conducting any operations under this permit, Permittee must enter into a Conflict Avoidance Agreement (CAA) with the Alaska Eskimo Whaling Commission and other Alaska Native Organizations (e.g., Alaska Beluga Whale Committee) to protect subsistence harvesting of marine mammals. NSBMC §§ 19.50.010(B), and 19.70.050 (A, B, C, D, and I).

2. The CAA must be renewed annually, and must be in place for the duration of this permit. NSBMC § 19.50.010(B).

3. Offshore operations must cease if a CAA is not in place. NSBMC § 19.30.100.

4. The Permittee must consult with the Whaling Captain’s Associations, the Alaska Eskimo Whaling Commission (AEWC) and other marine mammal co-management committees or commissions (i.e., Alaska Beluga Whale Committee) prior to the initiation of proposed activities to avoid conflict with marine mammal hunting. Through this consultation, the Permittee shall make every reasonable effort, including such mechanisms as a Conflict Avoidance Agreement (CAA), to assure that planned activities are compatible with subsistence activities and will not result in interference with subsistence harvests or subsistence resources. A report of this consultation, including areas of agreement and identification of any unresolved conflicts, shall be submitted to the NSB Land Management Administrator at least ten working days prior to the commencement of activities. In the event of unresolved conflicts, planned activities may be further restricted by the NSB Land Management Administrator if deemed necessary to achieve compliance with the above provisions. NSBMC §§ 19.50.010(B), and 19.70.050 (A, B, C, D, and I).

OFFSHORE SEISMIC STIPULATIONS

(Note: Use these stipulations if there is offshore seismic.)

1. Seismic operations must not preclude subsistence user access to subsistence resources. Specifically, operations should be conducted in such a manner so that there is no interference with the hunting of whales, bearded seals, and walrus by the residents of these communities. NSBMC § 19.70.050(A, B, C, D, I, and L).

2. 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. NSBMC § 19.70.050 (B and L).

3. Seismic exploration must be conducted in a manner that minimizes its impact on fish and wildlife. NSBMC § 19.70.050(A, B, C, D, I, and L).

4. All seismic operations west of Prudhoe Bay must cease at the initiation of the fall
bowhead whale migration or September 15, whichever occurs first.* NSBMC § 19.70.050(B and L).

5. All seismic operations east of Prudhoe Bay must cease at the initiation of the fall bowhead whale migration or September 1, whichever occurs first.* NSBMC § 19.70.050(B and L).

   * The North Slope Borough regards the beginning of the fall bowhead migration to be based on information provided by the aerial surveys conducted by the Minerals Management Service or the sighting of bowhead whales by whaling crews. These suspension dates are considered necessary in order to provide sufficient protection to the bowhead whales during their fall migration. Suspensions may be imposed at an earlier date, if the bowhead whales reach the project area before the September dates. Extensions of operations beyond the September dates will be considered on a case by case basis if the Land Management Administrator in consultation with the National Marine Fisheries Service, and the Director, Department of Natural Resources, determines that a suitable whale monitoring program is being conducted and that whales have not yet reached the area permitted for geophysical operations. If bad weather or operational delays cause the whale monitoring program to be suspended for an extended period of time, the seismic vessel will cease operations until the whale monitoring program has resumed.

6. Seismic operations must cease when the North Slope Borough determines, based on the sighting of whales by the whaling crews or the MMS monitoring program or the recommendations of the National Marine Fisheries Service, that the bowhead whales are in the project area and that continued operations will likely result in adverse effect on this endangered species. NSBMC §§ 19.70.050(B and L) and 6.02.

7. Seismic operations are not allowed in areas being used for whaling activities by crews. This condition applies until the bowhead whaling activities have ceased. NSBMC § 19.70.050(B and L).

8. Seismic lines must not cross Native Allotments unless permitted by the allotment owner. NSBMC § 19.50.010(B).

9. If the subsistence hunters desire to confer with the seismic crew, they shall be allowed to approach the operation. NSBMC § 19.50.010(B).

10. [Add if the above stipulations do not address the whaling protection, the community desires. Whaling location and timing may change, therefore, please consult with the affected communities and adjust accordingly before applying this stipulation. Delete any community not affected by this project.] Seismic operations are prohibited in these locations and times, unless otherwise amended by the community. Written authorization from the community must be provided to the NSB Department of Planning and Community Services prior to initiation of seismic operations in the specified time period:

   **Kaktovik:** from August to October: The area circumscribed from Anderson Point in Camden Bay due north to the coastal zone boundary, to Humphrey Point due north to the coastal zone boundary.
**Nuiqsut:** from August to October: The area circumscribed from the Nechelik Channel of the Colville River due north to the coastal zone boundary, to the eastern point of Flaxman Island due north to the coastal zone boundary and due south to the shore.

**Barrow Fall Subsistence Use Area:** from September to October: The area circumscribed from the mouth of Tuapaktushak Creek due north to the coastal zone boundary, to Cape Halkett due east to the coastal zone boundary.

**Barrow Spring Subsistence Use Area:** from April to June: The area circumscribed from the mouth of Tuapaktushak Creek due west to the coastal zone boundary, to Scott Point due north to the coastal zone boundary.

**Wainwright Spring Subsistence Use Area:** from April to June: The area circumscribed from Point Franklin due north to coastal zone boundary, to the Kuk River mouth due west to the coastal zone boundary.

**Wainwright Fall Subsistence Use Area:** from September to October: The area circumscribed from Point Franklin due north to coastal zone boundary, to the Kuk River mouth due west to the coastal zone boundary.

**Point Hope Spring Subsistence Use Area:** from March to June: The area circumscribed from Cape Lisburne due north to the coastal zone boundary, to Cape Thompson due south to the coastal zone boundary.

**Point Hope Fall Subsistence Use Area:** from September to October: The area circumscribed from Cape Lisburne due north to the coastal zone boundary, to Cape Thompson due south to the coastal zone boundary.

**Point Lay Spring Subsistence Use Area:** from April to June: The area circumscribed from Cape Beaufort due west to the coastal zone boundary, to Icy Cape due west to the coastal zone boundary.

**STIPULATIONS RELATED TO WILDLIFE AND SUBSISTENCE**

**GENERAL WILDLIFE STIPULATIONS**

1. All development must be located, designed, and maintained in a manner that prevents significant adverse impacts on fish and their habitat, including water circulation and drainage patterns and coastal processes. Development must not significantly interfere with fish migration. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I, J, K, and L).

2. Permittee must minimize activities that create turbid water in fish habitat during peak...
spawning and over-wintering periods for key subsistence species including: broad whitefish, burbot, grayling, and arctic and least cisco. Stipulations on turbidity duration and magnitude should mirror the most current Alaska Department of Fish and Game (ADF&G) Habitat Division’s standards. NSBMC §§ 19.70.050 (A, B, C, D, I, K and L).

3. Stream banks and lake shores of fish bearing waters and drinking water supplies shall be protected by providing an adequate buffer strip of undisturbed vegetation to mitigate adverse impacts. NSBMC §§ 19.50.030(G), 19.60.040(L), and 19.70.050(H, I, J, K, and L).

4. Industrial operations shall be conducted in a manner that ensures the natural ecosystem is preserved for subsistence use. Permittee must not reduce subsistence resources below the level of need, must not unreasonably disrupt subsistence activities, and must not prohibit reasonable subsistence user access to subsistence resources. NSBMC §§ 19.70.050 (A, B, C, D, and I).

5. Transportation routes and facilities must not obstruct wildlife migration or interfere with subsistence activities. A means of providing for unimpeded wildlife crossing shall be included in the design and construction of all development/uses that are located in areas used by wildlife. NSBMC §§ 19.70.050 (A, B, C, D, and I).

6. Permittee must mitigate adverse impacts on subsistence activities and must not interfere with subsistence activities or restrict the boating routes, mooring spots or safe harbor of any subsistence hunters or vessels. NSBMC §§ 19.70.050 (A, B, C, D, and I).

7. Aircraft uses in support of permit activities must maintain an altitude sufficient to avoid harassing caribou to avoid interfering with or disturbing them. Except in the case of emergency, refueling of helicopters and aircraft on lakes or any other waterbodies is prohibited. NSBMC §§ 19.70.050 (A, B, C, D, and I).

8. Permittee must provide the NSB with a photograph of each aircraft that will be used in its operation, clearly showing the tail numbers, prior to use of that aircraft. NSBMC § 19.50.010(B).

**STIPULATIONS APPLICABLE TO SPECIFIC ANIMALS OR AREAS**

[Note: Use this stipulation only for operations in polar bear habitat areas.]

1. Permittee shall prepare and implement a Polar Bear Protection and Interaction Plan to minimize conflicts between polar bears and humans, including measures to: (a) minimize attraction of bears to the permitted activity; (b) organize layout of the project area to minimize human/bear interactions; (c) warn personnel of bears near or in area of the permitted activity and the proper procedures to take; (d) if authorized, deter bears from the permitted activity area; (e) provide contingencies in the event that bears do not leave the site or cannot be deterred by authorized personnel; (f) address proper storage and disposal of materials that may be toxic to polar bears; and (g) provide a systematic record of bears on the site and in the immediate area. Polar Bears are listed as a threatened species under the Endangered Species Act. Permittee should note that under the provisions of the Endangered Species Act and the Marine Mammal Protection Act it is unlawful to “take” (i.e., harass or disturb) a polar bear.
unless the Applicant has received an Incidental Harassment Authorization or Letter of Authorization from the U. S. Fish and Wildlife Service. In this context, deterrence would be considered a “take”. Therefore, the Applicant should address deterrence ("d" above) only if an Incidental Harassment Authorization or Letter of Authorization has been received, or in the case where human life may be threatened. The Polar Bear Protection and Interaction Plan shall be submitted to the NSB Department of Wildlife Management 30 days prior the start of any field activities. The Permittee must incorporate any changes to plan required by the NSB Department of Wildlife Management. NSBMC §§ 19.70.050(I, K and L).

[Note: Use this stipulation only for temporary winter operations in polar bear habitat areas.]

2. Prior to the commencing temporary winter operations (e.g., ice roads), the Permittee will consult with the U.S. Geological Survey Biological Research Division and the U.S. Fish & Wildlife Service to acquire the most recent location of active polar bear dens in the project area. Operations that can be feasibly relocated (e.g., ice roads, on-ice cuttings storage area) will avoid known active dens by one mile. If previously undocumented dens are encountered in the field, facilities that can be feasibly relocated will avoid the dens by a distance determined on a case by case basis through consultation between the Permittee and the U. S. Fish and Wildlife Service. If a den is found near permanent facilities off-site activity may be restricted. Appropriate restrictions will be determined through consultation between the Permittee and U. S. Fish and Wildlife Service (FWS). A copy of correspondence between the Permittee and the FWS must be submitted to the NSB Department of Wildlife Management at the time of issue. NSBMC §§ 19.70.050(I, K and L).

[Note: Use this stipulation only for areas where there are likely to be Spectacled and Steller’s eiders—check with NSB Wildlife Department.]

3. Spectacled and Steller’s Eiders are listed as threatened under the U.S. Endangered Species Act. These birds are distributed along the western and northern coastal plains of Alaska. Permittee must not adversely affect any species listed as threatened or endangered under the Endangered Species Act (ESA) of 1973 as amended. Prior to conducting any operations under this permit, Permittee must contact the U.S. Fish and Wildlife Service (FWS) regarding the presence of threatened or endangered species in the project area. If the FWS determines that a Section 7 ESA consultation is required, this permit is not valid until the Section 7 ESA consultation is completed and FWS has issued a decision. All correspondence on Section 7 consultation must be provided to the NSB Department of Wildlife Management and the NSB Planning Department, as issued. NSBMC §§ 19.70.050(I, K and L).

[Note: Use this stipulation only for operations in grizzly bear habitat areas.]

4. Permittee shall prepare and implement a Grizzly & Brown Bear Interaction Plan to minimize conflicts between bears and humans, including measures to: (a) minimize attraction of bears to the Exploration or Development camp and drilling area; (b) organize layout of camp and work area to minimize human/bear interactions; (c) warn personnel of bears near or in the exploration or development camp and the proper procedures to take; (d) if authorized, deter bears from the camp area; (e) provide
contingencies in the event that bears do not leave the site or cannot be deterred by authorized personnel; (f) discuss proper storage and disposal of materials that may be toxic to bears; and (g) provide a systematic record of bears on the site and in the immediate area. The Grizzly & Brown Bear Interaction Plan must be submitted to the NSB Planning Department before the start of any field activities. NSBMC §§ 19.70.050(I, K and L).

[Note: Use these stipulations for operations near bird colonies.]

5. Development is prohibited within 1/2 mile of brant and snow goose nesting colonies and brood-rearing areas, unless otherwise approved by the NSB DWM. NSBMC §§ 19.70.050(I, K and L).

[Note: Use this stipulation only if a bird study is going to be required well ahead of any development, since it does not make sense to require it at the same time as a regular permit—it may work better as part of a rezone.]

6. For at least two years prior to approval of any development near brant or snow goose nesting colonies, the Permittee must design and implement aerial surveys documenting numbers of birds nesting in colonies and brood-rearing areas. Study data may be gathered concurrent with approved seismic and exploration activity. The study design must be approved by the NSB Department of Wildlife Management. These surveys shall be conducted following accepted U. S. Fish and Wildlife Service protocol. Permittee may submit individual plans or conduct joint studies with other operators in the area. NSBMC §§ 19.70.050(I, K and L).

[Note: Use these stipulations for operations in areas near caribou.]

7. Permanent oil and gas facilities, including gravel pads, roads, airstrips, and pipelines, are prohibited within 1 mile of important caribou insect relief habitat. On a case-by-case basis, and in consultation with appropriate Federal, State and NSB regulatory and resource agencies, essential pipeline and road crossings may be permitted through these areas where no other options are available. NSBMC §§ 19.70.050(I, K and L).

8. In the caribou calving areas where facilities or terrain may funnel caribou movement, ramps over pipelines, buried pipe, or pipe buried under the road is required to facilitate unimpeded caribou migration, unless otherwise approved by the NSB Department of Wildlife Management. NSBMC §§ 19.70.050(I, K and L).

[Note: Use this stipulation only if a caribou study is going to be required well ahead of any development, since it does not make sense to require it at the same time as a regular permit—it may work better as part of a rezone.]

9. At least three years prior to approval of any development within caribou calving areas, the Permittee must design and implement a study of caribou movement, including historical information regarding the distribution and range of use of the area by caribou. Study data may be gathered concurrent with approved seismic and exploration activity. The study design shall be approved by the NSB Department of Wildlife Management. The study will include a minimum of three years of data to assist in providing the information necessary to determine facility design and location, including
pipelines that will be part of the development plan. Permittee may submit individual plans or conduct joint studies with other operators in the area. NSBMC §§ 19.70.050(I, K and L).

TOWER STIPULATIONS

[Note: Use this stipulation only for operations involving towers or overhead wires.]

1. Towers shall not be placed on lands owned by local village corporations, the regional corporations, individual allotment owners, or other privately owned land without the owner’s consent. NSBMC § 19.50.010(B).

2. For the safety of flying aircraft, lighted beacons must be placed on top of the navigational towers when if towers are 30+ feet high. NSBMC § 19.50.010(B).

3. The Permittee shall consult with the U. S. Fish and Wildlife Service (FWS) to ensure towers or guy wires will not negatively impact migratory birds. If FWS recommends marking the towers or wires, the Permittee shall follow those recommendations. Documentation will be provided to the NSB Planning Department regarding correspondence with FWS about protecting migratory birds. NSBMC § 19.50.010(B).

SUBSISTENCE REPRESENTATIVE STIPULATIONS

[Note: Apply to field and construction related activities.]

1. Permittee must employ a subsistence representative. The subsistence representative must be present during all field operations and construction activities under this permit and must be knowledgeable of cultural and traditional activities in the permit area. The subsistence representatives must have radio or phone communication with the Village Search & Rescue Offices and the NSB Planning Department Office. NSBMC §§ 19.70.050 (A, B, C, D, and I).

2. Permittee must provide the subsistence representative with transportation to and from the project location and room and board. NSBMC § 19.50.010(B).

3. The subsistence representative responsibilities must include:

   A. Providing advice to the Permittee on how pioneer trails for the initial tundra travel and guide workers to the preferred areas of transit and crossing;

   B. Providing advice to the Permittee on how to reduce the disturbance of subsistence animals;

   C. Identify overwintering habitats on rivers and lakes to be avoided;

   D. Being the contact point at the site for subsistence hunters;

   E. Maintaining contact with local search and rescue teams;

   F. Maintaining a log of animals encountered;

   G. Identifying areas where subsistence is likely to occur (e.g., trap lines, fishing locations) and informing the Permittee of these locations to avoid impacting
subsistence activities;

H. Maintaining contact with the nearest Village Liaisons, Tribal Organizations, and the NSB Planning Department, and AEWC, to keep them informed of permitted activities, answer questions and address and resolve concerns with Permittee;

I. Identifying and communicating safety issues that will help keep NSB residents safe near industrial and commercial activities;

J. Attending safety meetings;

K. Being able to haze polar bears or foxes to protect human life;

L. Being familiar with in-land river and offshore navigation as applicable to the project;

M. Immediately reporting incidents and activities that are inconsistent with this permit to the NSB Planning Department at (907) 852-0440;

N. Providing a report to the NSB Planning Department at the end of activities, summarizing subsistence use activities in the area, animal encounters, incidents, problems, and any recommendations. The report is due within 30 days from cessation of activities.

**MARINE MAMMALS MONITORING AND PROTECTION PROGRAM**

[Note: Add to all offshore permits, unless otherwise directed by NSB Department of Wildlife Management.]

1. Permittee must develop and implement a marine mammal monitoring and protection program. This plan must be submitted by March 1 for approval by the NSB Department of Wildlife Management (DWM), and the approved plan must be on file at the NSB Planning Department prior to commencing any offshore operations under this permit. NSBMC §§ 19.70.050(I, K and L) and §6.02.

The approved plan must, at a minimum, include:

A. Procedures for observing and documenting the presence of marine mammals, including the use of Marine Mammal Observers (MMOs). MMOs must have traditional and local knowledge on marine mammals;

B. A reporting system for documenting marine mammals within the project area;

C. A stop work procedure to avoid interference with local subsistence activities; and

D. A stop work procedure to cease activities that may harm marine mammals in or near the project site.

2. An annual report summarizing the Marine Mammals Monitoring and Protection Program activities and findings must be provided to the NSB DWM by March 1 following each year of permit activity. NSBMC § 6.02.
CAUSEWAY STIPULATIONS

[Note: This applies to projects with causeways. Please also note that in the past NSB Wildlife Department has added Project Specific Stipulations to causeway permits requiring extensive oceanography and biological studies/monitoring. Please consult with the NSB Wildlife Department to see if additional Project Specific Stipulations are warranted for any new causeways.]

1. Causeways must 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. NSBMC § 19.70.050(I).

IHLC STIPULATIONS

[Special note: In most cases, IHLC/TLUI clearance will not be required offshore, but it may be required around the barrier islands or along the shoreline. Please consult with IHLC before using/deleting these stipulations.]

IHLC/TLUI STIPULATIONS WHERE CERTIFICATE OF CLEARANCE REQUIRED

[Note: Only use in the case that an IHLC/TLUI Certificate of Clearance is required.]

1. Permittee must comply with the Certificate of IHLC/TLUI Clearance Stipulations issued for this project on [enter date of IHLC Certificate] under IHLC application number [enter date of IHLC Certificate] and as subsequently amended by IHLC. NSBMC §§ 19.50.010(B), 19.30.100.

IHLC/TLUI STIPULATIONS- CERTIFICATE OF CLEARANCE NOT REQUIRED

[Note: Only use in the case that an IHLC/TLUI field survey is not required and a Certificate of Clearance is not required; consult with the IHLC Cultural Resource Specialist before applying this stipulation if you are uncertain.]

1. Permittee must maintain a minimum 500-foot buffer zone from all Critical Sites (including all Traditional Land Use Inventory and Alaska Heritage Resources Survey sites) within the vicinity of the proposed development. Permittee must train its staff and contractor to observe this buffer and ensure that sites are not disturbed. NSBMC §§ 19.50.030(F), 19.60.040(K), and 19.70.050(E, F, and G).

2. Should any additional human remains or Critical Site materials (including, but not limited to artifacts, house mounds, grave sites, ice cellars, and fossilized animal remains) be discovered, that were not already identified by IHLC or SHPO, the
Permittee must stop all work within 1500 feet of the discovery until Permittee has made contact with IHLC Cultural Resource Specialist at (907) 852-0320, the State Historic Preservation Office (SHPO) and (in the case of human remains) the Alaska State Troopers (AST), and has obtained these agencies’ approval to continue work. Permittee must submit any information discovered that may be of historic, prehistoric, cultural, traditional, archeological, and paleontological significance to IHLC (including, but not limited to artifacts, house mounds, grave sites, ice cellars, and fossilized animal remains). This information must be submitted to the IHLC Cultural Resource Specialist no later than 30 days from discovery. Permittee must not distribute this information to anyone outside of those entities acting pursuant to this permit. NSBMC §§ 19.50.030(F), 19.60.040(K), and 19.70.050(E, F, and G).

3. Permittee must follow state and federal law regarding the discovery of human remains. NSBMC §§ 19.50.010(B) and 19.30.100.

4. Permittee must not remove or disturb any items that may be of historic, prehistoric, cultural, traditional archeological, and paleontological significance except to the extent needed to document their existence and to comply with state and federal law. NSBMC §§ 19.50.030(F), 19.60.040(K), and 19.70.050(E, F, and G).

5. Any further investigation, surveys, or studies required pursuant to this Permit must be conducted by or under the supervision of a professional Archeologist, Anthropologist, Historic Architect and/or Architectural Historian (as needed to assess a given area for the possible existence of sites or artifacts of historic, cultural, archeological, prehistoric, or paleontological significance) that meets the professional qualifications of the Secretary of the Interior’s Professional Qualification Standards (36 CFR Part 61, Appendix A). All reports and maps produced pursuant to this permit must include evidence that the professional meets these standards and is qualified to draw the report’s conclusions. NSBMC §§ 19.50.030(F), 19.60.040(K), and 19.70.050(E, F, and G).

IHLC/TLUI STIPULATIONS WHERE FIELD STUDY IS BEING CONDUCTED FOR IHLC/TLUI CLEARANCE

[Note: Delete if the application does not include an IHLC/TLUI Field Survey.]

1. Permittee must contact IHLC Cultural Resource Specialist at (907) 852-0320 and the State Historic Preservation Office (SHPO) to obtain a list of traditional activities or values at historic, archaeological, and cultural sites (Critical Sites). Permittee must also consult with leaders from the nearest village to obtain their input on Critical Sites. Permittee must maintain this data in a secure place for internal use only. Permittee must not distribute this data to anyone outside of those entities acting pursuant to this Permit and must abide by the IHLC Information Use Policy. NSBMC §§ 19.50.030(F), 19.60.040(K), and 19.70.050(E, F, and G).

2. Data points provided in the form of geographic coordinates may be imprecise. Permittee is nevertheless responsible for ensuring that its operations do not cause any adverse impacts to Critical Sites and for reporting to IHLC the proper coordinates of any such site you discover. Permittee releases the NSB from any liability associated with its use of these data points. NSBMC §§ 19.50.030(F), 19.60.040(K), and 19.70.050(E, F, and G).
3. Permittee must maintain a minimum 500-foot buffer zone from all Critical Sites (including all Traditional Land Use Inventory and Alaska Heritage Resources Survey sites) within the vicinity of the proposed development. Permittee must train its staff and contractor to observe this buffer and ensure that sites are not disturbed. However, during the field survey only, the Permittee's expert meeting the professional qualifications of the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61, Appendix A) is allowed to approach the site to collect study information, but must not disturb the site or remove any materials. NSBMC §§ 19.50.030(F), 19.60.040(K), and 19.70.050(E, F, and G).

4. Should any additional human remains or Critical Site materials (including, but not limited to artifacts, house mounds, grave sites, ice cellars, and fossilized animal remains) be discovered in the course of this field survey, that were not already identified by IHLC or SHPO, the Permittee must stop all work within 1500 feet of the discovery until Permittee has made contact with IHLC Cultural Resource Specialist at (907) 852-0320, the State Historic Preservation Office (SHPO) and (in the case of human remains) the Alaska State Troopers (AST), and has obtained these agencies’ approval to continue work. Permittee must submit any information discovered that may be of historic, prehistoric, cultural, traditional, archeological, and paleontological significance to IHLC (including, but not limited to artifacts, house mounds, grave sites, ice cellars, and fossilized animal remains). This information must be submitted to the IHLC Cultural Resource Specialist no later than 30 days from discovery. Information may be submitted in conjunction with the NSB Application for a Certificate of IHLC/TLUI Clearance; however, if that application is not submitted within 30 days, this information must be submitted prior to the application. Permittee must not distribute this information to anyone outside of those entities acting pursuant to this permit. NSBMC §§ 19.50.030(F), 19.60.040(K), and 19.70.050(E, F, and G).

5. Permittee must follow state and federal law regarding the discovery of human remains. NSBMC §§ 19.50.010(B) and 19.30.100.

6. Permittee must not remove or disturb any items that may be of historic, prehistoric, cultural, traditional archeological, and paleontological significance except to the extent needed to document their existence and to comply with state and federal law. NSBMC §§ 19.50.030(F), 19.60.040(K), and 19.70.050(E, F, and G).

7. Permittee must not trespass on Native Allotments or private property. Owner permission must be obtained in advance to survey these lands. NSBMC §§ 19.50.010(B) and 19.30.100.

8. Permittee must contact the IHLC Cultural Resource Specialist at (907) 852-0320 to notify them of date and time for the field survey. The Permittee must allow an IHLC representative to accompany Permittee during field work and provide transportation to the survey location. NSBMC §§ 19.50.010(B) and 19.30.100.

9. All work pursuant to this Permit must be developed by or under the supervision of a professional Archeologist, Anthropologist, Historic Architect and/or Architectural Historian (as needed to assess a given area for the possible existence of sites or artifacts of historic, cultural, archeological, pre-historic, or paleontological significance) that meets the professional qualifications of the Secretary of the Interior’s Professional Qualification Standards (36 CFR Part 61, Appendix A). All reports and maps produced
pursuant to this permit must include evidence that the professional meets these standards and is qualified to draw the report’s conclusions. NSBMC §§ 19.50.030(F), 19.60.040(K), and 19.70.050(E, F, and G).

OTHER STIPULATIONS

BOULDER PATCH PROTECTION STIPULATION

NSBMC § 19.70.050(I)(1, 7)

[Note: This applies only to development/uses in the Boulder Patch east of Endicott Island.]

1. Permittee may not dredge, construct, or operate any temporary or permanent facilities in the Boulder Patch area of the Beaufort Sea. NSBMC §§ 19.70.050(I, K and L).

TEMPORARY USE REMEDIATION STIPULATIONS.

[Apply to temporary use projects only.]

1. Removal of Temporary Equipment and Facilities: All temporary equipment and facilities, waste, and fuel shall be removed before the end of each authorized term of use, or on or before permit termination. The lands shall be restored as nearly as possible to pre-existing conditions, upon completion of activities. NSBMC § 19.50.010(B).

ECONOMIC STIPULATIONS

1. The Permittee is advised that the NSB strongly encourages those doing business on the North Slope to conduct their operations in a manner which enhances locally-based economic employment opportunities for local business and residents located in the NSB. NSBMC § 19.70.030.

2. Permittees are encouraged to conduct operations to the extent practical and feasible by:

   A. Using suppliers or subcontractors from within the NSB for work which can be accomplished competitively by local private business or regional or village corporations.

   B. Employing local NSB residents, unless the residents of the local villages express no interest in the work.

   C. Utilizing flexible employment procedures that allow the pursuit of subsistence opportunities by NSB resident employees.

   D. Incorporating job-training programs targeting NSB residents.

   E. Permittee must employ Subsistence Representatives to minimize conflicts during seismic operations or activities.
3. In order to ensure that these goals have been considered in the design and implementation, the Permittee shall submit an economic opportunity plan to the Land Management Administrator for consideration that outlines, in detail, how the policies of NSBMC § 19.70.030 have been addressed.

HELCOPTER STIPULATIONS

[Note: These stipulations apply to the use of helicopters in subsistence use areas.]

1. To minimize impacts to subsistence activities, a helicopter route must be established and approved by the NSB. The Permittee must not deviate from that approved route unless deviation is needed for human safety, or to avoid disturbing a large concentration of animals. NSBMC §§ 19.70.050 (A, D, and I).

2. Helicopter use in support of activities shall maintain an altitude of 1500 feet above ground level over groups of caribou (except for take offs and landings), unless doing so would endanger human life or violate safe flying practices. However, if state or federal regulations requirements are more restrictive, those shall be followed. NSBMC §§ 19.70.050 (A, D, and I).

KSOP STIPULATIONS

1. Industrial operations shall be conducted in a manner which does not reduce subsistence resources below the level of need, does not unreasonably disrupt subsistence activities, and does not prohibit reasonable subsistence user access to subsistence resources. Permittee shall satisfy these provisions through consultation with the Kuukpik Subsistence Oversight Panel (KSOP) prior to the initiation of proposed activities, and shall halt or otherwise restrict or modify planned activities, including the selection of water sources and ice road routes, as deemed necessary by the KSOP. Through this consultation, Permittee shall make every reasonable effort, including such mechanisms as a conflict avoidance agreement, to assure that planned activities are compatible with subsistence activities and will not result in unreasonable interference with subsistence harvests or subsistence resources. A report of this consultation, including areas of agreement and identification of any unresolved conflicts, shall be submitted to the Land Management Administrator (LMA) no more than ten working days prior to the commencement of activities. In the event of unresolved conflicts, planned activities may be further restricted by the LMA if deemed necessary to achieve compliance with the above provisions. NSBMC §§ 19.40.070(A), 2.4.5.2(b), and 2.4.6(b).

PROJECT SPECIFIC STIPULATIONS

[Note: The LMR Permit Specialist may also need to develop unique, site specific stipulations for a permit. New stipulations must be reviewed and approved by NSB Management and the Legal Department before apply them to a permit.]

1. Permittee must [list unique, site specific stipulations here].