

## ACMP Consistency Evaluation & Certification Statement

Pursuant to [11 AAC 110.215 \(a\)\(1\)\(c\)](#), the applicant shall submit an evaluation of how the proposed project is consistent with the statewide standards at 11 AAC 112.200 - 11 AAC 112.990 and with the applicable district enforceable policies, sufficient to support the consistency certification. Evaluate your project against each section of the state standards and applicable district enforceable policies using the template below or by submitting a narrative description in letter or report form. District enforceable policies are available on the ACMP website at <http://www.alaskacoast.state.ak.us>. Definitions of key terms can be found at: [11 AAC 110.990](#), [11 AAC 112.990](#) and [11 AAC 114.990](#).

If you need more space for an adequate explanation of any of the applicable standards, please attach additional pages to the end of this document. Be sure to include references to the specific sections and subsections that you are evaluating.

### STATEWIDE STANDARDS

#### 11 AAC 112.200. Coastal Development

##### Standard:

- (a) In planning for and approving development in or adjacent to coastal waters, districts and state agencies shall manage coastal land and water uses in such a manner that those uses that are economically or physically dependent on a coastal location are given higher priority when compared to uses that do not economically or physically require a coastal location.
- (b) Districts and state agencies shall give, in the following order, priority to
- (1) water-dependent uses and activities;
  - (2) water-related uses and activities; and
  - (3) uses and activities that are neither water-dependent nor water-related for which there is no practicable inland alternative to meet the public need for the use or activity.
- (c) The placement of structures and the discharge of dredged or fill material into coastal water must, at a minimum, comply with the standards contained in [33 CFR Parts 320 - 323](#), revised as of July 1, 2003.

##### Evaluation:

- (a) How is your project economically or physically dependent on a coastal location? Why are you proposing to place the project at the selected location? The project location is dependent on the location of the oil reserves and lease area.
- (b) Evaluation of development priority.
- (1) How is the proposed project water-dependent? Explain.
  - (2) How is the proposed project water-related? Explain.
  - (3) If the proposed project is neither water-dependent nor water-related, please explain why there is not a practicable inland alternative that meets the public need for the use or activity. Explain. The project is neither water-dependent nor water-related. The project location is dependent on the location of lease area and oil reserves.

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(c) *DCOM defers to the United States Corps of Engineers (USACE) to interpret compliance with the referenced standards.* If you plan to discharge or fill waters of the US, have you applied to the Corps of Engineers for the appropriate authorization?

Yes, a CWA Section 404 permit application has been submitted to the Corps of Engineers.

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#### 11 AAC 112.210. Natural hazard areas.

##### Standard:

- (a) In addition to those identified in [11 AAC 112.990](#), the department, or a district in a district plan, may designate other natural processes or adverse conditions that present a threat to life or property in the coastal area as natural hazards. Such designations must provide the scientific basis for designating the natural process or adverse condition as a natural hazard in the coastal area, along with supporting scientific evidence for the designation.
- (b) Areas likely to be affected by the occurrence of a natural hazard may be designated as natural hazard areas by a state agency or, under 11 AAC 114.250(b), by a district.
- (c) Development in a natural hazard area may not be found consistent unless the applicant has taken appropriate measures in the siting, design, construction, and operation of the proposed activity to protect public safety, services, and the environment from potential damage caused by known natural hazards.
- (d) For purposes of (c) of this section, "appropriate measures in the siting, design, construction, and operation of the proposed activity" means those measures that, in the judgment of the coordinating agency, in consultation with the department's division of geological and geophysical surveys, the Department of Community and Economic Development

as state coordinating agency for the National Flood Insurance Program under 44 C.F.R. 60.25, and other local and state agencies with expertise,

(1) satisfy relevant codes and safety standards; or

(2) in the absence of such codes and standards;

(A) the project plans are approved by an engineer who is registered in the state and has engineering experience concerning the specific natural hazard; or

(B) the level of risk presented by the design of the project is low and appropriately addressed by the project plans.

**Evaluation:**

(a) Describe the natural hazards designated in the district plan as they affect this site.

(b) Describe how the proposed project is designed to accommodate the designated hazards. How will you use site design and operate the proposed activity to protect public safety, services and the environment from potential damaged caused by known natural hazards? The project area lacks geophysical hazards such as active faults, coastal ice scouring or significant sea storm surges. Although storm surges are not expected to affect the project, the project design considers potential wind/wave effects at the Nigliq Channel location. The project is designed to minimize impacts to natural permafrost. CPAI is designing the facilities and systems in accordance with its design specifications, which were established to ensure the protection of the natural permafrost. The facilities and systems are designed so the active layer (seasonal thaw zone) stays within the pad and the road. CPAI will thermally isolate all vertical support members from the heat sources (modulars and pipelines). In-stream structures (culverts) are designed to withstand appropriate year flood events.

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(d)(1) Describe the measures you will take to meet relevant codes and safety standards in the siting, design, construction and operation of the proposed activity.

(d)(2)(A) If your project is located in an area without codes and safety standards, how is your project engineered for the specific natural hazard? Give the name of the appropriately qualified registered engineer who will approve the plans for protecting public safety, services, and the environment from damage caused by hazards OR

(d)(2)(B) If the level of risk presented by the design of the project is low, how do the project plans and project design address the potential natural hazard? The surface facilities are subject to review and approval by state and federal agencies. Well designs are reviewed and permitted by the Alaska Oil and Gas Conservation Commission (AOGCC). PND Engineers have approved the plans.

**11 AAC 112.220. Coastal access.**

**Standard:**

Districts and state agencies shall ensure that projects maintain and, where appropriate, increase public access to, from, and along coastal water.

**Evaluation:**

Please explain how the proposed project will maintain and, where appropriate, increase public access to, from and along coastal water. The project will not prohibit access to coastal waters. The location of the Nigliq Channel bridge will give local inhabitants of Nuiqsut increased access to hunting and fishing areas.

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**11 AAC 112.230. Energy facilities.**

**Standard:**

(a) The siting and approval of major energy facilities by districts and state agencies must be based, to the extent practicable, on the following standards:

(1) site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;

(2) site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;

(3) consolidate facilities;

(4) consider the concurrent use of facilities for public or economic reasons;

(5) cooperate with landowners, developers, and federal agencies in the development of facilities;

(6) select sites with sufficient acreage to allow for reasonable expansion of facilities;

(7) site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;

(8) select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;

- (9) encourage the use of vessel traffic control and collision avoidance systems;
  - (10) select sites where development will require minimal site clearing, dredging, and construction;
  - (11) site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination that would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;
  - (12) site facilities so that design and construction of those facilities and support infrastructures in coastal areas will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns;
  - (13) site facilities so that areas of particular scenic, recreational, environmental, or cultural value, identified in district plans, will be protected;
  - (14) site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;
  - (15) site facilities where winds and air currents disperse airborne emissions that cannot be captured before escape into the atmosphere;
  - (16) site facilities so that associated vessel operations or activities will not result in overcrowded harbors or interfere with fishing operations and equipment.
- (b) The uses authorized by the issuance of state and federal leases, easements, contracts, rights-of-way, or permits for mineral and petroleum resource extraction are [uses of state concern](#).

**Evaluation:**

- (a) If this standard applies to your project, please describe in detail how the proposed project is designed to meet each applicable section of this standard:
- (1) Impacts to habitat have been minimized by decreasing the footprint of the facilities (drill site and road) to the degree practicable. Existing Alpine infrastructure at CD1 and CD2 will also be utilized for the CD5 project to the degree practicable.
  - (2) The project is located in the vicinity of other drill sites.
  - (3) The footprint of the facilities (drill site and road) have been consolidated to the degree practicable.
  - (4) For safety reasons, the public will not have access or use of the facility.
  - (5) Landowners, developers, and federal agencies have been consulted throughout the project process.
  - (6) The site has sufficient acreage for expansion, if needed.
  - (7) Existing Alpine infrastructure at CD1 and CD2 will also be utilized for the CD5 project to the degree practicable.
  - (8) The transfer routes do not encounter reefs, shoals, drift ice, or other obstructions.
  - (9) The project does not require the use of vessels.
  - (10) The project site requires minimal site clearing, dredging, and construction to the extent practicable.
  - (11) No vulnerable habitats, such as marine mammal rookeries and hauling out grounds and waterfowl nesting areas are located in the project area. Spill planning and response resources available to CD5 include mutual support from other oil and gas operators, Alaska Clean Seas, and the North Slope Spill Response Project Team. CPAI will submit an amendment to the Alpine Oil Discharge Prevention and Contingency Plan (ODPCP) to the Alaska Department of Environmental Conservation for the CD5 project.
  - (12) This project will not introduce barriers to movement of caribou or other wildlife and will not substantially affect subsistence users' ability to access fish or wildlife. The 7-foot minimum pipeline height was designed to ensure unrestricted wildlife passage and human use of the area. Pipeline height was also evaluated in the Alpine Satellite Development Plan EIS.
  - (13) CPAI has consulted with the North Slope Borough and State Historic and Preservation Office to identify and address concerns regarding historical and archaeological resource protection throughout the planning process. The activities associated with CD5 are consistent with the policies concerning historic, pre-historic, and archaeological resources. The North Slope Borough and the community of Nuiqsut were consulted by CPAI and by agencies involved in pre-permit planning meetings to identify and address local concerns. Local concerns are considered and mitigated to the extent practicable during the design phase of the project.
  - (14) This project will not introduce barriers to movement of caribou or other wildlife and will not substantially affect subsistence users' ability to access fish or wildlife. The 7-foot minimum pipeline height was designed to ensure

unrestricted wildlife passage and human use of the area. Spill planning and response resources available to CD5 include mutual support from other oil and gas operators, Alaska Clean Seas, and the North Slope Spill Response Project Team. CPAI will submit an amendment to the Alpine Oil Discharge Prevention and Contingency Plan (ODPCP) to the Alaska Department of Environmental Conservation for the CD5 project.

(15)Project facilities were sited to the extent practical so that airborne emissions are not dispersed into the atmosphere by winds and air currents before being captured.

(16)The project does not include vessel activities.

(b) List the authorizations for state and federal leases, easements, contracts, rights-of-way, water rights, or permits for mineral and petroleum resource extraction you have applied for or received. USACE Section 404 Permit, USFWS Incidental Take Permit, ADNOR Unit Plan of Operations Amendment, ADNOR Temporary Water Use Permit, ADNOR Land Use Permit, ADF&G Fish Habitat Permit, ADEC Minor Air Permit, ADEC Spill Plan Amendment, ADEC Temporary Storage of Drilling Waste, NSB Administrative Approval, NSB Conditional Use Permit.

### **11 AAC 112.240. Utility routes and facilities.**

#### **Standard:**

- (a) Utility routes and facilities must be sited inland from beaches and shorelines unless
  - (1) the route or facility is water-dependent or water related; or
  - (2) no practicable inland alternative exists to meet the public need for the route or facility.
- (b) Utility routes and facilities along the coast must avoid, minimize, or mitigate
  - (1) alterations in surface and ground water drainage patterns;
  - (2) disruption in known or reasonably foreseeable wildlife transit;
  - (3) blockage of existing or traditional access.

#### **Evaluation:**

(a) If the proposed utility route or facility is sited adjacent to beaches or shorelines, explain how the route or facility is water dependent water related or why no practical inland alternative exists.

The project is located inland from shorelines and beaches.

(b) If the proposed utility route or facility is sited along the coast, explain how you will avoid, minimize or mitigate:

(1) alterations in surface and ground water drainage patterns; The Nigliq Channel bridge and connecting road are designed to limit impacts to natural drainage patterns and river flow. Culverts in the gravel road will be designed to minimize alterations as well.

(2) disruption in known or reasonably foreseeable wildlife transit; Extensive habitat, fish, bird, wildlife and hydrology studies of the project area were performed and were characterized in the ASDP EIS. This project will not introduce barriers to movement of caribou or other wildlife and will not substantially affect subsistence users' ability to access fish or wildlife. The 7-foot minimum pipeline height was designed to ensure unrestricted wildlife passage and human use of the area.

(3) blockage of existing or traditional access.

This project will not introduce barriers to movement and will not substantially affect subsistence users' ability to access fish or wildlife. The 7-foot minimum pipeline height was designed to ensure unrestricted wildlife passage and human use of the area. The bridge over the Nigliq Channel will actually improve access to subsistence hunting and fishing areas.

### **11 AAC 112.250. Timber harvest and processing.**

#### **Standard:**

AS 41.17 (Forest Resources and Practices Act) and the regulations adopted under that chapter with respect to the harvest and processing of timber are incorporated into the program and constitute the components of the program with respect to those purposes.

#### **Evaluation:**

Does your activity involve harvesting or processing of timber? Yes \_\_\_\_\_ No X

If yes, please explain how your proposed project meets the standards of the State Forest Resources and Practices Act.

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