

# North Slope Borough

## PLANNING AND COMMUNITY SERVICES DEPARTMENT



P.O. Box 69  
Barrow, AK 99723  
☎ (907) 852-0320  
☎ (907) 852-5991  
✉ mail: dan.forster@north-slope.org

*Daniel W. Forster, Director*

October 23, 2009

ConocoPhillips Alaska, Inc.  
C/O Sarah M. Kenshalo, Environmental Coordinator  
P.O. Box 100360, ATO 962  
Anchorage, Alaska 99501

RE: NSB 10-101, Development Permit, West Mikkelsen State 1 Corrective Action, T10N, R19E, Section 32, Umiat Meridian, Conservation District.

Dear Ms. Kenshalo:

We have completed our review of your request to plug and abandon well #5002927800, to backfill the open reserve pit with contaminated material from on-site, and then cap the reserve pit with clean gravel from the pad. The pad will then be trimmed and a layer of organic overburden added in areas where excavation into the tundra occurs in order to facilitate future revegetation of the pad. An ice road and ice pad will need to be constructed in order to access the site. See attached drawings in the Plan of Operations (Figures 1-11) for further details.

Two (2) site ice access road routes are being proposed for this project, one from the north and one from the south, because CPAI is planning to utilize the main ice route (built by others) out to Badami, but it is unclear which route the main road will take at this time. Depending on which main road is constructed, only one of the ice access roads will be constructed.

The purpose of this project is to achieve closure of the reserve pit and pad closure.

This project is scheduled to commence December 15, 2009 and be completed by December 31, 2010.

We have determined that your proposed activity is consistent with Title 19 and the North Slope Borough Coastal Management Program provided that you comply with the following conditions:

### **PROJECT SPECIFIC STIPULATION**

CPAI shall have Sharing Agreement Letter by Owner(s) of the Ice Road in place and a copy provided to NSB Planning Department.

## **PROJECT ECONOMIC STIPULATIONS**

1. CPAI is advised that the Borough strongly encourages those seeking to do business on the North Slope to conduct their operations in a manner, which enhances locally-based economic and employment opportunities for Borough businesses and residents. In order to ensure that these goals have been considered in the design and administration of project operations the applicant shall submit an economic opportunity plan to the Land Management Administrator that outlines, in detail, how the policies outlined below and codified at NSBMC 19.70.030 have been addressed.
2. Developers are encouraged to conduct operations to the extent practical and feasible:
  - A. Using suppliers or subcontractors from within the Borough for work, which can be accomplished competitively by local private businesses or regional or village corporations.
  - B. Employing local Borough residents, unless residents of the local villages express no interest in the work.
  - C. Utilizing flexible employment procedures, which allow the pursuit of subsistence opportunities by Borough resident employees.
  - D. Incorporating job-training programs targeting Borough residents.
3. CPAI shall present the economic opportunity plan to the Land Management Administrator for consideration prior to commencement of operations.

## **POLAR BEAR STIPULATION**

1. Prior to the commencement of temporary operations (e.g., ice roads), CPAI will consult with the Alaska Department of Fish and Game 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 disposal 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 applicant, Alaska Department of Fish and Game, and the U. S. Fish and Wildlife Service. Facilities that cannot be feasibly relocated (e.g., drill pads) may be subject to off-site activity restrictions to be determined through consultation between the applicant, Alaska Department of Fish and Game, and U. S. Fish and Wildlife Service. NSBMC19.70.050 (I)(1)
2. CPAI shall prepare and implement a Polar Bear Interaction Plan to minimize conflicts between polar bears and humans, including measures to (a) minimize attraction of bears to the Exploration camp and drilling area; (b) organize layout of buildings and work area to minimize human/bear interactions; (c) warn personnel of bears near or in the exploration camp and the proper procedures to take; (d) if authorized, deter bears from the exploration camp and drilling 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 polar bears; and (g) provide a systematic record of bears on the site and in the immediate area. Applicant should note that under the provisions of the Marine Mammal Protection Act it is unlawful to "take" a polar bear unless the applicant has received an Incidental Small Take Permit 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 Small Take Permit has been received, or in the case where human life may be threatened. The plan shall be submitted to the North Slope Borough Permitting and Zoning Division by February 1, 2010

### **ICE ROAD, ICE PAD AND ICE AIRSTRIP STIPULATION**

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, CPAI 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.
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.
3. Onshore ice road construction must not commence until frost has penetrated the ground to a depth of 12 inches and 6" of snow covers the tundra. The ice road must be maintained at a minimum thickness of six (6) inches.
4. Ice roads and ice pads are to be permitted on a yearly basis prior to construction.
5. The NSB Land Management Administrator, or designated representative(s), must be allowed to inspect the authorized activity at any time deemed necessary to ensure that the work is being or has been accomplished in accordance with the terms and conditions of this permit.
6. CPAI must provide NSB representatives with transportation to site, if not on a road system or accessible by government airport.

### **ARHEOLOGICAL/TLUI SITE STIPULATIONS**

1. CPAI shall submit any information its discovers that may be of historic, prehistoric, cultural, traditional, archeological, and paleontological significance to the NSB Planning Department, Ifupiat Heritage Language and Culture (IHLC) Division (including, but not limited to artifacts, house mounds, grave sites, ice cellars, and fossilized animal remains). CPAI shall follow state and federal law regarding the discovery of human remains. CPAI must maintain a minimum 500-foot buffer zone from all historic, prehistoric, archaeological resources, traditional activities, and cultural sites (including all NSB Traditional Land Use Inventory (TLUI) and State Historic Protection Office (SHPO) Alaska Heritage Resource Survey (AHRS) sites. CPAI must not disturb or remove any materials of historic, prehistoric, cultural, traditional, archeological, and paleontological significance.
2. CPAI shall inform and ensure its agents' and employees' 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 for their records if no central building exists.
3. CPAI shall work with the North Slope Borough GIS to identify known TLUI, Historical, and archeological remains to be avoided by the operations under the terms of a confidentiality agreement between the North Slope Borough and CPAI. The agreement is need to better manage data sharing that may need to be implemented to enhance the protection of traditional and archeological inventories of the North Slope Borough. NSBMC 19.70.050 (E), (F)

### **TUNDRA PROTECTION STIPULATIONS**

1. 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. 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. Where such areas do not exist, an environmentally preferred location will be identified. Vehicles and other transportation equipment must not be abandoned.

2. Existing roads and trails must be used wherever possible. Trail widths must be kept to the minimum necessary. Trail surface may be cleared of timber, brush, stumps and snags.
3. Movement of equipment through willow (Salix) stands must be avoided where possible.
4. Trails and campsites must be kept clean. All solid waste including incinerator residue must be backhauled to an authorized solid waste disposal facility.
5. 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.
6. Vehicle maintenance, campsites, and storage or stockpiling of material on the surface ice of lakes, ponds or rivers or on sea ice within the borough 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.
7. Winter on-tundra travel may begin when six inches (6") of snow 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. Certain on-tundra activities may begin sooner than others depending on the impact or magnitude of the operations.
8. Crossings of rivers and streams is to be restricted to only those areas where the ice is frozen solidly to the river/stream bed to avoid impacts to potential fish over wintering areas
9. After April 15 of each year, on-tundra travel must be subject to termination within 72 hours of notification by the NSB Land Management Administrator or his/her designee for protection of surface vegetation.
10. Development is required to maintain the natural permafrost insulation quality of existing soils and vegetation.
11. Pre-packing is authorized, however ice road/tundra travel will not be authorized until tundra travel is opened in the area.
12. Inspections of all transport equipment for leaks must be made prior to commencement of tundra travel. Drip plans must be placed under leaking equipment, and equipment must be repaired prior to use. Use of leaking equipment is prohibited on the tundra.
13. Any tundra damages that have occurred must be reported to the NSB Permitting Division at (907) 852-0440 within 24 hours. A written report must be submitted to the NSB Land Management Administrator within seven (7) calendar days. The report must include a description of the damage, an explanation of how it occurred, and estimate of the damage size in square feet, photos of the damage, and a plan to remediate the site.

#### **GENERAL STIPULATIONS**

1. CPAI is reminded to conform to the provisions of NSBMC Chapters 9.08, 9.12 and 9.16 regarding solid and

sanitary waste collection/disposal and potable water. The proper and lawful disposal of waste in an environmentally sound manner is a condition of this permit. If the permittee does not anticipate using facilities operated or approved by NSB, the Alaska Department of Environmental Conservation at (907) 269-7500 shall be contacted for an approved sanitary and solid waste disposal plan as well as a plan for potable water for temporary and permanent facilities described in this permit. A copy of the approved plans shall be submitted to the North Slope Borough Permitting and Zoning Division to become a part of this permit file. NSBMC 19.70.050(I)(4)&(5)

2. Should any cultural, archeological or paleontological resource materials (including, but not limited to artifacts, house mounds, grave sites, ice cellars, and fossilized animal remains) be discovered in the course of activities conducted under this permit, the site shall not be disturbed and the North Slope Borough Inupiat History, Language and Culture Commission shall be promptly notified at (907) 852-0422. NSBMC 19.70.050(E) through (G)
3. All oil and other hazardous material spills over 55 gallons shall be reported immediately to the NSB by telephoning (907) 852-0440. The follow-up written report will be faxed to the NSB Permitting and Zoning Division fax (907) 852-5991 and the NSB/OSEA office at (907) 852-0327. A report of all spills shall be submitted to our office on a weekly basis. A sufficient amount of absorbent materials shall be on hand at all times in the event of any fuel, oil, or chemical spills. Spills shall be cleaned up as soon as possible. NSBMC 19.50.030(I)
4. The Land Management Administrator may require that his authorized representative be on-site during any operations conducted under this permit. NSBMC 19.30.100
5. Within the constraints of federal, state and local law, the permittee and its agents are encouraged, through a voluntary affirmative action program, to hire and train residents of the North Slope Borough. In order to comply with this stipulation the permittee and its agents shall contact the Mayor or City Manager and the village corporation of any village most affected by this permit. In this case contact the City of Nuiqsut at (907) 480-6727 and Kuukpik Village Corporation at (907) 480-6220 to determine if there are qualified people available or people who could be employed for on-the-job training. NSBMC 19.70.030
6. CPAI shall comply with all local, state and federal laws and permits applicable to this project. NSBMC 19.30.100
7. This permit is valid for the duration of the existence of the development and the developer's compliance with the terms and conditions herein. This permit automatically expires within twelve months of approval if no actual development has commenced. Failure to comply with the conditions of this permit could result in immediate revocation of this permit. NSBMC 19.30.070
8. CPAI shall inform and ensure compliance with these stipulations by its agents and employees. This permit shall be posted in a conspicuous place for these individuals to see. NSBMC 19.30.100

Our review was conducted in accordance with NSBMC, Title 19. The purpose of our review is to ensure that your project achieves the goals and objectives, and implements the policies, of the Borough Comprehensive Plan, including its Coastal Management Program; to ensure that the future growth and development of the Borough is in accord with the values of its residents; to identify and secure, for present and future residents, and beneficial impacts of developments; to identify and avoid, mitigate, or prohibit the negative impacts of development; and to ensure that future development is of the proper type, design and location, and is served by a proper range of public services and facilities.


If your proposal is changed from what is represented in your application dated September 18, 2009, you must contact this office prior to the change being implemented in order to determine whether the enclosed authorization requires an amendment.

By copy of this letter, we are advising the below-listed individuals and their respective agencies that the proposal, as conditioned, complies with our District Coastal Management Program, and Comprehensive Plan.

Any aggrieved person, including the developer/applicant, may appeal the decision of the Land Management Administrator by serving written notice to the secretary of the North Slope Borough Planning Commission and the developer/applicant within 30 days of receiving this decision. The notice shall state the reasons why the appellant believes the decision of the Land Management Administrator is improper.

If you should have any questions please contact Waska A. Williams, Jr., Land Management Specialist at (907) 852-0440 ext. 223 or by email at [waska.williams@north-slope.org](mailto:waska.williams@north-slope.org)

Sincerely,



Daniel W. Forster,  
Land Management Administrator

cc: NSB Planning Commission  
Brian Person, NSB Wildlife  
Robert Suydam, NSB Wildlife  
Linda Chrestman, Deputy Assessor, Selene Akpik, Assessing Division, NSB  
Dorcas Tukle, Maryanne Napageak, Nuiqsut Village Coordinator, NSB  
Chris Milles, AkDNR, Fairbanks  
Dennis Gnath, JPO Liaison, DNR, OHMP, Anchorage  
Robert McLean, Area Manager, DNR, OHMP, Fairbanks  
Larry Bright, USDI/F&WS, Fairbanks  
Jeanne Hanson, USDI/NMFS, Anchorage  
Josephina Delgado-Plikat, AkOMB/DGC, Juneau  
Bill Smythe, AkDEC, Fairbanks  
Mike Holley, Don Rice, US Army COE  
Lloyd Paningona, Realty Director, Inupiat Community of the Arctic Slope  
Flossie Mongoyak, Realty Specialist, Native Village of Barrow  
Robert Quintavell, President, Arctic Slope Regional Corporation  
Isaac Nukapigak, President, Kuukpik Village Corporation  
Carl Brower, Mayor, City of Nuiqsut  
Katie Farley, State Pipeline Coordinators Office/ JPO, SOA  
Bernice Kaigelak, President, Nuiqsut Tribal Council  
Mike Worley, USDI/BLM  
John Easton, Jeanne Frazier, Aaron Weaver AkDNR/DO&G, Anchorage  
Rosemary Ahtuanguaruak, Nuiqsut ICAS  
Gordon Matumeak, Nuiqsut Inspector  
Thomas Simmonds III, BRW Inspector  
Charles Russell, NPR-A Inspector  
Andrew Oenga, Heirs, Box 201, Brw  
Clay Kaigelak, 1150 Chinaberry Rd., Anc. 99515  
Lydia Sovalik, Heirs  
Files

N10-101F-/DWF/sa/ww



**Land Management  
Regulations Permit Application**

NORTH SLOPE BOROUGH  
DEPARTMENT OF PLANNING AND COMMUNITY SERVICES  
PERMITTING AND ZONING DIVISION

Permit Number:	<u>10-101</u>	Permit Type:	<u>Development</u>
Applicant:	<u>ConocoPhillips Alaska, Inc.</u>	Date:	<u>September 18, 2009</u>
Address:	<u>P.O. Box 100360</u>	State ID:	
	<u>Anchorage, Alaska 99510</u>	Phone:	<u>(907) 265-1550</u>
Contact Person:	<u>Sarah Kenshalo</u>	Project Name:	<u>West Mikkelsen State 1</u>
			<u>Corrective Action</u>
Location (TRS):	<u>T10N, R19E, Sec 32</u>	Unitized Field Name and Pad Location:	<u>West Mikkelsen State 1, non-unitized</u>
Zoning District:	<del>Resource Development</del> <u>Conservation District</u>		
Proposed Start Date:	<u>2/01/10</u>	Completion Date:	<u>12/31/2010</u>

Proposed Development: CPAI proposes to plug and abandon well #500292027800, to backfill the open reserve pit with contaminated material from on-site, and then cap the reserve pit with clean gravel from the pad. The pad will then be trimmed and a layer of organic overburden added in areas where excavation into the tundra occurs in order to facilitate future revegetation of the pad. An ice pad and ice road will need to be constructed in order to access the site. See attached drawings in the Plan of Operations (Figures 1-11) for further details.  
Two site ice access road routes are being proposed for this project, one from the north and one from the south, because CPAI is planning to utilize the main ice route (built by others) out to Badami, but it is unclear which route the main road will take at this time. Depending on which main road is constructed, only one of the ice access roads will be constructed.

Purpose of Development: To achieve closure of the reserve pit and pad closure.

<input checked="" type="checkbox"/> Fill/Dredge	Material:	<u>Gravel and overburden excavation and backfill</u>	Acres:	<u>Approximately 13.0 acres</u>
<input type="checkbox"/> Oil and Gas Wells	Number of New Surface Holes:	<u>N/A</u>		
<input checked="" type="checkbox"/> Temp. Water Use	Source:	<u>Lake 21, Lake 20, Old Schaviovick Gravel Pit</u>	Access:	<u>Ice Road</u>
	Purpose:	<u>Ice roads and ice pads</u>	Maximum Amount:	<u>Approximately 2,500,000 gallons</u>
<input checked="" type="checkbox"/> Off Road Travel	Period of Travel:	<u>Winter season 2010</u>	Equipment:	<u>Excavator, backhoe, track hoe, trucks.</u>
	Access to Site:	<u>Ice Road</u>		
<input type="checkbox"/> Fuel Storage	Type:	<u>N/A</u>	Amount:	<u>N/A</u>
	Handling:	<u>N/A</u>		
<input type="checkbox"/> Hazardous Material Storage	Type:	<u>N/A</u>	Amount:	<u>N/A</u>
	Handling:	<u>N/A</u>		
<input type="checkbox"/> Solid Waste	Treatment:	<u>N/A</u>		

- Mining Mining Habitat N/A
- Air Emissions Type: Construction equipment Amount: Minor
- Noise/Vibration Type: Construction equipment Amount: Normal
- Sensitive Habitat Floodplain: N/A Shoreline: N/A
- Transportation Type: N/A
- Marine Tanker Facility  Seismic Work  Utility Development  Recreational Development
- Causeway Construction  Offshore Drilling  Residential Development  CD-ROM Included
- Airport or Helicopter Pad  Oil Transport System  Snow Removal

ATTACH TO THIS APPLICATION THE FOLLOWING:

- GENERAL VICINITY MAP
- SPECIFIC LOCATION MAP, INCLUDING NEARBY EXISTING DEVELOPMENT AND NATURAL FEATURES.
- A DIGITAL GIS SHAPE FILE OR GEODATABASE OF THE PERMIT AREA WITH NO ATTRIBUTES. THE PROJECTION SHOULD BE NAD 27 ALASKA ALBERS OR GEOGRAPHIC
- DESIGN PLANS (PLOT PLAN), ELEVATIONS, CROSS SECTIONS, PROFILES, AS APPROPRIATE.
- SUPPLEMENTAL INFORMATION, AERIAL PHOTOGRAPHS, STUDIES, ETC. (AS NEEDED)

SEND TO: NORTH SLOPE BOROUGH, LAND MANAGEMENT ADMINISTRATOR  
 P.O. BOX 69  
 BARROW, AK 99723  
 PHONE: (907) 852-0320 TOLLFREE (IN STATE): (800) 478-6066 EXT. 320

I HEREBY CERTIFY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sally Nathaniel 9/18/09  
 Authorized Signature Date

Sarah Kenshalo Environmental Coordinator  
 Name Title

- FEE PAID  SPECIAL PLANNING COMMISSION MEETING.....\$12,000.00  
 DEVELOPMENT PERMIT.....\$2,000.00 + \$500.00 PER WELL  
 ADMINISTRATIVE APPROVALS.....\$1,500.00  
 CONDITIONAL DEVELOPMENT PERMITS.....\$3,000.00 AMOUNT PAID: \$2,000

DECISION

- ADMINISTRATIVELY APPROVED  
 This is a minor amendment to a development permit or is a use of land listed under administrative approvals for this zoning district.
- REZONING APPROVED  
 This proposed development substantially complies with the Master Plan, and a use permit is issued, conditioned on compliance with all relevant Master Plan conditions, lease stipulations, and provision of state and federal law and permits served thereunder.
- DEVELOPMENT PERMIT APPROVED  
 The proposed development meets all applicable mandatory Policies, represents the Developer's best efforts to implement all relevant best efforts and minimization policies, and as long as any conditions set forth in the accompanying letter are complied with, will represent a net public benefit. (See accompanying letter).
- CONDITIONAL DEVELOPMENT PERMIT APPROVED  
 This is a use of land this is listed as a conditional development for this zoning district or has been elevated by the Land Management Administrator to the Planning Commission.
- PERMIT DENIED  
 (See accompanying letter)

R. Kennerly 10/26/09  
 Land Management Administrator Date