

# Alaska Natural Gas Transportation Projects

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
<b>Endangered Species Act Section 7 Consultation</b>	U.S. Fish and Wildlife Service (FWS)	<p>Federal Energy Regulatory Commission (FERC) regulations require compliance with the Endangered Species Act (ESA) (18 CFR 380.13), including consultation by the applicant with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). FERC-Environmental Resource Report (ERR) Number 3 (Vegetation and Wildlife) requires identification of all federally listed or proposed endangered or threatened species that potentially occur in the vicinity of the project.</p> <p>FWS has an <a href="#">Endangered Species Act Consultation Handbook</a> for applicant and federal agency use. Determination of “action area” is a critical step per <a href="#">50 CFR 402.02</a> and the <a href="#">Endangered Species Act</a>.</p> <p>Potential species to be addressed are in <a href="#">U.S. Fish and Wildlife Service Species Report</a>. General information may be had at <a href="http://alaska.fws.gov/fisheries/endangered/consultation.htm">http://alaska.fws.gov/fisheries/endangered/consultation.htm</a>.</p> <p><a href="#">Figure 3.1 Informal Consultation Process</a> presents a step-by-step flow diagram of the informal consultation process.</p> <p><b>Contact FWS Anchorage:</b> Greg Balogh, <a href="mailto:Greg_Balogh@fws.gov">Greg_Balogh@fws.gov</a> (907) 271-2778</p> <p><b>Contact FWS Fairbanks:</b> Ted Swem, <a href="mailto:ted_swem@fws.gov">ted_swem@fws.gov</a> (907) 456-0441</p>	<p><a href="#">18 CFR 380.12</a> – FERC ERR Number 3 requires initial consultation by the applicant.</p> <p><a href="#">18 CFR 380.13</a> is the FERC regulation for agency endangered species consultation. In cooperation with FERC, applicants will conduct all informal consultation steps as part of the ERR preparation during the pre-filing phase. Formal consultation by FERC will occur simultaneously with the Draft Environmental Impact Statement (DEIS) preparation.</p> <p>Field surveys for listed species and habitat in the action area, as well as, a detailed project description and research required for development of the Biological Assessment will be required. FERC rules direct informal consultation at the ERR stage, as does the Handbook, before starting the Environmental Impact Statement (EIS). Results of formal consultation should be included in the EIS.</p> <p>The ESA and the Section 7 regulations require that formal consultation be concluded within 90 calendar days of initiation, and the regulations require that the biological opinion be delivered to the action agency within 45 days after the conclusion of formal consultation. The Services (NMFS and FWS) strive to issue all biological opinions within the 90-day period; however, the Services may use the additional 45 days when circumstances warrant. The Services ensure that the biological opinion, including an incidental take statement, is prepared and delivered within 135 days of initiation of formal consultation. The consultation timeframe cannot be "suspended." If the Services need more time to analyze the data or prepare the final opinion, or the action agency needs time to provide data or review a draft opinion, an extension may be requested by either party. Both the Services and the action agency must agree to the extension.</p>	FWS strongly encourages early coordination.

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
<b>Endangered Species Act Section 7 Consultation</b>	National Marine Fisheries Service (NMFS)	<p>Agencies should use the <a href="#">Endangered Species Act Consultation Handbook</a> for the entire consultation process. National Oceanic and Atmospheric Administration (NOAA) Fisheries has provided an Endangered Species Act (ESA) portal website (<a href="http://www.nmfs.noaa.gov/pr/laws/esa/policies.htm">http://www.nmfs.noaa.gov/pr/laws/esa/policies.htm</a>) with a variety of information and links dealing with general policies, regulations, interagency consultation, and permits and habitat conservation information.</p> <p>Another helpful website focused on ESA Section 7 consultation is <a href="http://www.nmfs.noaa.gov/pr/consultation/">http://www.nmfs.noaa.gov/pr/consultation/</a>, which discusses the process that occurs once an agency determines whether a proposed action has no effect or that the proposed action may affect protected species and the steps required afterward.</p> <p><a href="#">Figure 3.1 Informal Consultation Process</a> gives a flow diagram of the informal Section 7 consultation process.</p> <p>NMFS Alaska has prepared a <a href="#">suggested biological assessment</a> format.</p> <p><b>Contact NMFS:</b> Brad Smith, <a href="mailto:Brad.Smith@NOAA.gov">Brad.Smith@NOAA.gov</a> (907) 271-3023</p>	<p><a href="#">18 CFR 380.12</a> – FERC ERR number 3 requires initial consultation by the applicant.</p> <p><a href="#">18 CFR 380.13</a> – Is the FERC regulation for agency consultation. In cooperation with FERC, applicants will conduct all informal consultation steps as part of the ERR preparation during the pre-filing phase. Formal consultation by FERC will occur simultaneously with the DEIS preparation. The ESA and the Section 7 regulations require that formal consultation be concluded within 90 calendar days of initiation, and the regulations require that the biological opinion be delivered to the action agency within 45 days after the conclusion of formal consultation. The Services (NMFS and FWS) strive to issue all biological opinions within the 90-day period; however, the Services may use the additional 45 days when circumstances warrant. The Services ensure that the biological opinion, including an incidental take statement, is prepared and delivered within 135 days of initiation of formal consultation. The consultation timeframe cannot be "suspended." If the Services need more time to analyze the data or prepare the final opinion, or the action agency needs time to provide data or review a draft opinion, an extension may be requested by either party. Both the Services and the action agency must agree to the extension.</p>	<p>NMFS strongly encourages early coordination.</p> <p>“Incidental take” may (not always) be authorized by the biological opinion.</p> <p>Where appropriate, biological opinions provide an exemption for the "take" of listed species while specifying the extent of take that is allowed, the reasonable and prudent measures (RPMs) necessary to minimize impacts from the federal action, and the terms and conditions with which the action agency must comply. If needed, an incidental take cannot be authorized until requirements under the Marine Mammal Protection Act (MMPA) are met first.</p>
<b>Migratory Bird Treaty Act (MBTA) Review</b>	U.S. Fish and Wildlife Service (FWS)	<p>Under the provisions of the Migratory Bird Treaty Act (16 U.S.C. 703-711), it is unlawful “by any means or manner to pursue, hunt, take, capture [or] kill” any migratory birds except as permitted under FWS regulations (<a href="#">50 CFR Part 21</a>). The term “take” has been defined by FWS to mean to “pursue, hunt, shoot, wound, kill, trap, capture or collect” any migratory bird or any part, nest or egg of any migratory bird covered in the list of protected species in 50 CFR 10.13. Per Executive Order No. 13186, “take” includes intentional takings as well as “unintentional” takings resulting from activities. To comply with the MBTA, documentation is required regarding the extent and timing of use in locations planned for project development.</p> <p>In Alaska, all native birds except grouse and ptarmigan (protected by the State of Alaska) are protected under the MBTA.</p> <p><b>Contact FWS Anchorage:</b> Frances Mann, <a href="mailto:frances_mann@fws.gov">frances_mann@fws.gov</a> (907) 786-3668</p> <p><b>Contact FWS Fairbanks:</b> Jewel Bennett, <a href="mailto:Jewel_Bennett@fws.gov">Jewel_Bennett@fws.gov</a> (907) 456-0324</p>	<p>Requirements for a Migratory Bird Mitigation Plan for project construction, operations, and maintenance activities are driven by FERC ERR Number 3, as well as Exec. Order No. 13186. FERC’s regulation at 18 CFR 380.12(e) requires a research report describing project impacts on “fish, wildlife and vegetation” and includes a requirement to detail “site-specific mitigation measures to minimize impacts on...wildlife.”</p> <p>Early consultation with FWS is critical to a timely and effective mitigation plan. Reference the mitigation plan in the FERC EIS.</p> <p>Most applicant work will be done in the pre-filing phase, as part of the FERC ERR preparation.</p>	<p>No incidental take permits are issued for MBTA. Instead, methods to avoid take through timing are employed with consultation from FWS (e.g., scheduling work around nesting seasons). In addition to following the timing guidelines on land-clearing, compensatory mitigation measures may be necessary to offset permanent habitat loss to breeding birds.</p>
<b>Bald and Golden Eagle Protection Act (BGEPA)</b>	U.S. Fish and Wildlife Service (FWS)	<p>Bald and golden eagles may nest in the project vicinity and are protected under the Bald and Golden Eagle Protection Act. The FWS Alaska Region Eagle Permit Program, including management guidelines, can be found at <a href="http://alaska.fws.gov/eaglepermit/index.htm">http://alaska.fws.gov/eaglepermit/index.htm</a>.</p>	<p>Pre-filing phase surveys are needed to locate eagle nests, or other important habitat used by eagles (e.g., foraging or roosting sites).</p>	<p>Some activities are eligible for federal permits under BGEPA; however, applicants are first</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
		<p>The Bald and Golden Eagle Protection Act (16 U.S.C. 668) prohibits anyone without a permit from “taking” bald and golden eagles except as permitted under FWS regulations. Under 16 U.S.C. 668(c), the term “take” has been defined to include “pursue, shoot...poison, capture, trap...or disturb.” Under the act, bald and golden eagles may nest in the project vicinity, and all nesting sites (even those previously used and abandoned) are protected.</p> <p><b>Contact FWS:</b> Frances Mann, <a href="mailto:frances_mann@fws.gov">frances_mann@fws.gov</a> (907) 786-3668</p>	<p>In addition, pre-construction surveys within one year of construction are needed to identify eagle nests. The FWS should be contacted to discuss survey methodology, survey distances, and other required protocol.</p>	<p>required to avoid and minimize impacts to eagles and eagle habitat. In addition to following the eagle management guidelines, compensatory mitigation measures may be necessary to offset impacts.</p>
<p><b>Essential Fish Habitat (EFH) Review and Consultation under the EFH Provisions of the Manguson-Stevens Conservation and Management Act</b></p>	<p>National Marine Fisheries Service (NMFS)</p>	<p>EFH consultation procedures are outlined at <a href="#">50 CFR 600.920</a> in the EFH final rule.</p> <p>The Alaska Region of NMFS has provided a very useful EFH portal website (Alaska Essential Fish Habitat Portal) at <a href="http://www.fakr.noaa.gov/habitat/efh.htm">http://www.fakr.noaa.gov/habitat/efh.htm</a> . This website has a discussion of consultation requirements, management plans, and regulations; frequently asked questions (FAQs) about habitat, science information, and other important links may be found there. NOAA/NMFS (national) also provides EFH consultation guidance in a portal website (Office of Habitat Protection Division Portal) that contains a wealth of information on the consultation process, types of consultations, regulatory and technical guidance, research links, and maps and GIS data.</p> <p>Frequently asked questions and examples of consultation are at: <a href="http://www.fakr.noaa.gov/habitat/faq.htm">http://www.fakr.noaa.gov/habitat/faq.htm</a>.</p> <p>Guidelines for preparing essential fish habitat assessments can be found at: <a href="http://www.habitat.noaa.gov/pdf/preparingefhassessments.pdf">http://www.habitat.noaa.gov/pdf/preparingefhassessments.pdf</a>.</p> <p><b>Contact NMFS:</b> Jeanne Hanson, <a href="mailto:jeanne.hanson@noaa.gov">jeanne.hanson@noaa.gov</a> (907) 271-5006</p>	<p>An EFH assessment includes:</p> <ul style="list-style-type: none"> <li>• a description of the action</li> <li>• an analysis of the potential adverse effects of the action on EFH and the managed species</li> <li>• the agency’s conclusions regarding the effects of the action on EFH and proposed mitigation, if applicable.</li> </ul> <p>Information required includes literature review, expert opinions, onsite visits, new stream and water body surveys (a likely requirement), and existing EFH consultation information. FERC regulations implementing the National Environmental Policy Act (NEPA) are at <a href="#">18 CFR 380</a>.</p> <p>In coordination with FERC, applicants or their contractors will be responsible for initial EFH consultation with NMFS as part of the FERC ERR Number 3 preparation process during pre-filing. Applicants will conduct all preliminary assessment data collection and analysis activities, including literature review, obtaining expert opinions, onsite visits, new stream and water body surveys, if required, and utilizing existing EFH consultation information.</p> <p>NMFS encourages coordination of EFH consultation with the ESA consultations, fish and wildlife coordination, and the NEPA process.</p> <p>NMFS reviews the DEIS and may make conservation recommendations if deemed appropriate. It is possible that if the action agency completed an EFH assessment, it may be contained within the DEIS (if not a separate document).</p>	<p>Some information developed for EFH consultation for the Trans Alaska Pipeline System (TAPS) Right-of-Way (ROW) Renewal (2002) may still be relevant and useful.</p> <p>Early coordination is strongly encouraged.</p>
<p><b>Marine Mammal Protection Act/Incidental Harassment Authorization (MMPA/IHA)</b></p>	<p>National Marine Fisheries Service (NMFS) and US Fish and Wildlife Service (FWS)</p>	<p>(a) An Incidental Harassment Authorization (IHA) is issued by the Washington, D. C., Office of NMFS in accordance with regulations at <a href="#">50 CFR 216 Subpart A</a> promulgating the Marine Mammal Protection Act. Also see the NMFS website at <a href="http://www.nmfs.noaa.gov/pr/laws/mmpa/">http://www.nmfs.noaa.gov/pr/laws/mmpa/</a>. The FWS incidental take regulations for polar bears can be found at <a href="http://alaska.fws.gov/fisheries/mmm/itr.htm">http://alaska.fws.gov/fisheries/mmm/itr.htm</a>. The FWS procedures for applying for letters of authorization related to incidental take have been published in 50 CFR 18.27(f).</p>	<p>(a) An IHA may be required in advance if there is anticipated taking of small numbers of marine mammals. Harassment is a form of taking otherwise prohibited by the MMPA and ESA, and all species of marine mammals that may be affected by the action must be considered. These authorizations may be granted only if an activity would have no more than a negligible effect on the</p>	<p>The bowhead whale, seals and polar bears could be subjected to incidental harassment resulting from marine traffic or seismic activities from construction or dredging. In</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
		<p>(b) Requests for authorization are prepared and submitted to the Assistant Administrator in accordance with regulations at <a href="#">50 CFR 216.104 (a)</a> and the NMFS website at <a href="http://www.nmfs.noaa.gov/pr/permits/">http://www.nmfs.noaa.gov/pr/permits/</a> and include a plan of cooperation related to subsistence uses as described in the NMFS website at <a href="http://www.nmfs.noaa.gov/pr/glossary.htm#plan">http://www.nmfs.noaa.gov/pr/glossary.htm#plan</a>.</p>	<p>species (or stock) in question, it would not have an adverse impact that cannot be mitigated on the availability of the marine mammal for subsistence uses, and the permissible method of taking and requirements pertaining to the monitoring and reporting of such taking are set forth to ensure the activity will have the least practicable adverse effect on the species or stock and its habitat.</p> <p>(b) The request for authorization must include detailed information regarding the type of activities planned, the anticipated impact on marine mammal species, planned mitigation measures, subsistence use of the affected species, consultation with subsistence users of the affected species, and plans for monitoring and reporting.</p> <p>The Assistant Administrator shall follow the regulations at <a href="#">50 CFR 216.104 (b) and (c)</a> and <a href="#">50 CFR 216.107</a> and the NMFS website above to return the application for additional information or process the request, including public involvement, and issue an IHA with appropriate terms and conditions to allow activities that may result in only the incidental harassment of a small number of marine mammals.</p> <p>(c) Complete and acceptable IHA applications normally involve one comment period and, depending on the issues and species involved, can take anywhere from 4 to 8 months to process. Authorizations are valid for up to one year and may be renewed for additional periods of time not to exceed 1 year for each re-authorization.</p>	<p>addition, polar bears could be subjected to incidental take during all development on the North Slope. The bowhead whale is protected by the ESA as well as the MMPA and is an important subsistence species for Alaska Natives.</p> <p>The applicant must obtain the necessary IHA(s) (if deemed necessary), and FERC must document the process (including the obligatory public involvement and all required consultations) in the EIS. A Record of Decision (ROD) is required before construction can start.</p>
<p><b>Alaska National Interest Lands Conservation Act (ANILCA) Section 810 Evaluation</b></p>	<p>FWS, National Park Service (NPS), Bureau of Land Management (BLM), Bureau of Indian Affairs (BIA), and U.S. Forest Service (USFS), to the extent any pipeline activities would be permitted on</p>	<p>(a) ANILCA Section 810 requires federal land managers to evaluate the effect of permitting the use of public lands on subsistence uses and needs, and to consider alternatives that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes (<a href="#">ANILCA Section 810</a>). In addition, federal land-managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate state and federal agencies, and other nations.</p>	<p>(a) Identification of federal lands authorized for subsistence use, which could be affected by permitted use for pipeline purposes, must be completed prior to filing.</p> <p>No withdrawal, reservation, lease, permit, or other use, occupancy or disposition of lands which would significantly restrict subsistence uses shall be effected until the head of such federal agency--</p> <p>(1) gives notice to the appropriate state agency and the appropriate subsistence resource local committees and regional councils;</p> <p>(2) gives notice of, and holds, a hearing in the vicinity of the area involved; and (3) determines that--</p>	<p>Although subsistence permits are issued in most cases for public lands, data on subsistence use are not complete.</p> <p>Before BLM can grant a federal ROW, the state must concur on any state land selections. (See ANILCA Sec. 906 K.) All the other required federal consultations must also occur</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
	jurisdictional lands; and FERC, because of its lead agency role.	<p>(b) The <a href="#">Federal Subsistence Management Program</a> was established to implement Title VIII of ANILCA in accordance with applicable regulations at <a href="#">50 CFR 100</a>.</p> <p><b>Contact BLM:</b> Ron Dunton, <a href="mailto:Ronald_dunton@blm.gov">Ronald_dunton@blm.gov</a> (907) 271-3132</p> <p><b>Contact FERC:</b> Larry Sauter, <a href="mailto:laurence.sauter@ferc.gov">laurence.sauter@ferc.gov</a> (202) 502-8205</p>	<p>(A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.</p> <p>(b) The subsistence evaluation, including the public involvement requirements, will be integrated with the FERC public involvement process, documented in the FERC EIS, and reflected in the ROD prior to use authorization of any federal public lands (ANILCA Section 810(b)). If the Right-of-Way (ROW) crosses lands selected by a Native Corporation, the Alaska Native Claims Settlement Act (ANCSA) requires BLM to consult the corporation on that matter.</p>	(see FERC EIS section of this table).
<b>National Historic Preservation Act (NHPA) Section 106 Review</b>	Advisory Council on Historic Preservation (ACHP), in cooperation with the Alaska State Historic Preservation Officer (SHPO)	<p>(a) Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and its implementing regulations (36 CFR Part 800) promulgated by the Advisory Council on Historic Preservation, require federal agencies to take into account the effects of federal undertakings on historic properties.</p> <p>(b) The regulations require federal agencies with responsibility for an undertaking to consult with the relevant State Historic Preservation Officer, federal land-managing agencies, federally-recognized Native American tribes (Alaska Native Villages, Regional and Village Corporations as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act (<a href="#">43 USC 1602</a>)), representatives of local government, and other potentially interested parties (as defined by <a href="#">36 CFR 800.2(C) (5)</a>), and to provide appropriate mechanism for public participation, in the review of that undertaking per <a href="#">36 CFR 800.3</a>.</p> <p>If FERC wants ACHP to be a cooperating agency in the NEPA process, it must notify ACHP.</p>	<p>(a) During or prior to pre-filing (PF), consult with the SHPO, Alaska Tribal Councils, Regional and Village Corporations, Boroughs and other interested parties to determine the potential effect of the project on historic properties. Field investigations may be needed to identify historic properties and supplement information obtained through consultation and research. Incorporate consultation into other public meetings conducted for the project, including NEPA meetings, as appropriate. The SHPO/Native Village, Regional Corporation or Village Corporation must respond within 30 days of receipt of a request for review of a finding or determination.</p> <p>(b) Document the results and significance of the determination regarding historic properties to ACHP/SHPO in accordance with detailed guidance at <a href="#">36 CFR 800.11</a>. Documentation will also be reflected in the FERC-prepared EIS for the project.</p> <p>(c) Any adverse effects on historical properties must be resolved in a Memorandum of Agreement (MOA) (36 CFR 800.4-800.6) or Programmatic Agreement (PA) (36 CFR 800.14(b)). If resolution cannot be reached, the ACHP will enter the consultation and issue comments (36 CFR 800.7).</p> <p>(d) FERC’s guidelines for reporting on cultural resource investigations for pipeline projects and its regulations at 18 CFR 380.12(f) (ERR number 4 – Cultural Properties) require</p>	As lead agency, FERC will represent all other involved agencies in the “Section 106 process” and may employ its contractor or the applicant for this purpose.

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
		<p><b>Contact SHPO:</b> Judith Bittner, <a href="mailto:judy.bittner@alaska.gov">judy.bittner@alaska.gov</a> (907) 269-8715</p>	<p>documentation of initial cultural resource consultation, including consultations with Native Americans and other interested persons, and, as appropriate, overview and survey reports, evaluation report, treatment plan (if required by the MOA or PA) and written comments from the SHPO, Native Village, Regional Corporation or Village Corporation, and applicable land-managing agencies on such reports/plans. If deemed necessary, surveys must be conducted. The evaluation report and treatment plan, if required, for the entire project must be filed before the final FERC certificate is issued. In preparing the treatment plan, the applicant must consult with FERC staff, the SHPO, and land-management agencies.</p>	
<p><b>Temporary Use Permit and Land Use Authorization (only issued under the Minerals Leasing Act)</b></p>	<p>Bureau of Land Management (BLM)</p>	<p>(a) Information needed to apply for a Mineral Leasing Act (MLA) Temporary Use Permit (TUP) is submitted on a standard form: <a href="#">SF-299</a>. See guidance at <a href="#">43 CFR 2884.11</a>.</p> <p>(b) The <a href="#">DOI Pre-filing Implementation Plan-III</a> describes the relationship of the BLM TUP/ROW grant approval process to the FERC pre-filing process and the FERC-required Resource Reports, <a href="#">18 CFR 380.12</a>.</p> <p>(c) Information needed to obtain land use authorization(s) for temporary use of BLM-administered lands, including minimum impact permits, begins with consultation with a BLM representative and is found in the procedures for public-initiated commercial land use proposals at <a href="#">43 CFR 2920.2</a>.</p> <p><b>Contact BLM:</b> Ron Dunton, <a href="mailto:Ronald_dunton@blm.gov">Ronald_dunton@blm.gov</a></p>	<p>(a) The application requires a complete description of the proposed project, copies of any applications filed with other federal agencies, additional information about the applicant and the proposed project, and information and material to ensure that the facilities will be constructed, operated, and maintained as a common carrier.</p> <p>(b) The FERC ERRs 1-12 will provide most of the data and information BLM needs for TUP processing and will be supplemented as needed by additional applicant-provided data.</p> <p>(c) Land use authorizations for temporary use to facilitate pipeline project design have been/are being processed and issued. Others may still be needed during the pre-filing stage and prior to completion of the FERC Resource Reports. Additional data needed for NEPA analyses to support land use authorization processing will be identified and obtained on a case-by-case basis. As the project progresses, BLM may require other types of permits or authorizations, depending on the precise nature of the project-related activity to be authorized.</p> <p>Temporary land use authorizations are needed prior to field work to gather information to support the FERC Resource Reports.</p>	<p>Land use authorization is required for activities on all public lands, including lands administered by the BLM, except lands located on the outer continental shelf and lands held for the benefit of Alaska Natives. Permits may be issued upon a determination that the proposed use is in conformance with BLM plans, policies, and programs, local zoning ordinances and any other requirements and will not cause appreciable damage or disturbance to the public lands, their resources, or improvements.</p> <p>The TUP is needed to facilitate construction of the pipeline by authorizing access and use of federal lands for temporary construction use, including additional width to accommodate materials handling, and is therefore dependent on approval of the primary ROW grant.</p> <p>Some temporary land use authorizations (i.e. BLM TUP) are specifically for the</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
				purpose of gathering data and information needed for FERC ERRs and designing and analyzing the proposed pipeline project and must be issued in advance of the primary ROW grant.
<b>Federal Right-of-Way Grant</b>	Bureau of Land Management (BLM)	<p>(a) A BLM grant under 30 U.S.C. 185 is necessary for construction of an oil or gas pipeline or related facility to cross federal lands either under BLM's jurisdiction or under the jurisdiction of two or more federal agencies (43 CFR 2881.10). Information needed to apply for a Mineral Leasing Act (MLA) TUP/ROW grant is submitted on a standard form: <a href="#">SF-299</a>. See guidance at <a href="#">43 CFR 2884.11</a>.</p> <p>(b) The <a href="#">DOI Pre-filing Implementation Plan-III</a> describes the relationship of the BLM ROW grant approval process to the FERC pre-filing process and the FERC ERRs <a href="#">18 CFR 380.12</a>.</p> <p>(c) Federal grant application processing will continue during the FERC pre-filing stage and EIS stage in accordance with regulations and procedures for processing a MLA ROW grant application at <a href="#">43 CFR 2884.20-22</a>.</p> <p><b>Contact BLM:</b> Ron Dunton, <a href="mailto:Ronald_dunton@blm.gov">Ronald_dunton@blm.gov</a> (907) 271-3132</p>	<p>(a) The application requires a complete description of the proposed project, copies of any applications filed with other federal agencies, additional information about the applicant and the proposed project, and information and material to ensure that the facilities will be constructed, operated, and maintained as a common carrier. BLM must publish a notice in the Federal Register or a newspaper of general circulation in the vicinity of the lands involved. If the application involves a pipeline that is 24 inches or more in diameter, BLM will also send notice of the application to the appropriate committees of Congress in accordance with 30 U.S.C. 185(w). BLM may hold public hearings or meetings on an application if BLM determines there is sufficient interest to warrant the time and expense of such hearings or meetings.</p> <p>(b) The FERC ERRs 1-12 will provide most of the data and information BLM needs for ROW grant processing and will be supplemented as needed by additional applicant-provided data.</p> <p>(c) BLM began processing the Denali and Alaska Pipeline Project (both incomplete) ROW grant applications upon initial receipt of funds from the applicants and completion of the cost recovery agreements. Grant application processing will continue during the FERC pre-filing stage and EIS stage. Issuance of the ROW grant will follow completion of the EIS and ROD approval.</p>	<p>The BLM ROW grant authorizes use for pipeline construction, operation, and maintenance on all federal lands except National Park Service, Alaska Native trust, and Outer Continental Shelf lands.</p> <p>The plan of development is part of the ROW application and is used with the overall project description in developing the EIS analysis. The BLM ROW grant will cover final easement across Department of Defense (DOD) property (military installations). There may be the need for additional permits or approvals to access DOD installations for field data collection activities.</p> <p>The BIA must approve any ROW grant across Native Allotments. There may be a need for a revocable use permit with the Native allottee/BIA for temporary access (e.g. field data collection).</p> <p>In particular cases, it may be necessary for the State of Alaska and BLM to define "disclaimers of interest" for</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
				certain lands involved in the federal land conveyance process.
<b>Alaska Coastal Management Program (ACMP) Consistency Review</b>	Alaska Department of Natural Resources (ADNR) Division of Coastal and Ocean Management (DCOM)	<p>The ACMP requires that projects in Alaska's coastal zone be reviewed by coastal resource management professionals and found consistent with the statewide standards. ADNR DCOM must make the determination as to whether the proposed action is consistent with its Coastal Management Plan. The North Slope Borough is part of the ACMP review process.</p> <p>Applicant must complete a <a href="#">Coastal Project Questionnaire (CPQ) 1</a>.</p> <p>Consistency Guidelines and timeframes for conducting review can be located at: <a href="#">ACMP Consistency Timelines</a>.</p> <p>Relevant sections of the ACMP can be found at: <a href="http://dnr.alaska.gov/coastal/acmp/Clawhome/handbook/panels/A.htm">http://dnr.alaska.gov/coastal/acmp/Clawhome/handbook/panels/A.htm</a></p> <p>Authorizations subject to the ACMP review are referred to as the A-B-C list and can be found at the following link: <a href="http://dnr.alaska.gov/coastal/acmp/Clawhome/ABClst/ABClsthome.htm">http://dnr.alaska.gov/coastal/acmp/Clawhome/ABClst/ABClsthome.htm</a></p> <p><b>Contact ADNR:</b> Jodi Delgado-Plikat, <a href="mailto:jodi.delgado-plikat@alaska.gov">jodi.delgado-plikat@alaska.gov</a> (907) 269-7472</p>	<p>Before an ACMP Review can be initiated, DCOM must have a complete consistency review packet, which includes the Coastal Project Questionnaire.</p> <p>Completed applications for all enumerated federal and state permit applications must be included with the ACMP package. Complete the project description sufficiently to determine impacts on coastal resources and to support consistency certification. Field data as required by the underlying permit applications must be included with the package.</p> <p>DNR will sponsor a pre-application meeting for all involved at the appropriate time. Within 50 days of a complete application or six months from the date of the U.S. Army Corps of Engineers public notice a final consistency determination will be made (if there are no requests for a 10 day review period). See 11 Alaska Administrative Code 110.230.</p>	<p>The natural gas pipeline proposals require both state and federal authorizations; therefore, the project would be reviewed in accordance with 11 AAC 110.400.</p> <p>Applicants shall, to the extent practicable, consolidate related federal license or permit activities affecting any coastal use or resource for state agency review. State agencies shall, to the extent practicable, provide applicants with a “one-stop” multiple permit review for consolidated permits to minimize duplication of effort and to avoid unnecessary delays. A state agency objection to one or more of the license or permit activities submitted for consolidated review shall not prevent the applicant from receiving federal agency approval for those license or permit activities found to be consistent with the management program (<a href="#">15 CFR 930.59</a>).</p> <p>Following receipt of a state agency objection to a consistency certification, the federal agency shall not issue the federal license or permit until resolution of an appeal to the Secretary of Commerce (<a href="#">15 CFR 930.Subpart H</a>).</p>



Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
				The consistency review and certification must be made part of the FERC NEPA process through ERR Number 8 and is required for USACE authorization.
<b>Clean Water Act (CWA) Section 401 State Certification</b>	Alaska Department of Environmental Conservation (ADEC)	<p>Under Section 401(a)(1) of the Clean Water Act, “any applicant for a Federal license or permit to conduct any activity” regarding “the construction or operation of facilities which may result in any discharge into” waters of the United States must receive “a certification from the State in which the discharge...will originate.” 33 USC 1341(a)(1). This certification process confirms that all discharges will comply with Sections 301, 302, 303, 306 and 307 of the Clean Water Act.</p> <p>See <a href="#">Clean Water Act</a> – See Section 401</p> <p>Alaska regulations at <a href="#">18 ACC 15.130</a> and <a href="#">18 AAC 70.200</a> implement Section 401 of the CWA. <a href="#">Clean Water Act Section 401 – EPA Publication 2010, page 13</a>- Discusses timeframes for certification.</p> <p><b>Contact ADEC:</b> Gary Mendivil, <a href="mailto:Gary.Mendivil@alaska.gov">Gary.Mendivil@alaska.gov</a> (907) 465-5070</p>	<p>A 401 certification is processed contemporaneously with the National Pollution Discharge Elimination System (NPDES) 402 permit. Data-gathering phase can be folded into the NEPA process. Completion of the NPDES application (402 permit) is required, as well as copies of all supporting information and a cover letter. Data requirements are per the NPDES permit application.</p> <p>If ADEC determines that additional information is necessary to process an application for certification, they will submit a request within thirty days of receipt of the application. An applicant subsequently has thirty days to respond, or certification will be denied (unless an extension is granted.) 18 AAC 15.130.</p> <p>Conditions placed on Section 401 water quality certifications must become conditions of the resulting federal permit, per 33 USC 1341(d).</p> <p>Within 5 days of the final consistency response or up to one year from the date of the U.S. Army Corps of Engineers public notice, ADEC will make their Section 401 water quality determination.</p>	<p>No tribes in Alaska have 401 certification authorities. ADEC is responsible for processing Section 401 certification for discharges that impact the lands owned by native villages. The 401 certification usually occurs concurrently with the U.S. Army Corps of Engineers (USACE) Section 404/10 permit authorization is required for USACE authorization.</p> <p>Section 401 certification applies to all activities with a <i>potential</i> for discharge (however remote), and Section 401 applies even when this discharge is not a recognized pollutant.</p> <p>A withdrawal of water or a reduction in flow does not constitute a discharge under Section 401(a)(1) of the CWA.</p>
<b>Air Quality Construction Permit (Title I) and Air Quality Operating Permit (Title V)</b>	Alaska Department of Environmental Conservation (ADEC)	<p>Prior to construction of a major source of air pollutants, a prevention of significant deterioration (PSD) Title I permit must be issued by the ADEC within the appropriate air quality control region where the facility is located (<a href="#">40 CFR 52.21</a>).</p> <p>Prior to operation of any major source, a Title V operating permit is required for any affected sources subject to the Acid Rain Program (<a href="#">40 CFR Part 76</a>), sources subject to New Source Performance Standards (NSPS) (<a href="#">40 CFR Part 60</a>), or sources subject to National Emission Standards for Hazardous Air Pollutants (NESHAPs) (<a href="#">40 CFR Part 61</a> and <a href="#">40 CFR Part 63</a>).</p> <p><a href="#">18 AAC 50.40</a> adopts by reference the federal Clean Air Act requirements.</p> <p>Applicant information about needed pollutant and meteorological data is in <a href="#">ADEC General Letter</a>, and process information is in <a href="#">Pre-application Communication</a> and <a href="#">Permit Application</a>.</p>	<p>Baseline air quality and meteorological data gathering, monitoring, and modeling is required before permit application is submitted, and 18 to 24 months, at minimum, of data collection is required to develop the permit. Permit requirements are highly dependent upon equipment, locations, pollutants emitted, and other design assumptions (for example, for a gas treatment plant on the North Slope and gas compressor stations along a gas pipeline). Title I permit covers construction of project. A separate operating permit is required later.</p>	<p>This is a long lead time permit. Note: ADEC is in the process of updating the Title I Major Source forms and guidance due to the Oct. 2004 regulation changes. Please see Article 3 of 18 AAC 50 for the current regulatory citations and application requirements (See <a href="#">18 AAC 50 Air Quality Control As Amended through July 1, 2010</a>).</p> <p>ADEC requires a</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
		<p><a href="#">QAPP</a> – A Quality Assurance Project Plan is needed before monitoring begins. <a href="#">18 AAC 50</a> is the basic regulation body.</p> <p><b>Contact ADEC:</b> Gary Mendivil, <a href="mailto:Gary.Mendivil@alaska.gov">Gary.Mendivil@alaska.gov</a> (907) 465-5070</p>		<p>reimbursement agreement with applicant in order to provide air quality and meteorological advice and information.</p> <p>A Title V operating permit is also required and is a long lead time permit.</p>
<b>Mineral Material Sales Contracts</b>	Bureau of Land Management (BLM)	<p>(a) Mineral materials located on public land may only be extracted with authorization of BLM, <a href="#">43 CFR 3601.71</a>. Mineral materials means, but is not limited to, petrified wood and common varieties of sand, stone, gravel, pumice, pumicite, cinders, and clay. Mineral materials may be obtained through competitive sales, non-competitive sales, and/or from common use areas or community pits. A written request for sale of mineral materials must be submitted to the BLM office with jurisdiction over the site containing the materials. No particular form is required for this request, <a href="#">43 CFR 3602.11</a>.</p> <p>(b) NEPA analysis consisting of an Environmental Assessment (EA) or Categorical Exclusion (CX) or a NEPA Adequacy Determination (DNA) may be required on each material site, depending on extent of activity proposed and whether the site is new or existing. <a href="#">BLM NEPA Handbook 1790-1</a> NHPA Section 106 clearances would be required for each site location. FERC Resource Reports will facilitate the NEPA analysis requirements.</p> <p><b>Contact BLM:</b> Ron Dunton, <a href="mailto:Ronald_dunton@blm.gov">Ronald_dunton@blm.gov</a> (907) 271-3132</p>	<p>(a) Site locations for sand, stone, and gravel needed for pipeline and related facilities construction and maintenance are identified and/or proposed by the applicant.</p> <p>(b) A mining and reclamation plan may be required for each site, <a href="#">43 CFR 3601.40</a>. Such plans must include: (a) a map, sketch, or aerial photograph identifying the area for which you are applying, the area and depth you plan to disturb, existing and proposed access, and the names and locations of major topographic and known cultural features; (b) a description of your proposed methods of operation and the periods during which you will operate; (c) a description of measures you will take to prevent hazards to public health and safety and to minimize and mitigate environmental damage; and (d) such other information as BLM may require, <a href="#">43 CFR 3601.41</a>. Visits to each site may be needed to review or confirm data submitted with application(s).</p> <p>If BLM requires a reclamation plan be submitted, it must include: (a) a statement of the proposed manner and time in which you will complete reclamation of the areas disturbed by your operations; (b) a map or sketch which delineates the area you will reclaim; and (c) such other information as BLM may require, <a href="#">43 CFR 3601.42</a>.</p>	<p>Mineral materials will be needed throughout the entire length of the proposed project, and many of the sites will be identified on BLM administered land. Because of the number of material sites needed and the time required for processing applications, priority should be assigned to the effort to ensure necessary mineral materials are available prior to construction. This work may have already started with site identification by the applicant.</p>
<b>Alaska Pollution Discharge Elimination System (APDES) Clean Water Act Section 402 Permit</b>	Alaska Department of Environmental Conservation (ADEC)	<p>Under the National Pollution Discharge Elimination System, the discharge of pollutants and all combinations of pollutants are applied to applicants whose discharge meets certain requirements (Clean Water Act, <a href="#">33 USC 1342(a)</a>).</p> <p>On October 31, 2008, the U.S. Environmental Protection Agency (EPA) approved the transfer of NPDES permitting authority to the State of Alaska’s Department of Environmental Conservation. The APDES program incorporates federal EPA standards and also includes a Storm Water program, which requires permits for storm water discharges from construction and industrial activities.</p>	<p><b>Form 1 – General Information.</b> The general application must be completed by all applicants to obtain an APDES permit. This form requires the applicant to state the nature of the facility, list projected discharges and emissions, supply topographic maps showing intake and discharge locations, and list any existing environmental permits.</p>	<p>For the Oil and Gas Program, the State of Alaska is scheduled to assume permitting authority from EPA on October 31, 2012. The EPA retains authority to approve or object to State actions.</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
		<p>Application forms may be found online at: <a href="#">APDES Permit Application Portal</a>.</p> <p>Other relevant references for use by the applicant include:  <a href="#">NPDES Permit Writer's Manual</a>  <a href="#">NPDES Permit Writers Guide on Data Quality Objectives</a>, which provides detailed instructions to the EPA or contract permit writer.</p> <p>Other useful information may be found in the following:  <a href="#">Alaska Storm Water Guide</a>  <a href="#">Industrial Discharges - applications</a>  <a href="#">APDES (website)</a></p> <p><b>Contact ADEC:</b>  Gary Mendivil, <a href="mailto:Gary.Mendivil@alaska.gov">Gary.Mendivil@alaska.gov</a> (907) 465-5070</p>	<p><b>Form 2D – Application for Permit to Discharge Process Wastewater.</b> This form must be completed by all applicants for new sources of pollutant discharges. The applicant is required to provide information regarding the implicated wastewater, including its location, outflows, pollution sources and types, treatment received, frequency and parameters of outflows, characteristics (e.g., concentrations and mass), and the underlying reasons for the outflows.</p> <p><b>Form 2F – Application for Permit to Discharge Storm Water Discharges Associated with Industrial Activity.</b> This application corresponds with the State of Alaska’s Storm Water program. Data must be provided relating to storm water discharges, including their location, a list of any required improvements, a site drainage map, description of outfall source area and significant materials in the area (and their condition), and any control measures to control storm water pollution. Finally, a historical listing of any toxic or hazardous spills at the site is required (including dates and characterizations).</p> <p>Some hydrologic and water-quality baseline information gathering may be required by ADEC during the pre-filing data collection period.</p>	<p>As of October 31, 2009, the EPA has delegated all authority to regulate storm water discharges from construction activities to the State of Alaska.</p> <p>These permits are for fixed terms (not exceeding five years) and can be terminated or modified for cause by the administering agency, per 33 USC 1342(b).</p>
<b>Objects Affecting Navigable Airspace</b>	Federal Aviation Administration (FAA)	<p>Notice to FAA is required of proposed construction and operation of pipeline facilities within prescribed limits of navigable airspace for each potentially affected airport or heliport, including airports under construction, meeting requirements for public or military use. Notice(s) must contain information including the size of proposed pipeline facility objects, as well as the spatial relationships of the objects to the airport or heliport, and proposed construction schedules. See <a href="#">14 CFR Part 77</a>.</p> <p><b>Contact FAA:</b>  Pat Oien, <a href="mailto:Pat.Oien@faa.gov">Pat.Oien@faa.gov</a> (907) 271-5445</p>	<p>Notice(s) must be filed a minimum of 30 days in advance of proposed construction or operation; however, at least 60 days is preferred for FAA to conduct necessary reviews and issue determination letters addressing the navigation hazard, if any, of proposed construction and operation of pipeline facilities (see 14 CFR 77.17).</p> <p>A notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.</p>	<p>Construction and maintenance events involving use of certain types of equipment could temporarily cause a hazard in navigable airspace, and aviation authorities should be consulted regarding any advance notification requirements.</p>
<b>Radio Trans-mission License</b>	Federal Communications Commission (FCC)	<p>The operation of a microwave service requires filing with the FCC. Technical content requirements for microwave applicants and applications are detailed in FCC Regulations (47 CFR Part 101) and licensing requirements in 47 CFR Part 101, including information regarding the complete design of the proposed communication system (including precise locations and technical data for stations and antennae) and compliance with operational protocols.</p>	<p>The license-granting process generally takes several months following receipt of a completed application and should be initiated well before pipeline construction begins in order to have a communication system in-place to support project activities. Therefore, the communication system design should begin as soon as possible to ensure that a completed application can be filed in time for FCC review and issuance of a license and assigned frequencies.</p>	<p>Despite the complex and detailed procedures required, FCC anticipates the process of granting a license and assigning frequencies will be routine because of the limited population and interference coordination to existing</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
		<p>In addition, all licensees must comply with the NEPA requirements in 47 CFR 1.1307 and in 47 CFR 1.1301-1.1319. See also <a href="http://wireless.fcc.gov/">http://wireless.fcc.gov/</a>, NEPA Checklist and Nationwide Programmatic Agreement.</p> <p><b>Contact FCC:</b> Don Johnson, <a href="mailto:Donald.Johnson@FCC.gov">Donald.Johnson@FCC.gov</a> (202) 418-7444</p>	<p>The applicant should begin the NEPA process as early as possible with notifications to the Alaska Native organizations through the FCC Tower Notification System (TCNS) (See <a href="http://wireless.fcc.gov/">http://wireless.fcc.gov/</a> for that TCNS/E-106 link) and to the State Historic Preservation Officer when a site has been selected for microwave use. Similarly, the applicant should consult with the U.S. Fish and Wildlife Service on Section 7 issues at each proposed microwave tower.</p> <p>Required coordination with Alaska Native organizations during the siting/licensing process could result in the need for re-design or re-location of communication system elements (e.g., antenna towers) in the event of conflict with Alaska Native interests or other issues. Environmental and other analyses (e.g., ESA Section 7) may be required if routine environmental investigations of proposed project elements (e.g., antenna towers) during the siting/license-granting process identify significant environmental effects requiring the applicant to file an environmental assessment with the FCC pursuant to 47 CFR 1.1311.</p>	<p>licensed microwave licensees in and lack of competition in Alaska.</p>
<p><b>USCG Bridge Permit</b></p>	<p>U.S. Coast Guard (USCG)</p>	<p>Any structure erected across navigable waters of the United States, including causeways, approaches, fenders, and other appurtenances, requires a permit from the United States Coast Guard (33 CFR Part 114). Requirements for permit applications and USCG processing procedures are found at <a href="#">33 CFR Part 115</a>.</p> <p><a href="#">Bridge Permit Application Guide - USCG</a> This document lays out the data needed, analytical approach, and administrative processes to be followed.</p> <p><a href="#">DHS/USCG Bridge Project Questionnaire</a></p> <p><a href="#">USCG District Bridge Contacts</a></p> <p><b>Contact USCG 17<sup>th</sup> District Contact (Alaska):</b> Jim Helfinstine, <a href="mailto:james.n.helfinstine@uscg.mil">james.n.helfinstine@uscg.mil</a> (907) 463-2268</p>	<p><b>Application Guide Appendix E: Application Checklist</b> (includes any licenses, certificates, or permits from other agencies; environmental documentation; location; site illustrations; and adjacent property owners)</p> <p><b>Application Guide Appendix F: Permit Processing Procedures</b> (includes consultation, public notice, comment and response; USCG findings and recommendations on navigability and environmental documentation; permit issuance or denial)</p> <p>(The <b>DHS/USCG Questionnaire</b> is for determining whether a permit is needed.)</p>	<p>USCG also authorizes approaches to bridges and bridge abutments. Fill materials associated with approaches may involve a CWA Section 404 permit review.</p>
<p><b>PHMSA Special Permits</b></p>	<p>U.S. Department of Transportation (DOT) Pipeline &amp; Hazardous Materials Safety Administration (PHMSA)</p>	<p>(a) No permit to construct is required from DOT/PHMSA, but a special permit (a form of regulatory waiver) may be sought to obtain variance from an existing DOT regulation. Applications for special permits are submitted in accordance with detailed requirements in the regulations at <a href="#">49 CFR 190.341</a></p>	<p>(a) Upon receipt of an application for a special permit, PHMSA will provide notice to the public of its intent to consider the application and invite comment. In addition, PHMSA may consult with other federal agencies before granting or denying an application on matters that PHMSA believes may have significance for proceedings under their areas of responsibility. PHMSA requires applicants to collect field data and conduct technical studies specific to design, construction, and operation of the proposed pipeline. To the extent PHMSA's special permit could affect the environmental status quo, PHMSA requires applicants to provide information for environmental analysis as</p>	<p>Procedures for processing special permits include specific public involvement requirements, as well as coordination with federal, state, and local government agencies and compliance with NEPA and government-to-government consultation requirements, which would be accomplished in collaboration</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
		<p>(b) Specific information that would be required for anticipated special permit applications for a proposed Alaska Natural Gas Transportation Project, including requirements for design, materials and fabrication, construction, corrosion control, testing, operation and maintenance, and integrity management, are included in the PHMSA information request at <a href="#">Enclosure A</a>.</p> <p><b>Contact PHMSA:</b> Dennis Hinnah, <a href="mailto:dennis.hinnah@dot.gov">dennis.hinnah@dot.gov</a> (907) 271-4937</p>	<p>well. While the FERC EIS will be the main environmental analysis of the overall project, PHMSA’s special permits may involve studies regarding design and construction of pipelines on permafrost, seismic studies done on the proposed right-of-way, landslide/soil slippage studies, and river and stream flood plain studies. The FERC ERR Numbers 1-12 will provide some of the data and information PHMSA needs for special permit processing and will be supplemented by additional applicant-provided data and information related to technical requirements and studies specific to the purpose of the special permits.</p> <p>(b) A minimum of 12 months is required to process special permit applications. Multiple applications may be processed simultaneously. Applications should be updated as revised project schedules are developed. Delays in completing final pipeline design prior to completion of the NEPA process or changing the final design following the NEPA process could significantly delay special permit approvals. Approved special permit(s) are required before pipe can be ordered or any pipe installation can begin.</p>	with FERC.
<p><b>Clean Water Act (CWA) Section 404</b> <b>Rivers and Harbors Act (RHA) Section 10</b></p>	<p>U.S. Army Corps of Engineers (USACE)</p>	<p>Section 10 of the Rivers and Harbors Appropriation Act of 1899 states “that it should not be lawful to...commence the building” of any obstruction of navigable waters of the United States “except on plans recommended by the Chief of Engineers and authorized by the Secretary of War” (33 USC 403). It is similarly unlawful to change the “course, location, condition, or capacity” of any waterway without authorization.</p> <p>Section 404 of the Clean Water Act requires authorization for the placement or discharge of dredged (excavated) and/or fill material into waters of the United States, including wetlands. The U.S. Army Corps of Engineers is responsible for administering and enforcing permits, while the EPA provides program oversight. Section 10 and 404 permits are processed concurrently by the USACE.</p> <p>The Corps has <a href="#">Form 4345 - USACE Application</a> and <a href="#">Form 4345 - Instructions</a> on line, detailing data collection and other requirements. Also, a mitigation statement is required describing how impacts associated with the proposed activity are to be avoided, minimized and compensated for.</p> <p><a href="#">USACE - Alaska (websites):</a></p> <p>Corps Jurisdiction and Mitigation Requirements: <a href="http://www.usace.army.mil/CECW/Pages/reg_permit.aspx">http://www.usace.army.mil/CECW/Pages/reg_permit.aspx</a></p> <p>Corps Regulations, Administrative, and Policy Materials: <a href="http://www.usace.army.mil/CECW/Pages/reg_materials.aspx">http://www.usace.army.mil/CECW/Pages/reg_materials.aspx</a></p>	<p>The application must include a complete description of the proposed activity, including necessary drawings, sketches, or plans sufficient for public notice (detailed engineering plans and specifications are not required); the location, purpose, and need for the proposed activity; scheduling of the activity; the names and addresses of adjoining property owners; the location and dimensions of adjacent structures; and a list of authorizations required by other federal, interstate, state, or local agencies for the work, including all approvals received or denials already made.</p> <p>Three types of illustrations must be included with the application to provide public notice: a Vicinity Map, a Plan View, and a Typical Cross-Section Map. Each illustration must be presented either on 8 ½ x 11 inch plain white paper or in an electronic format. The illustrations must be identified with a figure or an attachment number. Detailed engineering plans and specifications are not required.</p> <p>See 33 CFR 325.3 and 33 CFR 332.4(b)(1) for information required to be in public notices. District and division engineers are not authorized to develop additional information forms but may request specific information on a case-by-case basis. [33 CFR Part 325.1(d)(1)]</p>	<p>It is critical to define the alternatives in the ERRs and the EIS in collaboration with USACE to ensure compliance with the Section 404 regulations, in particular, Subpart B of 33 CFR Part 230 (commonly referred to as the 404(b)(1) Guidelines). The 404(b)(1) Guidelines state “No discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.”</p> <p>Section 404 permit information must be included in the FERC ERR Number 2</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
		<p><b>Contact USACE:</b> Serena Sweet, <a href="mailto:serena.e.sweet@usace.army.mil">serena.e.sweet@usace.army.mil</a> (907) 753-2819</p>		<p>(identification of crossings and wetland impacts) and Number 10 (alternative routes that will have less impact on sensitive areas — e.g., wetlands).</p> <p>The coastal zone consistency review and 401 certification process usually occurs concurrently with the Corps of Engineers Section 404/10 permit authorization.</p> <p>Wetlands subject to Section 404 of the Clean Water Act are those that “are inundated or saturated by surface or ground water at a frequency and duration sufficient to support” vegetation in saturated soil conditions.</p> <p>Placements of pilings in waters of the United States (that have a comparable impact to discharges) constitute a discharge of fill material and require a Section 404 permit under 33 CFR 323.3.</p> <p>The EPA has the authority to prohibit or restrict the use of any defined area as a disposal site under Section 404(c) of the CWA.</p> <p>Section 404 permits are for fixed terms (not exceeding five years) and may be revoked or modified with cause after an opportunity for public hearing, per 33 CFR 325.7(b).</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
<b>License to Export (DOE) and Natural Gas Export Authorization and Presidential Permit (FERC)</b>	U.S. Department of Energy (DOE) and Federal Energy Regulatory Commission (FERC)	<p>Anyone seeking to import or export natural gas must obtain a license pursuant to the Natural Gas Act, as amended. An application must be filed with DOE's Office of Fossil Energy (FE). DOE regulations are found at <a href="#">10 CFR Part 590</a>.</p> <p>FERC authorizes the construction, operation, or modification of facilities used for the export or import of natural gas pursuant to Section 3 of the Natural Gas Act and accompanying regulations found at 18 CFR 153. Such authorization requires the preparation of an environmental report as specified in 18 CFR §§380.3 and 380.12 and a statement identifying each federal authorization (i.e. a permit, special use authorization, certification, opinion, or other approval from a federal agency or officer, or state agency or officer acting pursuant to delegated federal authority) that the proposal will require (18 CFR 153.8 (7) and (9)).</p> <p>In addition, to construct, operate, maintain or connect facilities at the borders of the United States and Canada or Mexico, a presidential permit must be obtained under Executive Order 10485, as amended by Executive Order 12038 (18 CFR 153 Subpart C).</p> <p>DOE issues an export license for natural gas: <a href="#">Natural Gas Act as Amended.pdf</a> and <a href="#">10 CFR 590</a>.</p> <p>FERC authorizes the construction of pipelines and other facilities used for the import and export of natural gas and perform NEPA compliance for siting these import/export facilities(<a href="#">18 CFR 157</a>).</p> <p><b>Contact FERC:</b> Larry Sauter, <a href="mailto:laurence.sauter@ferc.gov">laurence.sauter@ferc.gov</a> (202) 502-8205</p>	<p>A DOE export license must be applied for at least 90 days before actual export of gas. FERC import/export authorization and a presidential permit must be applied for simultaneously with the application for a FERC Certificate of Public Convenience and Necessity (CPCN). The required NEPA review for the export authorization and presidential permit will be included in the EIS for the CPCN. The DOE requirements for the export license are extensive, and business arrangements must be well advanced to yield the necessary information required.</p> <p>Upon receipt of an application, DOE must publish a notice of application in the Federal Register and, except in emergency circumstances, provide a time limit of not less than thirty (30) days from the notice's date of publication in the Federal Register for persons to file protests, comments, or a motion to intervene or notice of intervention, as applicable (10 CFR 590.205).</p>	<p>DOE may determine to require additional procedures, including filing of supplemental written comments, written interrogatories or other discovery procedures, a conference, oral presentation, or trial-type hearing (10 CFR 590.206).</p>
<b>Certificate of Public Convenience and Necessity under Section 7 of the Natural Gas Act</b>	Federal Energy Regulatory Commission (FERC)	<p>A FERC Certificate of Public Convenience and Necessity is required for the construction or extension of any facilities for the transportation of natural gas. FERC application requirements are at <a href="#">18 CFR Part 157</a>.</p> <p>All applications must contain an environmental report as specified in 18 CFR §§380.3 and 380.12 and a statement identifying each federal authorization (i.e., a permit, special use authorization, certification, opinion, or other approval from a federal agency or officer, or state agency or officer acting pursuant to delegated federal authority) that the proposal will require (18 CFR 157.14(a)(6-a) and (12)).</p> <p>The Alaska Natural Gas Pipeline Act of 2004 (ANGPA), <a href="#">15 USC 720 et seq.</a>, designates FERC as the lead agency for NEPA compliance and requires a final EIS no more than 18 months after an application deemed complete is filed with FERC.</p> <p>Section 380.12 lists the minimum environmental information that must be provided in support of an application. The information is provided in the form of thirteen ERRs (Part 380 Appendix A).</p> <p><b>Contact FERC:</b> Larry Sauter, <a href="mailto:laurence.sauter@ferc.gov">laurence.sauter@ferc.gov</a> (202) 502-8205</p>	<p>Information requirements are driven by both FERC-required ERRs and consultations, as well as by various federal authorizations listed elsewhere in this table. FERC regulations at Section 380.12 list the minimum environmental information that must be provided in support of an application. The information is provided in the form of thirteen ERRs. The Resource Reports will be expanded to include data to address issues raised in scoping and in consultations with federal and state agencies.</p> <p>A legislated 18-month EIS is initiated by a FERC determination of a complete NGA Section 7 application. Other agencies issuing federal authorizations are required to complete all necessary reviews and to reach a final decision on the request for a federal authorization within 90 days of the date of issuance of the final EIS. The EIS is to be adopted by all federal agencies.</p>	<p>As the lead agency for compliance with the ESA, Magnuson-Stevens Fishery Conservation and Management Act, and NHPA, the FERC provides consultation guidance for the applicants in its regulations at Sections 380.13 and 380.14.</p>

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
<b>Archeological Resources Protection Act (ARPA) Permit</b>	Multiple federal and tribal land management agencies	<p>Pursuant to the Archeological Resources Protection Act (Public Law 96-95; 16 U.S.C. 470aa-mm), if excavation and removal of archeological resources are required to protect them from loss or damage due to pipeline activities, a permit may be required in accordance with applicable regulations at <a href="#">43 CFR Part 7--Protection of Archaeological Resources</a></p> <p>General earth-moving excavation conducted under a permit or other authorization shall not be construed to mean excavation and/or removal of archeological resources.</p> <p>Contact depends on land ownership status of site of interest.</p> <p><b>General Contact:</b> SHPO: Judith Bittner, <a href="mailto:judy.bittner@alaska.gov">judy.bittner@alaska.gov</a> (907) 269-8715</p>	<p>If a permit is required, the application must include information about the qualifications of the person in charge of conducting the work, collection and curation provisions, and necessary tribal approvals, among other requirements (43 CFR 7.6, 7.8 and 7.13). If the issuance of a permit under this part may result in harm to, or destruction of, any Alaska Native village or regional or village corporation religious or cultural site on public lands, as determined by the federal land manager, at least 30 days before issuing such a permit the federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance (43 CFR 7.7).</p> <p>Applicant should coordinate with the Alaska SHPO regarding requirements of Section 106 of the National Historic Preservation Act as they may relate to planning, scheduling, and implementing ARPA activities (43 CFR 7.8(a)(4) and 7.12).</p>	<p>Location of some valuable archeological resources requiring protection under the Act may be unknown prior to authorizing and undertaking pipeline project activities.</p> <p>Information about the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or under any other provision of Federal law may be excluded from public disclosure (16 U.S.C. 470h).</p>
<b>Ocean Dumping Site Designation</b>  <b>Marine Protection, Research, and Sanctuaries Act (MPRSA) Section 102(c)(1)</b>	U.S. Environmental Protection Agency (EPA), lead for site designation	<p>The Marine Protection, Research, and Sanctuaries Act; Section 102(c)(1) includes ocean dumping regulations that are found at <a href="#">[33 USC 1412(c)(1)]</a>. Permits would be required for any potential dredging and proposed designated dumping sites associated with activity in or around West Dock.</p> <p>Criteria for the management of disposal sites for ocean dumping are given at <a href="#">[40 CFR Part 228]</a>, with specific issues found under the following subheadings:</p> <ul style="list-style-type: none"> <li>§ 228.1 Applicability.</li> <li>§ 228.4(e) Dredged <i>Material Permits</i>.</li> <li>§ 228.5 General criteria for the selection of sites.</li> <li>§ 228.6 Specific criteria for site selection.</li> <li>§ 228.9 Disposal site monitoring.</li> <li>§ 228.13 Guidelines for ocean disposal site baseline or trend assessment surveys under section 102 of the Act.</li> </ul>	<p><b>Disposal Site Designation Study (DSDS)</b>, including, but not limited to, baseline surveys, special purpose surveys of other federal agencies, public data archives, and social and economic studies and records of areas that would be affected by use of the proposed site. All studies for the evaluation and potential selection of dredged material disposal sites will be conducted in accordance with the appropriate requirements of 40 CFR 228.5 and 228.6. Baseline or trend assessment requirements may be developed on a case-by-case basis. Baseline surveys should generally conform to the applicable requirements of 40 CFR 228.13, including:</p> <ul style="list-style-type: none"> <li>(a) Timing</li> <li>(b) Duration</li> <li>(c) Numbers and locations of sampling stations</li> <li>(d) Measurements in the water column and near the dump site <ul style="list-style-type: none"> <li>(1) Water quality parameters measured</li> <li>(2) Water quality sampling requirements</li> <li>(3) Water column biota</li> </ul> </li> <li>(e) Measurements of the benthic region</li> </ul>	<p>If the use of an EPA designated site is not feasible, the Army may, with the concurrence of EPA, select an alternative site. [See 33 USC 1413(b) and 40 CFR 228.4(e) for more details.]</p> <p>Time required for data gathering for North Slope Borough dredging and dumping permit is to be determined (TBD), but could be as long as two seasons. (Chris Meade is the point-of-contact.)</p>



Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
		<p><b>Contacts</b>  EPA: Chris Meade, <a href="mailto:meade.chris@epa.gov">meade.chris@epa.gov</a> (907) 586-7622</p> <p>USACE: Serena Sweet, <a href="mailto:serena.e.sweet@usace.army.mil">serena.e.sweet@usace.army.mil</a> (907) 753-2819</p>	<ul style="list-style-type: none"> <li>(1) Bottom sampling</li> <li>(2) Bathymetric survey</li> <li>(3) Nature of bottom</li> <li>(4) Benthic biota</li> <li>(b) Other measurements <ul style="list-style-type: none"> <li>(1) Hydrodynamic features <ul style="list-style-type: none"> <li>(i) Current measurements</li> <li>(ii) Water mass movement</li> </ul> </li> <li>(2) Sea state</li> <li>(3) Surface phenomena</li> </ul> </li> <li>(c) Survey techniques and procedures</li> <li>(d) Quality assurance</li> </ul> <p>A full plan of study, which will provide a record of sampling, analytical, and data reduction procedures, must be developed, documented, and approved by the EPA management authority. Plans for all surveys that will produce information to be used in the preparation of an Environmental Impact Statement (EIS) will be approved by the Administrator or his designee. Survey plans shall specify the methods to be used and will be subject to approval by EPA. [40 CFR 228.13]</p> <p><b>Schedule:</b> An EIS, in draft form, will be made available for public comment not later than the time of publication of the site designation as proposed rulemaking, and a final EIS will be made available at the time of final rulemaking. [40 CFR 228.6(b)]</p>	
<p><b>Ocean Dumping Site Management Plan</b></p> <p><b>MPRSA Section 102(c)(3)</b></p>	<p>U.S. Environmental Protection Agency (EPA), lead agency, in conjunction with U.S. Army Corps of Engineers (USACE)</p>	<p>The Marine Protection, Research, and Sanctuaries Act, Section 102(c)(3), includes ocean dumping regulations found at <a href="#">[33 USC 1412(c)(3)]</a>. Permits would be required for any potential dredging and proposed designated dumping sites associated with activity in or around West Dock.</p> <p>Criteria for the management of disposal sites for ocean dumping may be found at <a href="#">[40 CFR Part 228]</a>.</p> <p><a href="#">Guidance Document for Development of Site Management Plans for Ocean Dredged Material Disposal Sites</a></p> <p><b>Contacts</b>  EPA: Chris Meade, <a href="mailto:meade.chris@epa.gov">meade.chris@epa.gov</a> (907) 586-7622</p> <p>USACE: Serena Sweet, <a href="mailto:serena.e.sweet@usace.army.mil">serena.e.sweet@usace.army.mil</a> (907) 753-2819</p>	<p><b>Site Management Plan (SMP)</b> shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) a baseline assessment of conditions at the site;</li> <li>(b) a program for monitoring the site;</li> <li>(c) special management conditions or practices to be implemented at each site that are necessary for protection of the environment;</li> <li>(d) consideration of the quantity of the material to be disposed of at the site, and the presence, nature, and bioavailability of the contaminants in the material;</li> <li>(e) consideration of the anticipated use of the site over the long term, including the anticipated closure date for the site, if applicable, and any need for management of the site after the closure of the site; and</li> <li>(f) a schedule for review and revision of the plan (which shall not be reviewed and revised less frequently than 10 years after adoption of the plan, and every 10 years thereafter).</li> </ul> <p><b>Schedule:</b> No site shall receive a final designation unless a Site Management Plan has been developed. [See 33 USC 1412(c)(4)]</p>	

Permit Name	Agency	Permits, Permit Guides, and Contacts	Data Collection Requirements and Schedules	Comment
<b>Ocean Dumping Permit (i.e., Dredged Material Permit) MPRSA Section 103</b>	U.S. Army Corps of Engineers (USACE), lead agency, with concurrence by U.S. Environmental Protection Agency (EPA)	<p>Marine Protection, Research, and Sanctuaries Act, Section 103 <a href="#">[33 USC 1413]</a>. Under Section 103 of the MPRSA, permits would be required for the transportation of dredged material for ocean disposal in a dumping site designated under Section 102 of the MPRSA.</p> <p>Permits for Ocean Dumping of Dredged Material <a href="#">[33 CFR Part 324]</a>.</p> <p>Corps of Engineers Dredged Material Permits <a href="#">[40 CFR Part 225]</a>.</p> <p>Criteria for the Evaluation of Permit Applications for Ocean Dumping of Materials <a href="#">[40 CFR Part 227]</a>.</p> <p><a href="#">Evaluating Environmental Effects of Dredged Material Management Alternatives - A Technical Framework</a></p> <p><a href="#">Evaluation of Dredged Material Proposed for Ocean Disposal (Testing Manual)</a></p> <p><b>Contacts</b>            USACE: Serena Sweet, <a href="mailto:serena.e.sweet@usace.army.mil">serena.e.sweet@usace.army.mil</a> (907) 753-2819            EPA: Chris Meade, <a href="mailto:meade.chris@epa.gov">meade.chris@epa.gov</a> (907) 586-7622</p>	<p>Data collection requirements related to alternatives and impacts are set forth at 40 CFR Part 227 and in the Evaluating Environmental Effects of Dredged Material Management Alternatives – A Technical Framework.</p> <p>Testing requirements for ocean dumping of dredged material are set forth at 40 CFR §§ 227.6, 227.13, 227.27 and 227.32, and in the Evaluation of Dredged Material Proposed for Ocean Disposal (Testing Manual), which includes four tiers, as follows:</p> <p><b>Tier 1:</b> Evaluate existing information.  <b>Tier 2:</b> Evaluate potential water column and benthic impacts.  <b>Tier 3:</b> Determine water column toxicity, benthic toxicity, and benthic bioavailability.  <b>Tier 4:</b> Conduct case-specific bioassays and determine empirical steady-state bioaccumulation.</p> <p><b>Schedule:</b> No permit for dumping shall be issued for a site unless such site has received a final designation or an alternative site has been selected. [See 33 USC 1412(c)(4)]</p>	<p>If EPA determines ocean-disposal criteria are not met, disposal may not occur without a waiver of the criteria by EPA [40 CFR 225.2 (e) and 33 CFR 324.4]. If EPA declines to concur, no permit shall be issued unless the Administrator of the EPA grants a waiver if no economically feasible method or site is available. [See 33 USC 1413(d)]</p> <p>Permits issued shall be issued for a period not to exceed 7 years. [See 33 USC 1414(a)]</p> <p>See also 33 CFR 325.6(c) pertaining to permits issued for the transport of dredged material for the purpose of disposing of it in ocean waters will specify a completion date for the disposal not to exceed 3 years from the date of permit issuance.</p> <p>See also 33 CFR 325.6 (d) that allows for extensions of time.</p>