

Appendix F

Laws, Policies, and Plans Applicable to the Point Thomson Project



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**U.S. Army Engineer District
Alaska Regulatory Division CEPOA-RD
Post Office Box 6898
JBER, AK 99506-0898**

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Chapter 1. Introduction

The intent of this [paper](#) is to provide descriptions of major federal, state, and local laws, regulations, policies, [plans](#), and determinations that [appear to be](#) applicable to the Point Thomson Project. This list is not necessarily exhaustive as other laws not listed may be applicable. Certain regulations listed may require permit issuance and agency consultation prior to project implementation. [Others simply may provide context for examining project impacts.](#)

1.1 FEDERAL STATUTES

1.1.1 National Environmental Policy Act (NEPA)

Responsible Agency: Lead Federal Agency - U.S. Army Corps of Engineers (Corps)

NEPA is the nation’s broadest environmental law, applying to all federal agencies and most of the activities they authorize or fund that have the potential to affect the environment. It establishes the procedures that federal agencies follow to make major decisions in a public forum while disclosing the environmental implications of the potential decision.

Individual federal agencies have issued NEPA implementation regulations, while the President’s Council on Environmental Quality (CEQ) has issued NEPA guidance for all agencies. NEPA requires the implementation of the appropriate level of NEPA process (public involvement and document preparation) to be conducted on a project with a major federal action. The appropriate level is defined in each federal agency’s implementation regulations.

This EIS was prepared according to regulations implementing NEPA (42 USC 4321 *et seq.*), which state that an EIS must provide detailed information regarding the proposed action and alternatives, the environmental impacts of the alternatives, potential mitigation measures, and any adverse environmental impacts that cannot be avoided if the proposal is implemented. Agencies are required to demonstrate that these factors have been considered by decision makers prior to undertaking actions such as issuing a permit.

1.1.2 Clean Water Act (CWA)

1.1.2.1 Section 404

Responsible Agency: Corps

Section 404 of the CWA requires that a permit be obtained from the Corps for the discharge of fill material into “waters of the United States, including wetlands.”

Waters of the United States include wetlands and lakes, rivers, streams, and their tributaries. Wetlands are defined for regulatory purposes, in 33 CFR 328.3 as:

(1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (2) All interstate waters, including interstate wetlands; (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce ... ; (4) All impoundments of waters otherwise defined as waters of the United States under the definition; (5) Tributaries of waters identified in paragraphs

(a)(1) through (4) of this section ... ; (6) The territorial seas; [and] (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of this section.

CWA Section 404(b) requires that the Corps comply with 404(b)(1) guidelines in processing permits under Section 404 of the CWA. These guidelines require an analysis of the alternatives available to meet the project purpose and need, including those alternatives that avoid and minimize discharges of dredged or fill materials in waters. Once this analysis is completed, the Corps may issue a permit for the proposed activity, provided the permitted activity is the least environmentally damaging practicable alternative. The guidelines require the evaluation of “practicable alternatives,” and define an alternative as practicable “if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes” (40 CFR 230.10 [a][2]).

The Point Thomson Project would require an individual permit from the Corps, under Section 404 of the CWA, for authorization to fill wetlands and waters of the United States.

1.1.2.2 Section 401

Responsible Agency: Alaska Department of Environmental Conservation (ADEC)

Under CWA Section 401, applicants for a federal license or permit to conduct activities that may result in the discharge of a pollutant into waters of the United States must obtain certification from the state in which the discharge would originate or, if appropriate, from the interstate water pollution control agency with jurisdiction over affected waters at the point where the discharge would originate. Therefore, all projects that have a federal component and may affect state water quality (including projects that require federal agency approval [such as issuance of a Section 404 permit]) must also comply with CWA Section 401.

In Alaska, the authority to grant water quality certification has been delegated by EPA to ADEC. Water quality certification requires evaluation of potential impacts in light of water quality standards and CWA Section 404 criteria governing discharge of dredged and fill materials into waters of the United States.

Section 401 compliance is coordinated by the Corps and ADEC via the Section 404 individual permit process (see above).

1.1.2.3 Section 402

Responsible Agency: ADEC and U.S. Environmental Protection Agency (EPA)

Section 402 of the CWA establishes the National Pollutant Discharge Elimination System (NPDES) permit program to regulate discharges into waters of the United States. EPA has transferred NPDES authority to ADEC under the Alaska Pollution Discharge Elimination System (APDES) Program for activities within Alaska. APDES permits limit the types and amounts of discharge into waters of the United States to protect water quality and human health.

EPA retains authority over NPDES permitting associated with oil and gas facilities until October 31, 2012, after which ADEC will be the authorizing agency.

1.1.2.4 Section 311

Responsible Agency: EPA

As amended by the Oil Pollution Act of 1990, the storage and management of petroleum products is regulated by EPA under 40 CFR Part 112. The Applicant would be required to develop a Spill Prevention Control and Countermeasures (SPCC) Plan and submit to EPA for review.

1.1.3 River and Harbors Appropriation Act of 1899 (RHA)

Responsible Agency: Corps

Section 10 of the RHA (33 U.S.C 401–418) regulates structures or work, including discharges of dredged or fill material, in or affecting navigable waters of the United States. The planning of the Point Thomson Project has considered the ability of boat/barge traffic to continue unobstructed and would require a Section 10 permit for mooring dolphins and other structures affecting navigable waters.

1.1.4 Executive Order 11990 (Protection of Wetlands)

Responsible Agency: Corps

Executive Order 11990 (May 24, 1977) requires federal agencies to prepare wetland assessments for proposed actions located in or affecting wetlands. Agencies must avoid undertaking new construction in wetlands unless no practicable alternative is available and the proposed action includes all practicable measures to minimize harm to wetlands. Potential impacts to wetlands in the project area are discussed in this EIS.

1.1.5 Marine Mammal Protection Act (MMPA)

Responsible Agency: U.S. Department of the Interior, Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS)

The MMPA was enacted in 1972 to ensure that marine mammal populations are maintained at, or in some cases restored to, healthy levels. The MMPA established a moratorium of the “taking” or importing of marine mammals except for certain activities that are regulated and permitted, including subsistence activities by Alaskan Natives. Regulated and permitted activities include scientific research, public display, and the incidental take of marine mammals in the course of commercial fishing operations. Other incidental take authorizations may be issued upon request and subject to specified conditions, such as have been issued to the oil and gas industry in Alaska with respect to polar bear interactions. The Point Thomson Project would potentially affect marine mammal species covered under the MMPA, as addressed in the Biological Assessment for the project.

1.1.6 Endangered Species Act (ESA)

Responsible Agency: USFWS and NMFS

The ESA (16 USC 1531-1544), amended in 1988, established a national program for the conservation of threatened and endangered species of fish, wildlife, and plants and the habitats on which they depend. Section 7(a) of the ESA requires federal agencies to consult with the USFWS and NMFS, as appropriate, to ensure that the consulting agencies’ actions are not likely to jeopardize the continued existence of endangered or threatened species or adversely modify or destroy their critical habitats.

Section 7(c) of the ESA and the federal regulations on endangered species coordination (50 CFR 402.12) require that federal agencies prepare baseline information of the potential effects of major actions on listed species and critical habitat. The Point Thomson Project may affect candidate or listed species, and the Applicant has initiated Section 7 consultation with the USFWS and NMFS.

1.1.7 Migratory Bird Treaty Act (MBTA)

Responsible Agency: USFWS

The MBTA (16 USC 703 *et seq.*) involves conservation and protection of migratory birds in accordance with treaties between the United States and Mexico, Canada, Japan, and the former Union of Soviet Socialist Republics. The migratory birds protected under the MBTA are specified in the respective treaties. The MBTA also protects other wildlife, including threatened or endangered species, and restores or develops adequate wildlife habitat. Lands, waters, or interests acquired or reserved for purposes established under the MBTA are administered under regulations promulgated by the Secretary of the Interior. In regulating these areas, the Secretary of the Interior is authorized to manage timber, range, agricultural crops, and other species of animals, and to enter into agreements with public and private entities.

1.1.8 Bald and Golden Eagle Protection Act

Responsible Agency: USFWS

The Bald and Golden Eagle Protection Act (16 USC 668 *et seq.*) provides for the protection of the bald eagle and the golden eagle by prohibiting, except under certain specified conditions, the take, possession, and commerce of such birds. The Point Thomson Project contains bald eagle and golden eagle habitat, but would not result in the take of bald or golden eagles.

1.1.9 Magnuson-Stevens Fishery Conservation and Management Act

Responsible Agency: NMFS

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 USC 1801, *et seq.*) establishes a management system for national marine and estuarine fishery resources. This legislation requires that all federal agencies consult with NMFS regarding all actions or proposed actions permitted, funded, or undertaken that may adversely affect essential fish habitat (EFH). EFH is defined as “waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” The legislation states that migratory routes to and from anadromous fish spawning grounds are considered EFH. The phrase “adversely affect” refers to the creation of any effect that reduces the quality of EFH. Federal activities that occur outside of EFH but that may, nonetheless, have an impact on EFH waters and substrate must also be considered in the consultation process.

Under the Magnuson-Stevens Act, effects on habitat managed under the Pacific Salmon Fishery Management Plan must also be considered. The Magnuson-Stevens Act states that consultation regarding EFH should be consolidated, where appropriate, with the interagency consultation, coordination, and environmental review procedures required by other federal statutes, such as NEPA, Fish and Wildlife Coordination Act (FWCA), CWA, and ESA. EFH consultation requirements can be satisfied through concurrent environmental compliance if the lead agency provides NMFS with timely notification of actions that may adversely affect EFH and if the notification meets requirements for EFH assessments.

As described above under ESA compliance (Section 1.1.6), the Applicant initiated consultation under Section 7. That process will include consideration of and compliance with the Magnuson-Stevens Act to determine effects on EFH.

1.1.10 Fish and Wildlife Coordination Act

Responsible Agency: USFWS

The FWCA of 1980 (16 USC 661, *et seq.*) requires consultation with USFWS when any water body is impounded, diverted, controlled, or modified for any purpose. The USFWS and state agencies charged with administering wildlife resources are to conduct surveys and investigations to determine the potential damage to wildlife and the mitigation measures that should be taken. The USFWS incorporates the concerns and findings of state and other federal agencies, including NMFS, into a report that addresses fish and wildlife factors and provides recommendations for mitigating or enhancing impacts to fish and wildlife affected by a federal project.

1.1.11 National Historic Preservation Act (NHPA)

Responsible Agency: Advisory Council on Historic Preservation, Alaska State Historic Preservation Office

Section 106 of the NHPA (16 USC 470 *et seq.*) requires that federal agencies, in consultation with the State Historic Preservation Officer (SHPO), evaluate the effects of federal undertakings on historical, archeological, and cultural resources and afford the Advisory Council on Historic Preservation opportunities to comment on the proposed undertaking. The first step in the process is to identify cultural resources located in the project area that are included or eligible for inclusion in the National Register of Historic Places. The second step is to identify the possible effects of proposed action on these resources. The lead agency must examine whether feasible alternatives exist to minimize or mitigate potential adverse effects. If the proposed action is determined to have an adverse effect on historic properties, the lead federal agency is required to consult further with SHPO and the Advisory Council on Historic Preservation to develop methods to resolve the adverse effects. The Point Thomson Project could affect historical, archeological, and cultural resources protected under the NHPA.

1.1.12 Executive Order 13007 (Indian Sacred Sites) and April 29, 1994, Executive Memorandum

Responsible Agency: Lead Federal Agency

Executive Order 13007, directs federal agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners. Agencies are to avoid adversely affecting the physical integrity of such sacred sites and to maintain the confidentiality of sacred sites when appropriate. This executive order encourages government-to-government consultation with tribes concerning sacred sites. Some sacred sites may qualify as historic properties under the NHPA. The Corps welcomes discussion of concerns or issues involving sacred sites and invites tribes to bring concerns as part of the consultation process for the Point Thomson EIS.

1.1.13 Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments)

Responsible Agency: Lead Federal Agency

This executive order directs federal agencies to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, to

strengthen the government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates. Tribal coordination for the Point Thomson Project included consultation with Alaska Native populations as documented in Chapter 5 of the EIS.

1.1.14 Clean Air Act (CAA)

Responsible Agency: EPA and ADEC

The Clean Air Act (CAA; 42 USC 7401 *et seq.*), amended in 1977 and 1990, was established “to protect and enhance the quality of the nation’s air resources so as to promote public health and welfare and the productive capacity of its population.” The CAA authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and the environment. The CAA establishes emission standards for stationary sources, volatile organic compound emissions, hazardous air pollutants, and vehicles and mother mobile sources. The CAA also requires the states to develop implementation plans applicable to particular industrial sources.

Potential emissions from the Point Thomson project that would be regulated under the CAA are discussed in this EIS. For compliance with the CAA, Prevention of Significant Deterioration (PSD) air quality permits related to Air Quality Control for construction and Title V air permits for operations of the proposed project are required to be obtained from ADEC under 18 AAC 50.

1.1.15 Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations)

Responsible Agency: Lead Federal Agency

Executive Order 12898 (February 11, 1994) requires federal agencies to identify and address adverse human health or environmental effects of federal programs, policies, and activities that could be disproportionately high in minority and low-income populations. Federal agencies must ensure that federal programs or activities do not directly or indirectly result in discrimination on the basis of race, color, or national origin. Federal agencies must provide opportunities for input into the NEPA process by affected communities and must evaluate the potentially significant and adverse environmental effects of proposed actions on minority and low-income communities during environmental document preparation. Even if a proposed federal project would not result in significant adverse impacts on minority and low-income populations, the environmental document must describe how Executive Order 12898 was addressed during the NEPA process.

1.1.16 Executive Order 11988 (Floodplain Management)

Responsible Agency: Federal Emergency Management Agency

Executive Order 11988 (May 24, 1977) requires federal agencies to prepare floodplain assessments for proposed actions located in or affecting floodplains. If an agency proposes to conduct an action in a floodplain it must, to the highest degree possible, avoid short and long term adverse effects associated with the occupancy and the modification of a floodplain. The agency’s action must also avoid direct and indirect support of floodplain development whenever there is a reasonable and feasible alternative. If the only reasonable and feasible alternative involves siting in a floodplain, the agency must minimize potential harm to or in the floodplain and explain why the action is proposed in the floodplain. Floodplains associated with the Shaviovik/Kavik and Canning/Staines Rivers are located within the affected environment for the Point Thomson Project.

1.1.17 Alaska National Interest Lands Conservation Act (ANILCA)

Responsible Agency: Department of Interior, USFWS

ANILCA (PL 96-487) created or expanded more than 100 million acres of national parks, wildlife refuges, monuments, conservation areas, recreation areas, forests, and wild and scenic rivers on federal lands in the State of Alaska for the preservation of “nationally significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values.” Among these is the Arctic National Wildlife Refuge. ANILCA includes a number of provisions intended to allow for infrastructure and economic growth in general, travel and access in conservation system units, and pursuit of a subsistence lifestyle, while protecting resource values. ANILCA helps provide context for evaluation of potential effects to the Arctic Refuge, but ANILCA provisions do not apply beyond the refuge boundary and do not apply to the State of Alaska lands on which the Point Thomson Project is proposed.

1.1.18 Coastal Zone Management Act of 1972 (CZMA)

Responsible Agency: State of Alaska

The CZMA (16 USC 1451 *et seq.*) encourages states to preserve, protect, develop, and, where possible, restore or enhance valuable natural coastal resources such as wetlands, floodplains, estuaries, beaches, dunes, barrier islands, and coral reefs, as well as the fish and wildlife using those habitats. The CZMA requires that federally licensed or permitted activities be consistent with state coastal management policies through a consistency determination.

Per Alaska Statutes 44.66.020 and 44.66.030, the Alaska Coastal Management Program (ACMP) expired on July 1, 2011 and was withdrawn from the CZMA, leaving no active CZMA program in Alaska.

1.1.19 Resource Conservation and Recovery Act (RCRA)

Responsible Agency: EPA and ADEC

RCRA (42 USC 6901 *et seq.*) enables the EPA to administer a regulatory program that extends from the creation of hazardous materials to their disposal, thus regulating the generation, transportation, treatment, storage, and disposal of hazardous waste at all facilities and sites in the nation. Potential impacts related to spills containing substances regulated under RCRA are discussed in this EIS. RCRA also establishes a framework for the management of non-hazardous solid wastes.

RCRA Subtitle D-Solid Waste (40 CFR Part 239-259) is delegated to the State of Alaska. Subtitle C (40 CFR Part 260-279) covers hazardous wastes, which are regulated by EPA.

1.1.20 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Responsible Agency: EPA and ADEC

CERCLA, also known as Superfund, (42 USC 9601 *et seq.*) was passed to facilitate the cleanup of the nation’s toxic waste sites. In 1986, the Act was amended by the Superfund Amendment and Reauthorization Act Title III (community right-to-know laws). Title III states that past and present owners of land contaminated with hazardous substances can be held liable for the entire cost of the cleanup, even if the material was dumped illegally when the property was under different ownership. An evaluation of federal databases showed that no CERCLA sites would be impacted by the Point Thomson Project or vice versa.

1.1.21 Wild and Scenic Rivers Act

Responsible Agency: U.S. Department of Interior; U.S. Forest Service

The Wild and Scenic Rivers Act (16 USC 1271, et seq.) established a National Wild and Scenic Rivers System for the protection of rivers with important scenic, recreational, fish and wildlife, and other values. Rivers are classified as wild, scenic, or recreational. The act designates specific rivers for inclusion in the system and prescribes the methods and standards by which additional rivers may be added.

There are no Wild and Scenic Rivers in the project area.

1.2 STATE STATUTES

1.2.1 Title 46. Water, Air, Energy, and Environmental Conservation

Responsible Agencies: ADEC

Under Title 46, Sec 46.03.020, ADEC may:

(10) adopt regulations necessary to carry out the purposes of this chapter, including, by way of example and not limitation, regulations providing for

(A) control, prevention, and abatement of air, water, or land or subsurface land pollution;

(B) safeguard standards for petroleum and natural gas pipeline construction, operation, modification, or alteration;

(C) protection of public water supplies by establishing minimum drinking water standards, and standards for the construction, improvement, and maintenance of public water supply systems;

(D) collection and disposal of sewage and industrial waste;

(E) collection and disposal of garbage, refuse, and other discarded solid materials from industrial, commercial, agricultural, and community activities or operations;

(F) control of pesticides;

(G) other purposes as may be required for the implementation of the policy declared in AS 46.03.010;

(H) handling, transportation, treatment, storage, and disposal of hazardous wastes.

The Point Thomson Project must comply with various permits and programs authorized under Title 46, including those described below.

The Alaska Water Use Act (AS 46.15) was enacted in 1986 to clarify water rights and to ensure that the right to use surface or ground water is a legal right. This act dictates that a temporary water use authorization permit is required to withdraw a significant amount of water from a stream or lake if the withdrawal occurs over a period of less than 5 years and the water to be used is not appropriated. The act also formalizes the process to purchase water rights.

Alaska Statute 46.04.030 Oil Discharge Prevention and Contingency Plans and 18 AAC 75 Oil and Other Hazardous Substances Pollution Control Act set guidelines for review and approval of plans to protect the environment from uncontrolled oil releases as well as assuring financial responsibility in case of a release. Both ADEC and the North Slope Borough would review and the ADEC would approve the Oil Discharge Prevention and Contingency Plan (ODPCP) for the Point Thomson Project.

With the exception of newer NAAQS that are not yet adopted by the State of Alaska, the State has generally adopted and/or proposed Alaska Ambient Air Quality Standards (AAQS) under Air Quality Statute 46.14

that are the same as the NAAQS for all criteria pollutants. Alaska also has standards for two additional pollutants: ammonia and reduced sulfur compounds. The AAAQS do not include secondary standards.

The State of Alaska requires minor permits under the Alaska Administrative Code, Title 18, Chapter 50, Article 5. The regulations provide procedures to ensure that construction or modification of a stationary source would not cause a violation of an NAAQS or any applicable portions of the control strategy. Under the current minor permit program, ADEC specifies source categories and size thresholds that need a permit, assuming a major/PSD permit is not needed. The proposed project would require minor permitting for scenarios and/or pollutants in which major/PSD permitting would not be triggered.

1.2.2 Title 31. Oil and Gas

Responsible Agency: Alaska Oil and Gas Conservation Commission (AOGCC)

The Alaska Oil and Gas Conservation Act of Title 31 created the AOGCC and gave it the authority to regulate the drilling of wells. The AOGCC also authorizes permits for injection disposal into Class II disposal wells.

1.2.3 Title 16. Fish Passage

Responsible Agency: ADF&G

Fish passage is regulated under the Fishway Act (AS 16.05.041) and the Anadromous Fish Act (AS 16.05.871). The Fishway Act requires that an individual or governmental agency notify and obtain authorization from the ADF&G, Division of Habitat for activities within or across a stream used by fish if the department determines that such uses or activities could represent an impediment to the efficient passage of fish. The Fishway Act states that the fishway (e.g., bridge or culvert) needs to be maintained in a practical and effective manner and needs to be kept open, unobstructed, and supplied with a sufficient quantity of water to allow the free passage of fish.

The Anadromous Fish Act requires that an individual or governmental agency provide prior notification and obtain approval from the ADF&G, Division of Habitat "to construct a hydraulic project or use, divert, obstruct, pollute, or change the natural flow or bed" of a specified anadromous waterbody or "to use wheeled, tracked, or excavating equipment or log-dragging equipment in the bed" of a specified anadromous waterbody. All activities within or across a specified anadromous waterbody and all instream activities affecting a specified anadromous waterbody require approval.

1.2.4 Title 41. Alaska Historic Preservation Act (AHPA)

Responsible Agency: ADNR

The AHPA (AS 41.35.010–41.35.240) was enacted to locate, preserve, study, exhibit, and evaluate the historic, prehistoric, and archeological resources of Alaska with the intent of preserving and protecting them from loss, desecration, and destruction so that the scientific, historic, and cultural heritage embodied in these resources may pass undiminished to future generations. The AHPA is administered by the ADNR Office of History and Archaeology, who would issue a Cultural Resource Concurrence for development that may affect historic or archaeological sites under the NHPA.

1.3 LOCAL AND REGIONAL PLANS

1.3.1 Arctic Fisheries Management Plan (AFMP)

The AFMP was developed by the North Pacific Fisheries Management Council for the arctic waters of the United States in the Chukchi and Beaufort seas in 2009. The plan establishes a framework for sustainably managing arctic marine resources. It initially prohibits commercial fishing in the arctic waters of the region until more information is available to support sustainable fisheries management. The Point Thomson project would potentially affect the designated areas covered under the AFMP.

1.3.2 Arctic Refuge Comprehensive Conservation Plan (CCP)

Responsible Agency: USFWS

The Arctic Refuge CCP was developed in 1988 as directed under ANILCA 304(g) to provide a broad management framework for visitor use, development, and resource management. Direction in a CCP is based on “the purposes of the refuge, its significant values, the activities occurring (on the refuge at the time of publication), and the resolution of any major issues surrounding possible land use conflicts within and adjacent to the refuge.” The USFWS has been revising the CCP, and a Draft CCP was released for public comment in August 2011. A Record of Decision is expected by the end of 2012. The CCP helps provide context for evaluation of potential effects to the Arctic Refuge, but its provisions do not apply beyond the refuge boundary and do not apply to the State of Alaska lands on which the Point Thomson Project is proposed.

1.3.3 North Slope Borough Municipal Code (NSBMC)

Responsible Agency: North Slope Borough (NSB)

NSBMC has established Resource Development Districts to address the cumulative impacts of large scale development (NSBMC 19.40.080). “The purpose of the Resource Development District is to accommodate large scale resource extraction and related activities which (1) do not permanently and seriously impair the capacity of the surrounding ecosystem to support the plants and animals upon which Borough residents depend for subsistence; (2) are planned, phased, and developed as a unit, or series of interrelated units under an approved Master Plan, with provisions made for all necessary public and private facilities; and (3) meet the policies of the Comprehensive Plan and Coastal Management Program as well as the conditions of approval and special policies imposed on each individual Resource Development District at the time of designation.”

The NSB has established a Resource Development District or Resource Development Area for Point Thomson, but has not approved a Master Plan for the Point Thomson Project. Until a Master Plan is approved for the project, all proposed activities will be subject to consideration as Conditional Development by the NSB which requires public review and approval through the Planning Commission.