

Appendix B

Federal, State, and Local Permits and/or Approvals for Oil and Gas Exploration, Development, and Production Activities

The following table summarizes permit and other requirements that must be met before oil and gas exploration or development activities may occur. Some obligations would be placed directly on the applicant. Others would be required of Federal agencies prior to granting authorizations to oil and gas companies.

Regulatory Agency	Permit/Approval Actions/Requirements
FEDERAL	
U.S. Army Corps of Engineers (USACE)	<ul style="list-style-type: none"> • Issues a Section 404 permit under the Federal Water Pollution Control Act of 1972, as amended (Clean Water Act; 33 USC § 1344) for discharge of dredged and fill material into waters of the U.S, including wetlands. • Issues a Section 10 permit under the Rivers and Harbors Appropriations Act of 1899 (33 USC § 403) for structures or work in, of affecting, navigable waters of the U.S. • Issues a Section 103 Ocean Dumping permit under Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 (33 USC § 1413) for transport of dredged material for ocean disposal.
U.S. Environmental Protection Agency (USEPA)	<ul style="list-style-type: none"> • Issues a National Pollutant Discharge and Elimination System (NPDES) permit under Section 402, Federal Water Pollution Control Act of 1972, as amended (Clean Water Act; 33 USC § 1342) for discharges into waters of the U.S. • Issues an Underground Injection Control Class 1 Industrial Well permit under the Safe Drinking Water Act (42 USC §§ 300f et seq.; 40 CFR parts 144 and 146) for underground injection of Class I (industrial) waste materials. • Requires a Spill Prevention Containment and Countermeasure (SPCC) Plan under Section 311 of the Federal Water Pollution Control Act of 1972, as amended (Clean Water Act; 33 USC § 1321; 40 CFR part 112) for storage of over 660 gallons of fuel in a single container or over 1,320 gallons in aggregate in tanks above ground. • Conducts a review and evaluation of the Draft and Final EIS for compliance with CEQ guidelines (40 CFR parts 1500-1508) and Section 309 of the Clean Air Act (42 USC § 7609). • Authority delegated to ADEC to issue air quality permits for facilities operating within state jurisdiction, including a Title V operating permit and a Prevention of Significant Deterioration (PSD) permit under the Clean Air Act, as amended (42 USC §§ 7401 et seq.), to address air pollutant emissions.

Regulatory Agency	Permit/Approval Actions/Requirements
<p>National Oceanic and Atmospheric Administration (NOAA) Fisheries Service (formerly National Marine Fisheries Service [NMFS])</p>	<ul style="list-style-type: none"> • Provides consultation under the Endangered Species Act of 1973, Section 7(a)(2) regarding effects to threatened or endangered species. • Provides consultation under the Magnuson-Stevens Fishery Management and Conservation Act for effects on Essential Fish Habitat. • Provides consultation under the Fish and Wildlife Coordination Act regarding effects on fish and wildlife resources. • Provides consultation under the Marine Mammal Protection Act regarding effects on marine mammals. • Issues Incidental Harassment Authorization under the Marine Mammal Protection Act for incidental takes of protected marine mammals (bowhead whales and ringed seals).
<p>U.S. Department of the Interior, Bureau of Land Management (USDOI BLM)</p>	<ul style="list-style-type: none"> • Reviews and approves Applications for Permit to Drill (including drilling plans and surface-use plans of operations) and Subsequent Well Operations as prescribed in 43 CFR part 3160, under authority of the Naval Petroleum Reserves Production Act of 1976 (42 USC §§ 6501-6508) and other Federal laws, for development and production of Federal leases. • Approves lease administration requirements including Unit Agreements and Plans of Development, Communitization Agreements, and Participating Area Determinations, as described in 43 CFR parts 3130 and 3180, under the Mineral Leasing Act of 1920 (30 USC §§ 181 et seq.), Federal Oil and Gas Royalty Management Act of 1982 (43 USC §§ 1701 et seq.), Naval Petroleum Reserves Production Act of 1976, Department of the Interior Appropriations Act, Fiscal Year 1981(Public Law 96-514), and other Federal laws, for exploration and development of oil and gas leases. • Issues geophysical permits to conduct seismic activities as described in 43 CFR part 3150, under authority of the Mineral Leasing Act of 1920, Alaska National Interest Lands Conservation Act (16 USC §§ 3101 et seq.), Federal Land Policy and Management Act of 1976 (43 USC §§ 1701 et seq.), Naval Petroleum Reserves Production Act of 1976, and Department of the Interior Appropriations Act, Fiscal Year 1981. • Issues rights-of-way grants and temporary use permits for the construction, operation, and maintenance of pipeline, production, and related facilities under the Naval Petroleum Reserves Production Act of 1976. • Delegates authority to ADEC for review and approval of Oil Discharge Prevention and Contingency Plans and Certification of Financial Responsibility for accidental oil discharge into navigable waters under Section 1016 of the Oil Pollution Act of 1990 (OPA90; 33 USC § 2716), and Section 311(j)(5) of the Federal Water Pollution Control Act (33 USC § 1321(j)(5); 30 CFR part 254).

Regulatory Agency	Permit/Approval Actions/Requirements
U.S. Fish and Wildlife Service (USFWS)	<ul style="list-style-type: none"> • Provides consultation under the Endangered Species Act of 1973, Section 7(a)(2) regarding effects to threatened or endangered species. • Provides consultation under the Fish and Wildlife Coordination Act regarding effects to fish and wildlife resources. • Issues a Letter of Authorization under the Marine Mammal Protection Act for incidental takes of marine mammals.
STATE	
Alaska Department of Environmental Conservation (ADEC)	<ul style="list-style-type: none"> • Issues a Certificate of Reasonable Assurance for discharge of dredged and fill material into U.S. waters under Section 401, Federal Water Pollution Control Act of 1972, as amended in 1977 (Clean Water Act; 33 USC § 1341); AS 46.03.020; 18 AAC chapters 15, 70, and 72. • Issues a Certificate of Reasonable Assurance/NPDES and Mixing Zone Approval for wastewater disposal into all state waters under Section 402, Federal Water Pollution Control Act of 1972, as amended (Clean Water Act; 33 USC § 1342); AS 46.03.020, .100, .110, .120, and .710; 18 AAC chapters, 10, 15, and 70, and ; § 72.500. • Issues a Class I well wastewater disposal permit for underground injection of non-domestic wastewater under AS 46.03.020, .050, and .100. • Reviews and approves all public water systems including plan review, monitoring program, and operator certification under AS 46.03.020, .050, .070, and .720, 18 AAC § 80.005. • Approves domestic wastewater collection, treatment, and disposal plans for domestic wastewaters (18 AAC chapter 72). • Approves financial responsibility for cleanup of oil spills (18 AAC chapter 75). • Reviews and approves the Oil Discharge Prevention and Contingency Plan and the Certificate of Financial Responsibility for storage or transport of oil under AS 46.04.030 and 18 AAC chapter 75. The State review applies to oil exploration and production facilities, crude oil pipelines, oil terminals, tank vessels and barges, and certain non-tank vessels. • Issues a Title V Operating Permit and a PSD permit under Clean Air Act Amendments (Title V) for air pollutant emissions from construction and operation activities (18 AAC chapter 50). • Issues solid waste disposal permit for state lands under AS 46.03.010, 020, 100, and 110; AS 46.06.080; 18 AAC § 60.005; and 200. • Reviews and approves solid waste processing and temporary storage facilities plan for handling and temporary storage of solid waste on Federal and state lands under AS 46.03.005, 010, and 020; and 18 AAC § 60.430. • Approves the siting of hazardous waste management facilities.

Regulatory Agency	Permit/Approval Actions/Requirements
Alaska Oil and Gas Conservation Commission (AOGCC)	<ul style="list-style-type: none"> • Issues a Permit to Drill under 20 AAC § 25.05. • Issues approval for annular disposal of drilling waste (20 AAC § 25.080). • Authorizes Plugging, Abandonment, and Location Clearance (20 AAC § 25.105 through 25.172). • Authorizes Production Practices (20 AAC §§ 25.200 through 25.245). • Authorizes Class II Waste Disposal and Storage (20 § AAC 25.252). • Approves Workover Operations (20 § AAC 25.280). • Reports (20 AAC §§ 25.300 through 25.320). • Authorizes Enhanced Recovery Operations under 20 AAC §§ 25.402-460.
Alaska Department of Natural Resources (ADNR)	<ul style="list-style-type: none"> • Conducts a Coastal Zone Consistency review and issues determination of consistency of proposed development within the coastal zone under Coastal Zone Management Act of 1972, as amended in 1976 (16 USC §§ 1451 et seq.); Alaska Coastal Management Program Act of 1977 (AS 46.40); and 6 AAC chapter 50. • Issues a Material Sales Contract for mining and purchase of gravel from state lands under AS 38.05.850; and 11 AAC §§ 71.070 and .075. • Issues Rights-of-Way (ROW) and Land Use permits for use of state land, ice road construction on state land, and state freshwater bodies under AS 38.05.850. • Issues a Temporary Water Use and Water Rights permit under AS 46.15 for water use necessary for construction and operations. • Issues pipeline ROW leases for pipeline construction and operation across state lands under AS 38.35.020. • Issues a Cultural Resources Concurrence for developments that may affect historic or archaeological sites under the National Historic Preservation Act of 1966, as amended (16 USC §§ 470 et seq.), Alaska Historic Preservation Act (AS 41.35.010 through .240). • Issues Fish Habitat Permits under AS 41.14.840 and AS 41.14.870 for activities within streams used by fish that agency determines could represent impediments to fish passage, or for travel in, excavation of, or culverting of anadromous fish streams. (Authority to issue Fish Habitat permits moves to the Alaska Department of Fish and Game in the summer of 2008.)
BOROUGH	
North Slope Borough (NSB)	<ul style="list-style-type: none"> • Issues a Coastal Zone Consistency Determination to address project planning or development within the coastal zone under the Coastal Zone Management Act of 1972, as amended in 1976; Alaska Coastal Management Program, 1977 (AS 46.40); Borough Ordinance 90-39. • Issues Development Permits for oil and gas projects under NSB Code of Ordinance Title 19.