



# ALEUTIANS EAST BOROUGH

## RESEARCH LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

Mail Permit Application to:  
 Aleutians East Borough  
 P.O. Box 349  
 Sand Point, Alaska 99661  
 907-383-2699

AEB Use Only	
Permit No.	RP: 20 ____ - ____ - ____
Date Received:	____/____/____
Date Approved:	____/____/____

### Section No. 1: Land Use Permit Applicant Information

- Research Conducted in Support of Resource Development     
  Research Conducted for Other Purposes  
 New Permit     
  Permit Renewal     
  Permit Amendment

Reason for Amendment: \_\_\_\_\_

Name of Researcher: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Contact Person: (name) \_\_\_\_\_ (title) \_\_\_\_\_

Address: (Street) \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip) \_\_\_\_\_

Office Phone: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_      Cell Phone: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_

Satellite Phone: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_      Office Fax: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_

Email Address: \_\_\_\_\_@\_\_\_\_\_.\_\_\_\_\_      Webpage Address: www. \_\_\_\_\_.

### Section No. 2: Research Description, Location and Timing

Describe Purpose and Scope of Research : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Months of Operation:  
 January  
 February  
 March  
 April  
 May  
 June  
 July  
 August  
 September  
 October  
 November  
 December

Location of Research (describe): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Map(s) of Location Attached to Application (Required)  
 Routes of Access Shown on Map(s) (Required)

**Section No. 3: Property Ownership and Access**

Land Owned by Applicant       AEB Land       State Land       Federal Land

Private (Name): \_\_\_\_\_  Other (Name): \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Site Access:  Air  Water  ATV  Snow Machine  By Foot  Other \_\_\_\_\_

For properties not owned by the Applicant, describe the instrument used to obtain legal access to land.

Lease       Contract       Permit       License       Other

Name of legal document: \_\_\_\_\_

Date of Agreement/Issue: \_\_\_\_\_ Expiration Date \_\_\_\_\_

Existing Facilities: Legal Access Granted to Use/Operate Existing Facilities on Property:  Yes  No

Access Granted to These Existing Facilities:  Building/Structure  Runway  Road  Port/Dock

Other: \_\_\_\_\_

New Facilities: Legal Access Granted to Construct/Operate New Facilities on Property:  Yes  No

Access Granted to These Existing Facilities:  Building/Structure  Runway  Road  Port/Dock

Other: \_\_\_\_\_

Construction/Installation Date: \_\_\_\_\_ All Required Permits Obtained?  Yes  No

For facilities not owned by the Applicant, describe legal access to use or operate the facilities.

Lease       Contract       Permit       License       Other

Name of legal document: \_\_\_\_\_

Date of Agreement/Issue: \_\_\_\_\_ Expiration Date \_\_\_\_\_

**Section No. 4: Temporary Facilities and Equipment Used**

Temporary Facilities/Equipment:  Tents  Portable Latrines  Fire Pits  Waste Bins

Temporary Fuel Storage Type & Amount:  Gasoline \_\_\_\_\_ (gallons)  Diesel \_\_\_\_\_ (gallons)

Aviation Gas \_\_\_\_\_ (gallons)

Additional Description: \_\_\_\_\_

**Section No. 5: Permanent Facilities and Equipment Used**

Permanent Facilities:  Housing  Offices  Gravel Road  Runway  Port/Dock

Fire Pits  Waste Bins  Sanitation Systems  Water Supply Systems  Power Generation

Buildings (describe): \_\_\_\_\_  Other (describe): \_\_\_\_\_

Fuel Storage Type & Amount:  Gasoline \_\_\_\_\_ (gallons)  Diesel \_\_\_\_\_ (gallons)

Aviation Gas \_\_\_\_\_ (gallons)

Additional Description: \_\_\_\_\_

**Section No. 6: Required Attachments to Permit Application**

- Location Map(s): Must clearly show land ownership, natural features, and township, range and section.
- Routes of Access Marked on Map(s) showing ingress and egress routes.
- A document summarizing the research plans.
- Waste Management Plan
- Emergency & Medical Plan
- Design Plans (If new permanent facilities will be constructed)
- Fee for Research Conducted in Support of Resource Development [\$500/permit or renewal & \$250/ amendment].
- Fee for Research Conducted for Other Purposes [No Application Fee Required].

**Section No. 7: Prior Operating Experience in Aleutians East Borough**

I have conducted research in AEB boundaries in prior years.  Yes  No Number of Years: \_\_\_\_\_

I have all required private, local, state, and federal permits, licenses and/or authorizations.  Yes  No

I have conducted all prior research in compliance with all local, state & federal requirements.  Yes  No

Permits, licenses and/or authorizations for this research are subject to current enforcement action.  Yes  No

Reason for enforcement action : \_\_\_\_\_

Permits, licenses and/or authorizations for this research have been revoked in the past.  Yes  No

Reason for revocation: \_\_\_\_\_

**Section No. 8: Certification of Accuracy and Agreement to Comply, Indemnify and Hold Harmless**

I certify that the information given by me in this land use permit application is true, complete, and correct. I agree to comply with local, state and federal laws, regulations and requirements pertaining to my research and land use. I agree to comply with all permit stipulations placed on this permit. I have reviewed the AEB penalty schedule and agree to immediately notify AEB of any potential violations, remedy any violations on the schedule required by AEB and pay penalties within 30 days. I hereby defend, indemnify, and hold the AEB harmless from any and all claims, damages, law suits, losses, liabilities and expenses related to the death or injury of persons and for the damage to or loss of property arising out of or in connection with the entry on and use of the property within the AEB boundaries by me, the organization I represent, and all contractors, subcontractors, guests, and their employees.

Applicant Name (printed): \_\_\_\_\_ Title: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Section No. 9: Permit Decision [AEB Use Only]**

Fee Paid:  Yes  No Check No. \_\_\_\_\_ Amount: \_\_\_\_\_

Approved: Approval Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Elevated: Reason: \_\_\_\_\_

Denied: Reason: \_\_\_\_\_

Additional Permit Stipulations Attached (in addition to Section No.10 Permit Stipulations)  Yes  No

AEB Administrator or Designee Name (printed): \_\_\_\_\_

AEB Administrator or Designee Signature: \_\_\_\_\_

## Section No. 10: Land Use Permit Stipulations

- ✦ **Permit Term:** This land use permit is issued for the period specified in the permit. The permit is not a property right; it is revocable at the discretion of the Aleutians East Borough (AEB), at any time upon notice.
- ✦ **Compliance with Requirements:** Permittee shall not conduct any research or activities that are not specifically described in the permit application. Permittee shall comply with its approved Emergency Medical Plan, Waste Management Plan, and Design Plans. Permittee shall comply with all local, state, and federal laws, regulations, rules and orders, and requirements and stipulations included in this authorization. Permittee shall inform and ensure compliance with these stipulations by his agents, employees, and guests. This authorization is revocable immediately upon violation of any of its terms, conditions, and stipulations or upon failure to comply with any applicable laws, statutes, or regulations.
- ✦ **Land Owner Authorization:** Permitted activities on private, local, state, or federal land may not commence without land owner approval (this includes travel across lands). The AEB reserves the right to request a copy and verify all land owner authorizations related to this permit. Land owner approval to access lands described in this permit shall be maintained during the permit term or this permit is null and void. No permanent facilities may be constructed or placed on AEB lands without obtaining a lease or contract with the AEB. This permit does not authorize permanent facilities on AEB lands.
- ✦ **Indemnification:** Permittee assumes all responsibility, risk and liability for all activities of the Permittee, its employees, agents, guests, contractors, subcontractors or licensees directly or indirectly conducted in conjunction with this permit, including environmental and hazardous substance risks and liabilities, whether occurring during or after the term of this permit. Permittee shall defend, indemnify and hold harmless the AEB, its employees and agents from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatever kind of nature including all attorney fees and litigation costs, arising out of, in connection with or incident to any act or omission by the Permittee, its employees, agents, clients, guests, contractors, subcontractors or licensees. This indemnification shall survive the expiration or termination of this permit.
- ✦ **Damages and Claims:** Permittee shall pay the AEB for any damage to permitted property resulting from its use. This permit is subject to valid adverse claims heretofore or hereafter acquired.
- ✦ **Reservation of Rights:** The AEB reserves the right to grant additional authorizations to for compatible uses on or adjacent to the land covered under this authorization. Authorized concurrent users of lands within the AEB; their agents, employees, contractors, subcontractors and licensees shall not interfere with the operation or maintenance activities of each user.
- ✦ **Licenses, Permits and Authorizations:** Permittee shall maintain any private, local, state or federal license, permit or authorization required during the entire permit term or this permit will be null and void. The AEB reserves the right to request a copy of all licenses, permits, or authorizations. This land use permit is not a local business license; an additional city business license or business registration may be required.
- ✦ **Subsistence Protection:** Permittee's uses of land and wildlife habitat shall minimize adverse impacts on subsistence activities and resources. Noise shall be mitigated to avoid disruption to subsistence activities and nearby communities.
- ✦ **Site Disturbance:** All activities shall be conducted in a manner that will minimize the disturbance of soil and vegetation and changes in the character of natural drainage systems to protect local habitat. Vehicles shall be operated without disturbing the vegetative mat and underlying substrate. Particular attention shall be paid to prevent pollution and siltation of streams, lakes, ponds, seeps and marshes, and to prevent disturbances to fish and wildlife populations and habitats.
- ✦ **Timber Use:** Permittee shall not cut any timber on lands or remove other resources from the land without prior written permission of the land owner.
- ✦ **Fires:** Permittee shall take all reasonable and prudent precautions to prevent and suppress forest, brush, and grass fires. Open burning of hazardous or contaminated material is strictly prohibited. Black smoke is prohibited. To the extent practicable, to avoid destroying tundra vegetation, campfires should be located 100 feet away from water bodies, on hard surfaces that are already lacking a protective tundra mat (e.g. exposed gravel or sandy areas), and only dead wood should be burned if allowed by the land owner. No standing wood may be cut and burned in a campfire, unless specifically allowed by the land owner.
- ✦ **Solid Waste:** Prior to removal, all garbage and debris that are subject to decomposition shall be stored in bear-proof containment. All solid waste, debris and hazardous substances generated from short-term (portable) camp use or other activities conducted in accordance with this authorization shall be removed to a facility approved by the Alaska Department of Environmental Conservation (ADEC). Permittee shall keep the operating areas and facilities used in a neat, orderly, and sanitary condition.
- ✦ **Watershed Protection:** Watershed areas shall be protected. All operations shall be conducted to minimize or eliminate siltation, road and surface runoff and pollution of the water supply. No stationary or mobile equipment may be transported over, refueled on, or operated on a public drinking water supply.
- ✦ **Grey Water and Human Waste Disposal:** All grey water and human waste shall be disposed of in a pit, cathole, or containment that can be transported for disposal at an ADEC approved disposal site. If a pit or cathole is used, it shall be located at least 100' from the ordinary high water mark of the nearest waterbody, and back-filled prior to leaving the site.

- ✦ **Fuel Storage:** All fuel storage containers shall be clearly marked with the contents and the Permittee's name. The Permittee is responsible for preventing spillage and contamination of contiguous land and water as well as cleaning up any oil or other pollutants that result from activities associated with this permit. Drip pans and absorbent pads shall be available to contain and clean up spills from any transfer or handling of fuel.
- ✦ **Spills:** All spills of fuels or chemicals shall be reported to AEB (907) 383-2699 and ADEC (800) 478-9300 within 24 hours and be cleaned up immediately and thoroughly to the AEB's satisfaction.
- ✦ **Public Access:** Permittee shall not prevent access used by the general public to AEB, State, or Federal lands.
- ✦ **Alaska Historic Preservation Act:** The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury, or destruction of any state owned historic, prehistoric (paleontological) or archaeological site without a permit from the commissioner. Should any sites be discovered during the course of field operations, activities that may damage the site will cease and the Office of History and Archaeology in the Division of Parks and Recreation (907) 269-8721 and the appropriate coastal district shall be notified immediately.
- ✦ **Removal of Temporary Equipment and Facilities:** All temporary equipment and facilities, waste, and fuel shall be removed before the end of each authorized term of use, or on or before permit termination. The lands shall be restored as nearly as possible to pre-existing conditions, upon completion of activities.
- ✦ **Permanent Facilities, Structures and Access Routes:** This permit does not grant the Permittee the right to construct any road, dock, port, runway or erect, construct or place any building, structure, or other fixture on lands within the AEB boundaries. The Permittee shall obtain legal access and authorization from the land owner prior to these activities. A separate lease or contract is required to construct permanent facilities, structure and access routes on AEB lands.
- ✦ **Permit Evidence and Inspection:** Permittee, and Permittee's employees shall carry a copy of this permit at all times. Authorized representatives of the AEB have the right to enter and inspect the operations approved under this permit at any time to ensure that the activity is being or has been accomplished in accordance with the terms and conditions of this permit.
- ✦ **Permit Assignment:** This permit is not transferable and cannot be assigned or subleased, in whole or in part, to another party. If research permitted under this authorization is transferred to the responsibility of another organization or contractor who did not file this application, this permit is no longer valid. A new permit application shall be submitted by the new research organization, and approved by AEB.
- ✦ **Amendments:** Permittee shall immediately notify AEB of any change of information submitted in this application. Permittee is only authorized to conduct the Research activities described in this permit application and approval. Any change to the operation will require a permit amendment application to be submitted and approved prior to conducting those activities.
- ✦ **Violations and Enforcement:** Pursuant to AEB Municipal Code (AEBMC) Chapter 1.24, a person who violates a provision of this permit is subject to any action available to the AEB for enforcement and remedies, including revocation of the permit, civil action for forcible entry and detainer, ejection, trespass, damages, and associated costs, or arrest and prosecution for criminal trespass in the second degree. The AEB may seek damages available under a civil action.
- ✦ **Additional Stipulations:** AEB reserves the right to modify the stipulations attached and made a part of this permit or to attach additional stipulations when deemed necessary. If stipulations are added or modified by AEB, the permit will be reissued with the revised permit stipulations. The Permittee will have 60 days to come into compliance with the new requirements.
- ✦ **Communication with AEB about the Permit:** All communication regarding activities and reports required under this permit must be clearly marked with the AEB permit number on the front page of the document and submitted to the AEB at P.O. Box 349, Sand Point, Alaska 99661.
- ✦ **Recordkeeping:** Permittee shall keep and preserve all record of business activities conducted in AEB for at least 5 years.
- ✦ **Complaints:** Permittee shall notify the AEB of any written or verbal complaint received within 48 hours by contacting the AEB at (907) 383-2699. The AEB will also notify the Permittee of any complaints received at the AEB Offices. Within seven (7) calendar days of receiving a complaint or being notified of a complaint by the AEB, the Permittee shall provide a written response to the AEB explaining the steps taken to resolve the complaint, or explain why it is not a valid complaint. This permit may be revoked if the AEB receives and validates a complaint regarding impact to subsistence use, trespass, human health, excessive noise, or safety.
- ✦ **Annual Report:** On or before February 1<sup>st</sup> of each year, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, providing an update on the status of the research, summarize any significant findings, and provide a schedule update on the time required to complete the research.
- ✦ **Final Report:** Within 180 days of completing its research, the Permittee shall submit a copy of its final research report in both hard copy and PDF format, and a letter confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as nearly as possible to pre-existing conditions. The final report must be sent to the AEB at P.O. Box 349, Sand Point, Alaska 99661.

## General Permit Instructions

- ✦ **Who needs a permit?** Effective January 1, 2015, Title 40 of the Aleutians East Borough Municipal Code (AEBMC) requires Professional Researchers to obtain a land use permit within the AEB boundaries to conduct Research, excluding the municipal lands where AEB has delegated land use planning authority to an AEB municipality (see AEBMC § 40.01.060).

Professional Researcher” means a person, company or organization that conducts on its own behalf, or is funded to conduct research on another’s behalf, including, but not limited to a: organization or company operating for profit; non-governmental organization; local government; state government; federal government; or university. Research conducted by local elementary, junior-high or high-school students in support of school educational activities and cultural surveys conducted by Native Corporations and tribes is excluded from this definition.

- ✦ **How is Research defined?** Research is defined as research conducted by Professional Researchers that require field work anywhere within AEB boundaries, and may include one or more of the following types of research: (a) wildlife, habitat or other biological research; (b) air quality, meteorological, water quality, hydrological studies, or soil research; (c) archeological or paleontological research for artifacts relating to human and prehistoric animal life; (d) geological surveys that result in minimal disturbance of the ground surface, excluding: two dimensional or three dimensional seismic surveys run in search of oil, gas, or other minerals; drilling of holes; or excavation; (e) socioeconomic research; (f) land surveying or mapping; (g) engineering assessments; and/or, (h) any research or studies required to support Resource Development. This definition does not include earthquake monitoring equipment located in the Borough.

- ✦ **Is this a new requirement?** Yes. AEB’s Assembly adopted a new requirement in the AEBMC in year 2013 requiring Professional Researchers to obtain a land use permit within the AEB boundaries.

- ✦ **How do I complete the Application? Is there an electronic version of this form?** An Adobe Acrobat, PDF fillable version of the application can be found at <http://www.aleutianseast.org/> under the Permitting Page. Please save a copy to your computer, rename the file, and fill it in electronically on the computer. Please note that you must print and sign a final hard copy of the application and mail the completed application, along with a check for the fees and all required information to AEB at P.O. Box 349, Sand Point, Alaska 99661.

- ✦ **Can I submit a handwritten application?** The AEB prefers typed applications whenever possible. However, if you do not have access to a computer, the AEB will accept a hand written application. Please print clearly and legibly.

- ✦ **Where do I send my Permit Application?** Please mail a completed copy of the permit application, a check for the fees and all required information to the AEB at P.O. Box 349, Sand Point, Alaska 99661.

- ✦ **Who do I call if I have a question?** Please contact the AEB Clerk/Planner at (907) 383-2699.

- ✦ **What is the permit fee?** The application fee is \$500 for Research Conducted in Support of Resource Development and \$250 for an amendment to that permit once issued. The application fee is \$0 for Research Conducted for Other Purposes.

- ✦ **When is my permit application due?** Your permit application should be submitted at least 30 days prior to the time you need an approved permit. Most permit approvals should be issued within 10 business days; however, delays can occur during peak work periods or during holidays.

- ✦ **How long is the permit valid?** Approved permits are valid for the Research period, up to a maximum period of five (5) years. After five (5) years the permit must be renewed. The permit remains valid, provided applicant complies with permit terms and conditions. Once the permit is issued, the permit may be amended. An amended permit is only valid for the remaining term on the originally issued permit.

- ✦ **What happens if my application is incomplete?** Submittal of an application does not guarantee that it will be accepted. Only applications that are determined to be entirely complete, including fee payment will be accepted. Incomplete applications will be returned to the applicant for additional information and revision.

- ✦ **Who assigns new permit numbers?** The AEB will assign a permit number when your application is received. Please refer to this number in all future correspondence.

- ✦ **How do I renew an existing permit?** A renewal application must be submitted to renew your application, at least 30 days prior to expiration of your permit or 30 days before you need an approved permit. The renewal fee is the same a new permit application.

- ✦ **How do I amend an existing permit?** A permit amendment may be submitted at any time during the period that the existing permit is valid. The permit applicant must explain the reason for the permit amendment.

## Section No. 1 Instructions

Please fill out all the required information in Section No. 1. Check all boxes that apply.

## Section No. 2 Instructions:

Please fill out all the required information in Section No. 2. Check all boxes that apply. Describe the purpose and scope of the research. You may attach additional information to support your application if required, including a copy of the research funding, proposal or scope of work.

- ✚ **Why do I have to provide maps of the area?** The AEB needs maps to be submitted to clarify the areas that you plan to do your research. This will aide AEB in determining whether you have legal access to conduct research in that area, have a location map to use to inspect the location, and to work with the applicant to identify low impact ingress and egress options to mitigate habitat and subsistence use impacts.

## Section No. 3 Instructions:

Please fill out all the required information in Section No. 3. Check all boxes that apply.

- ✚ **Why do I have to provide information on property ownership and access?** The AEB needs you to provide sufficient information to verify that you either own the property that you plan to conduct research on, or that you have obtained legal access to that land for the period that this permit will be valid, before issuing you a permit. The AEB will not issue permits to applicants that cannot demonstrate that they own or have secured legal access to use private, local, state or federal lands for research purposes. Please provide a contact name and phone number that can verify your legal agreement.

## Sections No. 4, 5, and 6 Instructions:

Please fill out all the required information in Sections No. 4, 5, and 6. Check all boxes that apply. Provide additional information in the description box if needed to explain the temporary and permanent facilities and equipment that will be used at the site.

- ✚ **Who do I make the application fee check out to?** The Aleutians East Borough.
- ✚ **Can I pay for the application fee using a credit card?** No. The AEB does not accept credit card payment at this time.
- ✚ **Can I pay for the application fee using cash?** No. You must pay by check.

## Section No. 7 Instructions:

Please fill out all the required information in Section No. 7. Check all boxes that apply. The AEB will take into consideration any currently pending enforcement action or prior revocations in making its decision on whether or not to approve the permit.

## Section No. 8 Instructions:

Please sign and date Section 8. Applications that are not signed will not be accepted.

## Section No. 9 Instructions:

Section No. 9 is for AEB administrative use only. The AEB Administrator may elevate complex permits to the Planning Commission for a decision. In this case you will be notified by letter of the date of the Planning Commission meeting and will be expected to participate in the meeting, at a location designated by AEB, to discuss your application with the Commission. If you do not participate in the meeting, the Planning Commission will deny your permit. If your permit is denied by the AEB Administrator, you may submit an appeal to the Board of Adjustment pursuant to Title 40 of the AEBMC.

## Section No. 10 Instructions:

Section No. 10 is a list of standard permit stipulations that will be applied to your permit approval. Additionally, AEB reserves the right to add additional site-specific, operator-specific stipulations to this list. Your final permit may include an additional addendum listing additional permit stipulations that you must comply with for your operation.