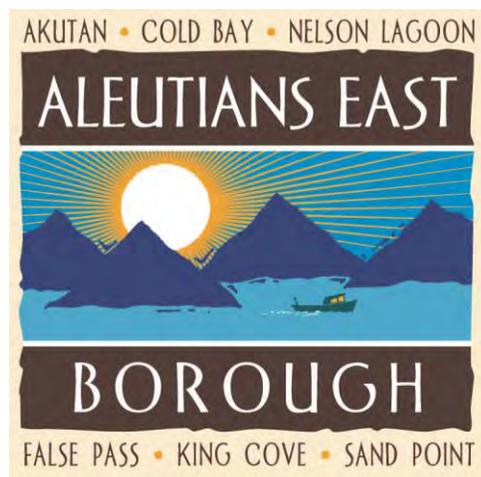


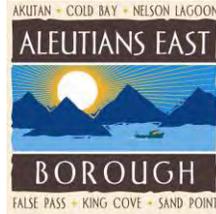
Aleutians East Borough Planning Commission Meeting



Meeting: Wednesday, December 18, 2013 – 3:00 p.m.

Roll Call & Establishment of a Quorum

Adoption of Agenda



Agenda

PLANNING COMMISSION MEETING

(packet available on website www.aleutianseast.org)

Date: Wednesday, December 18, 2013

Time: Meeting: 3:00 p.m.

Location: By Teleconference in the locations below:

King Cove AEB office

Sand Point – AEB office

Nelson Lagoon Corp. office

False Pass -city office

Akutan -city office

Cold Bay city office - library

Anchorage – 3380 C Street

All communities will be provided with conference calling information for the designated location in your community. Public comments on agenda items will take place immediately after the adoption of the agenda. Additional public comments can be made at the end of the meeting.

PLANNING COMMISSION MEETING AGENDA

1. Roll Call & Establishment of Quorum
2. Adoption of Agenda
3. Community Roll Call and Public Comment on Agenda Items
4. Minutes
 - November 14, 2013 Minutes
5. Resolution 14-02, approving the permit applications and the Standard Operating Procedures for the Land Use Permitting System:
 - a. Commercial Recreation
 - b. Research
 - c. Sand, Gravel, Rock Mining
 - d. Mineral & Coal Exploration
 - e. Offshore & Direct Marketing Seafood Processing
 - f. Onshore Seafood Processing
 - g. Large Mining Operations
 - h. Oil & Gas
5. Planning Commission Comments
6. Public Comments
7. Next Meeting Date and Time
8. Adjournment

Community Roll Call & Public Comment on Agenda Items

Minutes

Aleutians East Borough
Planning Commission Meeting
November 14, 2013
3:00 P.M.

CALL TO ORDER

The November 14, 2013 Planning Commission meeting was called to order at 3:00 p.m. by teleconference in each community.

ROLL CALL

Chair, Chris Emrich	Present
Chris Babcock	Present
Harlen Newman	Present
James Brown	Present
Amy Foster	Absent-Excused
Josephine Borenin-Shangin	Present
Justine Gundersen	Present

A quorum was present.

Staff Present:

Rick Gifford, Administrator
Roxann Newman, Finance Director
Anne Bailey, Community Development Coordinator
Tina Anderson, Clerk
Susan Harvey, Resource Permitting Project Consultant
Joe Levesque, AEB Attorney

Appointment of Chairman:

Nominations to serve as Planning Commission Chairman were opened.

Babcock nominated Chris Emrich to serve as Planning Commission Chairman. Brown seconded that nomination. There were no more nominations.

Justine moved to close election nominations. Since there was only one nomination a closed ballot was not necessary. There were no objections to the nomination. Chris Emrich accepted the nomination as Chairman.

Adoption of the Agenda:

MOTION:

Babcock moved to adopt the agenda and second by Newman. There were no objections.

MOTION PASSED.

Resolution 14-01, Recommending the Assembly consider and approve the proposed AEB Code revisions to Titles 1, 2, 40 and 45 and the fee and penalty schedules for the Land Use Permitting System:

Chairman Emrich said at the workshop there were some recommended minor changes.

MOTION

Babcock moved to adopt Resolution 14-01 with the minor changes and second by Gundersen.

DISCUSSION

Susan Harvey reviewed the minor changes saying in Title 40 there was clarification on definition of Technically Feasible. Where ever that term is used it will clarify that it is the applicants responsibility to prove to the Borough that it is not technically feasible to meet a certain standard. She reviewed the minor change in Fee and Penalty Schedule saying the change made there will be an inclusion for violations caused by gross negligence or done intentionally and they will not benefit from the self-reporting violation reduction.

ROLL CALL

Shangin-yes, Newman-yes, Babcock-yes, Brown-yes, Emrich-yes, Gundersen-yes.

MOTION PASSED.

PLANNING COMMISSION COMMENTS

Shangin thanked the Borough for appointing her to the Planning Commission.

Babcock said he is looking forward to working with the Borough.

Brown thanked staff and Consultant Susan Harvey for all the hard work.

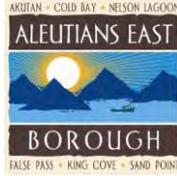
Emrich said this is a lot of information and is well put together. This was something that needed to be done before something does happen out here.

Gundersen suggested face-to-face meetings should occur when there is a lot of information to review like this.

AEB Attorney Joe Levesque said he will be working on a handout with the Clerk regarding the Planning Commission, what it does and the process. He will include information on the Open Meetings Act, quasi-judicial and ex parte communications information and can review the handout at a future meeting. He also noted at Alaska Municipal League (AML) there is a Planning training workshop. Brown said he will be attending the Planning workshop.

PUBLIC COMMENTS None

NEXT MEETING



RESOLUTION 14-02

A RESOLUTION OF THE ALEUTIANS EAST BOROUGH PLANNING COMMISSION APPROVING THE PERMIT APPLICATIONS AND THE STANDARD OPERATING PROCEDURES FOR THE LAND USE PERMITTING SYSTEM

WHEREAS, the Aleutian East Borough (AEB) is creating a Resource Development Land Use Permitting System to Protect Coastal Resources in the AEB Resource Development District Project (Land Use Permitting System), funded with qualified Outer Continental Shelf oil and gas revenues from the Coastal Impact Assistance Program (CIAP), administered by the Fish and Wildlife Service and the U.S. Department of the Interior; and

WHEREAS, the purpose of this project is to create and implement a permitting system to regulate resource development activities in the AEB coastal zone and maximize resource development opportunities while protecting coastal resources through an organized, efficient permit program consistent with the goals and objectives of the AEB Code; and

WHEREAS, the AEB Planning Commission held Planning Commission Workshops on October 10 and 14, 2013 and a Planning Commission Work Session on November 14, 2013 wherein it discussed the Proposed Code Revisions to AEB Code Titles 1, 2, 40 and 45; the Fee & Penalty Schedule for AEB Land Use Permits, Permit applications and Standard Operation Procedures for the different resource development permit types; and

WHEREAS, at the November 14, 2013 Planning Commission Meeting the AEB Planning Commission passed Resolution 14-01 recommending the AEB Assembly review and approve the AEB Code Revisions for Titles 1, 2, 40 and 45 and the proposed Fee & Penalty Schedule for the AEB Land Use Permits;

WHEREAS, the AEB Planning Commission has the authority to approve the Permit Applications and the Standard Operating Procedures for the Land Use Permitting System.

NOW THEREFORE BE IT RESOLVED that the Aleutians East Borough Planning Commission approves the Permit Applications and the Standard Operating Procedures for the AEB Land Use Permitting Systems.

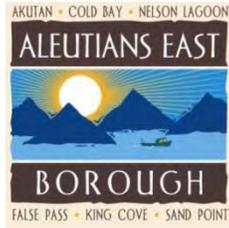
PASSED AND APPROVED by the Aleutians East Borough Planning Commission on this 18th day of December 2013.

Chris Emrich, Chair

ATTEST:

Tina Anderson, Clerk

DRAFT



AGENDA STATEMENT

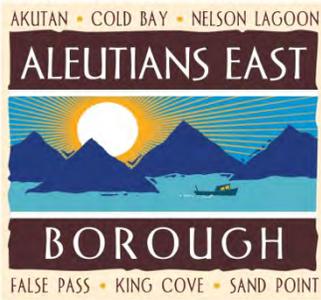
November 19, 2013

To: The Aleutians East Borough Planning Commission
From: Anne Bailey

Re: Resolution 14-02 of the Aleutians East Borough Planning Commission Approving the Permit Applications and the Standard Operating Procedures for the Land Use Permitting System

The Aleutians East Borough (AEB) is creating a Resource Development Land Use Permitting System to Protect Coastal Resources in the AEB Resource Development District Project (Land Use Permitting System), funded with qualified Outer Continental Shelf oil and gas revenues from the Coastal Impact Assistance Program (CIAP), administered by the Fish and Wildlife Service and the U.S. Department of the Interior. The purpose of this project is to create and implement a permitting system to regulate resource development activities in the AEB coastal zone and maximize resource development opportunities while protecting coastal resources through an organized, efficient permit program consistent with the goals and objectives of the AEB Code.

The AEB Planning Commission held Planning Commission Workshops on October 10 and 14, 2013 where they discussed the Proposed Code Revisions to AEB Code Titles 1, 2, 40 and 45; the Fee & Penalty Schedule for AEB Land Use Permits, Permit applications and Standard Operating Procedures for the different resource development permit types. At the November 14, 2013 Planning Commission Meeting the Commission passed Resolution 14-01 recommending the Assembly review and approve Titles 1, 2, 40 and 45 of the Borough Code and the Fee & Penalty Schedules for the different land use permitting types. At the December 18, 2013 Planning Commission Meeting, the Commission is considering the approval of the Permit Applications and the Standard Operating Procedures for the different land use permitting types.



ALEUTIANS EAST BOROUGH

COMMERCIAL RECREATION OPERATOR 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.	CRO: 20__-__-__
Date Received:	___/___/___
Date Approved:	___/___/___

Section No. 1: Permit Applicant Information	
<input type="checkbox"/> Fishing Guide <input type="checkbox"/> Hunting Guide <input type="checkbox"/> Eco-Tourism <input type="checkbox"/> Hotel/Lodge Operator <input type="checkbox"/> New Permit <input type="checkbox"/> Permit Renewal <input type="checkbox"/> Permit Amendment	
Reason for the Amendment: _____	
Name of Commercial Recreation Guide/Operator: _____	
Business Name: _____	
Address: (Street) _____ (City) _____ (State) _____ (Zip) _____	
Contact Person: (name) _____ (title) _____	
Office Phone: (____) - ____ - ____	Cell Phone: (____) - ____ - ____
Satellite Phone: (____) - ____ - ____	Office Fax: (____) - ____ - ____
Email Address: _____@_____.	Webpage Address: www. _____.
Number of Years in Business: _____	Average Number of Clients Per Year: _____
Average No. of Trips/ Year (Total All Areas): _____	Average No. of Clients/Trip (Total All Areas): _____
Average No. of Trips/ Year (AEB Area Only): _____	Average No. of Clients/Trip (AEB Area Only): _____
State of Alaska Business License No.: _____	Issue Date: _____ Expiration Date: _____
Master-Guide Outfitter License No.: _____	Issue Date: _____ Expiration Date: _____
Registered-Guide Outfitter Lic. No.: _____	Issue Date: _____ Expiration Date: _____
USCG License No.: _____	Issue Date: _____ Expiration Date: _____
Federal Tax Identification EIN No. _____	

Section No. 2: Commercial Recreation Operator Services Description, Location and Timing
Describe Services : _____
Months of Operation: <input type="checkbox"/> January <input type="checkbox"/> February <input type="checkbox"/> March <input type="checkbox"/> April <input type="checkbox"/> May <input type="checkbox"/> June <input type="checkbox"/> July <input type="checkbox"/> August <input type="checkbox"/> September <input type="checkbox"/> October <input type="checkbox"/> November <input type="checkbox"/> December
Location of Guide Services (describe): _____

<input type="checkbox"/> Map(s) of Location Attached to Application (Required) <input type="checkbox"/> Routes of Access Shown on Map(s) (Required)
Authorized Guide Use Area No(s): _____

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: Lodge Hotels 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 copy of State of Alaska Business License
- A copy of any required Master-Guide Outfitter, Registered-Guide Outfitter and USCG Licenses
- Waste Management Plan
- Emergency & Medical Plan
- Design Plans (If new permanent facilities will be constructed)
- Fee Payment (Check for \$50 annual permit fee, or \$25 for each permit amendment made payable to AEB)

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

I have operated this business 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

This business has operated compliance with all local, state & federal requirements since inception. Yes No

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

Reason for enforcement action : _____

Permits, licenses and/or authorizations for this business 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 business operations 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 Aleutians East Borough 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 Aleutian's East Borough boundaries by me, the company I represent, and all contractors, subcontractors, guests, clients 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: December 31, _____

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; a period not to exceed one year. All permits expire on December 31st of each year. 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 operations 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, clients 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 and use of 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, clients 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 Borough 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 its State of Alaska Business License, Master-Guide Outfitter License (if required), Guide Use Area Registration (if required), USCG License (if required) and any other 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.
- ✦ **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 easily be transported to allow 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 the Commercial Recreation Operator business permitted under this authorization is purchased by another owner, this permit is no longer valid. A new permit application shall be submitted by the new owner, 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 Commercial Recreation Operator 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 1.20.020 and 1.24.010, 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, ejectment, 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 1st of each year, after this permit expires, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, 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.

General Permit Instructions

- ✦ **Who needs a permit?** Title 40 of the Aleutians East Borough Municipal Code (AEBMC) requires Commercial Recreation Operators to obtain a land use permit within the Aleutians East Borough boundaries, excluding the municipal lands where AEB has delegated land use planning authority to an AEB municipality (see AEBMC 40.01.090). Commercial Recreation may occur, if permitted by AEB, within the Aleutians East Borough Resource Development District.
 - ✦ “Commercial Recreation” means the commercial provision of services in support of any of the following: fishing, hunting, camping, eco-tourism, hiking, skiing, climbing, canoeing, kayaking, rafting, paddle sports, water sports, scuba, adventure activities, sports, boating, all-terrain vehicle trips, snow machine trips, sight-seeing, bird watching, wildlife viewing, hotels and lodges, and tours. This definition includes professional guides and outfitters. This definition does not include: (a) Casual Recreational Use, (b) any commercial recreation activities conducted by Native Corporations or tribes that are Aleutian East Borough landowners, or (c) local residents that only provide transportation to a fishing, hunting, or recreational location but do not provide hunting, fishing, or ecotourism guide services.
 - ✦ “Casual Recreational Use” means a recreational use of Borough land that is nonexclusive and involves only minimal disturbance to the land by an individual or group of people that are not involved in the commercial provision of commercial recreation services. Nonexclusive examples of a casual recreational use may include: fishing, hunting, camping, hiking, skiing, climbing, canoeing, kayaking, rafting, paddle sports, water sports, scuba, adventure activities, sports, boating, all-terrain vehicle trips on existing trails or under conditions that will not cause damage to the land or vegetation, snow machine trips, dog-mushing, sight-seeing, bird watching, wildlife viewing, and subsistence activities.
- ✦ **Do I need a permit if I plan to run a Commercial Recreation business within an AEB Municipality that has delegated land use planning authority under AEBMC 40.01.020?** You may be required to obtain a local business license, register your business and/or obtain a municipal land use permit. Please contact the AEB Municipality for more information on their requirements.
- ✦ **Do I need an AEB permit if I am a local resident and only provide transportation to someone involved in commercial recreation?** No. You do not need an AEB permit if you are a local resident that only provides transportation to a fishing, hunting, or recreational location, but does not provide hunting, fishing, or ecotourism guide services. However, please be aware of state and federal transporter licensing and certification requirements that may apply.
- ✦ **Is this a new requirement?** Yes. AEB’s Assembly adopted a new requirement in the AEBMC in year 2013, requiring Commercial Recreation Operators 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 \$50 per year, and \$25 for each amendment to an existing permit.
- ✦ **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 a one year period from January 1 to December 31 of a calendar year. 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?** Permits are issued each year for a one year period from January 1 to December 31 of a calendar year. A new application must be submitted each year.
- ✦ **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 shall explain the reason for the permit amendment. A reduced permit application fee of \$25 is charged for each amendment.

Section No. 1 Instructions:

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

- What if I don't have a State of Alaska Business License?** All business operating in the State of Alaska are required to have a business license. See http://www.commerce.state.ak.us/occ/home_bus_licensing.html. You shall obtain a license before submitting your application.
- What if I don't have a Federal Tax ID?** All business operating in the State of Alaska are required to have a Federal Tax ID. See [http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-\(EINs\)](http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-(EINs)). You shall obtain a federal Tax ID before submitting your application.
- Am I required to have a Master-Guide Outfitter License, a Registered-Guide Outfitter License, and/or a USCG License?** Hunting and Fishing Guides are required to have a Master-Guide Outfitter License (see <http://www.dced.state.ak.us/occ/pub/gui4010.pdf>), and a Registered-Guide Outfitter License (see <http://www.dced.state.ak.us/occ/pub/gui4013.pdf>). If you are providing Hunting and Fishing Guide services in the AEB you must obtain these licenses and show evidence of these licenses before submitting your application.
- Am I required to have a USCG License?** Mariners are required to have USCG licenses (see http://www.uscg.mil/nmc/mariner_information_center.asp). You shall obtain all required USCG licenses before submitting your application.

Section No. 2 Instructions:

Please fill out all the required information in Section No. 2. Check all boxes that apply. Describe the services you provide as a Commercial Recreation Operator. If you have a company brochure, you can provide a brief description in the application form and mark "see attached brochure" for more information.

- What is an Authorized Guide Use Area?** The State of Alaska is divided into 26 Game Management Units (GMU). The Big Game Commercial Services Board has divided each GMU into "Guide Use Areas" (GUA). Some GMUs have only one GUA while others have multiples GUAs. A Master/Registered Guide-Outfitter shall register with the Department the GUA which they will be providing big game services in annually, at least 30 days prior to providing big game services. All GUAs expire annually on December 3; however, there are multiple year registrations. It is unlawful for a Master/Registered Guide-Outfitter to contract, to provide big game services in a GMU for which they are not certified or a GUA they are not registered for; therefore, the AEB requires guides to list the Guide Use Areas that they are authorized to provide commercial guide services within the Aleutians East Borough boundaries. See <http://www.dced.state.ak.us/occ/guideusemaps>
- 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 operate your business. This will aide AEB in determining whether you have legal access to conduct business 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 business 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 commercial 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 shall 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:

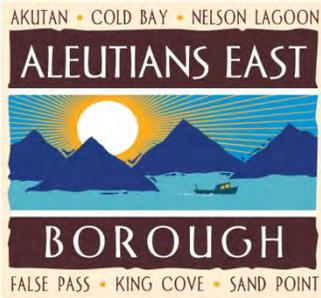
Please sign and date Section 8. Applications that are not signed will not be accepted.

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 Borough 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 shall comply with for your operation.



ALEUTIANS EAST BOROUGH COMMERCIAL RECREATION OPERATOR LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

Standard Operating Procedure	
Effective Date:	[REDACTED], 2013
Revision Date(s):	
Revision No:	

Purpose:

The Aleutians East Borough Municipal Code (AEBMC) Title 40 requires Commercial Recreation Operators to obtain a land use permit for operating a business within the Aleutians East Borough (AEB) boundaries. This document provides AEB staff with a Standard Operating Procedure (SOP) for processing a Commercial Recreation Operator Land Use Permit Applications.

Revision History:

This is the first version of the Aleutians East Borough (AEB) Commercial Recreation Operator Land Use Permit Standard Operating Procedure.

Application Requirements:

All Commercial Recreation Operator Land Use Permit Applications must:

1. Meet the requirements of AEBMC Title 40;
2. Be submitted to AEB using AEB’s Commercial Recreation Operator Land Use Permit Application Form;
3. Be submitted with the required application fee; and
4. Be complete and signed by the Commercial Recreation Operator.

Application Approval Procedures:

All Commercial Recreation Operator Land Use Permit Applications must be approved using the following steps described below and shown in the flowchart on the following page:

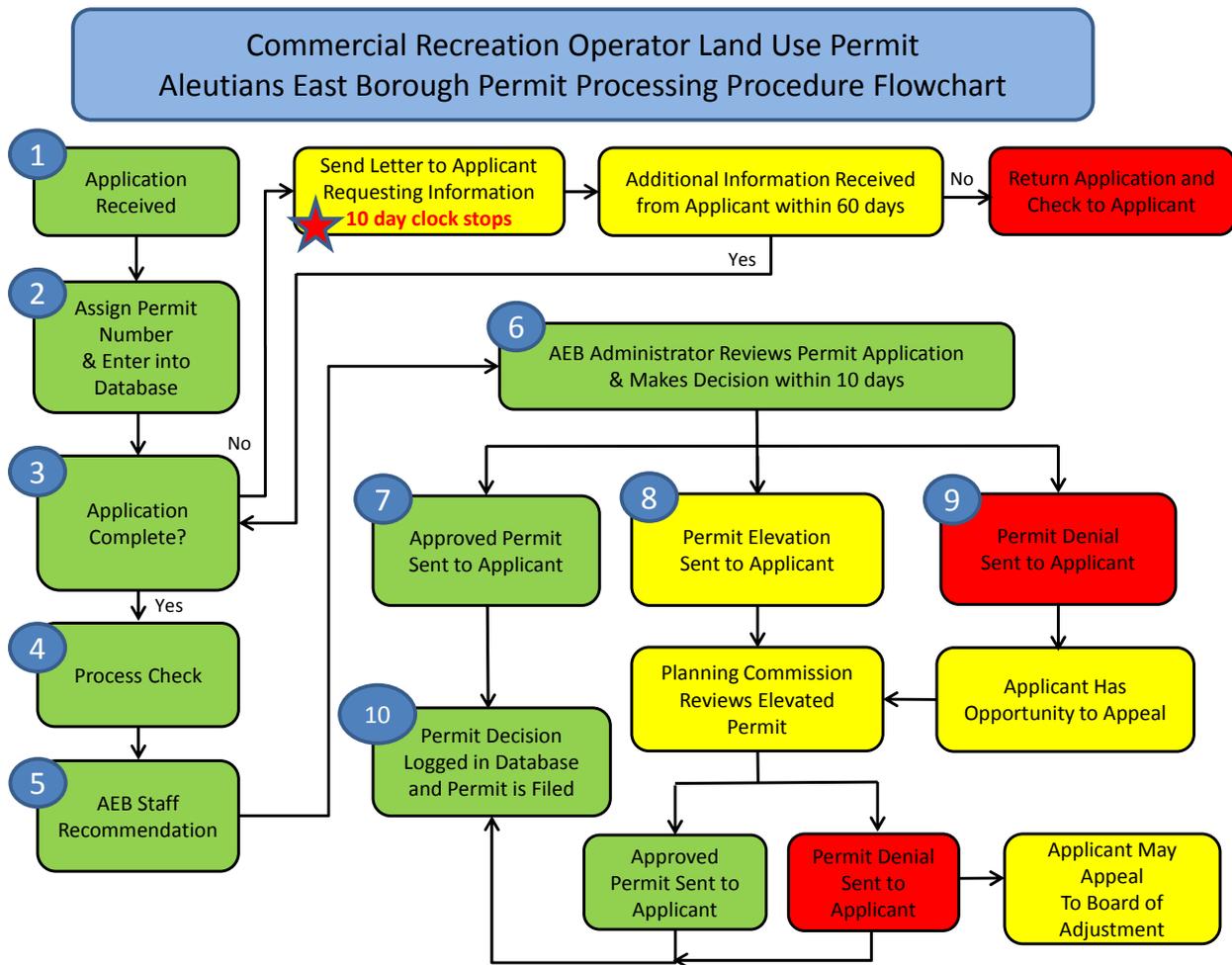
Step 1: Application Received. The AEB receives the Commercial Recreation Operator Land Use Permit Application at the Sand Point Office.

Step 2: Assign Permit Number and Enter in Database. The AEB Clerk/Planner assigns a permit number and enters that permit number on the first page of the permit application (in the upper right hand corner).

The permit numbering system for the Commercial Recreation Operator Land Use Permits starts with CRO (indicating it is a Commercial Recreation Operator), followed by the year, and a number assigned for each permit application received in a calendar year. For example the first CRO application received in calendar year 2013 would be assigned a permit number CRO: 2013-01, the second permit application would be assigned a permit number CRO: 2013-02, etc.

If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g. CRO: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g. CRO: 2013-01-A2), etc.

Below the permit number, the AEB Clerk/Planner enters the date the permit application was received. The AEB Clerk/Planner scans the permit, and enters the permit into AEB’s permit database.



Step 3: Review Application for Completeness. The AEB Clerk/Planner reviews the application for completeness.

If the application is deemed complete, the AEB Clerk Planner moves to Step 4 and the AEB Administrator must make a decision within 10 calendar days of application receipt, excluding

Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of “computation of time”) excluding the first day and including the last day.

If the application is deemed incomplete the 10 day application processing time clock stops on the date that the AEB Clerk/Planner sends a letter to the applicant requesting additional information to process the application [**Use Example Request for Additional Information Letter**].

If the Applicant provides additional information and the application is determined complete, the time remaining on the 10 day permit approval clock resumes.

If the Applicant does not provide the required information within 60 days from the date of AEB’s request, the application and check is returned to the Applicant. [**Use Example Application Returned Letter**].

Step 4: Process Check. If the application is deemed complete, the AEB Clerk/Planner marks the Fee Paid “yes” box in Section No. 9 of the permit application, and enters the check number and amount paid on the lines provided. The AEB Clerk/Planner processes the application fee check, by sending the check to the AEB Finance Department.

The application fee check is not processed until the application is determined complete. This allows the AEB Clerk/Planner to return the incomplete application along with the check to the Applicant within 60 days, without having to issue a fee reimbursement through AEB’s accounting system.

Step 5: AEB Staff Recommendation. The AEB Clerk/Planner forwards the permit application via email to the AEB Administrator with a copy of the permit check list [**Use CRO Checklist**].

The AEB Clerk/Planner enters a recommendation on the checklist indicating whether to approve, elevate or deny the permit. On complex or controversial permits, a supplemental memorandum summarizing the recommendation may be necessary to provide more detailed explanation and justification.

Step 6: AEB Administrator Decision. The AEB Administrator reviews the permit application and makes a decision on whether to: 1) approve the permit; (2) elevate the permit application for a decision by the Planning Commission; or (3) deny the permit application.

The AEB Administrator’s decision must be reached within 10 calendar days of application receipt, excluding Saturday, Sunday and AEB holidays.

If the decision is to approve the permit, proceed to Step 7.

If the decision is to elevate the permit, proceed to Step 8.

If the decision is to deny the permit, proceed to Step 9.

Step 7: AEB Administrator Permit Approval. The AEB Administrator approves the permit application by marking the “approved” box in Section 9 of the permit application, entering the approval date and expiration date, indicating whether additional permit stipulations were added, and signing the permit. The AEB Administrator also fills in the permit expiration date on the first page of the application (upper left hand corner).

If additional permit stipulations were added to the permit approval, the AEB Administrator drafts those stipulations and attaches them to the permit approval. [Use **Example Additional Stipulation Supplement Form**].

Commercial Recreation Permits are only valid for one calendar year commencing on January 1st and expiring December 31st. For example, if the permit application was approved on July 1, 2013 it would expire December 31, 2013.

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.

The AEB Administrator mails the approved application to the Applicant with a cover letter stating that the permit has been approved, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Approved Letter**].

Proceed to Step 10.

Step 8: AEB Administrator Permit Elevation. The AEB Administrator may elevate a permit decision to the Planning Commission based on a written finding that the permit application may:

- A. Have potential, significant or negative impacts on or conflict with Borough interests, resources or activities in a manner or to a degree that warrants consideration by the Commission;
- B. Conflict with adopted Borough policies in a manner or to a degree that warrants consideration by the Commission and cannot be easily decided by the Borough Planning Director; or,
- C. Raised a particular issue or set of issues that warrants consideration by the Commission.

Commercial Recreation Operator Permits applications elevated to the Planning Commission will be placed on the next scheduled meeting of the Planning Commission.

The Applicant must participate in the Planning Commission meeting at a location designated by AEB, and present its application. If the applicant does not participate in the Planning Commission meeting, the Planning Commission will deny the permit, unless the Planning Commission chairperson agrees to defer the permit action to the next meeting.

The Planning Commission decision will be made at the meeting. The permit will either be approved or denied. Denied permits may be appealed to the Borough Board of Adjustment.

If the AEB Administrator decides to elevate the permit application to the Planning Commission, the AEB Administrator marks the “elevated” box affirmatively in Section 9 of the permit application, states the reasons for the elevation, and signs the permit.

The AEB Administrator mails the application decision to the Applicant with a cover letter stating that the permit has been elevated. [Use **Example Application Elevated to Planning Commission Letter**].

The AEB Administrator places the application on the next Planning Commission meeting agenda.

The Planning Commission reviews the elevated permit and makes a decision whether to approve or deny the permit. The AEB Administrator mails the Planning Commission decision to the Applicant with a cover letter stating whether the permit application has been approved or denied. [Use **Example Planning Commission Decision Letter**].

If the permit is denied by the Planning Commission, the Applicant may appeal to the Borough Board of Adjustment.

A copy of the final decision is sent to the AEB Clerk/Planner to be recorded in the AEB database and filed.

Proceed to Step 10.

Step 9: AEB Administrator Permit Denial. The AEB Administrator denies the permit application by marking the “denied” box affirmatively in Section 9 of the permit application, states the reasons for the denial, and signs the permit.

The AEB Administrator mails the denied application to the Applicant with a cover letter stating that the permit has been denied, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Denied Letter**].

The Applicant has an opportunity to appeal the permit to the Planning Commission.

Proceed to Step 10.

Step 10: The AEB Clerk/Planner receives the permit decision, finalizes the checklist, scans the final documents, enters the information into the database and files all records related to the permit action.

Renewals

Renewal applications will be processed using the same procedures as an initial permit application. The Administrator has the authority and discretion to elevate any permit renewal application that it deems necessary.

Phone Conversations and Meetings with Applicant and Others About the Permit: All phone conversations and meetings about the permit, must be documented and placed in the permit file. Accurately documenting all conversations and meetings held on a permit action is good administrative practice, and allows any AEB staff to open the file and observe the history of actions taken on the permit. This practice also provides an accurate record on the permit if the applicant, public or AEB management has a question, and will serve as an important set of records if the permit is appealed, or if there is an enforcement action. It is very important to keep accurate, detailed, and complete records. Make factual notes and keep track of action items and commitments. [Use **Example Phone and Meeting Logs if helpful and efficient**].

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 Borough 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 1.20.020 and 1.24.010, 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, ejectment, 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 1st 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?** 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 40.01.090).

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 \$50 for Research Conducted for Other Purposes and \$25 for an amendment to that permit once issued.
- ✦ **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:

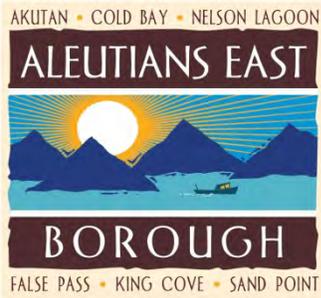
Please sign and date Section 8. Applications that are not signed will not be accepted.

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.



ALEUTIANS EAST BOROUGH RESEARCH LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

Standard Operating Procedure	
Effective Date:	_____, 2013
Revision Date(s):	
Revision No:	

Purpose:

The Aleutians East Borough Municipal Code (AEBMC) Title 40 requires Professional Researchers to obtain a land use permit for operating a business within the Aleutians East Borough (AEB) boundaries. This document provides AEB staff with a Standard Operating Procedure (SOP) for processing a Research Permit Application.

Revision History:

This is the first version of the Aleutians East Borough (AEB) Research Land Use Permit Standard Operating Procedure.

Application Requirements:

All Research Land Use Permit Applications must:

1. Meet the requirements of AEBMC Title 40;
2. Be submitted to AEB using AEB’s Research Land Use Permit Application Form;
3. Be submitted with the required application fee; and
4. Be complete and signed by the Professional Researcher.

Application Approval Procedures:

All Research Land Use Permit Applications must be approved using the following steps described below and shown in the flowchart on the following page:

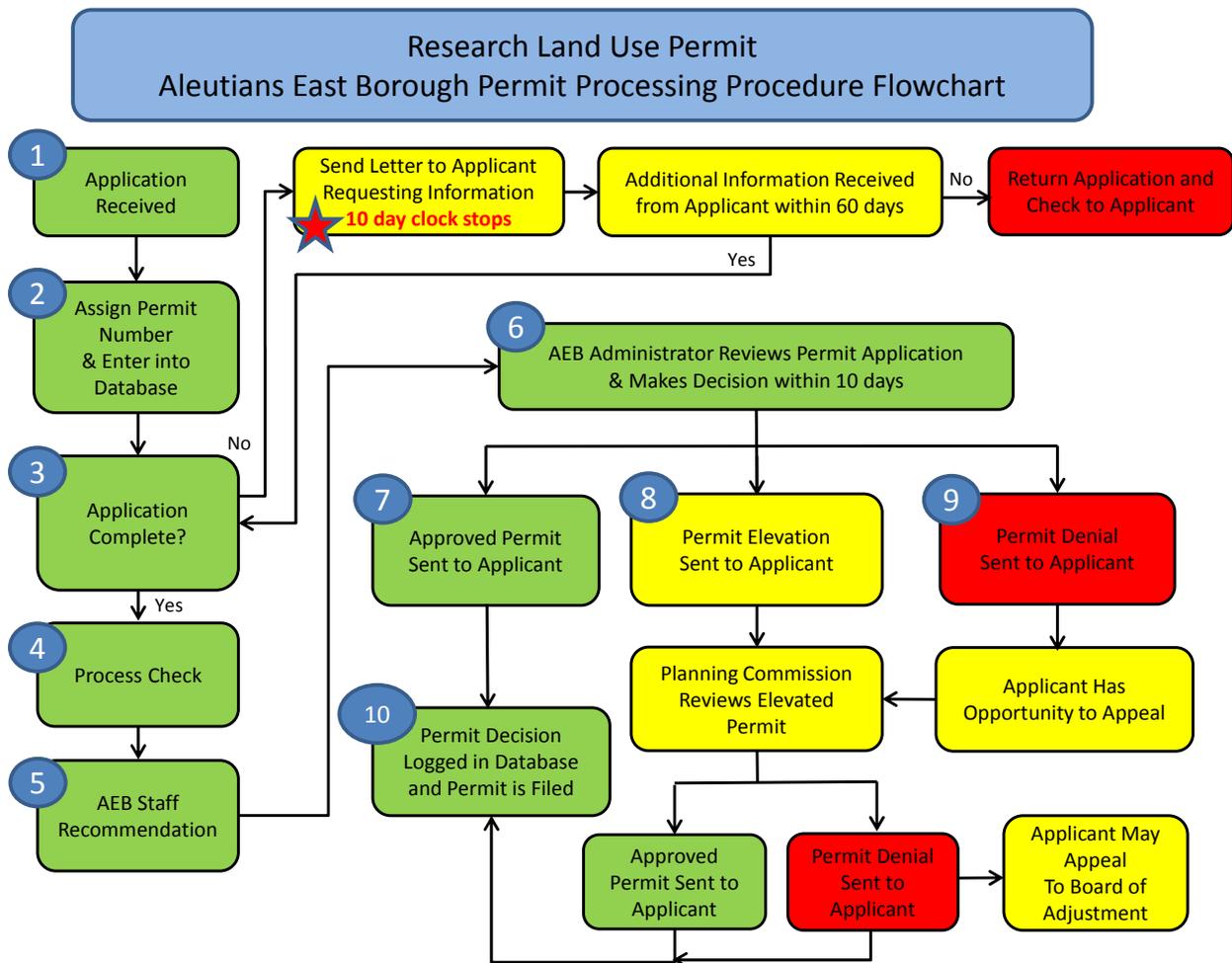
- Step 1: Application Received.** The AEB receives the Research Land Use Permit Application at the Sand Point Office.
- Step 2: Assign Permit Number and Enter in Database.** The AEB Clerk/Planner assigns a permit number and enters that permit number on the first page of the permit application (in the upper right hand corner). The permit numbering system for Research Land Use Permits starts with RP (indicating it is a Research Permit), followed by the year, and a number assigned for each permit application received in a calendar year. For example the first RP application received in

calendar year 2013 would be assigned a permit number RP: 2013-01, the second permit application would be assigned a permit number RP: 2013-02, etc.

If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g. RP: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g. RP: 2013-01-A2), etc.

If the permit term expired, and the permit is being renewed, add a “R1” to the permit number to indicate renewal of an existing permit for the first time (e.g. RP: 2013-01-R1). If the permit is renewed for a second time add a “R2” to the permit number to indicate renewal of an existing permit for the first time (e.g. RP: 2013-01-R2). This will show AEB that the permit was originally issued in year 2103 and has been renewed twice since that time.

Below the permit number, the AEB Clerk/Planner enters the date the permit application was received. The AEB Clerk/Planner scans the permit, and enters the permit into AEB’s permit database.



Step 3: Review Application for Completeness. The AEB Clerk/Planner reviews the application for completeness.

If the application is deemed complete, the AEB Clerk/Planner moves to Step 4 and the AEB Administrator must make a decision within 10 calendar days of application receipt, excluding Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of “computation of time”) excluding the first day and including the last day.

If the application is deemed incomplete the 10 day application processing time clock stops on the date that the AEB Clerk/Planner sends a letter to the applicant requesting additional information to process the application [**Use Example Request for Additional Information Letter**].

If the Applicant provides additional information and the application is determined complete, the time remaining on the 10 day permit approval clock resumes.

If the Applicant does not provide the required information within 60 days from the date of AEB’s request, the application and check is returned to the Applicant. [**Use Example Application Returned Letter**].

Step 4: Process Check. If the application is deemed complete, the AEB Clerk/Planner marks the Fee Paid “yes” box in Section No. 9 of the permit application, and enters the check number and amount paid on the lines provided. The AEB Clerk/Planner processes the application fee check, by sending the check to the AEB Finance Department.

The application fee check is not processed until the application is determined complete. This allows the AEB Clerk/Planner to return the incomplete application along with the check to the Applicant within 60 days, without having to issue a fee reimbursement through AEB’s accounting system.

Step 5: AEB Staff Recommendation. The AEB Clerk/Planner forwards the permit application via email to the AEB Administrator with a copy of the permit check list [**Use RP Checklist**].

The AEB Clerk/Planner enters a recommendation on the checklist indicating whether to approve, elevate or deny the permit. On complex or controversial permits, a supplemental memorandum summarizing the recommendation may be necessary to provide more detailed explanation and justification.

Step 6: AEB Administrator Decision. The AEB Administrator reviews the permit application and makes a decision on whether to: 1) approve the permit; (2) elevate the permit application for a decision by the Planning Commission; or (3) deny the permit application.

The AEB Administrator’s decision must be reached within 10 calendar days of application receipt, excluding Saturday, Sunday and AEB holidays.

If the decision is to approve the permit, proceed to Step 7.

If the decision is to elevate the permit, proceed to Step 8.

If the decision is to deny the permit, proceed to Step 9.

Step 7: AEB Administrator Permit Approval. The AEB Administrator approves the permit application by marking the “approved” box in Section 9 of the permit application, entering the approval date and expiration date, indicating whether additional permit stipulations were added, and signing the permit. The AEB Administrator also fills in the permit expiration date on the first page of the application (upper left hand corner).

If additional permit stipulations were added to the permit approval, the AEB Administrator drafts those stipulations and attaches them to the permit approval. [Use **Example Additional Stipulation Supplement Form**].

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. 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.

The AEB Administrator mails the approved application to the Applicant with a cover letter stating that the permit has been approved, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Approved Letter**].

Proceed to Step 10.

Step 8: AEB Administrator Permit Elevation. The AEB Administrator may elevate a permit decision to the Planning Commission based on a written finding that the permit application may:

- A. Have potential, significant or negative impacts on or conflict with Borough interests, resources or activities in a manner or to a degree that warrants consideration by the Commission;
- B. Conflict with adopted Borough policies in a manner or to a degree that warrants consideration by the Commission and cannot be easily decided by the Borough Planning Director; or,
- C. Raised a particular issue or set of issues that warrants consideration by the Commission.

Research Permit applications elevated to the Planning Commission will be placed on the next regularly scheduled meeting of the Planning Commission.

The Applicant must participate in the Planning Commission meeting at a location designated by AEB, and present its application. If the applicant does not participate in the Planning Commission meeting, the Planning Commission will deny the permit, unless the Planning Commission chairperson agrees to defer the permit action to the next meeting.

The Planning Commission decision will be made at the meeting. The permit will either be approved or denied. Denied permits may be appealed to the Borough Board of Adjustment.

If the AEB Administrator decides to elevate the permit application to the Planning Commission, the AEB Administrator marks the “elevated” box affirmatively in Section 9 of the permit application, states the reasons for the elevation, and signs the permit.

The AEB Administrator mails the application decision to the Applicant with a cover letter stating that the permit has been elevated. [Use **Example Application Elevated to Planning Commission Letter**].

The AEB Administrator places the application on the next Planning Commission meeting agenda.

The Planning Commission reviews the elevated permit and makes a decision whether to approve or deny the permit. The AEB Administrator mails the Planning Commission decision to the Applicant with a cover letter stating whether the permit application has been approved or denied. [Use **Example Planning Commission Decision Letter**].

If the permit is denied by the Planning Commission, the Applicant may appeal to the Borough Board of Adjustment.

A copy of the final decision is sent to the AEB Clerk/Planner to be recorded in the AEB database and filed.

Proceed to Step 10.

Step 9: AEB Administrator Permit Denial. The AEB Administrator denies the permit application by marking the “denied” box affirmatively in Section 9 of the permit application, states the reasons for the denial, and signs the permit.

The AEB Administrator mails the denied application to the Applicant with a cover letter stating that the permit has been denied, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Denied Letter**].

The Applicant has an opportunity to appeal the permit to the Planning Commission.

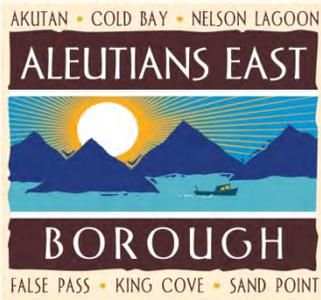
Proceed to Step 10.

Step 10: The AEB Clerk/Planner receives the permit decision, finalizes the checklist, scans the final documents, enters the information into the database and files all records related to the permit action.

Renewals

Renewal applications will be processed using the same procedures as an initial permit application. The Administrator has the authority and discretion to elevate any permit renewal application that it deems necessary.

Phone Conversations and Meetings with Applicant and Others About the Permit: All phone conversations and meetings about the permit, must be documented and placed in the permit file. Accurately documenting all conversations and meetings held on a permit action is good administrative practice, and allows any AEB staff to open the file and observe the history of actions taken on the permit. This practice also provides an accurate record on the permit if the applicant, public or AEB management has a question, and will serve as an important set of records if the permit is appealed, or if there is an enforcement action. It is very important to keep accurate, detailed, and complete records. Make factual notes and keep track of action items and commitments. [Use **Example Phone and Meeting Logs if helpful and efficient**].



ALEUTIANS EAST BOROUGH

SAND, GRAVEL, ROCK MINING 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.	SGR: 20 ___-___-___
Date Received:	___/___/___
Date Approved:	___/___/___

Section No. 1: Permit Applicant Information

Type of Mining Sand Gravel Rock
 New Permit Permit Renewal Permit Amendment Reason: _____
 Name of Operator: _____
 Business Name: _____
 Address: (Street) _____ (City) _____ (State) _____ (Zip) _____
 Contact Person: (name) _____ (title) _____
 Office Phone: (____) - ____ - ____ Cell Phone: (____) - ____ - ____
 Satellite Phone: (____) - ____ - ____ Office Fax: (____) - ____ - ____
 Email Address: _____@_____._____ Webpage Address: www._____._____
 Number of Years in Business: _____
 State of Alaska Business License No.: _____ Issue Date: _____ Expiration Date: _____
 Federal Tax Identification EIN No. _____

Section No. 2: Mining Description, Location and Timing

Township: _____, Range: _____ Section: _____, Meridian _____
 Property Address : _____
 Estimated number of cubic yards mined per year: Sand _____ Gravel _____ Rock _____
 Estimated surface area to be disturbed: _____ (acres) Depth of excavation _____ (feet)
 Describe Operations and Location: _____

 Hours of Operation: _____ Start Date: _____ End Date: _____ Reclamation Date: _____
 Days of Operation: Monday Tuesday Wednesday Thursday Friday Saturday Sunday
 Months of Operation: January February March April May June
 July August September October November December
 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: _____

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 _____

Does the instrument used to obtain legal access allow for the type, location, amount and extent of sand, gravel, or rock excavation operations described in this permit application? Yes No

If you answered "yes", are there any limitations placed on your operations? Yes No

If you answered "yes", please describe the limitations _____

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: 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.
- Plan of Operations
- Reclamation Plan
- Design Plans (If new permanent facilities will be constructed)
- A copy of State of Alaska Business License and a copy of any local license or registration required.
- Fee Payment (Check for \$100 annual permit fee, or \$50 for each permit amendment made payable to AEB)

Section No. 5: Prior Operating Experience in Aleutians East Borough

I have operated this business 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

Business has operated in compliance with all local, state & federal requirements since inception. Yes No

I have paid severance tax to AEB as required since 2011. Yes No No mining since 2011

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

Reason for enforcement action : _____

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

Reason for revocation: _____

Section No. 6: Agreement to Comply with Severance Tax Payment

Sand, gravel and rock that is severed or harvested anywhere within the Aleutian East Borough is subject to a \$0.10 per cubic yard Severance Tax unless the annual gross production value of the operation does not equal or exceed \$5,000 annually. I agree to comply with Aleutian East Borough's Municipal Code Chapter 60.40, Severance Tax payment requirements.

Applicant Name (printed): _____ Title: _____

Applicant Signature: _____ Date: _____

Section No. 7: 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 business operations 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 Aleutians East Borough 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 Aleutian's East Borough boundaries by me, the company I represent, and all contractors, subcontractors, guests, clients and their employees.

Applicant Name (printed): _____ Title: _____

Applicant Signature: _____ Date: _____

Section No. 8: 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.9 Permit Stipulations) Yes No

AEB Administrator or Designee Name (printed): _____

AEB Administrator or Designee Signature: _____

Section No. 9: Land Use Permit Stipulations

- ✦ **Permit Term:** This land use permit is issued for the period specified in the permit; a period not to exceed five years. Permittee shall have an approved permit prior to conducting any mining operations. An approved permit must be maintained by the mining operator until the mining operations and Reclamation Plan is completed. 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 operations that are not specifically described in the permit application and the Plan of Operations submitted and approved as part of this permit. Permittee shall comply with its approved Plan of Operations, Reclamation 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, clients 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 and use of 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, clients 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 Borough 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 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 its State of Alaska Business License and any other 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.
- ✦ **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, except for those areas specifically authorized for mining of sand, gravel and rock. 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.
- ✦ **Fish Habitat Protection:** Permittee's mining operations shall not adversely affect spawning, rearing, migrating, or over wintering areas for anadromous fish. Mining shall not be conducted in locations which have been documented to provide spawning, rearing or over wintering habitat for anadromous fish. Permittee's mining operations shall avoid causing increases in sedimentation, siltation and the resulting turbidity that could have a significant adverse impact to aquatic productivity and habitats, marine fish, shellfish, or anadromous fish populations in marine, estuarine, and freshwater environments. In streams and their floodplains which provide habitat for anadromous fish, mining operations shall minimize clearing of riparian vegetation and disturbance of natural banks and mining site configurations shall be shaped to blend with physical features and surroundings to provide for diverse riparian and aquatic habitats.
- ✦ **Explosives:** To protect fish, explosives shall not be detonated within, beneath, or adjacent to marine, estuarine, or fresh waters that support fish unless 1) the detonation of the explosives produces an instantaneous pressure change in the water body of no more than 2.7 pounds per square inch, and a vibration of no more than 0.5 inches per second or 2) the water body, including its substrate, is frozen, or 3) fish and marine mammals are not present.
- ✦ **In-stream Mining:** Sand and gravel mining operations in stream floodplains shall be located and designed to avoid adverse changes to channel hydraulics and the potential for channel diversion through the mining site. A stable bank and bed profile shall be maintained during mining of sand and gravel from a watercourse. A stable bank and bed profile is one that will not alter river currents or change erosion and deposition patterns downstream.

- ✦ **Stream Alteration:** Mining operations shall not adversely affect natural stream hydraulics by channelization, diversion, spur dike construction, or other activities.
- ✦ **Water Appropriation:** Mining operations shall not withdraw surface waters at a withdrawal rate or timing which adversely affects anadromous fish habitat, particularly spawning or overwintering areas.
- ✦ **Water Quality:** Mining operations shall not adversely impact water quality and natural productivity of streams, rivers, and lakes within the Borough and shall significantly increase water turbidity or rate of sediment deposition above natural levels. Toxic/harmful effluents shall not be discharged into the Borough watersheds or water bodies.
- ✦ **Overburden Disposal:** No overburden shall be disposed of in lakes, within the mean annual floodplain of streams or rivers, or below the limit of mean high water in intertidal areas and estuaries. Overburden in upland areas shall be saved and replaced on the cleared area to conform to the natural topography as part of the reclamation procedure.
- ✦ **Transportation:** Transportation routes and methods used to bring equipment and supplies to the mine site and to transport recovered sand, gravel or rock from the mine site shall not adversely impact biological resources or community lifestyle. Any damage to road systems, docks or other public transportation infrastructure shall be repaired by the Permittee at its cost.
- ✦ **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.
- ✦ **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:** Portable or permanently installed sanitation systems shall be provided at the mining operation for workers use. All grey water and human waste shall be collected and disposed of at an ADEC approved disposal 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.
- ✦ **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, supplies, waste, and fuel shall be removed before the end of each authorized term of use, or on or before permit termination.
- ✦ **Permanent Facilities, Structures and Access Routes:** This permit does not grant the Permittee the right to construct any road, dock, port, or 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.
- ✦ **Reclamation:** Lands shall be restored to meet the Reclamation Plan submitted and approved as part of this permit.
- ✦ **Permit Evidence and Inspection:** Permittee, and Permittee's employees shall carry a copy of this permit at all times or a copy shall be posted at the mine site in a location visible to all employee and the public. 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 the mining business permitted under this authorization is purchased by another owner, this permit is no longer valid. A new permit application shall be submitted by the new owner, 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 mining operations 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 1.20.020 and 1.24.010, 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 records of business activities conducted in AEB for at least 5 years after the site has been remediated to the AEB's satisfaction and the permit has been discontinued.
- ✦ **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 1st of each year, and within 180 days after this permit expires, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.
- ✦ **Survey or Another Approved Measurement Method:** On or before February 1st of each year, and within 180 days after this permit expires, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, providing survey data that verifies the amount of materials that were extracted from the mining operation. If a survey is not otherwise required by the land or mineral owner, or is cost prohibitive the Permittee may propose and obtain AEB approval of an alternative, equivalent measuring method. This information may be submitted as part of the Annual Report for efficiency.

General Permit Instructions

- ✦ **Who needs a permit?** Title 40 of the Aleutians East Borough Municipal Code (AEBMC) requires Sand, Gravel and Rock Mining Operators to obtain a land use permit within the Aleutians East Borough Resource Development District, excluding the municipal lands where AEB has delegated land use planning authority to an AEB municipality (see AEBMC 40.01.020). Sand, Gravel and Rock Mining may only occur, if permitted by AEB within the Aleutians East Borough Resource Development District. A separate permit application must be submitted for each Sand, Gravel and Rock Mining location.
- ✦ **Do I need a permit if I plan to mine within an AEB Municipality that has delegated land use planning authority under AEBMC 40.01.020?** You may be required to obtain a local business license, register your business and/or obtain a municipal land use permit. Please contact the AEB Municipality for more information on their requirements.
- ✦ **Is this a new requirement?** Yes. AEB's Assembly adopted a new requirement in the AEBMC in year 2013, requiring Sand, Gravel and Rock Mining Operators to obtain a land use permit within the AEB boundaries.
- ✦ **What is AEB's recommendation for selecting the lowest impact sand, gravel and rock mining areas?** AEB's Coastal Zone Enforceable Policy F-1 states that to the extent feasible and prudent, sources of sand and gravel shall be authorized using the following sequences: 1) existing gravel pits; 2) reuse of gravel from abandoned development areas; 3) new upland pits; 4) rivers, streams and lakes that do not support fish; 5) offshore gravel sources; and 6) floodplain gravel sources in fish bearing streams.
- ✦ **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 \$100 per year, and \$50 for each amendment to an existing permit.
- ✦ **When is my permit application due?** Your permit application should be submitted at least 60 days prior to the time you need an approved permit. Most permit approvals should be issued within 30 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 period specified in the permit; a period not to exceed five years. 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?** Approved permits are valid for the period specified in the permit; a period not to exceed five years. A renewal application must be submitted at least 60 days before your permit expires and costs \$100.
- ✦ **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. A reduced permit application fee of \$50 is charged for each amendment.

Section No. 1 Instructions

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

- ✦ **What if I don't have a State of Alaska Business License?** All businesses operating in the State of Alaska are required to have a business license. See http://www.commerce.state.ak.us/occ/home_bus_licensing.html. You must obtain a license before submitting your application.
- ✦ **What if I don't have a Federal Tax ID?** All businesses operating in the State of Alaska are required to have a Federal Tax ID. See [http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-\(EINs\)](http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-(EINs)). You must obtain a federal Tax ID before submitting your application.

Section No. 2 Instructions:

Please fill out all the required information in Section No. 2. Check all boxes that apply. Please provide a brief description of your operations and location. You are also required to provide a Plan of Operations with your permit application where you can provide more detail.

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 business 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 commercial purposes. Please provide a contact name and phone number that can verify your legal agreement.

Section No. 4 Instructions:

Please provide all the required information in Section No. 4.

- ✦ **What information must be included in a Plan of Operations?** The Plan of Operations shall include a description of the:
 1. Proposed mining operations, location and timing;

2. Landownership and legal agreements that allow mining on the property and any past mining operations at this site;
3. Equipment, facilities, infrastructure and personnel used to mine;
4. Methods used to mine including overburden removal and storage and the amounts of material to be handled, processed or removed, and whether blasting, drilling, crushing, or screening will be performed;
5. Area and depth of the mining operation, including a map showing the topography, vegetation, distance to waterbodies, wetlands, residential areas, and other private structures or operations;
6. Transportation Plan, including existing and new transportation infrastructure needed, anticipated haul routes, and points of ingress and egress to the mine site (including a map of these routes);
7. Amount and type of fuel that will be used and stored at the mine site and oil spill prevention measures that will be used;
8. Environmentally or culturally sensitive areas at or near the mine site (e.g. fish spawning habitat, subsistence use area, nearby residential properties or schools);
9. Water and fish habitat protection measures that will be used;
10. Noise, visual and dust suppression mitigation measures that will be implemented to lessen impacts on surrounding neighbors and properties;
11. Plans to comply with AEB's Coastal Zone Enforceable Policies if mining is planned in the coastal lands and waters of the Borough;
12. Local Economic Development Plan;
13. Waste Management Plan;
14. Emergency Medical Plan;
15. Safety and Security that will be used at the site; and
16. A summary of all required local, state and federal permits and the status of those permits. If the permits have been obtained please provide the permit number and date of expiration. If permits are in the process of being issued please provide information on the date you applied for the permit and the expected date of issue.

✚ What information must be included in the Reclamation Plan? The Reclamation Plan shall include a description of your reclamation plans including a timeline and plans to comply with AEB's Coastal Zone Enforceable Policies if mining is planned in the coastal lands and waters of the Borough.

✚ How do I find a copy of the AEB's Coastal Zone Enforceable Policies? A copy can be found at <http://www.aleutianseast.org/> under the Permitting Page.

✚ 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. 5 Instructions:

Please fill out all the required information in Section No. 5. Check all boxes that apply. The AEB will take into consideration any currently pending enforcement action, non-payment of taxes, or prior revocations in making its decision on whether or not to approve the permit.

Section No. 6 Instructions:

Please sign and date Section No. 6. Sand, gravel and rock that is severed or harvested anywhere within the Aleutian East Borough is subject to a \$0.10 per cubic yard Severance Tax unless the annual gross production value of the operation does not equal or exceed \$5,000 annually. You must sign this section of the application certifying that you will comply with Aleutian East Borough's Municipal Code Chapter 60.40, Severance Tax payment requirements. Applications that are not signed will not be accepted.

Section No. 7 Instructions:

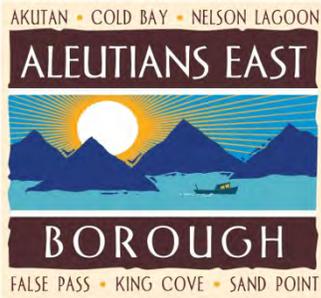
Please sign and date Section No. 7. Applications that are not signed will not be accepted.

Section No. 8 Instructions:

Section No. 8 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 Borough Board of Adjustment pursuant to Title 40 of the AEBMC.

Section No. 9 Instructions:

Section No. 9 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.



ALEUTIANS EAST BOROUGH

SAND, GRAVEL, ROCK MINING LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

Standard Operating Procedure	
Effective Date:	[REDACTED], 2013
Revision Date(s):	
Revision No:	

Purpose:

The Aleutians East Borough Municipal Code (AEBMC) Title 40 requires Sand, Gravel, and Rock Mining Operators to obtain a land use permit for operating a business within the Aleutians East Borough (AEB) boundaries. This document provides AEB staff with a Standard Operating Procedure (SOP) for processing a Sand, Gravel, and Rock Mining Land Use Permit Application.

Revision History:

This is the first version of the Aleutians East Borough (AEB) Sand, Gravel, and Rock Mining Land Use Permit (SGR) Standard Operating Procedure.

Application Requirements:

All Sand, Gravel, and Rock Mining Land Use Permit Applications must:

1. Meet the requirements of AEBMC Title 40;
2. Be submitted to AEB using AEB’s Sand, Gravel, and Rock Mining Land Use Permit Application Form;
3. Be submitted with the required application fee; and
4. Be complete and signed by the Mining Operator.

Application Approval Procedures:

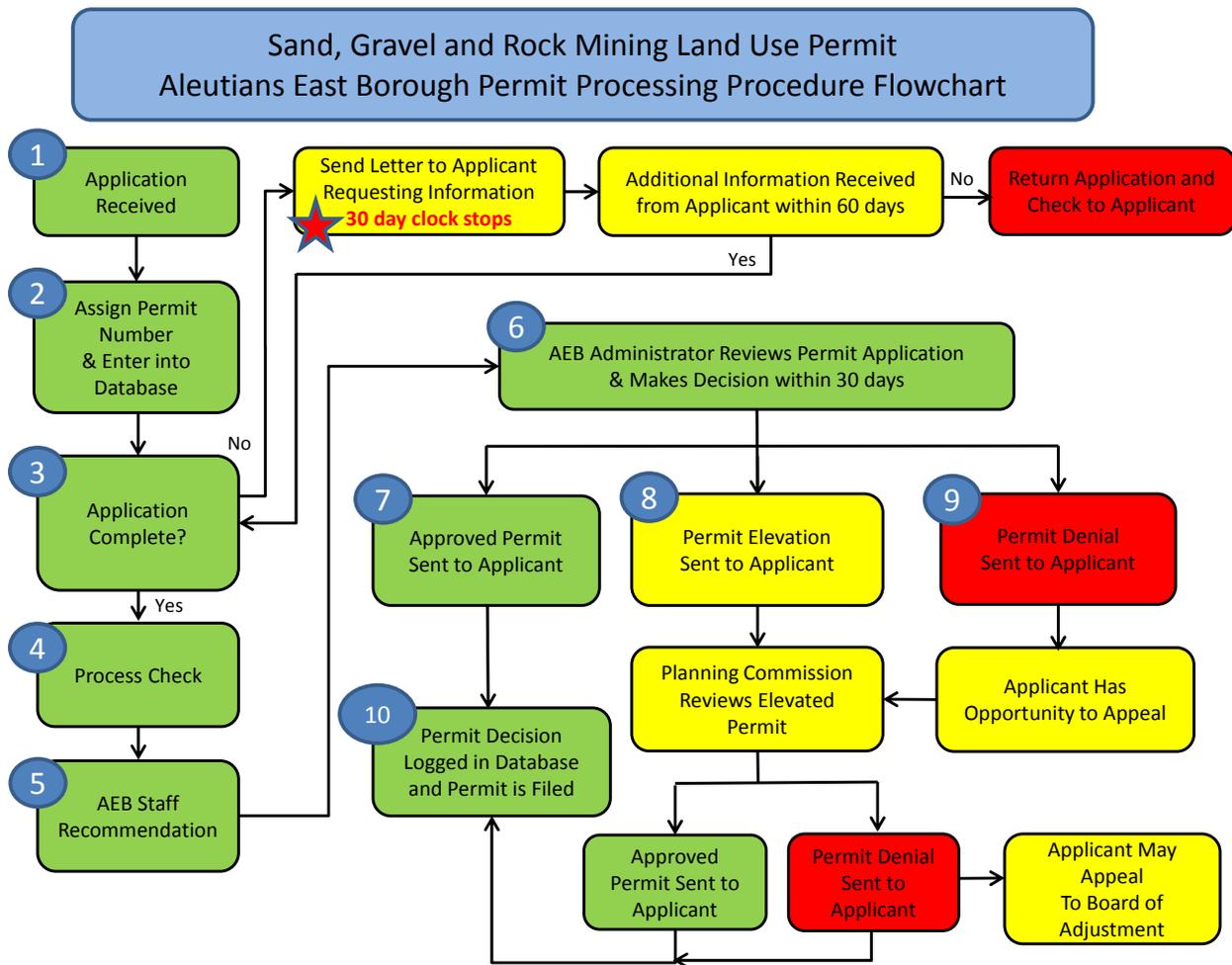
All Sand, Gravel, and Rock Mining Land Use Permit Applications must be approved using the following steps described below and shown in the flowchart on the following page:

- Step 1: Application Received.** The AEB receives the Sand, Gravel, and Rock Mining Land Use Permit Application at the Sand Point Office.
- Step 2: Assign Permit Number and Enter in Database.** The AEB Clerk/Planner assigns a permit number and enters that permit number on the first page of the permit application (in the upper right hand corner).

The permit numbering system for the Sand, Gravel, and Rock Mining Permit starts with SGR (indicating it is a Sand, Gravel, and Rock Mining Permit), followed by the year, and a number assigned for each permit application received in a calendar year. For example the first SGR application received in calendar year 2013 would be assigned a permit number SGR: 2013-01, the second permit application would be assigned a permit number SGR: 2013-02, etc.

If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g. SGR: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g. SGR: 2013-01-A2), etc.

Below the permit number, the AEB Clerk/Planner enters the date the permit application was received. The AEB Clerk/Planner scans the permit, and enters the permit into AEB’s permit database.



Step 3: Review Application for Completeness. The AEB Clerk/Planner reviews the application for completeness.

If the application is deemed complete, the AEB Clerk/Planner moves to Step 4 and the AEB Administrator must make a decision within 30 calendar days of application receipt, excluding

Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of “computation of time”) excluding the first day and including the last day.

If the application is deemed incomplete, the 30 day application processing time clock stops on the date that the AEB Clerk/Planner sends a letter to the applicant requesting additional information to process the application [**Use Example Request for Additional Information Letter**].

If the Applicant provides additional information and the application is determined complete, the time remaining on the 30 day permit approval clock resumes.

If the Applicant does not provide the required information within 60 days from the date of AEB’s request, the application and check is returned to the Applicant. [**Use Example Application Returned Letter**].

Step 4: Process Check. If the application is deemed complete, the AEB Clerk/Planner marks the Fee Paid “yes” box in Section No. 8 of the permit application, and enters the check number and amount paid on the lines provided. The AEB Clerk/Planner processes the application fee check, by sending the check to the AEB Finance Department.

The application fee check is not processed until the application is determined complete. This allows the AEB Clerk/Planner to return the incomplete application along with the check to the Applicant within 60 days, without having to issue a fee reimbursement through AEB’s accounting system.

Step 5: AEB Staff Recommendation. The AEB Clerk/Planner forwards the permit application via email to the AEB Administrator with a copy of the permit check list [**Use SGR Checklist**].

The AEB Clerk/Planner enters a recommendation on the checklist indicating whether to approve, elevate or deny the permit. On complex or controversial permits, a supplemental memorandum summarizing the recommendation may be necessary to provide more detailed explanation and justification.

Step 6: AEB Administrator Decision. The AEB Administrator reviews the permit application and makes a decision on whether to: 1) approve the permit; (2) elevate the permit application for a decision by the Planning Commission; or (3) deny the permit application.

The AEB Administrator’s decision must be reached within 30 calendar days of application receipt, excluding Saturday, Sunday and AEB holidays.

If the decision is to approve the permit, proceed to Step 7.

If the decision is to elevate the permit, proceed to Step 8.

If the decision is to deny the permit, proceed to Step 9.

Step 7: AEB Administrator Permit Approval. The AEB Administrator approves the permit application by marking the “approved” box in Section 8 of the permit application, entering the approval date and expiration date, indicating whether additional permit stipulations were added, and signing the permit. The AEB Administrator also fills in the permit expiration date on the first page of the application (upper left hand corner).

If additional permit stipulations were added to the permit approval, the AEB Administrator drafts those stipulations and attaches them to the permit approval. [Use **Example Additional Stipulation Supplement Form**].

Sand, Gravel, and Rock Mining Land Use Permits are only valid for the period specified in the permit; a period not to exceed five years.

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.

The AEB Administrator mails the approved application to the Applicant with a cover letter stating that the permit has been approved, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Approved Letter**].

Proceed to Step 10.

Step 8: AEB Administrator Permit Elevation. The AEB Administrator may elevate a permit decision to the Planning Commission based on a written finding that the permit application may:

- A. Have potential, significant or negative impacts on or in conflict with Borough interests, resources or activities in a manner or to a degree that warrants consideration by the Commission;
- B. Conflict with adopted Borough policies in a manner or to a degree that warrants consideration by the Commission and cannot be easily decided by the Borough Planning Director; or,
- C. Raised a particular issue or set of issues that warrants consideration by the Commission.

Sand, Gravel, and Rock Mining Land Use Permit applications elevated to the Planning Commission will be placed on the next scheduled meeting of the Planning Commission.

The Applicant must participate in the Planning Commission meeting at a location designated by AEB, and present its application. If the applicant does not participate in the Planning Commission meeting, the Planning Commission will deny the permit, unless the Planning Commission chairperson agrees to defer the permit action to the next meeting.

The Planning Commission decision will be made at the meeting. The permit will either be approved or denied. Denied permits may be appealed to the Borough Board of Adjustment.

If the AEB Administrator decides to elevate the permit application to the Planning Commission, the AEB Administrator marks the “elevated” box affirmatively in Section 9 of the permit application, states the reasons for the elevation, and signs the permit.

The AEB Administrator mails the application decision to the Applicant with a cover letter stating that the permit has been elevated. [Use **Example Application Elevated to Planning Commission Letter**].

The AEB Administrator places the application on the next Planning Commission meeting agenda.

The Planning Commission reviews the elevated permit and makes a decision whether to approve or deny the permit. The AEB Administrator mails the Planning Commission decision to the Applicant with a cover letter stating whether the permit application has been approved or denied. [Use **Example Planning Commission Decision Letter**].

If the permit is denied by the Planning Commission, the Applicant may appeal to the Borough Board of Adjustment.

A copy of the final decision is sent to the AEB Clerk/Planner to be recorded in the AEB database and filed.

Proceed to Step 10.

Step 9: AEB Administrator Permit Denial. The AEB Administrator denies the permit application by marking the “denied” box affirmatively in Section 8 of the permit application, states the reasons for the denial, and signs the permit.

The AEB Administrator mails the denied application to the Applicant with a cover letter stating that the permit has been denied, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Denied Letter**].

The Applicant has an opportunity to appeal the permit to the Planning Commission.

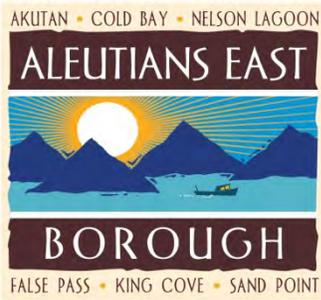
Proceed to Step 10.

Step 10: The AEB Clerk/Planner receives the permit decision, finalizes the checklist, scans the final documents, enters the information into the database and files all records related to the permit action.

Renewals

Renewal applications will be processed using the same procedures as an initial permit application. The Administrator has the authority and discretion to elevate any permit renewal application that it deems necessary.

Phone Conversations and Meetings with Applicant and Others About the Permit: All phone conversations and meetings about the permit must be documented and placed in the permit file. Accurately documenting all conversations and meetings held on a permit action is a good administrative practice, and allows any AEB staff to open the file and observe the history of actions taken on the permit. This practice also provides an accurate record on the permit if the applicant, public or AEB management has a question, and will serve as an important set of records if the permit is appealed, or if there is an enforcement action. It is very important to keep accurate, detailed, and complete records. Make factual notes and keep track of action items and commitments. [Use **Example Phone and Meeting Logs if helpful and efficient**].



ALEUTIANS EAST BOROUGH

MINERAL & COAL EXPLORATION & SMALL MINING OPERATIONS 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.	MCESM: 20 __-__-__
Date Received:	___/___/___
Date Approved:	___/___/___

Section No. 1: Permit Applicant Information

Exploration Operations Coal Minerals (type): _____
 Small Mine (less than 5 acres) Coal Minerals (type): _____
 New Permit Permit Renewal Permit Amendment Reason: _____
 Name of Operator: _____
 Business Name: _____
 Address: (Street) _____ (City) _____ (State) _____ (Zip) _____
 Contact Person: (name) _____ (title) _____
 Office Phone: (____) - ____ - ____ Cell Phone: (____) - ____ - ____
 Satellite Phone: (____) - ____ - ____ Office Fax: (____) - ____ - ____
 Email Address: _____@_____._____ Webpage Address: www._____._____._____
 Number of Years in Business: _____
 State of Alaska Business License No.: _____ Issue Date: _____ Expiration Date: _____
 Federal Tax Identification EIN No. _____

Section No. 2: Mineral & Coal Exploration & Small Mining Description, Location and Timing

Township: _____, Range: _____ Section: _____, Meridian _____
 Property Address: _____
 Brief description of methods, plans and location: _____

 Estimated number surface area to be disturbed: _____ (acres) Depth of excavation _____ (feet)
 Hours of Operation: _____ Start Date: _____ End Date: _____ Reclamation Date: _____
 Days of Operation: Monday Tuesday Wednesday Thursday Friday Saturday Sunday
 Months of Operation: January February March April May June
 July August September October November December
 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: _____

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 _____

Does the instrument used to obtain legal access allow for the type, location, amount and extent of exploration or mining described in this permit application? Yes No

If you answered "yes," are there any limitations placed on your operations? Yes No

If you answered "yes," please describe the limitations _____

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: 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.

Plan of Operations

Reclamation Plan

Design Plans (If new facilities will be constructed)

A copy of State of Alaska Business License.

Fee Payment

(Check for \$1,000 permit application or renewal fee, or \$500 for each permit amendment made payable to AEB)

Section No. 5: Prior Operating Experience in Aleutians East Borough

I have conducted explored/mined 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

Business has operated in compliance with all local, state & federal requirements since inception. Yes No

I have paid severance tax to AEB as required since 2011. Yes No No mining since 2011

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

Reason for enforcement action : _____

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

Reason for revocation: _____

Section No. 6: Agreement to Comply with Severance Tax Payment

Mining, extracting, harvesting, removing or producing for sale, profit or commercial use, any copper, gold, silver, zinc, lead, molybdenum, or other metallic mineral product, compound, or combination of mineral products or mining, quarrying, or producing for sale, profit, or commercial use any coal anywhere within the Aleutian East Borough is subject to a Severance Tax of 1.5% times the gross production value per ton unless the annual gross production value of the operation does not equal or exceed \$5,000 annually.

I agree to comply with Aleutian East Borough's Municipal Code Chapter 60.40, Severance Tax payment requirements.

Applicant Name (printed): _____ Title: _____

Applicant Signature: _____ Date: _____

Section No. 7: 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 business operations 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 Aleutians East Borough 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 Aleutian's East Borough boundaries by me, the company I represent, and all contractors, subcontractors, guests, clients and their employees.

Applicant Name (printed): _____ Title: _____

Applicant Signature: _____ Date: _____

Section No. 8: 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.9 Permit Stipulations): Yes No

AEB Administrator or Designee Name (printed): _____

AEB Administrator or Designee Signature: _____

Section No. 9: Land Use Permit Stipulations

- ✦ **Permit Term:** This land use permit is issued for the period specified in the permit; a period not to exceed five years. Permittee shall have an approved permit prior to conducting any mineral or coal exploration or small mining operations. An approved permit must be maintained by the operator until the mineral and coal exploration or small mining operations Reclamation Plan is completed. The permit is not a property right; it is revocable at the discretion of the Aleutians East Borough (AEB), at any time upon notice.
- ✦ **No Mineral or Coal Mining Operations Allowed Beyond Limited Exploration without an Additional AEB Permit:** Permits issued for mineral and coal exploration are limited to the scope of mineral and coal exploration described in the application. Miners that plan to mine minerals and coal, after identifying a commercial amount of material via exploration must submit an application to AEB for a mineral and coal mining operations permit. If small mining operations (less than 5 acres at any one time are planned), then a small mining permit application must be submitted and approved by AEB prior to commencing those operations. A different permit is required for large mining operations of 5 acres or more.
- ✦ **No Mineral or Coal Mining Operations Allowed for 5 acres or more without an Additional AEB Permit:** Permits issued for mineral and coal small mining operations are limited less than 5 acres at any one time. A different permit is required for large mining operations of 5 acres or more.
- ✦ **Compliance with Requirements:** Permittee shall not conduct any operations that are not specifically described in the permit application and the Plan of Operations submitted and approved as part of this permit. Permittee shall comply with its approved Plan of Operations, Reclamation 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, clients 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 and use of 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, clients 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 Borough 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 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 its State of Alaska Business License, and any other 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.
- ✦ **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, except for those areas specifically authorized for mineral or coal exploration or mining. 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. Whenever possible, onshore exploration activities and small mines should be supported by air service, an existing road system or port facility, or by vehicles which do not cause significant damage to the ground surface or vegetation.
- ✦ **Fish Habitat Protection:** Permittee's activities shall not adversely affect spawning, rearing, migrating, or over wintering areas for anadromous fish. Mining shall not be conducted in locations which have been documented to provide spawning, rearing or over wintering habitat for anadromous fish. Permittee's activities shall avoid causing increases in sedimentation, siltation and the resulting turbidity that could have a significant adverse impact to aquatic productivity and habitats, marine fish, shellfish, or anadromous fish populations in marine, estuarine, and freshwater environments. In streams and their

floodplains which provide habitat for anadromous fish, exploration and mining activities shall minimize clearing of riparian vegetation and disturbance of natural banks and shall be shaped to blend with physical features and surroundings to provide for diverse riparian and aquatic habitats.

- ✦ **Explosives:** To protect fish, explosives shall not be detonated within, beneath, or adjacent to marine, estuarine, or fresh waters that support fish unless 1) the detonation of the explosives produces an instantaneous pressure change in the water body of no more than 2.7 pounds per square inch, and a vibration of no more than 0.5 inches per second or 2) the water body, including its substrate, is frozen, or 3) fish and marine mammals are not present.
- ✦ **In-stream Mining:** Activities in stream floodplains shall be located and designed to avoid adverse changes to channel hydraulics and the potential for channel diversion through the mining site. A stable bank and bed profile shall be maintained during exploration and mining activities. A stable bank and bed profile is one that will not alter river currents or change erosion and deposition patterns downstream.
- ✦ **Stream Alteration:** Activities shall not adversely affect natural stream hydraulics by channelization, diversion, spur dike construction, or other activities.
- ✦ **Water Appropriation:** Activities shall not withdraw surface waters at a withdrawal rate or timing which adversely affects anadromous fish habitat, particularly spawning or overwintering areas.
- ✦ **Water Quality:** Activities shall not adversely impact water quality and natural productivity of streams, rivers, and lakes within the Borough and shall significantly increase water turbidity or rate of sediment deposition above natural levels. Toxic/harmful effluents shall not be discharged into the Borough watersheds or water bodies.
- ✦ **Overburden Disposal:** No overburden shall be disposed of in lakes, within the mean annual floodplain of streams or rivers, or below the limit of mean high water in intertidal areas and estuaries. Overburden in upland areas shall be saved and replaced on the cleared area to conform to the natural topography as part of the reclamation procedure.
- ✦ **Transportation:** Transportation routes and methods used to bring equipment and supplies to the exploration or mining site shall not adversely impact biological resources or community lifestyle. Any damage to road systems, docks or other public transportation infrastructure shall be repaired by the Permittee at its cost.
- ✦ **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.
- ✦ **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:** Portable sanitation systems shall be provided at the mining operation for workers use. All grey water and human waste shall be collected and disposed of at an ADEC approved disposal 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.
- ✦ **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, supplies, waste, and fuel shall be removed before the end of each authorized term of use, or on or before permit termination.
- ✦ **Permanent Facilities, Structures and Access Routes:** This permit does not grant the Permittee the right to construct any road, dock, port, or 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.

- ✚ **Reclamation:** Lands shall be restored to meet the Reclamation Plan submitted and approved as part of this permit.
- ✚ **Permit Evidence and Inspection:** Permittee, and Permittee’s employees shall carry a copy of this permit at all times or a copy shall be posted at the exploration or mining site in a location visible to all employee and the public. Authorized representatives of the AEB have the right to enter and inspect the exploration or mining activities 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 the exploration or mining project permitted under this authorization is purchased by another owner or transferred to another operator, this permit is no longer valid. A new permit application shall be submitted by the new owner or operator, 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 exploration or mining 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 1.20.020 and 1.24.010, 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, ejectment, 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 records of business activities conducted in AEB for at least 5 years after the site has been remediated to the AEB’s satisfaction and the permit has been discontinued.
- ✚ **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 1st of each year, and within 180 days after this permit expires, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.
- ✚ **Survey or Another Approved Measurement Method:** On or before February 1st of each year, and within 180 days after this permit expires, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, providing survey data that verifies the amount of materials that were extracted from the mining operation. If a survey is not otherwise required by the land or mineral owner, or is cost prohibitive the Permittee may propose and obtain AEB approval of an alternative, equivalent measuring method. This information may be submitted as part of the Annual Report for efficiency.

General Permit Instructions

- ✚ **Who needs a permit?** Title 40 of the Aleutians East Borough Municipal Code (AEBMC) requires Mineral and Coal Exploration Activities and Small Mining Operations to obtain a land use permit within the Aleutians East Borough boundaries, excluding the municipal lands where AEB has delegated land use planning authority to an AEB municipality (see AEBMC 40.01.090). A separate permit application must be submitted for each exploration project area and for each small mining area. Mineral and Coal Exploration and Small Mining Operations may only occur, if permitted by AEB within the Aleutians East Borough Resource Development District.
 - ✚ “Mineral and Coal Exploration” means exploration for minerals and coal, including two dimensional or three dimensional seismic surveys run in search of minerals and coal, but and does not include Mineral Mining or Coal Mining operations.
 - ✚ “Coal Mining” means mining, extraction, harvesting removing or producing for sale, profit or commercial use any coal and all associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources.
 - ✚ “Mineral Mining” means mining, extraction, harvesting, removing or producing for sale, profit or commercial use any

copper, gold, silver, zinc, lead, molybdenum, or other metallic mineral product, compound or combination of mineral products and all associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources.

- ✦ “Small Mining Operations” means Coal Mining or Mineral Mining operations that are limited to less than five (5) acres at any one time. This definition does not include Recreational Mining.
- ✦ “Large Mining Operations” means Coal Mining or Mineral Mining operations of five (5) acres or more at any one time.
- ✦ “Recreational Mining” means recreational gold panning; hard-rock mineral prospecting or mining using light portable field equipment, such as a hand-operated pick, shovel, pan, earth auger, or a backpack power drill or auger; or suction dredging using a suction dredge with a nozzle intake of six inches or less, powered by an engine of 18 horsepower or less, and pumping no more than 30,000 gallons of water per day.
- ✦ **Do I need a permit if I plan to explore for or mine minerals and/or coal within an AEB Municipality that has delegated land use planning authority under AEBMC 40.01.020?** You may be required to obtain a local business license, register your business and/or obtain a municipal land use permit. Please contact the AEB Municipality for more information on their requirements.
- ✦ **Do I need a permit if I plan to conduct Recreational Mining?** You do not need an AEB Land Use Permit for Recreational Mining that meets AEB’s definition for Recreational Mining (see above). However, please contact the State of Alaska and Federal Government for more information on their requirements, because suction dredging, hard rock and other types of recreational mining may require state and federal permits.
- ✦ **Do I need more than one permit for my exploration project?** Please consult with the AEB staff about your project to obtain specific instructions; however, generally you will be required to submit one permit application for each exploration project area. For example, you could file one permit application to conduct several exploration drills and geologic investigation all contained within a few mile exploration area. However, you may be required to file separate permits, if the exploration activities are not being conducted in a similar area, and are distinct and separate projects.
- ✦ **Is this a new requirement?** No. In 2006, AEB’s Assembly revised the AEBMC to require mining operations to obtain a land use permit within the AEB boundaries. In 2013, AEB updated its land use permitting requirements for mining operations, to clarify the permit application process and develop this specific permit application. In 2013, the AEB simplified and streamlined the requirements for mineral and coal exploration and small mining operations less than 5 acres.
- ✦ **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.alutianseast.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?** No. This application must be typed.
- ✦ **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 \$1,000 for new permits and \$1,000 for renewal. Amendments to existing approved permit applications cost \$500 each.
- ✦ **When is my permit application due?** Your permit application should be submitted at least 60 days prior to the time you need an approved permit. Most permit approvals should be issued within 30 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 period specified in the permit; a period not to exceed five years. 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?** Approved permits are valid for the period specified in the permit; a period not to exceed five years. A renewal application must be submitted at least 60 days before your permit expires and costs \$1,000.
- ✦ **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. A reduced permit application fee of \$500 is charged for each amendment.

Section No. 1 Instructions

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

- ✚ **What if I don't have a State of Alaska Business License?** All businesses operating in the State of Alaska are required to have a business license. See http://www.commerce.state.ak.us/occ/home_bus_licensing.html. You must obtain a license before submitting your application.
- ✚ **What if I don't have a Federal Tax ID?** All businesses operating in the State of Alaska are required to have a Federal Tax ID. See [http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-\(EINs\)](http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-(EINs)). You must obtain a federal Tax ID before submitting your application.

Section No. 2 Instructions:

Please fill out all the required information in Section No. 2. Check all boxes that apply. Please provide a brief description of your operations and location. You are also required to provide a Plan of Operations with your permit application where you can provide more detail.

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 business 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 commercial purposes. Please provide a contact name and phone number that can verify your legal agreement.

Section No. 4 Instructions:

Please provide all the required information in Section No. 4.

- ✚ **What information must be included in a Plan of Operations?** The Plan of Operations shall include a description of the:
 1. Proposed activities, location and timing;
 2. Landownership and legal agreements that allow mineral and coal exploration and small mining operations on the property and any past exploration or mining at this site;
 3. Equipment, facilities, infrastructure and personnel used to explore for minerals and/or coal or to conduct small mining operations;
 4. Methods used including overburden removal and storage and the amounts of material to be handled, or removed, and whether blasting, drilling, or other techniques will be performed;
 5. Area and depth of the exploration or mining activities, including a map showing the topography, vegetation, distance to waterbodies, wetlands, residential areas, and other private structures or operations;
 6. Transportation Plan, including existing and new transportation infrastructure needed, anticipated haul routes, and points of ingress and egress to the site (including a map of these routes);
 7. Amount and type of fuel that will be used and stored at the site and oil spill prevention measures that will be used;
 8. Environmentally or culturally sensitive areas at or near the site (e.g. fish spawning habitat, subsistence use area, nearby residential properties or schools);
 9. Water and fish habitat protection measures that will be used;
 10. Noise, visual and dust suppression mitigation measures that will be implemented to lessen impacts on surrounding neighbors and properties;
 11. Plans to comply with AEB's Coastal Zone Enforceable Policies if exploration is planned in the coastal lands and waters of the Borough;
 12. Local Economic Development Plan;
 13. Waste Management Plan;
 14. Emergency Medical Plan;
 15. Safety and Security that will be used at the site; and,
 16. A summary of all required local, state and federal permits and the status of those permits. If the permits have been

obtained please provide the permit number and date of expiration. If permits are in the process of being issued please provide information on the date you applied for the permit and the expected date of issue.

✚ **What information must be included in the Reclamation Plan?** The Reclamation Plan shall include a description of your reclamation plans including a timeline and plans to comply with AEB's Coastal Zone Enforceable Policies if exploration or mining is planned in the coastal lands and waters of the Borough.

✚ **How do I find a copy of the AEB's Coastal Zone Enforceable Policies?** A copy can be found at <http://www.aleutianseast.org/> under the Permitting Page.

✚ **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. 5 Instructions:

Please fill out all the required information in Section No. 5. Check all boxes that apply. The AEB will take into consideration any currently pending enforcement action, non-payment of taxes, or prior revocations in making its decision on whether or not to approve the permit.

Section No. 6 Instructions:

Please sign and date Section No. 6. Applications that are not signed will not be accepted.

Section No. 7 Instructions:

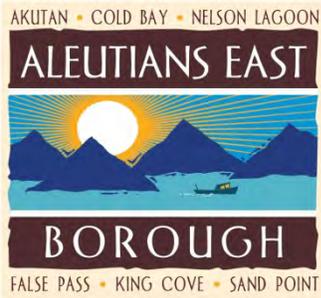
Please sign and date Section No. 7. Applications that are not signed will not be accepted.

Section No. 8 Instructions:

Section No. 8 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. 9 Instructions:

Section No. 9 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.



ALEUTIANS EAST BOROUGH
MINERAL & COAL EXPLORATION
& SMALL MINING OPERATIONS LAND USE PERMIT
 Authority Aleutians East Borough Municipal Code Title 40

Standard Operating Procedure	
Effective Date:	██████████, 2013
Revision Date(s):	
Revision No:	

Purpose:

The Aleutians East Borough Municipal Code (AEBMC) Title 40 requires Mineral & Coal Exploration & Small Mining Operations to obtain a land use permit for operating a business within the Aleutians East Borough (AEB) boundaries. This document provides AEB staff with a Standard Operating Procedure (SOP) for processing a Mineral & Coal Exploration & Small Mining Operations Land Use Permit Application.

Revision History:

This is the first version of the Aleutians East Borough (AEB) Mineral & Coal Exploration & Small Mining Operations Land Use Permit (MCE) Standard Operating Procedure.

Application Requirements:

All Mineral & Coal Exploration & Small Mining Operations Land Use Permit Applications must:

1. Meet the requirements of AEBMC Title 40;
2. Be submitted to AEB using AEB’s Mineral & Coal Exploration & Small Mining Operations Land Use Permit Application Form;
3. Be submitted with the required application fee; and,
4. Be complete and signed by the Applicant.

Application Approval Procedures:

All Mineral & Coal Exploration & Small Mining Operations Land Use Permit Applications must be approved using the following steps described below and shown in the flowchart on the following page:

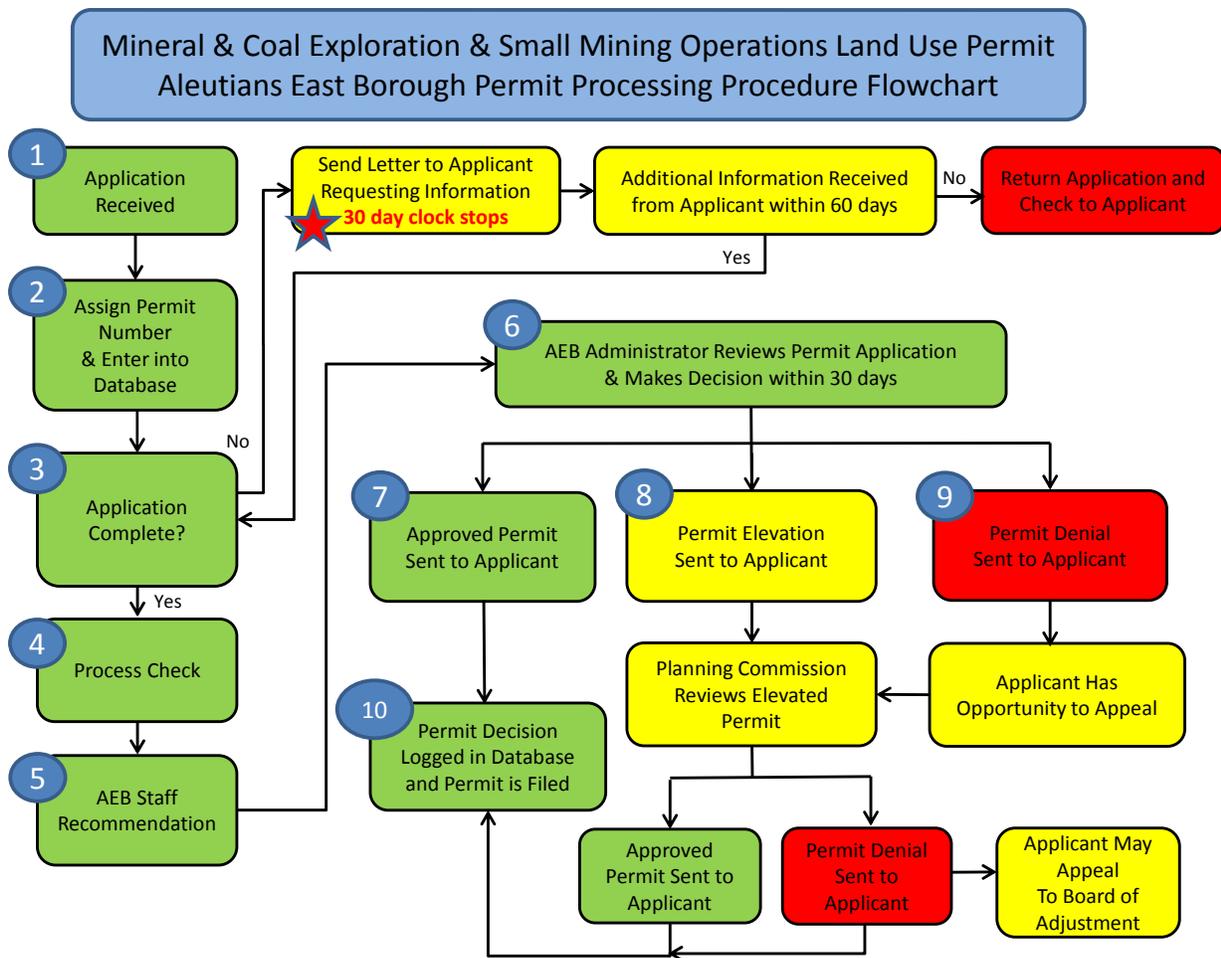
Step 1: Application Received. The AEB receives the Mineral & Coal Exploration & Small Mining Operations Land Use Permit Application at the Sand Point Office.

Step 2: Assign Permit Number and Enter in Database. The AEB Clerk/Planner assigns a permit number and enters that permit number on the first page of the permit application (in the upper right hand corner).

The permit numbering system for the Mineral & Coal Exploration & Small Mining Operations Land Use Permit starts with ESM (indicating it is a Exploration and Small Mine Permit), followed by the year, and a number assigned for each permit application received in a calendar year. For example the first ESM application received in calendar year 2013 would be assigned a permit number ESM: 2013-01, the second permit application would be assigned a permit number ESM: 2013-02, etc.

If the permit is amended, add an "A1" to the permit number to indicate the first amendment (e.g. ESM: 2013-01-A1). If the permit is amended a second time, add an "A2" (e.g. ESM: 2013-01-A2), etc.

Below the permit number, the AEB Clerk/Planner enters the date the permit application was received. The AEB Clerk/Planner scans the permit, and enters the permit into AEB's permit database.



Step 3: Review Application for Completeness. The AEB Clerk/Planner reviews the application for completeness.

If the application is deemed complete, the AEB Clerk/Planner moves to Step 4 and the AEB Administrator must make a decision within 30 calendar days of application receipt, excluding

Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of “computation of time”) excluding the first day and including the last day.

If the application is deemed incomplete, the 30 day application processing time clock stops on the date that the AEB Clerk/Planner sends a letter to the applicant requesting additional information to process the application [**Use Example Request for Additional Information Letter**].

If the Applicant provides additional information and the application is determined complete, the time remaining on the 30 day permit approval clock resumes.

If the Applicant does not provide the required information within 60 days from the date of AEB’s request, the application and check is returned to the Applicant. [**Use Example Application Returned Letter**].

Step 4: Process Check. If the application is deemed complete, the AEB Clerk/Planner marks the Fee Paid “yes” box in Section No. 8 of the permit application, and enters the check number and amount paid on the lines provided. The AEB Clerk/Planner processes the application fee check, by sending the check to the AEB Finance Department.

The application fee check is not processed until the application is determined complete. This allows the AEB Clerk/Planner to return the incomplete application along with the check to the Applicant within 60 days, without having to issue a fee reimbursement through AEB’s accounting system.

Step 5: AEB Staff Recommendation. The AEB Clerk/Planner forwards the permit application via email to the AEB Administrator with a copy of the permit check list. [**Use ESM Checklist**].

The AEB Clerk/Planner enters a recommendation on the checklist indicating whether to approve, elevate or deny the permit. On complex or controversial permits, a supplemental memorandum summarizing the recommendation may be necessary to provide more detailed explanation and justification.

Step 6: AEB Administrator Decision. The AEB Administrator reviews the permit application and makes a decision on whether to: 1) approve the permit; (2) elevate the permit application for a decision by the Planning Commission; or (3) deny the permit application.

The AEB Administrator’s decision must be reached within 30 calendar days of application receipt, excluding Saturday, Sunday and AEB holidays.

If the decision is to approve the permit, proceed to Step 7.

If the decision is to elevate the permit, proceed to Step 8.

If the decision is to deny the permit, proceed to Step 9.

Step 7: AEB Administrator Permit Approval. The AEB Administrator approves the permit application by marking the “approved” box in Section 8 of the permit application, entering the approval date and expiration date, indicating whether additional permit stipulations were added, and signing the permit. The AEB Administrator also fills in the permit expiration date on the first page of the application (upper left hand corner).

If additional permit stipulations were added to the permit approval, the AEB Administrator drafts those stipulations and attaches them to the permit approval. [Use **Example Additional Stipulation Supplement Form**].

Mineral & Coal Exploration & Small Mining Operations Land Use Permits are only valid for the period specified in the permit; a period not to exceed five years.

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.

The AEB Administrator mails the approved application to the Applicant with a cover letter stating that the permit has been approved, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Approved Letter**].

Proceed to Step 10.

Step 8: AEB Administrator Permit Elevation. The AEB Administrator may elevate a permit decision to the Planning Commission based on a written finding that the permit application may:

- A. Have potential, significant or negative impacts on or in conflict with Borough interests, resources or activities in a manner or to a degree that warrants consideration by the Commission;
- B. Conflict with adopted Borough policies in a manner or to a degree that warrants consideration by the Commission and cannot be easily decided by the Borough Planning Director; or,
- C. Raised a particular issue or set of issues that warrants consideration by the Commission.

Mineral & Coal Exploration & Small Mining Operations Land Use Permit applications elevated to the Planning Commission will be placed on the next scheduled meeting of the Planning Commission.

The Applicant must participate in the Planning Commission meeting at a location designated by AEB, and present its application. If the applicant does not participate in the Planning Commission meeting, the Planning Commission will deny the permit, unless the Planning Commission chairperson agrees to defer the permit action to the next meeting.

The Planning Commission decision will be made at the meeting. The permit will either be approved or denied. Denied permits may be appealed to the Borough Board of Adjustment.

If the AEB Administrator decides to elevate the permit application to the Planning Commission, the AEB Administrator marks the “elevated” box affirmatively in Section 9 of the permit application, states the reasons for the elevation, and signs the permit.

The AEB Administrator mails the application decision to the Applicant with a cover letter stating that the permit has been elevated. [Use **Example Application Elevated to Planning Commission Letter**].

The AEB Administrator places the application on the next Planning Commission meeting agenda.

The Planning Commission reviews the elevated permit and makes a decision whether to approve or deny the permit. The AEB Administrator mails the Planning Commission decision to the Applicant with a cover letter stating whether the permit application has been approved or denied. [Use **Example Planning Commission Decision Letter**].

If the permit is denied by the Planning Commission, the Applicant may appeal to the Borough Board of Adjustment.

A copy of the final decision is sent to the AEB Clerk/Planner to be recorded in the AEB database and filed.

Proceed to Step 10.

Step 9: AEB Administrator Permit Denial. The AEB Administrator denies the permit application by marking the “denied” box affirmatively in Section 8 of the permit application, states the reasons for the denial, and signs the permit.

The AEB Administrator mails the denied application to the Applicant with a cover letter stating that the permit has been denied, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Denied Letter**].

The Applicant has an opportunity to appeal the permit to the Planning Commission.

Proceed to Step 10.

Step 10: The AEB Clerk/Planner receives the permit decision, finalizes the checklist, scans the final documents, enters the information into the database and files all records related to the permit action.

Renewals

Renewal applications will be processed using the same procedures as an initial permit application. The Administrator has the authority and discretion to elevate any permit renewal application that it deems necessary.

Phone Conversations and Meetings with Applicant and Others About the Permit: All phone conversations and meetings about the permit must be documented and placed in the permit file. Accurately documenting all conversation and meetings held on a permit action is a good administrative practice, and allows any AEB staff to open the file and observe the history of actions taken on the permit. This practice also provides an accurate record on the permit if the applicant, public or AEB management has a question, and will serve as an important set of records if the permit is appealed, or if there is an enforcement action. It is very important to keep accurate, detailed, and complete records. Make factual notes and keep track of action items and commitments. [Use **Example Phone and Meeting Logs if helpful and efficient**].

Section No. 3: Operations Information

Describe Operations and Location(s) : _____

Hours of Operation: _____ Start Date: _____ End Date: _____

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

Section No. 4: Required Attachments to Permit Application

- Location Map(s): Show location of vessels routes and planned anchor locations.
 - A copy of the most recent complete (all five pages) applicant's ADEC Seafood Processors Application
 - A copy of the most recent complete (all three pages) applicant's Application for Federal Processor Permit
 - A copy of all State of Alaska Permits, Fisheries Business License, and APDES/NPDES (Notice of Intent Form)
 - A copy of all federal permits including EPA Seafood Processing Waste Permit
 - Fee Payment to the Aleutians East Borough for the Application Fee
- (\$200 for new permit applications and renewal applications. \$50 for each permit amendment.)

Section No. 5: Prior Operating Experience in Aleutians East Borough

Business has previously processed seafood within the AEB boundaries. Yes No

Business has operated this business in AEB boundaries in prior years. Yes No Number of Years: _____

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

Business has operated in compliance with all local, state & federal requirements since inception. Yes No

Business paid sales tax to AEB as required. Yes No

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

Reason for enforcement action : _____

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

Reason for revocation: _____

Section No. 6: Agreement to Comply with Sales Tax Payment

The Aleutians East Borough collects a two percent sales tax of raw fish product within its boundaries. The tax applies to the sale of raw fish whether delivered directly or indirectly to the buyer in the Borough. The tax levied by the Borough is an obligation of the seller. The buyer shall collect the tax at the time of sale by withholding from payment to the seller the amount of the tax. If payment is not made at the time of sale or delivery, the buyer shall segregate from funds of the buyer an amount equal to the tax due on the sale. I agree to comply with Aleutian East Borough's Municipal Code Chapter 60.20, Sales Tax payment requirements.

Applicant Name (printed): _____ Title: _____

Applicant Signature: _____ Date: _____

Section No. 7: 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 business operations 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 Aleutians East Borough 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 Aleutian's East Borough boundaries by me, the company I represent, and all contractors, subcontractors, guests, clients and their employees.

Applicant Name (printed): _____ Title: _____

Applicant Signature: _____ Date: _____

Section No. 8: 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.9 Permit Stipulations) Yes No

AEB Administrator or Designee Name (printed): _____

AEB Administrator or Designee Signature: _____

Section No. 9: Land Use Permit Stipulations

- ✦ **Permit Term:** This land use permit is issued for one year. Permittee shall have an approved permit prior to conducting any processing operations. 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 operations that are not specifically described in the permit application and supporting documents submitted and approved as part of this permit. 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, clients 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.
- ✦ **Indemnification:** Permittee assumes all responsibility, risk and liability for all activities of the Permittee, its employees, agents, clients 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 Borough property resulting from 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 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 its State of Alaska Business License and any other 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.
- ✦ **Disturbance:** All activities shall be conducted in a manner that will minimize the disturbance to fish and wildlife populations and habitats.
- ✦ **Human Health and Socioeconomics:** Operations must be sited, designed, and operated in a manner that protects human health from adverse impacts. Operations must improve the quality of life for local residents and must not have adverse socioeconomic affects.
- ✦ **Water Appropriation:** Operations shall not withdraw surface waters at a withdrawal rate or timing which adversely affects anadromous fish habitat, particularly spawning or overwintering areas
- ✦ **Water Quality:** Operations shall not adversely impact water quality and natural productivity of streams, rivers, and lakes within the Borough and shall significantly increase water turbidity or rate of sediment deposition above natural levels. Toxic/harmful effluents shall not be discharged into the Borough watersheds or water bodies. Zero water pollution discharge should be achieved whenever technically feasible.
- ✦ **Air Quality:** Operations shall not adversely impact air quality or human health.
 - ✦ Best Available Air Emission Control Technology: shall be installed for criteria air pollutants (including oxides of nitrogen and sulfur, carbon monoxide, particulate matter, volatile organic compounds) and hazardous air pollutants.
 - ✦ Fuel/Power Selection: The lowest air pollution impact fuel sources shall be used. Solar, wind and other alternative power sources must be considered when technically feasible. Where alternative energy options are not technically feasible, natural gas fired combustion systems shall be used whenever possible. Ultra-low sulfur diesel fuels shall be used.
 - ✦ Vapor Controls: All equipment and facilities must install vapor recovery systems to reduce volatile organic compounds (VOCs) and Hazardous Air Pollutants (HAP) by at least 98%. Direct venting of VOCs and HAPs to the atmosphere is prohibited.
- ✦ **Transportation:** Transportation routes and methods used to bring equipment and supplies to the vessel and to transport product from the vessel shall not adversely impact biological resources or community lifestyle. Any damage to road systems, docks or other public transportation infrastructure shall be repaired by the Permittee at its cost.
- ✦ **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 processor's 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:** Portable or permanently installed sanitation systems shall be provided for workers use. All grey water and human waste shall be collected and disposed of as approved in ADEC Seafood Processors Permit.
- # **Fuel and Chemical Storage:** All fuel and chemical 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.
- # **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 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, supplies, waste, and fuel shall be removed before the end of each authorized term of use, or on or before permit termination.
- # **Permanent Facilities, Structures and Access Routes:** This permit does not grant the Permittee the right to construct any road, dock, port, or 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 or a copy should be posted at the processing plant in a location visible to all employees and the public. 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 the processing business permitted under this authorization is purchased by another owner, this permit is no longer valid. A new permit application shall be submitted by the new owner, 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 processing operations 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 1.20.020 and 1.24.010, 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 records of business activities conducted in AEB for at least 5 years after the permit has been discontinued.
- # **Annual Report:** By January 15th of each calendar year, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, confirming that it is complying with all AEB approved plans, permit stipulations and requirements.
- # **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.

Section No. 9. General Permit Instructions

- ✦ **Who needs a permit?** Title 40 of the Aleutians East Borough Municipal Code (AEBMC) requires all Offshore Seafood Processors and Direct Marketing Seafood Processors to obtain a land use permit within the Aleutians East Borough, excluding the municipal lands where AEB has delegated land use planning authority to an AEB municipality (see AEBMC 40.01.020).
 - ✦ “Offshore Seafood Processor” means a for-profit company that buys, processes, and/or exports a fishery resource using facilities located offshore. This definition includes floating processors that are anchored or docked at the shoreline. This definition excludes Onshore Seafood Processors and Direct Marketing Seafood Processors.
 - ✦ “Direct Marketing Seafood Processor” means a for-profit or non-profit cooperative, partnership or individual fisherman who processes or exports only their own catch or has their own catch custom processed for sale.
- ✦ **Do I need a permit if I plan to process seafood within an AEB Municipality (Incorporated City) that has land use planning authority under AEBMC 40.01.020?** You do not need an AEB land use permit. You may be required to obtain a city business license, register your business and/or obtain a city land use permit. Please contact the city office for more information on their requirements.
- ✦ **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?** No. This application must be typed.
- ✦ **Where do I send my Permit Application?** Please mail a completed copy of the permit application, a check for the Resource Development Fee Fund 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 \$200 per year, and \$50 for each amendment to an existing permit.
- ✦ **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 a one year period from January 1 to December 31 of a calendar year. 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?** Permits are issued each year for a one year period from January 1 to December 31 of a calendar year. A new application must be submitted each year.
- ✦ **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 shall explain the reason for the permit amendment. A reduced permit application fee of \$50 is charged for each amendment.

Section No. 1 Instructions:

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

- ✦ **What if I don't have a State of Alaska Business License?** All businesses operating in the State of Alaska are required to have a business license. See http://www.commerce.state.ak.us/occ/home_bus_licensing.html. You must obtain a license before submitting your application.
- ✦ **What if I don't have a Federal Tax ID?** All businesses operating in the State of Alaska are required to have a Federal Tax ID. See [http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-\(EINs\)](http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-(EINs)). You must obtain a federal Tax ID before submitting your application.

Sections No. 2 & 3 Instructions:

Please fill out all the required information in Section No. 2 and 3. Check all boxes that apply.

Section No. 4 Instructions:

Please provide all the required information in Section No. 4. Check all boxes that apply. Attach all requested forms.

- Is there a specific format that must be used for maps?** Maps should be submitted electronically, in Adobe acrobat pdf, and at least two hard copies.
- 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 shall pay by check.

Section No. 5 Instructions:

Please fill out all the required information in Section No. 5. Check all boxes that apply. The AEB will take into consideration any currently pending enforcement action, non-payment of taxes, or prior revocations in making its decision on whether or not to approve the permit.

Section No. 6 Instructions:

Please sign and date Section No. 6. Applications that are not signed will not be accepted.

Section No. 7 Instructions:

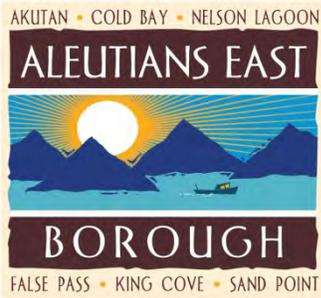
Please sign and date Section No. 7. Applications that are not signed will not be accepted.

Section No. 8 Instructions:

Section No. 8 is for AEB administrative use only. This section of the permit allows AEB to track the permit approval process.

Section No. 9 Instructions:

Section No. 9 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.



ALEUTIANS EAST BOROUGH OFFSHORE & DIRECT MARKETING SEAFOOD PROCESSING LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

Standard Operating Procedure	
Effective Date:	, 2013
Revision Date(s):	
Revision No:	

Purpose:

The Aleutians East Borough Municipal Code (AEBMC) Title 40 requires Offshore Seafood Processors and Direct Marketing Seafood Processors to obtain a land use permit for operating a business within the Aleutians East Borough (AEB) boundaries. This document provides AEB staff with a Standard Operating Procedure (SOP) for processing a Offshore & Direct Marketing Seafood Processing Land Use Permit Application.

Revision History:

This is the first version of the Aleutians East Borough (AEB) Offshore & Direct Marketing Seafood Processing Land Use Permit (MCE) Standard Operating Procedure.

Application Requirements:

All Offshore & Direct Marketing Seafood Processing Land Use Permit Applications must:

1. Meet the requirements of AEBMC Title 40;
2. Be submitted to AEB using AEB’s Offshore & Direct Marketing Seafood Processing Land Use Permit Application Form;
3. Be submitted with the required application fee; and,
4. Be complete and signed by the Applicant.

Application Approval Procedures:

All Offshore & Direct Marketing Seafood Processing Land Use Permit Applications must be approved using the following steps described below and shown in the flowchart on the following page:

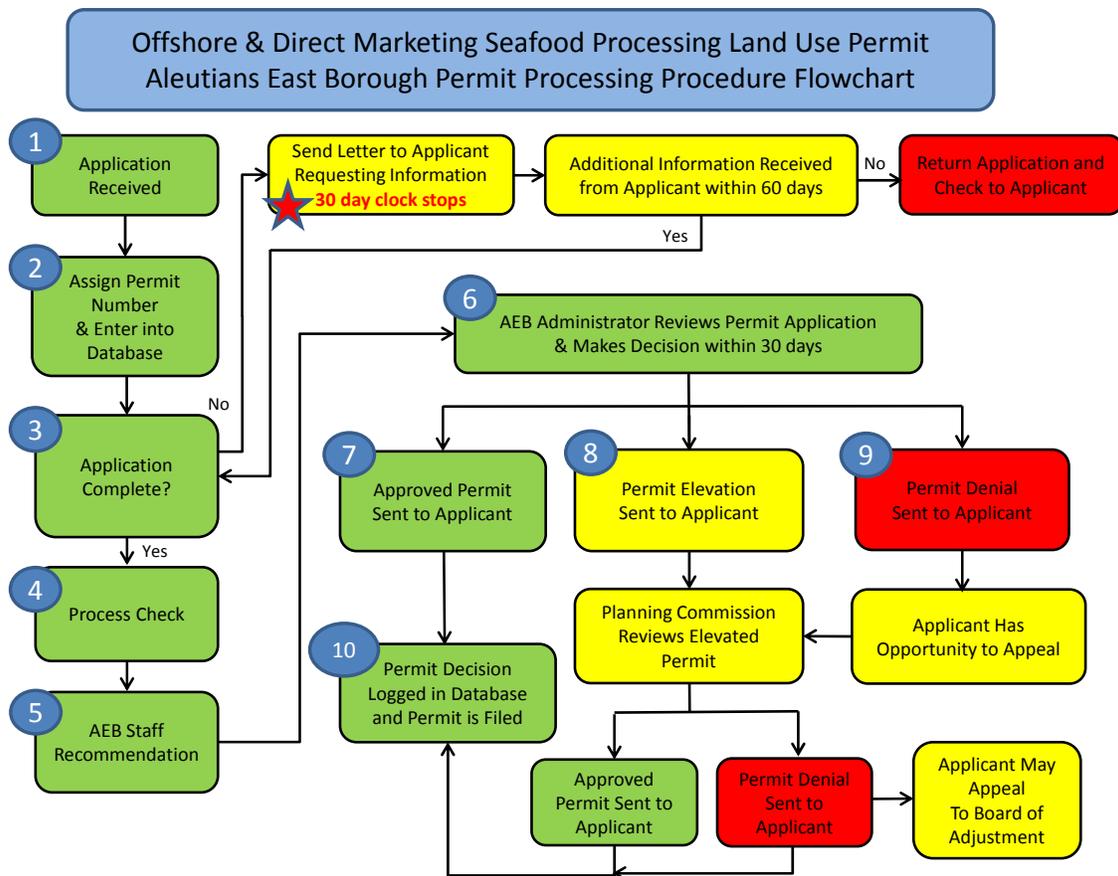
Step 1: Application Received. The AEB receives the Offshore & Direct Marketing Seafood Processing Land Use Permit Application at the Sand Point Office.

Step 2: Assign Permit Number and Enter in Database. The AEB Clerk/Planner assigns a permit number and enters that permit number on the first page of the permit application (in the upper right hand corner).

The permit numbering system for the Offshore & Direct Marketing Seafood Processing Land Use Permit starts with ODMSP (indicating it is a Offshore & Direct Marketing Seafood Processing Permit), followed by the year, and a number assigned for each permit application received in a calendar year. For example the first ODMSP application received in calendar year 2013 would be assigned a permit number ODMSP: 2013-01, the second permit application would be assigned a permit number ODMSP: 2013-02, etc.

If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g. ODMSP: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g. ODMSP: 2013-01-A2), etc.

Below the permit number, the AEB Clerk/Planner enters the date the permit application was received. The AEB Clerk/Planner scans the permit, and enters the permit into AEB’s permit database.



Step 3: Review Application for Completeness. The AEB Clerk/Planner reviews the application for completeness.

If the application is deemed complete, the AEB Clerk/Planner moves to Step 4 and the AEB Administrator must make a decision within 30 calendar days of application receipt, excluding

Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of “computation of time”) excluding the first day and including the last day.

If the application is deemed incomplete, the 30 day application processing time clock stops on the date that the AEB Clerk/Planner sends a letter to the applicant requesting additional information to process the application [**Use Example Request for Additional Information Letter**].

If the Applicant provides additional information and the application is determined complete, the time remaining on the 30 day permit approval clock resumes.

If the Applicant does not provide the required information within 60 days from the date of AEB’s request, the application and check is returned to the Applicant. [**Use Example Application Returned Letter**].

Step 4: Process Check. If the application is deemed complete, the AEB Clerk/Planner marks the Fee Paid “yes” box in Section No. 8 of the permit application, and enters the check number and amount paid on the lines provided. The AEB Clerk/Planner processes the application fee check, by sending the check to the AEB Finance Department.

The application fee check is not processed until the application is determined complete. This allows the AEB Clerk/Planner to return the incomplete application along with the check to the Applicant within 60 days, without having to issue a fee reimbursement through AEB’s accounting system.

Step 5: AEB Staff Recommendation. The AEB Clerk/Planner forwards the permit application via email to the AEB Administrator with a copy of the permit check list. [**Use SGR Checklist**].

The AEB Clerk/Planner enters a recommendation on the checklist indicating whether to approve, elevate or deny the permit. On complex or controversial permits, a supplemental memorandum summarizing the recommendation may be necessary to provide more detailed explanation and justification.

Step 6: AEB Administrator Decision. The AEB Administrator reviews the permit application and makes a decision on whether to: 1) approve the permit; (2) elevate the permit application for a decision by the Planning Commission; or (3) deny the permit application.

The AEB Administrator’s decision must be reached within 30 calendar days of application receipt, excluding Saturday, Sunday and AEB holidays.

If the decision is to approve the permit, proceed to Step 7.

If the decision is to elevate the permit, proceed to Step 8.

If the decision is to deny the permit, proceed to Step 9.

Step 7: AEB Administrator Permit Approval. The AEB Administrator approves the permit application by marking the “approved” box in Section 8 of the permit application, entering the approval date and expiration date, indicating whether additional permit stipulations were added, and signing the permit. The AEB Administrator also fills in the permit expiration date on the first page of the application (upper left hand corner).

If additional permit stipulations were added to the permit approval, the AEB Administrator drafts those stipulations and attaches them to the permit approval. [Use **Example Additional Stipulation Supplement Form**].

Offshore & Direct Marketing Seafood Processing Land Use Permits are only valid for the period specified in the permit; a period not to exceed five years.

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.

The AEB Administrator mails the approved application to the Applicant with a cover letter stating that the permit has been approved, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Approved Letter**].

Proceed to Step 10.

Step 8: AEB Administrator Permit Elevation. The AEB Administrator may elevate a permit decision to the Planning Commission based on a written finding that the permit application may:

- A. Have potential, significant or negative impacts on or in conflict with Borough interests, resources or activities in a manner or to a degree that warrants consideration by the Commission;
- B. Conflict with adopted Borough policies in a manner or to a degree that warrants consideration by the Commission and cannot be easily decided by the Borough Planning Director; or,
- C. Raised a particular issue or set of issues that warrants consideration by the Commission.

Offshore & Direct Marketing Seafood Processing Land Use Permit applications elevated to the Planning Commission will be placed on the next scheduled meeting of the Planning Commission.

The Applicant must participate in the Planning Commission meeting at a location designated by AEB, and present its application. If the applicant does not participate in the Planning Commission meeting, the Planning Commission will deny the permit, unless the Planning Commission chairperson agrees to defer the permit action to the next meeting.

The Planning Commission decision will be made at the meeting. The permit will either be approved or denied. Denied permits may be appealed to the Borough Board of Adjustment.

If the AEB Administrator decides to elevate the permit application to the Planning Commission, the AEB Administrator marks the “elevated” box affirmatively in Section 9 of the permit application, states the reasons for the elevation, and signs the permit.

The AEB Administrator mails the application decision to the Applicant with a cover letter stating that the permit has been elevated. [Use **Example Application Elevated to Planning Commission Letter**].

The AEB Administrator places the application on the next Planning Commission meeting agenda.

The Planning Commission reviews the elevated permit and makes a decision whether to approve or deny the permit. The AEB Administrator mails the Planning Commission decision to the Applicant with a cover letter stating whether the permit application has been approved or denied. [Use **Example Planning Commission Decision Letter**].

If the permit is denied by the Planning Commission, the Applicant may appeal to the Borough Board of Adjustment.

A copy of the final decision is sent to the AEB Clerk/Planner to be recorded in the AEB database and filed.

Proceed to Step 10.

Step 9: AEB Administrator Permit Denial. The AEB Administrator denies the permit application by marking the “denied” box affirmatively in Section 8 of the permit application, states the reasons for the denial, and signs the permit.

The AEB Administrator mails the denied application to the Applicant with a cover letter stating that the permit has been denied, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Denied Letter**].

The Applicant has an opportunity to appeal the permit to the Planning Commission.

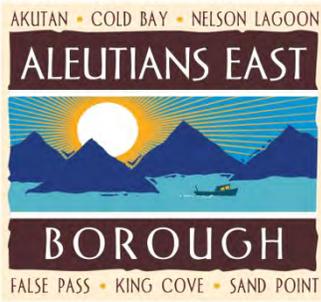
Proceed to Step 10.

Step 10: The AEB Clerk/Planner receives the permit decision, finalizes the checklist, scans the final documents, enters the information into the database and files all records related to the permit action.

Renewals

Renewal applications will be processed using the same procedures as an initial permit application. The Administrator has the authority and discretion to elevate any permit renewal application that it deems necessary.

Phone Conversations and Meetings with Applicant and Others About the Permit: All phone conversations and meetings about the permit must be documented and placed in the permit file. Accurately documenting all conversation and meetings held on a permit action is a good administrative practice, and allows any AEB staff to open the file and observe the history of actions taken on the permit. This practice also provides an accurate record on the permit if the applicant, public or AEB management has a question, and will serve as an important set of records if the permit is appealed, or if there is an enforcement action. It is very important to keep accurate, detailed, and complete records. Make factual notes and keep track of action items and commitments. [Use **Example Phone and Meeting Logs if helpful and efficient**].



ALEUTIANS EAST BOROUGH

ONSHORE SEAFOOD PROCESSING 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.	OSP: ___-___-__
Date Received:	___/___/___
Date Approved:	___/___/___

Section No. 1: Permit Applicant Information

Type of Seafood Fish Shellfish Other _____

New Permit Permit Renewal

Minor Permit Amendment (administrative change) Major Permit Amendment (any increase in impact)

Name of Individual or Corporation: _____

Business Name: _____

Mailing Address: _____ (City) _____ (State) _____ (Zip) _____

Contact Person: (name) _____ (title) _____

Physical Address: (Street) _____ (City) _____ (State) _____ (Zip) _____

Office Phone: (____) - ____ - ____ Cell Phone: (____) - ____ - ____

Satellite Phone: (____) - ____ - ____ Office Fax: (____) - ____ - ____

Email Address: _____@_____._____ Webpage Address: www. _____.

Number of Years in Business: _____

Alaska Business License No.: _____ Issue Date: _____ Expiration Date: _____

ADEC Permit No.: _____ Issue Date: _____ Expiration Date: _____

Federal Tax Identification EIN No. _____

Section No. 2: Facility Information

Township: _____, Range: _____ Section: _____, Meridian: _____

Name of Facility: _____

Property Address : _____

Describe Operations and Location: _____

Hours of Operation: _____ Start Date: _____ End Date: _____

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

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: _____

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: _____

Does the instrument used to obtain legal access allow for the type, location, amount, and extent of operations described in this permit application? Yes No

If you answered "yes," are there any limitations placed on your operations? Yes No

If you answered "yes," please describe the limitations _____

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: _____

Other: _____

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: _____

Other: _____

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: Required Attachments to Permit Application

- Location Map(s): Must clearly show land ownership, all buildings, and township, range and section.
- Transportation Map(s) including routes of access, showing ingress and egress routes
- Plot plan showing the location, name, and brief description of all buildings in the seafood processing facility including housing and employee services. Attach a drawing with buildings labeled by name and use.

All maps & drawings must be submitted electronically for incorporation into the Borough's electronic system.

- Plan of Operations
- Design Plans (for any new facilities)
- Reclamation Plan
- Emergency & Medical Plan
- Transportation Plan
- A copy of the most recent complete (all five pages) applicant's ADEC Seafood Processors Application
- A copy of the most recent complete (all three pages) applicant's Application for Federal Processor Permit
- A copy of all State of Alaska Permits, Fisheries Business License, and APDES/NPDES (Notice of Intent Form)
- A copy of all federal permits including EPA Seafood Processing Waste Permit
- Fee Payment to the Aleutians East Borough for the Application Fee
- Local Economic Development Plan
- Historical and Cultural Resources Protection Plan
- Pollution Prevention Plan
- Hazardous Materials and Hazards Assessment Plan
- Good Neighbor Plan

(\$1,000 for new permit applications and renewal applications. \$50 for each permit amendment.)

Section No. 5: Prior Operating Experience in Aleutians East Borough

- Business has previously processed seafood within the AEB boundaries. Yes No
- Business has operated this business in AEB boundaries in prior years. Yes No Number of Years: _____
- Business has all required private, local, state, and federal permits, licenses, and/or authorizations. Yes No
- Business has operated in compliance with all local, state & federal requirements since inception. Yes No
- Business paid sales tax to AEB as required. Yes No
- Permits, licenses and/or authorizations for this business are subject to current enforcement action. Yes No
- Reason for enforcement action : _____
- _____
- Permits, licenses and/or authorizations for this business have been revoked in the past. Yes No
- Reason for revocation: _____

Section No. 6: Agreement to Comply with Sales Tax Payment

The Aleutians East Borough collects a two percent sales tax of raw fish product within its boundaries. The tax applies to the sale of raw fish whether delivered directly or indirectly to the buyer in the Borough. The tax levied by the Borough is an obligation of the seller. The buyer shall collect the tax at the time of sale by withholding from payment to the seller the amount of the tax. If payment is not made at the time of sale or delivery, the buyer shall segregate from funds of the buyer an amount equal to the tax due on the sale. I agree to comply with Aleutian East Borough's Municipal Code Chapter 60.20, Sales Tax payment requirements.

Applicant Name (printed): _____ Title: _____

Applicant Signature: _____ Date: _____

Section No. 7: 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 business operations 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 Aleutians East Borough 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 Aleutian's East Borough boundaries by me, the company I represent, and all contractors, subcontractors, guests, clients and their employees.

Applicant Name (printed): _____ Title: _____

Applicant Signature: _____ Date: _____

Section No. 8: Permit Decision [AEB Use Only]

Fee Paid: Yes No Check No.: _____ Amount: _____

Pre-Application Meeting Held Date: _____

Application Meeting Held Date: _____

Final Complete Application Submitted Date: _____

90 Day Application Review Period Start Date: _____ End Date: _____

Note: 90 day review period includes 30 day written public review that must be completed within that 90 day period.

30 Day Public Review Period Start Date: _____ End Date: _____

90 Day Application Review Period Extended No Yes New End Date: _____

Administrator Recommendation to PC Date: _____

60 Day PC Application Review Period Start Date: _____ End Date: _____

Note: 60 day review period includes one meeting of Planning Commission (PC) with opportunity for public comment

60 Day Application Review Period Extended No Yes New End Date: _____

PC Recommendation to Assembly Date: _____

30 Day Assembly Decision Period Start Date: _____ End Date: _____

Note: 30 day review period includes one meeting of Assembly with opportunity for public comment

30 Day Assembly Decision Period Extended No Yes New End Date: _____

Assembly Decision

Approved: Approval Date: _____ Expiration Date: _____

Denied: Reason: _____

Additional Permit Stipulations Attached (in addition to Section No. 9 Permit Stipulations) Yes No

Mayor or Designee Name (printed): _____

Mayor or Designee Signature: _____

Section No. 9: Land Use Permit Stipulations

- ✦ **Permit Term:** This land use permit is issued for the period specified in the permit; a period not to exceed five years. Permittee shall have an approved permit prior to conducting any processing operations. 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 operations that are not specifically described in the permit application and supporting documents submitted and approved as part of this permit. 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, clients, 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 and use of 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, clients 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 Borough property resulting from 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 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 its State of Alaska Business License and any other 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.
- ✦ **Compliance with Approved Plans:** Permittee must adhere to its approved maps, drawings, Plan of Operations, Local Economic Development Plan, Design Plans, Historical and Cultural Resources Protection Plan, Reclamation Plan, Water, Waste Water and Solid Waste Management Plan, Emergency & Medical Plan, and Hazardous Materials and Hazards Assessment Plan.
- ✦ **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, except for those areas specifically authorized for seafood processing. 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.
- ✦ **Fish Habitat Protection:** Permittee's operations shall not adversely affect spawning, rearing, migrating, or over wintering areas for anadromous fish. Permittee's operations shall avoid causing increases in sedimentation, siltation and the resulting turbidity that could have a significant adverse impact to aquatic productivity and habitats, marine fish, shellfish, or anadromous fish populations in marine, estuarine, and freshwater environments. In streams and their floodplains which provide habitat for anadromous fish, operations shall minimize clearing of riparian vegetation and disturbance of natural banks.
- ✦ **Water Appropriation:** Operations shall not withdraw surface waters at a withdrawal rate or timing which adversely affects anadromous fish habitat, particularly spawning or overwintering areas
 - ✦ **Water Quality:** Operations shall not adversely impact water quality and natural productivity of streams, rivers, and lakes within the Borough and shall significantly increase water turbidity or rate of sediment deposition above natural levels. Toxic/harmful effluents shall not be discharged into the Borough watersheds or water bodies. Zero water pollution discharge should be achieved unless the Applicant proves to the Borough that it is not technically feasible.
 - ✦ **Human Health and Socioeconomics:** Facilities must be sited, designed and operated in a manner that protects human health from adverse impacts. Facilities must improve the quality of life for local residents and must not have adverse socioeconomic affects.

- ✦ **Air Quality:** Operations shall not adversely impact air quality or human health.
- ✦ **Best Available Air Emission Control Technology:** shall be installed for criteria air pollutants (including oxides of nitrogen and sulfur, carbon monoxide, particulate matter, volatile organic compounds) and hazardous air pollutants.
- ✦ **Fuel/Power Selection:** The lowest air pollution impact fuel sources shall be used. Solar, wind and other alternative power sources must be considered unless the Applicant proves to the Borough that it is not technically feasible. Where alternative energy options are not technically feasible, natural gas fired combustion systems shall be used whenever possible. Ultra-low sulfur diesel fuels shall be used.
- ✦ **Vapor Controls:** All equipment and facilities must install vapor recovery systems to reduce volatile organic compounds (VOCs) and Hazardous Air Pollutants (HAP) by at least 98%. Direct venting of VOCs and HAPs to the atmosphere is prohibited.
- ✦ **Transportation:** Transportation routes and methods used to bring equipment and supplies to the processing plant and to transport product from the plant shall not adversely impact biological resources or community lifestyle. Any damage to road systems, docks or other public transportation infrastructure shall be repaired by the Permittee at its cost.
- ✦ **Docks, Ports and Loading Facilities:** Docks, ports and loading facilities must be sited to limit impact on fish, shellfish, wildlife and their habitat. Fisherman and local vessels must be allowed safe harbor. Dredging must not adversely impact fish or shellfish resources.
- ✦ **Fires:** Permittee shall take all reasonable and prudent precautions to prevent and suppress forest, brush, and grass fires and comply with Alaska Fire Marshal regulations. Open burning of hazardous or contaminated material is strictly prohibited. Black smoke is prohibited.
- ✦ **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 processor's 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:** Portable or permanently installed sanitation systems shall be provided for workers use. All grey water and human waste shall be collected and disposed of at an ADEC approved disposal site.
- ✦ **Fuel and Chemical Storage:** All fuel and chemical 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.
- ✦ **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 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, supplies, waste, and fuel shall be removed before the end of each authorized term of use, or on or before permit termination.
- ✦ **Permanent Facilities, Structures and Access Routes:** This permit does not grant the Permittee the right to construct any road, dock, port, or 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 or a copy should be posted at the processing plant in a location visible to all employees and the public. 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 the processing business permitted under this authorization is purchased by another owner, this permit is no longer valid. A new permit application shall be submitted by the new owner, 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 processing operations 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 1.20.020 and 1.24.010, 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, ejectment, 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 records of business activities conducted in AEB for at least 5 years after the permit has been discontinued.
- ✦ **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:** By January 15th of each calendar year, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, confirming that it is complying with all AEB approved plans, permit stipulations and requirements.
- ✦ **Final Report:** Within 180 days after this permit expires, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

General Permit Instructions

- ✦ **Who needs a permit?** Title 40 of the Aleutians East Borough Municipal Code (AEBMC) requires Onshore Seafood Processors to obtain a land use permit within the Aleutians East Borough, excluding the municipal lands where AEB has delegated land use planning authority to an AEB municipality (see AEBMC 40.01.090).
 - ✦ “Onshore Seafood Processor” means a for-profit company that buys, processes, and/or exports a fishery resource using facilities located onshore. This definition excludes Offshore Seafood Processors and Direct Marketing Seafood Processors.
- ✦ **Do I need a permit if I plan to process seafood within an AEB Municipality (Incorporated City) that has land use planning authority under AEBMC 40.01.020?** You do not need an AEB land use permit. You may be required to obtain a city business license, register your business, and/or obtain a city land use permit. Please contact the city office for more information on their requirements.
- ✦ **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?** No. This application must be typed.
- ✦ **Where do I send my Permit Application?** Please mail a completed copy of the permit application, a check for the application fee, 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 \$1,000 for the initial permit application and each renewal application. Permits are valid for up to 5 years maximum. Each amendment to an existing permit costs \$50.
- ✦ **How long will it take to obtain a permit?** Permit approval timelines will vary based on permit application complexity, completeness and degree of public interest; however, you should plan for at least a period of one year. Your first step should be to meet with the AEB for a Pre-Application Meeting to discuss your permit application and goals, this meeting will give the AEB a better understanding of your project proposal and will provide AEB with the opportunity to identify and fund resources to assist on the project.
- ✦ **Is a Pre-Application Meeting required?** Yes. You must meet with the AEB for a pre-application meeting at least 180 days period to submitting the application for approval.

- ✦ **When is my permit application due?** Your permit application should be submitted at least 180 days prior to the time you need an approved permit. Most permit approvals should be issued within 180 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 period specified in the permit; a period not to exceed five years. 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 permit 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?** Approved permits are valid for the period specified in the permit; a period not to exceed five years. A renewal application must be submitted at least 180 days before your permit expires. Permittees that have operated in compliance for the prior permit term (with no violations) and have paid all required taxes on time, may be eligible for an expedited renewal process if the renewal application does not increase impact over the original permit approval. Renewal applications that meet these criteria will be processed in 30 days by the Administrator without public review.
- ✦ **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. Minor amendments may be approved by the Administrator within 30 days without public review. Major amendments require Assembly approval and can take 3-6 months, and require public review.
- ✦ **What is the difference between a major and minor amendment?** A minor amendment includes administrative, scope or timing changes that do not increase impact over the original permit approval. Major amendments increase impact over the original permit approval.

Section No. 1 Instructions

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

- ✦ **What if I don't have a State of Alaska Business License?** All businesses operating in the State of Alaska are required to have a business license. See http://www.commerce.state.ak.us/occ/home_bus_licensing.html. You must obtain a license before submitting your application.
- ✦ **What if I don't have a Federal Tax ID?** All businesses operating in the State of Alaska are required to have a Federal Tax ID. See [http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-\(EINs\)](http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-(EINs)). You must obtain a federal Tax ID before submitting your application.

Section No. 2 Instructions:

Please fill out all the required information in Section No. 2. Check all boxes that apply. Please provide a brief description of your operations and location. You are also required to provide a Plan of Operations with your permit application where you can provide more detail.

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 business 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 commercial purposes. Please provide a contact name and phone number that can verify your legal agreement.

Section No. 4 Instructions:

Please provide all the required information in Section No. 4.

- ✦ **Is there a specific format that must be used for maps?** Yes, please consult with the AEB at your pre-application meeting. Maps are requested electronically, in Adobe acrobat pdf, and at least two hard copies.
- ✦ **What information must be contained in the Plan of Operations?** Please describe your project scope, schedule, and plans for operating the facility.
- ✦ **What information must be contained in the Local Economic Development Plan?** Please explain your plans to: (1) train

local residents to become qualified for jobs; (2) plan for recruiting and hiring local residents, including a mechanism for announcing jobs and recruiting locally qualified applicants in the lease area; (3) plan for using local contractors and local businesses, including mandatory notification to qualified local contractors and businesses announcing contract opportunities; and, (4) reporting process documenting the success of the Economic Opportunity Plan in providing local hire and contracting opportunities to AEB residents.

- ✚ **What information must be contained in Design Plan?** Design Plans should be submitted if any new facilities are planned. The plans should show the location, size and type of new facilities planned.
- ✚ **What information must be contained in the Historical and Cultural Resource Protection Plan?** This plan should demonstrate that the proposed site of the facilities has been cleared by an expert, and that construction on this site will not adversely impact historical and cultural resources.
- ✚ **What information must be included in the Transportation Plan and Maps?** The map shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050 and must describe existing and new transportation infrastructure needed, anticipated haul routes, and points of ingress and egress to the facilities (including a map of these routes). An outline and estimated schedule of planned annual crew changes should be included.
- ✚ **What information must be included in the Pollution Prevention Plan?** The Pollution Prevention Plan must include best management practices for protecting drinking water, air, and local food sources from pollution, including a recycling program. Water requirements, sources and methods of obtaining water, rate of acquisition, design of wastewater treatment systems, and solid waste estimates handling methods should all be included.
- ✚ **What information must be included in the Good Neighbor Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060. It must include a plan to ensure surrounding residential properties are not adversely impacted by excessive noise, fumes, odors, pollution, contamination, glare, smoke, light, vibration, dust, litter or interference with media reception and should include charitable or in-kind contributions to support local education, art, and charities, and provide employment training programs to maximize local hire.
- ✚ **What information must be included in the Emergency & Medical Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050 and must provide for adequate medical, rescue, fire, and other emergency services. The plan should preferably include proposals to fund expansion of existing emergency services to support increased demands created by the new Resource Development project.
- ✚ **What information must be included in the Hazardous Materials & Hazards Assessment Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050 and must include an evaluation of all potential hazardous material discharges, and hazards to the facility including, but not limited to, geophysical hazards, fire, flood, erosion, earthquake, coastal storms, and ice.
- ✚ **How do I find a copy of the AEB's Coastal Zone Enforceable Policies?** A copy can be found at <http://www.aleutianseast.org/> under the Permitting Page.
- ✚ **Who do I make the permit fee check out to?** The Aleutians East Borough.
- ✚ **Can I pay for the permit fee using a credit card?** No. The AEB does not accept credit card payment at this time.
- ✚ **Can I pay for the permit fee using cash?** No. You must pay by check.

Section No. 5 Instructions:

Please fill out all the required information in Section No. 5. Check all boxes that apply. The AEB will take into consideration any currently pending enforcement action, non-payment of taxes, or prior revocations in making its decision on whether or not to approve the permit.

Section No. 6 Instructions:

Please sign and date Section No. 6. Applications that are not signed will not be accepted.

Section No. 7 Instructions:

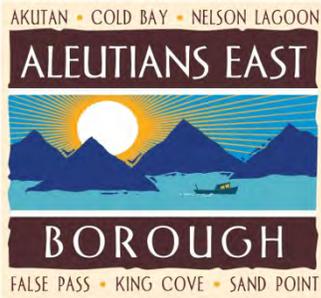
Please sign and date Section No. 7. Applications that are not signed will not be accepted.

Section No. 8 Instructions:

Section No. 8 is for AEB administrative use only. This section of the permit allows AEB to track the permit approval process.

Section No. 9 Instructions:

Section No. 9 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.



ALEUTIANS EAST BOROUGH

ONSHORE SEAFOOD PROCESSING LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

Standard Operating Procedure	
Effective Date:	, 2013
Revision Date(s):	
Revision No:	

Purpose:

The Aleutians East Borough Municipal Code (AEBMC) Title 40 requires Onshore Seafood Processors to obtain a land use permit for operating a business within the Aleutians East Borough (AEB) boundaries. This document provides AEB staff with a Standard Operating Procedure (SOP) for processing an Onshore Seafood Processing Land Use Permit Application.

Revision History:

This is the first version of the Aleutians East Borough (AEB) Onshore Seafood Processing Land Use Permit (OSP) Standard Operating Procedure.

Application Requirements:

All Onshore Seafood Processing Land Use Permit Applications must:

1. Meet the requirements of AEBMC Title 40;
2. Be submitted to AEB using AEB’s Onshore Seafood Processing Land Use Permit Application Form;
3. Be submitted with the required application fee; and
4. Be complete and signed by the Onshore Seafood Processor.

Application Approval Procedures:

All Onshore Seafood Processing Land Use Permit Applications must be approved using the following steps described below and shown in the flowchart on the following page:

Step 1: Application Received. The AEB receives the Onshore Seafood Processing Land Use Permit Application at the Sand Point Office.

Step 2: Assign Permit Number and Enter in Database. The AEB Clerk/Planner assigns a permit number and enters that permit number on the first page of the permit application (in the upper right hand corner).

The permit numbering system for the Onshore Seafood Processing Permit starts with OSP (indicating it is a Onshore Seafood Processing Permit), followed by the year, and a number assigned for each permit application received in a calendar year. For example the first OSP application received in calendar year 2013 would be assigned a permit number OSP: 2013-01, the second permit application would be assigned a permit number OSP: 2013-02, etc.

If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g. OPS: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g. OSP: 2013-01-A2), etc.

Below the permit number, the AEB Clerk/Planner enters the date the permit application was received. The AEB Clerk/Planner scans the permit, and enters the permit into AEB’s permit database.

Step 3: Verify Fee Payment. The AEB Clerk/Planner verifies that the permit fee was paid by the Applicant. If the fee was not paid, the AEB Clerk/Planner will contact the Applicant and request the fee to be paid prior to proceeding with processing the application any further. The AEB Clerk/Planner should document in the application file, who they spoke with and the date that the fee payment request was made. A follow-up letter can also be sent and placed in the file.

Once the AEB Clerk/Planner verifies that the fee was paid, they mark the Fee Paid “yes” box in Section No. 8 of the permit application, and enter the check number and amount paid on the lines provided.

Step 4: Review Application for Completeness. The AEB Clerk/Planner reviews the application for completeness.

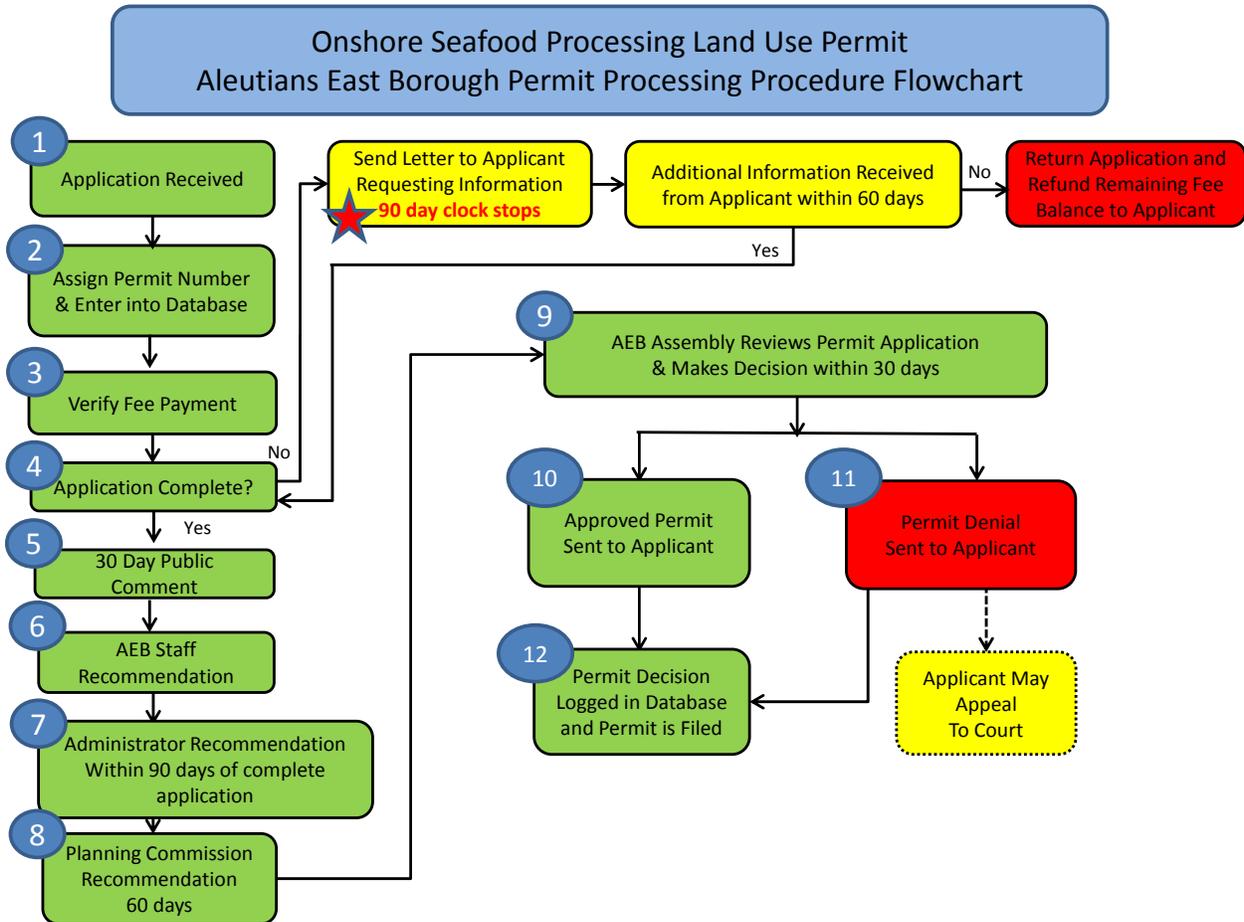
If the application is deemed complete, the AEB Clerk/Planner moves to Step 5 and public notices the permit for a period of 30 calendar days. The 30 day period does not exclude weekends or holidays (see AEBMC 1.12.010 definition of “computation of time” that explains that public notice periods shall be strictly computed by excluding the first day and including the last day without excluding weekends or holidays).

The AEB Administrator must make a recommendation to the Planning Commission on this permit application within 90 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, and must take into account any comments received in the 30 day public notice period.

If the application is deemed incomplete, the 90 day application processing time clock stops on the date that the AEB Clerk/Planner sends a letter to the applicant requesting additional information to process the application [**Use Example Request for Additional Information Letter**].

If the Applicant provides additional information and the application is determined complete, the time remaining on the 90 day clock resumes.

If the Applicant does not provide the required information within 60 days from the date of AEB’s request, the application is returned to the Applicant. [Use **Example Application Returned Letter**].



Step 5: AEB 30 Day Public Comment Period. If the application is deemed complete, the AEB Clerk/Planner public notices the permit for a period of 30 calendar days. The 30 day period does not exclude weekends or holidays. The public notice will start when the notice is posted in two locations in each community, and is posted on the AEB Public Notice webpage.

The AEB Clerk/Planner will ensure that the public notice clearly explains the time period for submitting comments (specify end date and time), explain where the permit application review documents can be found (in electronic and hard copy), and specify the format for written comments.

The AEB Clerk/Planner will collect and keep accurate records of all public comments received in the permit application file, and will ensure that public comments are recorded and addressed in its Staff Recommendation (in Step 6).

The AEB Administrator must make a recommendation to the Planning Commission on this permit application within 90 calendar days of application receipt, excluding weekends and Borough holidays, and must take into account any comments received in the 30 day public notice period.

Step 6: AEB Staff Recommendation. The AEB Clerk/Planner, prepares in coordination with consulting experts (if needed) a written recommendation on whether to approve or deny the permit, including detailed explanation and justification. This staff recommendation must address public comment received during the 30 day comment period.

The AEB Clerk/Planner forwards the Staff Recommendation to the AEB Administrator with a copy of the permit check list [Use **OSP Checklist**].

Step 7: AEB Administrator Recommendation. The AEB Administrator reviews the AEB Staff recommendation and formulates a final written Administrator's recommendation on whether to approve or deny the permit to send to the Planning Commission within the 90 day period (described above in Step 4).

The 90 day period excludes Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of "computation of time") excluding the first day and including the last day.

Step 8: Planning Commission Recommendation. The Planning Commission reviews the Administrator's recommendation within the 60 day period allotted under AEBMC at either its next regularly scheduled meeting, or a special meeting date may need to be set to meet the required timeframe. The Applicant can agree to delay the decision beyond 60 days to the next regularly scheduled Planning Commission meeting.

The Planning Commission meeting will be open to the public, and this permit will be placed on the agenda for discussion and a period for oral public comment will be provided.

The Planning Commission reviews the Administrator's recommendation and formulates a final written Planning Commission recommendation on whether to approve or deny the permit to send to the Planning Commission within the 60 day period.

The 60 day period excludes Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of "computation of time") excluding the first day and including the last day.

Step 9: Assembly Recommendation. The Assembly reviews the Planning Commission recommendation within the 30 day period allotted under AEBMC at either its next regularly scheduled meeting, or a special meeting date may need to be set to meet the required timeframe. The Applicant can agree to delay the decision beyond 30 days to the next regularly scheduled Assembly meeting.

The Assembly meeting will be open to the public, and this permit will be placed on the agenda for discussion and a period for oral public comment will be provided.

The Assembly reviews the Planning Commission recommendation and formulates a final written Assembly recommendation on whether to approve or deny the permit within the 30 day period.

The 30 day period excludes Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of “computation of time”) excluding the first day and including the last day.

If the decision is to approve the permit, proceed to Step 10.

If the decision is to deny the permit, proceed to Step 11.

Step 10: AEB Assembly Permit Approval. The Mayor approves the permit application by marking the “approved” box in Section 8 of the permit application, entering the approval date and expiration date, indicating whether additional permit stipulations were added, and signing the permit. The Mayor also fills in the permit expiration date on the first page of the application (upper left hand corner).

If additional permit stipulations were added to the permit approval, the Mayor drafts those stipulations and attaches them to the permit approval. [Use **Example Additional Stipulation Supplement Form**].

Onshore Seafood Processing Land Use Permits are only valid for the period of time specified in the permit; a period not to exceed five years.

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.

The AEB Administrator mails the approved application to the Applicant with a cover letter stating that the permit has been approved, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Approved Letter**].

Proceed to Step 12.

Step 11: AEB Assembly Permit Denial. The Mayor denies the permit application by marking the “denied” box affirmatively in Section 8 of the permit application, states the reasons for the denial, and signs the permit.

The AEB Administrator mails the denied application to the Applicant with a cover letter stating that the permit has been denied, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Denied Letter**].

The Applicant has an opportunity to appeal the permit to Alaska Superior Court in accordance with Alaska State Law (see AEBMC 40.01.080).

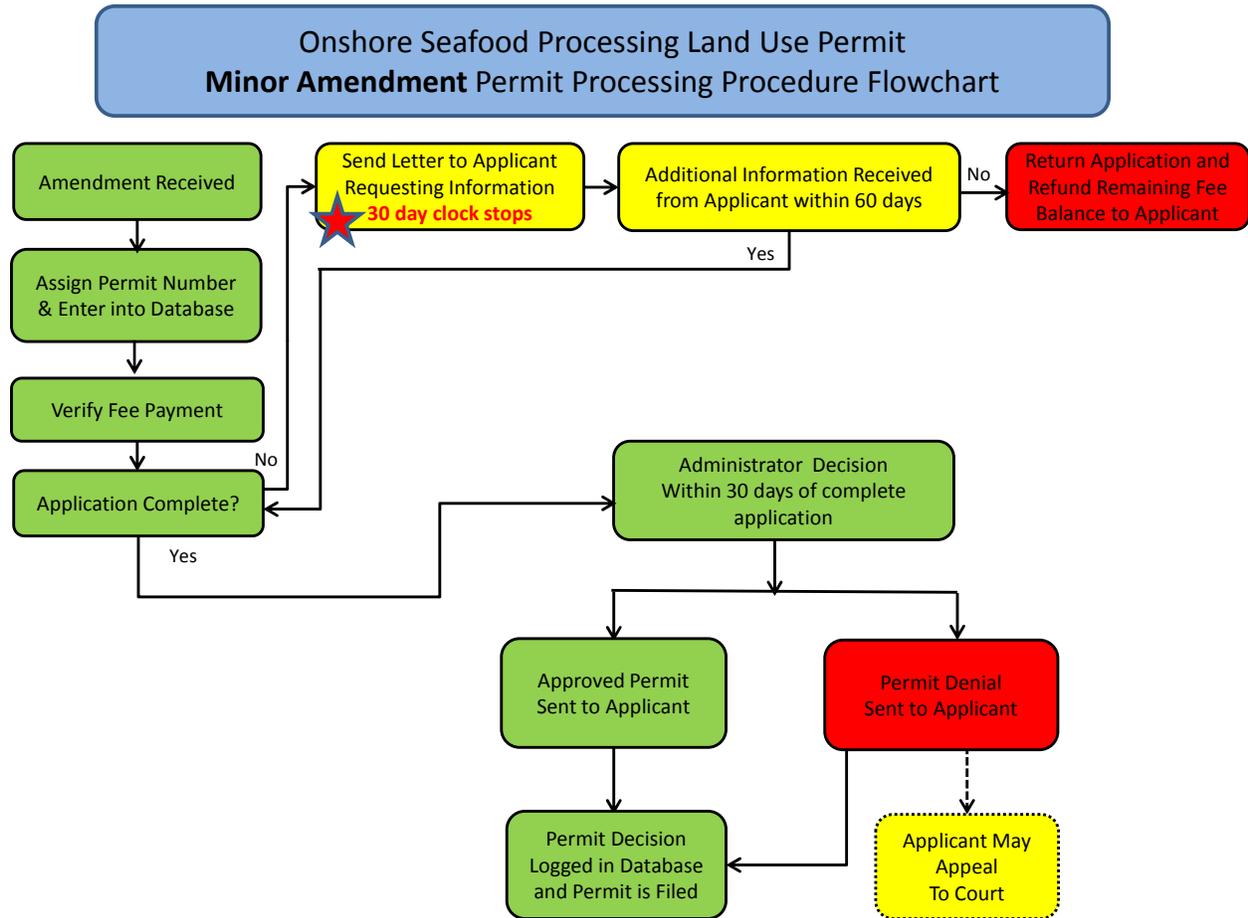
Proceed to Step 12.

Step 12: The AEB Clerk/Planner receives the permit decision, finalizes the checklist, scans the final documents, enters the information into the database and files all records related to the permit action.

Minor Amendment Process

Minor amendments may be approved by the Administrator. A minor amendment is defined as an administrative, scope or timing change that does not increase impact over the original permit approval. Minor amendments will be processed in 30 days by the Administrator.

If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g., OSP: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g., OSP: 2013-01-A2), etc.

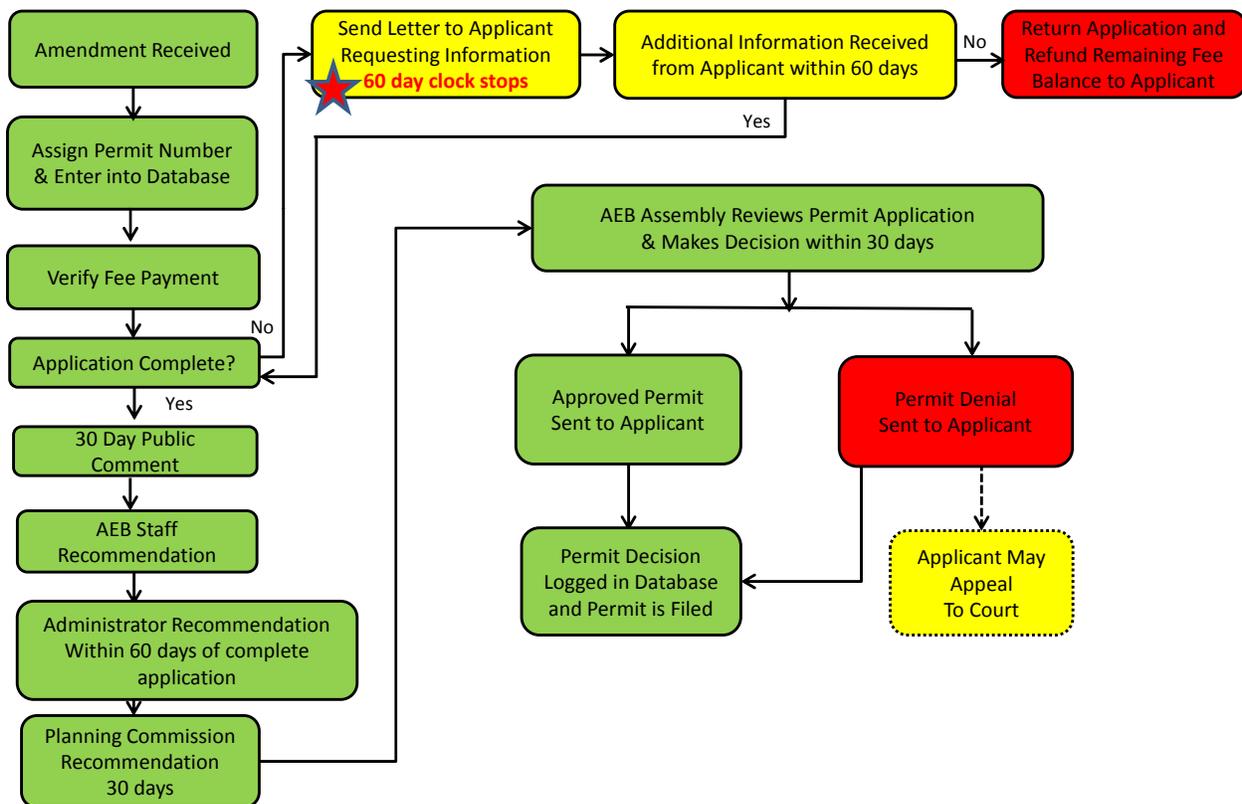


Major Amendment Process

Amendments that increase impact over the original permit approval will require Assembly approval. Major Amendments are subject to a 30 day public comment period. The Administrator will have 60 days, including the 30 day public comment period to make a recommendation to the Planning Commission. The Planning Commission will review the amendment at the next scheduled meeting, and will make a recommendation to the Assembly. The Assembly will review the amendment at the next scheduled meeting and will make a decision.

If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g. OSP: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g. OSP: 2013-01-A2), etc.

Onshore Seafood Processing Land Use Permit Major Amendment Permit Processing Procedure Flowchart



Renewals

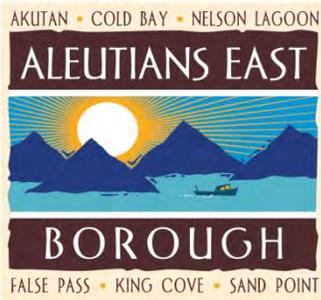
Onshore Seafood Processing Land Use Permit renewals may be approved by the Administrator, without public review if the renewal application meets certain criteria. The Onshore Seafood Processing Operation must have operated in compliance for the prior permit term (with no violations) and must have paid all required taxes on time. The renewal application must only include administrative, scope or timing changes that do not increase impact over the original permit approval. Renewal applications that meet these criteria will be processed in 30 days by the Administrator using the procedures described above for a minor amendment. There will be no public review.

Renewal applications that do not meet the above criteria require Administrator and Planning Commission review, Assembly approval and public review, and will be processed using the same procedures as an initial permit application.

The Administrator has the authority and discretion to elevate any permit renewal application that it deems necessary.

Phone Conversations and Meetings with Applicant and Others About the Permit: All phone conversations and meetings about the permit must be documented and placed in the permit file. Accurately documenting all conversations and meetings held on a permit action is a good administrative practice, and allows any AEB staff to open the file and observe the history of actions taken on the permit. This practice also provides an accurate record on the permit if the applicant, public, or AEB management

has a question, and will serve as an important set of records if the permit is appealed, or if there is an enforcement action. It is very important to keep accurate, detailed, and complete records. Make factual notes and keep track of action items and commitments. **[Use Example Phone and Meeting Logs if helpful and efficient].**



ALEUTIANS EAST BOROUGH

LARGE MINING OPERATIONS 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.	MCMO: 20 __-__-__
Date Received:	___/___/___
Date Approved:	___/___/___

Section No. 1: Permit Applicant Information
Type of Mining <input type="checkbox"/> Coal <input type="checkbox"/> Mineral (name type (s)) _____ <input type="checkbox"/> New Permit <input type="checkbox"/> Permit Renewal <input type="checkbox"/> Permit Amendment will not increase impact (minor) <input type="checkbox"/> Permit Amendment will increase impact (major)
Name of Operator: _____
Business Name: _____
Address: (Street) _____ (City) _____ (State) _____ (Zip) _____
Contact Person: (name) _____ (title) _____
Office Phone: (____) - ____ - ____ Cell Phone: (____) - ____ - ____
Satellite Phone: (____) - ____ - ____ Office Fax: (____) - ____ - ____
Email Address: _____@_____._____ Webpage Address: www. _____.
Number of Years in Business: _____
State of Alaska Business License No.: _____ Issue Date: _____ Expiration Date: _____
Federal Tax Identification EIN No. _____

Section No. 2: Mining Description, Location and Timing
Township: _____, Range: _____ Section: _____, Meridian: _____
Property Address : _____
Estimated number of tons mined per year: Coal _____ Mineral(s) _____
Estimated surface area to be disturbed: _____ (acres) Depth of excavation _____ (feet)
Describe Operations and Location: _____ _____ _____
Hours of Operation: _____ Start Date: _____ End Date: _____ Reclamation Date: _____
Days of Operation: <input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday <input type="checkbox"/> Friday <input type="checkbox"/> Saturday <input type="checkbox"/> Sunday
Months of Operation: <input type="checkbox"/> January <input type="checkbox"/> February <input type="checkbox"/> March <input type="checkbox"/> April <input type="checkbox"/> May <input type="checkbox"/> June <input type="checkbox"/> July <input type="checkbox"/> August <input type="checkbox"/> September <input type="checkbox"/> October <input type="checkbox"/> November <input type="checkbox"/> December
<input type="checkbox"/> Map(s) of Location Attached to Application (required) <input type="checkbox"/> 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: _____

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: _____

Does the instrument used to obtain legal access allow for the type, location, amount and extent of coal or mineral excavation operations described in this permit application? Yes No

If you answered "yes," are there any limitations placed on your operations? Yes No

If you answered "yes," please describe the limitations _____

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: _____
 Other: _____
 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: _____
 Other: _____
 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: Required Attachments to Permit Application

- Location Map(s): Must clearly show land ownership, natural features, and township, range and section. Maps must be submitted electronically for incorporation into the Borough’s electronic information system.
- Transportation Plan including routes of access marked on map(s) showing ingress and egress routes.
- Project Scope and Schedule
- Study & Project Monitoring Plan
- Field Office Plan
- Good Neighbor Plan
- Pollution Prevention Plan
- Reclamation Plan
- A copy of State of Alaska Business License
- A copy of final Federal Environmental Impact Statement (EIS) or Environmental Assessment (EA), if required.
- A copy of all state and federal permit decisions.
- Large Mining Operations Permit Fee Fund Payment (Confirmation that \$25,000 was deposited at the pre-application meeting.)
- Large Mining Operations Permit Fee Fund Balance of at least \$10,000 (renewals and amendments)
- Conflict Avoidance Plan (Fisheries and Subsistence Use)
- Local Economic Development Plan
- Infrastructure Support Plan
- Historical and Cultural Resources Protection Plan
- Hazards Assessment Plan
- Surety
- Emergency Plan

Section No. 5: Prior Operating Experience in Aleutians East Borough

I have previously explored for minerals or coal at this location under an AEB permit. Yes No

I have operated this business 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

Business has operated in compliance with all local, state & federal requirements since inception. Yes No

I have paid severance tax to AEB as required since 2011. Yes No No mining since 2011

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

Reason for enforcement action : _____

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

Reason for revocation: _____

Section No. 6: Agreement to Comply with Severance Tax Payment

Mining, extracting, harvesting, removing or producing for sale, profit or commercial use, any copper, gold, silver, zinc, lead, molybdenum, or other metallic mineral product, compound, or combination of mineral products or mining, quarrying, or producing for sale, profit, or commercial use any coal anywhere within the Aleutian East Borough is subject to a Severance Tax of 1.5% times the gross production value per ton unless the annual gross production value of the operation does not equal or exceed \$5,000 annually. I agree to comply with Aleutian East Borough’s Municipal Code Chapter 60.40, Severance Tax payment requirements.

Applicant Name (printed): _____ Title: _____

Applicant Signature: _____ Date: _____

Section No. 7: 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 business operations 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 Aleutians East Borough 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 Aleutian's East Borough boundaries by me, the company I represent, and all contractors, subcontractors, guests, clients and their employees.

Applicant Name (printed): _____ Title: _____

Applicant Signature: _____ Date: _____

Section No. 8: Permit Decision [AEB Use Only]

\$25,000 Initial Fee Paid: Yes No Check No.: _____ Amount: _____

Pre-Application Meeting Held Date: _____

Application Meeting Held Date: _____

Verification of minimum \$10,000 Fee balance (amendments or renewals) Date: _____

Final Complete Application Submitted Date: _____

90 Day Application Review Period Start Date: _____ End Date: _____

Note: 90 day review period includes 30 day written public review that must be completed within that 90 day period.

30 Day Public Review Period Start Date: _____ End Date: _____

90 Day Application Review Period Extended No Yes New End Date: _____

Administrator Recommendation to PC Date: _____

60 Day PC Application Review Period Start Date: _____ End Date: _____

Note: 60 day review period includes one meeting of Planning Commission (PC) with opportunity for public comment

60 Day Application Review Period Extended No Yes New End Date: _____

PC Recommendation to Assembly Date: _____

30 Day Assembly Decision Period Start Date: _____ End Date: _____

Note: 30 day review period includes one meeting of Assembly with opportunity for public comment

30 Day Assembly Decision Period Extended No Yes New End Date: _____

Assembly Decision

Approved: Approval Date: _____ Expiration Date: _____

Denied: Reason: _____

Additional Permit Stipulations Attached (in addition to Section No. 9 Permit Stipulations) Yes No

Mayor or Designee Name (printed): _____

Mayor or Designee Signature: _____

Section No. 9: Land Use Permit Stipulations

- ✦ **Permit Term:** This land use permit is issued for the period specified in the permit; a period not to exceed five years. Permittee shall have an approved permit prior to conducting any mineral or coal mining operations. An approved permit must be maintained by the mineral or coal mining Operator until the mining operations and Reclamation Plan are completed. 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 operations that are not specifically described in the permit application and supporting documents submitted and approved as part of this permit. 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, clients 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 and use of 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, clients 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 Borough property resulting from 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 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 its State of Alaska Business License and any other 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.
- ✦ **Conflict Avoidance Plan (Fisheries and Subsistence Use):** Permittee must adhere to its approved Conflict Avoidance Plan. The plan requires that Commercial Fishing, Subsistence Use, and Sport Harvest Conflicts will be avoided. Commercial fishing, subsistence use, and sport harvest have priority. 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.
- ✦ **Compliance with Approved Plans:** Permittee must adhere to its approved Project Scope and Schedule, Study & Project Monitoring Plan, Local Economic Development Plan, Field Office Plan, Infrastructure Support Plan, Transportation Plan, Historical and Cultural Resources Protection Plan, Good Neighbor Plan, Pollution Prevention Plan, Hazards Assessment Plan, Reclamation Plan, and Emergency Plan.
- ✦ **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, except for those areas specifically authorized for mining of minerals and coal. 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.
- ✦ **Fish Habitat Protection:** Permittee's mining operations shall not adversely affect spawning, rearing, migrating, or over wintering areas for anadromous fish. Mining shall not be conducted in locations which have been documented to provide spawning, rearing or over wintering habitat for anadromous fish. Permittee's mining operations shall avoid causing increases in sedimentation, siltation and the resulting turbidity that could have a significant adverse impact to aquatic productivity and habitats, marine fish, shellfish, or anadromous fish populations in marine, estuarine, and freshwater environments. In streams and their floodplains which provide habitat for anadromous fish, mining operations shall minimize clearing of riparian vegetation and disturbance of natural banks and mining site configurations shall be shaped to blend with physical features and surroundings to provide for diverse riparian and aquatic habitats.

- ✦ **Explosives:** To protect fish, explosives shall not be detonated within, beneath, or adjacent to marine, estuarine, or fresh waters that support fish unless 1) the detonation of the explosives produces an instantaneous pressure change in the water body of no more than 2.7 pounds per square inch, and a vibration of no more than 0.5 inches per second or 2) the water body, including its substrate, is frozen, or 3) fish and marine mammals are not present.
- ✦ **In-stream Mining:** Mining operations in stream floodplains shall be located and designed to avoid adverse changes to channel hydraulics and the potential for channel diversion through the mining site. A stable bank and bed profile shall be maintained during mining. A stable bank and bed profile is one that will not alter river currents or change erosion and deposition patterns downstream.
- ✦ **Stream Alteration:** Mining operations shall not adversely affect natural stream hydraulics by channelization, diversion, spur dike construction, or other activities.
- ✦ **Water Appropriation:** Mining operations shall not withdraw surface waters at a withdrawal rate or timing which adversely affects anadromous fish habitat, particularly spawning or overwintering areas.
- ✦ **Water Quality:** Mining operations shall not adversely impact water quality and natural productivity of streams, rivers, and lakes within the Borough and shall significantly increase water turbidity or rate of sediment deposition above natural levels. Toxic/harmful effluents shall not be discharged into the Borough watersheds or water bodies. Zero water pollution discharge should be achieved unless the Applicant proves to the Borough that it is not technically feasible.
- ✦ **Air Quality:** Operations shall not adversely impact air quality or human health.
 - ✦ Best Available Air Emission Control Technology: shall be installed for criteria air pollutants (including oxides of nitrogen and sulfur, carbon monoxide, particulate matter, volatile organic compounds) and hazardous air pollutants.
 - ✦ Fuel/Power Selection: The lowest air pollution impact fuel sources shall be used. Solar, wind and other alternative power sources must be considered when technically feasible. Where alternative energy options are not technically feasible, natural gas fired combustion systems shall be used whenever possible. Ultra-low sulfur diesel fuels shall be used.
 - ✦ Vapor Controls: All equipment and facilities must install vapor recovery systems to reduce volatile organic compounds (VOCs) and Hazardous Air Pollutants (HAP) by at least 98%. Direct venting of VOCs and HAPs to the atmosphere is prohibited.
- ✦ **Overburden Disposal:** No overburden shall be disposed of in lakes, within the mean annual floodplain of streams or rivers, or below the limit of mean high water in intertidal areas and estuaries. Overburden in upland areas shall be saved and replaced on the cleared area to conform to the natural topography as part of the reclamation procedure.
- ✦ **Human Health and Socioeconomics:** Mines must be sited, designed and operated in a manner that protects human health from adverse impacts. Mines must improve the quality of life for local residents and must not have adverse socioeconomic affects.
- ✦ **Transportation:** Transportation routes and methods used to bring equipment and supplies to the mine site and to transport recovered minerals or coal from the mine site shall not adversely impact biological resources or community lifestyle. Any damage to road systems, docks or other public transportation infrastructure shall be repaired by the Permittee at its cost.
- ✦ **Docks, Ports and Loading Facilities:** Docks, ports and loading facilities must be sited to limit impact on fish, shellfish, wildlife and their habitat. Docks and ports must be added to accommodate mine needs. Fisherman and local vessels must be allowed safe harbor. Dredging must not adversely impact fish or shellfish resources.
- ✦ **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.
- ✦ **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:** Portable or permanently installed sanitation systems shall be provided at the mining operation for workers use. All grey water and human waste shall be collected and disposed of at an ADEC approved disposal site.

- ✦ **Fuel and Chemical Storage:** All fuel and chemical 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.
- ✦ **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, supplies, waste, and fuel shall be removed before the end of each authorized term of use, or on or before permit termination.
- ✦ **Permanent Facilities, Structures and Access Routes:** This permit does not grant the Permittee the right to construct any road, dock, port, or 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.
- ✦ **Reclamation:** Lands shall be restored to meet the Reclamation Plan submitted and approved as part of this permit.
- ✦ **Surety Bond.** A surety bond in the amount required by AEB must be provided to AEB prior to conducting any operations under this permit, and must be maintained until AEB has determined in writing that all requirements under this permit have been met, including site reclamation to AEB's satisfaction.
- ✦ **Permit Evidence and Inspection:** Permittee, and Permittee's employees shall carry a copy of this permit at all times or a copy should be posted at the mine site in a location visible to all employees and the public. 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 the mining business permitted under this authorization is purchased by another owner, this permit is no longer valid. A new permit application shall be submitted by the new owner, 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 mining operations 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 1.20.020 and 1.24.010, 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, ejectment, 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 records of business activities conducted in AEB for at least 5 years after the site has been remediated to the AEB's satisfaction and the permit has been discontinued.
- ✦ **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.
- ✦ **Quarterly Report:** By January 15th, April 15th, July 15th and October 15th of each calendar year, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, confirming that it is complying with all AEB approved plans, permit stipulations and requirements.

- ✦ **Survey or Another Approved Measurement Method:** On or before February 1st of each year, and within 180 days after this permit expires, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, providing survey data that verifies the amount of materials that were extracted from the mining operation. If a survey is not otherwise required by the land or mineral owner, or is cost prohibitive the Permittee may propose and obtain AEB approval of an alternative, equivalent measuring method.
- ✦ **Final Report:** Within 180 days after this permit expires, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

General Permit Instructions

- ✦ **Who needs a permit?** Title 40 of the Aleutians East Borough Municipal Code (AEBMC) requires Large Mining Operations to obtain a land use permit within the Aleutians East Borough Resource Development District, excluding the municipal lands where AEB has delegated land use planning authority to an AEB municipality (see AEBMC 40.01.020). Large Mining Operations may only occur, if permitted by AEB within the Aleutians East Borough Resource Development District.
 - ✦ “Coal Mining” means mining, extraction, harvesting removing or producing for sale, profit or commercial use any coal and all associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources.
 - ✦ “Mineral Mining” means mining, extraction, harvesting, removing or producing for sale, profit or commercial use any copper, gold, silver, zinc, lead, molybdenum, or other metallic mineral product, compound or combination of mineral products and all associated processing, refining, and transportation and distribution infrastructure required to commercially develop these resources.
 - ✦ “Large Mining Operations” means Coal Mining or Mineral Mining operations of five (5) acres or more at any one time.
- ✦ **Do I need a permit if I plan to mine within an AEB Municipality that has delegated land use planning authority under AEBMC 40.01.020?** You may be required to obtain a local business license, register your business and/or obtain a municipal land use permit. Please contact the AEB Municipality for more information on their requirements.
- ✦ **Is this a new requirement?** No. In 2006, AEB’s Assembly revised the AEBMC to require mining operations to obtain a land use permit within the AEB boundaries. In 2013, AEB updated its land use permitting requirements for mining operations, to streamline and clarify the permit application process and develop this specific permit application. The main elements of the 2006 requirements and permit approval criteria were retained.
- ✦ **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?** No. This application must be typed.
- ✦ **Where do I send my Permit Application?** Please mail a completed copy of the permit application, a check for the Resource Development Fee Fund 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?** Large Mining Operations Permit Applicants must submit an initial Large Mining Operations Permit Fee Fund payment of \$25,000 which AEB will use to pay for the cost of reviewing and approving the proposed application (See AEBMC Chapter 40.20.050). If the permit is approved the fund will also be used by the AEB to monitor mine operations for compliance with permit requirements. The Large Mining Operations Permit Fee Fund payment must be provided to the AEB at the pre-application meeting. A minimum balance of \$10,000 must be maintained in this fund at all times. Depending on the complexity of the permit application, need for experts, and the cost of inspection and oversight once the project is in operation, the AEB may not require this entire fund, or may require additional funds. Unused funds will be returned to the Applicant at the completion of the project, or if an application is withdrawn from consideration.
- ✦ **How long will it take to obtain a permit?** Permit approval timelines will vary based on permit application complexity, completeness and degree of public interest; however, you should plan for at least a period of one year. Your first step should be to meet with the AEB for a Pre-Application Meeting to discuss your permit application and goals, this meeting will give the AEB a better understanding of your project proposal and will provide AEB with the opportunity to identify and fund resources to assist on the project.
- ✦ **Is a Pre-Application Meeting required?** Yes. You must meet with the AEB for a pre-application meeting at least 180 days period to submitting the application for approval.

- ✦ **When is my permit application due?** Your permit application should be submitted at least 180 days prior to the time you need an approved permit. Most permit approvals should be issued within 180 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 period specified in the permit; a period not to exceed five years. 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 permit 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?** Approved permits are valid for the period specified in the permit; a period not to exceed five years. A renewal application must be submitted at least 180 days before your permit expires. Permittees that have operated in compliance for the prior permit term (with no violations) and have paid all required taxes on time, may be eligible for an expedited renewal process if the renewal application does not increase impact over the original permit approval. Renewal applications that meet these criteria will be processed in 30 days by the Administrator without public review.
- ✦ **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. Minor amendments may be approved by the Administrator within 30 days without public review. Major amendments require Assembly approval and can take 3-6 months, and require public review.
- ✦ **What is the difference between a major and minor amendment?** A minor amendment includes administrative, scope or timing changes that do not increase impact over the original permit approval. Major amendments increase impact over the original permit approval.

Section No. 1 Instructions

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

- ✦ **What if I don't have a State of Alaska Business License?** All businesses operating in the State of Alaska are required to have a business license. See http://www.commerce.state.ak.us/occ/home_bus_licensing.html. You must obtain a license before submitting your application.
- ✦ **What if I don't have a Federal Tax ID?** All businesses operating in the State of Alaska are required to have a Federal Tax ID. See [http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-\(EINs\)](http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-(EINs)). You must obtain a federal Tax ID before submitting your application.

Section No. 2 Instructions:

Please fill out all the required information in Section No. 2. Check all boxes that apply. Please provide a brief description of your operations and location. You are also required to provide a Project Scope and Schedule with your permit application where you can provide more detail.

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 business 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 commercial purposes. Please provide a contact name and phone number that can verify your legal agreement.

Section No. 4 Instructions:

Please provide all the required information in Section No. 4.

- ✦ **Is there a specific format that must be used for maps?** Yes, please consult with the AEB at your pre-application meeting. Maps must be submitted electronically for incorporation into the AEB's Geographic Information System, in Adobe acrobat pdf, and at least two hard copies.
- ✦ **What information must be included the Project Scope and Schedule?** The Project Scope and Schedule shall include, at a

minimum, a description of the information required by AEBMC Chapter 40.20.050:

1. Information on proposed Applicant (Operator) and any partners in the planned mine;
2. Proposed mining operations, location and timing;
3. Size and purpose of the operation;
4. Landownership and legal agreements that allow mining on the property and any past mining operations at this site;
5. A list and description of the required equipment, facilities, infrastructure and personnel;
6. Mining methods including overburden removal and storage and the amounts of material to be handled, processed or removed, and whether blasting, drilling, crushing, or screening will be performed;
7. Area and depth of the mining operation, including a map showing the topography, vegetation, distance to waterbodies, wetlands, residential areas, and other private structures or operations;
8. Amount and type of fuel that will be used and stored at the mine site and oil spill prevention measures that will be used;
9. Amounts of material to be handled, processed or removed; how the material will be processed; and how the tailings will be disposed of;
10. The actions that will be taken to minimize detrimental effects to fish and wildlife;
11. Environmentally or culturally sensitive areas at or near the mine site (e.g. fish spawning habitat, subsistence use area, nearby residential properties or schools);
12. Water and fish habitat protection measures that will be used;
13. Water requirements (i.e., intended use of appropriated waters, sources and methods of obtaining water, rate of acquisition, design of wastewater treatment systems, and instream requirements);
14. Type and quantity of any elements or chemicals to be used in mining or mineral recovery and storage plans;
15. Location and size of camp facilities and overland transportation;
16. Anticipated restriction on other surface uses of the lease area, including public access;
17. Noise, visual and dust suppression mitigation measures that will be implemented to lessen impacts on surrounding neighbors and properties;
18. Plans to comply with AEB's Coastal Zone Enforceable Policies if mining is planned in the coastal lands and waters of the Borough;
19. Safety and Security that will be used at the site; and,
20. A summary of all required local, state and federal permits and the status of those permits. If the permits have been obtained please provide the permit number and date of expiration. If permits are in the process of being issued, please provide information on the date you applied for the permit and the expected date of issue.

✚ **What information must be included in the Conflict Avoidance Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050 and must demonstrate that Commercial Fishing, Subsistence Use and Sport Harvest Conflicts will be avoided. Commercial fishing, subsistence use and sport harvest have priority. You may propose alternative site locations, transportation routes, and other mitigation measures to avoid conflict.

✚ **What information must be included in the Study and Project Monitoring Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050. The plan must be comprehensive and collect sufficient baseline and periodic monitoring data to ensure protection of human health and the environment is being achieved. The plan must be reviewed and approved by the Borough Scientific Advisory Council or an expert designated by the Borough.

✚ **What information must be included in the Local Economic Development Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050 and must include a local hire manpower plan, local business contracting plan, training program, and mentoring program for both construction and operation phases of the resource extraction project.

✚ **What information must be included in the Field Office Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050 and must explain how a field office will be set up and manned at the mine site to provide project oversight, monitoring, address local concerns, and ensure compliance.

✚ **What information must be included in the Infrastructure Support Plan?** The plan shall include, at a minimum, a

description of the information required by AEBMC Chapter 40.20.050 and must include a joint tribal, local community and Applicant agreement approved by all parties, and submitted to the AEB Borough that agrees on whether it will be beneficial to expand community infrastructure to include resource extraction needs, or whether it would be more appropriate to institute enclave development requirements.

- ✚ **What information must be included in the Transportation Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050 and must describe existing and new transportation infrastructure needed, anticipated haul routes, and points of ingress and egress to the mine site (including a map of these routes).
- ✚ **What information must be included in the Historical and Cultural Resources Protection Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050 and must demonstrate that traditional, historical, and cultural sites will not be disturbed or adversely impacted during the construction or operation of the mine.
- ✚ **What information must be included in the Good Neighbor Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050. It must include a plan to ensure surrounding residential properties are not adversely impacted by excessive noise, fumes, odors, pollution, contamination, glare, smoke, light, vibration, dust, litter or interference with media reception and should include charitable or in-kind contributions to support local education, art, and charities, and provide employment training programs to maximize local hire. This program should provide a fund for impact assistance if adverse impacts are realized by the community or individual residents.
- ✚ **What information must be included in the Pollution Prevention Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050 and must include best management practices for protecting drinking water, air, and local food sources from pollution, including a recycling program.
- ✚ **What information must be included in the Hazards Assessment Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050 and must include an evaluation of all potential hazards to the mine including, but not limited to, geophysical hazards, fire, flood, landslides, erosion, earthquake, coastal storms, and ice.
- ✚ **What information must be included in the Reclamation Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050. The Reclamation Plan shall include a description of your reclamation plans including a timeline and plans to comply with AEB's Coastal Zone Enforceable Policies if mining is planned in the coastal lands and waters of the Borough.
- ✚ **What information must be included in the Emergency Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.050 and must provide for adequate medical, rescue, fire, and other emergency services. The plan should preferably include proposals to fund expansion of existing Borough emergency services to support increased demands created by the new Resource Development project.
- ✚ **How do I determine the amount of Surety Bond required?** You must meet with the AEB and discuss the amount of Surety Bond required for your mine. AEBMC Chapter 40.20.050 requires that the surety bond be sufficient to fund: (1) Environmental clean-up and restoration requirements; (2) Compensate residents for any adverse human health impacts; (3) Compensate commercial fisherman and subsistence users for adverse impacts; and (4) Dismantle, remove, and restore the Resource Development site to its original condition prior to development.
- ✚ **What if my EIS or EA is not complete?** You should discuss the status of any federally required EIS or EA for your project with AEB at your pre-application meeting. Preferably, your permit application should be submitted after the EIS or EA is complete. If your application is submitted while the EIS or EA decision is pending, the AEB will hold your permit application decision in abeyance until the EIS and EA decision is complete, unless this requirement is waived by the AEB.
- ✚ **What if state and federal permit applications have been submitted, but decisions are pending?** You should discuss the status of any state or federal permits for your project with AEB at your pre-application meeting. Preferably, your permit application should be submitted after the state and federal permits are complete. If your application is submitted while the permit decisions are pending, the AEB will hold your permit application decision in abeyance until permits are approved, unless this requirement is waived by the AEB.
- ✚ **How do I find a copy of the AEB's Coastal Zone Enforceable Policies?** A copy can be found at <http://www.aleutianseast.org/> under the Permitting Page.
- ✚ **Who do I make the permit fee check out to?** The Aleutians East Borough.

 **Can I pay for the permit fee using a credit card?** No. The AEB does not accept credit card payment at this time.

 **Can I pay for the permit fee using cash?** No. You must pay by check.

Section No. 5 Instructions:

Please fill out all the required information in Section No. 5. Check all boxes that apply. The AEB will take into consideration any currently pending enforcement action, non-payment of taxes, or prior revocations in making its decision on whether or not to approve the permit.

Section No. 6 Instructions:

Please sign and date Section No. 6.

Mining, extracting, harvesting, removing or producing for sale, profit or commercial use, any copper, gold, silver, zinc, lead, molybdenum, or other metallic mineral product, compound, or combination of mineral products or mining, quarrying, or producing for sale, profit, or commercial use any coal anywhere within the Aleutian East Borough is subject to a Severance Tax of 1.5% times the gross production value per ton unless the annual gross production value of the operation does not equal or exceed \$5,000 annually. You must sign this section of the application certifying that you will comply with Aleutian East Borough's Municipal Code Chapter 60.40, Severance Tax payment requirements. Applications that are not signed will not be accepted.

Section No. 7 Instructions:

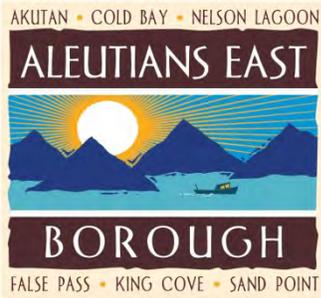
Please sign and date Section No. 7. Applications that are not signed will not be accepted.

Section No. 8 Instructions:

Section No. 8 is for AEB administrative use only. This section of the permit allows AEB to track the permit approval process.

Section No. 9 Instructions:

Section No. 9 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.



ALEUTIANS EAST BOROUGH

LARGE MINING OPERATIONS LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

Standard Operating Procedure	
Effective Date:	, 2013
Revision Date(s):	
Revision No:	

Purpose:

The Aleutians East Borough Municipal Code (AEBMC) Title 40 requires Mineral and Coal Mining Operators to obtain a land use permit for operating a business within the Aleutians East Borough (AEB) boundaries. This document provides AEB staff with a Standard Operating Procedure (SOP) for processing a Large Mining Operations Land Use Permit Application.

Revision History:

This is the first version of the Aleutians East Borough (AEB) Large Mining Operations Land Use Permit (LM) Standard Operating Procedure.

Application Requirements:

All Large Mining Operations Land Use Permit Applications must:

1. Meet the requirements of AEBMC Title 40;
2. Be submitted to AEB using AEB’s Large Mining Operations Land Use Permit Application Form;
3. Be submitted with the required Large Mining Operations Permit Fund Fee; and
4. Be complete and signed by the Mining Operator.

Application Approval Procedures:

All Large Mining Operations Land Use Permit Applications must be approved using the following steps described below and shown in the flowchart on the following page:

- Step 1: Application Received.** The AEB receives the Large Mining Operations Land Use Permit Application at the Sand Point Office.
- Step 2: Assign Permit Number and Enter in Database.** The AEB Clerk/Planner assigns a permit number and enters that permit number on the first page of the permit application (in the upper right hand corner).

The permit numbering system for the Large Mining Operations Permit starts with LM (indicating it is a large mine), followed by the year, and a number assigned for each permit application received in a calendar year. For example the first LM application received in calendar year 2013 would be assigned a permit number LM: 2013-01, the second permit application would be assigned a permit number LM: 2013-02, etc.

If the permit is amended, add an "A1" to the permit number to indicate the first amendment (e.g. LM: 2013-01-A1). If the permit is amended a second time, add an "A2" (e.g. LM: 2013-01-A2), etc.

Below the permit number, the AEB Clerk/Planner enters the date the permit application was received. The AEB Clerk/Planner scans the permit, and enters the permit into AEB's permit database.

Step 3: Verify Fee Payment. The AEB Clerk/Planner verifies that the Large Mining Operations Permit Fund Fee was paid by the Applicant at the Pre-Application Meeting. If the fee was not paid, the AEB Clerk/Planner will contact the Applicant and request the fee to be paid prior to proceeding with processing the application any further. The AEB Clerk/Planner should document in the application file, who they spoke with and the date that the fee payment request was made. A follow-up letter can also be sent and placed in the file.

If the fee was not paid at the Pre-Application Meeting, and is submitted late, the AEB Clerk/Planner processes the Large Mining Operations Permit Fund Fee check by sending the check to the AEB Finance Department.

Once the AEB Clerk/Planner verifies that the fee was paid, they mark the Fee Paid "yes" box in Section No. 8 of the permit application, and enter the check number and amount paid on the lines provided.

Please note that even if the permit application is deemed incomplete or is later retracted by the Applicant, the AEB will deduct any eligible costs (e.g., AEB staff time, expenses and consulting expert fees, special meetings) from the Large Mining Operations Permit Fund Fee and return the balance to the Applicant pursuant to AEBMC 40.20.060.

Step 4: Review Application for Completeness. The AEB Clerk/Planner reviews the application for completeness.

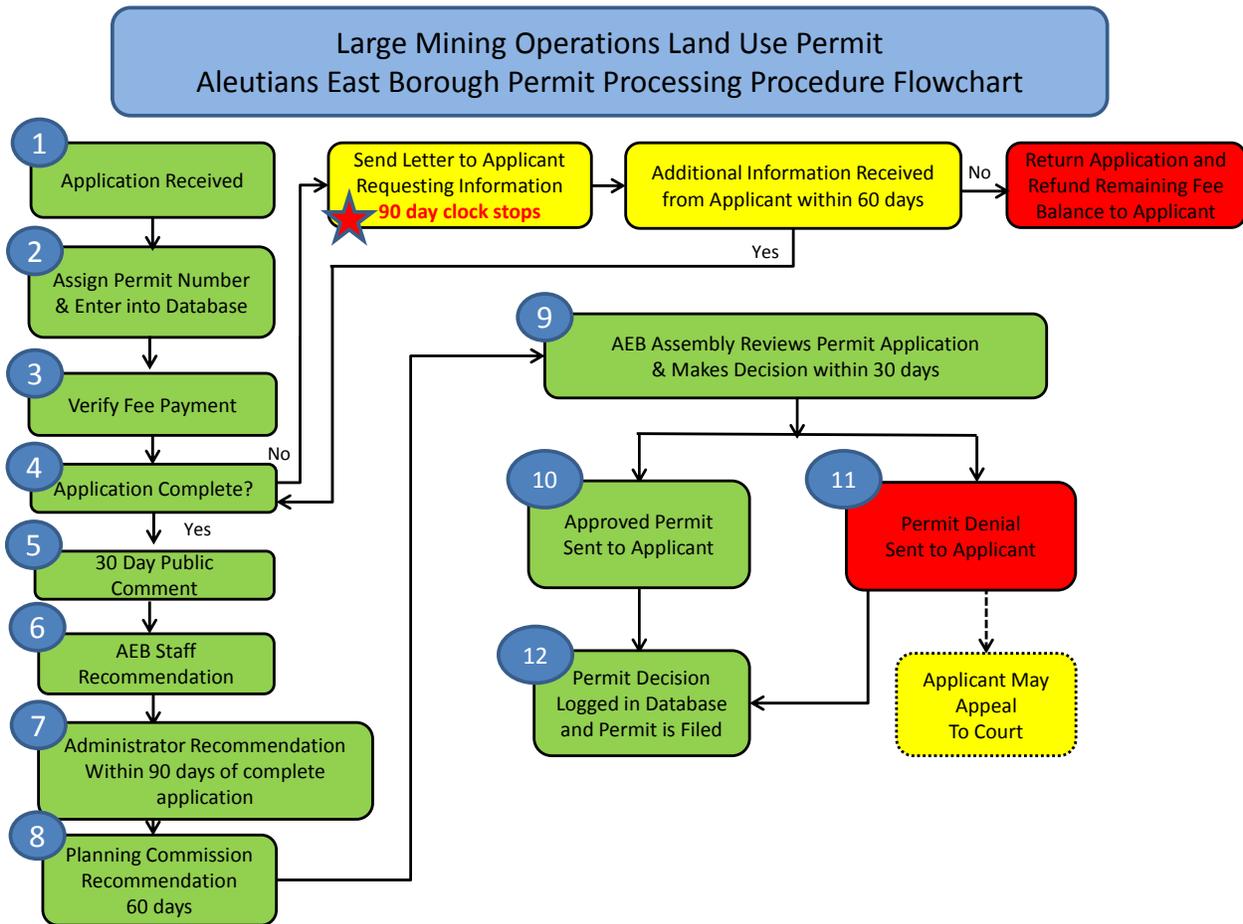
If the application is deemed complete, the AEB Clerk/Planner moves to Step 5 and public notices the permit for a period of 30 calendar days. The 30 day period does not exclude weekends or holidays (see AEBMC 1.12.010 definition of "computation of time" that explains that public notice periods shall be strictly computed by excluding the first day and including the last day without excluding weekends or holidays).

The AEB Administrator must make a recommendation to the Planning Commission on this permit application within 90 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, and must take into account any comments received in the 30 day public notice period.

If the application is deemed incomplete, the 90 day application processing time clock stops on the date that the AEB Clerk/Planner sends a letter to the applicant requesting additional information to process the application [Use **Example Request for Additional Information Letter**].

If the Applicant provides additional information and the application is determined complete, the time remaining on the 90 day clock resumes.

If the Applicant does not provide the required information within 60 days from the date of AEB’s request, the application is returned to the Applicant. [Use **Example Application Returned Letter**].



Step 5: AEB 30 Day Public Comment Period. If the application is deemed complete, the AEB Clerk/Planner public notices the permit for a period of 30 calendar days. The 30 day period does not exclude weekends or holidays. The public notice will start when the notice is posted in two locations in each community, and is posted on the AEB Public Notice webpage.

The AEB Clerk/Planner will ensure that the public notice clearly explains the time period for submitting comments (specify end date and time), explain where the permit application review

documents can be found (in electronic and hard copy), and specify the format for written comments.

The AEB Clerk/Planner will collect and keep accurate records of all public comments received in the permit application file, and will ensure that public comments are recorded and addressed in its Staff Recommendation (in Step 6).

The AEB Administrator must make a recommendation to the Planning Commission on this permit application within 90 calendar days of application receipt, excluding weekends and Borough holidays, and must take into account any comments received in the 30 day public notice period.

Step 6: AEB Staff Recommendation. The AEB Clerk/Planner, prepares in coordination with consulting experts (if needed) a written recommendation on whether to approve or deny the permit, including detailed explanation and justification. This staff recommendation must address public comment received during the 30 day comment period.

The AEB Clerk/Planner forwards the Staff Recommendation to the AEB Administrator with a copy of the permit check list [Use **LM Checklist**].

Step 7: AEB Administrator Recommendation. The AEB Administrator reviews the AEB Staff recommendation and formulates a final written Administrator's recommendation on whether to approve or deny the permit to send to the Planning Commission within the 90 day period (described above in Step 4).

The 90 day period excludes Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of "computation of time") excluding the first day and including the last day.

Step 8: Planning Commission Recommendation. The Planning Commission reviews the Administrator's recommendation within the 60 day period allotted under AEBMC at either its next regularly scheduled meeting, or a special meeting date may need to be set to meet the required timeframe. In the event that a special meeting is held, any additional costs of the meeting will be deducted from the Large Mining Operations Permit Fund set up for this application, or the Applicant can agree to delay the decision beyond 60 days to the next regularly scheduled Planning Commission meeting.

The Planning Commission meeting will be open to the public, and this permit will be placed on the agenda for discussion and a period for oral public comment will be provided.

The Planning Commission reviews the Administrator's recommendation and formulates a final written Planning Commission recommendation on whether to approve or deny the permit to send to the Planning Commission within the 60 day period.

The 60 day period excludes Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of "computation of time") excluding the first day and including the last day.

Step 9: Assembly Recommendation. The Assembly reviews the Planning Commission recommendation within the 30 day period allotted under AEBMC at either its next regularly scheduled meeting, or a special meeting date may need to be set to meet the required timeframe. In the event that a special meeting is held, any additional costs of the meeting will

be deducted from the Large Mining Operations Permit Fund set up for this application, or the Applicant can agree to delay the decision beyond 30 days to the next regularly scheduled Assembly meeting.

The Assembly meeting will be open to the public, and this permit will be placed on the agenda for discussion and a period for oral public comment will be provided.

The Assembly reviews the Planning Commission recommendation and formulates a final written Assembly recommendation on whether to approve or deny the permit within the 30 day period.

The 30 day period excludes Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of “computation of time”) excluding the first day and including the last day.

If the decision is to approve the permit, proceed to Step 10.

If the decision is to deny the permit, proceed to Step 11.

Step 10: AEB Assembly Permit Approval. The Mayor approves the permit application by marking the “approved” box in Section 8 of the permit application, entering the approval date and expiration date, indicating whether additional permit stipulations were added, and signing the permit. The Mayor also fills in the permit expiration date on the first page of the application (upper left hand corner).

If additional permit stipulations were added to the permit approval, the Mayor drafts those stipulations and attaches them to the permit approval. [Use **Example Additional Stipulation Supplement Form**].

Large Mining Operations Land Use Permits are only valid for the period of time specified in the permit; a period not to exceed five years.

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.

The AEB Administrator mails the approved application to the Applicant with a cover letter stating that the permit has been approved, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Approved Letter**].

Proceed to Step 12.

Step 11: AEB Assembly Permit Denial. The Mayor denies the permit application by marking the “denied” box affirmatively in Section 8 of the permit application, states the reasons for the denial, and signs the permit.

The AEB Administrator mails the denied application to the Applicant with a cover letter stating that the permit has been denied, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Denied Letter**].

The Applicant has an opportunity to appeal the permit to Alaska Superior Court in accordance with Alaska State Law (see AEBMC 40.01.080).

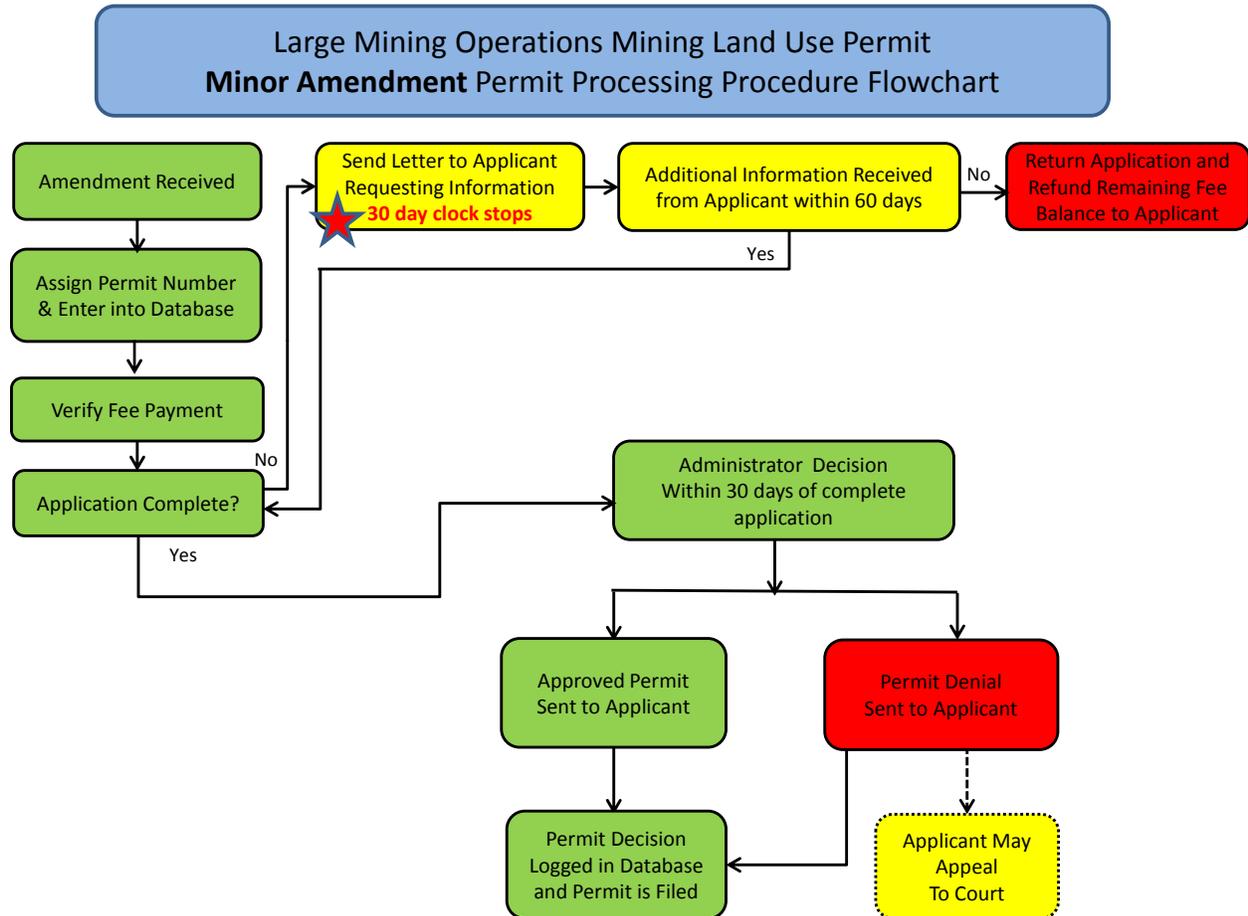
Proceed to Step 12.

Step 12: The AEB Clerk/Planner receives the permit decision, finalizes the checklist, scans the final documents, enters the information into the database and files all records related to the permit action.

Minor Amendment Process

Minor amendments may be approved by the Administrator. A minor amendment is defined as an administrative, scope or timing change that does not increase impact over the original permit approval. Minor amendments will be processed in 30 days by the Administrator.

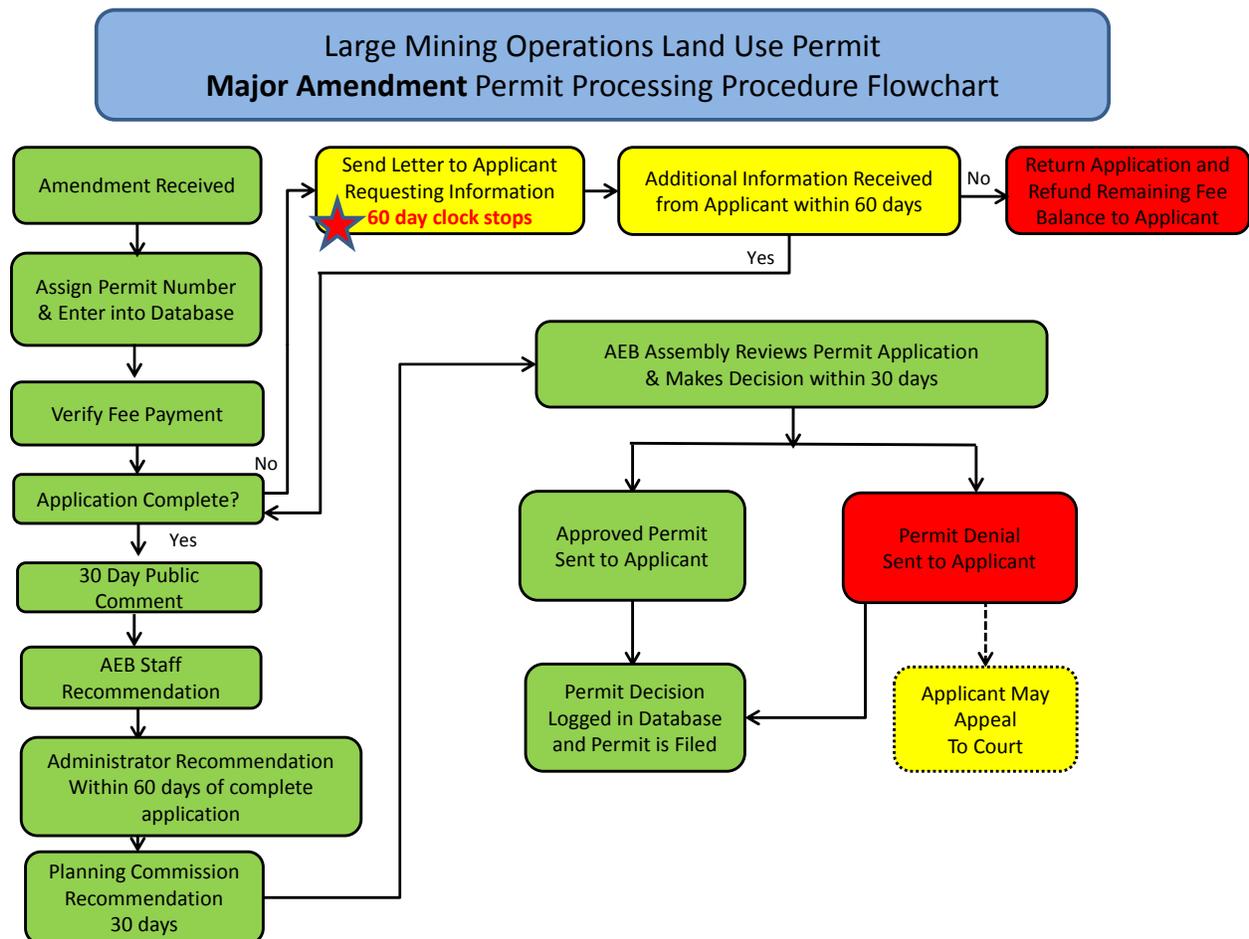
If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g. LM: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g. LM: 2013-01-A2), etc.



Major Amendment Process

Amendments that increase impact over the original permit approval will require Assembly approval. Major Amendments are subject to a 30 day public comment period. The Administrator will have 60 days, including the 30 day public comment period to make a recommendation to the Planning Commission. The Planning Commission will review the amendment at the next scheduled meeting, and will make a recommendation to the Assembly. The Assembly will review the amendment at the next scheduled meeting and will make a decision.

If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g. LM: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g. LM: 2013-01-A2), etc. Updated flowcharts to match large mining operations terminology.



Renewals

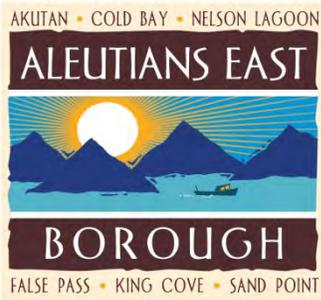
Large Mining Operation Land Use Permit renewals may be approved by the Administrator, without public review if the renewal application meets certain criteria. The Large Mining Operation must have operated in compliance for the prior permit term (with no violations) and must have paid all required taxes on time. The renewal application must only include administrative, scope or timing changes that do not increase impact over the original permit approval. Renewal applications that meet these criteria will

be processed in 30 days by the Administrator using the procedures described above for a minor amendment. There will be no public review.

Renewal applications that do not meet the above criteria require Administrator and Planning Commission review, Assembly approval and public review, and will be processed using the same procedures as an initial permit application.

The Administrator has the authority and discretion to elevate any permit renewal application that it deems necessary.

Phone Conversations and Meetings with Applicant and Others About the Permit: All phone conversations and meetings about the permit must be documented and placed in the permit file. Accurately documenting all conversations and meetings held on a permit action is a good administrative practice, and allows any AEB staff to open the file and observe the history of actions taken on the permit. This practice also provides an accurate record on the permit if the applicant, public, or AEB management has a question, and will serve as an important set of records if the permit is appealed, or if there is an enforcement action. It is very important to keep accurate, detailed, and complete records. Make factual notes and keep track of action items and commitments. **[Use Example Phone and Meeting Logs if helpful and efficient].**



ALEUTIANS EAST BOROUGH

OIL & GAS 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.	OGP: 20 __ - __ - __
Date Received:	__ / __ / __
Date Approved:	__ / __ / __

Section No. 1: Permit Applicant Information

Type of Application (check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Onshore | <input type="checkbox"/> Offshore | <input type="checkbox"/> Seismic Exploration |
| <input type="checkbox"/> Oil Exploration Drilling | <input type="checkbox"/> Gas Exploration Drilling | <input type="checkbox"/> Oil Pipelines |
| <input type="checkbox"/> Oil Production Drilling | <input type="checkbox"/> Gas Production Drilling | <input type="checkbox"/> Gas Pipelines |
| <input type="checkbox"/> Oil Production Facilities | <input type="checkbox"/> Gas Production Facilities | <input type="checkbox"/> Loading Terminal |
| <input type="checkbox"/> Oil Transportation | <input type="checkbox"/> Gas Transportation | <input type="checkbox"/> LNG Facility |
| <input type="checkbox"/> Oil Distribution | <input type="checkbox"/> Gas Distribution | <input type="checkbox"/> Refinery |
| <input type="checkbox"/> Support Facilities (list) _____ | | |
| <input type="checkbox"/> Other (list) _____ | | |
| <input type="checkbox"/> Other (list) _____ | | |
| <input type="checkbox"/> Other (list) _____ | | |

- New Permit
 Permit Renewal
 Permit Amendment
 Reason: _____
- Permit Amendment will not increase impact (minor)
 Permit Amendment will increase impact (major)

Name of Operator: _____

Business Name: _____

Address: (Street) _____ (City) _____ (State) _____ (Zip) _____

Contact Person: (name) _____ (title) _____

Office Phone: (____) - ____ - ____ Cell Phone: (____) - ____ - ____

Satellite Phone: (____) - ____ - ____ Office Fax: (____) - ____ - ____

Email Address: _____@_____._____ Webpage Address: www. _____.

Number of Years in Business: _____

State of Alaska Business License No.: _____ Issue Date: _____ Expiration Date: _____

Federal Tax Identification EIN No. _____

Section No. 2: Oil and Gas Operations Description, Location and Timing

Township: _____, Range: _____ Section: _____, Meridian: _____

Property Address : _____

Brief description of planned oil and/or gas operations and location: _____

Hours of Operation: _____ Start Date: _____ End Date: _____ Reclamation Date: _____

Days of Operation: Monday Tuesday Wednesday Thursday Friday Saturday Sunday

Months of Operation: January February March April May June

July August September October November December

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: _____

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: _____

Does the instrument used to obtain legal access allow for the type, location, amount and extent of oil and gas operations described in this permit application? Yes No

If you answered "yes," are there any limitations placed on your operations? Yes No

If you answered "yes," please describe the limitations _____

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

Section No. 6: 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 business operations 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 Aleutians East Borough 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 Aleutian's East Borough boundaries by me, the company I represent, and all contractors, subcontractors, guests, clients and their employees.

Applicant Name (printed): _____ Title: _____

Applicant Signature: _____ Date: _____

Section No. 7: Permit Decision [AEB Use Only]

\$50,000 Initial Fee Paid: Yes No Check No.: _____ Amount: _____

Pre-Application Meeting Held Date: _____

Application Meeting Held Date: _____

Verification of minimum \$25,000 Fee balance (amendments or renewals) Date: _____

Final Complete Application Submitted Date: _____

90 Day Application Review Period Start Date: _____ End Date: _____

Note: 90 day review period includes 30 day written public review that must be completed within that 90 day period.

30 Day Public Review Period Start Date: _____ End Date: _____

90 Day Application Review Period Extended No Yes New End Date: _____

Administrator Recommendation to PC Date: _____

60 Day PC Application Review Period Start Date: _____ End Date: _____

Note: 60 day review period includes one meeting of Planning Commission (PC) with opportunity for public comment

60 Day Application Review Period Extended No Yes New End Date: _____

PC Recommendation to Assembly Date: _____

30 Day Assembly Decision Period Start Date: _____ End Date: _____

Note: 30 day review period includes one meeting of Assembly with opportunity for public comment

30 Day Assembly Decision Period Extended No Yes New End Date: _____

Assembly Decision

Approved: Approval Date: _____ Expiration Date: _____

Denied: Reason: _____

Additional Permit Stipulations Attached (in addition to Section No. 8 Permit Stipulations) Yes No

Mayor or Designee Name (printed): _____

Mayor or Designee Signature: _____

Section No. 8: Land Use Permit Stipulations

- ✦ **Permit Term:** This land use permit is issued for the period specified in the permit; a period not to exceed five years. Permittee shall have an approved permit prior to conducting any oil and/or gas operations. An approved permit must be maintained by the oil and/or gas Operator until the operations and Reclamation Plan are completed. 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 operations that are not specifically described in the permit application and supporting documents submitted and approved as part of this permit. 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, clients 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 and use of 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, clients 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 Borough property resulting from 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 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 its State of Alaska Business License, City Business License (or business registration as required), and any other 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.
- ✦ **Conflict Avoidance Plan (Fisheries and Subsistence Use):** Permittee must adhere to its approved Conflict Avoidance Plan. The plan requires that Commercial Fishing, Subsistence Use, and Sport Harvest Conflicts will be avoided. Commercial fishing, subsistence use, and sport harvest have priority. 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.
- ✦ **Compliance with Approved Plans:** Permittee must adhere to its approved Project Scope and Schedule, Study & Project Monitoring Plan, Local Economic Development Plan, Field Office Plan, Infrastructure Support Plan, Transportation Plan, Historical and Cultural Resources Protection Plan, Good Neighbor Plan, Pollution Prevention Plan, Hazards Assessment Plan, Reclamation Plan, and Emergency Plan.
- ✦ **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, except for those areas specifically authorized for oil and gas operations. 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.
- ✦ **Fish Habitat Protection:** Permittee's operations shall not adversely affect spawning, rearing, migrating, or over wintering areas for anadromous fish. Oil and gas operations shall not be conducted in locations which have been documented to provide spawning, rearing or over wintering habitat for anadromous fish. Permittee's operations shall avoid causing increases in sedimentation, siltation and the resulting turbidity that could have a significant adverse impact to aquatic productivity and habitats, marine fish, shellfish, or anadromous fish populations in marine, estuarine, and freshwater environments. In streams and their floodplains which provide habitat for anadromous fish, operations shall minimize clearing of riparian vegetation and disturbance of natural banks and areas required for permitted operations shall be shaped to blend with physical features and surroundings to provide for diverse riparian and aquatic habitats.

- ✦ **Explosives:** To protect fish, explosives shall not be detonated within, beneath, or adjacent to marine, estuarine, or fresh waters that support fish unless 1) the detonation of the explosives produces an instantaneous pressure change in the water body of no more than 2.7 pounds per square inch, and a vibration of no more than 0.5 inches per second or 2) the water body, including its substrate, is frozen, or 3) fish and marine mammals are not present.
- ✦ **Stream Alteration:** Operations shall not adversely affect natural stream hydraulics by channelization, diversion, spur dike construction, or other activities. Operations in stream floodplains shall be located and designed to avoid adverse changes to channel hydraulics and the potential for channel diversion. A stable bank and bed profile shall be maintained and is one that will not alter river currents or change erosion and deposition patterns downstream.
- ✦ **Water Appropriation:** Operations shall not withdraw surface waters at a withdrawal rate or timing which adversely affects anadromous fish habitat, particularly spawning or overwintering areas.
- ✦ **Water Quality:** Operations shall not adversely impact water quality and natural productivity of streams, rivers, and lakes within the Borough and shall significantly increase water turbidity or rate of sediment deposition above natural levels. Toxic/harmful effluents shall not be discharged into the Borough watersheds or water bodies.
- ✦ **Zero Water Pollution Discharge:** should be achieved whenever technically feasible achieved unless the Applicant proves to the Borough that it is not technically feasible.
 - ✦ Drilling Fluids, Drilling Cuttings, and Cement shall not be discharged to onshore or offshore waters, during exploration or production operations. Drilling waste must be collected and disposed of by injecting the waste into a wellbore annulus or disposal well. Top-hole muds and cuttings may be discharged, if the operator demonstrates to the Borough that it is not technically feasible to collect this waste.
 - ✦ Produced Water shall not be discharged into onshore or offshore waters and must be collected and disposed of by subsurface injection.
 - ✦ Sanitary and Domestic Wastes shall not be discharged from onshore or nearshore terminals or pipeline facilities into onshore or offshore waters. Sanitary and domestic waste from onshore or nearshore facilities shall receive tertiary treatment prior to discharge, or be collected and injected into a disposal well. Offshore sanitary or domestic waste shall receive the highest level of treatment technically feasible (no less than primary treatment) and if a disposal well is available, this waste shall be collected and injected along with the other platform waste.
 - ✦ Non-Contact Cooling Water shall only be discharged into fresh or marine waters if there is technical and scientific proof provided to the Borough that the thermal impact will not harm the ecosystem.
 - ✦ Well Test and Well Work-Over Fluids including (produced oil, produced water, acids, frac sands, proppant material and other well stimulant materials) shall not be discharged into onshore or offshore waters.
 - ✦ Un-segregated Ballast Water shall not be discharged into onshore or offshore waters during exploration or production operations. Waste must be collected and disposed of by subsurface injection.
 - ✦ Disposal Wells shall be designed to ensure protection of drinking water sources, by injecting waste several thousand feet below any known drinking water sources.
 - ✦ All other wastes shall be treated to remove oil and grease prior to discharge. No waste shall be discharged containing toxic compounds.
 - ✦ Ballast Water Exchange shall be conducted no less than 200 nautical miles from any Aleutian Island coastline. Sufficient volumes of water shall be used to purge ballast water tanks to ensure non-indigenous species removal. Ballast water exchange must be conducted by all foreign and domestic vessels prior to discharge at a terminal facility or platform. If ballast water exchange is not possible due to foul weather, or other reasons, ballast water treatment must be conducted prior to discharge. If ballast water exchange is not possible, ballast water must be treated to remove non-indigenous species prior to discharge into the Aleutian Island coastline and treatment methods must ensure non-indigenous species.
- ✦ **Air Quality:** Operations shall not adversely impact air quality or human health.
 - ✦ Best Available Air Emission Control Technology: shall be installed for criteria air pollutants (including oxides of nitrogen and sulfur, carbon monoxide, particulate matter, volatile organic compounds) and hazardous air pollutants.
 - ✦ Fuel/Power Selection: The lowest air pollution impact fuel sources shall be used. Solar, wind and other alternative power sources must be considered when technically feasible. Where alternative energy options are not technically feasible, natural gas fired combustion systems shall be used whenever possible. Ultra-low sulfur diesel fuels shall be used.
 - ✦ Vapor Controls: All equipment and facilities must install vapor recovery systems to reduce volatile organic compounds (VOCs) and Hazardous Air Pollutants (HAP) by at least 98%. Direct venting of VOCs and HAPs to the atmosphere is prohibited.
 - ✦ Flaring: All flaring shall be limited to safety and emergency use only.

- ✦ **Human Health and Socioeconomics:** Oil and Gas projects must be sited, designed and operated in a manner that protects human health from adverse impacts. Oil and gas projects must improve the quality of life for local residents and must not have adverse socioeconomic affects.
- ✦ **Transportation routes and methods:** used to bring equipment and supplies to the site and to transport recovered oil and/or gas from site shall not adversely impact biological resources or community lifestyle. Any damage to road systems, docks or other public transportation infrastructure shall be repaired by the Permittee at its cost.
- ✦ **Transportation, Utility Corridors and Infrastructure Siting:** Transportation routes, utility corridors and infrastructure shall be carefully sited and constructed to allow for the free passage and movement of fish and wildlife, to avoid construction during critical migration periods for fish and wildlife. Pipelines shall be buried wherever possible. The siting of facilities, other than docks, roads, utility or pipeline corridors, or terminal facilities, is prohibited within one-half mile of the coast, barrier islands, reefs and lagoons, fish bearing waterbodies and 1,500 feet from all surface water drinking sources.
 - ✦ **Offshore Loading Facilities:** No offshore LNG or oil loading facilities will be permitted. Loading facilities must be located onshore.
 - ✦ **Bering Sea Transportation:** All oil and gas produced in the Bering Sea must be transported by subsea pipeline across the Aleutian Peninsula to an onshore loading facility on the Pacific Ocean side. No oil or LNG tankers shall be allowed to operate in the Bering Sea.
 - ✦ **Tankers:** No single hull tankers will be allowed to transport oil or LNG. Double hull tankers with redundant navigation and safety systems are required.
 - ✦ **Vessel Traffic and Communication System:** must be developed. Designated shipping lanes must be established for LNG and oil tanker traffic on the Pacific Ocean side, to reduce tanker collision risk, and eliminate interference with the fishing industry. Designated traffic routes must be established for vessel traffic related to platform operations (construction, operation, crew changes, resupply, etc.) to eliminate interference with the fishing industry. Vessel traffic for seismic surveys or other studies must select a route and season that will not interfere with fishing activities. A radio communication notification and reporting system must be established to enhance communication between fishing vessels and oil and gas vessel traffic and enhance safety for both industries. The communication system must monitor traffic in the Bering Sea and Pacific Ocean.
 - ✦ **Onshore Facilities:** Onshore facilities must be sited to limit impact on fish, shellfish, wildlife and their habitat. LNG Facilities must be designed to in a way that does not impact fish and shell fish and its habitat, including cooling water facilities.
 - ✦ **Docks, Ports and Loading Facilities:** Docks, ports and loading facilities must be sited to limit impact on fish, shellfish, wildlife and their habitat. Docks and ports must be added to accommodate oil and gas facility needs. Fisherman and local vessels must be allowed safe harbor. Dredging must not adversely impact fish or shellfish resources.
 - ✦ **Hydrographic Surveys:** shall be completed to accurately survey and select the safest designated tanker shipping lanes and designated traffic routes to platform operations, as well as selecting the least damaging pipeline route through fisheries habitat.
 - ✦ **Seismic Design:** The North Aleutian Basin is ranked the highest seismic risk category (Zone IV). All onshore and offshore facilities must be designed to the Seismic Zone IV, Uniform Building Code design standard for the Aleutian Chain to mitigate the risk to human health and the environment.
 - ✦ **Offshore Pipelines:** Offshore pipeline construction and operation must not adversely impact fish, shellfish, wildlife and their habitat, especially during migration and spawning to minimize impacts to survival and reproduction.
 - ✦ **Offshore oil and gas facilities, transportation and utility corridors:** must be consolidated, sited and constructed to allow for the free passage and movement of fish and wildlife. Construction must not occur during critical migration periods for fish and wildlife.
 - ✦ **Offshore Pipelines** must be buried under the seabed floor at a depth sufficient to protect the pipeline from damage from ice or other hazards. The offshore to onshore pipeline transition must be designed to take into account coastal erosion. Pipelines must be designed and constructed to:
 - ✦ Assure integrity against climatic conditions (including high winds), coastal erosion and geophysical hazards.
 - ✦ Corrosion prevention systems must be installed and corrosion monitoring systems must be operated. Pipeline inspection pigs and maintenance pigging systems must be installed and used routinely. Pipelines must be inspected at least annually.
 - ✦ Pipeline leak detection systems must be installed and operated. Pipeline valves must be installed to shut down the pipeline, isolate hydrocarbon flow and limit the amount of hydrocarbon discharge. Tanks must be placed on and offshore to evacuate the pipeline system in case of pipeline damage.

- ✦ **Onshore Pipelines & Facilities:** Onshore facilities must be sited to meet the following requirements:
 - ✦ Wildlife and their habitat shall not be impacted particularly during migration. Calving and over-wintering areas shall be protected to minimize impact to the survival or reproduction of caribou, moose and bear.
 - ✦ Fish, shellfish and their habitat shall not be impacted particularly during migration and spawning to minimize impacts to survival and reproduction.
 - ✦ Onshore oil and gas facilities, transportation and utility corridors shall be consolidated, sited and constructed to allow for the free passage and movement of fish and wildlife.
 - ✦ Construction shall not occur during critical migration periods for fish and wildlife.
 - ✦ Onshore oil and gas facilities (other than docks, roads, utility or pipeline corridors, or terminal facilities) shall be sited at least one-half mile away from the coast, barrier islands, reefs and lagoons and all fish bearing water bodies and at least 1,500 feet away from all current surface drinking water sources. Additionally, siting of such facilities is prohibited within one-half mile of the banks of the Igushik, Naknek, Egegik, King Salmon (tributary to Egegik), David, Milky, Ugashik, King Salmon (tributary to Ugashik), Cinder, Meshik, Ilnik, Muddy, Sandy, Bear, Nelson, Caribou, Sapsuk and Dog Salmon Rivers, Black Hills, Steelhead, Painter and Pumice Creeks, Becharof and Ugashik Lakes and Franks Lagoon.
 - ✦ Road, utility, and pipeline crossings shall be consolidated and aligned perpendicular to water courses.
 - ✦ Pipelines shall utilize existing transportation corridors and be buried.
 - ✦ Pipeline gravel pads shall be designed to facilitate the containment and cleanup of spilled fluids. Pipelines shall be designed and constructed to assure integrity against climatic conditions and geophysical hazards.
 - ✦ Pipelines and facilities shall be designed and constructed to:
 - ✦ Assure integrity against climatic conditions (including high winds), coastal erosion and geophysical hazards.
 - ✦ Corrosion prevention systems must be installed and corrosion monitoring systems must be operated.
 - ✦ Pipeline inspection pigs and maintenance pigging systems must be installed and used routinely. Pipelines must be inspected at least annually.
 - ✦ Pipeline leak detection systems must be installed and operated. Pipeline valves must be installed to shut down the pipeline, isolate hydrocarbon flow and limit the amount of hydrocarbon discharge.
 - ✦ Tanks must be placed onshore to evacuate the pipeline system in case of pipeline damage.
- ✦ **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.
- ✦ **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:** Portable or permanently installed sanitation systems shall be provided at the operation for workers use. All grey water and human waste shall be collected and disposed of at an ADEC approved disposal site.
- ✦ **Fuel and Chemical Storage:** All fuel and chemical 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.
- ✦ **Oil, Chemical and Fuel Spill Prevention:**
 - ✦ **Tanks:** All hydrocarbons, hazardous materials and hazardous chemicals shall be stored in tanks located in secondary containment systems holding 110% of the tank capacity. Tanks must be equipped with cathodic protection, leak detection systems and overfill alarms.

- ✦ **Pipelines:** Pipelines shall be equipped with tank and pump systems capable of evacuating the pipeline, cathodic protection systems, and redundant leak detection systems.
- ✦ **Drilling Rigs:** Blowout prevention systems shall be installed prior to drilling into over-pressured or hydrocarbon bearing zones.
- ✦ **Tankers:** No single hull tankers shall be allowed to transport oil or LNG. Double hull tankers with redundant navigation and safety systems are required.
- ✦ **Supply/Fuel Vessels:** Double hull vessels are required in the presence of ice.
- ✦ **Oil Spill Response:** Operator must own, or have under contract, state-of-the-art oil-spill response equipment, sufficient to respond to the worst-case discharge as well as protect fisheries, subsistence use areas and other environmentally sensitive areas. The Operator must consult with the AEB to determine the optimal spill response equipment staging location. Equipment must be staged to rapidly respond to drilling platform and pipeline spills, to respond to onshore tank, pipeline, and processing and terminal facility spills, and to respond to tanker spills. The Operator must hold contracts with a sufficient number of fishing vessels to support a rapid oil spill response. Dispersant may not be used without AEB approval.
- ✦ **Geographic Response Strategies (GRS):** The Operator must ensure oil spill response equipment is pre-positioned for immediate deployment to protect fisheries, subsistence use areas and other environmentally sensitive areas in the event of a spill. The Operator must develop geographic response strategies (in consultation with AEB), field test them, train staff and pre-position the equipment to implement the GRS, prior to start of operations.
- ✦ **Well Control Equipment & Personnel:** The Operator must own, or have under contract well control equipment to control a well blowout, including well capping equipment and access to a relief well rig. The Operator must employ, or have under contract, a well control expert. Well blowout control, well capping equipment, and the well control expert must be located in the project area while wells are drilled.
- ✦ **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.
- ✦ **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, supplies, waste, and fuel shall be removed before the end of each authorized term of use, or on or before permit termination.
- ✦ **Permanent Facilities, Structures and Access Routes:** This permit does not grant the Permittee the right to construct any road, dock, port, or 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.
- ✦ **Reclamation:** Lands shall be restored to meet the Reclamation Plan submitted and approved as part of this permit.
- ✦ **Surety Bond.** A surety bond in the amount required by AEB must be provided to AEB prior to conducting any operations under this permit, and must be maintained until AEB has determined in writing that all requirements under this permit have been met, including site reclamation to AEB's satisfaction.
- ✦ **Permit Evidence and Inspection:** Permittee, and Permittee's employees shall carry a copy of this permit at all times or a copy should be posted at each operational site in a location visible to all employees and the public. 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 the operations permitted under this authorization are purchased by another owner, this permit is no longer valid. A new permit application shall be submitted by the new owner, 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 operations 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 1.20.020 and 1.24.010, 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, ejectment, 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 records of business activities conducted in AEB for at least 5 years after the site has been remediated to the AEB's satisfaction and the permit has been discontinued.
- ✦ **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.
- ✦ **Quarterly Report:** By January 15th, April 15th, July 15th and October 15th of each calendar year, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, confirming that it is complying with all AEB approved plans, permit stipulations and requirements.
- ✦ **Final Report:** Within 180 days after this permit expires, the Permittee shall submit a letter to the AEB at P.O. Box 349, Sand Point, Alaska 99661, confirming that all permit stipulations and requirements have been met and that the area used is clean and restored as required in the approved Reclamation Plan.

General Permit Instructions

- ✦ **Who needs a permit?** Title 40 of the Aleutians East Borough Municipal Code (AEBMC) requires Oil and Gas Mining Operators to obtain a land use permit within the Aleutians East Borough Resource Development District, excluding the municipal lands where AEB has delegated land use planning authority to an AEB municipality (see AEBMC 40.01.020). Oil and Gas Operations may only occur, if permitted by AEB within the Aleutians East Borough Resource Development District.
- ✦ **Do I need a permit if I plan to conduct Oil and Gas Operations within an AEB Municipality that has delegated land use planning authority under AEBMC 40.01.020?** You may be required to obtain a local business license, register your business and/or obtain a municipal land use permit. Please contact the AEB Municipality for more information on their requirements.
- ✦ **Is this a new requirement?** No. In 2006, AEB's Assembly revised the AEBMC to require Oil and Gas Operators to obtain a land use permit within the AEB boundaries. In 2013, AEB updated its land use permitting requirements for oil and gas operations, to streamline and clarify the permit application process and develop this specific permit application. The main elements of the 2006 requirements and permit approval criteria were retained.
- ✦ **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?** No. This application must be typed.
- ✦ **Where do I send my Permit Application?** Please mail a completed copy of the permit application, a check for the Resource Development Fee Fund 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?** Oil and Gas Permit Applicants must submit an initial Oil and Gas Permit Fee Fund payment of \$50,000 which AEB will use to pay for the cost of reviewing and approving the proposed application (See AEBMC Chapter 40.20.050). The Oil and Gas Permit Fee Fund payment must be provided to the AEB at the pre-application meeting. If the permit is approved the fund will also be used by the AEB to monitor mine operations for compliance with permit requirements. A minimum balance of \$25,000 must be maintained in this fund at all times. Depending on the complexity of the permit application, need for experts, and the cost of inspection and oversight once the project is in operation, the AEB may not require this entire fund, or may require additional funds. Unused funds will be returned to the Applicant at the completion of the project, or if an application is withdrawn from consideration.
- ✦ **How long will it take to obtain a permit?** Permit approval timelines will vary based on permit application complexity, completeness and degree of public interest; however, you should plan for at least a period of one year. Your first step should

be to meet with the AEB for a Pre-Application Meeting to discuss your permit application and goals, this meeting will give the AEB a better understanding of your project proposal and will provide AEB with the opportunity to identify and fund resources to assist on the project.

- ✦ **Is a Pre-Application Meeting required?** Yes. You must meet with the AEB for a pre-application meeting at least 180 days period to submitting the application for approval.
- ✦ **When is my permit application due?** Your permit application should be submitted at least 180 days prior to the time you need an approved permit. Most permit approvals should be issued within 180 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 period specified in the permit; a period not to exceed five years. 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 permit 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?** Approved permits are valid for the period specified in the permit; a period not to exceed five years. A renewal application must be submitted at least 180 days before your permit expires. Permittees that have operated in compliance for the prior permit term (with no violations), may be eligible for an expedited renewal process if the renewal application does not increase impact over the original permit approval. Renewal applications that meet these criteria will be processed in 30 days by the Administrator without public review.
- ✦ **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. Minor amendments are approved by the Administrator within 30 days. Major amendments require Assembly approval and can take 3-6 months.
- ✦ **What is the difference between a major and minor amendment?** A minor amendment includes administrative, scope or timing changes that do not increase impact over the original permit approval. Major amendments increase impact over the original permit approval.

Section No. 1 Instructions

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

- ✦ **What if I don't have a State of Alaska Business License?** All businesses operating in the State of Alaska are required to have a business license. See http://www.commerce.state.ak.us/occ/home_bus_licensing.html. You must obtain a license before submitting your application.
- ✦ **What if I don't have a Federal Tax ID?** All businesses operating in the State of Alaska are required to have a Federal Tax ID. See [http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-\(EINs\)](http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-(EINs)). You must obtain a federal Tax ID before submitting your application.

Section No. 2 Instructions:

Please fill out all the required information in Section No. 2. Check all boxes that apply. Please provide a brief description of your operations and location. You are also required to provide a Plan of Operations with your permit application where you can provide more detail.

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 business 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 commercial purposes. Please provide a contact name and phone number that can verify your legal agreement.

Section No. 4 Instructions:

Please provide all the required information in Section No. 4.

- ✦ **Is there a specific format that must be used for maps?** Yes, please consult with the AEB at your pre-application meeting. Maps must be submitted electronically for incorporation into the AEB's Geographic Information System, in Adobe Acrobat pdf, and at least two hard copies.
- ✦ **What information must be included in the Project Scope and Schedule?** The Project Scope and Schedule shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060:
 1. Information on proposed Applicant (Operator) and any partners in the planned Oil and Gas project;
 2. Proposed Oil and Gas operations, location and timing;
 3. Size and purpose of the operation;
 4. Landownership and legal agreements that allow Oil and Gas operations on the property and any past mining operations at this site;
 5. A list and description of the required equipment, facilities, infrastructure and personnel;
 6. Area of Oil and Gas operations, including a map showing the topography, vegetation, distance to waterbodies, wetlands, residential areas, and other private structures or operations;
 7. Amount and type of oil, fuel, and chemicals that will be used and stored at the project site and oil spill prevention measures that will be used;
 8. The actions to be taken to minimize detrimental effects to fish and wildlife;
 9. Environmentally or culturally sensitive areas at or near the project (e.g. fish spawning habitat, subsistence use area, nearby residential properties or schools);
 10. Water and fish habitat protection measures that will be used;
 11. Water requirements (i.e., intended use of appropriated waters, sources and methods of obtaining water, rate of acquisition, design of wastewater treatment systems, and in stream requirements);
 12. Location and size of camp facilities and overland transportation;
 13. Anticipated restrictions on other surface uses of the lease area, including public access;
 14. Noise, visual and dust suppression mitigation measures that will be implemented to lessen impacts on surrounding neighbors and properties;
 15. Plans to comply with AEB's Coastal Zone Enforceable Policies if Oil and Gas is planned in the coastal lands and waters of the Borough;
 16. Safety and security that will be used at the site; and,
 17. A summary of all required local, state and federal permits and the status of those permits. If the permits have been obtained please provide the permit number and date of expiration. If permits are in the process of being issued please provide information on the date you applied for the permit and the expected date of issue.
- ✦ **What information must be included in the Conflict Avoidance Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060 and must demonstrate that Commercial Fishing, Subsistence Use and Sport Harvest Conflicts will be avoided. Commercial fishing, subsistence use and sport harvest have priority. You may propose alternative site locations, transportation routes, and other mitigation measures to avoid conflict.
- ✦ **What information must be included in the Study and Project Monitoring Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060. The plan must be comprehensive and collect sufficient baseline and periodic monitoring data to ensure protection of human health and the environment is being achieved. The plan must be reviewed and approved by the Borough Scientific Advisory Council or an expert designated by the Borough.
- ✦ **What information must be included in the Local Economic Development Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060 and must include a local hire manpower plan, local business contracting plan, training program, and mentoring program for both construction and operation phases of the resource extraction project.

- ✦ **What information must be included in the Field Office Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060 and must explain how a field office will be set up and manned at the project site to provide project oversight, monitoring, address local concerns, and ensure compliance.
- ✦ **What information must be included in the Infrastructure Support Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060 and must include a joint tribal, local community and Applicant agreement approved by all parties, and submitted to the AEB Borough that agrees on whether it will be beneficial to expand community infrastructure to include resource extraction needs, or whether it would be more appropriate to institute enclave development requirements.
- ✦ **What information must be included in the Transportation Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060 and must describe existing and new transportation infrastructure needed, anticipated haul routes, and points of ingress and egress to the project site (including a map of these routes).
- ✦ **What information must be included in the Historical and Cultural Resources Protection Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060 and must demonstrate that traditional, historical, and cultural sites will not be disturbed or adversely impacted during construction or operation.
- ✦ **What information must be included in the Good Neighbor Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060. It must include a plan to ensure surrounding residential properties are not adversely impacted by excessive noise, fumes, odors, pollution, contamination, glare, smoke, light, vibration, dust, litter or interference with media reception and should include charitable or in-kind contributions to support local education, art, and charities, and provide employment training programs to maximize local hire. This program should provide a funds and systems for impact assistance if adverse impacts are realized by the community or individual residents.
- ✦ **What information must be included in the Pollution Prevention Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060 and must include best management practices for protecting drinking water, air, and local food sources from pollution, including and a recycling program.
- ✦ **What information must be included in the Hazards Assessment Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060 and must include an evaluation of all potential hazards to the project including, but not limited to, geophysical hazards, fire, flood, landslides, erosion, earthquake, coastal storms, and ice.
- ✦ **What information must be included in the Reclamation Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060. The Reclamation Plan shall include a description of your reclamation plans including a timeline and plans to comply with AEB's Coastal Zone Enforceable Policies if oil and gas operations are planned in the coastal lands and waters of the Borough.
- ✦ **What information must be included in the Emergency Plan?** The plan shall include, at a minimum, a description of the information required by AEBMC Chapter 40.20.060 and must provide for adequate medical, rescue, fire, spill response, and other emergency services. The plan should preferably include proposals to fund expansion of existing Borough emergency services to support increased demands created by the new Resource Development project.
- ✦ **How do I determine the amount of Surety Bond required?** You must meet with the AEB and discuss the amount of Surety Bond required for your project. AEBMC Chapter 40.20.060 requires that the surety bond be sufficient to fund: (1) Environmental clean-up and restoration requirements; (2) Compensate residents for any adverse human health impacts; (3) Compensate commercial fisherman and subsistence users for adverse impacts; and (4) Dismantle, remove, and restore the Resource Development site to its original condition prior to development.
- ✦ **What if my EIS or EA is not complete?** You should discuss the status of any federally required EIS or EA for your project with AEB at your pre-application meeting. Preferably, your permit application should be submitted after the EIS or EA is complete. If your application is submitted while the EIS or EA decision is pending, the AEB will hold your permit application decision in abeyance until the EIS and EA decision is complete, unless this requirement is waived by the AEB.
- ✦ **What if state and federal permit applications have been submitted, but decisions are pending?** You should discuss the status of any state or federal permits for your project with AEB at your pre-application meeting. Preferably, your permit application should be submitted after the state and federal permits are complete. If your application is submitted while the permit decisions are pending, the AEB will hold your permit application decision in abeyance until permits are approved, unless this requirement is waived by the AEB.
- ✦ **How do I find a copy of the AEB's Coastal Zone Enforceable Policies?** A copy can be found at <http://www.alutianseast.org/> under the Permitting Page.

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

Section No. 5 Instructions:

Please fill out all the required information in Section No. 5. 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. 6 Instructions:

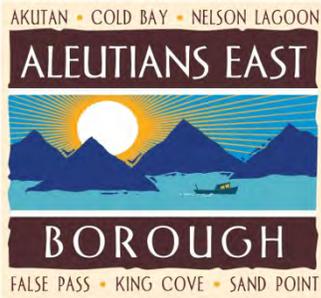
Please sign and date Section No. 6. Applications that are not signed will not be accepted.

Section No. 7 Instructions:

Section No. 7 is for AEB administrative use only. This section of the permit allows AEB to track the permit approval process.

Section No. 8 Instructions:

Section No. 8 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 any additional permit stipulation that you must comply with for your operation.



ALEUTIANS EAST BOROUGH

OIL and GAS LAND USE PERMIT

Authority Aleutians East Borough Municipal Code Title 40

Standard Operating Procedure	
Effective Date:	, 2013
Revision Date(s):	
Revision No:	

Purpose:

The Aleutians East Borough Municipal Code (AEBMC) Title 40 requires Oil and Gas Operators to obtain a land use permit for operating a business within the Aleutians East Borough (AEB) boundaries. This document provides AEB staff with a Standard Operating Procedure (SOP) for processing an Oil and Gas Land Use Permit Application.

Revision History:

This is the first version of the Aleutians East Borough (AEB) Oil and Gas Land Use Permit (OGP) Standard Operating Procedure.

Application Requirements:

All Oil and Gas Land Use Permit Applications must:

1. Meet the requirements of AEBMC Title 40;
2. Be submitted to AEB using AEB’s Oil and Gas Land Use Permit Application Form;
3. Be submitted with the required Oil and Gas Permit Fund Fee; and,
4. Be complete and signed by the Oil and Gas Operator.

Application Approval Procedures:

All Oil and Gas Land Use Permit Applications must be approved using the following steps described below and shown in the flowchart on the following page:

Step 1: Application Received. The AEB receives the Oil and Gas Land Use Permit Application at the Sand Point Office.

Step 2: Assign Permit Number and Enter in Database. The AEB Clerk/Planner assigns a permit number and enters that permit number on the first page of the permit application (in the upper right hand corner).

The permit numbering system for the Oil and Gas Permit starts with OGP (indicating it is a Oil and Gas Permit), followed by the year, and a number assigned for each permit application received in a calendar year. For example the first OGP application received in calendar year 2013 would be assigned a permit number OGP: 2013-01, the second permit application would be assigned a permit number OGP: 2013-02, etc.

If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g. OGP: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g. OGP: 2013-01-A2), etc.

Below the permit number, the AEB Clerk/Planner enters the date the permit application was received. The AEB Clerk/Planner scans the permit, and enters the permit into AEB’s permit database.

Step 3: Verify Fee Payment. The AEB Clerk/Planner verifies that the Oil and Gas Permit Fund Fee was paid by the Applicant at the Pre-Application Meeting. If the fee was not paid, the AEB Clerk/Planner will contact the Applicant and request the fee to be paid prior to proceeding with processing the application any further. The AEB Clerk/Planner should document in the application file, who they spoke with and the date that the fee payment request was made. A follow-up letter can also be sent and placed in the file.

If the fee was not paid at the Pre-Application Meeting, and is submitted late, the AEB Clerk/Planner processes the Oil and Gas Permit Fund Fee check by sending the check to the AEB Finance Department.

Once the AEB Clerk/Planner verifies that the fee was paid, they mark the Fee Paid “yes” box in Section No. 8 of the permit application, and enter the check number and amount paid on the lines provided.

Please note that even if the permit application is deemed incomplete or is later retracted by the Applicant, the AEB will deduct any eligible costs (e.g., AEB staff time, expenses and consulting expert fees, special meetings) from the Oil and Gas Permit Fund Fee and return the balance to the Applicant pursuant to AEBMC 40.20.060.

Step 4: Review Application for Completeness. The AEB Clerk/Planner reviews the application for completeness.

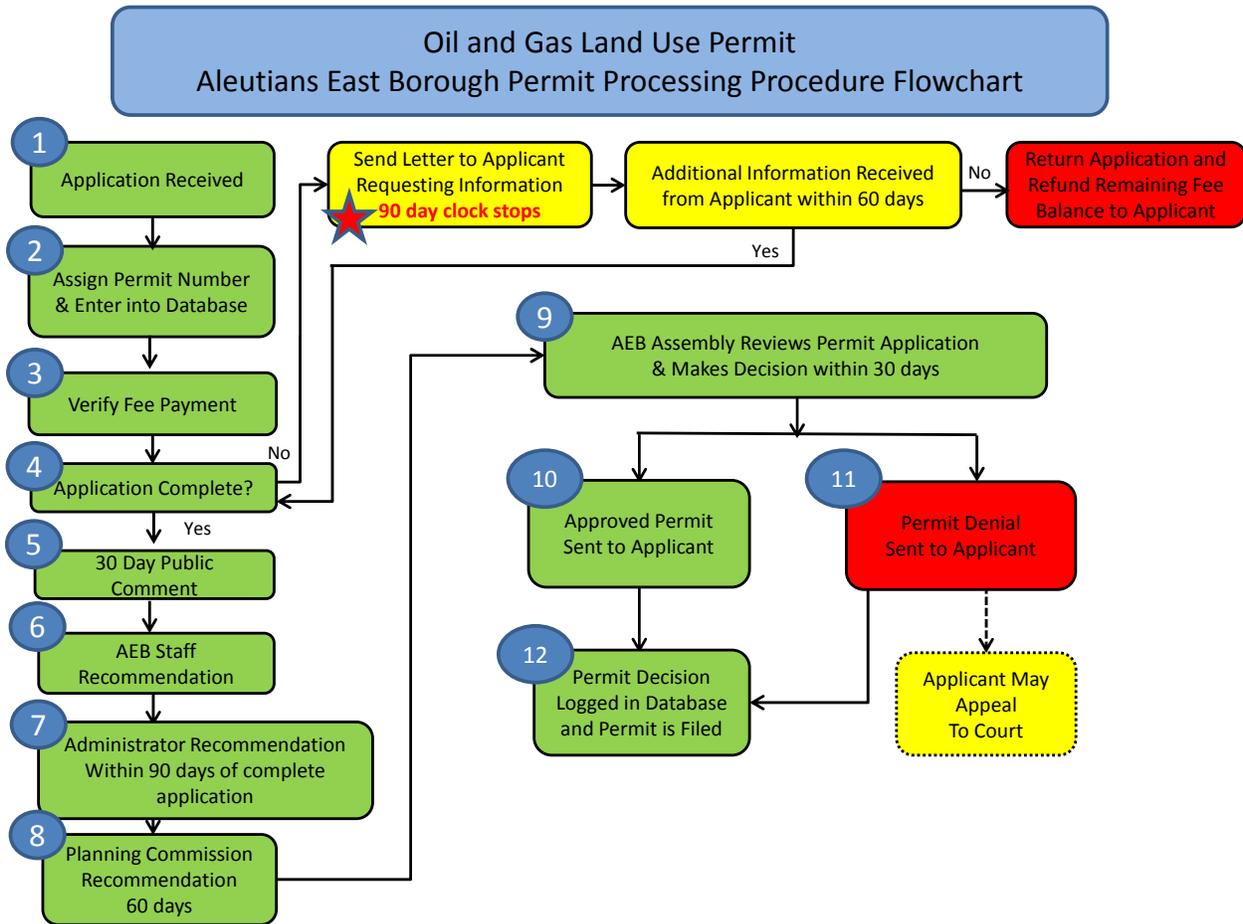
If the application is deemed complete, the AEB Clerk/Planner moves to Step 5 and public notices the permit for a period of 30 calendar days. The 30 day period does not exclude weekends or holidays (see AEBMC 1.12.010 definition of “computation of time” that explains that public notice periods shall be strictly computed by excluding the first day and including the last day without excluding weekends or holidays).

The AEB Administrator must make a recommendation to the Planning Commission on this permit application within 90 calendar days of application receipt, excluding Saturday, Sunday and Borough holidays, and must take into account any comments received in the 30 day public notice period.

If the application is deemed incomplete, the 90 day application processing time clock stops on the date that the AEB Clerk/Planner sends a letter to the applicant requesting additional information to process the application. [Use **Example Request for Additional Information Letter**].

If the Applicant provides additional information and the application is determined complete, the time remaining on the 90 day clock resumes.

If the Applicant does not provide the required information within 60 days from the date of AEB’s request, the application is returned to the Applicant. [Use **Example Application Returned Letter**].



Step 5: AEB 30 Day Public Comment Period. If the application is deemed complete, the AEB Clerk/Planner public notices the permit for a period of 30 calendar days. The 30 day period does not exclude weekends or holidays. The public notice will start when the notice is posted in two locations in each community, and is posted on the AEB Public Notice webpage.

The AEB Clerk/Planner will ensure that the public notice clearly explains the period for submitting comments (specify end date and time), explain where the permit application review

documents can be found (in electronic and hard copy), and specify the format for written comments.

The AEB Clerk/Planner will collect and keep accurate records of all public comments received in the permit application file, and will ensure that public comments are recorded and addressed in its Staff Recommendation (in Step 6).

The AEB Administrator must make a recommendation to the Planning Commission on this permit application within 90 calendar days of application receipt, excluding weekends and Borough holidays, and must take into account any comments received in the 30 day public notice period.

Step 6: AEB Staff Recommendation. The AEB Clerk/Planner, prepares in coordination with consulting experts (if needed) a written recommendation on whether to approve or deny the permit, including detailed explanation and justification. This staff recommendation must address public comments received during the 30 day comment period.

The AEB Clerk/Planner forwards the Staff Recommendation to the AEB Administrator with a copy of the permit check list. [Use OGP Checklist].

Step 7: AEB Administrator Recommendation. The AEB Administrator reviews the AEB Staff recommendation and formulates a final written Administrator's recommendation on whether to approve or deny the permit to send to the Planning Commission within the 90 day period (described above in Step 4).

The 90 day period excludes Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of "computation of time") excluding the first day and including the last day.

Step 8: Planning Commission Recommendation. The Planning Commission reviews the Administrator's recommendation within the 60 day period allotted under AEBMC at either its next regularly scheduled meeting, or a special meeting date may need to be set to meet the required timeframe. In the event that a special meeting is held, any additional costs of the meeting will be deducted from the Oil and Gas Permit Fund set up for this application, or the Applicant can agree to delay the decision beyond 60 days to the next regularly scheduled Planning Commission meeting.

The Planning Commission meeting will be open to the public, and this permit will be placed on the agenda for discussion and a period for oral public comment will be provided.

The Planning Commission reviews the Administrator's recommendation and formulates a final written Planning Commission recommendation on whether to approve or deny the permit to send to the Planning Commission within the 60 day period.

The 60 day period excludes Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of "computation of time") excluding the first day and including the last day.

Step 9: Assembly Recommendation. The Assembly reviews the Planning Commission recommendation within the 30 day period allotted under AEBMC at either its next regularly scheduled meeting, or a special meeting date may need to be set to meet the required timeframe. In the event that a special meeting is held, any additional costs of the meeting will

be deducted from the Oil and Gas Permit Fund set up for this application, or the Applicant can agree to delay the decision beyond 30 days to the next regularly scheduled Assembly meeting.

The Assembly meeting will be open to the public, and this permit will be placed on the agenda for discussion and a period for oral public comment will be provided.

The Assembly reviews the Planning Commission recommendation and formulates a final written Assembly recommendation on whether to approve or deny the permit within the 30 day period.

The 30 day period excludes Saturday and Sunday and Borough holidays (see AEBMC 1.12.010 definition of “computation of time”) excluding the first day and including the last day.

If the decision is to approve the permit, proceed to Step 10.

If the decision is to deny the permit, proceed to Step 11.

Step 10: AEB Assembly Permit Approval. The Mayor approves the permit application by marking the “approved” box in Section 8 of the permit application, entering the approval date and expiration date, indicating whether additional permit stipulations were added, and signing the permit. The Mayor also fills in the permit expiration date on the first page of the application (upper left hand corner).

If additional permit stipulations were added to the permit approval, the Mayor drafts those stipulations and attaches them to the permit approval. [Use **Example Additional Stipulation Supplement Form**].

Oil and Gas Land Use Permits are only valid for the period of time specified in the permit; a period not to exceed five years.

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.

The AEB Administrator mails the approved application to the Applicant with a cover letter stating that the permit has been approved, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Approved Letter**].

Proceed to Step 12.

Step 11: AEB Assembly Permit Denial. The Mayor denies the permit application by marking the “denied” box affirmatively in Section 8 of the permit application, states the reasons for the denial, and signs the permit.

The AEB Administrator mails the denied application to the Applicant with a cover letter stating that the permit has been denied, and forwards a copy of the final decision to the AEB Clerk/Planner to be recorded in the AEB database and filed. [Use **Example Application Denied Letter**].

The Applicant has an opportunity to appeal the permit to Alaska Superior Court in accordance with Alaska State Law (see AEBMC 40.01.080).

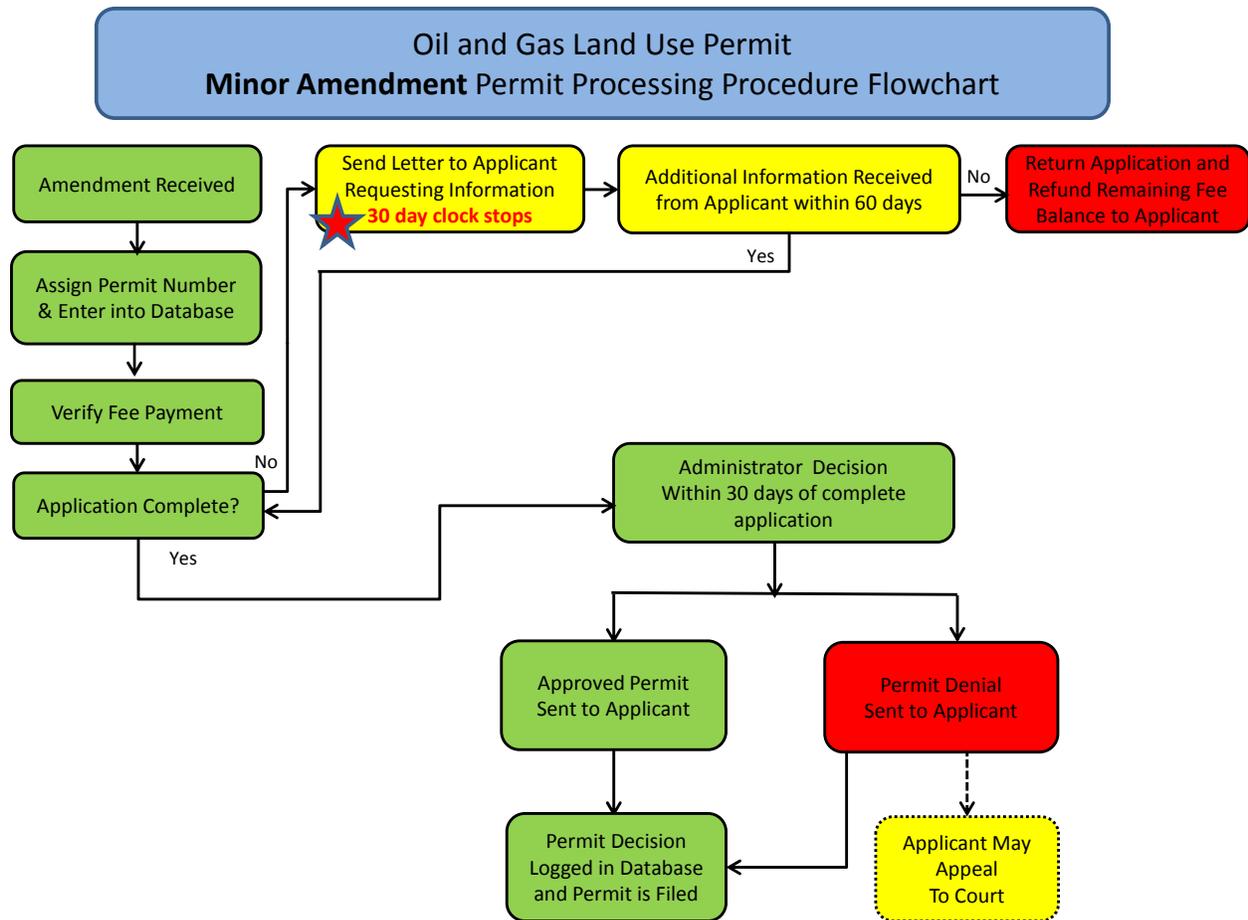
Proceed to Step 12.

Step 12: The AEB Clerk/Planner receives the permit decision, finalizes the checklist, scans the final documents, enters the information into the database and files all records related to the permit action.

Minor Amendment Process

Minor amendments may be approved by the Administrator. A minor amendment is defined as an administrative, scope or timing change that does not increase impact over the original permit approval. Minor amendments will be processed in 30 days by the Administrator.

If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g. OGP: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g. OGP: 2013-01-A2), etc.

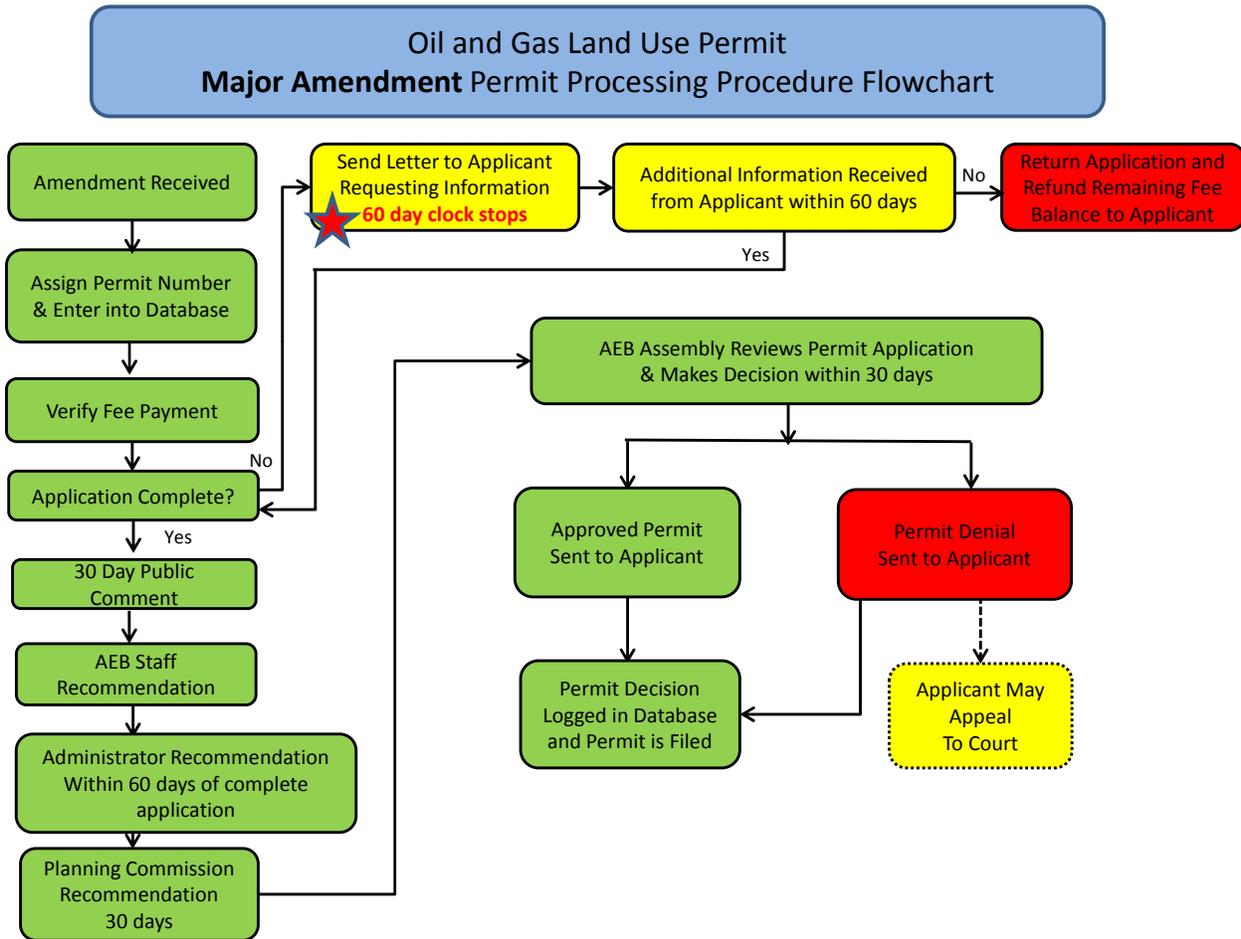


Major Amendment Process

Amendments that increase impact over the original permit approval will require Assembly approval. Major Amendments are subject to a 30 day public comment period. The Administrator will have 60 days, including the 30 day public comment period to make a recommendation to the Planning Commission. The

Planning Commission will review the amendment at the next scheduled meeting, and will make a recommendation to the Assembly. The Assembly will review the amendment at the next scheduled meeting and will make a decision.

If the permit is amended, add an “A1” to the permit number to indicate the first amendment (e.g. OGP: 2013-01-A1). If the permit is amended a second time, add an “A2” (e.g. OGP: 2013-01-A2), etc.



Renewals

Oil and Gas Land Use Permit renewals may be approved by the Administrator, without public review if the renewal application meets certain criteria. The Oil and Gas Operator must have operated in compliance for the prior permit term (with no violations). The renewal application must only include administrative, scope or timing changes that do not increase impact over the original permit approval. Renewal applications that meet these criteria will be processed in 30 days by the Administrator using the procedures described above for a minor amendment. There will be no public review.

Renewal applications that do not meet the above criteria require Administrator and Planning Commission review, Assembly approval and public review, and will be processed using the same procedures as an initial permit application.

The Administrator has the authority and discretion to elevate any permit renewal application that it deems necessary.

Phone Conversations and Meetings with Applicant and Others About the Permit: All phone conversations and meetings about the permit must be documented and placed in the permit file. Accurately documenting all conversation and meetings held on a permit action is a good administrative practice, and allows any AEB staff to open the file and observe the history of actions taken on the permit. This practice also provides an accurate record on the permit if the applicant, public, or AEB management has a question, and will serve as an important set of records if the permit is appealed, or if there is an enforcement action. It is very important to keep accurate, detailed, and complete records. Make factual notes and keep track of action items and commitments. **[Use Example Phone and Meeting Logs if helpful and efficient].**

Planning Commission Comments

Public Comments

Next Meeting Date

Adjournment