

MITIGATION MEASURE ANALYSIS: COOK INLET

The following instructions are provided for guidance to adequately complete the Mitigation Measure Analysis form.

1. The applicant shall respond to each Mitigation Measure, and all subsets of mitigation measures; i.e. A.2.d.i should be addressed and A.2.d.ii, and so forth.
2. The applicant's response shall begin by clearly indicating if the **mitigation measure is satisfied**, an **exception is requested**, or if the mitigation measure is **not applicable**.
3. The applicants' response shall then address how the proposed project clearly satisfies the mitigation measure, meets the intent of the mitigation measure, is not practicable, or is not applicable.
4. The applicant shall verify working 'in consultation with' parties other than Department of Natural Resources (DNR), Division of Oil and Gas (DO&G) by reporting meeting dates and parties present for Mitigation Measures which require consultation with parties other than DNR, DO&G; i.e. Mitigation Measure 1.b.

Please note that this form, along with the Plan of Operations Application form and the Plan of Operations, must be adequately completed before DNR DO&G will review an application for potential approval.

Cook Inlet	Company Response
A. Mitigation Measures	
1. Facilities and Operations	
a. Oil and gas facilities, including pipelines, will be designed using industry-accepted engineering codes and standards. Technical submittals to the Division of Oil and Gas (DOG) that reflect the "practice of engineering," as defined by AS 08.48.341, must be sealed by a professional engineer registered in the State of Alaska.	A.1.a.
b. A plan of operations will be submitted and approved before conducting exploration, development, or production activities in accordance with 11 AAC 83.	A.1.b.
c. Facilities will be designed and operated to minimize sight and sound impacts in areas of high residential, recreational, and subsistence use and important wildlife habitat.	A.1.c.
d. The siting of facilities, including roads, airstrips, and pipelines, is prohibited within one-half mile of the coast as measured from the mean high water mark and 500 feet of all fish bearing water bodies.	A.1.d.
e. Notwithstanding (d) above, the siting of facilities is prohibited within one-half mile of the banks of the Harriet, Alexander, Lake, Deep, and Stariski creeks, and the Drift, Big, Kustatan, McArthur, Chuitna, Lewis, Theodore, Beluga, Susitna, Little Susitna, Kenai, Kasilof, Ninilchik, and Anchor rivers as measured from the ordinary high water mark. Facilities may be sited, on a case-by-case	A.1.e.

<p>basis, within the one-half mile buffer for the creeks and rivers identified here in A.1.e. if the lessee demonstrates that siting of such facilities outside this buffer zone is not feasible or prudent, or that a location within the buffer is environmentally preferable.</p>	
<p>f. Impacts to important wetlands will be minimized to the satisfaction of the director, in consultation with Alaska Department of Fish and Game (ADF&G) and Alaska Department of Environmental Conservation (ADEC). The director will consider whether facilities are sited in the least sensitive areas.</p>	A.1.f.
<p>g. Exploration roads, pads, and airstrips will be temporary. Use of gravel roads, pads, and airstrips may be permitted on a case-by-case basis by the director, in consultation with Division of Mining, Land, and Water (DMLW) and ADF&G.</p>	A.1.g.
<p>h. Road and pipeline crossings will be aligned perpendicular or near perpendicular to watercourses.</p>	A.1.h.
<p>i. Pipelines</p> <ul style="list-style-type: none"> i. Will use existing transportation corridors and be buried where soil and geophysical conditions permit. ii. In areas with above ground placement, pipelines must be designed, sited, and constructed to allow for the free movement of wildlife and to avoid significant alteration of large ungulate movement and migration patterns. iii. Where practicable, pipelines must be located on the upslope side of roadways and construction pads, unless it is determined that an alternative site is environmentally acceptable. iv. Pipelines and gravel pads will facilitate the containment and cleanup of spilled fluids. 	<p>A.1.i.</p> <ul style="list-style-type: none"> A.1.i.i. A.1.i.ii. A.1.i.iii. A.1.i.iv.

<p>v. Pipelines that must cross marine waters will be constructed beneath the marine waters using directional drilling techniques, unless the director, in consultation with ADF&G and the local borough, approves an alternative method based on technical, environmental, and economic justification. Offshore pipelines must be located and constructed to prevent obstruction to marine navigation and fishing operations.</p>	<p>A.1.i.v.</p>
<p>j. Causeways, docks, artificial gravel islands, and bottom founded structures will not be located in river mouths, estuaries, or active river deltas, except as provided for in (k) below.</p>	<p>A.1.j.</p>
<p>k. Each proposed structure will be reviewed on a case-by-case basis. Causeways, docks, artificial gravel islands and bottom founded structures may be permitted if the director, in consultation with ADF&G and ADEC, determines that a causeway or other structures are necessary for field development and that no practicable alternatives exist. Approved causeways will be designed, sited, and constructed to minimize significant changes to nearshore oceanographic circulation patterns and water quality characteristics (e.g., salinity, temperature, suspended sediments) that result in exceedances of water quality criteria, and must maintain free passage of marine and anadromous fish and marine mammals. A monitoring program may be required to address the objectives of water quality and free passage of fish and marine mammals, and mitigation will be required where significant deviation from objectives occurs.</p>	<p>A.1.k.</p>
<p>l. Upon abandonment of material sites, drilling sites, roads, pipelines, buildings or other facilities, such facilities must be removed and the site rehabilitated to the satisfaction of the director, unless the director, in consultation with any non-state surface owner, as applicable, determines that such removal and rehabilitation is not in the state's interest.</p>	<p>A.1.l.</p>
<p>m. Material sites required for exploration and development activities will be:</p> <p>i. restricted to the minimum necessary to develop the field efficiently</p>	<p>A.1.m.</p> <p>A.1.m.i.</p>

<p>and with minimal environmental damage,</p> <p>ii. where practicable, designed and constructed to function as water reservoirs for future use, and</p> <p>iii. located outside active floodplains of a watercourse unless the director of DMLW, after consultation with ADF&G, determines that there is no practicable alternative, or that a floodplain site would enhance fish and wildlife habitat after mining operations are completed and the site is closed.</p>	<p>A.1.m.ii.</p> <p>A.1.m.iii.</p>
<p>n. The director may include plan stipulations if necessary to reduce or eliminate adverse impacts to fish and wildlife or to protect the environment.</p>	<p>A.1.n.</p>
<p>2. Habitat, Fish, and Wildlife</p>	
<p>a. Detonation of explosives is prohibited in open water areas of fish bearing water bodies and in fish bearing water bodies that are not solidly frozen, including the substrate unless otherwise approved. Blasting criteria have been established by ADF&G and are available from ADF&G upon request. The location of known fish-bearing waters within the project area can be obtained from ADF&G.</p>	<p>A.2.a.</p>
<p>b. Any water intake structures in fish bearing water bodies will be designed, operated, and maintained to minimize fish entrapment, entrainment, or injury. All water withdrawal equipment must use fish screening devices approved by ADF&G.</p>	<p>A.2.b.</p>
<p>c. Removal of snow from fish-bearing rivers, streams, and natural lakes is subject to prior written approval by ADF&G. Compaction of snow cover overlying fish-bearing water bodies is prohibited except for approved crossings. If ice thickness is not sufficient to facilitate a crossing, then ice or snow bridges</p>	<p>A.2.c.</p>

may be required.	
d. Surface entry is prohibited in parcels that are within the Kenai River Special Management Area.	A.2.d.
e. Surface entry, other than access, is prohibited on state lands within the Kenai National Wildlife refuge.	A.2.e.
f. The lessee is prohibited from placing drilling rigs and lease-related facilities and structures within an area near the Kenai River composed of: all land within Section 36 in T6N, R11W that is located south of a line drawn from the protracted NE corner to the protracted SW corner of the section; all land within the western half of Section 31 in T6N, R10W and Section 6 in T5N, R10W; and all land within Section 1 in T5N, R11W.	A.2.f.
g. Surface entry into the critical waterfowl habitat along the Kasilof River is prohibited. Directional drilling from adjacent sites may be allowed.	A.2.g.
h. Surface entry is prohibited within one-quarter mile of trumpeter swan nesting sites between April 1 and August 31. The siting of permanent facilities, including roads, material sites, storage areas, powerlines, and above ground pipelines is prohibited within one-quarter mile of known nesting sites. Trumpeter swan nesting sites will be identified by ADF&G at the request of the lessee.	A.2.h.
i. The director, in consultation with ADF&G, will restrict or modify lease related activities if scientific evidence documents the presence of Steller's eiders from the Alaska breeding population in the lease area and it is determined that oil and gas exploration and development will impact them or their over-wintering habitat in the near-shore waters of Cook Inlet.	A.2.i.

<p>j. The director, in consultation with ADF&G, may impose seasonal restrictions on activities located in and adjacent to important waterfowl and shorebird habitat during the plan of operations approval stage.</p>	<p>A.2.j.</p>
<p>k. A lessee must consult with ADF&G before commencing any activities to identify the locations of known brown bear den sites that are occupied in the season of proposed activities.</p>	<p>A.2.k.</p>
<p>l. Exploration and production activities will not be conducted within one-half mile of occupied brown bear dens unless alternative mitigation measures are approved by ADF&G.</p>	<p>A.2.l.</p>
<p>m. A lessee who encounters an occupied brown bear den not previously identified by ADF&G shall report it to the Division of Wildlife Conservation, ADF&G, within 24 hours. The lessee will avoid conducting mobile activities one-half mile from discovered occupied dens unless alternative mitigation measures are approved by the director, with concurrence from ADF&G. Non-mobile facilities will not be required to relocate.</p>	<p>A.2.m.</p>
<p>n. For projects in proximity to areas frequented by bears, the lessee is required to prepare and implement a human-bear interaction plan designed to minimize conflicts between bears and humans. The plan will include measures to:</p> <ul style="list-style-type: none"> i. minimize attraction of bears to facility sites; ii. organize layout of buildings and work areas to minimize interactions between humans and bears; iii. warn personnel of bears near or on facilities and the proper actions to take; 	<p>A.2.n.</p> <p>A.2.n.i.</p> <p>A.2.n.ii.</p> <p>A.2.n.iii.</p>

<p>iv. if authorized, deter bears from the drill site;</p> <p>v. provide contingencies in the event bears do not leave the site;</p> <p>vi. discuss proper storage and disposal of materials that may be toxic to bears; and</p> <p>vii. provide a systematic record of bears on the site and in the immediate area.</p>	<p>A.2.n.iv.</p> <p>A.2.n.v.</p> <p>A.2.n.vi.</p> <p>A.2.n.vii.</p>
<p>o. Surface entry within the core calving area of the Kenai Lowlands Caribou Herd is prohibited, except that surface entry for seismic exploration may be allowed from October 16 to March 31.</p>	<p>A.2.o.</p>
<p>p. Exploration and development activities may be restricted or prohibited between April 1 and October 15 within the core summer habitat of the Kenai Lowlands Caribou Herd, except that maintenance and operation of production wells may be allowed year-round. Permanent roads, or facilities other than production wells, may also be restricted or prohibited within this area. Facilities within the core summer habitat of the Kenai Lowlands Caribou Herd that require year-round access must be located in forested areas, where practical.</p>	<p>A.2.p.</p>
<p>q. Pipelines must be buried within the core summer habitat of the Kenai Lowlands Caribou Herd.</p>	<p>A.2.q.</p>
<p>r. The director, in consultation with ADF&G, may impose additional and seasonal restrictions on activities located in, or requiring travel through or overflight of, important caribou or other large ungulate calving and wintering areas during the plan of operations approval stage.</p>	<p>A.2.r.</p>

<p>s. No permanent or temporary oil and gas exploration or development may occur within High Value/High Sensitivity (Type 1) beluga whale habitat areas, unless it occurs on upland areas (above Mean Higher Water datum). Type 1 habitat areas include the following tracts: 320-334, 391-409, 410, 462, 464-475, 476-481, 483, 484, 485, 486, 493, 494, 497, 498, 522, 524-537, 538, 539, 540, 541, 542, 543, 544, 547-552, 559, 575-577, 579, 581, 582, 585, 586, 590, 593, 594, 598, 616-618, 620-623, 627, 655-658, and 662.</p>	<p>A.2.s.</p>
<p>t. The director will assess oil and gas-related activities within all High Value (Type 2) beluga whale habitat areas on a case-by-case basis. No permanent surface entry or structures are allowed, and temporary activities and structures, for example exploration drilling, will only be allowed between November 1 and April 1 of each year, unless it occurs on upland areas, within the following tracts: 021, 022, 126, 127, 129-132, 161, 162, 175, 177, 211, 218, 257, 301, 302, 373, 376, 377, and 384.</p>	<p>A.2.t.</p>
<p>u. The director will assess oil and gas-related activities within the remaining tracts (Type 3 habitat areas) on a case-by-case basis.</p>	<p>A.2.u.</p>
<p>3. Subsistence, and Other Fish and Wildlife Uses</p>	
<p>a. Lease-related use may be restricted, if necessary, to prevent unreasonable conflicts between lease-related activities and subsistence, commercial, sport, personal use, and educational fish and wildlife harvest activities. Traditional and customary access to subsistence areas will be maintained unless reasonable alternative access is provided to subsistence users. "Reasonable access" is access using means generally available to subsistence users. The lessee will consult with nearby communities, and native organizations for assistance in identifying and contacting local subsistence users.</p>	<p>A.3.a.</p>
<p>b. Before submitting a plan of operations that has the potential to disrupt subsistence activities, the lessee will consult with the potentially affected</p>	<p>A.3.b.</p>

<p>subsistence communities to discuss the siting, timing, and methods of proposed operations and safeguards or mitigating measures that could be implemented by the operator to prevent unreasonable conflicts. The parties will also discuss the reasonably foreseeable effect on subsistence activities of any other operations in the area that they know will occur during the lessee's proposed operations. Through this consultation, the lessee will make reasonable efforts to ensure that exploration, development, and production activities are compatible with subsistence hunting and fishing activities and will not result in unreasonable interference with subsistence harvests.</p>	
<p>4. Fuel, Hazardous Substances, and Waste</p>	
<p>a. The lessee will ensure that secondary containment is provided for the storage of fuel or hazardous substances and sized as appropriate to container type and according to governing regulatory requirements in 18 AAC 75 and 40 CFR 112. Containers with an aggregate storage capacity of greater than 55 gallons that contain fuel or hazardous substances will not be stored within 100 feet of a water body or within 1,500 feet of a current surface drinking water source.</p>	<p>A.4.a.</p>
<p>b. During equipment storage or maintenance, the lessee will ensure that the site is protected from leaking or dripping fuel and hazardous substances by the placement of drip pans or other surface liners designed to catch and hold fluids under the equipment, or by creating an area for storage or maintenance using an impermeable liner or other suitable containment mechanism.</p>	<p>A.4.b.</p>
<p>c. During fuel or hazardous substance transfer, the lessee will ensure that a secondary containment or a surface liner is placed under all container or vehicle fuel tank inlet and outlet points, hose connections, and hose ends. Appropriate spill response equipment, sufficient to respond to a spill of up to five gallons, must be on hand during any transfer or handling of fuel or hazardous substances.</p>	<p>A.4.c.</p>

<p>d. The lessee will ensure that vehicle refueling will not occur within the annual floodplain, except as addressed and approved in the plan of operations. This measure does not apply to water-borne vessels.</p>	<p>A.4.d.</p>
<p>e. The lessee will ensure that all independent fuel and hazardous substance containers are permanently marked with the contents and the lessee's or contractor's name.</p>	<p>A.4.e.</p>
<p>f. The lessee will ensure that a fresh water aquifer monitoring well and quarterly water quality monitoring, is in place down gradient of a permanent storage facility, unless alternative acceptable technology is approved by ADEC.</p>	<p>A.4.f.</p>
<p>g. The lessee will ensure that waste from operations is reduced, reused, or recycled to the maximum extent practicable. Garbage and domestic combustibles must be incinerated whenever possible or disposed of at an approved site in accordance with 18 AAC 60.</p>	<p>A.4.g.</p>
<p>h. Proper disposal of garbage and putrescible waste is essential to minimize attraction of wildlife. The lessee must use the most appropriate and efficient method to achieve this goal. The primary method of garbage and putrescible waste is prompt, on-site incineration in compliance with State of Alaska air quality regulations. The secondary method of disposal is on-site frozen storage in animal-proof containers with backhaul to an approved waste disposal facility. The tertiary method of disposal is on-site non-frozen storage in animal proof containers with backhaul to an approved waste disposal facility. Daily backhauling of non-frozen waste is required unless safety considerations prevent it.</p>	<p>A.4.h.</p>
<p>i. New solid waste disposal sites, other than for drilling waste, will not be approved or located on state property for exploration.</p>	<p>A.4.i.</p>

<p>j. The preferred method for disposal of muds and cuttings from oil and gas activities is by underground injection. The lessee will ensure that drilling mud and cuttings will not be discharged into lakes, streams, rivers, or wetlands. On-pad temporary cuttings storage may be allowed as necessary to facilitate annular injection and backhaul operations.</p>	<p>A.4.j.</p>
<p>5. Access</p>	
<p>a. Public access to, or use of, the lease area may not be restricted except within the immediate vicinity of drill sites, buildings, and other related structures. Areas of restricted access must be identified in the plan of operations. Lease facilities and operations will not block access to or along navigable or public waters as defined in AS 38.05.965.</p>	<p>A.5.a.</p>
<p>6. Prehistoric, Historic, and Archaeological Sites</p>	
<p>a. Before the construction or placement of any structure, road, or facility supporting exploration, development, or production activities, the lessee must conduct an inventory of prehistoric, historic, and archeological sites within the area, including a detailed analysis of the effects that might result from that construction or placement.</p>	<p>A.6.a.</p>
<p>b. The inventory of prehistoric, historic, and archeological sites must be submitted to the director and the Office of History and Archeology (OHA). If a prehistoric, historic, or archeological site or area could be adversely affected by a lease activity, the director, after consultation with OHA, will direct the lessee as to the course of action to take to avoid or minimize adverse effects.</p>	<p>A.6.b.</p>
<p>c. If a site, structure, or object of prehistoric, historic, or archaeological significance is discovered during lease operations, the lessee shall report the discovery to the director as soon as possible. The lessee will make all</p>	<p>A.6.c.</p>

<p>reasonable efforts to preserve and protect the discovered site, structure, or object from damage until the director, after consultation with the State Historic Preservation Office, has directed the lessee on the course of action to take for its preservation.</p>	
<p>7. Local Hire, Communication, and Training</p>	
<p>a. The lessee is encouraged to employ local and Alaska residents and contractors, to the extent they are available and qualified, for work performed in the lease area. The lessee will submit, as part of the plan of operations, a hiring plan that will include a description of the operator's plans for partnering with local communities to recruit, hire, and train local and Alaska residents and contractors. As a part of this plan, the lessee is encouraged to coordinate with employment and training services offered by the State of Alaska and local communities to train and recruit employees from local communities.</p>	<p>A.7.a.</p>
<p>b. In accordance with Administrative Order 278, the lessee is encouraged to employ apprentice labor to perform at least 15 percent of total work hours, to the extent they are available and qualified, for work performed in the lease area. The lessee will submit, as part of the plan of operations, a hiring plan detailing the means by which the lessee might incorporate apprentice labor.</p>	<p>A.7.b.</p>
<p>c. A plan of operations application must describe the lessee's past and prospective efforts to communicate with local communities and interested local community groups.</p>	<p>A.7.c.</p>
<p>d. A plan of operations application must include a training program</p> <ul style="list-style-type: none"> i. for all personnel including contractors and subcontractors; ii. designed to inform each person working on the project of environmental, social, and cultural concerns that relate to that person's job; 	<p>A.7.d. A.7.d.i. A.7.d.ii.</p>

<p>iii. using methods to ensure personnel understand and use techniques necessary to preserve geological, archeological, and biological resources; and</p> <p>iv. designed to help personnel increase their sensitivity and understanding of community values, customs, and lifestyles in areas where they will be operating.</p>	<p>A.7.d.iii.</p> <p>A.7.d.iv.</p>
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8. Definitions	
<p>Facilities - Any structure, equipment, or improvement to the surface, whether temporary or permanent, including, but not limited to, roads, pads, pits, pipelines, power lines, generators, utilities, airstrips, wells, compressors, drill rigs, camps, and buildings.</p> <p>Hazardous substance - As defined under 42 USC 9601 - 9675 (Comprehensive Environmental Response, Compensation, and Liability Act of 1980).</p> <p>Important wetlands - Those wetlands that are of high value to fish, waterfowl, and shorebirds because of their unique characteristics or scarcity in the region or that have been determined to function at a high level using the hydrogeomorphic approach.</p> <p>Minimize - To reduce adverse impacts to the smallest amount, extent, duration, size, or degree reasonable in light of the environmental, social, or economic costs of further reduction.</p> <p>Plan of operation - A lease plan of operations under 11 AAC 83.158 and a unit plan of operations under 11 AAC 83.346.</p> <p>Practicable - Feasible in light of overall project purposes after considering cost, existing technology, and logistics of compliance with the mitigation measure.</p> <p>Secondary containment - An impermeable diked area, portable impermeable containment structure, or integral containment space capable of containing the volume of the largest independent container. The containment will, in the case of external containment, have enough additional capacity to allow for local precipitation.</p> <p>Temporary - No more than 12 months.</p>	