Title 9 Major Use Permit No.: 102-03-20
Date of Issue: August 20, 2019
Permit Expires: December 31, 2020

Permit Issued By:

Northwest Arctic Borough
Planning Department
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APPROVED

Permittee:

NANA Regional Corporation
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Project Description:

NANA Regional Corporation (NANA) proposes to conduct a short summer studies program in the Kobuk River Delta in preparation for a future gas exploration program ('Prospecting' is a Minor Use and 'Archaeological Surveys' is a Major Use in the Subsistence Conservation District). The 7-day studies program will include cultural clearance, aquatic surveys, water quality testing and survey of potential drill site access near the central Riley Channel. The proposed start date is August 1, 2019 and will be completed by October 1, 2019.

Specific details of the project are contained in the permit application (20-02-102) and documents submitted by the NANA to the Borough Planning Department. These documents are incorporated into the Borough's administrative record. Project Activities are summarized below.

Project Location:

The project is located in the Subsistence Conservation District at:

- Township 16 North, Range 15 West, Sections: 11-14, 23-26, 35, 36

- Township 16 North, Range 14 West, Sections: 7-9, 16-21, 28-33, Kateel River Meridian

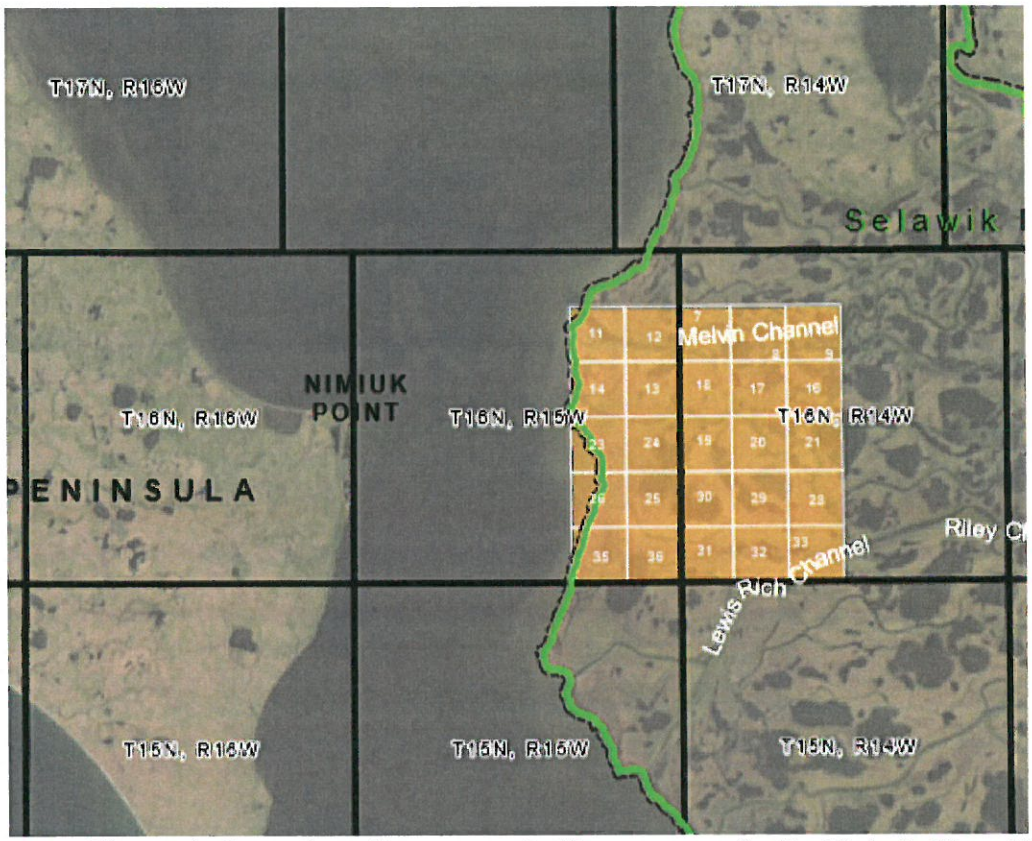

Figure 1. Location of summer studies program in the Kobuk River Delta

Prospecting and Archaeological Surveys:

The summer studies program is intended to be conducted as early as possible in the summer or fall of 2019. Scheduling will begin immediately upon completion of consultation with the U.S. Army Corps of Engineers to verify all conditions for use of Nationwide Permit Number 6 (NWP 6) are met.

The preferred access to the project area in the vicinity of Riley Channel is via helicopter. If helicopter is not available at the desired time, access will be via crew boat operated daily from Kotzebue. Once at the project site, a 12 foot Avon inflatable raft with 9.9 hp motor will be used for bathymetry of the channel and lakes. Access to the activity area will be by crew boat, portable inflatable boat, foot, and/or helicopter. Field Camp Location Field crews, including the boat operator, will be based out of Kotzebue. The intention is to return to Kotzebue and the end of each work day, but the crew may spend several nights camping in the central Riley Channel area if the weather conditions prevent safe return travel.

Route Delineation – The proposed project location is located approximately 1,000 feet from Riley Channel. The work will entail evaluating banks of Riley Channel for the best barge

landing locations and developing channel cross sections of the potential sites. The terrestrial portion of the work will include walking the area from Riley Channel to the drill site to find the best route and avoid wetlands if possible. Survey methods may include the small test pits of 4-inch wide to 6 inch deep to evaluate soil conditions for wetlands evaluation and depth to permafrost.

Well Staking and Elevation Survey: once the overland travel route has been established, a land survey will be completed to develop a topographic map that will be used for planning and permitting, and a formal survey will be completed as required by AOGCC to stake the well location.

Aquatic Surveys: Visual observation of lake conditions, collection of water quality data on lakes and Riley Channel, and collection of water flow data on Riley Channel. All completed with non-invasive survey methods.

Cultural Survey: this is a pedestrian survey by an experienced archaeologist of the 1,000 foot access route and banks of Riley Channel. If the archaeologist observes land forms with potential sites, he may dig small test pit 6 inches deep by 4 inch diameter.

Proposed Fuel Usage: An estimated 200-300 gallons of gasoline will be required to complete the work depending on number of boat trips to and from Kotzebue. Gasoline will be stored in 5-gallon jugs and carried to the field along with the portable inflatable boat. Two spill kits capable of cleaning up 25 gallons of fuel will be located near stored cans.

Permit Authorization and Documentation:

NANA Regional Corporation (NANA) submitted a Title 9 Zoning Permit Application (20-02-102) to conduct 'Prospecting' and 'Archaeological Surveys' in a Subsistence Conservation District on July 25, 2019. On July 31, 2019, the Borough Planning Department deemed the application was complete.

Permit fees due totaled to $175.00. 'Prospecting' is $75 and 'Archaeological Surveys' is $100.

The Planning Director has the authority to permit 'Prospecting' as a Minor Use in a Subsistence Conservation District, pursuant to NABC 9.12.030.

The Planning Director has the authority to permit 'Archaeological Surveys' as a Major Use in the Village District, pursuant to NABC 9.12.030. A Major Use Permit requires a 20-day public comment period. There were no public comments for this project.

Permit Terms and Conditions:

1. NANA Regional Corporation (NANA) shall comply with the terms of the permission, permits and/or agreements granted by the federal government, State of Alaska, Northwest Arctic Borough and other applicable agencies.

2. NANA shall comply with any and all applicable local, Borough, state and federal laws. The Borough reserves the right to conduct periodic inspections of the permitted operations as well as work with the permittee to observe operations and/or trips for permit compliance.

3. Prospecting and archaeological survey activities are required to be sited, designed, constructed and operated in a manner that does not substantially interfere with the use of a site that is important for significant cultural uses or essential for transportation to subsistence use areas.

4. NANA shall cease operations when migrating caribou are in the immediate vicinity (within ¾ of a mile) of any area where it is operating under this Major Use Permit. The Planning Director may also request NANA to cease operations in order to not interfere with caribou herds and/or migrations.

5. NANA shall not, during the migration of caribou, locate any operation and/or equipment so as to block or cause diversion of the migration of caribou, and shall cease any activity that may interfere with the migration, such as airborne transports, airborne surveys or movement of equipment, until such time as the migration has been completed.

6. All project activities shall utilize measures to avoid or minimize disrupting wildlife and bird migration, or subsistence activities including fishing, trapping, waterfowl hunting, egg gathering, berry picking and caribou hunting. The applicant will ensure reasonable access to subsistence users to subsistence resources.

7. All air (helicopter and airplane) traffic and ground transportation measures shall utilize measures to avoid disrupting wildlife and bird migration or subsistence activities by, as safety permits, flying around spotted herds or flocks, flying at altitudes high enough to reduce noise and disturbance, limiting the numbers of flights per day, or temporarily suspending operations. The Administrator may impose specific requirements as circumstances may warrant.

8. All aircraft transportation shall avoid areas where species that are sensitive to noise or movement are concentrated. As appropriate, the operations shall use horizontal and/or vertical buffers as appropriate while ensuring human safety.

9. All vehicles shall be operated in a manner such that the vegetative mat of the tundra is not disturbed. Vehicles shall not be abandoned. Vehicles must avoid areas where species that are sensitive to noise or movement are concentrated.

10. All trash and human waste generated at the sites must be properly disposed in accordance with Northwest Arctic Borough Ordinance 9.25.020 M., establishing standards of disposal of refuse, human body waste, and chemicals. All prospecting and archaeological survey activities shall comply with any and all other applicable state and federal laws,

including all applicable hazardous waste and disposal requirements, all waste disposal and landfill requirements, and all open burning and air quality standards.

11. The applicant must conduct activities in a manner to maintain natural drainage pattern, water shed protection, and permafrost stability; to prevent runoff and erosion into water supplies; to minimize alteration of vegetation; and to conserve natural features and the general environment of the area.

12. All project uses and activities are to follow methods to minimize the likelihood of impacts to wildlife, waterfowl, and fish, including waterfowl staging areas, waterfowl nesting areas, and fish spawning areas. Use and activities shall not have a significant adverse impact on fish, including fish in their juvenile and larval stages.

13. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the project activities, and NANA shall immediately contact the Planning Director at the NAB to determine the conditions to continue.

14. All fuel/oil/hazardous substance storage, including waste oil, must meet all applicable state and federal containment laws. Any project fuel storage at the prospecting/survey sites shall meet all applicable state and federal containment laws to prevent fuel spills and protect against fire danger. If a spill occurs, it must be reported immediately to the Alaska Department of Environmental Conservation and the NAB Planning Department (at least within 24 hours). Appropriate spill kits and absorbent pads must be stored at the prospecting/survey sites. Fuel/oil drums or other storage containers shall not be abandoned.

15. Project equipment servicing and fueling operations are prohibited within 100 feet of any surface water body, including any rivers, drainage channels, sloughs and lakes. Equipment must be monitored daily for hydraulic leaks. Project equipment shall not be abandoned.

16. NANA shall immediately notify the borough (at least within 24 hours) of any change in the prospecting/survey plans and seek modification of the permit.

17. At the completion of each season and overall completion of the project, erosion control measures shall be utilized to stabilize the prospecting/survey sites. At a minimum, any disturbed areas must be re-graded to stable slopes that blend with the natural topography, maintain natural drainage, promote safety, and otherwise mitigate the effects of prospecting. Within mean annual flood lines, re-grading to ground contours which will not entrap fish and not significantly alter the river/stream hydraulics will occur at the end of each operating season.

18. NANA is subject to all penalties and civil actions pursuant to section 9.08.240 for violation of the permit conditions and stipulations prescribed herein.

19. Kobuk River Delta Subsistence Conservation Subdistrict.

1. Subsistence Uses. Nonsubsistence uses and activities shall not adversely affect the following activities unless there is an approved mitigation plan:
   a. Waterfowl hunting (May 1st – August 15th).
   b. Sheefish fishing (spring and summer).
   c. Muskrat trapping (winter and spring).
2. Waterfowl Nesting and Staging. Uses and activities shall be sited and scheduled to avoid waterfowl staging (spring and fall) and nesting periods (summer).
3. Fish. Commercial uses requiring water intake or habitat alteration affecting this area shall be sited, designed and operated to avoid significant adverse effects on juvenile fish, anadromous fish migration, or overwintering fish populations.
4. Effects Analysis. Applicants shall prepare an analysis of effects on subsistence, fish and wildlife habitat, and fish and wildlife populations.
5. Alternative Sites. To the extent feasible and prudent, activities and facilities shall be located outside of this subdistrict.

20. During the fall caribou migration, NANA or any project contractors shall not, during the migration of caribou, locate any operation and/or equipment so as to block or cause diversion of the migration of caribou. NANA and/or any project contractors shall cease any activity that may interfere with the seasonal fall caribou migrations and/or caribou summer movements, such as marine, ground and airborne transports, ground and airborne surveys or movement of equipment, until such time as the migration or summer movements have cleared ¾ of a mile from the location of the project activity. Concern for human safety will be given special consideration when applying this policy.

    As a general guideline, caribou migration means an area where 500 or more caribou are travelling or congregating. However, during the seasonal fall period of mid-August through mid-November, NANA shall take extra precautions to avoid deflecting even small numbers (e.g. group sizes of 5-10) of the first caribou moving through the area as these groups/bands set trails as "lead caribou" that subsequent caribou later follow during the migration. The intent of these guidelines are to ensure free passage of caribou through the area to avoid impacting caribou and the communities that historically and currently depend upon it as well as preserving existing and important adjacent land uses. These guidelines may be revised based upon updated information and research (including local traditional knowledge) which is approved by the Borough Planning Commission.

21. Annually by December 31st, the permittee shall file a written report with the NAB Planning Department describing the following:
    (a) complete report of any fuel or other hazardous substances discharges and clean-up activities completed,
    (b) description of any reclamation,
    (c) report the incidents of caribou migration and dates/times of ceased operations for allowing migration of caribou, and
    (d) other matters as reasonable required by the Administrator/NAB Planning Director.

22. At the conclusion of each season the Borough Planning Department shall evaluate the effectiveness of the permit conditions. The Title 9 Administrator shall be authorized to adopt corrective measures for ineffective or inadequate permit conditions.

23. NANA and/or land owners shall allow the NAB and/or their representatives access to the permitted sites and properties, during the term of this permit or within 5 years after permit expiration, to conduct scheduled or unscheduled inspections to determine compliance with this permit or respond to emergency situations.

24. This permit will expire on December 31, 2020, unless revoked by the Title 9 Administrator and/or NANA.

Permit Approval

NORTHWEST ARCTIC BOROUGH

for

Martha Siikauraq Whiting,
Planning Director/Title 9 Administrator

August 20, 2019
Date

CC: City of Kotzebue, Kotzebue IRA Council, City of Noorvik, Noorvik IRA Council, Maniilaq Association, Kikiktagruk Inupiat Corporation

Posted at: www.nwabor.org