



Title 9 Conditional Use Permit No.: 102-03-21
Date of Issue: October 9, 2020
Permit Expires: December 31, 2023



Permit Issued By:

Northwest Arctic Borough
Planning Department
c/o John Chase
PO Box 1110
Kotzebue, AK 99752
Tel 907.442.8212 / 800.478.1110 extension 112
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jchase@nwabor.org

Permittee:

Northwest Arctic Borough School District
P.O. Box 51
Kotzebue, AK 99752
Tel 907.442.1800

Permittee Contact Information:

Kathy Christy
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Tel 907.223.2999
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Project Description:

The Northwest Arctic Borough School District (NWABSD) submitted a Title 9 application to construct a new K-12 school complex at the preferred new school location near Kisimigiuqtuq Hill (K-Hill) near the community of Kivalina. This project will involve construction of a 38,000 square foot school and associated school facilities on approximately 17 acres. The new school will also function as an emergency rendezvous location and shelter for people evacuating the village of Kivalina in the event of catastrophic storm or ocean surge.

The Kivalina K-12 Replacement School site is currently undeveloped and not served by any utilities or other infrastructure. Mining of rock and processing of gravel for the entire project will occur at the nearby K-Hill material source. The school facilities will need to be constructed to support the operation of the school. The new school complex will include construction of the following primary components:

- School building;
- Mechanical/vocational education building;
- Wastewater treatment facility (WWTF) building;



- Water storage tank;
- Fuel storage tanks;
- Standby generator;
- Playground;
- Bus shelter;
- Teacher housing;

The proposed start date is October 2020 and will be completed by September 2022.

The following Uses make up this project:

1. Village District:

- ‘Placement of fill in a wetland, greater than one acre’—Major Use
- ‘Bulk fuel storage’—Major Use
- ‘Temporary construction facilities’—Minor Use
- ‘Roads’—Major Use
- ‘Public Facilities’—Major Use
- ‘Schools’—Major Use

2. Subsistence Conservation District:

- ‘Gravel Extraction’—Conditional Use

****The Planning Commission’s approval of this Title 9 Permit is contingent upon rezone of the current project area from Subsistence Conservation District to Village District. Due to larger community relocation project, the School site was selected at K-Hill instead of the existing Kivalina village site due to erosion and storm surge concerns. In order to meet NWABSD’s construction schedule, this permit will be issued conditioned upon the rezone of the project area before March 31, 2021. In the event that the rezone is not completed by March 31, 2021, this permit will terminate.****

Specific details of the project are contained in the Title 9 application (21-02-102) and documents submitted by NWABSD to the Borough Planning Department. These documents are incorporated into the Borough’s administrative record. Project Activities are summarized below.

Project Location:

The proposed project is located within Section 19, Township 28 North, Range 25 West, USGS Quad Map Noatak D-5, Kateel River Meridian. The new school site, which sits on 17 acres, is positioned just northeast of a recently-constructed 250’ x 700’ gravel pad known as the “terminus pad” of the evacuation road. See **Figure 1** below. The terminus pad delineates the end of the evacuation road, and will function as the gathering point for the community of Kivalina during evacuations caused by severe ocean storm conditions.

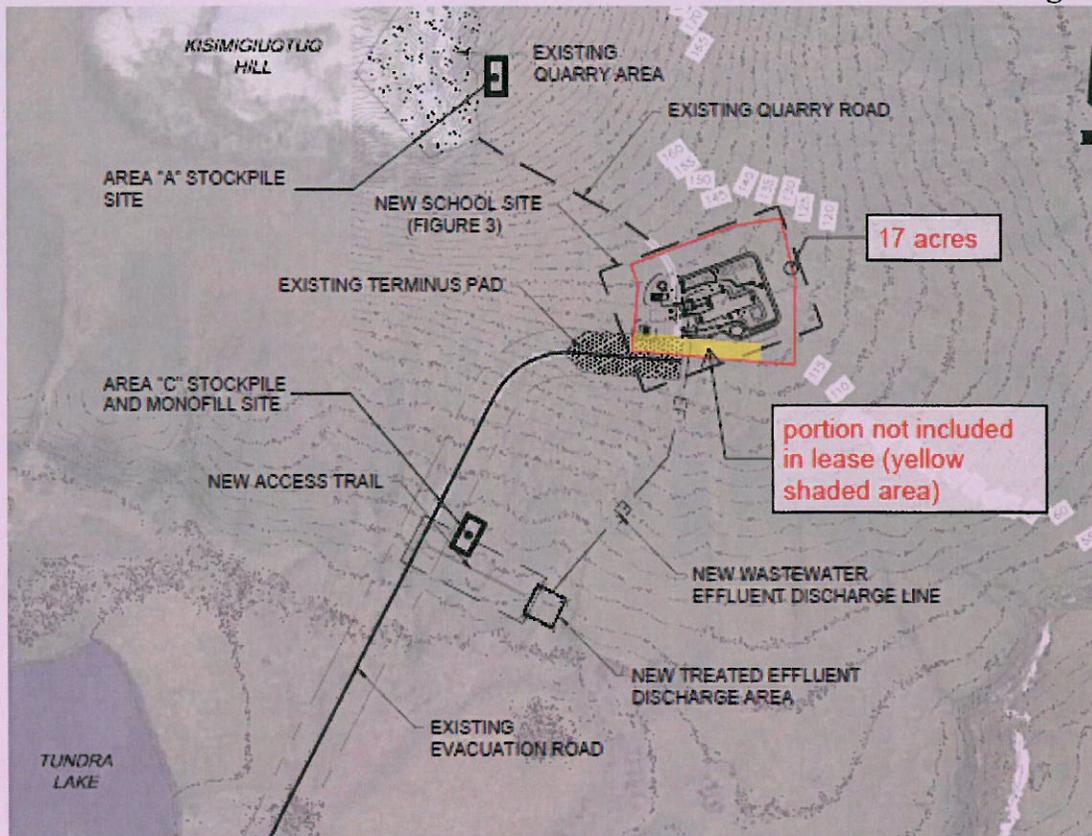


Figure 1. Kivalina K-12 Replacement School project location

The K-Hill material site is located at Township 28 North, Range 28 West, Section 19, Kateel River Meridian. See Figure 1, above, to see the location of K-Hill, northeast of the proposed school site.

Rezone:

To accommodate the timely permitting of this project, a rezone of the Kivalina Village District must be completed by March 31, 2021. The 7.1 miles of the evacuation road and the 17-acres of the new school site will be added to the existing Kivalina Village Zone as depicted below.



Figure 2. Kivalina Village District Rezone

Temporary Construction Facilities:

The contractor, ARSC-SKW is largely mobilized from constructing the evacuation road project. For the ADOT/PF evacuation road project, a construction camp and a fuel tank farm were provided for housing and support of work crews. These facilities will continue to operate for this project and include housing modules, water treatment and wastewater treatment modules, a 250-KW back-up power generator, and supply and equipment storage. The camp will continue to be located adjacent to the Kivalina airport, on lease lots owned by the State of Alaska. The existing City of Kivalina maintenance barn will continue to be leased for construction equipment maintenance and other mechanical and project support. As in the previous project, the camp will obtain power from the City electrical grid and will receive water from the City distribution system. The contractor will augment the water supply as needed to help meet the community water demand. Solid wastes generated at the construction camp will be exported in barged “connex” containers to a qualified disposal site. Treated liquid wastewater effluent from the construction camp will be conveyed by pipeline to the



Kivalina Lagoon or Chukchi Sea. As construction progresses, the camp may be relocated to the project site on the evacuation road terminus pad.

Material Source Development and Gravel Extraction:

Gravel for the school facility's roadways, parking areas and structural pads will be obtained by mining in the existing quarry located on K-Hill. This quarry has been developed and currently permitted through Alaska Department of Transportation & Public Facilities and NANA Regional Corporation for constructing the evacuation road project. In-place rock will be drilled, shot, crushed and stockpiled locally to meet the project's aggregate quantities and material specifications. This processing will be performed entirely within the existing confines of the quarry. The gravel will be transported to the school site via the existing quarry road. K-Hill material mining is anticipated to begin in the early winter (October/November) of 2020 and continue through October of 2021. **The total amount of material to be mined for the project is approximately 77,920 CY.** This material is comprised of gravel fill and rip-rap.

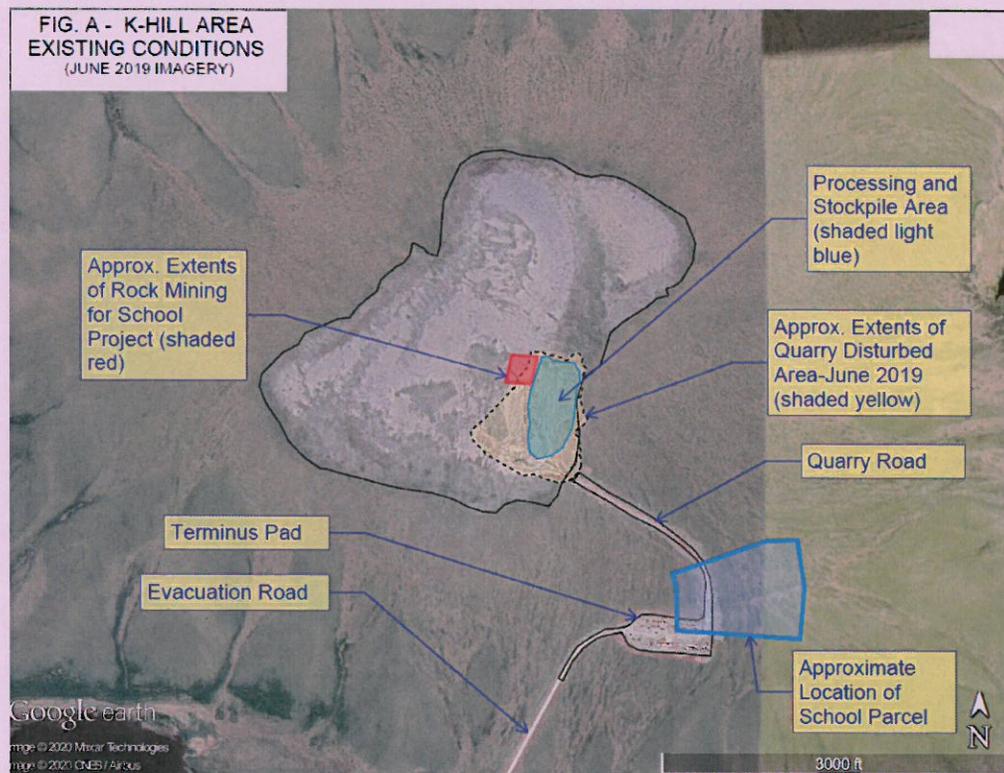


Figure 3. K-Hill material source and School Parcel location

Site Plan

K-Hill is a currently developed limestone quarry located 6.8 miles northeast of the village of Kivalina. There are no concerns with proximity to any existing public infrastructure. This material site is adjacent to the terminal end of the evacuation road from Kivalina and accessible from public roadways.

Phase 1 Fall 2020 – Blasting and Processing



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1. The footprint and a fifty-foot (50ft) buffer of vegetation surrounding the permitted mining will be laid out using GPS Survey equipment. Upon staking the mining area, a copy of the survey file will be provided to NANA in AutoCAD format.
2. This mining plan will avoid overburden and organic removal by targeting the eastern slope of K-Hill that is not vegetated and/or previously disturbed during construction of the Evacuation Road Project. Should overburden removal be required, overburden and vegetation will be cleared from the material site and stockpiled around the perimeter of the pit to further provide a buffer and screen to the pit. Usable vegetation will be stored to be reused during reclamation. Overburden will be stored on the north edge of the mining area.
3. Material site development will start at the north end of the previously developed face of K-Hill and progress to the north.
4. Blasting will commence with the intent to deliver 12" minus Borrow material. The eastern face of K-Hill is anticipated to produce all material for the project.
5. Shot rock will be processed to produce and stockpile 25,000 cubic yards of 8" minus borrow, 2,500 cubic yards of 1" minus surfacing and 2,500 cubic yards of Class II rip rap.
6. Bench heights are expected to be 40'-50' in competent limestone bedrock for the life of the project.
7. Prior to every shot, a public notice will go out to the community on UHF/VHF radio, 12 hours in advance of the scheduled shot.
8. A material site access road is constructed from the south east edge of K-Hill to the terminus of the Kivalina Evacuation Road. This road will provide pit access for the life of the material source. The road is 30-feet wide for haul truck traffic and 5-feet thick with 2H:1V side slopes. The road is approximately 2,000 feet long. Signage will be installed at the start of the access road to prohibit the public from using the access road until project completion. Prior to seasonal shutdowns, a gravel berm will be installed at the entrance to the access road to further restrict access to the material site.
9. Interim reclamation of Phase 1 – Reclamation activities following the first season will focus on stabilization of material stockpiles, erodible slopes and controlling surface water drainage and offsite discharge.

Phase 2 Winter 2020 to Summer 2021- Borrow Production and Placement

1. Blasting of the in-situ rock will proceed in benches and ensure the material site maintains safe and stable slopes. Bench heights are expected to be 40'-50' in competent limestone bedrock.
2. Benches will advance from south to north.
3. The working face of the material site will maintain 1H:2V terraced slope. Heavy equipment and haul trucks will be utilized to load and transport the material from the material site to the project.
4. Interim reclamation of Phase 2. Reclamation activities following every working season will focus on stabilization of material stockpiles, erodible slopes and water discharge locations from the pit floor.

Reclamation Plan

All blasting for the School project will be completed in the winter of 2021. Remaining material required for the project will be hauled out of stockpile in the summer of 2021 through fall of 2023 with no additional blasting or quarry development expected.



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Upon fulfillment of the project scope and when no further material is required from the material site, the pit will be reclaimed. A minimum of 1,000 cubic yards of excess, useable material for community projects will be stockpiled within the pit floor and stabilized.

Overburden and organics will be separated, graded and seeded at the pit floor. The floor of the pit will have 4%-5% slope to drain towards the south east corner of the mining area. Slopes along eastern wall or working face will be terraced and carry an overall slope no steeper than 1H:2V. This terraced working face is not expected to be erodible or require erosion protection. Material properties will be reassessed during mining and, if necessary, the slope angles may be modified to maintain stable, safe slopes and minimize erosion.

The site will be developed as a traditional quarry, and terraces will be constructed and maintained such that high walls are limited to the working face of the site. It will be difficult to force the final site to blend in with the surrounding landscape due to the nature of the development; however, overburden and organics will be graded and seeded within the pit boundaries to provide a more natural look. Benching performed in competent bedrock will suffice for stabilization. Slopes that include erodible soils will be graded no steeper than 1.5H:1V, seeded and mulched for final stabilization.

Safety is a primary concern during mining and post-mining. The main concern for this site will be a risk of falling rock. Terraces will be constructed during development of the site, and these terraces are still expected to be 40-50 feet tall. Safety berms will be constructed while mining is occurring and implemented as a final safety measure when mining is complete. Safety berm details will be installed in order to warn the public of high walls that are to remain at the close of the project. Warning signs will be installed at the entrance to the material site access to notify the public. Excess material will eventually be stockpiled within the pit floor for future use. Should excess material exist that is erodible, it will need to be seeded and stabilized. Overburden and organics will be graded and seeded within the mining limits.

Bulk Fuel Storage:

A fuel tank farm will continue to be used as currently established on airport property located west of the construction camp. The amount of stored fuel will initially be 140,000 gallons total for both diesel fuel and gasoline by way of single wall storage tanks contained by an earthen berm and underlain by an impervious liner. An engineer-stamped ADEC Spill Prevention Control and Countermeasure (SPCC) Plan will be implemented. The amount of stored fuel at this facility will be scaled back to 30,000 gallons in the summer of 2021.

A tank farm located at the terminus pad near K-Hill will continue to be used for support of construction site equipment. This farm consists of three 6,600-gallon, single-wall fuel tanks contained by a lined earthen berm. Fuel will be hauled to these tanks from the Kivalina fuel farm using a 4,000-gallon tanker truck and transferred to the storage tanks using an electric pump. An engineer-stamped ADEC Spill Prevention Control and Countermeasure (SPCC) Plan will be developed and implemented for the K-Hill tank farm site.



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Barged fuel delivery will be seasonal and include deliveries in 2020, 2021 and 2022. On the last fuel delivery for the project in 2022, the remaining needs for the project will be known with more precision, and therefore it is unlikely that a significant amount of fuel will remain after the project is complete. If there is surplus fuel, it will be transferred by fuel truck into the community's permanent tank farm and sold to the school district or distributed to other users in the village.

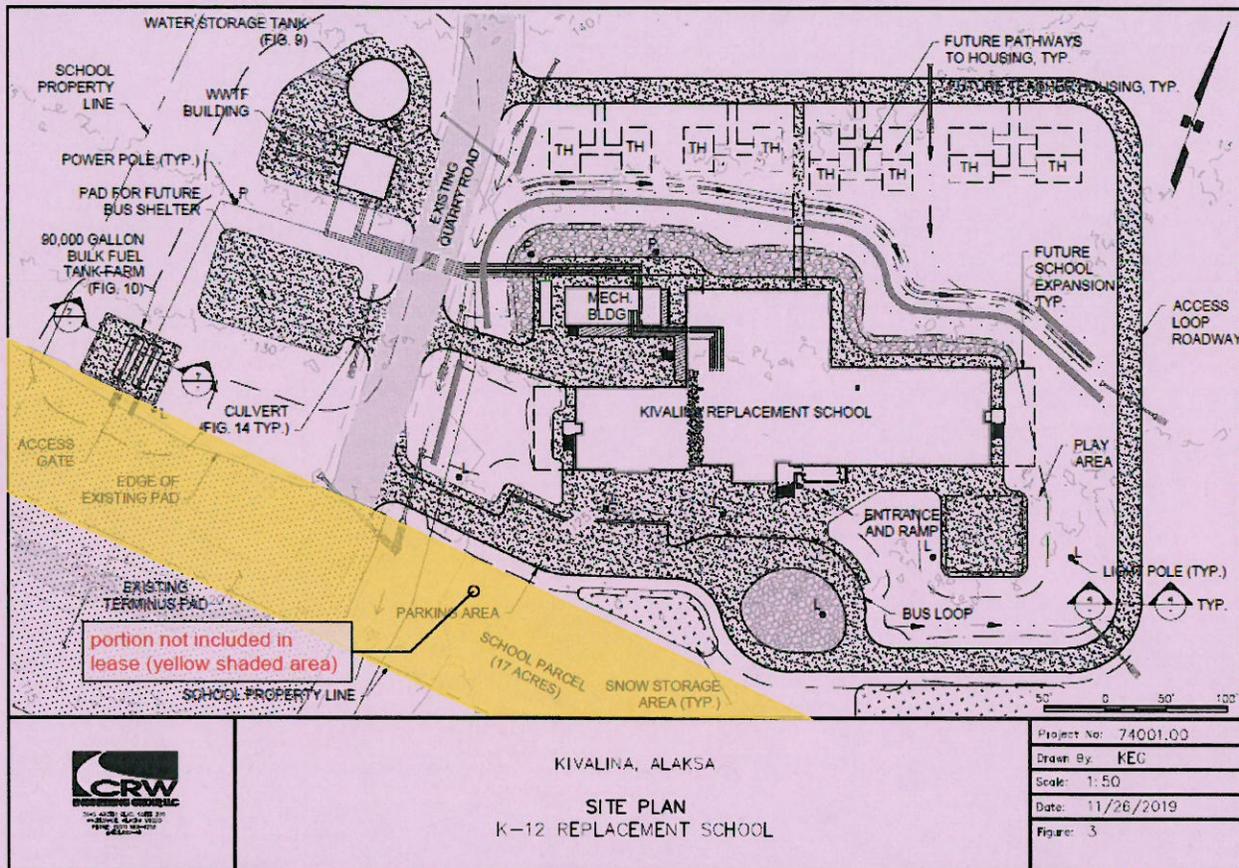


Figure 4. K-12 Replacement School Campus

School Campus Construction:

Construction will occur in order of activity, not necessarily in order of building or project component:

- Excavation of site and gravel placement will occur in late winter and spring of 2021.
- Piling will be installed for all buildings during spring of 2021 (for the school and mechanical/voc-ed buildings). Approximately 133 pilings will be installed for the school itself and 17 pilings for the Mechanical/Voc-Education buildings.
- Concrete foundations will be constructed during the summer of 2021 (for the wastewater treatment facility, water storage tank and bus shelter).
- School, mechanical/voc-ed (with standby generator), wastewater treatment facility building construction will begin in the summer of 2021 and continue through the summer of 2022.



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- The bus shelter and teacher housing construction will also begin in the summer of 2021, but this work will be provided by the NWABSD.
- The water storage tank and fuel storage tanks will be installed after August 2021 (i.e. after the first barge is off-loaded in Kivalina that summer).
- Remaining site work (final surfacing, site utilities, other surface features like playground, fencing, railings, etc) will be installed in the summer of 2022.
- School opening will begin in the fall of 2022 and continue to early summer of 2023.
- Follow-up finishing work may extend into the summer of 2023.

Roads:

A material site access road is constructed from the south east edge of K-Hill to the terminus of the Kivalina Evacuation Road. This road will provide pit access for the life of the material source. The road is 30-foot wide for haul truck traffic and 5-foot thick with 2H:1V side slopes. The road is approximately 2,000 feet long. Signage will be installed at the start of the access road to prohibit the public from using the access road until project completion. Prior to seasonal shutdowns, a gravel berm will be installed at the entrance to the access road to further restrict access to the material site.

Teacher Housing:

Three existing teacher housing duplex units will be moved from the existing school site to the new school site and have the following sizes:

- 28-foot by 60-foot
- 24-foot by 36-foot
- 28-foot by 36-foot

A fourth teacher housing duplex will also be built for the school, but size is not determined at this point. For the purpose of usage, you might assume the largest size of the above three for this fourth unit.

Wastewater Effluent Discharge Line:

The treated wastewater effluent line will be comprised of an aboveground pipeline that is supported on timbers. The pipeline will have a 6-inch diameter HDPE inner pipe surrounded by insulation and an 18-inch diameter corrugated aluminum outer jacket. The pipeline will also feature a glycol heating loop inside the insulation next to the inner pipe. This pipeline will transport wastewater effluent that is treated to secondary standards as regulated by the State of Alaska Department of Environmental Conservation (ADEC). The treated wastewater line is approximately 1800 feet south of the school property and will be discharged onto a fenced area of tundra in accordance with a discharge permit to be obtained from ADEC. See Figure 1 on page 3.

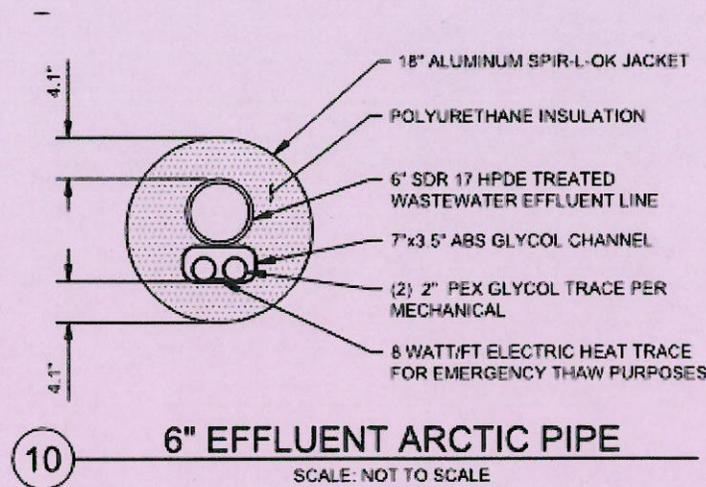


Figure 5. 6" wastewater effluent pipe and line

Unusable Material:

Site construction will generate about 45,000 CY of material that will not be incorporated into the design of the project—this is unusable material. The composition of this material is variable, and expected to be comprised of surface organics, organic silts and silty gravel. It is estimated that the surface organics and organic silts could constitute as much as half of the excess material (22,500 CY), and the silty gravel as much as 37,500 CY, depending on actual conditions. These estimates should be regarded as rough-order-of-magnitude (ROM), due to the variable nature of the in-situ soil. Two locations in the vicinity of the school site were selected as disposal sites (noted as "A" and "C" on **Figure 1** on page 3).

The remote location of the school site will make the local disposal of excess soil materials economically necessary. Site A is located adjacent to the existing quarry. Site C is located southwest of the terminus pad, adjacent to the evacuation road. Both sites are sized with the same area: 250 feet wide by 500 feet long (2.87 acres each). The size of each is designed to adequately contain the volumes of unusable material generated by the school project (20,000 to 35,000 CY each, depending on anticipated stockpile depths, slopes and material characteristics). Surface vegetation and organic materials will be stockpiled mostly at Site A, where it can be readily used in and around the quarry for on-going reclamation purposes. Most of the granular materials would be stockpiled at Site C where it can be used to develop a future community solid waste site and other berming/mounding needs in the area. Nominal amounts of each type would be stockpiled at each site.

Stockpiles will be contoured, capped and seeded so as to stabilize their slopes under thawing and erosive actions. At each site, soil materials will be placed on top of the down-sloping tundra in 1 to 2-foot lifts and track-walked for compaction. Stockpile heights will be limited to 15 feet maximum above the tundra grade. Side slopes will be limited to a 3H to 1V maximum steepness, but side slopes on the "downhill" side of the stockpile will be limited to a maximum 4H to 1V steepness. The top surfaces of the stockpiles will be sloped no flatter than



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5% to facilitate the shedding of surface run-off. Stockpiles will be stabilized with mulch and/or organic material and seeded for grass growth.

Current Approvals:

- State of Alaska SHPO Concurrence
- State Fire Marshall Review
- US Army Corp of Engineers, Section 404 Wetlands Fill Permit (pending)
- School property lease—NANA Regional Corporation
- NANA Regional Corporation, Mining and Reclamation Plan (pending)
- Material Sales Agreement, NANA Regional Corporation (pending)
- Unusable Materials Stockpiling Approval, NANA Regional Corporation (pending)
- State of Alaska, Department of Environmental Conservation (pending)
 - Wastewater treatment and discharge of treated wastewater
 - Water Storage and supply for school operations
 - On-Site Food Service for school operations

Permit Authorization and Documentation:

NWABSD submitted a Title 9 Land Use Permit application (19-02-102) for the following Uses:

Village District:

- ‘Placement of fill in a wetland, greater than one acre’—Major Use
- ‘Bulk fuel storage’—Major Use
- ‘Temporary construction facilities’—Minor Use
- ‘Roads’—Major Use
- ‘Public Facilities’—Major Use
- ‘Schools’—Major Use

Subsistence Conservation District:

- ‘Gravel Extraction’—Conditional Use

The Title 9 application was received on July 24, 2020. On August 24, 2020, the Borough Planning Department deemed the application was complete. The 20-day public comment period for this permit started September 10, 2020. There was one comment letter from Jeff Nelson of NANA Regional Corporation. Mr. Nelson’s comment was regarding the use of Site C, which will be finalized after proper consultation with the City of Kivalina. The final location of Site C will require an agreement between NANA Regional Corporation and the City of Kivalina.

Permit fees due totaled \$1,350. The applicant requested a waiver for permit fees because the proposed project will benefit the residents of Kivalina. The Planning Director granted the waiver of fees.

The Planning Commission has the authority to permit: ‘Gravel extraction’ in the Subsistence Conservation District by Conditional Use Permit, pursuant to Northwest Arctic Borough Code (NABC) 09.12.030.



Permit Terms and Conditions:

1. The Northwest Arctic Borough School District (NWABSD) shall comply with the terms of the permission, permits and/or agreements granted by the federal government, State of Alaska, NANA, Northwest Arctic Borough and other applicable agencies.
2. NWABSD 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. School construction 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. 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.
5. 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.
6. All trash and human waste generated at the sites must be properly disposed in accordance with Northwest Arctic Borough Code Section 9.25.020 M., establishing standards of disposal of refuse, human body waste, and chemicals. All remedial 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.
7. The applicant must conduct activities in a manner to maintain natural drainage pattern, watershed 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.
8. The Borough recognizes that this area near Kisimigiutq Hill is above the 100-year floodplain, and will not be subject to flooding that may result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of Kivalina residents. The Borough has adopted the necessary regulations of the Federal Emergency Management Agency (FEMA) to enable its communities and residents to participate in the National Flood Insurance Program (NFIP). See NABC 9.25.020.



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To promote the public health, safety and general welfare by minimizing flood damage and loss and promoting access to disaster relief, the following conditions must be met:

- a. Encourage protection of land uses vulnerable to floods, including public facilities and utilities that serve such uses, against flood damage at the time of initial construction or substantial improvement.
Ensure that those persons who occupy areas of special flood hazards assume responsibility for occupying such flood hazard areas.
- b. All new construction and substantial improvements shall meet the following general standards, as applicable:
 1. Anchoring. All new construction and substantial improvements shall be designed, modified, constructed and adequately anchored to prevent flotation, collapse or lateral movement of the structure; all manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement.
 2. Construction Materials and Methods. All new construction and substantial improvements shall be constructed with materials and utilize equipment resistant to flood damage and use methods and practices that minimize flood damage, including waterproofing, watertight construction, use of substantially impermeable materials and other construction techniques.
 3. Manufactured Homes and Structures. Manufactured homes shall not be placed in a flood area if possible and if placed within a flood area shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.
9. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the project activities, and NWABSD shall immediately contact the Planning Director at the NAB to determine the conditions to continue.
10. All fuel/oil/hazardous substance storage, including waste oil, must meet all applicable state and federal containment laws. Any project fuel storage at the school construction and/or gravel extraction 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 school construction and gravel extraction sites. Fuel/oil drums or other storage containers shall not be abandoned.
11. 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.
12. NWABSD shall immediately notify the Borough (at least within 24 hours) of any change in the plans and seek modification of the permit.



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13. NWABSD is subject to all penalties and civil actions pursuant to section 9.08.240 for violation of the permit conditions and stipulations prescribed herein.
14. Annually by December 31st, the permittee shall file a written report with the NAB Planning Department describing the following:
 - a. A complete report of any fuel or other hazardous substances discharges and clean-up activities completed,
 - b. Other matters as reasonably required by the Administrator/NAB Planning Director.
15. 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.
16. NWABSD and/or landowners 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.
17. This permit will expire December 31, 2023, unless revoked by the Title 9 Administrator and/or NWABSD.

Permit Approval

NORTHWEST ARCTIC BOROUGH

Conditional Use Permit Approved by the Northwest Arctic Borough Planning Commission through Resolution PC 20-12

Authorized signatory: Lucy S. Nelson, Mayor

October 9, 2020

Date

CC: City of Kivalina, Kivalina IRA Council, NANA Regional Corporation, Maniilaq Association, State of Alaska Department of Transportation & PF, AVEC, NIHA

Posted at: www.nwabor.org

**NORTHWEST ARCTIC BOROUGH PLANNING COMMISSION
RESOLUTION 20-12**

**A RESOLUTION OF THE NORTHWEST ARCTIC
BOROUGH PLANNING COMMISSION APPROVING
CONDITIONAL USE PERMIT NO. 102-03-21 FOR
CONSTRUCTION OF THE KIVALINA SCHOOL, AND FOR
RELATED PURPOSES.**

WHEREAS: the Northwest Arctic Borough Planning Commission supports the construction of a Kivalina K-12 Replacement School; and

WHEREAS: due to a larger community relocation project, the School site was selected at Kisimigiuquq Hill (aka "K-Hill") instead of the existing Kivalina village site due to erosion and storm surge concerns; and

WHEREAS: the site selected for the construction of the Kivalina K-12 Replacement School is approximately 7.1 miles inland from the Kivalina village, and is undeveloped and not served by any utilities or infrastructure; and

WHEREAS: on July 24, 2020, the Northwest Arctic Borough Planning Department received a Title 9 Permit Application from the Northwest Arctic Borough School District for the construction of the Kivalina K-12 Replacement School near K-Hill; and

WHEREAS: on August 24, 2020, the Borough Planning Department deemed the application complete; and

WHEREAS: on September 10, 2020, the Borough Planning Department published a public notice for the Conditional Use Permit #102-03-21, as required by NABC 9.20.030(C)(2); and

WHEREAS: the Northwest Arctic Borough Planning Commission has the authority to approve the proposed uses of land by conditional use permit pursuant to NABC 9.12.020(C)(1), (4), (11), (12), and (14), and 9.12.030 (C)(8) and (E)(3) following a public hearing as required by NABC 9.20.030(E); and

WHEREAS: the Planning Commission's approval of this Title 9 Permit is contingent upon rezoning the current project area from Subsistence Conservation District to Village District. In order to meet NWABSD's construction schedule, this permit will be issued conditioned upon the rezone of the project area before March 31, 2021; and

WHEREAS: in the event that the rezone if not completed by March 31, 2021, this permit will terminate; and

WHEREAS: the Northwest Arctic Borough Planning Commission recognizes the importance of this project and wishes to support and assist the project through to final completion.

NOW THEREFORE BE IT RESOLVED: the Northwest Arctic Borough Planning Commission hereby authorizes the Planning Director to approve the Conditional Use Permit #102-03-21 as reviewed during the Planning Commission Meeting on September 30, 2020.

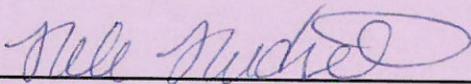
BE IT FURTHER RESOLVED: the Northwest Arctic Borough Planning Commission's authorization of approval of Conditional Use Permit #102-03-21 is contingent upon the successful rezoning of the project area from Subsistence Conservation District to Village District by no later than March 31, 2021.

PASSED AND ADOPTED ON THIS 30TH DAY OF SEPTEMBER 2020



Harold Lambert, Planning Commission Chair

SIGNED AND ATTESTED ON THIS 30TH DAY OF SEPTEMBER 2020



Helena Hildreth, Borough Clerk