



**Title 9 Conditional Use Permit No.: 105-03-19**

**Date of Issue: May 31, 2019**

**Permit Expires: December 31, 2022**



**Permit Issued By:**

Northwest Arctic Borough, Planning Department  
c/o John Chase  
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Kotzebue, AK 99752  
Tel 907.442.8212 / 800.478.1110 extension 112  
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**Permittee:**

Noorvik Native Community  
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Tel 907.636.2144 Fax 907.636.2284  
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**Project Description:**

Noorvik Native Community (NOORVIK) proposes to extract sand and gravel at a previously permitted location at the Hotham Peak Material Site. Material extracted from this location will be used to support local community projects. The proposed start date is June 1, 2019, and will be completed by September 30, 2022.

This Title 9 Conditional Use Permit is a renewal permit for Noorvik Native Community's Title 9 Conditional Use Permit #114-03-15 and #115-03-10. Project activities will remain the same. Specific details of the project are contained in the permit application (19-02-105) and documents submitted by NOORVIK to the Borough Planning Department. These documents are incorporated into the Borough's administrative record. Project Activities are summarized below.

**Project Location:**

The Hotham Peak Material Site is located at Township 16 North, Range 10 West, Section 3, 4 - SE, Kateel River Meridian. NANA Regional Corporation is the landowner and the NNC is the manager of the site.



Gravel extraction activities are located in the Subsistence Conservation and General Conservation Districts.

### **Gravel Extraction:**

NOORVIK will extract approximately 120,000 cubic yards of material for the permit. The Hotham Peak Quarry is mined by traditional truck-and-shovel operations. No blasting is required. The site is divided into four distinct phases described below. Phase 1 was mined between 2011 and 2015; Phase 2 mining began in 2016; and Phase 3 and Phase 4 are planned for future mining. NOORVIK will adhere to these phases and proceed with gravel extraction activities. Slight variations in timing and volumes are expected and do not warrant updates to the mining plan.

### **Site Plan**

#### **Phase 1**

Phase 1 was originally developed by the State of Alaska Department of Transportation and Public Facilities in 2010; all vegetation and soil were stockpiled within the boundaries of the pit to gain access to sand and gravel. The soil stockpiles were confined to the boundaries of the pit and were to be used for reclamation work. Mining continued through 2015, amounting to approximately 13 acres of disturbance. Refer to Table 1 for the approximate volumes of gravel and overburden mined in this phase. Phase 1 has been stabilized through temporary reclamation and will undergo final reclamation according to the approved reclamation plan as future phases are mined.

#### **Phase 2**

Phase 1 was stabilized in 2015 and mining began in Phase 2 in 2016. Phase 2 was stripped of topsoil prior to 2016 so no additional disturbance was required to begin mining. Mining occurred in this phase through 2018 and is expected to continue during the 2019 season.

#### **Phase 3**

Mining in Phase 3 is expected to begin in 2020 after Phase 2 operations have been stabilized according to the reclamation plan. Phase 3 includes an area that has not yet been stripped of topsoil. Topsoil and vegetation will be stripped to assess/extract the gravel. The stripped vegetation and topsoil will be segregated and stockpiled for future use, including reclamation. Phase 3 will result in approximately 1.2 acres of additional ground disturbance.

#### **Phase 4**

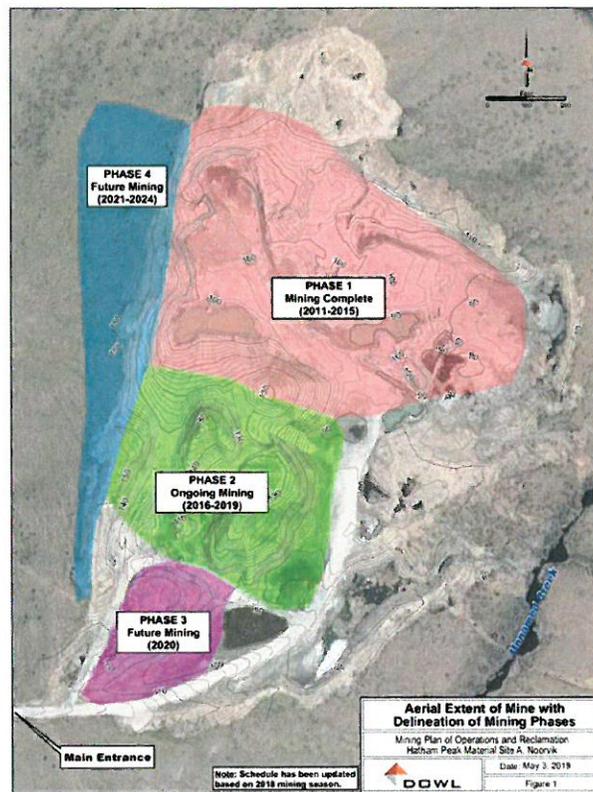
Once Phase 3 has been stabilized, Phase 4 mining can begin. This area will first be stripped of vegetation and topsoil, which will be stockpiled for future reclamation or other uses. Topsoil removal will result in approximately 4.5 acres of additional disturbed ground. Phase 4 will likely require at least one bench to access the gravel layer safely. The material will be assessed, as needed, for applicable construction specifications. Once mining is



complete in this phase, the remaining facilities, including the gravel stockpile and haul roads, will be graded to match the surrounding terrain and no slopes shall exceed a 3:1 length-to-height ratio. See Table 1 for volumes of gravel and overburden estimated in this phase.

Table 1. Volumes					
	Date	Phase	Approx. Gravel Volume	Approx. Overburden Volume	Total Material Mined
Past	2011-2015	1	60,000 CY	12,000 CY	72,000 CY
	2016-2017	2	38,000 CY	44,450 CY	82,450 CY
	2018	2	19,500 CY	14,000 CY	33,500 CY
Future	2019	2	20,000 CY	15,000 CY	35,000 CY
	2020	3	25,000 CY	10,000 CY	35,000 CY
	2021-2024	4	75,000 CY	13,000 CY	88,000 CY

**Table 1. Volumes of gravel extraction for Phases 1, 2, 3, and 4**



**Figure 1. Hotham Peak Material Site and its four-phase Mining Plan**

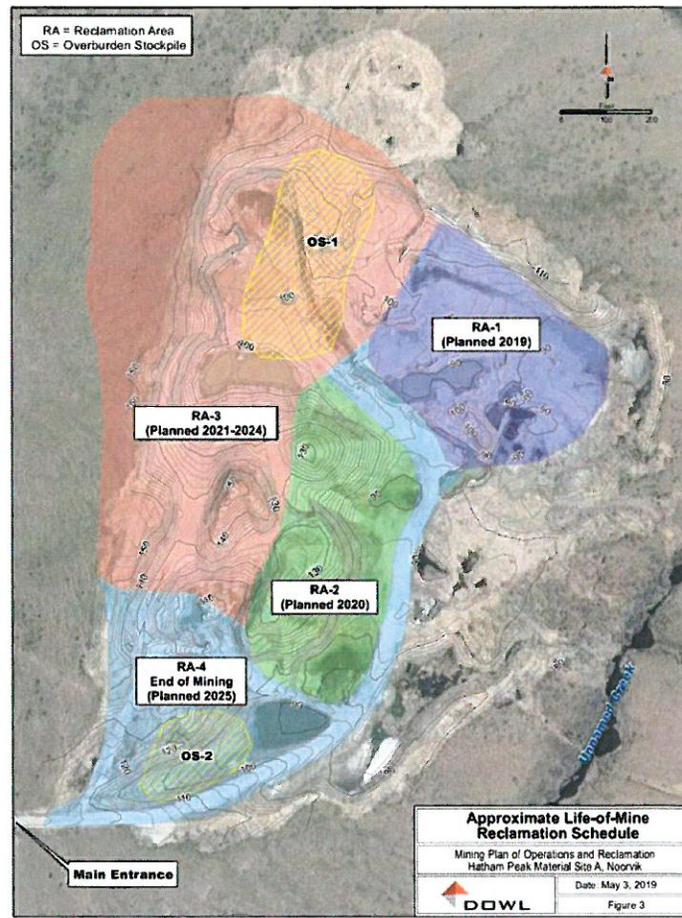
**Reclamation Plan**

Temporary reclamation will be done at the end of every season to stabilize exposed soils and prevent excessive erosion during winter shutdown. Temporary reclamation practices may



include, but are not limited to, reducing steep slopes (no more than 1.5V:1H) and covering exposed soils prone to washouts or excessive erosion. Temporary seeding is not anticipated due to low success rates in arctic climates.

Permanent reclamation will be completed in four phases, shown in Figure 2. Table 2 summarizes the size and estimated timeline of each area. The timing of reclamation is directly linked to the timing of mining, so a delay in mining causes a similar delay in reclamation. No permanent reclamation has been completed to-date due to continued mining in Phase 2. RA-4, which includes the gravel stockpile and haul roads, will be reclaimed after all mining activities are completed.



**Figure 2. Hotham Peak Material Site and Permanent reclamation will be completed in four phases**

Table 2 – RA area and timeline		
Year	Reclamation Area (RA)	Area To Be Reclaimed
2019	RA-1	4.0 acres
2020	RA-2	4.0 acres



2021-2024	RA-3	12.0 acres
2025	RA-4	5.0 acres

Permanent reclamation will reduce all highwalls to stable slopes (no more than 3H:1V), reestablish natural drainageways to minimize erosion, and reestablish natural vegetation to achieve long-term stability. Seed mix used for revegetation will be bought from State of Alaska certified distributors and will include a variety of species that have demonstrated success rates in Alaska coastal regions. The topsoil berms along the eastern edge of the pit will be left as permanent structures. Once final reclamation is complete, follow-up inspections will occur for 5 years to ensure reclamation success.

**Permit Authorization and Documentation:**

NOORVIK submitted a Title 9 Land Use Permit application (19-02-105) for the following Use: Gravel extraction (Conditional Use in Subsistence Conservation District and Major Use in the General Conservation District). The Title 9 application was received on January 8, 2019. On May 1, 2019 the Borough Planning Department deemed the application was complete.

Permit fees totaled \$250 for the project. The applicant requested a waiver for permit fees because the proposed project will benefit community projects in Noorvik. The Planning Director granted the waiver of fees.

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

**Permit Terms and Conditions:**

1. Noorvik Native Community (NOORVIK) 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. NOORVIK shall comply with any and all applicable local, borough, state and federal laws. Failure to abide by any part of this permit, or violations of any pertinent borough ordinances or state or federal law or regulation, will be considered grounds for revocation of the permit or denial of future permit requests and may result in issuance of fines or other penalties. This provision applies to all persons working under the authority of this permit.
3. The Permittee is responsible for ensuring that all employees, contractors, sub-contractors, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
4. All trash and human waste generated at the property must be properly disposed of in accordance with Northwest Arctic Borough Ordinance 9.25.020.M., establishing



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standards 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.

5. During and after mining activities, the permittee must conduct activities in a manner to maintain natural drainage patterns; water shed protection, and permafrost stability, to prevent runoff and erosion into water supplies and to minimize alteration of vegetation.
6. All project activities shall utilize measures to minimize noise and nuisance affecting surrounding residential and camp properties including excessive noise, fumes, odors, glare, smoke, vibration, dust, litter, interference in any telephone, radio or television receivers, and/or significant line voltage fluctuation.
7. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the mining activities, and NOORVIK shall immediately contact both the Planning Director at the NAB Planning Department and Alaska State Historic Preservation Office to determine the conditions to continue.
8. The siting, design, construction and monitoring of the project activities are required to minimize alteration of shorelines, water courses, wetlands, and minimize significant disturbance to important habitats, and avoid critical fish, and other species' migration periods.
9. Any development by the project in floodplains and shoreline areas are to be constructed to minimize loss of life or property due to seasonal flooding, ice movement, and shoreline erosion.
10. Project equipment/vehicle servicing and fueling operations are prohibited within 100 feet of any surface water body, including any rivers, drainage channels, sloughs and lakes.  
Equipment and vehicles are to be maintained to eliminate or minimize any fuel spills and fluid leaks. Equipment and vehicles must be monitored prior to use for hydraulic leaks. If equipment is in continuous use, it shall be inspected daily for hydraulic leaks.  
Project equipment shall not be abandoned.
11. NOORVIK shall immediately notify the Borough (at least within 24 hours) of any damage to the tundra and shoreline due to project activities in excess of those identified in or different from those notes in the permit application, including but not limited to scraping of vegetation and spill of fuel or other chemicals.
12. NOORVIK shall immediately notify the Borough (at least within 24 hours) of any change in the project plans and seek modification of the permit. NOORVIK shall suspend uses until approval is given by the Planning Director/Title 9 Administrator. If the proposed action(s) constitutes an emergency, NOORVIK shall comply with NABC 9.16.040 for emergency actions and shall make reasonable efforts to conduct modified uses in a



manner that avoids or minimizes significant harm to the environment, consistent with the need to protect property and human life.

13. NOORVIK shall be required in consultation with the Administrator to post a cash bond or other suitable surety in an amount and form consistent with the requirements of NABC 9.08.040A to guarantee performance of all obligations under this permit.
14. NOORVIK is subject to all penalties and civil actions pursuant to section 9.08.240 for violation of the permit conditions and stipulations prescribed herein.
15. During the fall, winter and spring seasons, NOORVIK 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. NOORVIK and/or any project contractors shall cease any activity that may interfere with the seasonal spring and fall caribou migrations and/or caribou fall/winter/spring movements, such as marine, ground and airborne transports, ground and airborne surveys or movement of equipment, until such time as the migration or spring movements have cleared  $\frac{3}{4}$  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 fall/winter/spring period of January through December, NOORVIK 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 and 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).

16. 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, wild greens, muskrats, seals, moose and caribou hunting. NOORVIK will ensure reasonable access to subsistence users to subsistence resources.
17. Vehicles, vessels and aircraft that are likely to cause significant disturbance must avoid areas where species that are sensitive to noise or movement are concentrated. Concentrations may be seasonal or year-round and may be due to behavior (e.g., flocks or herds) or limited habitat (e.g., polar bear denning, seal haul-outs). Horizontal and vertical buffers will be required where appropriate. Concern for human safety will be given special consideration when applying this policy.

When adverse effects are likely and cannot be avoided, the Borough Planning Director/title 9 administrator may require NOORVIK to prepare and submit a mitigation plan to minimize impacts. The effects addressed in this standard may result from a single



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- project or from a series of projects. The mitigation plan, if required, shall be approved by the Borough Planning Director and/or Borough Planning Commission.
18. 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.
  19. At the completion of each season, the permittee shall file a written report with the Borough Planning Department describing the following:
    - (a) aggregate number of trips between Noorvik and the material extraction site and season-end reclamation activities,
    - (b) complete report of any fuel or other hazardous substances discharges and clean-up activities completed,
    - (c) report the incidents of caribou migration and dates/times of ceased operations for allowing migration of caribou,
    - (f) other matters as reasonably required by the Administrator/Planning Director.
  20. Access by Borough personnel and their agents. Authorized personnel and/or their agents of the Northwest Arctic Borough when on official business and displaying proper identification shall be allowed access to the sites without interference. Borough personnel and/or agents may conduct scheduled or unscheduled inspections or tests to determine compliance with this permit or respond to emergency situations.
  21. The Borough Planning Director, as the Title 9 Administrator under provision of NABC 9.08.020, will issue this permit for period of 4 years. Issuance of this permit under these terms shall require submission of an annual report for compliance with the permit terms and conditions. **This permit will expire on December 31, 2022**, unless revoked by the Title 9 Administrator and/or NOORVIK.

**Permit Approval**

**NORTHWEST ARCTIC BOROUGH**

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Conditional Use Permit Approved by the Northwest Arctic Borough Planning Commission through Resolution PC 19-02

Authorized signatory: Martha Siikauraq Whiting, Planning Director/Title 9 Administrator

May 31, 2019

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Date

CC: City of Noorvik, NANA Regional Corporation, Maniilaq Association, NIHA  
Posted at: [www.nwabor.org](http://www.nwabor.org)

**NORTHWEST ARCTIC BOROUGH PLANNING COMMISSION  
RESOLUTION PC-19-02**

**A RESOLUTION OF THE NORTHWEST ARCTIC  
BOROUGH PLANNING COMMISSION APPROVING  
NOORVIK NATIVE COMMUNITY'S  
DRAFT CONDITIONAL USE PERMIT #105-03-19,  
AND FOR RELATED PURPOSES**

**WHEREAS:** The Northwest Arctic Borough Planning Department received a Title 9 Permit Application (19-02-105) from Noorvik Native Community for 'Gravel extraction' in a Subsistence Conservation District on January 8, 2019; and

**WHEREAS:** On May 1, 2019, the Borough planning department deemed the application complete with all necessary information; and

**WHEREAS:** The Borough planning department has published a public notice for this permit on May 7 2019, as required in borough code 9.20.030; and

**WHEREAS:** The Northwest Arctic Borough Planning Commission has the authority to approve 'Gravel extraction' in the Subsistence Conservation District by conditional use permit according to borough code 9.12.030 following a public hearing as required under borough code 9.20.030E.

**NOW THEREFORE BE IT RESOLVED,** The Northwest Arctic Borough Planning Commission hereby authorizes the Planning Director/Title 9 Administrator to approve the DRAFT Conditional Use Permit #105-03-19 dated May 7, 2019, as discussed during the commission meeting;

**PASSED AND ADOPTED THIS 30<sup>TH</sup> DAY OF MAY, 2019.**



Harold Lambert, Planning Commission Chair

**SIGNED AND ATTESTED TO THIS 30<sup>TH</sup> DAY OF MAY, 2019.**



Stella Atoruk, Borough Clerk

