



**Title 9 Conditional Use Permit No.: 107-03-22**  
**Alaska DOT Selawik Barge Landing, Spud Farm Gravel**  
**Extraction and Ice Road**  
**Date of Public Notice: May 5, 2022**  
**Date of Issue: June 2, 2022**  
**Permit Expires: December 31, 2024**

**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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**Permittee:**

State of Alaska, Department of Transportation & Public Facilities  
2301 Peger Road  
Fairbanks, AK 99709  
Tel 907.451.2238  
[brett.nelson@alaska.gov](mailto:brett.nelson@alaska.gov)

**Permittee Contact Information:**

Brett Nelson, DOT&PF  
2301 Peger Road  
Fairbanks, AK 99709  
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[brett.nelson@alaska.gov](mailto:brett.nelson@alaska.gov)

**Project Description:**

The State of Alaska Department of Transportation & Public Facilities (AKDOT) submitted a Title 9 application to improve the Selawik Barge Landing Access Road and replace local Boardwalks. The Selawik Barge Landing Access Road and Boardwalk Improvements project will remove deteriorated boardwalks and replace them with new boardwalks, repair and widen the Barge Landing Access Road and Staging area. A part of this project will require the construction an ice road from Selawik to the Spud Farm, and extract gravel for winter haul back to Selawik. The project will start June 2022 and finish in October 2023.

The project will construct an ice road approximately 13 miles long, with a road surface width of 16 feet. Water for the ice road will be pumped from nearby waterbodies. The gravel extracted at Spud Farm will be approximately 13,160 cubic yards and will be hauled back to Selawik. The material will be used to improve the Barge Landing Access Road to a width of 24 feet and construct a bigger barge Staging Area. The project will also replace boardwalks on

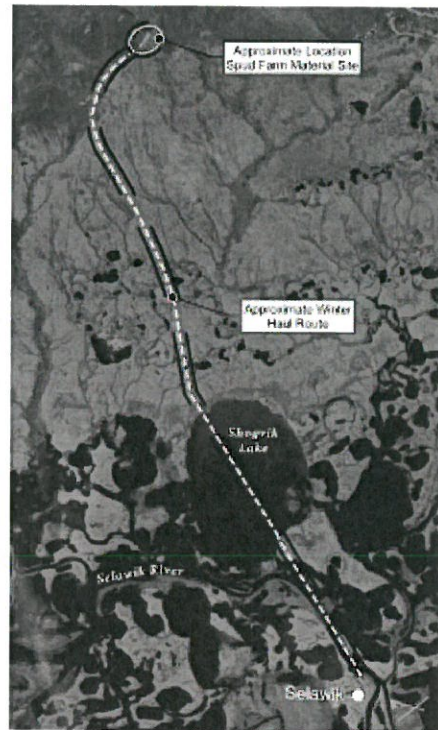


Figure 1. Winter Haul route, Selawik and Spud Farm

### **Boardwalk Replacement:**

The project will remove and replace existing board roads with 10-foot-wide board roads on Selawik Street, Ballot Street, River Street, Community Avenue, Skin Street, North Tundra Street, 4th Avenue, and 3rd Avenue. The board roads will be constructed in approximately the same location as the existing roads. New board roads will meet Americans with Disability Act (ADA) requirements.

Existing board roads would be removed entirely and replaced with new board roads constructed on site with imported timber materials. Timber would be imported and stored at the contractor staging area until ready for use on the project. Materials from the existing board roads would be offered to the City as salvage or transported away from Selawik for disposal at a certified land fill. Construction of the board roads is expected to occur in summer 2023, being completed by October 2023.

### **Gravel extraction—Spud Farm:**

#### **Site Plan**

Extraction will be from up to (3) Cells within the limits of the already cleared Spud Farm Material Site. The prioritization of Cell use is based on the Geotechnical Investigation completed in 2019.

Cells 1 and 2 contain usable materials for the project and will be mined first. The 2018 Geotechnical Memo indicates these areas were cleared of overburden in the past and that usable



material can be extracted by cutting back and steepening the pit sides. Both cells will be mined to the extent the soils remain usable and to the extent of existing clearing. New clearing of overburden is not permitted.

- a. If the material in these Cells meets project specifications without processing, loaders will load directly into haul trucks.
- b. If the material requires screening, the loaders will feed screens and a stockpile will be maintained as shown in Figure A. Trucks will be by a loader from the stockpile. All stockpiles are temporary.

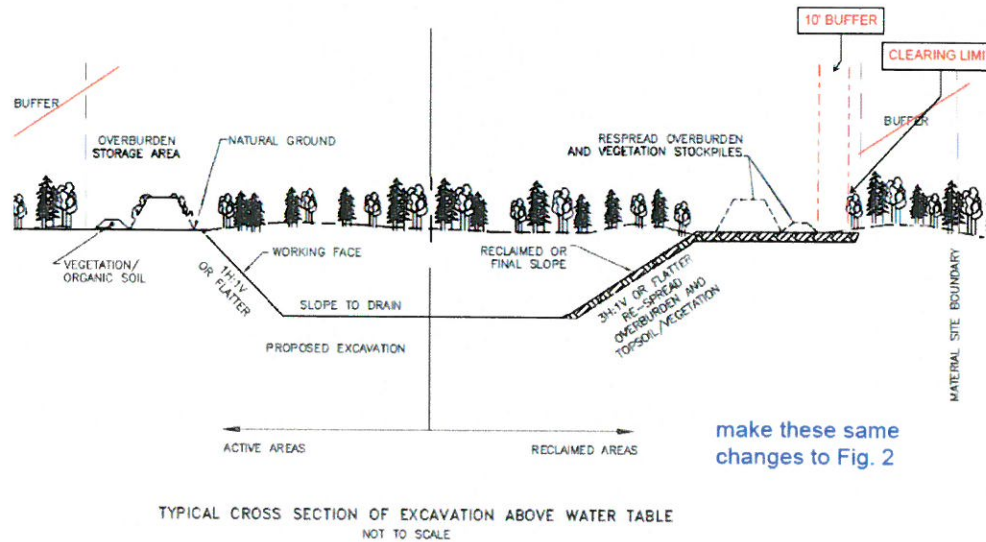
Once Cells 1 and 2 mining is complete, they will be closed in accordance with the Mining & Reclamation (M&R) Plan. Cell 3 will then be mined in the same fashion as Cells 1 and 2 until all project soil requirements are met.

### Stockpile Areas

- Topsoil will be stockpiled on the uphill side of the Cell development limits, beyond the expected extraction extent.
- Mined Gravel will be loaded directly into haul trucks or stockpiled within the limits of the existing material source pit floor.
- The site will be reclaimed as outlined in the Mining & Reclamation Plan
- Areas for staging and storing equipment and supplies are indicated on the drawing.



Figure 2. Spud Farm Gravel extraction area



**Figure 3. Typical Cross section of excavation**

### **Reclamation Plan**

Reclamation of individual cells will occur as soon as possible after depletion. Such reclamation may occur concurrently with development of the cells in the active pit. Reclamation activities will adhere to the following requirements and occur in accordance to Figures 1 and 2:

1. Previously reclaimed areas will not be disturbed.
2. Reclaimed surfaces will transition smoothly into surrounding topography and where applicable, previously reclaimed areas.
3. Best Management Practices will be used to prevent erosion and sediment transport to surrounding, undisturbed areas.
4. Steps will be taken to facilitate reestablishment of native vegetation.
5. The site will be left in a safe condition that does not endanger people or wildlife.
6. Reclamation procedures and practices will be in accordance with applicable permits such as CGP and SWPPP.
7. After each use, overburden or unusable material piles will be graded in accordance to Figures 1 and 2.
8. Pit walls will be graded in accordance to Figures 1 and 2.
9. Any available and stockpiled organic soils will be spread over re-graded slopes. Any available and stockpiled vegetative material will be spread over the organic soils to aid reestablishment of native species.
10. Seeding and fertilizer will conform to the project specifications. The seed mix and fertilizer was determined through direction from the Alaska Department of Natural Resources.
11. After each use, the pit floor or pad will be graded to a flat or gently sloping shape, and the contractor or user will remove all equipment and non-native debris and waste.
12. Trash will be removed at the end of use.

### **Ice Road Construction and Water Sources:**



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The proposed winter haul route will extend from the City of Selawik Barge Landing site to the runway adjacent to the Spud Farm. The ice road will cross a Subsistence Conservation Subdistrict named the Selawik River Delta. Gravel material will be hauled from the material source will be accomplished with an ice road during the winter.

The following conditions, methods and equipment will be used to construct the ice road:

1. The ground must be frozen and a minimum of 24 inches of snow present so that equipment can operate on the tundra without disturbing the ground.
2. Rivers and standing water bodies must be sufficiently frozen to support initial construction equipment crossings. Contractors may elect to wait until rivers or lakes are sufficiently frozen to support haul trucks to avoid the cost of thickening the ice in those locations.
3. Contractor must secure necessary permits from the Alaska Department of Natural Resources for Water Use Permits to extract needed water from selected rivers, lakes, or ponds along the route. Potential water sources are listed below.

#### **Construction Methodology**

1. Depending on snow depth, a wide-tired unloaded dump truck or a bulldozer will be used to pack down the snow using a drag to flatten the snow and remove air. If the snow is too deep, a bulldozer must be used first to push the top layer of snow to the side and pack down the bottom layer of snow. Having berms of snow on the side is beneficial for future steps of the ice road construction (see Step 4 below).
2. Using a wide-tired articulating dump truck with a water tank instead of a dump bed (often called a "Water Buffalo"), extract water from permitted water sources. Spread the water on the packed down snow and repeatedly drive over it to mix the snow and water into a firm base. Allow to freeze.
3. Push snow from the sides of the ice road onto the road with a bulldozer. The wide-tired truck and bulldozer will repeatedly travel the road to pack the new layer of snow down.
4. Repeat the water application in step three.
5. Repeat addition of snow and water and driving equipment over the snow/water mixture until frozen. This is repeated until the ice road is structurally stable for hauling dump trucks loaded with gravel.
6. After construction, the ice road will be left to melt, leaving no trace.

#### **Water Sources**

The following water bodies may be crossed by the proposed winter haul route or have water extracted from them for construction of the ice road. The Contractor will identify the final route (along the designated corridor) and which will be used as a water source for constructing the ice road for the project:

- Selawik River
- Shogvik Lake
- Oblaron Creek
- Unnamed tributaries to Oblaron Creek
- Unnamed ponds



### **Hauling of Material:**

After constructing the ice road and establishing access to the Spud Farm, the material will be extracted and hauled to Selawik during the winter and stockpiled there.

A 25-ton or 40-ton articulating dump trucks will haul gravel from the Spud Farm to Selawik on the ice road. Hauling will begin at the same time as the mining. Trucks will be filled by a loader at the Spud Farm.

In Selawik, a new 40,000 square foot storage yard is being constructed. **This will be the stockpile site in Selawik.** The soils will be hauled to this site and end-dumped. They can also deliver gravels to both edges of the existing Barge Landing Access Road to the limits of the proposed widening. One initial lift can be spread at the storage yard and along the access road (if desired) during the winter. The remaining required material will be stockpiled on the storage yard site with piles 12-15 feet tall until spring thaw. At least two separate stockpiles will be required to maintain separate soil types.

- i. A bull-dozer will spread the material
- ii. A loader will stockpile the material

At the completion of hauling, Cell 3 will be reclaimed in accordance with the reclamation plan.

### **Staging Pad (Temporary Construction Facilities):**

Construction will proceed in the same manner as the Barge Landing Access Road. This site will be the stockpile area for winter haul from the Spud Farm. After the winter embankment construction is complete, remaining material will be stockpiled at this site. In the spring, the thawed soils will be compacted and the remainder of the embankment constructed, including placement of 4-inches of insulation as specified on the plans. 12 inches of gravel and 6 inches of surfacing will be placed above the insulation.

Final storage pad embankment slopes will be constructed to 3:1 slopes (and 100' of 2:1 side slopes), with toe-of-slope width varying by location and immediate topography.

The staging pad will be constructed on land owned by the City of Selawik, who has provided a temporary construction permit to AKDOT for construction of the project. Following construction, the pad will remain, for use by the City of Selawik.

### **Barge Landing Access Road:**

Initial ground preparation would commence as soon as ground is frozen in the fall-winter of 2022-2023. Any snow covering would be removed, and to minimize thermal degradation of subgrade soils the existing organic layer would not be removed and excavation would be avoided; however, clearing and removal of woody vegetation/brush may occur within the proposed roadway footprint.



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When ground preparation is completed, a geotextile separation fabric will be placed on the tundra then an initial layer of frozen gravel from the Spud Farm will be placed along the edge of the road as initial embankment to reduce the stockpile requirements. After spring thaw, the initial lift of gravel will be compacted and the remainder of the embankment constructed. An initial lift of approximately 2 feet of embankment will be placed prior to installation of 4 inches of insulation board. A minimum of 18 inches of additional embankment fill would then be placed over the insulation board. Final roadway embankments will be constructed to 3:1 slopes (and 100' of 2.5:1 side slopes), with toe-of-slope width varying by location and immediate topography.

**Bulk Fuel Storage and Refueling:**

Fuel for the project will be provided by the Contractor, and handled in accordance with the Contractor's approved Spill Prevention Control and Countermeasures Plan (SPCC). The SPCC will be prepared by the contractor and submitted to the AKDOT and to the Planning Department at least 21 days prior to beginning ground disturbing construction work.

Fuel will likely be obtained from commercial sources and be barged to Selawik. Fuel will be transported to the Spud Farm material source by fuel truck(s) ranging in capacity from 1,500 to 5,000 gallons. A temporary bulk fuel tank farm (1 or 2 10,000 gal tanks) will likely be sited at a staging area near the City of Selawik barge landing and at the Spud Farm (two locations).

The Contractor may elect to drive a fuel truck from the temporary bulk fuel tank farm in Selawik to the equipment at the Spud Farm rather than have a second temporary tank farm site. Refueling/oiling of equipment within the project area will be performed by fuel trucks as identified above. No fueling will be allowed within 100 feet of any surface waters.

**Project Timeline:**

The exact project timeline will depend on the contractors selected means and methods. The anticipated timelines is:

June to September 2022

- Contractor procures materials
- Mobilizes equipment and materials to Selawik
- Possible work on board roads and material site development

Winter 2022-2023, once the ground is frozen and sufficient snow cover

- Construct ice road
- Haul gravel material from Spud Farm to Selawik
- Begin construction of Barge Landing Access Road and Staging Pad

May 2023 to October 2023

- Barge in remaining project materials
- Complete construction of the grave road, staging pad, and board roads
- Material site reclamation
- Demobilize equipment and waste materials



**Current Approvals:**

- National Historic Preservation Act (NHPA; Section 106) 11/23/21
- Section 401 Certification-Certificate of Reasonable Assurance; ADEC Division of Water 2/23/22
- Title 16 Fish Habitat Permit; ADFG 12/17/21
- Endangered Species Act (Section 7 Informal Consultation) and Marine Mammal Protection Act (MMPA) 11/22/21
- Section 404/10 Clean Water Act (CWA) Wetlands Dredge or Fill Permit 2/28/22

**Permit Authorization and Documentation:**

AKDOT submitted a Title 9 Land Use Permit application (22-02-107) for the following Uses:

The following Uses make up this project in the **Village and Subsistence Conservation Districts**:

- 'Placement of fill in wetlands, greater than 1 acre'—Major Use (Village)
- 'Roads'—Major Use (Village)
- 'Gravel extraction'—Conditional Use (Subsistence Conservation)
- 'Bulk fuel storage'—Conditional Use (Subsistence Conservation)
- 'Ice roads'—Minor Use (Subsistence Conservation)

The Title 9 application was received on December 13, 2021. On April 30, the Borough Planning Department deemed the application was complete. The 20-day public comment period for this permit started on May 5, 2022 and ended on May 31, 2022. There were no public comments.

Permit fees due totaled \$1,350.

Pursuant to Northwest Arctic Borough Code (NABC) 9.12.030, the **Planning Director** has the authority to permit:

- 'Placement of fill in wetlands, greater than 1 acre'—Major Use (Village District)
- 'Roads'—Major Use (Village District)
- 'Ice roads'—Minor Use (Subsistence Conservation District)

Pursuant to Northwest Arctic Borough Code (NABC) 09.12.030, the **Planning Commission** has the authority to permit:

- 'Gravel extraction'—Conditional Use (Subsistence Conservation District)
- 'Bulk fuel storage'—Conditional Use (Subsistence Conservation District)

**Proposed Permit Terms and Conditions:**

1. The State of Alaska Department of Transportation & Public Facilities (AKDOT) shall comply with the terms of the permission, permits and/or agreements granted by the



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federal government, State of Alaska, NANA Regional Corporation, Northwest Arctic Borough and other applicable agencies.

2. AKDOT 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. Road 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 within Selawik is periodically 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 Kotzebue 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.

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:



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- 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.
9. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the project activities, and AKDOT shall immediately contact the Planning Director and Alaska State Historic Preservation Office 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 road construction and 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 road 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. During the winter and spring seasons, AKDOT 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. AKDOT and/or any project contractors shall cease any activity that may interfere with the seasonal spring caribou migrations and/or caribou 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 winter/spring period of January through April, AKDOT 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).

13. AKDOT shall immediately notify the Borough (at least within 24 hours) of any change in the plans and seek modification of the permit.
14. AKDOT 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. Annually by December 31<sup>st</sup>, 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.
16. 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.
17. AKDOT 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.
18. This permit is proposed to expire December 31, 2024, unless revoked by the Title 9 Administrator and/or AKDOT.



Permit Approval

NORTHWEST ARCTIC BOROUGH



Clay Nordlum,  
Planning Director/Title 9 Administrator

June 2, 2022

Date

CC: City of Selawik, Selawik IRA Council, NANA Regional Corporation, Maniilaq Association, State of Alaska Department of Transportation & PF—Kotzebue Office, Northwest Inupiat Housing Authority  
Posted at: NAB Bulletin Board, Kotzebue's Post Office, Kotzebue's AC, Kotzebue's Rotman's Store, [www.nwabor.org](http://www.nwabor.org)

**NORTHWEST ARCTIC BOROUGH PLANNING COMMISSION  
RESOLUTION 22-01**

**A RESOLUTION OF THE NORTHWEST ARCTIC BOROUGH PLANNING  
COMMISSION TO APPROVE THE ALASKA DOT  
DRAFT CONDITIONAL USE PERMIT #107-03-22  
SELAWIK BARGE LANDING, SPUD FARM GRAVEL EXTRACTION  
AND ICE ROAD FOR RELATED PURPOSES**

**WHEREAS:** The Northwest Arctic Borough Planning Department received a Title 9 Permit Application (22-02-107) on 12/13/2021 from AK DOT for the following use in;  
Village District: Placement of fill in wetlands greater than 1 acre –Major Use, Roads –Major Use,  
Subsistence Conservation District: Gravel Extraction, Bulk Fuel Storage –Conditional Use, Ice Roads –Minor Use

**WHEREAS:** On May 5, 2022, 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 5, 2022, as required in borough code 9.20.030; and

**WHEREAS:** The Northwest Arctic Borough Planning Commission has the authority to approve: Placement of fill in wetlands greater than 1 acre, Roads in the Village District by Conditional Use Permit according to borough code 9.12.020, and Gravel extraction, Bulk fuel storage and Ice Roads 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 Conditional Use Permit #107-03-22 dated May 5, 2022, as discussed during the commission meeting;

**PASSED AND ADOPTED ON THIS 2<sup>nd</sup> DAY OF JUNE 2022**

  
\_\_\_\_\_  
**Harold Lambert, Planning Commission Chair**

**SIGNED AND ATTESTED ON THIS 2<sup>nd</sup> DAY OF JUNE 2022**

  
\_\_\_\_\_  
**Helena Hildreth, Borough Clerk**