Title 9 Minor Use Permit No.: 111-03-22
Date of Issue: June 8, 2022
Permit Expires: December 31, 2023

Permit Issued By:
Northwest Arctic Borough
Planning Department
PO Box 1110
Kotzebue, AK 99752
Tel 907.442.8212 / 800.478.1110 extension 112
Fax 907.442.3740
jchase@nwabor.org

Permittee:
Native Village of Deering
PO Box 36089
Deering, AK 99736
Tel 907.363.2138 Fax 907.363.2195

Permittee Contact Information:
Gloria Carter
PO Box 36089
Deering, AK 99736
Tel 907.363.2138 Fax 907.363.2195
tribeadmin@ipnatchiaq.org

Project Description:

The Native Village of Deering (DEERING) proposes to build a gravel pad for a new store that will be built the Fall of 2022 (‘Placement of fill in a wetland less than one acre’ and ‘Other “Uses”’ are Minor Uses in the Village District). DEERING has secured a contractor who has designed the building and DEERING is in need a gravel pad for the foundation of the building. The foundation will be a post-type of foundation. The new store will be 50’ by 60’. The proposed start date is July 2022 and will be completed by January 2023.

Specific details of the project are contained in the Title 9 application (22-02-111) and documents submitted by AKDOT 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 at Township 8 North, Range 19 West, Section 19, Kateel River Meridian.

The new store will be built between the current post office and Alice Jones’ home. The landowner is NANA Regional Corporation. The project is located in the Village District.
**Placement of fill in a wetland:**

DEERING will place approximately 600 cubic yards of fill material into 0.068 acres of wetlands in order to construct a gravel pad that will serve as a foundation for a new store. The action area includes the footprint of the fill area and a 100-meter buffer around the footprint. The proposed project would be placed between two buildings, between Smith Creek and Kotzebue Sound.

The material for this project will come from #117-03-22. DEERING would like to start the gravel pad the summer of 2022 before the all the material for the store building come in on the fall barge.

**Store Construction:**

DEERING has secured a contractor who has designed the building and is need of a gravel pad for the foundation of the building. The foundation will be a post-type of foundation. The building will be 50’ by 60’.

**Current Approvals:**

AKDOT currently has three (3) approvals for this project:

- US Army Corps of Engineers, POA-2022-00098, Nationwide Permit No. 18, Minor Discharges
Permit Authorization and Documentation:

DEERING submitted a Title 9 Land Use Permit application (22-02-111) for the following Uses: ‘Placement of fill in a wetland less than one acre’ and ‘Other “Uses”’ are Minor Uses in the Village District.

The Title 9 application was received on February 14, 2022. On June 8, 2022 the Borough Planning Department deemed the application was complete.

Permit fees due totaled $250. The applicant requested a waiver for permit fees because DEERING would like to use all funding toward new store construction. The Planning Director granted the waiver of fees.

The Planning Director has the authority to permit ‘Placement of fill in a wetland less than one acre’ and ‘Other “Uses”’ in a Village Zone by Minor Use Permit, pursuant to NABC 9.12.

Permit Terms and Conditions:

Administrative approval is hereby GRANTED to permit ‘Placement of fill in a wetland less than one acre’ and ‘Other “Uses”’ as described, subject to the permit terms and conditions stated herein.

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

2. DEERING 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. Gravel pad and new store construction 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 Ordinance 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, 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.

8. The Borough recognizes that this area within Deering is in the 100-year floodplain, and will 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 Deering 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:

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. Mechanical and Electrical Utilities. Electrical, heating, ventilation, plumbing, and other service facilities shall be designed, constructed and/or otherwise elevated or located to prevent water from entering or accumulating within the components during flooding.

9. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the project activities, and DEERING shall immediately contact both the Planning Director at the NAB Planning Department and State of Alaska State Historic Preservation Office 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 new store site 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 BOTH the NAB Planning and Public Services Departments (at least within 24 hours). Appropriate spill kits and absorbent pads must be stored at the new store site. 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. DEERING shall immediately notify the borough (at least within 24 hours) of any change in the plans and seek modification of the permit.

13. DEERING 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. DEERING 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.

17. This permit will expire December 31, 2023, unless revoked by the Title 9 Administrator and/or DEERING.

Permit Approval

NORTHWEST ARCTIC BOROUGH

Clay Nordrum,
Planning Director/Title 9 Administrator

June 8, 2022

Date

CC: City of Deering, NANA Regional Corporation, Maniilaq Association, AVEC

Posted at: NAB Bulletin Board