



Title 9 Major Use Permit No.: 112-03-19
Date of Issue: July 25, 2019
Permit Expires: December 31, 2020

Permit Issued By:

Northwest Arctic Borough
Planning Department
ATTN: John Chase
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 Kiana
ATTN: Nelson Walker
Box 69
Kiana, AK 99749
Tel 907.475.2109 Fax 907.475.2180
transportation@katyaaq.org

Permittee Contact Information:

Nelson Walker
Box 69
Kiana, AK 99749
Tel 907.475.2109 Fax 907.475.2180

Project Description:

The Native Village of Kiana (KIANA) submitted a Title 9 application to resurface approximately 2.25 miles of roads in the community of Kiana ('More than one acre of fill placed in wetlands' and 'Roads' are Major Uses in the Village District). The project involves placing approximately 11,114 cubic yards of gravel in dump trucks and transporting it and spreading the material with a road grader on existing roads. The material needed for this project comes from a local material source. The proposed start date is July 2019 and will be completed by October 2019.

Specific details of the project are contained in the Title 9 application (19-02-112) and documents submitted by KIANA to the Borough Planning Department. These documents are incorporated into the Borough's administrative record. Project Activities are summarized below.

This major use permit, which is for road maintenance, will be using the Alaska Department of Transportation & Public Facilities' permitted material source, Material Site A-1, which is owned by NANA Regional Corporation.



Project Location:

Road resurfacing activities are located within Township 18 and 19 North, Range 8 West, Section 9, Kateel River Meridian, USGS Map Selawik D-3, in the community of Kiana.

The 2.25 miles of roads to be resurfaced are: Schuerch Street, Glover Road, Casonoff Street, Taylor Road, Kozak Street, West Willow Street, Willow Street, Reed Street, Airport Road, Westlake Lane, and Cemetery Lane.

The road resurfacing project is located in the Village District.

The material source for the project is a NANA-owned source called Material Site A-1, which is approximately 2.5 miles northwest from Kiana. The material is stockpiled and will be transported by dump truck. The material source was permitted by the Alaska Department of Transportation & Public Facilities' Conditional Use Permit #109-03-17 (Kiana Airport Improvements Project).

Road Resurfacing:

KIANA will enter an agreement with CRUZ Construction. KIANA will resurface approximately 2.25 miles of road by 15 feet wide with a 3 inch lift, the material will consist of crushed rock/ gravel. The gravel will be placed on existing roads located in the boundaries of the Municipality of Kiana.

The roads to be resurfaced are:

- Schuerch Street 0.32 Miles
- Glover Road 0.18 Miles
- Casonoff Street 0.25 Miles
- Taylor Road 0.34 Miles
- Kozak Street 0.21 Miles
- West Willow Street 0.38 Miles
- Willow Street 0.17 Miles
- Reed Street 0.21 Miles
- Airport Road 0.07 Miles
- Westlake Lane 0.06 Miles
- Cemetery Lane 0.06 Miles

Permit Authorization and Documentation:

KIANA submitted a Title 9 Land Use Permit application (19-02-112) for the following Uses: 'More than one acre of fill placed in wetlands' and 'Roads' are Major Uses in the Village District.

The Title 9 application was received on June 25, 2019. On July 2, 2019 the Borough Planning Department deemed the application was complete. Permit fees due totaled \$300. The



Northwest Arctic Borough, Planning Department
Title 9 Major Use Permit No.: 112-03-19
Native Village of Kiana
Page 3 of 5

applicant requested a waiver for permit fees because the project will benefit the community of Kiana. The Planning Director granted the waiver of fees.

The Planning Director has the authority to permit 'More than one acre of fill placed in wetlands' and 'Roads' as Major Uses in the Village District, pursuant to NABC 9.12.020. A Major Use Permit requires a 20-day public comment period. There were no public comments for this project.

Permit Terms and Conditions:

1. The Native Village of Kiana (KIANA) 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. KIANA 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 resurfacing 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 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 **Kiana** is periodically subject to flooding that may result in the loss of life and property, health and safety hazards, disruption of



Northwest Arctic Borough, Planning Department
Title 9 Major Use Permit No.: 112-03-19
Native Village of Kiana
Page 4 of 5

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 Kiana 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. Because the proposed land use is located in a flood area, 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 KIANA 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 road resurfacing 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 BOTH the NAB Planning and Public Services Departments (at least within 24 hours). Appropriate spill kits and absorbent pads must be stored at the road resurfacing 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. KIANA shall immediately notify the Borough (at least within 24 hours) of any change in the plans and seek modification of the permit.
 13. KIANA 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. KIANA 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, 2020, unless revoked by the Title 9 Administrator and/or KIANA.

Permit Approval

NORTHWEST ARCTIC BOROUGH



Siikauraq Whiting,
Planning Director/Title 9 Administrator

July 25, 2019

Date

CC: City of Kiana, NANA Regional Corporation, Maniilaq Association, AVEC, OTZ Telephone, ANTHC, McClintock Land Associates, Inc., Alaska Department of Transportation & Public Facilities, Cruz Construction

Posted at: www.nwabor.org