



Title 9 Conditional Use Permit No.: 117-03-22
Native Village of Deering Gravel Extraction / Road Maintenance
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
Fax 907.442.3740
jchase@nwabor.org

 **APPROVED**

Permittee:

Native Village of Deering
PO Box 36089
Deering, Alaska 99736
Tel 907.363.2138 Fax 907.363.2195
tribeadmin@ipnatchiaq.org

Permittee Contact Information:

Bonita Barr
PO Box 36089
Deering, Alaska 99736
Tel 907.363.2138 Fax 907.363.2195
tribeadmin@ipnatchiaq.org

Project Description:

The Native Village of Deering (NVD) proposes to perform routine maintenance on roads in the community of Deering ('Roads' is a Major Use in the Village District and 'Gravel extraction' is a Conditional Use in the Subsistence Conservation District). Gravel extraction will take place on four (4) material sources along the Inmachuk River. The Deering IRA road program will do maintenance to the roads that are listed in NVD's BIA-Inventoried routes.

The proposed start date is May 2022 and will be completed by December 2024.

This project covers the following "Uses:" 'Gravel extraction' (Conditional Use in the Subsistence Conservation District, and 'Roads' (Major Use in the Village District).

Specific details of the project are contained in the Title 9 application (22-02-117) and documents submitted by NVD to the Borough Planning Department. These documents are incorporated into the Borough's administrative record. Project activities are summarized below.



Project Location:

This permit covers the maintenance and repair of the roads (Village District) in the community of Deering, as well as the extraction of gravel at material sites on the Inmachuk River: Swimming Hole Pit (Village District), 5-Mile Pit, 8-Mile Pit, and Corral Pit (Subsistence Conservation District—Inmachuk River Sub-District).

The site of the Swimming Hole Pit material source is located at Township 8 North, Range 19 West, Section 18, Kateel River Meridian.

The site of the 5-Mile Pit material source is located at Township 7 North, Range 20 West, Section 11, Kateel River Meridian.

The site of the 8-Mile Pit material source is located at Township 7 North, Range 20 West, Kateel River Meridian.

The site of the Corral Pit material source is located at Township 7 North, Range 20 West, Kateel River Meridian.

Gravel Extraction:

Approximately **3,100 cubic yards** of gravel will be extracted for the project from the following material sources: Swimming Hole Pit, 5-Mile Pit, 8-Mile Pit, and the Corral Pit.

Site and Reclamation Plan for Swimming Hole Pit

The dimensions for the Swimming Hole Pit are total area in the area as marked on Figure 1 below. Total area is 1,116.84 feet. Gravel will be stockpiled in a centralized location on the beach using a dozer. The material will be then loaded on to an end dump truck with a front end loader and hauled out.

Total amount of gravel to be extracted 350-650 cubic yards.

Reclamation for the site will be to doze the gravel at a downward slope to the river's edge. NVD will not be revegetating the site as it is a gravel beach and currently has no vegetation.



Figure 1. Swimming Hole Pit

Site and Reclamation Plan for 5-Mile Pit

The dimensions for the 5 Mile Pit are total area in the area marked above. Total area is 1,062.27 feet. Gravel will be stockpiled in a centralized area using a dozer. It will be then loaded into an end dump truck using a loader and hauled out.

Total amount of gravel to be extracted 750-1,250 cubic yards.

Reclamation Upon completion of gravel stockpiling the pit will be leveled off at a 3:1 slope so as not to leave any holes or ditches avoiding the possibility of animals or people getting hurt. NVD will not be revegetating the site as it is an open and active pit.

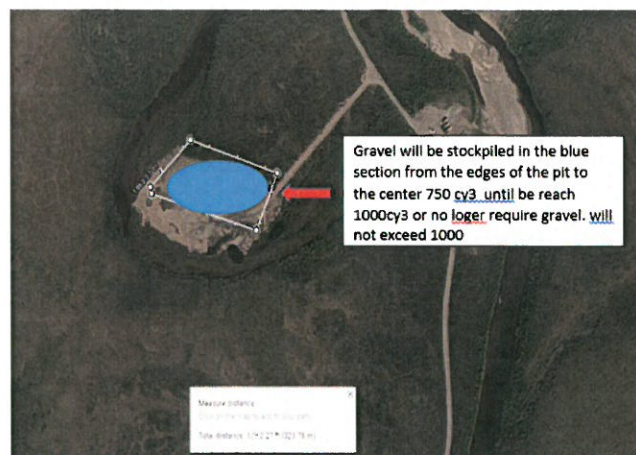


Figure 2. 5-Mile Pit



Site and Reclamation Plan for 8-Mile Pit

The dimensions for the 8 Mile Pit are as marked in the area above. Total feet is 1,012.47.

Gravel will be stockpiled in a centralized location by a dozer it will then be loaded into an end dump truck with a front end loader.

Total amount of gravel to be extracted is about 750-1250 cubic yards.

Reclamation will occur when we have moved to the next pit the stock pile will be dozed at a downward slope toward the river's edge. There will be no need for revegetation as this is a gravel beach and currently has no vegetation.

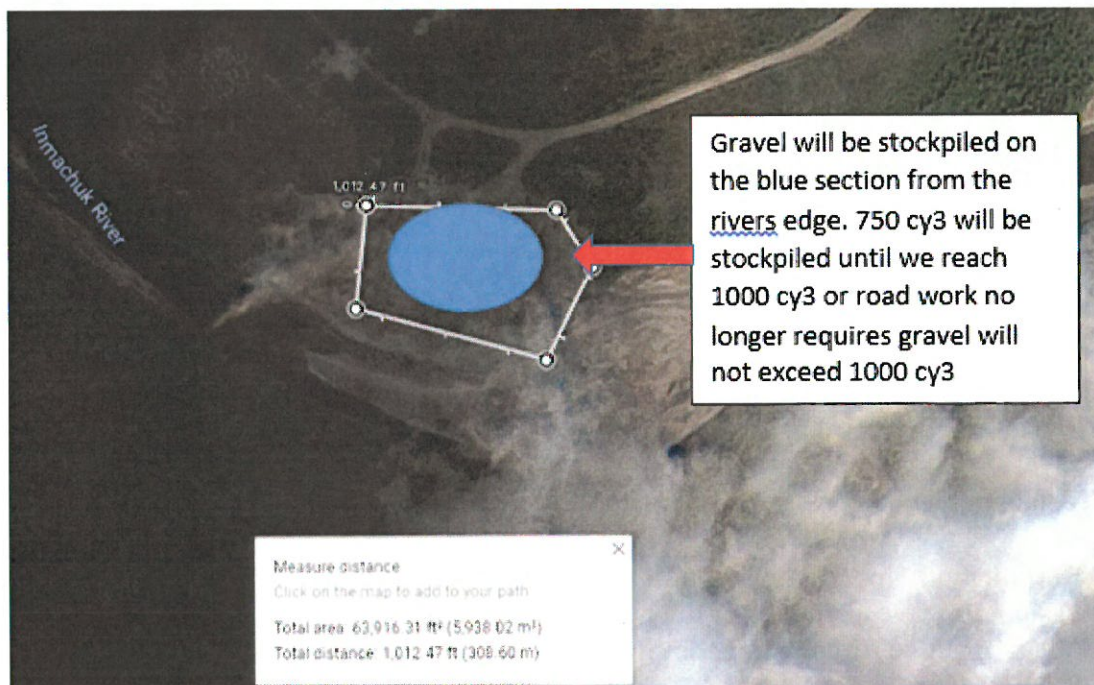


Figure 3. 8-Mile Pit

Site and Reclamation Plan for Corral Pit

The dimensions for the pit are as shown in the area above. Total feet is 519.72.

Total amount of gravel to be extracted 60-150 cubic yards.

Reclamation as this is an open pit will flatten the stockpile to ensure that there are no holes or ditches. NVD will not be revegetating as it is an open pit.



Figure 4. Corral Pit

Road Repairs:

Road repair activities will include grading of routes for pot holes, refilling washed out portions of the inventoried routes and adding gravel where road ponding has become an issue. The project will reinstall culverts as needed. Preventative, scheduled, unscheduled and normal maintenance will be performed under this permit.

Permit Authorization and Documentation:

NVD submitted a Title 9 Land Use Permit application (22-02-117) for the following “Uses”: ‘Gravel extraction’ is a Conditional Use in the Subsistence Conservation District and ‘Roads’ is a Major Use in the Village District.

The Title 9 application was received on April 11, 2022. On April 25, 2022, the Borough Planning Department deemed the application was complete. The 20-day public comment period for this permit began on May 5, 2022 and ended on May 31, 2022.

Permit fees total \$1,000 for the project. The applicant requested a waiver for permit fees because the proposed project will benefit the community of Deering. The Planning Director granted the waiver of fees.



Pursuant to Northwest Arctic Borough Code (NABC) 9.12.020, the **Planning Director** has the authority to permit:

- 'Roads' (Major Use in the Village District)

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

- Gravel extraction (Conditional Use in the Subsistence Conservation District)

Proposed Permit Terms and Conditions:

1. The Native Village of Deering (NVD) 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. NVD 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 improvement and gravel extraction 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. The 5-mile, 8-Mile, and Corral Pits are located within the Inmachuk River Subsistence Conservation Subdistrict.
Subsistence Uses. Nonsubsistence uses and activities shall not adversely affect the following subsistence activities unless there is an approved mitigation plan:
 - a. Fishing (year-round);
 - b. Moose, caribou, and musk ox hunting (August – March);
 - c. Waterfowl hunting (April – September);
 - d. Egg gathering (May – July); and
 - e. Berry picking and herb gathering (summer and fall).

Waterfowl. Uses and activities shall avoid effects to waterfowl staging (spring and fall) and nesting areas (summer).

Fish Spawning. Gravel extraction, placer mining, and placement of in-stream structures are prohibited within fish spawning areas unless there is an approved mitigation plan.



Northwest Arctic Borough, Planning Department

Title 9 Conditional Use Permit No.: 117-03-22

Native Village of Deering

Page 7 of 9

6. 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.
7. 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.
8. 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.
9. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the project activities, and NVD 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 mineral development 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). Fuel/oil drums or other storage containers shall not be abandoned.
11. The Borough recognizes that this area within Deering 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 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.



Northwest Arctic Borough, Planning Department

Title 9 Conditional Use Permit No.: 117-03-22

Native Village of Deering

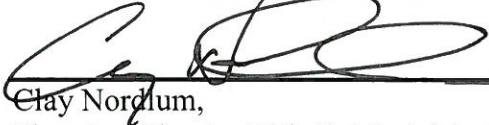
Page 8 of 9

- 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.
12. 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.
13. NVD shall immediately notify the borough (at least within 24 hours) of any change in the plans and seek modification of the permit.
14. NVD 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. 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. Aggregate number of trips between Deering and the two material sources,
 - c. 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. NVD 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 NVD.



Permit Approval

NORTHWEST ARCTIC BOROUGH



Clay Nordlum,
Planning Director/Title 9 Administrator

June 2, 2022

Date

CC: City of Deering, NANA Regional Corporation, Maniilaq Association
Posted at: NAB Bulletin Board, Kotzebue's Post Office, Kotzebue's AC, Kotzebue's
Rotman's Store, www.nwabor.org

**NORTHWEST ARCTIC BOROUGH PLANNING COMMISSION
RESOLUTION 22-04**

**A RESOLUTION OF THE NORTHWEST ARCTIC BOROUGH PLANNING
COMMISSION TO APPROVE THE NATIVE VILLAGE OF DEERING
DRAFT CONDITIONAL USE PERMIT #117-03-22
GRAVEL EXTRACTION / ROAD MAINTENANCE AND FOR RELATED
PURPOSES**

WHEREAS: The Northwest Arctic Borough Planning Department received a Title 9 Permit Application (22-02-117) on April 11, 2022 from The Native Village of Deering for the following use in; Subsistence Conservation District: Gravel Extraction–Conditional Use, Village District: Roads –Major Use

WHEREAS: On April 25, 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: Road maintenance in a Village District by Conditional Use Permit according to borough code 9.12.020 and Gravel Extraction in a Subsistence Conservation District by Conditional Use Permit according to borough code 9.12.030, and following a public hearing as required under borough code 9.20.030E.

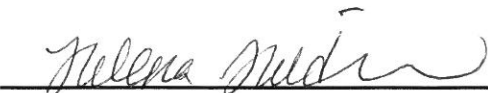
NOW THEREFORE BE IT RESOLVED, The Northwest Arctic Borough Planning Commission hereby authorizes the Planning Director/Title 9 Administrator to approve the Conditional Use Permit #117-03-22 dated May 5, 2022, as discussed during the commission meeting;

PASSED AND ADOPTED ON THIS 2nd DAY OF JUNE 2022

A handwritten signature in black ink, appearing to read "Harold Lambert", written over a horizontal line.

Harold Lambert, Planning Commission Chair

SIGNED AND ATTESTED ON THIS 2nd DAY OF JUNE 2022

A handwritten signature in black ink, appearing to read "Helena Hildreth", written over a horizontal line.

Helena Hildreth, Borough Clerk