



Title 9 Major Use Permit No.: 124-03-22
Shungnak Tribal Council
Shungnak Gravel and Sand Pit Geotechnical Investigation
Date of Issue: November 28, 2022
Permit Expires: December 31, 2023

Permit Issued By:

Northwest Arctic Borough, Planning Department
c/o Gem Belamour
PO Box 1110
Kotzebue, AK 99752
Tel 907.442.8212 / 800.478.1110 extension 112
Fax 907.442.3740
gbelamour@nwabor.org



Permittee:

Shungnak Tribal Council
ATTN: James Commack
PO Box 64
Shungnak, AK 99773
Tel 907.437.2163
transportation@issingnak.org

Permittee Contact Information:

Kuna Engineering
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Anchorage, AK 99503
Tel 907.339.5310
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Project Description:

Shungnak Tribal Council (SHUNGNAK) seeks to locate a new gravel and sand pit for the community of Shungnak thru geotechnical subsurface exploration to construct new infrastructure and to provide gravel to neighboring communities who need gravel and sand for their projects ('Minor Resource Extraction' is a Major Use in the Subsistence Conservation District).

The project schedule is estimates to begin in late Fall of 2022 or in the Spring of 2023 depending on contractor availability, weather, snow coverage, and operator and equipment availability in Shungnak. The proposed geotechnical investigation does not include any construction activities and is being conducted solely for the purpose of collecting geotechnical data.

Specific details of the project are contained in the permit application (22-02-124) and documents submitted by SHUNGNAK to the Borough Planning Department. These documents



are incorporated into the Borough's administrative record. Project activities are summarized below.

Project Location:

The geotechnical subsurface exploration will result in approximately 25 geotechnical test pits at five material sites which have been identified by SHUNGNAK. The coordinates of the pits are listed below:

- Test Pit #1: 66°55'51.05"N, 157°6'57.60"W
- Test Pit #2: 66°56'2.12"N, 157°7'22.37"W
- Test Pit #3: 66°56'8.12"N, 157°7'57.57"W
- Test Pit #4: 66°56'9.54"N, 157°7'17.72"W
- Test Pit #5: 66°56'8.12"N, 157°57.57"W

All test pits are located on private land in Township 18 North, Range 8 East, Section 28 of Kateel River Meridian which is in the Subsistence Conservation District.

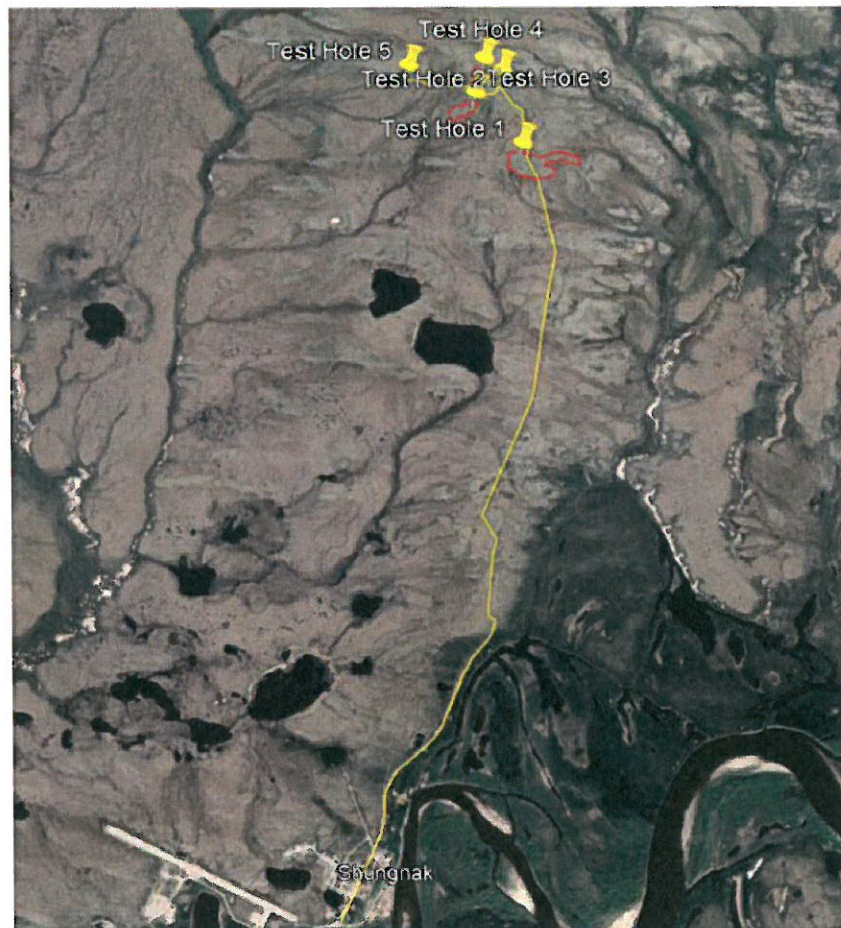


Figure 1. Test Pit Locations



Minor Resource Extraction:

In 2020, Kuna Engineering (KUNA) conducted a preliminary subsurface exploration effort at five locations that were identified by SHUNGNAK. Their findings were limited to hand shovel and grab samples which concluded that there was poorly graded sand with silt and gravel. This warranted a geotechnical investigation to further characterize the five material locations and determine if they have any potential for future development as a material borrow site.

SHUNGNAK has consulted with Northern Geotechnical Engineering (NGE) to perform the geotechnical exploration efforts in late Fall of 2022 or Spring of 2023, dependent on NGE's scheduling. The geotechnical subsurface exploration will result in approximately 25 geotechnical test pits at five material sites (see **Figure 1**) which have been identified by SHUNGNAK.

Excavation Activities:

The excavations will be advised by one NGE engineer who will advise the locations of the excavations, while two KUNA personnel will be on site to observe the activities. These personnel will travel along BIA Route 1003, then will travel on the tundra to each of the test pit locations. The test pit excavation depth will range approximately 10 feet to 15 feet below the existing ground surface, or until sufficient geotechnical information has been achieved, at the discretion of the geotechnical engineer. Samples will be collected and transferred back to NGE's laboratories for further testing and identification.

NGE will backfill each test pit with the excavated spoils once the exploration effort is complete. A written report summarizing the findings will be delivered to SHUNGNAK's Transportation Department to determine if the characteristics of the materials is suitable for developing a new gravel and sand pit.

Fuel Storage:

No fuel will be stored on site. If fuel is needed for the Mini-Excavator, 5-gallon cans will be brought to site.

Permit Authorization and Documentation:

Shungnak Tribal Council (SHUNGNAK) submitted a Title 9 Zoning Permit Application (22-02-124) to conduct 'Minor Resource Extraction' in the Subsistence Conservation District on September 15, 2022. On October 18, 2022 the Borough Planning Department deemed the application was complete.

Permit fees due total to \$750.00.

The Planning Director has the authority to permit 'Minor Resource Extraction' as a Major Use Permit in the Subsistence Conservation District, pursuant to NABC 9.12.030.



A Major Use Permit requires a 20-day public comment period. Public comment period began on October 21, 2022. There were no public comments.

Permit Terms and Conditions:

1. Shungnak Tribal Council (SHUNGNAK) 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. SHUNGNAK 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. Minor Resource 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. SHUNGNAK shall cease operations when migrating caribou are in the immediate vicinity (within $\frac{3}{4}$ of a mile) of any area where it is operating under this Major Use Permit. The Planning Director may also request SHUNGNAK to cease operations in order to not interfere with caribou herds and/or migrations.
5. SHUNGNAK 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, and shall cease any activity that may interfere with the migration, such as airborne transports, airborne surveys or movement of equipment, until such time as the migration has been completed.
6. During the fall, winter and spring seasons, SHUNGNAK 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. SHUNGNAK 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, SHUNGNAK 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).

7. 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.
8. 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.
9. 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.
10. 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.
11. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the project activities, and SHUNGNAK shall immediately contact the Planning Director at the NAB to determine the conditions to continue.
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. SHUNGNAK shall immediately notify the Borough (at least within 24 hours) of any change in the Minor Resource Extraction plans and seek modification of the permit.
14. At the completion of each season and overall completion of the project, erosion control measures shall be utilized to stabilize any exploration and/or excavation sites. At a minimum, any disturbed areas must be re-graded to stable slopes that blend with the natural topography, maintain natural drainage, promote safety, and otherwise mitigate the effects of drilling. Within mean annual flood lines, re-grading to ground contours which will not entrap fish and not significantly alter the river/stream hydraulics will occur at the end of each operating season.
15. SHUNGNAK is subject to all penalties and civil actions pursuant to section 9.08.240 for violation of the permit conditions and stipulations prescribed herein.



16. Annually by December 31st, the permittee shall file a written report with the NAB Planning Department, the City of Shungnak, the Native Village of Shungnak, the City of Ambler, the Native Village of Ambler, the City of Kobuk, and the Native Village of Kobuk describing the following:
 - (a) GPS coordinates of geotechnical test pit excavation sites,
 - (b) Description of any reclamation,
 - (c) Report the incidents of caribou migration and dates/times of ceased operations for allowing migration of caribou, and
 - (d) Other matters as reasonable required by the Administrator/NAB Planning Director.
17. 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.
18. SHUNGNAK 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.
19. 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.
20. This permit will expire on December 31, 2024, unless revoked by the Title 9 Administrator and/or SHUNGNAK.



Permit Approval

NORTHWEST ARCTIC BOROUGH

Clay Nordlund,
Planning Director/Title 9 Administrator

November 28, 2022

Date

CC: Shungnak Tribal Council, City of Shungnak, Ambler Traditional Council, City of Ambler, Kobuk IRA Council, City of Kobuk, NANA Regional Corporation, Maniilaq Association

Posted at: NAB Bulletin Board, Kotzebue's Post Office, Kotzebue's AC Store, Kotzebue's Rotman's Store