Title 9 Minor Use Permit No.: 128-03-22
Brice Inc.
Cape Blossom Ice Road
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:
Brice Inc.
590 University Ave
Suite 200
Fairbanks, AK 99709
Tel 907.452.2512
beverlyb@briceinc.com

Permittee Contact Information:
Ariana Noel / Silas Pennington
590 University Ave
Suite 200
Fairbanks, AK 99709
Tel 907.328.8678
arianan@briceinc.com / silasp@briceinc.com

Project Description:

Brice Inc. (BRICE) submitted a Title 9 application construct an ice road on Sadie Creek from the EOP project right-of-way of the Kotzebue to Cape Blossom Road – Stage I project to the project site north of the mouth of Sadie Creek. This project will be an in lieu of the previous ice road (Title 9 Minor Use Permit #112-03-22) and in support of the Alaska Department of Transportation & Public Facilities (ADOT&PF) roadway project Kotzebue to Cape Blossom Road – Stage 1, and the future project for the Kotzebue to Cape Blossom Road – Stage 2. This ice road construction project will be constructed as a two-lane ice road 1.5 miles long with a road surface width of 34 ft.

Ice road construction includes the following activities: ice road construction of approximately 1.5 miles and the transportation of gravel from the project site north of the mouth
of Sadie Creek. Brice proposes to commence project activities seasonally from December 2022 through December 2024.

The following Uses make up this project in the Subsistence Conservation District:
- ‘Ice Roads’—Minor Use
- ‘Other “Uses”’—Minor Use

Although a portion of ice road construction work is located within the municipal boundaries of the City of Kotzebue and is not under Title 9 authority, a main section of proposed new ice road is located within Title 9 permitting jurisdiction. To provide fully adequate information for permitting and NAB Planning Department review, details on ice road construction activities, regardless of Title 9 applicability, are provided in this Minor Use Permit.

Specific details of the project are contained in the Title 9 application (22-02-128) and documents submitted by BRICE to the Borough Planning Department. These documents are incorporated into the Borough’s administrative record. Project Activities are summarized below.

**Project Location:**

The project will begin approx. at Township 16 North, Range 18 West, Sections 1, 2, 11, 12, 13 and continue on Sadie Creek to Township 16 North, Range 18 West, Section 3, Kateel River Meridian. See Figure 1 below for ice road route.

**Ice road construction route is 1.5 miles.** The route will start at the project site north of the mouth of Sadie Creek, turn left onto Sadie Creek, travel 1.5 miles up Sadie Creek, and turn left onto project right of way.

![Figure 1. Ice Road Construction Road Route](image)

**New Ice Road Construction and Equipment:**

Ice Road is constructed by utilizing water from the approved Temporary Water Use Permit locations during winter months. Temperature and conditions are monitored to avoid damage to tundra. Route was chosen to minimize environmental impacts.
Ice road is constructed using articulated water trucks (Volvo A35s). Equipment using ice road includes Graders, Dozers, A45 Haul Trucks, Mechanic/Fuel and Lube Trucks, as well as Pickups for crew transportation.

**Transportation of Gravel:**

Brice is proposing to haul 100,000 tons of borrow material on the ice road. The gravel will be hauled via ice road to construct Alaska Department of Transportation & Public Facilities (ADOT&PF) roadway project Kotzebue to Cape Blossom Road – Stage 1 detailed in Title 9 Conditional Use Permit #112-03-20, and potential future project Kotzebue to Cape Blossom Road – Stage 2.

The Stage I road is 4.6 miles long, 4.2 miles of which are located within the City of Kotzebue municipal jurisdiction, and 0.4 miles of construction are within Title 9 jurisdiction.

**Bulk Fuel Storage and Refueling:**

Fueling and fuel storage will be in accordance of AKDOT’s conditional Use Permit #112-03-20 and Franklin’s Conditional Use Permit #106-03-21. Fuel will likely be obtained from commercial sources within Kotzebue and transported to the Phase I project area by fuel truck(s) ranging in capacity from 1,500 to 5,000 gallons. Refueling/oiling of equipment within the project area will be performed by fuel trucks as identified above. Fueling mobile equipment will not occur within 100 feet of any water body and will occur in accordance with BRICE’s approval SPCC plan.

There will be no bulk fuel storage on this project. Spill Response Kits (Spill Kit) will be kept on-site for quick response in the event of a spill. Equipment on-site will be equipped with spill kits.

**Current Approvals:**

- Temporary Water Use Authorization (TWUA A2021-139/140); ADNR DMLW
- Storm Water Pollution Prevention Plan, prepared 4/5/2021
- Spill Prevention, Control, and Countermeasure Plan 3/9/22

**Permit Authorization and Documentation:**

BRICE submitted a Title 9 Land Use Permit application (22-02-28) for the following Uses:

**Subsistence Conservation District:**

- ‘Ice Roads—Minor Use
- ‘Other “Uses”—Minor Use

The Title 9 application was received on November 2, 2022. On November 28, 2022, the Borough Planning Department deemed the application was complete.
Permit fees due totaled $300. BRICE will submit payment.

Pursuant to Northwest Arctic Borough Code (NABC) 9.12.030, the Planning Director has the authority to permit:
- Ice Roads (Minor Use in the Subsistence Conservation District)
- Other uses (Minor Use in the Subsistence Conservation District)

Permit Terms and Conditions:

1. Brice Inc (BRICE) 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. BRICE 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. Ice 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. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the project activities, and BRICE shall immediately contact the Planning Director at the NAB to determine the conditions to continue.

9. All fuel/oil/hazardous substance storage, including waste oil, must meet all applicable state and federal containment laws. Any project fuel storage at the ice road construction 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 ice road construction sites. Fuel/oil drums or other storage containers shall not be abandoned.

10. 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.

11. During the winter and spring seasons, BRICE 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. BRICE 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 ¾ 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, BRICE 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).

12. BRICE shall immediately notify the Borough (at least within 24 hours) of any change in the plans and seek modification of the permit.

13. BRICE 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. BRICE 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 BRICE.

Permit Approval

NORTHWEST ARCTIC BOROUGH

[Signature]
Clay Nordrum
Planning Director/Title 9 Administrator

November 28, 2022
Date

CC: City of Kotzebue, Kotzebue IRA Council, NANA Regional Corporation, Maniilaq Association, State of Alaska Department of Transportation & PF—Kotzebue Office, Kikiktagruk Inupiat Corporation, Drake Construction Inc.

Posted at: www.nwabor.org