



Title 9 Conditional Use Permit No.: 111-03-20

Date of Issue: June 4, 2020

Permit Expires: December 31, 2024



Permit Issued By:

Northwest Arctic Borough, Planning Department
c/o John Chase
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Kotzebue, AK 99752
Tel 907.442.8212 / 800.478.1110 extension 112
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Permittee:

Kikiktagruk Inupiat Corporation
P.O. Box 1050
Kotzebue, AK 99752

Permittee Contact Information:

Kikiktagruk Inupiat Corporation
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Project Description:

Kikiktagruk Inupiat Corporation (KIC) proposes to extract gravel at a material site located on the Baldwin Peninsula at a place called Iggy Hill and construct an 11-mile long ice road along the shoreline of Hotham Inlet that connects the material site to Kotzebue ('Ice roads' is a Minor Use and 'Gravel extraction' is a Conditional Use in the Subsistence Conservation District). The new gravel material site at Iggy Hill is a new development by KIC.

KIC proposes to commence project activities annually from January 1 through April 30 of each season. The proposed activity is within a borough-designated Subsistence Conservation Zone and within the Kobuk-Selawik Lakes Subsistence sub-district.

This Title 9 Conditional Use Permit #111-03-20 is a renewal permit for KIC's Title 9 Permit #103-03-13. No project activities took place for Title 9 Permit #103-03-13. Project activities will remain the same.

Specific details of the project are contained in the permit application (20-02-111) and documents submitted by KIC to the Borough Planning Department. These documents are incorporated into the Borough's administrative record. Project Activities are summarized below.



Project Location:

Iggy Hill is located on the east side of Baldwin Peninsula approximately 1.5 miles from Pipe Spit due south at Township 18 North, Range 17 West in Section 25, 26, 36, Kateel River Meridian. The distance to the nearest road in Kotzebue is 8 to 9 miles away from the proposed excavation site. This area is an interim conveyed to KIC. The Iggy Hill material site is approximately 150 yards wide and 300 yards in length and it encompasses approximately one acre of KIC lands.

The excavation area is located along the 190 to 200 foot hillside of Baldwin Peninsula along the shore of Hotham Inlet. The face of the hillside consists of gravelly material along the course of the hillside.

The project location is in the Borough's Subsistence Conservation District and Kobuk-Selawik Lakes Subsistence sub-district.

Ice Road Construction:

The ice road from Iggy Hill to Kotzebue will be located along the shoreline of the Baldwin Peninsula heading towards Kotzebue around Pipe Spit and Lockhardt Point and then to Kotzebue. The ice road will begin at the Iggy Hill site and end at the Alaska Technical Center in Kotzebue (See **Figure 1** on page 3).

The ice road will be built on top the shore fast ice with hard packed snow placed on top to make the route smoother and thicker. By using the snow cover on top of the shore fast ice, it will not be necessary to pump any water on top of the ice to make it thicker. The ice road will be one lane wide with eight (8) or nine (9) turnouts to allow two-way traffic.

Ice road construction will begin December 1st of each season, depending on ice conditions. The applicant stated that a minimum of five (5) feet of ice thickness will be needed before road construction can begin on non-shorefast ice (deeper water). The use of the ice road will end April 30th of each season, depending on ice conditions.

KIC will construct the 11-mile long ice road using a 450D Cat and a loader. The hauling of aggregate will be done by with three (3) Peterbuilt dump trucks.

KIC is applying for a Land Use Permit with DNR's Division of Mining, Land and Water.

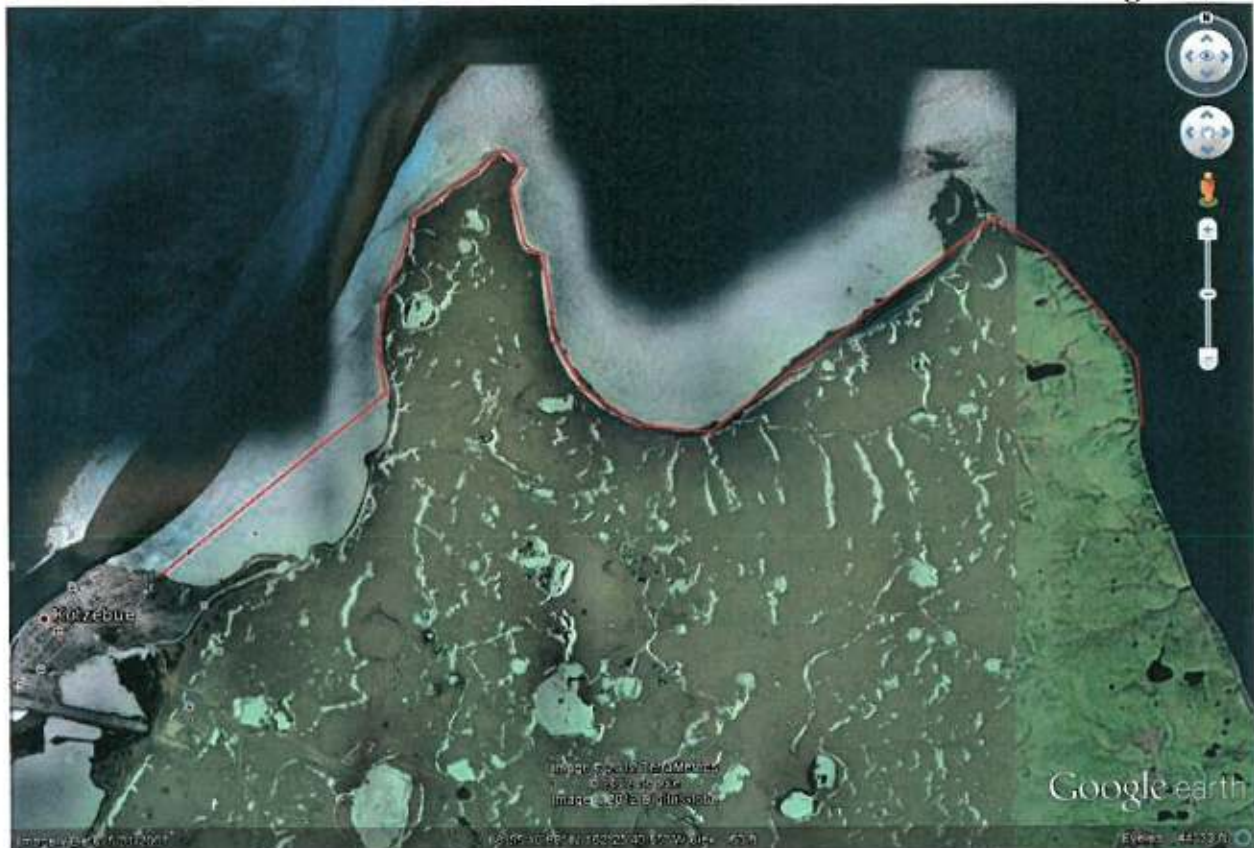


Figure 1—Ice road route, from Kotzebue to Iggy Hill

Gravel Extraction:

KIC is proposing to extract no more than **1,000,000 cubic yards for the Iggy Hill** material site. The site and reclamation plans are detailed below.

Material extraction at the Iggy Hill site will occur between January 1st and April 30th of each season. All material extraction is to occur in winter months. The mining season will be temporarily defined by 1) completion of the seasonal ice road from Kotzebue to the Iggy Hill site, and 2) the degradation of the ice road due to rising temperatures during the month of April. All mining operations cease during summer months.

Equipment that will be used for extracting material and loading the dump trucks at the Iggy Hill site will be with a 980 Excavator and a loader.

The servicing, maintenance, and storage of the heavy equipment will be done at the heavy equipment facilities in the City of Kotzebue. All waste oil, coolants, and replacement parts will be disposed of through the City of Kotzebue's disposal services if it cannot be recycled.



A 250-gallon portable wheeled fueling tank will be transported and placed at the Iggy Hill site for the fueling of the heavy equipment. There will not be any construction of any structures at the excavation site.

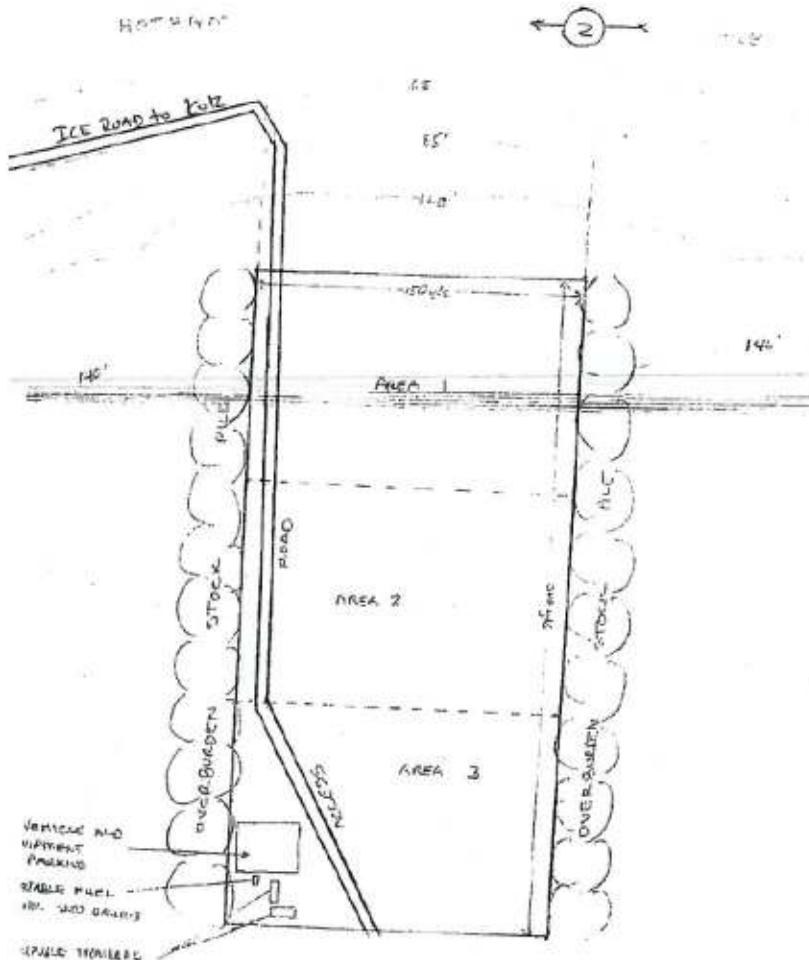


Figure 2. Iggy Hill Site Plan

“Vehicle and Equipment Parking
Refillable Fuel Tank 250 Gallons
Parking Trailers”

Site Plan

The Iggy Hill excavation site will be sectioned off into three areas approximately 150 yards wide by 300 yards long and the depth progresses as each area goes up the hillside.

Area 1—The overburden will be bladed off to the overburden stock pile designated area. The depth of area 1 will be up to 25 feet at this material site and all the area will be extracted before the next phase of extraction. This area will yield approximately 80,000 to 120,000 cubic yards of material. The gravel stock pile will be near the access road, if gravel needs to be stock piled.



Otherwise, the material will be loaded on to the dump trucks as excavated and hauled off to Kotzebue.

Area 2—The overburden will be bladed off to the overburden stock pile designated area. The depth of the extraction here will be to approximately 50 feet in depth. This area should yield approximately 200,000 yards of material. The gravel stock pile area will be near the road access area, if gravel needs to stock pile at any time.

Area 3—Once again the overburden will be bladed off to the overburden designated site. The depth of this area will be approximately 75 feet and should yield approximately 375,000 to 400,000 cubic yards of material. The access route will spiral in this area to the access road on the north side of the site.

Access road—The access road will be located on the north side of the extraction site and will be approximately 30 feet wide and two 50-foot steps will be used along the 300 foot incline if needed. The access road will angle up to the 140 foot elevation of the hill top. The road maintenance will be with a road grader, a loader, and tractor caterpillar during the extraction project.

Reclamation Plan

All the perimeters will be graded to a four to one (4:1) slope on all the extracted areas and the overburden placed back on top of these areas. A bulldozer (D8 Tractor) will be driven back and forth up and down these perimeters to create a corrugated surface to deter any erosion during rainy periods. This will be done before the overburden is placed on top of the perimeter. The four to one slope will be done when the extracted area is completed for the project before moving on to other areas.

Reseeding of grass will also be done to make sure there will be an abundant regrowth of vegetation within the reclaimed areas. If there is hardly any sign of the cottonwood growth, KIC will replant cottonwood seedlings along this perimeter to help along the growth of the overburden flora.

The reclaimed areas will be monitored to check for growth of the vegetation in the reclaimed areas. If any erosion is noticed, the eroded areas will be reclaimed and reseeded again. The monitoring of the reclaimed areas will be for a period of five years.

Current Approvals:

- State of Alaska, Department of Environmental Conservation, Certificate of Reasonable Assurance
- US Army Corp of Engineers, Section 404, Individual Permit, POA-2011-1077 (expires June 30, 2020)

Permit Authorization and Documentation:



Northwest Arctic Borough, Planning Department
Title 9 Conditional Use Permit No.: 111-03-20
Kikiktagruk Inupiat Corporation
Page 6 of 10

KIC submitted a Title 9 Land Use Permit application (20-02-111) for the following "Uses": Ice roads (Minor Use in the Subsistence Conservation District) and Gravel extraction (Conditional Use in the Subsistence Conservation District).

The Title 9 application was received on December 23, 2019. On April 23, 2020 the Borough Planning Department deemed the application was complete. The 20-day public comment period started April 24, 2020. There were no public comments.

Permit fees due totaled to \$400.00. ('Gravel extraction' is \$250 and 'Ice roads' is \$150)

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

- Ice Roads (Minor Use in the Subsistence Conservation 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)

Permit Terms and Conditions:

1. Kikiktagruk Inupiat Corporation (KIC) shall comply with the terms of the permission, permits and/or agreements granted by the federal government, State of Alaska, Northwest Arctic Borough and other applicable agencies.
2. KIC shall comply with any and all applicable local, borough, state and federal laws. Failure to abide by any part of this permit, or violations of any pertinent borough ordinances or state or federal law or regulation, will be considered grounds for revocation of the permit or denial of future permit requests and may result in issuance of fines or other penalties. This provision applies to all persons working under the authority of this permit.
3. The Permittee is responsible for ensuring that all employees, contractors, sub-contractors, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
4. All trash and human waste generated at the property must be properly disposed of in accordance with Northwest Arctic Borough Ordinance 9.25.020(M), establishing standards 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.
5. During and after mining activities, the permittee must conduct activities in a manner to maintain natural drainage patterns; water shed protection, and permafrost stability, to prevent runoff and erosion into water supplies and to minimize alteration of vegetation.



Northwest Arctic Borough, Planning Department
Title 9 Conditional Use Permit No.: 111-03-20
Kikiktagruk Inupiat Corporation
Page 7 of 10

6. Loading and unloading activities shall be planned and conducted in a manner to minimize or eliminate siltation, surface runoff, and pollution to Hotham Inlet.
7. All project activities shall utilize measures to minimize noise and nuisance affecting surrounding residential and camp properties including excessive noise, fumes, odors, glare, smoke, vibration, dust, litter, interference in any telephone, radio or television receivers, and/or significant line voltage fluctuation.
8. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the mining activities, and KIC shall immediately contact both the Land Specialist at the NAB Planning Department and Alaska State Historic Preservation Office to determine the conditions to continue.
9. The siting, design, construction and monitoring of the project activities are required to minimize alteration of shorelines, water courses, wetlands, and minimize significant disturbance to important habitats, and avoid critical fish, and other species' migration periods.
10. Any development by the project in floodplains and shoreline areas are to be constructed to minimize loss of life or property due to seasonal flooding, ice movement, and shoreline erosion.
11. Bulk fuel and petroleum storage (onshore and offshore) are required to have an oil spill control and clean-up plan. The plan must contain a risk analysis indicating where oil spills are likely to flow under various sets of local meteorological, oceanographic, hydrologic or soil conditions.
Impact areas must be identified and strategies fully developed to protect environmentally sensitive areas; the spill control and clean-up equipment which is available to the operator and the response time required to deploy this equipment under the various scenarios must be contained in the risk analysis.
Depending on the nature of the activity, adequate spill response equipment may be required to be kept on-site. Duplicative borough oil spill and clean-up plans will not be required where a state or federally approved plan meeting these criteria is in effect.
12. Project equipment/vehicle servicing and fueling operations are prohibited within 100 feet of any surface water body, including any rivers, drainage channels, sloughs and lakes.
Equipment and vehicles are to be maintained to eliminate or minimize any fuel spills and fluid leaks. Equipment and vehicles must be monitored prior to use for hydraulic leaks. If equipment is in continuous use, it shall be inspected daily for hydraulic leaks.
Project equipment shall not be abandoned.
13. KIC shall immediately notify the borough (at least within 24 hours) of any damage to the tundra and shoreline due to project activities in excess of those identified in or different from those notes in the permit application (20-02-111), including but not limited to scraping of vegetation and spill of fuel or other chemicals.



14. KIC shall immediately notify the Borough (at least within 24 hours) of any change in the project plans and seek modification of the permit. KIC shall suspend uses until approval is given by the Planning Director/Title 9 Administrator. If the proposed action(s) constitutes an emergency, KIC shall comply with NABC 9.16.040 for emergency actions and shall make reasonable efforts to conduct modified uses in a manner that avoids or minimizes significant harm to the environment, consistent with the need to protect property and human life.
15. KIC shall be required in consultation with the Administrator to post a cash bond or other suitable surety in an amount and form consistent with the requirements of NABC 9.08.040A to guarantee performance of all obligations under this permit.
16. KIC is subject to all penalties and civil actions pursuant to section 9.08.240 for violation of the permit conditions and stipulations prescribed herein.
17. The Iggy Hill area, where project activities are set to occur, fall within a priority subsistence use area designated by the Borough Code (9.25.045—Kobuk/Selawik Lakes Subsistence Conservation Sub-District). In summary, Borough subsistence policy states that uses and activities in this area shall not significantly interfere with or have an adverse impact on subsistence activities such as fishing, trapping, waterfowl hunting, berry picking, egg gathering and caribou hunting. Moreover, commercial or industrial uses in the Iggy Hill area during caribou migration are prohibited. All project activities shall utilize reasonably economically viable measures to avoid or minimize disrupting subsistence use.
18. During the fall and spring caribou migrations, KIC 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. KIC and/or any project contractors shall cease any activity that may interfere with the seasonal fall caribou migrations and/or caribou summer movements, such as marine, ground and airborne transports, ground and airborne surveys or movement of equipment, until such time as the migration or summer 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 seasonal fall period of mid-August through mid-November, KIC 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 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) which is approved by the Borough Planning Commission.



Northwest Arctic Borough, Planning Department
Title 9 Conditional Use Permit No.: 111-03-20
Kikiktagruk Inupiat Corporation
Page 9 of 10

19. 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, wild greens, muskrats, seals, moose and caribou hunting. KIC will ensure reasonable access to subsistence users to subsistence resources.
20. Native allotments and camp sites are common to the area, and KIC shall ensure that staff/personnel/contractors do not disturb or trespass on these areas.
21. Vehicles, vessels and aircraft that are likely to cause significant disturbance must avoid areas where species that are sensitive to noise or movement are concentrated. Concentrations may be seasonal or year-round and may be due to behavior (e.g., flocks or herds) or limited habitat (e.g., polar bear denning, seal haul-outs). Horizontal and vertical buffers will be required where appropriate. Concern for human safety will be given special consideration when applying this policy.
When adverse effects are likely and cannot be avoided, the borough planning director/title 9 administrator may require KIC to prepare and submit a mitigation plan to minimize impacts. The effects addressed in this standard may result from a single project or from a series of projects. The mitigation plan, if required, shall be approved by the borough planning director and/or borough planning commission.
22. 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.
23. At the completion of each season, the permittee shall file a written report with the Borough Planning Department describing the following:
 - (a) aggregate number of trips between Kotzebue and the Iggy Hill site,
 - (b) complete report of any fuel or other hazardous substances discharges and clean-up activities completed,
 - (c) report the incidents of caribou migration and dates/times of ceased operations for allowing migration of caribou,
 - (d) other matters as reasonably required by the Administrator/Planning Director.
24. KIC shall, if requested by the Administrator, provide periodic activity reports to the following entities: the City of Kotzebue and the Native Village of Kotzebue.
25. Access by Borough personnel and their agents. Authorized personnel and/or their agents of the Northwest Arctic Borough when on official business and displaying proper identification shall be allowed access to the sites without interference. Borough personnel and/or agents may conduct scheduled or unscheduled inspections or tests to determine compliance with this permit or respond to emergency situations.
26. This permit will expire December 31, 2024, unless revoked by the Title 9 Administrator and/or KIC.



Permit Approval

NORTHWEST ARCTIC BOROUGH

A handwritten signature in black ink, appearing to read "Martha Siikauraq Whiting", is written over a horizontal line.

Conditional Use Permit Approved by the Northwest Arctic Borough Planning Commission
through Resolution PC 20-05

Authorized signatory: Martha Siikauraq Whiting, Planning Director/Title 9 Administrator

June 4, 2020

Date

CC: Native Village of Kotzebue, City of Kotzebue, NANA Regional Corporation,
Maniilaq Association, Alaska Department of Transportation & Public Facilities,
Drake Construction Inc.

Posted at: www.nwabor.org

**NORTHWEST ARCTIC BOROUGH PLANNING COMMISSION
RESOLUTION PC-20-05
A RESOLUTION OF THE NORTHWEST ARCTIC
BOROUGH PLANNING COMMISSION APPROVING
KIKIKTAGRUK INUPIAT CORPORATION'S
DRAFT CONDITIONAL USE PERMIT #111-03-20,
AND FOR RELATED PURPOSES**

WHEREAS: The Northwest Arctic Borough Planning Department received a Title 9 Permit Application (20-02-111) on December 23, 2019 from Kikiktagruk Inupiat Corporation for the following Uses in the Subsistence Conservation District:

- Ice roads
- Gravel extraction; and

WHEREAS: On April 23, 2020, 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 April 24, 2020, as required in borough code 9.20.030; and

WHEREAS: The Northwest Arctic Borough Planning Commission has the authority to approve: Gravel extraction in the Subsistence Conservation District by conditional use permit according to borough code 9.12.030, 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 DRAFT Conditional Use Permit #111-03-20 dated April 24, 2020, as discussed during the commission meeting;

PASSED AND ADOPTED THIS 3rd DAY OF JUNE, 2020.



Harold Lambert, Planning Commission Chair

SIGNED AND ATTESTED TO THIS 3rd DAY OF JUNE, 2020.



Stella Atoruk, Borough Clerk