



Title 9 Conditional Use Permit No.: 112-03-20

Date of Issue: June 4, 2020

Permit Expires: December 31, 2022

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
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Permittee:

State of Alaska, Department of Transportation & Public Facilities
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<http://dot.alaska.gov/nreg/capeblossomroad/>

Permittee Contact Information:

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Project Description:

The State of Alaska Department of Transportation & Public Facilities (AKDOT) submitted a Title 9 application to construct an all-season road from Kotzebue, south across the Baldwin Peninsula to Sadie Creek. The proposed road construction project to Sadie Creek is the first part of a multi-phase road and bridge construction project to Cape Blossom. The Cape Blossom Road project will occur in sequential phases as funding becomes available, with current funding sufficient to construct Phase 1 of the road from **Hillside Drive to Sadie Creek**. Phase 1 road construction to Sadie Creek will be constructed as a two-lane gravel road approximately 4.6 miles long, with a road surface width of 24 feet.

Phase 1 construction includes the following activities: contractor mobilization and camp support establishment and equipment staging, road reconstruction of approximately 2.7 miles of Air Force Road, bulk fuel storage, new road construction, and the construction of a gravel pad at Sadie Creek. The proposed start date is August 2020 and will be completed by April 2022.

The following Uses make up this project in the **Subsistence Conservation District**:

- 'Bulk fuel storage'—Conditional Use



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- 'Placement of fill in a wetland'—Conditional Use
- 'Roads—Conditional Use
- 'Temporary construction facilities'—Major Use

Although the majority of Phase 1 work is located within the municipal boundaries of the City of Kotzebue and is not under Title 9 authority, a section of proposed new road is located within Title 9 permitting jurisdiction. **To provide fully adequate information for permitting and NAB Planning Commission review, details on Phase 1 activities, regardless of Title 9 applicability, are provided in this DRAFT permit.** Phase 1 construction includes improving Air Force Road between Hillside Road and Kotzebue Wind Farm Access Road, and from there constructing new road to a staging pad north of Sadie Creek.

Specific details of the project are contained in the Title 9 application (20-02-112) and documents submitted by AKDOT to the Borough Planning Department. These documents are incorporated into the Borough's administrative record. Project Activities are summarized below.

Project Location:

The proposed project will begin within the City of Kotzebue at the intersection of Air Force Road and New Hillside Road (City of Kotzebue municipal boundaries) and end at Sadie Creek (Subsistence Conservation District). The project will begin at Township 17 North, Range 18 West, Sections 21, 26, 27, 28, 35, and 36. The project will end at Township 16 North, Range 18 West, Sections 2, and 3. All portions are mapped within the USGS Quadrangles Kotzebue D-2. See **Figure 1** on page 3 for the road route and City of Kotzebue and Title 9 jurisdictional boundaries.

Phase 1 road construction is 4.6 miles—4.2 miles of that construction is located within City of Kotzebue municipal jurisdiction, and 0.4 miles of construction is within Title 9 jurisdiction. Although NAB Title 9 permit jurisdiction applies to only the 0.4 miles of this project, to ensure full consideration of all project components, all Phase 1 activities will be presented to the NAB Planning Commission for review.



Figure 1. Cape Blossom—Phase 1 Road Route

Contractor Mobilization and Equipment Staging (Temporary Construction Facilities):

Phase 1 activities would begin in July or August of 2020, with contractors mobilizing equipment by barge to any of several barge landings within the community of Kotzebue. From the barge landing, it is anticipated that construction equipment, bulk fuel storage facilities, and any maintenance, supply storage and other portable buildings will be trucked through the community for assembly at a dedicated staging area near the City of Kotzebue landfill. Dust control will be provided as necessary on existing project-area roadways during mobilization to reduce potential impacts of suspended airborne particulates on nearby subsistence camps.

Bulk Fuel Storage and Refueling:

Fuel for Phase 1 will be provided by the Contractor, and handled in accordance with the Contractor's approved Spill Prevention Control and Countermeasures Plan (SPCC). Fuel will likely be obtained from commercial sources within Kotzebue and transported to the Phase 1 project area by fuel truck(s) ranging in capacity from 1,500 to 5,000 gallons. A temporary bulk fuel tank farm will likely be sited at a staging area near the City of Kotzebue landfill, and refueling/oiling of equipment within the project area will be performed by fuel trucks as identified above. No fueling will be allowed within 100 feet of any surface waters.

Road Construction and Material Sources:

Phase 1 of the project will:



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- Reconstruct 1.5 miles of Air Force Road south of the Hillside Drive intersection,
- Reconstruct 0.5 miles of the Kotzebue Wind Farm Access Road, and
- Construct 2.6 miles of new road around the Kotzebue Electric Association (KEA) Wind Farm and southward to Sadie Creek

Phase 1 construction will require approximately 250,000 cubic yards (CY) of gravel material. Of this total, approximately 100,000 CY will be sourced from two existing stockpiles furnished by the Northwest Arctic Borough and currently located at staging areas near the City of Kotzebue landfill. Another 30,000 CY of surfacing material has been provided by the City of Kotzebue and is also located at the landfill staging area. The remainder of project gravel materials will be sourced by the Contractor from currently unknown locations of their choice.

Phase 1 construction plans call for installation of 16 cross-drainage culverts along the lengths of both reconstructed and new road in order to maintain area hydrologic/ecological function and prevent surface water flow from being impounded by and/or eroding road embankments. Culvert locations and dimensions are provided in **Figure 2** below.

CULVERT SUMMARY			
Pipe Number	Project Milepost (from BOP)	Culvert Diameter (in)	Culvert Length (ft)
P-1	0.42	24	33
P-2	0.54	24	66
P-3	0.80	24	100
P-4	1.05	24	45
P-5	1.15	24	60
P-6	1.32	24	68
P-7	1.35	24	50
P-8	1.99	24	42
P-9	2.00	24	43
P-10	2.02	24	40
P-11	2.04	24	39
P-12	2.45	24	75
P-13	2.57	24	53
P-14	2.73	24	59
P-15	3.01	24	46
P-16	3.31	24	55
		TOTAL	874

Figure 2. Culvert size and dimensions and locations along road route

Air Force Road Upgrade between Hillside Drive and KEA Wind Farm:

Air Force Road between Hillside Drive and the KEA Wind Farm, and including a portion of the unnamed road from Air Force Road to the wind farm, will be upgraded by a combination of realignments, grade raises, widening and surfacing.

Where road embankments are realigned or grades are raised, utility lines will be relocated and/or raised as necessary. The contractor will coordinate with KEA on all utility line work.



The contractor will coordinate with KEA and KOTZ Radio to ensure the access road is made available to facilitate all service and operation of their facilities.

New road construction between KEA Windfarm to Sadie Creek:

Initial ground preparation would commence as soon as ground is frozen in the fall-winter of 2020-2021. Any deep snow covering would be removed, and to minimize thermal degradation of subgrade soils the existing organic layer would not be removed and excavation would be avoided; however, clearing and removal of woody vegetation/brush may occur within the proposed roadway footprint.

When ground preparation is completed, frozen fill would be placed on existing tundra to establish the initial road embankment. An initial lift of approximately 2 to 3 feet of embankment elevation will be placed prior to installation of 4 inches of insulation board. A minimum of 2 feet of additional embankment fill would then be placed over the insulation board. Final roadway embankments will be constructed to 3:1 or steeper side slopes, with toe-of-slope width varying by location and immediate topography.

After the embankment has achieved adequate compaction for equipment to operate on, a final 6 inch lift of surfacing material would be placed to result in a minimum final road prism thickness of 5 feet and top width of 24 feet.

Water use for Phase 1 construction will primarily occur during summer work for dust control along all Contractor haul routes and areas of new construction. Water will also be required in the summer to achieve adequate compaction of the embankment and roadway surfacing. It is estimated that approximately 80,000 gallons per day would be required for Phase 1 summer construction activities, with a total water construction requirement of approximately 1 million–1.5 million gallons. Construction water will be Contractor furnished, and could be sourced from either a commercial or municipal source from the City of Kotzebue, from Kotzebue Lagoon if it is found to be adequate in terms of low salinity, or from several small lakes nearby the City landfill. As it is not anticipated that the Contractor would establish a separate construction camp, water use for construction personnel's personal use and meal preparation would likely be supplied from municipal sources serving local residential facilities (hotels, B&Bs, Tech Center housing, etc.)

Water use permits will be acquired by the contractor prior to the start of physical construction, which is currently scheduled for late Fall 2020.

Gravel Pad at Sadie Creek:

Phase 1 work will end at a small bluff approximately 200 feet north of Sadie Creek, where an approximately 320 ft. x 150 ft. permanent gravel staging pad will be constructed. The pad will require about 7,500 cubic yards of material.



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The staging area is intended primarily for contractor staging activities for Phase II construction efforts, specifically to support temporary staging of bridge materials and associated equipment. There may be random staging of equipment and/or materials during Phase I construction, particularly in later stages, as this pad may be one of the last things to be constructed for Phase 1 work.



Figure 3. Upgrade route and new road to Sadie Creek

Period Beginning	Period Ending	Primary Task
Late Summer/Fall 2020	Spring 2021	Contractor mobilization
Fall 2020	Spring 2022	Develop Contractor Furnished material source(s) and import material.
Fall 2020	Spring 2022	Upgrade Air Force & KEA Access Roads
Winter 2020/21	Summer 2022	Construct new road from KEA Access Road- Sadie Ck., & Sadie Ck. staging pad
Early Fall, 2022	Late Fall, 2022	Demobilize Project

Figure 4. Timeline for Project Activities—Phase 1



Current Approvals:

- Endangered Species Act (Section 7 Informal Consultation) and Marine Mammal Protection Act (MMPA)
- National Historic Preservation Act (NHPA; Section 106)
- Alaska DNR, Office of History & Archaeology and State Historic Preservation Officer (SHPO)
- Department of Transportation Act (Section 4(f))
- Section 404/10 Clean Water Act (CWA) Wetlands Dredge or Fill Permit
- US Coast Guard Bridge Permit (pending)
- Migratory Bird Treaty Act compliance; USFWS
- Magnuson-Stevens Fishery Conservation and Management Act
- Section 401 Certification – Certificate of Reasonable Assurance; ADEC Division of Water Quality
- ROW (State-owned non-marine waters and submerged lands); ADNR, Division of Mining Land and Water
- Federal Aviation Administration (FAA) Approval of Non-Aeronautical Use
- ADNR Material Site Designation
- APDES Construction General Permit for Stormwater Discharges Associated with Large and Small Construction Activities; ADEC, Division of Water
- Title 16 Fish Habitat Permit; ADF&G
- Temporary Water Use Permit (TWUP); ADNR DMLW

Permit Authorization and Documentation:

AKDOT submitted a Title 9 Land Use Permit application (20-02-112) for the following Uses:

Subsistence Conservation District:

- 'Bulk fuel storage'—Conditional Use
- 'Placement of fill in a wetland'—Conditional Use
- 'Roads'—Conditional Use
- 'Temporary construction facilities'—Major Use

The Title 9 application was received on April 2, 2020. On April 30, 2020, the Borough Planning Department deemed the application was complete. The 20-day public comment period for this permit started May 4, 2020. There were no public comments.

Permit fees due totaled \$650. AKDOT will submit payment.

Pursuant to Northwest Arctic Borough Code (NABC) 9.12.030, the **Planning Director** has the authority to permit:

- 'Temporary construction facilities'(Major Use in the Subsistence Conservation District)

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

- Bulk fuel storage (Conditional Use in the Subsistence Conservation District)



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- Placement of fill in a wetland (Conditional Use in the Subsistence Conservation District)
- Roads (Conditional Use in the Subsistence Conservation District)

Permit Terms and Conditions:

1. The State of Alaska Department of Transportation & Public Facilities (AKDOT) 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. AKDOT 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 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. The Borough recognizes that this area within Kotzebue 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 Kotzebue residents. The Borough has adopted the necessary regulations of the Federal



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

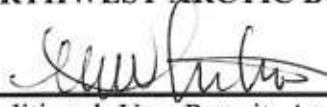


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13. AKDOT is subject to all penalties and civil actions pursuant to section 9.08.240 for violation of the permit conditions and stipulations prescribed herein.
14. Annually by December 31st, the permittee shall file a written report with the NAB Planning 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. AKDOT 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, 2022, unless revoked by the Title 9 Administrator and/or AKDOT.

Permit Approval

NORTHWEST ARCTIC BOROUGH



Conditional Use Permit Approved by the Northwest Arctic Borough Planning Commission
through Resolution PC 20-06
Authorized signatory: Martha Siikauraq Whiting, Planning Director/Title 9 Administrator

June 4, 2020

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

**NORTHWEST ARCTIC BOROUGH PLANNING COMMISSION
RESOLUTION PC-20-06
A RESOLUTION OF THE NORTHWEST ARCTIC
BOROUGH PLANNING COMMISSION APPROVING
STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION & PUBLIC
FACILITIES'
DRAFT CONDITIONAL USE PERMIT #112-03-20,
AND FOR RELATED PURPOSES**

WHEREAS: The Northwest Arctic Borough Planning Department received a Title 9 Permit Application (20-02-112) on April 2, 2020 from State of Alaska, Department of Transportation & Public Facilities for the following Uses in the Subsistence Conservation District:

- Bulk fuel storage
- Placement of fill in a wetland
- Roads
- Temporary construction facilities; and

WHEREAS: On April 30, 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 May 4, 2020, as required in borough code 9.20.030; and

WHEREAS: The Northwest Arctic Borough Planning Commission has the authority to approve: Bulk fuel storage, Placement of fill in a wetland, and Roads 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 #112-03-20 dated May 4, 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