



Draft Title 9 Conditional Use Permit No.:
Drake Construction, Inc.
Noorvik Hotham Peak Gravel Extraction
Date of Public Notice: April 29, 2024
Term of Public Review: 20 business days



**The Borough Planning Commission will conduct a public hearing on this
Conditional Use Permit on or about:
May 21, 2024 in Kotzebue
At the Borough Assembly Chambers from 9am to 4:30PM**

Permit Issued By:

Northwest Arctic Borough, Planning Department
c/o Noah Naylor
PO Box 1110
Kotzebue, AK 99752
Tel 907.442.8209 / 800.478.1110
Fax 907.442.3740
Nnaylor2@nwabor.org

Permittee:

Drake Construction, Inc.
c/o Toby Drake
116 Second Ave.
Kotzebue, AK 99752
Tel 907.442.3512
Fax 907.442.2604
permits@drakeconstruction.net

Permittee Contact Information:

NANA Regional Corporation
c/o Paul Anderson
909 West 9th Ave,
Suite 500
Anchorage, AK 99501
Tel 907.265.4354
paul.anderson@nana.com

Project Description:

Drake Construction, Inc. (DCI) proposes to extract 100,000 cubic yards of sand and gravel at the Hotham Peak Material Site. Material extracted from this location will be used to support the AK DOT & PF Noorvik Airport Rehabilitation project ('Gravel Extraction' and is a



**Northwest Arctic Borough, Planning Department
Draft Title 9 Conditional Use Permit No. 104-03-24
Drake Construction, Inc.**

Page 2 of 10

Conditional Use in the Subsistence Conservation District and a Major Use in the General Conservation District, and 'Bulk Fuel Storage' is a Conditional Use in both the Subsistence Conservation and General Conservation District). DCI proposes the start date to be May 21, 2024 with a completion date of October 31, 2025.

Specific details of the project are contained in the permit application (23-02-108) and documents submitted by DCI to the Borough Planning Department. These documents are incorporated into the Borough's administrative record. Project activities are summarized below.

Project Location:

The Hotham Peak Material Site is located at Township 16 North, Range 10 West, Section 3, 4 and 9, Kateel River Meridian. NANA Regional Corporation is the landowner and the DCI is the manager of the site. The project site has been mined over several previous phases from 2011 to 2020.

Gravel extraction and bulk fuel storage activities are located in the Subsistence Conservation and General Conservation Districts.

Gravel Extraction

An estimated 100,000 cubic yards of finished product will be mined from this site. The existing pit will be expanded approximately 150 feet to the northwest and 150 feet to the southeast to provide enough material for the project. Also, a strip approximately 350 x 900 feet will be added to the south end of the existing pit.

The project will be completed in 5 phases from May 2024 to October 2024.

Phase 1: Overburden Removal and Pit Setup

During Phase 1 of the mining operation, the overburden on Lobe 1, Lobe 2, and Lobe 3 will be cleared and pushed to the perimeter of Site A Expansion. Also, the overburden over "Phase 4 Material" will be removed and stockpiled on the northwest edge of the pit. The organic overburden material will be preserved to be used for reclamation at the end of the mining operation. Two settling ponds (approximately 35 x 140 feet) will be constructed on the east side of the pit, slightly north of the existing pond.

Phase 2: Mining and Processing

The first material to be mined will come from material at the center of the existing pit identified as "Phase 2 Material" on Figure 8 from the geotech report. During the mining operation, slopes will be equal to or flatter than the angle of repose (approximately 37 degrees) or benched per MSHA Standards. The material will be mined via dozer and loader or a large excavator. The material will be loaded into off-road articulating haul trucks and hauled to the east side of the pit to be processed and stockpiled. Any area where there is a danger for a vehicle



do drive off into a pit will be protected with a dirt berm that is at minimum as tall as the axle height of the largest piece of equipment on the mine site.

The second area to be mined will be Lobe 1. After all the usable material is mined out of Lobe 1, then Lobe 2 will be mined. After all the usable material is mined out from Lobe 2, Lobe 3 will be mined. After all the usable material is mined out of Lobe 3, "Phase 4 Material" will be mined. After each separate area is mined, the slopes will be reclaimed at a slope no steeper than 2 horizontal to 1 vertical.

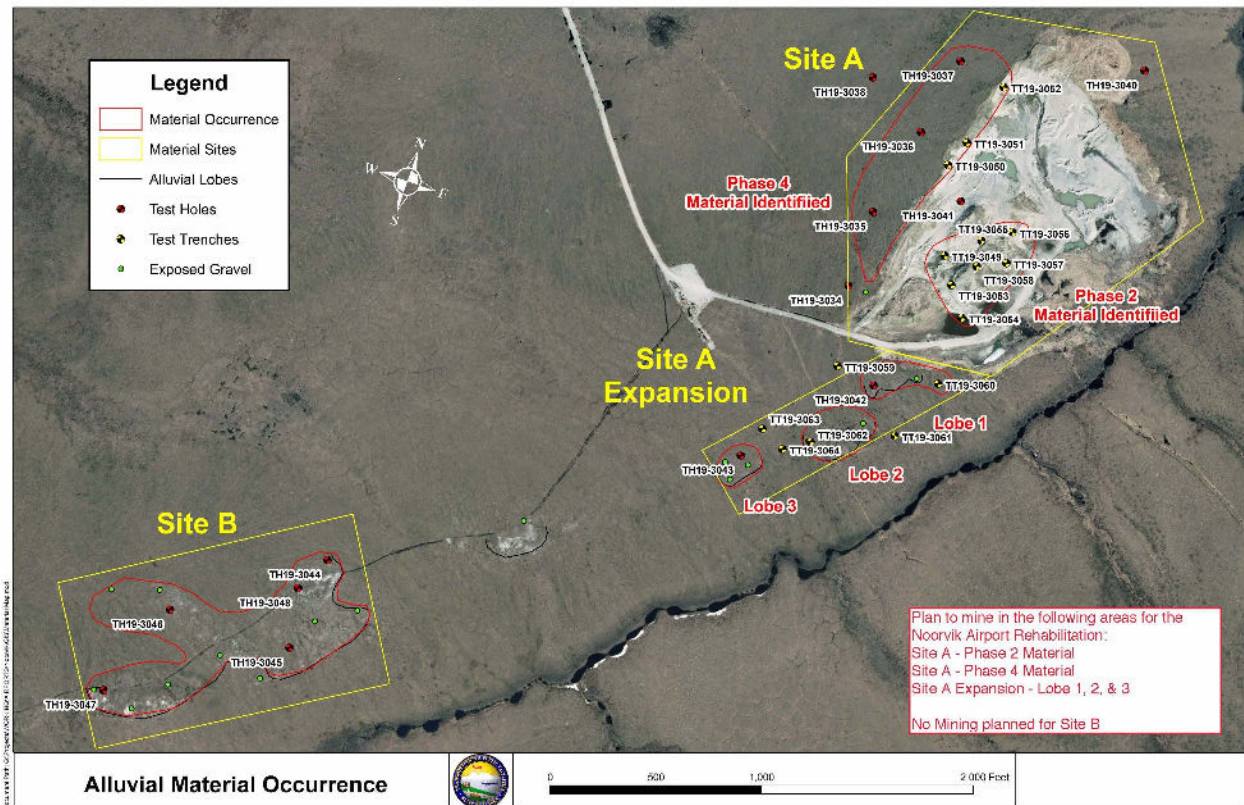


Figure 1. Location of Material Sites

Phase 3: Temporary Stabilization A

After each separate area is mined, the slopes will be reclaimed at a slope no steeper than 2 horizontal to 1 vertical. Any area that was originally covered with vegetation will be reseeded. The overburden (topsoil) that was removed from the pit during Phase 1 will be returned to its approximate original location and spread evenly on the slopes. Any area of the mined site that was mined below the water table will become a new pond.

Phase 4: Permanent Stabilization

Once the topsoil has been spread on the areas where vegetation had been removed during this mining operation, seed, fertilizer, and mulch will be applied. If there is not enough topsoil for regrowth, a Biotic Soil replacement may be used to promote vegetative growth. Active



mining areas will be left as they were at the beginning of this project ready for continued use by the City or other entities needing gravel.

Phase 5: Demobilization

The processing plant will be taken down. Any temporary structures constructed for the mining operation will be removed. All contractor equipment and supplies will be removed from the material site, driven down to the barge landing, and hauled away from Noorvik via barge.

Equipment and Total Acreage

Total acreage that will be reclaimed during the year (or each year, for multi-year reclamation plan): 14

Equipment Type	# of Units
Hitachi ZX450	1 each
Hitachi ZX800	1 each
CAT D9 Dozer	1 each
CAT D8 Dozer	1 each
CAT D6 Dozer	1 each
Volvo A40 Haul Truck	3 each
Volvo L220 Loader	1 each
Finn T120 Hydroseeder	1 each
200 gallon Water Truck	1 each

Type of material to be mined: Approximately 20,000 cy of Organics/Topsoil (not removed from pit, used for reclamation)

Approximately 100,000 cubic yards of Sandy Gravel



Figure 2. Mining Plan

Reclamation Plan

Reclamation will take place over the course of two construction seasons. Mining will still be active past the recommended seeding deadline of August 15. At the end of mining and processing during the summer of 2022, slopes will be graded no steeper than 2 horizontal to 1 vertical and track walked. The following spring, after May 15, 2025, but before Aug 15, 2025, all areas that require revegetation will be seeded.



DCI will reclaim the site by reapplying topsoil and seeding. The overburden that was stockpiled at the pit will be placed on the graded areas. Slopes will be no greater than 2 horizontal to 1 vertical. The peat and organics will be spread over the silty sands and track walked in a way so that grooves are perpendicular to the flow of water runoff. Then the site will be seeded according to the guidelines set forth in the SWPPP2 prepared by DCI for this project. DCI will remove BMPs after the site as reached Final Stabilization per the SWPPP2 requirements.

Bulk Fuel Storage

DCI will be storing up to 9680 gallons of fuel on the material site using double wall steel tanks. Fuel will be transported on site using a fuel truck. DCI will be following a Spill prevention, Control and Countermeasures (SPCC) plan to ensure safe practice and handling of the fuel on site. After the completion of project, equipment will load out the portable double wall steel tanks out of the site.

Current Approvals:

- State of Alaska DNR Reclamation Permit – Approval #34081 – Pending
- State of Alaska DFG Fish Habitat Permit – Approval #FH22-III-0191 – Expires October 31, 2024
- US Army Corps of Engineers – POA-2022-00295
- State of Alaska DNR – TWUA Permit A2022-70 – Expires October 31, 2024
- Wetlands Permit – GP7 – Expires September 30, 2024
- NANA MSA – NFAPT00255 – Expires December 31, 2024

Permit Authorization and Documentation:

Drake Construction, Inc. (DCI) submitted a Title 9 Zoning Permit Application on April 24th, 2024 to conduct the following:

Subsistence Conservation District

- ‘Gravel Extraction’ is Conditional Use
- ‘Bulk Fuel Storage’ is Conditional Use

General Conservation District

- ‘Gravel Extraction’ is Major Use
- ‘Bulk Fuel Storage’ is Conditional Use

On May 1, 2024 the Borough Planning Department deemed the application was complete.

Permit fees due total to \$750.00. DCI will submit payment.



Northwest Arctic Borough, Planning Department
Draft Title 9 Conditional Use Permit No. 104-03-24
Drake Construction, Inc.

Page 7 of 10

The Planning Commission has the authority to permit 'Bulk Fuel Storage' and 'Gravel Extraction' as Conditional Use Permit in the Subsistence Conservation and General Conservation Districts, pursuant to NABC 9.12.030.

Permit Terms and Conditions:

1. Drake Construction, Inc. (DCI) 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. DCI 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. All project 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 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.
7. 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.
8. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the project activities, and DCI shall immediately contact the Planning Director at the NAB to determine the conditions to continue.
9. Except as authorized by the State Historic Preservation Officer under an approved mitigation plan, persons shall not disturb cultural, archaeological or historic sites listed or



**Northwest Arctic Borough, Planning Department
Draft Title 9 Conditional Use Permit No. 104-03-24
Drake Construction, Inc.**

Page 8 of 10

eligible to be included on the National Register of Historic Places or sites identified by the administrator or the commission as important to the study, understanding or illustration of national, state or local history, prehistory or culture.

10. 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.

11. During the fall season, DCI 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. DCI and/or any project contractors shall cease any activity that may interfere with the seasonal fall 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 $\frac{3}{4}$ 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 period of August through December, DCI 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. 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. 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



**Northwest Arctic Borough, Planning Department
Draft Title 9 Conditional Use Permit No. 104-03-24
Drake Construction, Inc.**

Page 9 of 10

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 mineral exploration sites. Fuel/oil drums or other storage containers shall not be abandoned.

14. DCI shall immediately notify the Borough (at least within 24 hours) of any change in the project plans and seek modification of the permit.
15. 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.
16. 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;
 - (b) 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. DCI 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. DCI is subject to all penalties and civil actions pursuant to NAB Code Section 9.08.240 for violation of the permit conditions and stipulations prescribed herein.
20. This permit will expire on December 31, 2025, unless revoked by the Title 9 Administrator and/or DCI.



NORTHWEST ARCTIC BOROUGH

Noah Naylor,
Planning Director/Title 9 Administrator

May 1, 2024

Date

CC: Native Village of Noorvik, City of Noorvik, NANA Regional Corporation,
Maniilaq Association

Posted at: www.nwabor.org