



**Title 9 Conditional Use Permit No.: 103-03-21**  
**Date of Issue: September 17, 2020**  
**Permit Expires: December 31, 2024**



**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  
Fax 907.442.3740  
[jchase@nwabor.org](mailto:jchase@nwabor.org)

**Permittee:** Native Village of Kiana  
59 Kozak Street  
Kiana, AK 99749  
Tel 907.475.2109  
[transportation@katyaaq.org](mailto:transportation@katyaaq.org)

**Permittee Contact Information:**  
Delores Barr  
59 Kozak Street  
Kiana, AK 99749  
Tel 907.475.2109  
[transportation@katyaaq.org](mailto:transportation@katyaaq.org)

**Project Description:**

The Native Village of Kiana (KIANA) proposes to extract and stockpile up to 10,000 cubic yards of material. Material extracted from this location will be used to support local community projects. KIANA will also repair washout areas on the access road. The proposed start date is April 2021 and will be completed by December 2024.

Specific details of the project are contained in the permit application (21-02-105) and documents submitted by KIANA to the Borough Planning Department. These documents are incorporated into the Borough's administrative record. Project Activities are summarized below.

**Project Location:**

The material extraction site, known as Material Site A-1, is located approximately 3 miles northwest of Kiana in Section 31, Township 19 North, Range 8 West, Kateel River Meridian. This site is owned by NANA Regional Corporation and is described as 'high-quality gravel suitable for borrow, crushed surfacing, and potential paving aggregates.' The material site has been used in the past for both an Airport Rehabilitation Project and for resident stockpile emergency/non-emergency use. The site appears to contain both alluvial and quarried rock



material. The multiple cells pointed out in the following figures indicate the areas which will be excavated and reclaimed once the project is completed. No pit expansion is anticipated for this project.

Material Site A-1 is located in the Subsistence Conservation District.

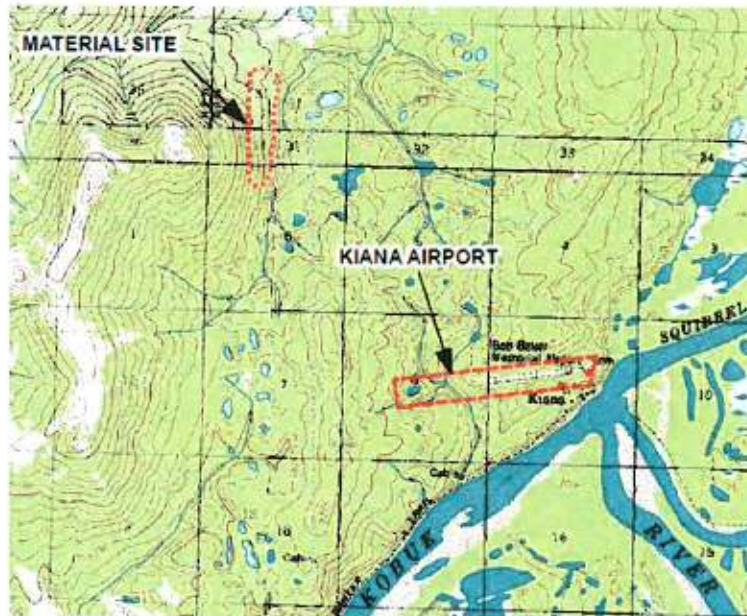


Figure 1. Location of Material Site A-1.

### **Gravel Extraction:**

Activities at the site include excavating material and removing it from the site. Excavation will require the use of the City of Kiana's back-ho, dozer and end-dump. The back-ho will be used to extract loose gravel from the northern end of the pit and loading to an end-dump throughout the cyclic stockpile & removal processes.

Supporting activities include grading to reduce erosion and reclaim site, and erosion control BMPs. Two erosion control BMPs have been determined to be appropriate for this site: Surface Roughening and Stockpile Management. Data sheets for these BMPs are included in Attachment D. If these methods prove ineffective, others will be pulled from the *Alaska Storm Water Guide* and incorporated in this mining plan by amendment.

Nothing will be stored at the site except stockpiled gravel, stockpiled overburden and equipment. The erosion control materials will be stored at the tribal office. Equipment may be left at the site overnight when it is intended to be used the following workday. When a machine is not to be used at the site the following workday, it will be stored at KIANA's equipment fleet location.

Equipment will not be maintained or refueled at the material site. This work will be done at KIANA's equipment fueling station.



There will not be any blasting, crushing, or other mechanical operations. There are no other entities using the site for non-material mining purposes. There will not be any dewatering from the site.

### Site Plan

Work within the Material Cell #3 includes stripping and stockpiling the overburden to access the gravel. When mining is complete, the overburden will be replaced. The stockpiled gravel will then be relocated into the Valley View Subdivision to build a foundation for the Northwest Inupiat Housing Authority (NIHA) construction of 5 single-story homes. The slopes will be no steeper than 2.5' horizontal per 1' vertical and will not affect any wetlands or vegetation.

KIANA requests a 5-year permit with a 25,000 Cubic yard maximum.

### Reclamation Plan

When mining is complete, the overburden will be replaced. The slopes will be no steeper than 2.5' horizontal per 1' vertical. The operator will flatten slopes to 2.5:1 or flatter by adding or removing material as appropriate. Slopes not covered with topsoil will be seeded using a broadcast seeder and a seed mix designed for this environment. At the end of each construction season, the operator will run tracked vehicles up the slopes to break up the length and minimize erosion.

Equipment will be removed from the site along with any plastic or other materials used during mining.



Figure 2. Site Plan for Material Site A-1.



**Permit Authorization and Documentation:**

KIANA submitted a Title 9 Land Use Permit application (21-02-105) for the following Use: Gravel extraction (Conditional Use in Subsistence Conservation District). The Title 9 application was received on August 14, 2020. On August 28, 2020 the Borough Planning Department deemed the application was complete. The 20-day public comment period started August 28, 2020. There were no public comments.

Permit fees totaled \$250 for the project. The applicant requested a waiver for permit fees because the proposed project will benefit community projects in Kiana. The Planning Director granted the waiver of fees.

The Planning Commission has the authority to permit "Gravel extraction" in a Subsistence Conservation District by Conditional Use Permit, pursuant to Northwest Arctic Borough Code (NABC) 09.12.030.

**Permit Terms and Conditions:**

1. The Native Village of Kiana (KIANA) 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. KIANA 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.
6. All project activities shall utilize measures to minimize noise and nuisance affecting surrounding residential and camp properties including excessive noise, fumes, odors,



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glare, smoke, vibration, dust, litter, interference in any telephone, radio or television receivers, and/or significant line voltage fluctuation.

7. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the mining activities, and KIANA shall immediately contact both the Planning Director at the NAB Planning Department and Alaska State Historic Preservation Office to determine the conditions to continue.
8. 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.
9. 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.
10. 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.
11. KIANA 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, including but not limited to scraping of vegetation and spill of fuel or other chemicals.
12. KIANA shall immediately notify the Borough (at least within 24 hours) of any change in the project plans and seek modification of the permit. KIANA shall suspend uses until approval is given by the Planning Director/Title 9 Administrator. If the proposed action(s) constitutes an emergency, KIANA 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.
13. KIANA 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.
14. KIANA is subject to all penalties and civil actions pursuant to section 9.08.240 for violation of the permit conditions and stipulations prescribed herein.



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15. During the fall, winter and spring seasons, KIANA 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. KIANA 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, KIANA 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).

16. 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. KIANA will ensure reasonable access to subsistence users to subsistence resources.
17. 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 KIANA 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.
18. 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.
19. 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 Kiana and the material extraction site and season-end reclamation activities,



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- (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.
20. 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.
21. The Borough Planning Director, as the Title 9 Administrator under provision of NABC 9.08.020, will issue this permit for period of 5 years. Issuance of this permit under these terms shall require submission of an annual report for compliance with the permit terms and conditions. **This permit will expire on December 31, 2024**, unless revoked by the Title 9 Administrator and/or KIANA.

**Permit Approval**

**NORTHWEST ARCTIC BOROUGH**

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Conditional Use Permit Approved by the Northwest Arctic Borough Planning Commission through Resolution PC 20-09

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

September 17, 2020

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Date

CC: City of Kiana, NANA Regional Corporation, Maniilaq Association, NIHA, ANTHC

Posted at: [www.nwabor.org](http://www.nwabor.org)

**NORTHWEST ARCTIC BOROUGH PLANNING COMMISSION  
RESOLUTION PC-20-09  
A RESOLUTION OF THE NORTHWEST ARCTIC  
BOROUGH PLANNING COMMISSION APPROVING  
NATIVE VILLAGE OF KIANA'S  
DRAFT CONDITIONAL USE PERMIT #103-03-21,  
AND FOR RELATED PURPOSES**

**WHEREAS:** The Northwest Arctic Borough Planning Department received a Title 9 Permit Application (21-02-103) on August 14, 2020 from the Native Village of Kiana for the following Uses in the Subsistence Conservation District:

- Gravel extraction; and

**WHEREAS:** On August 28, 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 August 28, 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 #103-03-21 dated August 28, 2020, as discussed during the commission meeting;

**PASSED AND ADOPTED THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2020.**



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Harold Lambert, Planning Commission Chair

**SIGNED AND ATTESTED TO THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2020.**



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Helena Hildreth, Borough Clerk