



**Title 9 Conditional Use Permit No.: 113-03-20**

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

APPROVED

**Permittee:**

Native Village of Deering  
PO Box 36089  
Deering, Alaska 99736  
Tel 907.363.2138 Fax 907.363.2195  
[tribeadmin@ipnatchiaq.org](mailto:tribeadmin@ipnatchiaq.org)

**Permittee Contact Information:**

Bonita Barr, Transportation Coordinator  
PO Box 36089  
Deering, Alaska 99736  
Tel 907.363.2138 Fax 907.363.2195  
[transportation@ipnatchiaq.org](mailto:transportation@ipnatchiaq.org)

**Project Description:**

The Native Village of Deering (NVD) proposes to extract gravel from four material sources and perform routine maintenance on roads to repair damages caused by the spring thaw in the community of Deering ('Roads' is a Major Use in the Village District and 'Gravel extraction' is a Conditional Use in the Subsistence Conservation District). Gravel extraction will take place on four (4) material sources along the Inmachuk River.

Gravel extraction activities will consist of loading gravel into dump trucks to replace washed-out sections of the road as needed. Road repair activities will consist of adding material to the road, and dozing and grading of road to maintain access to gravel sites.

The proposed start date is June 2020 and will be completed by December 2022.

Specific details of the project are contained in the Title 9 application (20-02-113) and documents submitted by NVD to the Borough Planning Department. These documents are incorporated into the Borough's administrative record. Project activities are summarized below.



**Project Location:**

This permit covers the maintenance and repair of the Utica Road in the community of Deering (Village District), as well as the extraction of gravel at four (4) material sites on the Innachuk River (Subsistence Conservation District—Inmachuk River Sub-District): 3 Mile Beach, 7 Mile Pit, 12 Mile Beach, and 14 Mile Pit.

The site of the 3 Mile Beach material source is located at Township 8 North, Range 20 West, Kateel River Meridian.

The site of the 7 Mile Pit material source is located at Township 7 North, Range 20 West, Kateel River Meridian.

The site of the 12 Mile Beach material source is located at Township 7 North, Range 20 West, Kateel River Meridian.

The site of the 14 Mile Pit material source is located at Township 6 North, Range 20 West, Kateel River Meridian.

**Gravel Extraction:**

Gravel will be stockpiled in a centralized location on the beach using a dozer. The material will be then loaded on to an end dump truck with a front end loader and hauled out. Gravel will be loaded into the end dump truck with a front end loader.

Gravel extraction estimates for each material source:

3 Mile Beach	650 cubic yards
7 Mile Pit	630 cubic yards
12 Mile Beach	600 cubic yards
14 Mile Pit	620 cubic yards
TOTAL	2,500 cubic yards

**Site Plan and Reclamation Plan for 3 Mile Beach**

Gravel will be loaded into an end dump truck with a front end loader. When we have moved to the next pit the stock pile area will be dozed at a downward slope toward the river's edge. There will be no need for revegetation as this is a gravel beach and currently has no vegetation.



**Figure 1. 3 Mile Beach material site**

**Site Plan and Reclamation Plan for 7 Mile Pit**



Gravel will be loaded into an end dump truck with a front end loader. When we have moved to the next pit the stock pile area will be dozed at a downward slope toward the river's edge. There will be no need for revegetation as this is a gravel beach and currently has no vegetation



**Figure 2. 7 Mile Pit**

**Site Plan and Reclamation Plan for 12 Mile Beach**

Gravel will be loaded into an end dump truck with a front end loader. When we have moved to the next pit the stock pile area will be dozed at a downward slope toward the river's edge. There will be no need for revegetation as this is a gravel beach and currently has no vegetation.



**Figure 3. 12 Mile Beach**

**Site Plan and Reclamation Plan for 14 Mile Pit**

Gravel will be loaded into an end dump truck with a front end loader. When we have moved to the next pit the stock pile area will be dozed at a downward slope toward the river's edge. There will be no need for revegetation as this is a gravel beach and currently has no vegetation.



**Figure 4. 14 Mile Pit**

### **Road Repairs:**

Road repair activities will consist of placing material on the road, dozing and grading of road to gain access to gravel sites. Other road repair activities will include grading of routes for pot holes, refilling washed out portions of the road and adding gravel where road ponding has become an issue. The project will reinstall culverts as needed. Preventative, scheduled, unscheduled and normal maintenance will be performed under this permit.

### **Permit Authorization and Documentation:**

NVD submitted a Title 9 Land Use Permit application (20-02-113) for the following "Uses": 'Roads' is a Major Use in the Village District and 'Gravel extraction' is a Conditional Use in the Subsistence Conservation District.

The Title 9 application was received on May 7, 2020. On May 9, 2020, the Borough Planning Department deemed the application was complete. The 20-day public comment period started on May 13, 2020. There was one public comment from NVD. NVD wanted to withdraw gravel extraction activities from one source: the 15 Mile Pit. NVD's request was granted.

Permit fees totaled \$350 for the project. The applicant requested a waiver for permit fees because the proposed project will benefit the community of Deering. The Planning Director granted the waiver of fees.

Pursuant to Northwest Arctic Borough Code (NABC) 9.12.020, the **Planning Director** has the authority to permit:

- Roads (Major Use in the Village 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. The Native Village of Deering (NVD) 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. NVD 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. Gravel extraction and road maintenance 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. The 3 Mile Beach, 7 Mile Pit, 12 Mile Beach, and 14 Mile Pit are all located within the Inmachuk River Subsistence Conservation Sub-district.  
Subsistence Uses. Nonsubsistence uses and activities shall not adversely affect the following subsistence activities unless there is an approved mitigation plan:
  - a. Fishing (year-round);
  - b. Moose, caribou, and musk ox hunting (August – March);
  - c. Waterfowl hunting (April – September);
  - d. Egg gathering (May – July); and
  - e. Berry picking and herb gathering (summer and fall).Waterfowl. Uses and activities shall avoid effects to waterfowl staging (spring and fall) and nesting areas (summer).  
Fish Spawning. Gravel extraction, placer mining, and placement of in-stream structures are prohibited within fish spawning areas unless there is an approved mitigation plan.
6. 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.
7. 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.



8. 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.
9. Uses permitted shall cease upon the discovery of archaeological, prehistoric, historic or cultural resources during the project activities, and NVD 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 gravel extraction 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). Fuel/oil drums or other storage containers shall not be abandoned.
11. The Borough recognizes that this area within **Deering** 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 Deering residents. The Borough has adopted the necessary regulations of the Federal 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:

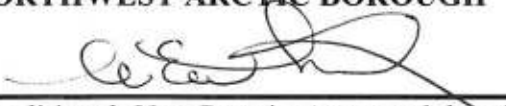
- a. Encourage protection of land uses vulnerable to floods, including public facilities and utilities that serve such uses, against flood damage at the time of initial construction or substantial improvement.  
Ensure that those persons who occupy areas of special flood hazards assume responsibility for occupying such flood hazard areas.
  - b. Because the proposed land use is located in a flood area, 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.
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. NVD shall immediately notify the borough (at least within 24 hours) of any change in the plans and seek modification of the permit.
  14. NVD is subject to all penalties and civil actions pursuant to section 9.08.240 for violation of the permit conditions and stipulations prescribed herein.
  15. By December 31<sup>st</sup>, 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. Aggregate number of trips between Deering and the two material sources,
    - c. Other matters as reasonably required by the Administrator/NAB Planning Director.
  16. 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.
  17. NVD 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.
  18. This permit will expire December 31, 2022, unless revoked by the Title 9 Administrator and/or NVD.

### Permit Approval

#### NORTHWEST ARCTIC BOROUGH

  
Conditional Use Permit Approved by the Northwest Arctic Borough Planning Commission through Resolution PC 20-07

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

June 4, 2020

Date

CC: City of Deering, NANA Regional Corporation, Maniilaq Association  
Posted at: [www.nwabor.org](http://www.nwabor.org)

**NORTHWEST ARCTIC BOROUGH PLANNING COMMISSION  
RESOLUTION PC-20-07  
A RESOLUTION OF THE NORTHWEST ARCTIC  
BOROUGH PLANNING COMMISSION APPROVING  
THE NATIVE VILLAGE OF DEERING'S  
DRAFT CONDITIONAL USE PERMIT #113-03-20,  
AND FOR RELATED PURPOSES**

**WHEREAS:** The Northwest Arctic Borough Planning Department received a Title 9 Permit Application (20-02-113) on May 7, 2020 from the Native Village of Deering for the following Uses in the Village and Subsistence Conservation Districts:

- Roads
- Gravel extraction; and

**WHEREAS:** On May 9, 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 13, 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 #113-03-20 dated May 13, 2020, as discussed during the commission meeting;

**PASSED AND ADOPTED THIS 3<sup>rd</sup> DAY OF JUNE, 2020.**



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Harold Lambert, Planning Commission Chair

**SIGNED AND ATTESTED TO THIS 3<sup>rd</sup> DAY OF JUNE, 2020.**



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Stella Atoruk, Borough Clerk