



Title 9 Conditional Use Permit No.: 102-03-19
Date of Issue: September 5, 2018
Permit Expires: December 31, 2022

APPROVED

Permit Issued By:

Northwest Arctic Borough
Planning Department
c/o John Chase
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Kotzebue, AK 99752
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Permittee:

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

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Project Description:

The State of Alaska Department of Transportation & Public Facilities (AKDOT) submitted a Title 9 application to construct an evacuation and school site access road in the community of Kivalina. The project would provide Kivalina residents a safe and reliable evacuation route in the event of catastrophic storm or ocean surge, allowing evacuees to mobilize to a safe refuge site on Kisimigiuqtuq Hill also dedicated by the NAB as the preferred new location for the community school.

The Kivalina Evacuation and School Site Access Road project includes the following activities: contractor mobilization and camp support establishment and equipment staging, bulk fuel storage, development of material sources and gravel extraction, road construction, and the construction of a lagoon crossing. The proposed start date is September 2018 and will be completed by December 2021.

The following Uses and Zoning Districts make up this project:

1. Village District:

- 'Placement of fill in a wetland, greater than one acre'—Major Use



- 'Bulk fuel storage'—Major Use
- 'Temporary construction facilities'—Major Use
- 'Roads'—Major Use
- 'Public Facilities'—Major Use
- 'Ice Roads and ice pads'—Major Use

2. Subsistence Conservation District:

- 'Bulk fuel storage'—Conditional Use
- 'Gravel extraction'—Conditional Use
- 'Placement of fill in a wetland'—Conditional Use
- 'Roads'—Conditional Use
- 'Temporary construction facilities'—Major Use
- 'Public facilities'—Minor Use
- 'Ice roads and ice pads'—Minor Use

Specific details of the project are contained in the Title 9 application (19-02-102) 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 would begin on airport property at the City of Kivalina, which lies within the Kotzebue Recording District and is located in Section 21, Township 27 N, Range 26 W, of the Kateel River Meridian. The project terminus is at Kisimigiutquq Hill (K-Hill), located in Section 19, Township 28N, Range 25W, of the Kateel River Meridian. A project layout of construction components is provided on **Figure 1** below.

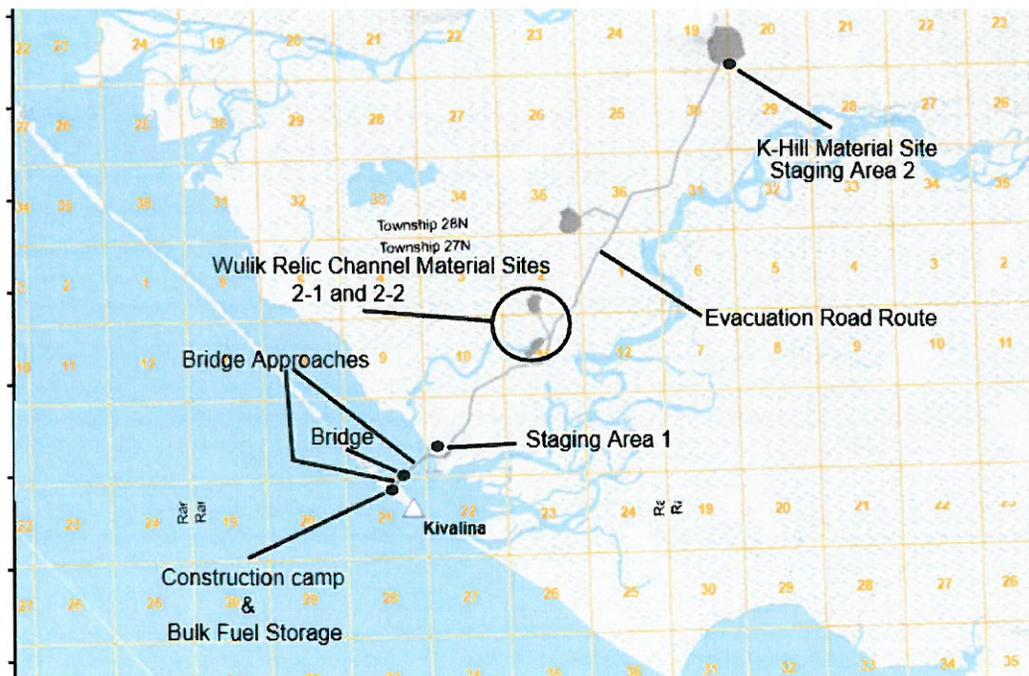


Figure 1. Kivalina road, material sources, and K-Hill Site



Temporary Construction Facilities:

AKDOT's contractor will mobilize via barge to Kivalina in the fall of 2018. Barges will convey construction equipment and vehicles, construction camp (housing, water/wastewater treatment, power generation), a fuel tank farm, and construction support (mechanical, camp and maintenance supplies) to the Kivalina community barge landing where they will be mobilized to staging areas on airport property.

Camp: a temporary construction camp capable of supporting up to 50 workers will be sited on Kivalina Airport lease lots owned by the State of Alaska. It is anticipated the camp will remain at the airport for the duration of the subject project. The contractor will work with the community to upgrade and augment community water supply and treatment capability to serve camp needs, and will provide their own wastewater treatment facility. Power needs of the camp will be via an AVEC power drop, as well as a back-up 250KW diesel generator located on-site as a back-up power source.

Construction Equipment Staging: Construction equipment will initially be staged adjacent to the contractor camp at the Kivalina Airport. Various connex lockers will be staged to contain construction support materials, including oils, lubricants, ammonium nitrate, spare parts and other materials.

Construction Support: The contractor plans to lease the existing City of Kivalina maintenance barn adjacent to Kivalina Airport, and will upgrade that facility to use for construction equipment maintenance and other mechanical and project support.

Electrical Power: The contractor will use AVEC supplied power from the Kivalina system, and also provide a diesel-powered 250KW generator as backup in the event there are temporary conflicts with community use or other interruptions of commercial power.

Water Supply: The contractor will coordinate with the City of Kivalina to augment the supply of water to the community tank by hauling during winter months to supply project water needs. Water will be hauled by truck as needed from a City-approved Wulik River source over an ice road route identified in coordination with the City, and pumped into the community tank. In addition the contractor will provide to the City an increased water treatment capability by supplying necessary equipment and materials in order to meet additional project water demand.

Wastewater Treatment: The contractor will provide a wastewater treatment system (Lifewater system or equivalent) for the construction camp. Solid wastes from treatment will be exported by connex to a qualified disposal site. Liquid effluent, once treated and certified as safe, will be conveyed by pipeline or container to either Kivalina Lagoon or the Chukchi Sea.

Bulk Fuel Storage:

Fuel Farm: A fuel tank farm will be established on airport property west of the construction camp. Estimated capacity will 200,000 gallons overall (diesel and gasoline). The



tank farm will consist of single wall tanks within an earthen berm underlain by impervious containment, and be secured by a chain link perimeter fence. An engineer-stamped ADEC Spill Prevention, Control, and Countermeasure [SPCC] Plan will be implemented.

A tank farm will be installed near K-Hill to provide diesel fueling support for material site equipment. The tank farm will consist of three 6,600 gallon, single-wall fuel tanks placed within a surrounding, lined earthen berm located at the permanent staging area near the K-Hill material site. Fuel will be hauled to the tanks from the larger fuel farm in Kivalina via a 4000-gallon capacity fuel truck, and transferred to the tanks by electric pump. An individual Spill Prevention, Control and Countermeasure (SPCC) plan will be developed and implemented for the K-Hill tank farm site.

Ice Road Construction:

When the Kivalina Lagoon is sufficiently frozen in the winter of 2018 to allow transport of heavy equipment, the contractor will relocate the majority of construction equipment and some materials via ice road to the proposed material site area at K-Hill. All vehicle access will be via a constructed ice road either or both from Kivalina Lagoon along the proposed road alignment or along the course of the frozen Wulik River to a point adjacent to the Wulik Relic Channel sites and then overland to K-Hill should that alternative prove feasible and cost efficient.

Additional Details below of the two ice road options:

The Overland option:

Lagoon between the village and the mainland will have snow removed along the planned route to allow the ice to thicken. Some water from under the ice will be pumped on top to help thicken the ice as well.

On the mainland, local snow, as well as ice chips from adjacent freshwater ponds will be used as a base and then fresh water from a few miles up the Wulik will be hauled and placed on the snow/ice chips to build a 12" approximate thick base.

Initial snow removal on the lagoon could commence as early as December with the construction of the ice/snow road in early January.

Equipment will include small bulldozers, loader with trimming attachment to produce chips, trucks to haul snow and chips and an insulated water truck to haul and spread water.

The overall developed ice road will be just over 8 miles and approximately 30' wide.

The Wulik option:

Lagoon between the village and the mainland will have snow removed along the planned route to allow the ice to thicken. Some water from under the ice will be pumped on top to help thicken the ice as well.



Snow will be removed from the river surface and any exposed gravel bank to depress the ice thickness and freezing.

Water will be pumped from the river onto the ice to thicken the ice. Snow/ice chips will be used to create the base of the access road from the Wulik to K Hill (about 1 mile) with water hauled from the river to thicken and set up the snow/ice road.

Initial snow removal on the lagoon could commence as early as December with the construction of the ice/snow road in early January.

Equipment will include small bulldozers, loader with trimming attachment to produce chips, trucks to haul snow and chips and an insulated water truck to haul and spread water.

The overall developed trail will be approximately 11 miles and approximately 30' wide.

Material Source Development and Gravel Extraction:

Up to three locations in the project area are known to contain adequate project quality materials. Development of any one will be contingent on its availability of sufficient quantities of materials. **The total volume of material needed to construct the project is approximately 800,000 cubic yards** of gravel, armor stone, and crushed surfacing. The three material sources to be developed are K-Hill and Wulik Relic Channel Sites 2-1 and 2-2.

Kisimigiqtuq Hill Site Development (K-Hill) (January 2019 - September 2020): At present, K-Hill is presumed to contain sufficient materials to serve the entire project need. The proposed K-Hill site is 93.3 acres, and is expected to produce up to 800,000 cubic yards of gravel, armor stone, and crushed surfacing material.

K-Hill Site Plan

Material Excavation: Surface overburden of the permitted site will be removed by ripping or blasting, and a permanent staging area will be constructed during the winter to support longer-term material site development. The proposed mining area may occur anywhere within the total 93.3 acre boundary, however a 28 acre area along the northwest side of the site is proposed for extraction. The proposed overburden storage area consists of a 12-acre area, approximately 300' wide surrounding the mining area. An approximately 1800' long material site access road will be constructed from the permanent staging area to the desired excavation site, and material will be blasted and removed to the staging area for additional processing via crushing or other methods. The access road will require up to 30,000 cubic yards of material and will be an average of 30' wide and 3' thick with 2:1 side slopes. Material stockpiles will be located at the staging area for the duration of the project. K-Hill material mining is expected to continue until all project needs are met and project construction is completed in the fall of 2021. Mining would be advanced in one large cell anticipated through September 2020.

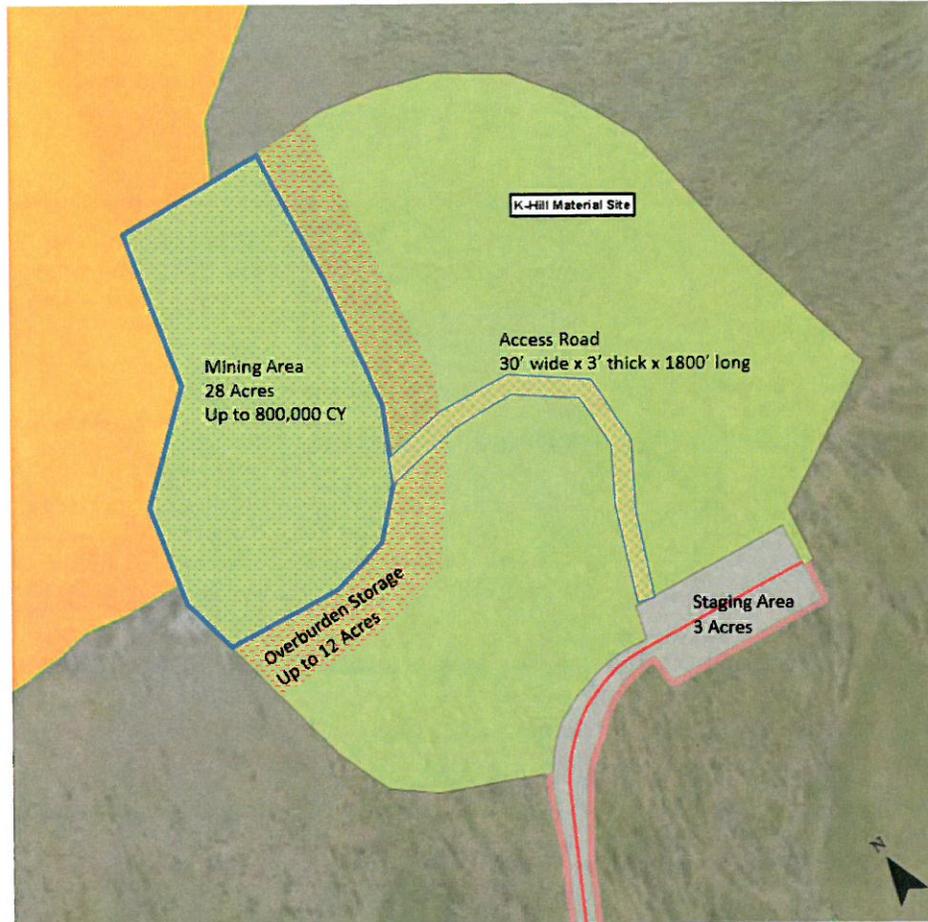


Figure 2. K-Hill material source—Site plan

K-Hill Reclamation Plan

Material Reclamation: The site will be reclaimed by landscape contouring to reduce high walls to stable 3H:1V max slopes, and re-establish natural drainage and vegetation and/or as per an ADNR approved reclamation plan with input from the landowner, NANA Regional Corporation. Overburden will be redistributed as evenly as possible to help promote successful revegetation. Disturbed areas will also be permanently stabilized by seeding. Reclamation would occur once mining is completed, anticipated September 2020.

Site Development Support: Portable power generation, 20,000 gallon fuel storage, and maintenance facilities will be temporarily located at the K-Hill staging pad to support material site work, local equipment maintenance and repair, and provide office space for site management.

The Kisimigiqtuq Hill (K-Hill) Western site totaling 93.3 acres is anticipated to provide materials for armor rock and crushed surfacing material. Rehabilitation will include land contouring and revegetation.

The site shall be rehabilitated as follows:



- Reduce high walls to stable slopes: No slopes exceed 3H:1V
- Remove or reclaim temporary storm water control structure(s)
- Reestablish natural drainage ways to minimize erosion
- Reestablish natural vegetation to achieve long-term stability and rehabilitation. Plant species shall include 'Arctared' RedFescue (*Festuca rubra*and), 'Norcoast' Bering Hairgrass (*Deschampsia beringensis*) and Annual Rye (*Lolium multiflorum*) in the following mixture: 50% Red Fescue, 30% Bering Hairgrass, and 20% Annual Rye. Broadcast State of Alaska approved seed mixtures at a rate of 40 pounds per acre with a standard
- 20-20-20 Nitrogen-Phosphorous-Potassium (N:P:K) fertilizer (fertilizer rate of 450 pounds per acre)
- Overburden/top soil will be redistributed as evenly as possible to help promote successful revegetation
- Vehicle and/or equipment use on newly graded slopes and reseeded areas will be discouraged using signage and flagging where practicable

Wulik Relic Channel Sites (January 2019 – TBD): At present only geotechnical investigations are anticipated to take place at Wulik Relic Sites 2-1 and 2-2 during initial stages of the project. While all geotechnical materials required for the project are anticipated to be obtained at K-Hill, Wulik Relic sites will be more fully characterized to provide alternate sources should K-Hill operations encounter unforeseen difficulties or cost overruns. Should the project require more definitive use of the Relic sites, some equipment from K-Hill will be restaged for that effort and similar support components would be relocated to the site. The total proposed area encompassed by Wulik Relic Sites 2-1 and 2-2 is 41.5 acres.

Material Extraction: **Up to 300,000 cubic yards** total of material may be extracted from these sites. Extraction would require ripping and blasting, and would require removal of approximately 5' to 10' of thick overburden. Mining at each Relic site would occur as one cell, and is anticipated to continue through September 2020.

Site Plan

Within Wulik Relic Site 2-1, staging would occur within an approximately 3-acre site on the northeast corner of the site. Mining may occur anywhere within the boundary, however a 10.5 acre mining area located within the southwestern portion of the site is proposed for extraction. Overburden would be pushed within an approximately 5-acre area located northeast of the mining area, or around the outer limits of the mining area.

Within Wulik Relic Site 2-2, staging would occur within an approximately 3-acre area within the southern portion of the site. Mining may occur anywhere within the boundary, however a 12-acre mining area located within the northwestern portion of the site is proposed for extraction. Overburden would be pushed within an approximately 8-acre area located northeast of the mining area, or around the outer limits of the mining area.

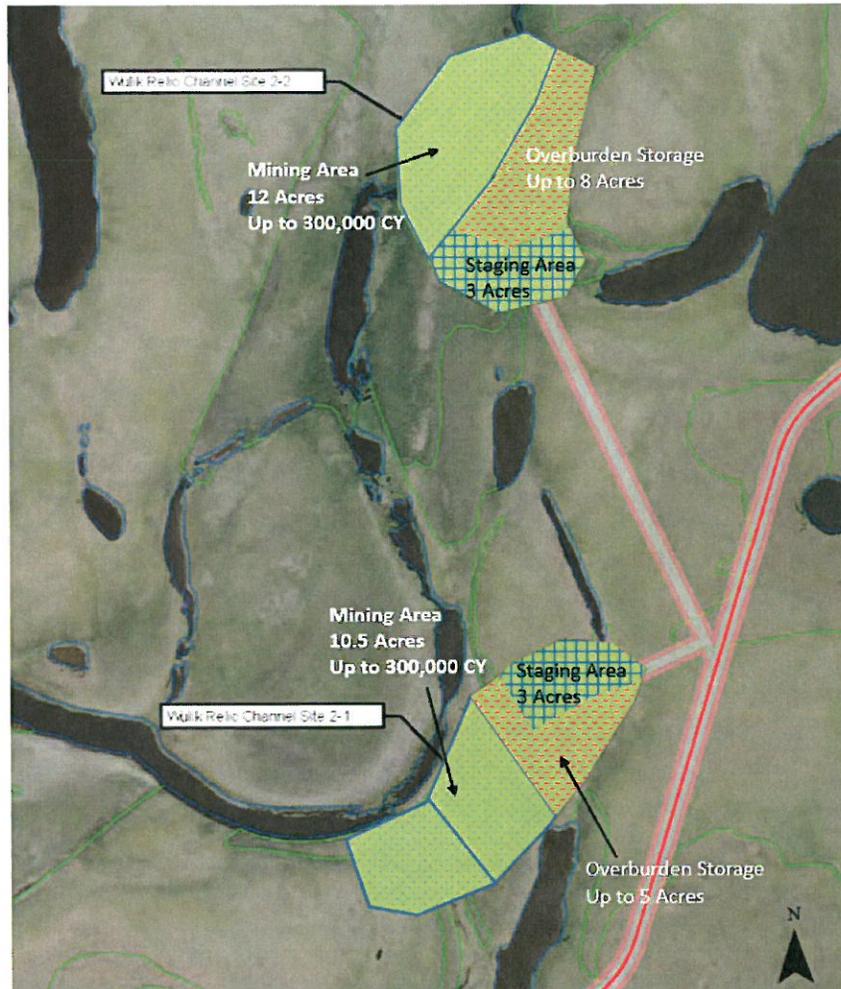


Figure 3. Wulik Relic Channel Sites 2-2 and 2-1—Site plan

Reclamation Plan

Material Reclamation: Reclamation would include land contouring, revegetation, flooding for creation of ponds and wetlands, and pond littoral margin habitat improvement for fish and wildlife enhancement. Side slopes into the ponds will be gradually tapered so no abrupt drop off occurs around the pond periphery. All work areas will be regraded to encourage natural variation of wetland hydrology, and native shrub recruitment and growth, as observed along river bars of the Kivalina and Wulik Rivers. Reclamation would begin once mining is completed, anticipated September 2020.

Wulik Relic Channel Source 2-1 and 2-2 total 41.5 acres and would provide material for embankment construction. Rehabilitation will include land contouring, revegetation, flooding for creation of ponds and wetlands, and pond littoral margin habitat improvement for fish and wildlife enhancement.

The site shall be rehabilitated as follows:

- Each cell will be allowed to flood and a habitat enhancement project initiated



to rehabilitate the site.

- A littoral zone will be created around outer edges of each pond to create a diversity of wildlife habitats.
- Twenty percent of the final pond surface area will be less than 3 feet in depth to create areas suitable for shallow water emergent vegetation to develop for waterfowl nesting and rearing.
- Side slopes into the ponds will be gradually tapered so no abrupt drop off occurs around the pond periphery.
- Ponds, and any islands within them will be irregularly shaped to increase edge habitat.
- All work areas will be graded to encourage natural variation of wetland hydrology, and native shrub recruitment and regrowth, as observed along river bars of the Kivalina and Wulik Rivers.

Road Construction:

The overland portion of the Kivalina evacuation road consists of a two-lane, 7.1 mile road constructed over a series of lowlands and relic channels of the Wulik River to a permanent gravel staging/evacuation pad (3 acres) located on K-Hill. The road would be constructed with a minimum 6' thick embankment to minimize thermal degradation and mitigate snow drifting. The road would be constructed to a top width of 24' with 3:1 side slopes. Turnouts will be constructed along the road to accommodate vehicle parking and equipment turnarounds. A gravel pad, approximately 3 acres, will also be constructed on the mainland portion of the road adjacent the east end of the causeway to serve as an interim evacuation/staging pad. The mainland portion of the road will be constructed over the course of 2.5 years extending from February 2019 through June 2021 described below.

Winter 2018/2019 – An 8-mile ice road to K-Hill will be constructed beginning in December, and continuing through January, depending on weather. Once the ice road access to K-Hill is in place, the material site will be developed and approximately 320,000 cubic yards of material will be extracted. Construction of the overland road will be advanced from K-Hill, southwesterly to the Kivalina Lagoon by placing 2-foot thick layers of fill to an average thickness of 4 feet. The terminus pad, approximately 3 acres, will also be constructed.

Construction for the first four feet thick road is expected to be completed by April 2019. Some material stockpiling/placement may continue through summer 2019. Other material source(s) may be explored for potential development.

Winter 2019/2020 – Construction of the overland portion of the road will continue, by placing an additional average two-foot thick lift of gravel on top of the four-foot thick embankment that was placed the previous winter.

Seven turnouts will be constructed approximately one per mile, and a 3-acre staging pad will be constructed adjacent the eastern side of the lagoon. K-Hill is anticipated to produce the necessary material for this stage of construction.



Approximately 100,000 cubic yards of material will be extracted and placed this stage. Other material source(s) may be explored for potential development.

Culvert pipes will also be constructed this stage. Approximately 10 large culverts consisting of 10 gauge Corrugated steel, or Structural plate, will be constructed at various locations. Culvert diameters vary from 5' to 10' and will be depressed approximately 20% of the diameter below the ground level to promote natural subsurface drainage. Culverts will generally be constructed to a 0% grade, to match the surrounding topography.

Approximate Location (MP) from Kivalina	Culvert Diameter (ft)	Culvert Length (ft)	Location Description
.55	20	120	Causeway
1.5	6	80	Mainland
2.2	5	75	Mainland
2.4	6	80	Mainland
2.5	8	85	Mainland
2.55	8	90	Mainland
4.2	8	90	Mainland
4.5	10	100	Mainland
5	10	100	Mainland
6.1	6	80	Mainland
6.7	7	85	Mainland

Figure 4. Culvert locations and details for placement

Riprap aprons will be constructed at the end of each culvert pipe, to protect the inlet and outlet from erosion during high flow events. Approximately 4,000 cubic yards of total riprap will be required at culvert inlets and outlets.

Winter 2020 - Summer 2021 - Construction of the overland portion of the road will be finalized by re-leveling any areas of the road that have settled over the summer, and placing a six-inch layer of crushed surfacing material. Approximately 30,000 cubic yards of material will be extracted, crushed, and placed this stage. K-Hill is anticipated to produce the necessary material for this stage of construction.

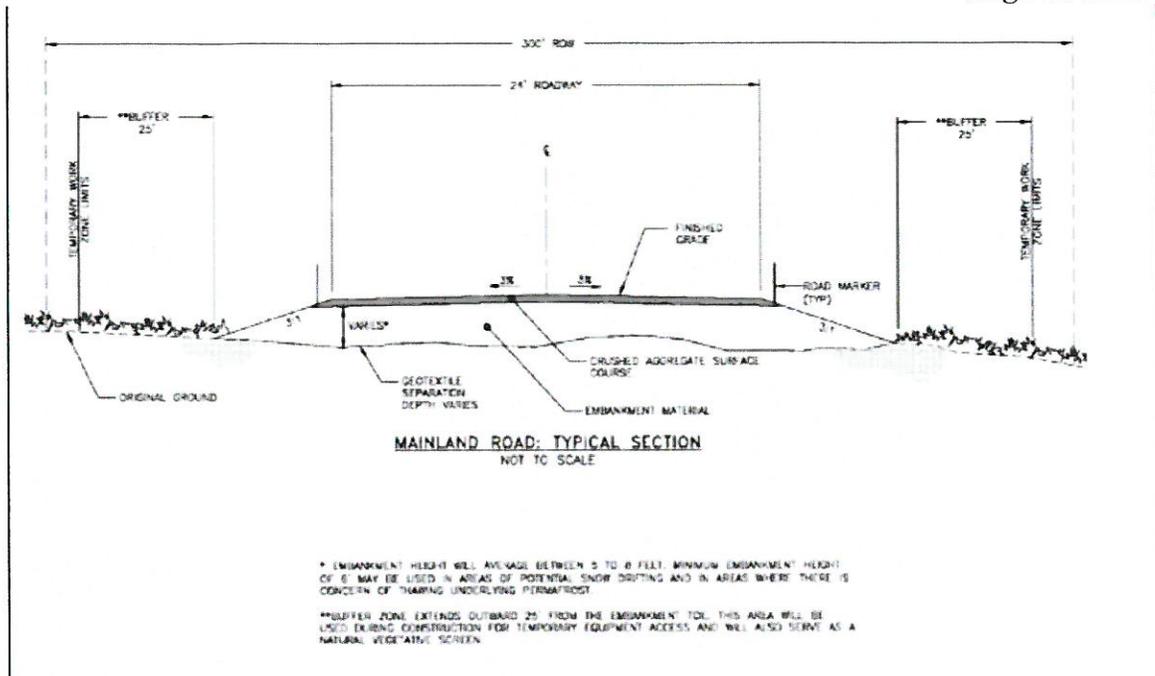


Figure 5. Mainland road: Typical section

Lagoon Crossing Construction:

Work includes construction of a 3,270' lagoon crossing consisting of an approximately 180' single-span, steel girder bridge, and 3,090' bridge approaches consisting of earthen embankment and rock armoring elevated to not less than 17.5 feet to avoid overtopping during a 100-year storm surge event. Approximately 350,000 cubic yards of material is required to construct the bridge approaches.

The approximately 180-foot bridge would be constructed over the 110-foot wide lagoon channel. Bridge design will allow local, small boat traffic to pass beneath it with a minimum clearance (at MHW) of 13 feet, to access the north and south lagoon. Bridge abutments would be protected from scour with rock armoring. Final road embankment fill and surfacing would occur the following summer as would placement of protective armor rock along embankment slopes and at bridge abutment areas.



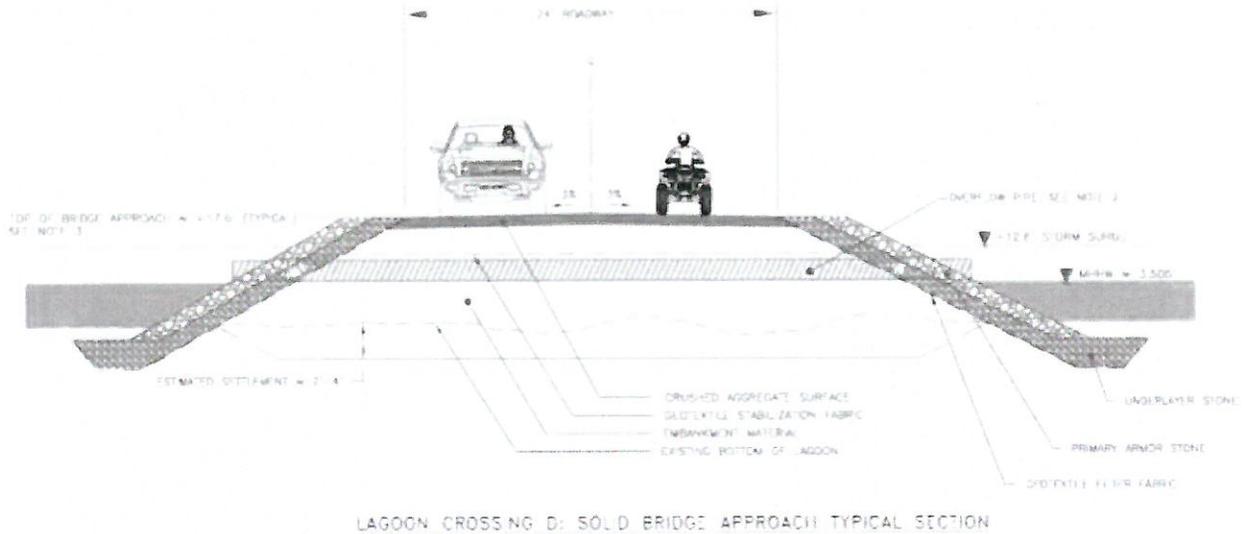
Figure 6. Bridge and bridge approach overview

Bridge approaches would be constructed during winter to reduce or eliminate potential impacts to fish and marine mammals. Construction will consist of removing bottom-fast ice along the alignment across Kivalina Lagoon and placing fill on the lagoon bottom to form the approach embankment foundations. The approaches would be built from a) the southern extent of airport property on Kivalina Island eastward approximately 160 feet; and, b) westward from the mainland approximately 2930 feet, with both approaches ending at their respective margins of the existing lagoon channel. The bridge approaches would be constructed out of gravel and shot rock to an elevation of not less than 17.5', to avoid overtopping during a 100-year storm surge event. The approaches would also be protected from erosion using armor stone approximately 3'-4' thick.

During approach construction, one or several large culverts would be placed within the eastern approach, approximately 200' west of the mainland to augment hydrological and biological resource passage between the north and south lagoon. Elevated overflow culverts would also be incorporated into the approach embankments to allow increased flow during



storm surge or other high-water events. Upon completion of initial bridge approach embankment lifts, bridge piles would be driven through constructed embankment near the lagoon channel to initiate building of bridge abutments.



- NOTES
1. LAGOON CROSSING D CONSISTS OF SOLID BRIDGE APPROACHES WITH TWO PRIMARY OPENINGS CONSISTING OF A BRIDGE AND LARGE STRUCTURAL PLATE PILES. THIS FIGURE DETAILS THE SOLID PORTION OF THE LAGOON CROSSING.
 2. OVERFLOW PIPES TO BE PLACED ABOVE WHIRL INCREMENTALLY WITHIN THE EMBANKMENT OVER THE LENGTH OF THE BRIDGE APPROACHES.
 3. TOP OF BRIDGE APPROACH ELEVATION VARIES FROM APPROX. 17.6 TO 25 TO ACCOMMODATE DRAINAGE STRUCTURES/FEATURES. ELEVATIONS ARE APPROXIMATE AND BASED ON THE NAVORS VERTICAL DATUM.

Figure 7. Bridge approach typical



Figure 8. Bridge (example)



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 (19-02-102) for the following Uses:

Village District:

- ‘Placement of fill in a wetland, greater than one acre’—Major Use
- ‘Bulk fuel storage’—Major Use
- ‘Temporary construction facilities’—Major Use
- ‘Roads’—Major Use
- ‘Public Facilities’—Major Use
- ‘Ice Roads and ice pads’—Major Use

Subsistence Conservation District:

- ‘Bulk fuel storage’—Conditional Use
- ‘Gravel extraction’—Conditional Use
- ‘Placement of fill in a wetland’—Conditional Use
- ‘Roads’—Conditional Use
- ‘Temporary construction facilities’—Major Use
- ‘Public facilities’—Minor Use
- ‘Ice roads and ice pads’—Minor Use



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The Title 9 application was received on August 6. On August 14, the Borough Planning Department deemed the application was complete. The 20-day public comment period for this permit started August 15. There were no public comments

Permit fees due totaled \$1,300. AKDOT will submit payment.

The Planning Commission has the authority to permit: 'Bulk fuel storage,' 'Gravel extraction,' 'Placement of fill in a wetland,' and 'Roads' in the Subsistence Conservation District by Conditional Use Permit, pursuant to Northwest Arctic Borough Code (NABC) 09.12.020.

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, 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.



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8. The Borough recognizes that this area within Kivalina 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 Kivalina 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. 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.
 3. Manufactured Homes and Structures. Manufactured homes shall not be placed in a flood area if possible and if placed within a flood area shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.
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 and/or 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). Appropriate spill kits and absorbent pads



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must be stored at the road construction and gravel extraction 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.
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 18-02

Authorized signatory: Noah Naylor, Planning Director/Title 9 Administrator

September 5, 2018

Date

CC: City of Kivalina, Kivalina IRA Council, NANA Regional Corporation, Maniilaq Association, State of Alaska Department of Transportation & PF—Kotzebue Office, Remote Solutions

Posted at: NAB Bulletin Board

**NORTHWEST ARCTIC BOROUGH PLANNING COMMISSION
RESOLUTION PC-18-02**

**A RESOLUTION OF THE NORTHWEST ARCTIC
BOROUGH PLANNING COMMISSION APPROVING
STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES'
DRAFT CONDITIONAL USE PERMIT #102-03-19,
AND FOR RELATED PURPOSES**

WHEREAS: The Northwest Arctic Borough Planning Department received a Title 9 Permit Application (19-02-102) from The State of Alaska Department of Transportation & Public Facilities (AKDOT) for the following uses on August 6:

Village District:

- 'Placement of fill in a wetland, greater than one acre'—Major Use
- 'Bulk fuel storage'—Major Use
- 'Temporary construction facilities'—Major Use
- 'Roads'—Major Use
- 'Public Facilities'—Major Use
- 'Ice Roads and ice pads'—Major Use

Subsistence Conservation District:

- 'Bulk fuel storage'—Conditional Use
- 'Gravel extraction'—Conditional Use
- 'Placement of fill in a wetland'—Conditional Use
- 'Roads—Conditional Use
- 'Temporary construction facilities'—Major Use
- 'Public facilities'—Minor Use
- 'Ice roads and ice pads'—Minor Use; and

WHEREAS: On August 14, 2018, 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 15, 2018, as required in borough code 9.20.030; and

WHEREAS: The Northwest Arctic Borough Planning Commission has the authority to approve 'Bulk fuel storage,' 'Gravel extraction,' '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 #102-03-19 dated August 15, 2018, as discussed during the commission meeting;

PASSED AND ADOPTED THIS 5th DAY OF SEPTEMBER, 2018.



Harold Lambert, Planning Commission Chair

SIGNED AND ATTESTED TO THIS 5th DAY OF SEPTEMBER, 2018.



Stella Atoruk, Borough Clerk

