

**CITY OF KOTZEBUE
RESOLUTION NO. 24-46**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KOTZEBUE AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, WORKING WITH THE PLANNING DIRECTOR AND CITY ATTORNEY TO ISSUE A TIDELANDS USE PERMIT TO COPPER RIVER SEAFOODS (“CRS”) *NUNC PRO TUNC* PURSUANT TO TITLE 11, CHAPTER 11.04, “TIDELANDS REGULATIONS,” OF THE KMC FOR ITS SALMON-BUYING OPERATIONS FROM LOCAL FISHERMEN DURING THE 2024 SUMMER COMMERCIAL FISHING SEASON.

WHEREAS, CRS will be purchasing salmon from local fisherman during the 2024 July and August summer commercial fishing season as it has done for the last several years with ancillary use of City-owned Tidelands by its local fishermen as has been its practice in past years as set forth in its submittal included in the Planning Commission Resolution attached hereto as Exhibit “A” and incorporated by reference herein; and,

WHEREAS, the Planning Commission reviewed this request from CRS at its July 8, 2024 meeting and recommended that a Tidelands Permit be issued to CRS as set forth in Exhibit “A” attached hereto on such terms and conditions as deemed appropriate by the City Council as set forth in Planning Commission Resolution 24-07.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Kotzebue, authorizes the City Manager, or her designee, working with the Planning Director and City Attorney to issue a Tidelands Use Permit to CRS for its fish-buying activities for the 2024 commercial fishing season on such appropriate terms and conditions as those permits issued for the 2023 commercial fishing season.

PASSED AND APPROVED by a duly constituted quorum of the City Council of the City of Kotzebue, Alaska, this 1st day of August, 2024.

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CITY OF KOTZEBUE

Saima Chase, Mayor

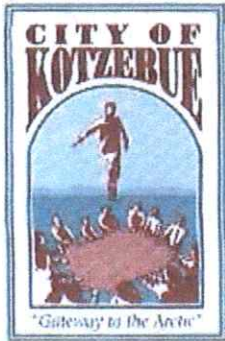
[SEAL]

ATTEST:

Acting City Clerk

Attachments: Exhibit "A" – Planning Commission Resolution 24-07 [pages]

Exhibit A
to
Resolution 24-46
August 1, 2024 RCCM
[Planning Commission Resolution 24-07]



**KOTZEBUE PLANNING COMMISSION
RESOLUTION 24-07**

**A RESOLUTION OF THE CITY OF KOTZEBUE PLANNING COMMISSION
RECOMMENDING TO THE CITY OF KOTZEBUE CITY COUNCIL THE NUNC PRO
TUNC APPROVAL OF COPPER RIVER SEAFOODS ("CRS") TIDELANDS USE
PERMIT FOR PURCHASING FISH CAUGHT WITHIN CITY-OWNED TIDELANDS**

WHEREAS, the City of Kotzebue ("City") owns surface and submerged Tidelands as delineated in Alaska Department of Natural Resources documents and State Patents "Exhibit B";

WHEREAS, Chapter 11.04, "Tideland Regulations," of the Kotzebue Municipal Code governs the use of City Tidelands;

WHEREAS, CRS has submitted a request for a temporary non-exclusive use of City Tidelands to facilitate the purchase of salmon from local fishermen during the 2024 commercial season;

WHEREAS, CRS's main operations will be conducted shoreside on the property described as Lot 1B Block 8 USS 4498 leased from Kotzebue Sound Fisheries Association a subsidiary of the NANA Regional Corporation;

WHEREAS, CRS's operations will not be directly located within the bounds of the City Tidelands "Exhibit B", CRS will still be conducting business with commercial fisherman operating within City Tidelands;

WHEREAS, CRS has fulfilled the conditions precedent outlined in the Tidelands Permit application, including obtaining necessary permits from federal, state, and local governments "Exhibit A";

WHEREAS, CRS's application was submitted before operations were to begin, but without sufficient processing time for the City. CRS has maintained its fish buying operation in Kotzebue since 2016 remaining in good standing with the City on all previous Tidelands Use Permits up to this year;

WHEREAS, the City Planning Department contacted CRS multiple times throughout the year by email and phone calls to remind the fish buyer of their responsibility to renew their Tidelands Use Permit for the 2024 year, with no response received until June 26,

2024 "Exhibit D". A public notice reminder for Tidelands Use Permits was also posted on the City's social media and physically around town "Exhibit D";

WHEREAS, the requirement for a formal appraisal of the value of non-exclusive use has been waived due to time sensitivity, with CRS agreeing to negotiate an amount subject to City Council approval;

NOW THEREFORE BE IT RESOLVED:

1. The nunc pro tunc Tidelands Permit is hereby approved for Copper River Seafoods, subject to compliance with all terms and conditions set forth in the permit application and attached agreements (Exhibits A and C).
2. CRS and its agents shall adhere to all federal, state, and local laws, regulations, and permit conditions applicable to activities conducted under this permit.
3. CRS shall maintain the permitted area in a clean, safe condition and comply with spill reporting requirements as specified in the permit conditions.
4. This permit shall retroactively take effect July 1st, 2024, and expire on August 31, 2024, unless extended by mutual, written agreement of the Parties.
5. The City Manager or their designee is authorized to execute the Tidelands Permit and Agreement on behalf of the City of Kotzebue.

PASSED AND APPROVED by the Kotzebue Planning Commission on this 8th day of July 2024.

**CITY OF KOTZEBUE
Planning Commission**



Ernest Norton, Chairman

ATTEST:



Samuel Camp, Planning Director



COPPER RIVER SEAFOODS

Main Administrative Office
1400 E First Ave., Anchorage, AK 99501
Phone: (907) 522-7806 · (888) 622-1197 · Fax: (907) 274-0348
www.CopperRiverSeafoods.com

June 26, 2024

Sam Atkinson
Planning Director - City of Kotzebue
258A Third Avenue
Kotzebue, AK 99572

Dear Sam Atkinson:

This is to request a permit during July and August for Copper River Seafoods, Inc., to utilize tidelands within the city limits of Kotzebue for the 2024 commercial fishing season.

CRS has been buying fish from Kotzebue salmon fishermen since 2016 on the property leased from Kotzebue Should Fisheries Association (owned by NANA) and commonly known as 843A Old NANA Fish Plant, Kotzebue, Alaska 99572. To buy fish at this location, the tidelands known as Plat 80-11, Lot 1B, Block 8 USS 4498 must be utilized.

Our operation on those tidelands consists of buying salmon from local fishermen. We presently have a small floating barge with a crane mounted onto it to offload fish from the fishing boats. The fish are offloaded from the boats onto the barge, then weighed, iced, and packed in totes, then trucked to the Kotzebue airport, and then flown to Anchorage for processing at our plant.

I have attached the following information:

- Tideland Use Permit Application
- Alaska Business License #304816
- Alaska Fisheries Business License #F6426
- Legal description and map of tidelands which we are requesting a permit
- Certificate of Insurance

If you need any further information, please contact me on my cell at (907) 201-7139 or via email at bkimball@crsalaska.com.

Sincerely,

Bryan Kimball, Executive VP

Cc: Gem Belamour @ GBelamour@kotzebue.org



258A Third Ave.
P.O. Box 46
Kotzebue, Alaska 99752

CITY OF KOTZEBUE
Planning Department
Tidelands Use Permit Application

City Hall (907) 442-3401
Fire Dept. (907) 442-3404
Police Dept. (907) 442-3351
Public Works (907) 442-5200

Date of Application: _____
Permit No.: _____
Date of Receipt (Planning): _____

Please type or print legibly in ink. Answer all questions completely or mark "N/A" if not applicable. All required attachments, such as project description, maps, proof of insurance, etc., must be included with your packet. An incomplete packet may be returned. If you have any questions or need assistance: call the City of Kotzebue Planning Department at 907-442-5203 or 907-442-5210.

APPLICANT INFORMATION

Bryan Kimball
Name of Applicant
Executive VP
Job Title
1400 East 1st Avenue
Address
Anchorage, AK 99501
City, State, Zip Code
907-201-7139
Phone Number
bkimball@crsalaska.com
Email Address

COMPANY INFORMATION

Copper River Seafoods, Inc.
Name of Company
304816
AK Business License Number
1400 East 1st Avenue
Address
Anchorage, AK 99501
City, State, Zip Code
907-522-7806
Phone Number
bkimball@crsalaska.com
Email Address

PROJECT LOCATION

1B 8 4498 Plat 80-11
Lot(s) Block(s) USS Tract

PROJECT INFORMATION

Please provide a detailed description of your project:

Request permit during July/August to utilize tidelands for the 2024 commercial fishing season.

Proposed Start Date of Project: July 1, 2024

Proposed End Date of Project: August 31, 2024

DETAILED INFORMATION

Attach detailed information regarding your project including:

1. A detailed map of all associated facilities such as tidelines ROW, facilities, waste disposal sites, etc. within city limits,
2. Copy of any State and Federal permits and/or permit applications needed for the project such as State of Alaska Fishing license, AKDF&G Independent Buyer License, etc.
3. Copy of current State of Alaska business license,
4. Certificate of Liability Insurance (with City of Kotzebue as additional insured),
5. Safety and Regulatory Summary,
6. Marine Spill Response Procedures,
7. Lease agreements with other entities and/or landowners (if any),
8. Any additional supporting documents deemed essential for the approval of this permit application.

CERTIFICATION STATEMENT

I, the undersigned, hereby certify, under penalty of perjury, that I am either the owner or the duly authorized legal representative of the owner of the company detailed in this application. I affirm that all information provided herein is accurate, truthful, and complete to the best of my knowledge. I understand and acknowledge that any false, incorrect, or incomplete information provided constitutes grounds for denial of this application and/or revocation of any previously issued building permit based on such information.

In the event that revocation of the tideland use permit becomes necessary, including the issuance of a stop order or the initiation of a revocation action, I agree to undertake, at my own expense, the removal of any and all activities and equipment that were authorized based on false, incorrect, or incomplete information. Furthermore, I agree to reimburse the city for any reasonable costs and attorney fees incurred as a result of such a stop order or revocation action.

By PK, EVP
Signature of Applicant

6/26/2024
Date

Scott H Blake
Signature of Owner (if different from Applicant)

6/26/2024
Date

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806

This is to certify that

COPPER RIVER SEAFOODS, INC.

1400 East 1st Ave, Anchorage, AK 99501-2759

owned by

COPPER RIVER SEAFOODS, INC.

is licensed by the department to conduct business for the period

May 9, 2024 to December 31, 2025
for the following line(s) of business:

31-33 - Manufacturing

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Sande
Commissioner



ALASKA DEPARTMENT OF REVENUE

Fisheries Business License
Valid Jan 01, 2024 through Dec 31, 2024

License No
6426

Licensee
COPPER RIVER SEAFOODS INC

Licensed Activity: Shore-based Processor
Licensed to perform activity as a Shore-based Processor described under AS 43.75.

This certifies that the licensee agrees to file a fisheries business tax return stating the value of fisheries resources processed or exported from the state for the license period and to pay fisheries business taxes in full on or before March 31 following the end of the license period. Licensee agrees to comply with all statutes and regulations governing fisheries business taxes. This license cannot be transferred or assigned.

Licensed Location
ANCHORAGE PLANT
1400 EAST 1ST AVE
Anchorage, AK 99501-0000



Fa'atiga Taafua
Licensing Specialist

12/28/2023
Issue Date

Caution: This does not permit you to do business in Alaska without complying with other State or US Laws.

ALASKA DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF LANDS
 344 Sixth Avenue
 Anchorage, Alaska

19285

ADL _____

INTERAGENCY LAND MANAGEMENT TRANSFER

The Division of Lands, Department of Natural Resources of the State of Alaska transfers and assigns to the City of Kotzebue, Box 100, Kotzebue, Alaska,

or its successors in function, hereinafter called Assignee, jurisdiction and management of the following described lands, including uplands, shorelands, tidelands or submerged lands, located in the State of Alaska, to-wit:

A parcel of tide and submerged land known officially as Alaska Tideland Survey No. 238 and more properly described as follows: a tract of tide and submerged lands located below the mean high tide line of Kotzebue Sound seaward of the City of Kotzebue and shown on ATS 238 which is on file at the office of the Division of Lands. Starting at Cor. No. 12 N.C. of the townsite survey of Kotzebue which is common with Cor. No. 1 of ATS 238 thence by metes and bounds

- N. 68°41' W. 1850 feet to Cor. No. 2,
- N. 23°00' E. 3800 feet to Cor. No. 3,
- N. 48°00' E. 4750 feet to Cor. No. 4,
- S. 84°00' E. 1650 feet to Cor. No. 5,
- S. 05°44' W. 1850 feet to Cor. No. 6,

hence meandering along the mean high tide line to Cor. No. 1, the point of beginning. Containing 194.34 acres more or less.

This transfer is made subject to all valid existing preference rights that may be acquired under the provisions of Section 5, Article 3, Chapter 169, as amended.

said jurisdiction and management being limited to the surface and so much of the subsurface as may be required in order to make use of the land for public purposes within the jurisdiction of the Assignee, and for so long as required for said public purposes. The right

to construct, maintain or improve and remove buildings, roads, airports and works of any description, and to use or remove sand, gravel, timber, or other materials on or near the surface is expressly granted when such action is necessary in order to make use of the land for any public purposes within the jurisdiction of the Assignee. The Division of Lands expressly reserves jurisdiction and management of all other minerals including oil and gas in the above described land, provided, however, that the Division of Lands will not permit surface entry for the purpose of mineral or oil and gas exploration or development without the consent of the Assignee.

Dated at Anchorage, State of Alaska, this 10th day of September, 1962.



Director, Division of Lands
Department of Natural Resources

UNITED STATES OF AMERICA)
STATE OF ALASKA) ss.

This certifies that on the 19th day of September, 1962, before me a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared James E. Bell, to me known and known to me to be the person described in and who executed and acknowledged the foregoing instrument on behalf of the State of Alaska, as Director of the Division of Lands, Department of Natural Resources. The said James E. Bell, after being duly sworn according to law, stated to me under oath that he is the Director of the Division of Lands, Department of Natural Resources and has authority pursuant to law to execute and acknowledge the foregoing instrument as such Director on behalf of the State of Alaska, acting through the Division of Lands, Department of Natural Resources and that he executed and acknowledged the same freely and voluntarily as the free and voluntary act and deed of the said State of Alaska and for the Division of Lands, Department of Natural Resources.

WITNESS my hand and official seal the day and year in this certificate first above written.



Notary Public in and for the State of
Alaska.

My commission expires March 2, 1966

State of Alaska



BOOK 40 PAGE 107
Nootak - Kobuk Recording District

NOATAK - KOBUK
Serial No. 66-219

Patent

Tidelands No. 185

Know All Men By These Presents that the State of Alaska, pursuant to Article III, Chapter 189, SLA 1959, as amended and in consideration of: A Municipal Preference Right pursuant to Section 38.05.320, Article 11, Paragraph (b), and the rule and regulations promulgated thereunder.

and other good and valuable consideration, does hereby grant to:

CITY OF KOTzebue

BOOK 100

Kotzebue, Alaska

It's heirs and assigns, those Tidelands lying seaward of the mean high tide line in Kotzebue Sound, State of Alaska, described as follows:

As shown on ATS 238:

A tract of tide and submerged lands located below the mean high tide line of Kotzebue Sound, seaward of the City of Kotzebue, more particularly described as follows:

Beginning at Corner No. 12 M.C. of the official survey of the Kotzebue Townsite, U.S.S. 2863, which is common to Corner No. 1 of this survey, Alaska Tidelands Survey No. 238, from which W.C.M.C. 12 of U.S. Survey 2863 bears N 72° 48' 42.7" E a distance of 36,942 feet; Thence N 68° 40' 12.6" W., a distance of 1,830.00 feet to Corner No. 2; Thence W 21° 19' 47.4" E, a distance of 3,800.00 feet to Corner No. 3; Thence N 48° 57' 34.6" E, a distance of 4,906.744 feet to Corner No. 4; Thence S 84° 17' 11.9" E, a distance of 1,650.00 feet to Corner No. 5; Thence S 05° 42' 48.1" W, a distance of 1,450.00 feet to Corner No. 6 which is common to Corner No. 3 M.C. of U.S.S. 2863, Tract N. Thence with meanders as follows: N 84° 17' 11.9" W 376.226 ft. S 74° 44' 17.5" W 329.684 ft. S 63° 50' 35.2" W 364.491 ft. S 51° 52' 55.9" W 243.339 ft. S 45° 01' 50.0" W 469.258 ft. S 48° 24' 51.1" W 527.906 ft. S 55° 25' 00.1" W 540.908 ft. S 56° 08' 48.8" W 309.839 ft. S 52° 02' 56.0" W 171.533 ft. S 49° 17' 00.3" W 227.039 ft. S 47° 05' 04.4" W 651.636 ft. S 36° 49' 22.0" W 288.846 ft. S 26° 35' 39.2" W 406.881 ft. S 21° 41' 46.7" W 866.392 ft. S 21° 46' 46.8" W 1,056.713 ft. S 21° 19' 47.4" W 890.320 ft to Corner No. 1 and the point of beginning containing 392.753 acres, not including the tract to be conveyed to B & R Tug and Barge Company. Latitude 66° 33' 25" N and longitude 162° 36' 30" W at Corner No. 1 of A.T.S. 238.

BOOK 40 PAGE 108
Nootak - Kobuk Recording District

RECORDED - FILED	
Nootak - Kobuk REC. DIST.	
DATE	April 25 1966
TIME	2:30 P.M.
Requested by	City of Kotzebue
Address	P.O. Box 189 Kotzebue, Alaska

Section _____, Township 17 North, Range 18 West, KR Meridian
according to the official plat of survey thereof, on file and of record with the Division of Lands and recorded in
Nootak-Kobuk Serial No. 66-78
Book 40 Page 108 of the official records of the _____ Recording District, Kotzebue, Alaska

The Grantor, Alaska, expressly reserves, out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable materials, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials and fossils, and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors and assigns forever, the right to enter by itself, its or their agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing, drilling and working mines or wells on these or other lands, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials and fossils, and to that and it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid, generally all rights and power in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved.

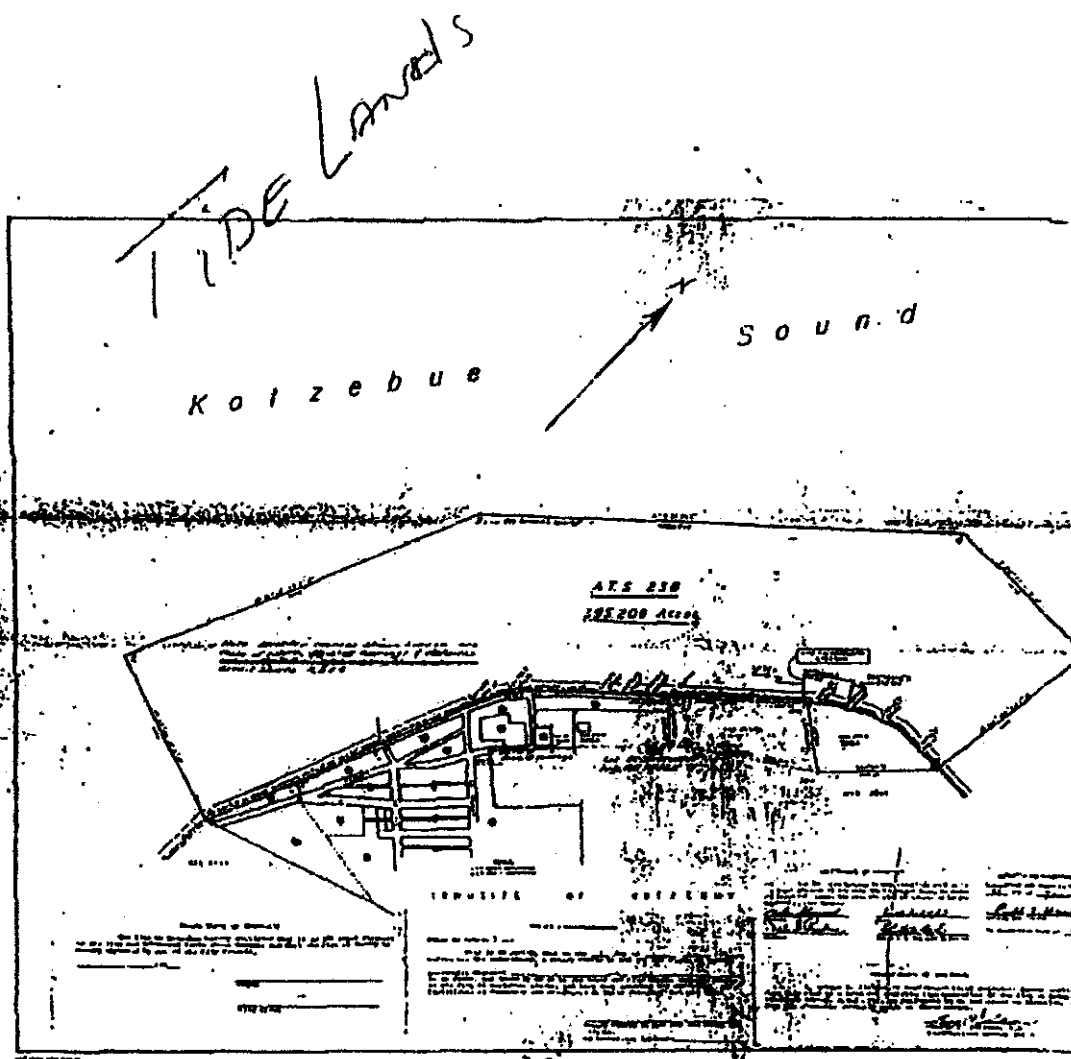
This indenture is executed subject to the covenant that no person, firm, association or corporation shall take herring spawn in waters on or over the tidelands herein conveyed, nor shall any person, firm, association, organization or corporation engage in the sale, barter or exchange of herring spawn for profit, providing however, nothing herein shall be construed to prevent or prohibit the taking of herring spawn by residents of this State for (1) personal consumption or (2) barter or exchange for the necessities of life, pursuant to Section 1, Chapter 34, SLA 1959.

We Have and to Hold the said land with the appurtenances thereof unto the said Grantee and its heirs and assigns forever.

In Testimony Whereof the State of Alaska has caused these presents to be executed by the Director of the Division of Lands pursuant to Article II, Chapter 160, SLA 1959, as amended this 11th day of April, A.D. 1966.

Arvid Bell
Director, Division of Lands

State Record of Patents
Vol. III
Page 185



ACORD

Client#: 1982986

COPPERIVS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/26/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: USI Insurance Services, LLC; CONTACT NAME: Nastasha Suarez; INSURER(S) AFFORDING COVERAGE: Travelers Casualty Ins Co of America, Travelers Property Cas. Co. of America, Alaska National Insurance Company, Travelers Indemnity Company.

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL/SUBR INSR, POLICY NUMBER, POLICY EFF, POLICY EXP, LIMITS. Rows include Commercial General Liability, Automobile Liability, Umbrella Liab, and Workers Compensation.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Tideland Use Permit
The General Liability policy include an automatic Additional Insured endorsement that provides Additional Insured status to the Certificate Holder, only when there is a written contract or written agreement between the named insured and the certificate holder and with regard to work performed by or on behalf of the named insured.

CERTIFICATE HOLDER

CANCELLATION

City of Kotzebue, PO Box 46, Kotzebue, AK 99752. SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: Gary D. Peterson

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City of Kotzebue
TIDELANDS PERMIT
[Copper River Seafoods (CRS) - Permittee]

The City of Kotzebue owns surface Tidelands and submerged Tidelands pursuant to, *inter alia*, Alaska Department of Natural Resources, Division of Lands, Interagency Land Management Transfer, ADL #19285, dated September 10, 1962, State of Alaska Patent, Tidelands No. 185, dated April 11, 1966, recorded at Book 40, Page 107, Noatak - Kobuk Recording District, Noatak - Kobuk Serial No. 66-219, A.T.S. 238 showing 395.208 acres and Alaska Statutes, Title 38, Public Lands. Copies of A.T.S. 238 and related documents are attached hereto as Exhibit "A" and incorporated herein by reference.

Chapter 11.04, "Tideland Regulations," of the Kotzebue Municipal Code ("KMC"), governs, *inter alia*, the use of, improvement of, rights-of-way, easements and resources reservation over, under and through the City of Kotzebue's Tidelands and KMC Chapter 11.04 is incorporated, in its entirety, herein by reference. This Tidelands Permit is issued pursuant to City of Kotzebue Resolution No. 18-08, dated August 17, 2017, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference.

Nature of Request for Temporary Non-Exclusive Use of Tidelands

CRS will be buying salmon from local fishermen during the oncoming 2024 commercial season, as set forth in Exhibit "C" attached hereto and incorporated herein by reference.

Conditions Precedent and Promissory Conditions

As conditions to obtaining this TIDELANDS PERMIT, **CRS** warrants and commits as follows:

1. **CRS** shall obtain all necessary permits, if any, from the federal government, State of Alaska and local governments required for work in the waters in and around Kotzebue and present copies of said permits to Samuel Camp, Planning Director, City of Kotzebue, before any work is commenced in the Tidelands;
2. KMC 11.04.510, 11.04.630 and 11.04.640, normally would require **CRS** to pay for an appraisal by MacSwain & Associates, LLC, Anchorage, Alaska for the value of the non-exclusive use of the City's surface Tidelands and the value so determined would be paid to the City. However, due to the time sensitive nature of this work, the requirement for a formal appraisal is hereby waived and it is agreed that **CRS** will negotiate an amount to be paid to the City, subject *vel non* to City Council approval, for the temporary, non-exclusive use of the City of Kotzebue's Tidelands.

PERMIT TERMS AND CONDITIONS

1. CRS and/or its agent(s) warrants and commits that it and/or its agent(s) shall comply with all terms of the contracts/agreements/permits entered into/granted by the federal government, State of Alaska, and local governments.
2. CRS and/or its agent(s) shall comply with any and all applicable local, borough, state and federal laws. Failure to abide by any part of this Permit or violation of any pertinent provisions of the Kotzebue Municipal Code, Northwest Arctic Borough Code, Alaska Statutes, Alaska Administrative Code or federal laws or regulations, will be considered grounds for revocation of this Permit or denial of future permit requests and may result in fines or other penalties. This provision shall apply to all persons working under the authority of this Permit.
3. All trash and human waste shall be properly disposed of in accordance with State, Northwest Arctic Borough, and City of Kotzebue standards for disposal of refuse, human waste, and chemicals.
4. All Permit activities shall utilize measures to minimize noise and nuisance affecting surrounding residential properties, including excessive noise, fumes, odors, glare, smoke, vibration, dust, litter, interference in any telephone, radio, or television receivers, and/or significant line voltage fluctuation.
5. Equipment/watercraft used in the performance of the activities covered by this Permit shall not be serviced and fueled within the boundaries of the City's Tidelands. Equipment and vehicles must be monitored, daily, for hydraulic leaks. Equipment and vehicles are to be maintained so as not to cause any fuel spills and/or fluid leaks. Equipment shall not be abandoned.
6. CRS and/or its agent(s) shall immediately notify the City of any damage to the waters and/or bottom of the City's Tidelands, including, but not limited to, environmental spills of oil or other chemicals.
7. CRS and/or its agent(s) shall immediately notify the City (at least within 24 hours) of any change in the Permit plans and seek modification of the Permit. CRS and/or its agent(s) shall suspend uses until approval is given by the Public Works Director. If the proposed action constitutes an emergency, CRS and/or its agent(s) shall comply with directions from the Planning Director, or his Designee, for such 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.

8. **CRS** and/or its agent(s) are subject to all penalties and civil actions for violation of the Permit conditions and stipulations prescribed herein.
9. The Permittee shall allow the City and its representatives access to the permitted areas during the term of this Permit to conduct scheduled or unscheduled inspections or tests to determine compliance with this Permit or respond to emergency situations.
10. This Permit is for City Tidelands only and does not apply to other lands within the Kotzebue Sound not held in City ownership.
11. This Permit is not a property right. It is a temporary non-exclusive authorization, revocable by the City for cause.
12. **CRS** is responsible for obtaining authorizations required by other agencies for the permitted activity.
13. The City's primary contact person for this Permit is the Planning Director, or his Designee. The Planning Director may be contacted at the Public Works Building, at his direct-dial numbers of (907) 442-5203, via fax at (907) 442-2155 and/or via e-mail to satkinson@kotzebue.org.
14. **CRS** assumes all responsibility, risk, and liability for all activities of Permittee, its employees, agents, invitees, contractor, subcontractors, or licensees directly or indirectly conducted in connection with this Permit, including environmental and hazardous substance risks and liabilities, whether accruing during or after the term of this Permit. Permittee shall defend, indemnify, and hold harmless the City of Kotzebue, its employees and agents from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatever kind or nature, including all attorney's fees and litigation costs, arising out of , in connection with, or incident to any act or omission by Permittee, its employees, agents, invitees, contractors, subcontractors or licensees, unless the sole proximate cause of the injury or damage is the negligence or willful misconduct of the City or anyone acting on the City's behalf. Within fifteen (15) days, the Permittee shall accept any such cause or action or proceeding upon tender by the City. This indemnification shall survive the termination of the Permit.
15. This authorization is subject to all valid existing rights in and to the land under this authorization. The City makes no representations or warranties, whatsoever, either expressed or implied, as to the existence, number, or nature of such valid existing rights.

16. Since this is a temporary, non-exclusive use permit for CRS, the City reserves the right to grant additional authorizations to other third-parties for compatible uses on or adjacent to the land under this authorization. However, any other users on or adjacent to the area of Tidelands being used by CRS, shall not interfere with CRS activities.
17. The area used for this Permit shall be left in a clean, safe condition acceptable to the Planning Director. The area shall be restored to a condition acceptable to the Planning Director.
18. This authorization is revocable immediately upon violation of any of its terms, conditions, stipulations, nonpayment of fees or upon failure to comply with any other applicable laws, statutes, and regulations (federal, state and local).
19. To proceed in areas other than in the City Tideland Area, CRS must have prior authorization from the Planning Director and may request this authorization as an amendment to this Permit.
20. All operations must be conducted in a manner that will ensure minimum conflict with other users of the area. There shall be no interference with free public use of City lands and waters. Public access may not be restricted without prior approval of the Planning Director.
21. The area subject to this Permit shall be maintained in a neat, clean, and safe condition, free of any solid waste, debris, or litter.
22. The use authorized by this Permit shall be limited to the City-owned tidelands. CRS is responsible for accurately siting operations within this area. Any proposed activity outside the City-owned tidelands may require the approval of other local, state and/or federal entities which shall be the sole responsibility of CRS.
23. Secondary containment shall be provided for fuel or hazardous substances, as follows:
 - a. Container marking. All independent fuel and hazardous substance containers shall be marked with the contents and CRS name using paint or a permanent label.
 - b. Fuel or hazardous substance transfers. Secondary containment or a surface liner must be placed under all container or vehicle fuel tank inlet and outlet points, hose connections, and hose ends during fuel or hazardous substance transfers. Appropriate spill response equipment must be on hand during any transfer or handling of fuel or hazardous substances to respond to a spill of up to five (5)

gallons. Trained personnel shall attend transfer operations at all times. Equipment refueling shall not occur within 100 feet of open bodies of water.

- c. Storing containers within 100 feet of bodies of water. Containers with a total capacity larger than 55 gallons that contain fuel or hazardous substances shall not be stored within 100 feet of a body of water.
- d. Exceptions. The Planning Director may, under unique or special circumstances, grant exceptions to this stipulation on a case-by-case basis. Requests for exceptions should be made to the Planning Director.
- e. Definitions.

"Containers" means any item that is used to hold fuel or hazardous substances. This includes tanks, drums, double-walled tanks, portable testing facilities, fuel tanks on small equipment such as light plants and generators, flow test holding tanks, slop oil tanks, bladders, and bags. Manifolder tanks or any tanks in a series must be considered as single, independent containers. Vehicles, including mobile seismic tanks, are not intended to be included under this definition.

"Hazardous substances" are defined under A.S. 46.03.826(5) as: (a) an element or compound which, when it enters the atmosphere, water, or land, presents an imminent and substantial danger to the public health or welfare, including fish, animals, or vegetation; (b) oil; or (c) a substance defined as a hazardous substance under 42 U.S.C. 9601(14)

"Secondary containment" means an impermeable, diked area or portable, impermeable, containment structure capable of containing 110 percent of the volume of the largest independent container. Double-walled tanks do not qualify as secondary containment unless an exception is granted for a particular tank.

"Surface liner" means any safe, non-permeable container (e.g., drip pans, fold-a-tanks, etc.) designed to catch and hold fluids for the purpose of preventing spills. Surface liners should be of adequate size and volume based on worst-case spill risk.

- 24. The Permittee shall immediately notify the City, by phone, of any unauthorized discharge of oil or fuel to water, any discharge of hazardous substances (other than oil or fuel), and any discharge of oil or fuel greater than fifty-five (55) gallons on land. All fires and explosions must also be reported.

The DNR 24-hour Spill Report Number is (907) 451-2678 and the DNR fax number is (907) 451-2751. The DEC Spill Report Number is (907) 451-2121, (907) 451-2362 [fax] and, outside normal business hours - (800) 478-9300. The City 24-hour number is 442-3351/3352. The ADF&G number in Kotzebue is 442-3420 and the ADF&G fax number in Kotzebue is 442-2420. DNR, DEC and ADF&G shall be supplied with all follow-up incident reports. See, ADEC/SPAR "Report Oil and Hazardous Substance Spills," attached hereto as Exhibit "D."

Copies of all such written spill reports shall be provided to the Planning Director at the e-mail addresses and fax number listed above in paragraph 13.

- 25. This Permit contains the entire agreement between the Parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this Permit shall have no force or effect except in a subsequent written modification, signed by the Party to be charged.
- 26. This Permit shall bind and inure to the benefit of the respective successors and assigns of the Parties hereto.
- 27. This Permit shall be interpreted according to the laws of the State of Alaska. Any litigation involving this Permit shall be exclusively in Superior Court, Second Judicial District, at Kotzebue.
- 28. All Parties to this Permit have participated in the drafting of this Permit. Hence this Permit shall not be construed in favor of one Party against another Party.
- 29. This Permit shall expire _____, unless extended by mutual, written agreement of the Parties.

DATED this ____ day of _____, _____ at Kotzebue, Alaska.

CITY OF KOTZEBUE

COPPER RIVER SEAFOODS

Tessa Baldwin
City Manager

By: _____
Position: _____

CITY OF KOTZEBUE
Copper River Seafoods
Tidelands Use Permit No. 24-02

Samuel Camp

From: Karen Gillis <kgillis@crsalaska.com>
Sent: Wednesday, June 26, 2024 8:11 AM
To: Gem Belamour
Cc: nseinkg@yahoo.com; Samuel Camp
Subject: Re: Tidelands Use Permit Application
Attachments: image001.jpg; image001.jpg; Tidelands Use Permit Application.pdf

Good Morning,

I am very sorry to have this be so delayed

I cannot access my CRS email till I reach KOTZ

And our crew got in Sunday June 23

I have forwarded the tide lands permit to my boss Mark Hansen

In the future please send to him as I can't access this site until late June

Mhansen@crsalaska.com

We will get that filled out and sent in to you

Asap

Thank You

Karen Gillis

Sent from my iPhone

On Jun 5, 2024, at 10:37 AM, Gem Belamour <GBelamour@kotzebue.org> wrote:

Good morning Karen,

I am following up on the Tidelands Use Permit Application for Copper River Seafoods this year. We have not yet received an application for year's commercial fishing season. We are hoping to receive the application before the Regular Planning Commission meeting on June 13 for their approval. Thank you!

Kind Regards,

Gem Belamour
City Planner

City of Kotzebue
258A Third Avenue
PO Box 46

Kotzebue, AK 99752
Phone: 907-442-5210
Cell: 907-412-1436
Fax: 907-442-2155

From: Gem Belamour
Sent: Tuesday, May 7, 2024 1:18 PM
To: 'kgillis@crsalaska.com' <kgillis@crsalaska.com>
Cc: Samuel Camp <SAtkinson@Kotzebue.org>
Subject: Tidelands Use Permit Application

Good afternoon Karen,

I'm reaching out with regards to the Tidelands Use Permit Application for Copper River Seafoods this year. I have attached the new tidelands use form in this email. The list of documents we will need alongside the completed application form is on the second page. You can send the completed form and documents to either me or the Planning Director Sam Camp who I've cc'ed in this email.

Let us know if you have any questions. Thank you!

Kind Regards,

Gem Belamour
City Planner

City of Kotzebue
258A Third Avenue
PO Box 46
Kotzebue, AK 99752
Phone: 907-442-5210
Cell: 907-412-1436
Fax: 907-442-2155



CITY OF KOTZEBUE

Reminder for Submission of Tidelands Use Permit Application

The City of Kotzebue owns surface Tidelands and submerged Tidelands pursuant to various legal instruments, including Alaska Department of Natural Resources, Division of Lands, Interagency Land Management Transfer, ADL #19285, dated September 10, 1962, State of Alaska Patent, Tidelands No. 185, dated April 11, 1966, recorded at Book 40, Page 107, Noatak - Kobuk Recording District, Noatak - Kobuk Serial No. 66-219, and Alaska Statutes, Title 38, Public Lands. Chapter 11.04, "Tideland Regulations," of the Kotzebue Municipal Code governs the use of the City of Kotzebue's Tidelands, including rights-of-way, easements, and resource reservation.

All entities planning to utilize the tidelands within Kotzebue city limits this year are requested to promptly submit their Tidelands Permit Applications to the Planning Department. Applications should be directed to Sam Camp, Planning Director at satkinson@kotzebue.org or Gem Belamour, City Planner at gbelamour@kotzebue.org.

The Planning Commission meeting scheduled for June 2024 will review applications and provide recommendations to the City Council. To ensure timely processing, all necessary documents must be submitted before June for consideration and approval.

Your cooperation in adhering to these regulations is crucial for the effective management of our tidelands resources.

For any questions about the tidelands use process and application assistance please contact the Planning Department at (907) 442-5203 or (907) 442-5210.