

**CITY OF KOTZEBUE  
RESOLUTION NO. 25-33**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KOTZEBUE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, WORKING WITH THE CITY PLANNER AND CITY ATTORNEY TO ISSUE A TEMPORARY USE PERMIT PURSUANT TO KOTZEBUE MUNICIPAL CODE (“KMC”) 3.12.120 TO ARCTIC CIRCLE WILD SEAFOOD (“ACWS”) AND A TIDELANDS PERMIT PURSUANT TO TITLE 11, CHAPTER 11.04, “TIDELANDS REGULATIONS”, OF THE KMC FOR ITS SALMON-BUYING OPERATIONS FROM LOCAL FISHERMEN DURING THE 2025 SUMMER COMMERCIAL FISHING SEASON.**

**WHEREAS,** ACWS will be purchasing salmon from local fishermen during the 2025 July and August summer commercial fishing season as it has done for the last several years and needs to use the City-owned property for its land-based operations and ancillary use of City-owned Tidelands by its local fishermen as has been its practice in past years as set forth in its submittal attached hereto as Exhibit “A” and incorporated by reference herein;

**WHEREAS,** a Temporary Use Permit shall be issued to ACWS and a Tidelands Permit will be issued to ACWS using the basic format for such from the 2024 Commercial Fishing Season for the period July 1 to August 31, 2025;

**WHEREAS,** the Planning Commission reviewed these requests from ACWS at its June 23, 2025 meeting and recommended that a Temporary Use Permit and Tidelands Permit be issued to ACWS as set forth in Exhibit “B” attached hereto on such terms and conditions as deemed appropriate by the City Council.

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Kotzebue authorizes the City Manager or his designee, working with the City Planner and City Attorney to issue a Temporary Use Permit to ACWS and authorizes the City Manager, or his designee, working with the City Planner and City Attorney to issue Tidelands Use Permit to ACWS for its fish-buying activities for the 2025 commercial fishing season on such appropriate terms and conditions similar to those same permits as were previously issued for the 2024 commercial fishing season.

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**PASSED AND APPROVED** by a duly constituted quorum of the City Council of the City of Kotzebue, Alaska, this 24<sup>th</sup> day of June 2025.

**CITY OF KOTZEBUE**

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Derek Haviland-Lie                      Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
Donald Jones                              City Clerk

Attachments:

- **Exhibit A:** ACWS submittal for the 2025 Commercial Fishing Season [6 pages]
- **Exhibit B:** AK DEC Division of Spill Prevention and Response [1page]
- **Exhibit C:** Planning Commission Resolution 25-09, dated June 23, 2025 recommending ACWS 2025 Tidelands Permit and 2025 TUP [2 pages]



**City of Kotzebue**  
**TIDELANDS PERMIT**  
**July 1, 2025-August 31, 2025**  
[Arctic Circle Wild Seafood, LLC - 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.

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. 25-33, June 24, 2025, and City of Kotzebue Planning Commission Resolution 25-09, dated June 23, 2025.

**Nature of Request for Temporary Non-Exclusive Use of Tidelands**

Arctic Circle Wild Seafood, LLC ("ACWS") will be buying salmon from local fishermen during the upcoming commercial season from July 1, 2025 to August 31, 2025, as set forth in the ACWS submittal in Exhibit "A" attached hereto and incorporated herein by reference.

**Conditions Precedent and Promissory Conditions**

As conditions to obtaining this TIDELANDS PERMIT, Arctic Circle Wild Seafood, LLC ("ACWS") warrants and commits as follows:

1. ACWS 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 the Acting City Manager, 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 ACWS to pay for an appraisal by MacSwain & Associates, LLC, Anchorage, Alaska for the value of the potential, non-exclusive use of the City's surface Tidelands and the value so determined would be paid to the City. However, since it appears that ACWS's use of the City's Tidelands will be incidental, if at all, the requirement for a formal appraisal is hereby waived and ACWS will pay shall pay a one-time Application Fee of \$300.00 and a one-time Permit Fee of \$1,500.00 to the City for its incidental, temporary, non-exclusive use of the City of Kotzebue's Tidelands for the 2025

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**CITY OF KOTZEBUE TIDELANDS PERMIT**

[Arctic Circle Wild Seafood, LLC ("ACWS")]

[City Council Meeting – June 24, 2025]

commercial fishing season by its commercial fishermen who sell their fish to using the City's tidelands during the commercial fishing season and/or fish in the City-owned tidelands. A check made payable to the City of Kotzebue in the amount of \$1,800 shall be submitted to Leon Kiana, City Manager, P.O. Box 46, Kotzebue, Alaska 99752-0046 within ten (10) days of the issuance of this Permit.

### **PERMIT TERMS AND CONDITIONS**

1. ACWS and/or its agent(s) warrants and commits that it and/or its agent(s) shall comply with all terms of the Temporary Use Permit separately issued for this fishing season as well as well as contracts/agreements/permits entered into/granted by the federal government, State of Alaska and local governments.
2. ACWS 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 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. ACWS 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. ACWS 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. ACWS and/or its agent(s) shall suspend uses until approval is given by the Public Works Director. If the proposed action constitutes an emergency, ACWS and/or its agent(s) shall comply with directions from the Public Works 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.

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#### **CITY OF KOTZEBUE TIDELANDS PERMIT**

[Arctic Circle Wild Seafood, LLC ("ACWS")]

[City Council Meeting – June 24, 2025]

8. ACWS 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. ACWS 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 Public Works Director, or his/her Designee. The Public Works Director may be contacted at the Public Works Building, at his direct-dial numbers of (907) 442-5200/5201, via fax at (907) 442-2155 and/or via e-mail to [lhunnicutt@kotzebue.org](mailto:lhunnicutt@kotzebue.org) and [rferguson@kotzebue.org](mailto:rferguson@kotzebue.org).
14. ACWS 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, 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 ACWS, 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 ACWS, LLC, shall not interfere with ACWS's salmon-buying activities with local fishermen during the commercial fishing season from July 1, 2025 through August 31, 2025.
17. The site used for this Permit shall be left in a clean, safe condition acceptable to the Public Works Director. The site shall be restored to a condition acceptable to the Public Works Director.

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**CITY OF KOTZEBUE TIDELANDS PERMIT**

[Arctic Circle Wild Seafood, LLC ("ACWS")]

[City Council Meeting – June 24, 2025]

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 above-described City Tideland Area, ACWS must have prior authorization from the Public Works 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 Public Works 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 of the site authorized by this Permit shall be limited to the tideland area specified in this Permit. ACWS is responsible for accurately siting operations within this area. Any proposed revisions to the location or operations of this activity within the City Tidelands must be approved, in writing, by the Public Works Director before the change in use occurs.

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 ACWS's 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 Public Works 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 Public Works 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

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**CITY OF KOTZEBUE TIDELANDS PERMIT**

[Arctic Circle Wild Seafood, LLC ("ACWS")]

[City Council Meeting – June 24, 2025]

tanks on small equipment such as light plants and generators, flow test holding tanks, slop oil tanks, bladders and bags. Manifolded 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 (800) 478-9300. The online reporting site is **ReportSpills.alaska.gov** The DNR contact number is (907) 465-5250. 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 "B." Copies of all such written spill reports shall be provided to the Public Works Director at the e-mail addresses and fax number listed above in paragraph 13, at page 3 of 5.

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.

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**CITY OF KOTZEBUE TIDELANDS PERMIT**

[Arctic Circle Wild Seafood, LLC ("ACWS")]

[City Council Meeting – June 24, 2025]

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 August 31, 2025, unless extended by mutual, written agreement of the Parties.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2025, at Kotzebue, Alaska.

**CITY OF KOTZEBUE**

**ACWS SERVICES, LLC**

\_\_\_\_\_  
Leon Kiana, City Manager

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**Attachments:**

Exhibit “A” – ACWS Submittal [7 pages]  
Exhibit “B” – ADEC/SPAR Page [1 page]

**CITY OF KOTZEBUE TIDELANDS PERMIT**

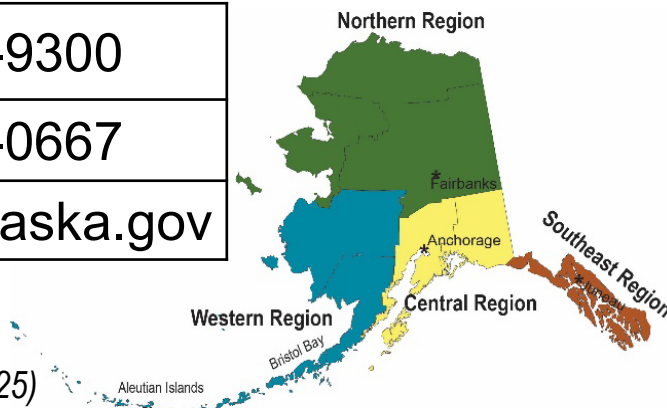
[Arctic Circle Wild Seafood, LLC (“ACWS”)]

[City Council Meeting – June 24, 2025]



# Report Oil and Hazardous Substance Spills

<b>TOLL-FREE</b>	1-800-478-9300
<b>INTERNATIONAL</b>	1-907-269-0667
<b>ONLINE</b>	ReportSpills.alaska.gov



## It's Required by Alaska Law!

(AS 46.03.755, AS 46.03.450, 18 AAC 75.300, 18 AAC 75.325)

## Oil and Petroleum Product Reporting

### Spills to Water

- Any amount spilled to water must be reported **immediately**.

### Spills to Land

- Spills in **excess of 55 gallons** must be reported **immediately**.
- Spills in **excess of 10 gallons but less than 55 gallons** must be reported within 48 hours.
- Facilities shall maintain a spill log and report a record of oil discharges from **1 to 10 gallons** monthly.

### Spills to Impermeable Secondary Containment

- Spills in **excess of 55 gallons** must be reported within 48 hours.

## Hazardous Substance Reporting

Any hazardous substance spill, other than oil, must be reported **immediately**.

## Underground Storage Tank (UST)\* Reporting

You must report a suspected below ground release from a UST system, in any amount, within 24 hours. (18 AAC 78.212)

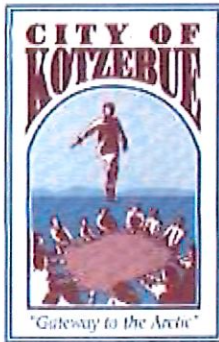
If a release is suspected the owner or operator of a UST shall investigate the UST site and shall report to the UST Unit within the period specified. (18 AAC 78.200)



Alaska Department of Environmental  
Conservation  
Division of Spill Prevention and Response  
<https://spills.alaska.gov>

Contact us: (907) 465-5250

\* Regulated UST as defined in AS 46.03.450(8)



**KOTZEBUE PLANNING COMMISSION  
RESOLUTION 25-09**

**A RESOLUTION OF THE KOTZEBUE PLANNING COMMISSION RECOMMENDING  
TO THE CITY OF KOTZEBUE CITY COUNCIL THE APPROVAL OF ARCTIC  
CIRCLE WILD SEAFOOD ("ACWS") 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,** ACWS has submitted a request for a temporary non-exclusive use of City Tidelands to facilitate the purchase of salmon from local fishermen during the 2025 commercial season;
- WHEREAS,** ACWS's main operations will be conducted shoreside on the property described as corner of Fourth and Sixth Street
- WHEREAS,** ACWS's operations will not be directly located within the bounds of the City Tidelands "Exhibit B", ACWS will still be conducting business with commercial fisherman operating within City Tidelands;
- WHEREAS,** ACWS has fulfilled the conditions precedent outlined in the Tidelands Permit application, including obtaining necessary permits from federal, state, and local governments "Exhibit A";
- WHEREAS,** ACWS has maintained its fish buying operation in Kotzebue for a number of years remaining in good standing with the City on all previous Tidelands Use Permits up to this year;
- WHEREAS,** the requirement for a formal appraisal of the value of non-exclusive use has been waived due to time sensitivity, with ACWS agreeing to negotiate an amount subject to City Council approval;

**NOW THEREFORE BE IT RESOLVED:**

1. The Tidelands Permit is hereby recommended for approval for Arctic Circle Wild Seafood, subject to compliance with all terms and conditions set forth in the permit application and attached agreements (Exhibits A and C).
2. ACWS and its agents shall adhere to all federal, state, and local laws, regulations, and permit conditions applicable to activities conducted under this permit.
3. ACWS 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 1<sup>st</sup>, 2025, and expire on August 31, 2025, 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 23<sup>rd</sup> day of June 2025.

**CITY OF KOTZEBUE  
Planning Commission**

  
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**Ernest Norton, Chairman**

**ATTEST:**

  
\_\_\_\_\_  
**Fred Smith, City Planner**

**Attachments**

**Exhibit A-** ACWS Tidelands Permit Application

**Exhibit B-** Map of City of Kotzebue Tidelands

**Exhibit C-** Proposed ACWS Tidelands Permit Agreement