

United States Department of the Interior  
National Park Service  
Gates of the Arctic National Park and Preserve

Right-of-Way Permit for  
Alaska Industrial Development and Export Authority (AIDEA)  
Right-of-Way Permit No.: RW GAAR-21-001

Whereas, on November 24, 2015, the Alaska Industrial Development and Export Authority (Permittee) applied to the National Park Service (NPS), United States Department of the Interior for a right-of-way to use and occupy NPS-administered lands and waters within the Kobuk River Preserve of the Gates of the Arctic National Park and Preserve (Kobuk River Preserve or Park), a unit of the National Park System, in order to operate and maintain a future industrial access road known as Ambler Road (Future Road);

Whereas, the Park was established by or pursuant to 16 U.S.C. § 410hh(4)(a), *et seq.* (Pub.L. 96-487, Alaska National Interest Conservation Lands Act, ANILCA, § 201);

Whereas, in Public Law 96-487, § 201(4)(b), Congress “finds that there is a need for surface transportation purposes across the Western (Kobuk River) unit of the Gates of the Arctic National Preserve (from the Ambler Mining District to the Alaska Pipeline Haul Road) and the Secretary [of the Interior] shall permit such access in accordance with the provisions of this subsection”;

Whereas, the Department of the Interior has promulgated regulations, published at 43 C.F.R. §36.13(a), governing the issuance of rights-of-way over, across, on, or through the Kobuk River Preserve in accordance with Public Law 96-487, § 201(4);

Whereas, to the extent 36 C.F.R. Part 14 is applicable to this Permit, 36 C.F.R. § 14.9 provides that the Secretary of the Interior (Secretary) may waive any of the terms and conditions set forth in that regulatory provision;

Whereas, an environmental and economic analysis (EEA) was completed on July 15, 2020, as required by section 201(4)(d) of ANILCA and 43 C.F.R. § 36.13(a);

Whereas, the Secretary and the Secretary of Transportation have selected a route for the future road through the Preserve in accordance with the provisions of section 201(4) of ANILCA and 43 C.F.R. 36.13(a), and the Secretary has designated terms and conditions necessary to avoid or minimize negative impacts of the road and enhance positive impacts, also as required by section 201(4)(d) of ANILCA and 43 C.F.R. §36.13(a);.

Whereas, Permittee is in the pre-construction stage of the project, with field studies, engineering, and design to be undertaken next, and construction not expected to start before 2024;

Now, therefore, the Secretary of the Interior, acting pursuant to the authority of Public Law 96-487, § 201(4), hereby grants to the Permittee this private industrial-access road right-of-way permit (Permit) over, across, on, or through the lands and waters described below (Permitted Area).

This ROW Permit authorizes construction, operation, maintenance and reclamation of a Future Road and Permanent Related Infrastructure in the Western (Kobuk River) unit of Gates of the Arctic National Park and Preserve.

By accepting this Permit, the Permittee agrees to comply with its terms and conditions, and applicable laws and regulations. The Park's Superintendent (Superintendent) will be the NPS official with primary responsibility for administering this Permit.

### Definitions

Conceptual Alignment – A corridor 250-400 feet wide crossing 26 miles of the Western (Kobuk River) unit of Gates of the Arctic National Park and Preserve, evaluated as the Northern Route in the EEA, as shown on Exhibit A. The Constructed Road Corridor must be established within the boundaries of the Conceptual Alignment.

Constructed Road Corridor – The 100 foot wide corridor ultimately to be established for the operation and maintenance of the Future Road. The location of the Constructed Road Corridor has not yet been identified, although it will be fully within the Conceptual Alignment.

Future Road – The approximately 26-mile private industrial-access road approved in the Record of Decision signed by the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior and the Associate Administrator for Federal Lands, Federal Highway Administration, Department of Transportation in July 2020.

Permanent Related Infrastructure – All access roads, turnout lanes, culverts, bridges, fiber optic cable, and other infrastructure that are constructed or installed for the safe use, operation, and maintenance of Future Road, under this Permit.

Permitted Area – the land within the Park that the Permittee is authorized to use as described in this Permit. There is a Preliminary Permitted Area and a Post-Construction Permitted Area. Any references to "Permitted Area" in other sections of the Permit refer to the then-currently authorized Permitted Area, whether it is Preliminary or Post-Construction.

Phase I – the first development stage of the Future Road, also called the pioneer road. A one-lane road with minimal shoulder space for late-summer through winter use and culverts to accommodate both Phase 1 and Phase 2.

Phase II – the second development stage of the Future Road. An all-season, single-lane, gravel-surfaced road, 20 feet wide.

Phase III – the third development stage of the Future Road. A two-lane, two-way gravel-surfaced road, with shoulders and culverts extended.

#### Authority to Enter into Permit

The Permittee represents and warrants to the NPS that:

(1) The Permittee is authorized under the laws of the State of Alaska and by the Permittee's own governing documents to enter into this Permit; and

(2) The person signing this Permit on the Permittee's behalf is authorized to bind the Permittee to comply with the all of the Permit's terms and conditions.

#### Description and Map of Permitted Area

The Preliminary Permitted Area is depicted on the Preliminary Map and defined in the Preliminary Legal Description. Upon substantial completion of Phase I, Phase II and Phase III, the Permitted Area, and its depiction on the associated map and legal description will be amended to reflect the Post-Construction Permitted Area. The Constructed Road Corridor and Permanent Related Infrastructure must be located within the Conceptual Alignment.

The Preliminary Permitted Area is comprised of the following:

1. Conceptual Alignment
2. Permanent Related Infrastructure

The Preliminary Permitted Area is shown in the Preliminary Maps attached as Exhibit A. The Preliminary Legal Description is:

The authorized area is a strip of land 250-400 feet wide and including access roads, turnout lanes, culverts, and bridges, as shown in Exhibit A located within Gates of the Arctic National Preserve and within portions of the following sections:  
Kateel Meridian, Alaska

Township 19 North, Range 19 East, Sections 19, 20, 21, 22, 25, 26, 27,  
Township 19 North, Range 20 East, Sections 25, 26, 27, 28, 29, 30,  
Township 19 North, Range 21 East, Sections 13, 14, 21, 22, 23, 28, 29, 30,  
Township 19 North, Range 22 East, Sections 13, 18, 19, 20, 21, 22, 23, 24.

The Post-Construction Permitted Area is comprised of:

1. Constructed Road Corridor (a strip of land up to 100 feet wide)
2. Permanent Related Infrastructure

#### Permitted Use of Right-of-Way

In connection with the Future Road, this Permit authorizes the Permittee to construct, operate and maintain the following future facilities, infrastructure, or equipment in the Permitted Area:

A 26 mile long private industrial-access road across the Western (Kobuk River) unit of Gates of the Arctic National Park and Preserve (Future Road). **Public use of the Future Road is prohibited.** This Future Road is to be developed in three phases. Construction, operation and maintenance of all three phases (Phase I, Phase II, and Phase III) is authorized under this Permit.

Permanent Related Infrastructure appurtenant to the Future Road includes **access roads, turnout lanes, culverts, bridges, and a fiber optic cable.** The general location and number of each of the different types of Permanent Related Infrastructure authorized under this Permit at each phase of development are identified in Exhibit B-1 attached hereto. **This Permit does not include authorization for any material sites, construction camps, maintenance facilities or airstrips; any such facilities are prohibited.**

The Future Road and Permanent Related Infrastructure **are authorized to be used for mining related operations; delivery of goods and fuel, by commercial carrier only, to communities/landowners near the road; and use of the fiber optic cable for communications.**

#### Construction Special Use Permits

Construction of the Future Road or any ground-disturbing activities incident thereto may not begin until the NPS issues Permittee necessary construction Special Use Permit(s) (SUP(s)). Permittee proposes to construct the Future Road in three phases, parts of which may happen simultaneously. The NPS may issue one or more construction SUPs depending on final project design and final construction plans. The prerequisites to obtain a construction SUP are detailed in Exhibit C and supersede NPS's standard construction SUP guidance, including but not limited to: NPS Management Policies 2006, section 8.6; NPS Director's Order 53, and NPS Reference Manual 53.



### Effective Date and Initial Term of Permit

This Permit will be effective on the date of its full execution, and will terminate 50 years from its effective date at noon, Alaska Standard Time Zone (initial term), unless it is earlier extended, renewed, terminated, or abandoned pursuant to the provisions of this Permit, or in accordance with applicable federal law.

### Reauthorization of Use

In order to continue use or occupancy of the Permitted Area beyond the initial term without interruption, the Permittee must submit to the Superintendent a written application for reauthorization, in accordance with then-applicable laws, regulations and policies, at least 6 months before the Permit's expiration date. The application for reauthorization will be processed in accordance with then-existing and applicable laws, regulations and policies.

### Suspension and Termination of Permitted Right-of-Way

At any time during the term of this Permit the NPS may, without incurring any liability whatsoever, suspend or terminate all or any part of the permitted right-of-way for violation of or noncompliance with the terms and conditions. Except in the case of an imminent threat to public health or safety or the environment, termination or suspension will be preceded by written notice and 60 days to cure. If the violation is cured and NPS is satisfied that adequate measures have been taken to ensure against recurrence, the Permit will not be suspended or terminated.

Noncompliance with this Permit may be grounds for an immediate temporary suspension of activities under this Permit at the direction of the Superintendent if such noncompliance constitutes an imminent threat to public health or safety or the environment. Any temporary suspension will be lifted upon a showing by the Permittee that the threat has been eliminated, or that it has been mitigated to the satisfaction of NPS.

### Fees

Pursuant to 36 C.F.R. § 14.26(a) the Permittee will pay fair market value for the use and occupancy of NPS-administered lands or waters. The charge for use and occupancy of the Permitted Area will be the amount determined in the appraisal approved by NPS Pursuant to 36 C.F.R. § 14.26(e), the NPS may periodically review the charges for this Permit and impose revised charges as may be reasonable and proper, including but not limited to any time the Permitted Area is amended. If NPS's costs of monitoring the Permit exceed the use and occupancy fees collected from Permittee in a given year, then pursuant to 54 U.S.C. 103104 NPS may bill the Permittee for, and the Permittee will pay, the

additional monitoring costs for that year. Any such monitoring costs will be documented by NPS and submitted to the Permittee for inspection with the bill.

Permittee understands and agrees that Permittee is responsible for the fee for use and occupancy as follows:

1. Upon completion of an appraisal, its approval by NPS, and Permittee's receipt of a bill for collection from the NPS, Permittee must pay the use and occupancy owed from the effective date of the Permit through the date of approval of the appraisal or through the first year of the Permit, as determined appropriate by the park.
2. If Permittee paid "reimbursement of costs" in the time between the Permit effective date and the date of approval of the appraisal, the "reimbursement of costs" will be documented in the bill for collection and will be deducted from the use and occupancy due for that time frame.
3. The required \$25 pre-payment will be deducted from the use and occupancy owed for the first year of the Permit on the bill of collection.
4. After the first bill of collection, Permittee must pay the use and occupancy annually.

#### Terms and Conditions

This Permit and the uses or activities authorized under it are subject to the following terms and conditions:

- (1) This Permit may be amended only by a written instrument executed by the NPS and the Permittee.
- (2) The Permittee may not transfer or assign this Permit to another party without obtaining NPS prior written approval.
- (3) All natural and cultural resources discovered in the Permitted Area are the property of the United States.
- (4) This Permit is not a defense to liability under 54 U.S.C. § 100722(c)(3) resulting from any activity not related to the uses authorized by this Permit.
- (5) By accepting the grant, the Permittee agrees to fully indemnify or hold the United States harmless for liability, damage, or claims arising in connection with its use and occupancy of the Permitted Area.
- (6) In accordance with applicable federal law the Permittee will not discriminate against any person because of race, color, religion, sex, or national origin.
- (7) Nothing in this Permit obligates the NPS to expend in any one fiscal year any sum in excess of appropriations made by Congress or administratively allocated by the NPS for the purpose of this

Permit, or to involve the NPS in any contract or other obligation for the further expenditure of money in excess of such appropriations or allocations.

- (8) All measures, terms, conditions, design features, and mitigations in Exhibit C are hereby incorporated as terms and conditions of this Permit. To the extent any of the provisions in Exhibit C provide for development of plans or other modification as on the ground conditions merit, those plans or modifications are incorporated into this Permit.
- (9) In consideration of the terms and conditions in Exhibit C, the requirements in 36 CFR 14.9(a) – (m) are hereby waived.
- (10) This Permit supersedes the Superintendent's Compendium for Gates of the Arctic National Park and Preserve. To the extent there is any conflict between them, this Permit controls.
- (11) If any provision of this Permit shall be found to be invalid or unenforceable, the remainder of this Permit shall not be affected and the other provisions of this Permit shall be valid and enforced to the fullest extent permitted by law.

By signing this Permit on the date indicated below, the Permittee's authorized representative acknowledges that he or she has read and understands all of the Permit's terms and conditions, agrees that the Permittee will abide by all of the Permit's terms and conditions, and requests that the NPS Regional Director execute the Permit and issue it to the Permittee.

Alaska Industrial Development and Export Authority



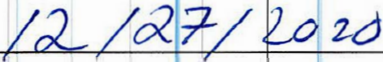
(Signature)



Printed name



Title



Date

By signing this Permit on the date indicated below, the Assistant Secretary for Fish and Wildlife and Parks hereby executes it and issues it to the Permittee.

Assistant Secretary for Fish and Wildlife and Parks  
United States Department of the Interior

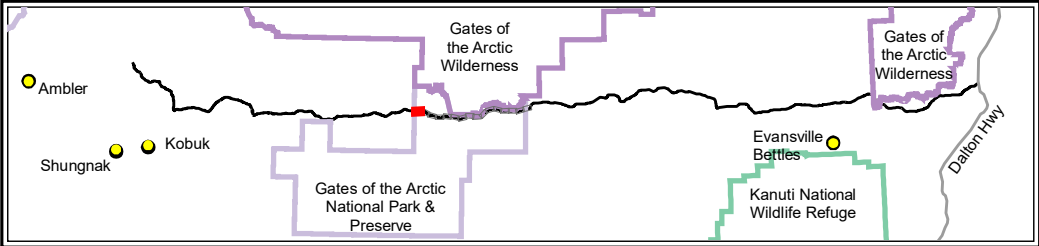
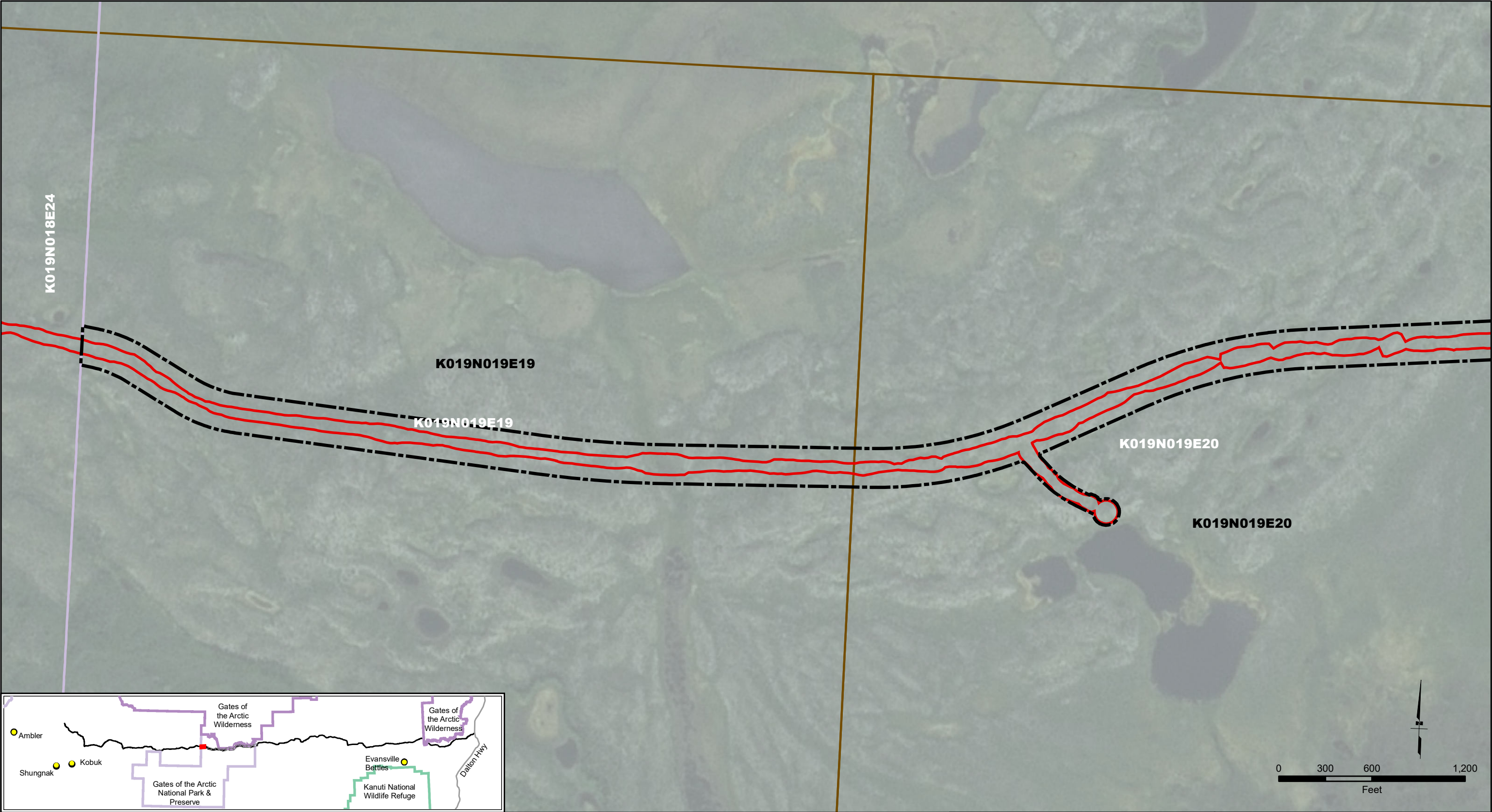
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Exhibit A – Preliminary Map


Exhibit B-1 – Permanent Related Infrastructure


Exhibit B-2 – Map Showing General Locations of Permanent Related Infrastructure

Exhibit C – Ambler Road Right-of-Way Permit Stipulations



 250-ft ROW	 Direct Impacts	 Gates of the Arctic National Park & Preserve
 Section		

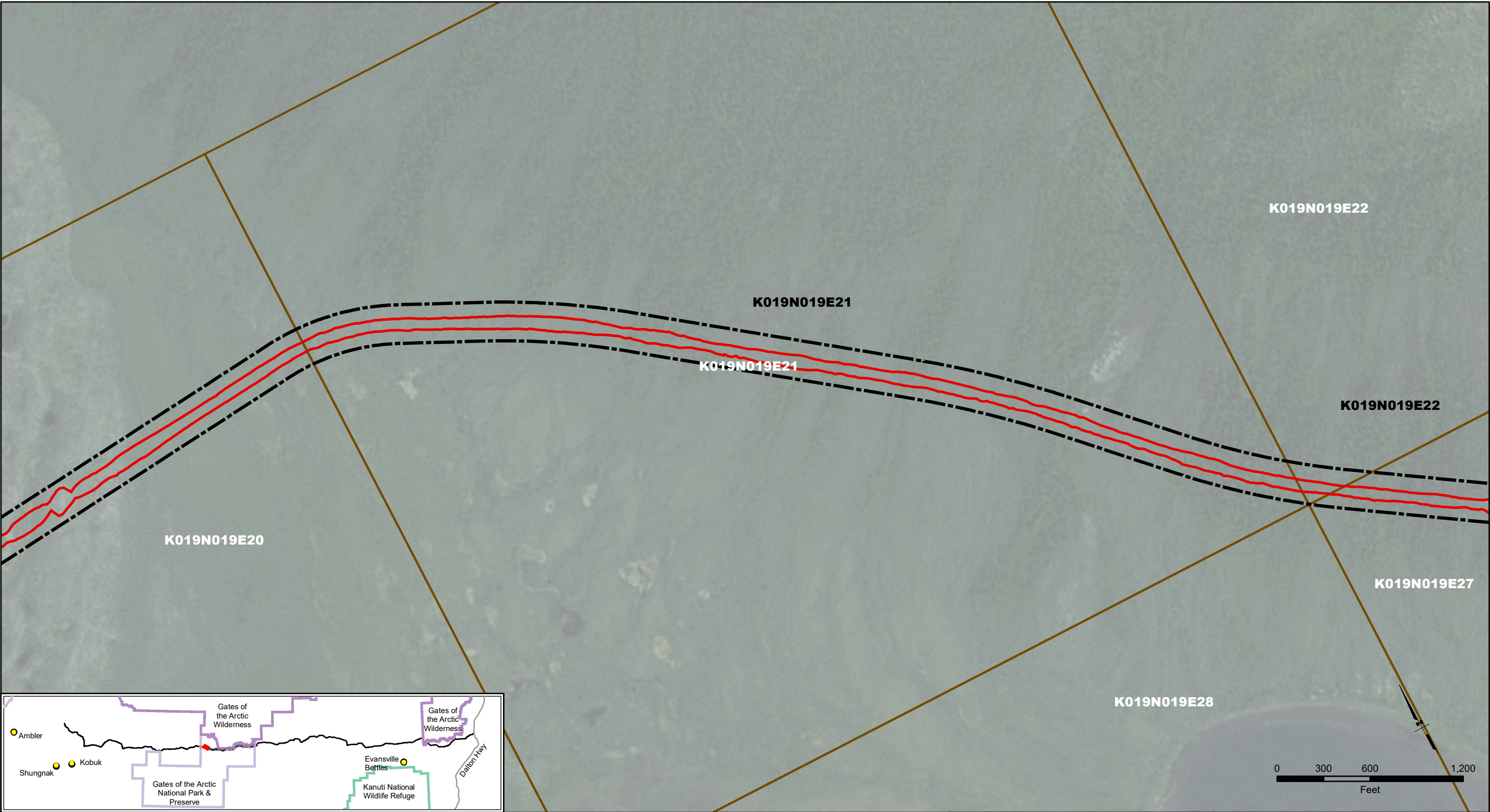
  
INDUSTRIAL ACCESS PROJECT



  
Alaska Industrial Development  
and Export Authority

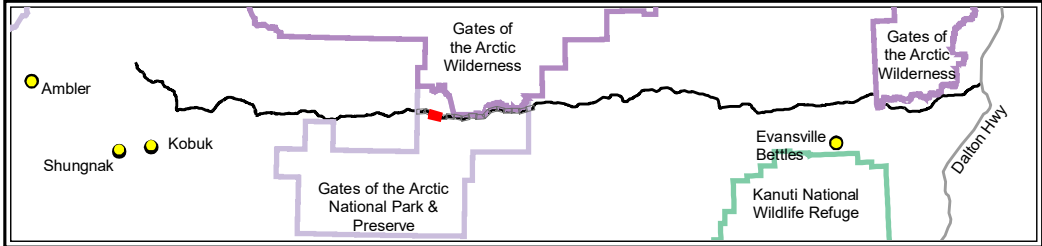
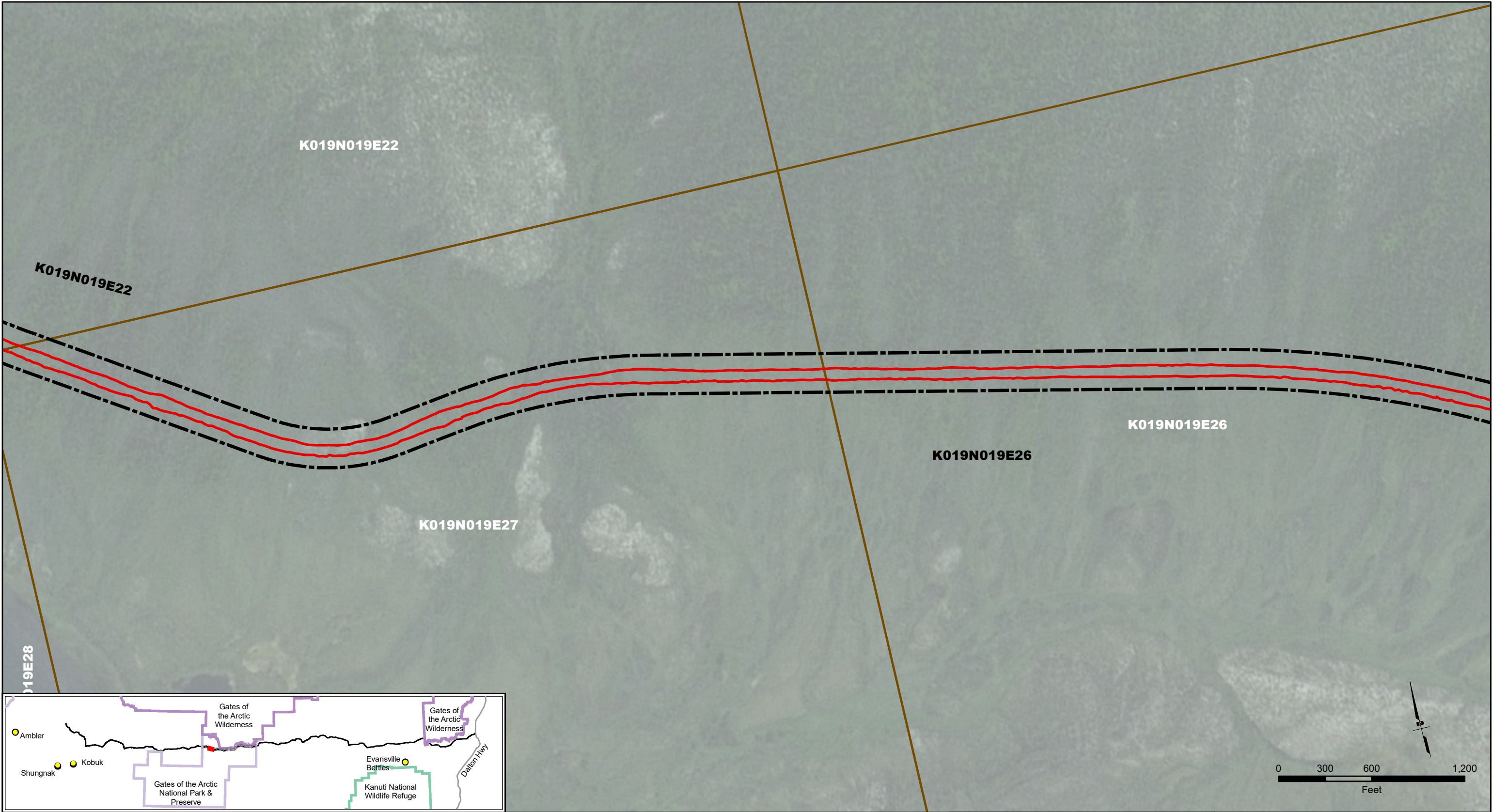
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250-ft ROW     Direct Impacts     Gates of the Arctic National Park & Preserve Section		 		AMDIAP NPS	
				Ambler Mining District Industrial Access Project	
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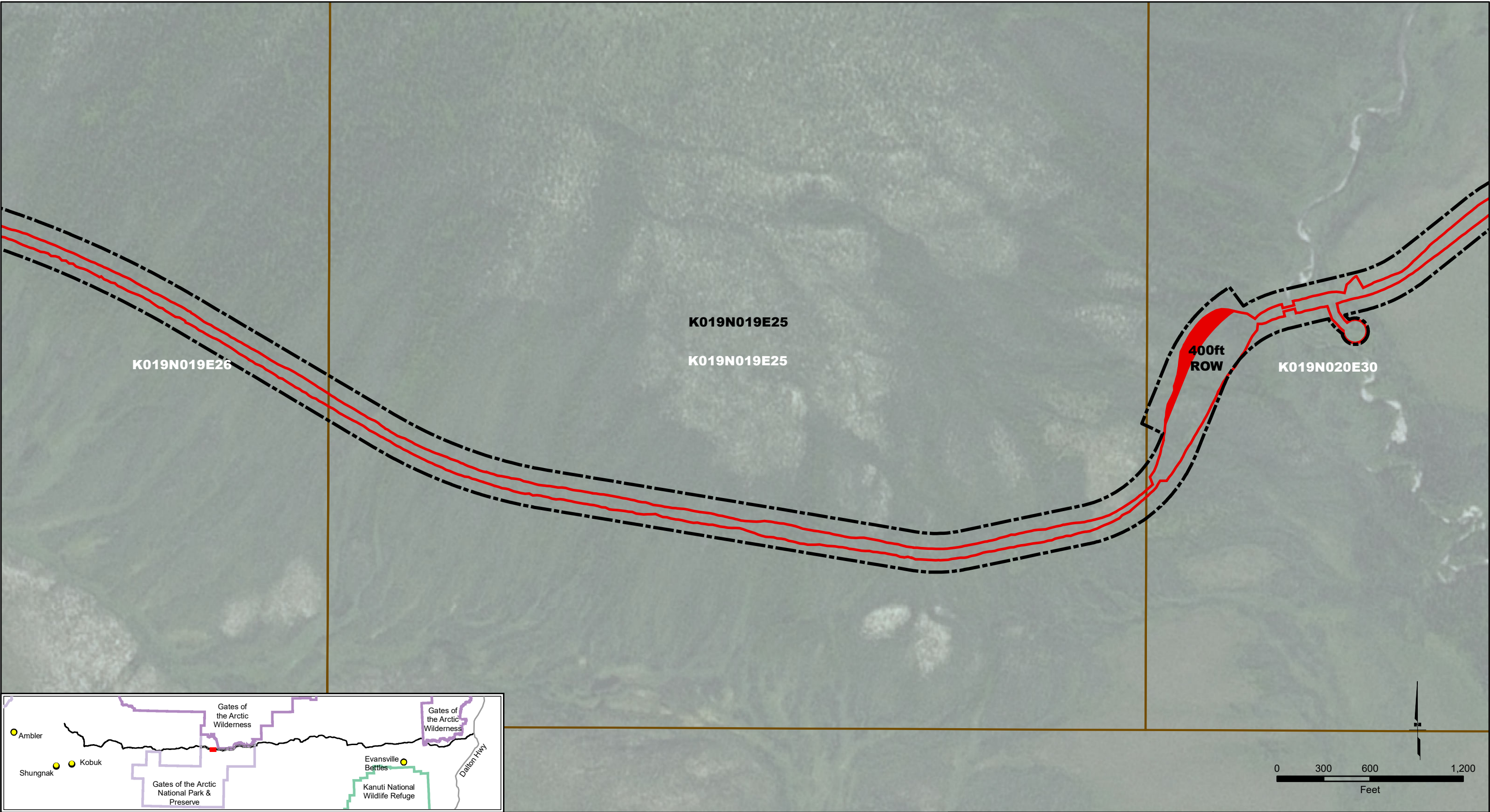




250-ft ROW	Direct Impacts	Gates of the Arctic National Park & Preserve
Section		

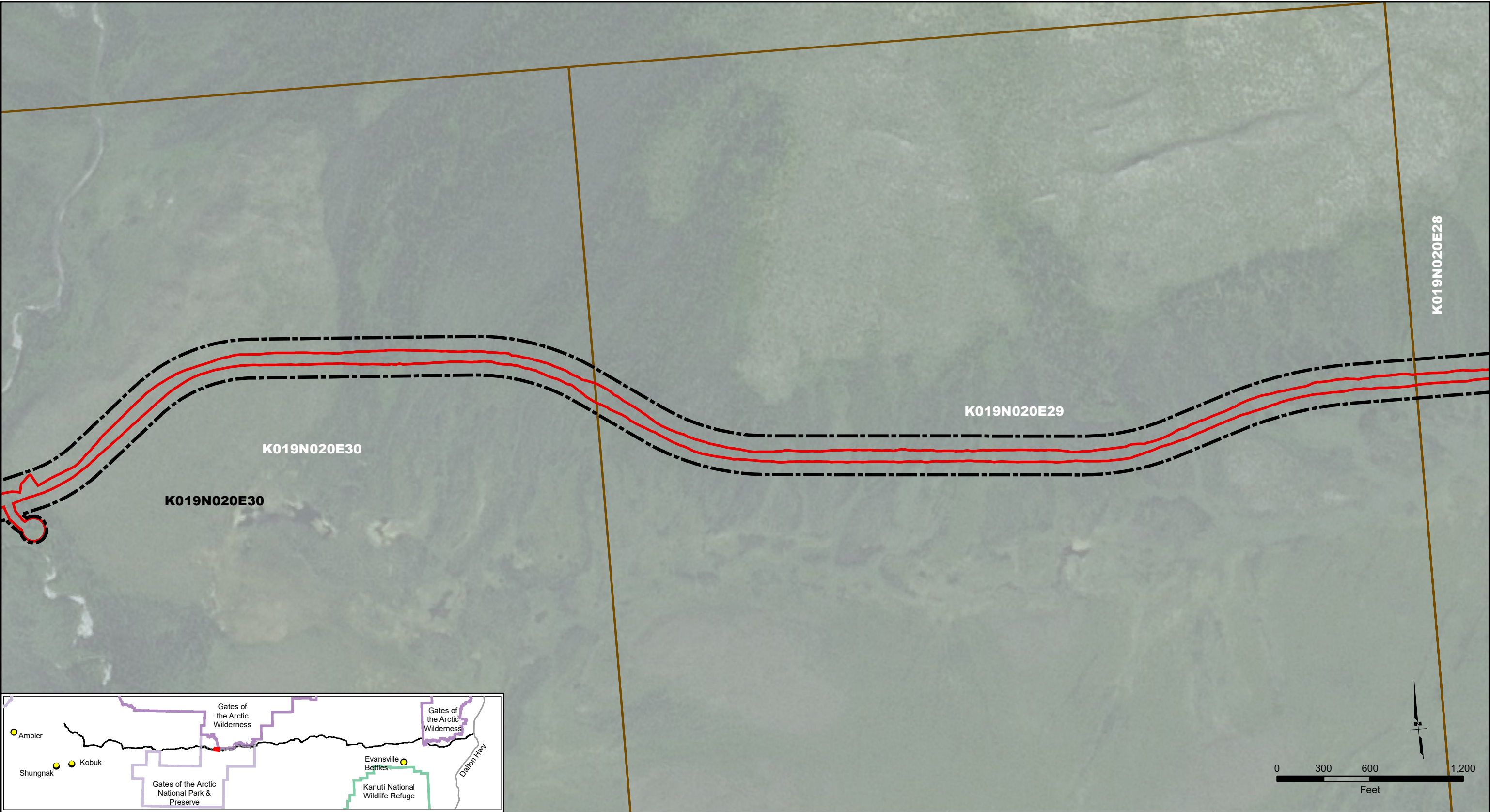
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<div><div><div> 250-ft ROW</div><div> Section</div></div><div><div> Direct Impacts</div><div> Impacts Outside of 250-ft ROW</div></div><div><div> Gates of the Arctic National Park &amp; Preserve</div></div></div>			<div>  </div>	<div>AMDIAP NPS</div> <div>Ambler Mining District Industrial Access Project</div> <div>November 30, 2020</div> <div>Sheet 4 of 16</div>
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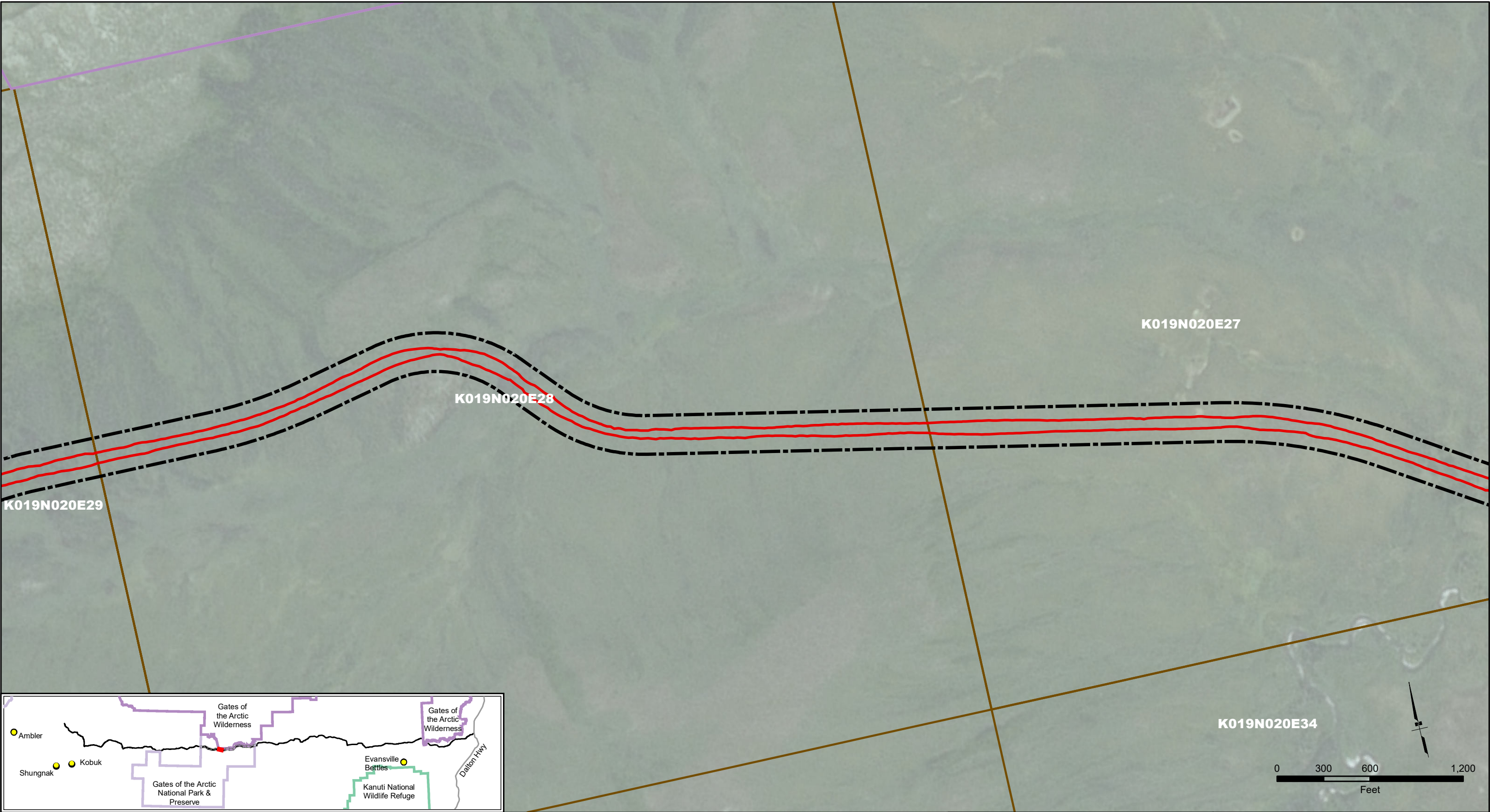




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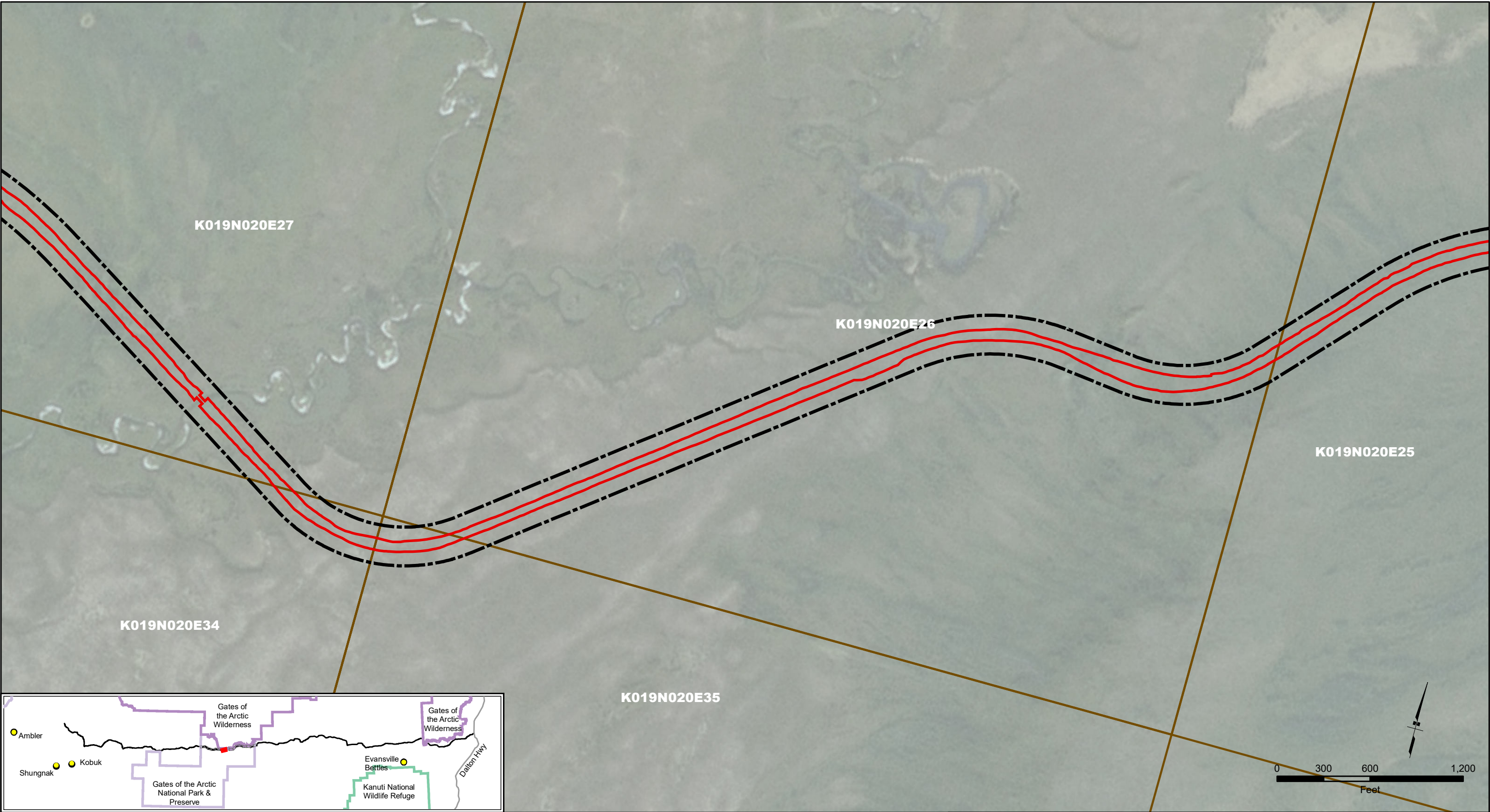
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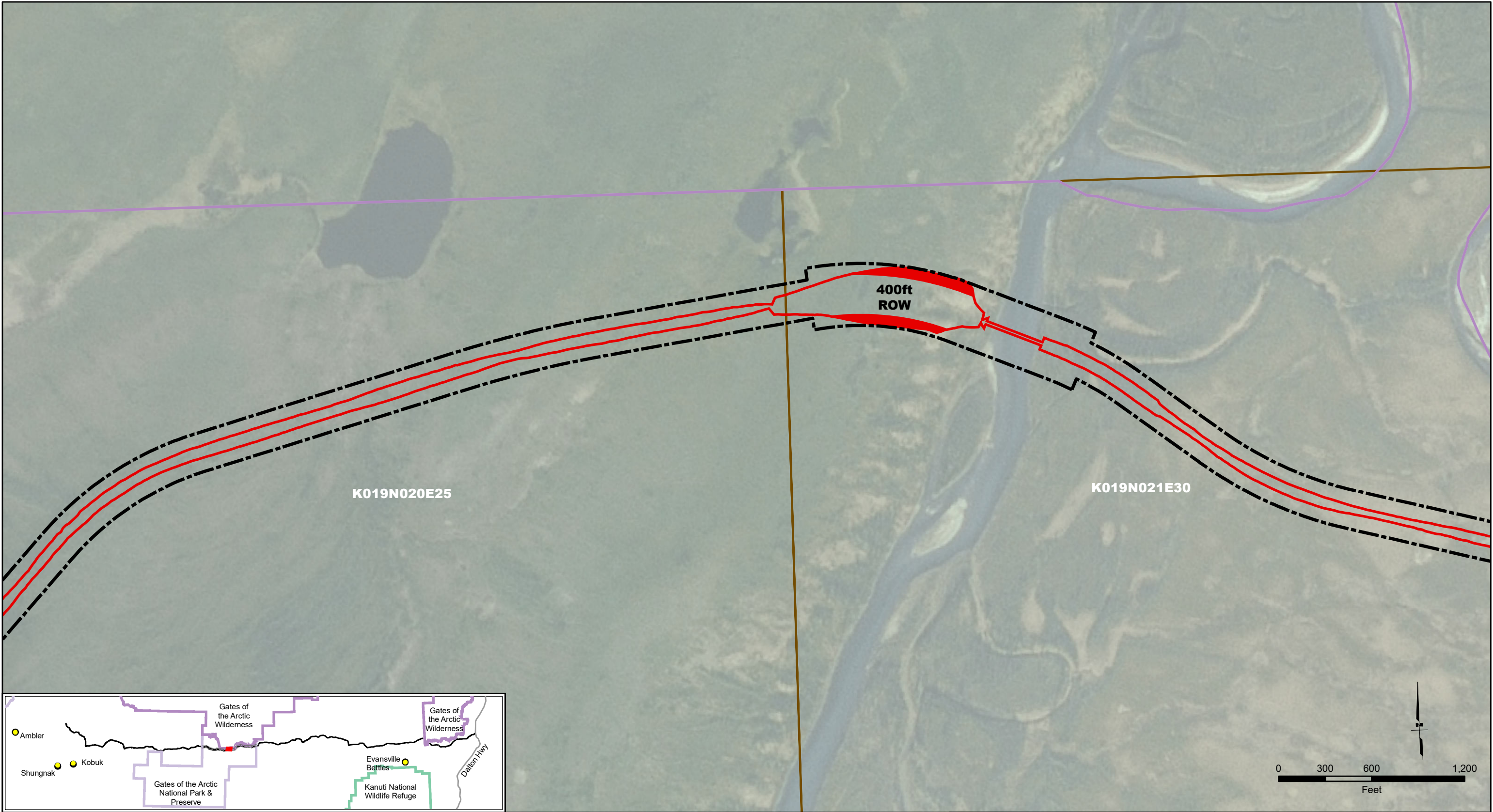
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Section	Impacts Outside of 250-ft ROW	Gates of the Arctic National Park & Preserve

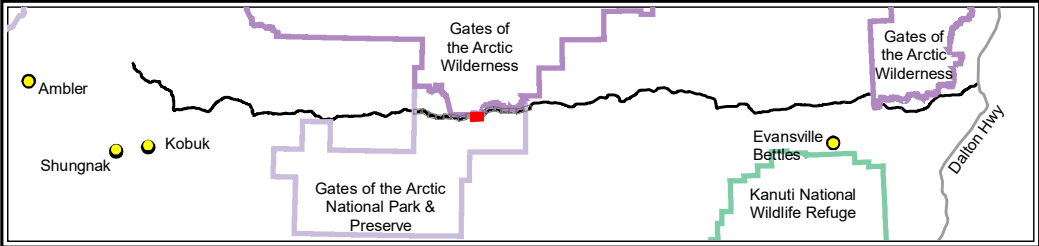
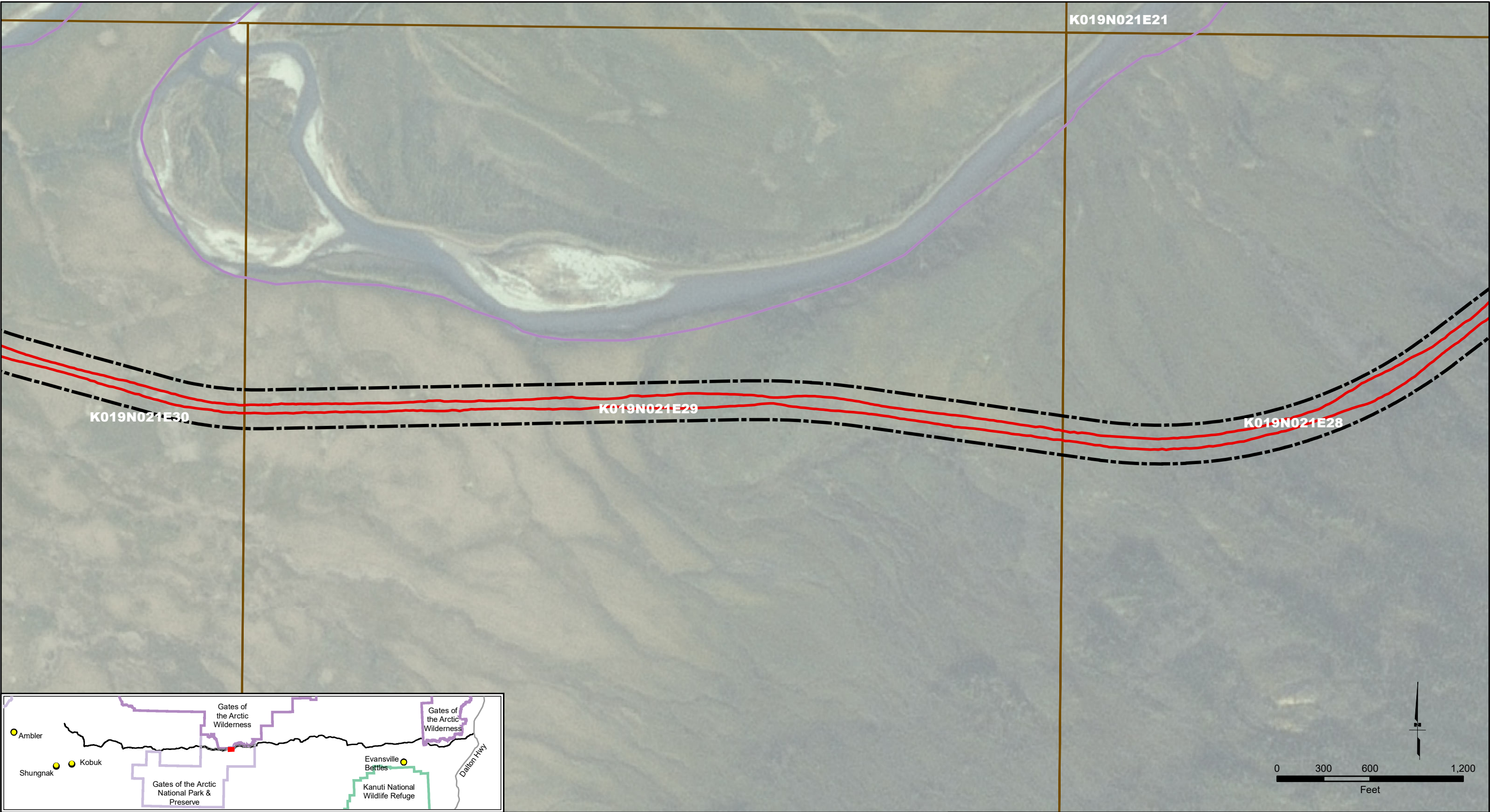
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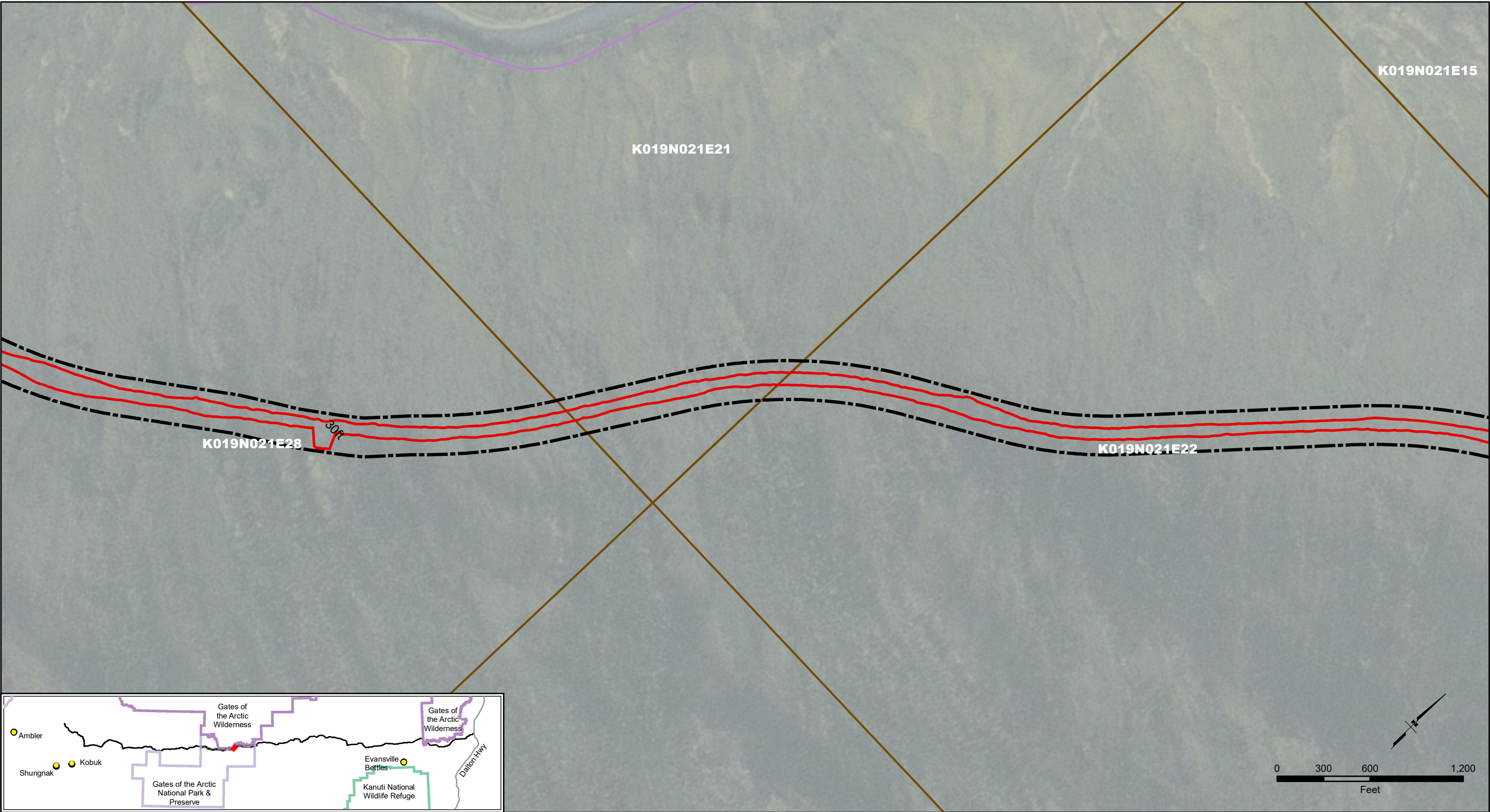














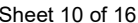
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 Section		 Gates of the Arctic National Park & Preserve



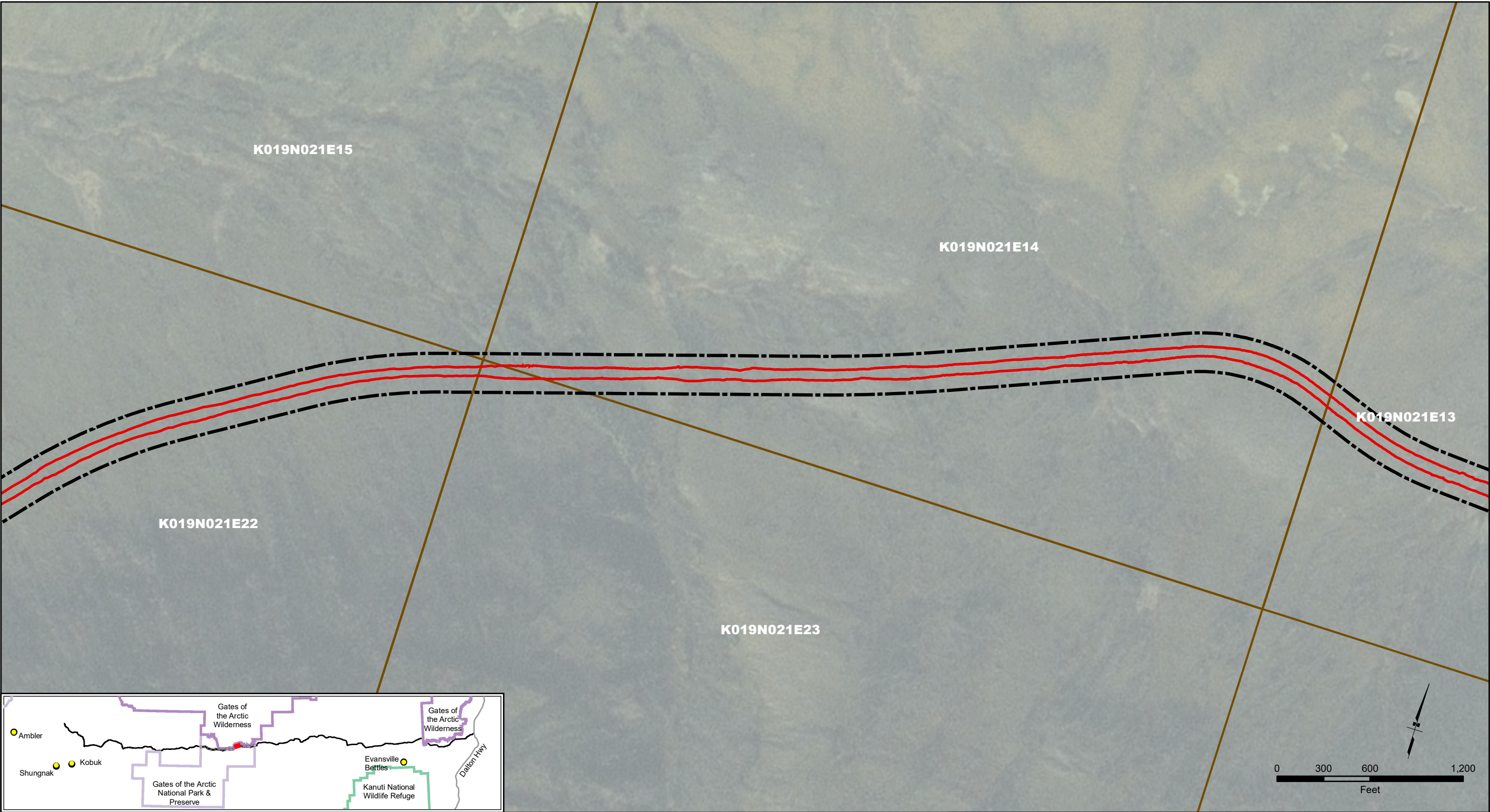
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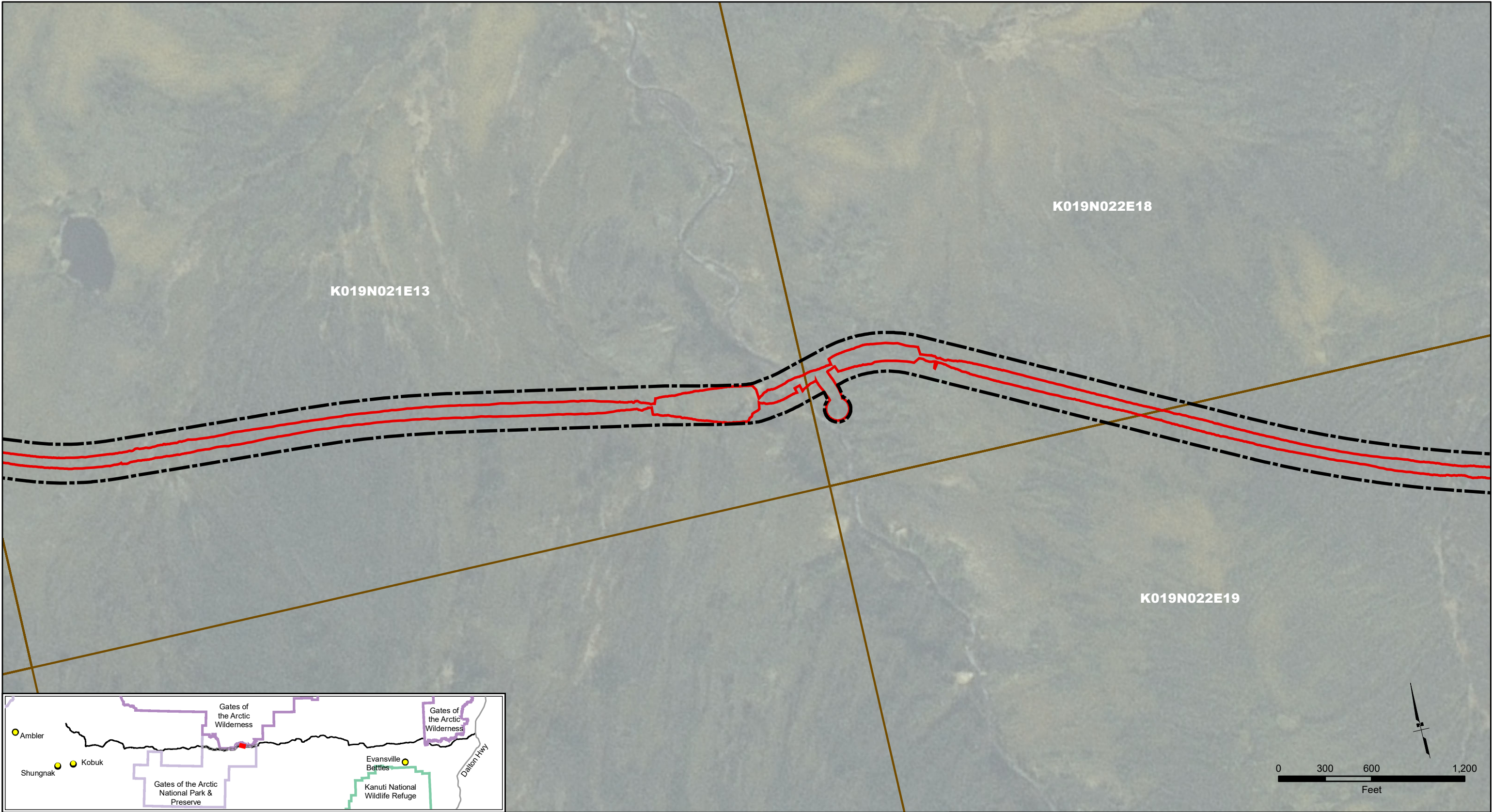
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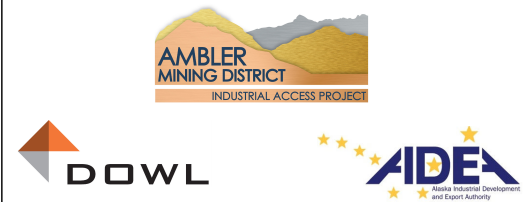


250-ft ROW     Direct Impacts     Gates of the Arctic National Park & Preserve Section		 		AMDIAP NPS	
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 250-ft ROW  Direct Impacts  Gates of the Arctic National Park & Preserve  
 Section  Impacts Outside of 250-ft ROW



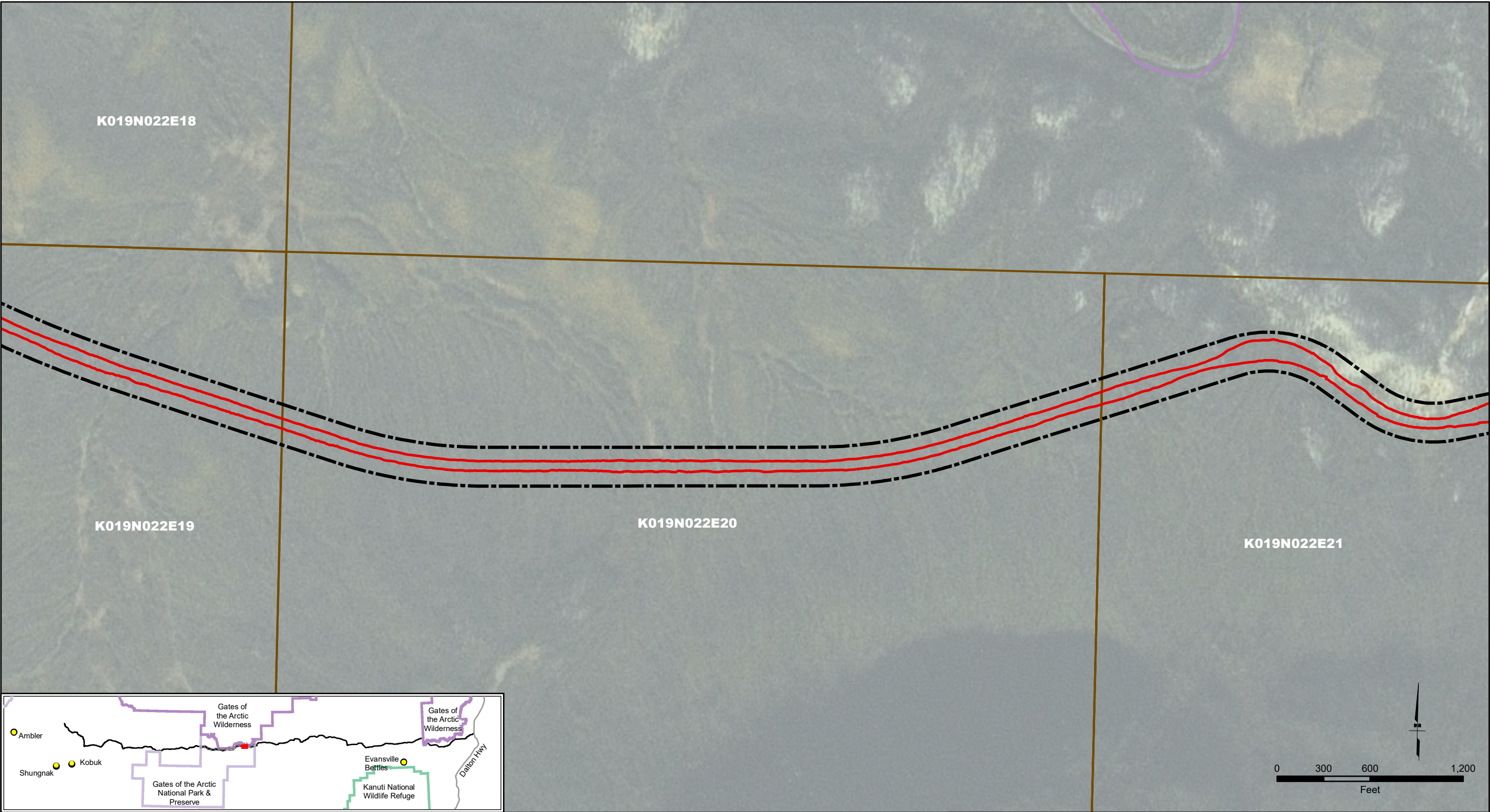
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Ambler Mining District  
Industrial Access Project

November 30, 2020

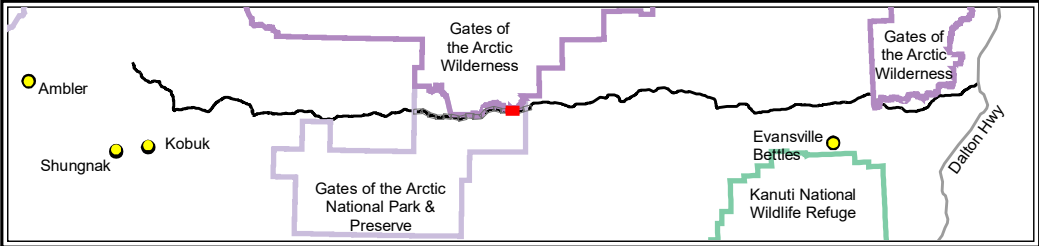
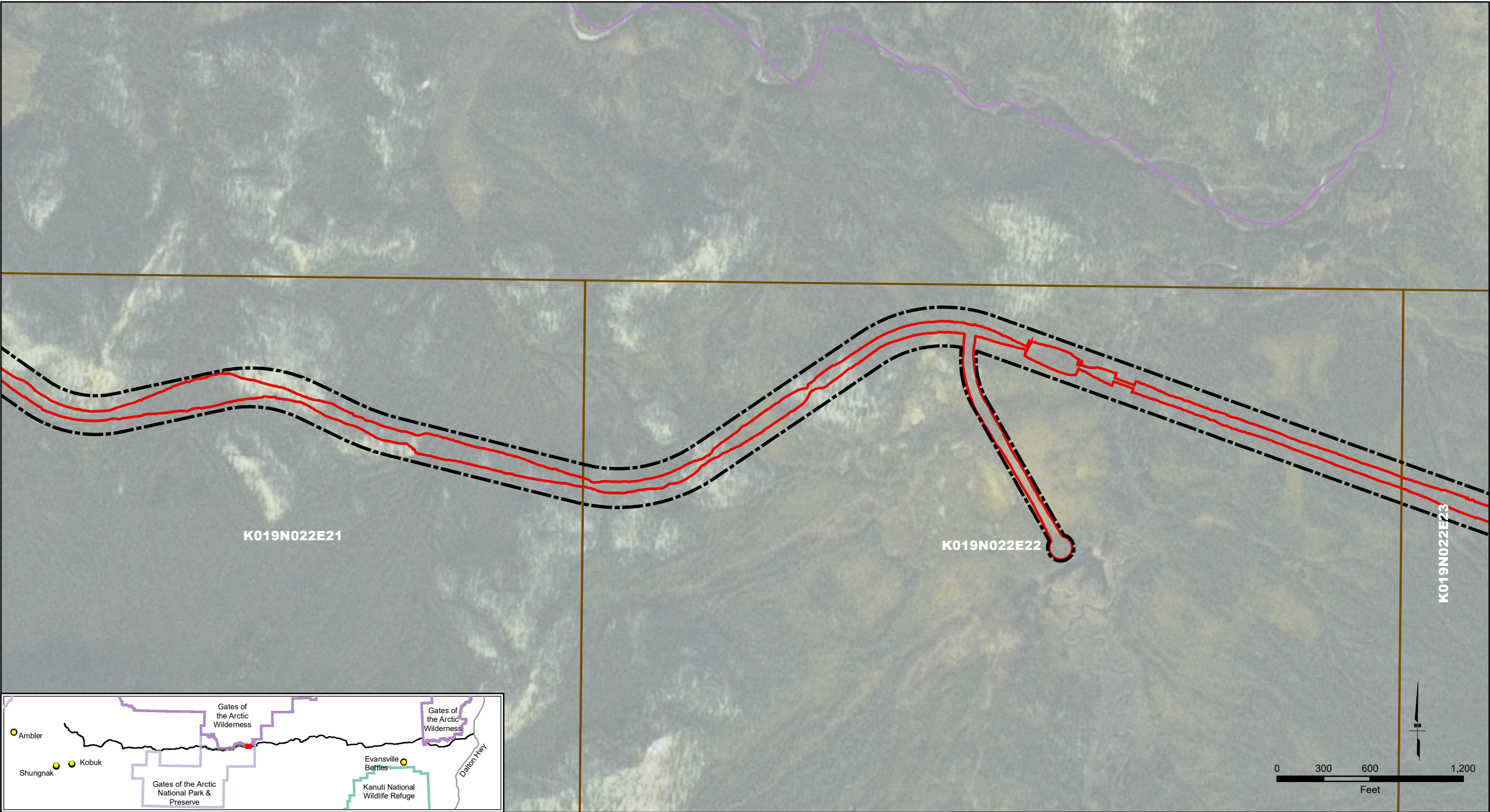
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<div><div><div> 250-ft ROW</div><div> Direct Impacts</div></div><div><div> Section</div><div><div> Gates of the Arctic National Park &amp; Preserve (Wilderness)</div><div> Gates of the Arctic National Park &amp; Preserve</div></div></div></div>		<div></div>	<div>AMDIAP NPS</div> <div>Ambler Mining District Industrial Access Project</div> <div><div>November 30, 2020</div><div>Sheet 13 of 16</div></div>	
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 250-ft ROW	 Direct Impacts	 Gates of the Arctic National Park & Preserve (Wilderness)
 Section		 Gates of the Arctic National Park & Preserve



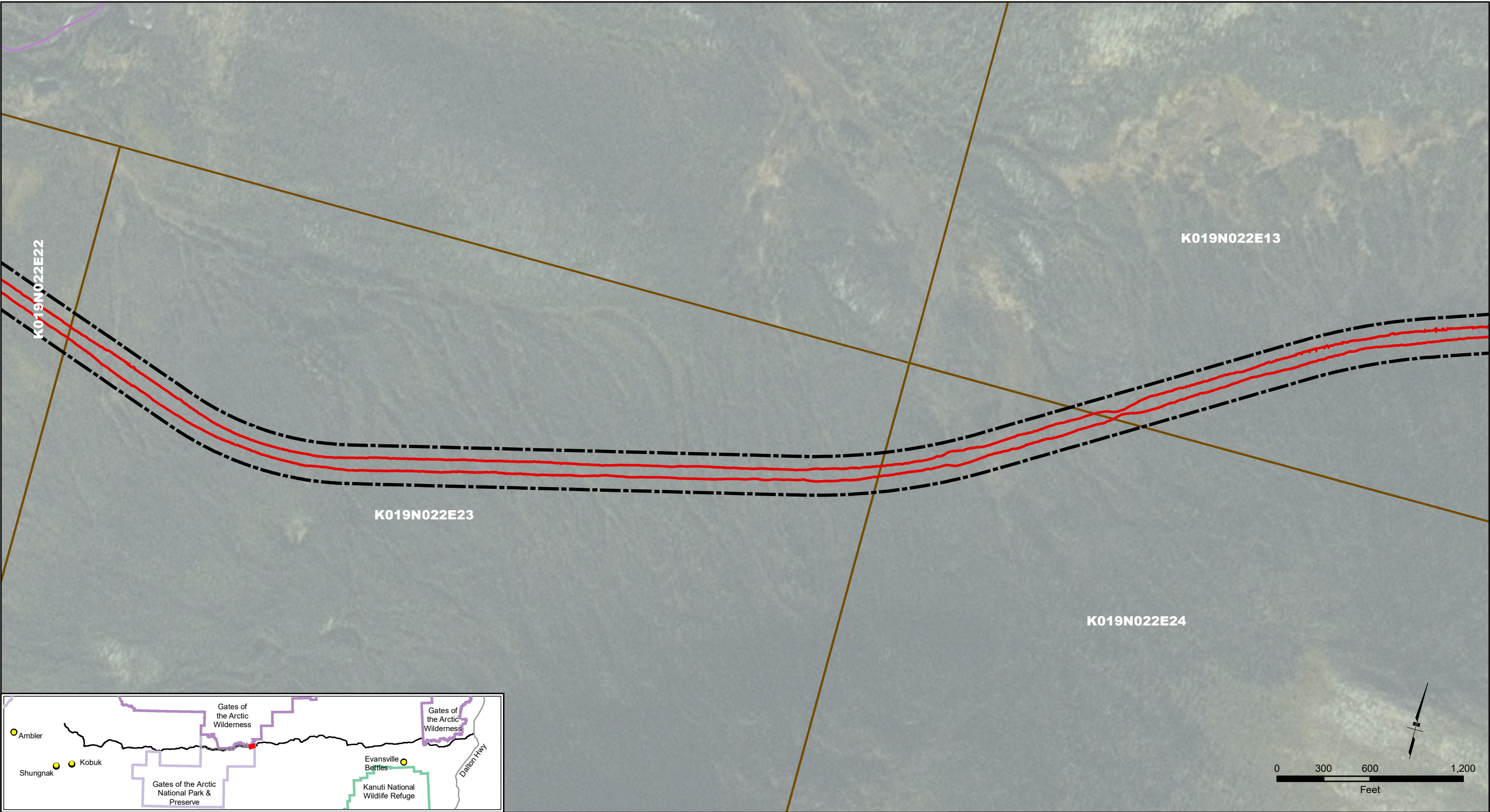
AMDIAP NPS






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 250-ft ROW		 Direct Impacts	 Gates of the Arctic National Park & Preserve (Wilderness)
 Section			 Gates of the Arctic National Park & Preserve



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<div><div><div> 250-ft ROW</div><div> Section</div></div><div><div> Direct Impacts</div><div> Impacts Outside of 250-ft ROW</div></div><div><div> Gates of the Arctic National Park &amp; Preserve</div></div></div>			<div>  </div>		<div>AMDIAP NPS</div> <div>Ambler Mining District Industrial Access Project</div> <div>November 30, 2020</div> <div>Sheet 16 of 16</div>	
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## Exhibit B-1: Permanent Related Infrastructure

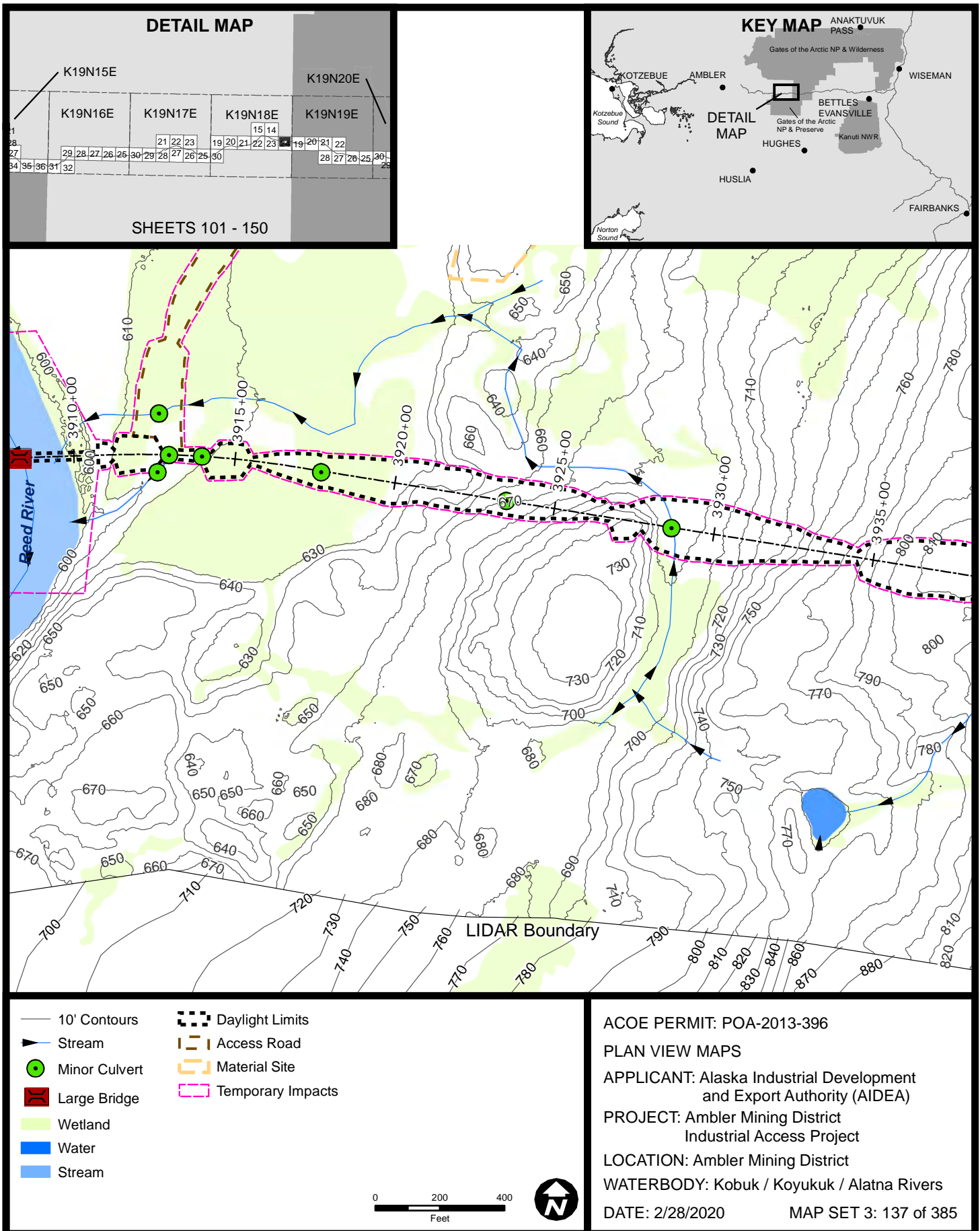
Permanent Related Infrastructure includes all access roads, turnout lanes, culverts, bridges, fiber optic cable, and other infrastructure that are constructed or installed for the safe use, operation, and maintenance of the Future Road, under this Permit.

<b>Project Element</b>	<b>Number in Permitted Area</b>
Culverts within the NPS Permitted Area	537 total (533 minor, 2 moderate, 2 major)
Bridges within the NPS Permitted Area	7 (2 small, 4 medium, 1 large)
Bridge area within the NPS Permitted Area (acres)	12
Vehicle Turnouts within the NPS Permitted Area	2

General locations of access roads, turnout lanes, culverts, and bridges are shown in Exhibit B-2. Exhibit B-2 is to be used only as a reference for the general locations of Permanent Related Infrastructure. Exhibit B-2 is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



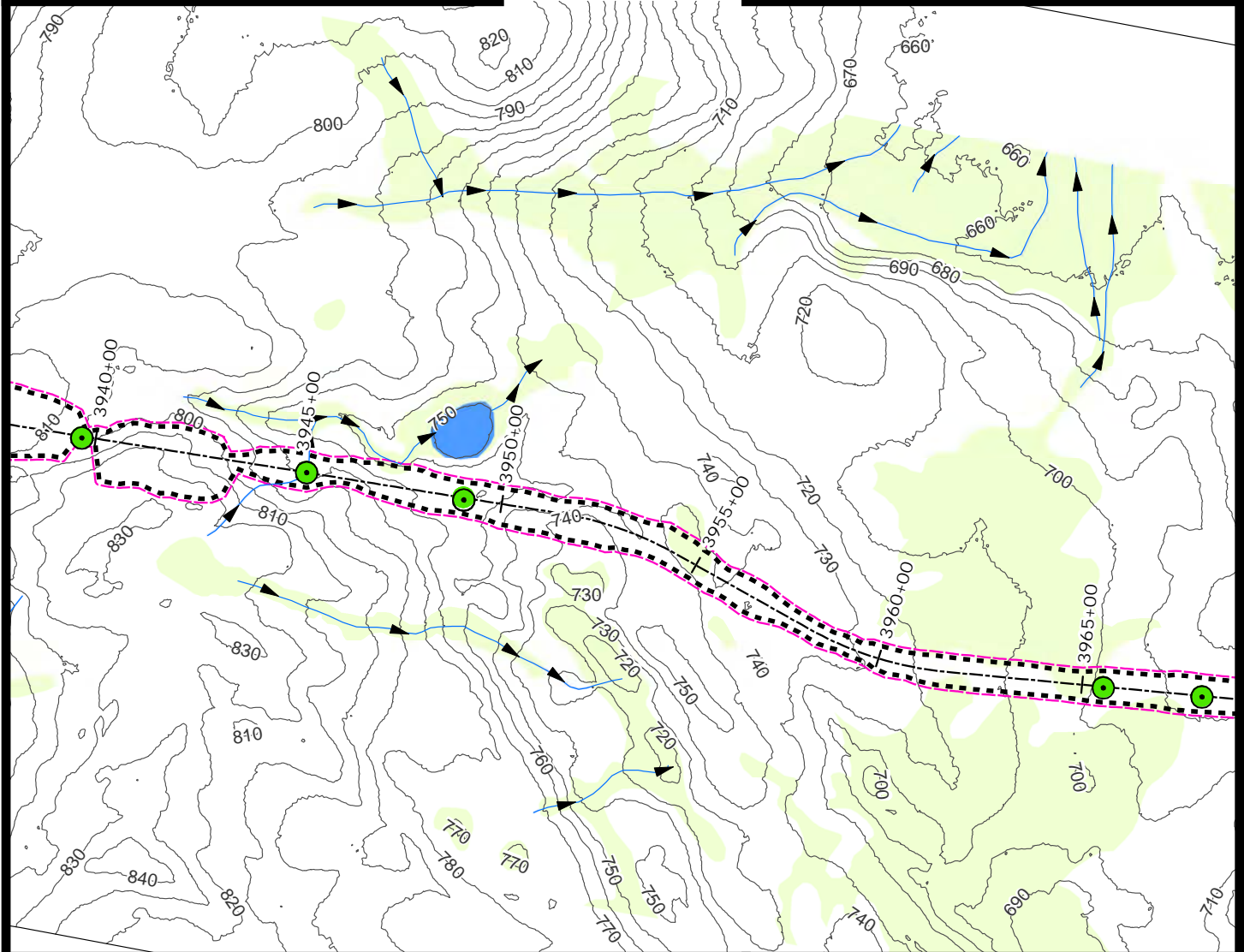
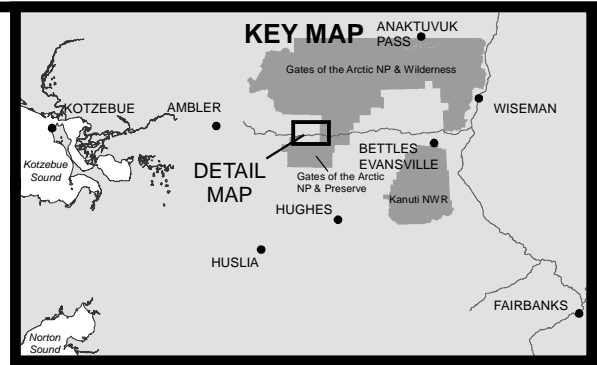
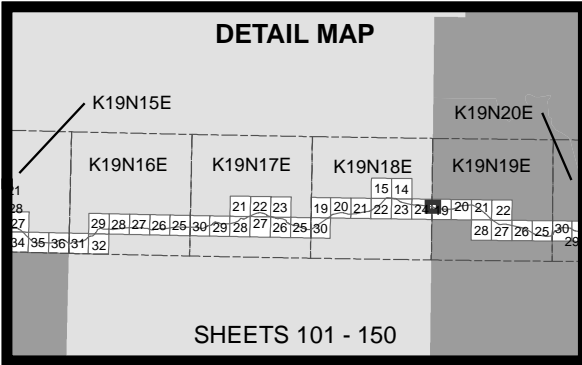
Exhibit B-2: Map Showing General Locations of Permanent Related Infrastructure



This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.







— 10' Contours

▶ Stream

● Minor Culvert

■ Wetland

■ Water

■ Stream

--- Daylight Limits

--- Temporary Impacts

ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

PROJECT: Ambler Mining District Industrial Access Project

LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

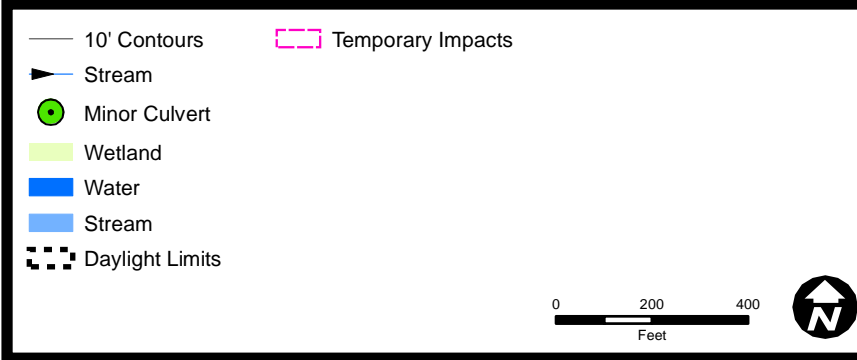
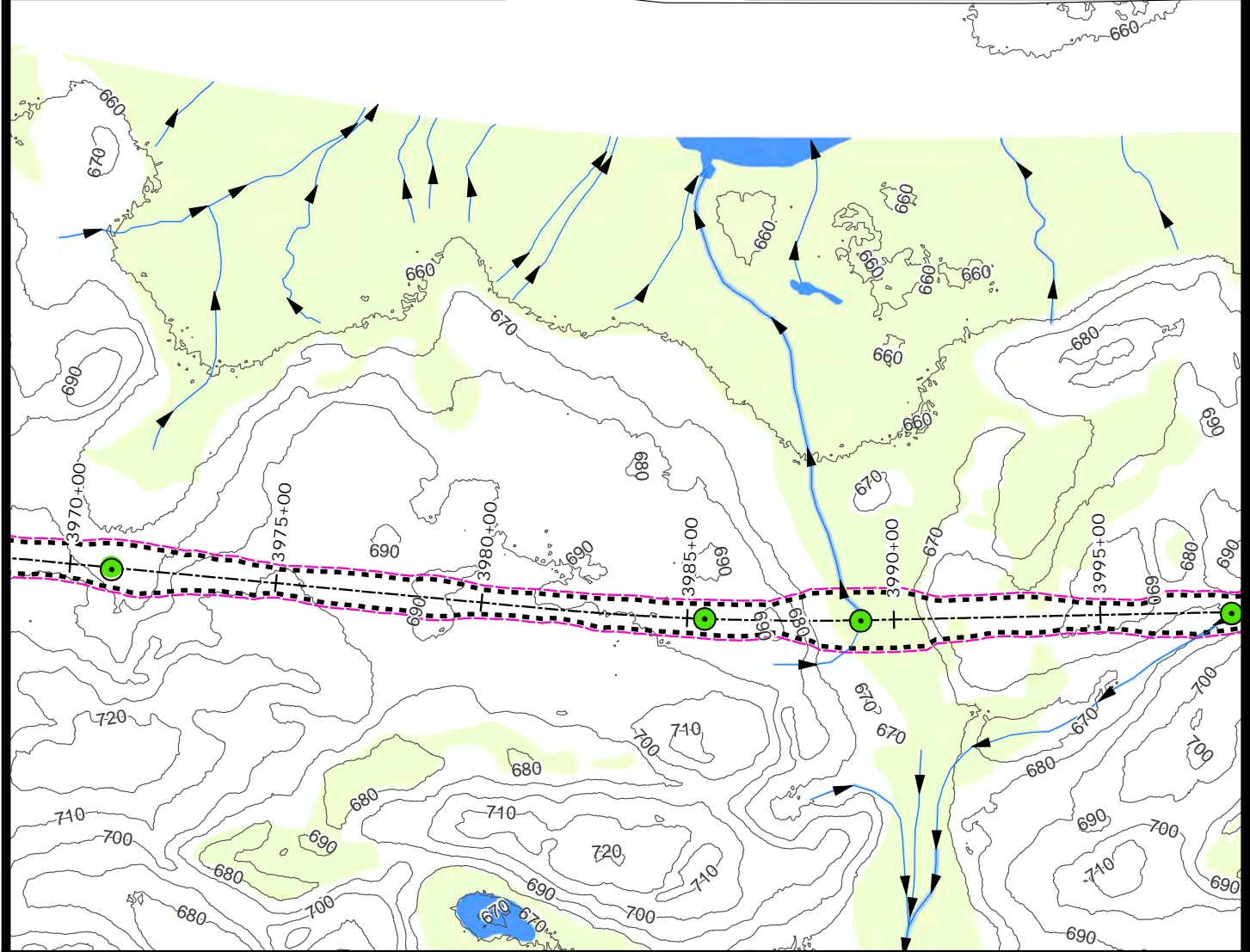
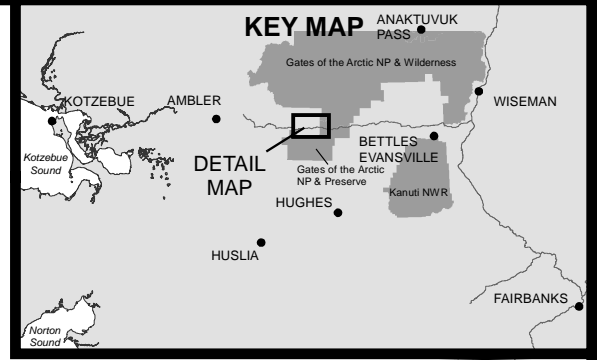
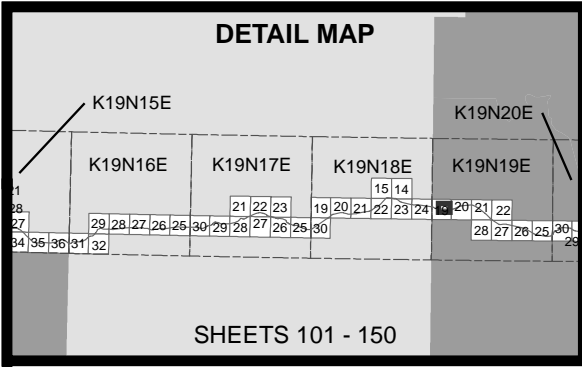
DATE: 2/28/2020

MAP SET 3: 139 of 385

0 200 400

Feet

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

PROJECT: Ambler Mining District Industrial Access Project

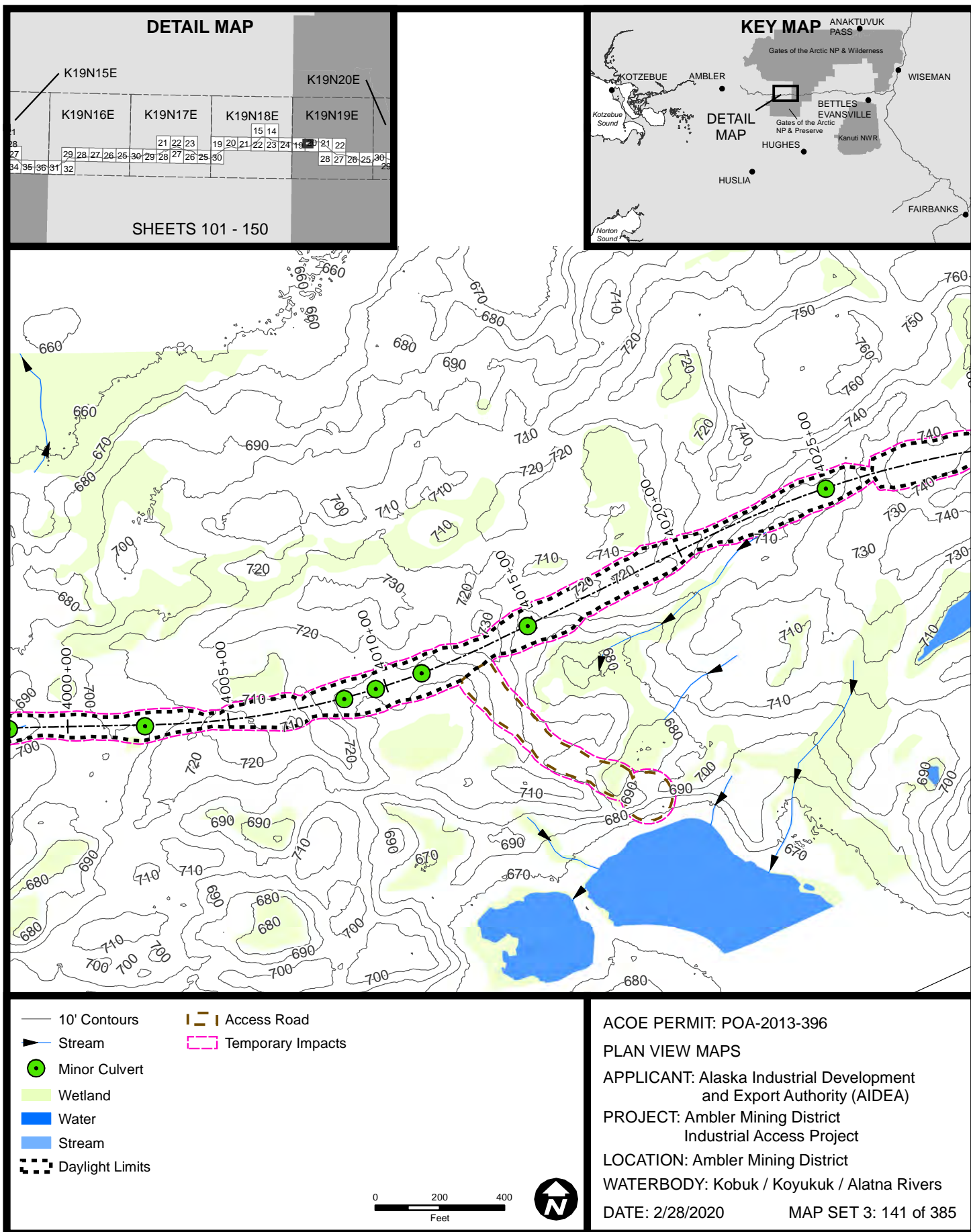
LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/28/2020

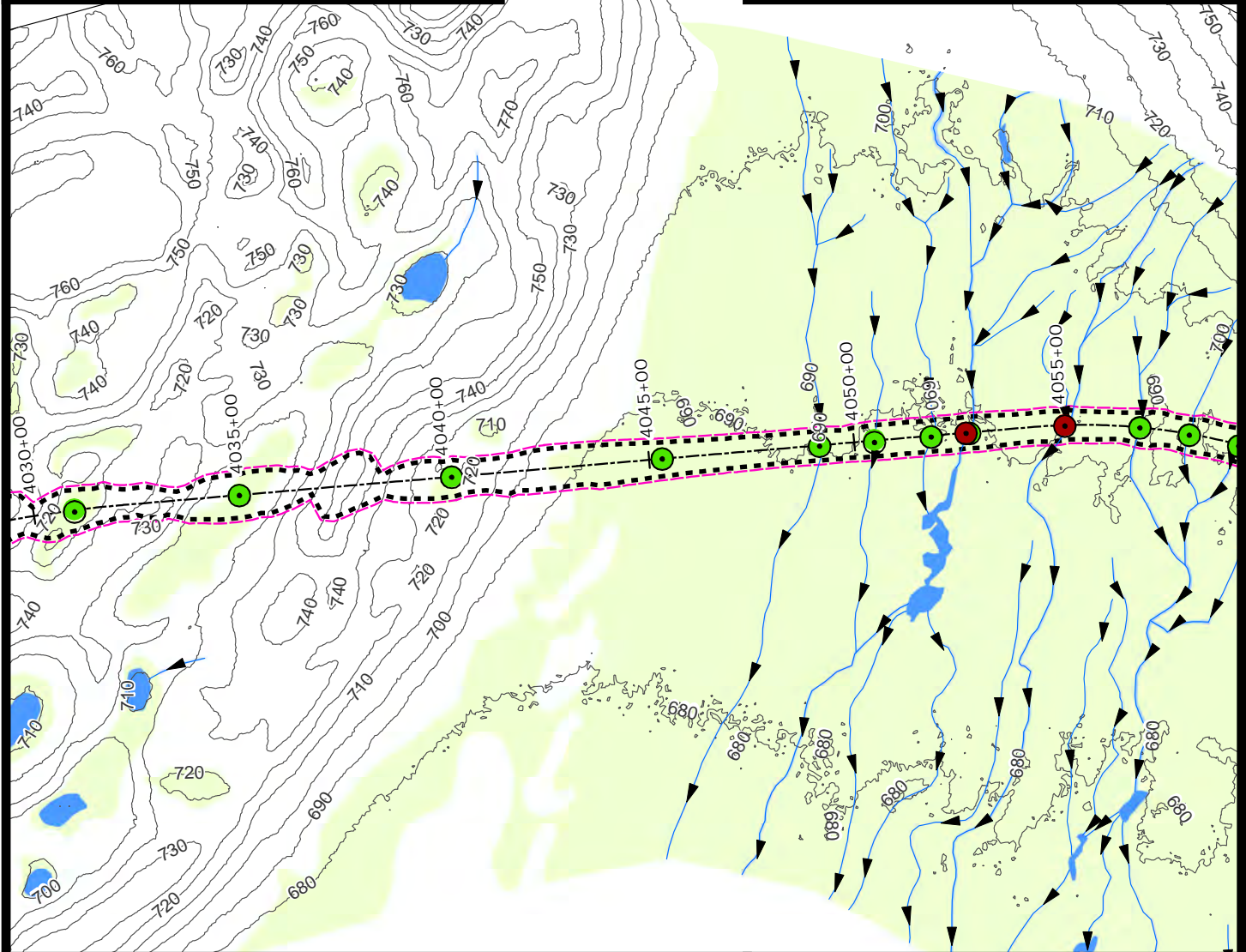
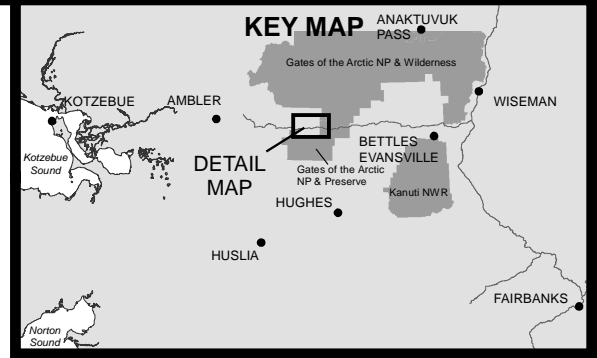
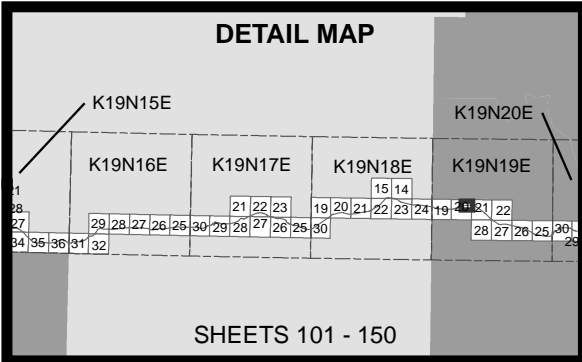
MAP SET 3: 140 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.





- 10' Contours
- ▶ Stream
- Minor Culvert
- Major Culvert
- Wetland
- Water
- Stream
- Daylight Limits
- Temporary Impacts

0 200 400  
Feet



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

PROJECT: Ambler Mining District Industrial Access Project

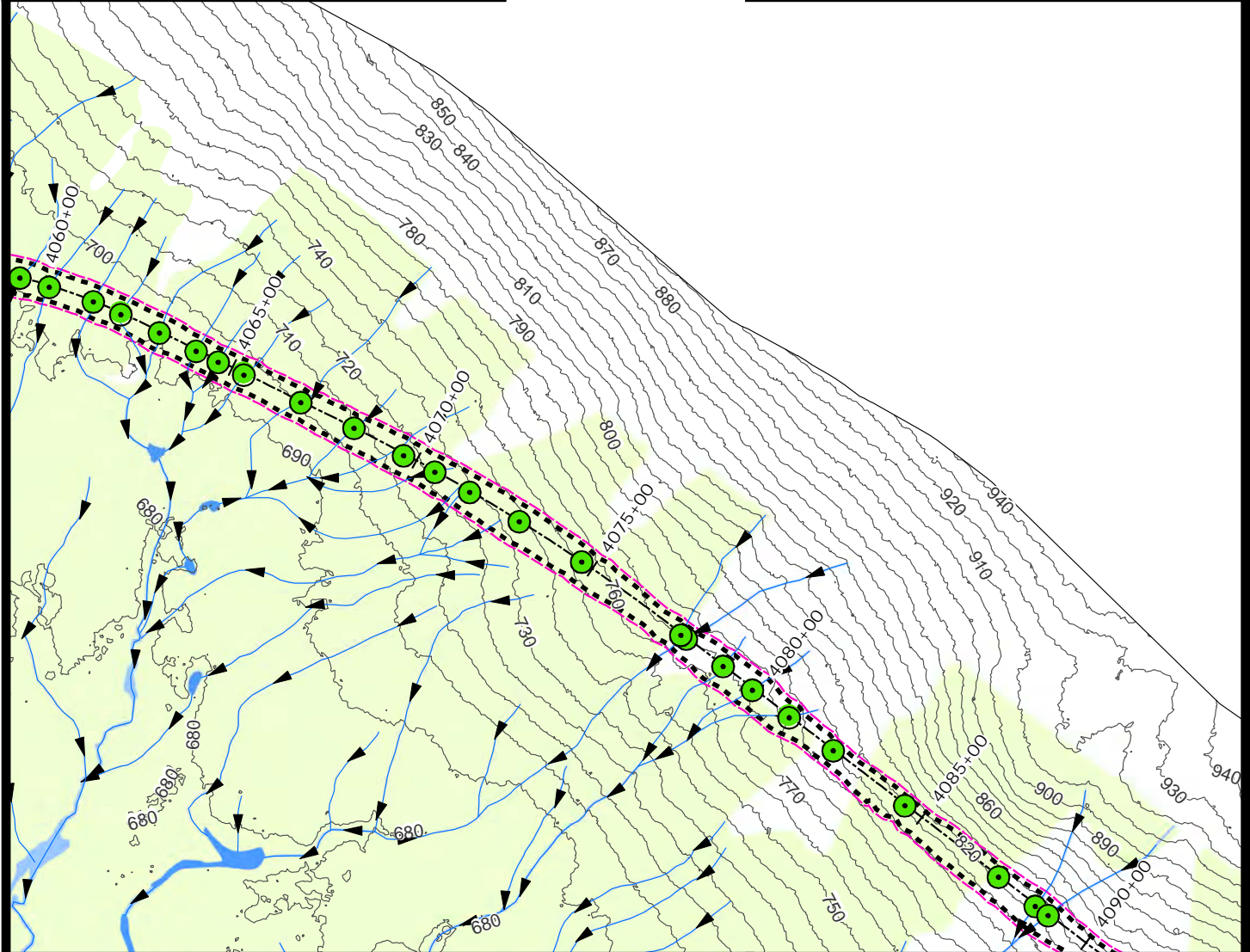
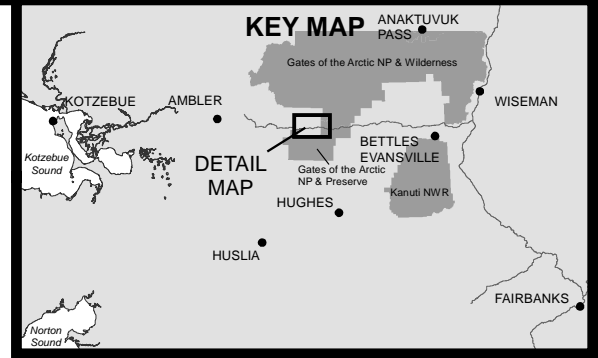
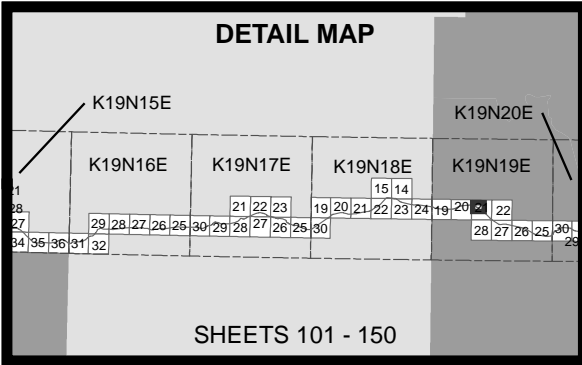
LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/28/2020

MAP SET 3: 142 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

PROJECT: Ambler Mining District Industrial Access Project

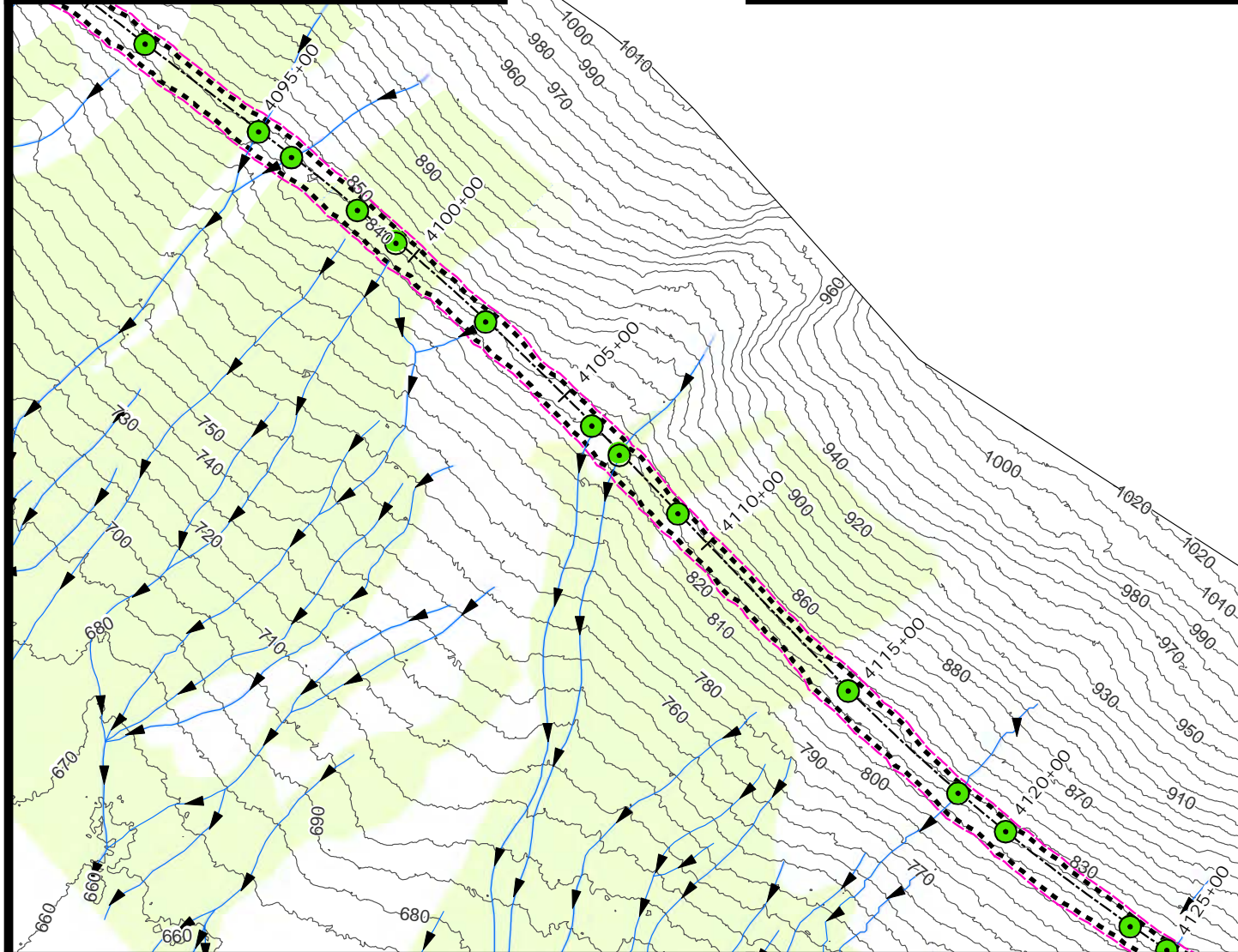
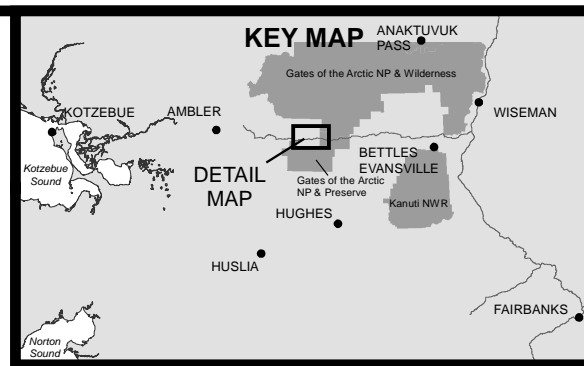
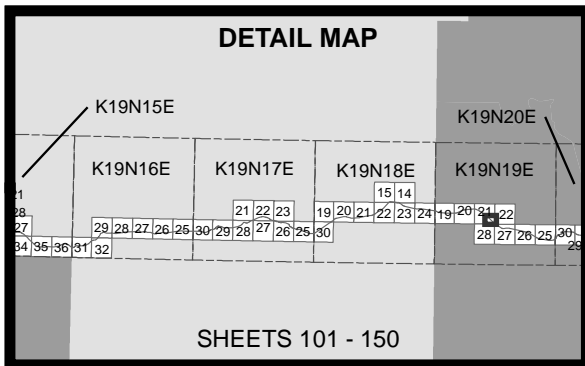
LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/28/2020

MAP SET 3: 143 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Stream
- Daylight Limits
- Temporary Impacts

0 200 400  
Feet



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development  
and Export Authority (AIDEA)

PROJECT: Ambler Mining District  
Industrial Access Project

LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

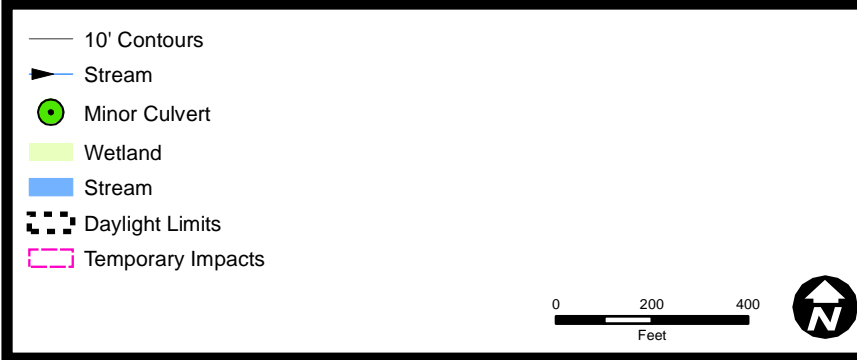
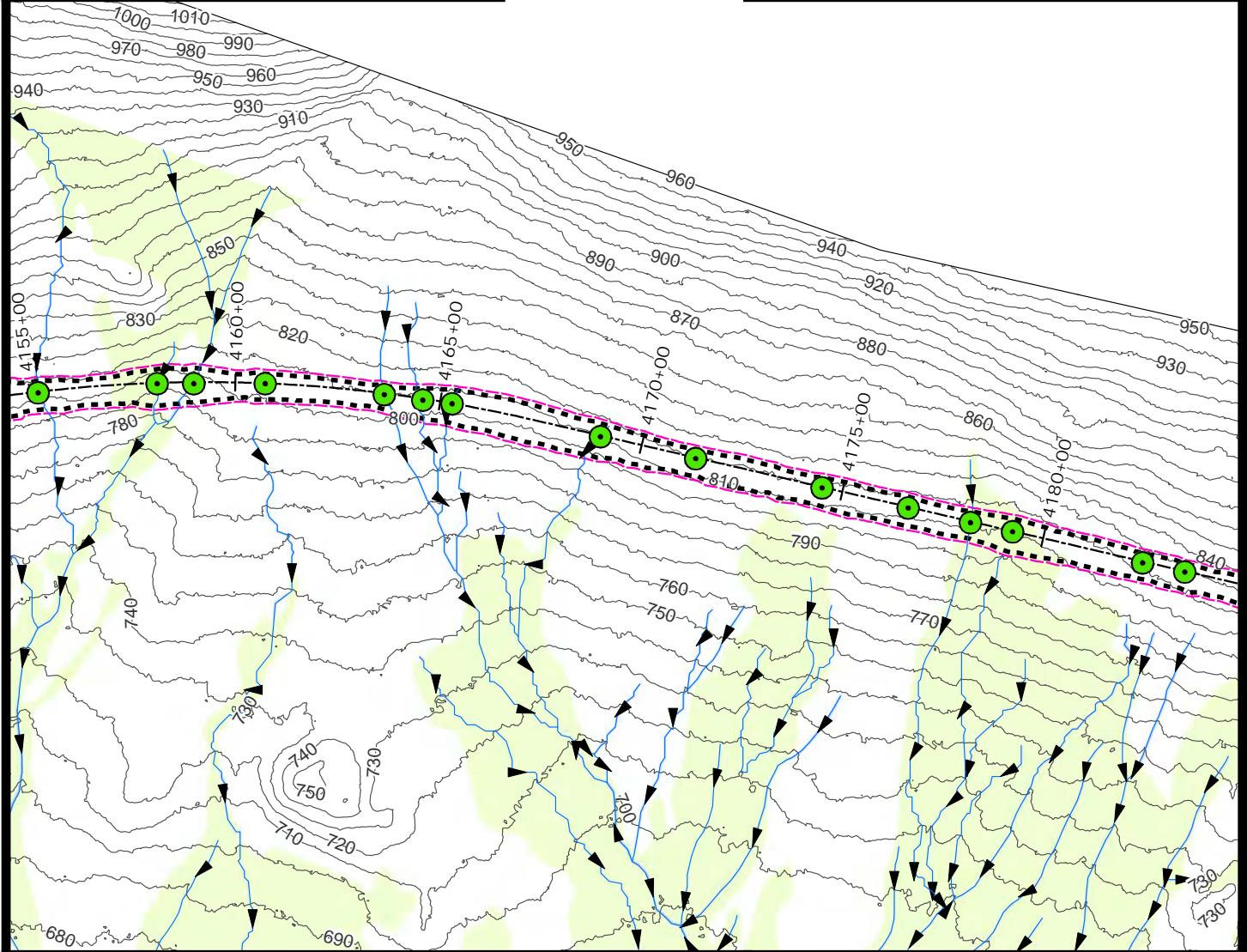
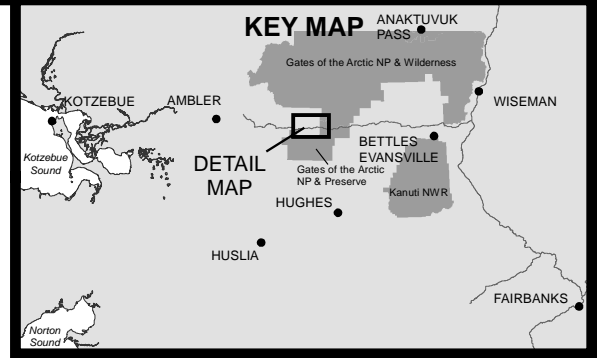
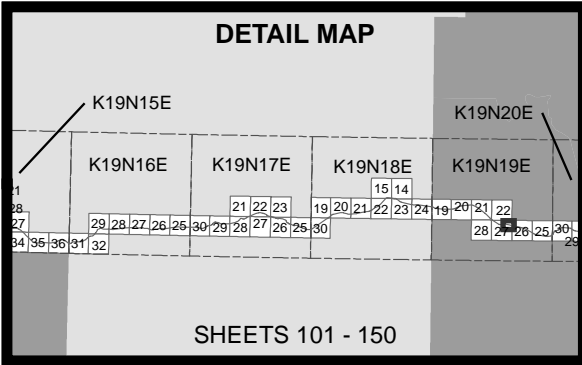
DATE: 2/28/2020

MAP SET 3: 144 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.







ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

PROJECT: Ambler Mining District Industrial Access Project

LOCATION: Ambler Mining District

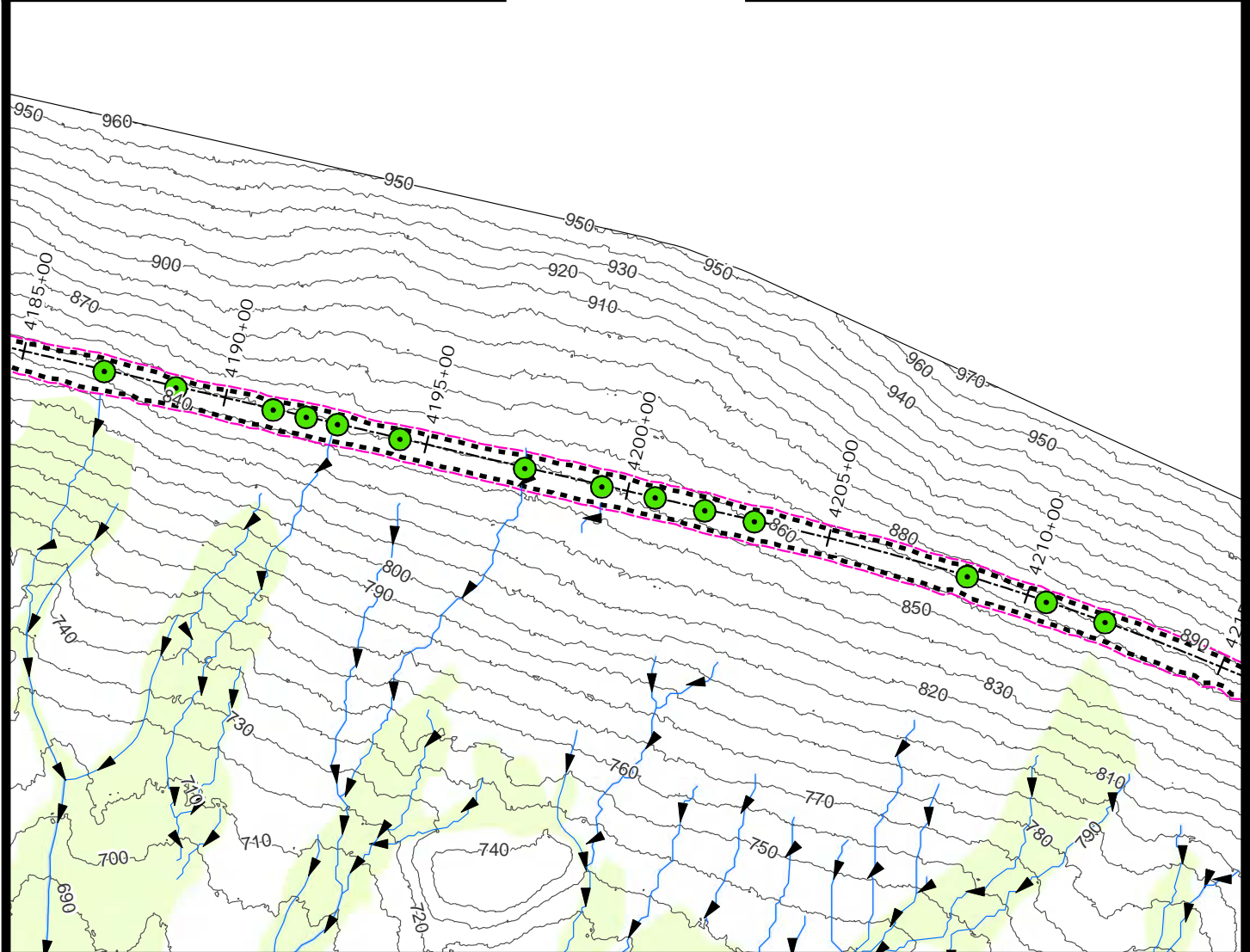
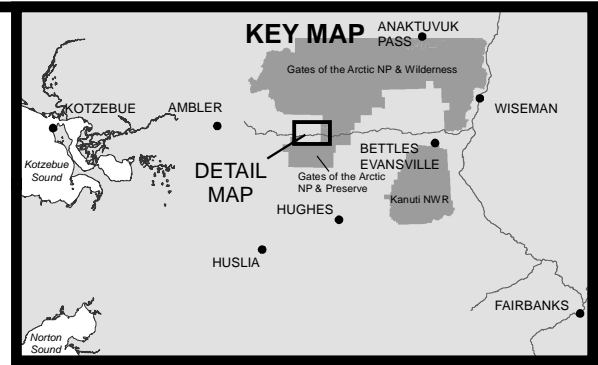
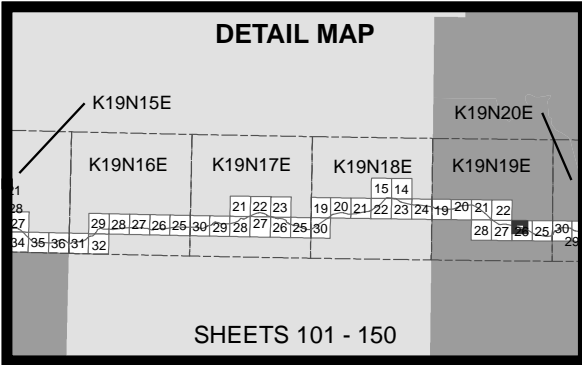
WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/28/2020

MAP SET 3: 146 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.





- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Stream
- Daylight Limits
- Temporary Impacts

0 200 400  
Feet



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development  
and Export Authority (AIDEA)

PROJECT: Ambler Mining District  
Industrial Access Project

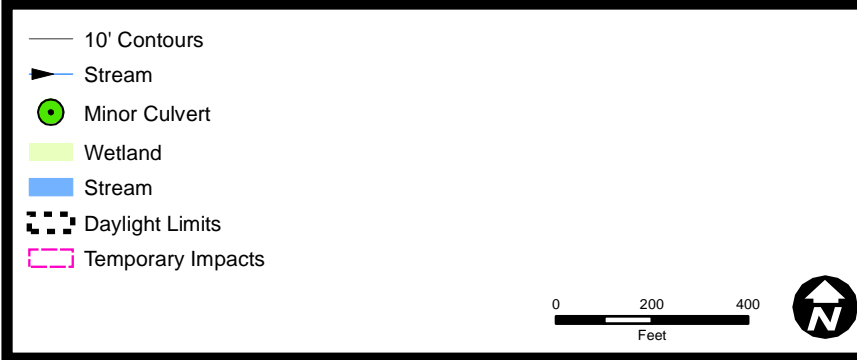
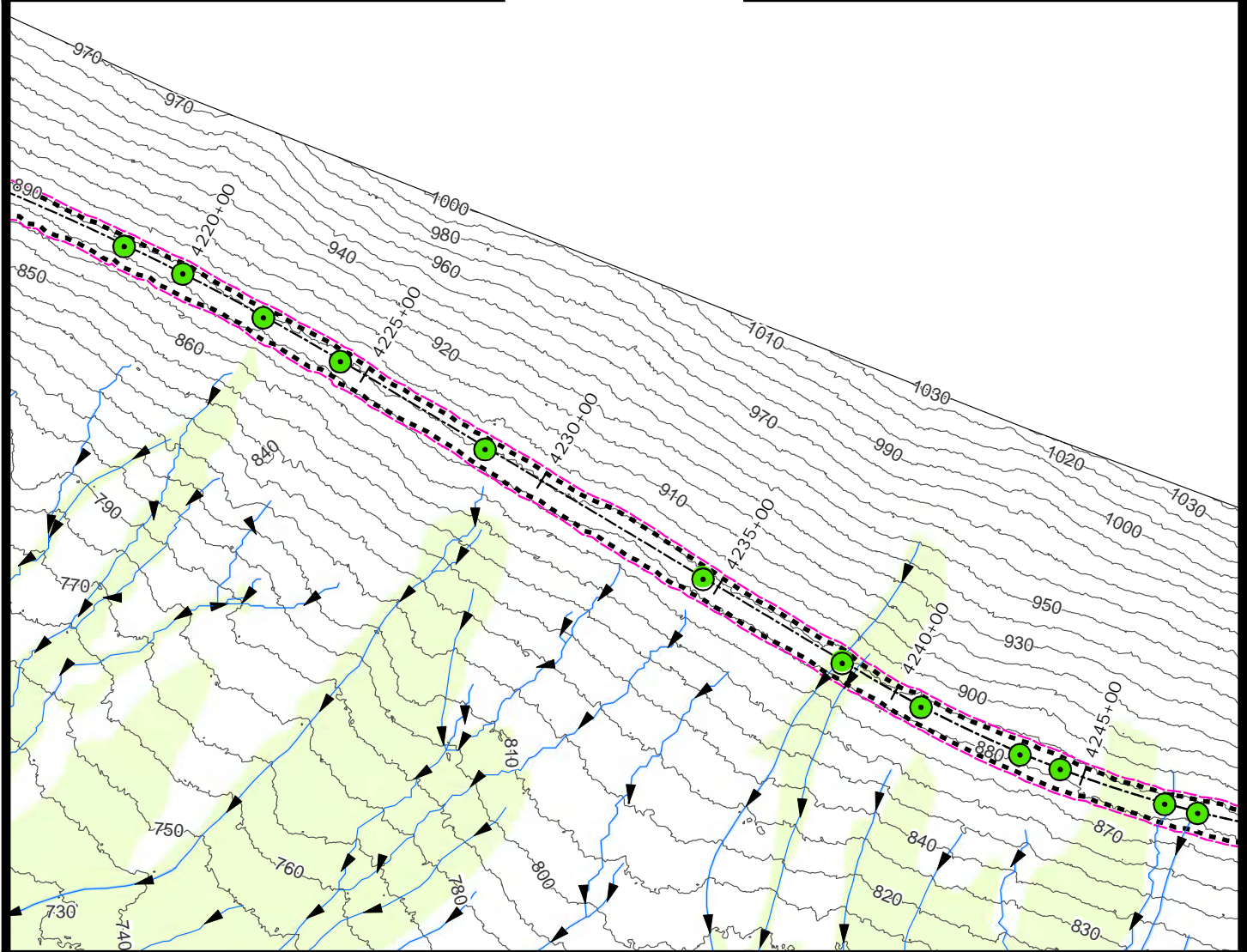
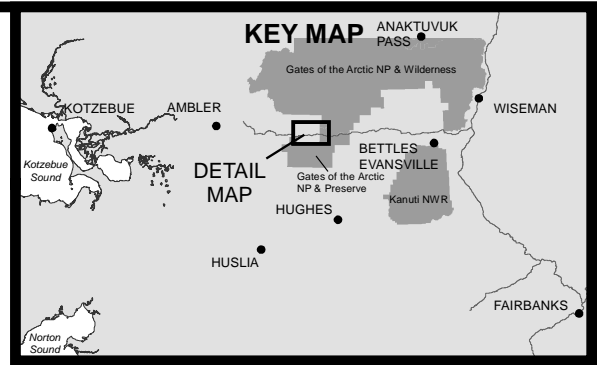
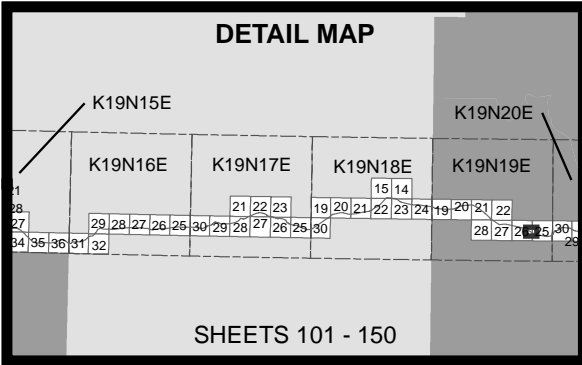
LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/28/2020

MAP SET 3: 147 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

PROJECT: Ambler Mining District Industrial Access Project

LOCATION: Ambler Mining District

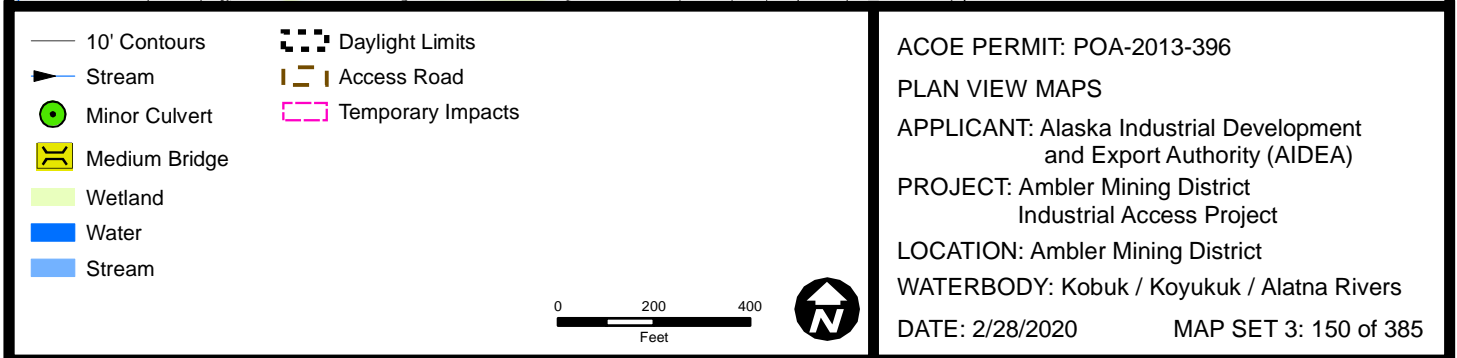
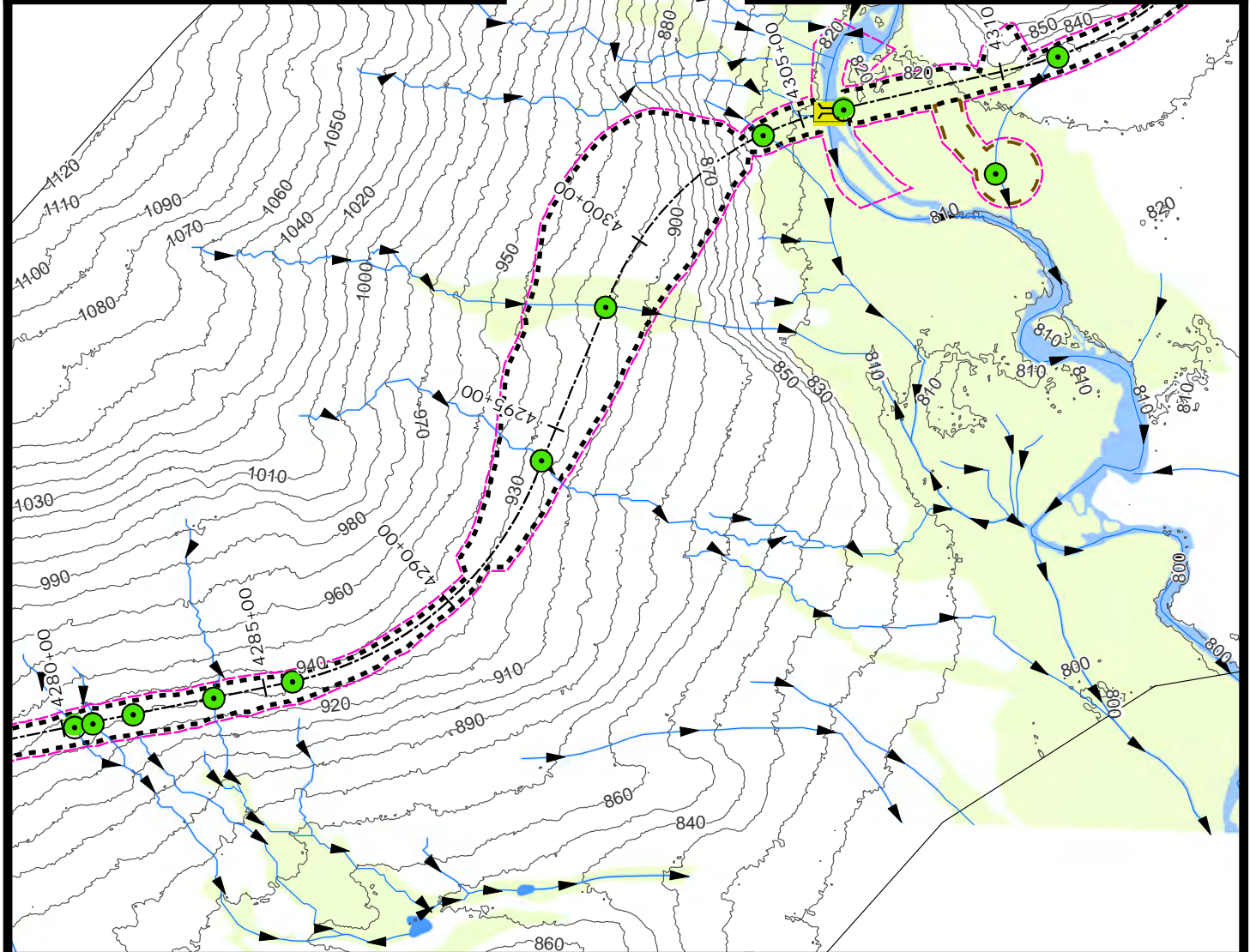
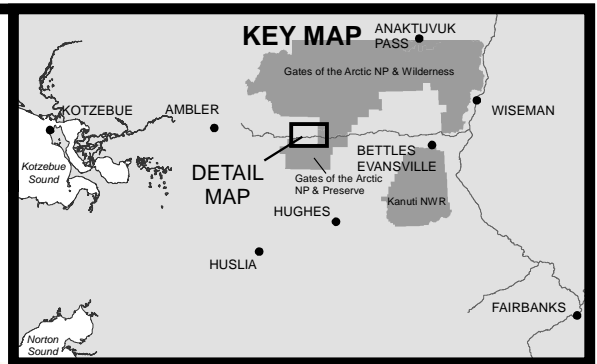
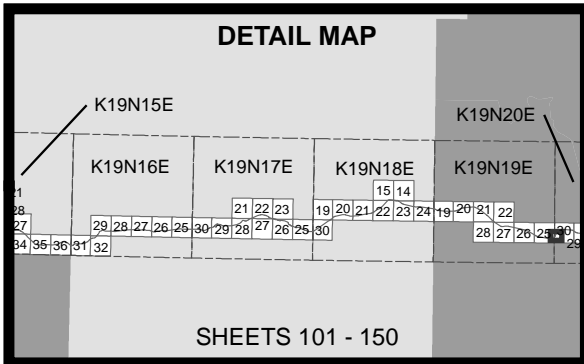
WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/28/2020      MAP SET 3: 148 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.

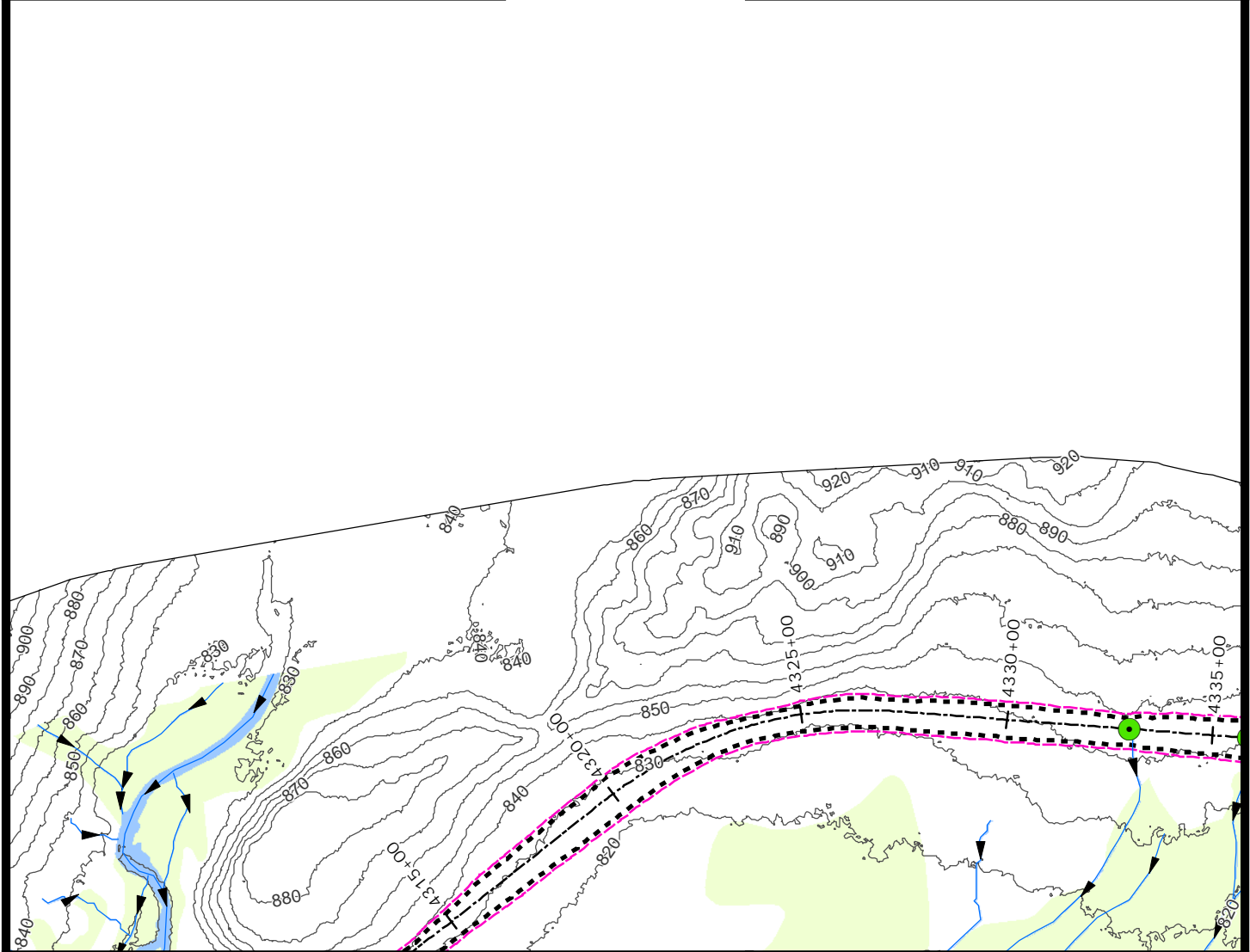
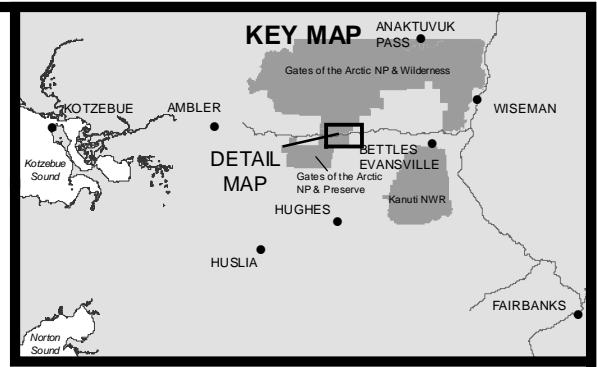
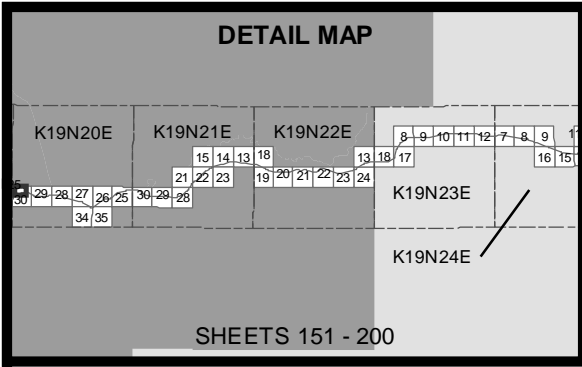






This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



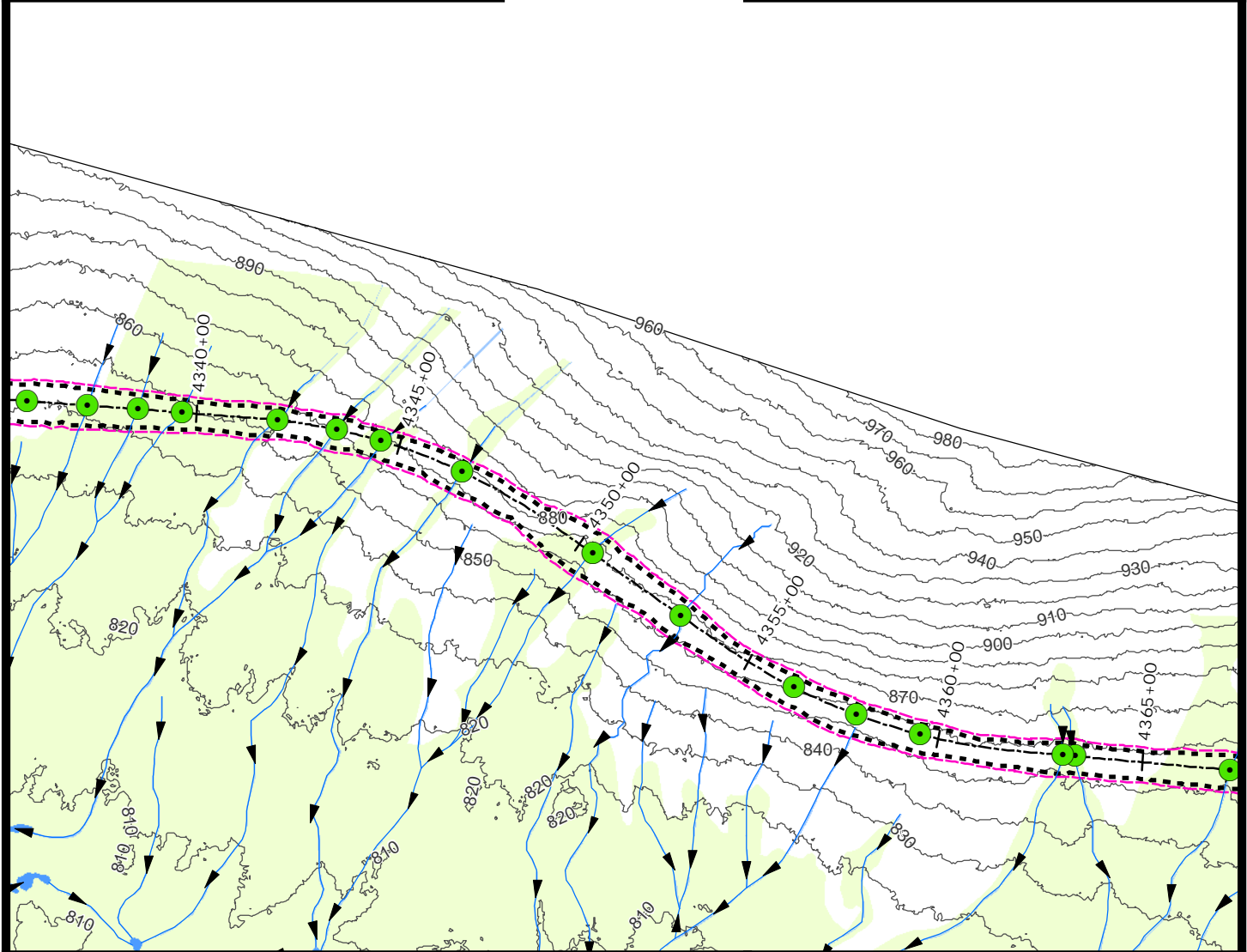
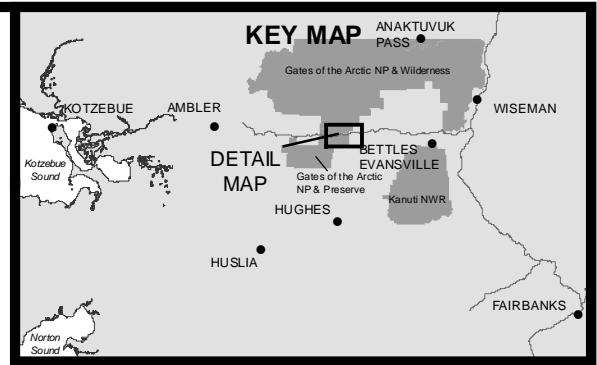
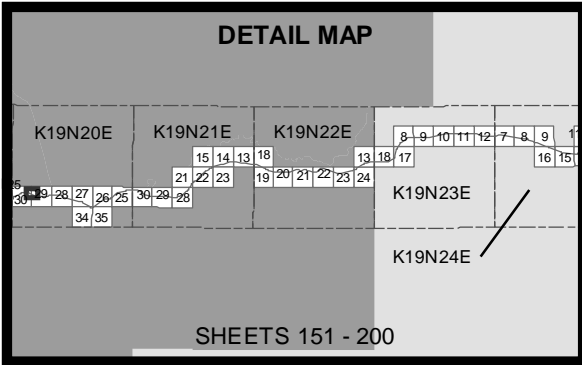


- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Stream
- Daylight Limits
- Temporary Impacts

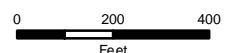


ACOE PERMIT: POA-2013-396  
 PLAN VIEW MAPS  
 APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)  
 PROJECT: Ambler Mining District Industrial Access Project  
 LOCATION: Ambler Mining District  
 WATERBODY: Kobuk / Koyukuk / Alatna Rivers  
 DATE: 2/27/2020      MAP SET 4: 151 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.

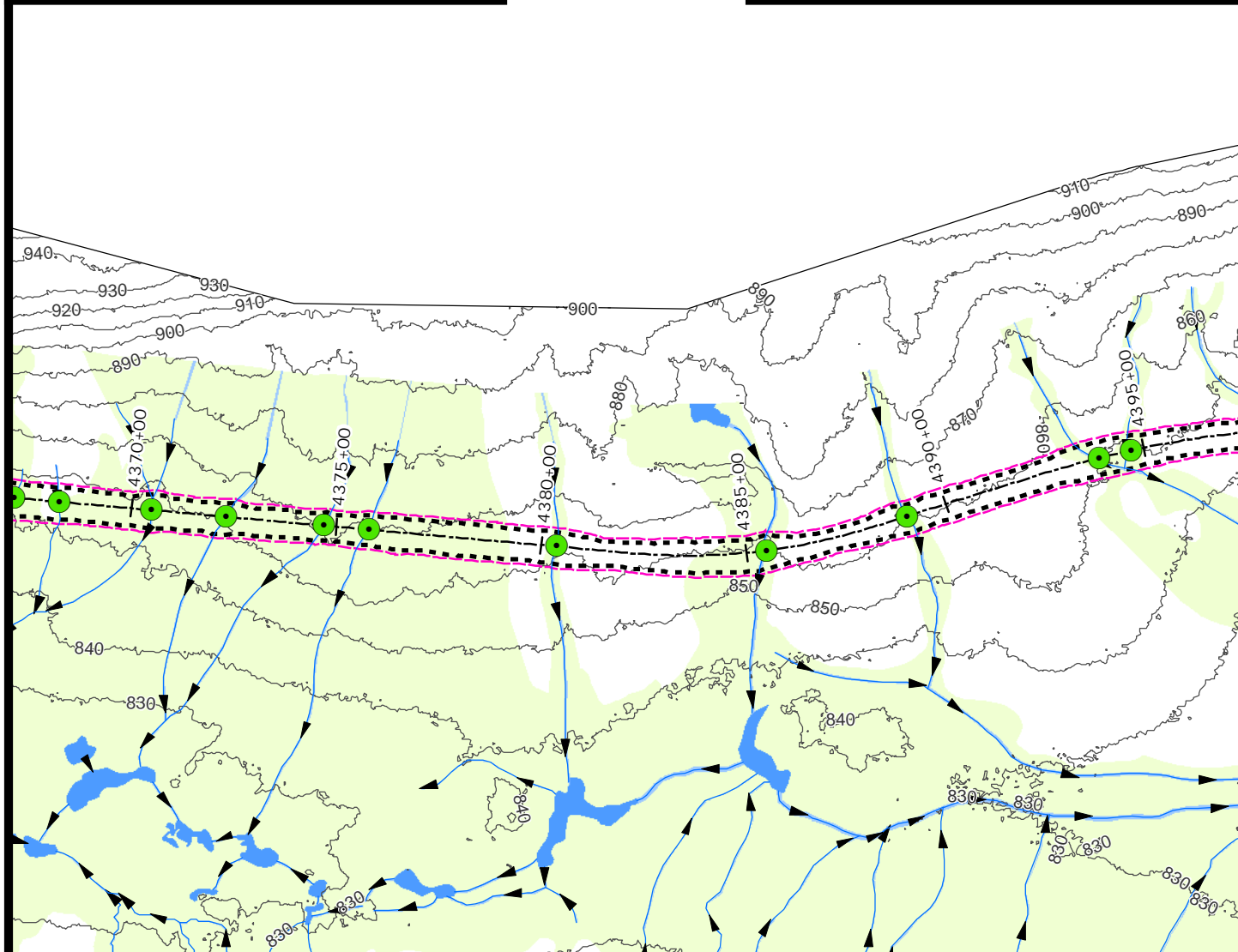
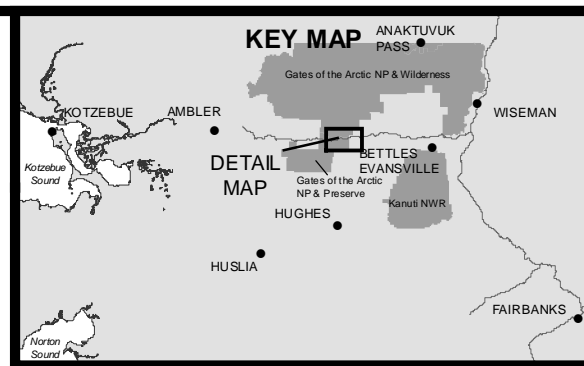
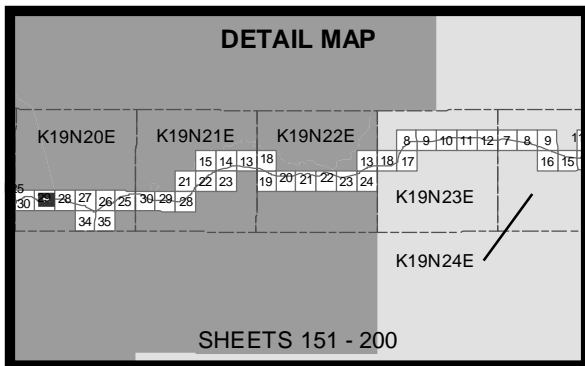


- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Water
- Stream
- Daylight Limits
- Temporary Impacts



ACOE PERMIT: POA-2013-396  
 PLAN VIEW MAPS  
 APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)  
 PROJECT: Ambler Mining District Industrial Access Project  
 LOCATION: Ambler Mining District  
 WATERBODY: Kobuk / Koyukuk / Alatna Rivers  
 DATE: 2/27/2020      MAP SET 4: 152 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Water
- Stream
- Daylight Limits
- Temporary Impacts

0 200 400  
Feet



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development  
and Export Authority (AIDEA)

PROJECT: Ambler Mining District  
Industrial Access Project

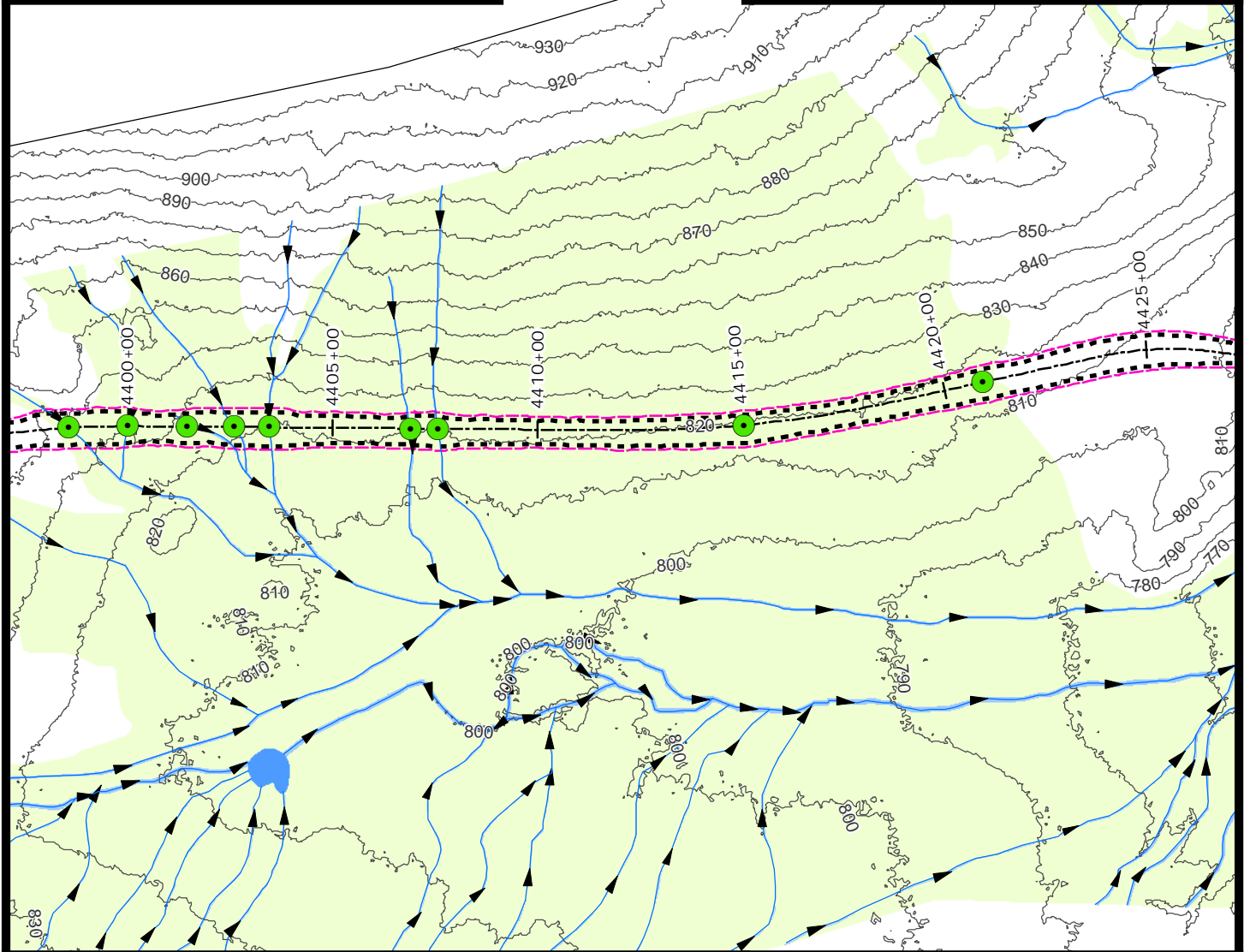
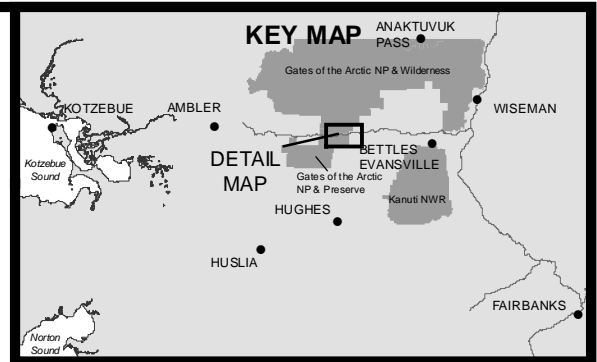
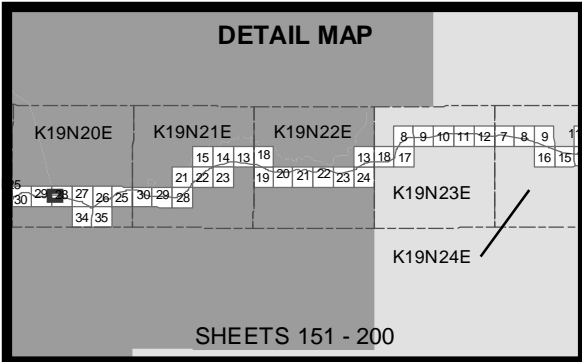
LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

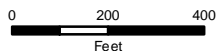
DATE: 2/27/2020

MAP SET 4: 153 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



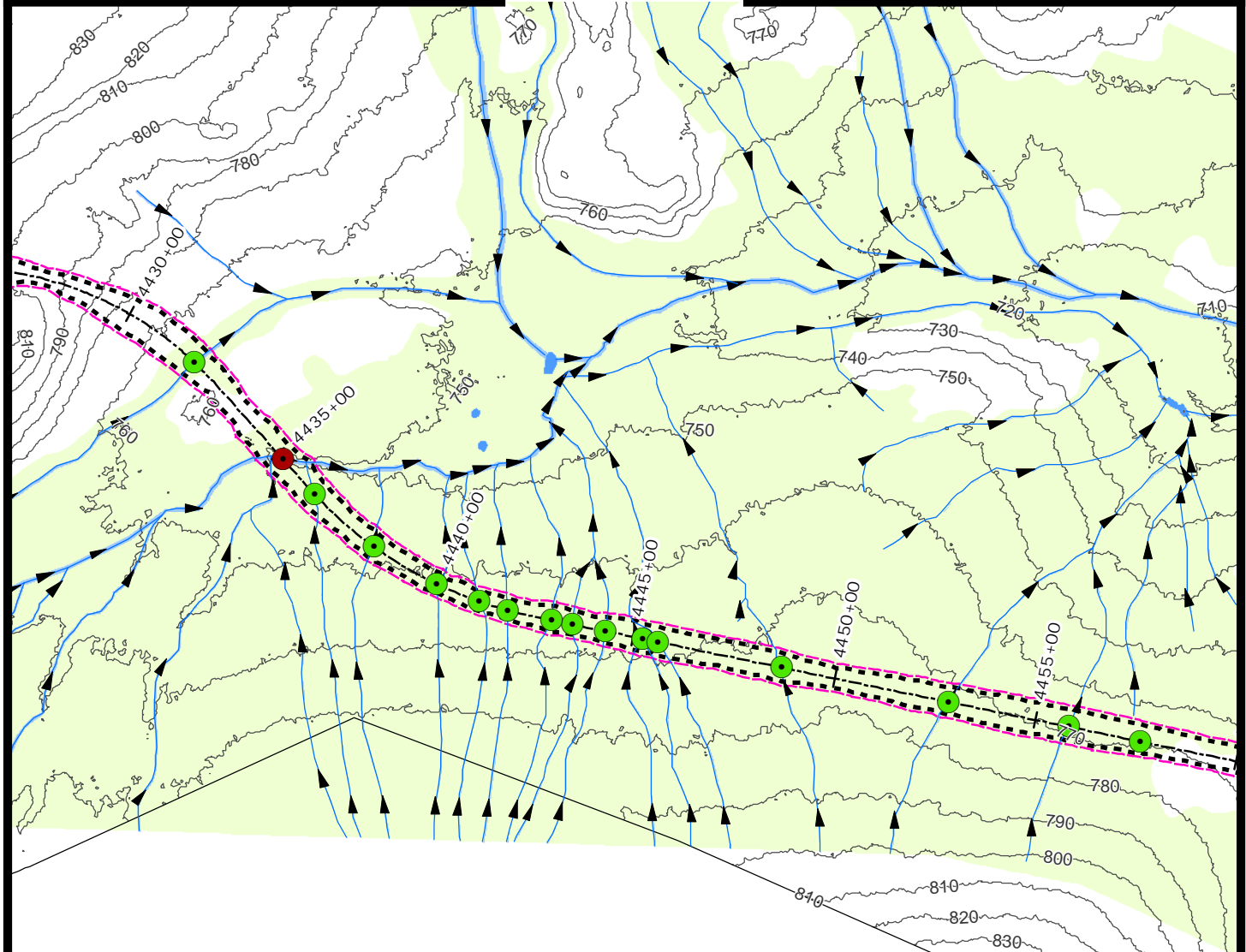
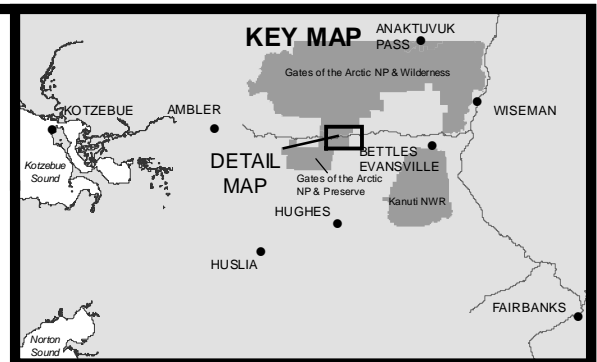
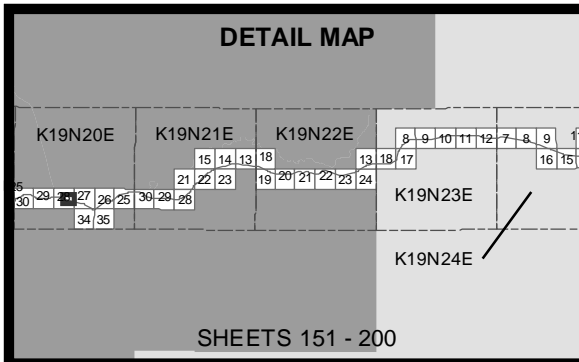
- 10' Contours
- Stream
- Minor Culvert
- Wetland
- Water
- Stream
- Daylight Limits
- Temporary Impacts



ACOE PERMIT: POA-2013-396  
 PLAN VIEW MAPS  
 APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)  
 PROJECT: Ambler Mining District Industrial Access Project  
 LOCATION: Ambler Mining District  
 WATERBODY: Kobuk / Koyukuk / Alatna Rivers  
 DATE: 2/27/2020 MAP SET 4: 154 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.

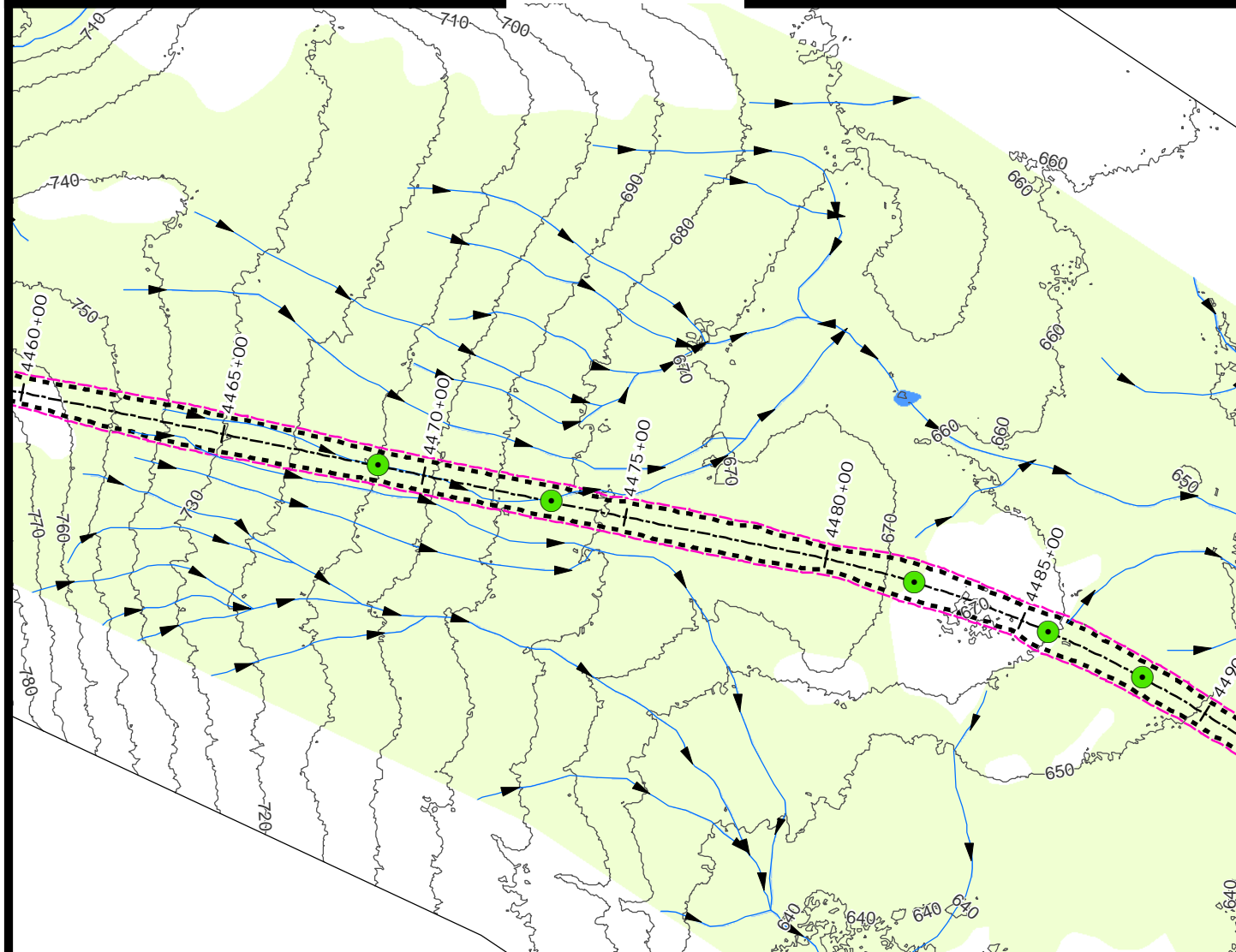
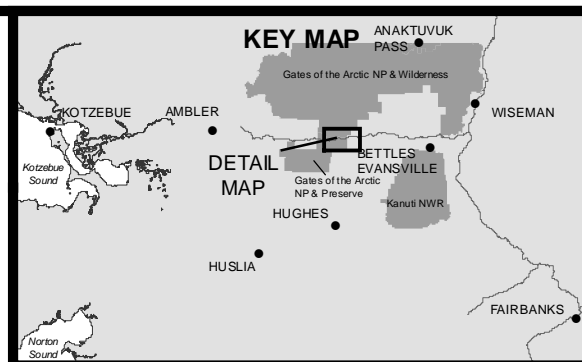
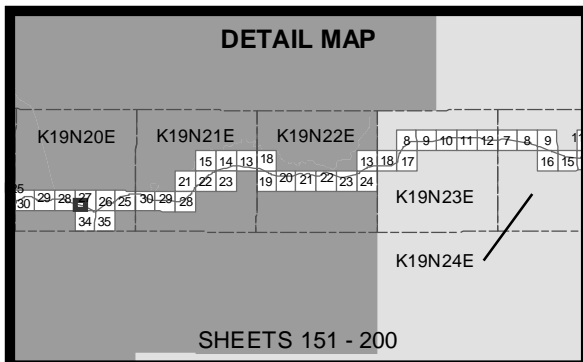




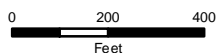
<ul style="list-style-type: none"> <li>10' Contours</li> <li>Stream</li> <li>Minor Culvert</li> <li>Major Culvert</li> <li>Wetland</li> <li>Water</li> <li>Stream</li> </ul>	<ul style="list-style-type: none"> <li>Daylight Limits</li> <li>Temporary Impacts</li> </ul>	<p>ACOE PERMIT: POA-2013-396</p> <p>PLAN VIEW MAPS</p> <p>APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)</p> <p>PROJECT: Ambler Mining District Industrial Access Project</p> <p>LOCATION: Ambler Mining District</p> <p>WATERBODY: Kobuk / Koyukuk / Alatna Rivers</p> <p>DATE: 2/27/2020</p>
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MAP SET 4: 155 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.

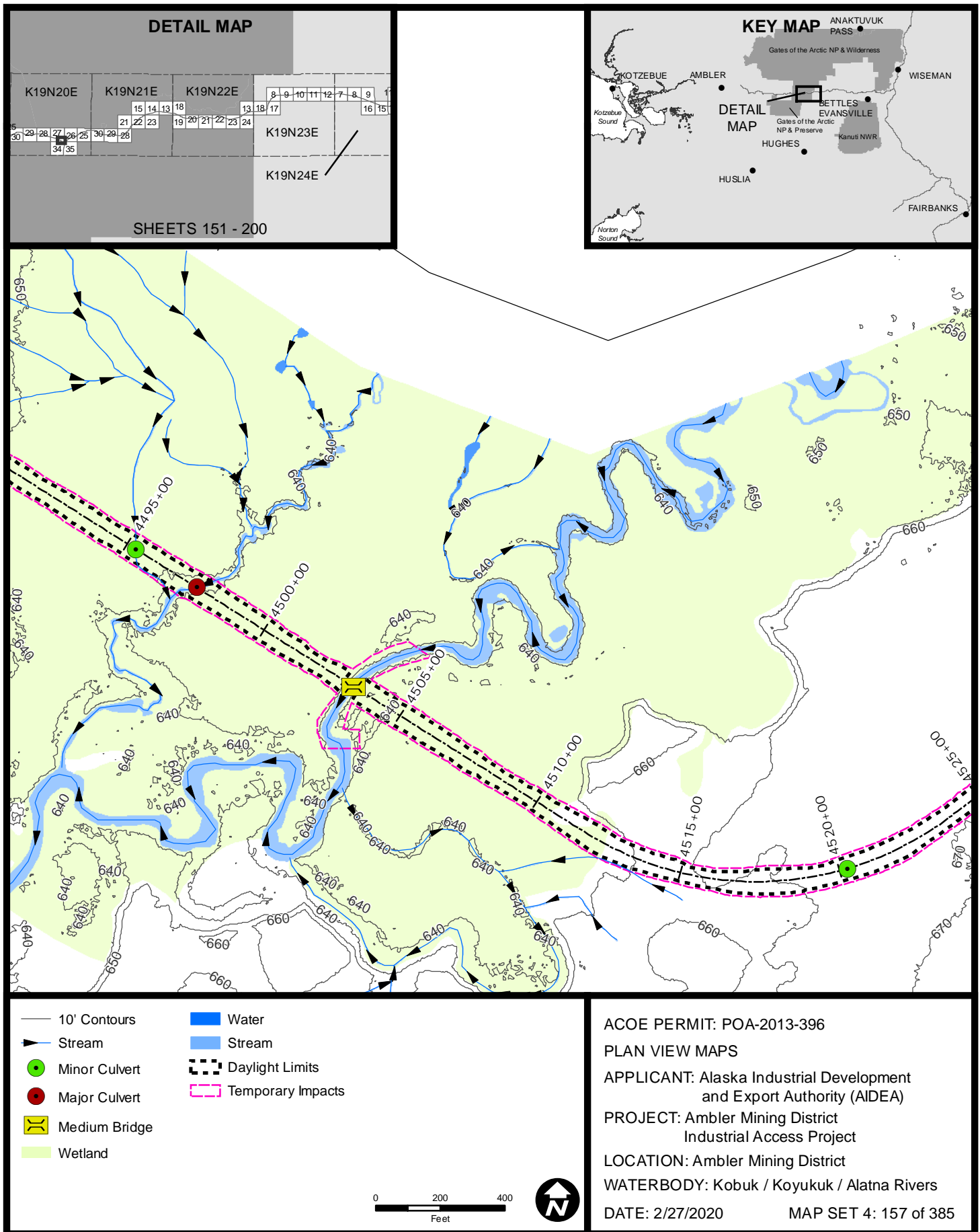


- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Water
- Stream
- Daylight Limits
- Temporary Impacts



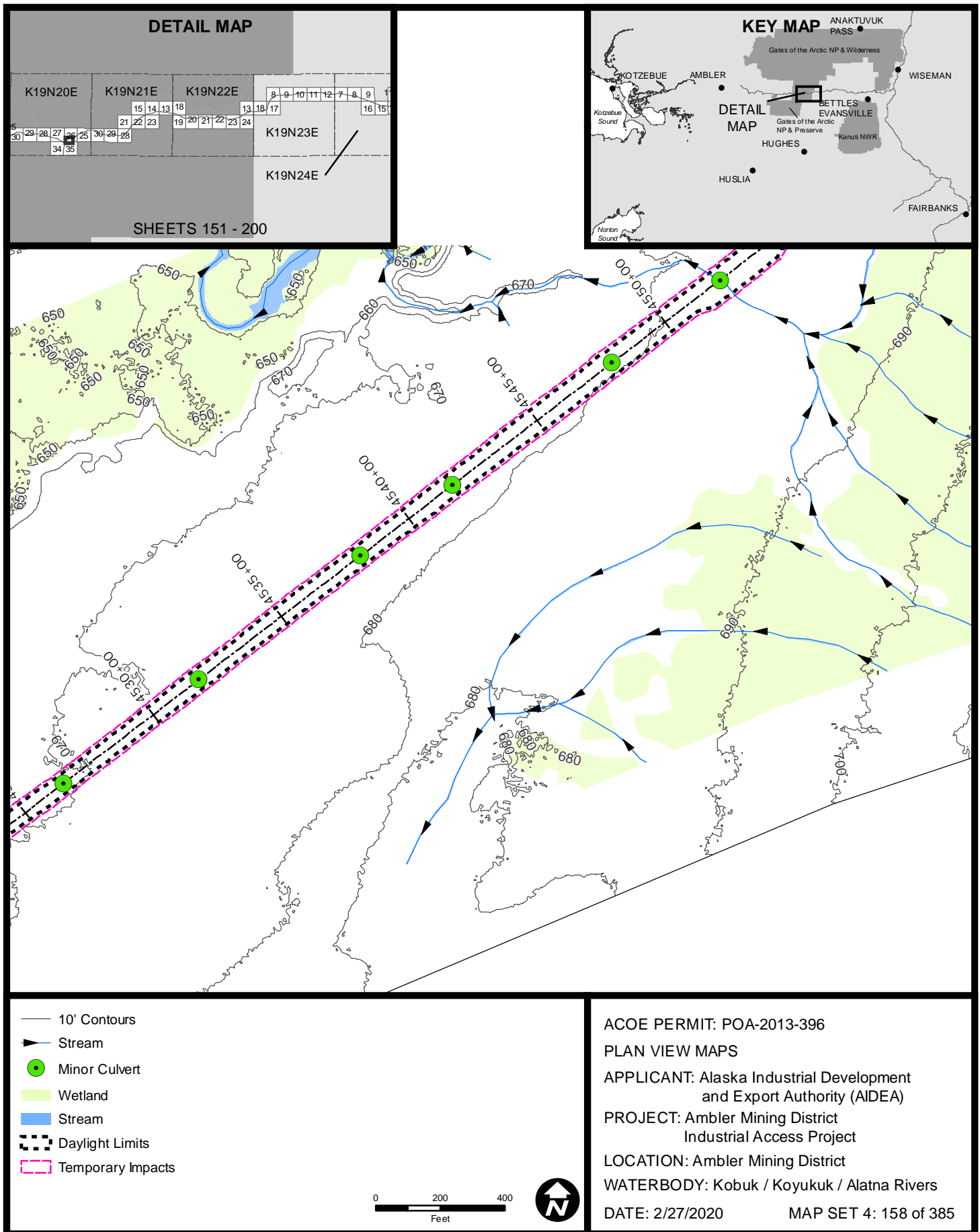
ACOE PERMIT: POA-2013-396  
 PLAN VIEW MAPS  
 APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)  
 PROJECT: Ambler Mining District Industrial Access Project  
 LOCATION: Ambler Mining District  
 WATERBODY: Kobuk / Koyukuk / Alatna Rivers  
 DATE: 2/27/2020      MAP SET 4: 156 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



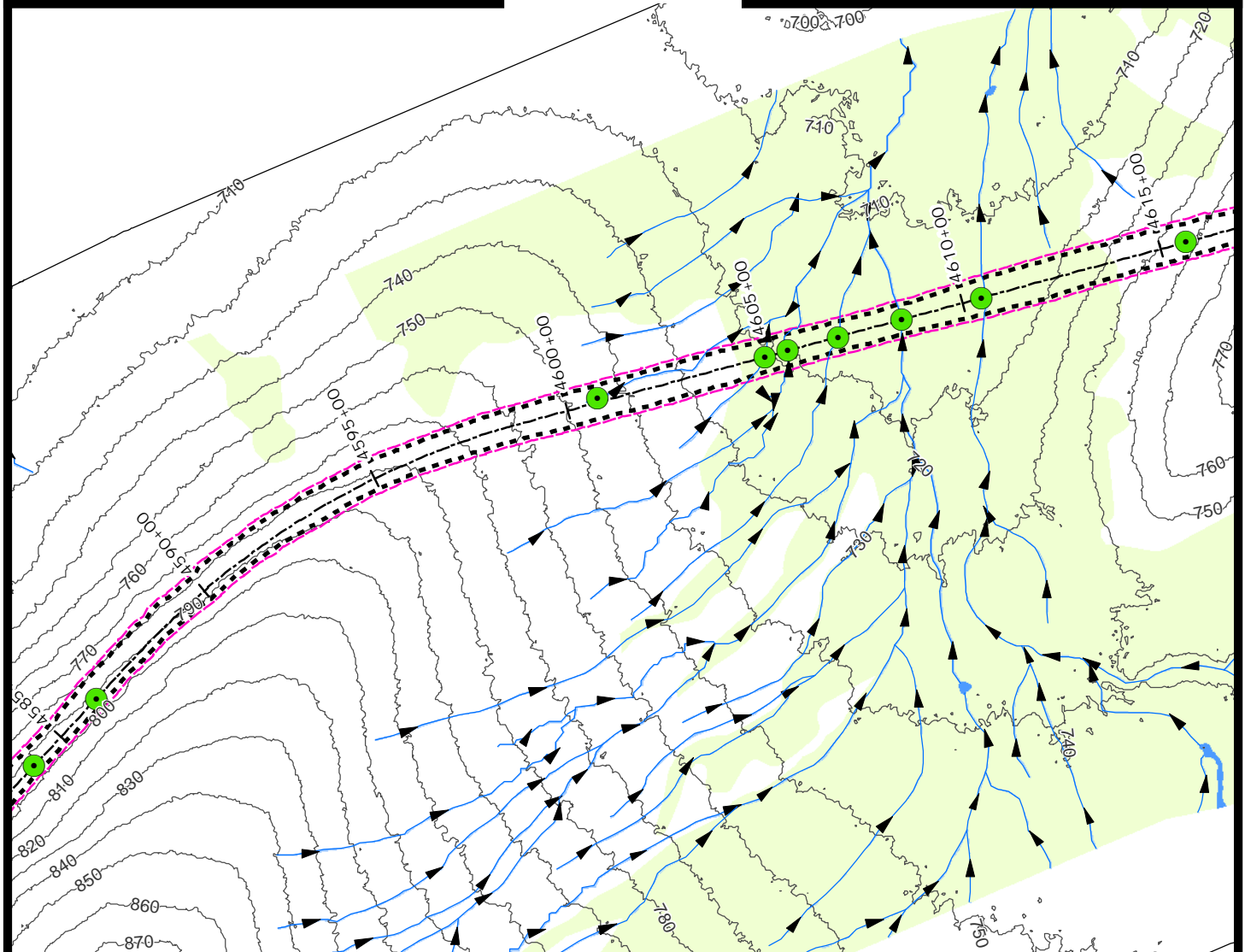
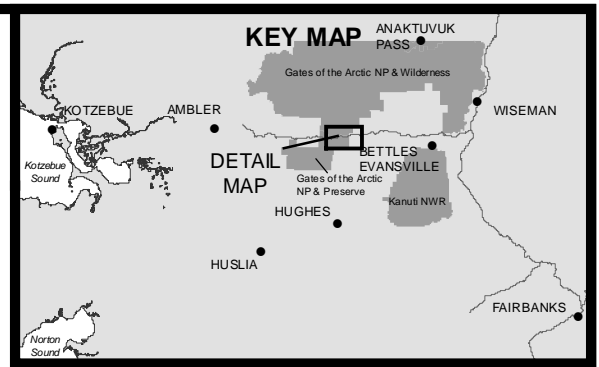
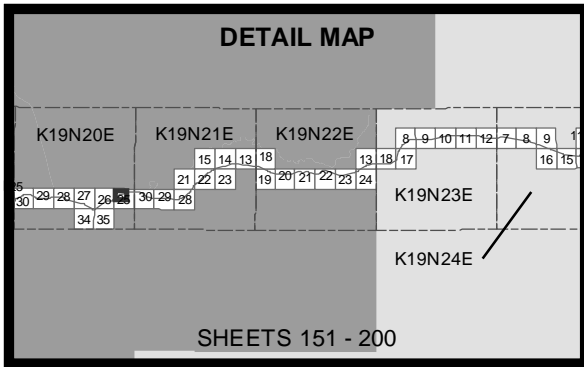
This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.





This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.





- 10' Contours
- Stream
- Minor Culvert
- Wetland
- Water
- Stream
- Daylight Limits
- Temporary Impacts

0 200 400  
Feet



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development  
and Export Authority (AIDEA)

PROJECT: Ambler Mining District  
Industrial Access Project

LOCATION: Ambler Mining District

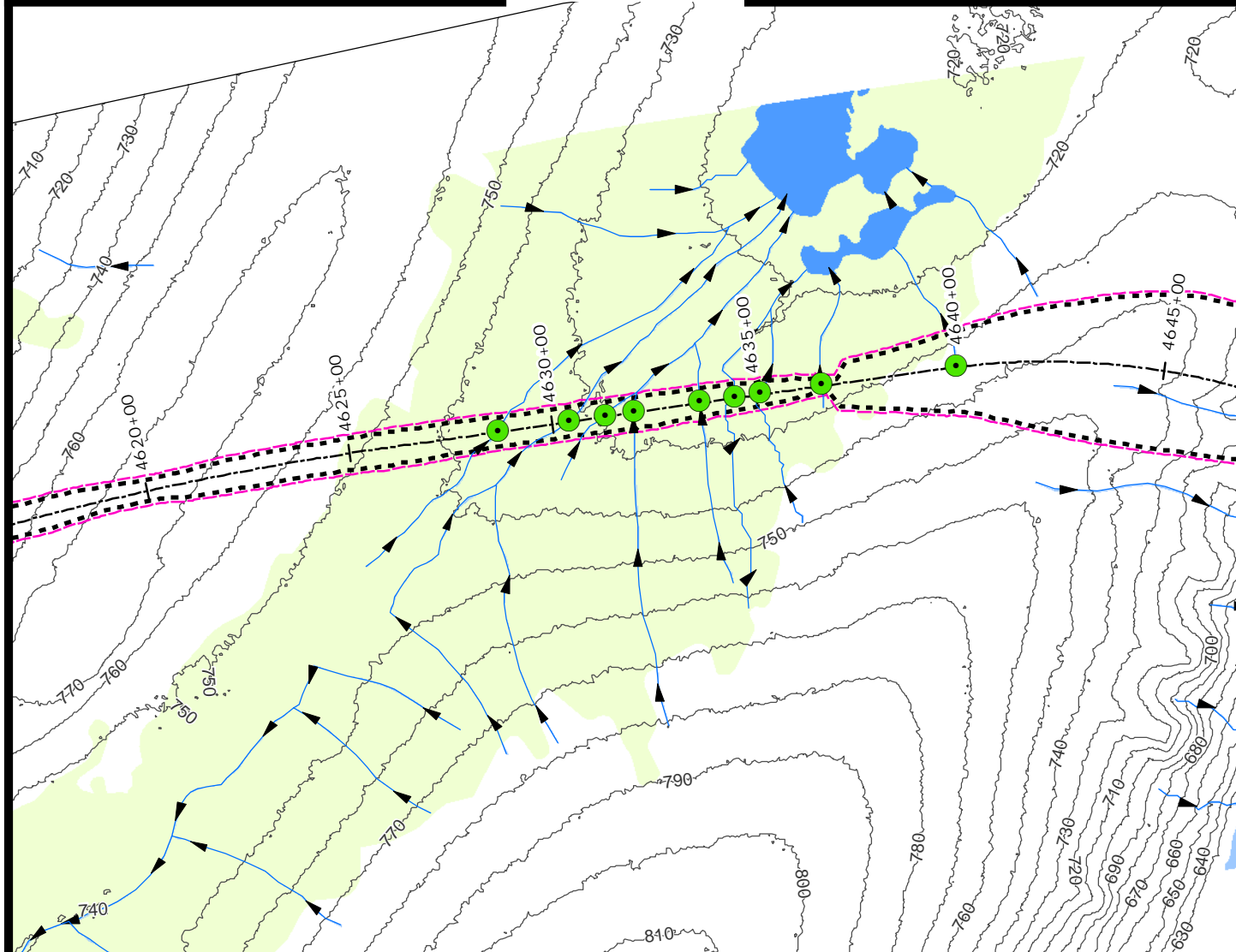
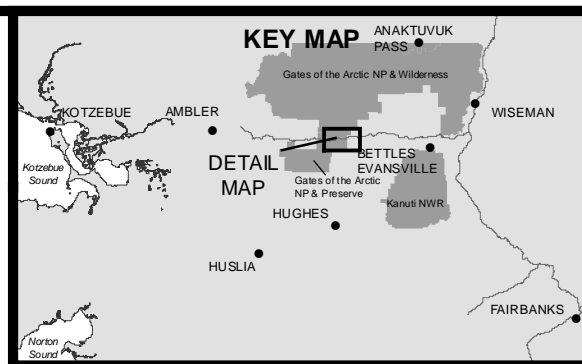
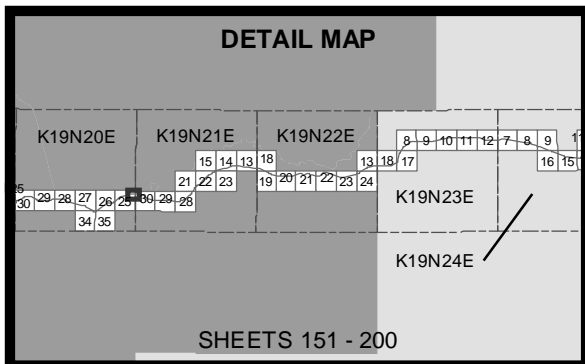
WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020

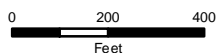
MAP SET 4: 160 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.





- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Water
- Stream
- Daylight Limits
- Temporary Impacts



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development  
and Export Authority (AIDEA)

PROJECT: Ambler Mining District  
Industrial Access Project

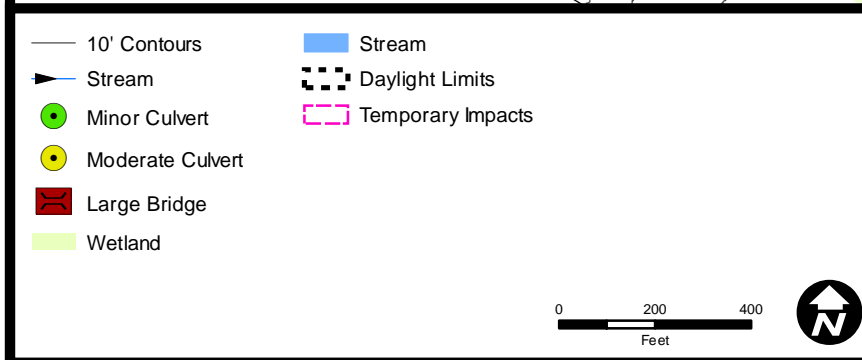
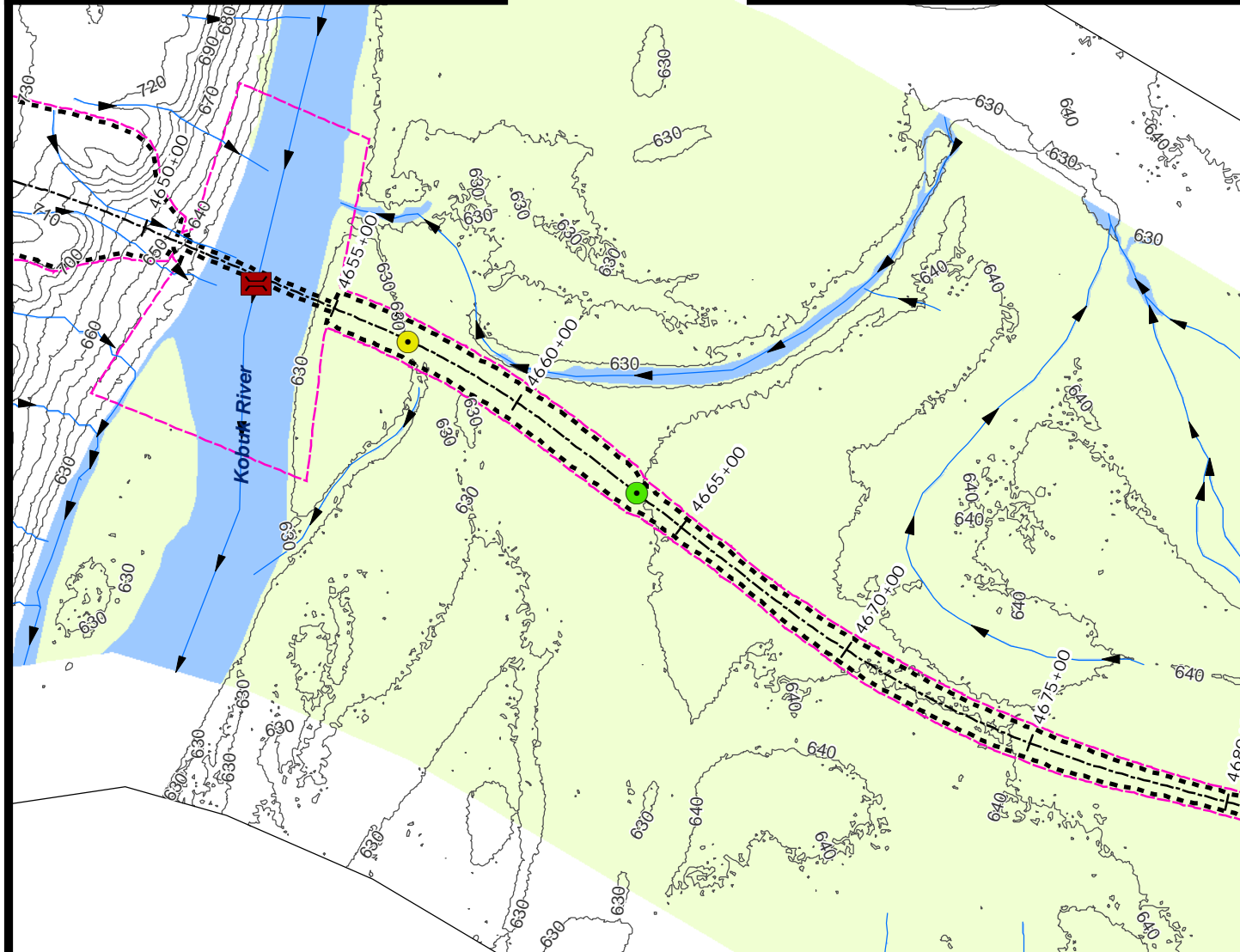
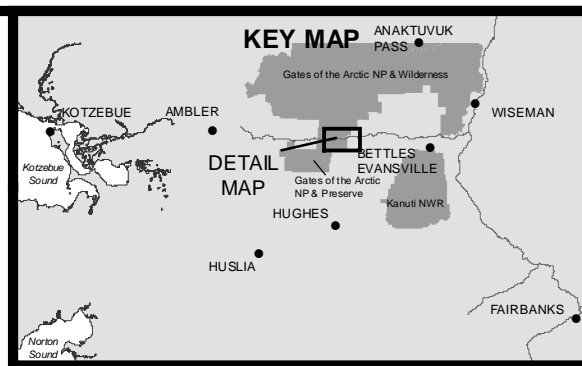
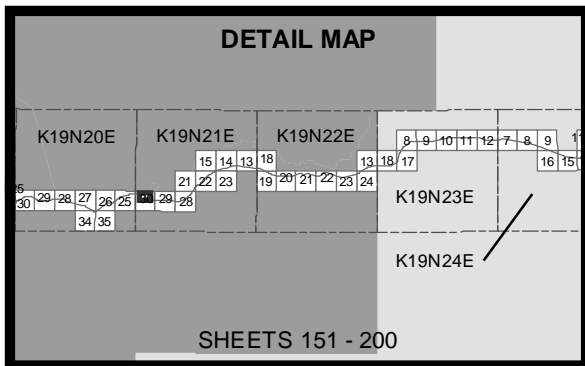
LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020

MAP SET 4: 161 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

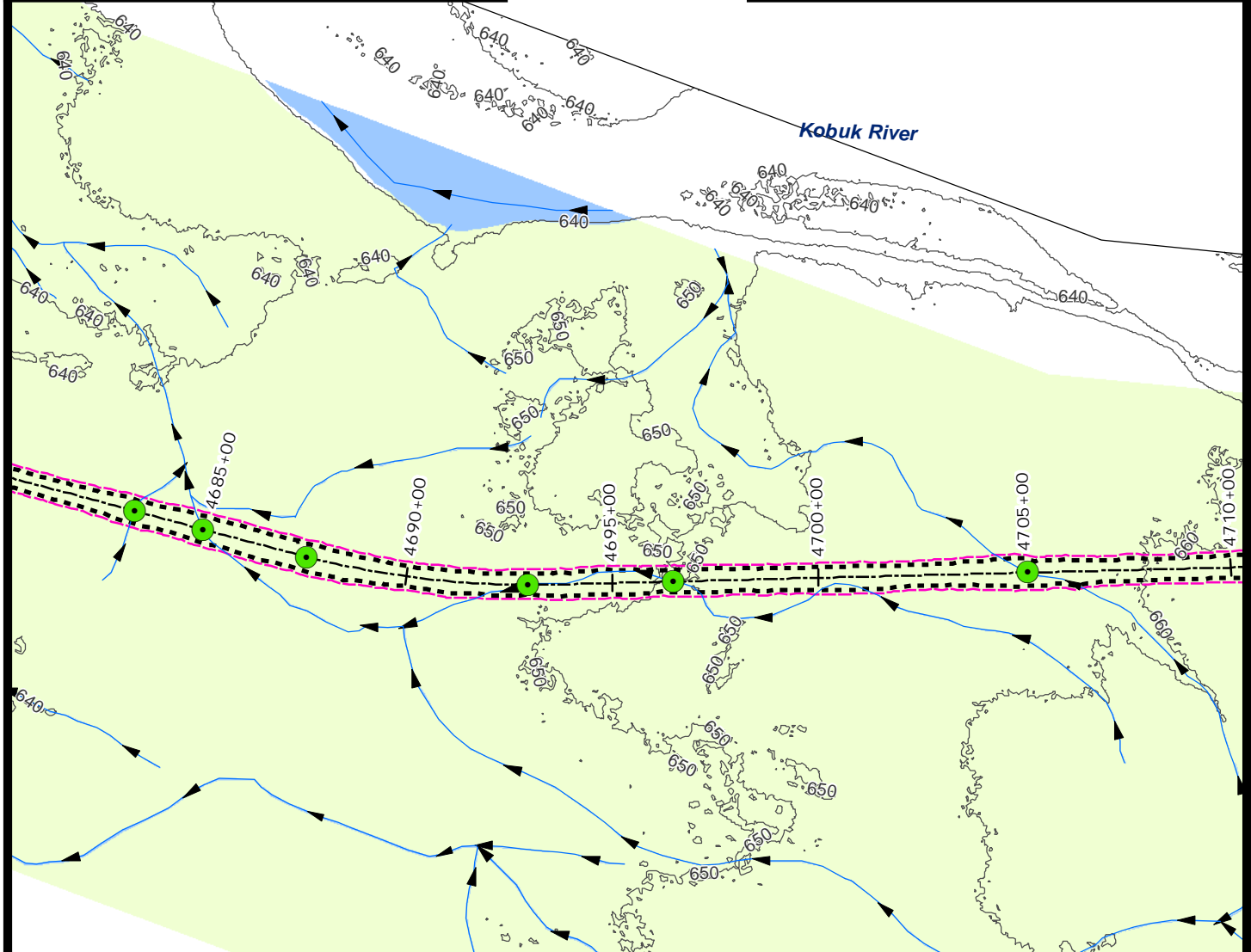
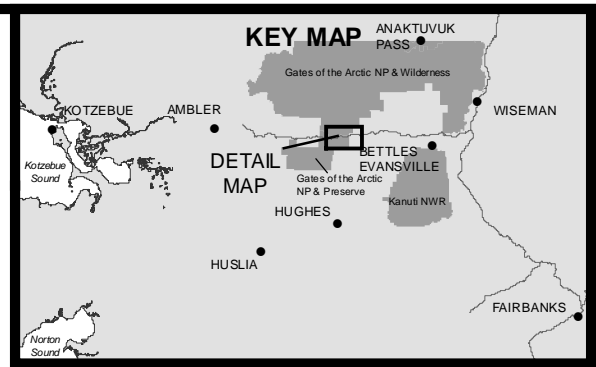
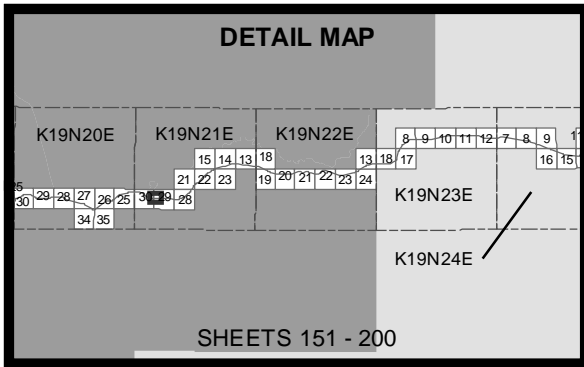
PROJECT: Ambler Mining District Industrial Access Project

LOCATION: Ambler Mining District

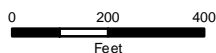
WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020      MAP SET 4: 162 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Stream
- Daylight Limits
- Temporary Impacts



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development  
and Export Authority (AIDEA)

PROJECT: Ambler Mining District  
Industrial Access Project

LOCATION: Ambler Mining District

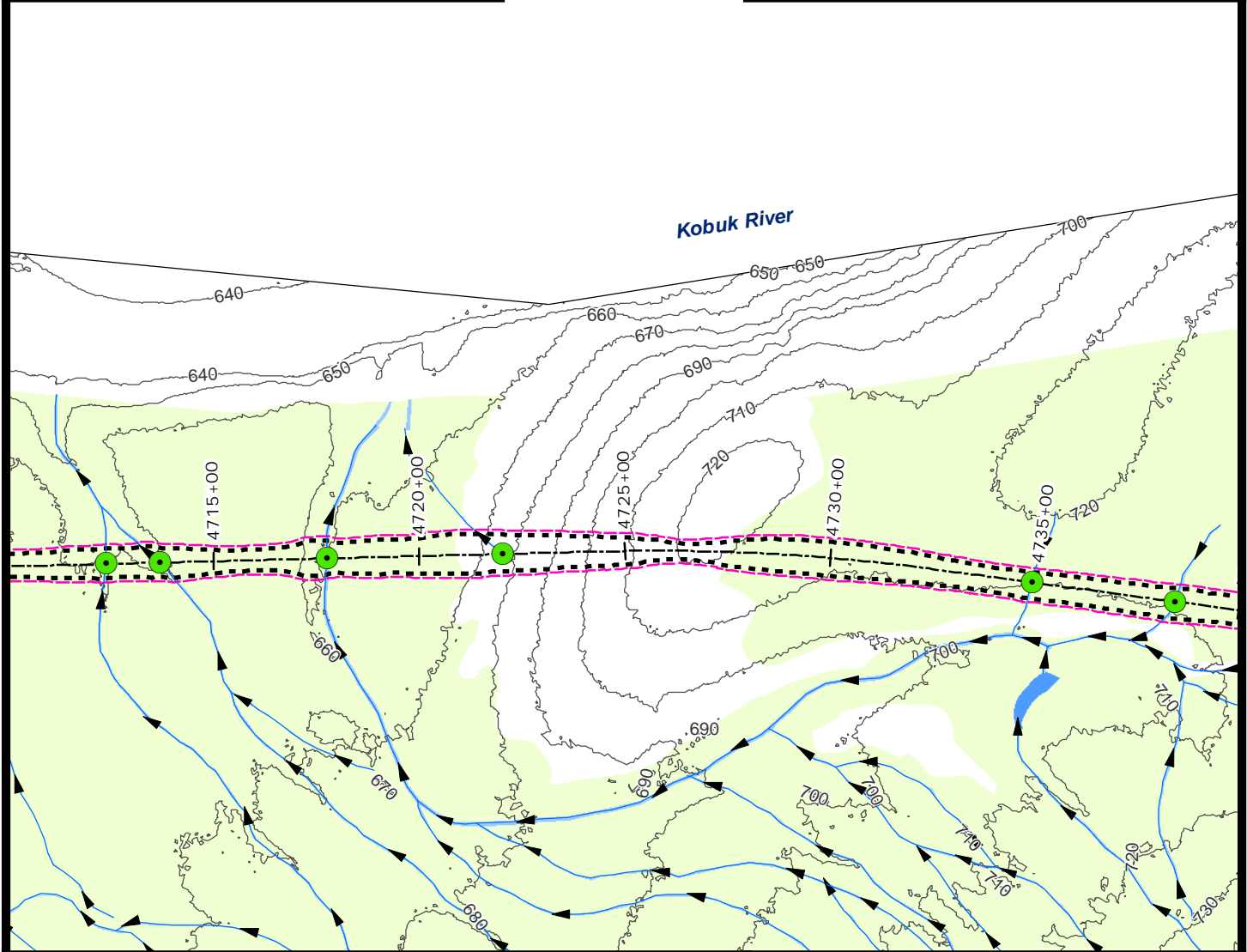
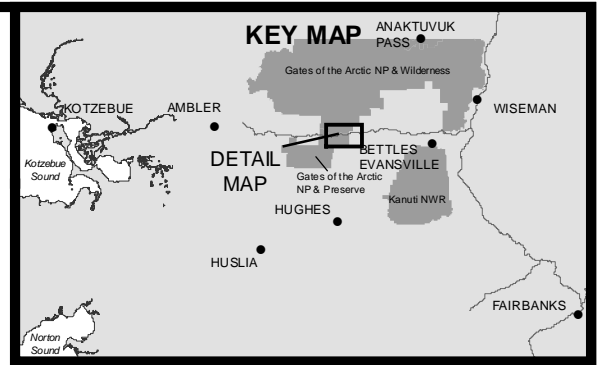
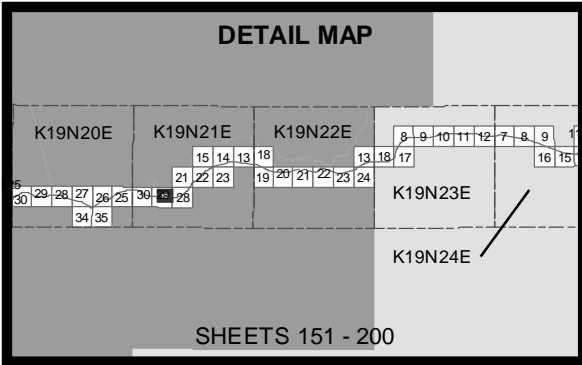
WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020

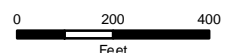
MAP SET 4: 163 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



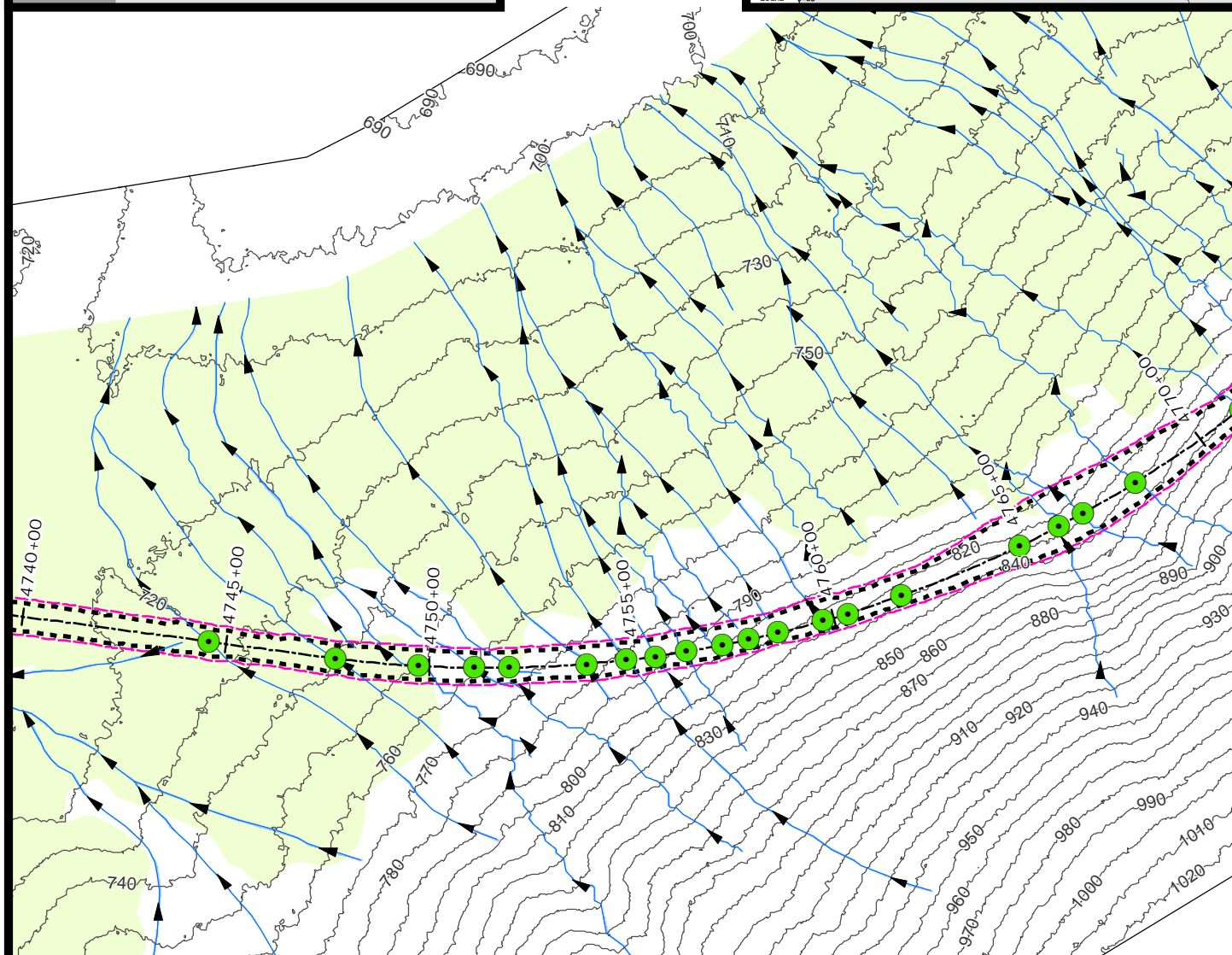
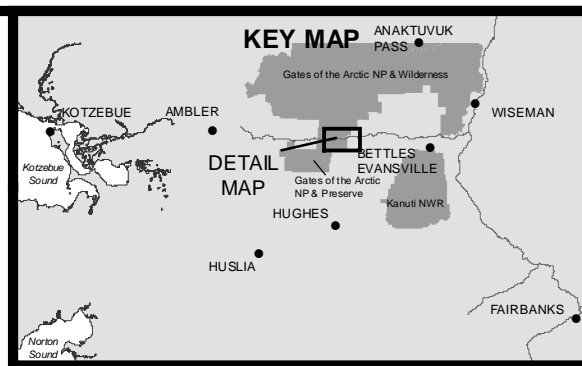
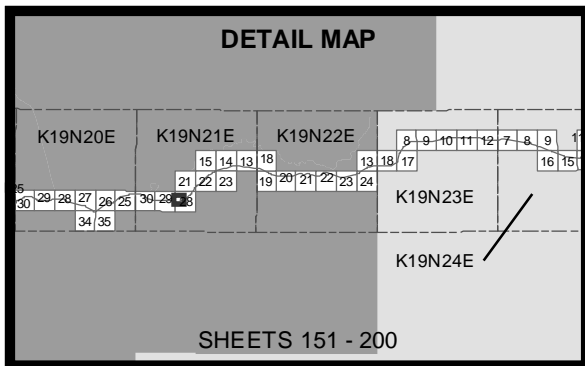


- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Water
- Stream
- Daylight Limits
- Temporary Impacts



ACOE PERMIT: POA-2013-396  
 PLAN VIEW MAPS  
 APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)  
 PROJECT: Ambler Mining District Industrial Access Project  
 LOCATION: Ambler Mining District  
 WATERBODY: Kobuk / Koyukuk / Alatna Rivers  
 DATE: 2/27/2020      MAP SET 4: 164 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Stream
- Daylight Limits
- Temporary Impacts

0 200 400  
Feet



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development  
and Export Authority (AIDEA)

PROJECT: Ambler Mining District  
Industrial Access Project

LOCATION: Ambler Mining District

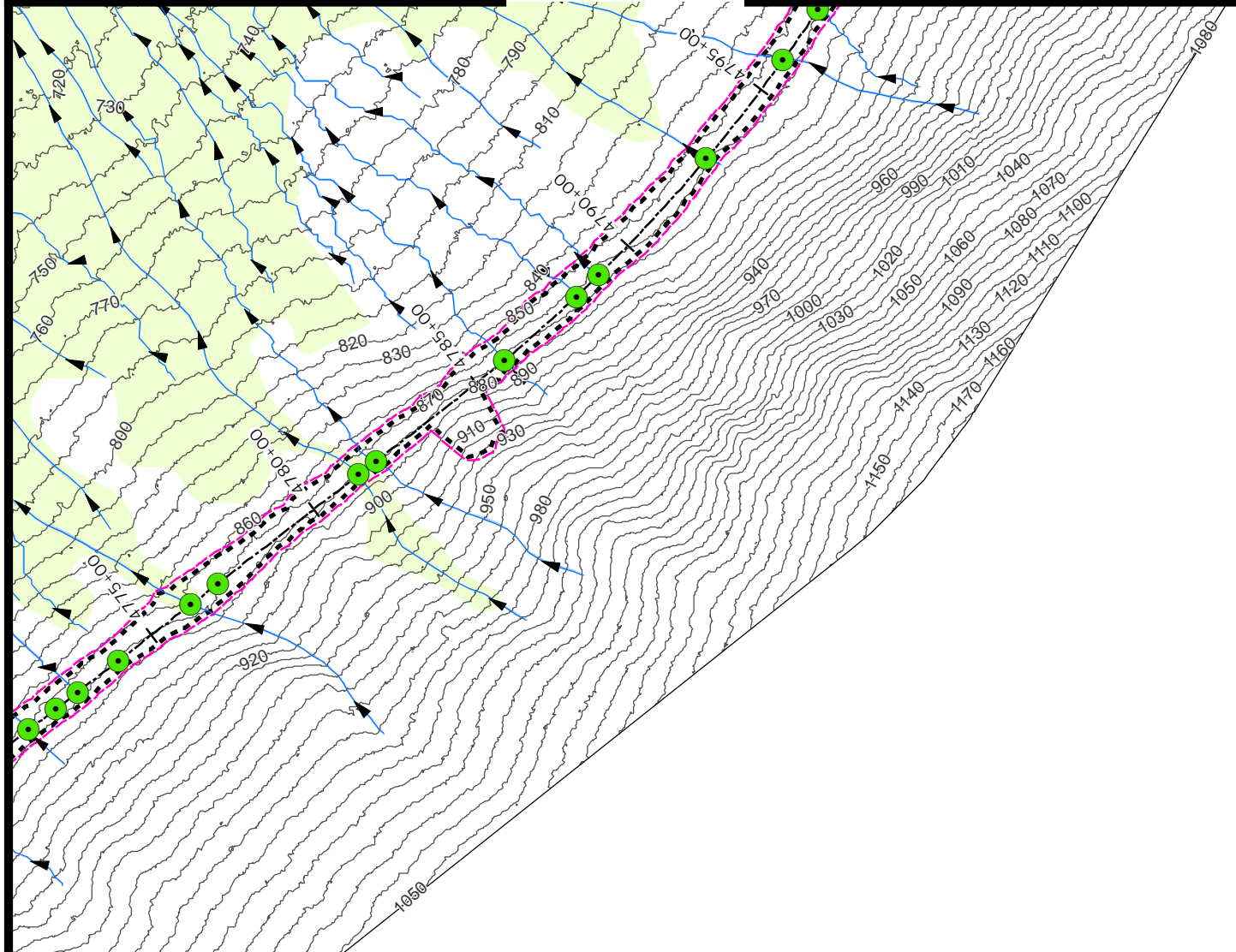
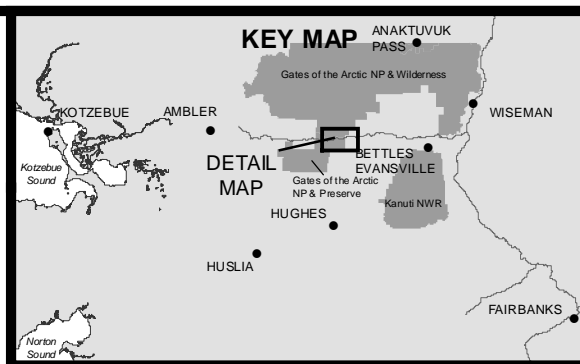
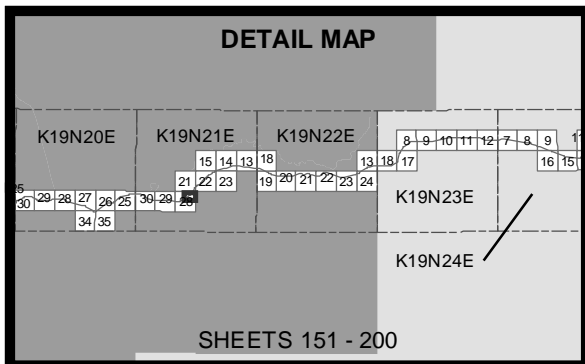
WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020

MAP SET 4: 165 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.

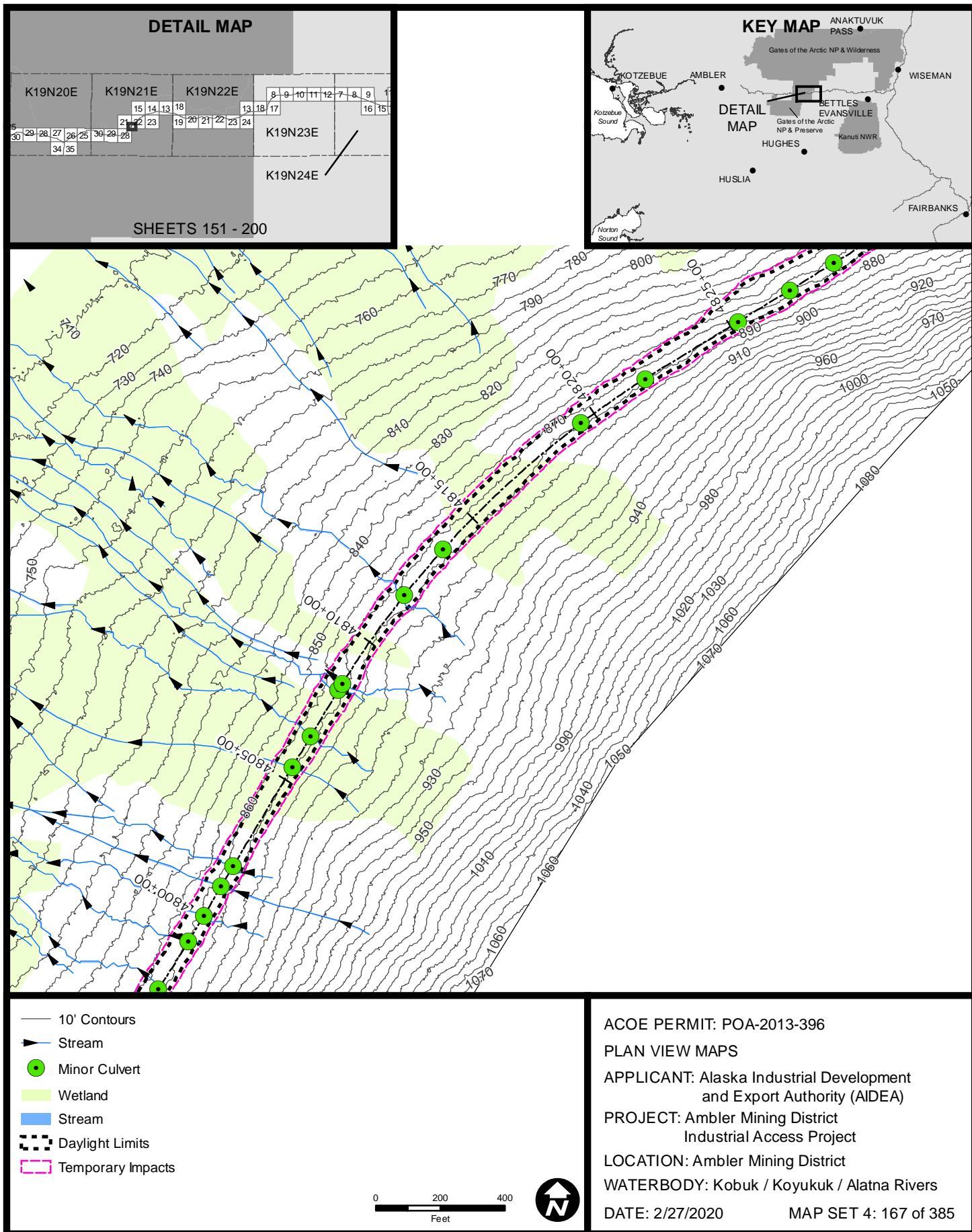




<ul style="list-style-type: none"> <li>— 10' Contours</li> <li>▶ Stream</li> <li>● Minor Culvert</li> <li>■ Wetland</li> <li>■ Stream</li> <li>--- Daylight Limits</li> <li>--- Temporary Impacts</li> </ul>	<p>ACOE PERMIT: POA-2013-396</p> <p>PLAN VIEW MAPS</p> <p>APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)</p> <p>PROJECT: Ambler Mining District Industrial Access Project</p> <p>LOCATION: Ambler Mining District</p> <p>WATERBODY: Kobuk / Koyukuk / Alatna Rivers</p> <p>DATE: 2/27/2020</p>
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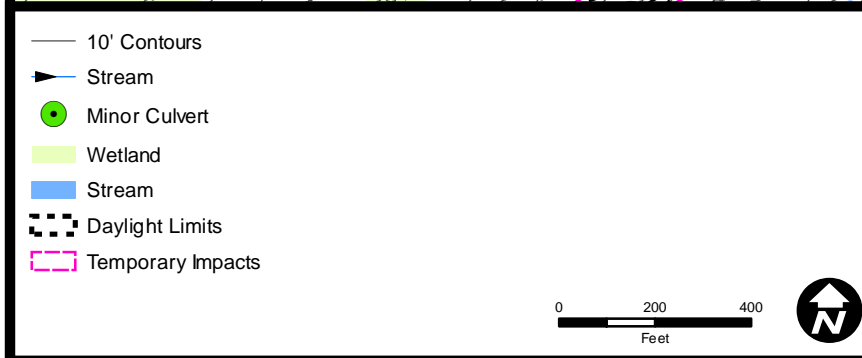
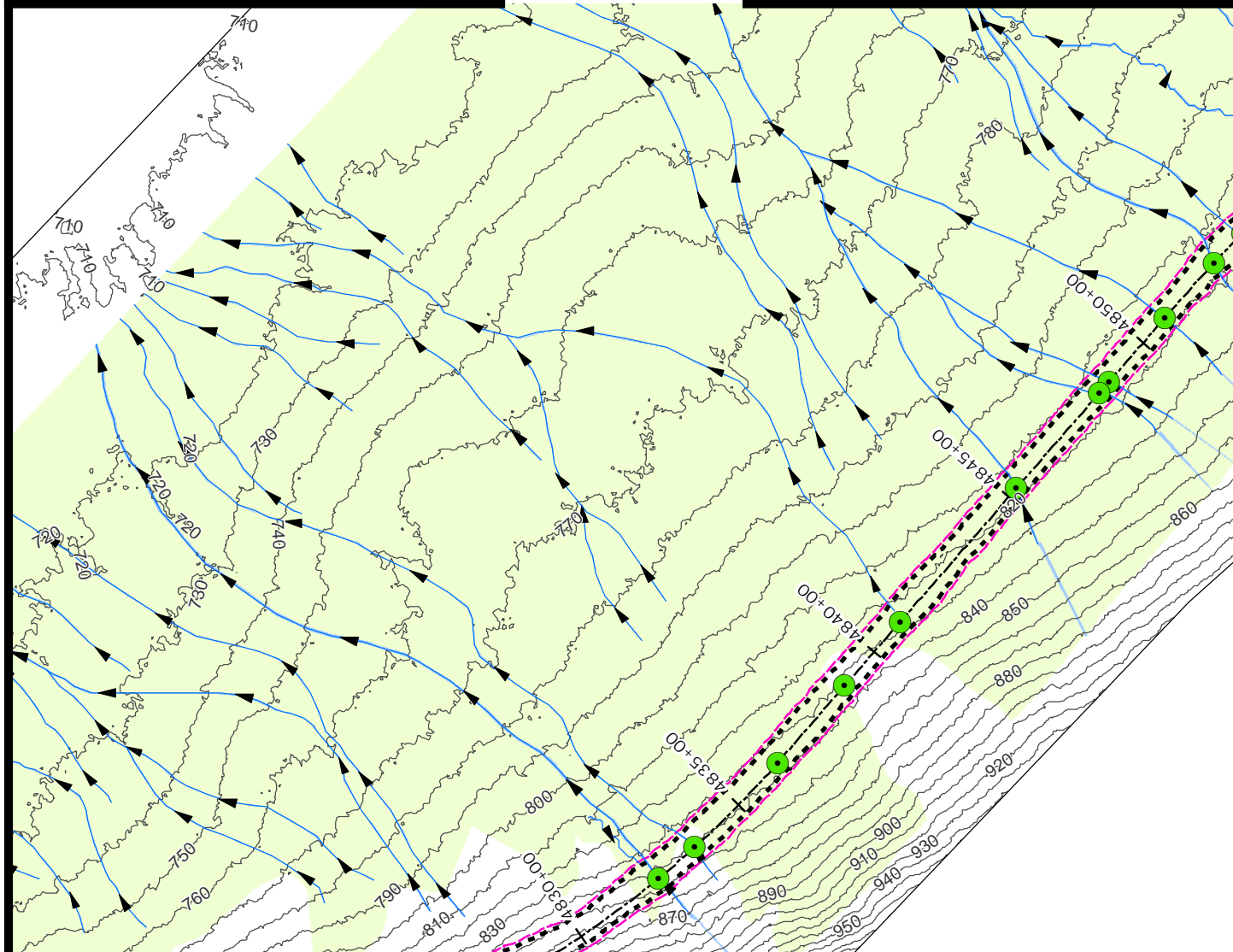
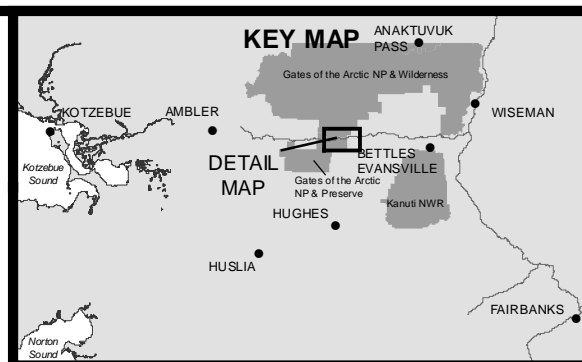
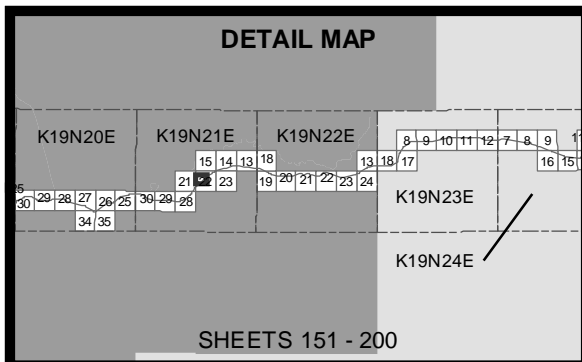
MAP SET 4: 166 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.

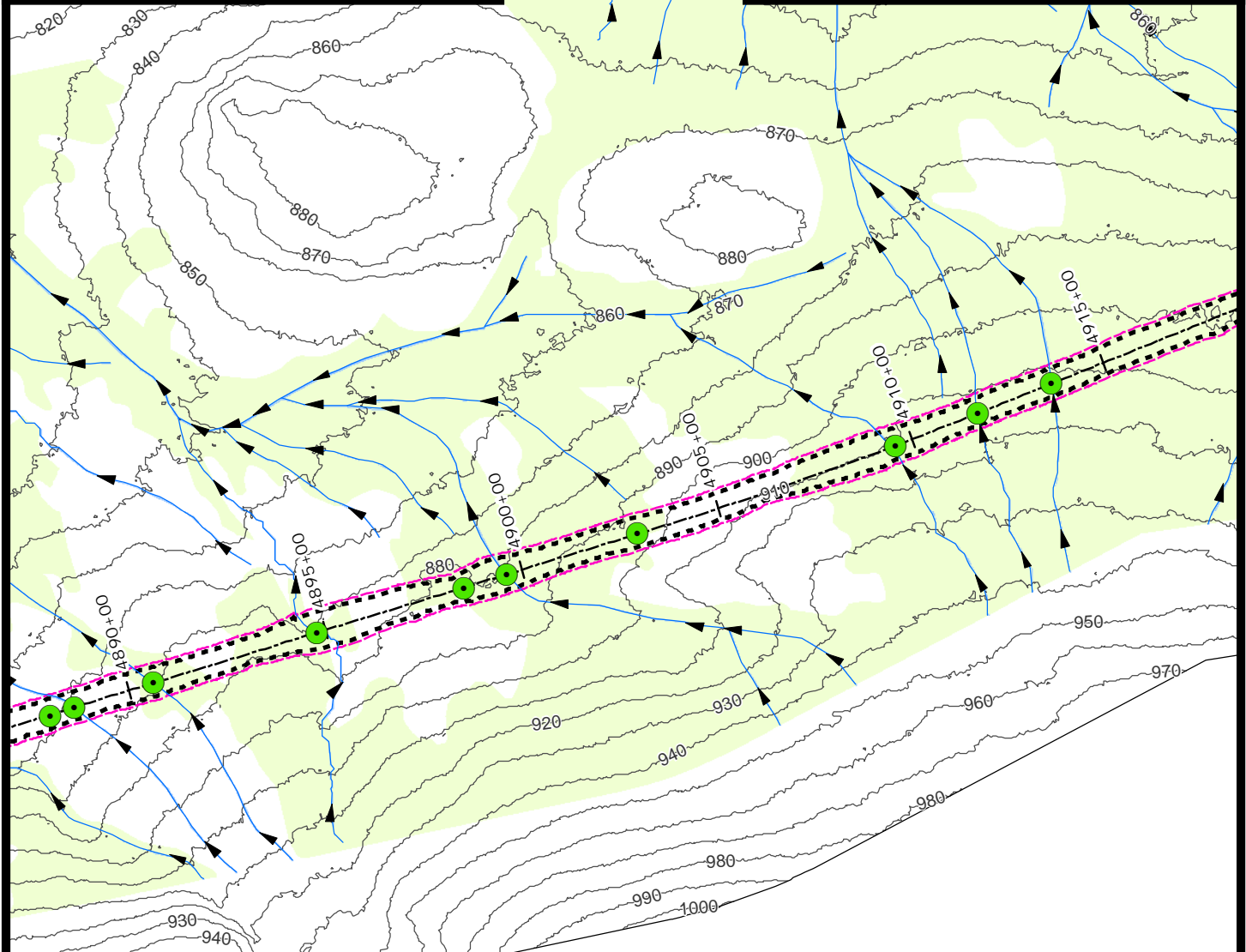
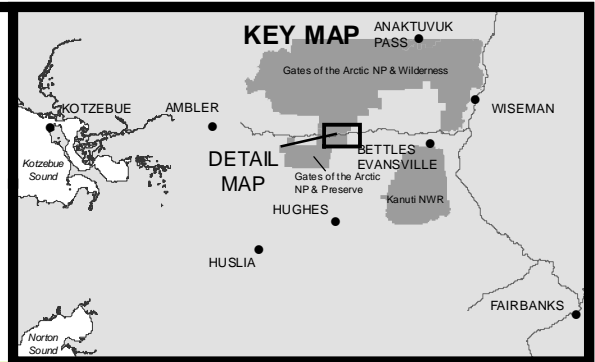
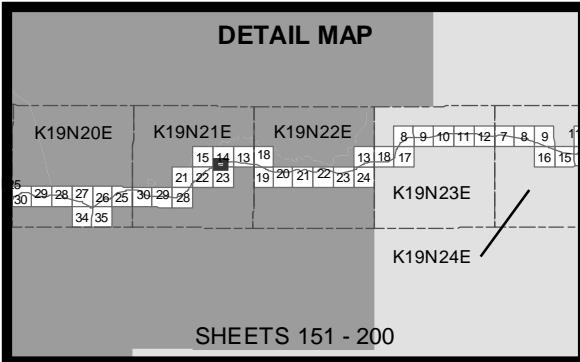




ACOE PERMIT: POA-2013-396  
 PLAN VIEW MAPS  
 APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)  
 PROJECT: Ambler Mining District Industrial Access Project  
 LOCATION: Ambler Mining District  
 WATERBODY: Kobuk / Koyukuk / Alatna Rivers  
 DATE: 2/27/2020 MAP SET 4: 168 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.





- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Stream
- Daylight Limits
- Temporary Impacts

0 200 400  
Feet



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development  
and Export Authority (AIDEA)

PROJECT: Ambler Mining District  
Industrial Access Project

LOCATION: Ambler Mining District

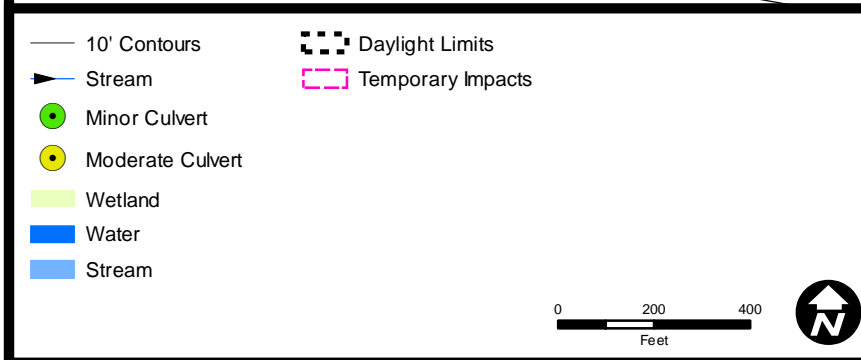
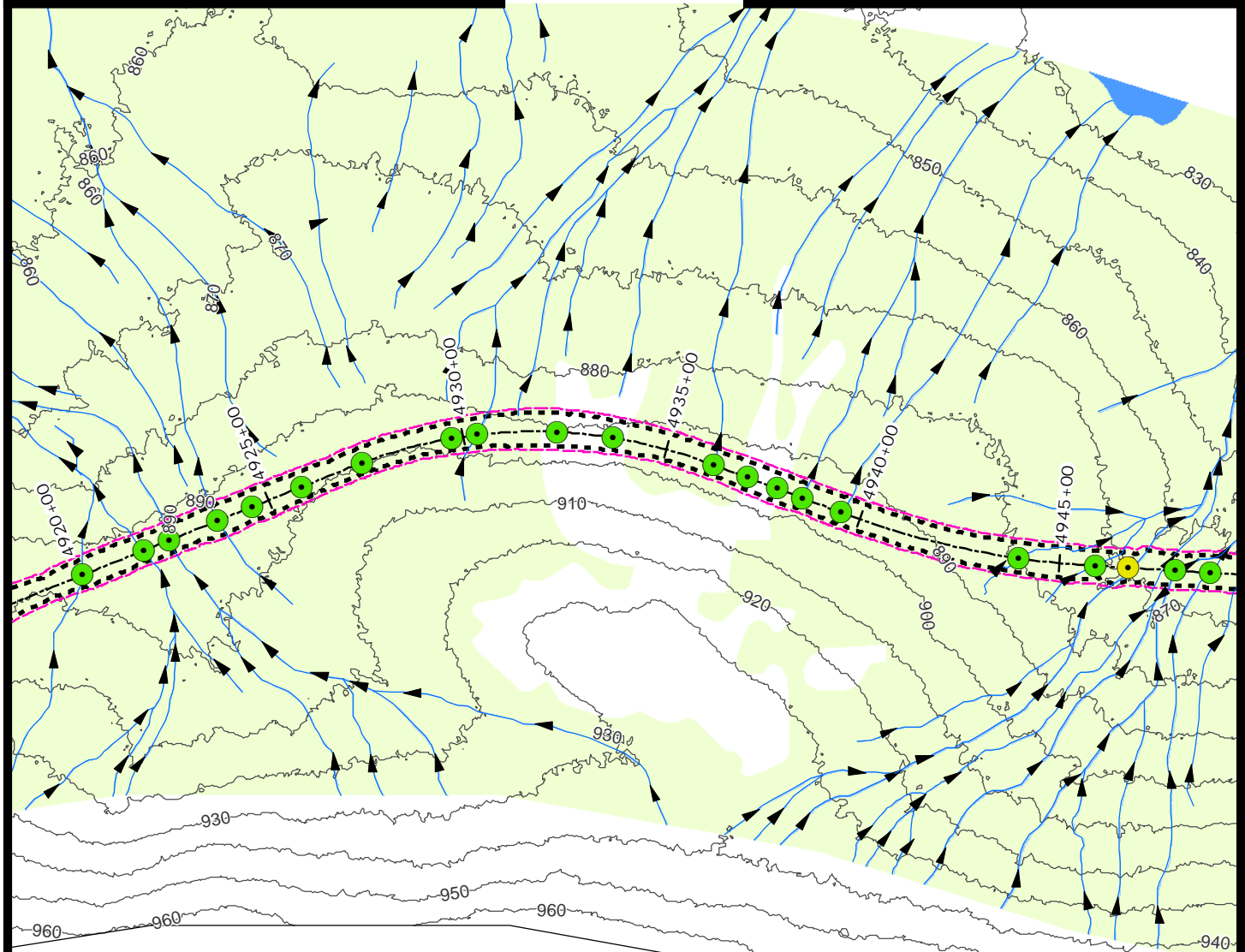
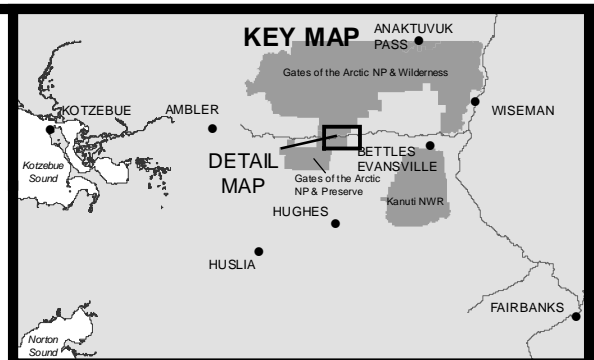
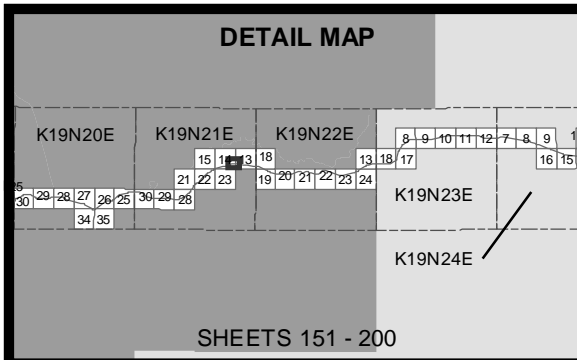
WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020

MAP SET 4: 170 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.





ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development  
and Export Authority (AIDEA)

PROJECT: Ambler Mining District  
Industrial Access Project

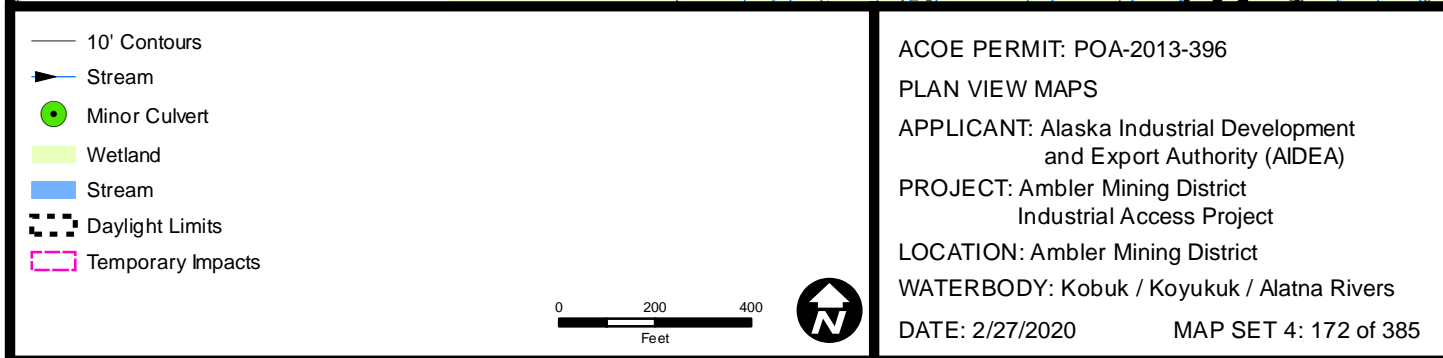
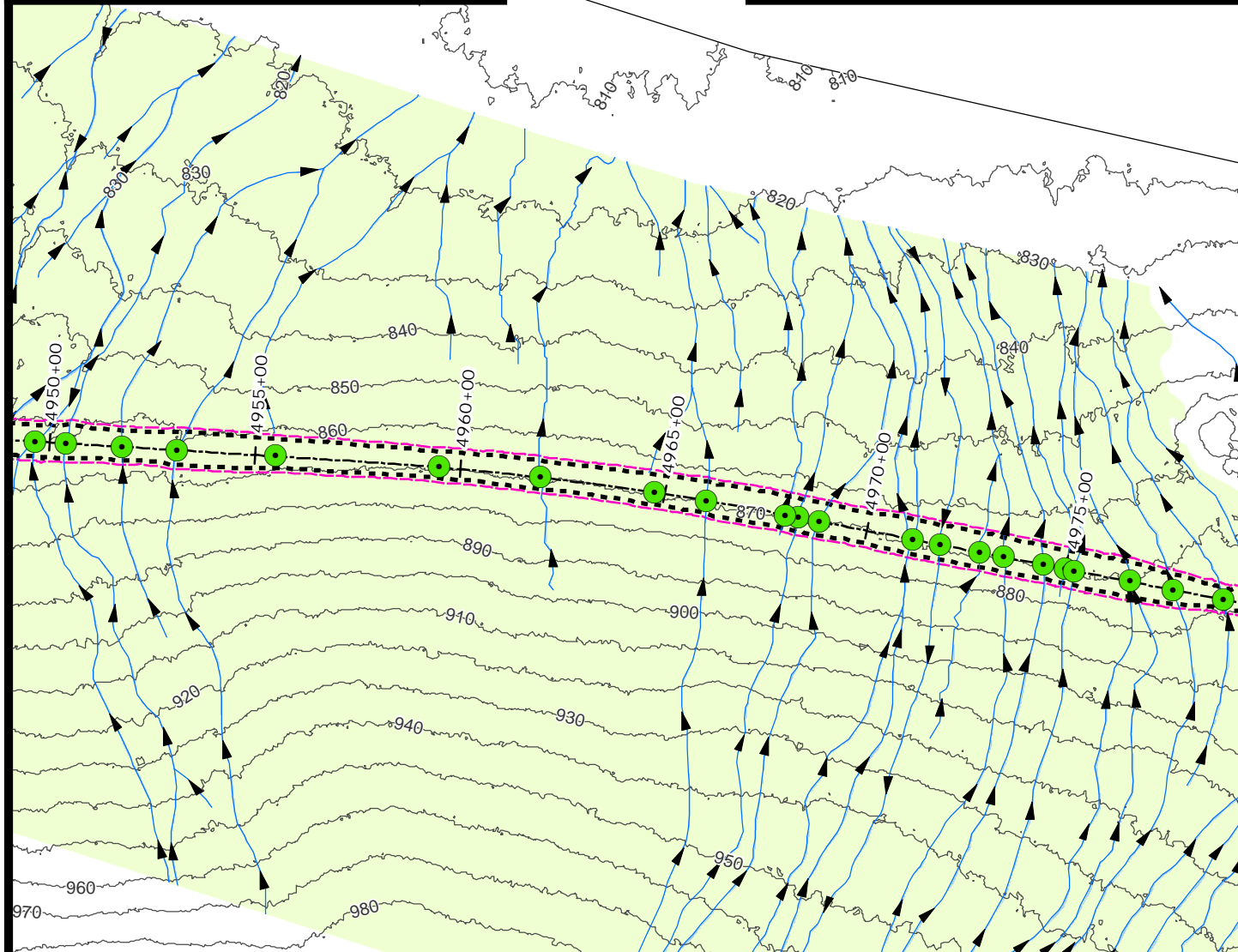
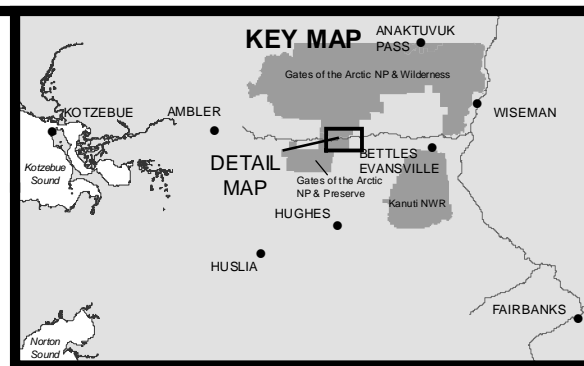
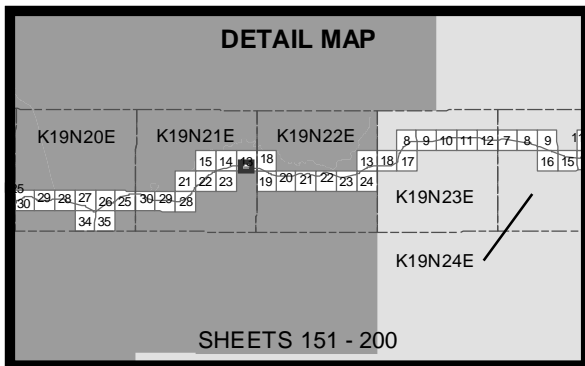
LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

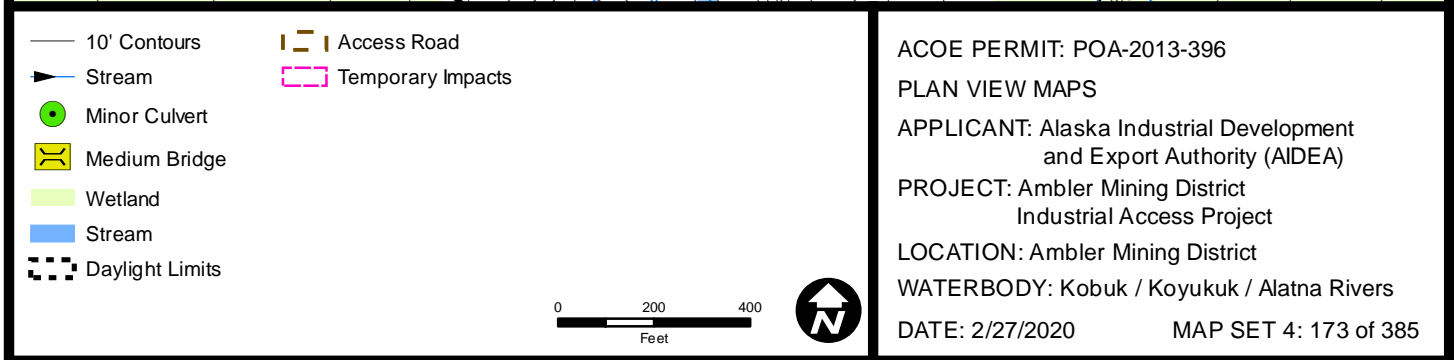
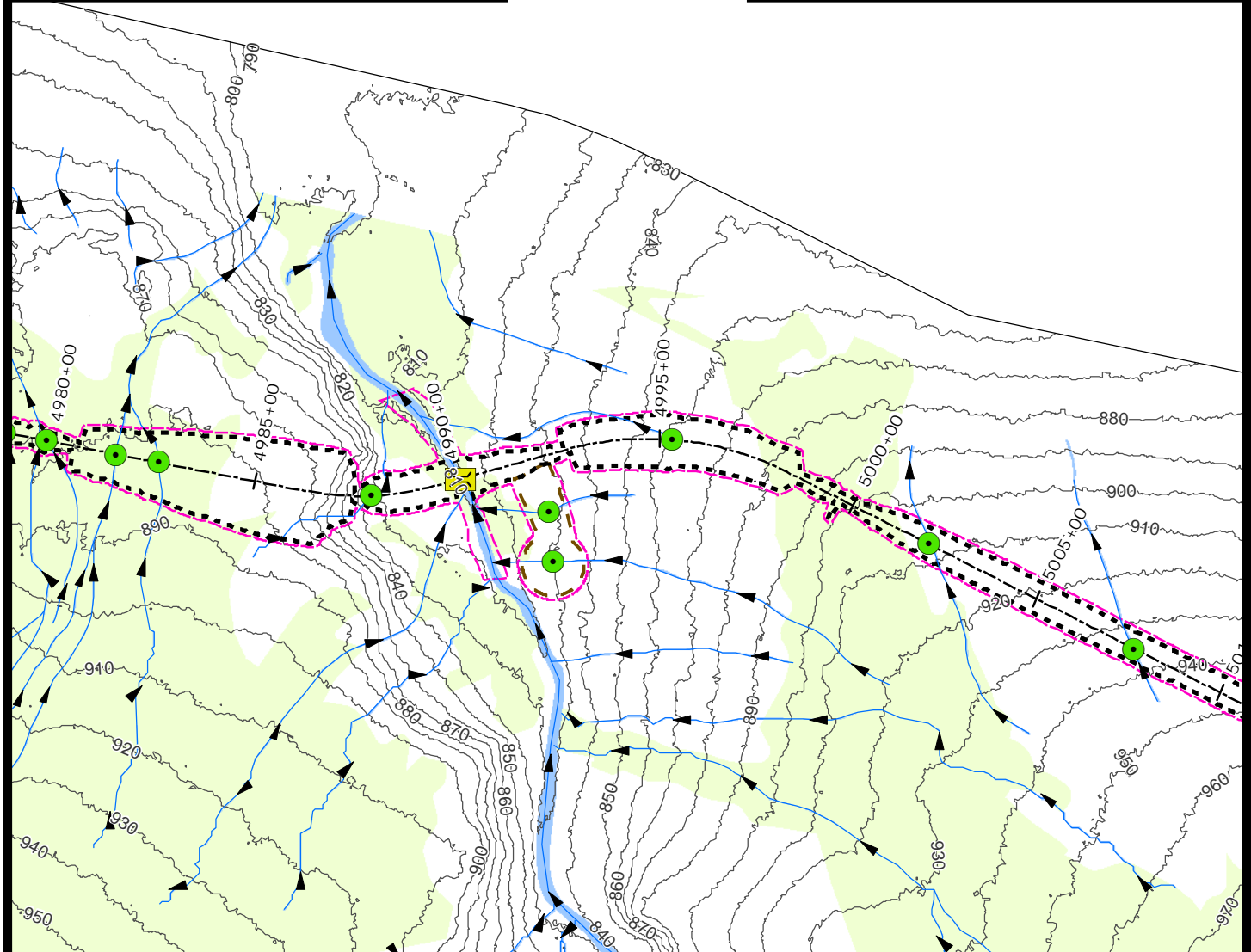
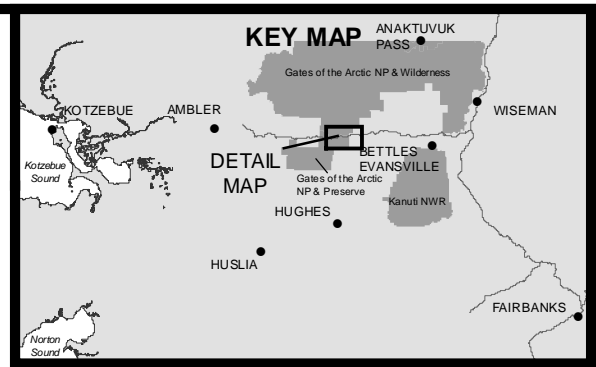
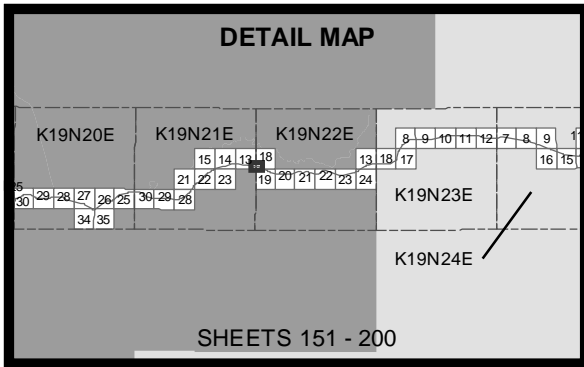
DATE: 2/27/2020

MAP SET 4: 171 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.

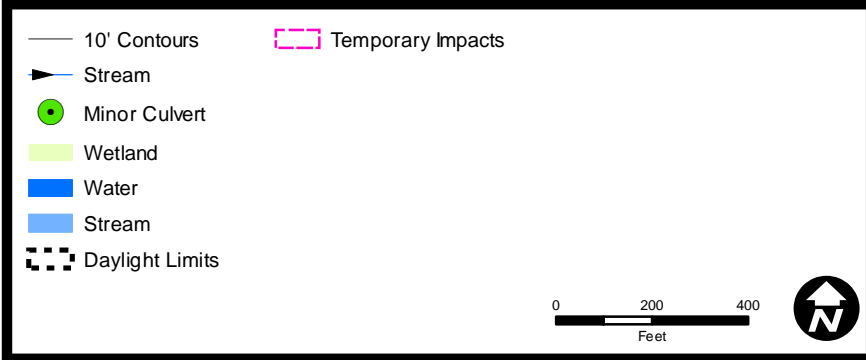
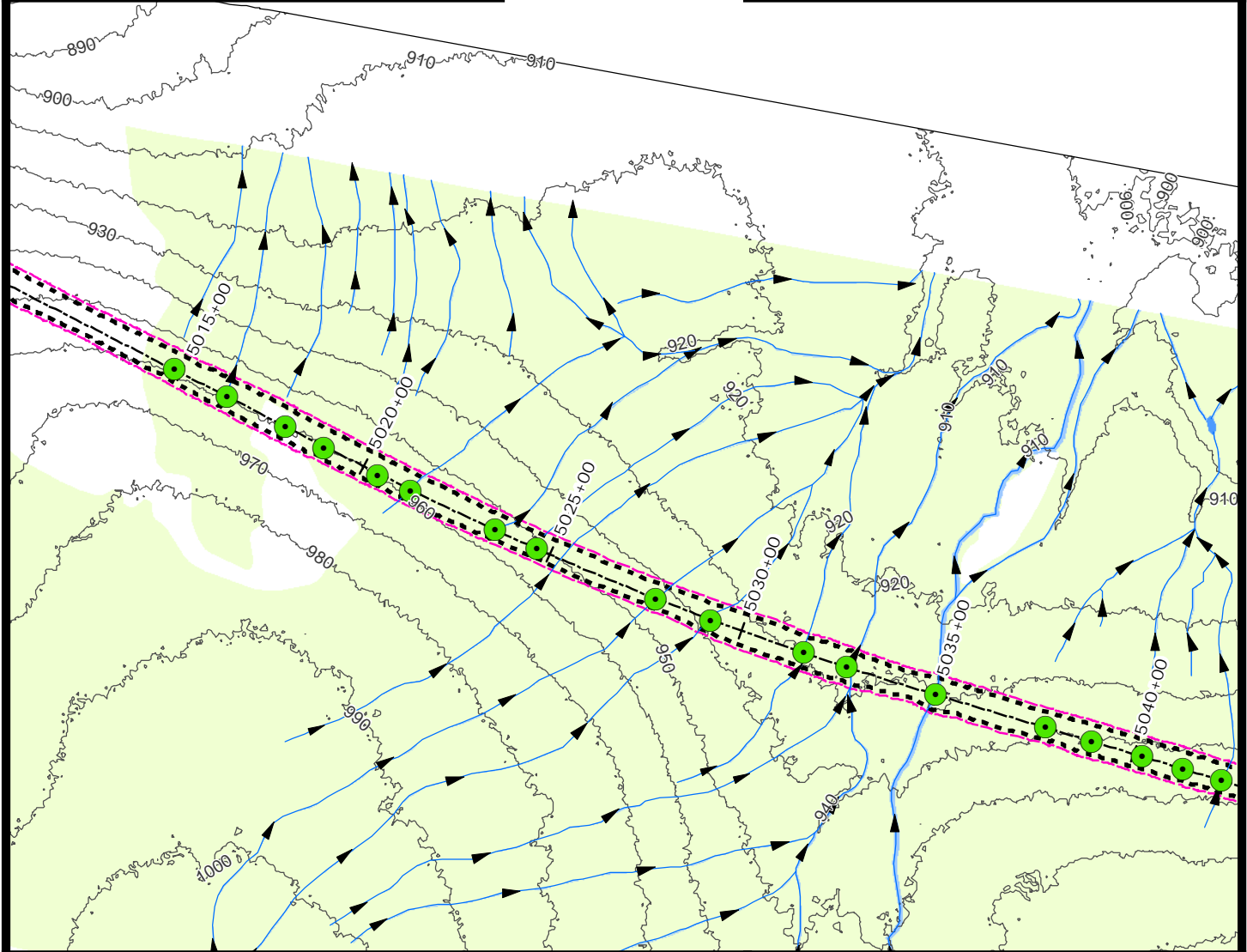
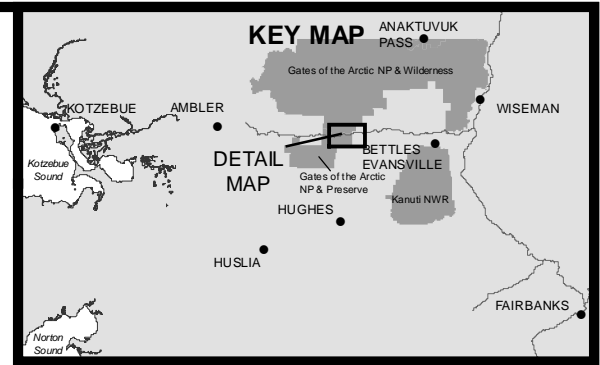
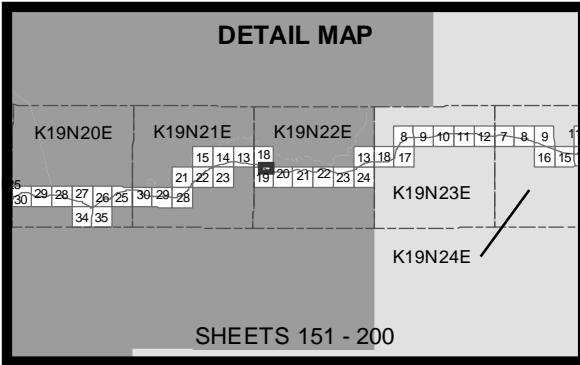


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ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

PROJECT: Ambler Mining District Industrial Access Project

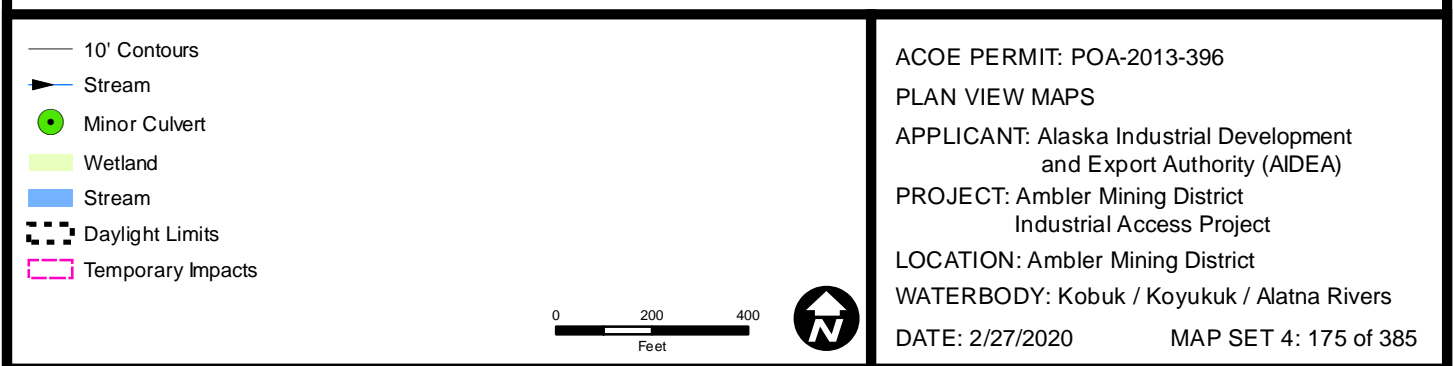
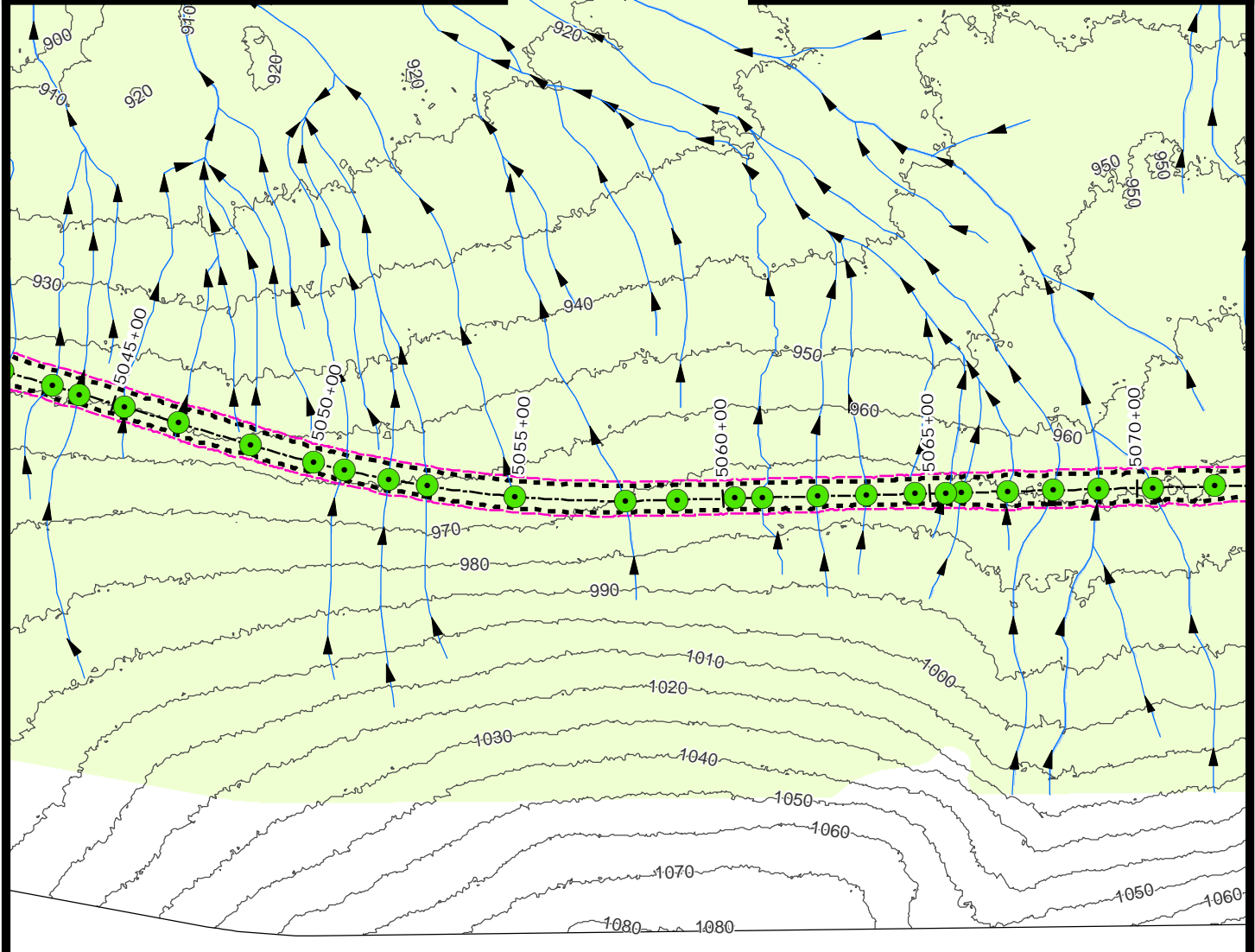
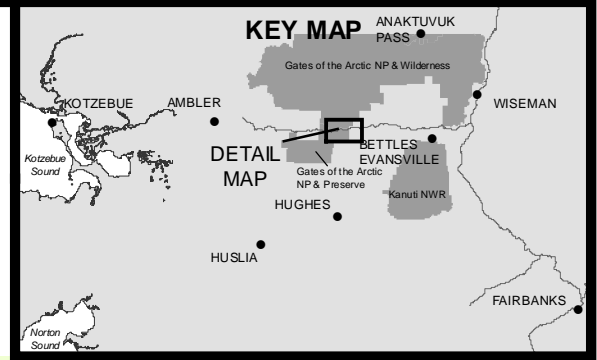
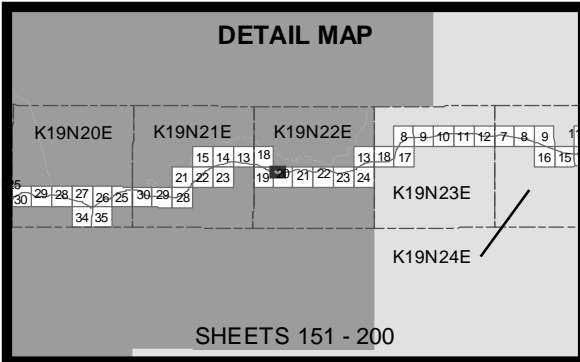
LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020

MAP SET 4: 174 of 385

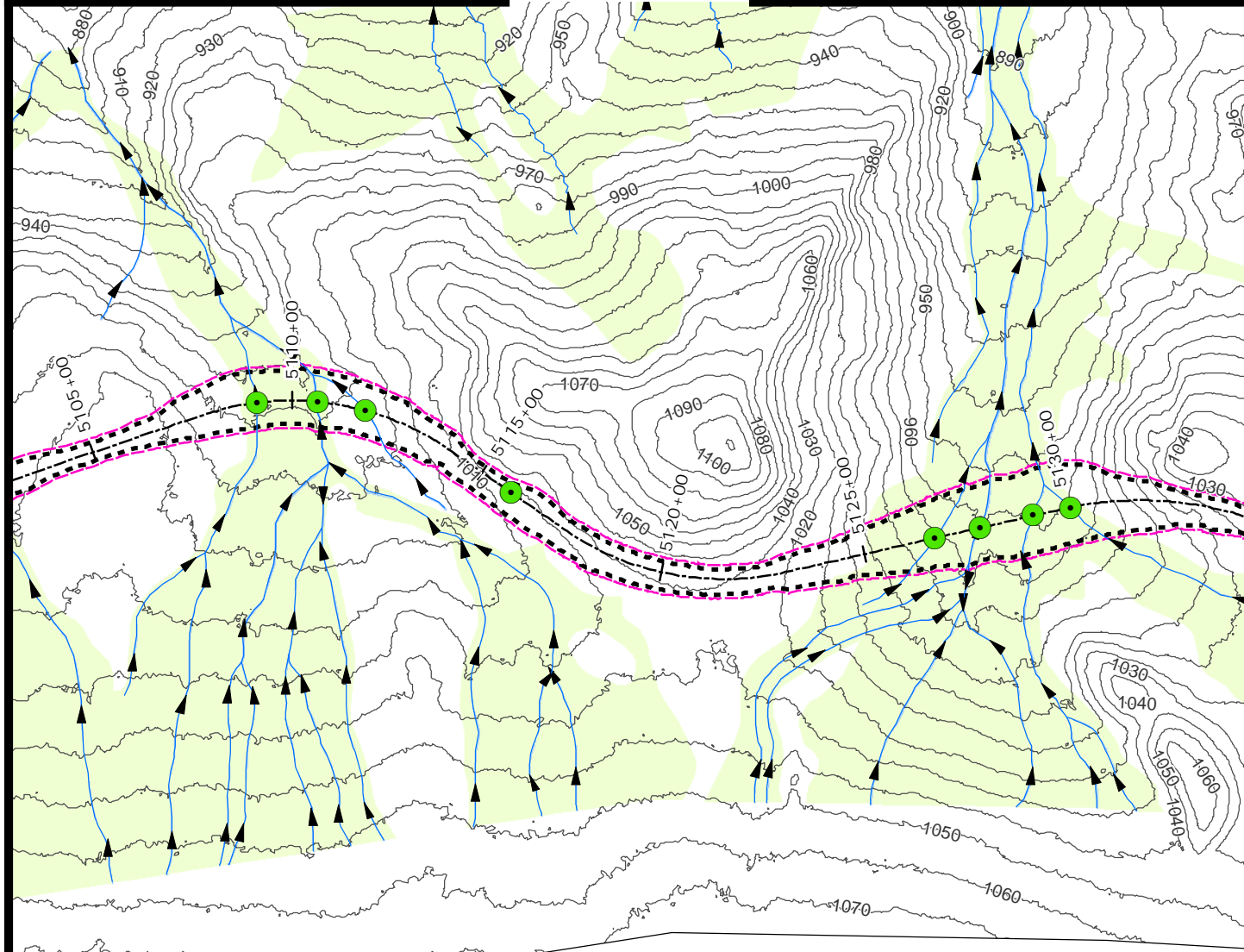
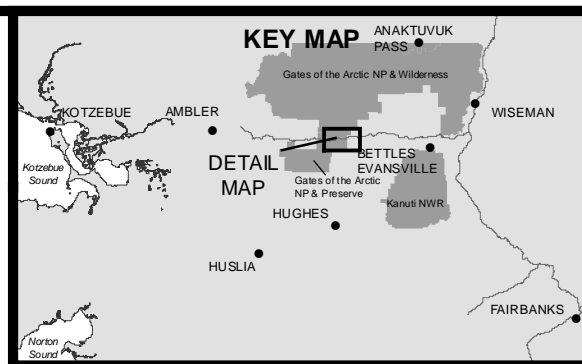
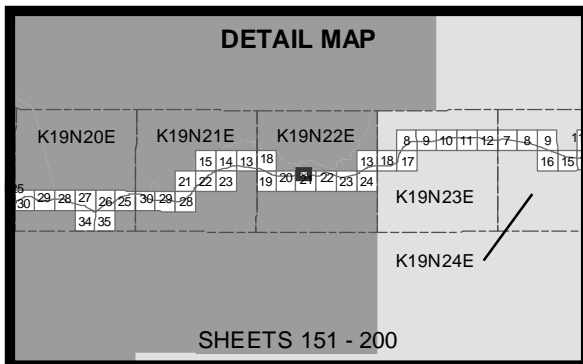
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— 10' Contours

▶ Stream

● Minor Culvert

Wetland

Stream

Daylight Limits

Temporary Impacts

ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

PROJECT: Ambler Mining District Industrial Access Project

LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

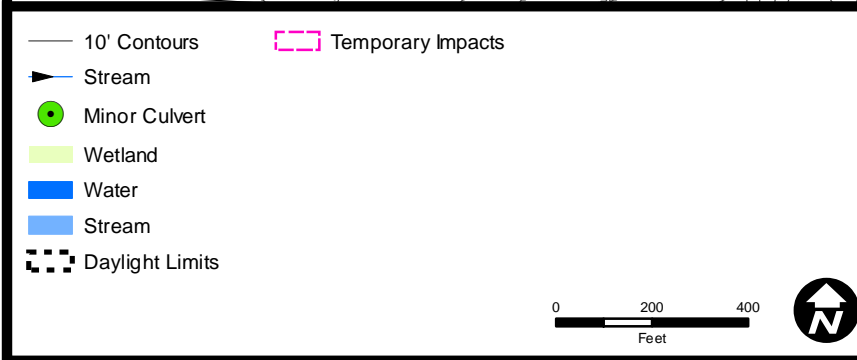
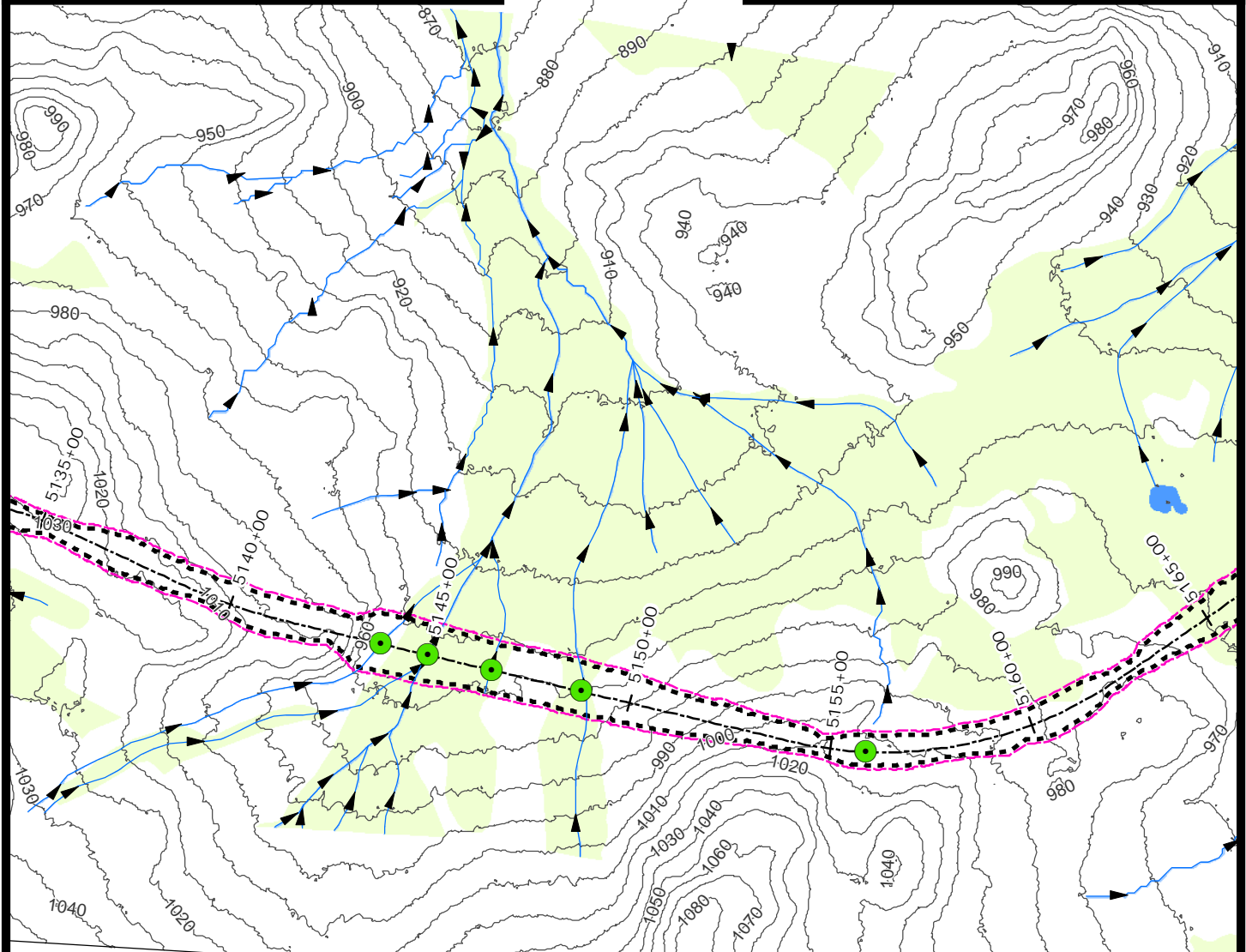
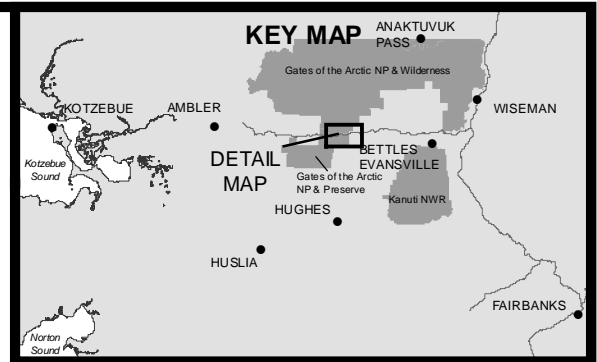
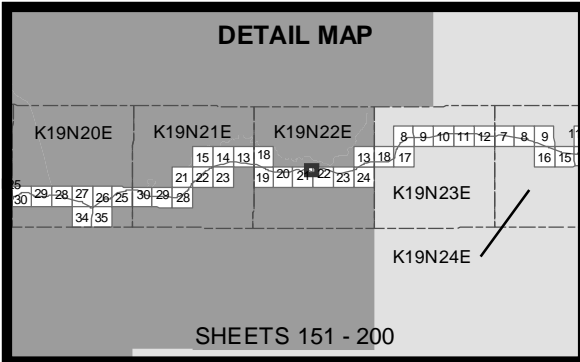
DATE: 2/27/2020

MAP SET 4: 177 of 385

0 200 400

Feet

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ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

PROJECT: Ambler Mining District Industrial Access Project

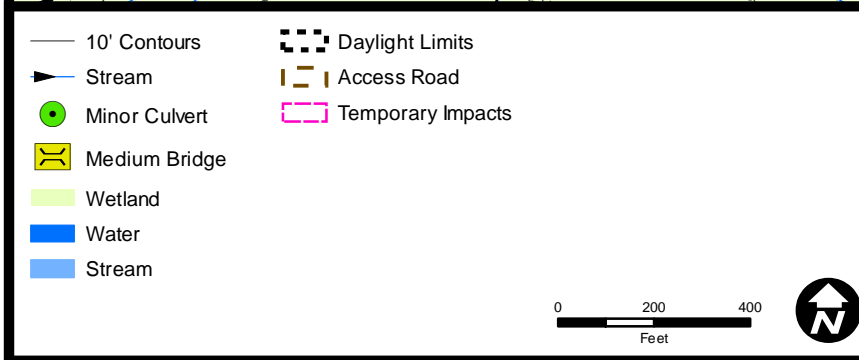
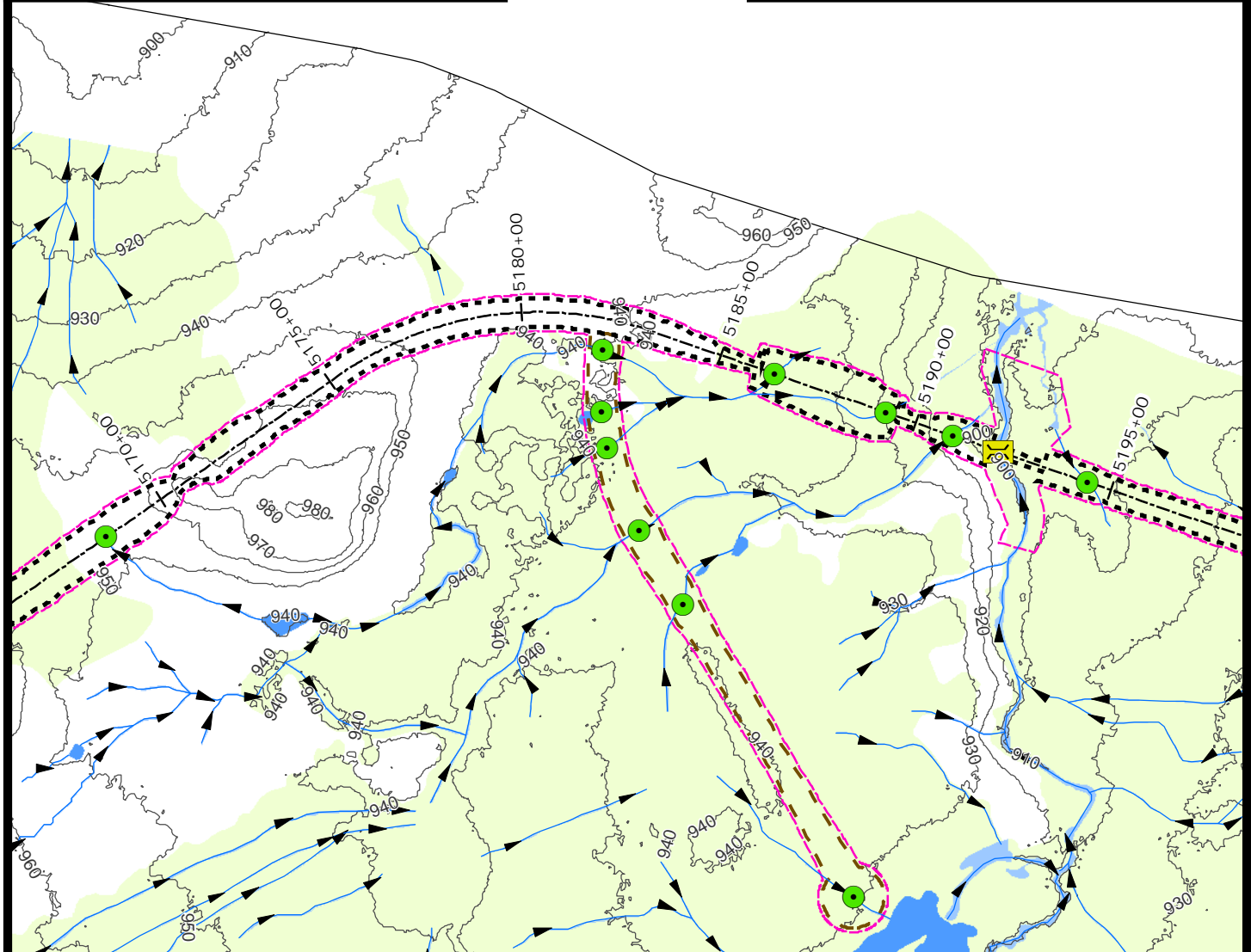
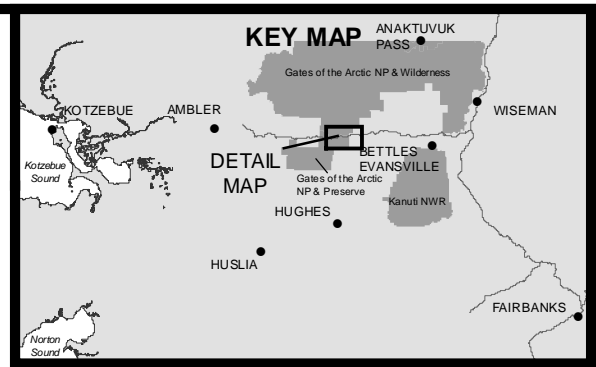
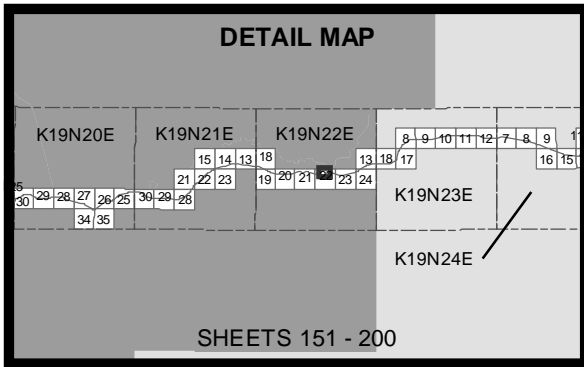
LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020

MAP SET 4: 178 of 385

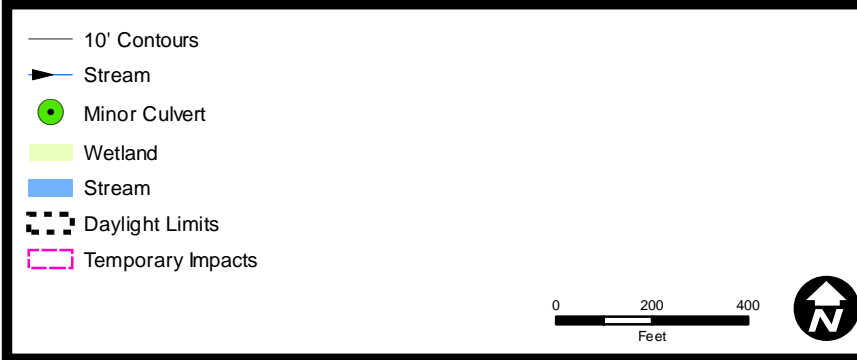
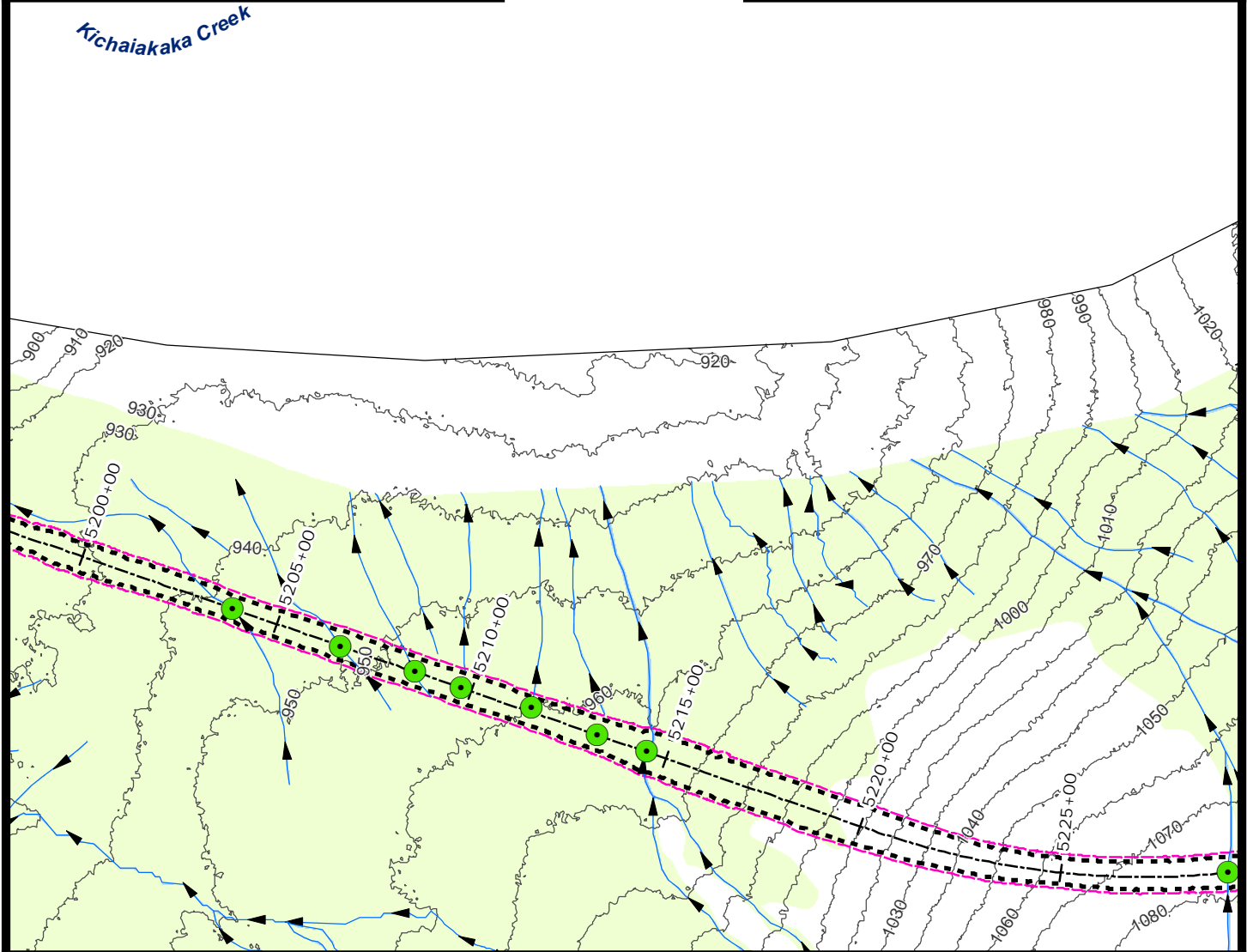
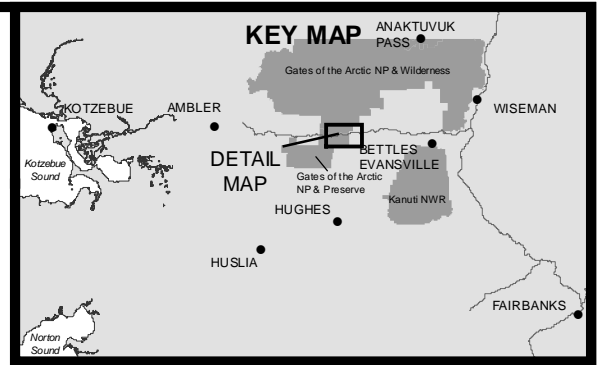
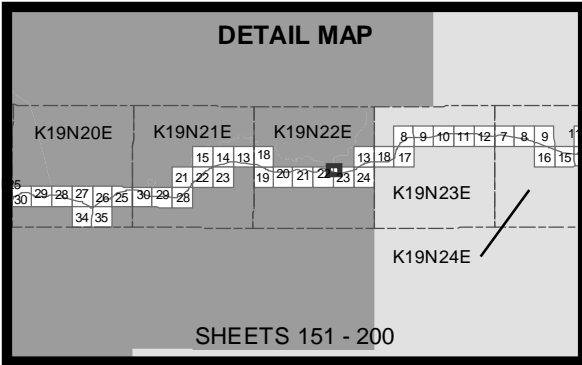
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ACOE PERMIT: POA-2013-396  
 PLAN VIEW MAPS  
 APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)  
 PROJECT: Ambler Mining District Industrial Access Project  
 LOCATION: Ambler Mining District  
 WATERBODY: Kobuk / Koyukuk / Alatna Rivers  
 DATE: 2/27/2020 MAP SET 4: 179 of 385

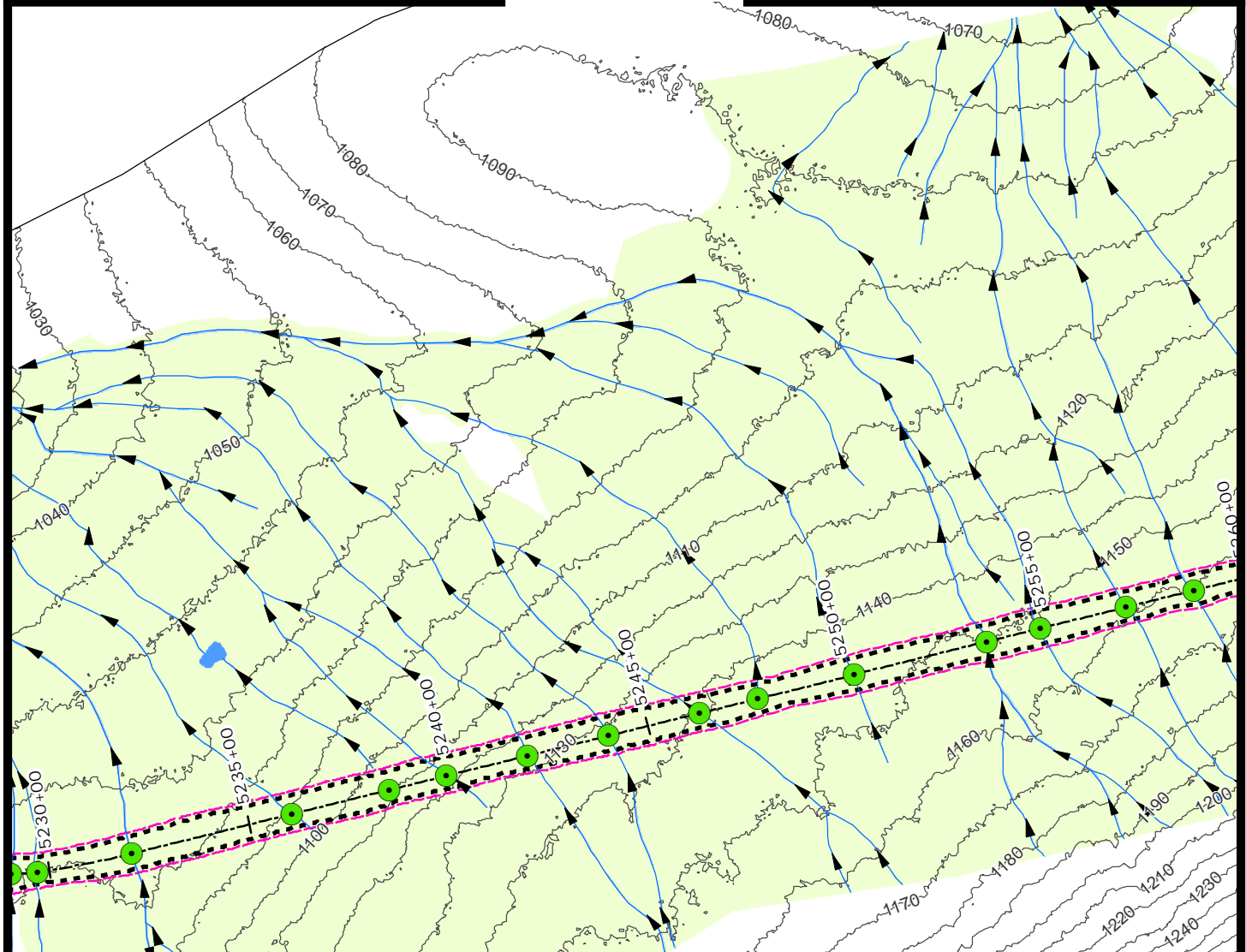
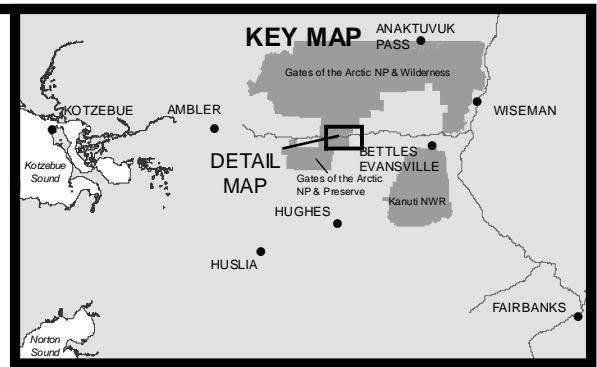
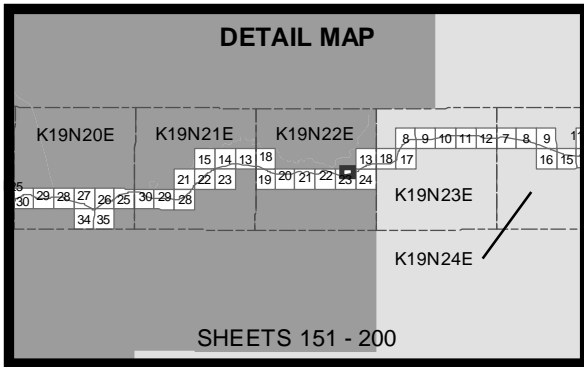
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ACOE PERMIT: POA-2013-396  
 PLAN VIEW MAPS  
 APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)  
 PROJECT: Ambler Mining District Industrial Access Project  
 LOCATION: Ambler Mining District  
 WATERBODY: Kobuk / Koyukuk / Alatna Rivers  
 DATE: 2/27/2020 MAP SET 4: 180 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Water
- Stream
- Daylight Limits
- Temporary Impacts

0 200 400  
Feet



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development  
and Export Authority (AIDEA)

PROJECT: Ambler Mining District  
Industrial Access Project

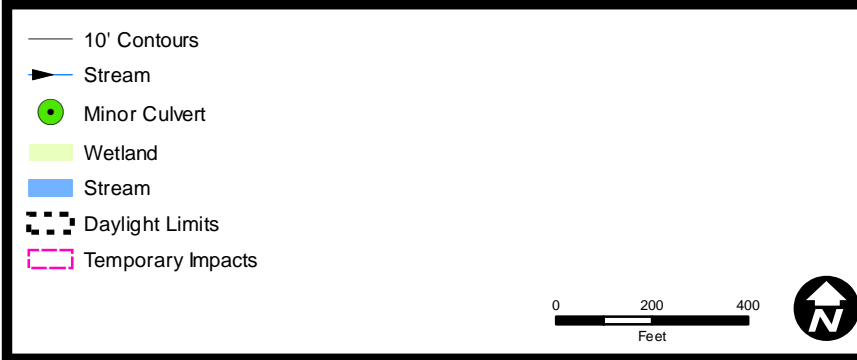
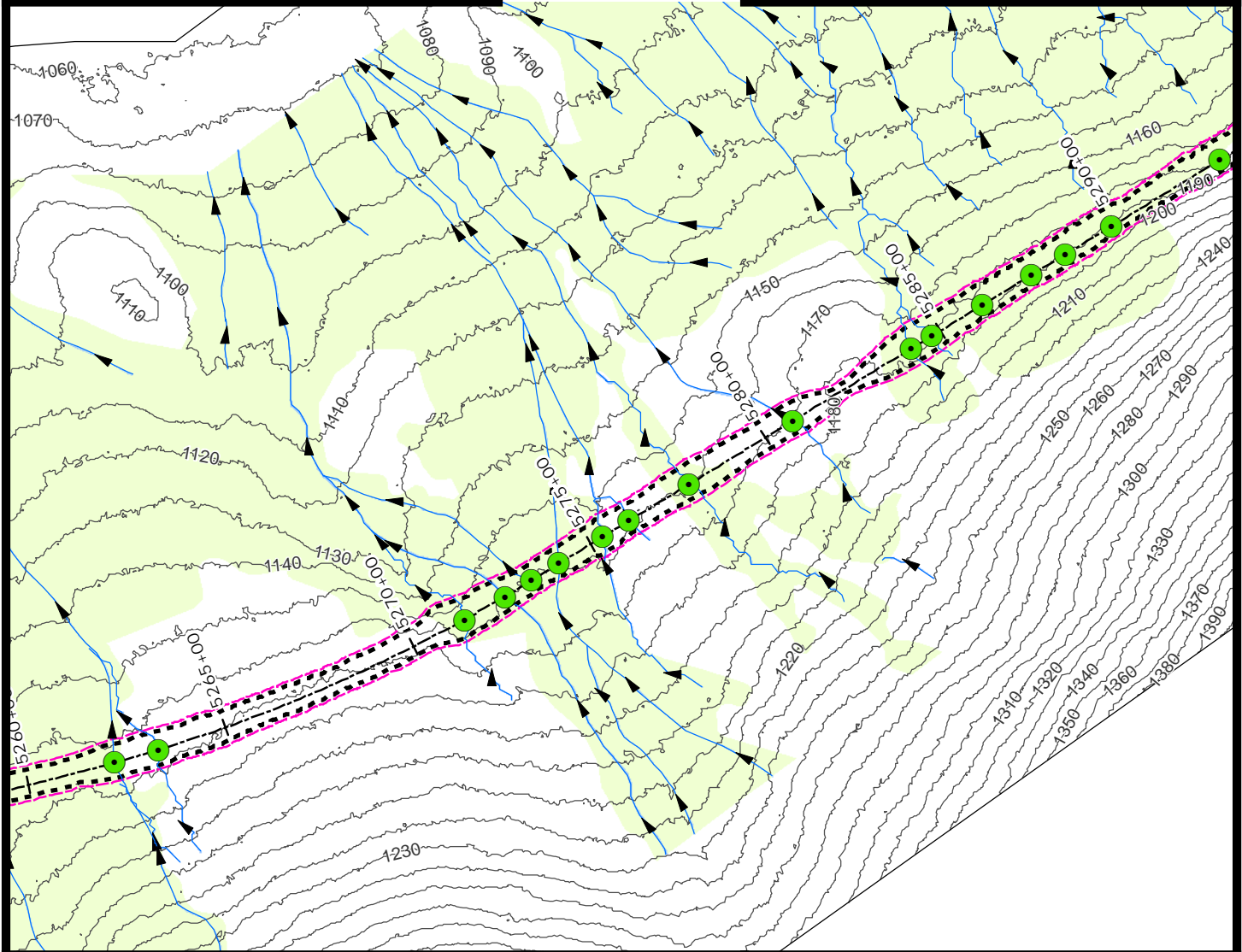
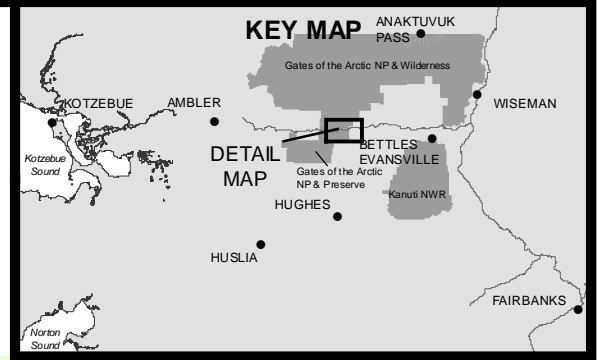
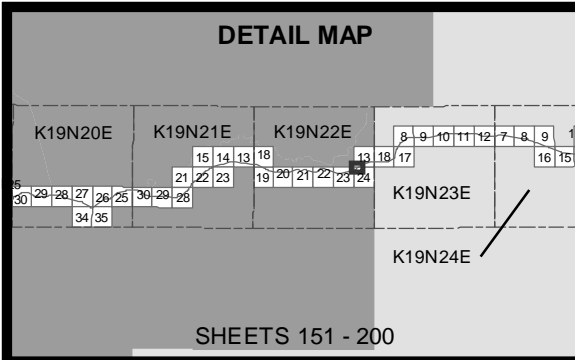
LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020

MAP SET 4: 181 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

PROJECT: Ambler Mining District Industrial Access Project

LOCATION: Ambler Mining District

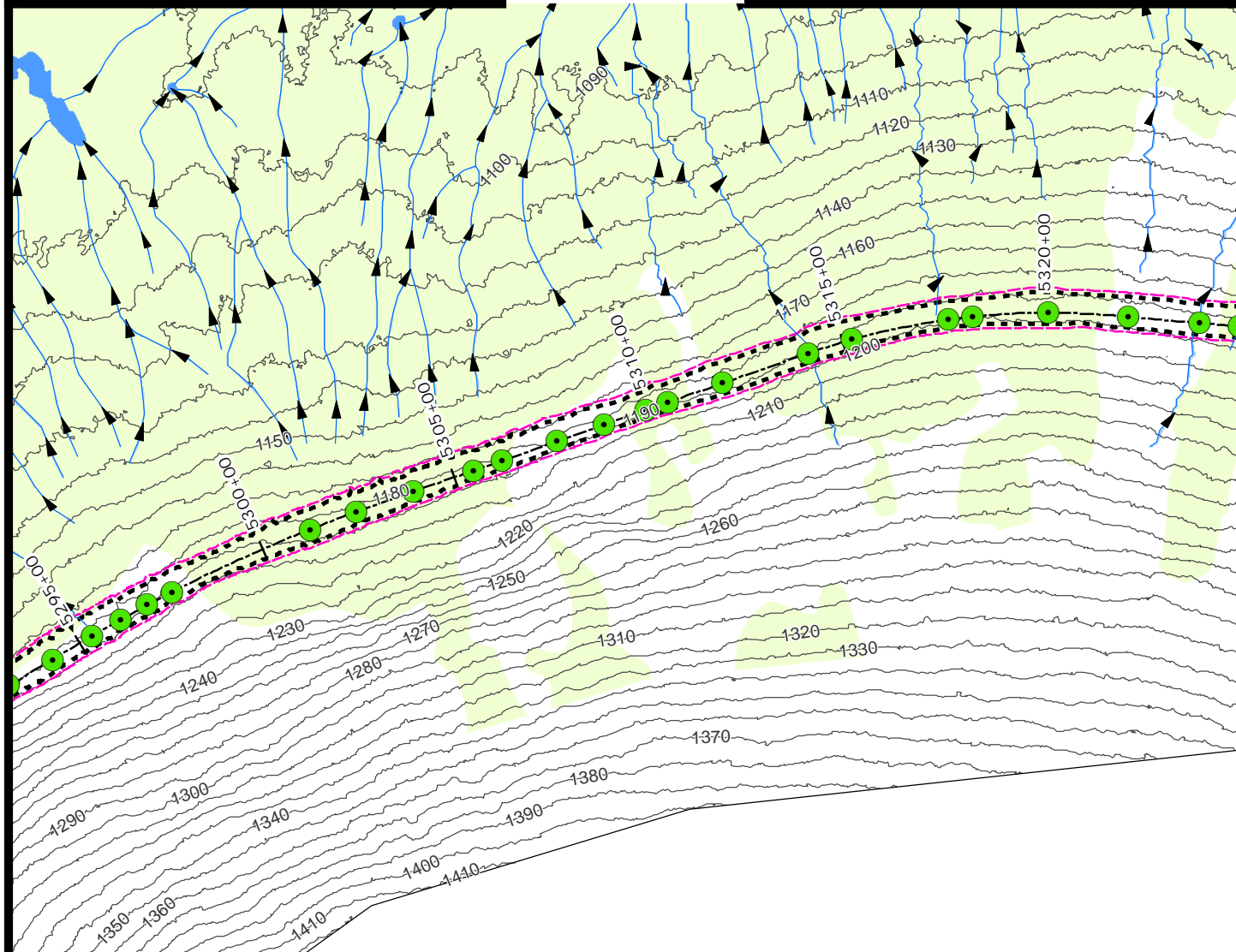
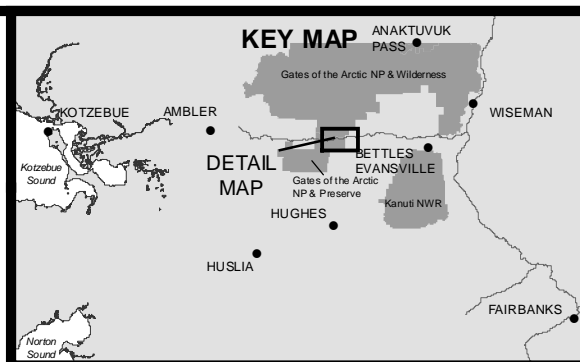
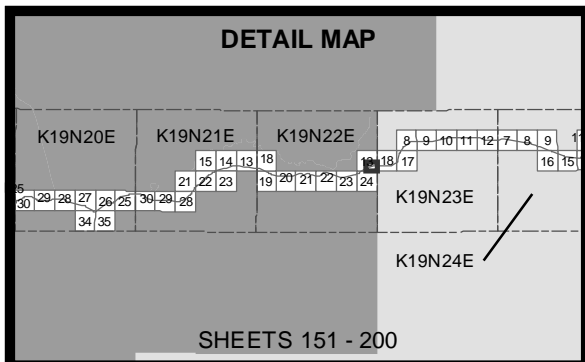
WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020

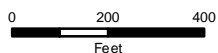
MAP SET 4: 182 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.





- 10' Contours
- ▶ Stream
- Minor Culvert
- Wetland
- Water
- Stream
- Daylight Limits
- Temporary Impacts



ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development  
and Export Authority (AIDEA)

PROJECT: Ambler Mining District  
Industrial Access Project

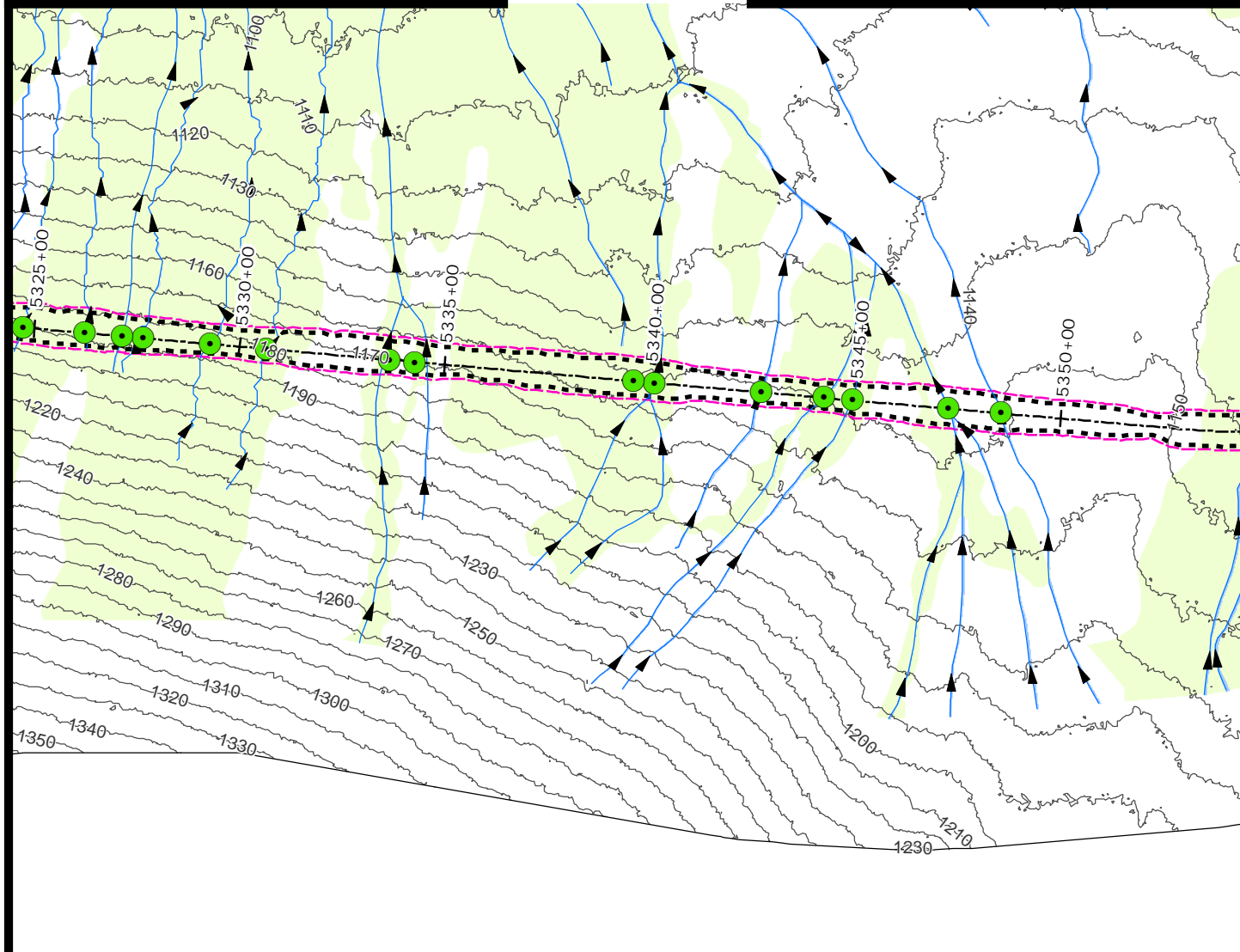
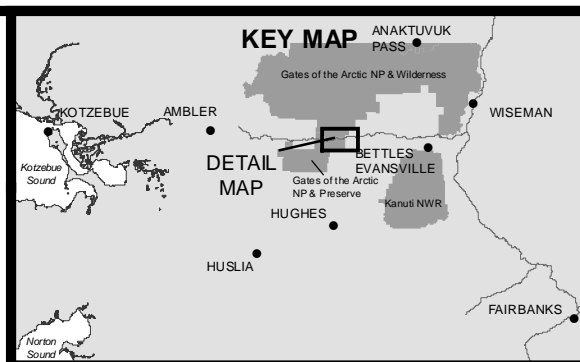
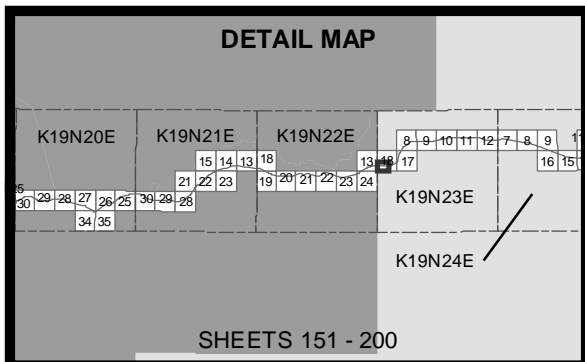
LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020

MAP SET 4: 183 of 385

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.



— 10' Contours

▶ Stream

● Minor Culvert

Wetland

Stream

Daylight Limits

Temporary Impacts

ACOE PERMIT: POA-2013-396

PLAN VIEW MAPS

APPLICANT: Alaska Industrial Development and Export Authority (AIDEA)

PROJECT: Ambler Mining District Industrial Access Project

LOCATION: Ambler Mining District

WATERBODY: Kobuk / Koyukuk / Alatna Rivers

DATE: 2/27/2020

MAP SET 4: 184 of 385

0 200 400

Feet

This map is to be used only as a reference for the general locations of Permanent Related Infrastructure listed in Exhibit B-1. This map is not to be relied upon for any other information, including ROW width or location, materials sites, or daylight limits.

# **Exhibit C**

## **Ambler Road Right-of-Way Permit**

### **Stipulations**

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## **1.0 General**

- 1.1** The Permittee shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with this Permit. Any relocation, additional construction, or use that is not in accord with the approved plans of development, shall not be initiated without the prior written approval of the National Park Service Authorized Officer (Superintendent). AIDEA shall make an electronic or hard copy of the complete right-of-way permit, including all stipulations and approved plans of development, available to the Superintendent at each construction site and with each construction supervisor, during construction, operation, and termination, for NPS's and other agencies' use and reference. AIDEA shall also furnish an electronic or hard copy of the complete right-of-way permit to the Superintendent at any time if requested. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
- 1.2** The Permittee's proposed design features, and adopted mitigation measures listed in Appendix A (Recommended Mitigation Measures) of the Department of the Interior and Department of Transportation Record of Decision, Ambler Mining District Industrial Access Project: Decision by the Secretaries of the Interior and Transportation on Alignment for the Ambler Road through the Kobuk Preserve (ROD) for the Ambler Road shall be incorporated by reference into the Permittee's Plan of Development (POD).
- 1.3** The Permittee shall submit an application in accordance with applicable legal authorities to the Superintendent pursuant for any ground disturbing activities that are not covered in the original right-of-way permit.
- 1.4** The Permittee shall contact the Superintendent at least 90 days prior to the anticipated start of construction and/or any surface disturbing activities. The Superintendent may require and schedule a preconstruction conference with the Permittee prior to the Permittee's commencing construction and/or surface disturbing activities on the right-of-way. The Permittee and/or its representative shall attend this conference. The Permittee's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the permit including the plans(s) of development.
- 1.5** The Permittee shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the Superintendent. The Permittee's representative shall be available for communication with the Superintendent within a reasonable time when construction or other surface disturbing activities are underway.
- 1.6** The Superintendent may suspend or terminate in whole, or in part, any construction Special Use Permit (construction SUP) which has been issued when unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
- 1.7** The Permittee's road user program will include education and training on all right-of-way permit stipulations that apply to drivers. The Permittee will maintain records of driver's education and training and make the records available to the National Park Service (NPS) or

other jurisdictional agencies on request. No drivers will be allowed to use the road without documented education and training.

**1.8** The Permittee shall be liable for damage or injury to the United States. The Permittee shall be held to a standard of strict liability for damage or injury to the United States resulting from fire or soil movement (including landslides, slumps, and fluvial or aeolian sediment deposition) to the extent caused or substantially aggravated by any of the following within the right-of-way permit area in connection with Permittees use and occupancy of the right-of- way permit area:

**1.8.1** Activities of the Permittee including, but not limited to, construction, operation, maintenance, and termination of the facility.

**1.8.2** Activities of other parties in connection with Permittees use and occupancy of the right-of-way permit area, including, but not limited to:

- a. Land clearing and logging;
- b. Earth-disturbing and earth-moving work;
- c. Blasting; and
- d. Vandalism and sabotage.

The maximum limitation for such strict liability damages shall not exceed the amount determined pursuant 43 CFR Sec. 2807.12(b)(4) for any one event, and any liability in excess of such amount shall be determined by the ordinary rules of negligence of the jurisdiction in which the damage or injury occurred. This section shall not impose strict liability for damage or injury resulting primarily from an act of war or from the negligent acts or omissions of the United States.

**1.9** The Permittee shall observe all applicable Federal, State, and local laws, and regulations.

**1.10** The Permittee shall comply with State standards for public health and safety, environmental protection and siting, construction, operation, and maintenance when those standards are more stringent than Federal standards.

**1.11** The Permittee shall take reasonable efforts to ensure that the facilities to be constructed, used, and operated minimize damage to scenic, esthetic, cultural, and environmental values (including damage to fish and wildlife habitat), damage to federal property, and hazards to public health and safety.

**1.12** The Permittee shall post in black font the National Park Service permit number RW GAAR-21-001 assigned to this ROW Permit at the location of any above ground facilities.

**1.13** Prior to receiving a construction SUP with surface disturbing activities on NPS-managed lands, the Permittee shall provide to the NPS copies of any other permits for activities on NPS-managed lands that are required by any other Federal or State agencies with jurisdiction.

**1.14** The Permittee will comply with all terms listed in the Section 106 Programmatic Agreement (PA). This includes, but is not limited to, completing inventory of historic properties within the area of potential effects (36 CFR 800.4); assessment of adverse effects (36 CFR 800.5); and resolution of adverse effects (36 CFR 800.6). The PA is attached as Exhibit B. Permittee shall



maintain compliance with the PA throughout the term of this permit.

- 1.15** No signs or advertising devices, excluding road and traffic signs necessary for safe operation and maintenance of the road as included in the road design and shown on the construction documents, will be placed on the lands authorized by the right-of-way permit or on adjacent public lands, except those posted by or at the direction of the Superintendent. Authorized road and traffic signs shall comply with the Manual on Uniform Traffic Control Devices: <https://mutcd.fhwa.dot.gov/>.

**1.16 Protection of Survey Monuments**

- 1.16.1 The Permittee shall mark and protect all survey monuments found within the authorized area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management (BLM) Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. All points where the road enters, on which the road is located, and where it leaves federal interest lands shall be documented. If the road centerline falls within 1,320 feet of an existing monument, its position will be measured, and its relationship shown relative to the centerline.
- 1.16.2 Evidence of the Public Land Survey System (PLSS) and related Federal property boundaries will be identified and protected prior to commencement of any ground-disturbing activity. This will be accomplished by contacting BLM Cadastral Survey to coordinate data research, evidence examination and evaluation, and locating, referencing, or protecting monuments of the PLSS and related land boundary markers from destruction. In the event of obliteration or disturbance of the Federal boundary evidence the responsible party shall immediately report the incident, in writing, to the Superintendent. BLM Cadastral Survey will determine how the marker is to be restored. The responsible party shall pay for all survey, investigation, penalties, and administrative costs.

**2.0 Prior to receiving a Construction Special Use Permit (construction SUP)**

- 2.1** The Permittee shall submit a Project Management Schedule for initial construction to the Superintendent. This schedule shall be time-scaled and shall include significant activities and contingencies, which may reasonably be anticipated in connection with the project. The Project Management Schedule shall be updated as significant changes occur. The Project Management Schedule shall include:
- 2.1.1 Permit or authorization priority schedules; and
- 2.1.2 Pre-construction, construction, and post-construction activities.
- 2.2** The Permittee shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the Superintendent. Such authorization shall be a written construction SUP issued by the Superintendent. Any construction SUP shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.

**2.3 Survey and Boundary Delineation**

- 2.3.1 Prior to receiving a Construction SUP, the Permittee shall submit to the Superintendent for review and approval a Survey and Boundary Delineation Plan that addresses delineation of the construction ROW boundary and the as-built survey of the constructed road in accordance with the BLM Manual of Survey Instructions (2009). The as-built survey is not required until after construction is complete.
- 2.3.2 Prior to receiving a construction SUP, the Permittee shall submit to the Superintendent for review and approval its method for preventing trespass outside the construction ROW. The Permittee may either locate and clearly mark on the ground the exterior boundaries of the ROW and the location of all related facilities proposed to be constructed as part of that specific construction segment or project, or provide the method and means to use GPS-guided equipment for locating the boundaries of the proposed route and facilities.
- 2.4** The Permittee shall, in a manner acceptable to the Superintendent, either locate and clearly mark on the ground the exterior boundaries of the right-of-way and the location of all related facilities proposed to be constructed as part of that specific construction segment or project, or when GPS-guided equipment is the intended mechanism for remaining in the authorized right of way, the Permittee shall provide GPS files, and certification that the same files will be used to guide equipment, to the Superintendent for review and approval, prior to receiving a construction SUP.
- 2.5 Bond or Other Surety**
- 2.5.1 The Permittee shall obtain, and submit to the Superintendent, a performance and reclamation bond or other acceptable bond instrument to cover any losses, damages, or injury to human health, the environment, or property in connection with your use and occupancy of the right-of- way, including costs associated with terminating the permit, and to secure all obligations imposed by the permit and applicable laws and regulations.
- 2.5.2 The bond must be maintained in effect until removal of improvements and restoration of the right-of-way have been accepted by the Superintendent. Should the bond delivered under this permit become unsatisfactory to the Superintendent, the Permittee, shall, within 30 days of demand, furnish a new bond. Upon completion, or partial completion of related requirements, the Superintendent may terminate or reduce the amount of the bond.
- 2.5.3 The Permittee shall submit a new estimate and bond to the Superintendent at any time during the term of the permit if the Superintendent determines that the bond furnished under this authorization is insufficient.
- 2.6 Consultation**
- 2.6.1 The Permittee will submit documentation of consultation with affected subsistence communities to the Superintendent within 90 days of approving 90 percent road design at each phase of construction and annually by the end of the calendar year for 2 years following completion of construction of each phase, and at minimum every 5 years thereafter for the life of the project. Reporting will include a list of issues raised during consultation and results of road use monitoring.

## **2.7 Plans of Development**

The Permittee shall submit subject-specific plans to complete the Plan of Development at least 90 days before the planned initiation of construction, pursuant to the design features and mitigation measures detailed in Appendix A of the ROD dated July 23, 2020. Overarching plans shall be submitted prior to receiving an construction SUP for Phase 1, and detailed plans submitted and approved prior to issuing an construction SUP for constructing each specific phase 1, 2, 3 and reclamation. Plans will describe in detail the construction, operation, maintenance, and termination of the right-of-way and its associated improvements and facilities. Plans shall also include drawings in sufficient detail to enable a complete evaluation of all proposed structures, facilities, landscaping, and measures the Permittee will deploy to ensure compliance with the requirements of the permit and to ensure visual compatibility with the site. These drawings shall be the construction documents and must show dimensions, materials, finishes, etc. to demonstrate compliance with all requirements. The plans will be reviewed, and if appropriate, modified and approved by the Superintendent. An approved Plan of Development shall be made a part of the right-of-way permit prior to the Superintendent granting a construction SUP. Plans can be grouped as desired by the Permittee but are required to address the following subject areas:

- a. Financing
- b. Culvert Adaptive Management
- c. Stormwater Pollution Prevention
- d. Plans required under the Section 106 Programmatic Agreement
- e. Socioeconomics
- f. Permafrost
- g. Stream Crossings
- h. Naturally Occurring Asbestos
- i. Acid Rock Drainage
- j. Paleontological Resources Management
- k. Waste Management
- l. Spill Prevention Control and Countermeasure Plan (SPCCP)/Spill
- m. Invasive Species Prevention and Management Plan (ISPMP)
- n. Timber Clearing, Salvage, and Utilization
- o. Wildlife Interaction
- p. Meat Recovery
- q. Visual Resources
- r. Noise Management
- s. Dust Control
- t. Revegetation
- u. Public Access/Road User
- v. Monitoring
- w. Air Quality
- x. Records
- y. Closure
- z. Reclamation
- aa. Plan for use of explosives on federal land, including but not limited to blasting techniques

2.7.2 Noncompliance as determined by the Superintendent with the above will be grounds for an immediate temporary suspension of activities or termination of the right-of-way permit if such noncompliance constitutes a threat to public health and safety or the



environment.

## **2.8 Cultural Resources**

- 2.8.1 The Permittee must meet the necessary requirements of the PA, per PA Stipulation IX.A or IX.B, prior to receiving a construction SUP.
- 2.8.2 The Permittee will provide evidence to the Superintendent that it has consulted with local communities and tribes, or made reasonable attempts such as letter, telephone calls and emails, to seek ways to minimize or mitigate impacts to places of traditional cultural importance located along the ROW that do not meet the criteria of a historic property. In the event a community or tribe declines consultation, Permittee shall provide documentation of the outreach and declination.

## **2.9 Additional Facilities**

- 2.9.1 The Permittee shall apply for any additional facilities not covered under this right-of-way permit as soon as the plans of development have been approved by the Superintendent.

## **2.10 Socioeconomics**

- 2.10.1 On NPS lands, the Permittee shall address effects on socioeconomics by:
  - a. Planning and executing construction activities to minimize, to the extent practicable, impact to high-use tourist and recreation seasons (e.g., river floating, wildlife viewing, hunting, snow machining, dog mushing).
  - b. Planning and executing construction activities to minimize, to the extent practicable, impacts to local lodges and other businesses (i.e., minimize summer and fall construction in recreational and tourist areas).
  - c. Identifying and promoting work opportunities for local residents.

## **2.11 Permafrost**

- 2.11.1 The Permittee will design and construct the road following standard industry practices to reduce or eliminate permafrost degradation and associated road quality deterioration.

## **2.12 Stream Crossings**

- 2.12.1 All stream crossings will be designed based on site-specific information, such as fish species presence (presence will be assumed if data do not exist), in-stream flows and peak discharge, and floodplain regime. In developing estimates of flows and discharge for crossing design, climate trends will be used to improve the future discharge estimates and delineation of the floodplains.
- 2.12.2 The Permittee will design the road so as to minimize constructed features within the 0.25-mile boundary of the Kobuk River to the extent possible.
- 2.12.3 The Permittee's activities in and constructed features within the 0.25-mile boundary of the Kobuk River may not interfere or impede stream flow or transportation on the river. Permittee should minimize riprap by locating abutments out of the flood zone, or where possible, placing riprap above the ordinary high water mark. Where riprap cannot be eliminated, the Permittee will use local material from sources near the Park to blend more closely with local rock substrate.

## **2.13 Naturally Occurring Asbestos**

- 2.13.1 Prior to receiving a construction SUP with surface disturbing activities, the Permittee will submit for approval by the Superintendent a comprehensive plan for minimizing human exposure to NOA. At a minimum, the plan will address the relevant design features in their proposal, qualifications of staff providing oversight for NOA-related activities, testing methods, operating procedures and construction techniques specific to areas containing NOA, documentation of locations where NOA materials are placed, and methods for informing road users and maintenance staff when they are working where NOA materials were used. If such a plan is required by other agencies, then that plan can be provided to the NPS to satisfy this requirement.
- 2.13.2 The Permittee will develop and implement a plan to inform workers and residents of communities in the area directly affected by the Ambler Road (communities along the right-of-way corridor), of the occurrence of NOA in road materials, and on the ways to minimize exposure to Naturally Occurring Asbestos (NOA) and so reduce health risk.

## **2.14 Acid Rock Drainage**

- 2.14.1 Geotechnical investigations will include analysis of acid-producing properties of samples collected from material sites, along the road alignment, and at locations of ancillary facilities to identify areas of potential acid rock drainage. Testing also will be done for non-acidic metals leaching. Cuts will be minimized in areas with high potential for acid rock drainage and non-acidic metals leaching. The Permittee will provide a protocol for determining when alternative locations will be needed to avoid such areas and, if avoidance is not possible, how cut material and drainage will be handled.

## **2.15 Paleontological Resources**

- 2.15.1 AIDEA will develop and submit a Paleontological Resources Management Plan to the Superintendent for approval. The Plan will include steps to implement in the event of an unanticipated discovery of paleontological resources. The Permittee will notify the Superintendent of any inadvertent discovery of paleontological resources with 24 hours. These requirements shall cover the construction and maintenance and reclamation phases of the project as well.

## **2.16 Spill Prevention Control and Countermeasure Plan**

- 2.16.1 The Permittee will furnish NPS with a copy of the Spill Prevention Control and Countermeasure Plan (SPCCP), where it is required by 40 CFR 112, and copies of all other plans required by existing State and Federal hazardous materials law (e.g. for transport of mining chemicals, liquefied natural gas, mining ore, etc.).

## **2.17 Invasive and Special Status Species**

- 2.17.1 The Permittee will prepare an Invasive Species Prevention and Management Plan (ISPMP) to prevent the introduction and spread of Non-native Invasive Species (NNIS), including terrestrial and aquatic plant and animals at a minimum, the ISPMP will address the following items:
- Compatibility with the current National and State NPS Invasive Species Management Policies.
  - Methods and timeframe for conducting a baseline NNIS assessment prior to initiating surface disturbing activities, and periodic assessments throughout the duration of the authorization.

- c. Proposed methods of infestation management. Note that infestation treatment methods are subject to Superintendent approval.
  - d. Clear procedures for documenting and reporting detections of NNIS.
  - e. Specific practices, procedures, and Best Management Practices (BMPs) that the Permittee will adhere to for preventing the spread of NNIS, such as vehicle and equipment inspection and washing/brushing.
  - f. A program (procedures, timeframes, and documentation) for training all employees engaged in road construction or maintenance and all drivers allowed to use the road in invasive species awareness and abatement.
  - g. An adaptive management and monitoring framework to mitigate the introduction and spread of NNIS, including terrestrial and aquatic plants and animals, throughout the duration of the authorization and for at least five growing seasons after completion of reclamation.
- 2.17.2 The Permittee will conduct baseline analysis and surveys (if needed) on NPS-managed lands to identify NPS Special Status plant species, prior to conducting surface disturbing activities. The nature and extent of required analysis will be proposed by the Permittee for review and approval by the Superintendent.

## **2.18 Timber**

- 2.18.1 The Permittee will prepare and submit for approval by the Superintendent a Timber Clearing, Salvage, and Utilization Plan prior to any clearing activity. At a minimum, the plan will address clearing equipment and methods, minimizing risks to public safety, avoiding fire fuel hazards, minimizing forest health risks, skidding, yarding, and decking management to minimize environmental impacts, erosion and sediment control during timber handling operations, timeframes for removal of timber from public lands, and plans, if any, for making timber available for disposal to the public. All timber clearing will be performed in accordance with the approved plan.
- 2.18.2 Prior to initiating clearing operations on federal land, the Permittee will provide the Superintendent with an estimate of the amount of merchantable timber (tree species 5 inches in diameter at breast height or larger), if any, expected to be cut, removed, or destroyed, and will pay the NPS in advance of such construction or maintenance activity, such sum of money as the Superintendent determines to be the full stumpage value of the timber to be cut, removed, or destroyed.

## **2.19 Wildlife Interaction**

- 2.19.1 The Permittee will prepare a wildlife interaction plan detailing road design, construction timing, and management of wildlife attractants and human-wildlife interactions. All employees, contractors, and subcontractors, on duty or living at any camp or mobile camp within 3 miles of NPS-managed land or on the road will be trained and will follow the wildlife interaction plan.
- 2.19.2 The road and ancillary facilities will be designed to minimize impacts on wildlife movement and habitat fragmentation. Where practicable, this will include (but not necessarily be limited to) such measures as: burying infrastructure or facilities that may deter wildlife movement; creating wildlife escapement design features in excavations; siting and orienting infrastructure and facilities to allow for unfettered wildlife movement; and, retaining vegetation to provide screened movement corridors around infrastructure and



facilities where safe to do so.

- 2.19.3 The Permittee will work with land managers and wildlife agencies to identify construction timing windows to protect wildlife.
- 2.19.4 The Wildlife Interaction Plan will detail how to manage wildlife attractants (food and non-food materials) and respond to human-wildlife interactions. Intentional harassing or feeding wild animals is prohibited. Wildlife includes fish, amphibians, birds, and mammals.

## **2.20 Visual Resource Management**

- 2.20.1 The Permittee will identify for NPS review, and incorporate into its project design features, measures to minimize visual impacts from light fixtures. Lighting designs will use the minimum lighting intensity necessary to ensure safety; use localized task lighting; and incorporate measures such as diffusers, lenses, and shielding to reduce nighttime glare, light radiation, and backscatter into the sky.

## **2.21 Noise**

- 2.21.1 The Permittee will provide a Noise Management Plan, subject to Superintendent approval, outlining noise reduction methods and features to be used during construction and operation of the right-of-way.

## **2.22 Dust**

- 2.22.1 The Permittee will submit a Dust Control Plan, subject to approval by the Superintendent and review by ADEC, that will apply to all project construction and maintenance activities. At a minimum, the plan will include: a statement of the expected effectiveness and environmental effects of the proposed palliative options based on available published studies; rationale for selection of palliatives that includes consideration for minimizing effects on fish, wildlife, vegetation, and water quality; and a dust control prescription (BMPs, palliatives, policies, practices, and methodologies, and general schedules) by activity, season, road segment, and construction phase. Details on palliatives, frequency, and application method will be included in this plan. As a condition of approval for the Dust Control Plan, dust suppressants with ingredients known to be harmful to aquatic organisms will not be used within 328 feet of any fish-bearing stream or higher-value wetlands (i.e., emergent wetlands, moss-lichen wetlands, patterned fens and shallow ponds).

## **2.23 Revegetation**

- 2.23.1 Revegetation activities will be performed in accordance with the Permittee's Revegetation Plan, as approved by the Superintendent. In order to minimize the risk of introducing invasive species, the Permittee's revegetation plan will rely on use of topsoil with live native vegetation where practicable, and on planting and reseeding as secondary options.

## **2.24 Public Access**

- 2.24.1 The Permittee will prepare and submit a Public Access Plan inclusive of construction and operational periods to the Superintendent for review and approval. The plan will include types and locations of ramps and other suitable methods for allowing public access across the road right-of-way for subsistence and local over-snow travel purposes, and for preventing the potential for trespass along the road from crossing sites, road and trail intersections, and other locations. The Permittee will make provisions for suitable

permanent crossings of the right-of-way for the public where the right-of-way crosses or runs along existing roads, foot trails, winter trails, , easements (including Alaska Native Claims Settlement Act 17b public easements), or other rights-of-way or known routes identified through Permittee coordination with subsistence communities in the region and land managers. Provisions for crossings will be implemented during Phase 1 construction and maintained through all project phases.

## **2.25 Monitoring**

- 2.25.1 The Permittee will develop and submit a monitoring plan for approval by the Superintendent. It will demonstrate compliance with the approved plan of operations and other Federal and State environmental laws and regulations, provide early detection of potential problems, and supply information that would assist in directing corrective actions should they become necessary. Where monitoring plans are required under resource-specific stipulations herein, those plans shall be included in this plan. Clearly referenced existing state and federal monitoring plans may be incorporated to avoid duplication by submitting a copy of such plan for Superintendent review and acceptance. Monitoring records will be given to NPS upon request. The monitoring plan will include the following:
- a. A Permafrost Monitoring Plan to detect issues resulting from permafrost disturbance associated with right-of-way activities, at any location in the construction or operating right of way, including spur roads, and building pads, with the goal of reducing permafrost degradation by immediate action in response to adverse monitoring results.
  - b. A Culvert Monitoring Plan which will include documentation of culvert locations using a Global Positioning System, and regular monitoring during culvert installation and through road operations. The plan will identify corrective measures that will be taken if concerns are identified, and timeframes for those measures to be implemented. Corrective measures may include additional culverts, increasing culvert sizes, adding thaw lines, adding dead-man anchors, or other appropriate measures.
  - c. A Non-native Invasive Species Monitoring Plan to track the spread of NNIS, including terrestrial and aquatic plants and animals, throughout the duration of the authorization and for at least five growing seasons after completion of reclamation.
  - d. A Caribou Movement Monitoring Plan which will include maintaining a log of herd movement based on location and numbers of animals during times of caribou herd seasonal migration. Records will be maintained and shared annually with ADF&G and the Superintendent.
  - e. An Air Quality Monitoring Plan to include, at a minimum: methods for determining compliance with applicable State and Federal laws and regulations; methods for monitoring dust impacts at sensitive receptors in communities most directly affected (along the right-of-way corridor) during construction, road maintenance activities, and during road use; methods for monitoring dust production during all activities that involve disturbance of NOA materials; methods for determining the effectiveness of dust control policies, practices, and methodologies implemented; and actions to be taken in response to adverse monitoring results.
  - f. A Road Use Monitoring Plan, including numbers of vehicles by vehicle class and trip purpose, authorized and unauthorized.
  - g. A Post-Reclamation Monitoring Plan.

- 2.25.2 Annually and prior to January 1, the Permittee must provide the Superintendent with a written plan of expected maintenance and non-emergency repair work to occur within the Permitted Area in the coming year. The Park may request a meeting to discuss the plan. The Permittee must notify the Superintendent in writing at least 2 weeks before conducting any maintenance or non-emergency repair work within the Permitted Area that was not contained in the annual plan. The Superintendent may require an on-site monitor to be present during such work.

## **2.26 Closure/Reclamation**

- 2.26.1 The Permittee, in addition to the initial closure and reclamation plan, will submit an updated closure and reclamation plan with each submission of as-built data, at each five year interval for the life of the project, and upon notification of intent to begin closure and reclamation activities.
- 2.26.2 Each closure and reclamation plan will include a requirement to notify any communities authorized to receive goods or services via Permittee facilities of the plan and anticipated timelines.

## **3.0 Construction Through Reclamation**

- 3.1 The Permittee's facilities are to be used only in support of authorized activities. Other uses, including use by hunters, fishers, tourists, researchers, or employee's friends or family members, are not authorized. This does not preclude providing appropriate emergency assistance to anyone in distress or providing assistance and support to law enforcement or search and rescue personnel if requested.
- 3.2 The Permittee will conduct an environmental briefing with all employees, contractors, and subcontractors so they are familiar with the stipulations. The Permittee will maintain records of participant names and dates for these briefings and will make such records available to NPS on request. The Permittee will ensure that a copy of the stipulations is readily available in either hard copy or electronic format to all employees, contractors/subcontractors, and agency staff at all crew quarters and offices associated with road operations (e.g., gatehouses, offices at maintenance camps).
- 3.3 When foam is used to insulate the permafrost from thermal degradation, it will be composed of closed-cell extruded polystyrene or other closed cell foams (e.g., blue board) rather than non-extruded expanded polystyrene foam.
- 3.4 The Permittee shall submit a Certification of Completion and as-built drawings and survey to the Superintendent, within 60 days after either completing a construction phase/section or placing a facility into operation, as proof of completion of Construction. The as-built drawings and survey will tie the exterior boundary of the ROW area to an established General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, or recognizable civil (both public and private) survey.
- 3.5 The Permittee shall provide the NPS with as-built data for the road within 90 days of completion of each construction phase. Data will be in the form of an ESRI shape file(s) referencing the



North American Datum of 1983 (NAD83).

### **3.6 Amendments to ROW Permit and Land Use Permits**

- 3.6.1 The Permittee shall apply for an amendment to the existing ROW permit for a proposed substantial deviation in location or use.
- 3.6.2 The Permittee shall apply for an amendment or Special Use Permit no less than ninety (90) days prior to implementation, unless the Superintendent states, in writing, that more time is needed for review and approval.
- 3.6.3 Any Amendments or Land Use Permits may contain site-specific terms

### **3.7 Public Health**

- 3.7.1 The Permittee will use only non-persistent and immobile types of pesticides, herbicides, preservatives, and other chemicals. Each chemical to be used and its application constraint will be approved by the NPS prior to use. The use of pesticides and herbicides is regulated by ADEC's Environmental Health Division through 18 AAC 90 and may require a State permit, as well as additional analysis under NEPA prior to use on NPS-managed lands.

### **3.8 Facilities**

- 3.8.1 At all facilities, and other places of common intended pedestrian traffic, boardwalks or similar measures will be built, used, and properly maintained in areas where repeated trampling will create visible trails or water tracks or will otherwise impede vegetation growth, or the route will be closed and the Permittee will ensure that their employees, contractors, subcontractors, observe the closure.
- 3.8.2 The Permittee will prohibit its agents, employees, and contractors, and their respective employees, from hunting, fishing, shooting, trapping, using vehicles off-road, or camping, while on duty.
- 3.8.3 The Permittee will ensure that their employees, contractors, and subcontractors do not intentionally harass or feed wild animals (including fish, amphibians, birds, and mammals) while in the Park. This includes leaving unattended garbage or other potentially edible items that will attract wildlife, including birds.

### **3.9 Waste**

- 3.9.1 The Permittee will ensure that all solid waste and garbage, including incinerated ash, is removed from public lands and disposed of in an ADEC-approved waste disposal facility within 90 days of generation.
- 3.9.2 The Permittee will ensure that portable toilets are used for human waste disposal and are regularly maintained anywhere construction or maintenance activity is concentrated.

### **3.10 Fire**

- 3.10.1 The Permittee will employ measures from Firewise Alaska ([forestry.alaska.gov/Assets/pdfs/home/firewise09.pdf](http://forestry.alaska.gov/Assets/pdfs/home/firewise09.pdf)) to prevent wildfires. The NPS, through the Superintendent, reserves the right to impose restrictions on Ambler Road activities in any area to prevent the cause or spread of wildfire and ensure public safety.

- 3.10.2 Use of open fires in connection with Ambler Road activities is prohibited on NPS-managed land unless approved by the Superintendent and performed in accordance with Federal law. The Permittee will require all employees, contractors, subcontractors, and authorized drivers to build no fires.
- 3.10.3 The Permittee will report any fires that occur on or near lands subject to the right-of-way permit by calling 911 or 1-800-237-3633 as soon as they become aware of the fire. After the fire is reported, and when it is safe to do so, the Permittee will notify the Superintendent of the report and circumstances.
- 3.10.4 The Federal government shall not be held responsible for protection of structures or property from wildfire on authorized improvements in the right-of-way.
- 3.10.5 The Permittee will be held financially responsible for Permittee actions or activities that result in a wildfire. Costs associated with wildfires include, but are not limited to, damage to natural resources and costs associated with any suppression action taken on the fire.

### **3.11 Visual Resource Management**

- 3.11.1 The Permittee will identify for NPS review and incorporate into its project design features and measures to minimize visual impacts from light fixtures. Lighting designs will use the minimum lighting intensity necessary to ensure safety; use localized task lighting; and incorporate measures such as diffusers, lenses, and shielding to reduce nighttime glare, light radiation, and backscatter into the sky.
- 3.11.2 The exterior of structures of any maintenance and operations facilities will be colored covert green, shadow gray, or a similar color unless another color is specified in the project-specific stipulations as depicted on the NPS's Visual Resource Management Standard Environmental Colors Chart. For more information visit:  
[www.blm.gov/programs/recreation/recreation-programs/visual-resource-management](http://www.blm.gov/programs/recreation/recreation-programs/visual-resource-management)
- 3.11.3 Structure profiles will be minimized and structures that protrude above ground level will be constructed in locations not conspicuous on the horizon, to the greatest extent practicable.
- 3.11.4 Other visual impact mitigation measures, subject to consistency with vegetation BMPs, will include:
  - a. Minimize locating Ambler Road facilities in areas that will be visible to the public in places with high visual resource value, including, existing communities, and streams used for recreation and transportation.
  - b. Blend the Ambler Road facilities into the natural setting to the extent practicable when crossing or passing near places with high visual resource value, including existing communities, and streams used for recreation and transportation.

### **3.12 Materials**

- 3.12.1 Gravel and other construction materials will not be taken from active stream or riverbeds, active floodplains, lakeshores, or lake outlets without further site-specific analysis and approval of the Superintendent.
- 3.12.2 Excavated materials will not be stockpiled in rivers, streams, 100-year floodplains, or

wetlands unless approved by the Superintendent.

### **3.13 Timber**

- 3.13.1 The Permittee will ensure that removal of timber and other woody vegetation is limited to only that necessary to facilitate activities authorized in the right-of-way permit, and that trees that will not be removed are not damaged.

### **3.14 Vegetation Clearing/Migratory birds**

- 3.14.1 The Permittee will ensure that vegetation clearing during all phases of construction will be scheduled to minimize impacts on migratory birds and any other birds on the NPS special status species list (to be provided by NPS and updated periodically). The primary mechanism to avoid and minimize impacts is to conduct vegetation clearing outside of the nesting season (May 1–July 15 for this region). If the Permittee chooses to clear vegetation during this timeframe then the Permittee will have a qualified biologist survey any area where vegetation will be damaged by the project or associated activities within 48 hours prior to vegetation disturbance. If an active nest is located, an appropriate avoidance area (as determined by the qualified biologist) will be marked and avoided until the biologist determines that the nest has been naturally vacated.

### **3.15 Hazardous Materials and Petroleum, Oil, & Lubricants**

- 3.15.1 The Permittee will ensure that all hazardous materials containers, including POL containers, are stored within secondary containment.
- Double-walled tanks will meet secondary containment requirements.
  - When containment other than double-walled tanks is used, the containment area will be lined with an impermeable liner composed of material compatible with the substance(s) to be contained. The liner will be free of cracks or gaps and sufficiently impervious to contain leaks or spills.
  - If the containment is completely under cover of a roof, then the containment volume must be large enough to contain the capacity of the largest container stored within.
  - If the containment is not completely under cover of a roof, then the containment volume must be large enough to contain the capacity of the largest container stored, plus water from a 5-year, 24-hour storm event. The amount of precipitation from a 5-year, 24-hour storm event for a given location can be found at [hdsc.nws.noaa.gov/hdsc/pdfs/pfds\\_map\\_ak.html](http://hdsc.nws.noaa.gov/hdsc/pdfs/pfds_map_ak.html).
- 3.15.2 All fuel containers used, including barrels and propane tanks, must be marked with Permittee's name, fuel type and purchased or filled date (e.g. GSI, Hydraulic Fluid, June 2020)
- 3.15.3 Refueling equipment and storing/maintaining equipment within 100 feet of the active floodplain of any waterbody is prohibited, except for watercraft and aircraft. Fuel storage stations shall be located outside the 100-year floodplain of waterbodies, unless otherwise approved by the Superintendent. The Superintendent may allow storage and operations at areas closer than the stated distances if properly designed to account for local hydrologic conditions.
- 3.15.4 During fuel or hazardous substance transfer, the lessee will ensure that a secondary containment or a surface liner is placed under all container or vehicle fuel tank inlet and



outlet points, hose connections, and hose ends.

- 3.15.5 Any equipment needing repairs that have the potential to release fluids will be repaired at a designated maintenance station if the equipment can be moved. If such repairs must be conducted in the field, the repairs will be completed over an impermeable liner to ensure fluid migration to the environment does not occur.

### **3.16 Spill Prevention and Response**

- 3.16.1 The Permittee shall ensure that all hazardous material spills, including POL spills, are reported to the Alaska Department of Environmental Conservation (ADEC) in accordance with State of Alaska laws and regulations.
- 3.16.2 The Permittee shall notify the Superintendent within 48 hours of any spill of a Reportable Quantity (RQ) of hazardous material on NPS lands and provide the ADEC spill report number.
- 3.16.3 Fuel spill kits will be kept on site wherever equipment is working and would be carried by trucks transporting fuel or hazardous fluids on the road. An overpack drum will be kept on site wherever drums are used to store or transfer petroleum or other hazardous materials.
- 3.16.4 The Permittee will ensure that all spill containment devices, such as “duck ponds,” liners, and vehicle drip pans, are in use beneath all parked vehicles at all times, and maintained in good working condition at all times. Spill containment devices that are punctured, torn, or worn beyond serviceability will be replaced as soon as feasible, but not more than 48 hours after discovery of the unserviceable condition.
- 3.16.5 The Permittee will establish requirements that vehicles used on the road be in good working condition and will do a visual inspection for any signs of leaks.
- 3.16.6 Any cyanide transported along the right-of-way must be transported by a signatory to the International Cyanide Management Code that is certified in Full or Substantial compliance with the Code (<https://www.cyanidecode.org/become-signatory/signatory-and-certification-process>).

### **3.17 Invasive Species**

- 3.17.1 Where practicable, project operations must begin in areas without non-native or noxious weed species, as opposed to initiating activities from areas of infestation.

### **3.18 Water Bodies**

- 3.18.1 When conducting surface disturbing work in the 100 year floodplain of any water body, AIDEA will employ applicable BMPs described in the Alaska Storm Water Guide ([dec.alaska.gov/water/wnpspc/stormwater/Guidance.html](http://dec.alaska.gov/water/wnpspc/stormwater/Guidance.html)), with particular attention to the considerations for linear projects identified in the guide.
- 3.18.2 Stream crossings will preserve floodplain connectivity to the greatest extent practicable, for example by measures such as setting the invert for overflow culverts at the same grade level as the floodplain, distributing the overflow culverts to match the flood-flow patterns in the floodplain, etc.

- 3.18.3 Mobile ground equipment will not be operated in or on lakes, streams, or rivers on NPS-managed land except when ice thickness is adequate to support the equipment without altering the stream bed or displacing water outside the stream channel, unless specifically approved by the Superintendent.
- 3.18.4 Snow ramps or snow bridges and ice thickening used during construction at watercourse crossings will be substantially free of soil and/or debris. The ramps and/or bridges will be breached upon completion of the winter construction season before spring snowmelt begins.
- 3.18.5 Caissons, coffer dams, or other methods will be used for in-water drilling or pile driving to keep work areas separate from surface waters, to protect water quality. If any drilling muds were used for geotechnical drilling, bridge pile drilling, or other drilling, muds will be kept separate from any surface water.
- 3.18.6 Where practicable, a 100-foot undisturbed vegetation buffer will be maintained along any ponds, lakes, creeks, rivers or higher-value wetland (patterned fens, emergent wetlands, and moss-lichen wetlands), unless site-specific conditions warrant an exception. Any exceptions must be approved by the Superintendent. The buffer width will start from the edge of the riparian area associated with waterbodies or from the edge of higher value wetland.
- 3.18.7 No fuel storage or refueling of equipment will be allowed within the floodplain of a river or lake, unless approved by the Superintendent.
- 3.18.8 All construction and operations activities shall be conducted with due regard for good resource management and in such a manner as not to block any stream or drainage system; change the character or course of a stream; cause the pollution of any stream, lake, wetland, or land area; or cause pollution of the air, except as authorized in any manner by the appropriate federal or state agencies.

### **3.19 Wetlands**

- 3.19.1 In wetlands, tundra mats or other appropriate types of ground protection will be used to minimize disturbance of ground vegetative cover outside the cut-fill footprint during non-winter construction, unless otherwise authorized by the Superintendent.
- 3.19.2 The Permittee will minimize the disruption of groundwater flow through the active layer above permafrost covered by the roadbed, to protect groundwater-fed wetlands such as fens. Updrainage of fens and other unique wetland features the use of more porous fill material should be maximized and compaction to underlying soils limited.
- 3.19.3 Disturbance to uncommon wetlands such as patterned fens and moss-lichen wetlands will be avoided to the maximum extent practicable.

### **3.20 Floodplains**

- 3.20.1 New construction within 100-year floodplains shall be avoided to the extent practicable (as determined by the Superintendent) when identifying the location of roads and ancillary

facilities not previously approved in the POD, including when proposing POD amendments. When floodplain avoidance is not practicable, the proposal shall include written documentation of the alternative locations considered and the rationale for why the alternatives are not practicable, and shall include the following minimization measures:

- a. Roads through floodplains shall cross riparian areas perpendicular to the main channel to the extent practicable.
- b. Throughout the ROW, structural and vegetative treatments in riparian areas shall contribute to the maintenance or restoration of proper functioning condition.

- 3.20.2 When riparian vegetation is cleared, riparian vegetation diversity and density shall be re-established to the extent practicable.

### **3.21 Subsistence**

- 3.21.1 As per the Permittee's commitment, the Permittee shall consult directly and regularly with affected subsistence communities, including on the following items:
- a. Road construction and operations.
  - b. Minimizing interference with subsistence activities.
  - c. Identifying locations and times when subsistence activities occur and minimizing work during these times and in these areas.
  - d. Scheduling work (e.g., blasting) to avoid conflict with subsistence activities when possible.
  - e. Managing project-related aviation activities to minimize disturbance of hunters or prey species.
- 3.21.2 The Permittee shall notify workers and road users when subsistence activities are ongoing in the area and direct them to refrain from actions that may affect the activities (e.g., not removing trapline markers).

### **3.22 Wildlife**

- 3.22.1 The Permittee will notify the Superintendent within 30 days if an animal is killed during the course of construction or operation of the road or associated facilities, including in defense of life or property.
- 3.22.2 Vehicles will be required to slow down or stop and wait to permit the movement of wildlife across the road at any location.
- 3.22.3 Snowbank height will be minimized to allow caribou passage, in particular during spring migrations, to the extent practicable.
- 3.22.4 To minimize wildlife entanglement and plastic debris pollution, plastic-free erosion and sediment control products such as netting manufactured from 100 percent biodegradable, non-plastic materials like jute, sisal, or coir fiber, will be used whenever possible.
- 3.22.5 During periods of wildlife breeding, lambing, or calving activity, and during major migrations of wildlife, the Permittee's activities on NPS-managed land may be restricted by the Superintendent with written notice. In coordination with the Permittee's activities, the Superintendent may furnish the Permittee a list of areas where such actions may be required, together with anticipated dates of restriction.



- 3.22.6 AIDEA would notify the Superintendent within 48 hours of any observation of dead or injured fish on water source intake screens or in holes used for pumping water. AIDEA would temporarily cease pumping from that hole until additional preventative measures are taken to avoid further impacts to fish.
- 3.22.7 The Permittee will ensure that no vertical or near-vertical faces that may encourage bank swallow nesting are left on any slope. If bank swallows establish nests, the Permittee will ensure that the face is not disturbed until after young are fledged or the nests are naturally vacated.

### **3.23 Revegetation**

- 3.23.1 Topsoil and vegetation will be stockpiled separately from overburden in a manner that prevents loss through erosion.
- 3.23.2 The Permittee will ensure that all areas where vegetation is cleared or fill is placed, including road embankments, are revegetated as soon as practicable, unless operation of the authorized road and facilities necessitates the area remaining unvegetated.
- 3.23.3 Each installation of manufactured erosion control media will remain in place and be inspected and maintained weekly during the growing season until sufficient vegetation is established to achieve natural erosion control after the manufactured materials degrade or are removed.

### **3.24 Access**

- 3.24.1 NPS retains the right to access the lands covered by the right-of-way permit at any time and to enter any facility the Permittee constructs on the right-of-way. Similarly, other agencies or landowners that, in the judgment of the Superintendent, have permit-compliance responsibilities for the road or mines or that need access for land management and other functions shall be allowed to drive the road, after appropriate road-use training, at no charge. Requirements to have commercial driver's license that may apply to other classes of drivers on the road will not apply to agency personnel except where they are otherwise required to have such a license.
- 3.24.2 Areas of restricted public access will be easily identifiable on the ground. The Permittee will provide appropriate signs, flagging, barricades, and other safety measures when regulating or prohibiting public access.
- 3.24.3 The Permittee will not block or obstruct the ingress or egress along any permanent existing roads or trails, including perennial winter trails and subsistence trails identified by communities, unless explicitly approved by the Superintendent.
- 3.24.4 Where the proposed alignment interferes longitudinally with traditional trails or adjudicated RS2477 routes the Permittee will maintain such routes in their current location by altering or refining the Ambler Road design or replacing those facilities with parallel facilities of equal or better condition. Location of security gates will be adjusted if/as needed to ensure no unauthorized access.

3.24.5 The use of unmanned aircraft (drones) is prohibited, unless authorized in advance in writing by the NPS.

3.24.6 The Permittee will work with the Superintendent to manage visitor safety and communicate information about potential closures with as much advanced notice as is feasible.

### **3.25 Closures**

3.25.1 The Permittee will notify the Superintendent in writing 30 days prior to the beginning of any planned temporary closure and 90 days prior to initiation of permanent closure and reclamation activities. For unplanned closures, the Permittee must notify the Superintendent within 24 hours after initiating the closure.

### **3.26 Reporting**

3.26.1 Permittee shall report road use, including records of numbers of vehicles by vehicle class and trip purpose including any unauthorized use of the road.

3.26.2 Permittee shall report emergency use of the facilities to the Superintendent, as soon as practicable but no later than 7 business days after the event. In addition, Permittee shall record and report incidents and accidents, including location, date, nature of incident or accident, whether any administrative or enforcement action was initiated, actions taken by the Permittee in response, and status of response completion, yearly. Examples of types of reportable incidents and accidents include (but are not limited to) fuel spills, overturned vehicles, wildlife injuries or fatalities, equipment breaking through ice, etc.

3.26.3 Permittee shall report any disturbance or destruction of pipelines, fuel gas lines, roads, trails, work pads, survey monuments or right-of-way markers, cathodic protection devices, monitoring rods, drainage/erosion control structures, or any other facilities or properties, existing on public lands, in the conduct or operations under this right-of-way permit, and shall restore to the satisfaction of the Superintendent, except as specified in the right-of-way permit.

3.26.4 Baseline analysis and surveys on NPS-managed lands to identify NPS Special Status plant species, prior to conducting surface disturbing activities. The nature and extent of required analysis shall be proposed by the Permittee for review and approval by the Superintendent.

3.26.5 The Permittee will submit a final summary report to the Superintendent within 30 days of completion or cessation of operations. This report shall include:

- a. Written statement of program completion with completion date.
- b. Summary compilation of incident and accident reports addressed in previous annual reports, including location, date, nature of incident or accident, whether any administrative or enforcement action was initiated, actions taken by the Permittee in response, and status of response completion. At a minimum, the types of incidents and accidents must include fuel, oil, or hazardous material spills; overturned vehicles or equipment; incidents that resulted in exceeding state water quality standards; incidents that altered stream banks, resulting in the stream leaving its normal channel (i.e., stream blowouts); wildlife injuries or fatalities; and fish kills.
- c. A comprehensive map showing fuel storage locations and dates utilized, routes used

for off-highway fuel hauls and dates utilized, storage locations for any hazardous materials with dates utilized, and types of materials.

- 3.26.6 The Permittee shall provide timely notification to the Superintendent for the following types of incidents occurring within the Preserve: incidents that resulted in exceeding state water quality standards; incidents that altered stream banks, resulting in the stream leaving its normal channel; and fish kills. The Permittee shall consult with NPS to develop appropriate remedies.

## **4.0 Closure and Reclamation**

- 4.1** The Permittee shall notify any local communities authorized to receive goods or services via the Permittee's facilities of the closure plan and anticipated timelines as soon as the final closure plan is approved by the Superintendent and no shorter than 90 days prior to closure.
- 4.2** When the project improvements (infrastructure, roadbeds, and pads) are no longer needed, the end-of-project reclamation will include removing the fill placed in wetlands, and restoring the original contours of the landscape to return the land to its original condition to restore fish and wildlife habitat, and hydrologic conditions to the greatest extent practicable.
- 4.3** Restoration within the preserve should consider the best measures for the habitat as it exists at that time and include consultation with the NPS.