



CITY OF KOTZEBUE

Special Planning Commission Meeting

The City of Kotzebue Planning Commission has scheduled a Special Planning Commission Meeting pursuant to Chapter 17.36.060 of the Kotzebue Municipal Code.

It will be located in the City Council Chambers, at 258A Third Ave. on

Wednesday, August 19, 2026, at 5:15pm.

The public is encouraged to attend. For residents who would like to participate by telephone, call 1-800-315-6338. Access code is 49401#.

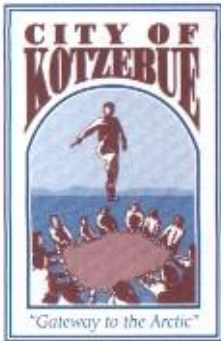
AGENDA

- I. CALL TO ORDER/ROLL CALL
- II. INVOCATION/PLEDGE OF ALLEGIANCE
- III. INTRODUCTION OF GUESTS
- IV. ADOPTION OF THE AGENDA
- V. NEW BUSINESS
 - A Arctic Circle Wild Seafoods Tidelands and Temporary Use Permit Res 26-11
- VI. COMMISSIONERS' COMMENTS
 - A. Chrisopher Cook
 - B. Hans Nelson
 - C. Clay Nordlum
 - D. Carl Weisner
 - E. Ernest Norton, Chairman
- VII. ADJOURNMENT

**IF YOU HAVE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT THE PLANNING DEPARTMENT AT (907)442-5203
, OR EMAIL customerservice@kotzebue.org.**

Posted 8/18/2026

City Hall, USPS, KOTZ Radio, Alaska Commercial, CITY DEPT HEADS



**KOTZEBUE PLANNING COMMISSION
RESOLUTION 26-11**

**A RESOLUTION OF THE KOTZEBUE PLANNING COMMISSION RECOMMENDING
TO THE CITY OF KOTZEBUE CITY COUNCIL THE APPROVAL OF ARCTIC
CIRCLE WILD SEAFOOD (“ACWS”) TIDELANDS USE PERMIT & TEMPORARY
USE PERMIT FOR PURCHASING FISH CAUGHT WITHIN CITY-OWNED
TIDELANDS**

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

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

WHEREAS, ACWS has submitted a request for a temporary non-exclusive use of City Tidelands to facilitate the purchase of salmon from local fishermen during the 2026 commercial season as set forth in Exhibit “B”;

WHEREAS, The City owns shoreside property and can provide a Temporary Use Permit

WHEREAS, ACWS’s main operations will be conducted shoreside on the property described as corner of Fourth and Sixth Street

WHEREAS, ACWS’s operations will not be directly located within the bounds of the City Tidelands, ACWS will still be conducting business with commercial fisherman operating within City Tidelands;

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

WHEREAS, ACWS has maintained its fish buying operation in Kotzebue for a number of years remaining in good standing with the City on all previous Tidelands Permits and Temporary Use Permits up to this year; and,

August 19, 2026

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

NOW THEREFORE BE IT RESOLVED:

1. The Tidelands Permit and Temporary Use Permit is hereby recommended for approval for Arctic Circle Wild Seafood, subject to compliance with all terms and conditions set forth in the permit application (Exhibit “B”) and attached Tidelands Permit and Temporary Use Permit (Exhibits “C” and “D”).
2. ACWS and its agents shall adhere to all federal, state, and local laws, regulations, and permit conditions applicable to activities conducted under this permit.
3. ACWS shall maintain the permitted area in a clean, safe condition and comply with spill reporting requirements as specified in the permit conditions.
4. This permit shall retroactively take effect August 20, 2026, and expire on August 31, 2026, unless extended by mutual, written agreement of the Parties.
5. The City Manager or their designee is authorized to execute the Tidelands Permit and Temporary Use Permit on behalf of the City of Kotzebue.

PASSED AND APPROVED by the Kotzebue Planning Commission on this 19th day of August 2026.

**CITY OF KOTZEBUE
Planning Commission**

Ernest Norton, Chairman

ATTEST:

Lloyd Walker, Planning Director

Attachments

Exhibit A- City Tidelands

Exhibit B- ACWS Tidelands Permit Application

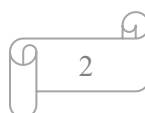


Exhibit C- Proposed ACWS Tidelands Permit

Exhibit D-Proposed Temporary Use Permit



August 15, 2026

Mr. Ron Johnson
Kotzebue City Manager
P.O. Box 34
Kotzebue, AK 99752
Dear Mr. Johnson:

Please consider Arctic Circle Wild Seafood's (ACWS) application for a Temporary Tidelands Permit Application. We intent to purchase salmon from fishermen during the upcoming commercial fishing season in August, 2026.

ACWS proposed site layout for our operation using the City right-of-way. The setup will be located at the intersection of Fourth and Sixth just past the Alaska Technical Center, next to KIC's barge landing location for many years.

Also, we request access to the city water service at the entrance to North Tent City and will connect to the city faucets.

All operations will be directed by ACWS personnel with all local hires. We're the only locally-owned and operated seafood buying company. We need competition among fish buyers to help keep the price up for the fishermen. We're always the price leader when we enter the market and other buyers calibrate their prices against ours.

Finally, ACWS requests the City to apply funding for a feasibility study to construct a community seafood processing plant for salmon & sheefish for up to 50,000/lbs a day from the Northwest Arctic Borough Village Improvement Fund (VIF) to prepare plans with costs and recommendations for primary and secondary processing and cold storage to make Kotzebue fish more competitive in the marketplace since we have to ship out our fish for processing, the same for the other buyer, which drives up our costs and market price.

On the fish supply side, we have worked with the State of Alaska and the Northwest Arctic Borough to help establish a Fisheries Biologist II position in Kotzebue. This role would support fish counts, track migration patterns as fish move outside the harvest zone and install side-scan sonar for annual counts. Senator Lisa Murkowski secured a federal earmark for a three-year study. The aerial surveys and baseline data work is starting now as part of the work is starting now. The state has approved the position and is posting job announcements in the not-too-distant future.

Both processing plant feasibility & design and research data are needed to put more people work here in town and maximize the value of a seafood processing plant in our community.

We appreciate all the help and support from the City including City Planner Fred Smith and the crew we interact with for utilities during start up and shut down of operations.

Cordially,



Michael J. Scott
Managing Partner
Arctic Circle Wild Seafood
P.O. Box 226
Kotzebue, AK 99752
(907) 412-1526

**CITY OF KOTZEBUE
TEMPORARY USE PERMIT
FOR ARCTIC CIRCLE WILD SEAFOOD, LLC ("ACWS")
PURSUANT TO KMC 3.12.120
AND
RESOLUTION NO.**

1. Kotzebue Municipal Code ("KMC") 3.12.120, Use permits and licenses, provides that *"The city may, by city council resolution, issue use permits or licenses for the use of city land, not to exceed one hundred eighty days. Such use permits or license may or may not be for consideration, but such use permits or permits may be terminated at will by the city. Use permits and licenses may be issued without conforming to the requirements of [KMC Chapter 3.12] for disposal of land, unless otherwise directed by the council."*
 2. Arctic Circle Wild Seafood, LLC has committed and agreed that the use of the City properties identified in this Temporary Use Permit will be operated in such a manner so as to not interfere with any City and public, non-commercial uses in, on or around the properties requested for use, said properties identified in ACWS's submittal attached hereto as Exhibit "A."
 3. Arctic Circle Wild Seafood, LLC shall indemnify, defend and hold harmless the City, its employees, officials and/or agents from any and all claims, actions, fees, expenses, costs and demands of whatever nature or type caused by, related to or in any way associated with the granting of this Temporary Use Permit, Arctic Circle Wild Seafood, LLC's use of and/or Arctic Circle Wild Seafood, LLC's activities on or about the City properties identified herein.
 4. Arctic Circle Wild Seafood, LLC at the end of its use of the City's properties for the 2026 fishing season shall leave the City's properties in a safe and properly cleaned condition, restoring them to the condition in which the properties were found at the start of the use permit granted herein.
 5. Arctic Circle Wild Seafood, LLC acknowledges and understands that this use permit may be terminated at will by the City pursuant to KMC 3.12.120 and may under no circumstances exceed one hundred and eighty (180) days.
 6. Arctic Circle Wild Seafood, LLC shall pay the City \$500.00 as compensation for this Temporary Use Permit. This compensation shall be due within ten (10) days of the execution of this Temporary Use Permit.
 7. Arctic Circle Wild Seafood, LLC shall be granted: (1) a non-exclusive, temporary use permit for its fish buying operations during the 2026 fishing season at/on the following City-owned properties at the northerly end of the City's Right-of-Way of 4th Street where it intersects 6th Street, as set out in Exhibit "A" attached hereto; (2) the non-exclusive use of the City's water source spigot located at North Tent City, adjacent to ACWS's fish buying area, as described in Exhibit "A," attached hereto, provided that ACWS shall have its water usage metered using a split-type fixture with its usage
- TEMPORARY USE PERMIT – ARCTIC CIRCLE WILD SEAFOOD, LLC**

separately metered and such water usage shall be paid in full by ACWS at the applicable commercial rate, including fees/charges for the installation, monitoring and removal of the City's water meter, as applicable.

8. Arctic Circle Wild Seafood, LLC warrants that the individual signing below on behalf of Arctic Circle Wild Seafood, LLC has the authority and permission of Arctic Circle Wild Seafood, LLC to sign this Temporary Use Permit and in so doing to bind Arctic Circle Wild Seafood, LLC to the terms of this Temporary Use Permit.

9. This Temporary Use Permit shall be subject to all applicable provisions of Title 29 of the Alaska Statutes and the Kotzebue Municipal Code, and all amendments thereto, judicial determinations thereof and case law thereunder.

10. This written Temporary Use Permit embodies the whole agreement between the City and Arctic Circle Wild Seafood, LLC and there are no inducements, promises, terms, conditions or other obligations that are entered into herein other than those contained herein.

11. Any dispute concerning this Temporary Use Permit shall be resolved by good faith, non-binding mediation between the City and Arctic Circle Wild Seafood, LLC. If such non-binding mediation shall not resolve all disputed matters, the City and Arctic Circle Wild Seafood, LLC agree to submit any unresolved disputes to binding arbitration (with a single arbitrator). This arbitration shall be the sole remedy for any and all disputes arising under this Temporary Use Permit and the decision of the arbitrator shall be the complete, final adjudication of any and all such disputes under this Temporary Use Permit. The site of any such arbitration shall be in Kotzebue, Alaska, at a location agreed upon by the City and Arctic Circle Wild Seafood, LLC.

Any arbitration shall be governed by Alaska's Revised Uniform Arbitration Act as set forth in A.S. 09.43.300 to A.S. 09.43.595. Damages, if any, awarded by an arbitrator shall be limited to non-tort, contract damages allowed by Alaska law, with full, reasonable fees and costs awarded to the prevailing party by the arbitrator, with the determination of prevailing party status governed by the Alaska Rule of Civil Procedure 82 and the Alaska case law developed under Alaska Rule of Civil Procedure 82.

[Dated and Signed on Page 3 of 3]

TEMPORARY USE PERMIT – ARCTIC CIRCLE WILD SEAFOOD, LLC

CITY OF KOTZEBUE

City Manager

DATED: _____

Attachment:

Exhibit "A" – ACWS Submittal

ARCTIC CIRCLE WILD SEAFOOD, LLC

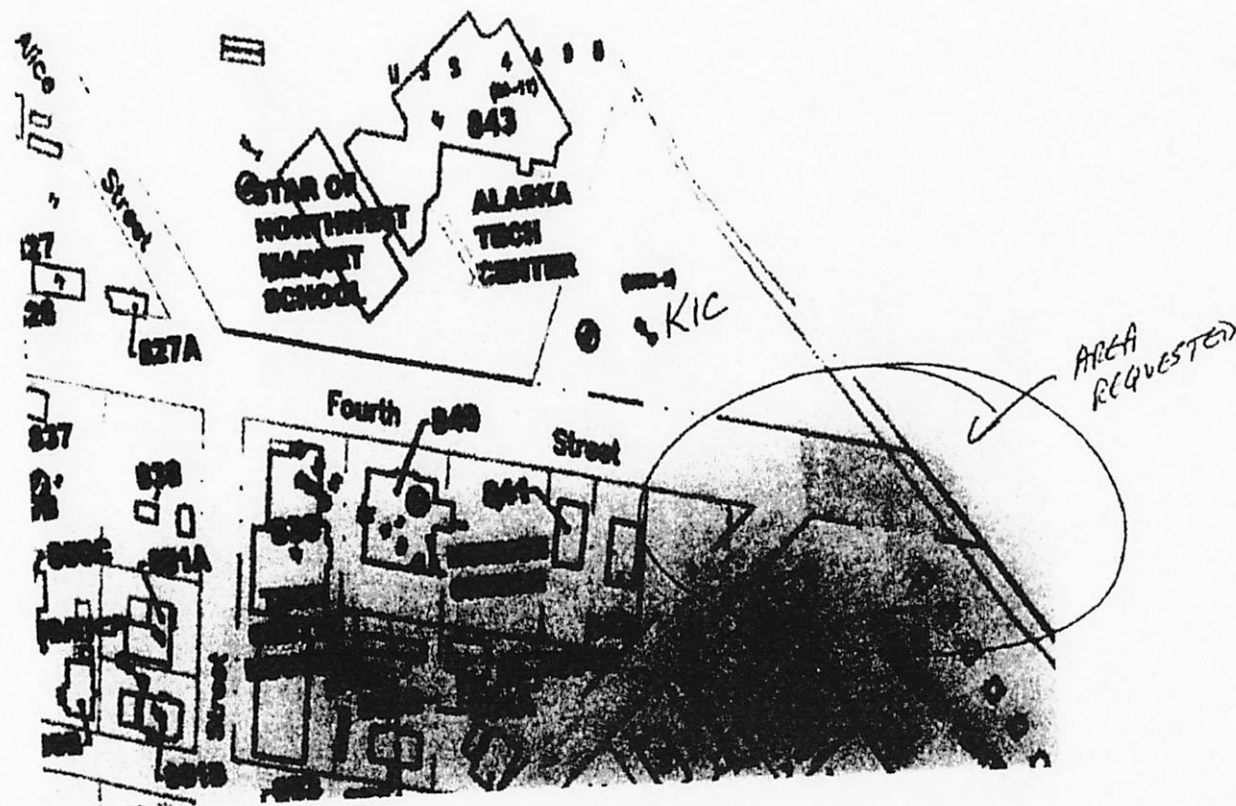
By: Michael J. Scott _____ [Print Name]
Its: Managing Partner _____ [Print Title]

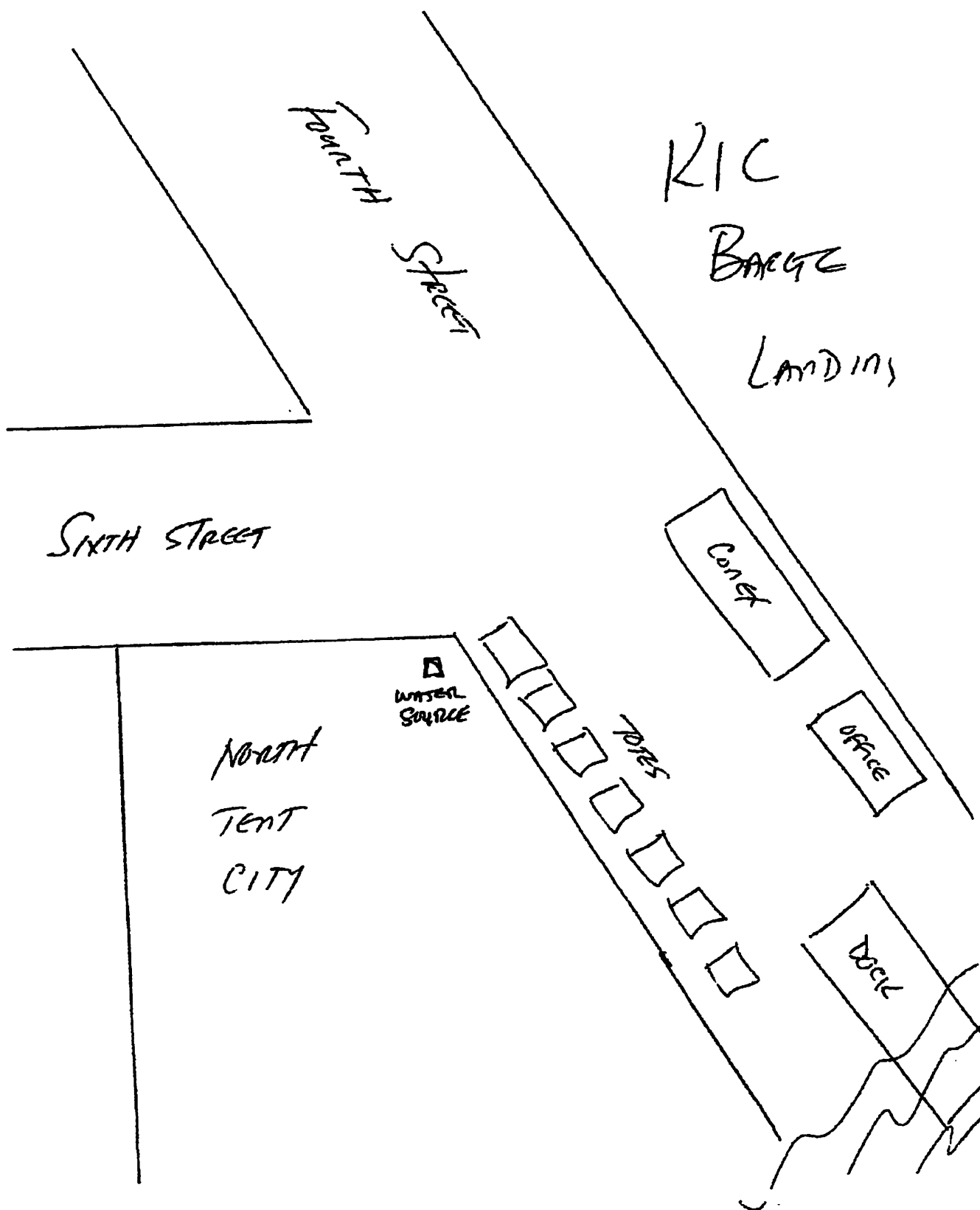
DATED: August 14, 2020 _____

TEMPORARY USE PERMIT – ARCTIC CIRCLE WILD SEAFOOD, LLC

Page 3 of 3

ACWS Fish Buying Station







THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

Division of Commercial Fisheries
Headquarters Office

1255 West 8th Street
P.O. Box 115526
Juneau, AK 99811-5526
Main: 907.465.6131
Fax: 907.465.2604

July 27, 2026

Arctic Circle Wild Seafood Llc
Po Box 226
Kotzebue AK 99752-0226

2026 ADF&G Approval

Buyer/Exporter
Code F14689

To: Michael Scott

Your Intent to Operate application for 2026 is approved. Your Buyer/Exporter processor code is F14689 and this code must be recorded on your Alaska Department of Fish and Game (ADF&G) fish tickets. Fish tickets must be submitted to a local representative of the department within seven days after the delivery, or as otherwise specified by the department for each particular area and fishery (5 AAC 39.130). For more instructions on how to properly complete an ADF&G fish ticket, please visit our website at: <http://www.adfg.alaska.gov/index.cfm?adfg=fishlicense.fishticket> or call your local area ADF&G office. If you are not already familiar with reporting and operating requirements specific to an area or fishery in which you will participate, please contact the local ADF&G office for that area and fishery to obtain proper instructions.

ADF&G regulations require that you file a Commercial Operator's Annual Report (COAR) by April 1, 2027.

This letter, in itself does not mean you are legal to operate. Other state or local agencies (e.g. Alaska Department of Revenue, Alaska Department of Environmental Conservation, etc.) may have additional requirements.

Sincerely,
Dennis Barril
Seafood Industry Technician
dennis.barril@alaska.gov
907-465-6131

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF COMMERCIAL FISHERIES

MICHEAL DUNLEAVY, GOVERNOR

P.O. Pouch 1148
 Nome AK 99762
 PHONE: (907) 443-5167
 TOLL FREE: (800) 560-2271
 FAX: (907) 443-6549

NOTICE TO ALL KOTZEBUE SOUND AREA SALMON BUYERS AND CATCHER/SELLERS
 2026 BUYER/PROCESSOR REGISTRATION FORM

Processor: _____ Catcher Processor: _____ Land Based: _____ Tender: _____ Catcher/Seller Code: F14689
 Vessel Name: N/A Company: Arctic Circle Wild Seafood
 Address: P.O. Box 226
 Telephone Number: (907) 412-1526 Area of Operation: Kotzebue Sound
 Authorized agent: Michael J. Scott

SUBJECT: Submission of Fish Ticket Records and Daily Harvest Reports to ADF&G in Nome or Unalakleet.

REQUIREMENTS:

1. Buyers must report daily by 10:00 am to Nome ADF&G office (by phone, fax, radio, email, or in person) with the total catch from previous day.
2. Fish tickets must be submitted weekly (due on Friday) to the Nome or Kotzebue ADF&G office.
3. Catcher/Sellers must report weekly (Fridays) to the Nome or Kotzebue ADF&G office by submitting fish tickets.

JUSTIFICATION: With the expansion of the commercial fishery, it is necessary for the ADF&G to obtain current catch information for orderly management of salmon resources.

AUTHORIZATION: Section 5AAC 39.130 in the Alaska Commercial Regulations. "Reports required of processors, buyers, and fishers..."

Alaska Department of Fish and Game
 Kevin Clark
 Arctic Area Manager

If there are less than four buyers, may ADF&G include Arctic Circle Wild Seafood delivery information in total harvest updates? Yes ☒ No ☐
 (Company Name)

I certify under penalty of perjury that the above information is correct to the best of my knowledge and that ADF&G requirements for submission of fish tickets will be completed.

Arctic Circle Wild Seafood / Michael Scott 8/15/26 Kotzebue, AK 2:52 pm
 Company Name & Representative Date, Time, & Place

ADF&G Representative

Date, Time, & Place



ACWS memo to City Council re noise July 27 2023.pdf
267K

Gmail

ACWS amended Temporary Use Permit, Paragraph 4, Page 1 of 3
message

Thu, Jul 27, 2023 at 6:43 P

Joe Evans <joe@jwevanslaw.com>
"kotzebue57@gmail.com" <kotzebue57@gmail.com>, Nate Kotch <kotchservices@gmail.com>, Mike Scott <michael_scott@comcast.net>

Nate and Mike,

By a 5-0 vote tonight, the City Council approved deleting the present Paragraph 4, Page 1 of 3, in the ACWS Temporary Use Permit and replace it with the following language, effective immediately:

Due to the proximity of residential units, Arctic Circle Wild Seafood, LLC, shall use its best good faith efforts and best business practices to not conduct its fish buying operations from Midnight to 6:00am Sunday through Saturday from June 30th to August 21st and, shall use its best good faith efforts and best business practices to not conduct its fish buying operations from August 22nd to August 31st 10:00pm to 6:00am Sunday through Saturday once school starts. ACWS shall inform and work with its independent contractor commercial fishermen to effectuate this proviso to the maximum extent possible. In addition, to the maximum extent possible, ACWS shall use its best good faith efforts and best business practices to minimize the disruption caused by FBX pickup and loading of fish containers to transport to the airport outside of the hours noted above. How ACWS handles these requirements in the next six (6) weeks shall determine whether another TUP is issued next year for the 2024 commercial fishing season in Kotzebue and on what terms such a TUP shall be issued next year."

Joe will prepare a formal, written amendment next week, but this is effective immediately.

Please email, text or call with any questions.

Joe Evans
360) 981-5508 [cell]

joe@jwevanslaw.com

From: Tessa Baldwin <TBaldwin@Kotzebue.org>
Sent: Thursday, July 27, 2023 9:25 AM
To: kotchservices@gmail.com michael_scott@comcast.net <kotchservices@gmail.com michael_scott@comcast.net>; kotzebue57@gmail.com <kotzebue57@gmail.com>
Cc: Joe Evans <joe@jwevanslaw.com>
Subject: Memo for City Council

Good Morning Nate and Mike,

I have found attached a document that Joe drafted several conversations we have had in regard to the conversations we had following the special city council meeting.

Please note, that we recommended to the city council to amend the agenda to discuss this document today. The City Council meeting will start at 5:15PM at the city hall chambers. The call in number is 1-800-315-6338, passcode 494018.

Thank you,

Tessa Baldwin
City Manager
City of Kotzebue
58A Third Avenue
PO Box 46, Kotzebue, AK 99752
Work: 907-442-5101
Cell: 907-412-3571
Fax: 907-442-3742

Alaska Business License # 1057080

Alaska Department of Commerce, Community, and Economic Development

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

This is to certify that

ARCTIC CIRCLE WILD SEAFOOD

P.O. BOX 226, KOTZEBUE, AK 99752

owned by

ARCTIC CIRCLE WILD SEAFOOD LLC

is licensed by the department to conduct business for the period

December 6, 2024 to December 31, 2026
for the following line(s) of business:

11 - Agriculture, Forestry, Fishing and Hunting



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

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

Julie Sande
Commissioner

ARCTIC CIRCLE WILD SEAFOOD
P.O. BOX 226
KOTZEBUE, AK 99752

Alaska Entity #10063444

State of Alaska
Department of Commerce, Community, and Economic Development
Corporations, Business, and Professional Licensing

Certificate of Organization

The undersigned, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community, and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

Arctic Circle Wild Seafood LLC



IN TESTIMONY WHEREOF, I execute the certificate
and affix the Great Seal of the State of Alaska
effective July 11, 2017.

A handwritten signature in black ink, appearing to read "Chris Hladick".

Chris Hladick
Commissioner



City of Kotzebue
TIDELANDS PERMIT
Arctic Circle Wild Seafood - Permittee

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

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

Nature of Request for Temporary Non-Exclusive Use of Tidelands

Arctic Circle Wild Seafood ("ACWS") will be buying salmon from local fishermen during the oncoming **2026** commercial season, as set forth in Exhibit "C" attached hereto and incorporated herein by reference.

Conditions Precedent and Promissory Conditions

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

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

PERMIT TERMS AND CONDITIONS

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

CITY OF KOTZEBUE

Arctic Circle Wild Seafood
Tidelands Use Permit No. 26-02T

minimizes significant harm to the environment, consistent with the need to protect property and human life.

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

CITY OF KOTZEBUE

Arctic Circle Wild Seafood
Tidelands Use Permit No. 26-02T

16. Since this is a temporary, non-exclusive use permit for ACWS, the City reserves the right to grant additional authorizations to other third-parties for compatible uses on or adjacent to the land under this authorization. However, any other users on or adjacent to the area of Tidelands being used by ACWS, shall not interfere with ACWS's salmon-buying activities with local fishermen during the **2026** commercial fishing season.
17. The area used for this Permit shall be left in a clean, safe condition acceptable to the Planning Director. The area shall be restored to a condition acceptable to the Planning Director.
18. This authorization is revocable immediately upon violation of any of its terms, conditions, stipulations, nonpayment of fees or upon failure to comply with any other applicable laws, statutes and regulations (federal, state and local).
19. To proceed in areas other than in the City Tideland Area, ACWS must have prior authorization from the Planning Director and may request this authorization as an amendment to this Permit.
20. All operations must be conducted in a manner that will ensure minimum conflict with other users of the area. There shall be no interference with free public use of City lands and waters. Public access may not be restricted without prior approval of the Planning Director.
21. The area subject to this Permit shall be maintained in a neat, clean and safe condition, free of any solid waste, debris or litter.
22. The use authorized by this Permit shall be limited to the City-owned tidelands. ACWS is responsible for accurately siting operations within this area. Any proposed activity outside the City-owned tidelands may require approval of other local, state and/or federal entities which shall be the sole responsibility of ACWS.
23. Secondary containment shall be provided for fuel or hazardous substances, as follows:
 - a. Container marking. All independent fuel and hazardous substance containers shall be marked with the contents and ACWS's name using paint or a permanent label.
 - b. Fuel or hazardous substance transfers. Secondary containment or a surface liner must be placed under all container or vehicle fuel tank inlet and outlet points, hose connections, and hose ends during fuel or hazardous substance transfers. Appropriate spill response equipment must be on hand during any transfer or handling of fuel or hazardous substances to respond to a spill of up to five (5) gallons. Trained personnel shall attend transfer operations at all times. Equipment refueling shall not occur within 100 feet of open bodies of water.

CITY OF KOTZEBUE

Arctic Circle Wild Seafood
Tidelands Use Permit No. 26-02T

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

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

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

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

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

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

The DEC Spill Report Number is 1-800-478-9300. The City 24-hour number is 442-3351/3352. The ADF&G number in Kotzebue is 442-3420 and the ADF&G fax number in Kotzebue is 442-3420. DEC and ADF&G shall be supplied with all follow-up incident

CITY OF KOTZEBUE

Arctic Circle Wild Seafood
Tidelands Use Permit No. 26-02T

reports. See, ADEC/SPAR “Report Oil and Hazardous Substance Spills,” attached hereto as Exhibit “D.”

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

25. This Permit contains the entire agreement between the Parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this Permit shall have no force or effect except in a subsequent written modification, signed by the Party to be charged.
26. This Permit shall bind and inure to the benefit of the respective successors and assigns of the Parties hereto.
27. This Permit shall be interpreted according to the laws of the State of Alaska. Any litigation involving this Permit shall be exclusively in Superior Court, Second Judicial District, at Kotzebue.
28. All Parties to this Permit have participated in the drafting of this Permit. Hence this Permit shall not be construed in favor of one Party against another Party.
29. This Permit shall expire **August 31, 2026**, unless extended by mutual, written agreement of the Parties.

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

CITY OF KOTZEBUE

ARCTIC CIRCLE WILD SEAFOOD

Ron Johnson
City Manager

By: _____
Position: _____



**CITY OF KOTZEBUE
TEMPORARY USE PERMIT
FOR ARCTIC CIRCLE WILD SEAFOOD, LLC (“ACWS”)
[August 20, 2026 – August 31, 2026]
PURSUANT TO KMC 3.12.120
AND
CITY COUNCIL RESOLUTION NO. 26-37
PASSED AND APPROVED AUGUST 20, 2026
AND
PLANNING COMMISSION RESOLUTION NO. 26-11
PASSED AND APPROVED AUGUST 19, 2026**

1. Kotzebue Municipal Code (“KMC”) 3.12.120, Use permits and licenses, provides that *“The city may, by city council resolution, issue use permits or licenses for the use of city land, not to exceed one hundred eighty days. Such use permits or license may or may not be for consideration, but such use permits or permits may be terminated at will by the city. Use permits and licenses may be issued without conforming to the requirements of [KMC Chapter 3.12] for disposal of land, unless otherwise directed by the council.”*
2. Arctic Circle Wild Seafood, LLC has committed and agreed that the use of the City properties identified in this Temporary Use Permit (“TUP”) will be operated in such a manner so as to not interfere with any City and public, non-commercial uses in, on or around the properties requested for use, said properties identified in ACWS’s submittal attached hereto as Exhibit “A.”
3. Arctic Circle Wild Seafood, LLC shall indemnify, defend and hold harmless the City, its employees, officials and/or agents from any and all claims, actions, fees, expenses, costs and demands of whatever nature or type caused by, related to or in any way associated with the granting of this Temporary Use Permit, Arctic Circle Wild Seafood, LLC’s use of and/or Arctic Circle Wild Seafood, LLC’s activities on or about the City properties identified herein.
4. Arctic Circle Wild Seafood, LLC at the end of its use of the City’s properties for the 2026 fishing season shall leave the City’s properties in a safe and properly cleaned condition, restoring them to the condition in which the properties were found at the start of the use permit granted herein. Due to the proximity of residential units, Arctic Circle Wild Seafood, LLC, shall use its best good faith efforts and best business practices to not conduct its fish buying operations 10:00pm to 6:00am Sunday through Saturday. ACWS shall inform and work with its independent contractor commercial fishermen to effectuate this proviso to the maximum extent possible. In addition, to the maximum extent possible, ACWS shall use its best good faith efforts and best business practices to

**TEMPORARY USE PERMIT – ARCTIC CIRCLE WILD SEAFOOD, LLC—
[SUMMER 2026]**

minimize the disruption caused by FBX pickup and loading of fish containers to transport to the airport outside of the hours noted above. ACWS did a workman-like effort in 2023 and 2024 to abide by these requirements and how ACWS handles these requirements in the 2026 commercial fishing season shall determine whether another TUP is issued next year for the 2027 commercial fishing season in Kotzebue and on what terms such a TUP shall be issued next year. [Note: these same conditions were unanimously approved for the 2023 commercial fishing season on July 27, 2023 and again in 2024 and 2025.]

5. Arctic Circle Wild Seafood, LLC acknowledges and understands that this use permit may be terminated at will by the City pursuant to KMC 3.12.120 and may under no circumstances exceed one hundred and eighty (180) days.

6. Arctic Circle Wild Seafood, LLC shall pay the City the appropriate 2026 fee for this Temporary Use Permit. This compensation shall be due within ten (10) days of the execution of this Temporary Use Permit.

7. Arctic Circle Wild Seafood, LLC shall be granted: (1) a non-exclusive, temporary use permit for its fish buying operations during the 2026 fishing season at/on the following City-owned properties at the northerly end of the City's Right-of-Way of 4th Street where it intersects 6th Street, as set out in Exhibit "A" attached hereto; (2) the non-exclusive use of the City's water source spigot located at North Tent City, adjacent to ACWS's fish buying area, as described in Exhibit "A," attached hereto, provided that ACWS shall have its water usage metered and such water usage shall be paid in full by ACWS at the applicable commercial rate, including fees/charges for the installation, monitoring and removal of the City's water meter, as applicable; and, (3) the non-exclusive use of an area located at the northerly end of the City's Right-of-Way of 4th Street where it intersects 6th Street, as set out in Exhibit "A" attached hereto for temporarily storing and utilizing an ACWS ice machine provided that ACWS shall pay Kotzebue Electric Association ("KEA") to set up/re-energize a 3-phase junction meter box at this location and establish with the City Manager, to his satisfaction, the means and method for monitoring and paying for ACWS's water usage at this location and for its ice machine location. All ACWS equipment temporarily stored and utilized in this area, including the ice machine and connexes, shall be removed no later than September 15, 2026.

8. Arctic Circle Wild Seafood, LLC warrants that the individual signing below on behalf of Arctic Circle Wild Seafood, LLC has the authority and permission of Arctic Circle Wild Seafood, LLC to sign this Temporary Use Permit and in so doing to bind Arctic Circle Wild Seafood, LLC to the terms of this Temporary Use Permit.

9. This Temporary Use Permit shall be subject to all applicable provisions of Title 29 of the Alaska Statutes and the Kotzebue Municipal Code ("KMC"), and all amendments thereto, judicial determinations thereof and case law thereunder including but not limited to KMC 17.28.025 - Business hours and KMC 17.28.020 - Nuisance effects and hazards.

**TEMPORARY USE PERMIT – ARCTIC CIRCLE WILD SEAFOOD, LLC—
[SUMMER 2026]**

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10. This written Temporary Use Permit embodies the whole agreement between the City and Arctic Circle Wild Seafood, LLC and there are no inducements, promises, terms, conditions or other obligations that are entered into herein other than those contained herein.

11. Any dispute concerning this Temporary Use Permit shall be resolved by good faith, non-binding mediation between the City and Arctic Circle Wild Seafood, LLC. If such non-binding mediation shall not resolve all disputed matters, the City and Arctic Circle Wild Seafood, LLC agree to submit any unresolved disputes to binding arbitration (with a single arbitrator). This arbitration shall be the sole remedy for any and all disputes arising under this Temporary Use Permit and the decision of the arbitrator shall be the complete, final adjudication of any and all such disputes under this Temporary Use Permit. The site of any such arbitration shall be in Kotzebue, Alaska, at a location agreed upon by the City and Arctic Circle Wild Seafood, LLC. Any arbitration shall be governed by Alaska’s Revised Uniform Arbitration Act as set forth in A.S. 09.43.300 to A.S. 09.43.595. Damages, if any, awarded by an arbitrator shall be limited to non-tort, contract damages allowed by Alaska law, with full, reasonable fees and costs awarded to the prevailing party by the arbitrator, with the determination of prevailing party status governed by the Alaska Rule of Civil Procedure 82 and the Alaska case law developed under Alaska Rule of Civil Procedure 82.

CITY OF KOTZEBUE

ARCTIC CIRCLE WILD SEAFOOD, LLC

Ron Johnson, City Manager

By: _____ [Print Name]
Its: _____ [Print Title]

DATED: _____

DATED: _____

Attachment:

Exhibit “A” – ACWS Submittal for 2026 Commercial Fishing Season in Kotzebue [14 pages]