



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
2175 University Avenue, Suite 201E
Fairbanks, Alaska 99709-4927

PUBLIC NOTICE DATE: April 9, 2014

EXPIRATION DATE: May 8, 2014

REFERENCE NUMBER: POA-1988-269-M5

WATERWAY: Hawk Inlet

*****PUBLIC NOTICE REVISION*****

On April 20, 2012, the Alaska District Corps of Engineers published a Public Notice, concurrently with the U.S. Forest Service's Draft Environmental Impact Statement (EIS), for Department of the Army (DA) permit number POA-1988-269-M5, Hawk Inlet for a DA permit application from Hecla Greens Creek Mining Company (HGCMC) to expand their Tailings Disposal Facility (this would be the fifth modification to the original permit (POA-1988-269)). The April 20, 2012 Public Notice solicited comments for all four alternatives identified in the U.S. Forest Service's EIS including the applicants preferred alternative. In the U.S. Forest Service's Record of Decision the selected alternative was not the applicants preferred alternative and subsequently the applicant's mitigation proposal changed. The Corps of Engineers has determined that the changes to the proposed mitigation warrant a revised Public Notice. This revised Public Notice covers only the changes to the Mitigation Plan, as the proposed work was sufficiently noticed under the April 20, 2012 Public Notice. Information regarding the proposed project at Hecla Greens Creek Mine is included only to provide background for the proposed mitigation for the impacts to waters of the United States (U.S.) due to the expansion of the Tailings Disposal Facility.

Comments on the described Mitigation Plan, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact **Ellen Lyons** at (907) 474-2166, by fax at (907) 474-2164, or by email at **ellen.h.lyons@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: Hecla Greens Creek Mining Company

AGENT: Mr. Steve Sego, Waterman Mitigation Partners, P.O. Box 32542, Juneau, Alaska 99803

LOCATION: The proposed impact site is located within Section 26, T. 43 S., R. 65 E., Copper River Meridian; USGS Quad Map Juneau A-3; Latitude 58.1172° N., Longitude -134.7466° W.; Located on Admiralty Island, near Juneau, Alaska.

The proposed mitigation site is located within Section 16, T. 42 S., R. 68 E., Copper River Meridian; USGS Quad Map Juneau A-1; Latitude 58.2276° N., Longitude -134.3134° W.; Located on Douglas Island, in Juneau, Alaska.

SPECIAL AREA DESIGNATION: The area of impacts to waters of the U.S. due to the proposed expansion of the tailings disposal facility is located entirely within Admiralty Island National Monument. The proposed mitigation site does not have a special area designation.

PURPOSE: The applicant proposes to permanently preserve 51.6 acres of land on Douglas Island, which contains 48.3 acres of waters of the U.S., of which 18 acres are Forested Wetlands, 30.3 acres are Bog Wetlands, 3.2 acres are Nevada Creek, and an additional 0.1 acres of uplands (See sheet 12 of 17) to compensate for the 13.9 acres of unavoidable impacts to wetlands associated with their proposed Tailings Disposal Facility (TDF) expansion.

PROPOSED WORK: All work would be performed in accordance with the attached plans, Sheets 1-17 dated March 2014 and in the attached "Mitigation Plan for Hecla Greens Creek Mining Company Greens Creek Mine Stage 3 Expansion" (Sheets 1-35, dated March 2014).

The applicant proposes off-site, permittee-responsible mitigation through preservation and restoration, at slightly greater than a three to one ratio. They are proposing to preserve in perpetuity 48.3 acres of waters of the U.S. (see table 1 below) as described in the attached "Mitigation Plan for Hecla Greens Creek Mining Company Greens Creek Mine Stage 3 Expansion" (Sheets 1-35, dated March 2014). The proposed mitigation site, identified as the Nevada Creek Mitigation Site, is located on southeast Douglas Island in the City/Borough of Juneau.

**Table 1: 2014 Tailings Facility Expansion
PROPOSED MITIGATION:**

<i>Wetland Type</i>	<i>Total Proposed Impacts (acres)</i>	<i>Total Proposed Mitigation (Acres)</i>
Forested Wetlands	0.59	51.6 total acres containing 48.3 acres of wetlands.
Fen	10.87	
Bog	2.45	
Total	13.91	

This mitigation proposal is for 13.9 acres impacts to waters of the U.S. that would occur if the proposed work described below were authorized by the Corps of Engineers:

- 1) Expansion of the existing TDF southward into the Admiralty Island National Monument (Monument) (see plan Sheets 1-10) including:
 - Development of a new water management pond (identified as Pond 10) south of existing TDF and immediately south of existing Pond 7 (Sheets 4, 9 and 10).
 - Development of a truck wheel wash facility at the southern boundary of the expansion (Sheets 4 and 6)

This work would expand the existing TDF allowing continued operation of the mine by approximately 10 years at the expected rate of fill.

ADDITIONAL INFORMATION: The Nevada Creek Mitigation Site includes the Alaska Treasure Mine, located along Nevada Creek on Douglas Island near Juneau. The Alaska Treasure Mine will be

designated a contaminated site by The Alaska Department of Environmental Conservation (DEC) and listed on the DEC Contaminated Sites Database. A Corrective Action Plan for work proposed by the applicant at the Alaska Treasure Mine was approved by DEC on March 5, 2014. The Middle Reach of Nevada Creek is located within the proposed preservation site and drains into Gastineau Channel.

Applicants Mitigation Objectives:

The following objectives were submitted by the applicant:

Objective 1) permanently protect aquatic ecosystem functions at the mitigation site by instituting the mitigate plan, and implementing an approved legal protection instrument.

Objective 2) restoration of the portion of Nevada Creek's riparian area impacted by a waste rock dump through stabilization of the dump side slopes.

The applicant also proposes to restrict access to tunnel and adit by gating or closing them.

CULTURAL RESOURCES:

Mitigation Site: The applicant has been coordinating with State Historic Preservation Office (SHPO) regarding potential impacts to cultural resources at the Nevada Creek Mitigation Area. The SHPO sent a letter to Sea Level Consulting on July 26, 2013 concurring with the determination that the site is eligible for the National Register of Historic Places.

The permit area was identified as 51.6 acres within the middle mine area of the historic district. Of these, it is anticipated that 1.5 acres will be adversely affected by the proposed project. A copy of the March 2014 archaeological assessment and historic survey (Supplemental Report II, Area of Potential Effect Revision) and a letter explaining the Corps of Engineers determination will be provided to SHPO. **Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.**

Hecla Greens Creek Mine Site: The lead Federal agency, United States Forest Service, was responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act for the Hecla Greens Creek Mine site. The Forest Service "determined that no historic properties would be adversely affected by the project alternatives resulting in a determination of "No Adverse Effect"" (Page 3-256, FEIS Volume I).

ENDANGERED SPECIES:

No threatened or endangered species are known to use the proposed mitigation site. We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT:

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

No EFH species are known to use the proposed mitigation site. We have determined the described activity would not adversely affect EFH in the mitigation area.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures