



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE: April 23, 2013
EXPIRATION DATE: May 8, 2013
REFERENCE NUMBER: POA-1984-12-M49
WATERWAY: Chukchi Sea

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, 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 **Don Kuhle** at (907) 753-2780, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **don.p.kuhle@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: Teck Alaska Incorporated, 3105 Lakeshore Drive, Building A, Suite 101, Anchorage, Alaska 99517. Points of contact are Mr. Chris Eckert, (907) 426-9139 or Ms. Rebecca Hager at (907) 426-9141.

LOCATION: The project site is located within section 19, T. 31 N., R. 18 W., Kateel River Meridian; USGS Quad Map De Long Mountains A-2; latitude 68.070° N., longitude 162.865° W.; approximately 82 miles north of Kotzebue, Alaska.

PURPOSE: The applicant's stated purpose is to ensure the continued environmentally safe storage of mine drainage water and tailings.

PROPOSED WORK: Place fill in wetlands in order to raise the existing Main Tailings Dam and relocate the west tailings pond road at Red Dog Mine. The proposed work is as follows:

Excavate topsoil from 90.32 acres of the proposed construction areas and along the perimeter of the tailings facility between the 965-foot elevation and the 986-foot elevation. Of this, 30.05 acres are wetlands and 60.27 acres are uplands. Excavated topsoil would be used for future reclamation projects within the mine drainage area.

Within the excavated areas, place fill material in 14.09 acres to raise the Main Tailings Dam to the 986-foot crest elevation and to construct a road along the 986-foot elevation. This includes 1.79 acres of excavated wetlands to raise the dam plus 5.7 acres of excavated wetlands and 6.6 acres of excavated uplands to construct the road.

All work would be performed in accordance with the enclosed plan (Sheets 1 thru 4 dated April 17, 2013).

ADDITIONAL INFORMATION: The proposed work was included in the U.S. Environmental Protection Agency's "Red Dog Mine Extension, Aqqaluk Project, Supplemental Environmental Impact Statement" (SEIS) to evaluate the environmental effects associated with development of the Aqqaluk Deposit. The Corps of Engineers participated as a Cooperating Agency for preparation of the SEIS. The Final SEIS was issued in October 2009.

Red Dog Mine, including the Main Tailings Dam, was originally authorized by DA permit 071-OYD-4-840012 (current designation POA-1984-12), issued November 29, 1985.

DA permit POA-1984-12-DDD (current designation POA-1984-12-M44, the 44th modification of the original permit) was issued to Teck Cominco Alaska Incorporated on June 19, 2008, to raise the elevation of the Main Tailings Dam from 960 feet above sea level (asl) to 970 feet asl.

Modification POA-1984-12-M45 was issued on March 15, 2010 to authorize development of the Aqqaluk Pit.

Modification POA-1984-12-M46 was issued on January 3, 2011 to excavate and backfill an additional 0.75 acre of wetlands to reduce seepage through the Main Tailings Dam.

Modification POA-1984-12-M47 was issued on January 20, 2012 to alter the design on the west end of the Main Tailings Dam.

Modification POA-1984-12-M48 was issued on July 12, 2012 to construct an emergency water diversion ditch.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: The wetlands impact of this project is determined by the disturbance required to relocate the road surrounding the main tailings pond and the footprint necessary for the safe construction of the final phase of the Main Tailings Dam. The location of this project is dictated by the location of the existing tailings pond, as well as the surrounding topography.

Alternative tailings disposal methods and locations were reviewed in the development of the Red Dog Mine Closure and Reclamation Plan, December 2009 and the Red Dog Mine Extension Aqqaluk Project Final Supplemental Environmental Impact Statement, October 2009. The alternatives analysis is detailed in the Tailings Management Alternatives Red Dog Mine - February 2005. A copy of the alternatives

analysis has been submitted to the Corps of Engineers for reference. In summary the analysis found that increasing the size of the current tailings impoundment provided the least impact to wetlands.

b. Minimization: The footprint of this project is the minimum area required for the safe and functional relocation and construction of the new road and the footprint necessary for safe construction of the tailings dam.

c. Compensatory Mitigation: To compensate for the unavoidable loss of wetlands, Teck Alaska Incorporated proposes the payment of a fee in lieu of mitigation to The Conservation Fund. Teck Alaska Incorporated proposes that the funds be used as allowed by the Memorandum of Agreement between The Conservation Fund and the Alaska District of the U.S. Army Corps of Engineers to purchase and protect high priority wetlands elsewhere in Alaska. The wetlands to be disturbed in this instance are of relatively low quality and we therefore suggest a ratio between 1.5:1 and 2:1; however we look forward to working with the Army Corps of Engineers to determine an appropriate mitigation ratio.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are several properties in the vicinity of the worksite. They have been designated DEL-00163, DEL 00171, DEL 00172, DEL-00182, and DEL-00240. Because these properties have been determined to be outside of the project area, no further action is required. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with the State Historic Preservation Office (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.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. 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 project area. We have determined the described activity would not adversely affect EFH in the project 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 authority:

(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 a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1984-12-M49, Chukchi Sea, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.