



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE: November 28, 2012
EXPIRATION DATE: December 28, 2012
REFERENCE NUMBER: POA-1991-354-M4
WATERWAY: Walker Fork

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 **Leslie W. Tose** at (907) 753-5515, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at **leslie.w.tose@usace.army.mil** if further information is desired concerning this notice.

APPLICANT: Mr. Kim Ferguson, Ferguson Placer, Inc., P.O. Box 609, Haines, Alaska 99827 Phone: 1-206-792-9776 Email: kkferguson@me.com

LOCATION: The project site is located within Sections 34, 35, and 36, T. 27 N., R. 21 E., and Section 6, T. 26 N., R. 22 E., Copper River Meridian; USGS Quad Map Eagle A-1; Latitude 64.0775° N., Longitude 141.2752 ° W.; near Boundary, Alaska.

PURPOSE: Mr. Kim Ferguson's stated purpose is to recover economical alluvial precious metals from the valley floor of Walker Fork.

PROPOSED WORK: The applicant proposes to impact approximately 252.15 acres of waters of the U.S., including wetlands, over a period of five years, in association with a placer mining operation. Of this area, 166.12 acres would be mined using a floating wash plant, 64.86 acres would be used for temporary stockpile of overburden, and 21.18 acres would be used during temporary and/or permanent stream diversions. The project area would be approximately 16,080 feet long by 700 feet wide.

Specifics are as follows: In preparation for mining, the applicant proposes to mechanically clear 957,457 cubic yards (cy) of organic "muck" overburden and 1,898,733 cy gravel overburden from the 166.12 acre mine area. These same

materials would be discharged into 64.86 acres of adjacent wetlands for temporary stockpile. 1,072,000 cy of exposed pay gravels would then be mined and discharged back into the mine pit. Following mining, all stockpiled organic and gravel overburden would be discharged back into the mine pit and re-contoured, for the purpose of reclamation. During the mining operation, nine temporary and/or permanent stream diversions totaling 10,251 linear feet (21.18 acres) would be constructed. All work would be performed in accordance with information available for viewing in Appendices, A through E, found on our web site at: <http://www.poa.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>

Appendix A: Project Description and photos of mine operation and typical reclamation conducted by Ferguson Placer, Inc., ten pages.

Appendix B: Project Plans, thirteen pages.

Appendix C: Summary and photos of wetland areas, twelve pages.

Appendix D: Mitigation Statement, three pages.

Appendix E: Project schedule and phasing, two pages.

ADDITIONAL INFORMATION:

Jurisdiction: Walker Fork, a relatively permanent water (RPW), is a 20 mile long tributary of the South Fork of the Fortymile River (RPW). The South Fork flows into the Mosquito Fork (RPW), which flows into the Forty Mile River, a Traditional Navigable Water.

Watershed disturbance: The Walker Fork watershed has been mined historically, starting around the turn of the century, using hydraulic open cut methods and later, bucket dredges. The intensity of mining activities has varied through time, and is correlated with the price of gold. Some areas have been mined more than one time. Intensive mining has occurred for about five miles upstream of the proposed project on Walker Fork, on Cherry Creek, and in headwater streams as well. Below the proposed operation is an approximately one mile reach of placer workings. The proposed operation would mine approximately three miles of Walker Fork, between the two previously mined areas.

Previous permitting: This is the fourth permit modification for a mining operation on Walker Fork, started in 1991. Ownership of the claims has changed several times. Work under the current operator, started in 2010, consists of: mine plans and bonding with the Alaska Department of Natural Resources, Division of Mining, and with the Bureau of Land Management; clean up of machinery, debris and camp area of previous mining operations, reclamation of previous mining disturbance, establishment of a new camp and road improvement activities, and some new mining.

Wetlands: The area of the proposed mine has a shallow gradient (0.5%) and contains palustrine forested, palustrine scrub shrub and palustrine emergent wetlands, or "muskeg", with high levels of groundwater. Appendix C includes aerial photographs covering some of the area to be mined, and site photographs showing typical wetland types and features in the project area. Using the Alaska Regulatory Best Professional Judgement Wetlands Function Assessment, wetlands at the site scored as high for habitat suitability, moderate for flood flow alteration, sediment removal, production and export of organic matter, and native plant richness, and low for education or scientific value, uniqueness and heritage.

Uplands: Some portions of the operation, including the main access road, and camp, are in uplands.

APPLICANT PROPOSED MITIGATION: The applicant proposes mitigation measures to

avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

Please see Appendix D for this information.

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 is an unevaluated property in the vicinity of the worksite. It has been designated **Walker Fork Cabin 2006-1**. Because the property has 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 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.

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

Attachment

STATE OF ALASKA

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

JUNEAU

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

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. 1991-354-M4, Walker Fork, 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.

U.S. ARMY CORPS OF ENGINEERS
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
33 CFR 325. The proponent agency is CECW-CO-R.

OMB APPROVAL NO. 0710-0003
EXPIRES: 28 FEBRUARY 2013

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO. POA-1991-354-M4	2. FIELD OFFICE CODE EPOA-RD-N	3. DATE RECEIVED 11/15/2012	4. DATE APPLICATION COMPLETE 11/15/2012
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Kim Middle - Ronald Last - Ferguson Company - Ferguson Placer Inc. E-mail Address - kkferguson@me.com	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Middle - Last - Company - E-mail Address -
6. APPLICANT'S ADDRESS: Address- Box 28 City - Chicken State - AK Zip - 99732 Country - US	9. AGENT'S ADDRESS: Address- City - State - Zip - Country -
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax 1(206) 792-9776	10. AGENTS PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax

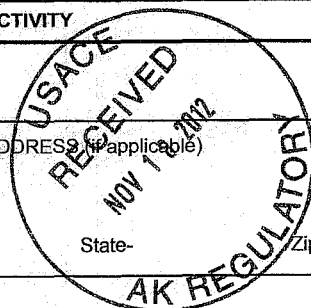
STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Walker Fork Placer Mine	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Walker Fork	14. PROJECT STREET ADDRESS (if applicable) Address City - State - Zip -
15. LOCATION OF PROJECT Latitude: +N 64.07756 Longitude: +W 141.27519	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Municipality Section - 34, 35, 36, (6) Township - 27N, (26N) Range - 21E, (22E)	



24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

Auger drill samples have been taken and capped to determine areas viable for economic mining.

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Mackinaw Productions Inc. , 10889 County road 320

City - Rifle State - CO Zip - 81650

b. Address- Harvey Bickle, 280 Ricardo Road

City - Gabriola State - B.C. Canada, V0R 1X1 Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

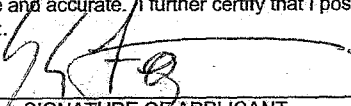
City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
BLM	POO	090716, 092167	2012-04-30	2012-07-07	
DNR	Misc. Land Use	F-129124	2012-04-30	2012-06-01	
Fish and Game	Fish Habitat	FH11-III-0170	2011-05-11	2011-06-10	
Alaska DEC	APDES	AKG 370773	2012-04-30	2012-07-03	

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.


SIGNATURE OF APPLICANT

14 / NOV / 2012
DATE

SIGNATURE OF AGENT

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

17. DIRECTIONS TO THE SITE

From Chicken Ak, Continue past the turn off to Eagle Ak down the Top of the World Highway for about 5 miles. Turn left (South) onto the mine access road, follow this road to the valley floor. Ferguson Placer Inc.'s camp is located slightly left (East) of where the access road meets the valley floor.

18. Nature of Activity (Description of project, include all features)

-A medium scale placer mine operation using a floating wash plant to mine approximately 166.12 acres over a 5 year period with a total disturbance 252.15 acres in the Walker Fork valley

See Appendices A and B for a detailed description of project and diagrams respectively

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

-To recover economic alluvial precious metals.

See Appendices A and B for a detailed description of project and diagrams respectively

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

-Material that is not economic to mine will be stockpiled on previously mined or uneconomic land until the pay material is reached. Once the gold has been removed, the stockpiled material will be backfilled and reclaimed to match the original functionality of the land as close as possible

-Washed pay material will be immediately discharged back into the pit in which it came from. All fine tailing and silt will be contained in a series of dams place across the active cut at approximately 100yd intervals

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Organic overburden (957 457)	Sand and gravel overburden (1 898 733)	Pay material (1 072 000)

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres Approximately 252.15 acres of total disturbance will be seen by four types of wet lands. ** see Appendix C for breakdown**
or

Linear Feet Approximately 16080 linear feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

See Appendix D for Mitigation Form