



US Army Corps
of Engineers
Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	September 20, 2021
EXPIRATION DATE:	November 1, 2021
REFERENCE NUMBER:	POA-1987-725-M6
WATERWAY:	Kougaruk River

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 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: NB Tweet and Sons, LLC, PO Box 1107, Nome, Alaska 99762 phone: 907-434-1420, email: darell@nbteet.com

LOCATION: The project site is located within Sections 1 and 12, T. 3 N., R. 30 W., Kateel River Meridian; USGS Quad Map Bendeleben C-6; Latitude 65.6947° N., Longitude -164.8230 W.; near Taylor, Alaska.

PURPOSE: The applicant's stated purpose is to conduct placer mining operations for commercial gold recovery.

PROPOSED WORK: The applicant proposes to complete mining and reclamation of 25 acres of wetlands authorized under POA-1987-00725-M5. See Table 1 below. The applicant also proposes two phases of new work, one using a bucket line dredge, and the other using conventional sluicing. Dredge work would include temporary and permanent discharge of 175,208 cubic yards (cy) of organics and gravel overburden to mechanically clear, stockpile, mine and reclaim 19 acres of wetlands. See Table 2 below. The sluicing work would involve temporary and permanent discharge of 225,060 cy of organics and gravel overburden to mechanically clear, stockpile, and reclaim 20.8 acres of wetlands. See Table 3 below. The total areas of work would be completion of mining in 25 acres, and new mining in 39.8 acres of wetlands. Following mining, reclamation will occur. The active mine pit is backfilled with tailings, and reshaped to have varied depth, irregular shape, and a shallow littoral zone. The berm separating the pit from the creek is removed. The ponds maintain a variable water level based on water level of the creek. Natural revegetation occurs. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated March 31, 2021.

Table 1: Permit Renewal for Work Authorized Under POA-1987-00725-M5, Using a Bucket Line Dredge							
Pit	Property/ Type	MTRS	Footprint Area (acres)	Pre- mining Prep Work (y/n)	Mined (y/n)	Reclaimed (y/n)	Notes
C	MS 2490 (private)	K003N030W Sect. 1	6	Y	Y	N	Dredged 2018-2019; Awaiting final reclamation
D, E	MS 2490 (private)	K003N030W Sect. 1	9	Y	Partial	N	Dredged 2019 to present
F	MS 2490 (private)	K004N030W Sect. 35	9	Y	N	N	Pre-mining prep work began in 2020
Total			25				

Table 2: New Work Proposed Using a Bucket Line Dredge

Pit	Property/Type	MTRS	Footprint Area (acres)	New Excavation (acres)	Ave. Depth (ft)	New Excavation Volume (yd3)
D16A	MS 2490/2507 (private)	K004N030W, Section 35	4.4	2.0	11	35,493
D17A	MS 2507 (private)	K004N030W, Section 35	4.0	2.1	11	37,268
D17B	MS 2507 (private)	K004N030W, Section 35	4.4	2.5	11	44,367
D18A	MS 2507 (private)	K004N030W, Section 35	6.2	4.0	9	58,080
Total			19	10.6		175,208

Table 3: New Work Proposed, Using Conventional Sluicing Methods

Pit	Property /Type	MTRS	Footprint Area (acres)	New Excavation (acres)	Ave. Depth (ft)	New Excavation Volume (yd3)
Taylor Pit Expansion	MS 2490 (private)	K003N030W, Section 1,12	10.4	4.6	20	148,427
Goose Creek LL Pit (phase 1)	MS 2490 (private)	K003N030W, Section 1	3.5	0.8	11	14,197
Goose Creek RL Pit (phase 2)	MS 2490 (private)	K003N030W, Section 1	3.6	1.9	13	39,849
Pit C Expansion	MS 2490 (private)	K003N030W, Section 1	3.3	2.8	5	22,587
Total			20.8	10.1		225,060

ADDITIONAL INFORMATION

ADFG Fish Habitat Permit FH19-III-0035- Approved 2019
 AKDNR APMA F195845 Approved - 2019
 AKDEC APDES AKG370229, AKG370070 - Approved 2019

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

a. Avoidance:

- Exploration: Basic exploration and drilling occurred along Washington Creek in the 1940's. The applicant updates exploration results to determine current economic viability before mining. Impacts are avoided to wetland areas that are not economically viable to mine.
- Mine infrastructure has been established; roads, trails, camp and the airstrip were constructed in the 1950's and located away from creek. Impacts to wetlands are avoided because there is no need to build new infrastructure.

b. Minimization:

- Operation follows a customary sequence of phases, including exploration, development, mining, and reclamation. This minimizes the likelihood of occurrence of unnecessary activities that would impact wetlands.
- Erosion control: Areas with soils that are susceptible to erosion are managed – for example, when stripping, overburden piles are pushed away from the creek. Also, during mining, berms are constructed to separate the operation from the creek. Berms are constructed of mixed materials, with internal construction of compacted finer materials to resist seepage, and coarse material placed on the outside to be erosion resistant. This minimizes the risk of damage to the pit or occurrence of a water quality issues during storm events and break up.
- Sediment control: When stripping and stockpiling overburden, the applicant makes sure that there is an adequate area for thawing permafrost to drain. When necessary, ditches are constructed to drain the water away from the creek. Another example is, during mining, mine pits are sealed with fines or silt to prevent seepage of dirty water into the stream.
- During mining, a minimum 25 foot wide distance separating the operation and the stream is maintained. This further minimizes the risk of erosion of material from the mine site into the creek, or sedimentation in the creek.
- The operator utilizes a 2 cubic yard bucket dredge to mine. This method allows the operator to combine the mine pit with the sluice pit, minimizing the area needed for an effective mine operation. (Many operations have several pits.)
- The sluice water is a 100% recycle system, minimizing the need for additional water use.
- Following mining, restoration of aquatic resources will occur. The active mine pit is backfilled with tailings, and reshaped to have varied depth, irregular shape, and a shallow littoral zone. The berm separating the pit from the creek is removed. The ponds maintain a variable water level based on water level of the creek. Natural revegetation occurs. Photos of restoration are enclosed with the public notice.

c. Compensatory Mitigation is not proposed, because the impacts from the project are minimized through Best Management Construction Practices. Also, the impacts are temporary. Through restoration, shallow pond and emergent areas are constructed, adding habitat features that were not present in the area prior to mining.

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: 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 cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the mining operation. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. The Corps is requesting the SHPO's concurrence with this determination.

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 (NMFS) 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.

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

MIKE DUNLEAVY, GOVERNOR

STATE OF ALASKA

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

ANCHORAGE

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

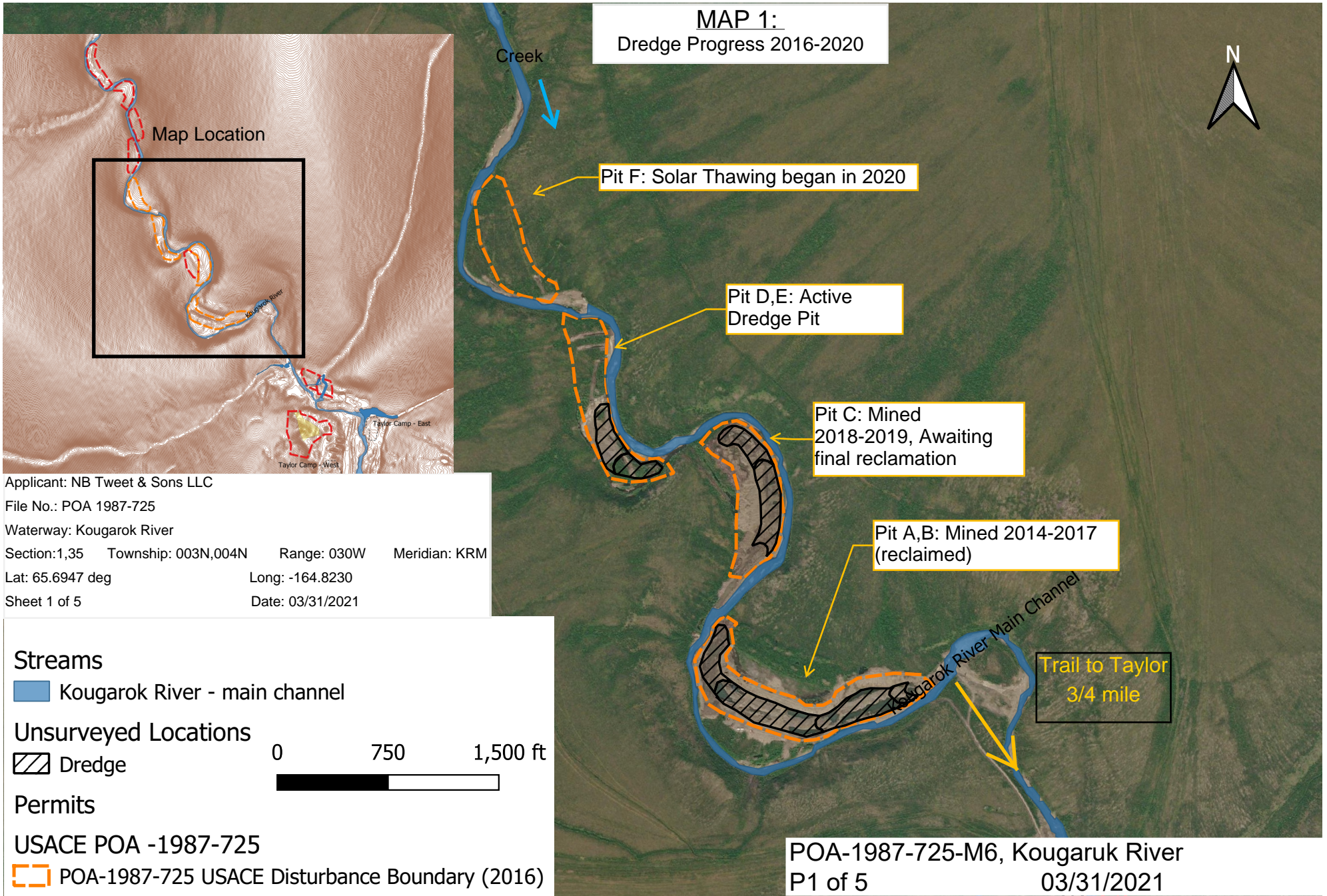
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation 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-1987-725-M6, Kougarkuk River**, 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.

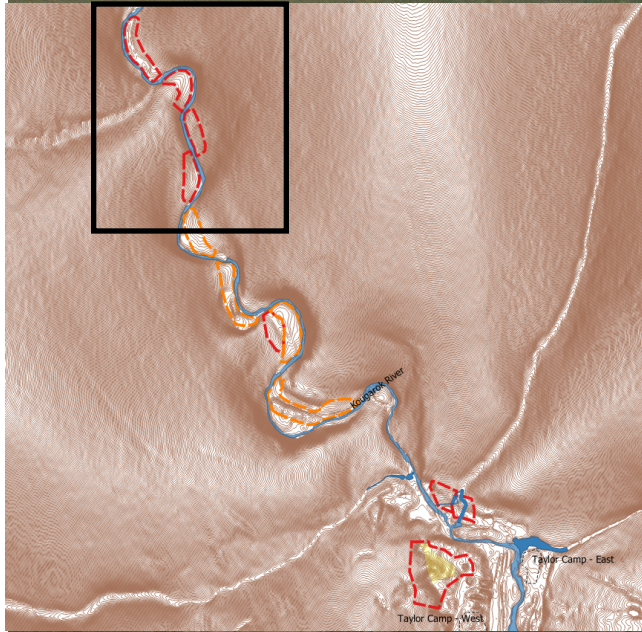
MAP 1:
Dredge Progress 2016-2020



Map 2: Additional Dredge Pits 2021-2026



Map Location



D18A Pit Disturbance Boundary

Dredge Pit D18A

D18A

Kougaruk River Main Channel

Dredge Pit D17B

D17B

D17B Disturbance Boundary

04N030W
Section 35

Dredge Pit D17A

K004N030W
Section 36

D17A

D17A Pit Disturbance Boundary

Dredge Pit D16A

D16A

turbance Boundary

Dredge Pit F

Applicant: NB Tweet & Sons LLC

File No.: POA 1987-725

Waterway: Kougaruk River

Section:35 Township: 004N Range: 030W Meridian: KRM

Lat: 65.6947 deg

Long: -164.8230

Sheet 2 of 5

Date: 03/31/2021

Permits

USACE POA -1987-725

POA-1987-725 USACE Disturbance Boundary (2016)

POA-1987-725 USACE Disturbance Boundary (2021 renewal)

POA-1987-725 USACE Planned Mine Cuts (2021 Renewal)

0 500 1,000 ft

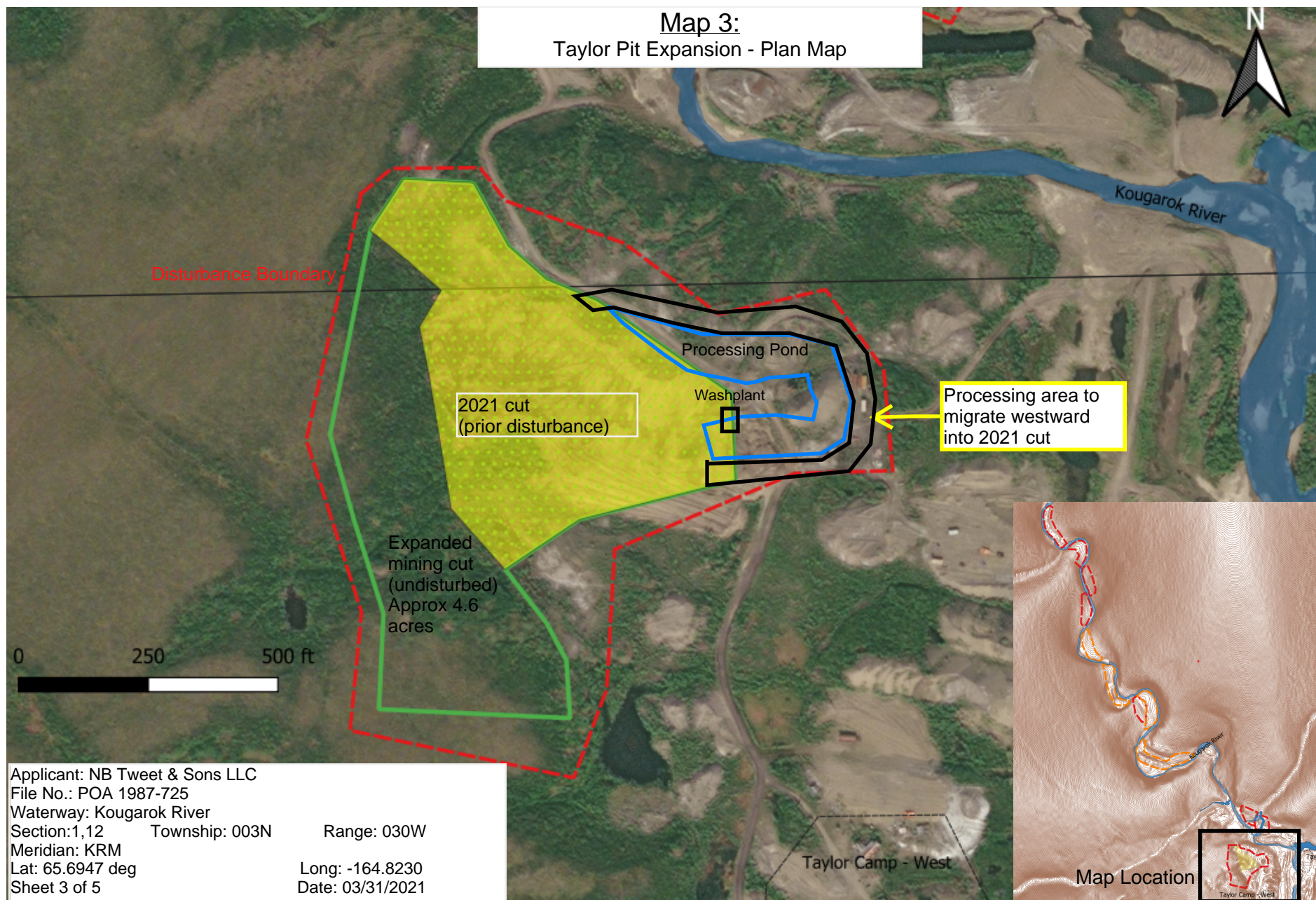


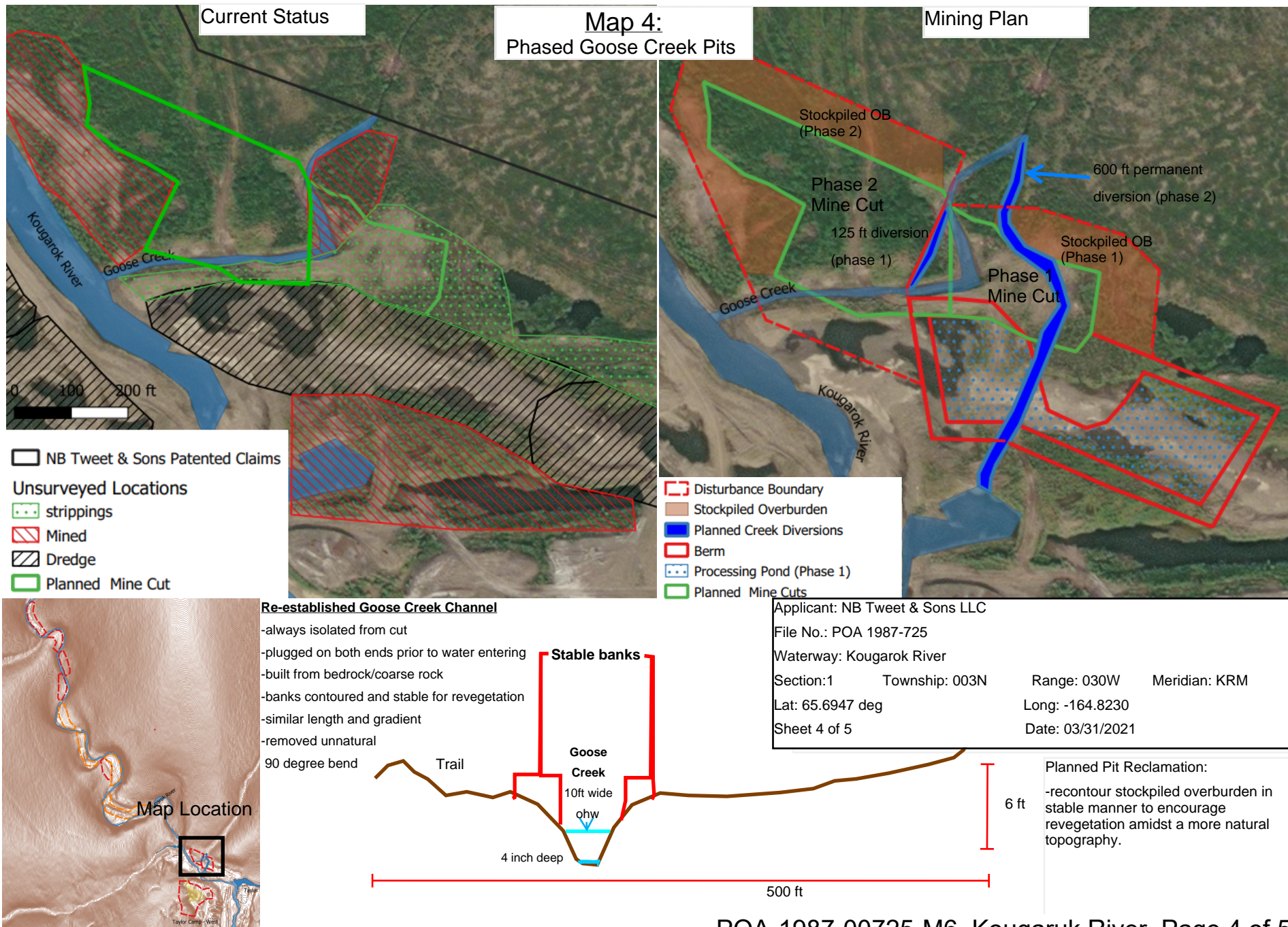
POA-1987-725-M6, Kougaruk River

Page 2 of 5

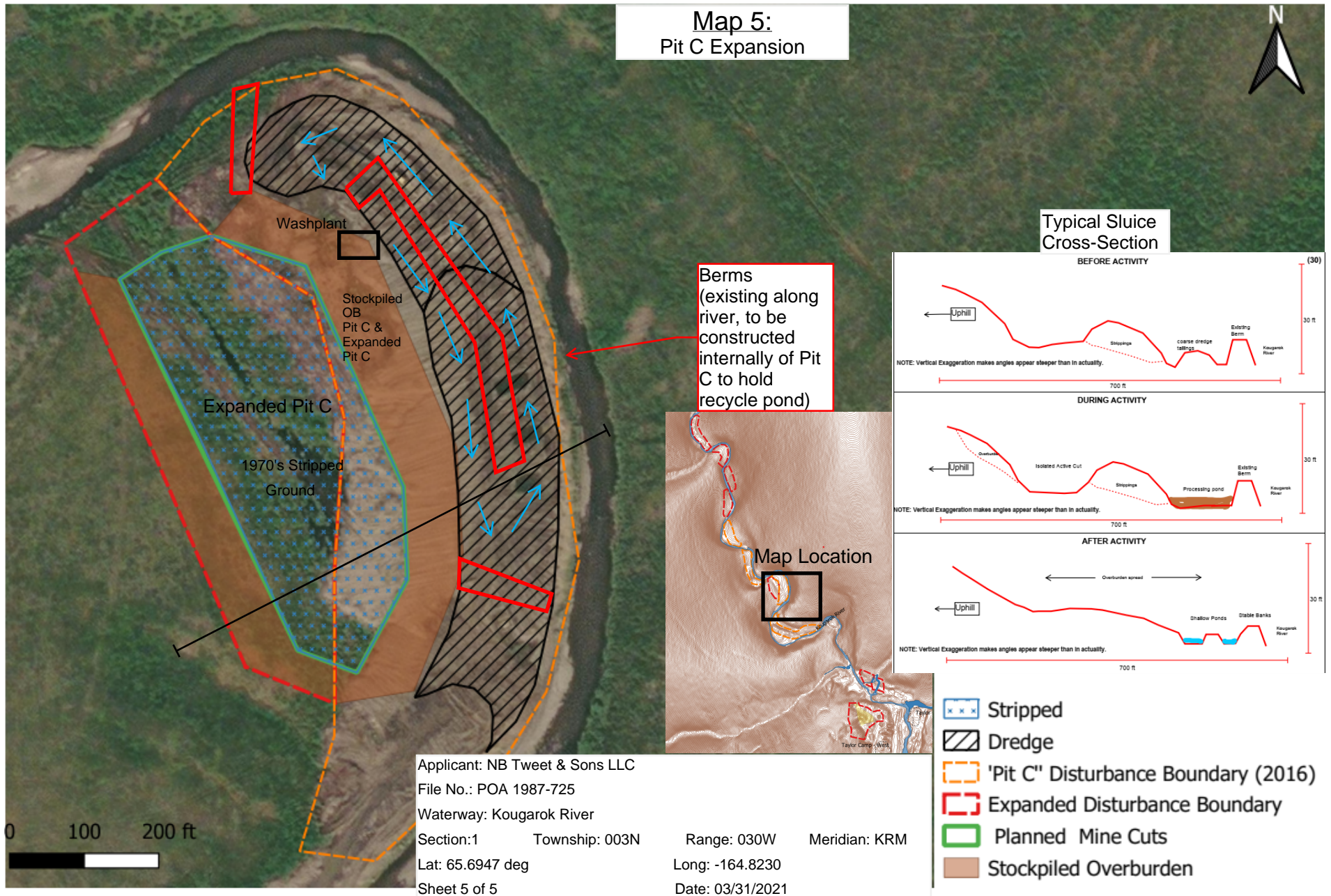
03/31/2021

Map 3:
Taylor Pit Expansion - Plan Map





Map 5: Pit C Expansion



April 15, 2021

Leslie W. Tose
Project Manager
Regulatory Division - CEPOARD
PO Box 6898, 2204 3rd St.
JBER, Alaska 99506

Dear Ms. Tose,

In 2016, NB Tweet & Sons LLC conducts placer mining operations for commercial gold recovery near Taylor, Alaska. It has operated under POA 1987-725, issued September 15, 2016, to discharge up to 300,000 cubic yards of organic, silt and gravel overburden into approximately 41 acres of wetlands, through mechanical land clearing, reclamation and restoration activities associated with a placer mining operation. Work on the project is continuing with the certification set to expire five years from the issuance. NB Tweet & Sons respectfully requests a 5-year renewal of POA 1987-725 to complete the activities outlined in that permit.

The 2016 permit was for a project with up to six pits located within meander bends of Washington Creek¹. The actual size and location of pits would vary, depending on the results of updated exploration activities. The upper Kougarak River, where the project is located, has been actively mined since 1900. Extensive dragline, dredging and dozer operations have occurred throughout the area.

Table 1: 2016 Pit Status

Pit	Property/ Type	MTRS	Mining Method	2016 Permit Acreage	Pre- mining Prep Work (y/n)	Mined (y/n)	Reclaimed (y/n)	Notes
A,B	MS 2490 (private)	K003N030W , Sect. 1	Dredge	17	Y	Y	Y	Dredged 2014- 2017 (completed)
C	MS 2490 (private)	K003N030W , Sect. 1	Dredge	6	Y	Y	N	Dredged 2018- 2019; Awaiting final reclamation
D,E	MS 2490 (private)	K003N030W , Sect. 1	Dredge	9	Y	Partial	N	Dredged 2019- present
F	MS 2490 (private)	K004N030W , Sect. 35	Dredge	9	Y	N	N	Pre-mining prep work began in 2020
Total:				41 acres				

¹ This stream was identified as Washington Creek in POA-1987-725, based on Tweet nomenclature the past 70 years that the Kougarak River begins at Taylor Creek, south of the project area. However, the DEC has subsequently stated they consider the Kougarak River to begin at the confluence of Macklin and Washington Creek, approximately 3 miles north of the project area. To avoid confusion, this part of the stream will henceforth be identified as the Kougarak River.

NB Tweet & Sons has utilized a 2 ft³ bucket-line dredge, operating in a cut isolated from the drainage, to process the pits. Bulldozers were used for pre-mining land clearing and reclamation. Table 1 and the attached Map 1 display the status of the pits from the 2016 permit. NB Tweet & Sons requests additional time to complete the permitted activities in Pit C, Pit D, Pit E, & Pit F.

To allow time for solar thawing, additional potential mining pits using the same methodology are proposed continuing upstream in the meanders of the Kougarok River. Exploration is ongoing and may alter the size and location of the additional pits as was the case for pits A-F. The pits will be like those under the current permit, in similar land type adjacent to the river, using the same mining methodology and reclamation techniques. The additional pits are summarized in Table 2 and shown on Map 2.

Table 2: Additional Dredge Pits

Pit	Property/Type	MTRS	Mining Method	Footprint Area (acres)	New Excavation (acres)	Average Depth (ft)	New Excavation Volume (yd3)
D16A	MS 2490/2507 (private)	K004N030W, Section 35	Dredge	4.4	2.0	11	35,493
D17A	MS 2507 (private)	K004N030W, Section 35	Dredge	4.0	2.1	11	37,268
D17B	MS 2507 (private)	K004N030W, Section 35	Dredge	4.4	2.5	11	44,367
D18A	MS 2507 (private)	K004N030W, Section 35	Dredge	6.2	4.0	9	58,080
Total				19	10.6		175,208

Three additional spots have been identified for sluicing:

- An expansion of the Taylor Pit- Currently mining historically stripped ground, would be expanded to the west into virgin ground. The 2021 pit and processing area would be used for processing and recycle pond of this new ground, then reclaimed by resreading overburden to a contoured topography leaving shallow ponds and stable ground for controlling runoff and encouraging revegetation. Map 3 shows the location of the expanded Taylor Pit cut.
- A two-phase pit to be completed near the mouth of Goose Creek - Phase 1 on the left limit of Goose Creek would be a small cut in historically disturbed ground utilizing the old dredge and sluicing pits for processing. A short diversion of Goose Creek (approximately 125 ft) would keep the mine cut isolated from the operation. If exploration shows it to be of value, Phase 2 would mine the right limit of Goose Creek. Upstream from the mine site, the creek would be permanently diverted (approximately 600') back into its original channel (diverted when hand-mined in the 1930's) and proceed generally south to its confluence with the Kougarok River through the reclaimed Phase 1 pit. The Goose Creek diversion over coarse tailings and bedrock would be constructed with stable, contoured banks, encouraging revegetation of the area post-mining. This mine plan would complete mining in the area that has been off and on mined since the 1900's by many methods and means and allow the area to finally be reclaimed in a logical and cohesive manner. Final reclamation of both phases Map 4 shows the location and mine plan of the two-phase Goose Creek Pit.
- A mining pit adjacent to current Pit C. Active mining of Pit C was completed in 2019 and is awaiting final reclamation. An area to the west of Pit C was mechanically stripped beginning in the 1930's and again in the 1970's, but the pay layer was never processed. It would minimize disturbance to the area to utilize Pit C prior to reclamation. The current overburden between the stripped area and Pit C would be used for a

staging area for the wash plant and stockpiled pay. A portion of Pit C, already isolated from the river, would be utilized for the second time as a processing/recycle pond. At the conclusion of pay gravel processing, the overburden from Pit C leveled into the expanded cut and the processing pond to create a consistent and stable topography going forward. Map 5 shows the location and mine plan of the Pit C Expansion.

Table 3: New Sluicing Pits

Pit	Property /Type	MTRS	Mining Method	Footprint Area (acres)	New Excavation (acres)	Average Depth (ft)	New Excavation Volume (yd3)
Taylor Pit Expansion	MS 2490 (private)	K003N030W, Section 1,12	Sluicing	10.4	4.6	20	148,427
Goose Creek LL Pit (phase 1)	MS 2490 (private)	K003N030W, Section 1	Sluicing	3.5	0.8	11	14,197
Goose Creek RL Pit (phase 2)	MS 2490 (private)	K003N030W, Section 1	Sluicing	3.6	1.9	13	39,849
Pit C Expansion	MS 2490 (private)	K003N030W, Section 1	Sluicing	3.3	2.8	5	22,587
Total				20.8	10.1		225,060

NB Tweet & Sons has continuously mined in the upper Kougark drainage since the early 1950's and consider the area our home. We are proud to have sustained our lifestyle mining gold on the Kougark for four generations and are committed to ensuring compliance with all Corp of Engineers requirements. Please do not hesitate to contact me about any questions regarding the plans detailed in this letter and attached maps. My contact information is darell@nbtweet.com and via phone at (907) 434-1420. I would be more than happy to generate other maps, more detailed information, or modifications if necessary.

Thank you again for all your outreach to the mining industry.

Sincerely,



Darell Tweet
Partner,
NB Tweet & Sons LLC