



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: April 24, 2013
EXPIRATION DATE: May 9, 2013
REFERENCE NUMBER: POA-2012-197
WATERWAY: Ironside Creek

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) 753-753-5515, 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. Lynn Lithgoe III, LNT Mining, LLC; 9465 Autumn Ridge Circle, Eagle River, Alaska, 99507. Phone: 907-244-8451 Fax: 907-336-1226
Email: lntminingllc@gmail.com

AGENT: Mr. Ben Kuhns, LNT Mining, LLC; 1015 I St., Anchorage, Alaska 99501; Phone: 719-680-2412 Email: benkuhns@me.com

LOCATION: The project site is located within Sections 14, 15, 16 and 21, 22, 23, T. 25 N., R. 14 W., Fairbanks Meridian; USGS Quad Map Bettles D-1; Latitude 66.9850° N., Longitude 150.6248° W.; near Coldfoot, Alaska.

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

PROPOSED WORK: The applicant proposes to discharge 270,000 cubic yards into 45 acres of palustrine wetlands, in association with development of a conventional placer mining operation, over a period of five years. The applicant proposes five cuts, dimensions 1500 feet (') long by 200' wide (6.89 acres each). Each cut would be mechanically cleared ahead of mining, with vegetation and organic overburden temporarily stockpiled in separate rows to one side of the planned cut (Dimensions: 1200' x 50', 1.4 acres), in order to thaw the underlying permafrost. Gravel

overburden would be stockpiled to the other side of the cut. (Dimensions: 1200' x 25', 0.7 acres). The applicant proposes to mine 5 acres during 2013, and then 10 acres per year for the next four years.

The cut would be mined using a self propelled wash plant, which would dump oversized tailings and slurry back into the mine pit as it moves forward up the mine cut.

Reclamation: Following mining, the gravel overburden would be discharged back into the cut, on top of the tailings. The surface of the ground would be recontoured to match the profile of the surrounding area, and then covered with the organic overburden and vegetation. The reclamation would be completed through natural revegetation.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated March 11, 2013.

ADDITIONAL INFORMATION:

Jurisdiction: A preliminary offsite determination was conducted using low angle photographs supplied by the applicant and available on Google Earth. The site is located on a north facing hillside, 7 - 10% slope, on the south side of the South Fork Koyukuk River. The site consists of 45 acres of palustrine scrub shrub slope wetlands abutting the South Fork of the Koyukuk River, a Relatively Permanent Water of the U.S. (RPW) The South Fork Koyukuk flows into the Koyukuk River, a Traditional Navigable Water.

Existing conditions: The site is located at Ironsides Bench, which has a history of small scale placer mining from the early 1900s, episodically through 1975. There are old mine workings at the site which have since revegetated and currently support upland vegetation. The applicant proposes to locate their camp in the previously mined area. They are proposing to mine areas that have not been previously mined.

Reclamation standards: The mining claims are located on federal claims managed by the Bureau of Land Management (BLM). BLM reclamation standards would apply.

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 camp is located on old tailings, i.e. uplands.
- Exploration drilling would be conducted in advance of mining, to determine where the deposit is economically viable.
- A 25 foot wide, riparian buffer would be maintained along Ironside Creek, and a 50 ft wide riparian buffer would be maintained along the South Fork Koyukuk River. The buffer areas would be maintained in undisturbed condition.
- No stream bypass is proposed.
- To avoid impacts to migratory birds, the applicant proposes to conduct mechanical clearing activities during non-migratory bird months.

b. Minimization:

- The project site is not on the road system. The applicant proposes winter access over the South Fork of the Koyukuk River, or, using a cross country

trail when the ground is frozen and covered with snow. Summer access is by airboat. Both of these forms of access, should, correctly implemented, minimize impacts to waters of the U.S.

- The applicant does not anticipate disturbing any more area than they can reasonably mine during a year.
- By using a self propelled washplant, reclamation will be partially concurrent.

c. Compensatory Mitigation: LNT Mining believes that the avoidance and minimization measures listed above should be sufficient because the type of wetland being affected in the area are abundant throughout the vicinity of the mine and cover the majority of the area proposed for 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: The lead Federal agency, the Bureau of Land Management, is responsible for compliance with the requirements of Section 106 of the National Historic Preservation Act. A permit for the described work will not be issued until the Section 106 process has been completed.

ENDANGERED SPECIES:

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species or 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).

The project area is within the known range of the chum and Chinook salmon (*Onchorhynchus keta* and *O. tshawytscha*). 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

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-2012-197, Ironside Creek, 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.