

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

# Public Notice of Application for Permit

PUBLIC NOTICE DATE: February 8, 2018

**EXPIRATION DATE:** March 9, 2018

REFERENCE NUMBER: POA-2014-375

WATERWAY: Healy 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.

All comments regarding this Public Notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the Public Notice reference number listed above.

All comments 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 John Sargent at (907) 474-2166 by fax at (907) 474-2164, or by email at John.C.Sargent@usace.army.mil if further information is desired concerning this notice.

<u>APPLICANT</u>: Usibelli Coal Mine, c/o Mr. Fred Wallis, P.O. Box 1000, Healy, Alaska 99743

<u>LOCATION</u>: The project site is located within Fairbanks Meridian; USGS Quad Map Healy-D4; Latitude 63.8652° N., Longitude -148.7747° W.; Usibelli Coal Mine, near Healy, Alaska.

<u>PURPOSE</u>: The applicant's stated purpose is to extract commercial quantities of coal and reclaim the mining area to establish stable post-mining slopes, drainage configuration, and self-sustaining vegetation community consistent with wildlife habitats.

PROPOSED WORK: Usibelli proposes the discharge of fill material into waters of the United States (U.S.) to support coal mining activities within the Rosalie Mine area over a 20 year period. The discharges are to access the mining area, control surface and pit drainage, remove overburden and interburden material, and recover and remove the coal. The proposed project would involve the discharge of approximately 106,000 cubic yards (cy) of topsoil and 20 million cy of overburden and interburden material into 4.6 acres of wetlands, 12.7 acres of non-wetland waters, and 383.3 acres of uplands. Mining activities would be planned in sequence, from blocks 1 through 7. Reclamation of mine disturbance areas would occur contemporaneously with the mining operations. All work would be performed in accordance with the enclosed plan (sheets 1-17), dated January 2018.

ADDITIONAL INFORMATION: Surface Coal Mining and Reclamation Act (SMCRA) permit approved 11/3/2014; Alaska Department of Fish and Game Fish Habitat Permit pending; Alaska Pollution discharge Elimination System permit, pending.

<u>APPLICANT PROPOSED MITIGATION</u>: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

- a. Avoidance: Usibelli has modified their mine plan to largely avoid impacts to wetlands located along French Gulch in the eastern and southern portions of the Permit Area by shifting Block 1 west of the French Gulch wetland complexes and avoiding impacts to wetlands located south of the existing Healy Spur road. Furthermore, Usibelli has developed their mine plan to primarily disturb and reclaim previously disturbed areas. Complete avoidance of wetlands would not be possible because of the prevalence of wetlands in the areas proposed to be mined.
- b. Minimization: Mining areas would be reclaimed in phases as required by SMCRA permitting. Topsoil would be stockpiled to aid reclamation and revegetation activities. A 100-foot set back from Healy Creek is proposed. Brush piles, wattles, ditches, or dirt berms would also be utilized to retain sediments and minimize runoff to adjacent wetlands and waterways. Usibelli would implement a drainage and sediment control plan to meet or exceed Alaska Surface Coal Mining Program Regulations and meet the requirements of the Alaska Pollution Discharge Elimination System. Usibelli would conduct dust abatement activities along the mine access roads to minimize indirect effects to adjacent waters including wetlands.
- c. Compensatory Mitigation: Compensatory mitigation was not proposed by the applicant for this project because the mining and reclamation would largely be within areas previously disturbed from past mining, thereby, ultimately creating a more natural

revegetated landscape and reducing sources of sedimentation into adjacent water bodies.

<u>WATER QUALITY CERTIFICATION</u>: 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) 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. A cultural resource is within the vicinity of the permit area but determined to not be eligible for the National Register by the State Historic Preservation Officer. The permit area has been determined to be within areas of wetland fill and adjacent uplands. 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.

<u>ENDANGERED SPECIES</u>: No threatened or endangered species are known to use the project area, therefore, the project would have no effect to federally listed species and consultation with the agencies is not required.

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 upstream and outside of the known range of spawning and migrating Chum salmon, (Oncorhynchus keta), migrating Coho, (Oncorhynchus kisutch), and Chinook salmon, (Oncorhynchus tshawytscha). EFH for these species and life stages of anadromous salmon is present downstream of the project footprint within Healy Creek and the Nenana River and upstream within Moody Creek. An anadromous fish habitat permit from the Alaska Department of Fish and Game, and a 401 Certification from the Alaska Department of Environmental Quality would be required for this project. It is the Corps determination that the project as proposed 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.

<u>PUBLIC HEARING</u>: 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)(l) 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.

<u>AUTHORITY</u>: 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 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

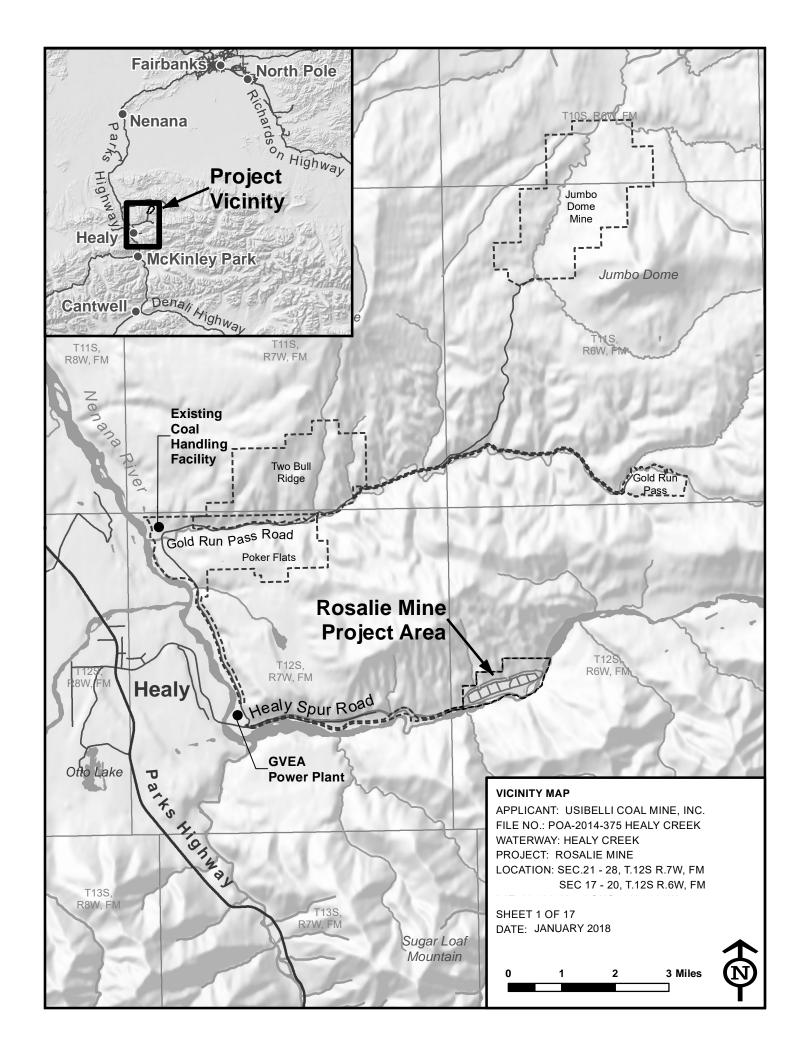
# NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

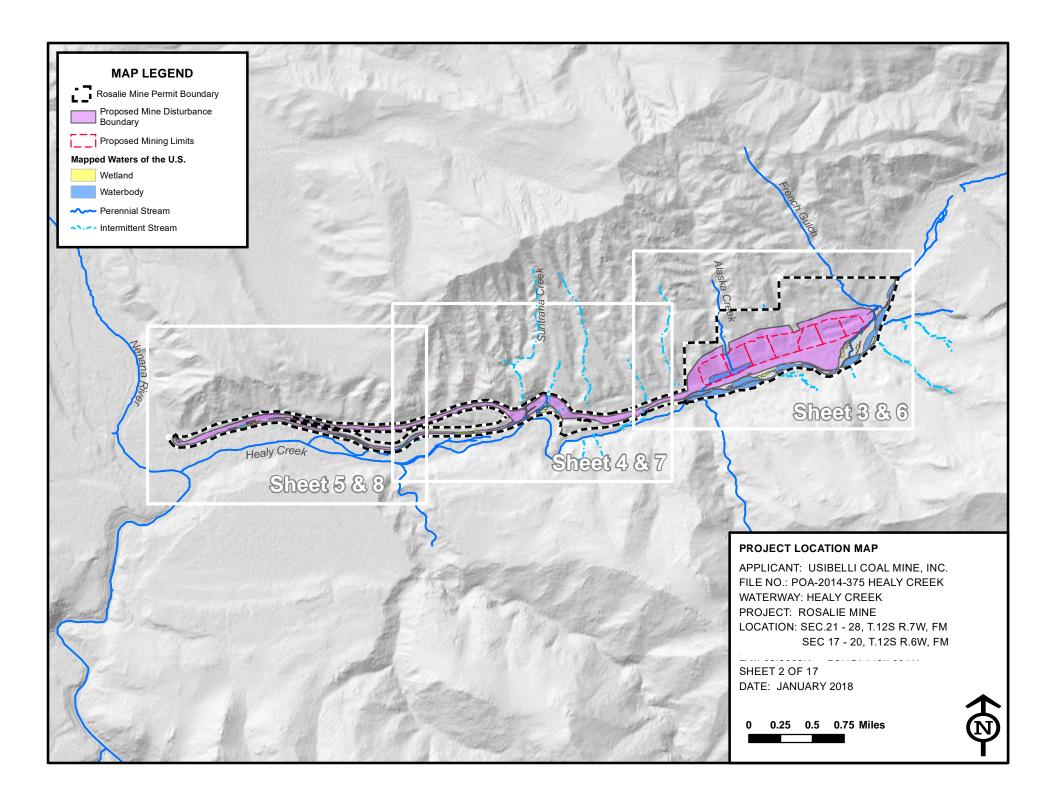
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation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

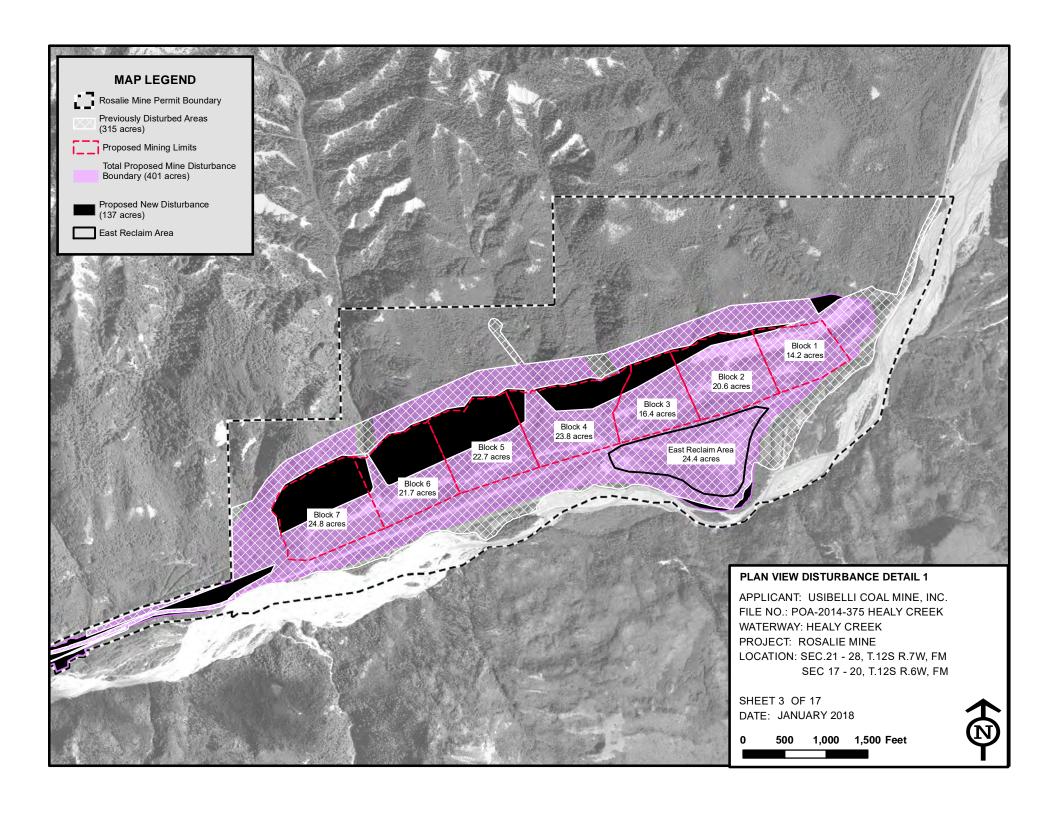
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. <u>POA-2014-375</u>, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

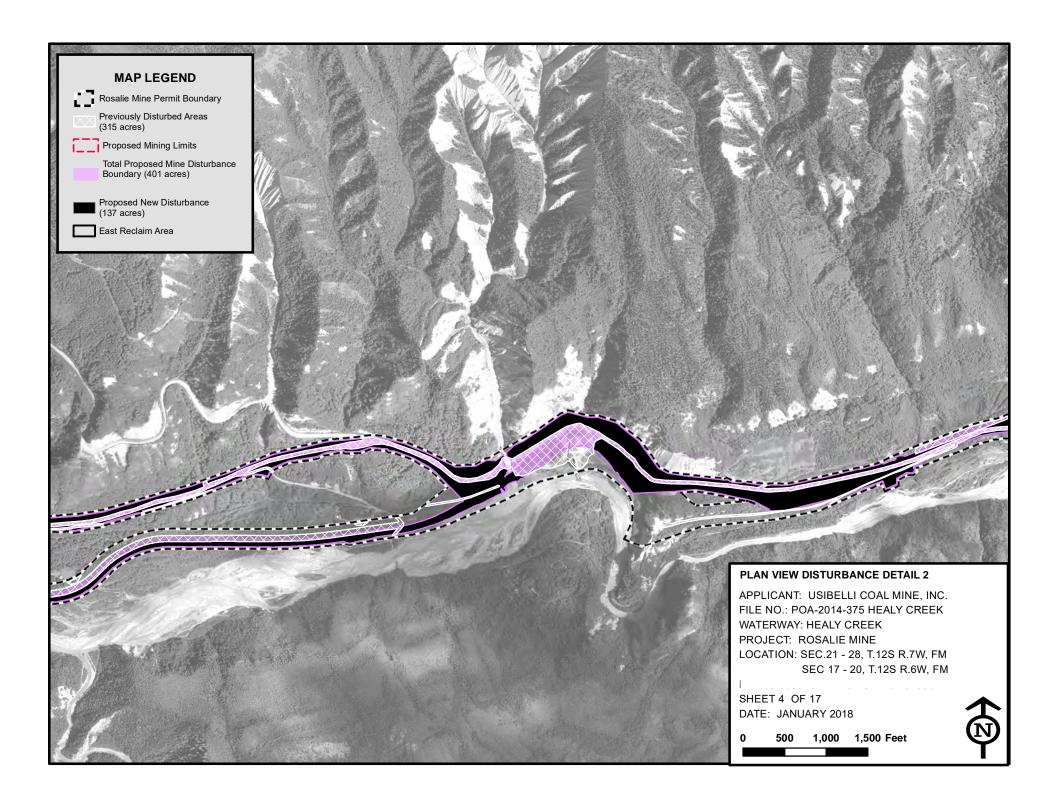
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

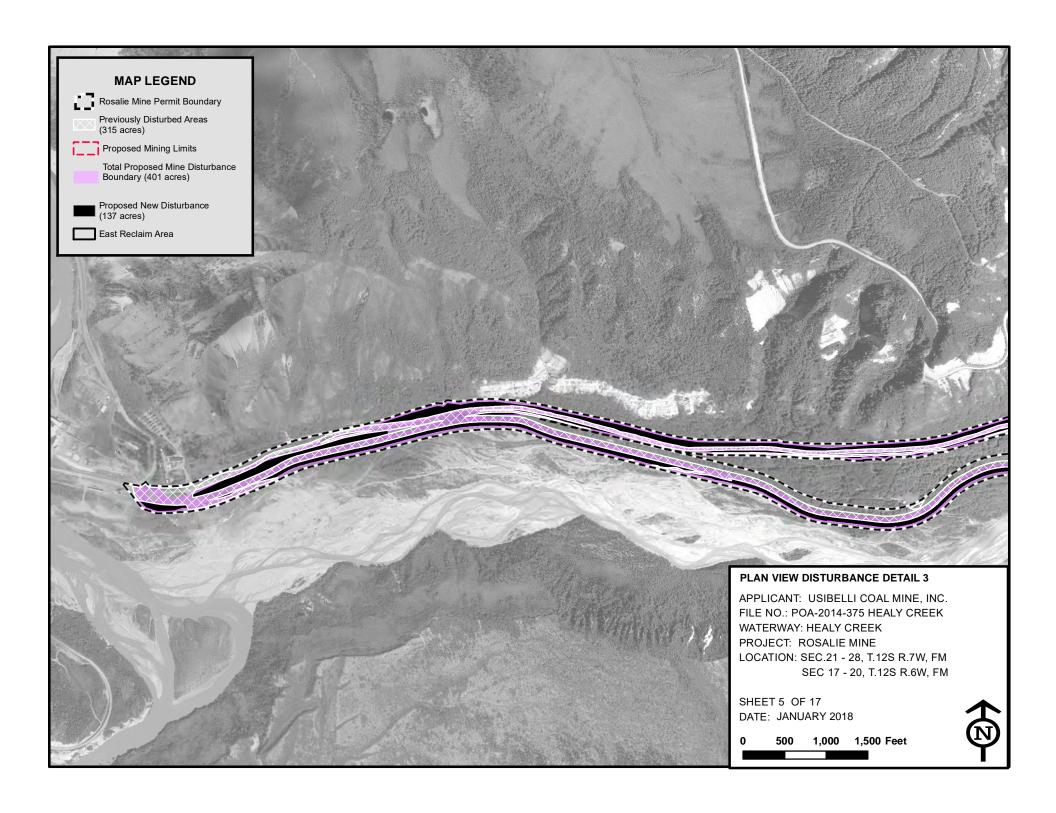
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.

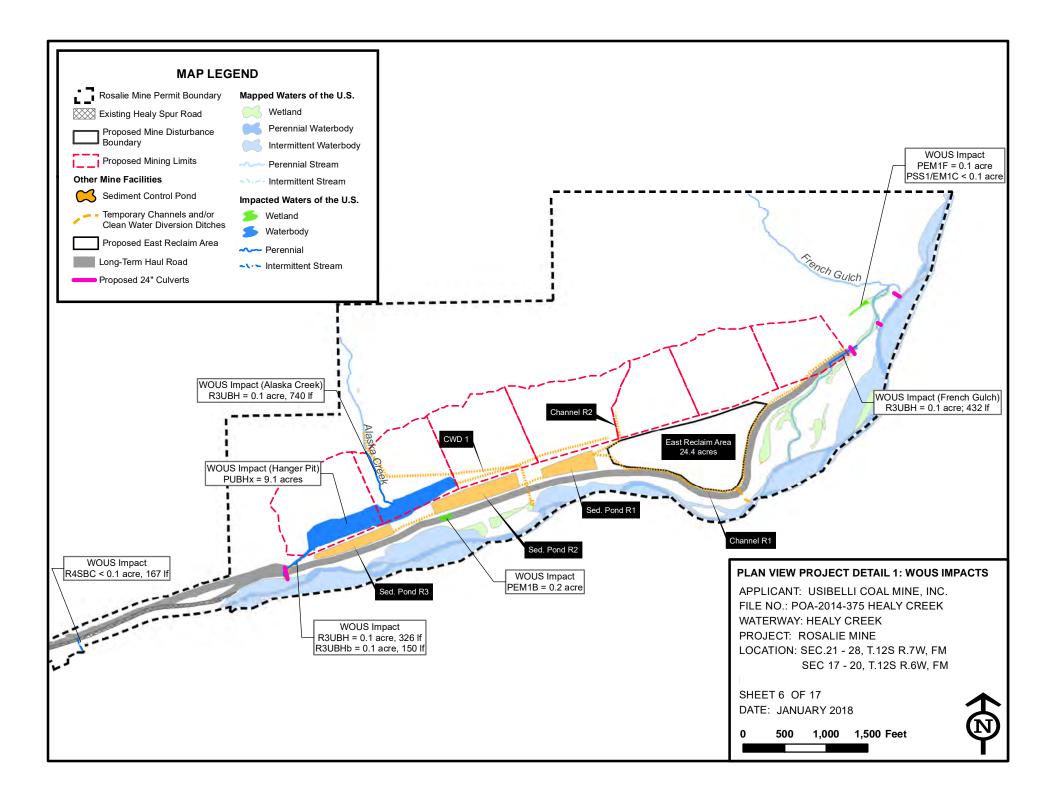


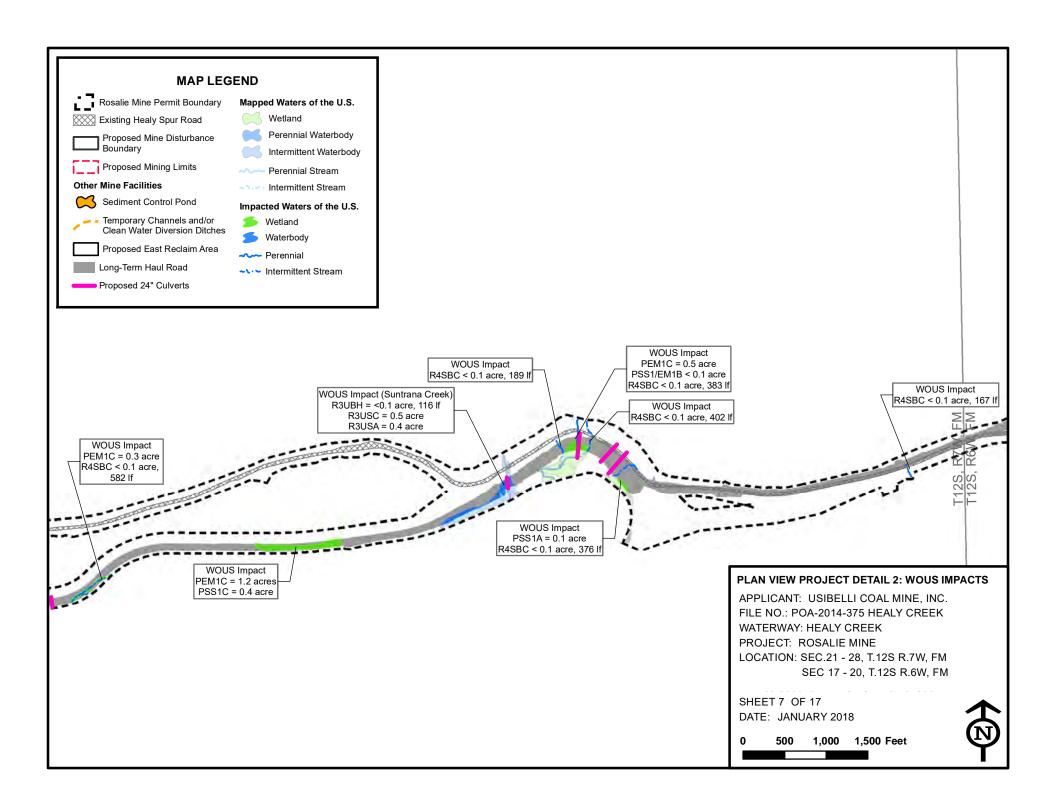


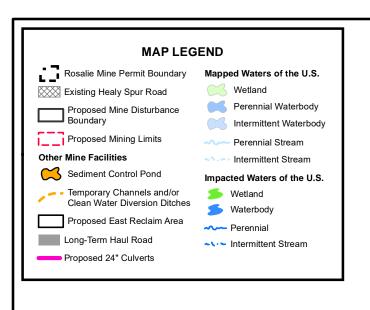


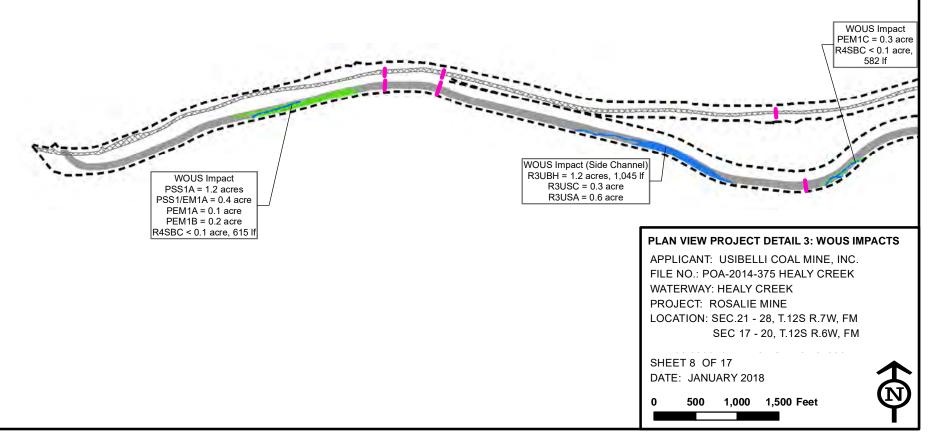


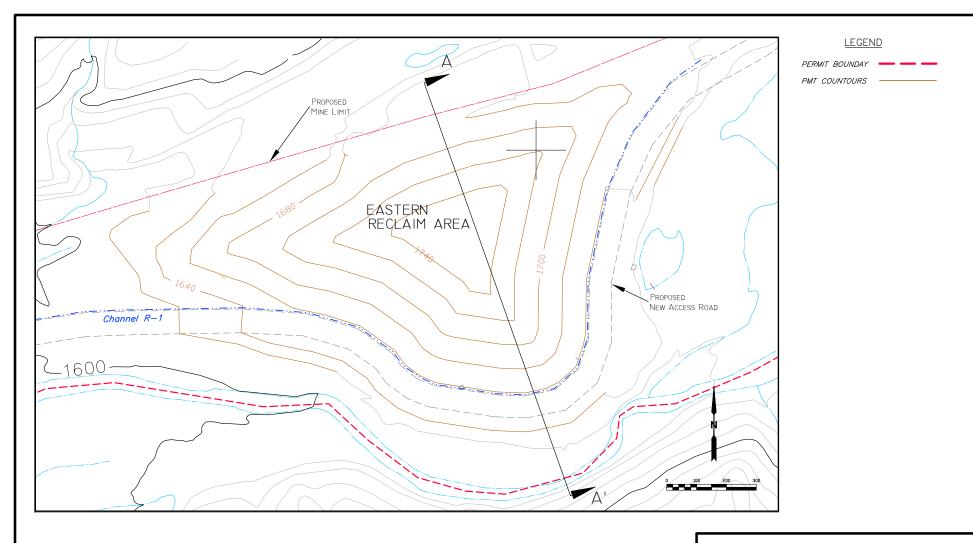


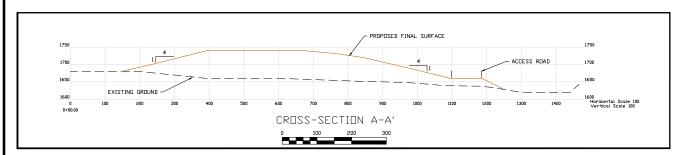












#### EAST RECLAIM AREA DETAIL

APPLICANT: USIBELLI COAL MINE, INC. FILE NO.: POA-2014-375 HEALY CREEK

WATERWAY: HEALY CREEK PROJECT: ROSALIE MINE

LOCATION: SEC.21 - 28, T.12S R.7W, FM

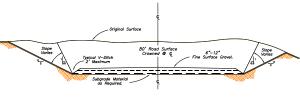
SEC 17 - 20, T.12S R.6W, FM

SHEET 9 OF 17

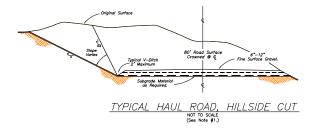
DATE: JANUARY 2018

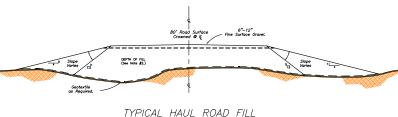


#### TYPICAL HAUL ROAD CROSS SECTIONS



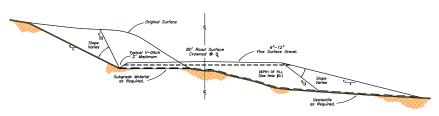
TYPICAL HAUL ROAD CUT





TYPICAL HAUL ROAD FILL

NOT TO SCALE
(See Note #1.)



TYPICAL HAUL ROAD, HILLSIDE CUT & FILL
NOT TO SCALE

#### TYPICAL HAUL ROAD CROSS SECTION

APPLICANT: USIBELLI COAL MINE, INC. FILE NO.: POA-2014-375 HEALY CREEK

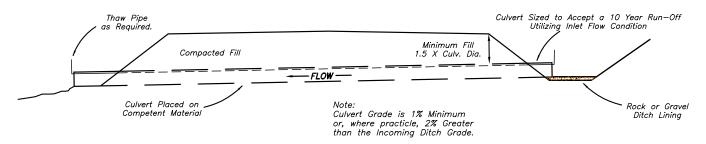
WATERWAY: HEALY CREEK PROJECT: ROSALIE MINE

LOCATION: SEC.21 - 28, T.12S R.7W, FM

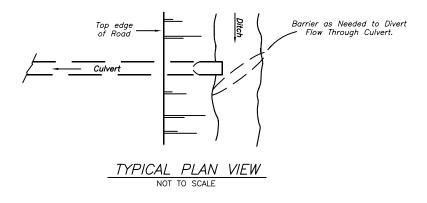
SEC 17 - 20, T.12S R.6W, FM

SHEET 10 OF 17 DATE: JANUARY 2018





### TYPICAL CROSS SECTION NOT TO SCALE



#### TYPICAL CULVERT

APPLICANT: USIBELLI COAL MINE, INC. FILE NO.: POA-2014-375 HEALY CREEK

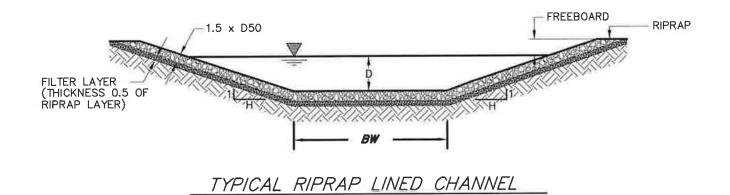
WATERWAY: HEALY CREEK PROJECT: ROSALIE MINE

LOCATION: SEC.21 - 28, T.12S R.7W, FM

SEC 17 - 20, T.12S R.6W, FM

SHEET 11 OF 17 DATE: JANUARY 2018





#### TYPICAL RIP RAP LINED CHANNEL

APPLICANT: USIBELLI COAL MINE, INC. FILE NO.: POA-2014-375 HEALY CREEK

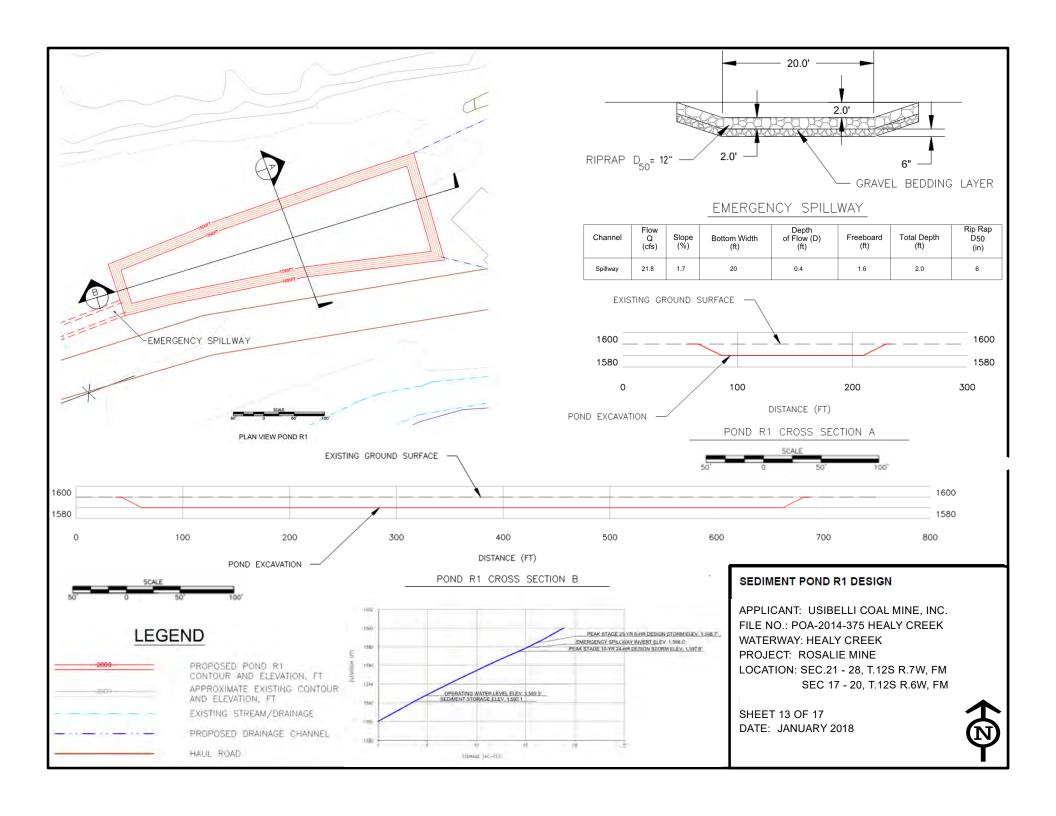
WATERWAY: HEALY CREEK PROJECT: ROSALIE MINE

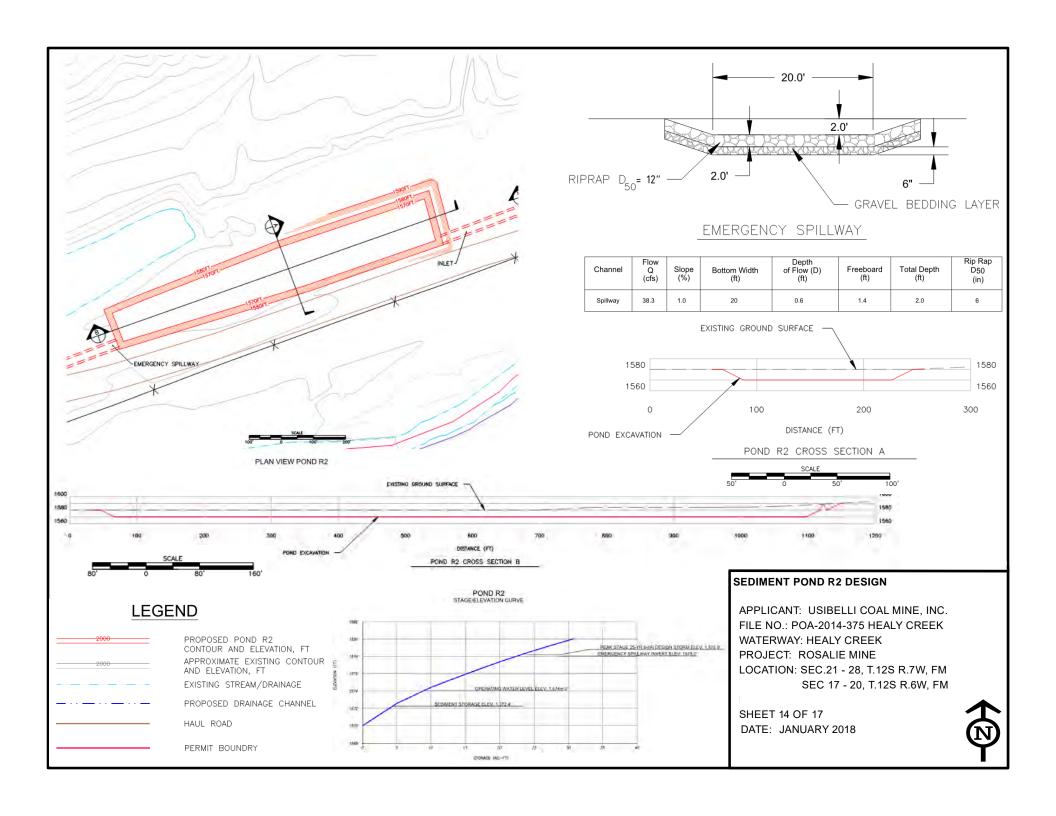
LOCATION: SEC.21 - 28, T.12S R.7W, FM

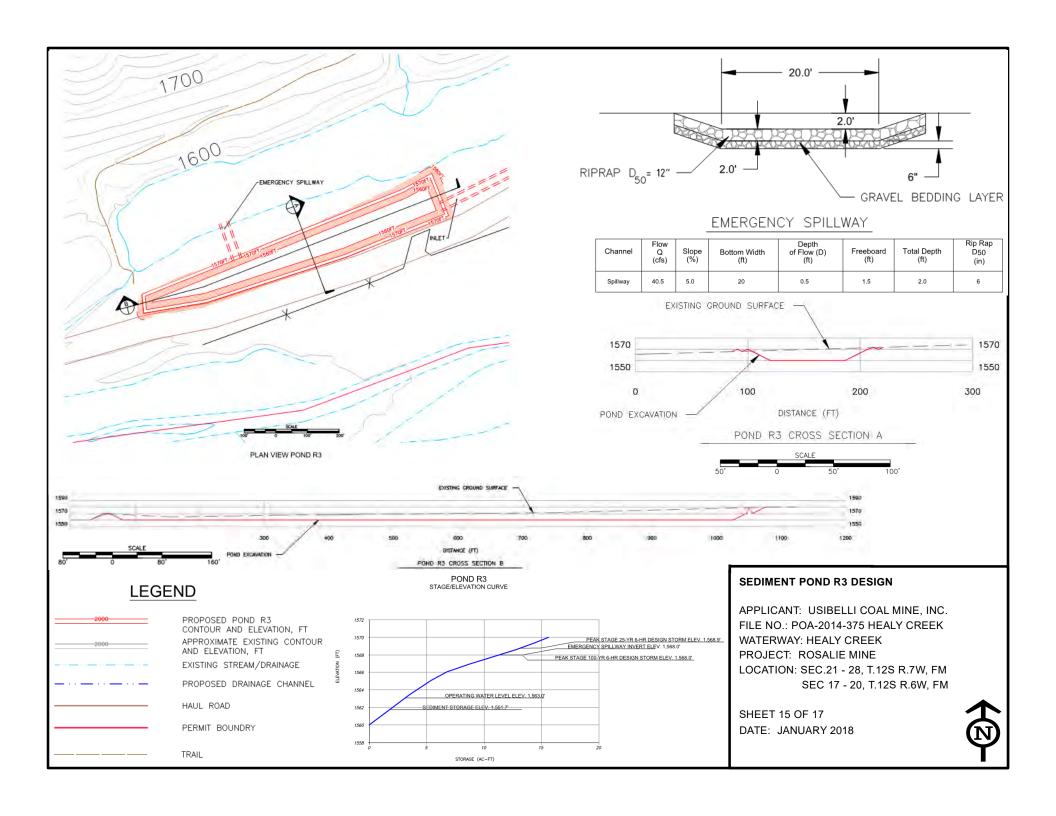
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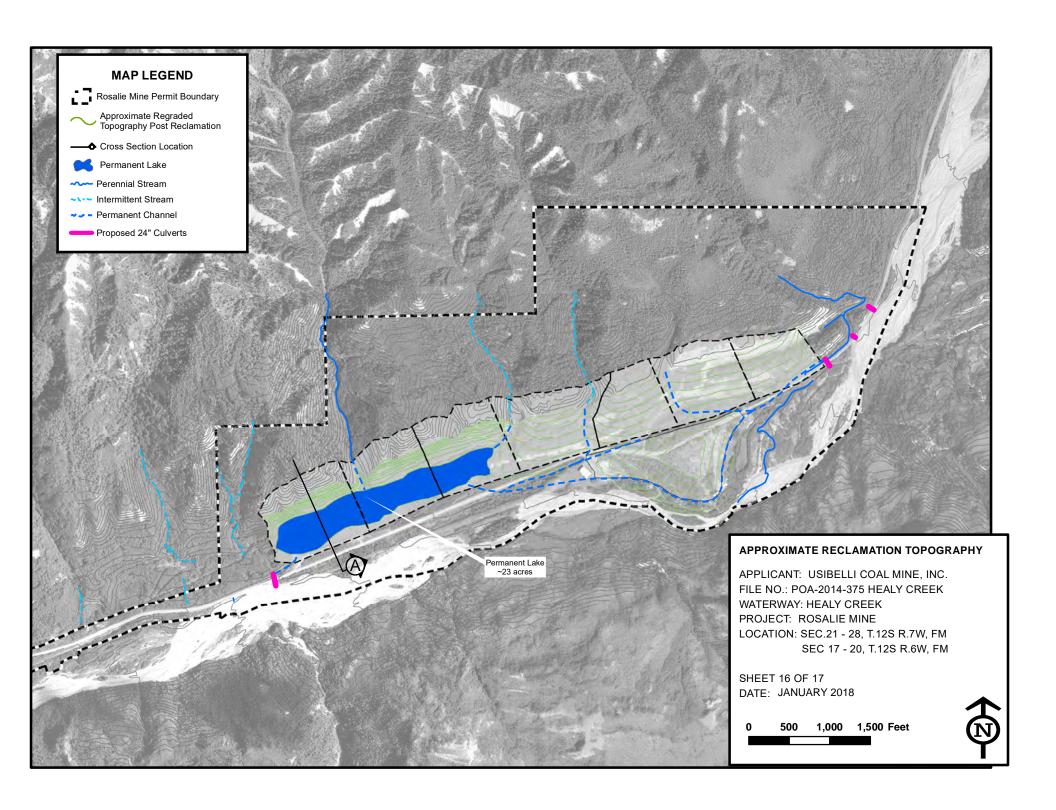
SHEET 12 OF 17 DATE: JANUARY 2018

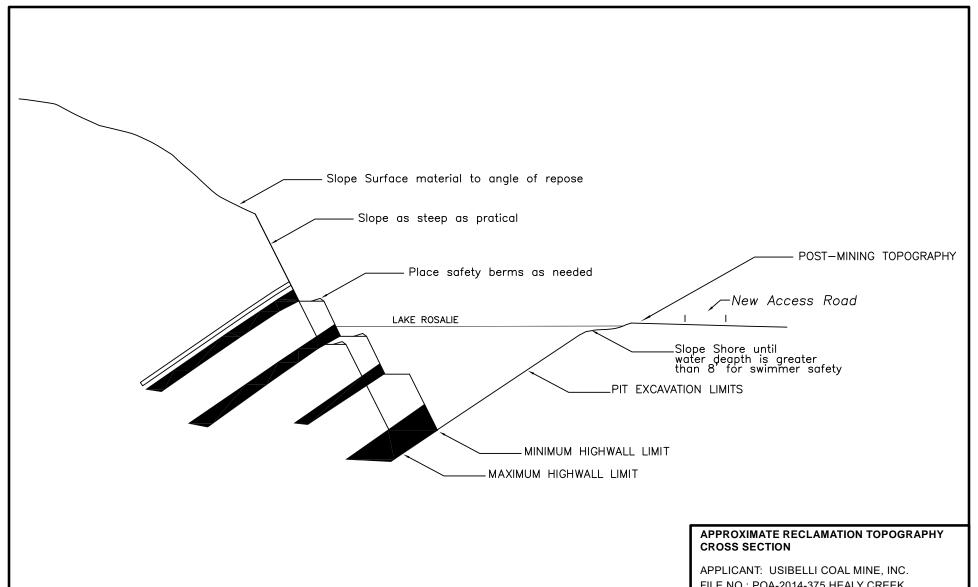












FILE NO.: POA-2014-375 HEALY CREEK

WATERWAY: HEALY CREEK PROJECT: ROSALIE MINE

LOCATION: SEC.21 - 28, T.12S R.7W, FM

SEC 17 - 20, T.12S R.6W, FM

SHEET 17 OF 17 DATE: JANUARY 2018

