



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:	August 31, 2017
EXPIRATION DATE:	October 2, 2017
REFERENCE NUMBER:	POA-2011-169-M3
WATERWAY:	Center 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 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. Cecil Connor, General Manager, Arctic Gold Mining LLC (AGM),
2871 Nome Teller Highway, Post Office Box 1590, Nome, Alaska, 99762.
Email: c.connor@arcticgoldmining.com, phone: 907-387-0308

LOCATION: The project site is located within Section 23, T. 11 S., R. 34 W., Kateel River Meridian; Latitude 64.5168° N., Longitude 165.4168° W.; in Nome, Alaska.

PURPOSE: The applicant's stated purpose is the commercial production of gold.

PROPOSED WORK: The applicant proposes to discharge 105,000 cubic yards of topsoil, 857,000 to 1,221,500 cubic yards of overburden and 270,000 cubic yards of pay material into 46.6 acres of waters of the U.S., in association with placer mining activities at the Queen's Bench mining project. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated August 28, 2017.

Mining is scheduled to begin in November of 2017 with mechanical land-clearing of approximately 24 acres, to remove and stockpile organic topsoil in two large piles around the

edges of the site (3.8 and 4.75 acres). Approximately half of the cleared area (11.3 acres) will become the mine pit, and approximately half (11.6 acres) will be used to stockpile pay material. The pay stockpile area will be allowed to freeze hard so as to create a mud free work zone; mining operations will occur in winter. The mine pit will be developed as a series of sequential mine cuts within an 11.3 acre area. The pit will be 65-85 feet deep. Overburden from the first cut will be used to fill approximately half of a remnant mine pit (3.15 acres) located to the north of the site. Pay material will be removed and stockpiled on the pay storage area adjacent to the pit. As one cut is finished, a parallel adjacent cut will be excavated, in a repeating sequence across the mine area. Concurrent reclamation will occur, to the extent that each cut will be backfilled with the excavated overburden of the next cut.

In May 2017, AGM will start to process pay material through a wash plant situated adjacent to the final cut/wash pond area. Waste material will be discharged back into the pit. It is anticipated that mining operations will be completed by February 2019.

Final reclamation will occur after mining is completed. At closure, the mine pit will be backfilled with any remaining overburden, and contoured to retain two shallow ponds, one at 3.25 acres, approximately 10 feet deep, and the second at 1.10 acres, approximately 4 feet deep. The shorelines of the ponds will be contoured so as to have at least a 20 foot wide shallow littoral zone. Organic material will be spread along the littoral zone of the pond to promote natural revegetation. The surface of the entire site will be roughened by tracking to promote moisture retention, and all areas covered with organics to depths of 6-inches or more to promote natural re-vegetation. 70,000 cubic yards of gravel will be stored on the existing access road for future use/sale.

In all 46.6 acres of wetlands will be disturbed, with fill/discharges to wetlands to include:

Activity or feature	Cubic Yards	Area (Acres)
Mechanical landclearing of topsoil	105,000	11.3
Temporary topsoil stockpiles	105,000 (from landclearing)	3.8 4.75
Discharge of overburden to old mine pond	unknown	3.15
Discharge of overburden into active mine pit	857,000 to 1,221,500	
Temporary stockpile of pay material	270,000	11.6
Miscellaneous area between other features	N/A	12
Total		46.6

ADDITIONAL INFORMATION

ADNR Application for Permit to Mine in Alaska (APMA) F179733 - in progress

ADEC Water Discharge- in progress

ADNR Temporary Water Withdrawal - in progress

ADF&G Fish Habitat (for water withdrawal) FH17-III-0151 received July 27, 2017

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.

Avoidance:

- There is an existing gravel access road, which will be used to store useable gravel following project completion, thereby avoiding additional impacts to wetlands.
- The areas to be disturbed have been drilled and sampled and found to contain gold in profitable quantities, thereby avoiding disturbance of areas that are not profitable.
- The project site has been determined to be emergent wetlands, which cannot be avoided, in order to accomplish the project.
- No streams will be impacted. Construction activity will be located at least 550 feet away from the nearest waterbody, Center Creek

Minimization: The operation will take steps to minimize the disturbance of waters of the U.S., including streams and wetlands, described below:

- All topsoil will be salvaged from new areas proposed for mining, and placed in a temporary stockpile. Separation of the topsoil from other overburden will help to preserve the native seed bank and other propagules (rhizomes) to facilitate natural revegetation. Mining is anticipated to be complete within a couple of years, maintaining viability of the seed bank. This will minimize the length of time until recovery.
- The project parcel is 65 acres, of which 46.6 acres will be disturbed from mining. The remaining 20 acres, around the margins of the parcel, will remain undisturbed with native tundra vegetation, reducing the footprint of impact to wetlands.
- Concurrent reclamation will occur, minimizing impacts to wetlands from fill material.
- Erosion Control: The terrain at the Queen's Bench project is generally flat, and at low risk for erosion. Stockpiles will be built with sustainable angles of repose, routinely inspected for stability, and reshaped if erosion becomes a problem. Routine site inspection will determine if and when additional erosion control measures are required at the site.
- Sediment Control: Active mining will occur during wintertime, minimizing formation of sediment for a portion of the year. The terrain at the Queen's Bench project is generally flat with natural drainage towards the remnant mine pond on the north end of the project. The mining activity will be surrounded by a berm of tundra mat vegetation which functions as a natural filter and will slow any drainage. Routine site inspection will determine if and when additional sediment control measures are required at the site.
- Some overburden will be discharged into the remnant mine pit on the north end of the site. Center Creek flows through the north end of the remnant mine pit. The fill will segregate the active mine operation from the waters of Center Creek, minimizing the risk of sediment reaching the creek.

- Restoration of aquatic resources will occur with construction of two shallow ponds, one at 3.25 acres, approximately 10 feet deep, and the second at 1.10 acres, approximately 4 feet deep, within the perimeter of the mine pit. The shorelines of the ponds will be contoured so as to have at least a 20 foot wide shallow littoral zone. Some areas of the site, such as topsoil stockpile areas, are anticipated to self-restore as wetlands. Other areas, with more activity from heavy equipment, are likely to convert to uplands.
- Restoration activities will be monitored for 5 years with reports filed with the Corps of Engineers (Corps).

Compensatory Mitigation: Compensatory Mitigation is not being proposed for this project, because the avoidance and minimization measures described are appropriate and practicable to the scope and degree of the environmental impacts of the project. The mining activities are occurring on private lands, surrounded by land use that primarily consists of mining, transportation, prison, and limited residences. The area is designated for industrial use by the Municipality of Nome. The wetlands that are being impacted are common and abundant in areas outside of Nome, in the coastal plain area, which is largely undeveloped.

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 no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be identical to the project footprint. 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 Potential to Cause Effects determination for the proposed project. Consultation with the State Historic Preservation Office (SHPO) is not required, however, 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 (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 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 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. **POA 2011-169-M3, Center 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.