



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

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

PUBLIC NOTICE DATE:	August 22, 2018
EXPIRATION DATE:	September 19, 2018
REFERENCE NUMBER:	POA-2018-00075
WATERWAY:	Ikalukrok 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 (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) 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 PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Janet Post at (907) 753-2831, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at janet.l.post@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Ms. Catherine Suda, Teck American Incorporated, 501 N Riverpoint Blvd #300, Spokane, WA 99202. Ph. 509-747-6111

AGENT: Mr. John J. DiMarchi, Teck American Incorporated, 5319 NE 62nd Street, Seattle, WA 98115. Ph. 206-790-0227

LOCATION: The project site is located within Section 18, T. 31N., R. 18W, Sections 18, 19, 30, 31, T. 32N., R. 18W., Sections 1, 12, 13, T. 31N., R. 19W., Sections 11, 12, 13, 14, 15, 22, 23, 36, T. 32N., R. 19W., Kateel River Meridian; and USGS Quad Map Delong Mountains A-2. Project begins at Red Dog Mine near Kivalina, Alaska.

<u>Project Location</u>	<u>Latitude</u>	<u>Longitude</u>
Exploration Access Road Origin	68.0826	-162.8839
Exploration Access Road Terminus	68.1596	-162.9570
Support Facilities Area	68.1795	-162.9567

PURPOSE: The applicant has stated the following purpose, “Teck American Incorporated holds State of Alaska mining claims in the Aktigirug and Anarraaq mineral exploration areas. The project purpose is to provide safe year-round overland access and sufficient support facilities to allow a multi-year exploration drilling campaign to assess the technical and economic viability of the Aktigirug and Anarraaq mineral deposits.”

PROPOSED WORK: Teck's proposed project includes: 13.1 miles of gravel road beginning at the Red Dog Mine and connecting to personnel camp facilities; equipment laydown areas; an underground access portal; underground vents; a temporary waste rock storage facility; and material sites. Exploration activities would occur year-round, for an estimated four years.

There would be in total 194.5 acres of impacts to uplands and wetlands. 83,776 cubic yards of fill would be placed into 16.1 acres of wetlands and 5,031 linear feet of rivers/streams. All work would be performed in accordance with the enclosed plan (sheets 1-37), dated 5/1/2018.

ADDITIONAL INFORMATION: The applicant, Teck American Incorporated, has prepared an Environmental Evaluation Document dated July 2018.

Additional permits/authorizations required to be obtained by applicant:

AGENCY	TYPE APPROVAL	ESTIMATED APPLICATION DATE
ADF&G	Fish Habitat Permit	Fall 2018
ADNR	Material Sales	Summer 2018
ADEC	Construction General Permit	Fall 2018
ADEC	Waste Management Permit	Fall 2018
ADEC	Alaska Pollution Discharge Elimination System (APDES)	Fall 2018
ADEC	Title I Air Permit	Fall 2018
NWAB	Title 9 Master Plan Permit	Fall 2018
ADNR	Plan of Operations Approval Incl. Reclamation Plan and Financial Assurance	Summer 2018
ADNR	Water Use Authorizations	Fall 2018
ADEC	Reclamation Plan/Financial Assurance Concurrence	Winter 2018

APPLICANT PROPOSED MITIGATION: 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: The applicant stated “Due to the linear nature of the proposed project and the abundance of Waters of the United States (WOTUS) within the project area, total avoidance is not practicable. Where practicable, facilities were located to avoid impacts to WOTUS. These include routing the proposed exploration access roads on uplands to the extent practicable and locating material sites; vent raises pads; laydown pads; and the portal and camp area pad in uplands.”

b. Minimization: The applicant stated, “The proposed project minimizes impacts to WOTUS to the maximum extent practicable by reducing the project footprint, maximizing the use of uplands and controlling the materials after the discharge. The road corridor was located on drier ground with less WOTUS and greater use of uplands, where practicable; The road was designed as a single lane road with vehicle pullouts, as opposed to a wider two-lane road, reducing WOTUS impacts where crossings could not be avoided; The proposed road corridor maximized, to the extent practicable the use of flat terrain, reducing the need for fill material and side cut construction, reducing impacts where crossings WOTUS could not be avoided; At some locations, the road alignment was designed to impact edges of wetlands rather than bisecting the entire wetland habitat, where practicable; Stream crossings were designed to be perpendicular to flow direction, to the extent practicable; Natural flow patterns would be maintained through the use of culverts and bridges; The temporary waste rock facility (WRF) was designed to maximize waste rock storage capacity, while minimizing the facility footprint size and maintaining stability. Sediment barriers would be installed around the perimeter of the construction areas at water crossings. Alaska Department of Fish and Game - Fish Habitat Permit restrictions and best management practices for in-water work and bridge abutment designs would be adhered to, in order to minimize potential impacts to fish and other aquatic species. The construction contractor would develop and implement a Storm Water Pollution Prevention Plan to address erosion and sediment control as required by the Alaska Department of Environmental Conservation– Alaska Pollution Discharge Elimination System Construction General Permit.”

c. Compensatory Mitigation: The applicant stated, “There are no existing mitigation banks, or In-lieu fee programs with service areas in the watershed that can satisfy the mitigation needs for the proposed project. Permittee-responsible mitigation is the only practical mechanism to provide compensatory mitigation for the unavoidable loss of 16.1 acres, and 5,031 linear feet of permanent impacts to WOTUS. Teck is proposing preservation of WOTUS within the Red Dog Creek watershed at a 1:1 ratio, by means of a deed restriction that would protect aquatic resources from future development. Teck will submit a Compensatory Mitigation Plan for the proposal, under separate cover, that will include timelines and designs, maintenance plans, performance standards, monitoring requirements, long-term management plan, and adaptive management plans.”

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 applicant, Teck American, has submitted a cultural resources survey prepared by WHPacific Inc. dated 2017. WHPacific Inc. conducted a pedestrian cultural resource survey to identify potential cultural resources. This survey resulted in the identification of five prehistoric sites (DEL-00271, DEL-00551, DEL-00552, DEL-00553, DEL-00554), two prehistoric isolates (DEL-00555, DEL-00557), and one historic isolate (DEL-00556). DEL-00271 was previously recorded and subsequently expanded during the survey. DEL-00271 is recommended by WHPacific Inc. for eligibility for the National Registry of Historic Places under criterion D. The Corps of Engineers (Corps) has made an Adverse Effect determination for the proposed project. This application will be coordinated with SHPO, ACHP and local Alaska Native tribes. Any comments they 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).

The project area is within the known range of anadromous fish per the Anadromous Waters Atlas Quad No. 136 De Long Mts Index.

We are currently gathering information regarding the anadromous species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat will be considered in our final assessment of the described work.

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 PN 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 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 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

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION

555 CORDOVA STREET

ANCHORAGE, ALASKA 99501-2617

PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

**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 (PN) Reference Number **POA-2018-00075, Ikalukrok 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 or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Theresa Zimmerman at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.