



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

<b>PUBLIC NOTICE DATE:</b>	<b>July 25, 2017</b>
<b>EXPIRATION DATE:</b>	<b>August 24, 2017</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2011-365</b>
<b>WATERWAY:</b>	<b>Forty-five Pup Creek</b>

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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 Jason Brewer at (907) 753-2828, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Jason.D.Brewer@usace.army.mil if further information is desired concerning this notice.

**APPLICANT:** Bronk Jorgensen, Post Office Box 386, Tok, Alaska 99780

**LOCATION:** The project site is located within Sections 19, 27-30, T. 8 S., R. 29 E., Fairbanks Meridian; USGS Quad Maps Eagle A-2 and A-3; Latitude 64.18926° N., Longitude 142.01906° W.; near Chicken, Alaska.

**PURPOSE:** The applicant's stated purpose is to expand placer mine operations for continued extraction of gold and silver resources.

**PROPOSED WORK:** The applicant proposes to discharge up to 540,000 cubic yards (cy) of overburden and rock into 48 acres of palustrine and riparian wetlands in order to construct, operate, and reclaim a placer mining operation on Forty-five Pup and Buckskin Creeks. The applicant also proposes to permanently relocate and temporarily divert up to 2,100 linear feet (four separate segments) of Forty-five Pup Creek. Mining and reclamation activity would occur over a five year period.

Areas proposed for mine cuts are selected based on prior exploratory testing for economic viability. Three cuts are proposed along Buckskin Creek, ranging from approximately 1.0 acres to 3.7 acres. Seven cuts, ranging from approximately 1.5 acres to 5.5 acres, are proposed along Forty-five Pup Creek, including cuts from the previously permitted and ongoing operation.

Heavy equipment would be used to strip, separate, and stockpile vegetation, topsoil, and overburden along the edges of the cut. The frozen ground is difficult to excavate, so only a few feet of overburden would be removed about once a week, which allows the next few feet of material to thaw. Settling and recycle ponds would be excavated within the cuts to capture runoff and help process the pay material through the plant. Berms and ditches would be excavated as needed to also help manage the water. Cuts would vary in size and be reclaimed in the fall after the pay material has been processed. Cuts proposed for mining in odd years within this plan would be stripped in advance in order to allow the ground to thaw adequately for mining as a mined out cut is reclaimed. Reclamation would include grading all the tailings and overburden back into the ponds and mine cut, and then spreading the separated topsoil and vegetation over the top to facilitate recovery of the site.

Four exploratory trenches (200 feet long by 3 feet wide by 6-8 feet deep) would be excavated along Buckskin Creek to test for economic viability. Test drilling (20 feet deep by 6 inches diameter) would be conducted at four sites along Forty-five Pup Creek.

Access between the camp and the mine cuts would follow previous user created trails. The access trail to the cuts along Buckskin Creek would follow a route approximately 1.4 miles long and stay on the north side of the creek and above the channel to eliminate creek crossings. Improvements to access trails could impact up an additional 2.6 acres of wetlands.

All work would be performed in accordance with the enclosed plan (sheets 1-7), dated July 21, 2017.

ADDITIONAL INFORMATION:

Approvals/Permits/Certificates:

Alaska Department of Natural Resources – land use permit (#2144)

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: Avoidance of all wetlands in the mine area is not possible since the economically recoverable concentrations of gold are located primarily under the creeks and the adjacent wetlands. The applicant would continue to avoid some wetland impacts by locating portions of access roads and the mine camp in uplands or on previously established trails.

b. Minimization: Access from the existing camp to the proposed cuts on Buckskin Creek would follow an old tractor trail to the north of Buckskin Creek, which would minimize potential wetland disturbance and minimize the number of creek crossings. The applicant would test areas using exploratory trenching and drilling to avoid disturbing wetlands that are not economically viable to mine.

A twenty-five foot corridor of riparian and wetland vegetation would be maintained along each side of Forty-five Pup Creek and Buckskin Creek to help maintain stability along the creek and reduce potential for sedimentation. Permanent relocations and temporary diversions would be constructed to the approximately the same length, depth, width, and as the current channel. Relocations and diversions would use historic creek channels or other undisturbed ground with established floodplains and vegetation. Woody material and rocks would be used as necessary to stabilize creek banks and as grade control.

Settling ponds, berms, and ditches would be used to capture all water from the mining operation to prevent transport of sediment off site into creeks. Each fall after the cuts are mined, the stockpiled tailings and gravel overburden would be carefully pushed into the old settling ponds to cap them. Stockpiled topsoil and other vegetation will be spread over the entire mine area. If available, some of the vegetation mat will also be placed over the topsoil to help facilitate vegetation recovery. Contours would approximate the conditions prior to mining.

c. Compensatory Mitigation: The applicant indicated compensatory mitigation is not being proposed for this project, because the avoidance and minimization measures described in this Mitigation Statement are appropriate and practicable to the scope and degree of the environmental impacts of the project.

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, but there is a cultural resource site within the vicinity of the permit area. The permit area has been determined to be footprint of the mining operation in wetlands along the creek, as well as the access road to camp and from the camp and the mine cuts. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps of Engineers (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 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-2011-365, Forty-five Pup**, 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.