



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>October 16, 2017</b>
<b>EXPIRATION DATE:</b>	<b>October 31, 2017</b>
<b>REFERENCE NUMBER:</b>	<b>POA-1998-90</b>
<b>WATERWAY:</b>	<b>Newton Gulch</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.

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](mailto:regpagemaster@usace.army.mil). All comments should include the Public Notice reference number listed above.

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](mailto:leslie.w.tose@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Irene Anderson (Anderson and Sons Mining) Post Office Box 1974, Nome, Alaska 99762, Email: [andersonirene@gci.net](mailto:andersonirene@gci.net) Phone; (907)-304-3607

**LOCATION:** The project site is located within Sections 7, 8, 17, and 18, T. 11 S., R. 33 W., Kateel River Meridian; USGS Quad Map Nome C-1; Latitude 64.5391° N., Longitude 165.3331° W.; in Nome, Alaska.

**PURPOSE:** The applicant's stated purpose is commercial production of gold, and sale of gravel and tailings.

**PROPOSED WORK:** The applicant proposes to discharge 20,000 cubic yards of pay material, 250,000 cubic yards of gravel and tailings, and 20,000 cubic yards of sediment into waters of the U.S. in association with a 15 acre placer mining operation. Approximately 6 acres of the area has been mined. All work would be performed in accordance with the enclosed plan (sheets 1-6), dated October 11, 2017.

**ADDITIONAL INFORMATION**

Agency	Approval Type	ID Number	Applied	Approved
Alaska Division of Mining	Reclamation	F9703	4/14/2016	4/26/2016
Alaska Division of Water	Water Use	F9703-F2016-0720	May 2016	9/15/2016
Alaska Division of Revenue	Mining License	99620	April 2016	5/11/2016
Mine Safety and Health Administration	Mine Safety	50011759	1/1/2004	11/6/2016

**Wetlands information:** In 2010, the applicant was informed that a permit would not be required for their mining operation that was proposed at that time. This determination was made based on information available at the time. The determination would have been valid for five years, through 2015. During this time, the applicant expanded their mining operations by approximately 30 acres. A site visit was conducted in 2016, and it was determined that the applicant had, in fact, expanded into wetlands while working under the No Permit Required determination. Because the applicant acted in good faith under the No Permit Required determination, this permit proposal includes jurisdictional work in wetlands from 2016 forward.

**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 operation as a whole is self-contained, located on a wetlands bench away from any stream, thereby avoiding impacts to riparian areas and streams.
- A large portion of operation – including the camp, access road, and the recycle-sediment pond system – is located in uplands.
- Drilling activities were conducted in 2013, identifying economically viable areas for mining.

b. Minimization:

- Erosion is managed by backfilling previous mine pits with tailings.
- Frozen pay material is allowed to slowly thaw, with sediment and water contained in small, constructed ponds, or directed into a ditch system, where it seeps into thawed ground.
- Restoration of aquatic resources will be accomplished by allowing natural revegetation of the recycle-settling ponds. Sediment in the recycle system is captured in shallow, storage ponds, which are diked, bermed, and allowed to revegetate naturally. They will become grassy swales that support musk ox and waterfowl. When mining stops, there will no longer be an active water source for the

ponds. However, observation of other old settling ponds in the area indicates that it is likely that they will continue to support wetlands for a number of years.

- c. Compensatory Mitigation is not proposed for this project, because the wetlands that have been impacted are common and plentiful in the Nome area. The avoidance and minimization measures described in the 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 cultural resources in the permit area and/or within the vicinity of the permit area. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time. The Corps of Engineers (Corps) has made No Adverse Effect determination for the proposed project. This application is being coordinated with SHPO and the ACHP. 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 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-1998-90, Newton Gulch**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

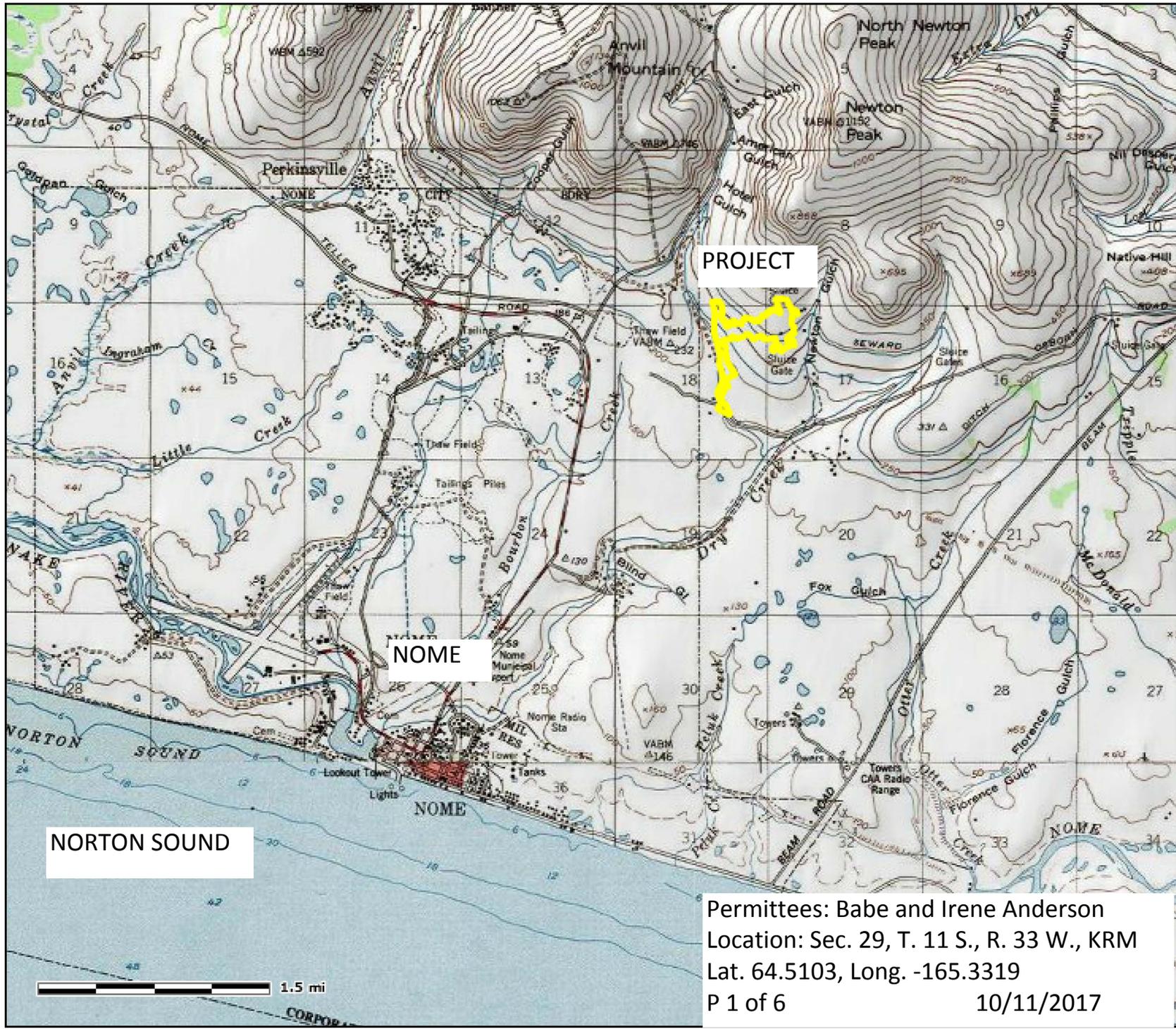
After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

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.



# POA-Regulatory-1998-90, Newton Gulch, Vicinity Map

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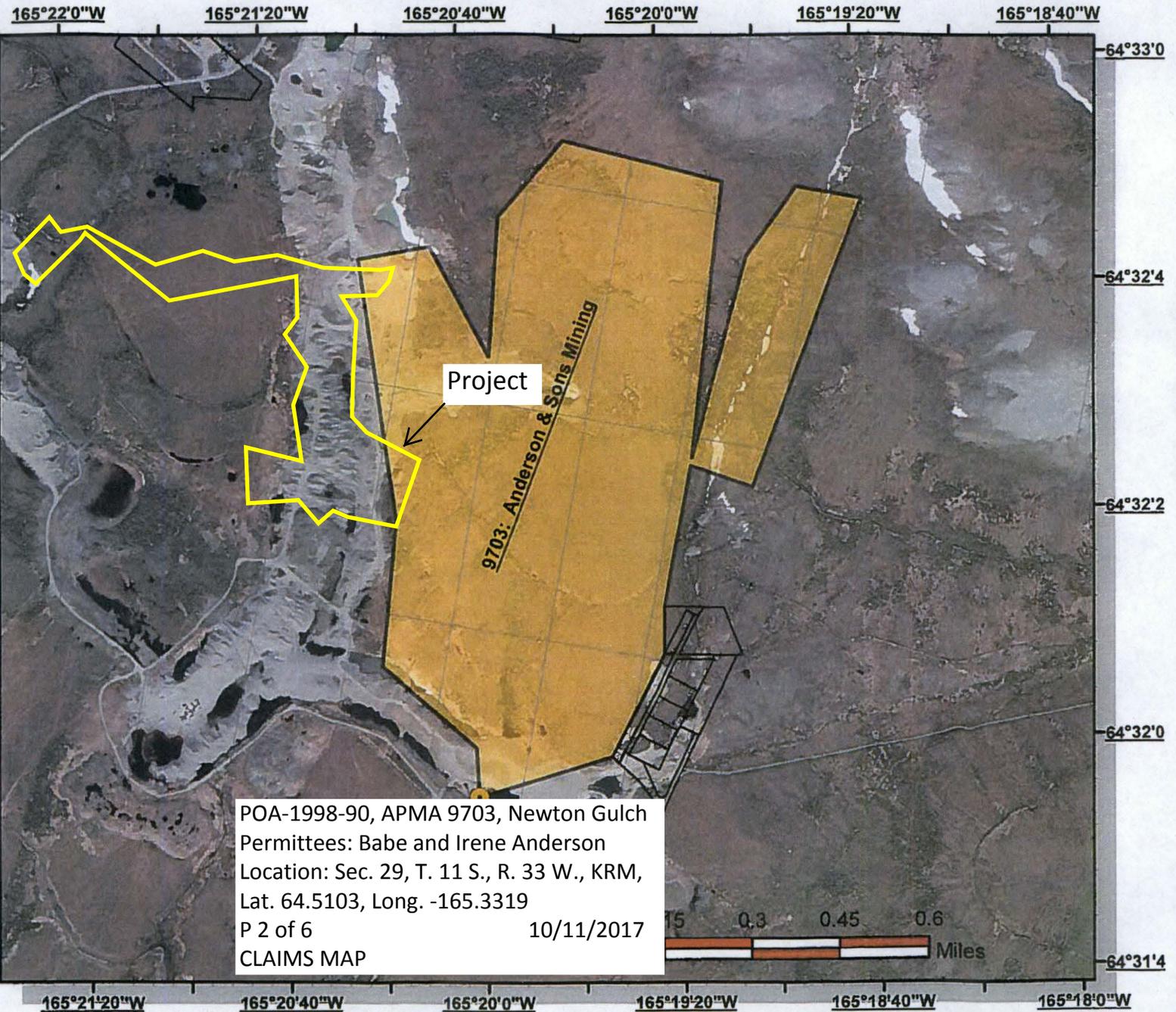
### LEGEND




© Open...

Permittees: Babe and Irene Anderson  
 Location: Sec. 29, T. 11 S., R. 33 W., KRM  
 Lat. 64.5103, Long. -165.3319  
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# APMA Location Map



**Legend**  
Statewide APMA  
APMA Type, 2016 Plan  
● Placer Mining  
■ APMA Type  
■ Mechanical Placer Mining



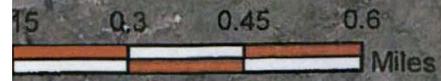
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Project

9703: Anderson & Sons Mining

POA-1998-90, APMA 9703, Newton Gulch  
Permittees: Babe and Irene Anderson  
Location: Sec. 29, T. 11 S., R. 33 W., KRM,  
Lat. 64.5103, Long. -165.3319  
P 2 of 6  
CLAIMS MAP

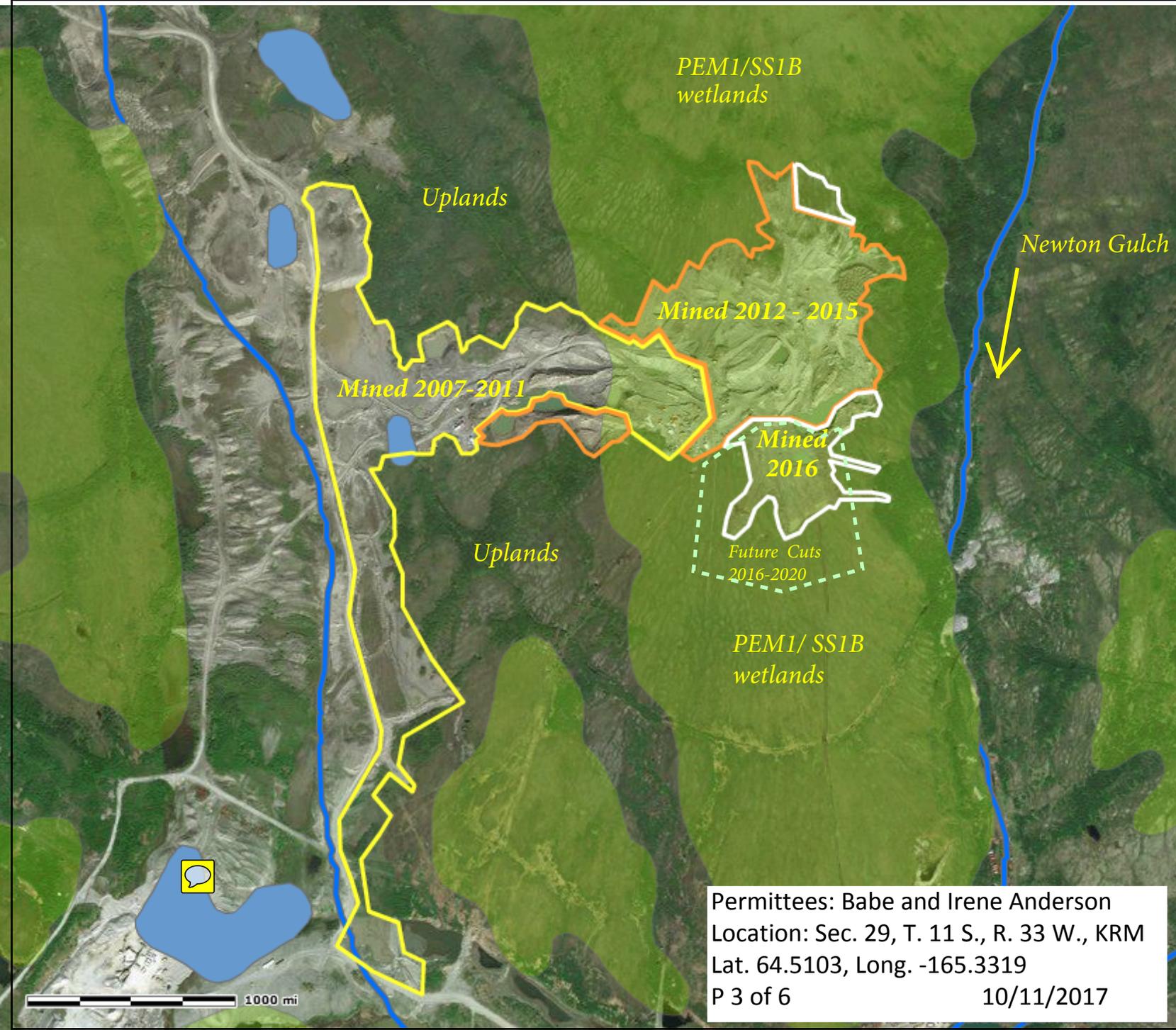
10/11/2017





# POA-1998-80, Newton Gulch, Wetlands Map

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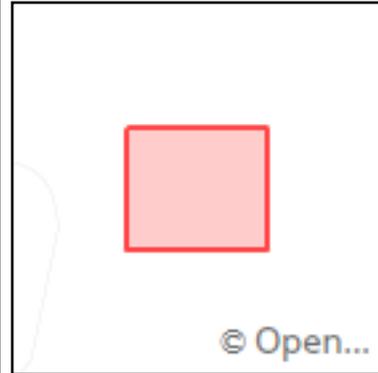
### LEGEND

#### National Wetland Inventory\_FWS

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wet
- Freshwater Pond
- Lake
- Other
- Riverine

Mining Timeline	Wetland Acres
2007-2011	~ 5
2012-2015	~ 30
2016	~ 7
2016-2020	~ 15

Permittees: Babe and Irene Anderson  
 Location: Sec. 29, T. 11 S., R. 33 W., KRM  
 Lat. 64.5103, Long. -165.3319  
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 10/11/2017



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7/25/17 JA

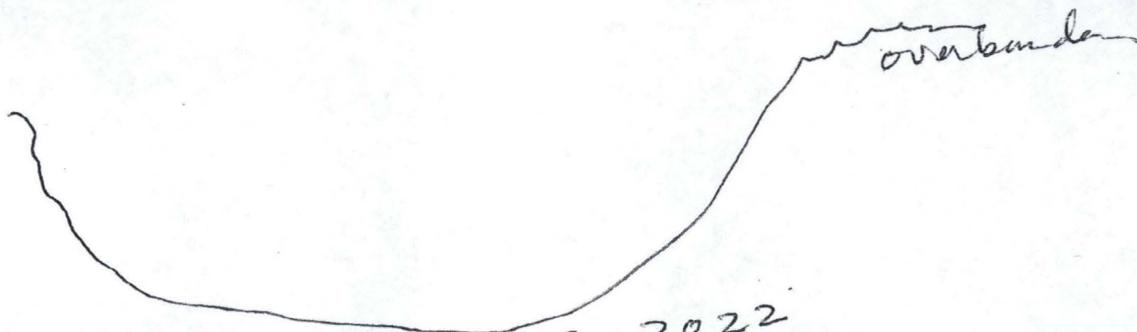
POA-1998-90, APMA 9703, Newton Gulch, Babe and Irene Anderson  
Location: Sec. 29, T. 11 S., R. 33 W., KRM, Lat. 64.5103, Long. -165.3319  
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10/11/2017  
PLAN VIEW OF MINING OPERATION

part 2

# Cross Sections Mitigation Statement South of Plant

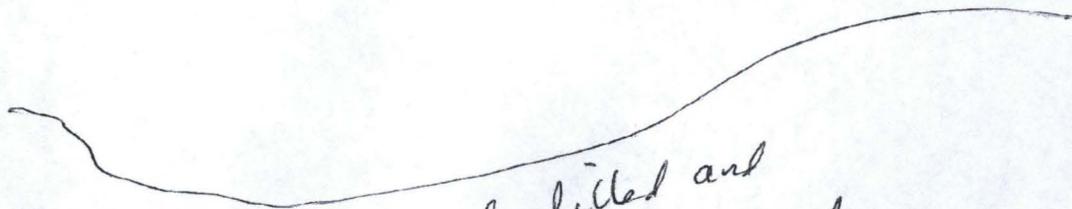


Stripped in 2016



Cut for 2017-2022  
Year by year from 1' deep  
to pay end - about 40' deep

Mining



Cut bermed, filled and  
contoured creating a pond  
approximately 5' deep

Restoration

7/25/17 *HA*



Location: Sec. 29, T. 11 S., R. 33 W., KRM  
USGS Quad Nome C-1  
Lat. 64.5103, Long. -165.3319

POA-1998-90, APMA 9703, Dry Creek  
Permittees: Babe and Irene Anderson  
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TYPICAL SETTLING POND, BEFORE (Top) & AFTER (Bottom) MINING