



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:	May 23, 2019
EXPIRATION DATE:	June 23, 2019
REFERENCE NUMBER:	POA-1992-00562
WATERWAY:	Canyon 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 Jason Brewer at (907) 753-2823, 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: Bras Mining; Cy Bras, Post Office Box 11, Chicken, Alaska 99732, email: lmathison@gmail.com, telephone: (435) 669-3014.

LOCATION: The project site is located within Copper River Meridian, T. 27 N., R. 22 E., Sec(s) 4, 5, 8, 9, 10, 16; T. 28 N., R. 22 E., Sec 32; and Fairbanks Meridian, T. 8 S., R. 33 E., Sec(s) 11, 14, 23, 26, 35; near Latitude 64.16379° N., Longitude 141.13361° W.; approximately 25 miles east of Chicken, Alaska.

PURPOSE: The applicant's stated purpose is to conduct placer mining activities for the recovery of gold.

PROPOSED WORK: An after-the-fact permit to authorize the past discharge of 161,000 cubic yards of native material into 10-acres of waters of the United States (U.S.), including wetlands, and proposed new work and reclamation. Proposed new work is to discharge up to 490,000 cubic yards of native material into 30.2-acres of Canyon Creek and adjacent wetlands in order to recover gold and reclaim the site. An after-the-fact permit would address violations of the terms and conditions of the Regional General Permit for Mechanical Placer Mining in Alaska, GP-2014-00055.

The proposed work includes excavating a temporary bypass channel to divert portions of Canyon Creek. Once the creek is diverted, vegetation would be stripped and stockpiled. The topsoil and overburden would then be excavated down an average of ten feet to the subsurface layer containing the placer gold deposit (pay layer). Vegetation, topsoil, and overburden would be stockpiled separately adjacent to the excavated area. The pay layer would be excavated and hauled to a wash plant to separate the gold from the sediment and rock (tailings). Wastewater and overland flow would be managed with a series of recycling ponds, settling ponds, and bedrock drains. Reclamation would consist of discharging tailings and stockpiled overburden back into mine cuts. The stockpiled topsoil and vegetation would then be graded over the top to similar contours that existed prior to mining. All work would be performed in accordance with the enclosed plan (sheets 1-5), dated May 22, 2019.

ADDITIONAL INFORMATION (permits needed, other 401 WQ Cert):

Alaska Dept. of Natural Resources:	Permit to Mine in Alaska
Alaska Dept. of Natural Resources:	Temporary Water Use Authorization
Alaska Dept. of Environmental Conservation:	APDES (Wastewater Discharge Permit)
Alaska Dept. of Fish and Game:	Fish Habitat Permit

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: Portions of the mine operation infrastructure are sited in uplands or previously mined areas, avoiding new impacts to wetlands to support this infrastructure.

b. Minimization:

1. Excavate test holes to determine value before stripping
2. Stack overburden material high so footprint stays narrower
3. Utilize old stream channels for diversions
4. Keep diversions as short as possible
5. Reclaim mined areas, including restoring the stream channel and floodplains

c. Compensatory Mitigation: The applicant does not propose compensatory mitigation because they indicate the proposed avoidance and minimization measures described above are appropriate and practicable to address 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 or within the vicinity of the permit area. The permit area has been determined to be those areas comprising waters of the United States that would be directly impacted by the proposed work. 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. The project is not sited in or near designated Critical Habitat.

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

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-1992-00562**, 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.

APMA 9004 Vicinity Map
POA-1992-00562 Canyon Creek



Fortymile River

Canyon Creek

PROJECT AREA

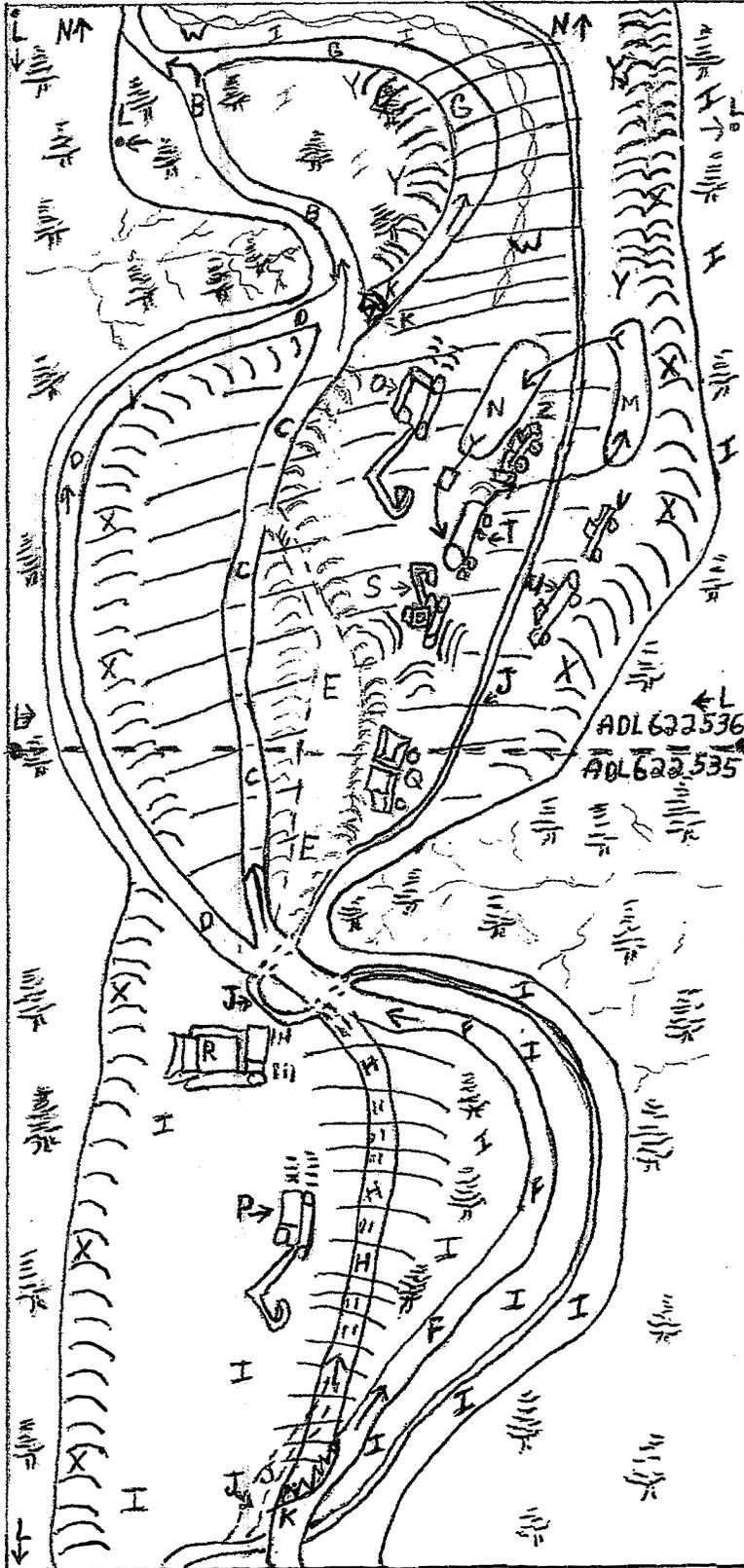
Hill Creek

CANADA

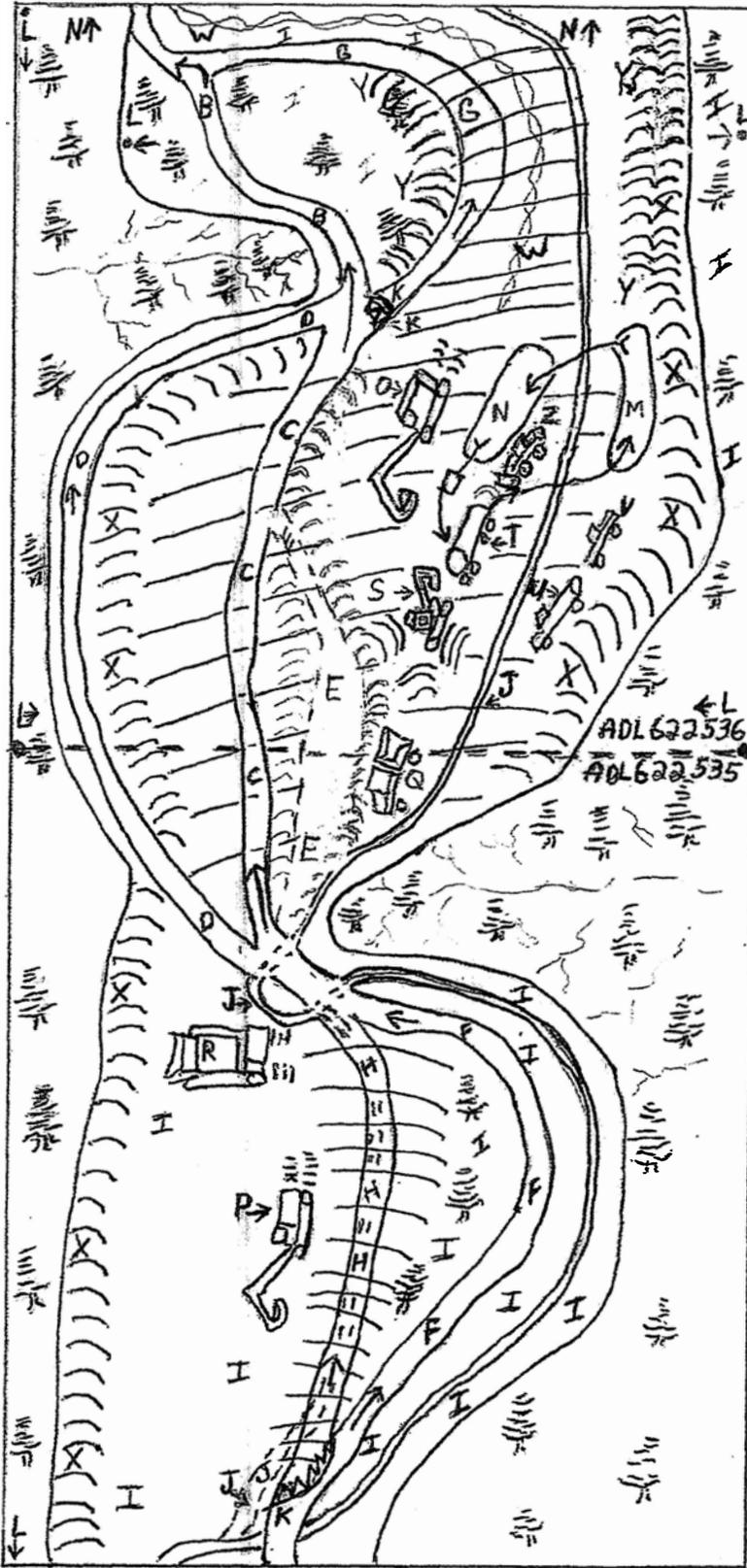


POA-1992-00562 Canyon Creek
Lat: 64.16379°, Long: -141.13361°
Sheet 1 of 5 May 22, 2019





- A: Canyon creek flows north. 8'-18" W X 8'-15" D.
- B: Temporary creek diversion. 3'-6" D X 8'-18" W X 283' L.
- C: Original creek canal mined then creek put back in 1918. 8'-18" W X 3'-8" D X 538' L.
- D: Temporary creek diversion 3'-8" D X 8'-18" W X 1,146' L. Originally a old stream channel used by early miners before 1930's and again in the 1950's
- E: Extra temporary diversion 2'-8" D X 6'-40" W X 120' L. Put in late fall in tailings to help elevate ice build up during winter so glaciering and creek will not run into settling ponds and around equipment
- F: Temporary creek diversion 2'-8" D X 8'-14" W X 320' L. to be put back in original channel after mining in 2019
- G: Part of original creek mined in 2018 to be reestablished in 2019 8'-18" X 3'-8" D X 600' L.
- H: Original creek channel worked as mining progressed upstream in 2018. To be reestablished and area reclaimed as mining progresses upstream in 2019 3'-8" D X 8'-18" W X 270' L.
- I: Cut areas to be mined and reclaimed as mining moves upstream in 2019
- J: Temporary road put down in cut and in original creek channel to be moved back as reclamation and mining moves upstream 12" W X 270' L.
- K: Diversion dams in place at end of mining in 2018 to be reclaimed as mining advances upstream in 2019 12'-18" W X 6'-8" H X 20'-35' L.
- L: Valley floor to be worked is 120'-925' W X 3'-12" D X 4,557' L.



- M: Presettling pond
6'X8'D X 38'W X 120'L
- N: Settling pond used to pump back to trommel
6'-8'D X 35'-40'W X 120'L
- O: 800 john deere excavator used for stripping,
tailings and reclamation
- P: 750 Hitachi excavator used for stripping, loading
haul truck, and reclamation
- Q: Haul truck used for hauling pay material to
trommel
- R: D8 cat dozer used for building roads, stripping and
reclamation
- S: 300 Dooson excavator used to feed pay material
to trommel
- T: Trommel, processing 125-175 cu. yards per hour
- U: Fuel trucks 1,200 gallon parked 125' or more from
creek when possible
- V: Service truck for working on equipment
- W: Bedrock drain
2'-12'D X 6'W X 381'L used to drain water out of cut
carried upstream as mining progresses
- X: Topsoil brush and trees to be respread over cut for
reclamation
15'-35' W X 6'-20'H X 2,645'L
- Y: Gravel overburden piled to be spread and sloped
for reclamation
6'-12'H X 15'-30'W X 800'L
- Z: 980 Cat loader for removing tailings.

ADL 622536
ADL 622535

Proposed Mining Plan taking place on claims: ADL
622532 through ADL 622536

