



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 8, 2018
EXPIRATION DATE:	May 23, 2018
REFERENCE NUMBER:	POA-1993-00086
WATERWAY:	Clear 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 Nicholas Lucore at (907) 753-5783, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Nicholas.Lucore@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Taiga Mining Company, Inc.; Drew Miller

LOCATION: The project site is located within Sections 05 & 06, Township 09 North, Range 15 East, Kateel Meridian; USGS Quad Map Hughes A-6; Yukon-Koyukuk Census Area; Latitude 66.21335° North, Longitude -155.73468° West; near Hogatza, Alaska.

PURPOSE: The applicant's stated purpose is to extract mineral resources.

PROPOSED WORK: The permittee proposes a three phase mining operation, and requests authorization for discharge of temporary fill associated with a temporary stream diversion, and discharge of temporary and permanent stream channel plugs, associated with construction of

temporary and permanent stream channels, which are components of a larger, conventional placer mining operation in uplands. Jurisdictional work under Section 404 of the Clean Water Act consists of:

- Phase 1: Temporary discharge of 300 cubic yards of fill material to construct a stream channel plug to direct flow into a 566 linear foot stream bypass "Temporary Bypass #1". Temporary discharge of 300 cubic yards of fill material to direct flow into a 575 linear foot stream bypass "Temporary Bypass #2". Permanent discharge of 300 cubic yards of fill material to construct a stream channel plug, to direct flow into a permanent 1,015 foot stream channel restoration of Clear Creek. Restoration Activities associated with the channel relocation include: recontouring a geomorphically appropriate channel, restoring channel length, restoring channel gradient and installing constructed riffles to maintain gradient, installing riprap to protect stream bends, and revegetating a 50 foot wide riparian area adjacent to the stream channel.
- Phase 2: Permanent discharge of 300 cubic yards of fill material to divert the flow of water into a 3,650 linear foot permanent stream relocation "Channel B" of Clear Creek. To discharge 300 cubic yards of fill material into a 1,200 linear foot permanent stream relocation "Channel D" of Clear Creek. The permanent relocation will be constructed using the same criteria as the restoration method described in phase 1.
- Phase 3: Permanent discharge of 300 cubic yards of fill material to divert the flow of water into a 2,250 linear foot permanent stream relocation "Channel C" of Clear Creek. The permanent relocation will be constructed using the same criteria as the restoration method described in phase 1.

All work would be performed in accordance with the enclosed plan (sheets 1-10), dated March 15, 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: Taiga Mining utilizes a number of strategies when designing a mine plan to avoid the disturbance of Waters of the U.S. Initially during exploration, access trails are located along benches in uplands with minimal stream crossings. The use of state of the art sonic exploration drilling allows the pay zone to be defined very precisely with minimal access trails through wetland areas. Having defined the pay zone with exploration drilling, all non-economical ground (including that which is wetland) is avoided entirely. Access roads, staging, and work areas constructed during the mining phase are located in uplands avoiding wetland disturbance.

b. Minimization: Where possible, stockpiling of stripped organic material is stored in an upland area eliminating additional disturbance of wetland for stockpiles. With the exception of the initial mine cut, which barren gravels are stripped to uplands, all barren gravels are able to be stripped into the previous mine cut, reducing the overall mine disturbance footprint, which when working in areas that contain wetlands minimizes the disturbance to those wetlands. During the mining cycle all process water is 100% recycled. Captured storm runoff is directed around the worksite with ditches and/or pumps to reduce the transportation of sediments keeping the runoff water clean.

Stream diversions and bypasses are constructed to mimic the natural channel as close as possible to minimize impacts. Where possible, diversions are located in existing historic stream channels with minimal modification to the channel. The meandering nature of the natural stream is mimicked as much a practicable when creating new stream channels. An appropriate riparian buffer is established along permanent diversions to protect the stream habitat. Control of the streams Energy Grade Line is accomplished by the use of grade control structures such as vortex weirs and/or riffle boxes, as needed to maintain an appropriate energy grade line.

During the reclamation phase, efforts are made to control water energy when re-contouring to minimize sediment transportation. Generally a series of shallow ponds with spillways is established to trap sediments. Organic soils and woody debris stockpiled separately during stripping are distributed after re-contouring to promote re-vegetation quickly. Efforts will be made to restore areas of wetland by contouring the reclaimed area to an elevation that will allow surface or near surface saturation of the soil, creating favorable conditions for reestablishment of wetlands. It is expected that the end product will be a mosaic of wetland and upland.

Reclamation of the Clear Creek project will initiate a new ecological cycle. Through mining and reclamation, the area will change form and mature into a transitional ecological state. Mining and reclamation will create opportunities for a new cycle of plant succession, different microhabitats, and different use of the area by animals. Examples observed include; bears feed on the green grasses in spring in reclaimed areas; weasels and martins utilizing boulder piles; and moose feed on new browse in reclaimed areas. Reclamation measures as proposed would be low risk and self-sustaining. Over a relatively short period of time it has been observed on other projects in the area that reclaimed areas will regrow and begin to mature. Replacement of low shrubs and grasses by higher shrubs and small trees, have been observed in as little as 8-12 years.

c. Compensatory Mitigation: Compensatory mitigation is not proposed for this project. Taiga Mining believes that the minimized disturbances to wetlands in the mining process as previously outlined is a temporary disturbance that does not warrant compensatory mitigation. Taiga Mining is known for exemplary reclamation. Taiga Mining's reclamation plan exceeds the Alaska Statutory reclamation standards. The proposed minimized disturbance to wetlands is de-minimis with respect to the watershed which includes the 3.5 million acre Koyukuk Wildlife Refuge which is not at risk of development.

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 (AHSR) 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 within the vicinity of the permit area. The permit area has been determined to be limits of proposed working footprint. Consultation of the AHSR 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 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.

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 the Chum salmon (*Oncorhynchus keta*), Coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), and Sockeye salmon (*Oncorhynchus nerka*).

We are currently gathering information regarding these 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 authorities:

() Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(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-1993-00086, Clear 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.