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US Army Corps of Engineers Alaska District

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

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	June 20, 2018
EXPIRATION DATE:	July 5, 2018
REFERENCE NUMBER:	POA-2011-00486
WATERWAY:	Walker Fork and Davis 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.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice (PN) 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 if further information is desired concerning this notice.

<u>APPLICANT</u>: Mr. Jeff Owen, Post Office Box 20, Chicken, AK 99732, phone: 530-604-2580, email: ojeff65@yahoo.com

LOCATION: The project site is located within Sections 2 and 5, T. 26 N., R. 22 E., Copper River Meridian; USGS Quad Map Eagle A-1; Latitude 64.0659 N., Longitude 141.0804° W., near Boundary, Alaska.

<u>PURPOSE</u>: The applicant's stated purpose is to conduct placer mining activities for commercial recovery of gold.

<u>PROPOSED WORK</u>: The applicant proposes to combine activities associated with several ongoing mining operations on Walker Fork and Davis Creek under one Department of the Army (DA) permit. The applicant maintains three, separate Applications for Permits to Mine in Alaska (APMAs), for operations located along a three mile reach of Walker Fork and Davis Creek in the Fortymile Mining District. Portions of the work are considered after-the-fact and associated with a violation issued August 22, 2017. Corrective measures were required and

addressed with voluntary restoration. Inspection will occur during summer 2018. The proposal includes:

- Overall discharge of approximately 700,000 cubic yards of gravel and organic materials into 62.5 acres of waters of the U.S. for placer mining activities and permanent relocation of 5644 linear feet of stream channel of Walker Fork and Davis Creek.
- The table below differentiates ongoing and new activities on different claims.
- Each location would involve somewhat different methods of mining and /or reclamation/restoration. All work would be performed in accordance with the enclosed plan (sheets 1-17), dated June 14, 2018.

APMA 2189, Walker Fork Bench: Site is a high bench proposing three cuts to be mined for the next 5 to 10 years. Mining activities for this project include:

- Existing work: 3540 linear feet relocation of Walker Fork channel to left limit of valley (constructed 2014)
- New work: Corrective measures to stabilize approximately 1500 linear feet of the channel re-location including re-shaping the channel, constructing a floodplain at Bank Height Ratio elevation, removal of excess material at risk of erosion, selective armoring, and installation of grade control. (accomplished October 2017)
- New work: Re-construct approximately 1500 linear feet of the old Walker Fork Channel, along the right limit of the valley, to use as a high water overflow channel during active mining.

• New work: Reinforce existing overflow channel plug with coarse armor, for flood control.

- Bench cuts:
 - Existing work: Mechanical land clearing, 10.1 acres
 - New work: Mine approximately 40 acres. Upper cuts associated with APMA 2189 will be mined conventionally with excavator & dozer. Lower cuts will be mined hydraulically, with slurry placed into a pit located in dredge tailings located on the valley bottom.
 - A typical bench cut contains two strips, 125 linear feet by 1500 linear feet to 2500 linear feet in length.
 - Vegetation and organics (muck) will be stripped and stockpiled on the south edge of the future mine cut. 30 linear feet by 1500 linear feet to 2500 linear feet.
 - Remove and stockpile non-pay gravel overburden along the south side of the proposed pit. 75 linear feet by 1500 linear feet to 2500 linear feet.
 - Mine the strip in successive pits, ponds and backfill along the terrace until area is mined out. Pits will be approximately 15 feet in depth.
- New work: Reclamation of bench cuts will consist of backfilling pits with stockpiled gravel overburden, re-shaping to match contours of surrounding landscape, and spreading the area with organic overburden. Parts of the access/ haul road will be removed, and parts will be maintained and kept for future use.
- Non-jurisdictional work in uplands includes construction and operation of settling ponds, to be used for the water recycle system, contain muck overburden from hillside mining activities, and eventually, to re-establish palustrine wetlands.

APMA 2622, Davis Creek High Bench and Upper Walker Fork. Areas associated with this APMA do not have a POA- number and have not been authorized by the Corps of Engineers (Corps). However, this work is located on federal claims and is under Bureau of Land Management (BLM) authorization. This work was constructed 2013-2014.

- Existing bench cut (6.7 acres) and road (1.2 acres).
- Existing valley cut (2 acres) and temporary stream diversion (1604 linear feet). The diversion will be re-located back to the center of the valley when mining is complete. This work is located on state claims.

APMA 4419, Davis Creek has an expired Corps POA-1987-647. The project would be re-activated under this new proposal. Proposed work includes a new 2.5 acre cut (85 lf x 1300 lf). There is an existing 300 linear foot stream diversion.

All work would be performed in accordance with the enclosed plan (sheets 1 - 17), dated June 14, 2018.

ADDITIONAL INFORMATION

<u>Jurisdiction:</u> The Walker Fork drainage has been mined since the 1880s, using dredge and dozer methods. The valley bottom in this reach is now largely composed of tailings (uplands). The Corps does not have jurisdiction over the uplands in the tailings areas. However, Walker Fork is a water of the U.S. and stream re-location and restoration is a jurisdictional activity. The side slopes of the valley support palustrine forested areas dominated by black spruce vegetation, and soils containing 3 to 15 feet of frozen organic muck. Permafrost may be found within the top foot of the soil surface, creating saturated soil conditions within the top 12 inches. Indicators for hydrophytic vegetation, hydric soils, and wetland hydrology are present, satisfying criteria for presence of wetlands; a Department of the Army permit will be required.

Wetlands are adjacent to Walker Fork, a relatively permanent water (RPW), which flows into the Mosquito Fork, an RPW, which flows into the Yukon River, a Traditional Navigable Water.

Other authorizations:

- ADFG: FH16-III-0188 Fish passage and stream crossings, issued September 8, 2016, expires December 31, 2020
- DEC APDES: AKG370570 for Davis Creek, and AKG370076 for Walker Fork issued August 1, 2015 expires July 31, 2020
- State Of Alaska and BLM: Claims are managed by federal and state land agencies. The federal claims are in process of conversion to state management.

<u>APPLICANT PROPOSED MITIGATION</u>: 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 has located portions of his mine operation, including the camp, access roads, equipment storage, and staging areas and settling ponds, in areas that have been previously mined, thereby avoiding impacts to wetlands.
- b. Minimization:
 - During mining, stripped vegetation will be stockpiled below the mine cut, to be used for erosion and sediment control during spring break-up and summer months and future redistribution.
 - Erosion will be minimized by constructing water bars and ditches along roads, to keep sediment from reaching the creek.
 - Erosion will be minimized by managing meltwater from exposed and frozen muck, directing flow into ditches and containment areas, to keep dirty water out of the creek.
 - During mining, construct and use 100% recycle settling pond systems.
 - Following mining, roads and trails will be generally decommissioned and reclaimed by re-grading to contour with surrounding areas. Any culverts or bridges will removed for future use.
 - Following mining, all camp structures will be removed. Camp and mined areas will be left free of debris and iron remnants.
 - To minimize impacts to waters of the U.S. affected during the mining operation, the applicant proposes the following measures to rehabilitate aquatic resources:
 - Under APMA 2189, 3540 linear feet of Walker Fork channel was relocated to left limit of valley (constructed 2014) In excess of the 1500 linear feet allowable length of the Regional General Permit 2014-55 for Mechanical Placer Activities. Corrective measures were required. The applicant proposes minor recontouring and other activities that may include removal of erosion hazards, construction of a floodplain, armoring bends with coarse rock, installation of grade control where needed, and replant the riparian zone. The stream re-location is the same length as the prior channel.
 - Under APMA 2622, 1600 linear feet of stream channel will be relocated back to the middle of the valley. This section of the channel was involved in a previous violation POA-2009-00589, APMA 7497, under Mr. Jason Minekime.

 Following mining, the applicant proposes to de-commission settling ponds by draining them and allowing them to naturally re-vegetate, or maintaining them with varying depths of water to provide final habitat diversity.

c. Compensatory Mitigation is not proposed for this project because the avoidance and minimization measures described in this Mitigation Statement are proposed to be 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.

<u>CULTURAL RESOURCES</u>: 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 un-evaluated properties in the vicinity of the worksite. A determination of eligibility and, if needed, a determination of effect may be required. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with 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.

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.

<u>TRIBAL CONSULTATION</u>: 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.

<u>PUBLIC HEARING</u>: 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)(I) 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.

<u>AUTHORITY</u>: This permit will be issued or denied under the following authorities: (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 PN.

District Commander U.S. Army, Corps of Engineers

Enclosures

BILL WALKER, GOVERNOR

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.

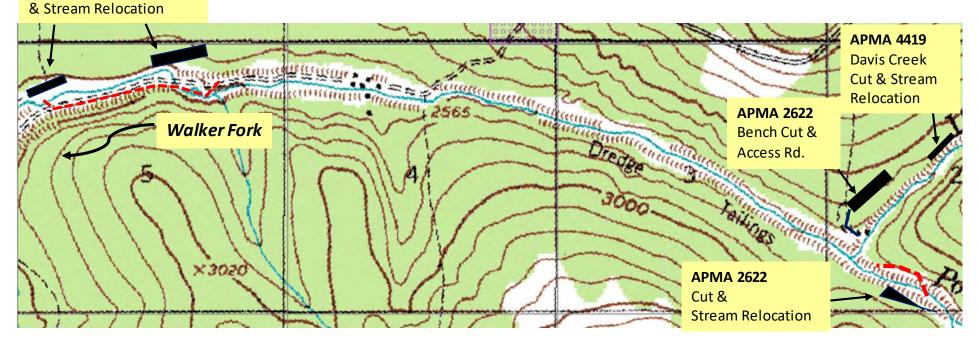
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2011-00486, Walker Fork**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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.

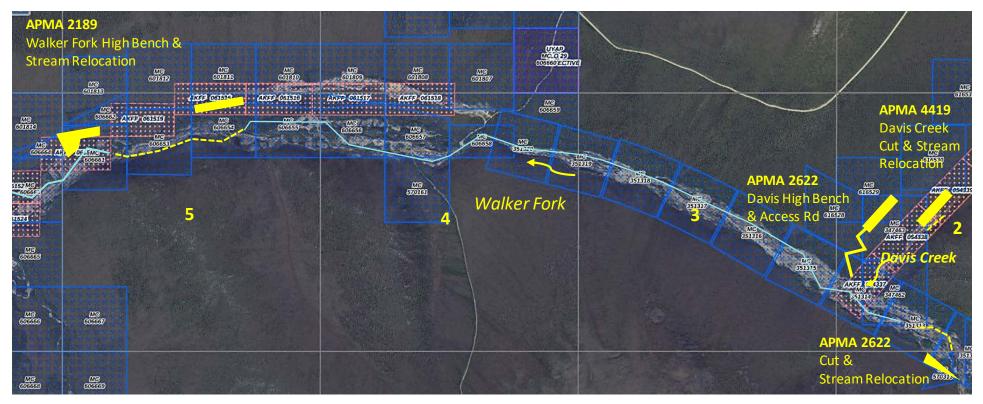
APMA 2819

Walker Fork High Bench



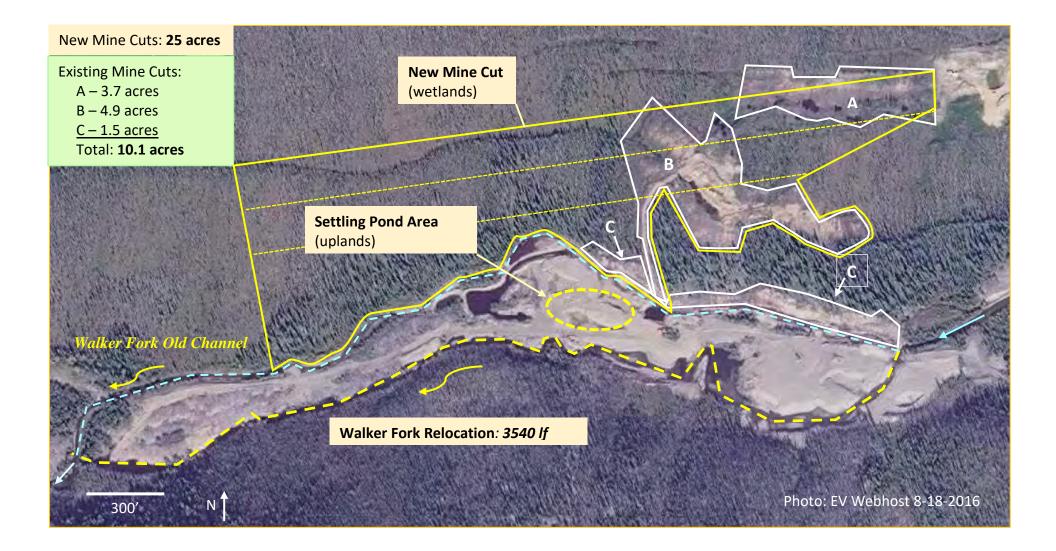


POA-2011-486, APMA 2819, 2622, 4419 Walker Fork & Davis Creek Permittee: Jeff Owen Location: Lat. 64.0659, Long. -141.0804 Page 1 of 17 6/14/18 VICINITY MAP from USGS Quad Eagle A-1

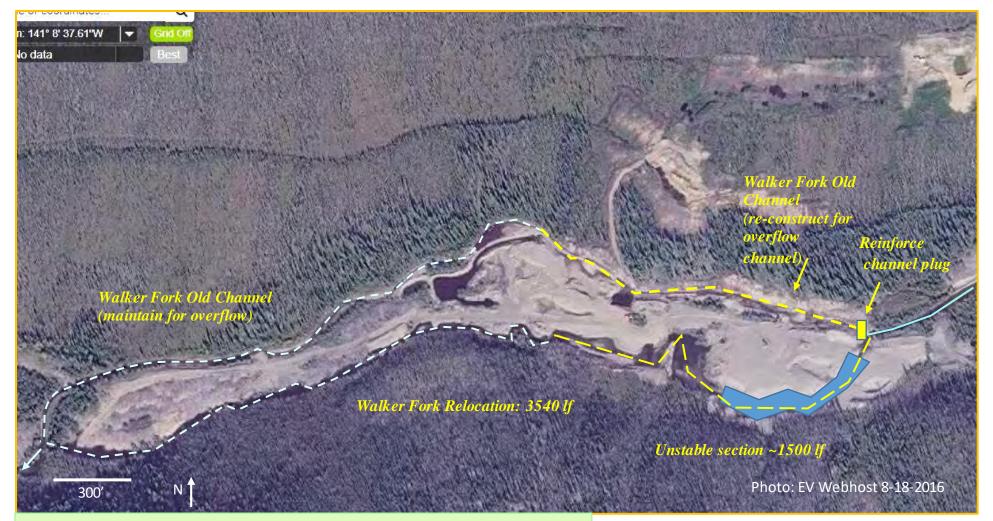


State APMA	Corps POA	Waterway	Claim#	Work	
APMA 2189	2011-486	Walker Fork	AKFF 61515	Existing: Mechanical land clearing: 10.1 acres	
	A		AKFF 61520	New: 40 acres	
			MC 606654	Stream Channel Relocation	on: 3540 lf
			MC 606653	Reclamation: 50.1 acres, 1	3540 If of stream channel
			MC 606661		
APMA 2622	AA 2622 No POA Walker Fork ADL 351313 Existing: 2 Cuts & Access		Rd: 10.1 acres		
	applied for		ADL 351312	Stream Channel relocatio	n: 1604 lf
	or received		MC 347463	Reclamation: 10.1 acres,	1604 If stream channel
APMA 4419	1987-647	Davis Creek	AKFF 054339	Existing stream channel relocation: 300 lf	
			AKFF 054338	New: 2.5 acres	
				Reclamation: 2.5 acres	POA-2011-486, APMAs 2189, 2
					Walker Fork and Davis Creek

POA-2011-486, APMAs 2189, 2622, and 4419 Walker Fork and Davis Creek Permittee: Jeff Owen Location: Lat. 64.0659, Long. -141.0804 Page 2 of 17 6/14/18 CLAIMS MAP



POA-2011-486, APMA 2189, Walker Fork Permittee: Mr. Jeff Owen Location: 64.0678, -141.1311 WALKER FORK HIGH BENCH, UPPER CUT AND STREAM RELOCATION Page 3 of 17 6/14/18

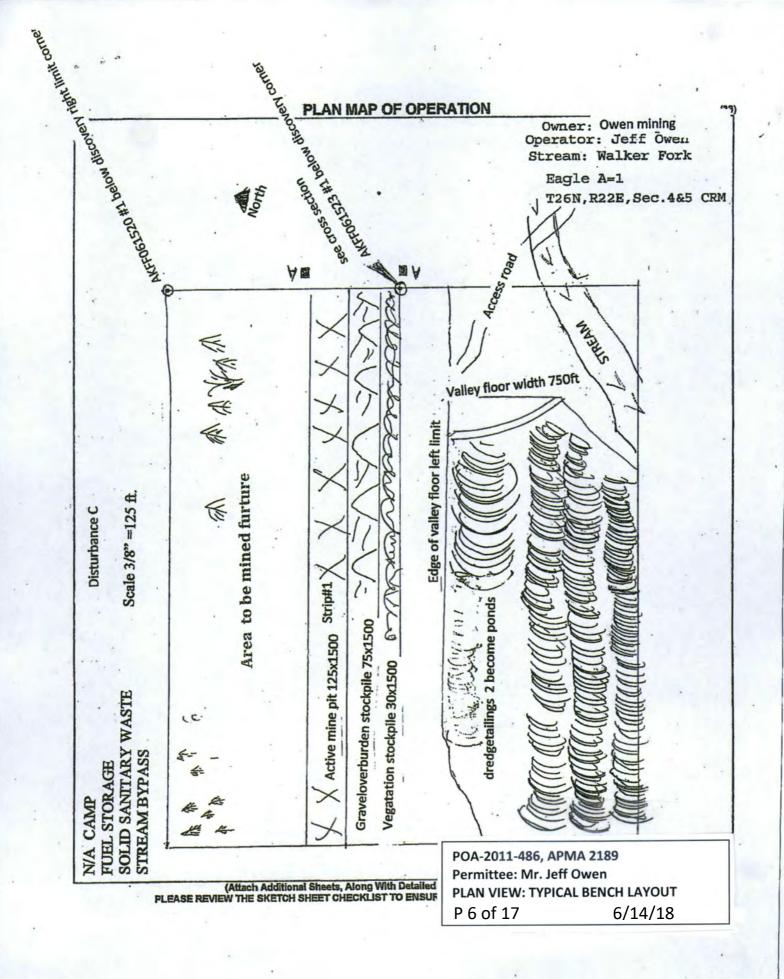


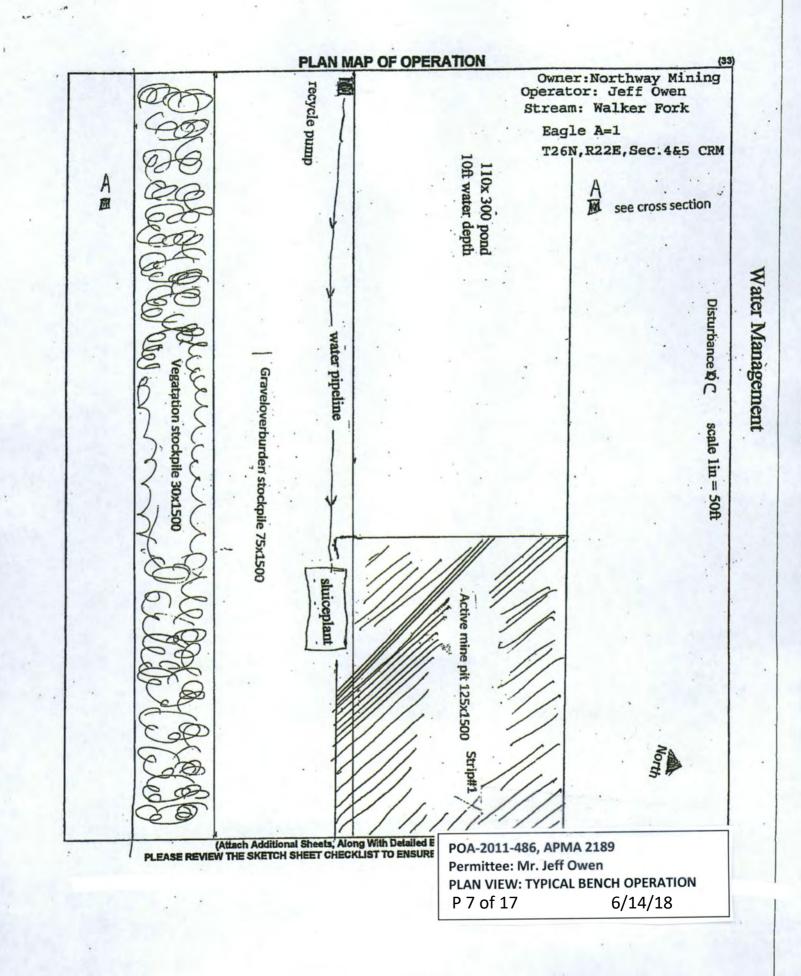
Voluntary Rehabilitation of ~ 1500 If of Walker Fork stream channel

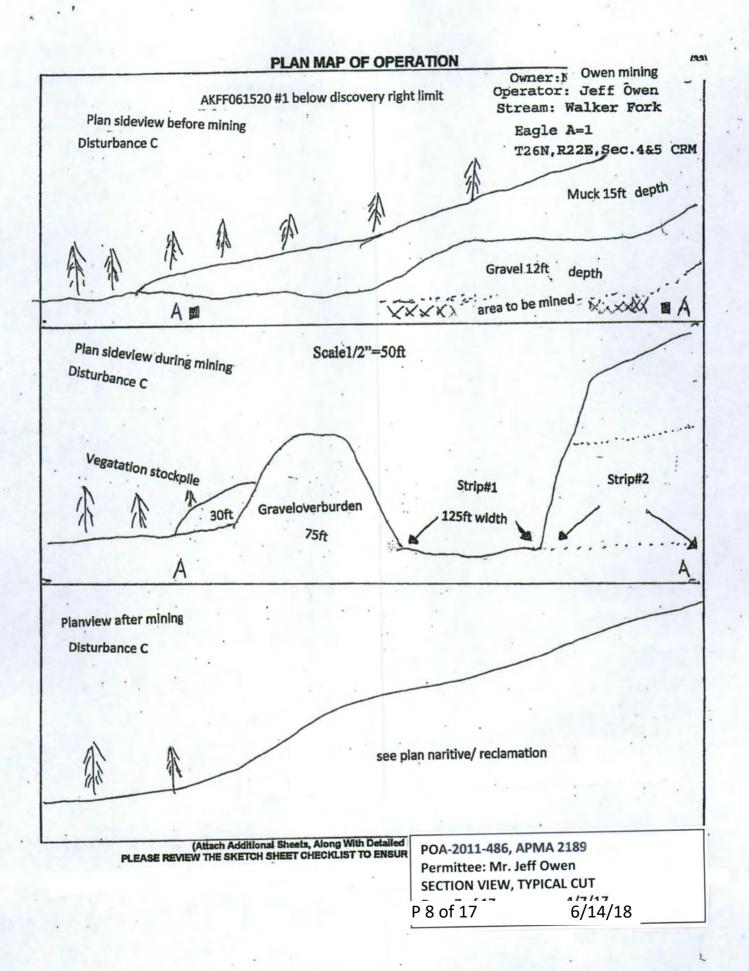
- 1. Remove excess unconsolidated material along channel, rebuild floodplain.
- 2. Stabilize gradient so it matches average gradient above and below
- 3. Revegetate 25' riparian area along channel
- 4. Walker Fork old channel Reconstruct upper portion for overflow accommodation. Reinforce channel plug.

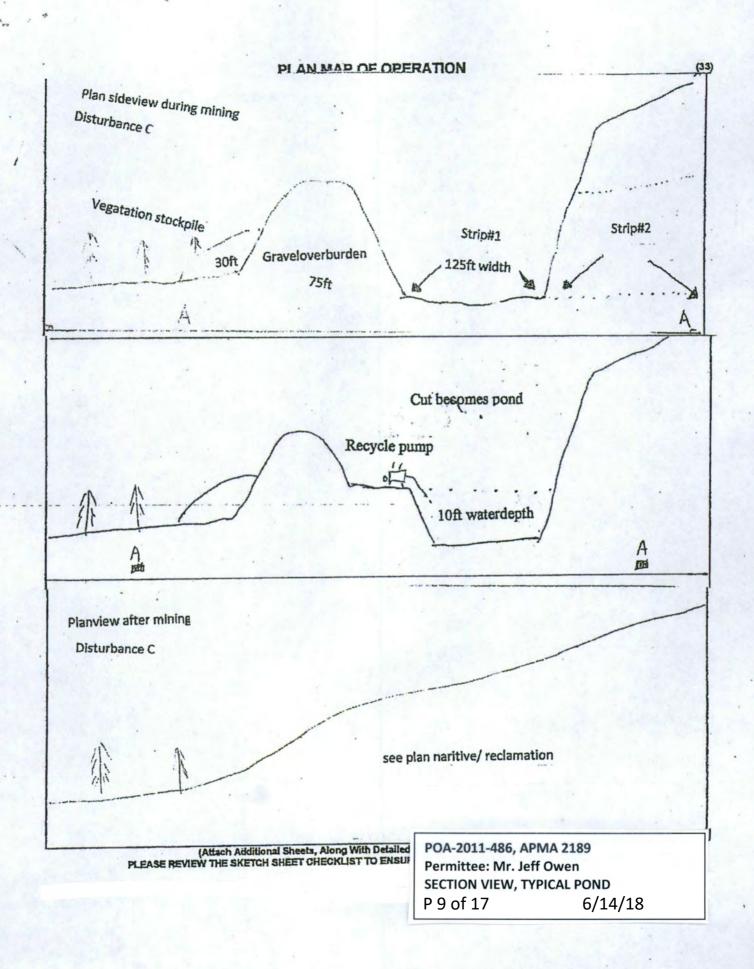
POA-2011-486, APMA 2189, Walker Fork Permittee: Mr. Jeff Owen Location: 64.0678, -141.1311 CHANNEL & DRAINAGE REHAB Page 4 of 17 6/14/18

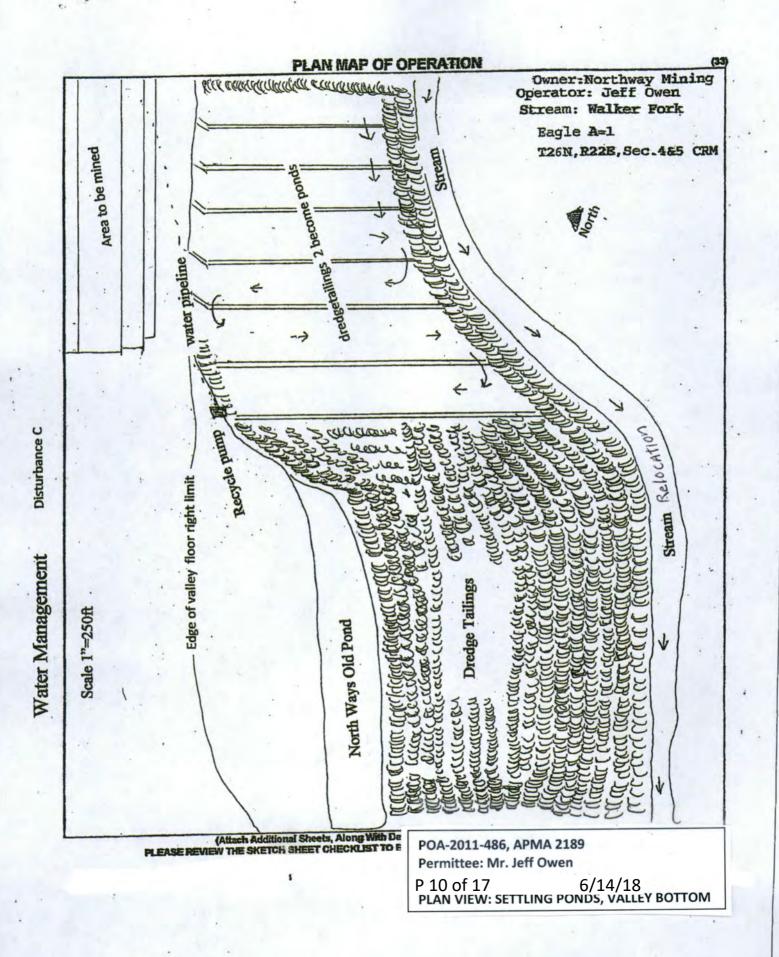








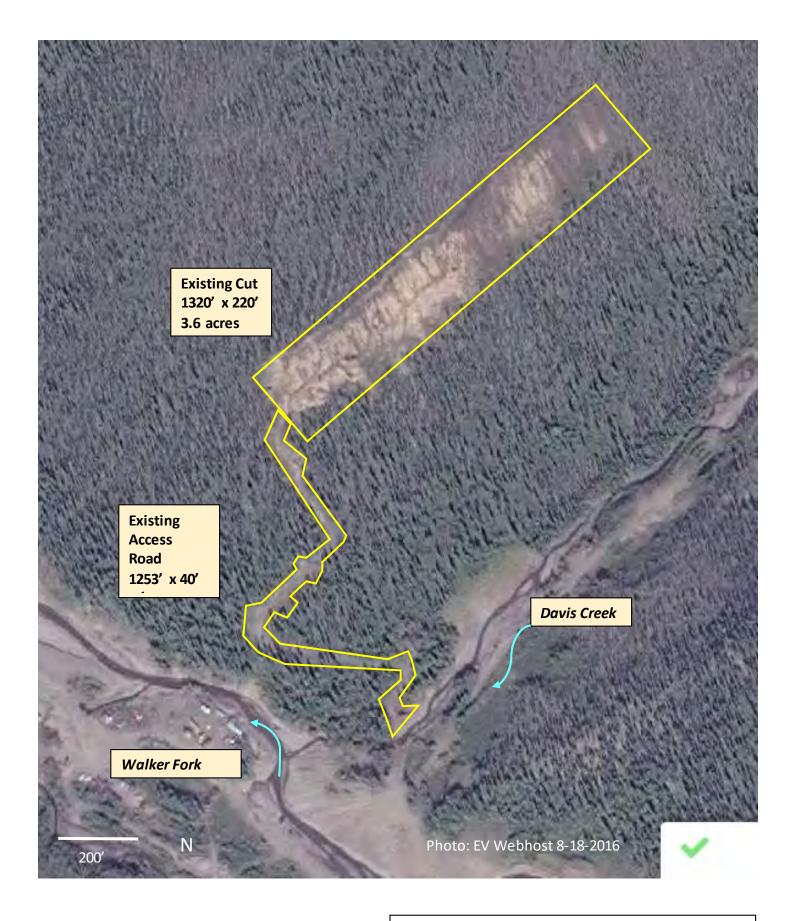




	LAN MAP OF OPERATION	
Cross section before	Water Management Disturbance C	Owner:Northway Mining Operator: Jeff Owen Stream: Walker Fork
dr	edgetailings 2 become ponds Scale 2"=125ft	Eagle A=1 T26N,R22E,Sec.4&5 CRM
mmmm	Dredge Tailings	mmin
Cross section W/Dikes		Area to be mined
	water pipeline	vegation stockpile.
m	8ft water depth	
Cross section after		
j.		
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(Attach Additional Si PLEASE REVIEW THE SKETCH SHE	POA-2011-486 Permittee: Mr P 11 of 17	

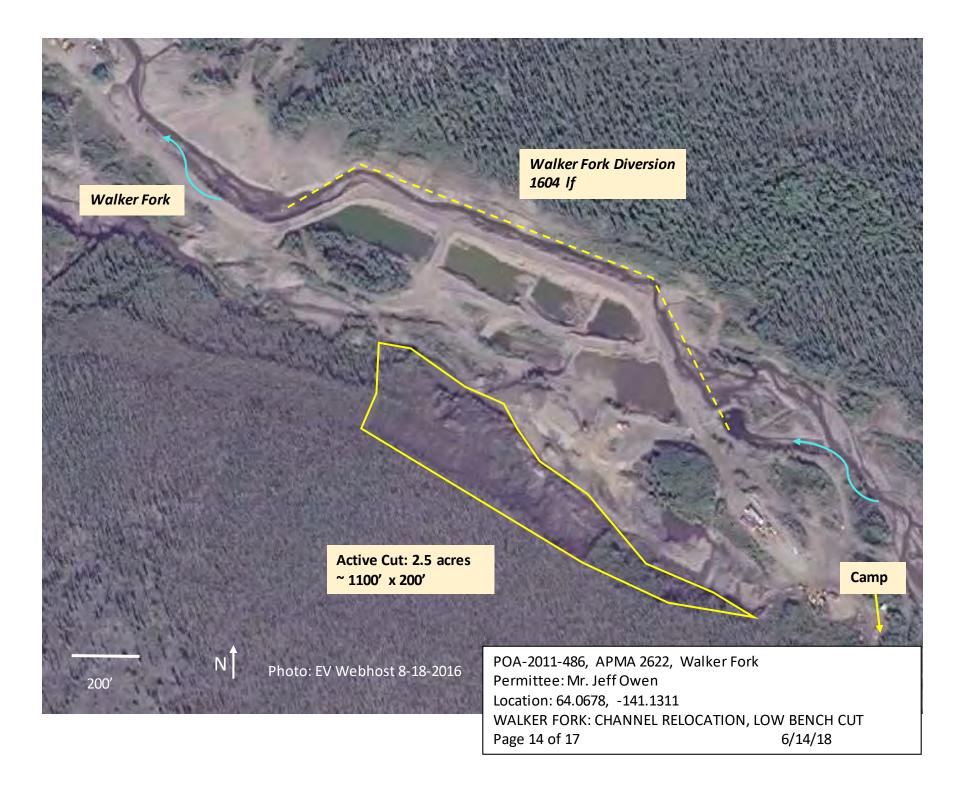
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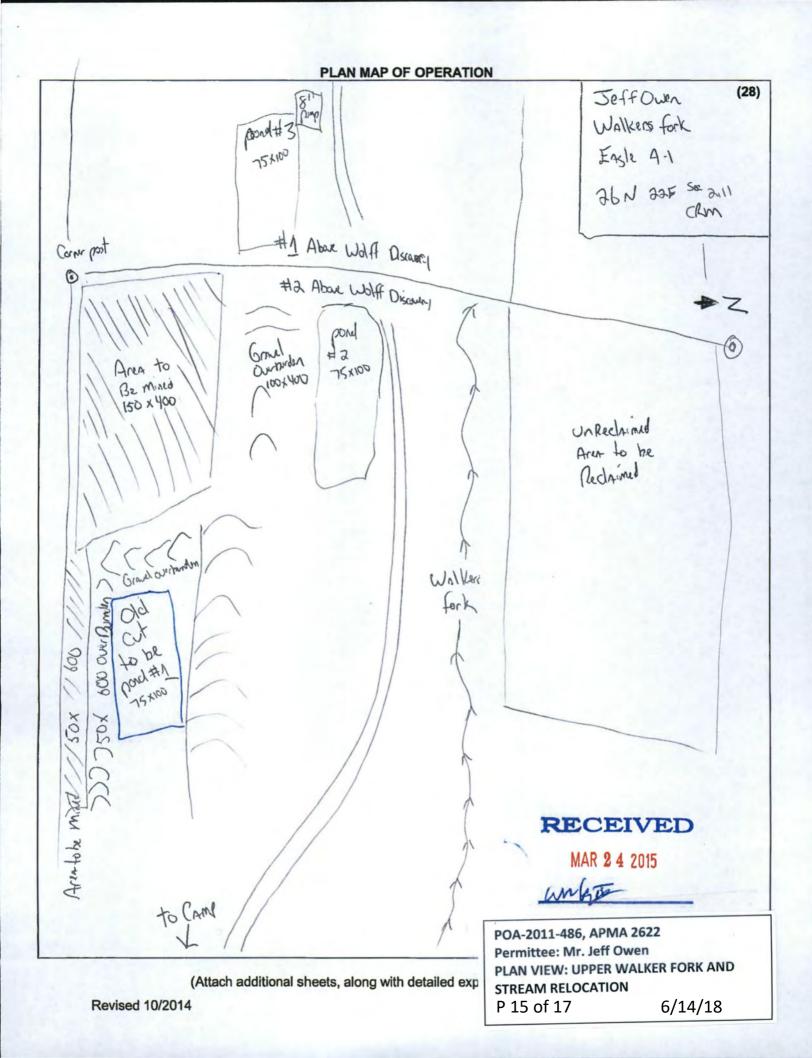
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POA-2011-486, APMA 2622, Walker Fork Permittee: Mr. Jeff Owen Location: 64.0664, -141.1434 DAVIS CREEK HIGH BENCH AND ACCESS ROAD Page 12 of 17 6/14/18

2622 PLAN MAP OF OPERATION NE (32 Q Corner post (32) DAVIS Creek High bench F 120 7 (507507 N OWNER John Burni operator Jeffower ~ Crede DAVIS Qual FASH A-1 2014 mine Senson TONRADE Sec 2 - CRM Active min (1 120×1320 10 VEG stock pile A OPSI 2013 mine Junson 50×1320555 556666 which < < < < < < Cut # 3 Brong TAnling necone Alers Rond pond 75×120 > of So on through out Cut Cut #2 become's pund Items Not Apply 75× 120 Z Fuel Storad CAMP FACILITY Solid Smothly WASTE CJ #1 becomes pond Stream By pass 75×120 Recycle A 618 MALLUP WATER POA-2011-486, APMA 2622 Permittee: Mr. Jeff Owen PLAN VIEW: DAVIS CREEK HIGH BENCH P 13 of 17 6/14/18

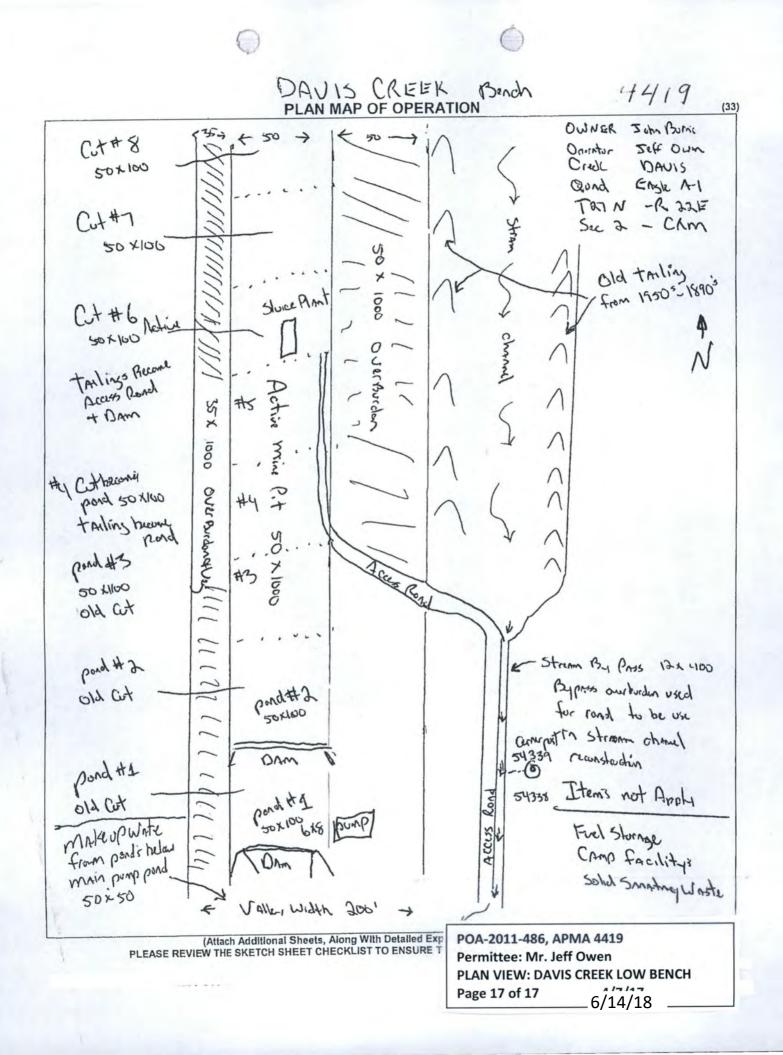






POA-2011-486, APMA 4419, Davis Creek (formerly POA-1987-647) Permittee: Jeff Owen Location: 64.0622, -141.0474 PLAN VIEW: DAVIS CREEK BENCH Page 16 of 17

6/14/18



APPLICATION	S. ARMY CORPS OF ENGIN I FOR DEPARTMENT OF TH R 325. The proponent agency is CEC	E ARMY PERMIT	Form Approved - OMB No. 0710-0003 Expires: 30-SEPTEMBER-2015
existing data sources, gathering and this burden estimate or any other as Washington Headquarters, Executiv Budget, Paperwork Reduction Proje subject to any penalty for failing to c RETURN your form to either of those the proposed activity. Authorities: Rivers and Harbors Act, Act, Section 103, 33 USC 1413; Reg this form will be used in evaluating th federal, state, and local government of requested information is voluntary of original drawings or good reprodu	I maintaining the data needed, and co pect of the collection of information, i e Services and Communications Dire ct (0710-0003). Respondents should omply with a collection of information e addresses. Completed applications PRIVACY Section 10, 33 USC 403; Clean Wate gulatory Programs of the Corps of Em- ne application for a permit. Routine L agencies, and the public and may be r, however, if information is not provid cible copies which show the location) and be submitted to the District Eng	gineers; Final Rule 33 USC 344; Marine gineers; Final Rule 33 CFR 310-332. Jses: This information may be shared with made available as part of a public notice	information. Send comments regarding rden, to Department of Defense, n and to the Office of Management and revision of law, no person shall be a control number. Please DO NOT er having jurisdiction over the location of a Protection, Research, and Sanctuaries icipal Purpose: Information provided on the Department of Justice and other as required by rederal law. Submission tated nor can thermit be issued. One set ist born of the to this application (see
	(ITEMS 1 THRU 4 TO	BE FILLED BY THE CORPS)	
1. APPLICATION NO. POA-2011-486	2. FIELD OFFICE CODE CEPOA-RD-N	3. DATE RECEIVED Sept. 16,2016	4. DATE APPLICATION COMPLETE JUNE 14, 2018
	(ITEMS BELOW TO	BE FILLED BY APPLICANT)	
5. APPLICANT'S NAME First Jeff Middle - R Company - E-mail Address - OSeff 65 6. APPLICANT'S ADDRESS: Address 12307 EAST City - Redding State - C 7. APPLICANT'S PHONE NOS. W/AR a. Residence b. Business (5307 604 2 11. I hereby authorize,	e Yahoo . Com Still water Way A zip-96003country- EA CODE s c. Fax 580 STATEMENT to act in my behal	8. AUTHORIZED AGENT'S NAME / First - Middle - Company - E-mail Address - 9. AGENT'S ADDRESS: Address- City - State - 10. AGENTS PHONE NOS. w/ARE/ a. Residence b. Busine OF AUTHORIZATION f as my agent in the processing of this ap	Last - Zip - Country - A CODE ess c. Fax
supplemental information in support of	this permit application	PLICANT 9-16-16 DATE	
12. PROJECT NAME OR TITLE (see			
15. LOCATION OF PROJECT Latitude: •N 69 0678 N	WALKer Fork Longitude: OW 141 14008 W	City O A	(if applicable) Ftuworld Highwan/ State-AK Zip-99780
16. OTHER LOCATION DESCRIPTION State Tax Parcel ID Section - To	Municipality Municipality	Range -	

ENG FORM 4345, DEC 2014

17. DIRECTIONS TO THE SITE 18. Nature of Activity (Description of project, include all features) Naritive See Project 19. Project Purpose (Describe the reason or purpose of the project, see instructions) placer Mining for Gold USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED 20. Reason(s) for Discharge Mine Operation & Reclamation 21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards: Type Type Туре Amount in Cubic Yards Amount in Cubic Yards Amount in Cubic Yards 700,006 Cy Silt& Grand & Organie - See project Naritin for Details 22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions) Acres 35 Acres plus 3400 Linus feet Stream Division or Linear Feet 23. Description of Avoidance, Minimization, and Compensation (see instructions)

Active Mining 4 A	WAIKE Forle Constructed here High Bench Stipul
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