

From: [Tencza, Michael G II CIV USARMY CEPOA \(USA\)](#)
To: [Tose, Leslie W CIV USARMY CEPOA \(USA\)](#)
Cc: [Garrett, Jathan C CIV USARMY CEPOA \(USA\)](#); [Anderson, Julie L CIV USARMY CEPOA \(USA\)](#)
Subject: RE: [URL Verdict: Neutral][Non-DoD Source] Re: POA-2003-00053-M2 Norton Sound Dredging for Gold
Date: Thursday, March 17, 2022 8:53:41 AM
Attachments: [EC 1165-2-220 Dated 20180910.pdf](#)

Leslie,

Thank you for coordinating this with the applicant and I'm not surprised to hear that this hasn't come up before. Based on the Regulatory ID number I'm assuming this was originally reviewed and/or issued in 2003. It wasn't until 2014 that the USACE published an Engineer Circular to establish a standardized policy and procedural guidance across the enterprise for Section 408 reviews. That was further energized by a policy memorandum in 2018 which required the synchronization of the Regulatory and Section 408 programs, resulting in the March 2019 Alaska District SOP.

Additionally it wasn't until the Consolidated Appropriations Act, 2021, that the Port of Nome Modifications for deep-draft facilities received Congressional authorization. The port modification project has been divided into several phases with design currently underway. The plan is to construct a protected basin out to a depth of approximately -40 feet MLLW.

The applicant states that they do not operate within a mile of the [current] harbor entrance. That is acceptable; however, the public notice also states that the applicant proposes to work offshore in 40 to 60-foot water depths. This would put them within or near the proposed footprint for the recently authorized port modification project. Seeing as they are applying for a multi-year Regulatory permit through 2026 and construction of the port modification project is tentatively scheduled to begin during that timeframe, I would recommend the applicant revise their project scope and/or proposed avoidance/mitigation measures to include a one mile buffer of mining operations from the current harbor and proposed port modification project. Doing so would allow us to avoid the Section 408 review process as EC 1165-2-220 states:

"(1) This EC must...An activity affecting a USACE project not yet constructed or under construction is considered to be an alteration, occupation, or use of a USACE project requiring permission under Section 408 if the activity will occur on real property that the Federal Government has acquired for the USACE project or that the non-federal sponsor has provided for the USACE project under the terms of a Project Partnership Agreement (PPA).

(2) This EC must be applied to alterations proposed to submerged lands occupied or used by a USACE project.

(3) This EC must be applied to alterations that cross over or under a federal navigation channel when the alteration is also subject to either Section 9 or 10 of the Rivers and Harbors Act of 1899."

Please let us know how the applicant would like to proceed. Attached is a copy of EC 1165-2-220 that you can provide to the applicant as well.

Respectfully,
-Michael
cell 907-748-5484

-----Original Message-----

From: Tose, Leslie W CIV USARMY CEPOA (USA) <Leslie.W.Tose@usace.army.mil>
Sent: Wednesday, March 16, 2022 12:41 PM
To: Tencza, Michael G II CIV USARMY CEPOA (USA) <Michael.G.Tencza@usace.army.mil>
Subject: FW: [URL Verdict: Neutral][Non-DoD Source] Re: POA-2003-00053-M2 Norton Sound Dredging for Gold

Your response

From: craig coggins <nomeyurt@wildblue.net>
Sent: Sunday, March 13, 2022 9:19 AM
To: Tose, Leslie W CIV USARMY CEPOA (USA) <Leslie.W.Tose@usace.army.mil>
Subject: [URL Verdict: Neutral][Non-DoD Source] Re: POA-2003-00053-M2 Norton Sound Dredging for Gold

Hi Leslie,

Well of course we are not permitted to impede navigation or dredge inside or anywhere near the harbor. We don't operated with in a mile of the harbor entrance. Dont know how to state that for the permit. Its never been an issue or come up before.

Craig

On Mar 8, 2022, at 6:45 PM, Tose, Leslie W CIV USARMY CEPOA (USA) <Leslie.W.Tose@usace.army.mil <<mailto:Leslie.W.Tose@usace.army.mil>>> wrote:

Craig - This comment came in from Mike Tencza, one of our civil works guys that works with ports and other federal projects. I think an email response explaining that although the project vicinity map shows that you could potentially mine in the area of the port, that reality is that your operation is designed to be a deep water operation. Thanks. Leslie

-----Original Message-----

From: Tencza, Michael G II CIV USARMY CEPOA (USA) <
Sent: Tuesday, March 8, 2022 3:09 PM
To: Tose, Leslie W CIV USARMY CEPOA (USA) <Leslie.W.Tose@usace.army.mil <<mailto:Leslie.W.Tose@usace.army.mil>>>
Cc: Garrett, Jathan C CIV USARMY CEPOA (USA) <Jathan.C.Garrett@usace.army.mil <<mailto:Jathan.C.Garrett@usace.army.mil>>>
Subject: POA-2003-00053-M2 Norton Sound Dredging for Gold

Hi Leslie,

I reviewed subject public notice (PN) issued last week and have some concerns with how close the gold dredging operations may occur to the Federally authorized/constructed harbor. This could trigger a Section 408 review, even if it's not inside the immediate harbor footprint. Do you have a more detailed map or know if the State has any source data, perhaps in a GIS format, for the various ADL parcels? Are there avoidance/mitigation measures associated with impacts to navigation? Perhaps there were some terms in the AK Dept. of Natural Resources' 2011 Lease Sale Tracts so they're not duplicated in our potential permit action? Has there been any consideration for the Corps' upcoming deep water expansion project for Nome Harbor? I've also CC'd the project manager in Civil Works for their situational awareness and potential input on the proposed work.

Respectfully,

Michael Tencza | Operations Manager
Operations Branch
Engineering and Construction-Operations Division U.S. Army Corps of Engineers, AK District

(907) 753-2648 office

(907) 748-5484 cell

Our Operations website has information for completed Civil Works projects:

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