



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:	November 25, 2015
EXPIRATION DATE:	April 30, 2016
REFERENCE NUMBER:	POA-1995-120
WATERWAY:	Crooked 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.

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 Keith Gordon at (907) 753-5710, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at POA.donlingoldeis@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Donlin Gold, LLC, 4720 Business Park, Blvd., Suite G-25, Anchorage, AK 99503

AGENT: None

LOCATION: The proposed project mine site is located 277 miles west of Anchorage and 10 miles north of the middle Kuskokwim River village of Crooked Creek Alaska. The proposed pipeline originates at western Cook Inlet and terminates at the mine site. Please refer to Tables, 15.1, 15.2, 16.1, and 16.2 of the November 2014 version of the Donlin Gold Corps of Engineers Permit Application for more specific location information, including the pipeline alignment and transportation infrastructure components. Tables 15.1 and 15.2 can be found on pages A 4-16 of Appendix A of the application. Tables 16.1 and 16.2 can be found on pages A 17-20 of Appendix A of the application. The Donlin Gold Mine Application can be viewed at: www.donlingoldeis.com/EISDocuments.aspx.

SPECIAL AREA DESIGNATION: The proposed project would potentially impact lands with the following special use designations:

- Susitna Flats State Game Refuge;
- Lake Creek, Alexander Creek, Kroto and Moose Creek Recreation Rivers;
- Willow Creek State Recreation area; and
- the Iditarod National Historic Trail.

PURPOSE:

The purpose of Donlin Gold's proposed project is to profitably produce gold from ore reserves owned by Calista Corporation, an Alaska Native Claims Settlement Act (ANCSA) corporation, utilizing open-pit mining methods and conventional, proven milling processes suitable for the characteristics of the ore reserves and for application in remote western Alaska.

The need for the proposed project is to enable Calista Corporation and The Kuskokwim Corporation (TKC) to maximize economic benefits for their Native shareholders, from lands selected under ANCSA for their mineral potential, by producing gold to meet world-wide demand. Gold is an established commodity with international markets.

Donlin Gold also supplied the following statement to describe the purpose and need for the gas pipeline component of this project:

The purpose of the Donlin Gold natural gas pipeline component is to provide a long-term stable supply of natural gas to meet energy needs for the proposed Donlin Gold Project. The proposed pipeline is designed as a privately-owned facility to support the proposed mine operation. Natural gas supplied by the pipeline would be used to create electricity for mine operations and heat for buildings. Donlin Gold has determined that the use of natural gas supplied via the proposed pipeline is the most practicable, cost-effective, and environmentally acceptable means of providing a reliable long-term energy source for the proposed project.

Donlin Gold's need for the pipeline is driven by the remote location of the mine site. There are no existing or readily useable resources that can provide sufficient energy needed for development and operation of the mine within Donlin Gold's timeframe. The remote location does not have sufficient, naturally occurring gas resources, or other energy sources of the magnitude necessary to support mine development and operations. No existing transportation or utility infrastructure services are available to the proposed mine site or surrounding area. Access to the mine site is seasonal via the Kuskokwim River or by aircraft, as weather conditions allow.

PROPOSED WORK: If permitted as currently proposed all work would be performed in accordance with the drawings that accompany this public notice.

Donlin Gold is proposing the development of an open pit, hardrock gold mine. The proposed Donlin Gold project includes land leased from Calista Corporation (Calista), The Kuskokwim Corporation and CIRI. All three are Alaska Native Claims Settlement Act (ANCSA) regional corporations. Calista leases include a portion of the total surface estate and all of the sub-surface estate. Calista holds the subsurface (mineral) estate for ANCSA lands in the region. The Kuskokwim Corporation also owns a portion of the surface estate potentially impacted. CIRI owns a portion of the surface estate upon which a portion of the proposed pipeline would be built. The remainder of potentially affected lands (principally pipeline impacts) are owned primarily by the State of Alaska or U.S. Bureau of Land Management (BLM).

In addition to the mine area, the Project also includes the proposed development of a natural gas pipeline originating from Cook Inlet, a port on the Kuskokwim River (Jungjuk Port site), an access road to the mine site, 5000-foot airstrip, man camps and other related mining and processing infrastructure. These components are further described below. The proposed Donlin Gold project would require 3 to 4 years to construct and have an active mine life of approximately 27.5 years.

The gold resource is hosted in intrusive and sedimentary rock in two main areas, Lewis and American Creek Magnetic Anomaly (ACMA), with 80 percent found in intrusive rock.

The following are the major component and/or process related components of the proposed project:

- Open pit with access for mining proven and probable reserves totaling 556.5 million short tons (Mst) (504.8 million tonnes [Mt]), with an average grade of 0.061 troy ounces per short ton (oz/st) (2.09 g/t) and mill processing at a rate of 59,000 stpd (53,500 tpd);
- Tailings storage facility (TSF) with a total capacity of approximately 335,000 acre-ft (413 million cubic meters [Mm³]) of mill tailings, decant water, and stormwater;
- Waste rock facility for placement of approximately 2,460 Mst (2,232 Mt) of waste rock;
- Water treatment plant with a design capacity of 2,188 gpm (497 cubic meters per hour [m³/h]) for treatment of dewatering water to permitted standards;
- Power plant with a total connected load of 227 megawatts (MW), an average running load of 153 MW, and a peak load of 182 MW;
- Natural gas pipeline for transporting natural gas to the power plant via a 315.2-mile (507.3 km), 14-inch– (35.5-centimeter [cm]–) diameter buried steel pipeline originating from an existing 20-inch (51 cm) natural gas pipeline near Beluga, Alaska;
- Upriver port facility for serving as the terminus between river barge transport and road transport to the mine site, to transport approximately 37,500,000 gallons (gal) (141,952,942 liters [L]) of fuel and approximately 100,000 tons (90,718 tonnes [t]) of non-fuel supplies per year;
- Mine access road for providing access between the port facility and mine site via a 30-mile (48 km) two-lane, gravel-surfaced access road;
- 5,000 ft long x 150 ft wide (1,524 meter [m] x 45 m) gravel airstrip approximately 9 road miles (14.5 km) west of the mine site; and
- Permanent accommodation camp located along the access road approximately 2.4 miles (3.9 km) from the mine site, for housing up to 638 people during operations.

A further description of primary project components and processes follows.

Milling components would include a gyratory crusher, semiautogenous grinding and ball mills, followed by flotation, concentration, pressure oxidation, and carbon-in-leach process circuits. Conventional carbon stripping and electrolytic gold recovery will produce an end product of gold doré bars, which would be shipped to a custom refinery for further processing. State-of-the-art mercury abatement controls would be installed at each of the major thermal sources, including the autoclave, carbon kiln, gold furnaces, and retort.

A tailings storage facility (TSF) would encompass an area of 2,351 acres (951 ha) with a total capacity of approximately 335,000 acre feet (acre-ft) (413 million cubic meters) of mill tailings, decant water, and stormwater. Total waste rock material is estimated at 2,990 Mst (2,720 Mt), with approximately 2,460 Mst (2,232 Mt) to be placed in a waste rock facility (WSF) located outside the mine pit and the remaining waste rock to be backfilled in the pit.

Water that comes into contact with mined materials would be collected in two contact water dams (CWDs). CWD water and pond water reclaimed from the TSF would be reused in the processing facility. Snow Gulch reservoir water would also be used for processing during times when site waters do not provide adequate supply. During times of year where there is a surplus of water, pit dewatering water and other site waters (CWD water, TSF waters) would be treated via Advanced Water Treatment at a water treatment plant to meet water quality standards before discharge to Crooked Creek.

Construction of the mine facilities would require the excavation or filling of an estimated 6,952 acres of wetlands. In addition, 310.8 acres would be impacted due to vegetation clearing. Fill material would consist primarily of waste rock, overburden and material from local sources.

Electric power for the proposed Donlin Gold project site would be generated on site from a dual-fueled (natural gas as primary and diesel) reciprocating engine power plant with a steam turbine that uses waste heat recovery from the engines. The power plant would have two equal halves, each consisting of six reciprocating engines, and a single separate steam turbine for a total connected load of 227 megawatts (MW), an average running load of 153 MW, and a peak load of 184 MW.

Natural gas would be transported to the Donlin Gold mine site via a 315.2-mile (507.3 km), 14-inch– (35.5 centimeter [cm]) diameter buried steel pipeline originating from an existing 20-inch (51 cm) natural gas pipeline near Beluga, Alaska. Construction of the natural gas pipeline would require the excavation or filling of an estimated 2,376 acres of wetlands. In addition, 780.9 acres would be impacted due to vegetation clearing. Fill material would be from seventy proposed material sites along the pipeline route.

General cargo for operations would be transported to Bethel by marine barge from terminals in Seattle; Washington; Vancouver, BC, or Dutch Harbor, Alaska. At Bethel, cargo would be transferred to the dock for temporary storage or loaded onto river barges for transport up the Kuskokwim River to a port constructed at Jungjuk Creek. A 30-mile (48 km) all-season access road would be constructed from the proposed Jungjuk Port to the mine site.

Diesel fuel would be transported to Dutch Harbor by tanker, then to Bethel by marine barge. At Bethel fuel would either be transferred directly to double-hull river barges for transport to Jungjuk Port, or be off-loaded for temporary storage. From Jungjuk Port, fuel would be delivered to the mine site fuel storage facility by tanker trucks.

The dock at the Jungjuk Port site would be reclaimed at the end of the mine life. The access roads and airstrip would be maintained to provide access for post-closure activities including long-term monitoring and operating the pit water treatment plant.

Construction of the Jungjuk Port and mine access road would require the excavation or filling of an estimated 430.1 acres of wetlands and 4.6 acres of vegetation clearing. Gravel fill material to construct and maintain the port, roads, and airstrip would be sourced from 13 proposed material sites located along the road.

The Donlin Gold project would be a permanent camp operation accessible primarily by a 5,000-foot (1,524 meter [m]) gravel airstrip. The camp would be capable of housing 638 workers.

Reclamation and closure planning has been based on the concept of “design for closure,” which was initiated in the very early stages of the Donlin Gold project development to address postclosure impacts on the physical resources of the area and on local communities. In addition to reclaiming disturbances associated with mining, processing, and ancillary support facilities in a manner compatible with the designated post-mining land use.

Concurrent reclamation of some facilities would occur during operations (e.g., stockpiles, portions of the WRF). At the end of mining activities, the mine area would be reclaimed and closed. The TSF would be reclaimed by pumping TSF water to the open pit and the TSF surface would be covered and revegetated. The WRF would be re-contoured and revegetated. Buildings, equipment and materials not needed for closure activities would be demolished, removed, or buried at permitted land disposal sites on-site. The open pit is projected to fill with water and require a discharge approximately 50 years after mining ceases, at which time the water would be treated to meet water quality standards before discharging to Crooked Creek.

Construction of all facilities would require the excavation or filling of an estimated 9,758.1 acres of wetlands and 1,096.3 acres of vegetation clearing.

NOTE TO READER: The project as originally proposed by Donlin Gold LLC was estimated to potentially impact 7,024 acres of wetlands or other Waters of the US via the placement of fill, dredging or other regulated activities. However, due to the methodology used by Donlin LLC to complete the draft jurisdictional determination, USACE is required to assume some areas potentially affected by the proposed project are jurisdictional Waters of the US that are not expected to be jurisdictional after further delineation work is done. Therefore, the original estimated jurisdictional impact of 7,024 acres of Waters of the US was expanded to the 9,758.1 acres (noted above for the estimated total impact). USACE expects that additional delineation work will result in an estimated total impact much closer to the original 7,024 acres originally estimated.

ADDITIONAL INFORMATION

This project description is based on the Preliminary Department of the Army (DA) Permit Application under Section 404 Clean Water Act (CWA) and Section 10 Rivers and Harbors Act submitted December 2014 (Donlin, 3PPI 2014) and the Permit Application Update Memorandum submitted October 2015 (Donlin 2015). The original preliminary DA Permit Application that was submitted to the Corps in July 2012 was superseded by the December 2014 Application.

Additional information can also be found in the following documents, previously supplied to the Corps, which were developed to support State of Alaska permits and approvals for the Project. These plans describe project design features, environmental controls, and monitoring that would be implemented to minimize impacts to the environment during Project construction, operations, and closure. These plans may be revised based on final State permits and approvals.

- Donlin Gold Project – Plan of Operations
- Volume I: Project Description (July 2012)
- Volume II: Water Resources Management Plan, July 2012 (update to this Plan is forthcoming)
- Volume III: Integrated Water Management Plan (July 2012)
- Volume IIIA: Monitoring Plan (July 2012)
- Volume IIIB: Waste Rock Management Plan (July 2012)
- Volume IV: Reclamation and Closure Plan (June 2015)
- Volume VI: Transportation Plan (February 2013)
- Donlin Gold Project - Pipeline Plan of Operations (December 2013)

Federal Agency Permits and Authorizations Potentially Included in the EIS Review Process

Bureau of Land Management (BLM)

Surface Estate Lease (facilities on managed lands)
 Land Use Permit (wind farm and borrow pit activities on BLM managed lands)
 Access Right-of-Way (BLM managed lands)

U.S. Army Corps of Engineers (USACE)

Nationwide Permit 6 – Survey Activities (wetlands)
 CWA Section 404 Permit (wetlands dredge and fill)
 River and Harbors Act (RHA) Section 10 (structures in navigable waters)
 Section 106 Historical and Cultural Resources Protection Act Clearance
 RHA Sections 9 & 10 (dams and dikes in navigable waters – interstate commerce)

U.S. Coast Guard (USCG)

RHA Section 9 Construction Permit (bridge across navigable waters)
 Marine Protection, Research, and Sanctuaries Act compliance [ocean dumping (mooring blocks) requires a permit]
 Anchorage Permit
 Application for Cargo Transfer Operations
 Port Operations Manual Approval
 Facility Response Plans
 Private Aids to Navigation Authorization
 Tug and Barge Vessel Inspections
 Notice to Mariners

Bureau of Alcohol, Tobacco, and Firearms (BATF)

License to Transport Explosives
 Permit and License for Use of Explosives

Federal Communications Commission (FCC)

Radio License

Federal Aviation Administration (FAA)

Notice of Landing Area Proposal (existing airstrip)
Notice of Controlled Firing Area for Blasting
Notice of construction, activation and de-activation of airports

Homeland Security

TSA Inspection Program at Airport
Chemical Facility Anti-Terrorism Standards

U.S. Department of Transportation (USDOT)

Hazardous Materials Registration
Pipeline and Hazardous Materials Safety Administration approvals

Mine Safety and Health Administration (MHSA)

Mine Identification Number
Notification of Legal Identity
Training and Retraining of Miners Plan

National Marine Fisheries Service (NMFS)

Marine Mammal Protection Act
Essential Fish Habitat
Critical Habitat Management Plan

U.S. Fish and Wildlife Service

Section 7 of the Endangered Species Act, Consultation Biological Assessment or Biological Opinion

Potential State Agency Permits and Authorizations

Alaska Department of Natural Resources, Division of Mining, Land, and Water

Plan of Operations review
Reclamation Plan Approval
Mining License (required regardless of land tenure; for tax revenue)
Land Use Permits and Leases (activities on state land)
Right-of-Ways, Easements, Material Sales, etc.
Right-of-Ways (natural gas pipeline)
Certificate of Approval to Construct a Dam
Certificate of Approval to Operate a Dam
Water Dam Operation & Maintenance Manual approvals
Temporary Water Use Permit
Appropriation of Water Permit/Certificate to Appropriate Water
Tidelands/Submerged Lands Permit
Shoreland Permit

Office of History and Archaeology/State Historic Preservation Office (SHPO)

Section 106 Historical and Cultural Resources
Protection Act Clearance
Archaeology Collection Permit
Field Archaeology Permit

Division of Forestry

Burning Permits

Alaska Department of Fish and Game Habitat Division

Fish Habitat Permits
Fish Passage Permits (Culverts and Bridges
Permit to take, relocate, haze, or destroy birds or their eggs or nests, mammals for public
safety purposes
Special area permits for designated area (refuges, sanctuaries, and critical habitats

Alaska Department of Environmental Conservation (ADEC) Division of Water

CWA Section 402 NPDES (APDES) Permit (discharges to waters of the U.S.)
Spill Prevention Containment and Contingency (SPCC) Plan
SPCC Plan Approvals (Construction and Operations)
Storm Water Discharge Pollution Prevention Plan
Storm Water Pollution Prevention Plan – Construction and Operations
Storm Water Discharge Permit – Construction, Operations, and Closure)
Section 401 Water Quality Certification (CWA 404 permit)
Section 401 Water Quality Certification (CWA 402 permit)
Wastewater Disposal Permits
Non-Domestic Wastewater Disposal Permit
Domestic Wastewater Disposal Permit

Division of Environmental Health

Solid Waste/Wastewater Permits (Waste Rock Dumps and Tailing Storage Facilities)
Solid Waste Permit (Construction and Demolition Debris)
Food Establishment Permit
Potable water well logs
Approval to Construct and Operate a Public Water Supply System
Public Water System Identification Number

Division of Air Quality Air Quality

Construction Permit
Air Quality PSD Title V Operating Permit
Air Quality Permit to Open Burn

Division of Spill Prevention and Response

Oil Discharge Prevention and Contingency Plan
SPCC Plan approvals (Construction and Operations)
Operation of vessels and oil barges on state waters
Oil terminal/storage facility capable of store 10,000 barrels or more
Aboveground Storage Tank Program (>420,000 gallons)

Alaska Department of Public Safety, Office of the State Fire Marshal

Approval to Transport Hazardous Materials
Life and Fire Safety Plan Checks
Plan Review Certificate of Approval for each building

Alaska Department of Labor, Standards and Safety, Division of Labor Standards and Safety

Certificates of Inspection for Fired and Unfired Pressure Vessels
Occupational Safety and Health (inspections and certificates)
Employer Identification Number

Alaska Department of Commerce, Community, and Economic Development, Regulatory Commission of Alaska

Certificate of Public Convenience and Necessity for Natural Gas Pipeline

Alaska Department of Health and Social Services, Health Impact Assessment Program

Health Impact Assessment (HIA)

Matanuska –Susitna Borough Planning Department and Public Works Zoning

Plan review and construction permits
Solid Waste

Kenai Peninsula Borough Land Management Division

Easements for utilities, pipelines, barge landings, and travel ways

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 and Minimization: Through the design presented in this application, Donlin Gold has made significant efforts to avoid and minimize project impacts to important wetland functions, wildlife habitats, areas of important cultural significance, and identified subsistence use areas. The currently anticipated effects on the aquatic environment, including waters and wetlands, is described in the Donlin Gold Project Environmental Impact Statement (EIS) and associated baseline environmental reports.

b. Compensatory Mitigation: Donlin Gold has submitted a conceptual mitigation plan; however, the Corps has not reviewed this plan until the jurisdictional determination has been completed.

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 and a cultural resource survey is ongoing. There are registered or eligible properties in the vicinity of the worksite. There are 41 cultural resources that have been identified within the proposed area of potential effects (APE), and 10 of those are recommended as eligible for inclusion in the National Register of Historic Places (NRHP). One of them, the Iditarod National Historic Trail (INHT), is considered eligible for listing on the NRHP. Because they have been determined to be within the project area, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO). Any comments SHPO may have concerning presently unknown archeological sites 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: The project area is within the known or historic range of the Steller's eider (*Polysticta stelleri*), Spectacled eider (*Somateria fischeri*), Short-tailed albatross (*Phoebastria albatrus*), Steller sea lion (*Eumetopias jubatus*), Bearded seal (*Erignathus barbatus nauticus*), Ringed seal (*Phoca hispida hispida*), Pacific walrus (*Odobenus rosmarus divergens*), Beluga whale (*Delphinapterus leucas*), Humpback whale (*Megaptera novaeangliae*), Fin whale (*Balaenoptera physalus*), North Pacific right whale (*Eubalaena japonica*), and Northern sea otter (*Enhydra lutris kenyoni*).

We have determined the described activity may affect the threatened or endangered Steller's eider (*Polysticta stelleri*), Spectacled eider (*Somateria fischeri*), Steller sea lion (*Eumetopias jubatus*), Bearded seal (*Erignathus barbatus nauticus*), Ringed seal (*Phoca hispida hispida*), Pacific walrus (*Odobenus rosmarus divergens*), Beluga whale (*Delphinapterus leucas*), Humpback whale (*Megaptera novaeangliae*), Fin whale (*Balaenoptera physalus*), North Pacific right whale (*Eubalaena japonica*), and Northern sea otter (*Enhydra lutris kenyoni*) and their designated critical habitat. We will initiate the appropriate consultation procedures under section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. 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).

The project area is within the known range of the Chinook salmon (*Oncorhynchus tshawytscha*), Coho salmon (*Oncorhynchus kisutch*), Sockeye salmon (*Oncorhynchus nerka*), Chum salmon (*Oncorhynchus keta*), and Pink salmon (*Oncorhynchus gorbuscha*).

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 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 any 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 regarding this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing. The Alaska District Commander will determine if a hearing is warranted.

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 authorities:

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

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).

The Donlin Gold Mine Draft Environmental Impact Statement (DEIS) can be viewed at: www.donlingoldeis.com/EISDocuments.aspx.

District Commander
U.S. Army, Corps of Engineers

Enclosures