



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

<b>PUBLIC NOTICE DATE:</b>	<b>February 3, 2017</b>
<b>EXPIRATION DATE:</b>	<b>March 6, 2017</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2005-354</b>
<b>WATERWAY:</b>	<b>Walker Fork</b>

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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 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](mailto:Jason.D.Brewer@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Mackinaw Productions, LLC, Attention: Mr. Harry Colborn, 10889 County Road 320, Rifle, Colorado 81650

**LOCATION:** The project site is located by Walker Fork, Copper River Meridian; USGS Quad Map Eagle A-1; Latitude 64.06015° N., Longitude 141.38814° W.; from mile post 4 of Top of the World highway travel south on a native surface road for approximately 3.5 miles, near Boundary, Alaska.

**PURPOSE:** The applicant's purpose is placer mining for gold extraction.

**PROPOSED WORK:** The applicant proposes to use an excavator to permanently relocate a sinuous 3,220 foot section of Walker Fork Creek. The Walker Fork channel would be moved to the north side of the valley and shortened to 1,870 feet. After relocating the creek, the applicant proposes to "...strip brush, trees and top soils to open up an area for a floater wash plant. That work would be done with a D-10 and a D-8 Cat dozer. Then the gravels would be stripped down as far as possible to the frozen ground." The plan is to strip three cuts, totaling



57 acres. Each cut would be approximately 300 feet wide by 2,640 feet long. The precise lengths and widths would be determined with more testing in the spring of 2017. The stripped material would be pushed to the sides of the cuts, where the organic and gravel material would be separately stockpiled. "The stripped area would need to sit for a month or more while the gravel above the pay layer thaws. The same equipment would, on a weekly basis, strip what is thawed till we get to our pay layer. Once we are confident the pay is thawed, we would flood the cut up to the top of our pay allowing enough water for the wash plant to float...a large excavator would sit on somewhat dry ground and feed the pay thru the wash plant. The pay material is only handled once and all the reject material goes right back into the cut... The floating plant then works in a typewriter fashion back and forth up thru the cut. After the cut is mined, the sides would be pushed back in. Reclaiming would be ongoing while we mine." All work would be performed in accordance with the enclosed plan (sheets 1-5), dated February 2, 2017.

ADDITIONAL INFORMATION:

Approvals/Permits/Certificates:

Alaska Department of Natural Resources – land use permit (#9812)  
Alaska Office of History and Archaeology – AHRs (3130-2R DMLW)  
Alaska Department of Revenue – Mining License (#100701)  
Alaska Division of Water – discharge (AKG#370859)

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: Avoidance of all wetlands in the mine area is not possible since the economically recoverable concentrations of gold are located primarily in the creek and the adjacent wetlands. The applicant would conduct exploratory testing to avoid disturbing wetland areas with low mineral value. The applicant would continue to avoid some wetland impacts by locating portions of access roads and the mine camp in uplands.

b. Minimization: The applicant would minimize erosion and sedimentation issues by "...compacting loose material near the waterways and sloping these areas back up to virgin ground. Ponds would be created and maintained to contain sediment and allow it to settle out before the water is returned to the creek." The applicant would maintain at least a twenty-five foot corridor of riparian vegetation along each side of Walker Fork Creek, including the relocated portion. Reclamation would be ongoing as the mining in each cut is complete. Reclamation would include re-contouring the mined area and then spreading the previously stockpiled organic layer back over the top.

c. Compensatory Mitigation: The applicant indicated compensatory mitigation is not being proposed for this project, because the avoidance and minimization measures described above are 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.

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 listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. 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.

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.

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  
401 Certification Program  
Non-Point Source Water Pollution Control Program

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-2005-354, 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.



MACKINAW PRODUCTIONS LLC

WALKER FORK

## ACCESS MAP

TOWNSHIP 26 NORTH, RANGE 20&21 EAST  
TOWNSHIP 27 NORTH, RANGE 20&21 EAST  
COPPER RIVER MERIDIAN

 DENOTES MINING CLAIMS

0 .5 1 2

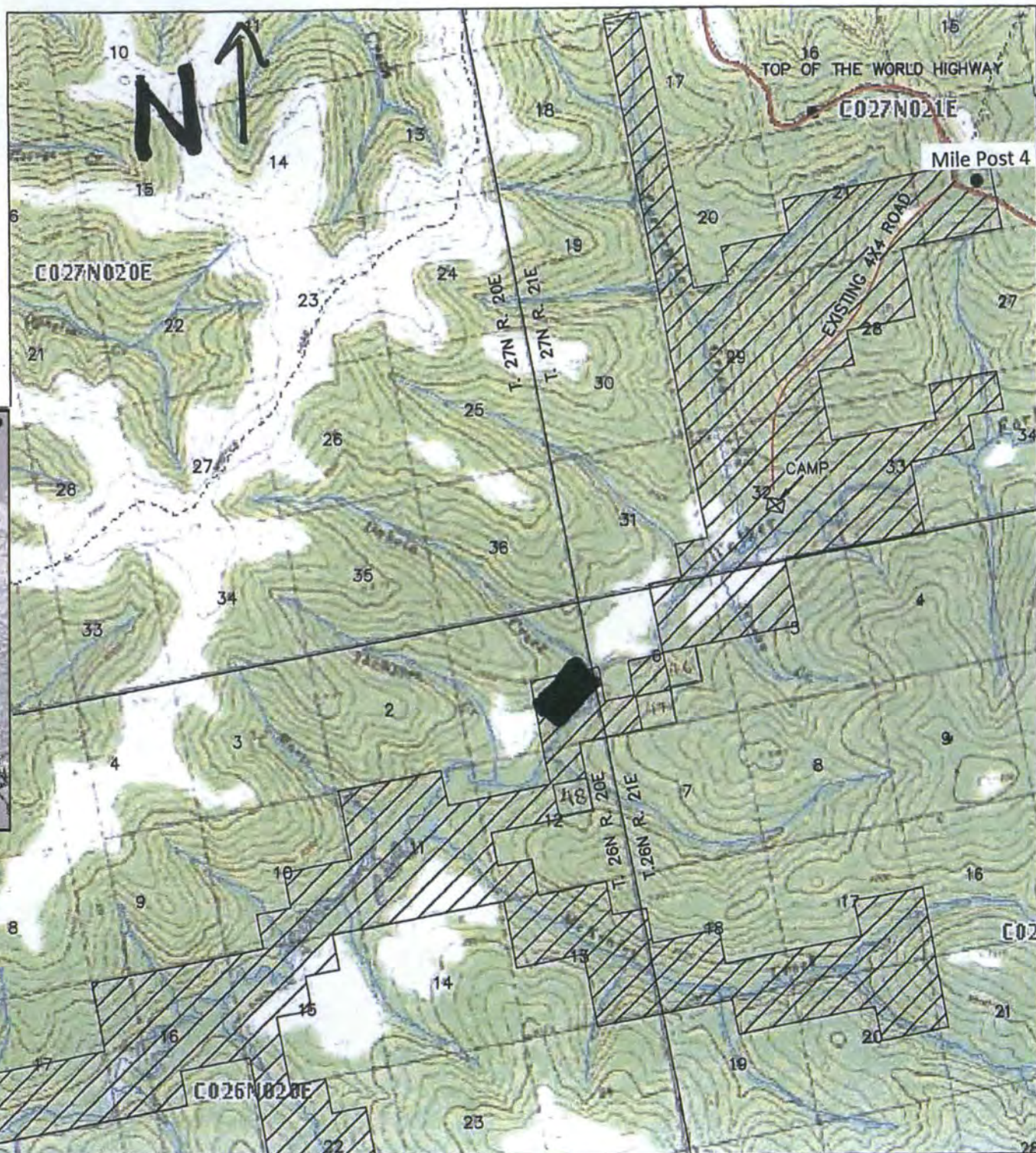
1" = 1 Mile

## VICINITY MAP



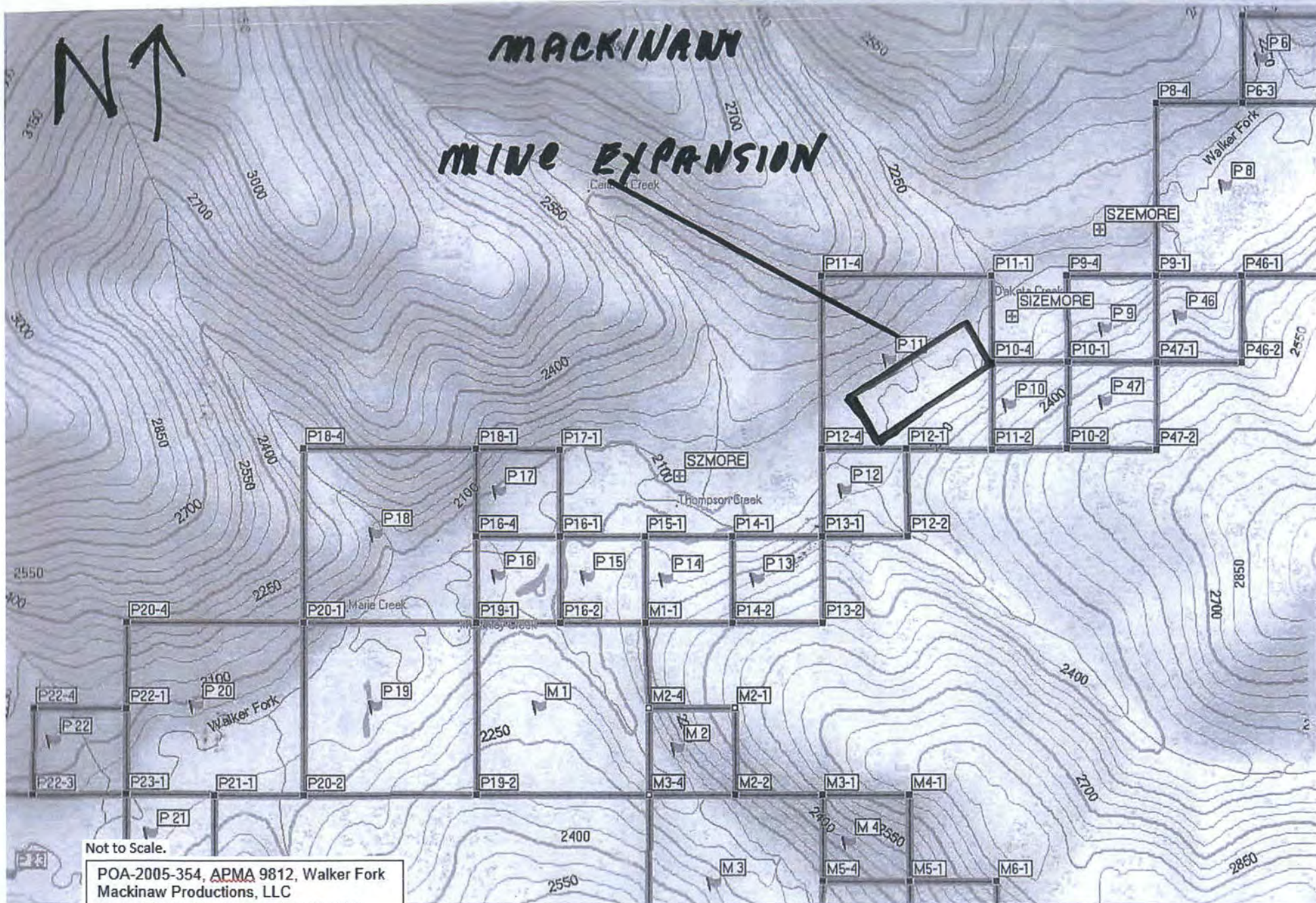
Not to Scale.

POA-2005-354, APMA 9812, Walker Fork  
Mackinaw Productions, LLC  
Lat: 64.06015°N., Long: 141.38814°W.  
Sheet 1 of 5 February 2, 2017





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Not to Scale.

POA-2005-354, APMA 9812, Walker Fork  
Mackinaw Productions, LLC  
Lat: 64.06015°N., Long: 141.38814°W.  
Sheet 2 of 5      February 2, 2017

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# EXHIBIT "A"

MACKINAW PRODUCTIONS LLC

Relocate River to the North



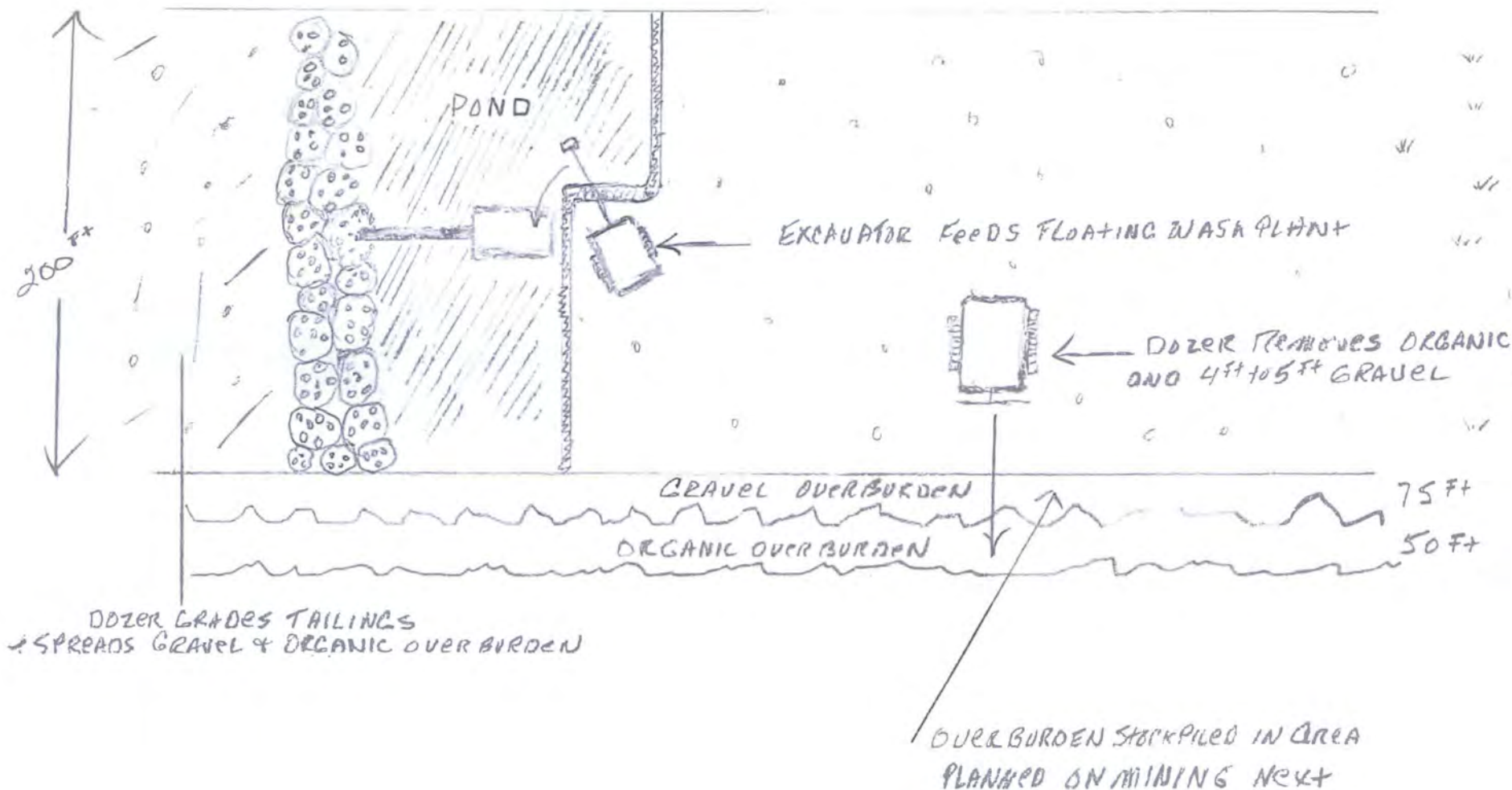
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POA-2005-354, APMA 9812, Walker Fork  
Mackinaw Productions, LLC  
Lat: 64.06015°N., Long: 141.38814°W.  
Sheet 3 of 5 February 2, 2017



# MACKINAW MINE PLAN WALKER FORK EXHIBIT "B"

## TYPICAL CUT



Not to Scale.

POA-2005-354, ARMA 9812, Walker Fork  
Mackinaw Productions, LLC  
Lat: 64.06015°N., Long: 141.38814°W.  
Sheet 4 of 5 February 2, 2017

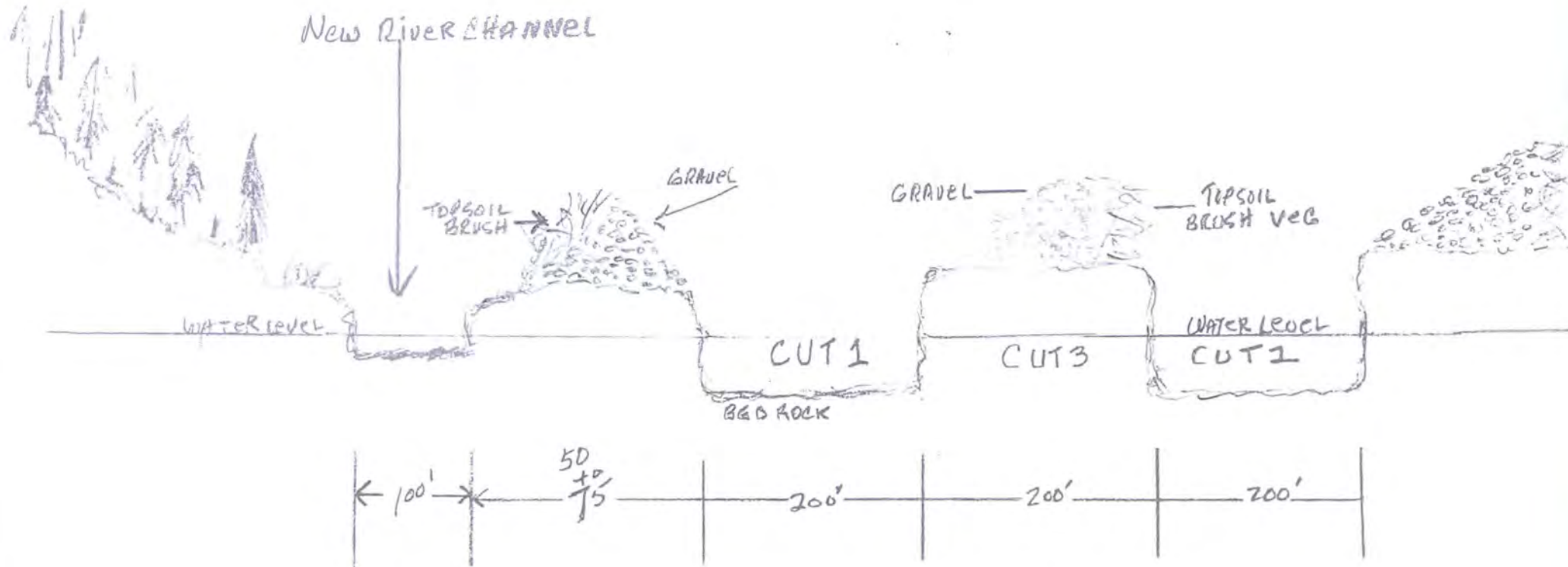




MAC KINAW PRODUCTIONS

# EXHIBIT "C"

11.17.16 HC



Not to Scale.

POA-2005-354, APMA 9812, Walker Fork  
Mackinaw Productions, LLC  
Lat: 64.06015°N., Long: 141.38814°W.  
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