

# Decision Notice and Finding of No Significant Impact Hope Mining Company Area 5A, 19, 20A Mining Plan of Operations

May 29, 2009

Chugach National Forest  
Seward Ranger District  
PO Box 390  
Seward, Alaska 99664

## Decision

It is my decision to implement the Proposed Action as described in the *Hope Mining Company Area 5A, 19, 20A Mining Plan of Operations Environmental Assessment (EA)* with modifications to ensure that adverse environmental effects are minimized. This decision will allow for a five year plan of operations for placer mining along Resurrection Creek on approximately 20.6 acres. This mining plan of operations will expire on June 1, 2014. Typically, the operation will occur from March to November.

The following activities will be approved for a five year term:

### *Mining Operations*

- (1) Mechanized placer mining in Area 5A (11.1 acres)
  - Gravels will be excavated in successive parallel cuts with tailings filling in the previous cut. A maximum of ½ acre would be an open trench at any one time. Dimensions of an open trench would be 15 feet deep, 50 feet wide and up to 500 feet in length.
  - Use of existing settling pond and ditch system
- (2) Mechanized placer mining in Area 19 (8.5 acres)
  - Prior to mining, brush and larger trees would be cleared using an excavator and dozer.
  - A new settling pond and ditch will be constructed for re-circulating water used in operations and would migrate with the operation. The new settling pond and ditch will join with the existing ditch and settling pond system downstream on other claims.
  - Gravels will be excavated in successive parallel cuts with tailings filling in the previous cut. A maximum of ½ acre would be an open trench at any one time. Dimensions of an open trench would be 15 feet deep, 50 feet wide and up to 500 feet in length.
- (3) Mechanized/manual placer mining in Area 20A (1acre)
  - Prior to mining, brush and larger trees would be cleared.
  - Gravels would be manually excavated 8 feet in depth, 100 feet in width and 200 feet in length.
  - Use of existing settling pond and ditch system

- Use of mechanized equipment will be limited to clearing vegetation, stockpiling soil, cleaning ditches and moving large boulders.

### *Access*

Access to the mining claims will be by pickup, ATV and mechanized equipment utilizing existing mining roads and trails within the claims and vehicle use of Resurrection Creek Road. Maintenance of the mining road and trail system within the claims will consist of clearing brush, filling potholes, and keeping culverts functioning properly and clear of debris.

No new roads or trails will be constructed.

### *Structures*

The proposed use of structures includes three existing camps, Camp #2, #3 and #6; and an existing cabin called Camp #1, located along the Resurrection Creek Road. Temporary structures such as trailers will be used for housing mine personnel and will be removed after operations are complete.

### *Equipment*

The following equipment is proposed for use in mining and access to the mining claim:

- (1) Pickups
- (2) 6 ATV's
- (3) Two existing fuel storage tanks of 8,500 gallons and 1,200 gallons, meeting Alaska Department of Environmental Conservation (ADEC) above ground storage tank regulations.
- (4) Mechanized placer mining (Area 5A and 19)
  - Dozer
  - Excavator
  - Loader
  - Wash/shaker or trommel plant with sluice
- (5) Mechanized/manual placer mining (Area 20A) - limited use of mechanized equipment to clear vegetation, stockpile soil, clean ditches and move large boulders.
  - Excavator
  - Dozer
  - Bobcat
  - Shovels
  - Hoes
  - Rakes
  - Gold pan
  - Sluice box
  - Highbanker

### *Stream Protection*

A 20-foot buffer of trees and brush will be left undisturbed in areas adjacent to Resurrection Creek, except in Area 19. After collaboration with Hope Mining Company,

the Forest Service proposed changes to the original Area 19 boundary and Hope Mining Company incorporated these changes as part of their proposal. These changes included removing two half acre areas of existing flood plains adjacent to the creek edge and adding two 0.15-acre areas of tailings piles that are directly adjacent to the stream channel into the proposed mining area. The changes as described would increase flood plain functionality for this section of creek.

#### *Proposed Interpretive Site*

The Proposed Action will result in the redistribution of the historic tailings piles in Areas 5A, 19 and 20A, which are contributing features for the Hope Mining Company Historic Mining District. Redistribution will constitute an adverse effect, which has been addressed by the Forest Service through consultation with the SHPO to create a Memorandum of Agreement (MOA). The MOA involves the development of an interpretive site which will be located on the claims north of the Resurrection Pass trailhead. The Forest Service will work with Hope Mining Company and SHPO to develop the design for the interpretive site. The purpose of the interpretive site is to describe and raise public awareness about the mining history of the area and preserve remnants of the historic tailing piles that were left by the hydraulic mining era in the early 1900's. This site will consist of a small foot path from Resurrection Pass Trailhead winding north through the tailings piles with historic mining equipment such as riveted pipe and remnant pieces of hydraulic giants placed at various locations with interpretive signing.

#### *Requirements for Environmental Protection*

The following modifications to the proposed plan of operations are required because they are necessary to ensure that mining operations minimize adverse environmental impacts on National Forest surface resources.

- Food and garbage will be contained to prevent attraction and habituation of wildlife and will be taken to a transfer depository at least once every seven days.
- Best Management Practices (BMPs) will be applied to the project for the protection of water quality, floodplains, wetlands, and riparian areas. Region 10 BMPs are found in the Region 10 Soil and Water Conservation Handbook (USDA Forest Service, Alaska Region, 2006) (<http://fsweb.r10.fs.fed.us/directives/fsh/2509.22/>). These are standard procedures required by the Forest Plan (Forest Plan pg. 3-22). Specific BMP's that apply to this project include the following:

- 12.4 Floodplain Identification, Evaluation, and Protection
- 12.5 Wetland Identification, Evaluation, and Protection
- 12.6 Riparian Area Designation and Protection
- 12.7 Oil Pollution Prevention and Servicing/Refueling Operations
- 12.8 Oil and Hazardous Substances Pollution and Contingency Planning
- 12.15 Management of Sanitary Facilities and Sanitary Guidelines for Temporary Camps and Primitive Developments
- 12.16 Revegetation of Disturbed Areas

- 14.3 Design of Transportation Facilities
- 14.4 Road and Trail Erosion Control Plan
- 14.5 Timing Restrictions for Construction Activities
- 14.8 Measures to Minimize Surface Erosion
- 14.9 Drainage Control to Minimize Erosion and Sedimentation
- 14.18 Road Maintenance
- 17.1 Mining Site Conditions, Planning, and Design
- 17.2 Placer Mining
- 17.5 Site Closure and Rehabilitation

- Any surface water outflow from the settling pond system will meet Alaska State water quality standards for turbidity (18 AAC 70.020 12C). The Alaska Department of Environmental Conservation (ADEC) is responsible for monitoring water quality. The Forest Service will periodically monitor water quality and alert ADEC of any potential violations.
- No new settling ponds or drainage ditches will be constructed within 70 feet of the bank of Resurrection Creek or its side channels.
- The following mitigation measures will be followed where mining is allowed up to the edge of the bank of Resurrection Creek (where tailings piles are adjacent to the bank):
  - No mining will occur below the floodplain elevation within 20 feet of the bank of Resurrection Creek. The floodplain elevation is about 2 feet above the normal water surface elevation.
  - Although tailings material can be pulled off of the near-bank tailings piles, no modifications will be made to the position of the streambanks.
  - Equipment will not be allowed to work in the Resurrection Creek stream channel.
- A Spill Prevention Control and Countermeasure (SPCC) plan is required to be prepared by the operator. The Forest Service is required to inspect operations for compliance with Best Management Practice 12.8 and the SPCC plan [FSH 2509.22 (12.8)]. A spill prevention plan will be required for heavy equipment working in all approved mining areas. This plan will include provisions for hydrocarbon spills that comply with Alaska State requirements.
- If any mercury is encountered or observed during mining operations, all mining in that area will stop, and mining will not resume until a qualified professional completes an assessment and clean-up.
- Reclamation plan will include the following items:
  - Tailings material will be spread out evenly over the mined area.
  - Within 70 feet of the bank of Resurrection Creek, the ground will be left at "floodplain elevation," which is approximately 2 feet above the normal water surface elevation.

- Fine material captured by settling ponds will be redistributed over the ground surface following final contouring.
  - Soils and organic debris will be stockpiled prior to clearing and redistributed across the area following mining.
  - The landscape will be recontoured with uneven topography to mimic natural disturbance regimes. Final reclamation will not result in a flat unnatural contour.
- Dolly Varden present in the existing drainage ditch and settling pond system in Areas 5A and 20A will be trapped and relocated out of the project area by the Forest Service. Future upstream access for the fish will be prevented by placing temporary barriers on the stream feeding the drainage system.
- During revegetation of disturbed areas, natural revegetation will be used where seed source and site conditions are favorable. When conditions are not favorable, use native plant species with a preference given to plant materials from the local environment to maximize adaptation and maintain local genetic composition.
- All hay, straw or mulch used for mulching, erosion control and rehabilitation will be free of invasive plants and their seeds.
- Where ground disturbing activities occur within existing invasive plant populations, appropriate plant treatment applications will be conducted prior to project implementation to reduce future spread and establishment. Ideally, ground disturbing activities will be timed to minimize the potential of providing favorable seed beds when invasive plant species have developed mature seeds.
- All equipment and vehicles will be cleaned to remove invasive plant seed source prior to working on National Forest System Land.
- The Forest Service will work with Hope Mining Company and Alaska State Historic Preservation Officer (SHPO) to develop an interpretive site to mitigate the effects of redistributing historic tailings piles in Area 19.
- For all mining in Area 19 or adjacent to Resurrection Creek Road, a buffer of approximately 20 from the toe of the roadbed slope is required and will be flagged and agreed upon by both the Forest Service and the claimant prior to starting mining activities in this area.
- Appropriate signage or other cautionary measures will be required during operations to notify the public of mining activities and will be the responsibility of the operator as approved by the Forest Service.
- Closures of potential newly created access points for recreation users will be completed in a timely manner after operations have been complete to prevent dispersed camping, bank degradation, and unauthorized ATV use.
- Trenches will not be left open beyond the end of each year's operating season.

The *Hope Mining Company Area 5A, 19, 20A Mining Plan of Operations Environmental Assessment* (EA) is the supporting environmental analysis for this decision and is incorporated by reference. This EA discusses the need for the project, any alternatives considered, the environmental impacts of the Proposed Action and no action alternatives, and a listing of the agencies and persons contacted.

## **Rationale for the Decision**

Forest planning identifies a desired condition to provide for the small scale harvest of forest products including mineral development in the Chugach National Forest. The Chugach National Forest Revised Land and Resource Management Plan (Forest Plan) specifically states an objective to provide exploration and development opportunities in areas with moderate to high locatable mineral potential (Forest Plan 3-6). The Forest Plan also states that generally most mineral potential occurs near highways (Forest Plan 3-14).

The authorization of this plan of operations will allow for small scale placer mining in accordance with this desired condition. The project area is suitable to minerals extraction because of its close proximity to the Seward Highway, accessibility from Resurrection Creek Road, and the area has been shown to possess gold deposits. The project area has historically been used for placer mining in a manner similar to this decision.

I also recognize the need to provide long-term authorizations for small scale commercial operations. One year plan of operation approvals do not allow the operator to determine with any certainty whether they will be allowed to operate the following year or whether to make investments for the subsequent year. Allowing for a five year plan of operations for placer mining will allow the operator to make the business decisions and investments necessary to sustain their operation and create a business plan for the future.

My decision contains modifications to the proposed plan of operations that will ensure that placer mining on the claims in Area 5A, 19 and 20A will occur in an environmentally responsible manner. Positive long term effects include removal of tailings piles next to Resurrection Creek which restrict floodplain functionality. In addition, Hope Mining Company will complete mining on areas 5A and 19 prior to the potential implementation of Resurrection Creek Restoration Phase II so these areas can be included in the proposed corridor. I have reviewed the "Requirements for Environmental Protection" in 36 CFR §228.8 and the recommendations of subject matter experts who have surveyed the project area. I will require the modifications and stipulations listed above to be incorporated into any plan of operations approval.

I have reviewed the Council on Environmental Quality Regulations for "significance" (40 C.F.R. §1508.27) and I have determined that the decision is not an action that would significantly affect the quality of the human environment either individually or cumulatively; nor would this decision affect the quality of the human environment in either context or intensity. Therefore, an environmental impact statement (EIS) will not be prepared. This conclusion and finding is based on the following factors:



Disturbance to plant ecology and botany	Minimal potential for spread or establishment of non-native plant species.  No effect to sensitive plant species	This decision requires that all gear and equipment be clean of non-native seeds prior to entering NFS lands and that existing populations of non-native plants are avoided when they go to seed. This will reduce the likelihood that non-native species will become invasive in the project area.  The project area is not considered critical habitat for sensitive plant species, nor do any sensitive plant species currently exist in the project area.
Disturbance to heritage resources.	Effects to historic tailings piles in Area 5A, 19 and 20A	The Proposed Action and potential future actions will result in redistribution of the historic tailings piles, but will be mitigated through consultation with the Alaska State Historic Preservation Officer (SHPO) and collaboration with Hope Mining Company to develop a mining history interpretive area.
Disturbance to recreation resources	Potential temporary impacts to recreation users and businesses	The Proposed Action may result in short term effects to recreation users during mining operations in terms of visual disturbance, noise, traffic and dust. Temporary displacement of recreational users as a result of mining operations combined with the reconstruction of Porcupine Campground and the Hope Point Trail may result in the short term cumulative effect of decreased visitor revenues for the Hope Area. These effects will be temporary and will no longer exist following completion of mining operations.
Disturbance to adjacent landowners	Temporary (March to November)	The proposed mining activities fall within the range of acceptable activities for the management area prescription in the Forest Plan, but may result in short term discontent among local residents. Mining claimants have the right of reasonable access for the purpose of prospecting, locating and mining on National Forest System lands.

## Alternatives Considered

I have considered the No Action alternative. I have not selected the No Action alternative because the Forest Service has a regulatory responsibility to take some action (36 CFR § 228.5). This decision includes requirements that minimize adverse

environmental consequences to the environment and allow for placer mining to occur in an environmentally responsible manner.

## Monitoring

The following monitoring will be required:

- Regular inspections of the mining operation during the operating season for consistency with the terms and conditions of the plan of operations.
- The Alaska Department of Environmental Conservation (ADEC) is responsible for monitoring water quality. The Forest Service will periodically monitor water quality and alert ADEC of any potential violations.
- Annual monitoring for non-native plant species for a period of three years following completion of mining operations.
- Annual inspection of the interpretive area for signs of vandalism or other damage.

## Public Involvement

The public has been invited to participate in the project in the following ways:

- This proposal was listed in the Chugach National Forest Schedule of Proposed Actions (SOPA) on December 12, 2008.
- Legal notice was published in the Anchorage Daily News, the newspaper of record for the Chugach National Forest, initiating the 30 day comment period on December 10, 2008.
- This proposal was provided to 113 residents and business of Hope, adjacent landowners and environmental organizations for comment during scoping from December 10, 2008 to January 10, 2009 (see Table 2 in the EA).

## Consistency

**National Forest Management Act** – The proposed action is consistent with the Forest Plan, and all proposed activities are allowable under the 314 Forest Restoration management area prescriptions. No Forest Plan amendment is would be required.

**Coastal Zone Management Act of 1972, as amended** – The operator is required to provide evidence to the Forest Service of consistency with the Alaska Coastal Management Program (ACMP). Consistency with ACMP is determined through the Alaska Placer Mining Application Process. A consistency determination is required prior to approval of any mining plans of operation.

**Endangered Species Act** – Biological evaluations were completed for threatened, endangered, proposed, and sensitive plant and animal species. No threatened and endangered plant or animal species would be affected by the action alternatives.

**Bald Eagle Protection Act** – Management activities within bald eagle habitat will be in accordance to a Memorandum of Understanding between the Forest Service and the U.S. Fish and Wildlife Service. No bald eagle nests are known in the project area.

**ANILCA Section 810, Subsistence Evaluation and Finding** – There is no documented or reported subsistence use that would be restricted by any of the action alternatives. For this reason, none of the alternatives would result in a significant possibility of a restriction of subsistence use of wildlife, fish, or other foods.

**National Historic Preservation Act of 1966** – Section 106 of the National Historic Preservation Act requires that all federal undertakings follow the regulations found at 36 CFR § 800 to identify and protect cultural resources that are within the project areas and which may be effected by projects. The Chugach National Forest will follow the procedures in the Programmatic Agreement between the Chugach National Forest, the Advisory Council on Historic Preservation, and the Alaska State Historic Preservation Officer (SHPO) regarding management of the project area. The Proposed Action would result in the redistribution of the historic tailings piles, which are contributing features for the Hope Mining Company Historic Mining District. Redistribution would constitute an adverse effect, which has been addressed by the Forest Service through consultation with the SHPO to create a Memorandum of Agreement (MOA). The MOA involves the development of an interpretive site which will be located on the claims north of the Resurrection Pass trailhead. The purpose of the interpretive site is to interpret and raise public awareness about the mining history of the area and preserve remnants of the historic tailing piles that were left by the hydraulic mining era in the early 1900's.

**Executive Order 12898 – Environmental Justice** – Implementation of this project is not anticipated to cause disproportionate adverse human health or environmental effect to minority or low-income populations because the proposed activities are not expected to cause any affects to human health or result in meaningful adverse environmental consequences.

**Clean Air Act** – Emissions anticipated from the implementation of the Proposed Action would be of short duration and would not be expected to exceed State of Alaska ambient air quality standards (18 AAC 50).

**Executive Order 13112 – Invasive Species** – Invasive species populations have the potential to spread in the project area; mitigations and yearly monitoring will be required to reduce this potential and to determine effectiveness.

**Magnuson-Stevens Fishery Conservation and Management Act, Public Law 94-265** – This project is not expected to result in any adverse effects to fisheries habitat because it will take place outside of Resurrection Creek, with mitigations and design features to protect salmon and adjacent habitat.

**Executive Order 12962 – Recreational Fisheries** – Federal agencies are required, to the extent permitted by law and where practicable, and in cooperation with States and Tribes,

to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities. As required by this Order, the effects of this action on aquatic systems and recreational fisheries have been evaluated and the effects relative to the purpose of this order have been documented. This action is consistent with this order because it allows for sound aquatic conservation and restoration activities that will benefit recreational fisheries.

## **36 CFR §215 Administrative Review or Appeal Opportunities**

The Forest Service, Seward Ranger District, Chugach National Forest, has completed an Environmental Assessment for Hope Mining Company Area 5A, 19 and 20A. Based on this analysis the Seward District Ranger selected the Proposed Action.

Copies of this Environmental Assessment and Decision Notice may be obtained by contacting:

Amanda Mico  
Seward Ranger District  
PO Box 390  
Seward, Alaska 99664

As required by Forest Service appeal regulations found at 36 CFR §215.5, a legal notice of the opportunity to comment on the Proposed Action was published in the Anchorage Daily News newspaper in Anchorage, Alaska on December 10, 2008. The 30-day comment period ended on January 9, 2009 and 23 comments expressing interest were received. Pursuant to Forest Service appeal regulations at 36 CFR §215.11 this decision is therefore subject to appeal. The legal notice of this decision will be published in the Anchorage Daily News, the newspaper of record for the Chugach National Forest. A reclamation bond must be submitted prior to any ground disturbing activities.

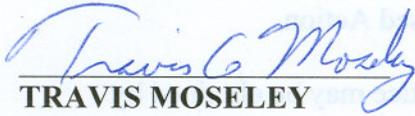
## **36 CFR §251 Administrative Review or Appeal Opportunities**

Pursuant to 36 CFR §228.14, any operator aggrieved by a decision of the authorized officer in connection with the regulations found at 36 CFR §228 may file an appeal under the provisions of 36 CFR §251, subpart C. As required under 36 CFR §251.88, an appellant must file a notice of appeal with the Forest Supervisor for the Chugach National Forest at 3301 C Street, Suite 300, Anchorage, Alaska 99503. The notice of appeal must be filed within 45 days of the date of this notice. The following information must be provided:

- (1) The appellant's name, mailing address, and daytime telephone number;
- (2) The title or type of written instrument involved, the date of application for or issuance of the written instrument, and the name of the responsible Forest Service Officer;
- (3) A brief description and the date of the written decision being appealed;

- (4) A statement of how the appellant is adversely affected by the decision being appealed;
- (5) A statement of the facts of the dispute, and the issue(s) raised by the appeal;
- (6) Specific references to any law, regulation, or policy that the appellant believes to be violated, and the reason for such an allegation;
- (7) A statement as to whether and how the appellant has tried to resolve the issue(s) being appealed with the Deciding Officer, the date of any discussion, and the outcome of that meeting or contact; and
- (8) A statement of the relief sought.

The appellant may also include in the notice of appeal a request for oral presentation or a request for stay of implementation of the decision pending decision on the appeal.

  
**TRAVIS MOSELEY**

District Ranger  
Seward Ranger District

5/29/09  
Date