



United States Department of the Interior



U.S. FISH AND WILDLIFE SERVICE
Northern Alaska Fish and Wildlife Field Office
101 12th Avenue, Room 110
Fairbanks, Alaska 99701
February 11, 2022

VIA ELECTRONIC MAIL, NO HARD COPY TO FOLLOW

U.S. Army Corps of Engineers
Attn: Colonel Damon Delarosa
District Commander, Alaska District
Post Office Box 6898
JBER, Alaska 99506-0898

Re: POA-2013-00286
Tanana River

Dear Colonel Delarosa:

The U.S. Fish and Wildlife Service (Service) has reviewed the U.S. Army Corps of Engineers (ACOE) Public Notice of Application (PN) for a Permit dated January 13, 2022. The proposed Manh Choh Project (Project) allows Peak Gold, LLC (Applicant) to mine and produce gold from lands owned by the Native Village of Tetlin (NVT), Alaska. The purpose of the Project is to benefit the NVT and Applicant shareholders in a joint partnership, to mine and process gold to meet global demand.

The proposed Project includes development of two gold mine sites within the Tetlin Hills, located approximately 12 miles west from the Native Village of Tetlin. Access to the mine sites will require construction of two gravel roads, the Manh Choh Twin Road and the Manh Choh Site Road. The Twin Road will be constructed parallel to the existing Tetlin Village Road for approximately five miles, where it will then connect to the Manh Choh Site Road to access the mine sites. In order to avoid potential direct and indirect impacts to local aquatic resources, extracted ore will be hauled to Fort Knox northeast of Fairbanks, Alaska, for processing. Mining on site will continue for approximately 4.5 years. Termination of mine operations will include reclamation and revegetation of disturbed areas to minimize erosion and sedimentation.

The Project will permanently impact 5.2 acres of waters of the U.S. to include fill of wetlands, small parts of a pond, and a non-fish bearing stream within the mining area, in addition to infrastructure development along existing Alaska Department of Transportation and Public Facilities (ADOT&PF) roads to Fort Knox.

Potentially Affected Fish and Wildlife Trust Resources: The Service's trust resources are natural resources we have been entrusted to protect for the benefit of the American people. Within the proposed study area, these resources may include species listed as threatened or

endangered under the Endangered Species Act (ESA), migratory birds (including bald and golden eagles), inter-jurisdictional fish, and wetland habitats used by these species.

Threatened and Endangered Species: The purpose of the Endangered Species Act (ESA) is to conserve threatened and endangered species and the ecosystems upon which they depend. Projects that may affect listed species or designated critical habitat should be evaluated under procedures of the ESA to ensure that those agencies authorizing and conducting the projects remain in compliance with the ESA. In this case, the project area contains no ESA-listed species or designated critical habitat, therefore no effects to listed species are expected, and no further action is required. This information can be confirmed, and the potential for effects of other projects can be evaluated, at <https://ipac.ecosphere.fws.gov/>

Eagles and Their Nests: The Bald and Golden Eagle Protection Act protects eagles from take,¹ including disturbance to their nests, roosts, and foraging sites. The density of eagles (juveniles and breeding adults), especially Golden eagles, within Alaska is highly variable statewide and varies by season (McIntyre et al. 2008). Bald and Golden eagles are present within the project area.

Bald Eagles: Alaska supports a population of Bald eagles greater than that in all other states combined. Within the project area Bald eagles are known to nest in trees adjacent to waters supporting anadromous and resident fish, including major rivers and shorelines of large lakes.

Golden Eagles: Golden eagles occur throughout much of Alaska (Booms et al. 2021). The Alaska population consists of nesting adults and non-nesting juveniles (Kochert and Steenhof 2002), most of which migrate in fall to wintering areas across a vast region of western North America (McIntyre et al. 2008, McIntyre 2012). Golden eagles are rare breeders within the nearby Tetlin National Wildlife Refuge and adjacent areas.

Comments and Recommendations: The Service notes the Applicant's intention to process extracted ore at Fort Knox, northeast of Fairbanks, which will help avoid/minimize direct and indirect impacts to local aquatic resources at the mine site. We offer the following comments and recommendations to further minimize the proposed project's impacts on fish and wildlife habitats.

Eagles and Their Nests: If project-related disturbances, such as blasting, jackhammering, or pile-driving, cannot be timed to occur outside the eagle nesting season (March 1–August 31), the Service recommends Bald and Golden eagle nest surveys within a half-mile of the project footprint, including cliffs of tributary streams, to determine if and where eagles may be nesting. If an eagle nest is discovered, please contact our office for further assistance. For additional guidance, please see our webpages for measures to avoid disturbing eagles,² how to determine the likelihood of disturbing nesting bald eagles,³ and our national eagle management webpage.⁴

¹ <https://www.fws.gov/birds/policies-and-regulations/laws-legislations/bald-and-golden-eagle-protection-act.php>

² <https://www.fws.gov/alaska/pages/migratory-birds/eagles-other-raptors/eagle-permits/voluntary%20guidance>

³ <https://www.fws.gov/alaska/pages/migratory-birds/eagles-other-raptors/eagle-permits/disturbance-guidance>

⁴ <https://www.fws.gov/birds/management/managed-species/eagle-management.php>

Other Migratory Birds: Birds of conservation concern that may nest or migrate through the project area include: Lesser yellowlegs (*Tringa flavipes*) and Olive-sided flycatcher (*Contopus cooperi*).¹ Since the proposed project may impact nesting and/or fledging birds depending upon the timing of vegetation clearing and ground disturbance, the Service appreciates employing any measures to help avoid disturbing migratory-bird nesting habitat during the nesting season when nests and nestlings are most vulnerable. The most effective Best Management Practice (BMP) to help minimize impacts to nesting birds is to conduct land disturbing activities (e.g., tree and vegetation clearing, excavation, gravel fill, brush hogging, etc.) before or after the breeding season, which is generally May 1 through July 31 at the proposed site.² Some bird species may nest at different times or the habitat may affect nesting dates (e.g., eagles nest two or more months earlier), so we recommend consulting our timing recommendations for your area. Additionally, we appreciate and support employing other conservation measures to minimize impacts to migratory birds. For some example conservation measures to avoid and minimize impacts to birds, please refer to our Migratory Bird Program website.³

Floodplain Connectivity: If the proposed project includes upgrades to stream/river crossings, the Service recommends including provisions for maintaining the floodplain integrity both up and downstream at all floodplain crossings in addition to considering hydraulics and fish passage (USFWS 2021). Floodplains are an important component of the aquatic ecosystem and have many benefits beyond enhancing fish habitat. When considering floodplain connectivity (U.S. Forest Service 2008, Figures 2.5 and 6.30), options for water crossings range from no connectivity (simple high discharge passage) to preserving full functioning of all floodplain processes (full-span crossing). Thus, we recommend constructing stream crossings that preserve floodplain connectivity to the greatest extent possible to maintain aquatic ecosystem integrity. We also recommend setting the invert for overflow culverts at the same grade level as the floodplain. These culverts would be in addition to the elevated culverts intended to account for afeis overflow, which would not support floodplain connectivity because they are elevated.

Invasive Species: Invasive plants are introduced species that out-compete native plants for light, water, and nutrients. They often grow rapid, mature early, spread seeds that survive a long time, and have no natural controls. When invasive plants displace native plants, habitats may be altered and become no longer suitable for some wildlife. The Service recommends implementing Best Management Practices for minimizing the introduction and proliferation of invasive species, including thoroughly washing equipment before entering the jobsite to remove dirt and debris that might harbor invasive seeds; using weed-free fill and certified weed-free erosion control materials; appropriately disposing of spoil and vegetation contaminated with invasive species; and revegetating the area with local native plant species. To assist on-the-ground operators in understanding their role in preventing and controlling the introduction and spread of invasive species, we recommend project operators review a free, self-paced training course on invasive species control, which can be found at: <http://weedcontrol.open.uaf.edu>.

¹ https://www.fws.gov/uploadedFiles/Region_7/NWRS/Zone_1/Tetlin/PDF/bird_checklist.pdf

² <https://www.fws.gov/alaska/pages/nesting-birds-timing-recommendations-avoid-land-disturbance-vegetation-clearing>

³ <https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>

Mitigation: The Applicant proposed a Permittee-Responsible Mitigation (PRM) plan designed to compensate for impacts to aquatic resources. The proposed PRM includes replacing dysfunctional culverts at two locations along the Tetlin Village Road to improve hydrologic connectivity with downstream wetlands and waters, reduce erosion and sedimentation, and enhance wetland functions. Our recommendations for floodplain connectivity should also be considered when replacing these culverts.

Conclusion: The Service does not object to permit issuance provided the following special conditions are included in the permit:

1. Floodplain integrity and connectivity shall be maintained at floodplain crossings by installing properly sized culvert(s) and/or bridges that allow high water in the floodplain to pass with minimal backwater impoundment upstream and minimal diversion of high water from the floodplain downstream.
2. Natural drainage patterns shall be maintained to the extent practicable by the installation of culverts in sufficient number and size under access roads and trails to prevent ponding, diversion, or concentrated runoff that would result in adverse impacts to adjacent wetlands and other fish and wildlife habitats.
3. All disturbed, stockpile and fill areas shall be stabilized to prevent erosion. Increased water turbidity and accumulation of sediment in drainages, sloughs, and other wetlands shall be evidence of insufficient stabilization.
4. Best management practices for preventing the introduction of invasive weeds shall be implemented, such as thoroughly washing equipment before deployment onsite.

These comments are submitted in accordance with provisions of the National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.), the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). These comments are also for use in your determination of 404 (b)(1) guidelines compliance (40 CFR 230), and in your public interest review (33 CFR 320.4) relating to protection of fish and wildlife resources.

The Service appreciates the opportunity to comment regarding the proposed project. We would be glad to discuss our comments with you. Our comments are based on the information provided in the Public Notice. Should project plans change, we would appreciate an opportunity

to review and comment. Please contact Louise Smith at 907-456-0306 (louise_smith@fws.gov) should you have questions concerning these comments.

Sincerely,

Robert J. Henszey
Branch Chief
Conservation Planning Assistance

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