

From: [Corn, Rania L CIV USARMY USACE \(USA\)](#)
To: info@constantinemetals.com; Zachary.halstead@hdrinc.com
Cc: allegra@constantinemetals.com; james.rypkema@alaska.gov; Teri.buck@alaska.gov; dec-401cert@alaska.gov; kate.kanouse@alaska.gov; sero@alaska.gov; oha.revcomp@alaska.gov; lacroix.matthew@epa.gov; nmfs.akr.habitat@noaa.gov; FW7_POANotices@fws.gov; [Aleka Fullerton](mailto:Alekka.Fullerton); schnabel@haines.ak.us; [Holly Smith](mailto:Holly.Smith); lwilliams@chilkoot-nsn.gov; Jbrower@chilkat-nsn.gov; klukwan@chilkat-nsn.gov; Kate.harper@alaska.gov; brent.goodrum@alaska.gov; [Mercer, Jennifer A CIV USARMY CEPOA \(USA\)](mailto:Mercer, Jennifer A CIV USARMY CEPOA (USA)); [Pagemaster, Reg POA](mailto:Pagemaster.Reg.POA); [Campbell, Kendall D CIV USARMY CEPOA \(USA\)](mailto:Campbell, Kendall D CIV USARMY CEPOA (USA))
Subject: POA-2022-00303 Reinstatement, Glacier Creek, Wells
Date: Friday, January 27, 2023 4:04:42 PM
Attachments: [GLACIER CREEK POA-2022-00303.20230124.Reinstatement.pdf](#)
[POA-2022-00303.20221114.Letter.pdf](#)

EXTERNAL EMAIL: Do not open links or attachments unless you recognize the sender and know the content is safe.

Please do not submit comments about the project described in the attached document by replying to this email.

Comments about the project may be submitted to the appropriate Corps Project Manager as described in the document.

Customer Survey:

<https://regulatory.ops.usace.army.mil/customer-service-survey/>

Regulatory Contact Information:

<http://www.poa.usace.army.mil/Missions/Regulatory/RegulatoryContacts.aspx>

Very Respectfully,

Rania Corn
Administrative Support Assistant
U.S. Army Corps of Engineers, Regulatory Division
P.O. Box 6896
JBER, AK 99506
(907) 753-5721



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 6898
JBER, AK 99506-0898

January 27, 2023

CERTIFIED MAIL RECEIPT NO.: 7011-1150-0000-8195-4168

POA-2022-00303

Garfield MacVeigh
Constantine Mining, LLC.
120 2nd Avenue North
Haines, AK 99827

Dear Mr. MacVeigh:

This is a Reinstatement of Authorization involving Department of the Army (DA) U.S. Army Corps of Engineers' (Corps) file number POA-2022-00303, Glacier Creek, which was authorized on November 14, 2022, and suspended on November 17, 2022. The project is located within Sections 5 & 6, T. 29 S., R. 54 E., Copper River Meridian; USGS Quad Map Skagway B-4; Latitude 59.38605° N., Longitude 136.37471° W.; Haines Borough; in Glacier Creek Valley, near Wells, Alaska.

The letter dated November 14, 2022, authorized the temporary excavation and backfill of 1,351 cubic yards of fill material into 0.07-acre of wetlands, 91 cubic yards of fill material into 0.01-acre of Waterfall Creek, and 175 cubic yards of fill material into 0.01-acre of Hangover Creek for the purpose of creating a trench for a Land Application Diffuser (LAD) system, and the permanent discharge no more than 70 cubic yards of fill material into 0.02-acre of Waterfall Creek for the purpose of permanently extending a culvert.

The objections raised by the Chilkat Indian Village in their letters dated November 16, 2022, and December 15, 2022, have been fully considered and the Corps has determined that the proposed activity would result in no more than minimal individual and cumulative adverse environmental effects and would not be contrary to the public interest.

The authorization is reinstated with no modifications. A copy of the November 14, 2022, authorization is attached. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact Jennifer Mercer via email at Jennifer.a.mercer@usace.army.mil, by mail at the address above, by phone at (907) 753 - 2779, or toll free from within Alaska at (800) 478-2712, if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Damon A. Delarosa", with a large, stylized flourish at the end.

Damon A. Delarosa
Colonel, U.S. Army
Commanding



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

November 15, 2022

Regulatory Division
POA-2022-00303

Garfield MacVeigh
Constantine Mining LLC
120 2nd Avenue North
Haines, AK 99827

Dear Mr. MacVeigh:

This is in response to your July 6, 2022, application for a Department of the Army (DA) permit, to temporarily excavate and backfill 1,351 cubic yards of fill material into 0.07 acre of wetlands, 91 cubic yards of fill material into 0.01 acre of Waterfall Creek, and 175 cubic yards of fill material into 0.01 acre of Hangover Creek for the purpose of creating a trench for a Land Application Diffuser (LAD) system, and to permanently discharge no more than 70 cubic yards of fill material into 0.02 acre of Waterfall Creek for the purpose of permanently extending a culvert. It has been assigned file number POA-2022-00303, Glacier Creek, which should be referred to in all future correspondence with this office. The project site is located within Sections 5 & 6, T. 29 S., R. 54 E., Copper River Meridian; USGS Quad Map Skagway B-4; Latitude 59.38605° N., Longitude 136.37471° W.; Haines Borough; in Glacier Creek Valley, near Wells, Alaska.

DA authorization is necessary because your project will involve work in and placement of structures and fill material into waters of the U.S. under our regulatory jurisdiction.

Based upon the information and plans you provided, we hereby verify that the work described above, which will be performed in accordance with the enclosed plan (sheets 1-13), dated October 26, 2022, is authorized by Nationwide Permit (NWP) No. 58, Utility Line Activities for Water and Other Substances. Enclosed is a copy of the NWP No. 58, as well as the Regional and General Conditions. These documents are also available on our website at: www.poa.usace.army.mil/Missions/Regulatory/Permits/Nationwide-Permits/. Regional Conditions C, D, E, and F apply to your project. You must comply with all terms and conditions associated with NWP No. 58, as well as with the special condition listed below:

If human remains, historic resources, or archaeological resources are encountered during construction, all ground disturbing activities shall cease in the immediate area and you shall immediately (within one business day of discovery) notify the U.S. Army Corps of Engineers (Corps), Alaska District, Regulatory Office at (907) 753-2712 or Jennifer Mercer at jennifer.a.mercer@usace.army.mil and (907) 753-2779. Upon notification the Corps shall notify the appropriate Tribal Historic Preservation Office and State Historic Preservation Office (SHPO). Based on the circumstances of the discovery, equity to all parties, and consideration of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps. After such notification, project activities on tribal lands shall not resume without written authorization from the SHPO and the Corps.

Further, please note General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to our office.

Unless this NWP is modified or revoked, it expires on March 14, 2026. If you commence or are under contract to commence this activity before the date that the NWPs are modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWPs to complete the activity under the present terms and conditions of these nationwide permits. It is incumbent upon you to remain informed of the changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations. The Corps recommends that the applicant engage and consult with local tribes for any future permit actions.

Please contact me via email at Jennifer.A.Mercer@usace.army.mil, by mail at the address above, or by phone at (907) 753 - 2779, if you have questions. For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Mercer', written over a light blue horizontal line.

Jennifer Mercer
Regulatory Specialist

Enclosures

ENCLOSURE



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-2022-00303

Name of Permittee: Garfield MacVeigh, Constantine Mining LLC

Date of Issuance: November 15, 2022

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to CEPOA-RD-Kenai@usace.army.mil, or the following address:

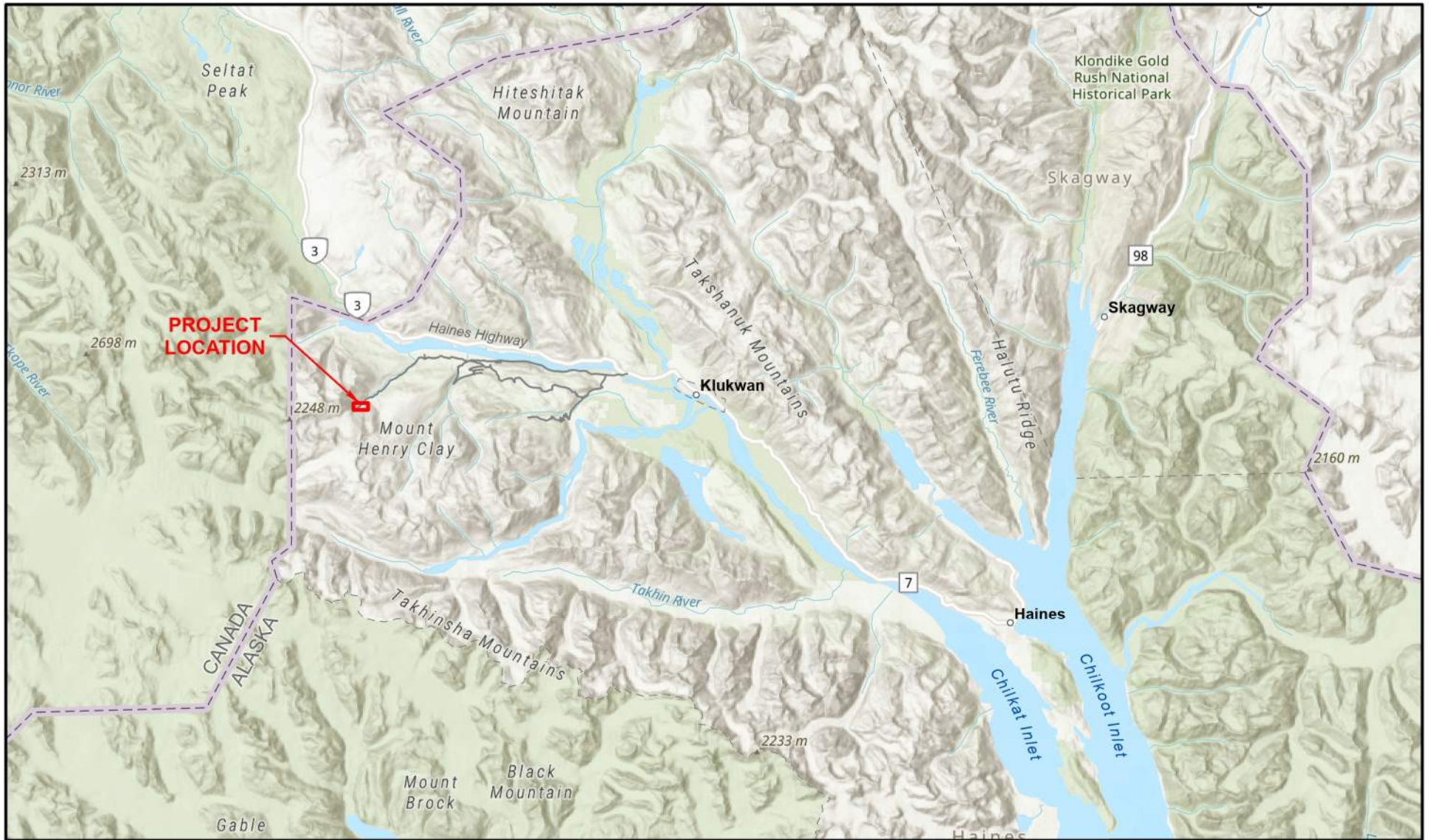
U.S. Army Corps of Engineers
Alaska District
Regulatory Division
Post Office Box 6898
JBER, Alaska 99506-0898

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date



Palmer Project - Land Application Disposal System Project

USACE Nationwide Permit Preconstruction Notification

Vicinity Map

HORIZONTAL DATUM:
NAD 83 UTM Zone 8

Project Location

Local Roads



APPLICANT: Constantine Mining LLC

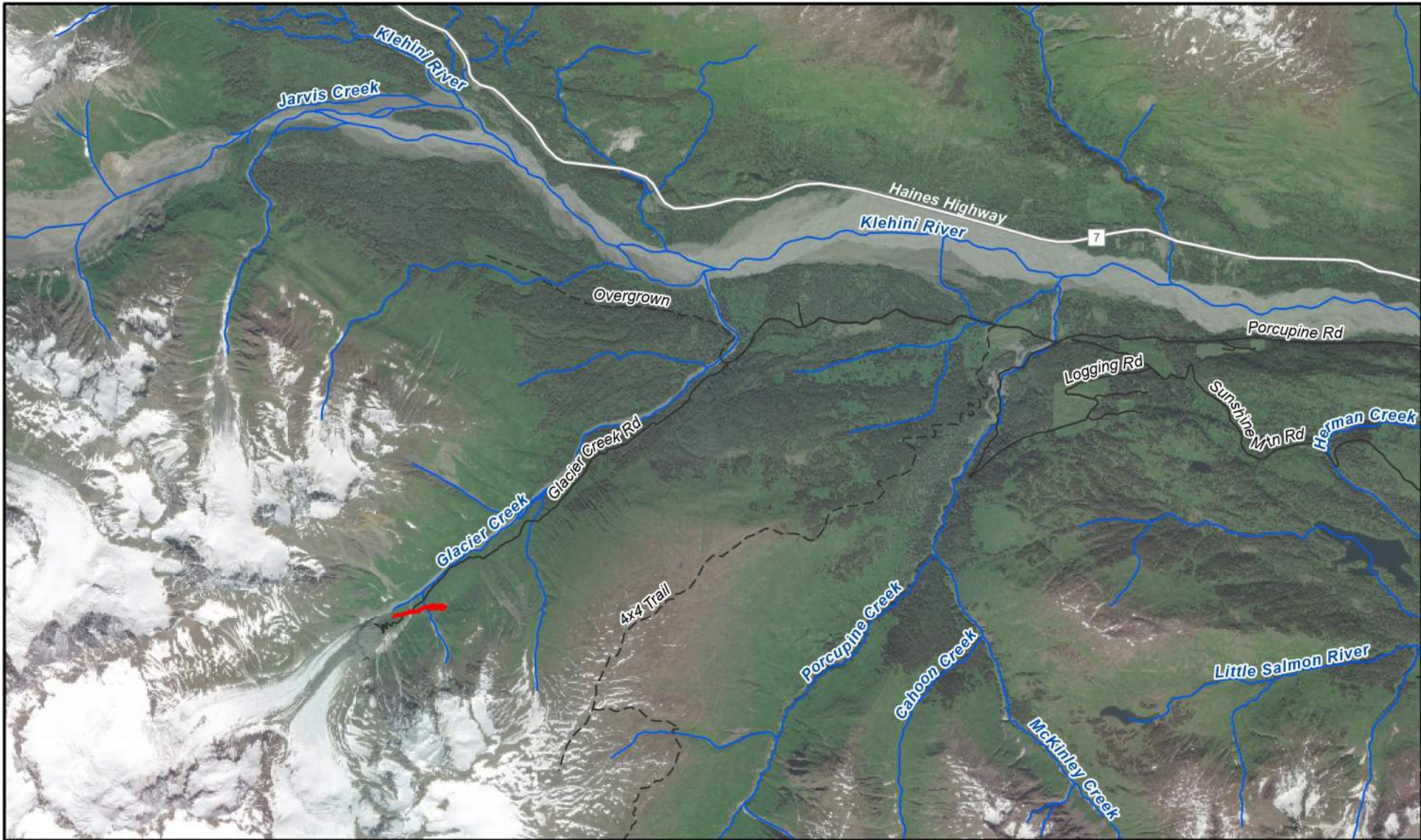
PERMIT NO:

WATERWAY: Glacier Creek

LOCATION: SEC 5-6, T29S, R54E, Copper River Meridian

SHEET 1 OF 13


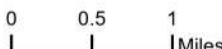
DATE: July 01, 2022








Palmer Project - Land Application Disposal System Project

USACE Nationwide Permit Preconstruction Notification

Project Area

HORIZONTAL DATUM:
NAD 83 UTM Zone 8

-  Project Features
-  Highway
-  Local Road
-  Trail
-  Streams (NHD)



APPLICANT: Constantine Mining LLC

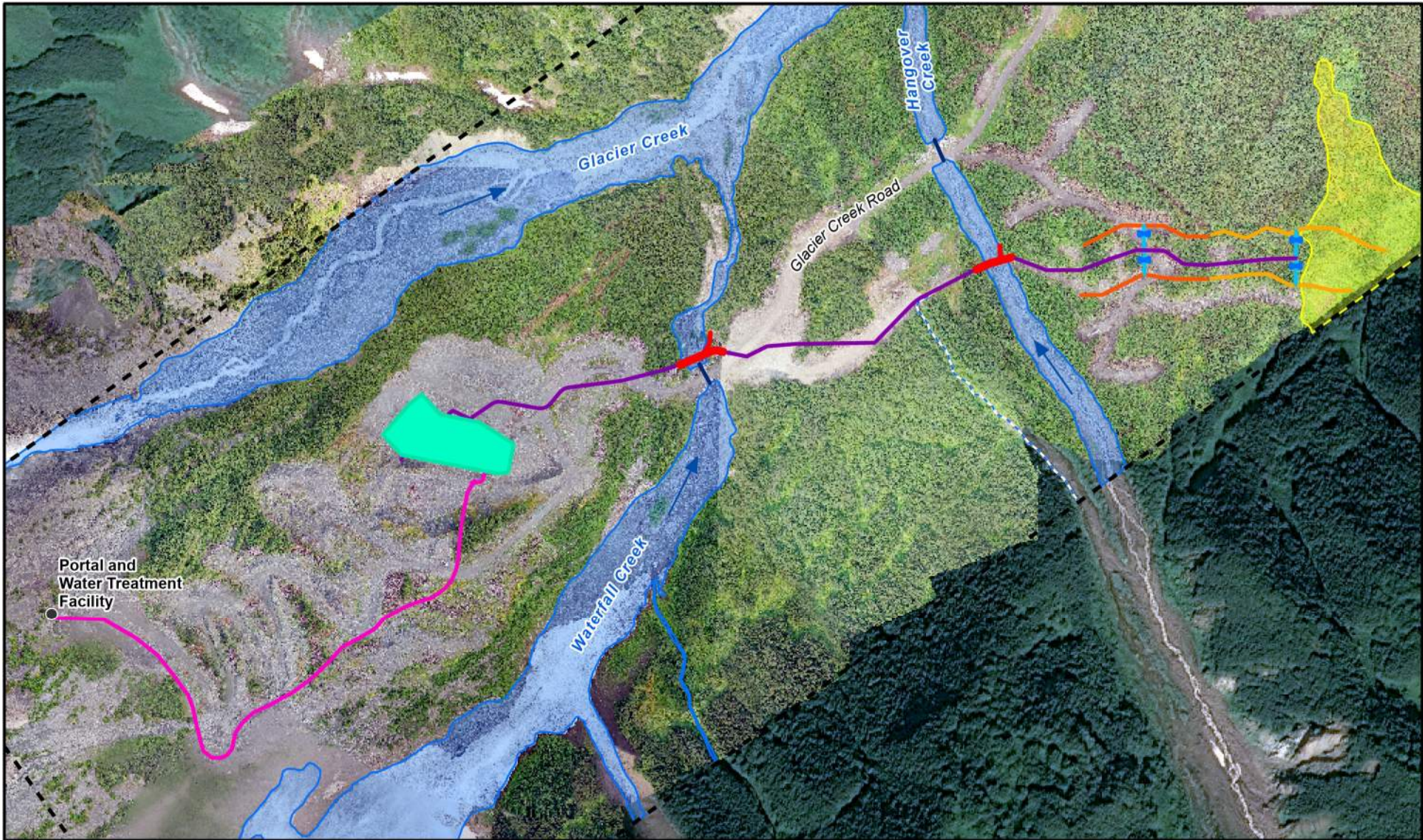
PERMIT NO:

WATERWAY: Glacier Creek

LOCATION: SEC 5-6, T29S, R54E, Copper River Meridian

SHEET 2 OF 13

DATE: July 01, 2022



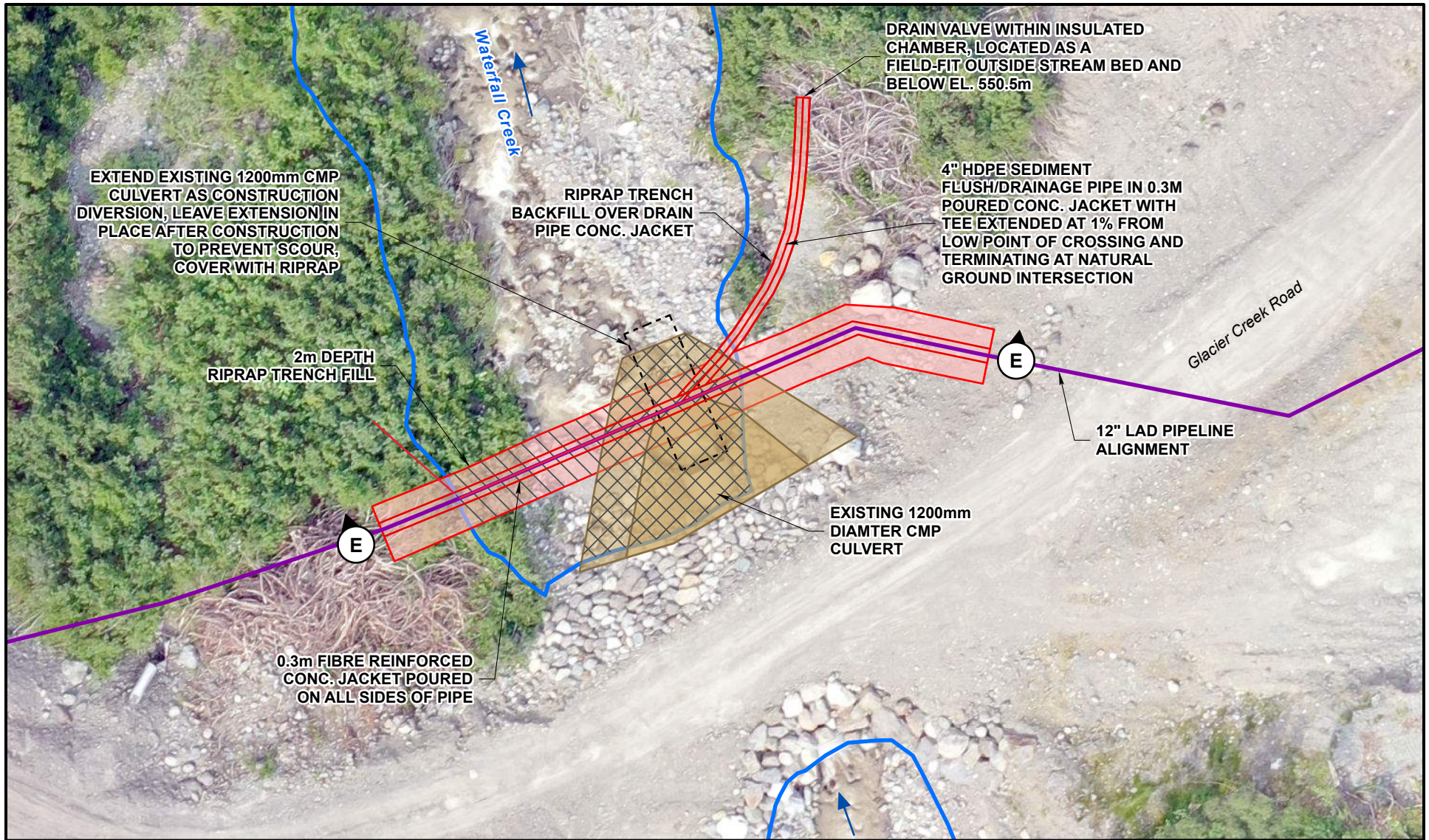
Palmer Project - Land Application Disposal System Project
 USACE Nationwide Permit Preconstruction Notification
 Plan Overview

HORIZONTAL DATUM:
 NAD 83 UTM Zone 8

- LAD Features**
- Diffuser Connector
 - Control Valve
 - LAD Diffuser East
 - LAD Diffuser West
 - LAD Pipe to Diffuser
 - LAD Pipe Portal to Sediment Ponds, Co-located Return Pipe
 - Creek Crossing
- Approximate Location of Sediment Ponds and PAG Storage**
- Approximate Location of Sediment Ponds and PAG Storage
- Wetland Mapping Area**
- Wetland Mapping Area
- Wetland and Waterbody Mapping (HDR 2022)**
- Wetland
 - Waterbody
 - Ephemeral Stream
 - Existing Culvert




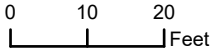
APPLICANT: Constantine Mining LLC
 PERMIT NO:
 WATERWAY: Glacier Creek
 LOCATION: SEC 5-6, T29S, R54E, Copper River Meridian
 SHEET 3 OF 13
 DATE: July 01, 2022












Palmer Project - Land Application Disposal System Project

USACE Nationwide Permit Preconstruction Notification

Plan View - Waterfall Creek Crossing

HORIZONTAL DATUM:
NAD 83 UTM Zone 8

- | | |
|---|--|
| LAD Features |  Permanent Impact |
|  LAD Pipe to Diffuser |  Temporary Impact |
|  Creek Crossing RipRap and Trench Fill |  Wetland and Waterbody Mapping (HDR 2022) |
|  Culvert Extension RipRap |  Waterbody (R3UBH/USC) |
|  Culvert Extension | |
|  Cross Section | |



APPLICANT: Constantine Mining LLC

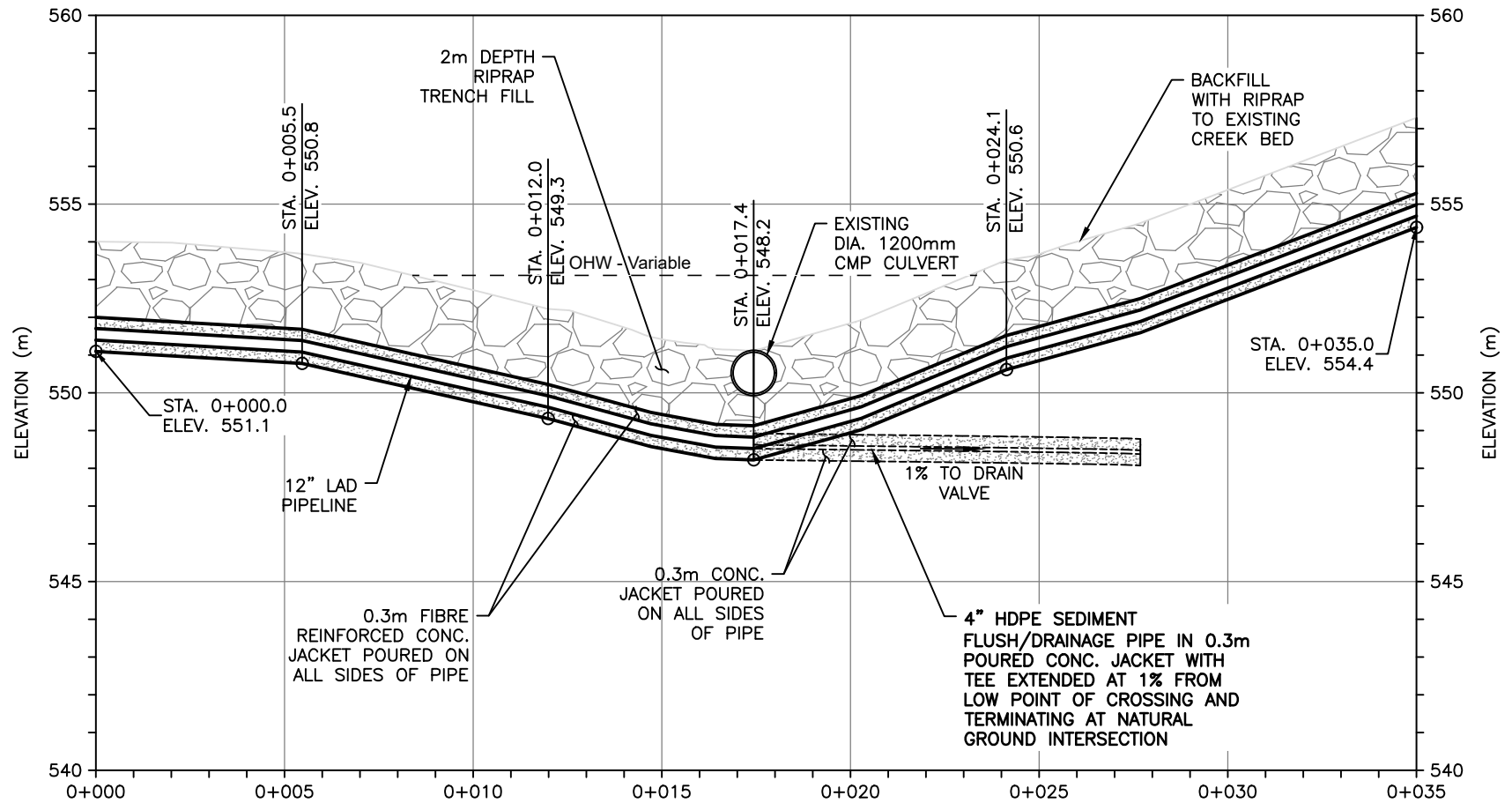
PERMIT NO:

WATERWAY: Glacier Creek

LOCATION: SEC 5-6, T29S, R54E, Copper River Meridian

SHEET 4 OF 13

DATE: July 06, 2022



WATERFALL CREEK LAD PIPELINE 
SCALE B

Palmer Project - Land Application
Disposal System Project

USACE Nationwide Permit
Preconstruction Notification

Cross Section - Waterfall Creek LAD
Pipeline

APPLICANT: Constantine Mining LLC

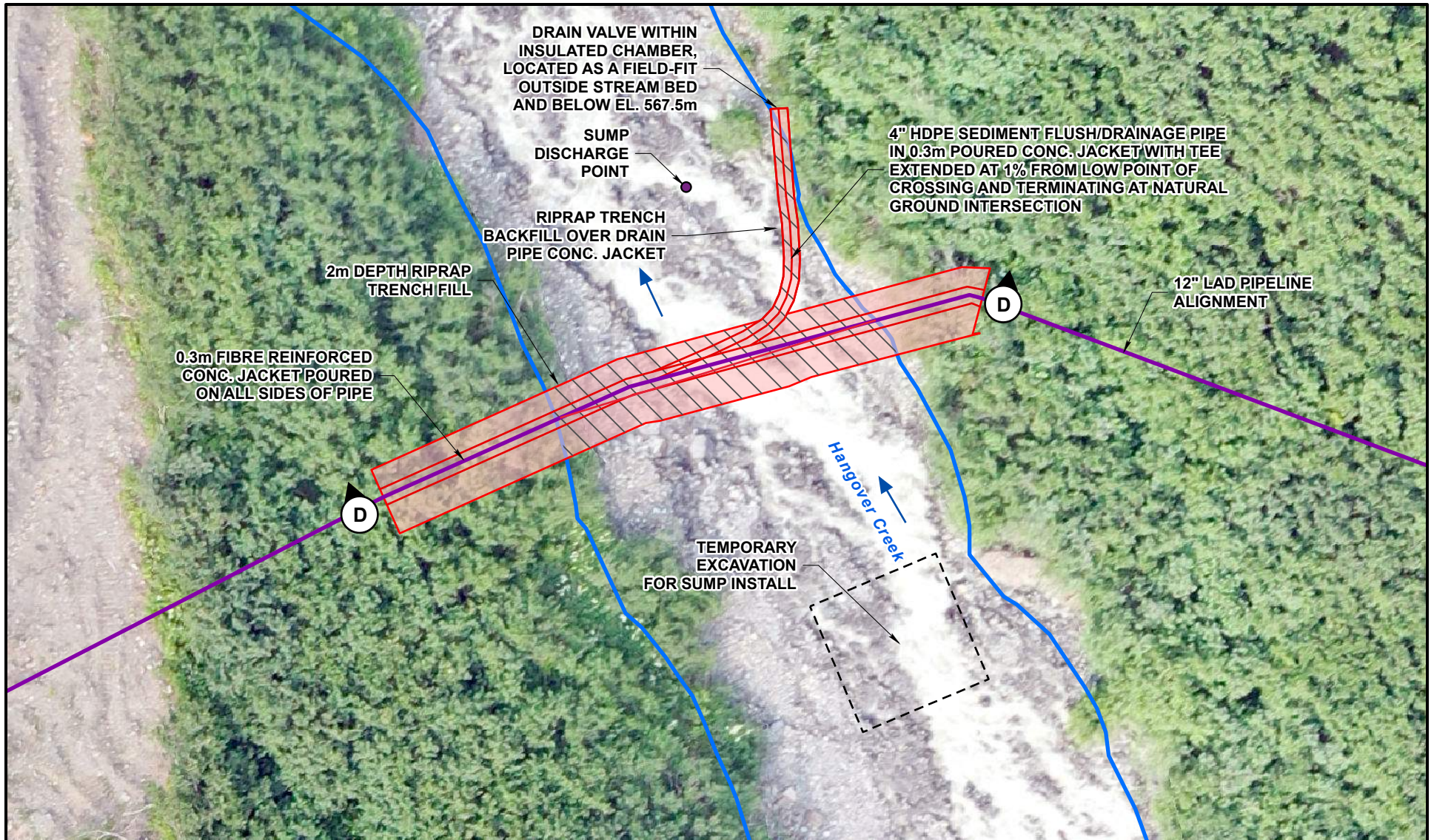
PERMIT NO:

WATERWAY: Glacier Creek

LOCATION: SEC 5-6, T29S, R54E, Copper
River Meridian

SHEET 5 OF 13

DATE: July 01, 2022



Palmer Project - Land Application Disposal System Project

USACE Nationwide Permit Preconstruction Notification

Plan View - Hangover Creek Crossing

HORIZONTAL DATUM:
NAD 83 UTM Zone 8

- LAD Features**
- LAD Pipe to Diffuser
 - Sump Discharge
 - Creek Crossing RipRap and Trench Fill
 - Temporary Excavation for Sump Install
 - Temporary Impact
 - Cross Section
- Wetland and Waterbody Mapping (HDR 2022)**
- Waterbody (R3UBH/ USC)



APPLICANT: Constantine Mining LLC

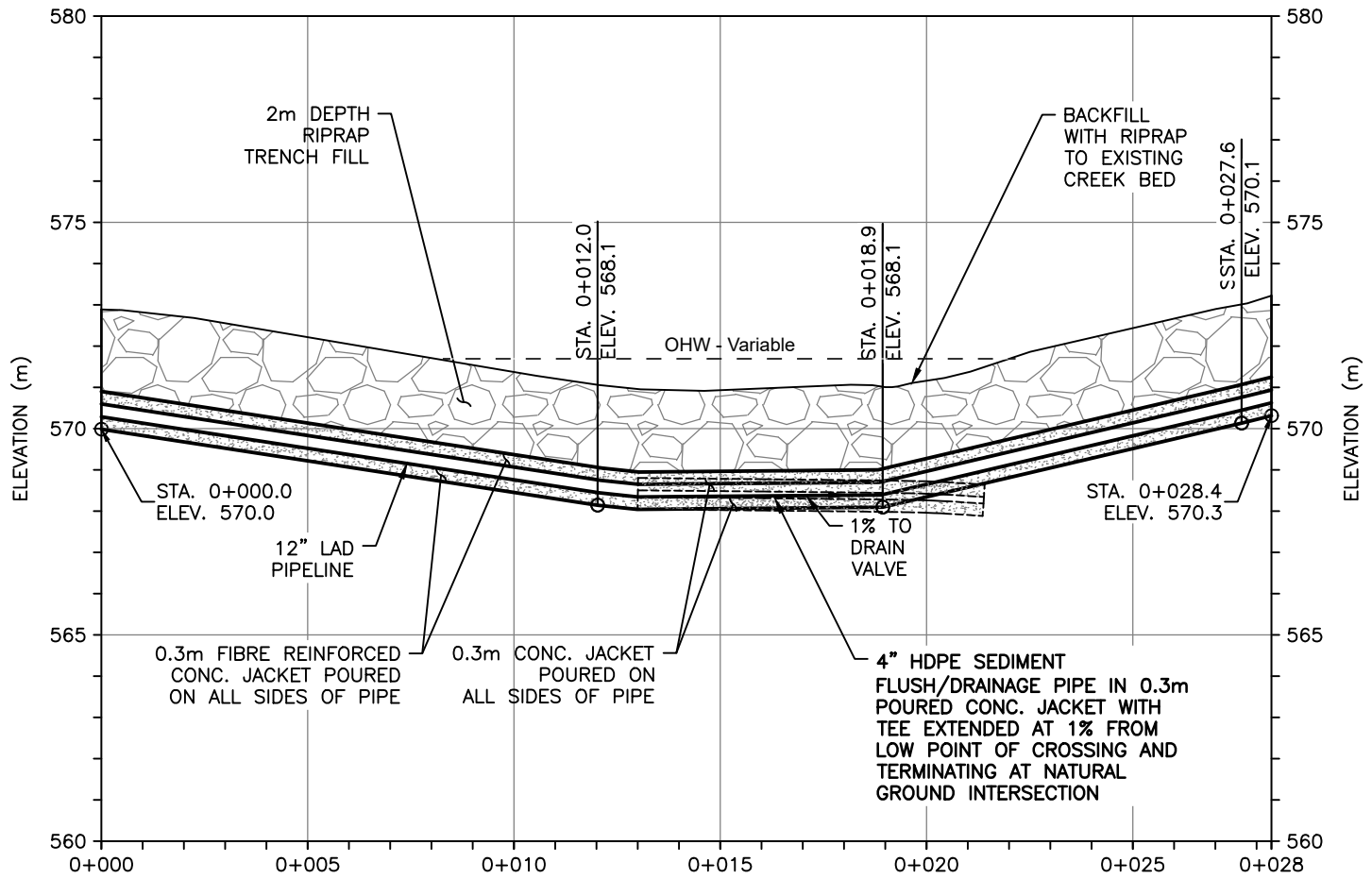
PERMIT NO:

WATERWAY: Glacier Creek

LOCATION: SEC 5-6, T29S, R54E, Copper River Meridian

SHEET 6 OF 13

DATE: July 06, 2022



HANGOVER CREEK LAD PIPELINE (D)
SCALE B

Palmer Project - Land Application Disposal System Project

USACE Nationwide Permit Preconstruction Notification

Cross Section - Hangover Creek LAD Pipeline

APPLICANT: Constantine Mining LLC

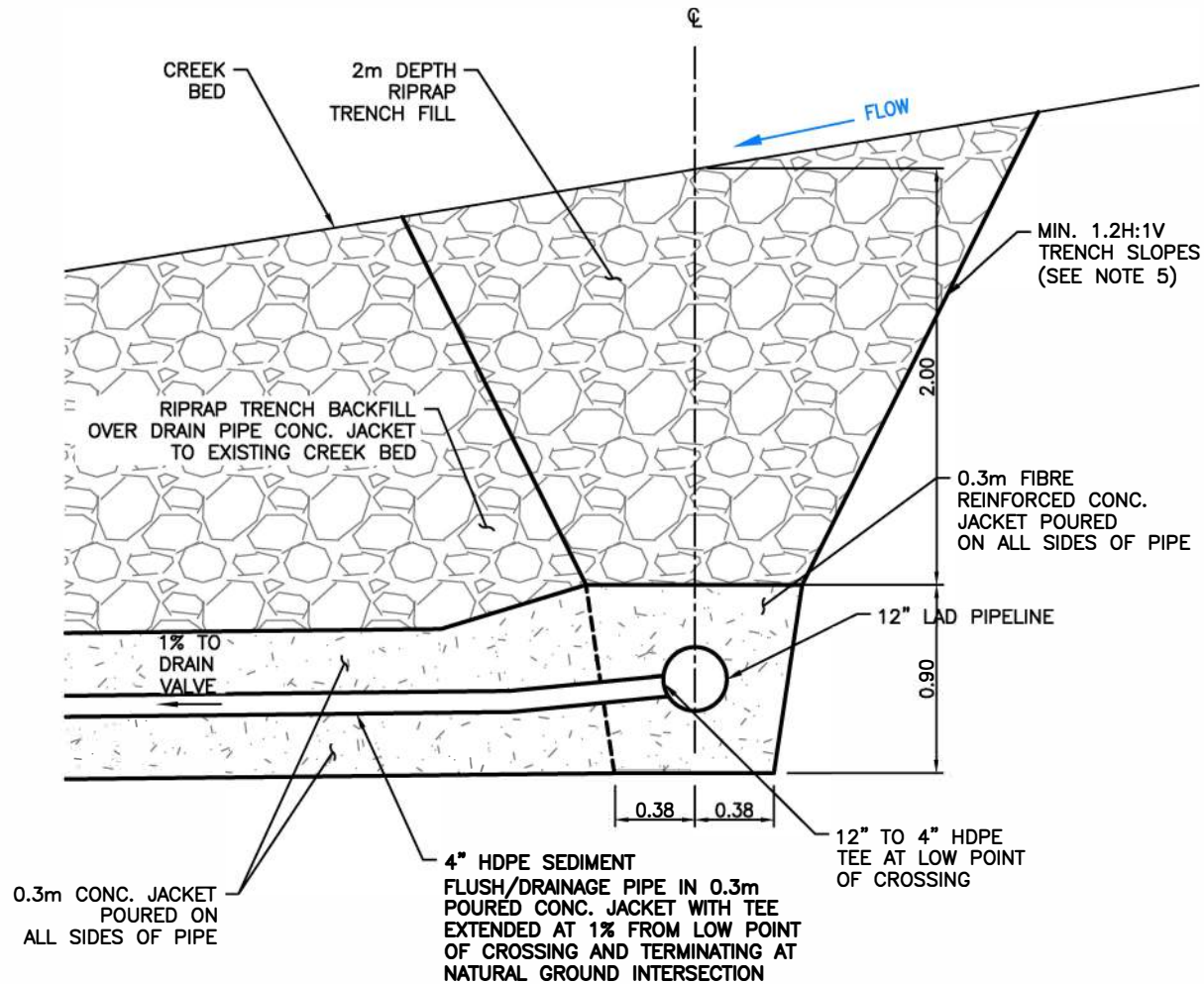
PERMIT NO:

WATERWAY: Glacier Creek

LOCATION: SEC 5-6, T29S, R54E, Copper River Meridian

SHEET 7 OF 13

DATE: July 01, 2022



**HANGOVER CREEK AND WATERFALL CREEK
LAD PIPELINE CROSSING – DETAIL**

Palmer Project - Land Application
Disposal System Project

USACE Nationwide Permit
Preconstruction Notification

LAD Pipeline Creek Crossings Detail

APPLICANT: Constantine Mining LLC

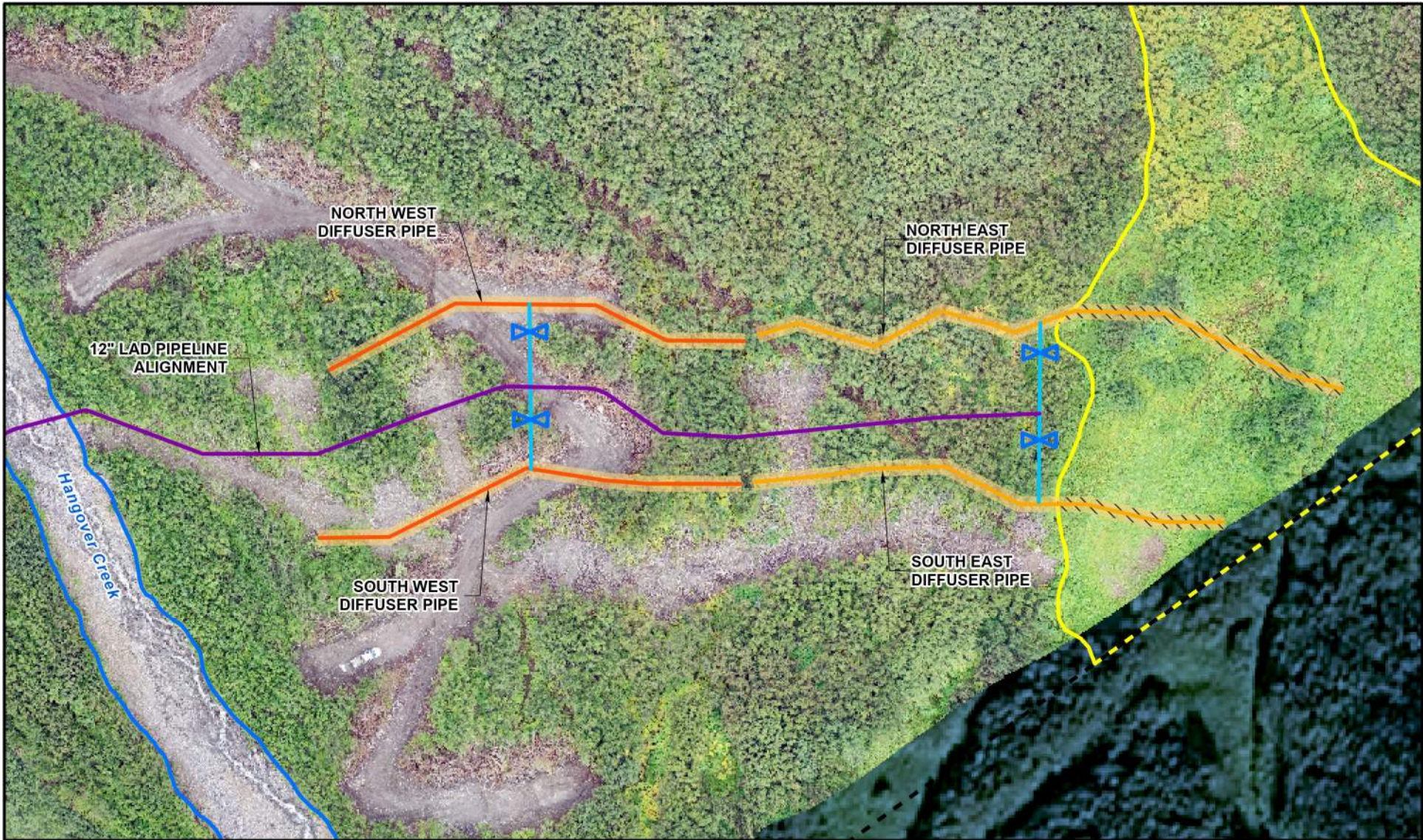
PERMIT NO:

WATERWAY: Glacier Creek

LOCATION: SEC 5-6, T29S, R54E,
Copper River Meridian

SHEET 8 OF 13

DATE: June 28, 2022



Palmer Project - Land Application Disposal System Project

USACE Nationwide Permit
Preconstruction Notification

Plan View - LAD Diffuser Pipes

HORIZONTAL DATUM:
NAD 83 UTM Zone 8

- | | |
|--|---|
| <p>LAD Features</p> <ul style="list-style-type: none"> — Diffuser Connector — Control Valve — LAD Diffuser East — LAD Diffuser West — LAD Pipe to Diffuser Diffuser Excavation and Backfill, Clean Gravel and Frost Protection | <ul style="list-style-type: none"> Temporary Impact Wetland Mapping Boundary Wetland and Waterbody Mapping (HDR 2022) Wetland (PSS1/EM1B) Waterbody (R3UBH) |
|--|---|



APPLICANT: Constantine Mining LLC

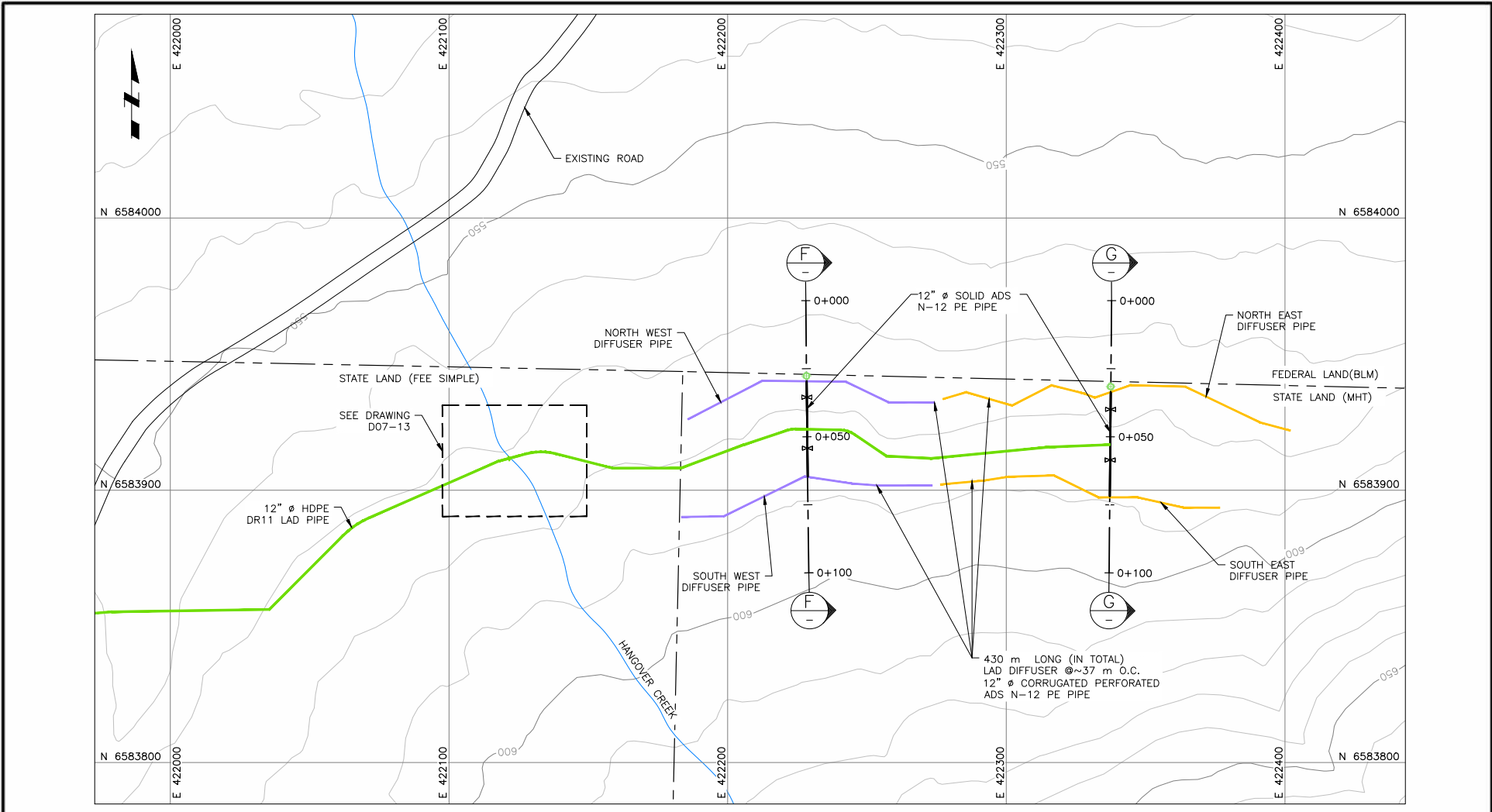
PERMIT NO:

WATERWAY: Glacier Creek

LOCATION: SEC 5-6, T29S, R54E, Copper River Meridian

SHEET 9 OF 13

DATE: July 01, 2022



DRAFT NOT FOR CONSTRUCTION

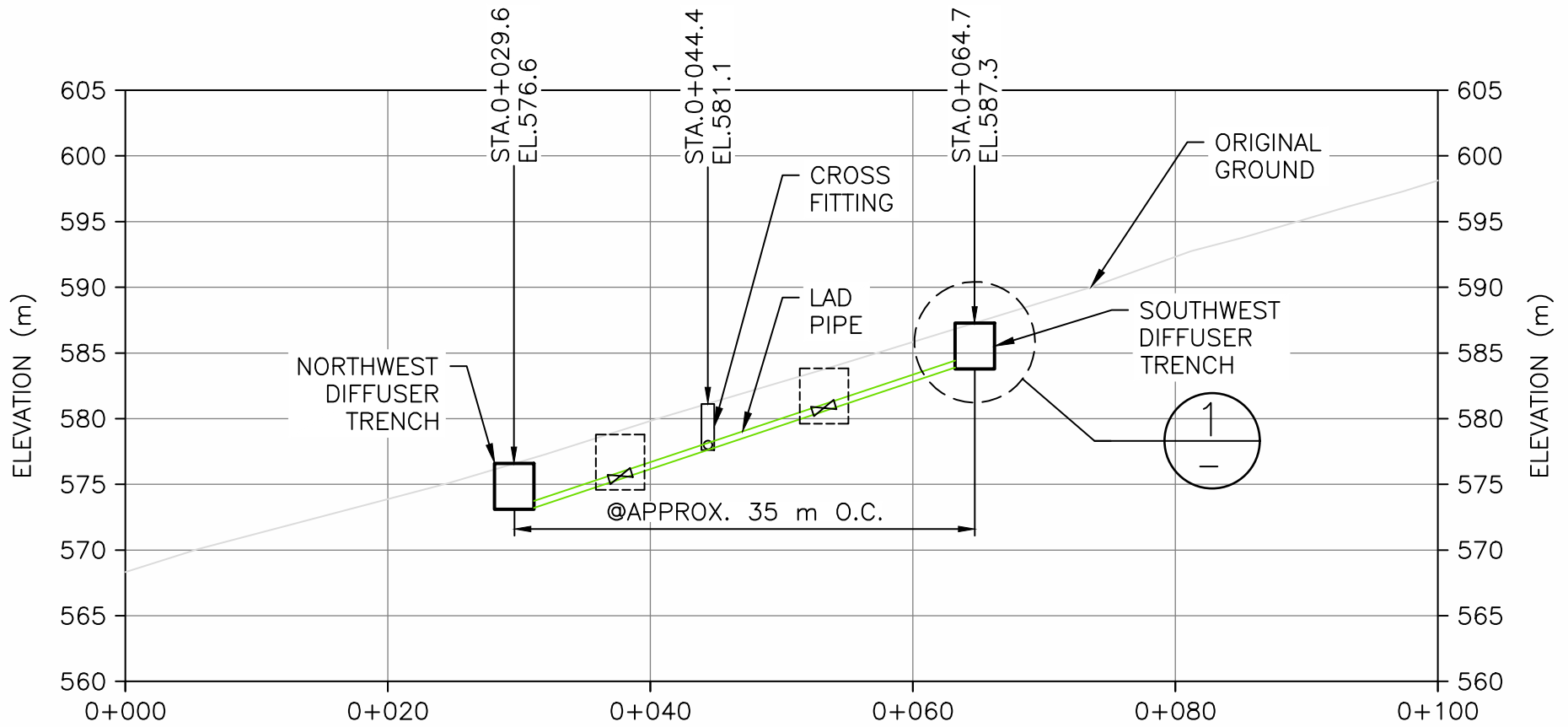
LAD REVISED PLAN
SCALE A

Palmer Project - Land Application Disposal System Project
 USACE Nationwide Permit Preconstruction Notification
 Plan View - LAD Diffuser with Notes

- NOTES**
1. ALL DIMENSION ARE IN METERS UNLESS OTHERWISE NOTED.
 2. LAD PIPE ALIGNMENT MAY BE FIELD FIT PROVIDED THE CRITERIA SPECIFIED IN KCB'S REPORT 'LAD IFC DESIGN REPORT' ARE MET.
 3. BASE TOPOGRAPHIC DATA BASED ON LIDAR PROVIDED BY CONSTANTINE MINING LLC, RECEIVED JULY 2021. CONTOUR INTERVAL IS 10 m.
 4. PROJECTION IS NAD 83 UTM ZONE 8.
 5. CLEAN GRAVEL MATERIAL SHALL CONSIST OF HARD AND DURABLE FREE-DRAINING FINE GRAVELS WITH 12.5 MM MAXIMUM PARTICLE SIZE AND A MAXIMUM OF 5 PERCENT PASSING THE NO. 200 ASTM SIEVE SIZE (0.075-MM).
 6. GEOTEXTILE SHALL BE TERRAFIX 1200R NON-WOVEN GEOTEXTILE OR AN APPROVED EQUIVALENT.
 7. EXCAVATIONS TO BE RESTRICTED TO STATE LAND.

- LEGEND**
- ISOLATION/FLOW CONTROL VALVE
 - LAD WEST DIFFUSER
 - LAD EAST DIFFUSER
 - LAD PIPE
 - ROAD
 - CREEK
 - MINOR CONTOUR
 - MAJOR CONTOUR
 - PROPERTY BOUNDARY
 - STANDPIPE PIEZOMETER

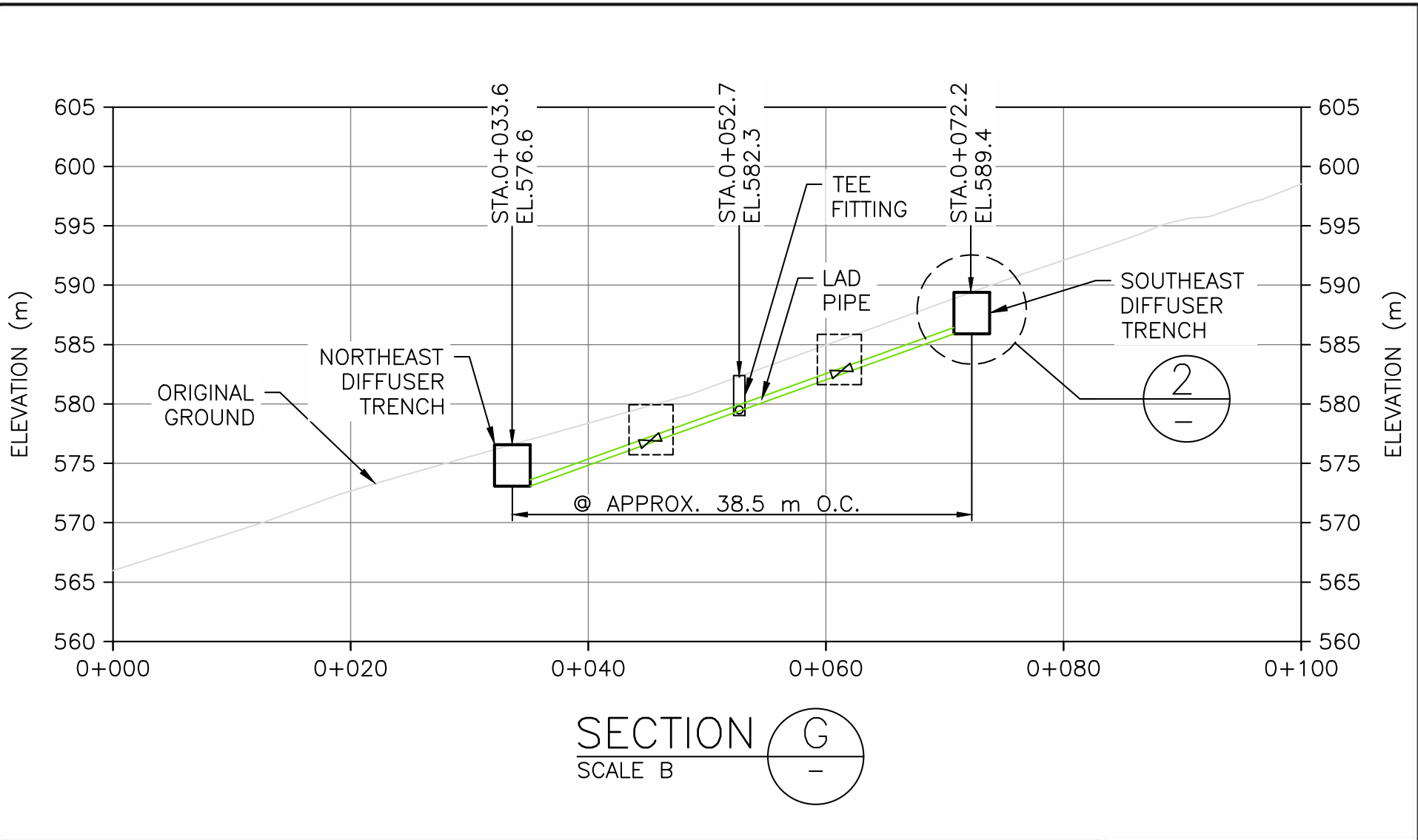
APPLICANT: Constantine Mining LLC
 PERMIT NO:
 WATERWAY: Glacier Creek
 LOCATION: SEC 5-6, T29S, R54E, Copper River Meridian
 SHEET 10 OF 13
 DATE: July 01, 2022



SECTION F
SCALE B

Palmer Project - Land Application Disposal System Project
 USACE Nationwide Permit Preconstruction Notification
 Cross Section - Northwest and Southwest LAD Diffuser Trenches

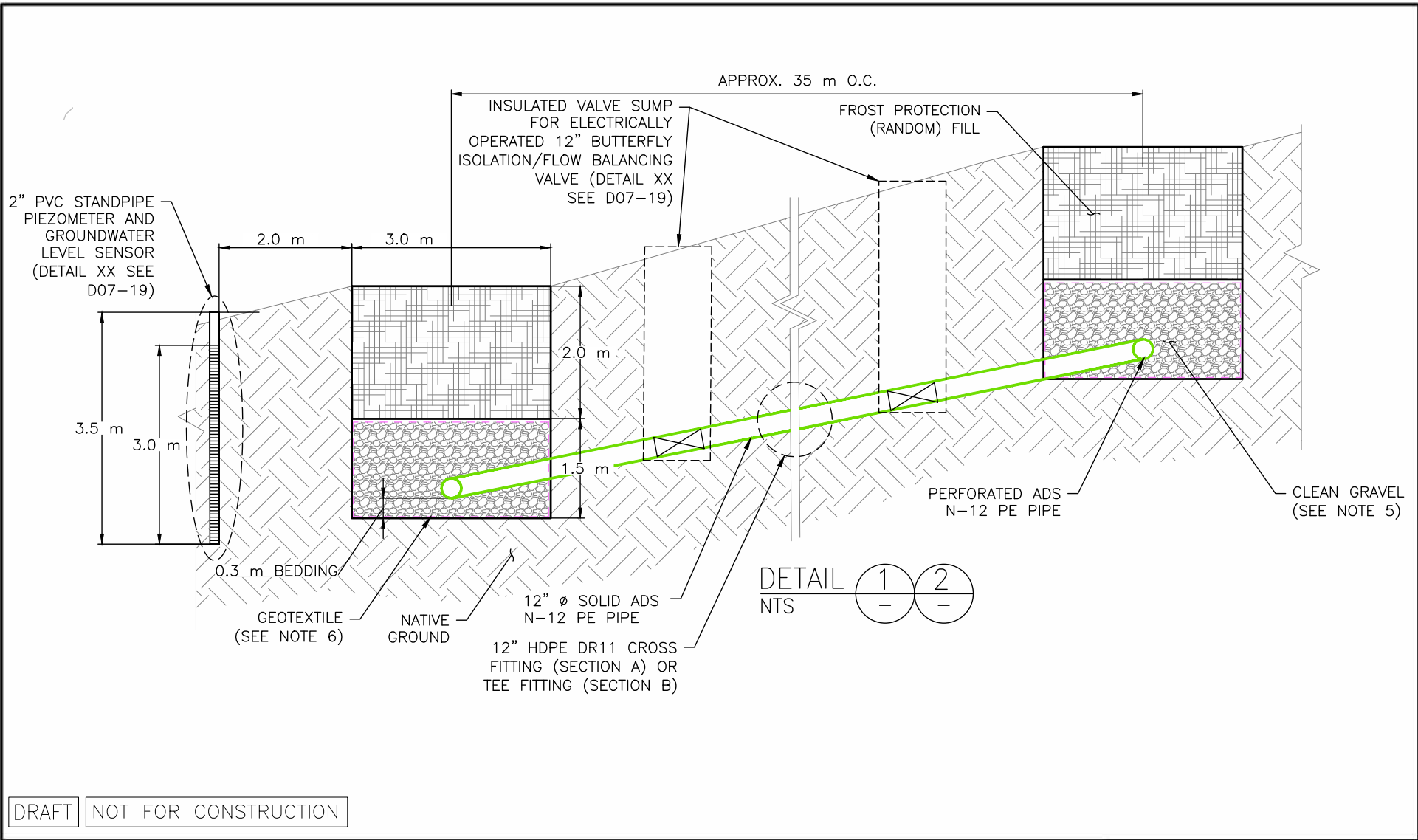
APPLICANT: Constantine Mining LLC
 PERMIT NO:
 WATERWAY: Glacier Creek
 LOCATION: SEC 5-6, T29S, R54E, Copper River Meridian
 SHEET 11 OF 13
 DATE: July 01, 2022



SECTION G
SCALE B

Palmer Project - Land Application Disposal System Project
 USACE Nationwide Permit Preconstruction Notification
 Cross Section - Northeast and Southeast LAD Diffuser Trenches

APPLICANT: Constantine Mining LLC
 PERMIT NO:
 WATERWAY: Glacier Creek
 LOCATION: SEC 5-6, T29S, R54E, Copper River Meridian
 SHEET 12 OF 13
 DATE: July 01, 2022



Palmer Project - Land Application Disposal System Project

USACE Nationwide Permit Preconstruction Notification

Cross Section - LAD Diffuser Trenches Detail

- NOTES**
1. ALL DIMENSION ARE IN METERS UNLESS OTHERWISE NOTED.
 2. LAD PIPE ALIGNMENT MAY BE FIELD FIT PROVIDED THE CRITERIA SPECIFIED IN KCB'S REPORT 'LAD IFC DESIGN REPORT' ARE MET.
 3. BASE TOPOGRAPHIC DATA BASED ON LIDAR PROVIDED BY CONSTANTINE MINING LLC, RECEIVED JULY 2021. CONTOUR INTERVAL IS 10 m.
 4. PROJECTION IS NAD 83 UTM ZONE 8.
 5. CLEAN GRAVEL MATERIAL SHALL CONSIST OF HARD AND DURABLE FREE-DRAINING FINE GRAVELS WITH 12.5 MM MAXIMUM PARTICLE SIZE AND A MAXIMUM OF 5 PERCENT PASSING THE NO. 200 ASTM SIEVE SIZE (0.075-MM).
 6. GEOTEXTILE SHALL BE TERRAFIX 1200R NON-WOVEN GEOTEXTILE OR AN APPROVED EQUIVALENT.
 7. EXCAVATIONS TO BE RESTRICTED TO STATE LAND.
- LEGEND**
- LAD PIPE
 - ROAD
 - ▨ RIPRAP
 - ▨ BACKFILL

APPLICANT: Constantine Mining LLC

PERMIT NO:

WATERWAY: Glacier Creek

LOCATION: SEC 5-6, T29S, R54E, Copper River Meridian

SHEET 13 OF 13

DATE: July 01, 2022