

DECISION MEMO
2018 APEX EL NIDO SURFACE EXPLORATION PROJECT
U.S. FOREST SERVICE
TONGASS NATIONAL FOREST
HOONAH RANGER DISTRICT

BACKGROUND

Millrock Exploration originally proposed surface exploration activities at their Apex El Nido claims in 2016. The Forest Service reviewed their 2016 Plan of Operations and issued a Decision Memo approving the proposed activities with additional mitigations. However, exploration never occurred in 2016 or 2017. Millrock Exploration requests the Forest Service review and approve their 2016 Plan of Operations for use in 2018. Upon review, Forest Service specialists have determined that their 2016 resource analyses are valid for 2018.

DECISION

It is my decision to authorize the 2018 Apex El Nido Surface Exploration Project as proposed in Millrock Exploration's 2016 submittal. Approved activities include helicopter-supported diamond core drilling. Millrock Exploration owns or has interest in claims within Sections 13 & 22-27, Township 45S, Range 56E, Copper River Meridian. The project area is located in the SW ¼ of Section 23, located in the Cann Creek Drainage. All of the approved activities are in Chichagof Inventoried Roadless Area #311. Exploration drilling is an essential activity that defines the extent of available mineral resources. The public's right to explore and develop locatable minerals, including right of access, is granted through the 1872 Mining Law.

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as Short-term (1 year or less) mineral, energy, or geophysical investigation and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than 1 mile of low standard road, or use and minor repair of existing roads (36 CFR 220.6(e)(8)).

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – No Federally listed threatened or endangered species will be affected by this activity.
- Flood plains, wetlands, or municipal watersheds – This activity will not impact the functional value of any floodplain, as defined by Executive Order 11988, and will not have negative impacts on wetlands as defined by Executive Order 11990. No municipal watersheds will be impacted by this activity.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – None are present.
- Inventoried Roadless Areas or potential wilderness areas – The proposed drilling sites are

located within the Chichagof Inventoried Roadless Area (#311); however, no trees will be cut during this project.

- Research natural areas – None are present.
- American Indians and Alaska Native religious or cultural sites – None are present.
- Archaeological sites, or historic properties or areas – Alaska Heritage Resource Survey (AHRS) indicated two sites in the immediate vicinity of the proposed actions. However, all proposed drill pads are outside the boundaries of these sites. Therefore, a determination of “no historic properties affected” has been made. See Mitigations section below for more information.

PUBLIC INVOLVEMENT

This action was listed as a proposal on the Tongass National Forest Schedule of Proposed Actions (SOPA) and updated periodically during the analysis. A letter dated June 2, 2016, was sent to native groups, agencies, other groups, and individuals that might have an interest in the project. The letter was sent via U.S. Mail and an electronic delivery system called GovDelivery (Granicus), which allows the public to sign up for notifications for projects they may be interested in. In total, the letter was delivered to over 300 recipients. The State of Alaska was the only respondent. The Alaska Department of Fish and Game stated that a fish habitat permit is not required.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

2016 Tongass Land and Resource Management Plan

This decision is consistent with the Forest Plan. The project is located within an area identified in the Forest Plan as having a Land Use Designation (LUD) of Semi-Remote Recreation. Direction for management of this area is to permit reasonable access to mining claims in accordance with the provisions of an approved Plan of Operations in accordance with National Forest Mining Regulations 36 CFR 228 and FSM 2800 and to assure prospectors and claimants their rights under the General Mining Law of 1872.

ANILCA Sections 810 & 811, Subsistence Evaluation and Findings

The effects of this project have been evaluated to determine potential effects on subsistence opportunities and resources. Wildlife analysis area 3419 is one of three areas that have made up 75% of deer harvested by residents of Pelican. However, based on the MIS analysis for deer, no significant change in deer distribution or abundance is expected to result from implementing this project. Access to the project area will remain unchanged. The proposed project would not result in a significant possibility of a restriction of subsistence use of wildlife, fish, or other foods. The proposed action would not result in a significant change or restriction of access to subsistence resources.

Clean Water Act of 1977 (as amended)

Project activities meet all applicable State of Alaska Water Quality Standards. Congress intended the Clean Water Act of 1972 (Public Law 92-500) as amended in 1977 (Public Law 95-217) and 1987 (Public Law 100-4) to protect and improve the quality of water resources and maintain their beneficial uses. Section 313 of the Clean Water Act and Executive Order 12088 of January 23, 1987 addresses federal agency compliance and consistency with water pollution control mandates. Agencies must be consistent with requirements that apply to “any governmental entity” or private person.

Sections 208 and 319 recognized the need for control strategies for nonpoint source pollution caused by activities such as surface exploration. Best Management Practices (BMPs) are recognized as the primary control mechanisms for nonpoint source pollution on National Forest System lands. The site-specific application of BMPs, with a monitoring and feedback mechanism, is the approved strategy for controlling nonpoint source pollution in Alaska's Nonpoint Source Pollution Control Strategy (2013). BMP implementation, monitoring, and the feedback mechanism are described in an agreement on cooperative water quality management signed by the Alaska Department of Environmental Conservation and the Alaska Region Forest Service in 1992.

Forest Service BMPs (2012) are incorporated by reference into the Forest Plan and this project. BMPs applicable to this project are described as design features in the Apex El Nido Exploration Project Plan of Operations and in the Mitigations section of this Decision Memo.

Recreational Fisheries (E.O. 12962)

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, I have evaluated the effects of this action on aquatic systems and recreational fisheries and documented those effects relative to the purpose of this order. Since there are no effects to fisheries resources within the project area, there will be no direct, indirect or cumulative impacts related to this Order.

Environmental Justice (E.O. 12898)

I have determined that, in accordance with Executive Order 12898, this project does not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

Invasive Species (E.O. 13112)

Executive Order 13112 directs Federal agencies to identify actions that may affect the status of invasive species; prevent the introduction of invasive species; detect and respond rapidly to and control populations of such species; monitor invasive species populations; and to provide for restoration of native species and habitat conditions in ecosystems that have been invaded. Actions to be taken include planning at the local, tribal, and state level for species that are likely to cause economic or environmental harm, or, regional, and ecosystem levels, in cooperation with stakeholders and organizations addressing invasive species. Agencies are not to fund or authorize actions that the agency believes are likely to cause or promote the introduction or spread of invasive species, unless the benefits of the action outweigh the potential harm caused by the species.

An invasive plant risk assessment has been completed for this project. Findings and recommended mitigation measures are incorporated into project design and decision. Refer to Invasive Plant Risk Assessment for more information on mitigation measures addressing the management of invasive plants.

Magnuson-Stevens Fishery Conservation and Management Act

The proposal would not impact fish habitat as a result of best management practices and no effects would be transported to the marine environment during activities associated with this project. Thus, there would be negligible effects on freshwater or marine Essential Fish Habitat (EFH).

MITIGATIONS

In addition to the design features stated in the Apex El Nido Surface Exploration Project Plan of Operations, the following requirements are included in this decision:

- Construct no roads.
- Fell no trees.
- An agreed upon reclamation bond must be paid in full before surface exploration activities may commence.
- Proponent will comply with the requirements of the State of Alaska.
- Wash and inspect tools and drilling equipment prior to transporting from the staging area (or other areas potentially infested by invasive plants) to the drilling sites. Inspect and clean boot treads and clothing of all soil or plant seeds and other plant parts.
- Revegetate disturbed ground if prompt natural regeneration is not expected. Use local native vegetation when available, or an approved weed-free seed mix. See current Tongass National Forest revegetation guidelines for detailed procedures and appropriate mixes.
- Use natural fiber matting (e.g. coconut) for erosion control as an alternative to straw bales
- When feasible, inspect areas where gravel or other materials have been imported for 2-3 years afterwards to ensure no invasive plants are present.
- To avoid erosion and discharge impacts to streams, all activities (including drilling, helicopter landings, hand dug sumps, and any overland travel) should be kept at least 50 meters (164 feet) from flowing water.
- Implement best management practices to mitigate erosion caused by project activities. Maintain all erosion and sediment controls throughout the project to ensure they are working properly.
- Fuel should be stored in secondary containment at least 100 meters (328 feet) from water. Only minimal amounts of fuel should be stored on site. Water pumps should be in secondary containment. When reasonable, refuel water pumps away from streams.
- During any transfer of fuel, an adequately sized spill kit must be present and staff should know how to use it. Conduct refueling and servicing well away from water bodies. Use extreme caution when transferring fuel.
- Conduct significant maintenance on equipment at a properly controlled, offsite facility.
- Reclaim all drill holes concurrently with exploration in accordance with the Hardrock Exploration permit, which Alaska Department of Natural Resources issues. Construct no more than two drill pads at any given time.
- Cease surface activities and complete all reclamation before the ground is no longer able to absorb discharge due to being frozen or saturated.
- If any previously undiscovered endangered, threatened, candidate or sensitive species, key habitats for any Management Indicator Species (MIS), or other species identified in this document are encountered at any point in time prior to or during the implementation of this project, a Forest Service biologist must be consulted and appropriate measures must be enacted.
- Pump intake hoses must include 1/8 inch screens on their ends to prevent mortality of young fish.

- In situations when stream levels are extremely low and it is difficult to maintain sufficient intake flows, suspended work or utilize another water source until flows increase to minimize potential dewatering impacts to fish downstream.
- To minimize disturbance to marine mammals and nesting birds, maintain flight paths at least 1000 ft. above ground level. If a nest becomes apparent during work, avoid flying within 1000 ft. vertically and horizontally of it. The staging area in Pelican should also be at least 1000 ft. from any raptor nest.
- If feasible, eliminate the two lower water sources in Cann Creek from consideration due to being located within Alaska Heritage Resources Survey (AHRS) site SIT 020. If not feasible, the Forest Service requests additional information regarding exact placement of the pump and associated infrastructure, as well as photographs for review before their use is authorized.
- Proponent should avoid known historic properties, including all "relics" and features associated with former mining, report any new ones they may find, and leave all undisturbed.

IMPLEMENTATION DATE

This action falls within a category of actions that are not subject to appeal. Implementation of this decision may occur immediately.

CONTACT

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1/17/18

01/16/2018

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