

## ALASKA DEPARTMENT OF NATURAL RESOURCES

### Water Resources Section

TO: Michael Walton, NRM II

DATE: September 24, 2019

FROM: Jenny March, NRS II

FILE NUMBER: TWUA F2019-082  
APMA A6118 - Pebble Limited Partnership

The subject request for amendment of a Temporary Water Use Authorization (TWUA) case file has been reviewed for accuracy and conformance with statutes and regulations. The following comments, recommendations, or corrections are presented.

#### **Check for duplicate water use authorization:**

There are no existing water rights or other active TWUAs for the water sources requested under the TWUA F2019-082 amendment request.

#### **Agency Notice:**

- Amendment Agency notice dated: September 3, 2019. Deadline for comments: September 18, 2019.
- Courtesy notice emailed September 3, 2019 to Trustees for Alaska and to Trout Unlimited: No comment.
- ADF&G Habitat: No comment.
- Alaska Department of Environmental Conservation: AKG003039 general permit tracking number, Excavation Dewatering Permit AKG003041.
- DNR-Mining: MLUP for APMA A6118 was issued 3/29/2019; expires 12/31/2023.

#### **Project Description:**

Applicant has requested an amendment to TWUA F2019-082 to extend the season of use through November 30 (for each authorized year). Water will be used in support of hydrogeologic site investigation activities associated with the APMA A20196118 / MLUP # 6118 Pebble Limited Partnership as described in the TWUA F2019-082 application. Water will be used in support of Pebble Project pump test activities to continue characterizing site hydrogeologic conditions. The applicant proposes to withdraw water from a total of three geotechnical drill hole (groundwater) sources: identified as proposed pump test wells PW19-A and PW19-B, and an existing pump test well GH18-406S. The water withdrawal amounts requested on the TWUA F2019-082 application equate to a combined seasonal total of 14.23 acre-feet per year at a maximum withdrawal rate of 100 gallons per minute per well for wells PW19-A and PW19-B, and 30 gallons per minute for well GH18-406S. Pump test wells PW19-A and PW19-B will be drilled and developed in 2019. Pump test well GH18-406S was drilled in 2018. Pump test activities begin with a step-discharge pump test, which may be repeated multiple times, and then followed by a constant-discharge pump test requiring 24-hour continuous pumping (at the maximum sustainable rate observed during the step-discharge pump test phase) lasting up to 7 consecutive days per test. All water produced during the pump testing activity will be discharged to upland

areas, which discharge areas will be monitored by the authorization holder's site staff during active pump testing.

**Daily Duration and Months of Use:**

Water use activities will be conducted up to 24 hours per day within the May 1 through November 30 season of each authorized year (or as otherwise limited by the maximum authorized gallons/acre-feet per day and gallons/acre-feet per season).

**Proposed use of water being evaluated (after any necessary corrections to the water use described in the project application) for authorization:**

- Groundwater Pump Test Wells: A combined maximum withdrawal of 1.02 acre-feet per day (from all three source wells combined) at an approximate maximum withdrawal rate of 100 gallons per minute (gpm) from each of source wells PW19-A and PW19-B (utilizing two simultaneously operating 50-gpm rated pumps per well), and an approximate maximum withdrawal rate of 30 gallons per minute from source well GH18-406S, but subject to a combined seasonal limit of 14.23 acre-feet of water from all three source wells combined. Water withdrawal will simultaneously occur from source wells PW19-A and PW19-B, with the potential for simultaneous pumping from all three source wells.

**Effect on fish and game:**

No effect on fish and game is anticipated for this project, as the water withdrawals will be from three subsurface wells (with depths that will range from approximately 150 feet to approximately 500 to 550 feet below ground surface) and the discharge of pumped water will be land-based application (to upland areas) and is not into surface water bodies. When a fish habitat permit is required for a project, any ADF&G Habitat approval of the proposed use of water is subject to the project description and any listed stipulation(s) on said fish habitat permit. Any known issued or intended to be issued Fish Habitat Permits are listed above. When ADF&G Habitat issues a fish habitat permit for a proposed use of water, it represents that ADF&G Habitat is satisfied that the proposed water removal equipment to be used and the withdrawal of water will be protective of fish and still leave enough water flow and/or water level in the requested water source to provide for fish, fish habitat, and/or fish passage.

The conditions on an issued TWUA authorization are designed to minimize near-term, long-term and cumulative impacts to the environment. Pursuant to AS 46.15.155(d), both ADF&G-Habitat Division and Alaska Department of Environmental Conservation (ADEC) were notified about this TWUA F2019-082 amendment request. If either ADF&G or ADEC had concerns about near-term, long-term, or cumulative impacts to the environment attributable to the withdrawal, transport, use or discharge of the pumped water, they would have commented with those concerns. This case file does not contain any actual proof of likely to be harmful near-term or long-term impacts or documented harmful cumulative impacts to the environment attributable to the requested or previous water withdrawal activities associated with this project.

**Prior Appropriators and Nearby Temporary Water Use:**

A search of the Department of Natural Resource’s readily available databases was conducted to determine the presence of TWUAs, Permits to Appropriate Water and/or Certificates of Appropriation. A section scale search for Case Category 8 (water) was conducted within Section 11 of Township 3 South, Range 36 West, Seward Meridian and Section 22 of Township 3 South, Range 35 West, Seward Meridian. That search revealed no active TWUAs, Permits to Appropriate Water or Certificates of Appropriation for any subsurface water sources. The search within Section 11, T3S, R36W, SM revealed three applications for instream reservation of water applied for by Curyong Tribal Council: LAS 27174, LAS 27175 and LAS 27176, all for different reaches of the North Fork of the Koptuli River. Given the depth of the pump test wells described in the TWUA F2019-082 application and the daily and seasonal maximum water withdrawal quantities for each well described in that application, no impacts are expected to any streams in the area around the pump test wells, including streams for which there is an applied for or granted reservation of water.

It has been determined that issuing an amended temporary water use authorization for the TWUA F2019-082 amendment request will not unduly impact any prior appropriators (including instream flow reservations) or applications for water rights or instream flow/lake level reservations in the area that require further consideration on account of such use.

No water right or priority is established by a temporary water use authorization. The Department may suspend operations authorized under an issued temporary water use authorization whenever such suspension shall in its judgment be necessary to protect the public interest or that of a prior appropriator. Authorization as to one or more of the requested sources could be amended, modified or revoked as necessary (without revoking the entire temporary water use authorization that the source(s) were authorized under) to supply water to lawful appropriators of record or to protect the public interest, or the entire temporary water use authorization could be revoked.

**Proposed means of construction:**

Adequate. The means of construction has not been modified with this amendment request.

**Effect upon access to navigable or public water:**

No foreseeable effects upon access to navigable or public water ways.

It is interpreted that the proposed use of water is in the public interest. The file contains no evidence of a likelihood of harm to the public interest. Furthermore, it is inferred that the applicant has the intent and ability to complete the project.

**Recommendation: Issue Amended Temporary Water Use Authorization.**

Concurrence                      [ ] Other: \_\_\_\_\_

Michael Walton  
Signature

October 1, 2019  
Date

Michael Walton, Natural Resource Manager II  
Name/Title

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d), and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; faxed to 907-269-8918, or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31<sup>st</sup> calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources. Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a) and (b).