



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

## Department of Natural Resources

DIVISION OF MINING, LAND, & WATER  
Water Resources Section  
Northern Office

3700 Airport Way  
Fairbanks, AK 99709-4699  
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### TEMPORARY WATER USE AUTHORIZATION TWUA F2019-080

**ISSUED:** June 14, 2019  
**EXPIRES:** December 31, 2023

Teck American Incorporated  
501 N. Riverpoint Blvd. Suite 300  
Spokane, WA 99202

Dear Environmental Management,

**Re:** Water Withdrawal –Exploration Operation- APMA F9339/ TWUA F2019-080

The Alaska Department of Natural Resources (ADNR) Water Resources Section, has completed the review of your above referenced APMA and/or Application for Temporary Use of Water (TWUA) to withdraw, divert, impound, and/or use water in support of mining activities as detailed in the applicable sections of the APMA submitted to the ADNR Mining Section or in the TWUA Application submitted to the ADNR Water Resources Section. Pursuant to AS 46.15 (Alaska Water Use Act), and 11 AAC 93.210 and 220 (Temporary water use/Procedure for temporary water use) as amended and the rules and regulations promulgated thereunder, permission is hereby granted to Teck American Incorporated, 501 N. Riverpoint Blvd. Suite 300, Spokane, WA 99202 (hereinafter authorization holder), and to the authorization holder's contractor(s) to conduct water use activities as described herein and on any attachment hereto.

**Please note all of the conditions on this authorization. If changes to this project are proposed during its siting, construction, or operation, please contact this office to determine if further review is necessary.**

#### Project Description

Water will be used in support of exploration activities associated with the multi-year APMA F9339 Noatak District Exploration Project.

### **Daily Duration and Months of Use**

Water use activities will be conducted up to 24 hours per day (or as otherwise limited by the maximum authorized gallons per day) May 15th through October 31st of each authorized year (2019-2023).

### **Quantity of Water to Be Used**

- Exploration Activities:** A maximum withdrawal of 28,800 gpd at a maximum pump withdrawal rate of 20 gpm (0.04 cfs) for up to 24 hours per day for no more than 170 days per season from each of twelve streams (withdrawal from up to 5 of the stream sources at one time) between TWUAs F2019-079, -080, and -081.

### **Legal Description of the Point of Water Withdrawal, Impoundment or Diversion (Sources)**

1. An unnamed stream (A) within SW1/4 Section 3, Township 32 North, Range 19 West, Kateel River Meridian.
2. An unnamed stream (B) within SE1/4 Section 5, Township 32 North, Range 19 West, Kateel River Meridian.
3. An unnamed stream (C) flowing from SE1/4 Section 6 to SW1/4 Section 5, Township 32 North, Range 19 West, Kateel River Meridian.

### **Conditions of temporary water use authorization.**

1. This authorization does not authorize the authorization holder or contractor(s) to enter upon any lands until proper rights-of-way, easements, or permission documents from the appropriate landowner have been obtained.
2. Follow acceptable engineering standards in exercising the privilege granted herein.
3. Comply with all applicable laws, and any rules and/or regulations issued thereunder.
4. Except for claims or losses arising from negligence of the State, defend and indemnify the State, the State's agents, and the State's employees against and hold each of them harmless from any and all claims, demands, suits, loss, liability and expense, including attorney fees, for injury to or death of persons and damages to or loss of property arising out of or connected with the exercise of the privileges covered by this authorization.
5. Notify the Water Resources Section upon change of address.

6. The authorization holder is responsible for obtaining, maintaining, and complying with other permits/approvals (state, federal, or local) that may be required prior to beginning water withdrawal, diversion, impoundment and/or use, including but not limited to fish habitat permit(s) from the Alaska Department of Fish and Game (ADF&G), Habitat Division.
7. The authorization holder shall allow an authorized representative of the Water Resources Section to inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under this authorization.
8. Failure to respond to a request for additional information during the term of the authorization may result in the termination of this authorization.
9. This authorization, or a copy thereof, shall be kept at the site of the authorized project described herein. The authorization holder is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project, and shall ensure that workers are familiar with the requirements and conditions of this authorization. For any activity that significantly deviates from the approved project during its siting, construction, or operation, the authorization holder is required to contact the Water Resources Section and obtain approval before beginning the activity.
10. The Water Resources Section may modify this authorization to include different limitations, expand monitoring requirements, evaluate impacts, or require restoration at the site.
11. Any false statements or representations, in any application, record, report, plan, or other document filed or required to be maintained under this authorization, may result in the termination of this authorization.
12. Pursuant to 11 AAC 93.220 (f), this authorization may be suspended or terminated by the Department of Natural Resources to protect the water rights of other persons or the public interest.
13. Except as otherwise specifically noted herein or by attachment hereto, only one authorized pump may be operated at a time from the same authorized source of water.
14. No damming or diversion of waters is permitted unless specifically authorized by the Alaska Department of Natural Resources and the Alaska Department of Fish and Game.
15. Adequate flow and water levels, as determined by the Alaska Department of Fish and Game, Habitat Division, must remain to support indigenous aquatic life and provide for the efficient passage and movement of fish if any are present. Except as

otherwise specifically noted herein or by attachment hereto, issuance of this authorization does not give the authorization holder the right to block or dam a water course. Any water intake structures in fish bearing waters, including a screened enclosure, well-point, sump, or infiltration gallery, must be designed, operated, and maintained to prevent fish entrapment, entrainment, or injury at the maximum withdrawal rate, unless specifically exempted by the Alaska Department of Fish and Game, Habitat Division. Inspect the intake screen for damage (torn screen, crushed screen, screen separated from intake ends, etc.) after each use and prior to each deployment. Any damage must be repaired prior to use of the structure. The structure must always conform to the original design specifications while in use. The suction hose at the water source take point must be clean and free from contamination.

16. Except as otherwise authorized or required herein, in-water activity to facilitate water withdrawal shall be limited to placement and removal of the intake structure only. No other in-water activities will occur to facilitate water withdrawal pursuant to this authorization. There shall be no wheeled, tracked, excavating, or other machinery or equipment (with the exception of the non-motorized screened intake box) operated below the ordinary high water line to facilitate water withdrawal pursuant to this authorization. Except as otherwise authorized herein, water sources shall not be altered to facilitate water withdrawal or disturbed in any way. If banks, shores, or beds are inadvertently disturbed, excavated, compacted, or filled, they shall be immediately stabilized to prevent erosion and sedimentation of the water source. Any disturbed areas shall be recontoured and revegetated with native vegetation.
17. Any discharge shall comply with the Alaska Water Quality Standards (18 AAC 70). This may require the installation and maintenance of settling ponds or similar systems to reduce turbidity and settleable solids in the discharges. Water discharge (including runoff) shall not be discharged at a rate or location resulting in sedimentation, erosion, or other disruptions to the bed or banks of water bodies, causing water quality degradation.
18. Pumping operations shall be conducted in such a way as to prevent any petroleum products or hazardous substances from contaminating surface or ground water. Pumps shall not be fueled or serviced within 100 feet of a pond, lake, or stream unless the pumps are situated within a catch basin designed to contain any spills. Absorbent pads shall be readily available at the water withdrawal sites. Hazardous and non-hazardous spills must be reported to the Alaska Department of Environmental Conservation at 1-800-478-9300 per their Notification Requirements and to the Alaska Department of Natural Resources.
19. The placement of mining and pumping equipment shall not unnecessarily hinder public access, if any, to the above-described sources.
20. Per 11 AAC 05.260(e), an annual administrative service fee shall be assessed on this authorization.

This Temporary Water Use Authorization is issued pursuant to 11 AAC 93.220. No water right or priority is established by a temporary water use authorization issued pursuant to 11 AAC 93.220. Water so used is subject to appropriation by others.

Pursuant to 11 AAC 93.210 (b), an authorized temporary water use authorization is subject to amendment, modification, or revocation by the Department of Natural Resources if the Department of Natural Resources determines that an amendment, modification, or revocation is necessary to supply water to lawful appropriators of record or to protect the public interest.

Any questions or concerns about this temporary water use authorization may be directed to the preparer of this authorization, Natural Resource Specialist, Jenny March at 907-451-2793 or by email at [jenny.march@alaska.gov](mailto:jenny.march@alaska.gov).

Approved: 

Michael Walton, Natural Resource Manager II

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).

## ALASKA DEPARTMENT OF NATURAL RESOURCES

### Water Resources Section

TO: Mike Walton, NRM

DATE: May 14, 2019

FROM: Jenny March, NRS II

FILE NUMBER: TWUA F2019-79, -080, -081  
Teck American – Noatak District Exploration Project

The subject Temporary Water Use Authorization case files have been reviewed for accuracy and conformance with statutes and regulations. The following comments, recommendations, or corrections are presented.

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

Teck American doesn't have existing water rights or temporary water use authorizations for the water sources requested under the TWUA F2019-079, -080, and -081 applications.

#### **Agency Notice:**

- Agency notice dated: April 19, 2019.
- Deadline for comments: May 6, 2019.
- ADF&G Habitat: FH12-III-0091-A4 and FH19-III-0102 expire 12/31/2024.
- Alaska Department of Environmental Conservation: No Comment.
- DNR-Mining: No comment.

#### **Project Description**

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#### **Quantity of Water to Be Used**

- Exploration Activities: A maximum withdrawal of 28,800 gpd at a maximum pump withdrawal rate of 20 gpm (0.04 cfs) for up to 24 hours per day for no more than 170 days per season from each of twelve streams (withdrawal from up to 5 stream sources at one time) between TWUAs F2019-079, -080, and -081.

#### **Effect on fish and game:**

No effect on fish and game is anticipated for this project due to the de minimus 20-gpm (0.04 cfs) pump rate used for water withdrawal per stream source. 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 issued Fish Habitat permits are listed above. When ADF&G Habitat issues a fish habitat permit for a proposed use TWUA F2019-079, -080, and -081, Review and Determination

of water, it represents that ADF&G Habitat is satisfied that the proposed use of water will 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 these applications. 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 land information search for Case Category 8 (water) within Sections 19 and 30, Township 32 North, Range 18 West, Kateel River Meridian; Sections 3, 5, 6, 11, 24, and 25, Township 32 North, Range 19 West, Kateel River Meridian; and Sections 22, 32, and 33, Township 32 North, Range 20 West, Kateel River Meridian did not reveal any active temporary water use authorization(s) or active surface water rights for the water source reaches requested for this project.

There are currently two issued TWUAs for this project (TWUA F2015-037 and TWUA F2017-055) for which amendments are being requested. The issued TWUAs for this project are not from the same water source reaches that are being requested for the TWUA F2019-079, -080, and -081 exploration drilling activities. Therefore, it has been determined that issuing temporary water use authorizations for the TWUA F2019-079, -080, and -081 applications 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) 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. A site plan was included with the application packet.

**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. This 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 a Temporary Water Use Authorization for all three applications.**

Concurrence                       Other: \_\_\_\_\_

Michael Walton  
Signature

June 14, 2019  
Date

Michael Walton, Natural Resource Manager II  
Title

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