YUKUSKOKON PROFESSIONAL SERVICES, LLC.

P.O. Box 870507, Wasilla, AK 99687 U.S.A PH: 907-373-4000, Fax: 907-373-4010

May 4, 2021
BY E-MAIL
(james.rypkema@alaska.gov)

Jim Rypkema
Program Manager, Storm Water & Wetlands
Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program Division of Water
555 Cordova Street
Anchorage, AK 99501

Re: **APMA 2875**, (Corps. POA 2018-00123)- Request for CWA §401 Water Quality Certification

Dear Mr. Rypkema,

IPOP LLC hereby submits a final request for CWA §401 water quality certification for the proposed Bonanza Channel Placer Project activities described in detail in the attached "Narrative and Plan of Operations for the Bonanza Channel Placer Project, Nome, Alaska" and subsequent amendment in the attached "Bonanza Channel Case Study Amendment".

This letter transmits all information required for a complete request in three parts: The application, a response to question on Tier Analysis Section III, and a complete exhibit package for the project which includes most recent documentation submitted for the project. Due to the large size of the exhibit package, it is available via the following link: https://www.dropbox.com/s/v3g11mnavfid2qn/401%20Certification%20Exhibits%20050421_Final.pdf?dl=0

Thank you in advance for your assistance. Should you require additional information you may contact William Burnett at 907-373-4000 or billburnett@yukuskokon.com.

Sincerely,

Digitally signed by William J. Burnett
Date: 2021.05.04 16:06:20 -08'00'

William Burnett

President, Yukuskokon Professional Services

YUKUSKOKON PROFESSIONAL SERVICES, LLC.

P.O. Box 870507, Wasilla, AK 99687 U.S.A PH: 907-373-4000, Fax: 907-373-4010

Enclosures:

1) Request for CW §401 Water Quality Certification Form
2) Tier III Analysis Response to Question
3) 401 Certification Exhibits via link: https://www.dropbox.com/s/v3g11mnavfid2qn/401%20Certification%20Exhibits%20050421_Final.pdf?dl=0

Cc: Allan Nakanishi
Tiffany Kwakwa
David Charron
Beau Epstein

Request for CWA §401 Water Quality Certification

Alaska Department of Environmental Conservation
Division of Water – Wastewater Discharge Authorization Program
555 Cordova Street, Anchorage AK 99501
email: dec-401Cert@alaska.gov Phone: 907-269-6285

I. Identify the applicable federal license or permit*

Permit License Number: POA-2018-00123 Federal Agency: ☑ USACE, ☐ FERC, or ☐ Other: _____

*A copy of the federal permit or license application is required to be submitted with the request for the water quality certification. (18 AAC 15.130, 18 AAC 15.180)

II. Project Proponent and Point of Contact

Applicant Information

Beau (First) | (Middle) | Epstein (Last)
IPOP, LLC (Company) | President (Title)
9811 W. Charleston Blvd, #2-444 (Mailing Address Street or PO Box) | Las Vegas (City) | NV (State) | 89117 (Zip)
beau@ecological-restoration.org (Email) | (703) 460-2675 (Phone) | (Fax optional)

Point of Contact or Agent Information

William (First) | John (Middle) | Burnett (Last)
Yukuskokon Prof. Services (Company) | President (Title)
P.O. Box 870507 (Mailing Address or PO Box) | Wasilla (City) | AK (State) | 99687 (Zip)
billburnett@yukuskokon.com (Email) | (907) 373-4000 (Phone) | (907) 373-4010 (Fax optional)

III. Name, Location, and Description of Project or Activity

Bonanza Channel Placer Project (including Bonanza Channel Case Study (BCCS))
Project Name or Title

Project Street Address (if applicable) | City | AK (State) | Zip | 64.518119 **Latitude** (Decimal Degrees, 6 places) | 164.552783 **Longitude** (Decimal Degrees, 6 places)

Other Location Descriptions:

DKSN 29-37, 39 (State Tax Parcel ID) | (mining claims) (Municipality) | Section | Township | Range | 06/01/2021 **Estimated Start Date** | 10/01/2026 **Estimated End Date**

Primary Industrial Activity (if applicable): 212221 NAICS Code

Directions to the site:

Proceed twenty-four miles east of Nome, Alaska on the Nome-Council Highway, for initial access site, thence into Bonanza Channel. See Exhibit 2, at 0018 and 0019. (Latitude and longitude given for Point 515, Plate 1, Exhibit 2, near access point at 0098.)

Nature of Activity (Description of project, include all features)

Suction dredge gold mining. See Exhibit 2 at 0042.

Project Purpose (Describe the reason of the project)

Extract gold from mining claims leased by IPOP and included within scope of project application.

For fill material, identify the material source: Bonanza Channel Sediment

Types of material being discharged and the amount of each type in cubic yards: Channel Sediment (Type) 5,173,423 (yd^3) | See Exhibit 14 for Details (Type) _____ (yd^3)

Surface area in acres of wetlands or other waters filled: Acres: 195 (see Ex. 14) Or, linear feet: _____

Is dredging involved? ☑ Yes, ☐ No; If yes, how much? 195 (see Ex. 14) acres and volume 4,827,161 yd^3.

a. Is the dredging considered a ☑ new project, or is it ☐ maintenance? If maintenance, how frequent? _____
b. Proposed Placement of dredged material: (provide center coordinates of placement area)

☐ Upland, Latitude _____ Longitude _____
☑ In water, Latitude 64.517970 Longitude 164.572900
☐ Other, _____ Latitude _____ Longitude _____

a. Has a Tier analysis been conducted of the dredged prism? ☑ Yes, ☐ No; If yes, attach tier analysis and sample results.
(for example of Tier analysis, see EPA Inland Testing Manual or USACE Seattle District Civil Works DMMP User Manual)

Is any portion of the work already complete? ☐ Yes, ☑ No If yes, describe the completed work:

Some preliminary core sampling and test dredging completed, but no final project work.

IV. Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters;

Name and location of receiving waters, and geographical extent potentially affected by the proposed discharge:

Bonanza Channel/Safety Sound, see Exhibit 2, at 0019.

Location of potential discharge (Decimal Degrees, 6 places), describe if necessary:

	Activity		Description	Receiving Waterbody Name	Latitude	Longitude
	Dredge	Fill				
a.	☑	☐		Bonanza Channel		
b.	☐	☑		Bonanza Channel		
c.	☐	☐		(various locations, see Ex. ___, at ____)		
d.	☐	☐				
e.	☐	☐				

Is the project within 1,500 feet of a known contaminated site: ☐ Yes, ☑ No (see DEC Contaminated Sites Program website).

If yes, describe the identified contaminated site(s) or groundwater plume within 1,500 feet.

Parameter(s) of Concern: (check all that apply): ☑ Turbidity, ☑ Sediment, ☑ Petroleum Hydrocarbons, ☑ Metals, ☐ Other,

Identify the parameters of concern that may be present in your discharge. Consider if other parameters may be present from past activities in the area. Describe if known respective concentrations, persistence, and potential impacts to the receiving water and data on parameters that may alter the effects of the discharge to the receiving water.:

See Exhibit 2, Section 5.4.1 at 0059-0060, Exhibit 2, Ex. 8C at 0193-0202, and Exhibit 18, at 1024-1026, 1030-1032, 1037-1042.

Impaired Waters: Does a discharge of any parameter identified above occur to an impaired waterbody listed as a Category 4 [304(b)] or Category 5 [303(d)] in the current EPA approved Alaska's Integrated Water Quality Monitoring and Assessment Report? (See http://dec.alaska.gov/water/water-quality/impaired-waters.aspx for the most recently approved report and category listings.) ☐ Yes, ☑ No

If determined necessary and requested by the Department, submit sufficient and credible baseline water quality information for the receiving water which meets the requirements of 18 AAC 70.016(a)(6)(A-C).

Social or Economic Importance (18 AAC 70.016(c)(5): Provide information that demonstrates the accommodation of important social or economic development. The applicant shall complete either a social OR economic importance analysis (or both) for each affected community in the area where the receiving water for the proposed discharge is located. (if additional space is needed, attach separate sheet)

(A) **Social Importance Analysis**:
(select one or more areas, and describe below)

- ☐ community services provided;
- ☐ public health or safety improvements;
- ☐ infrastructure improvements;
- ☐ education and training;
- ☐ cultural amenities;
- ☐ recreational opportunities

(B) **Economic Importance Analysis**:
(select one or more areas, and describe below)

- ☑ employment, job availability, and salary impacts;
- ☑ tax base impacts;
- ☑ expanded leases and royalties;
- ☑ commercial activities;
- ☑ access to resources;
- ☐ access to a transportation network

Describe (checked items above or attach as separate document)

See Exhibit 2, section 1.3 at 0023 and section 1.5.1 at 0024; Exhibit 8, at pp. 7-8 at 0062-0063.

V. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge

(Example: Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Include best management practices (BMPs) for sediment and erosion controls that will be implemented to minimize the environmental impacts.)

See Exhibit 2, Sections 5.1-5.11.1 at 0088-0092. See also Exhibit 17, Section 2.3 at 1031-1032, Section 5 at 1039, and Section 7 at 1041.

VI. Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received;

List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in this Application.

Agency	Type of Approval*	Identification Number	Date Applied	Date Approved	Date Denied
USACE	Clean Water Act	POA-2018-00123	03/16/2018		
ADEC	Clean Water Act	APMA 2875	03/16/2018		
ADNR	Land Use	APMA 2875	03/16/2018		
ADFG	State F & W Statute	APMA 2875	03/16/2018		

* Would include but is not restricted to zoning, building, and flood plain permits.

VII. Attachments: Include documentation that a prefiling meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request; and include a copy of the federal license or permit application.

- ☑ Required: Prefiling meeting request documentation. (40 CFR 121.4)
- ☐ Required: Copy of the federal license or permit requiring certification under 33 U.S.C. 1341 (Clean Water Act, Section 401) to include all accompanying information, contemporaneous with the submission of the application to the federal licensing or permitting agency. (18 AAC 15.130, 18 AAC 15.180)
- ☑ Tier Analysis of dredged material
- ☑ Sampling Results
- ☑ Baseline Water Quality Information
- ☐ Other

VIII. Certification Statement:

As per 18 AAC 15.030 signing of applications, all permit or approval applications must be signed as follows:

1) in the case of corporations, by a principal executive officer of at least the level of vice president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation;
2) in the case of a partnership, by a general partner;
3) in the case of a sole proprietorship, by the proprietor; and
4) in the case of a municipal, state, federal or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Company or Organization:	Name:	Title:
IPOP, LLC	Beau Epstein	President

Phone:	Fax (optional):	Email:
(702) 460-1107		beau@ecological-restoration.org

Mailing Address: ☑ Check if same as Applicants Info	Street (PO Box):		
	9811 W. Charleston Blvd, #2-444		
	City:	State:	Zip:
	Las Vegas	NV	89117

Signature _____ Date _____

Submit the CWA §401 Certification Request to DEC-401Cert@alaska.gov.

Include in the subject line the following:

"CWA §401 Certification Request - *<Insert Federal Agency and permit number or license number> - <insert project title>*".

Instructions for Preparing a Request for CWA §401 Certification for an Individual Permit or License

I. Identify the applicable federal license or permit

Include the Federal Agency's permit license number and identify the corresponding agency for which you are applying for the Alaska DEC CWA §401 certification.

II. Project Proponent and Point of Contact

Enter the name, contact information to include the E-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information. Point of Contact or Agent Information to be completed if you choose to have an agent.

III. Name, Location, and Description of Project or Activity

Project Name: Please provide name identifying the proposed project, e.g., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center. Include location and description of the project or activity.

Estimate Start/End Dates: What are the anticipated start and end dates for project construction?

Location: Provide Latitude and Longitude in decimal degrees with six decimal places, example: 61.216883 N Latitude / -149.878756 W Longitude. Use www.latlong.net if needed for online tool for finding lat/long. Provide street address if applicable, and other location descriptions if known. If the facility or project lacks a street address, indicate the general location of the facility (e.g., intersection of x and y).

Primary Industrial Activity: Identify the Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged. For the North American Industry Classification System (NAICS) see census.gov/eos/www/naics/.

Directions to the site: Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Nature of the Activity: Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms. The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper.

Project Purpose: Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes rock, sand, clay, concrete, etc.

Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper.

Dredging: Identify if any dredging is involved. If so, quantify the acres and volume to be dredged. Provide an assessment of the dredge prism and sample results to support a Tier analysis. Consult the EPA Inland Testing Manual or the USACE Seattle District Civil Works DMMP User Manual for an example of a Tier analysis of the dredge prism. It is recommended to consult with DEC and Corps prior to conducting sampling during pre-application meetings to avoid delays.

Is any portion of the work already complete: Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps or other federal/state permit, identity the authorization, if possible.

IV. Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters;

Name and Location of potential discharge. Provide latitude and longitude coordinates (Decimal Degrees, 5-digit places) of potential discharge. Describe the location if necessary. Include the geographic extent potentially affected by the proposed discharge.

Contaminated Sites: Identify any known contaminated sites within 1,500 feet of the proposed project discharge, to include those known by the applicant or known DEC identified contaminated site either in "Active" or "Cleanup Complete – Institutional Controls" status. For more information, see DEC Contaminated Sites website (dec.alaska.gov/spar/csp.aspx) for ability to search via map, database, and background summaries.

Parameters of Concern: Identify the parameters of concern that may be present in your discharge. Consider if other parameters may be present from past activities in the area. Describe if known respective concentrations, persistence, and potential impacts to the receiving water and data on parameters that may alter the effects of the discharge to the receiving water.

Impaired Waters: Does a discharge of any parameter identified may occur to an impaired waterbody listed as a Category 4 [304(b)] or Category 5 [303(d)] in the current EPA approved Alaska's Integrated Water Quality Monitoring and Assessment Report?

See http://dec.alaska.gov/water/water-quality/impaired-waters.aspx for the most recently approved report and category listings.

Social or Economic Importance Analysis: select as appropriate and provide a description per 18 AAC 70.016(c)(5).

V. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge

Nature of potential discharge and potential environmental impacts on the receiving water: Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Include best management practices (BMPs) for sediment and erosion controls that will be implemented to minimize the environmental impacts.

VI. List of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received;

You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for the CWA §401 certification.

VII. Attachments: Include documentation that a prefiling meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request;

Required: Prefiling meeting request: Include documentation (copy of email) that a prefiling meeting request was submitted to DEC. Acceptable format is an email sent to the DEC 401 Certification email address, dec-401cert@alaska.gov requesting a prefiling meeting request. Include as much information as relevant to describe the nature of your proposed activity. The certifying authority (DEC) may or may not respond depending on the information you provide in the prefiling meeting request.

Required: Provide a copy of the federal license or permit application requiring certification under 33 U.S.C. 1341 (Clean Water Act, Section 401) to include all accompanying information, contemporaneous with the submission of the application to the federal licensing or permitting agency. This would include all site drawings and maps and illustrations.

VIII. Certification Statement

As per 18 AAC 15.030 Signing of applications, all permit or approval applications must be signed as follows:

5) in the case of corporations, by a principal executive officer of at least the level of vice president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation;
6) in the case of a partnership, by a general partner;
7) in the case of a sole proprietorship, by the proprietor; and
8) in the case of a municipal, state, federal or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

For more information regarding CWA §401 Certifications, see the DEC website at http://dec.alaska.gov/water/wastewater/wetlands, or contact:

Alaska Department of Environmental Conservation
Division of Water – Wastewater Discharge Authorization Program
555 Cordova Street, Anchorage AK 99501
email: dec-401Cert@alaska.gov Phone: 907-269-6285

Submit the CWA §401 Certification Request to DEC-401Cert@alaska.gov. **Include in the subject line the following**:

"CWA §401 Certification Request - *<Insert Federal Agency and permit number or license number> - <insert project title>*".

ADDITIONAL RESPONSE TO SECTION III TIER ANALYSIS QUESTION

Pursuant to 40 C.F.R. § 230.60(c),

> "Where the discharge site is adjacent to the extraction site and subject to the same sources of contaminants, and materials at the two sites are substantially similar, the fact that the material to be discharged may be a carrier of contaminants is not likely to result in degradation of the disposal site. In such circumstances, when dissolved material and suspended particulates can be controlled to prevent carrying pollutants to less contaminated areas, testing will not be required."

IPOP's discharge sites are all adjacent to (or on top of) the extraction site and subject to the same sources of contaminants, if any. IPOP has also proposed curtaining the dredge area to control dissolved material and suspended particulates. Accordingly, no testing of the dredged material should be required in order to reach the general conclusion that IPOP's excavation and re-deposit of extant materials will not have an unacceptable adverse impact on physical, chemical or biological components of the aquatic environment in the Bonanza Channel, or to reach the more specific determinations set forth in § 230.11.

Nevertheless, at the request of the Alaska Department of Environmental Conservation ("ADEC"), IPOP has previously prepared and filed with ADEC § 402 permit application Forms 2D and 2G (See Exhibit 18 to this Certification Request), which contains "effluent characteristics" and other information relevant to Tier Analysis.