

**ALASKA DEPARTMENT OF NATURAL RESOURCES**

Water Resources Section

TO: Mike Walton, NRM

DATE: May 7, 2019

FROM: Jenny Wynne, NRSII

FILE NUMBER: Amended TWUA F2015-080  
Constantine Metal Resources, Ltd.

The subject Temporary Water Use Authorization 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 temporary water use authorizations for the substituted water sources (KD and GT14-01) requested under the TWUA F2015-080 amendment request.

**Agency Notice:**

Amended Agency notice dated: April 3, 2019.

Deadline for comments: April 18, 2019.

ADF&G Habitat: Per May 7, 2019 email from K. Kanouse, ADF&G Habitat haven't issued any fish habitat permits, since most of the project's work is in non-fish-bearing waters. (Note that all requested sources under this TWUA F2015-080 amendment request are previously drilled exploration boreholes).

Alaska Department of Environmental Conservation: No comment.

**Project Description:**

Applicant proposes to withdraw water for drill water use from 5 drilled exploration holes to conduct mineral exploration drilling activities. The requested water use is ancillary to the exploration drilling activity.

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

- Exploration Activities: A combined maximum water withdrawal of 86,400 gallons per day (gpd) utilizing a combined maximum pump withdrawal rate of 60 gallons per minute from five drilled exploration holes.

**Effect on fish and game:**

No effect on fish and game is anticipated for this project. The sources are drilled exploration holes in steep high elevation terrain. ADF&G Habitat Division biologist B. Brewster previously stated in a June 2, 2015 Memorandum that none of the water withdrawal sites are in anadromous or resident fish streams, and the May 7, 2019 email from K. Kanouse reaffirms that. If a fish habitat permit was required for the 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. 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 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 this 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:**

A land information search for Case Category 8 (water) within Section 6, Township 29 South, Range 54 East, Copper River Meridian, did not reveal any active temporary water use authorization(s) or active surface water rights for the water sources requested to be substituted for this project.

There are currently two additional TWUA applications for this project (TWUA F2019-048 and TWUA F2019-049) for additional sources. Therefore, it has been determined that issuing an amendment to temporary water use authorization TWUA F2015-080 to add the two substituted sources 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 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. These exploration holes were/are drilled for mineral exploration purposes, but because the requested exploration holes have a water table that is shallow enough for pumping they will also be used as water sources.

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

No foreseen 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 Amended Temporary Water Use Authorization**

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

*[Handwritten Signature]*

May 9, 2019

Signature

Date

Natural Resource Manager

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).