



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE:	January 14, 2022.
EXPIRATION DATE:	February 14, 2022
REFERENCE NUMBER:	POA-1998-00090-M3
WATERWAY:	Newton Gulch

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the Public Notice reference number listed above.

All comments should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Leslie Tose at (907) 753-5515, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Leslie.w.tose@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Dry Gulch, LLC., Dr. Paul Sayer, Gen. Mgr., Post Office Box 10, Homer, Alaska 99603 Email: pfsayer@gmail.com Phone Number: 907-299-2077

LOCATION: The project site is located within Sections 7, 8, 17, and 18, T. 11 S., R. 33 W., Kateel River Meridian; USGS Quad Map Nome C-1; Latitude 64.5391° N., Longitude 165.3331° W.; in Nome, Alaska.

PURPOSE: The applicant's stated purpose is to conduct commercial gold mining.

PROPOSED WORK: The applicant proposes to modify his permit, adding 18-acres to his existing 91 acre mine site. He proposes to discharge approximately 4,050,000 cubic yards of overburden and non-pay material into 4.5 acres of wetlands and 13.5 acres of uplands to conduct mechanical land clearing and reclamation in association with a placer mining operation. A summary of the permit and modifications are summarized in the table below. Details on the proposed modification are included on the enclosed plans (sheets 1-4), dated January 12, 2022.

POA#	Acres Total	Wetland Acres	Upland Acres
POA-1998-00090	15	15	
POA-1998-00090-M1	7	7	
POA-1998-00090-M2 (active)	91	46.5	44.5
POA-1998-00090-M3 (active)	18	4.5	13
<i>Total Active Acres</i> -M2, -M3	109		

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

- a. Avoidance: There is existing infrastructure –roads, camp, and staging areas - located in uplands. The operation is located on a hillside bench, there will be no stream impacts. Mining will avoid unnecessary impacts, because there are historic drill and mining records that identify the location of a probable economic gold resource.
- b. Minimization: The operation is located on a hillside with little slope, away from any creek. Erosion from the operation is managed by filling previously mined cuts with tailings. Water from melting permafrost is managed by allowing exposed frozen material to thaw over one to two mining seasons, with water travelling a short distance to existing ditches and seeping into shallow ponds. The ponds store water and accumulate sediment. Eventually these sediment areas will form nice areas for natural vegetation to thrive during the rainy season.
- c. Compensatory Mitigation is not being proposed for this project, because the avoidance and minimization measures described in this Mitigation Statement are appropriate and practicable to the scope and degree of the environmental impacts of the project.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are cultural resources in the permit area and within the vicinity of the permit area. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps at this time. The Corps has made an Adverse Effect determination for the proposed project. This application is being coordinated with SHPO and the ACHP. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the known or historic range of critical habitat for the polar bear (*Ursus maritimus*).

We have determined the described activity would have no effect on the polar bear, and, would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). No EFH species are known to use the project area.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures



PUBLIC NOTICE

Alaska Department of Environmental Conservation (DEC)
Wastewater Discharge Authorization Program/401 Certification
555 Cordova Street, Anchorage AK 99501-2617
Phone: 907-269-6285 | Email: DEC-401Cert@alaska.gov

Notice of Application for State Water Quality Certification

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act (CWA) of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the CWA, the Alaska Water Quality Standards, and other applicable State laws.

Notice is hereby given that a request for a CWA §401 Water Quality Certification of a Department of the Army Permit application, Corps of Engineers' Reference Number POA-1998-00090-M3, Newton Gulch, has been received for the discharge of dredged and/or fill materials into waters of the United States (WOUS), including wetlands, as described in the Corps public notice and project figures/drawings (18 AAC 15.180).

Any person desiring to comment on the project with respect to water quality, may submit comments electronically via email to DEC-401cert@alaska.gov by the expiration date of the Corps of Engineer's public notice. All comments need to include the Corps public notice reference number in the subject heading. Physically mailed comments must be postmarked on or before the expiration date of the public notice.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the CWA, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

The permit application and associated documents are available for review. For inquires or to request copies of the documents, contact dec-401cert@alaska.gov, or call 907-269-6285.

Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act (ADA) of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact ADA Coordinator Brian Blessington at 907-269-6272 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.

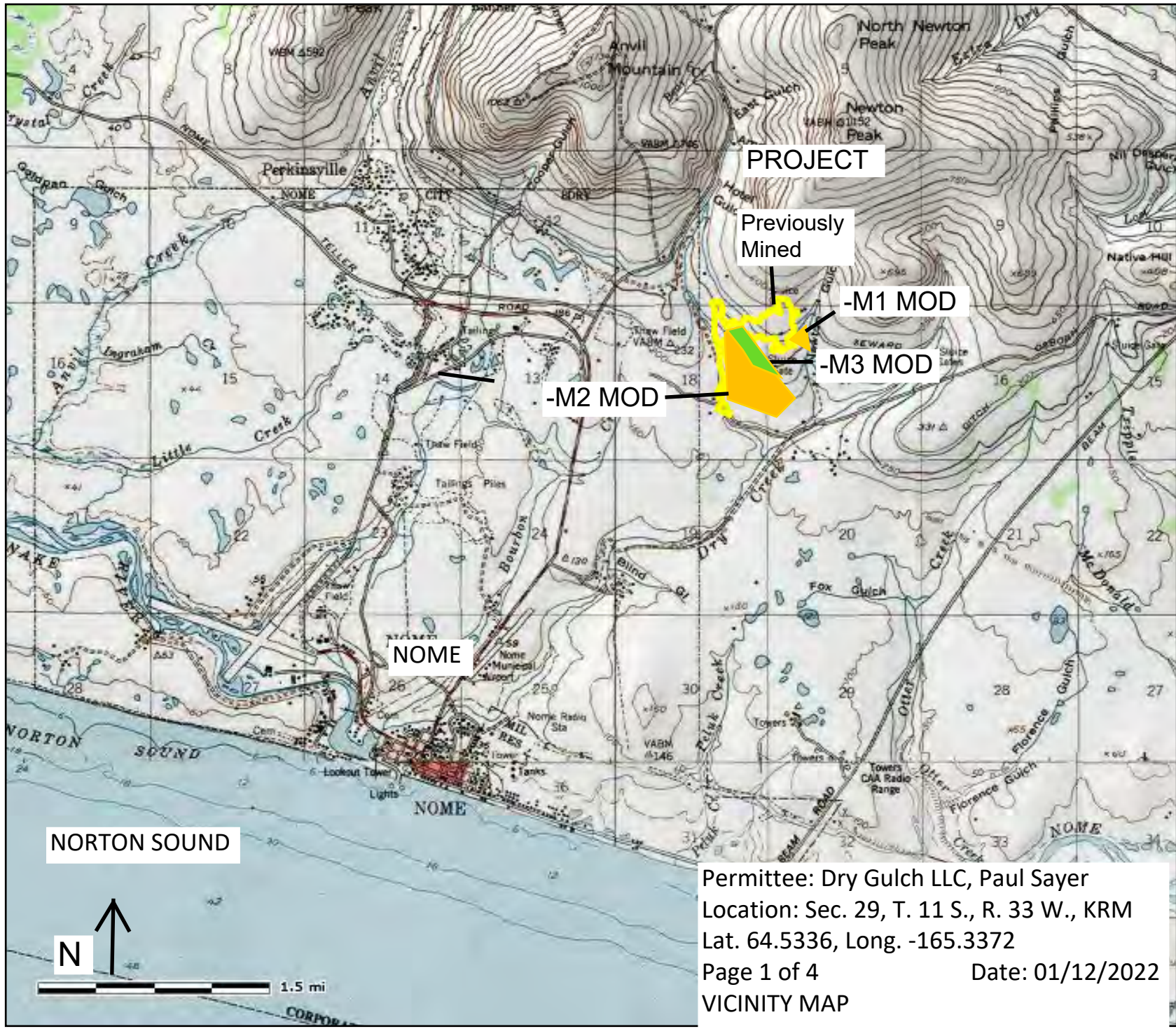
From: [frankie sayer](#)
To: [Tose, Leslie W CIV USARMY CEPOA \(USA\)](#)
Subject: [Non-DoD Source] POA-1998-00090-M3:Permit Mod_Plans
Date: Tuesday, November 2, 2021 12:51:14 PM

Leslie Tose. APMA 9703
FROM Paul Sayer
Re: COE POA-1998-00090-M3

I would like a modification of the current permit.
Referring to the current Permit as per your email of 10/13/2021.
We wish to modify the permit to include the modification of additional 18 acres referred to as M3 Mod of wetlands 4.5 acres and uplands 13.5 acres on the northwest sides of years 2021 thru 2025 marked in the shape of a knife blade.

Our mining plans are to move about 810,000 cubic yards of mining material per year.
Equipment used includes three deck shaker plant, D10 Cat dozer, a 135 Komatsu dozer, three Hitachi excavators, sizes :200, 450, 700, hydraulic nozzle, six water pumps sizes 6,8,and 10 inches, 988B Cat loader.
About 4 acres mined and about four acres reclaimed per year.

Sent from my iPad

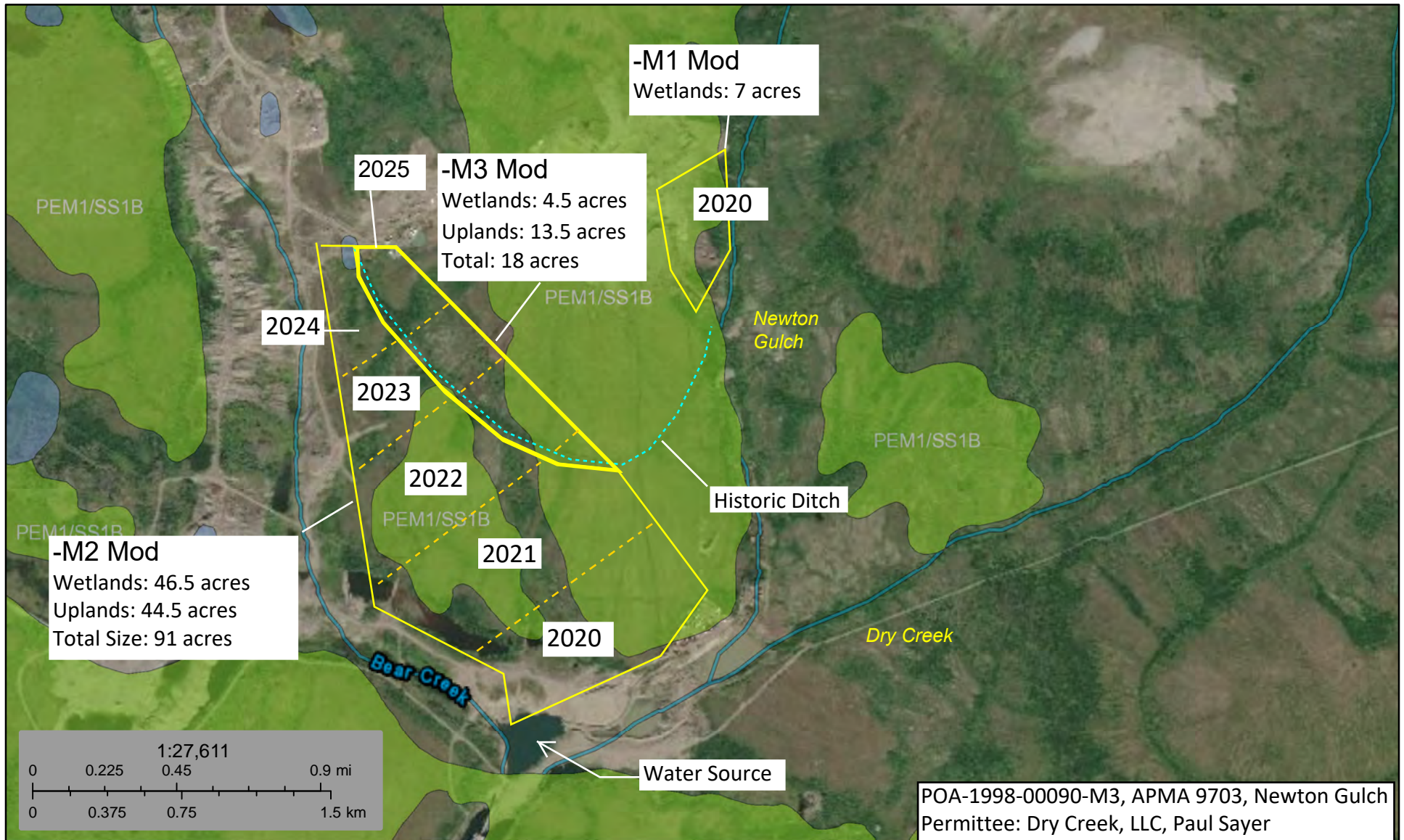


LEGEND



Permittee: Dry Gulch LLC, Paul Sayer
 Location: Sec. 29, T. 11 S., R. 33 W., KRM
 Lat. 64.5336, Long. -165.3372
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 VICINITY MAP

Date: 01/12/2022



June 5, 2020

Wetlands

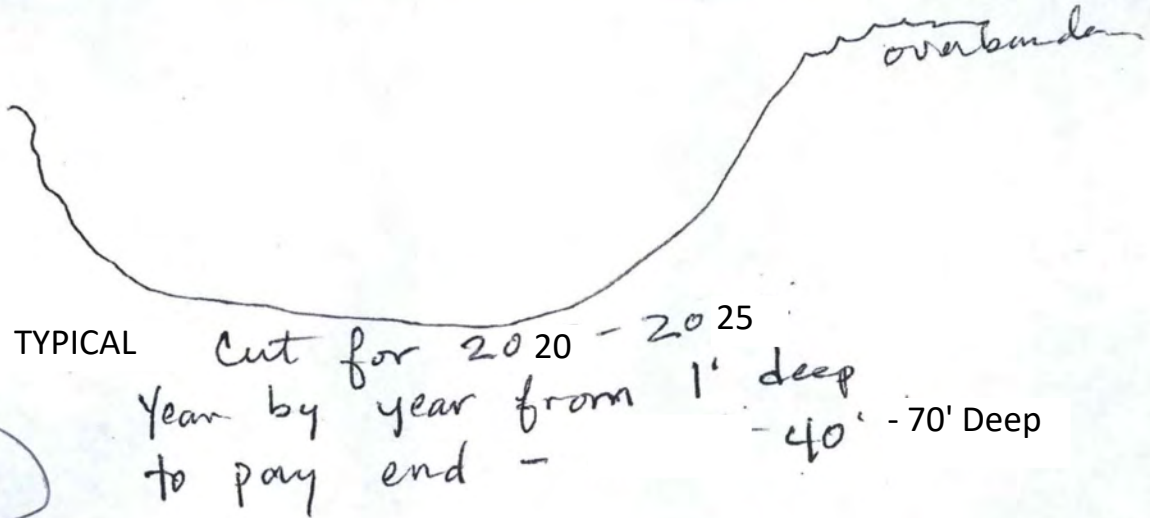
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

POA-1998-00090-M3, APMA 9703, Newton Gulch
 Permittee: Dry Creek, LLC, Paul Sayer
 Location: Sec. 29, T. 11 S., R. 33 W., KRM
 Lat. 64.5336, Long. -165.3372
 Page 2 of 4 Date: 1/12/2022
WETLANDS MAP & MINE PLAN

TYPICAL Cross Sections



STRIPPING OVERBURDEN



Mining

Cut bermed, filled and contoured creating ponds on contour swales and approximately 5' deep

Restoration

POA-1998-00090-M3, APMA 9703, Newton Gulch
Permittee: Dry Gulch, LLC, Mr. Paul Sayer
Location: Sec. 29, T. 11 S., R. 33 W., KM
Lat. 64.5336, Long. -165.3372

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Date: 1/12/2022

TYPICAL SECTION VIEWS OF MINING OPERATION

7/25/17 *MS*



Location: Sec. 29, T. 11 S., R. 33 W., KRM
USGS Quad Nome C-1
Lat. 64.5336, Long. -165.3372

POA-1998-00090-M3, APMA 9703, Newton Gulch
Permittee: Dry Gulch LLC, Mr. Paul Sayer
P 4 of 4 Date: 1/12/2022

RECLAMATION: TYPICAL SETTLING POND, BEFORE (*Top*) & AFTER (*Bottom*) MINING