



US Army Corps  
of Engineers  
Alaska District

FAIRBANKS FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
P.O. Box 35066  
Fort Wainwright, Alaska 99703

# Public Notice of Application for Permit

<b>PUBLIC NOTICE DATE:</b>	<b>March 14, 2022</b>
<b>EXPIRATION DATE:</b>	<b>April 13, 2022</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2022-00072</b>
<b>WATERWAY:</b>	<b>Engineer Creek</b>

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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](mailto: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 Ellen Lyons at (907) 347-3481, or by email at [ellen.h.lyons@usace.army.mil](mailto:ellen.h.lyons@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Blue Yonder Construction, LLC. (Christian Funk), PO Box 2388, Gardnerville, Nevada 89410, [libertyhomesnv@gmail.com](mailto:libertyhomesnv@gmail.com)

**AGENT:** Stutzmann Engineering Associates, Inc. (Jeremy Stark), PO Box 71429, Fairbanks, Alaska 99709, [jstark@arctic-sea.com](mailto:jstark@arctic-sea.com)

**LOCATION:** The project site is located within Section 6, T. 1 N., R. 1 E., Fairbanks Meridian; USGS Quad Map Fairbanks D-2; Latitude 64.93716° N., Longitude 147.635° W.; Gold Mine Subdivision on Gold Mine Trail, Fairbanks North Star Borough near Fairbanks, Alaska.

**SPECIAL AREA DESIGNATION:** The project is within Big Eldorado Creek-Goldstream Creek (HUC 190803090702) which is listed as a Priority HUC 12 for the Alaska Department of Conservation Division of Water for Impaired Waters.

**PURPOSE:** The applicant's stated purpose is to construct a residential subdivision on the eastern portion of the property (Phase I) and, at a later date, develop the uplands western portion of the property as a commercial site.

**PROPOSED WORK:** The project would place 15,635 cubic yards of tailings and 500 cubic yards of 2-inch minus aggregate into 4 acres PSS4/1B wetlands to construct 1,000 linear feet of access roads and one turnaround with associated drainage features in for Phase I residential development. All work would be performed in accordance with the enclosed plan (sheets 1–6), dated March 08, 2022.

**ADDITIONAL INFORMATION:** Fairbanks North Star Borough Platting Approval is pending. The Phase II upland development is within 150 feet of Fox Creek.

**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. Of the total of 28 acres of on-site wetlands, the applicant proposes to preserve 4.5 acres as a wetland mitigation buffer held in perpetuity, and altogether avoid 24 acres.

**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 or within the vicinity of the permit area. The permit area has been determined to be the project's footprint of jurisdictional wetlands and waters of the U.S. and their immediately adjacent uplands. Consultation of the AHRs constitutes the extent of cultural resource investigations by the U.S. Army Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. This application is being coordinated with the State Historic Preservation Office (SHPO), federally recognized tribes, and other consulting parties. Any comments SHPO, federally recognized tribes, and other consulting parties 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. The Corps is requesting the SHPO's concurrence with this determination.

**ENDANGERED SPECIES:** No threatened or endangered species are known to use the project area.

**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. The project is within Big Eldorado Creek-Goldstream Creek (HUC 190803090702) and the Phase II upland development is within 150 feet of Fox Creek, which is not an anadromous stream.

We have determined the described activity would not adversely affect EFH in the project area.

**TRIBAL CONSULTATION:** The Corps 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 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 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

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](mailto: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' Reference Number POA-2022-00072, Engineer Creek, 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).

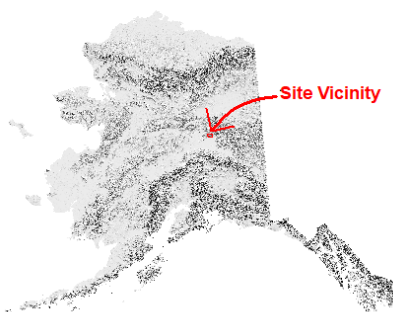
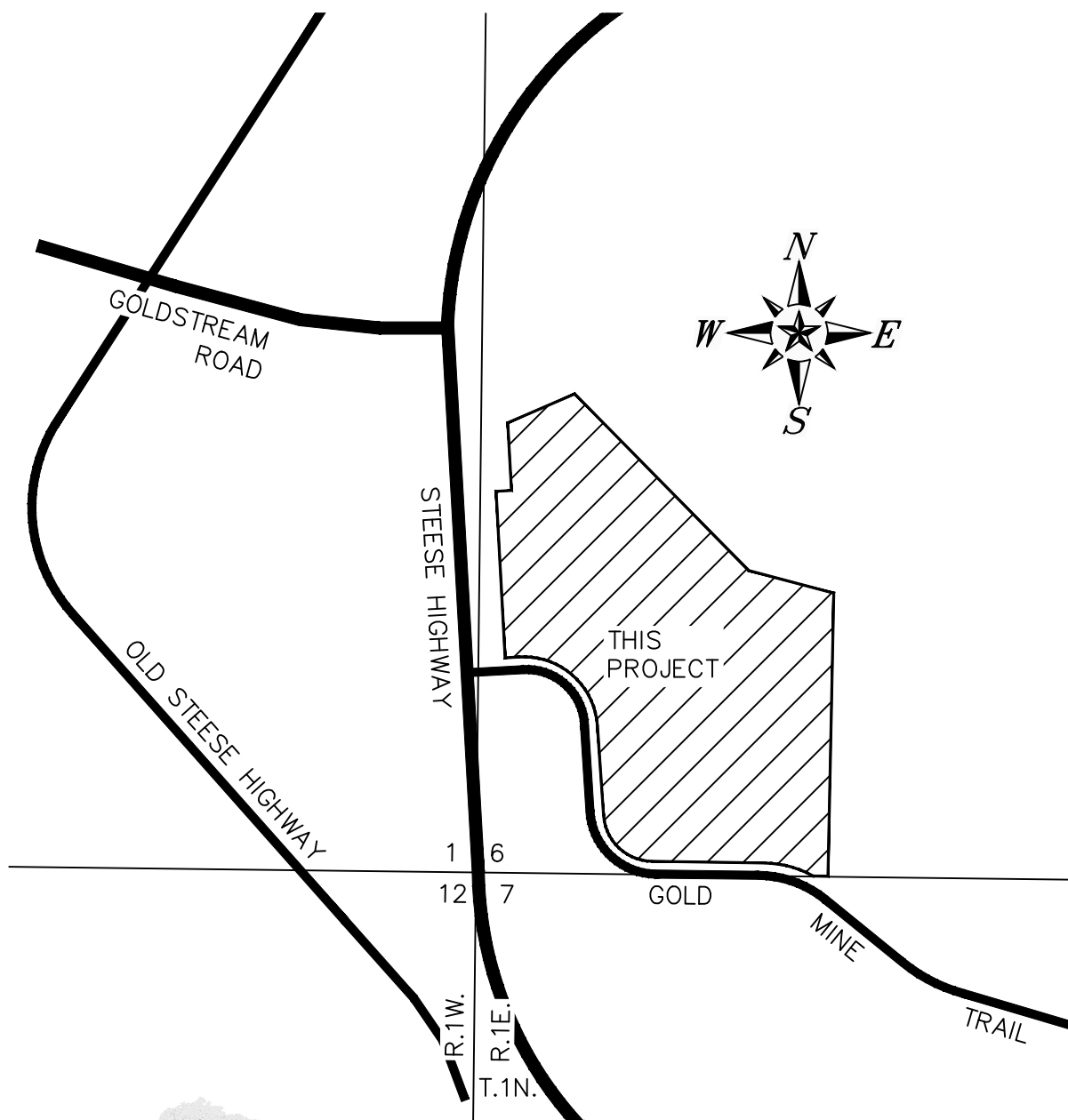
Any person desiring to comment on the project with respect to water quality, may submit comments electronically via email to [DEC-401cert@alaska.gov](mailto:DEC-401cert@alaska.gov) by the expiration date of the Corps of Engineer's public notice. All comments need to include the Corps public notice reference 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 inquiries or to request copies of the documents, contact [dec-401cert@alaska.gov](mailto: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.



NAME: VICINITY MAP  
PROJECT: GOLD MINE SUB..  
LOCATION: SEC. 6  
 T.1N., R.1E., F.M., AK  
SCALE: N.T.S.  
SHEET: 1 OF 6  
DATE: FEB. 2022  
WATERWAY: ENGINEER CREEK

**STUTZMANN**  
 ENGINEERING  
 ASSOCIATES, INC.

P. O. BOX 71429, FAIRBANKS, ALASKA 99707

ENGINEERS  
 SURVEYORS  
 PLANNERS

907-452-4094

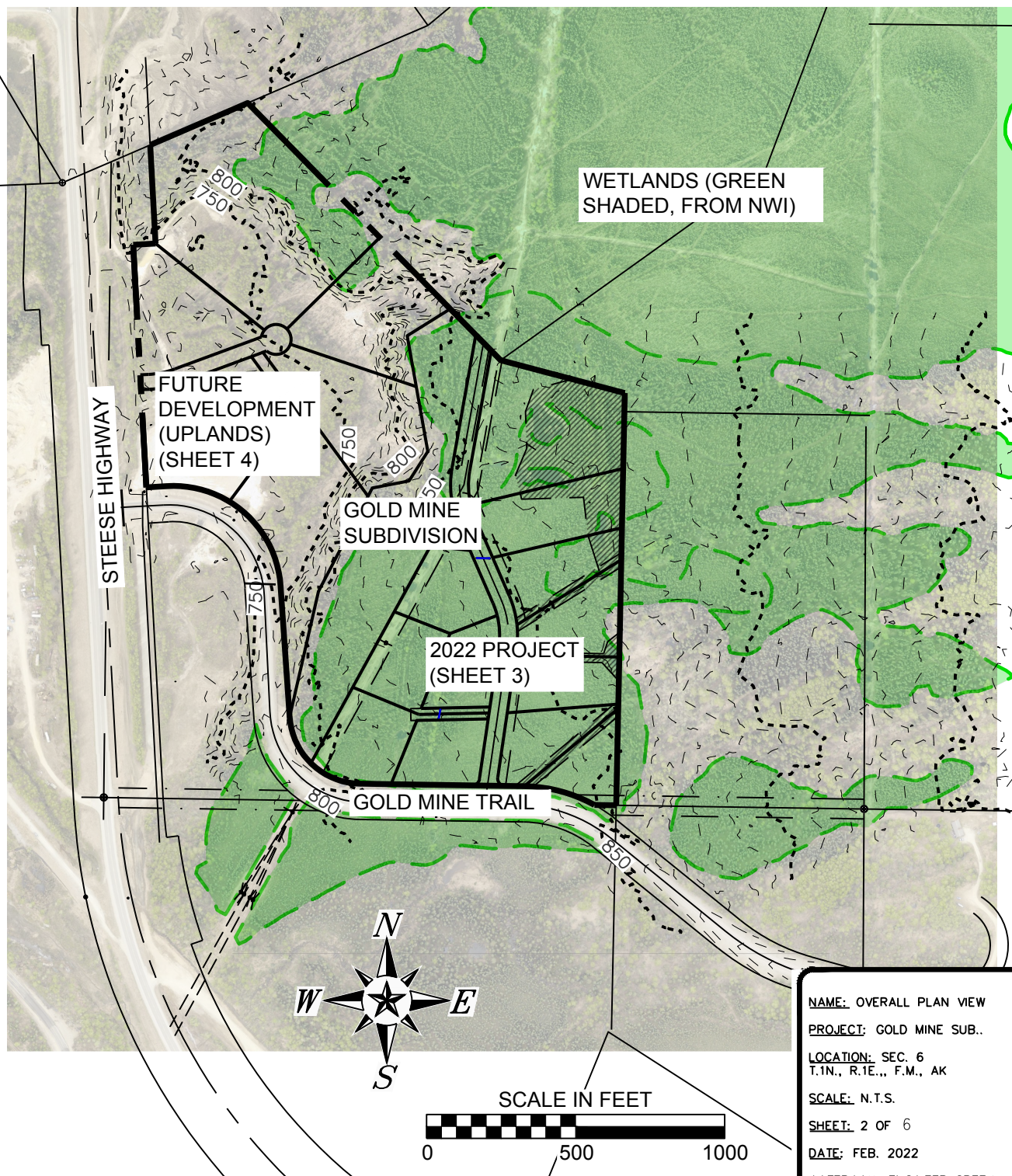
VICINITY MAP  
 GOLD MINE SUB.

FOR: BLUE YONDER, LLC

POA-2022-00072 Blue  
 Yonder, LLC. Engineer  
 Creek  
 March 08, 2022  
 Sheet 1 of 6



NOTE  
WETLAND BOUNDARIES ARE FROM NWI.



NAME: OVERALL PLAN VIEW  
PROJECT: GOLD MINE SUB..  
LOCATION: SEC. 6  
T.1N., R.1E., F.M., AK  
SCALE: N.T.S.  
SHEET: 2 OF 6  
DATE: FEB. 2022  
WATERWAY: ENGINEER CREEK

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PLANNERS

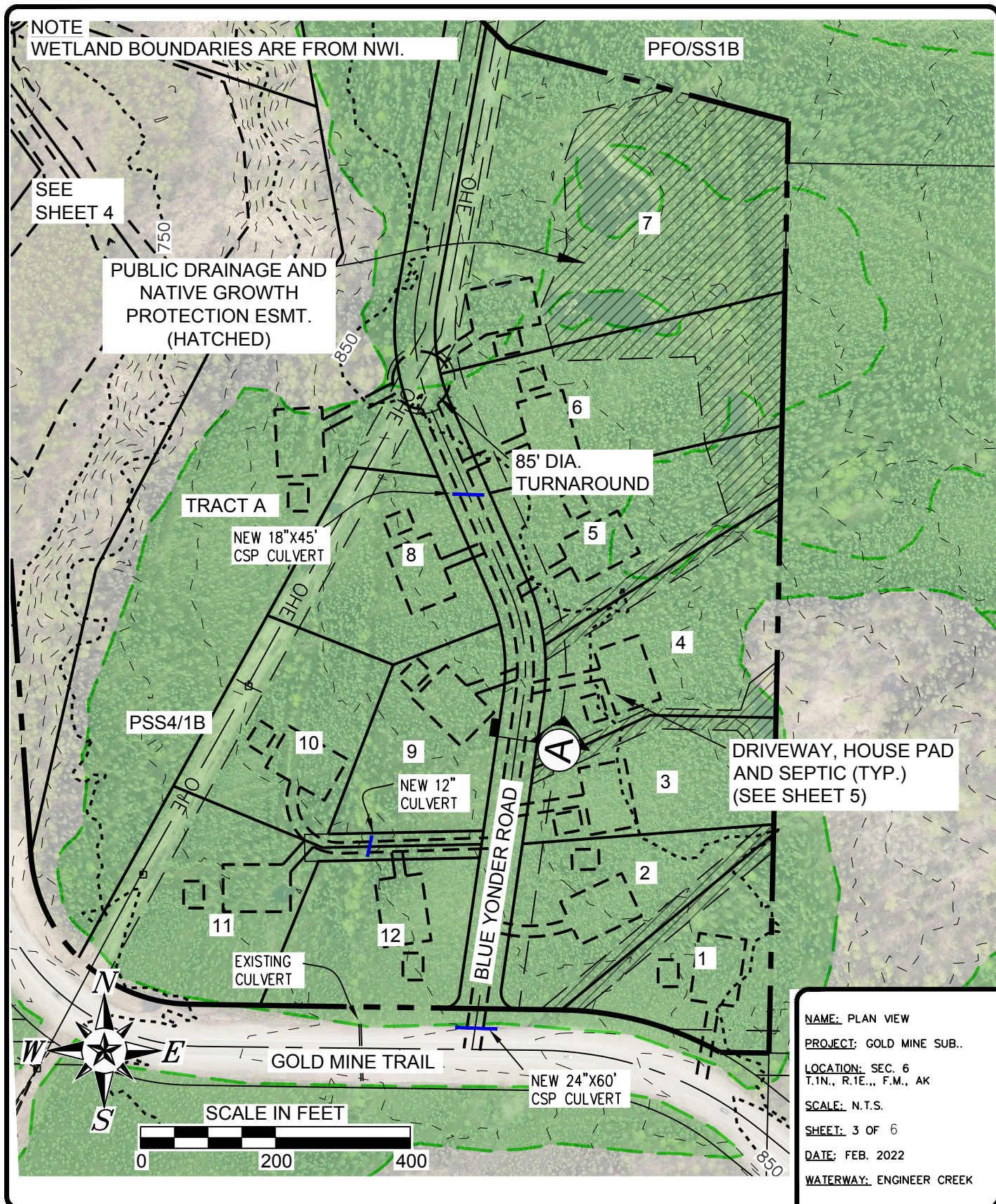
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OVERALL PLAN VIEW  
GOLD MINE SUB.

FOR: BLUE YONDER, LLC

POA-2022-00072  
Blue Yonder, LLC.  
Engineer Creek  
March 08, 2022  
Sheet 2 of 6





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PLAN VIEW  
GOLD MINE SUB.  
(PHASE 1)

FOR: BLUE YONDER, LLC

POA-2022-00072  
Blue Yonder, LLC.  
Engineer Creek  
March 08, 2022  
Sheet 3 of 6



NOTE:

1. ROAD CONSTRUCTION AND PAD CONSTRUCTION WITHIN THE FUTURE ADDITION SHALL GENERALLY CONSIST OF A 24" LAYER OF GRAVEL/TAILINGS.
2. THE PROPOSED FILL FOOTPRINT IN UPLANDS FOR THE FUTURE DEVELOPMENT IS 11 ACRES, MORE OR LESS.
3. EXISTING DRAINAGE PATTERNS SHALL BE MAINTAINED.

WETLANDS PER NWI  
MAPPING (TYP.)

GRAVEL PAD  
LIMITS (TYP.)

85' DIA.  
TURNAROUND

UPLANDS

FUTURE ROAD

SEE  
SHEET 3

GOLD MINE TRAIL

SCALE IN FEET



NAME: PLAN VIEW

PROJECT: GOLD MINE SUB..

LOCATION: SEC. 6  
T.1N., R.1E., F.M., AK

SCALE: N.T.S.

SHEET: 4 OF 6

DATE: FEB. 2022

WATERWAY: ENGINEER CREEK

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**ENGINEERING**  
**ASSOCIATES, INC.**

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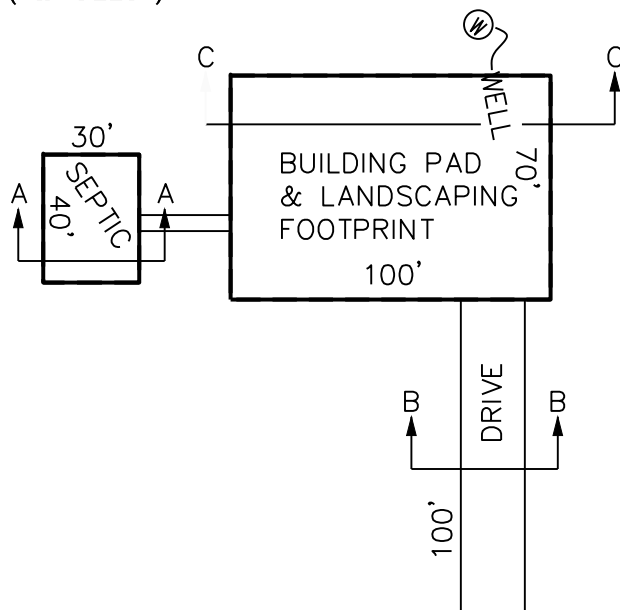
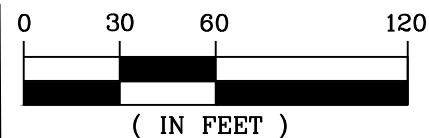
907-452-4094

ENGINEERS  
SURVEYORS  
PLANNERS

PLAN VIEW  
GOLD MINE SUB.  
(FUTURE ADDITION)

FOR: BLUE YONDER, LLC

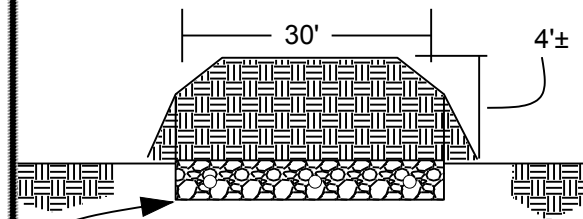
POA-2022-00072  
Blue Yonder, LLC.  
Engineer Creek  
March 08, 2022  
Sheet 4 of 6



TYPICAL FILL FOOTPRINT / LOT  
 $((24 \times 100) + (30 \times 40) + (70 \times 100)) / 43560$   
 = 10,600 S.F. = 0.24 ACRES

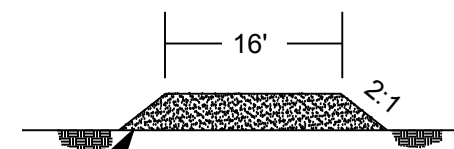
TYPICAL LOT IN WETLANDS  
 PLAN VIEW

$$(5 \times 30 \times 40) / 27 = 220 \text{ C.Y.}$$



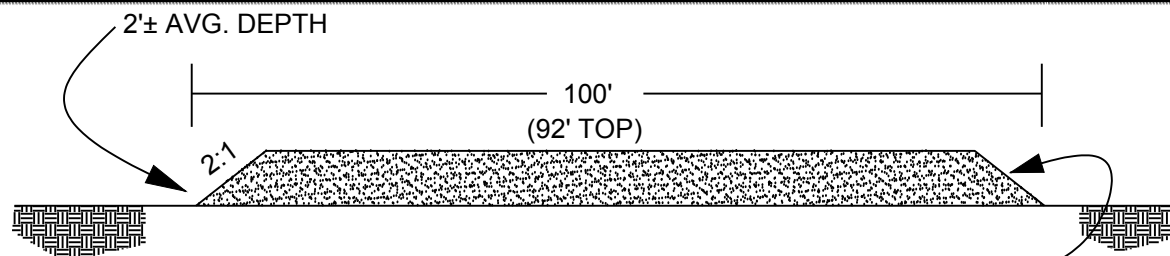
TYPICAL SEPTIC SECTION (A)  
 N.T.S.

AVERAGE DRIVEWAY LENGTH=100'



TYPICAL DRIVEWAY SECTION (B)  
 N.T.S.

$$((16 + 24) \times 100) / 27 = 150 \text{ C.Y.} \pm$$



TYPICAL BUILDING AND LANDSCAPING AREA SECTION (C)  
 N.T.S.

$$((92 + 100) \times 70) / 27 = 500 \text{ C.Y.} \pm$$

TOTAL FILL PLACEMENT  
 FOR TYPICAL LOT =  
 $220 + 175 + 500$   
 = 895 C.Y.±

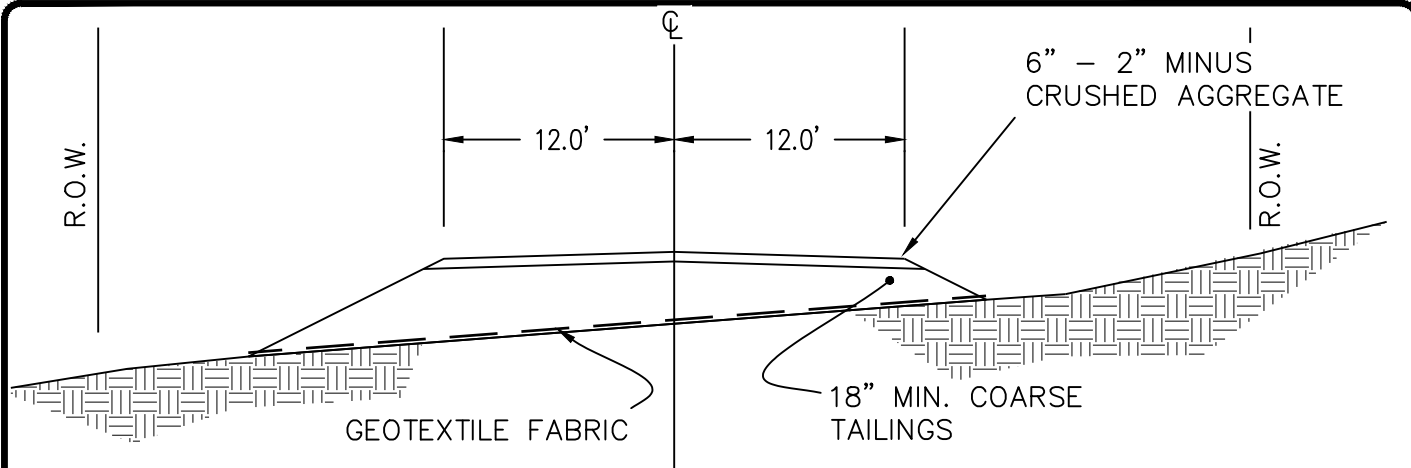
NAME: LOT DEVELOPMENT  
 PLAN AND SECTIONS  
 PROJECT: GOLD MINE SUB..  
 LOCATION: SEC. 6  
 T.1N., R.1E., F.M., AK  
 SCALE: N.T.S.  
 SHEET: 5 OF 6  
 DATE: FEB. 2022  
 WATERWAY: ENGINEER CREEK

POA-2022-00072  
 Blue Yonder, LLC.  
 Engineer Creek  
 March 08, 2022  
 Sheet 5 of 6

TYPICAL LOT PLAN &  
 SECTION  
 GOLD MINE SUBDIVISION  
 FOR: BLUE YONDER

STUTZMANN  
 ENGINEERING  
 ASSOCIATES, INC.  
 P. O. BOX 71429, FAIRBANKS, ALASKA 99707  
 907-452-4094





## A TYPICAL ROAD SECTION

	TAILINGS (C.Y.)	2" MINUS (C.Y.)	Footprint (Acres.)
Lot Development (Phase 1)	11635		3.1
Road Construction (Phase 1)	4000	500	0.9
Future Development (Uplands)	35,200		10.9
<b>Total</b>	<b>50835</b>	<b>500</b>	<b>14.9</b>

	Total (Acres)	Impacted (Acres)	Preserved* (Acres)	Avoided (Acres)
<b>Wetlands</b>				
Forest / Scrub/Shrub	28.0	4.0	4.5	24.0
Emergent	0.0	0.0	0.0	0.0

\* Preserved areas are areas containing wetlands protected by public drainage and/or native growth protection easements.

### GENERAL NOTES -

- GRAVEL FILL MATERIAL FOR THIS PROJECT WILL COME FROM A NEARBY MATERIAL SITE AND WILL BE PREDOMINANTLY TAILINGS. WITHIN WETLAND AREAS (PHASE 1), FILL WILL GENERALLY BE PLACED ON TOP OF GEOTEXTILE FABRIC ON THE EXISTING VEGETATIVE MAT.
- CULVERTS WILL BE PLACED AS INDICATED TO MAINTAIN EXISTING DRAINAGE PATTERNS.
- LOTS 1-12 AND THE UPPER PORTION OF TRACT A ARE COVERED PREDOMINANTLY BY WETLANDS AND WILL REQUIRE THE FULL 895 C.Y. OF FILL DEPICTED IN THE TYPICAL LOT SECTION TO BE PLACED IN WETLANDS. NO OTHER IMPACT FROM LOT DEVELOPMENT ONTO WETLANDS IS PROPOSED.

NAME: ROAD SECTION AND QUANTITY TABLES

PROJECT: GOLD MINE SUB..

LOCATION: SEC. 6  
T.1N., R.1E., F.M., AK

SCALE: N.T.S.

SHEET: 6 OF 6

DATE: FEB. 2022

WATERWAY: ENGINEER CREEK

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P. O. BOX 71429, FAIRBANKS, ALASKA 99707

ENGINEERS  
SURVEYORS  
PLANNERS

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ROAD SECTION  
GOLD MINE SUB.

FOR: BLUE YONDER, LLC

POA-2022-00072  
Blue Yonder, LLC.  
Engineer Creek  
March 08, 2022  
Sheet 6 of 6