



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

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

<b>PUBLIC NOTICE DATE:</b>	<b>January 18, 2022</b>
<b>EXPIRATION DATE:</b>	<b>February 17, 2022</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2021-00357</b>
<b>WATERWAY:</b>	<b>Goldstream 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 John Sargent at (907) 347-1801, or by email at [John.C.Sargent@usace.army.mil](mailto:John.C.Sargent@usace.army.mil) if further information is desired concerning this notice.

**APPLICANT:** Big Sky Exploration, Attn: Cary Williams

**AGENT:** William Lanning

**LOCATION:** The project site is located within Latitude 64.941851° N., Longitude 147.743299°, left on Goldstream Road for 0.5 mile; left on Bethlehem Court for 0.5 mile; right onto tailings for 1.5 miles, in Fox, Alaska.

**PURPOSE:** The applicant's stated purpose is to remove overburden soils and material in order to recover gold and washed gravels.

PROPOSED WORK: The applicant proposes the discharge of approximately 20 acres of fill material in Waters of the U.S. including wetlands per year during placer mining activities and site rehabilitation activities within Goldstream Creek and adjacent wetlands. Mining pit dimensions would vary dependent on location. Prior to mining, Goldstream Creek would be permanently diverted along the north side of the existing mine pit ponds a distance of about 5,000 linear feet. The diversion channel would reenter its historic channel just below the west end of the existing mine pit. Near the west end of the stream diversion channel a large culvert would be placed to allow water flow and mining vehicle access.

Organic material would be stockpiled along the perimeter of the active mine pit. A berm would be created for personnel safety and to control surface water. Within the mine pit, dozers would excavate the overburden and stockpile material. Excavators would load the overburden into 40 ton haul trucks for removal. Excavated material from the first mine pit would be hauled to the existing mine pit located on the south side of the Goldstream Valley. Excavation in future mine pits would be placed in the prior year's mine pit.

Pay gravels would be loaded into haul trucks to a gold recovery wash plant to be located on the west end of the existing mine pit. The gravels would be wet screened and processed through a sluice box for gold recovery. Gold recovery would be by gravity in the sluice box and no chemicals would be used. Water from the sluice box would enter the west end of the existing mine pit and would flow east through a series of settling ponds where the water would be recycled back to the sluice plant. Seepage waters from the mine pit would be pumped to the settling ponds. The mine water would be 100% recycled with the only discharge occurring as seepage water into the mine pits.

Following mining, swales would be created that would fill with shallow water for the development of wetlands and littoral areas along former mine pit areas. Organic material from overburden would be reused and mixed with mineral soils to create a growth medium for wetland vegetation growth and associated wildlife habitats.

All work would be performed in accordance with the enclosed plan (sheets 1-10), dated January 12, 2022.

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: Avoidance of Waters of the United States including wetlands was not proposed by the applicant because the areas planned for mining are considered to be wetlands or stream channels.

b. Minimization: The applicant proposes to stockpile organic material to be used for site rehabilitation to include natural revegetation and creation of swales and low-lying areas in mined pits to create wetlands on the project site following mining activities. Existing previously mined areas would be used for initial stockpile of organic material and gravels, and creation of water recycling/settling ponds.

c. **Compensatory Mitigation:** Compensatory mitigation is not proposed by the applicant because the wetland rehabilitation efforts proposed would create wetlands and shallow water littoral areas within created ponds. The applicant proposes to create significant areas below grade that would be ideal for shallow water ponds. The mixing of overburden gravels with the native organic and loess soils will provide an excellent growth medium for the natural revegetation of wetland vegetation.

**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 no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the areas where there would be discharge of fill material in Waters of the U.S. Consultation of the AHRs constitutes the extent of cultural resource investigations by the 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). 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. 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.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, 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. We have determined the described activity would not adversely affect EFH in 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 authorities:

(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](mailto:DEC-401Cert@alaska.gov)

## Notice of Application for State Water Quality Certification

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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-2021-00537, Goldstream 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 inquires 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.