



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:	July 21, 2025
EXPIRATION DATE:	August 5, 2025
REFERENCE NUMBER:	POA-2025-00288
WATERWAY:	Mineral Creek

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 Olivia Ortiz at (907) 753-2586, toll free from within Alaska at (800) 478-2712, or by email at Olivia.K.Ortiz@usace.army.mil if further information is desired concerning this public notice.

APPLICANT: Donovan Baggett
P.O. Box 576
Kenai, Alaska 99611
Donovan1126@yahoo.com
Primary: (719) 963-1456

LOCATION: The project site is located within Section 19, T. 8 S., R. 6 W., Copper River Meridian; Latitude 61.1635° N., Longitude 146.3607° W.; near Valdez, Alaska.

PURPOSE: The applicant's stated purpose is to conduct a placer mining operation in order to extract gold.

PROPOSED WORK: The applicant proposes to conduct mechanical placer mining, which would include:

- 0.0037-acre of test holes made with an 8-inch auger bit and a maximum depth of 10 feet
- The installation of two (2) 24-inch diameter by 20-foot-long (0.0009-acre) culverts
- Approximately 36.37 acres of mine cuts
- Approximately 444.44 cubic yards of test pits with the maximum pit measuring 20 feet long by 10 feet wide by 30 feet deep
- Approximately 677.77 cubic yards of stream diversion (1,525-foot-long by 12-foot-wide by 1-foot-deep). The diversion would begin at Latitude 61.1647° N., Longitude 146.3575° W. and end at Latitude 61.1631° N., Longitude 146.3577° W.

The total impacts to waters of the United States would include approximately 1,122.22 cubic yards of dredged material placed into approximately 36.3933 acres of wetlands and riverine habitat.

All work would be performed in accordance with the enclosed plan (sheets 1-38), dated April 1, 2025.

ADDITIONAL INFORMATION: The applicant submitted a Multi-Agency Application for Permits to Mine in Alaska (APMA) for Mining & Reclamation in the Prince William Sound Mining District, near the community of Valdez. APMA forms include applications for Miscellaneous Land Use Permits (MLUPs), Approved Plan of Operations, and Reclamation Plan Approvals for mining operation. The agencies involved in the APMA permitting process include the Alaska Department of Fish and Game; Alaska Department of Revenue-Tax Division; Alaska Department of Environmental Conservation; Alaska Department of Natural Resources (ADNR), Division of Mining, Land, and Water (DMLW) Mining Section; ADNR, DMLW Regional Land Office; ADNR, Division of Parks and Outdoor Recreation; ADNR, Division of Forestry; Bureau of Land Management; United States (U.S.) Forest Service; U.S. Park Service; and U.S. Army Corps of Engineers (USACE).

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: The applicant states the activities involved in the operation would not impact the main channel of Mineral Creek.

b. Minimization: The applicant states the length of the tributary diversion is the minimum length necessary to complete the project's purpose and need.

c. Compensatory Mitigation: The applicant states they do not believe that compensatory mitigation is required for this project because the tributary of Mineral Creek would be put back to its original state when the placer mining operation is complete.

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/or within the vicinity of the permit area. Consultation of the AHRs constitutes the extent of cultural resource investigations USACE at this time. USACE has made a No Adverse 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.

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 (Magnuson-Stevens 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).

The project area is within mapped EFH for pink salmon (*Oncorhynchus gorbuscha*), Sockeye salmon (*Oncorhynchus nerka*), chum salmon (*Oncorhynchus keta*), and coho salmon (*Oncorhynchus kisutch*).

We have determined the described activity may adversely affect EFH in the project area for the species listed above. According to "Impacts to Essential Fish Habitat from Non-Fishing Activities in Alaska: EFH 5-year review from 2018-2023", Limpinsel et al. state "primary impacts to salmon EFH associated with riverine sand and gravel mining activities include: the creation of turbidity plumes and re-suspension of sediment and nutrients, the removal of spawning habitat, and the alteration of channel morphology. These primary impacts often lead to a series of secondary impacts (NMFS 2005b):

- Alteration of migration patterns;
- Creation of physical or thermal barriers to migration corridors;
- Increased fluctuation in water temperature;
- Decreased dissolved oxygen;
- High mortality of sensitive early life stages;
- Increased susceptibility to predation;
- Loss of suitable habitat;
- Decreased nutrients (from loss of floodplain connection and riparian vegetation); and

- Decreased prey availability.

Turbidity plumes can smother spawning habitat for several kilometers downstream. Reduction in water clarity by sediment plumes can also have behavioral and physiological impacts to fish species. Behavioral impacts may include temporary impacts to trophic dynamics and increase energy demands (Michel et al. 2013). Sand and gravel mining in riverine, estuarine, and coastal environments can also suspend materials at the mining sites. Sedimentation may be delayed because gravel removal typically occurs at low flow when the stream has the least capacity to transport fine sediments out of the system. Another delayed sedimentation effect results when freshets inundate extraction areas that are less stable than they were before the activity occurred. For salmon, gravel operations can interfere with migrations past the site if they create physical or thermal changes either at or downstream from the work site (Williamson et al. 1995).

Extraction of sand and gravel in rivers and streams can reduce or eliminate spawning gravels if the extraction rate exceeds the deposition rate of new gravel in the system or exposes bedrock. Gravel excavation can alter channel morphology by making the stream channel wider and shallower. The suitability of stream reaches as rearing habitat for juvenile salmon may decrease, especially during summer low-flow periods when deeper cooler waters are important for survival. Reduction in pool frequency may adversely affect migrating adults that require holding pools. Changes in the frequency and extent of bed load movement, and increased erosion and turbidity can also scour out redds (resulting in a direct loss of eggs and young), or reduce their quality by deposition of increased amounts of fine sediments or even remove all spawning substrates (Williamson et al. 1995).”

This public notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: USACE 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 USACE, 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 rights or resources. Consultation may be initiated by the affected Tribe upon written request to the District Commander. This application is being coordinated with Federally recognized Tribes and other consulting parties. Any comments federal recognized tribes and other consulting parties may have concerning presently unknown archeological or historic data that may be lost or destroyed by the work under the requested permit will be considered in USACE’s final assessment of the described work.

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.

USACE 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 USACE 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 are enclosed with this public notice.