



US Army Corps
of Engineers
Alaska District
Regulatory Division (1145)
Post Office Box 6898
Anchorage, Alaska 99506-0898

Public Notice

Date:
July 3, 2007
Identification No
POA-2007-372
In reply refer to above Identification Number
Expiration Date: July 3, 2012

GENERAL PERMIT 2007-372
Suction Dredge Activities within the
State of Alaska

General Permit (GP) 2007-372, has been issued pursuant to Section 404 of the Clean Water Act (Public Act 95-217, 33 U.S.C. 1344 et seq.), and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). The GP authorizes the dredging of and/or the discharge of dredged material into waters of the United States (U.S.), for the purpose of suction dredge mining within the State of Alaska. The dredging of and/or the discharge of dredged material associated with suction dredge mining activities which does not fall within the scope of this GP, or which fails to meet the GP terms and conditions, is not authorized by this GP.

In response to Public Notice reference number GP 2007-372, issued March 2, 2007, the proposed GP was revised to reflect comments and address concerns submitted by the interested public and other resource agencies. Based on a review of all pertinent information including a prepared environmental assessment, I have concluded that issuance of this GP will not have more than minimal impacts on the environment, and is not contrary to the public interest.

The attached GP 2007-372 describes the terms and conditions which must be met in order for work to be authorized by the GP. An individual wishing to perform work under this GP must review these conditions carefully and follow the application procedures. If the proposed work does not meet the requirements of the terms and conditions, the GP will not apply and an individual Department of the Army permit application must be submitted to us at the letterhead address.

Failure to comply with the terms and conditions of the GP could result in suspension, modification, or revocation of the permit, and/or imposition of penalties as provided by law.

GP 2007-372 has been issued for a period of five (5) years, effective the date of the signature shown on the last page of the attached permit. At the end of this five-year period, an evaluation of the GP will be made, and at that time it will be decided whether or not this GP should be renewed. The District Commander may at any time during this five-year period, alter, modify, suspend or revoke this permit, if he deems such action to be in the public interest.

Any questions or requests for additional information should be directed to: Alaska District, Corps of Engineers, Regulatory Division, CEPOA-RD, Post Office Box 6898, Elmendorf AFB, Alaska 99506-0898, phone (907) 753-2712, toll free in Alaska at (800) 478-2712, or by e-mail at Regpagemaster@poa02.usace.army.mil.

District Commander
U.S. Army Corps of Engineers

GENERAL PERMIT POA-2007-372

Suction Dredge Activities within the State of Alaska

Pursuant to Section 404 of the Clean Water (Public Law 95-217, 33 USC 1344 et seq.), and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), the District Commander, Alaska District, U.S. Army Corps of Engineers (Corps), hereby authorizes General Permit (GP) 2007-372.

This GP authorizes the dredging of and/or the discharge of dredged material into waters of the United States (U.S.), for the purpose of suction dredge mining within the State of Alaska. The authorized work shall be conducted under the specific conditions listed below. Suction dredge mining is defined as the removal of sediment with a suction device from the bottom of a water body and the discharge or redeposit of dredged material for the purpose of extracting gold or other precious materials. The conditions of the GP are intended to ensure that impacts to the aquatic environment are minimal. Reclamation is an integral part of this GP. The goal is to restore the bottom of the stream or the sea to pre-disturbance conditions, in turn having a minimal impact on the environment. The Secretary of the Army issues this Regional General Permit pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.), and Section 10 of the Rivers and Harbors Act of 1899.

AUTHORIZED ACTIVITIES:

All suction dredge activities in waters of the U.S. must comply with the conditions of the GP listed below.

Exceptions: General Permits have restrictions. If your operations do not fit within these limitations, this GP will not apply, and you may be required to obtain a different type of permit. This GP does not cover the following operations:

- Nozzle Size Limit: This GP does not apply for suction dredge activities using an intake nozzle greater than 10 inches.
- Habitat: This GP does not apply to projects in coral, eelgrass beds, seagrass beds, kelp beds, macro-algae, vegetated shallows, shellfish beds, mudflats, or wetlands.
- Water Depth: This GP does not apply to projects in water deeper than twenty (20) feet or -20 feet Mean Lower Low Water (MLLW) when MLLW = 0.
- Other Mining Activities: This GP does not authorize additional placement of dredged and or fill material into waters of the United States for any activity related to suction dredging other than the suction dredging itself. This includes placer mining, hard rock mining, and gravel mining operations.
- Mining in the Municipality of Anchorage: This GP does not apply within the Municipality of Anchorage.
- Mining in the Bristol Bay Borough Designated Areas: This GP does not apply within the Bristol Bay Borough designated commercial fishing, seafood processing, recreational use and tourism areas on the Naknek River.

Additionally, this GP does not apply to the following situations unless approval is obtained from the appropriate agency through agency coordination:

- State Designated Special Areas, **unless** the activity is specifically authorized by the agency with jurisdiction over these lands. Examples of these special areas are Game Refuges and Sanctuaries, and Critical Habitat Areas.

- Archaeological, cultural, or historic properties are adversely affected **unless** coordination with the State Historic Preservation Office, and if necessary, the Advisory Council on Historic Preservation is completed. This exception is per Section 106 of the National Historic Preservation Act. These are properties which the National Park Service has listed, or has determined eligible for listing, on the National Register of Historic Places.
- Federally Designated Areas (existing or nominated): Examples of these designated areas are National Wildlife Refuges, National Parks, National Wild and Scenic Rivers, and Critical Habitat Areas.
- Endangered or threatened species would be adversely affected, as determined by the U.S. Fish and Wildlife Service.
- Essential Fish Habitat that would be adversely affected, including anadromous fish and federally managed fishery resources, as determined by the National Marine Fisheries Service.

CONDITIONS OF THE GENERAL PERMIT:

1. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.
2. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), 17th Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802; or by telephone at (907) 463-2269.
3. The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.
4. Dredged material, including spoils and tailings, shall be placed so that it does not pose a hazard to navigation.
5. Stream banks shall not be disturbed or affected.
6. Any suction dredge activity shall provide for the free passage of fish, both upstream and downstream with no barriers or entrapments, consistent with State of Alaska Department of Natural Resources, Office of Habitat Management and Permitting (ADNR-OHMP) Statutes A.S. 41.14.840 - 41.14.860.
7. Suction dredge activities which are located in waters used by anadromous fish species shall be consistent with State of Alaska Department of Natural Resources, Office of Habitat Management and Permitting (ADNR-OHMP) Statutes A.S. 41.14.870 and must comply with any Alaska Department of Natural Resources, Office of Habitat Management and Permitting (ADNR-OHMP) Fish Habitat Permit issued for the project under A.S 41.14.870, if a permit is required. Violation of the Fish Habitat permit shall be grounds to suspend or revoke the authorization granted by this GP.
8. Discharges of dredged and/or fill material, including suction dredge activities performed in conjunction with the overall mining operation, shall

not occur within 500 feet of locations where fish are spawning or where fish eggs or alevins are known to exist at the time work occurs.

9. The proposed suction dredge activity shall not adversely affect Essential Fish Habitat (EFH). Section 305 (b) of the Magnuson-Stevens Fishery Conservation and Management Act and 50 CFR Part 600 provide the requirements for EFH consultation. The District Commander (DC) shall make a determination whether or not the action will adversely affect EFH. The determination and an EFH assessment (per 50 CFR 600.920) shall be provided in any subsequent notice should the action adversely affect EFH. If necessary, the National Marine Fisheries Service (NMFS) will provide EFH Conservation Recommendations as defined in Section 305 (b)(4)(A) and 50 CFR Part 600.
10. The proposed suction dredge activity shall be in compliance with any applicable National Pollutant Discharge Elimination System permit requirements.
11. Activities covered under this GP shall not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973, (Act), nor jeopardize the continued existence of any proposed species under the Act. If the proposed suction dredge activity is located within the range of threatened or endangered species, the DC shall conduct a determination of effect by contacting the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for each application received as a GP request, or require documentation of such contact from operators with an approved Federal plan of operation. If it is determined that listed species are likely to be adversely affected, and/or proposed species are likely to be jeopardized by the permitted action or related activities, this GP shall not apply until consultation of section 7 of the Endangered Species Act is complete.
12. No suction dredge activity shall be permitted from August 1 to April 1 within 4 nautical miles of the following known Steller's eider molting areas:
 - Nanvak Bay
 - Port Heiden
 - Nelson Lagoon/Herendeen Bay/Mud Bay/Port Moller Complex
13. No suction dredge activity shall be permitted between September 1 and April 1 within 4 nautical miles of the following known Steller's eider wintering locations:
 - The coastal seaward waters from Tununak to Toksook Bay on Nelson Island
 - The southside of Nunivak Island from Cape Mohican to Atahgo Point
 - The coastal seaward waters from the south end of Carter Spit north to Jacksmith Bay
 - Goodnews Bay
 - Chagvan Bay
 - Egegik Bay
 - Ugashik Bay
 - Bechevin Bay
 - Cape Lapin
 - Akutan Harbor
 - Waters of Unalaska Bay south of Amaknak Island
 - The coastline between Cape Star on Umnak Island and the western tip of Samalga Island
 - The south coast of the Ikaton Peninsula between Otter Cover and Cape Pankof on Unimak Island
 - Thin Point to the east end of Kinzarof Lagoon in Cold Bay
 - Sanak Islands
 - Moss Cape near Volcano Bay on the Alaska Peninsula

- Bear Bay
 - Volcano Bay
 - Coal Bay to McGinty Point
 - Bay Point to Unga Spit on Unga Island
 - Zachary Bay on Unga Island
 - East Head to Popof Island airstrip on Popof Island
 - Chignik Lagoon
 - Wide Bay west to the mouth of Pass Creek and Hartman Island
 - Seldovia Bay in Kachemak Bay
 - Homer Spit to Bishop's Beach
 - Happy Valley to Clam Gulch in Cook Inlet
 - Kirschner Lake outlet to Rocky Cover on the western shore of Cook Inlet
 - The following locations on Kodiak Island: Ugak Bay, Pasagshak Bay, Cape Chiniak, Kalsin Bay, Middle Bay, Womans Bay, and St. Paul Harbor
14. No suction dredge mining activity shall be located within one-quarter mile of an eagle nest site unless the Fish and Wildlife Service determines that the activity will not impact the eagles. The applicant has additional responsibilities to protect eagles under provisions of the Eagle Protection Act (16 USC 668-668c, revised November 8, 1978).
 15. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this GP, you must immediately stop work and notify this office, the State Historic Preservation Office, and the coastal district (if within a coastal district), of what you have found. The DC will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. (If the activity occurs on Federal land, the Federal land manager is responsible for coordination.)
 16. No suction dredge activities shall occur within one nautical mile of Steller sea lion rookeries and/or haulouts.
 17. No suction dredge activities shall occur within 500 feet of any municipal water supplies.
 18. All equipment shall be cleaned of debris and water in an upland location when moving between water bodies.
 19. The conditions found on the State of Alaska Department of Environmental Conservation, Certificate of Reasonable Assurance, pursuant to Section 401 of the Clean Water Act, are attached to the Department of the Army General Permit, if applicable.

ADVISORY: Suction dredges operated in marine waters are advised to maintain a distance of 1,000 feet from actively fishing vessels or set net sites.

Reclamation: Tailings, oversized rock, and disturbed sediment shall be reclaimed to original stream bottom or sea bottom contours while the mining activity is ongoing and prior to the end of the mining season. Exceptions and additions to these requirements can be made on a case-by-case basis when reviewed through agency coordination and approved by the Corps and the appropriate land manager.

Inspection: You must allow the DC, or his designated representative(s), to inspect the authorized activity at any time deemed necessary to ensure work is being, or has been, accomplished in accordance with the terms and conditions of this GP.

In the event that work is being or has been performed in noncompliance with this GP, appropriate measures will be taken to resolve the violation. This may include a requirement to obtain an individual permit.

Refusing access to an inspection of the authorized activities shall be considered non-compliance with the terms and conditions of this GP.

Any operator found in non-compliance with this GP may not be issued another GP authorization until the non-compliance is resolved. Non-compliance with reporting requirements may result in permit revocation, directed restoration of affected areas, and/or imposition of civil and criminal penalties.

APPLICATION PROCEDURES:

Notification Requirements: Although all suction dredge activities fall under the jurisdiction of the Corps, only for suction dredge activities that use nozzles greater than 6 inches, the operator must notify the Corps of their intent to mine prior to beginning the work. There are two ways to notify the Corps:

1. Mine operators may submit a letter to the Corps requesting GP coverage. Alternatively, the operator may complete a DA permit application (ENG FORM 4345) [available at a Corps office or at our website: <http://www.poa.usace.army.mil/reg/>]. Applications submitted directly to the Corps will receive initial review for completeness within fifteen days of receipt. The request for a GP must include:
 - A legible map showing the location of the proposed work, including directions with mileages to turnoffs and the USGS quadrangle map.
 - A description of the type/size of equipment to be used, including nozzle size.
 - Drawings that show the approximate dimensions (area) of the activity.
 - Estimate of the quantity of material to be processed through the dredge.
 - Latitude and Longitude of the project area.

The letter (or application) and accompanying drawings must have sufficient detail for the application to be considered completed. The Corps will contact the applicant for additional drawings and/or information if necessary. After receipt of a complete GP application, the Corps will notify the applicant to confirm that their work will be covered under this GP, or that an individual permit is required. **If the suction dredge activity uses a nozzle size greater than 6 inches, no work can proceed without Corps confirmation.**

OR

2. If you have received this GP after filing an Annual Placer Mining Application (APMA), or multi-year APMA, with ADNR, no further action is required. The APMA is your permit application. Operators can notify the Corps by submitting an accurate State of Alaska APMA or a multi-year APMA to ADNR, which will make it available to the Corps. The APMA must include:
 - Previous Corps permit file number, if applicable
 - Latitude and Longitude of the project area

Drawings must be of sufficient detail for the APMA to be considered a complete GP application by the Corps. The Corps will review APMA's submitted to ADNR as workload priorities permit. The Corps will contact the applicant for additional drawings and/or information, if necessary. After receipt of a complete GP application, the Corps will notify the applicant that their work will be covered under this GP, or that an individual permit is required. **If the suction dredge activity uses a nozzle size greater than 6 inches, no work can proceed without Corps confirmation.**

Authorization Process: All mining operations proposed for authorization under this GP will be authorized as follows:

1. Applicant notifies the Corps by either of the methods outlined in paragraph 1. or 2. above.
2. The Corps will review the application and preliminarily determine that the GP is applicable and/or if agency coordination is necessary.
3. Agency coordination will be necessary if the preliminary review finds potential impacts to resources such as essential fish habitat, anadromous streams, threatened or endangered species, or cultural resources. Corps will initiate agency coordination by sending plans to appropriate agencies.
4. Agencies have 10 calendar days from the date this notification is transmitted to contact the Corps in writing, by FAX, e-mail, or by telephone, with comments on the project.
5. The Corps issues the applicant a GP authorization letter, or based upon review, the Corps notifies the applicant that a GP is not appropriate for the proposed operation. Special conditions can be added to the GP authorization letter.
6. Permittee should retain all original mine authorizations in a safe location, and a duplicate copy at the mine site in possession of the operator for review by visiting agencies.

OTHER INFORMATION:

Reevaluation of a Permit Decision: The Corps may reevaluate its decision to issue a GP authorization at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- The permittee fails to comply with the terms and conditions of this permit.
- Appropriate new information surfaces, which this office did not consider in reaching the original public interest decision.

A reevaluation may result in:

- A decision to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7
- A decision to use enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. These enforcement procedures provide for the issuance of an administrative order requiring compliance with the terms and conditions of the permit and for the initiation of legal action where appropriate.

The permittee will be required to pay for any corrective measures ordered by this office, and if there is a failure to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract, or otherwise, and bill you for the cost.

Extension, Modification, and Revocation of the General Permit:

- This GP may be revoked by issuance of a Public Notice at any time the DC determines that the singular or cumulative effects of the activities authorized herein are having an unacceptable adverse impact upon the public interest. Following such revocation, all new applications will be processed under individual permit application review procedures and the

DC would decide on a case-by-case basis if previously authorized activities should be revoked, suspended, or modified.

- The DC has the discretionary authority to review any individual mining activity, or class of activities to determine whether the activity complies with the GP. If the DC finds that the activity has more than minimal individual or cumulative net adverse impacts on the environment or otherwise may be contrary to the public interest, prospective permittees will be required to apply for an individual permit.
- This GP will be effective for a period of five (5) years. During that time, the DC may modify it if he determines that the singular or cumulative impacts of the activities authorized by this GP have an unacceptable adverse effect upon the public interest. During its fifth year, this GP and the work authorized under it shall be reviewed to determine if this GP should be modified, extended, or discontinued.
- Activities that are authorized/underway prior to the GP expiration date must be completed within twelve (12) months of the GP's expiration date, and the permittee must notify the Corps of his/her intent to continue mining. Further time extensions may be considered on a case-by-case basis under the provisions of 33 CFR 325.6.

Penalties for Violations: Failure to comply with the terms and conditions of this GP may result in:

- Suspension of work.
- Revocation of permit.
- Removal of dredged and/or fill material or other structures.
- Directed restoration of waters and/or wetlands.
- Imposition of penalties as provided under Section 301 of the Clean Water Act (33 USC 1319), or Section 9 of the Rivers and Harbors Act of 1899 (33 USC 401).

Limits of This Authorization:

- This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- This permit does not grant any property rights or exclusive privileges.
- This permit does not authorize any injury to the property or rights of others.
- This permit does not authorize interference with any existing or proposed Federal Project.

Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

- Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- Design or construction deficiencies associated with the permitted work.
- Damage claims associated with any future modification, suspension, or revocation of this permit.

TERM:

This GP is effective for 5 years from the date of issuance unless otherwise modified, suspended, or revoked. Authorized work must be completed by the date specified in the authorization letter.

FOR THE DISTRICT COMMANDER:

Steve Meyers

Steve Meyers
Chief, North Branch
Regulatory Division
Alaska District, Corps of Engineers

3 July 07

Date

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

Non-Point Source Pollution Water Control Program

555 Cordova Street
Anchorage, AK 99501-2617

Phone: (907) 269-7564

Fax: (907) 334-2415

TTY: (907) 269-7511

<http://www.state.ak.us/dec/>

May 3, 2007

Certified Mail 7006-0810-0000-8656-8366

Ms. Julie Woodke
U.S. Army Corps of Engineers, Alaska District
Regulatory Branch - CEPOA-RD
PO Box 6898
Anchorage, AK 99506-0898

Subject: Suction Dredge General Permit
Reference No. GP 2007-372
State ID No. AK0703-06AA

RECEIVED
MAY -4 2007
REGULATORY BRANCH
ALASKA DISTRICT
U.S. ARMY CORPS
OF ENGINEERS

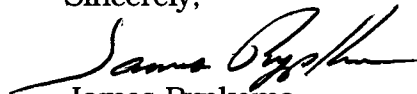
Dear Ms. Woodke:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for the authorization of the suction dredge general permit for Alaska.

Department of Environmental Conservation regulations provide that any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director, Division of Water, 555 Cordova St., Anchorage, AK 99501, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the Office of Project Management and Permitting of our actions and enclosing a copy of the certification for their use.

Sincerely,



James Rypkema
Program Manager

Enclosure

cc: (with encl.)

Tom Atkinson, DNR/OPMP

EPA, AK Operations

William Ashton, ADEC Anchorage

Mac McLean, DNR/OHMP
F&WS

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards, is issued to the U.S. Army Corps of Engineers, CEPOA-RD, PO Box 6898, Elmendorf AFB, AK 99506-0898, for the authorization of General Permit 2007-372, for suction dredge operation in Alaska. The proposed activity is located at many locations throughout Alaska.

Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number GP-2007-372, and a discharge may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to:

1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products. Material such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze or other pollutant spills as a result of mining activities.
2. Fuel storage and handling activities for pumps and suction dredge equipment must be sited and conducted so there is no petroleum contamination of the ground, surface runoff and water bodies.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18AAC15.100).

Date

May 3, 2007



James Rypkema
Program Manager

STATE OF ALASKA

SARAH PALIN
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING
ALASKA COASTAL MANAGEMENT PROGRAM

✓ *SOUTHCENTRAL REGIONAL OFFICE*
530 W. 7TH AVENUE, SUITE 705
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 / FAX: (907) 269-3981

☐ *CENTRAL OFFICE*
P.O. BOX 110030
JUNEAU, ALASKA 99801-0030
PH: (907) 465-3562 / FAX: (907) 465-3075

☐ *PIPELINE COORDINATOR'S OFFICE*
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 257-1351 / FAX: (907) 272-3829

May 2, 2007

Ms. Julie Woodke
U.S. Army Corps of Engineers, Regulatory Div.
P.O. Box 6898
Elmendorf AFB, AK 99506-6898

SUBJECT: Suction Dredging General Permit
Corps I.D. No. GP 2007-372, State I.D. No. AK 0703-06AA
Final Consistency Response

Dear Ms. Woodke:

The Office of Project Management & Permitting (OPMP) has completed coordinating the State's review of your proposed General Permit (GP) for consistency with the Alaska Coastal Management Program (ACMP). OPMP has developed the attached final consistency response based on reviewers' comments. This final consistency response, developed under 11 AAC 110, applies to the federal consistency determination required for the activity per 15 CFR 930, Subpart C.

Based on an evaluation of your GP by the Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources and by affected coastal resource districts, OPMP *concur*s with your determination that the GP is consistent with the ACMP and affected coastal district's enforceable policies to the maximum extent practicable. This is the *final consistency decision* for your GP.

This consistency response is only for your draft GP as the USACE altered it pursuant to comments received and as your public notice described it. If you propose any changes to the approved GP, including its intended use, you must contact this office immediately to determine if further review and approval of the revised GP is necessary. If you have any questions regarding this process, please contact me at 907-269-7468 or email tom_atkinson@dnr.state.ak.us.

Sincerely,


Project Review Supervisor

Enclosures

Cc:

Coastal Districts (except Municipality of Anchorage Coastal District)
ACMP Working Group, Department of Natural Resources Members
ACMP Working Group, State of Alaska Members
Gina Shirey-Potts, ADNR/OPMP, Juneau
Ed Fogels – ADNR/OPMP, Anchorage
Claire Batac – ADNR/OPMP, Juneau
Janet Burleson-Baxter – ADNR/OPMP, Juneau

William Ashton – ADEC, Anchorage
Mel Langdon – ADEC, Anchorage
Sharmon Stambaugh – ADEC, Anchorage
Jim Powell, ADEC, Juneau

Jack Kerin – ADNR/DMLW, Fairbanks
Linda Carter –ADNR/DMLW, Fairbanks
Jeanne Proulx - ADNR/DMLW, Fairbanks
Roselynn Smith – ADNR/DMLW, Fairbanks
Gary Schultz - ADNR/DMLW, Fairbanks
Mac McLean - ADNR/OHMP, Fairbanks
Nancy Ihlenfeldt-Mcnay - ADNR/OHMP, Fairbanks

Sam Means - ADNR/DMLW, Anchorage
Dick Mylius – ADNR/DMLW, Anchorage
Gary Prokosch - ADNR/DMLW, Anchorage
Clark Cox - ADNR/DMLW, Anchorage
Kerwin Krause - ADNR/DMLW, Anchorage
Linda Books - ADNR/DMLW, Anchorage
Joe Wehrman – ADNR/DMLW, Anchorage
Judith Bittner - ADNR/SHPO, Anchorage
Doug Campbell – AMHLT, Anchorage
Linda Markham - ADOT/PF, Anchorage

Brady Scott - ADNR/DMLW, Juneau
Alex Dugaqua - ADNR/DMLW, Juneau
Michael Eberhardt – ADNR/DPOR, Juneau
Andy Hughes – ADOT/PF, Juneau
Kerry Howard - ADNR/OHMP, Juneau
Pam Russell – ADNR/DPOR, Soldotna
Wayne Biessel, DNR/DPOR, Kodiak
Jack Sinclair, Ranger, DNR/SP, Soldotna

City Manager, City of Sand Point

Tammy Stromberg, City of Akutan, Anchorage
Gary Hennigh, City Manager, King Cove
Planning Director, City of Unalaska, Unalaska
Mary Myers Ogle, Kodiak Island Borough
Donna Boltz, Port of Anchorage, Anchorage
John William Alder, Borough Manager, Bristol Bay Borough, Naknek
Duane Dvorak, Kodiak Island Borough, Kodiak
Johnny Aiken, North Slope Borough, Barrow
Dan Forster, North Slope Borough, Barrow
City of Kaktovik, Kaktovik
Kim Franklin, Planner, NWAB, Kotzebue
Alex Whiting, Planning Commission, NWAB, Kotzebue
Barbara MacManus, Planning Commisision, NWAB, Ambler
City Clerk, Kotzebue
Gordon Newlin, Planning Commission, NWAB, Noorvik, Kiana, Selawik
Lowell Sage, Sr., Planning Commissioner, NWAB, Kivalina
Planning Commission, NWAB, Buckland
Rick Hohnbaum, City Manager, Whittier
John Mercurief, City Manager, City of St. Paul, St. Paul
Alan Sorum, City of Valdez, Harbormaster
Diomedede City Council, Diomedede
Elim City Council, Elim
Gambell City Council, Gambell
Golovin City Council, Golovin
Koyuk City Council, Koyuk
Savoonga City Council, Savoonga
Shaktoolik City Council, Shaktoolik
Shishmaref City Council, Shishmaref
St. Michael City Council, St. Michael
Stebbins City Council, Stebbins
Teller City Council, Teller
Unalakleet City Council, Unalakleet
Wales City Council, Wales
White Mountain City Council, White Mountain

Jeanne Hanson, NMFS, Anchorage
Janet Herr, NMFS, Anchorage
Gene Voerman, EPA, Anchorage
Ted Rockwell, EPA, Anchorage
Joan Darnell – NPS, Anchorage
Glen Yankus, NPS, Anchorage
Cindy Hartmann - NMFS, Juneau
Mary Goode - NMFS, Juneau
Susan Walker - NMFS, Juneau

Linda Shaw - NMFS, Juneau
Phil North, EPA, Kenai
Gary Sonnevil, Field Supervisor, US Fish and Wildlife Service, Kenai
G. Kevin VanHatten, Kodiak National Wildlife Refuge
Jeni Evans, USFS Seward Ranger District, Seward
Rob Spangler, USFS
Kristie May Renfrew, District Manager, USSWCD
Robert Schneider, BLM, Fairbanks

Diane Platt, Cordova District Fishermen United, Cordova
Roger Du Brock, Bering Sea Fishermen Association, Anchorage
Steven Borell – Alaska Miners Association, Anchorage
Buck Lindekugel - SEACC, Juneau
Robert L. Baldwin, FOCL, Cooper Landing
Mark Luttrell, Director, Resurrection Bay Conservation Alliance, Seward
Mona Painter, Cooper Landing Community Club, Cooper Landing
Bob Shavelson, Cook Inlet Keeper, Homer
Eric Uhde, Alaska Center for the Environment, Anchorage
Nancy Wainwright, Anchorage
Pat Lavin, National Wildlife Federation, Anchorage
Randi Iverson, Alaska's Sadie Cove Wilderness Lodge
Mike Lynch, Horizon Lines, Dutch Harbor
Gary Porter, Bald Mountain Scientific, Homer

Dennis J. Tiepelman, Maniilaq Association, Kotzebue
Frank Adams, Noatak
Jennifer Curtis, Maniilaq Association, Kotzebue
Subsistence Coordinator, Nana Corp., Kotzebue
Jacob Adams, Arctic Slope Regional Corporation, Barrow
Brenda Trefon, Kenaitze Indian Tribe, IRA
Michele Metz - Sealaska Corporation, Juneau
Dan McDaniel, Eyak Corporation, Cordova
Rick Rogers, Chugach Alaska Corporation, Anchorage
Dennis Metrokin, President, Koniag, Inc., Anchorage
Andy Teuber, Vice-President, Koniag, Inc.
Rita Stevens, President, Kodiak Area Native Association, Kodiak
Tom Hawkins, Bristol Bay Native Corporation, Anchorage
Paul Roehl, Bristol Bay Native Corporation, Anchorage
Ralph Anderson, Bristol Bay Native Association, Dillingham
June McAtee, Calista Corporation, Land and Natural Resources, Anchorage
Ounalashka Corporation, Unalaska
Violet Yeaton, Port Graham VM Council
Chief Pat Norman, Prot Graham
Jim Arnesen, Eklutna Inc., Eagle River

Daniel Alex, Native Village of Eklutna
Hazel Felton, Cook Inlet Region, Inc., Anchorage
Blake Kowal, Cook Inlet Region, Inc., Anchorage
Kim Cunningham, Cook Inlet Region, Inc., Anchorage
Irene Anderson, Bering Straits Native Corporation, Nome
Denise Barengo, Executive Director, Nome Eskimo Community I.R.A. Council, Nome
Robert Fagerstrom, Sitnasuak Native Corporation, Nome
Sivuuq Corporation, Gambell

Brevig Mission Native Corp., Brevig Mission
Brevig Mission Traditional Corp., Brevig Mission
Council Native Corporation, Nome
Diomed IRA Council, Diomed
Elim IRA Council, Elim
Elim Native Corporation, Elim
Gambell IRA Council, Gambell
Golovin Native Corporation, Golovin
Golovin Traditional Corporation, Golovin
Inalik Native Corporation, Diomed
King Island IRA Council, Nome
Koyuk IRA Council, Koyuk
Koyuk Native Corporation, Koyuk
Mary's Igloo Native Corporation, Teller
Mary's Igloo Traditional Council, Teller
Nome Common Council, Nome
Shaktoolik Native Corporation, Shaktoolik
Shishmaref IRA Council, Shishmaref
Shishmaref Native Corporation, Shishmaref
Solomon Native Corporation, Nome
St. Michael Native Corporation, St. Michael
Stebbins Native Corporation, Stebbins
Teller Native Corporation, Teller
Teller Traditional Council, Teller
Unalakleet IRA Council, Unalakleet
Wales IRA Council, Wales
Wales Native Corporation, Wales
White Mountain IRA, White Mountain

**ALASKA COASTAL MANAGEMENT PROGRAM
FINAL CONSISTENCY RESPONSE
CONCURRENCE**

DATE ISSUED: MAY 2, 2007

PROJECT TITLE: Suction Dredging General Permit

STATE ID. No.: AK 0703-06AA

AFFECTED COASTAL RESOURCE DISTRICT(S): STATEWIDE EXCEPT IN THE MUNICIPALITY OF ANCHORAGE AND BRISTOL BAY BOROUGH COASTAL DISTRICTS

PROJECT DESCRIPTION AND SCOPE OF THE PROJECT SUBJECT TO CONSISTENCY REVIEW: Except for water quality issues addressed through the Alaska Department of Environmental Conservation (DEC) 401 Certification process, the activity subject to this review is suction dredge mining in fresh and marine waters of the U.S., including wetlands, within the state of Alaska. Such mining would consist of removing sediment with a suction device from the bottom of a water body for the purpose of extracting gold or other precious materials, and may also include discharging dredged materials into waters of the U.S., including wetlands. Activities that the Corps would authorize with proposed GP 2007-372, and that are, therefore, subject to this ACMP review, are more fully described in the public notice the Corps published March 2, 2007 along with draft GP 2007-372.

The Corps proposes to employ the GP to authorize activities that are substantially similar in nature and would cause only minimal adverse environmental impact when performed separately. The Corps would employ the proposed GP only when the District Commander or his designee determines that the proposed activity would be minor, would not have more than minimal cumulative impacts on the human environment, and when the District Commander has conducted consultation with appropriate federal and state regulatory and resource agencies. The Corps would retain the discretion to authorize a proposed suction dredging activity via an individual permit—or not authorize it at all—when the Corps determines that the effects of the proposed activity would be greater than de minimus and, therefore, would not fit the GP.

CONSISTENCY STATEMENT: OPMP concurs with the consistency certification the USACE submitted.

AUTHORIZATIONS: The Department of Environmental Conservation (DEC) will review any activities subject to DEC permits, certifications, approvals, and authorizations for consistency with 11 AAC 112.310. The issuance of the permits, certifications, approvals, and authorizations by DEC establishes consistency with 11 AAC 112.310 for those specific activities.

APPEAL: This final consistency response is a final administrative order and decision under the ACMP and for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court of Alaska must be made within thirty (30) days of the date this response is issued.

ADVISORIES: Please be advised that although OPMP concurs with the determination that the project is consistent to the maximum extent practicable with the ACMP, the [federal proponent] is still required to meet all applicable State and federal laws and regulations. This consistency finding may include reference to specific laws and regulations, but this in no way precludes the [federal proponent's] responsibility to comply with other applicable laws and regulations.

If the proposed activities reveal cultural or paleontological resources, please stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) and the [COE permit?] U.S. Army Corps of Engineers (907-753-2712) [other federal agency?] so that consultation per section 106 of the National Historic Preservation Act may proceed.

Final Consistency Response Prepared By:
Tom Atkinson, Project Review Supervisor
550 W. 7th Avenue, Suite 705
Anchorage, AK 99501
(907) 269-7468

A handwritten signature in black ink, appearing to read "Tom Atkinson", written over a horizontal line.

May 2, 2007

**ACMP CONSISTENCY EVALUATION
GP 2007-372 for Suction Dredging, AK 0703-06AA**

Pursuant to the following evaluation, the GP as proposed is consistent with applicable ACMP statewide and affected coastal resource district enforceable policies (copies of the policies are available on the ACMP web site at <http://www.alaskacoast.state.ak.us>).

STATEWIDE STANDARDS
11 AAC 112.200 Coastal Development
<p>(a) In planning for and approving development in or adjacent to coastal waters, districts and state agencies shall manage coastal land and water uses in such a manner that those uses that are economically or physically dependent on a coastal location are given higher priority when compared to uses that do not economically or physically require a coastal location</p> <p>(b) Districts and state agencies shall give, in the following order, priority to (1) water-dependent uses and activities; (2) water-related uses and activities; and (3) uses and activities that are neither water-dependent nor water-related for which there is no practicable inland alternative to meet the public need for the use or activity.</p> <p>Evaluation:</p> <p>(a) "Development" is not defined in ACMP statutes or regulations, but, for the purposes of this evaluation, suction dredging is not considered development, but rather is an activity that may have reasonably foreseeable impacts on coastal uses or resources. Thus, this standard does not apply to this review.</p> <p>(b) Since the proposed GP defines the activity subject to this ACMP review as "the removal of sediment with a suction device from the bottom of a water body," activities the GP would authorize would be clearly water-dependent. The proposed GP is consistent with this standard to the maximum extent practicable.</p>
11 AAC 112.210 Natural Hazard Areas
<p>(c) Development in a natural hazard area may not be found consistent unless the applicant has taken appropriate measures in the siting, design, construction, and operation of the proposed activity to protect public safety, services, and the environment from potential damage caused by know natural hazards.</p> <p>Evaluation:</p> <p>"Development" is not defined in ACMP statutes or regulations, but, for the purposes of this evaluation, suction dredging is not considered development, but rather, an activity. To comply with this standard, suction dredge miners must take appropriate measures in their operation to protect public safety, services, and the environment from potential damage caused by know natural hazards.</p> <p>The proposed GP has safeguards built in to protect the environment and the USACE process for authorizing dredging via the GP (which includes 1. Agency Coordination when the USACE is concerned about the mining not fitting the GP perfectly, and 2. special conditions when appropriate) reasonably protects against GP-authorized suction dredging in natural hazard areas. The proposed GP is consistent with this standard to the maximum extent practicable.</p>

11 AAC 112.220 Coastal Access

Districts and state agencies shall ensure that projects maintain, and, where appropriate, increase public access to, from, and along coastal water.

Evaluation:

The proposed GP has built-in safeguards to protect free navigation in water bodies in which the USACE may authorize suction dredging activities via the proposed GP. If a miner's application to use the GP indicated that the mining might constrict access to, from or along coastal water, the USACE would likely consult districts and state agencies via agency coordination, thus adequately protecting access. The proposed GP is consistent with this standard to the maximum extent practicable.

11 AAC 112.230 Energy Facilities

Evaluation: This statewide standard does not apply to the proposed GP.

11 AAC 112.240 Utility Routes and Facilities

Evaluation: This statewide standard does not apply to the proposed GP.

11 AAC 112.250 Timber Harvest and Processing

Evaluation: This statewide standard does not apply to the proposed GP.

11 AAC 112.260 Sand and Gravel Extraction

Evaluation: This statewide standard does not apply to the proposed GP.

11 AAC 112.270 Subsistence

(a) A project within a subsistence use area designated by the department or under 11 AAC 114.250(g) must avoid or minimize impacts to subsistence uses of coastal resources.

Evaluation:

The proposed GP does not specifically refer to subsistence, but it would not allow suction dredging in sensitive, subsistence-prone habitats such as shellfish, eelgrass and seagrass beds, mudflats or wetlands, nor would it apply without consultation in state game refuges, critical habitat areas, and areas where endangered or threatened species or essential fish habitat might be affected.

The proposed GP requires free fish passage and compliance with DNR-Office of Habitat Management and Permitting permits. Furthermore, the proposed GP advises miners to maintain a 1,000-foot distance from set net fishing sites and actively fishing vessels. Miners authorized via the proposed GP could not disturb or affect stream banks, nor could they dredge within 500 feet of fish spawning and rearing locations.

The proposed GP would not preclude subsistence activities within an area where a miner was suction dredging. If a miner's application to use the proposed GP indicated that the mining might negatively affect subsistence uses or resources, the USACE would consult districts, state agencies and tribal entities. The proposed GP is consistent with this standard to the maximum extent practicable.

11 AAC 112.280 Transportation Routes and Facilities

Evaluation: This statewide standard does not apply to the proposed GP.

11 AAC 112.300 Habitats

- (a) Habitats in the coastal area that are subject to the program are
- (1) offshore areas;
 - (2) estuaries;
 - (3) wetlands;
 - (4) tideflats;
 - (5) rocky islands and sea cliffs;
 - (6) barrier islands and lagoons;
 - (7) exposed high-energy coasts;
 - (8) rivers, streams, and lakes and the active floodplains and riparian management areas of those rivers, streams, and lakes; and
 - (9) important habitat.
- (b) The following standards apply to the management of the habitats identified in (a) of this section:
- (1) offshore areas must be managed to avoid, minimize, or mitigate significant adverse impacts to competing uses such as commercial, recreational, or subsistence fishing, to the extent that those uses are determined to be in competition with the proposed use;
 - (2) estuaries must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) adequate water flow and natural water circulation patterns; and
 - (B) competing uses such as commercial, recreational, or subsistence fishing, to the extent that those uses are determined to be in competition with the proposed use;
 - (3) wetlands must be managed to avoid, minimize, or mitigate significant adverse impacts to water flow and natural drainage patterns;
 - (4) tideflats must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) water flow and natural drainage patterns; and
 - (B) competing uses such as commercial, recreational, or subsistence uses, to the extent that those uses are determined to be in competition with the proposed use;
 - (5) rocky islands and sea cliffs must be managed to
 - (A) avoid, minimize, or mitigate significant adverse impacts to habitat used by coastal species; and
 - (B) avoid the introduction of competing or destructive species and predators;
 - (6) barrier islands and lagoons must be managed to avoid, minimize, or mitigate significant adverse impacts
 - (A) to flows of sediments and water;
 - (B) from the alteration or redirection of wave energy or marine currents that would lead to the filling in of lagoons or the erosion of barrier islands; and
 - (C) from activities that would decrease the use of barrier islands by coastal species, including polar bears and nesting birds;
 - (7) exposed high-energy coasts must be managed to avoid, minimize, or mitigate significant adverse impacts
 - (A) to the mix and transport of sediments; and
 - (B) from redirection of transport processes and wave energy;
 - (8) rivers, streams, and lakes must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) natural water flow;

- (B) active floodplains; and
- (C) natural vegetation within riparian management areas; and
- (9) important habitat
 - (A) designated under 11 AAC 114.250(h) must be managed for the special productivity of the habitat in accordance with district enforceable policies adopted under 11 AAC 114.270(g); or
 - (B) identified under (c)(1)(B) or
 - (C) of this section must be managed to avoid, minimize, or mitigate significant adverse impacts to the special productivity of the habitat.
- (c) For purposes of this section,
 - (1) "important habitat" means habitats listed in (a)(1) – (8) of this section and other habitats in the coastal area that are
 - (A) designated under 11 AAC 114.250(h);
 - (B) identified by the department as a habitat
 - (i) the use of which has a direct and significant impact on coastal water; and
 - (ii) that is shown by written scientific evidence to be biologically and significantly productive; or
 - (C) identified as state game refuges, state game sanctuaries, state range areas, or fish and game critical habitat areas under AS 16.20;
 - (2) "riparian management area" means the area along or around a waterbody within the following distances, measured from the outermost extent of the ordinary high water mark of the waterbody:
 - (A) for the braided portions of a river or stream, 500 feet on either side of the waterbody;
 - (B) for split channel portions of a river or stream, 200 feet on either side of the waterbody;
 - (C) for single channel portions of a river or stream, 100 feet on either side of the waterbody;
 - (D) for a lake, 100 feet of the waterbody.

Evaluation:

The proposed GP could apply in the following habitats: (1) offshore areas; (2) estuaries; (3) wetlands; (4) tideflats; (6) barrier islands and lagoons; (8) rivers, streams, and lakes and the active floodplains and riparian management areas of those rivers, streams, and lakes; and (9) important habitat.

In offshore areas, estuaries and tideflats, the USACE would avoid impacts to competing commercial, recreational and subsistence uses by advising miners to maintain a minimum a 1,000-foot distance from set net fishing sites and actively fishing vessels, and by prohibiting GP-authorized suction dredging in sensitive, subsistence-prone habitats such as shellfish, eelgrass and seagrass beds. Miners authorized via the proposed GP could not disturb or affect stream banks, nor could they dredge within 500 feet of fish spawning and rearing locations. The USACE would not authorize suction dredging via the GP ins offshore areas, estuaries and tideflats within state game refuges, critical habitat areas, and areas where endangered or threatened species or essential fish habitat might be affected without prior consultation with appropriate agencies. The proposed GP requires free fish passage and compliance with DNR-Office of Habitat Management and Permitting permits.

In wetlands, the GP would minimize impacts to natural water flow and drainage patterns by requiring

that miners returned the submerged land to its natural, pre-mining contours. This reclamation provision would also guard against significant adverse impacts to natural water and sediment flow on barrier islands and in lagoons.

These several provisions would also protect rivers, lakes and streams, their active floodplains and riparian management areas, and important habitat.

Barrier islands and lagoons may not be suitable for suction dredging. If they were, the USACE would mitigate impacts through the GP's reclamation requirement, which would insure that the mining did not alter or redirect wave energy or marine currents.

"Important habitat" would be subsets of the other kinds of habitats already addressed. Impacts to important habitat would be avoided, minimized or mitigated as would the other habitats addressed above.

11 AAC 112.310 Air, Land & Water Quality

Evaluation: The ADEC statutes and regulations with respect to air, land and water quality are no longer incorporated into the coordinated ACMP consistency reviews. The issuance of an ADEC authorization constitutes consistency with the ACMP for the authorized activity and this standard. Consistency with this standard will be established when the ADEC issues or waives the required Section 401 Certification of Reasonable Assurance of Water Quality.

11 AAC 112.320 Historic, Prehistoric, and Archaeological Resources

- (a) The department will designate areas of the coastal zone that are important to the study, understanding, or illustration of national, state or local history or prehistory, including natural processes.
- (b) A project within an area designated under (a) of this section shall comply with the applicable standards of AS 41.35.240 and 11 AAC 16.010 – 11 AAC 16.900.

Evaluation:

The proposed GP would be subject to Section 106 of the National Historic Preservation Act. Thus, the USACE would consult with agencies (and, by extension via OPMP, with coastal districts) before authorizing mining where Archaeological, cultural, or historic resource might be affected. Furthermore, if a miner discovered any historic or archeological remains while mining, the proposed GP would require the miner to stop work immediately and notify the USACE, the State Historic Preservation Office and the coastal district. The proposed GP is consistent with this standard to the maximum extent practicable.

AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES

The Bristol Bay Borough indicated that the proposed GP would conflict with policies CD-2, DA-1, DA-2, and DA-3.

CD-2 Tidelands Viewsheds

Placement of structures or dredged or fill material in tidelands below the mean high water, shall minimize to the maximum extent practicable obstruction of the water views as currently enjoyed.

DA-1 Commercial Fishing and Seafood Processing

Main Maintenance and enhancement of facilities to avoid or minimize impacts to facilities related to commercial fishing and seafood processing shall be given priority consideration in reviewing proposals, which might adversely impact fisheries habitat, migratory routes, and harvest of fish. Uses and activities within this area shall be sited to avoid or minimize impacts to the physical and biological features of this area.

DA-2 Recreational Designated Area

Maintenance and enhancement of recreational use, to include sport fishing, shall be given priority consideration in reviewing proposals, which might adversely impact these activities. Projects located in this area shall be designated, located, constructed, and operated to minimize adverse impacts to the physical features of the competing recreational users of the area.

DA-3 Tourism Designated Area

Maintenance and enhancement of tourism use shall be given priority consideration in reviewing proposals, which might adversely impact these activities. Projects located in this area shall be designated, located, constructed, and operated to minimize adverse impacts to the physical features of the competing tourism users of the area.

Evaluation:

CD-2 Reclamation is an integral part of the GP. Miners authorized via the GP would be required to return the submerged land to original contours, thus the GP would minimize view obstruction to the maximum extent practicable. If the USACE were considering making an exception to the reclamation requirement, agency consultation regarding the proposed exception would include the BBB, via OPMP.

DA-1, 2 & 3 The GP would not apply in BBB-designated commercial fishing, seafood processing, recreational use and tourism areas on the Naknek River.

No other Coastal Districts indicated that any of their enforceable policies applied to the proposed GP. To the extent that district enforceable policies may apply, the evaluation of statewide standards, above, adequately addresses them.