



US Army Corps  
of Engineers  
Alaska District

# Special Public Notice

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

ISSUANCE DATE: April 9, 2020  
EXPIRATION DATE: May 11, 2020  
REFERENCE NUMBER: POA-2014-00055-M1  
WATERWAY: Statewide

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**REISSUANCE OF GENERAL PERMIT POA-2014-00055-M1 (RGP-8)  
SPECIAL PUBLIC NOTICE  
Placer Mining Activities within the State of Alaska**

All comments should be send via email 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 Special Public Notice reference number listed above. If you desire to submit your comments by mail use the address noted above.

All comments should reach this office no later than the expiration date of this Special Public Notice to become part of the record and be considered in the decision. Any questions or requests for additional information should be directed to **Mr. Jason Brewer** at (907) 753-2823, by email at [Jason.D.Brewer@usace.army.mil](mailto:Jason.D.Brewer@usace.army.mil) or **Mr. Nicholas Lucore** at (907) 753-5783, by email at [Nicholas.Lucore@usace.army.mil](mailto:Nicholas.Lucore@usace.army.mil).

PROPOSAL: The Alaska District, United States (U.S.) Army Corps of Engineers (Corps), in accordance with regulations pursuant to Section 404 of the Clean Water Act (CWA) [Public Law 95-217, 33 U.S.C. 1344 *et. seq.*] proposes to reissue General Permit (GP) POA-2014-00055, with modifications, (formerly known as GP POA-2006-1944-M1), authorizing placement of dredged and/or fill material into waters of the United States (U.S.), including wetlands and streams, associated with mechanical placer mining activities within the State of Alaska.

The GP applies to placer mining operations with up to 5-acres of wetland disturbance, and/or Corps approved stream diversions or relocations. The GP, POA-2014-00055-M1, would go into effect November 1, 2020.

WATER QUALITY CERTIFICATION: In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, an application to the Department of Environmental Conservation (DEC) for a Certificate of Reasonable Assurance is attached to this SPN.

**CULTURAL RESOURCES:** For each use of this regional general permit, compliance with Section 106 of the National Historic Preservation Act (NHPA) would be determined. The Corps would review the latest published version of the Alaska Heritage Resource survey (AHRs) for each project to determine the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. A permit area would be determined for each individual project and an effects determination would be made. Consultation with the State Historic Preservation Office (SHPO) would occur as required. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit would be considered in our final assessment of the described work.

**ENDANGERED SPECIES:** For each use of this general permit, we will follow the appropriate consultation procedures under section 7 of the Endangered Species Act of 1973 (87 Stat. 844), for actions that may affect an endangered species, and/or its designated critical habitat. Any comments the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) 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:** For each use of this general permit, we will follow the appropriate consultation procedures under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat will be considered in our final assessment of the described work.

**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 Special 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 reissue this 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 action. 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.

A copy of this Special Public Notice and the proposed General Permit are available on our website at:

[www.poa.usace.army.mil/Missions/Regulatory/SpecialPublicNotices.aspx](http://www.poa.usace.army.mil/Missions/Regulatory/SpecialPublicNotices.aspx)

What this means for permittees and applicants:

- Permittees whose current permit expires on October 31, 2020, will receive an automatic one year time extension under POA-2014-00055 until October 31, 2021. (33 CFR 330.6 (b))
- Applications verified after October 31, 2020, will be authorized under the new GP, POA-2014-00055-M1.

District Commander  
U.S. Army, Corps of Engineers

Enclosures

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WDAP/401 CERTIFICATION

555 CORDOVA STREET

ANCHORAGE, ALASKA 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 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 Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice (PN) Reference Number **POA-2014-00055-M1, Statewide**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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

Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or 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 should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

### Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act 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 Kate Orozco at 907-465-6171 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.