GENERAL PERMIT (GP) POA-2014-00055-M1
Mechanical Placer Mining Activities within the State of Alaska

AUTHORITY: The District Engineer (DE), Alaska District, U.S. Army Corps of Engineers (Corps), proposes to reauthorize the Regional General Permit (GP) POA-2014-00055 as RGP-08, for Mechanical Placer Mining Activities in the State of Alaska, under Section 404 of the Clean Water Act (CWA). (Public Law 95-217, 33 USC 1344 et seq.)

SUBJECT: This GP authorizes miners to place dredged and/or *fill material* into waters of the United States (U.S.), including *wetlands* and streams, for the purpose of *mechanical placer mining* within the State of Alaska, under the terms and conditions of the GP.

CHANGES FROM PREVIOUS GP (POA-2014-00055):

- Removes the 1,500 foot limit on stream *diversions/relocations*
- Mines with a stream *diversion*/*relocation* require a complete Stream Channel form and written approval from the Corps
- Excludes work in and/or affecting *anadromous* streams
- Excludes operations in 303(d) waters

NOTE: Words in *italics* are defined in the Appendix: Definitions, Acronyms, and Abbreviations.

I. ACTIVITIES COVERED BY THE PERMIT: *Mechanical placer mining* activities that involve placement of dredged and/or *fill material* into *waters of the U.S*. Including, but not limited to:

- Mechanized land clearing
- Construction of berms or dams
- Stream *diversions* (temporary)
- Stream *relocations* (permanent)
- New mine features constructed in wetlands, such as airstrips, camps, roads within the mining operation, and culverted crossings of streams or wetland areas
- Access roads and road extensions outside the mining operation intended to be permanent
- Stockpiles
- Reclamation activities
- Exploration activities for placer mining are included. Activities include:
    - fill for exploratory drill pads, trenches and holes
    - side casting from trenches and holes
    - bulk samples and other test methods

II. LIMITS OF THE GP: If your operation exceeds the limits of the GP, or if our review indicates that your project may have a greater than minimal impact on the environment, you may be required to obtain an Individual Permit. (33 CFR 325.2(e)(2)).

- This GP authorizes up to 5 acres of wetland disturbance, *at any time*
- For stream channel *diversions* or *relocation*s, the Stream Channel form must be submitted and approved by the Corps prior to construction

III. ACTIVITIES NOT COVERED BY THE PERMIT: Some of these activities may require a different type of Department of the Army (DA) permit issued by the Corps. Contact the Corps to determine whether a permit is required.

- Activities in or affecting *anadromous* fish streams.
- Temporary mining roads for the purpose of moving mining equipment are exempt from the CWA (33 CFR 323.4 (a)(6)). Alaska District has a time limit of **three years** for a "temporary road".
- Recreational Mining: use of hand tools such as a pick, shovel, pan, and/or rocker box. No Corps permit is required as explained in Special Public Notice 94-10, issued September 13, 1994.
- Commercial Gravel Operations located at a placer mining site, but operated for the sole purpose of gravel sales.
- Suction dredge mining: use of suction device to remove bottom substrate from a water body and then discharge the material from a sluice box for the purpose of extracting gold or other precious metals.
- Mining in Navigable Waters of the U.S. may be authorized under Section 10 of the Rivers and Harbors Act of 1899 through the use of GP POA- 2007-0372.
- Hard Rock or Coal Mining: process of removing valuable metals or elements (not necessarily gold) bound within rock.

IV. TERMS AND CONDITIONS FOR THE GP (33 CFR Part 325.4)

A. GENERAL CONDITIONS (GCs):

1. Management of mine operations:
    a. Mine operations must be managed to avoid *erosion* of dredged and/or *fill material* from the mine operation into waters of the U.S.
    b. Vegetation, woody materials, peat, and other organic overburden must be separated from non-pay and mineral overburden, and stored individually for use in reclamation.
    c. Mine operations and associated activities must be separated from stream channels, *diversions,* and *relocations* to prevent fill material or mine run-off from entering the stream or eroding the banks.
    d. Water management features must be designed to slow, collect, direct, filter, and/or retain water at the site and prevent sedimentation of waters of the United States. This applies to settling ponds, bedrock drains, ditches, filters, natural vegetation, or other features used to manage water on-site.

2. Management of stream channel *diversions* and *relocations*:
    a. A completed Stream Channel form must be submitted to the Corps and authorization granted prior to construction.
    b. Stream channel *diversions* and *relocations* must be constructed and maintained to withstand periods of high flow.
    c. Channel *relocations*:
        i. Must be constructed to approximate the original channel dimensions and blend with the upstream and downstream connections. If the original dimensions are unknown or the channel will be shortened it must include additional instream structures (e.g., box of rocks, buried logs) that effectively slow the rate of water flow and prevent excessive *erosion.*
        ii. Banks must be reconstructed to a height and grade approximating the original bank and matching the upstream and downstream connections. The banks must be armored with natural structures (e.g., rocks, buried trees, root balls, live vegetation plugs) along sections with higher water velocity (e.g., outside curves, narrow reaches) that prevent excessive *erosion.*
        iii. *Floodplain* must be constructed to an elevation, width and grade approximate to the original *floodplain* that allows high seasonal water events to easily flow over the bank and spread into the *floodplain.*

3. Reclamation is required of all operations:
    a. Mine features must be reclaimed concurrently with advancement of the mining operation to maintain no more than 5 acres of disturbance to waters of the U.S. at one time.
    b. Recontouring:
        i. Pits, exploration drill holes, trenches, ditches, and *diversions* must be backfilled and stabilized.
        ii. Areas must be reshaped and graded to conform to adjacent landforms, control drainage, and prevent excessive *erosion.*
        iii. All stockpiled materials must be used in reclamation.
        iv. Organic material must be spread over recontoured tailings.
        v. Compacted areas must be ripped, tilled, or broken up.
    c. The site must be reclaimed to allow for surface water retention and promote *revegetation*.

4. Operators must follow all conditions listed in their Section 401 Water Quality Certification from the Alaska Department of Environmental Conservation and their Fish Habitat and/or Fish Passage Permit(s) from the Alaska Department of Fish and Game.

5. Each year operators must submit the Corps Annual Report directly to the Corps (see contact information below), by December 31. Incomplete reports or unsuccessful reclamation may result in non-compliance actions.

6. GP authorizations may be transferred from one responsible party to another by submitting a letter of request, or email, to the appropriate Corps office. The correspondence must contain:
    a. A copy of the GP authorization letter.
    b. The following statement: 'Please transfer the authorization under RGP-08, for mining operation POA-(authorization number), (waterway name), APMA # (number) from (name: current operator/owner) to (name: new operator/owner)'.
    c. Must include **new** operator/owner signature and date.
    d. The terms and conditions of this general permit, including any special conditions, will continue to be binding on the new responsible party.

B. SITE INSPECTIONS, COMPLIANCE, AND ENFORCEMENT: (33 CFR Part 326)

1. The permittee must keep a copy of the permit at the *mine site* for review. The Notice of Authorization must be visibly posted at the *mine site*.
2. The permittee must allow the DE or designated representative(s), to inspect the activity to ensure work is being or has been done according to the terms and conditions of this GP. Refusing access for inspection of the authorized activities is considered noncompliance.
3. Failure to obtain a permit, or to comply with the terms of this GP, may result in an enforcement or non-compliance action, such as a suspension of work or revocation of the permit. The Corps and the permittee will first work to reach a voluntary mutual solution such as obtaining a permit, removal of dredged and/or *fill material* or other structures, or directed restoration. Next, the Corps may issue an administrative order requiring compliance. If the permittee fails to comply, the Corps may accomplish the corrective measures by contract, or otherwise, and bill the permittee for the cost. In certain cases, imposition of penalties is provided for under Section 301 of the CWA (33 USC 1319).

C. EXPIRATION (33 CFR 325.2):

1. This permit expires October 31, 2025.

    Operations that have a Corps authorization and are ongoing by the expiration date of the GP, have an additional 12 months to operate under the terms and conditions of this GP. The permittee must also notify the Corps of his/her intent to continue mining.

V. REEVALUATION, MODIFICATION, SUSPENSION, AND REVOCATION (33 CFR 325.7):

1. The DE may reevaluate the General Permit and/or any individual authorization under the GP at any time or as circumstances warrant.

2. This GP may be modified, suspended, or revoked at any time by issuing a Public Notice, if the DE finds that the individual or cumulative effects of the authorized activities have an unacceptable adverse impact on the environment or on the Public Interest.

VI. LIMITS OF THIS AUTHORIZATION AND TO FEDERAL LIABILITY (33 CFR Part 325, Appendix A):

A. LIMITS OF THE AUTHORIZATION: This permit does not grant any property rights or exclusive privileges, does not authorize any injury to the property or rights of others and does not authorize interference with any existing or proposed Federal Project.

B. LIMITS TO FEDERAL LIABILITY: The Government does not assume liability for:

- Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- Damages to permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. 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.

VII. HOW TO APPLY: The Corps of Engineers, Alaska District will accept the Application for Permits to Mine in Alaska (APMA) with all Corps required supplements, as a Pre-Construction Notification, pursuant to 33 CFR 320.1 (c).

A. COMPLETE APPLICATION (33 CFR 325.1 (d)): an application is complete and can only be processed when all the following information is submitted:

Note: Operations solely on federal lands and under 5 acres are *non-reporting.*

1. Description, timeline, and location of the operation for each year of the APMA.
2. Current and legible drawings, sketches or plans with plan views, cross sections, and dimensions including the following:
    a. Cuts, settling ponds, processing plants, berms and roads
    b. Stream *diversions* and *relocations*
    c. Stockpiles: pay material, overburden, and organic material
    d. Access roads: identify new and pre-existing roads
    e. Camps and airstrips
3. Submit Supplements: Site Description, Stream Channel form, *Minimization Plan*
4. Signature and current contact information.

B. APPLICATION PROCESS:

1. Use the Alaska Department of Natural Resources, Division of Mining (ADNR-Mining) website to submit an APMA, and then submit the required Corps supplemental forms directly to the Corps.
2. There is no application deadline, however, to ensure that you receive a permit in time to begin operations, submittal of Corps supplemental forms by January is encouraged.
3. **Note: The APMA is not a Corps permit. To be certain that you obtain a Corps permit, contact one of our offices directly.**

FOR THE DISTRICT COMMANDER

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Ryan H. Winn
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APPENDIX: DEFINITIONS, ACRONYMS AND ABBREVIATIONS

Definitions

1987 Corps of Engineers Wetland Delineation Manual: The federal delineation manual, dated January 1987, used in the CWA, Section 404 Regulatory Program for the identification and delineation of wetlands. The manual requires evidence of wetland vegetation, soils, and hydrology in order to determine that an area is a wetland. http://el.erdc.usace.army.mil/elpubs/pdf/wlman87.pdf There are different procedures for conducting onsite delineations, by collecting field data, and offsite determinations, from aerial and site photos.
2007 Alaska Regional Supplement to the Corps Wetland Delineation Manual: The federal regional guidebook to identifying wetlands in Alaska. http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/reg_supp/erdc-el_tr- 07-24.pdf
Anadromous: A fish or fish species that spends portions of its life cycle in both fresh and salt waters, entering fresh water from the sea to spawn. In Alaska, *anadromous* fish species include *anadromous* forms of Pacific trout and salmon of the genus *Oncorhynchus* (rainbow and cutthroat trout and chinook, coho, sockeye, chum and pink salmon), Arctic char, Dolly Varden, smelts, lamprey, and sturgeon.
At any time: Area of *wetland disturbance* and/or length of stream *diversion* or *relocation* may not accumulate and exceed the limits of the GP until such time as they are *successfully reclaimed* or restored.
Compensatory Mitigation: the restoration (re-establishment or rehabilitation), establishment , enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.
Diversion: A stream channel diversion may remain in place for up to 2 years, after which it must be reclaimed.
Erosion: Dispersal of soil particles by wind or water. For the purpose of this GP, *fill material* must not show signs of erosion, such as gullies, head cuts, caving, block slippage, or sloughing beyond the mine site and into waters of the U.S.

Fill material: Material placed into waters of the U.S. that has the effect of either replacing any portion of a water of the U.S. with dry land or changing the bottom elevation of any portion of a waterbody. Examples of ‘‘fill material’’ include rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in waters of the U.S. The placement of overburden, slurry, tailings, or similar mining-related materials’’ is included in the definition of ‘‘discharge of fill material’’ regulated under Section 404 of the CWA. (Final Definition of Fill, 2002)
Floodplain: Land area adjacent to a stream that is subject to flooding during moderate to high flows. One way to define a floodplain is to observe the extent of water overtopping the streambanks during high water events.
Mechanical placer mining: The removal of gold or other precious materials from alluvial gravels using mechanized equipment.
Mine Site: All features of a mining operation covered under “Section I. Activities Covered by the Permit”.
Minimization: measures to reduce impacts to waters of the U.S., including *wetlands.* Examples include, but are not limited to: constructing a drainage ditch around the mine operation to collect and redirect overland flow away from the mine operation; stockpiling topsoil separately from inorganic overburden for use in reclamation; constructing settling ponds to collect sediment laden water within the mine site; and using an old creek channel for a stream relocation.
Minimization Plan: 33 CFR 325.1 (d)(7) A descriptive statement that explains how an applicant plans to avoid and *minimize* impacts to waters of the U.S.; it also explains why compensatory mitigation should not be required.
Ordinary high water mark: The line on the shore established by the fluctuations of water, and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. (33 CFR 328.3(e) and RGL 05-05)
Relocation: A stream channel relocation is a permanent realignment including creation of a stable bank, stream bed, and floodplain connectivity.
Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic *functions* to a former or degraded aquatic resource.

Revegetation: Activities that include, but are not limited to, natural revegetation, and use of locally available materials, including native seeds, dormant woody cuttings, transplanting, or other methods.

Successfully reclaimed: When an operator has reclaimed an area so that all of the following steps have been accomplished:

- Reclamation must be approved by the Corps to be considered complete
- Backfill of pits, recontouring, and respreading organics to conform to adjacent landforms, initiate *revegetation*, control drainage, and *minimize erosion*
- Successfully reclaimed areas are no longer a part of the active mining operation
- Stream channel diversions have been backfilled, with berms removed, and organics respread
- Stream channel relocations are constructed to be on track to satisfy floodplain connectivity, be of appropriate length and other dimensions to manage water movement without excessive erosion of bed or banks, and *revegetation* has been initiated

Uplands: There is no regulatory definition of uplands, except that they do not satisfy wetland criteria. An upland is missing at least one of these criteria: wetland vegetation, wetland soils, or hydrology during the growing season.

On mine site*s*, uplands may include old tailings, camps, roads or airstrips. These areas may have been *wetlands* that were filled under a prior GP or before the CWA. *Mine sites* may also include naturally occurring upland areas that do not satisfy wetland criteria.

Waters of the United States: Include all waters listed at 33 CFR Part 328.3. For the purposes of this GP, this includes *wetlands* and perennial (year round), intermittent (seasonal), and ephemeral (after rain) streams that have a downstream connection to navigable waters.

Wetland: Area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (33 CFR 328.3(b))

Wetland disturbance: Area of disturbance in *wetlands*, measured dimensionally, for example: “x” linear feet by “x” linear feet, and in acres. The wetland disturbance includes all activities and mine features constructed by placing fill into wetlands. See Section I, “Activities covered by the permit”