



Public Notice

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

Date:
May 11, 2007
Identification No
POA-2006-1944
In reply refer to above Identification Number
Expiration Date: May 11, 2012

GENERAL PERMIT 2006-1944 (Previously GP 88-02P)

Placer Mining Activities within the
State of Alaska

General Permit (GP) 2006-1944 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 placement of fill material into waters of the United States, including wetlands, for the purpose of placer mining in the State of Alaska. The placement of fill material associated with placer 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 2006-1944, issued December 22, 2006, 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 2006-1944 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. Sample plans are attached to the GP for reference when preparing applications. 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 2006-1944 has been re-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 (GP) 2006-1944
PREVIOUSLY IDENTIFIED AS GP 88-02P**

**Placer Mining Activities within the
State of Alaska**

Pursuant to Section 404 of the Clean Water Act (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 reauthorizes and renames General Permit (GP) 88-02P. The new GP identification number is GP 2006-1944.

This GP authorizes the mining public to place fill material into waters of the United States, including wetlands, for the purpose of placer mining within the State of Alaska under the specific conditions listed below. Placer mining is defined as the removal of gold or other precious materials such as silver, tin, platinum, or gems from gravel. The gold or other material has moved or been eroded from its original position in the earth, normally by water, and re-deposited within the gravel. The conditions of the GP are intended to ensure impacts to the aquatic environment are minimal. A strong emphasis is placed on reclamation of mined areas. The goal is to promote re-establishment of normal aquatic ecosystem functions representative of the area in which the mining takes place. Excessive erosion of soils into streams has been identified as one factor that makes it difficult to re-establish a productive aquatic ecosystem with a variety of plant and animal species. Therefore, the primary objectives are to achieve a stable stream channel and to prevent excessive erosion of soil into streams.

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AUTHORIZED ACTIVITIES:

- **Exploration activities** for placer mining are authorized as long as they comply with the conditions of the GP listed below. The U.S. Army Corps of Engineers (Corps) encourages exploration of placer ground in advance of mining. Exploration activities authorized are limited to:
 - o fills for exploratory drill pads
 - o trenches
 - o side casting from trenches
 - o bulk samples and other test methods in regulated waters of the United States

- **Placement of dredged and or fill material** into waters of the United States, including wetlands, in association with:
 - o mechanized land clearing
 - o construction of sedimentation basins
 - o stream diversions (see Limitations, below)
 - o foundation pads
 - o permanent access roads less than five years old, or those built just to provide access to the mine site

- o required reclamation work
- o stockpiling of overburden and pay gravel
- o stockpiling of tailings
- o camp facilities if co-located with the mine site
- o similar activities

Limitations: General permits have restrictions. If your operations do not fit within the limitations described below, this GP will not apply, and you may be required to obtain an Individual Permit.

- **Disturbed Area:** The cumulative surface disturbance of one project site shall not exceed ten (10) acres at any time. The disturbed area may include:
 - o streams and diversions
 - o un-reclaimed ground
 - o wetlands
 - o uplands
 - o camps
 - o access roads
- **Reclamation (see condition numbers 9a-9g below):** All project features that will not be used during the next year's mining season must be reclaimed before the end of the current mining season. This requirement includes:
 - o mine cuts
 - o settling ponds
 - o stream diversions
 - o berms
 - o work and camp pads
 - o stockpiles, etc.

Exceptions to these requirements can be made on a case-by-case basis when approved by the appropriate land manager and the Corps. Areas reclaimed and approved in accordance with the State of Alaska under the Reclamation Law (AS 27.19.020) or a Federal land management agency are not included in computing the area of disturbance.

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

- **State Designated Special Areas,** unless the activity is specifically authorized by the agency with jurisdiction over these lands. Examples of special areas are Game Refuges and Sanctuaries, and Critical Habitat Areas.
- **Archaeological, cultural, or historic properties** that would be adversely affected unless coordination with the State Historic Preservation Officer (SHPO), and if necessary, the Advisory Council on Historic Preservation is completed. This exception is per Section 106 of the National Historic Preservation Act, regarding 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 designated areas are National Wildlife Refuges, National Parks, and National Wild and Scenic Rivers.
- **Endangered or threatened species** would be adversely affected, as determined by the United States Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

ACTIVITIES NOT AUTHORIZED: The following operations are not authorized under this GP, but may still require a different type of Department of the Army (DA) permit. Anyone may request written confirmation of whether his or her proposed operation requires Corps authorization. Contact us at the letterhead address or telephone number for additional information on how to proceed:

- **Recreational Mining:** For the purpose of this GP, recreational mining is defined as hand mining with a pick, shovel, pan, and/or rocker box. Recreational placer mining generally will not be regulated by the Corps and does not require a Corps permit, as explained in Special Public Notice 94-10, issued September 13, 1994. When the State of Alaska Department of Natural Resources, Office of Habitat Management and Permitting (ADNR-OHMP) requirements for fish-bearing waters are met, the activity is expected to have de-minimus effects. The Corps retains the discretion to require authorization on a case-by-case basis if it believes effects are greater than de-minimus. The placement of fill material specifically for dikes, wing dams, and stream diversion structures is not considered part of recreational mining, and requires Corps authorization.
- **Suction Dredging:** 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 metals. Suction dredging as an independent mining operation is not authorized under this GP.
- **Hard Rock Mining:** Hard rock mining is the process of removing valuable metals or elements (not necessarily gold) bound within country rock.
- **Marine Mining:** Defined as mining in any waters affected by the ebb and flow of the tides. Marine mining operations are not authorized under this GP, and require a different DA permit authorization. Operators should contact the Corps for permit information.
- **Commercial Gravel Operations:** Defined as operations where the extraction of gravel for sale is an independent mining action. This GP does not authorize commercial mining for gravel. Note: This GP does allow permittees to use gravel material within their mine area to support their mining operation (e.g. for construction of access roads, berms, etc.), but prohibits the sale of gravel for other uses off-site.
- **Temporary roads to move mining equipment:** An exemption is allowed where such roads are constructed and maintained in accordance with best management practices listed in 33 CFR.323.4(a)(6).
- **Coal mining:** Coal mining is not authorized under this GP.
- **Mining in the Municipality of Anchorage:** No mining operations within the Municipality of Anchorage will be authorized under this GP.

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

- **State Designated Special Areas,** unless the activity is specifically authorized by the agency with jurisdiction over these lands. Examples of special areas are Game Refuges and Sanctuaries, and Critical Habitat Areas.
- **Archaeological, cultural, or historic properties** that would be adversely affected unless coordination with the State Historic Preservation Officer (SHPO), and if necessary, the Advisory Council on Historic Preservation is completed. This exception is per Section 106 of the National Historic Preservation Act, regarding 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 designated areas are National Wildlife Refuges, National Parks, and National Wild and Scenic Rivers.
- **Endangered or threatened species** would be adversely affected, as determined by the United States Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

CONDITIONS OF THE GENERAL PERMIT:

1. The **cumulative surface disturbance** to both uplands and wetlands **shall not exceed ten (10) acres** at any time, under any one Annual Placer Mining Application (APMA) or DA permit application. Disturbance is any unreclaimed ground, including stream diversions, camps, stockpiles, access roads, etc.
2. Dredged and/or fill material, including overburden and tailings, shall be placed so it is stable; the material shall not show signs of excessive erosion such as gullyng, head cutting, caving, block slippage, material sloughing, etc., after placement. Material shall not leach harmful or toxic substances into streams or wetlands. Preferably, material moved during mining operations shall not be placed within active floodplains or riparian management areas¹ to the maximum extent practicable. If placed in these areas, material shall be protected from erosion.
3. All organic materials, including vegetation, topsoil, and other organic overburden, shall be separated from mineral overburden and stockpiled for future use in reclamation. The organic material shall be protected from erosion and from contamination by acidic or toxic materials and shall not be buried by tailings or non-organic material. Preferably, the stockpiles shall be placed into upland areas, or areas previously disturbed. Stockpiles of organic materials shall not be placed within active floodplains or riparian management areas¹ to the maximum extent practicable. If placed in these areas, the organic materials shall be protected from erosion.
4. Temporary features such as settling ponds, workpads, and roads and stream diversions shall not be placed within active floodplains or riparian management areas¹ to the maximum extent practicable. If not practicable, temporary features shall be designed, constructed, and maintained to withstand, at a minimum, the high waters of a 10-year flood or the life of the structure, if longer. Temporary and permanent channel diversions shall be sized to accommodate the bankfull flow (1.5-year flood). Permanent channel diversions shall include an associated floodplain equal to 2.2 times the width of the bankfull stream channel, at a minimum. Erosion or structural damage of features shall be evidence of noncompliance with this condition. These features must be reclaimed in accordance with condition number 9.
5. All habitable structures, petroleum storage, and sanitary facilities must be a minimum of 100 feet from the ordinary high water line of rivers, streams, and lakes. When an existing water body is not being mined, existing vegetation within the riparian management area¹ shall be left adjacent to the water body to protect it from sedimentation. Exceptions to this condition can be made on a case-by-case basis after consultation and approval from the Corps. The sequencing of mining activities shall provide for the retention of vegetation within riparian management areas for as long as reasonably practicable. Additionally, dredge or fill activities are prohibited within 200 feet of any public water supply intake.

6. Settling ponds shall not be located within natural standing or flowing waterbodies (e.g. ponds or streams), and shall not be placed within active floodplains or riparian management areas¹ to the maximum extent practicable. If a settling pond is likely to flood, and is needed for mining during the next year, it shall be protected from erosion by a berm or other accepted method. Settling ponds shall not be located where a stream channel is going to be reestablished unless the fines are removed or protected from erosion. Exceptions to this condition can be made on a case-by-case basis after consultation and approval from the Corps.

7. Stream diversion(s) :

a. Stream diversion(s) shall be **limited to two thousand (2,000) linear feet** at any one time. Both temporary and permanent channel diversions shall be sized to accommodate the bankfull flow (1.5-year flood). Temporary and permanent stream diversions shall also include establishment of an associated floodplain sized to withstand a 10-year flood for temporary diversions, or the life of the structure if longer, and a 50-year flood for permanent diversions. All restoration activities must be completed on the first diversion before constructing a new diversion (see Conditions 9-d and 9-f, below). Exceptions to this condition can be made on a case-by-case basis after consultation and approval from the Corps.

b. Any stream diversion activity shall provide for the free passage of fish, both upstream and downstream with no barriers or entrapments. The stream diversion must comply with the ADNR-OHMP Fish Habitat Permit issued under AS 41.14.840-900 if such a permit is required. The stream diversion must be supplied with a quantity of water sufficient to pass fish and at a grade and velocity approximating that of the original stream and must be capable of carrying anticipated stream flows during the period it will be in operation without overtopping the banks or causing undue erosion of the streambed or banks. Stream diversions shall be designed and constructed to avoid excessive loss of flow through the bed and dewatering of the diversion channel. The stream diversion must comply with the ADNR-OHMP Fish Habitat Permit, if such a permit is required.

c. If a stream segment is to permanently remain in a diversion channel (as mandated by ADNR-OHMP under AS Title 41 permits, the appropriate land management agency, or the Corps), the diversion channel shall approximate the length, flow velocity, grade, and functional configuration of the original stream segment.

d. Stream diversions shall be reclaimed in accordance with conditions 9(d), 9(e), and 9(f) below.

9. **Reclamation:** Mine features shall be reclaimed when mining activities are complete, and when disturbed areas are not expected to be used during the next year. All mine features, including exploratory trenches, shall be reclaimed according to the following minimum requirements (a through g). Exceptions and additions to these requirements can be made on a case-by-case basis when approved by the appropriate land manager and the Corps.

a. Work in Unvegetated Areas: For work in minimally vegetated old mine tailings and/or work in unvegetated stream channels, mined areas shall be re-contoured to match the slopes and features of the surrounding landscape. All material, including overburden, side cast material, and tailings, shall be used. Stockpiled organic material (including vegetation, topsoil, overburden, and/or muck), shall not be placed in stream channels, but shall be spread over contoured workings in old tailings to promote natural plant growth.

Work in Vegetated Areas: For work in areas where revegetation is desirable and practicable (e.g., previously undisturbed areas, or previously-disturbed but vegetated areas), mined areas shall be re-contoured to match slopes and features of the surrounding landscape. All material, including overburden, side cast material, and tailings, shall be used. Stable slopes and soil surfaces shall be attained, and stockpiled organic material (including vegetation, topsoil, overburden, and/or muck), shall be spread over the contoured mine workings to hold moisture and promote natural plant growth. The goal of this condition is to promote the natural succession of vegetation representative of the area and to achieve 40% live plant cover of the entire reclaimed area by the end of two growing seasons. Acceptable indicators of progress toward this goal are a reasonable presence, density, species composition, and distribution of pioneer native species of plants typical to the area. If 40% live plant cover is not achieved after two growing seasons, the permittee shall implement seeding, planting, live transplants and/or fertilizing to promote re-establishment of natural plant communities. Species to be used for seeding and planting shall be native to the site, region, or State of Alaska, as available. Further information about Alaska native plant sources can be found at the following web site:
http://www.dnr.state.ak.us/ag/NEWnative_directory.htm.

- b. Stockpiles of material intended for private use or subsequent commercial sale, if approved by the appropriate land managing agency, may be left for a maximum of three years, provided they are placed in an upland area and stabilized.
- c. Settling ponds not located within a flowing stream but located within the stream channel floodplain shall be reclaimed, capped, or the pond sediments removed so the fines do not reach the stream system.
- d. Stream channels shall be stabilized. The goal is to achieve a range of conditions that will move the stream system towards reestablishing some of the stream functions of pre-placer mining conditions. There is no defined time scale, but primary stabilization efforts should take place within one year (1 yr) of completing active mining operations. Ongoing efforts to improve stability shall take place as needed thereafter. This may include a combination of approaches, including relocation of the channel, changes to channel geometry, different methods of handling sediments, promoting natural re-vegetation, and applying new technology as appropriate. When reclamation is complete, streams shall have an acceptable balance between erosion and deposition so they develop recognizable stream system features. Such features include an active channel with appropriate meanders, point bars, and a floodplain. Stream channels should mirror pre-placer mining configuration in terms of length, channel cross-section, substrate, flow velocity, grade, and functional configuration, including a riparian area supporting pioneer species of vegetation. Stream channels shall be designed and constructed to avoid excessive loss of flow through the bed and dewatering of the channel. Diverted stream reaches, which are no longer needed, shall be backfilled with suitable, non-erodible material and the stream restored in a stable location in the valley.
- e. Floodplain widths shall be a minimum of 2.2 times the width of the bankfull channel. The purpose of this requirement is to retain the channel, substrate, and floodplain characteristics, without significant down- or head-cutting, and prevent excessive erosion of material placed adjacent to the stream. This standard may be raised or lowered on a case-by-base basis.

- f. Permanent stream diversions must meet Condition 9-d, above, and be approved by ADNR-OHMP under AS Title 41.14 permits, the appropriate land management agency, and the Corps. If a diversion is to be left as a landscape feature, it must be suitably backfilled or blocked.
 - g. All exploration drill holes must be plugged in accordance with Alaska State regulations.
10. **Other Requirements:**
- a. Pump intakes or stream diversions shall be designed to prevent intake, impingement, entrainment, or entrapment of fish consistent with ADNR-OHMP AS 41.14.840, AS 41.14.870 - 41.14.900, and Alaska Department of Natural Resources (ADNR) AS 46.15.
 - b. Placer mining activities located in waters used by anadromous fish species shall be consistent with ADNR-OHMP AS 41.14.870 and must comply with any ADNR-OHMP Fish Habitat Permit issued for the project under AS 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.
 - c. Discharges of dredged and/or fill material, including suction dredge activities performed in conjunction with an 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.
 - d. Placer mining activity shall not adversely affect Essential Fish Habitat (EFH) including anadromous streams. 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 NMFS will provide EFH Conservation Recommendations as defined in Section 305 (b) (4) (A) and 50 CFR Part 600.
 - e. The proposed placer mining activity shall be in compliance with any applicable National Pollution Discharge Elimination System permit requirements.
 - f. Activities covered under this GP shall not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973, (ESA), nor jeopardize the continued existence of any proposed species under the ESA. If the proposed placer mining activity is located within the range of threatened or endangered species, the DC shall conduct a determination of effect by contacting the USFWS and the NMFS for the application, or require documentation of such contact from operations with an approved Federal plan of operation. If it is determined that listed 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 ESA is complete.
 - g. No placer mining activity shall be located within one-quarter mile of an eagle nest site unless the USFWS determines 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).

- h. The Migratory Bird Treaty Act prohibits the willful killing or harassment of migratory birds. Where practicable, clearing, excavation and fill activities shall be completed before or after the nesting season to avoid impacts to breeding migratory birds. If this is not possible, then other measures to avoid impacts to breeding migratory birds should be initiated. For example, the work area could be cleared of vegetation before the breeding season. This would render the area unsuitable for breeding birds before their arrival and facilitate work during the breeding season without impacts to birds. However, large areas should not be stripped of vegetation months before initiating work, which could result in even greater damage caused by excessive erosion. The DC or applicant shall contact the USFWS to determine when these disturbance activities should be avoided.
 - i. No cultural resources shall be adversely affected by placer mining activities. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this GP, you must immediately notify this office. The Corps will notify the State Historic Preservation Office, and the coastal district (if within a coastal district), of what you have found. The Corps or the appropriate Federal land manager 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.
 - j. The conditions found on the State of Alaska Department of Environmental Conservation (ADEC), Certificate of Reasonable Assurance, pursuant to Section 401 of the Clean Water Act, are attached to the Department of the Army General Permit. You must comply with the conditions specified in the certification as special conditions to this permit.
 - k. Failure to comply with any Federal or State authorization shall be grounds for suspending or revoking the authorization granted by this GP.
 - l. No subsistence resources shall be adversely impacted by placer mining activities.
11. Lands and facilities subject to this GP must be maintained in conformance with the terms and conditions of this GP. This requirement includes removal of structures, such as: fuel drums, equipment, trailers, bone yards, and used oil and waste upon abandonment. All areas of surface disturbance shall be reclaimed, stabilized, and contoured to promote revegetation. Access roads and areas of soil compaction shall be ripped, tilled, or otherwise broken up to promote revegetation. Permittees are not relieved of this requirement if the permitted activity is abandoned. If another operator will be taking over the mine, the GP must be reissued to the new operator and final reclamation may be required before reauthorization. The Corps shall be notified of the planned change.
12. Any activity authorized by this GP must be completed by the date specified in the Corps authorization letter.
13. **Reporting:** Submission of the "Annual Reclamation Statement for Small Mines" (Reclamation Statement) to ADNR by December 31st of each year shall meet reporting requirements for this permit, **provided it includes the length of any stream diversions.**

If this Reclamation Statement is not submitted, the permittee may submit a "Corps Annual Report for Placer Mining" (see Attachment 1) as an alternative, describing the work performed during the mining season:

- size of filled areas
- length of any stream diversions
- size of reclaimed areas
- documentation of the reclamation work, such as:
 - o photographs
 - o videos
 - o drawings
- size of areas disturbed but left unreclaimed for use during the next year's mining season

Send the "Corps Annual Report for Placer Mining" to the address on the Corps' authorization letter, or to:

U.S. Army Corps of Engineers
Alaska District
Regulatory Branch, CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

14. **Inspection:** The permittee must allow the District Commander, or 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. Refusing access to an inspection of the authorized activities shall be considered non-compliance with the terms and conditions of this GP.

- In the event work is being or has been performed in noncompliance with this GP, appropriate measures shall be taken to resolve the violation.
- Any operator found in non-compliance with this GP may not be issued another placer mine GP authorization until the non-compliance is rectified.
- Non-compliance with reporting requirements may result in permit revocation, directed restoration of affected areas, and/or imposition of civil and criminal penalties.

¹ 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 the 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.

APPLICATION PROCEDURES:

Mine operators must notify the Corps of their intent to mine before beginning the work.

- a. Mine operators may submit a letter to the Corps requesting GP coverage. Alternatively, the operator may complete a Department of the Army permit application (ENG FORM 4345) [available at a Corps office or website:

<http://www.poa.usace.army.mil/reg/>]. **Request letters and applications submitted directly to the Corps will receive initial review for completeness within fifteen days of receipt.** The letter or application must include:

- a legible map showing the location of the proposed work, including directions with mileages to turnoffs;
- type/size of equipment to be used; and
- drawings that show the dimensions (area) of each activity:
 - o cuts
 - o settling ponds
 - o stream diversions
 - o overburden and organic stockpiles
 - o pay gravel stockpiles
 - o berms and roads
 - o areas of reclamation
 - o camps
 - o etc.

The letter (or application) and accompanying drawings must be **current** and of sufficient detail for the application to be considered complete. The Corps will contact the miner for additional drawings and/or information, if necessary. After receipt of a complete GP application, the Corps will notify the applicant to confirm whether their work will be covered under this GP, or an individual permit is required. **No work can proceed without Corps confirmation. Anyone may request written confirmation of whether his or her proposed operation requires Corps authorization.**

OR

b. Operators can notify the Corps by submitting an accurate State of Alaska APMA or a multi-year APMA to ADNR, thus making it available to the Corps. The APMA must include:

- a legible map showing the location of the proposed work, including directions with mileages to turnoffs;
- the type/size of equipment to be used; and
- drawings showing the dimensions (area) of each activity:
 - o cuts
 - o settling ponds
 - o stream diversions
 - o overburden and organic stockpiles
 - o pay gravel stockpiles
 - o berms and roads
 - o areas of reclamation
 - o camps
 - o etc.

Drawings must be **current** and 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 (Note: we are in the process of establishing a more definitive evaluation process and timelines for APMA review). **If the applicant plans to start work within 30 days of filing the APMA, or if they have filed an APMA, have not yet received a verification letter from the Corps, and are planning to start work within 30 days, they should contact the Corps directly to ensure timely review of their application.** 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 whether their work will be covered under this GP or an individual permit is required. No work can proceed without Corps confirmation.

If you have received GP authorization 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.

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

1. Applicant submits a request for a permit by either of the methods outlined in Application Procedures (a) or (b) above.
2. The Corps reviews the application and preliminarily determines whether the GP is applicable.
3. The Corps will send the plans to appropriate agencies if our preliminary review finds potential impacts to resources such as essential fish habitat, anadromous streams, threatened or endangered species, subsistence or cultural resources.
4. Agencies have ten (10) calendar days from the date the Corps sends the plans to contact the Corps in writing, by FAX, e-mail, or by telephone, with comments on the project. Site specific plans for stream channels by ADNR-OHMP, and/or special conditions will be incorporated as appropriate. Emphasis will be on recommendations based on a site visit, for instance recommendations that would improve on the generalized reclamation requirements in Conditions of the General Permit number 9.
5. The Corps issues the applicant a GP authorization letter, or based upon review, the Corps notifies the miner a GP is not appropriate for the proposed operation. Special conditions can be added to the GP authorization letter. A yellow Notice of Authorization will be included, and should be posted in an easily seen location on the mine site.
6. Permittee should retain all original mine authorizations in a safe location, e.g. home, place of business, safety deposit box, etc., and a duplicate copy at the mine site for review by visiting agencies.

OTHER INFORMATION:

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

- The permittee fails to comply with the terms and conditions of this permit.
- Appropriate new information is provided to the Corps that was not considered 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. If the permittee fails to comply with such directive, in certain situations (such as those specified in 33 CFR 209.170), the Corps may

accomplish the corrective measures by contract, or otherwise, and bill the permittee for the cost.

Extension, Modification, and Revocation of the GP:

- This GP may be revoked by issuance of a Public Notice at any time the DC determines 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 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 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 singular or cumulative impacts of the activities authorized by this GP are determined to 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 authorized and underway at 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 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:

- Damages to 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 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.

Acronyms

General Permit (GP)
U.S. Army Corps of Engineers (Corps)
District Commander (DC)
Alaska Statute (AS)
Code of Federal Regulations (CFR)
United States Code (USC)
Annual Placer Mining Application (APMA)
Alaska Department of Natural Resources, Office of Habitat Management and Permitting (ADNR-OHMP)
Essential Fish Habitat (EFH)
Endangered Species Act of 1973 (ESA)
National Marine Fisheries Service (NMFS)
Annual Reclamation Statement for Small Mines (Reclamation Statement)
U.S. Fish and Wildlife Service (USEWS)
State Historic Preservation Office (SHPO)

TERM

This GP is effective for 5 years from the date of issuance unless otherwise modified, suspended, or revoked. Authorized work must be completed within 12 months after the expiration date of this GP.

FOR THE DISTRICT COMMANDER:



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



Date



US Army Corps of Engineers
Alaska District

**ANNUAL REPORT FOR PLACER MINING UNDER THE CORPS OF ENGINEERS
GENERAL PERMIT (GP) 2006-1944
PLEASE SUBMIT BY DECEMBER 31ST**

PERMITTEE (OPERATOR): _____ CORPS FILE No.: POA - _____ - B
STATE APMA No.: _____ USGS QUAD(s): _____

- I DID NO MINING THIS YEAR (20 __) AND DO NOT INTEND TO WORK AT _____ CREEK/RIVER IN THE FUTURE.
- I DID NO MINING THIS YEAR (20 __) ON _____ CREEK/RIVER.
- I DID MINING WORK THIS YEAR (20 __) ON _____ CREEK/RIVER THAT INCLUDED:
 - EXPLORATION TRENCHING OR DRILLING, ALL HOLES BACKFILLED
 - ONLY RECLAMATION WORK AS DESCRIBED ON BACK OF THIS FORM
 - MINE CUTS AND PROCESSING AS DESCRIBED ON BACK OF THIS FORM
- OF THE GROUND I WORKED THIS SEASON, _____ ACRES HAVE BEEN RECLAIMED.
- OF THE GROUND I WORKED THIS SEASON, _____ ACRES ARE STILL UNRECLAIMED.
- I HAVE _____ ACRES OF TOTAL UNRECLAIMED GROUND.
- THE STREAM DIVERSION (LENGTH: _____) HAS BEEN RECLAIMED:
 - YES
 - NO
 - N/A

IN ADDITION TO THE ABOVE INFORMATION, PLEASE INCLUDE / ANSWER ALL OF THE FOLLOWING:

- 1) ENCLOSE PHOTOGRAPHS OF THIS YEAR'S WORK
- 2) SUBMIT A CURRENT DRAWING OF THIS YEAR'S MINING WORK
- 3) DO YOU PLAN ON WORKING AT THIS SITE NEXT YEAR?
 - NO.
 - YES. IF THE PLANNED WORK STILL MEETS THE CONDITIONS OF THE GP, YOU MAY CONTINUE TO WORK UNDER THAT PERMIT. **PLEASE REMEMBER TO SUBMIT YOUR ANNUAL REPORT AGAIN NEXT YEAR!**
- I HAVE COMPLETED RECLAMATION AT THIS SITE. RECLAMATION WAS APPROVED BY (NAME) _____ OF (LAND MANAGER) _____.
- I PLAN TO COMPLETE RECLAMATION NEXT SEASON

NOTE: NON-COMPLIANCE WITH REPORTING REQUIREMENTS MAY RESULT IN PERMIT REVOCATION, DIRECTED RESTORATION OF AFFECTED AREAS, AND/OR IMPOSITION OF CIVIL AND CRIMINAL PENALTIES.

ANCHORAGE REGULATORY OFFICE:

PROJECT MANAGER
U.S. ARMY CORPS OF ENGINEERS
REGULATORY BRANCH, ATTN: CEPOA-CO-R-N
P.O. Box 6898
ELMENDORF AFB, ALASKA 99506-0898
PHONE: (907) 753-2716
TOLL FREE WITHIN AK: (800) 478- 2712
FAX: (907) 753-5567

FAIRBANKS FIELD OFFICE:

FIELD OFFICE MANAGER
U.S. ARMY CORPS OF ENGINEERS
3437 AIRPORT WAY, SUITE 206
FAIRBANKS, ALASKA 99709-4777
PHONE: (907) 474-2166
FAX: (907) 474-2164

SAMPLE NARRATIVE

APMA Number

GOLD RUN EXPLORATION PROJECT

MINING DISTRICT

(C-1)..... N65-32.8 W162-4.5

4 MAY 2004

Introduction.

has entered into an agreement with to explore and mine placer gold deposits on their state mining claims located on Gold Run. Gold Run is within the Mining District northeast of , Alaska (See Maps #1-#3). Gold Run has been previously mined with dozers and an excavator as recently as 1998. During July of 2004, proposes to explore upstream of earlier mining by digging up to 24 trenches using equipment and fuel stored on the mining claims. If the results of the trenching program are positive, Earth Movers wishes to process a bulk sample of the pay streak by processing 2,500 cubic yards from a small mine cut. Once the results of the bulk sample are known, a decision will be made whether to continue mining in 2005 or to terminate mining activity by reclaiming all disturbances.

Access and Camp.

Access to the claims is by aircraft (Cessna 180 & 206) utilizing a temporary airstrip located on the ridge south of Gold Run. The camp is composed of three frame buildings and one ATCO trailer and is currently located on Hanson Gold Run #5 (ADL 323559). A crew of two persons (mechanic/operator & geologist) will begin work on 1 July and conduct the trenching program. If the bulk sample is processed, the crew will be increased to four persons. There is about 3,000 gallons of fuel stored in a fuel truck/tanker at the camp. This will be moved to the bulk sample site and parked in a location about 200 feet from flowing water. Exploration activity for 2004 will conclude by 15 September.

Exploration Plan.

A CAT 225 excavator will be used to dig up to 24 exploration trenches near the sites shown on Map #4. Each trench will measure about 25 feet long by 3 feet wide and up to 15 feet deep. Small samples of placer material will be collected and processed next to the trench by panning. Trenches will be reclaimed immediately after excavation and samples are collected. Each trench will disturb an area of about 25 feet by 25 feet (625 sq-ft) and 50 cubic yards. **TRENCH SETS ARE LOCATED OUTSIDE OF FLOWING WATER.**

The total disturbance for all trenches is estimated to be 0.35 acres and up to 1,200 cubic yards.

Bulk Sample Plan. (See Map #5 and Cross-Sections A & B)

A sample site will be chosen based on the results of the trenching program. It is proposed to excavate a small mine cut measuring 100 feet long by 100 feet wide. Based on earlier mining, it is estimated that there is typically 2 to 3 feet of organic muck overlying about 8 feet of coarse gravel of which the bottom 3 feet of gravel and the upper 2 to 3 feet of slate bedrock comprise the pay gravel. It is anticipated that a temporary stream bypass will be necessary to construct in order to divert Gold Run around the sample site. The bypass will be approximately 800 feet long by 10 feet wide at its base and 5 feet deep and is anticipated to be sufficient to accommodate a ten-year flood event. About 2,500 cubic yards of material will be excavated and stacked alongside the bypass to create a berm about 15 feet wide and 8 feet tall. The disturbance associated with the bypass is estimated to be ~0.7 acres.

The bulk sample mine cut (MC-1) will be excavated with a CAT D-8N by dozing about 1,700 cubic yards of organic muck and silt (Mk) into a stockpile along one side of the pit. Barren gravel overburden will be dozed out along two sides of the pit to create a gravel pad about 50 feet wide and 5 feet thick. A horseshoe shaped settling/recycle pond (P-1) will be constructed by dozing up a berm 30 feet wide and 15 feet high (~2,300 cy) to impound effluent/process water. The resultant pond will be from 8 to 10 feet deep with an area of about 10,000 sq-ft. A pre-settling pond (P-2) measuring about 100 feet long by 50 feet wide will be constructed by berming up (~20 ft wide by 8 ft tall) about 500 cubic yards of material creating a shallow pond about 3 feet deep. A ditch, about 150 feet long by 6 feet wide and 15 feet deep, may be excavated (~7000 cy) just upstream of the pit to drain ground water to a small pump (discharging to the creek) to keep the pit dry.

Approximately 2,500 cubic yards of pay gravel will be dozed to the washplant and processed with a vibrating screen and sluice box at a rate of up to 60 cubic yards per hour. Coarse tailings (~1,000 cy) will be stacked within the pre-settling pond area. A six-inch pump will recycle about 1,200 gpm of process water to the washplant via 8-inch pipe and hose. If additional make-up water is needed, the six-inch pump will be used to transfer up to 60,000 gpd to the recycle pond. This is planned to be a zero discharge, 100% recycle facility, however, it is requested that this APMA act as a Notice of Intent to discharge up to 50 gpm of clarified process water to Gold Run during rainy periods. At no time will make-up water be added if a discharge is occurring.

Disturbance for the bulk sample site is estimated to be 2.3 acres & 10,000 cubic yards. Disturbance for the temporary bypass is approximately 0.7 acres & 2,500 cubic yards.

Including the trenching the total is disturbance for 2004 is estimated to be 3.35 acres and 13,700 cubic yards.

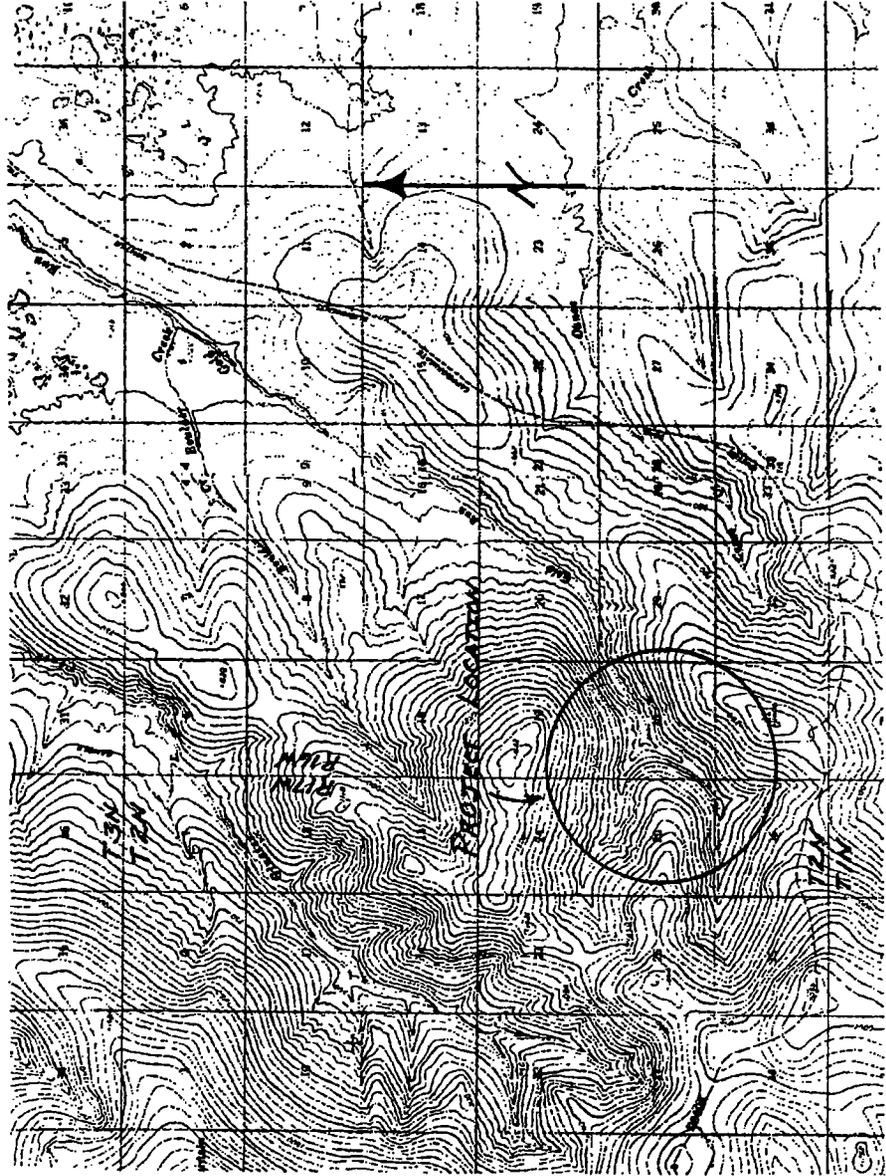
APMA

GOLD RUN EXPLORATION PROJECT
MINING DISTRICT
N (C-1)..... N65-32.8 W162-4.5

4 MAY 2004

Project Location.....

No Scale



APMA

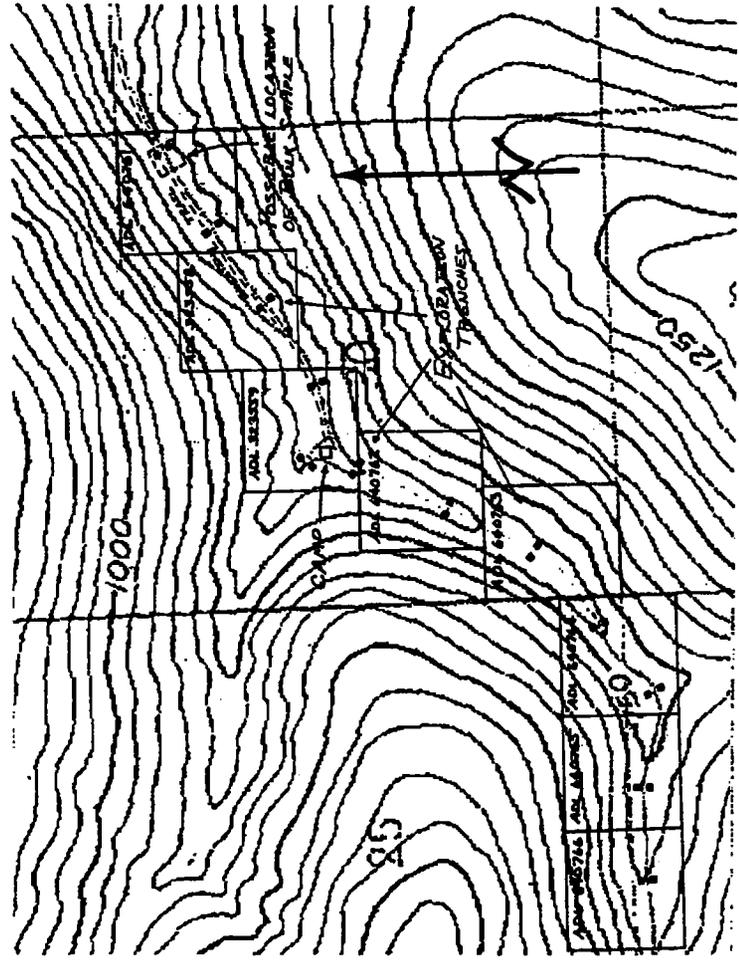
GOLD RUN EXPLORATION PROJECT
MINING DISTRICT
.... N65-32.8 W162-4.5

4 MAY 2004

Exploration Plan....

Scale: 1" = 2,000'

Dig up to 24 exploration trenches. Small samples of placer material are collected and panned alongside trench. Each trench is 25 ft long by 3 ft wide and 15 ft deep. Disturbance at each trench site is ~625 sq-ft & 50 cy and the total estimated disturbance is 0.35 ac and 1,200 cy for all trenching. Trenches are reclaimed by backfilling immediately after excavation.



APMA

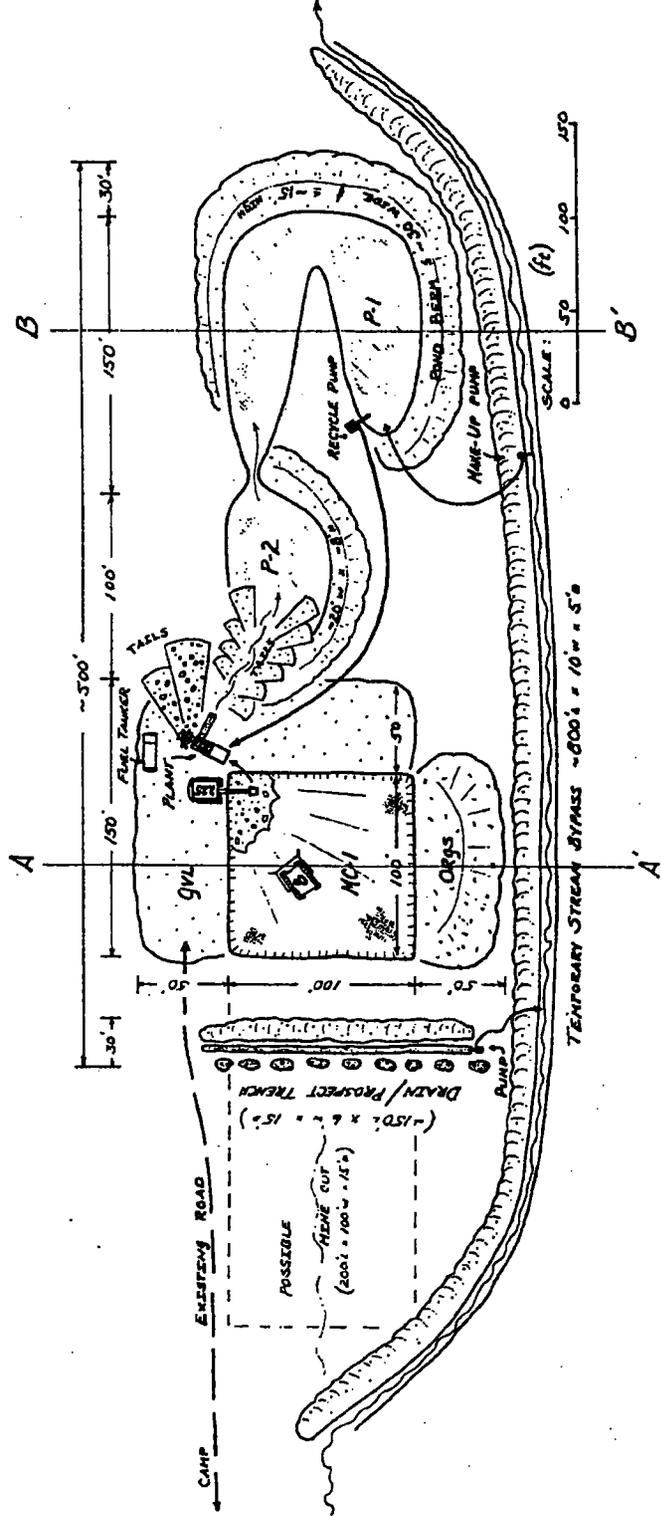
GOLD RUN EXPLORATION PROJECT
 MINING DISTRICT
 (C-1)..... N65-32.8 W162-4.5

4 MAY 2004

Bulk Sample Mine Plan.....

Scale: 1" = 100'

Construct temporary stream bypass (0.7 ac & 2,500 cy); Construct ponds (2,800 cy); Remove overburden (4,000 cy); Dig drainage ditch (700 cy); Process about 2,500 cy of pay at a rate of up to 60 cyh by screening & sluicing with recycled process water (1,200 gpm). Total disturbance for bulk sample, including bypass is ~3.0 ac & 12,500 cy.



APMA

GOLD RUN EXPLORATION PROJECT
MINING DISTRICT

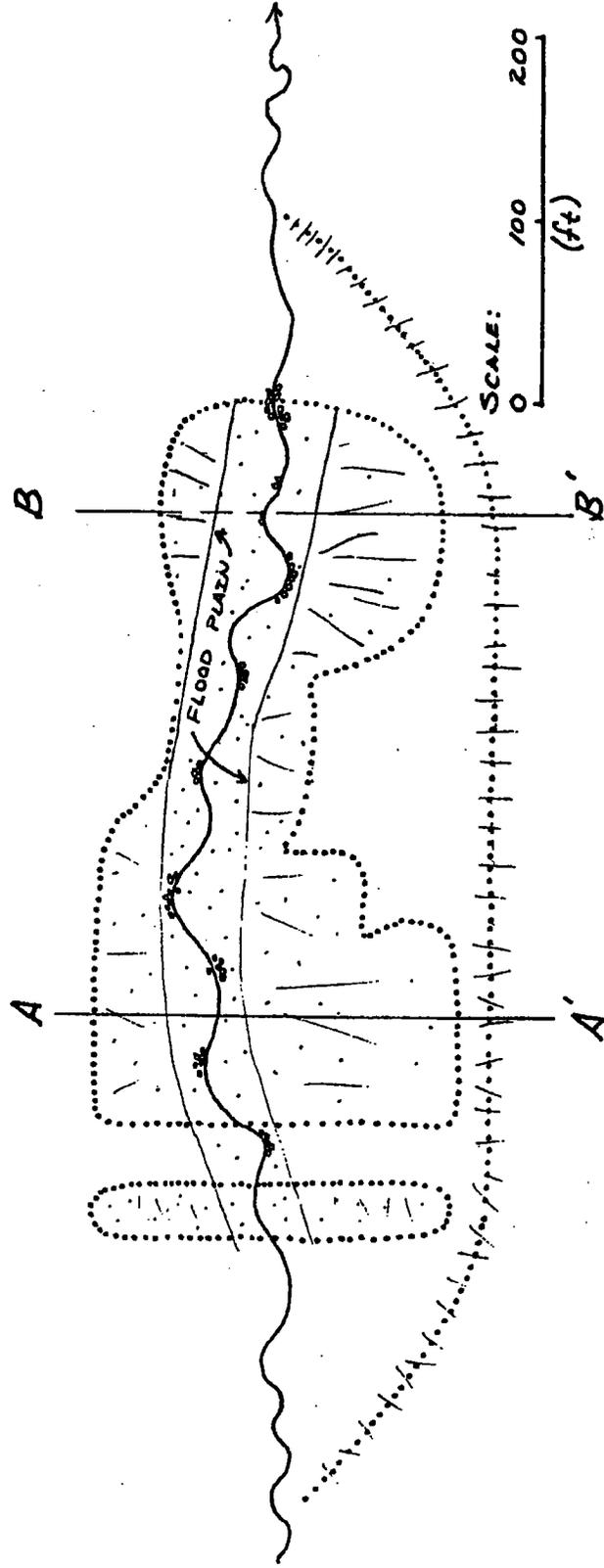
..... N65-32.8 W162-4.5

4 MAY 2004

Reclamation Plan.....

Scale: 1" = 100'

Backfill excavations and spread reserved organic material. Re-establish stream on gravel bed within a 50 ft wide floodplain. 3.0 ac are reclaimed.



CROSS-SECTION A - A'

APMA

GOLD RUN EXPLORATION PROJECT

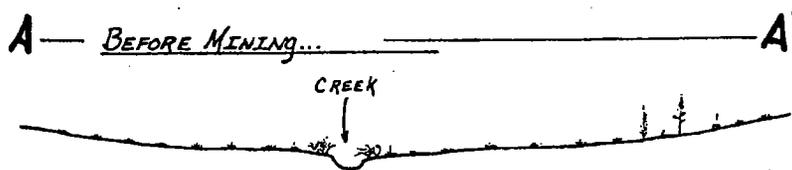
MINING DISTRICT

(C-1)..... N65-32.8 W162-4.5

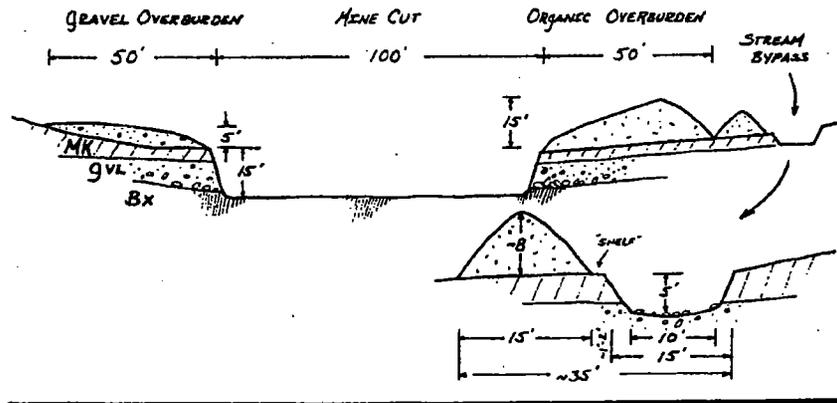
4 MAY 2004

Cross-Section A - A' through Mine Cut and Bypass

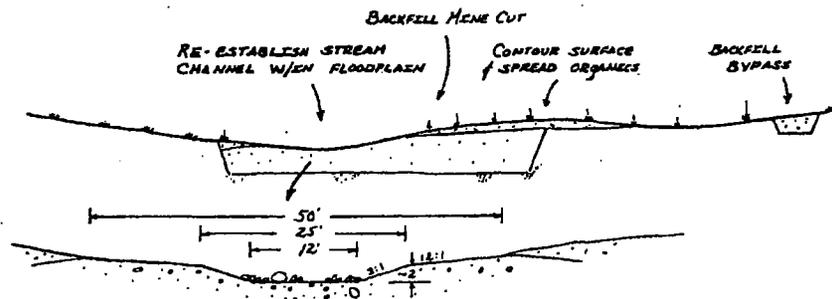
Not to Scale



DURING MINING...



AFTER MINING...



CROSS-SECTION B - B'

APMA

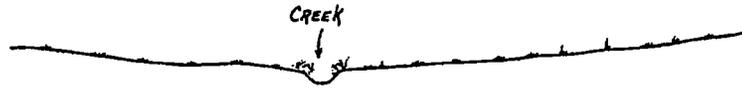
GOLD RUN EXPLORATION PROJECT
MINING DISTRICT
(C-1)..... N65-32.8 W162-4.5

4 MAY 2004

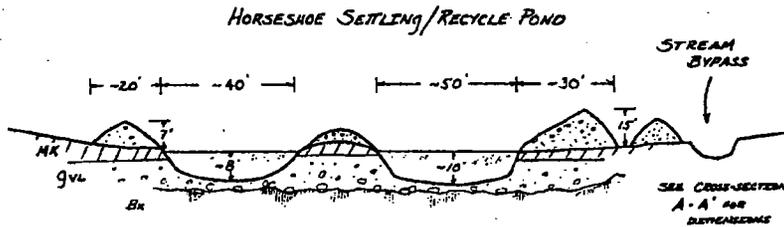
Cross-Section B - B' through Settling/Recycle Pond

Not to Scale

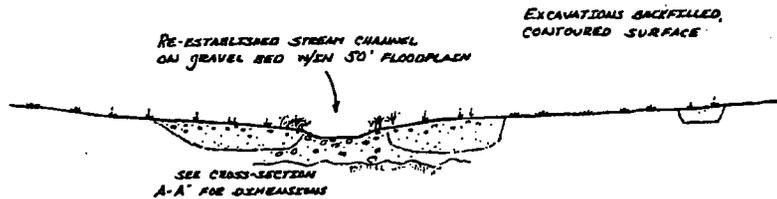
B — BEFORE MINING... ————— B'



DURING MINING...



AFTER MINING...



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/>

April 4, 2007

Certified Mail 7006-0810-0000-8656-7932

Ms. Christy Everett
U.S. Army Corps of Engineers, Alaska District
Regulatory Branch - CEP-CO-R
PO Box 6898
Anchorage, AK 99506-0898

Subject: Placer Mining General Permit
Reference No. GP 2006-1944
State ID No. AK0612-12J

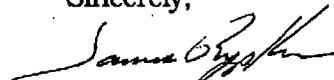
Dear Ms. Everett:

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 reauthorization of the placer mining 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 Corps of Engineers and 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.)
Sadie Wright, 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-CO-R, PO Box 6898, Elmendorf AFB, AK 99506-0898, for the reauthorization of General Permit 2006-1944, previously identified as GP 88-02P, for placer mining in Alaska. The proposed activity is located at many locations throughout Alaska.

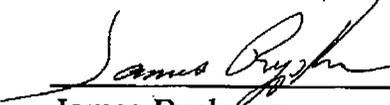
Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number GP-2006-1944, and a discharge may result from the proposed activity. Public notice of the application for this certification was given as required 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 earth moving equipment must be sited and conducted so there is no petroleum contamination of 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 April 4, 2007



James Rypkema
Program Manager

STATE OF ALASKA

SARAH PALIN, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT/PERMITTING
ALASKA COASTAL MANAGEMENT PROGRAM**

SOUTHCENTRAL REGIONAL OFFICE
550 W 7th AVENUE SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 FAX: (907) 269-3891

CENTRAL OFFICE
P.O. BOX 111030
JUNEAU, ALASKA 99811-1030
PH: (907) 465-3562 FAX: (907) 465-3075

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

March 29, 2007

Ms. Christy Everett
U.S. Army Corps of Engineers
Regulatory Branch – CEP-CO-R
P.O. Box 6898
Elmendorf AFB, Alaska 99506-0898

Dear Ms. Everett:

**Subject: General Permit 88-02 (Placer Mining Fill Discharge Permit Mod. and Re-issue)
State I.D. No. AK 0612-12J
Revised Final Consistency Response – Concurrence**

The Office of Project Management & Permitting (OPMP) has completed coordinating the State's review of the re-issuance and modifications of the U.S. Army Corps of Engineers General Permit (GP) 88-02 to authorize the discharge of fill material into the waters of the U.S., including wetlands, for the purpose of placer mining in Alaska, for consistency with the Alaska Coastal Management Program (ACMP).

Based upon review by the Alaska Departments of Environmental Conservation and Natural Resources and the affected coastal resource districts, OPMP concurs with the U.S. Army Corps of Engineers' certification that the project is consistent with the ACMP and affected coastal district's enforceable policies to the maximum extent practicable. This will be the final ACMP decision for this activity as proposed and amended.

By copy of this letter, I am informing the U.S. Army Corps of Engineers and State review participants of OPMP's finding. If you have any questions, please contact me at 907-465-8791 or email sadie_wright@dnr.state.ak.us.

Sincerely,


Sadie Wright
ACMP Project Specialist

Enclosure

cc: Mel Langdon – ADEC, Anchorage *
William Ashton – ADEC, Anchorage *
Mark Fink – ADFG, Anchorage *
Dick Mylius – ADNR/DMLW, Anchorage *
Gary Prokosch – ADNR/DMLW, Anchorage *
Clark Cox – ADNR/DMLW, Anchorage *
Jack Kerin – ADNR/DMLW, Anchorage *
Linda Books – ADNR/DMLW, Anchorage *
Jeanne Proulx – ADNR/DMLW, Fairbanks *
Roselynn Smith – ADNR/DMLW, Fairbanks *
Brady Scott – ADNR/DMLW, Juneau *
Alex Dugaqua - ADNR/ DMLW, Juneau *
Mac McLean – ADNR/OHMP, Fairbanks *
Claire Batac – ADNR/OPMP, Juneau *
Janet Burleson-Baxter – ADNR/OPMP, Juneau *
Christine Ballard – ADNR/OPMP, Anchorage *
Tom Atkinson – ADNR/OPMP, Anchorage *
Judy Bittner - ADNR/SHPO, Anchorage *
Michael Eberhardt – ADNR/SPOR, Juneau *
Pam Russell – ADNR/SPOR, Soldotna *
Andy Hughes - ADOT/PF, Juneau *
Approved Coastal Districts (Statewide) *
John Hudson – NMFS, Juneau *
Cindy Hartmann – NMFS, Juneau *
Christy Everett – USACE, Regulatory, Elmendorf AFB/Anchorage *

* = emailed

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

DATE ISSUED: March 8, 2007

PROJECT TITLE: GP 88-02 (Placer Mining Fill Discharge Permit Mod. and Re-issue)

STATE ID. NO.: AK 0612-12J

AFFECTED COASTAL RESOURCE DISTRICT: Statewide

APPLICANT: U.S. Army Corps of Engineers / Ms. Christy Everett

DESCRIPTION OF PROJECT SUBJECT TO REVIEW:

The U.S. Army Corps of Engineers is proposing to re-issue General Permit 88-02 for placer mining within the State of Alaska as "GP 2006-1944". This GP authorizes the mining public to discharge fill material into waters of the United States, including wetlands, for the purpose of placer mining in the State of Alaska. If re-issued, this GP will be in effect for five years.

The following description is taken from the U.S. Army Corps of Engineers' December 22, 2006 "Public Notice of Application for Permit":

INTRODUCTION: GPs are considered appropriate for activities which are substantially similar in nature, cause only minimal adverse environmental impact when performed separately, would have only minor cumulative effects on water quality, and would provide more effective administration of the Clean Water Act without creating an undue burden on the public.

On August 13, 2001, the Corps reauthorized the Placer Mining GP within the State of Alaska, identified as GP 88-02P, which in turn expired on August 14, 2006. Since last re-issuance, the GP has been used 197 times, resulting in an estimate disturbance of 985 acres of wetlands and uplands. . ."

"... The following changes are proposed to the GP:

1. A purpose statement for the permit was written as an introductory paragraph. Any reference to "precious materials" was changed to read "precious metals." The GP can no longer be used for commercial gravel extraction.
2. Any references to the NEPA process of other Federal land managers have been deleted.
3. A reference to our [Corps'] website was added under application procedures. The website has office contacts by geographical area and can be updated as needed.
4. Placer mining and other types of mining have been defined to clarify what each activity consists of. Also, the GP now clearly states which activities the GP authorizes. For example, this GP does not cover recreational mining, marine mining, suction dredging, hard rock mining, or commercial gravel operations.
5. Conditions number 1 and number 8f have been added.

6. Condition number 9a (formerly condition number 14a) has been split into vegetated vs. unvegetated reclamation requirements.
7. Language in conditions number 4 and number 11 (formerly conditions number 16 and number 1, respectively) has been changed. The language from former condition number 1 has been split between new condition number 11 and "Extension, Modification, and Revocation of the General Permit" (item "d") under "Other Information."
8. The State of Alaska Department of Natural Resources (State) Annual Reclamation Statement for Small Mines can now be used for reporting as long as the length of all stream diversions is added as a requirement for reporting on the form. The Corps would also need to receive copies of any reclamation documentation submitted to the State. By using the State's annual report, miners would only have to complete one form for all agencies. Use of these reports would also eliminate the need for the Corps to send reminder letters to each permittee every year.
9. "Reevaluation of Permit Decision" has been moved to the "Other Information" section of the GP.
10. The sub-condition under former condition number 9 has been made its own full condition, number 9b.
11. Agency review would now be limited to those instances where preliminary review of the APMA/application indicates potential concerns. Only agencies with regulatory oversight would be asked to review.
12. A statement has been added recommending that the permittee retain all related mine authorizations at the project site.

PROPOSED ACTIVITY: The Corps of Engineers proposes to reauthorize and expand the existing Placer Mining Activities within the State of Alaska GP 88-02P, with revisions, and change the administrative number to GP 2006-1944. See attached Draft Proposed GP 2006-1944 for additional information. This GP would authorize proposed discharges provided the District Engineer (DE), or his designee, determines that the proposed activity would be minor, would not have more than minimal, individual or cumulative adverse impacts on the human environment, and the DE has conducted consultation with appropriate Federal and State regulatory and resource agencies.

GENERAL PERMIT BOUNDARY: The GP boundary is the entire State of Alaska."

SCOPE OF PROJECT TO BE REVIEWED:

The scope of the project subject to this consistency review will be limited to the information listed in the Corps' "Public Notice of Application for Permit" and supplied attachments for GP 88-02P (POA-2006-1944, issued on December 22, 2006). The Draft Proposed GP 2006-1944 is included in the Public Notice documents.

CONSISTENCY STATEMENT:

The Alaska Departments of Natural Resources and Fish and Game and coastal resource districts statewide have reviewed the USACE's proposal to modify and re-issue GP 88-02 for a period of five years. Based on that review, the State of Alaska proposes to concur with the consistency determination submitted by the U.S. Army Corps of Engineers that this proposed General Permit as described and modified is consistent with the ACMP to the maximum extent practicable.

COMMENTS:

OPMP received comments from the Department of Natural Resources Division of Mining, Land and Water and Office of Habitat Management and Permitting, and from the following Coastal Districts: Aleutians West Coastal Resource Service Area, Bristol Bay Borough, City of Hoonah, Kenai Peninsula Borough, Ketchikan Gateway Borough, Lake and Peninsula Borough, North Slope Borough, City and Borough of Sitka, and the City of Valdez.

ALTERNATIVE MEASURES:

OPMP received consistency comments including alternative measures from the Office of Habitat Management and Permitting, and the Hoonah Coastal District. To achieve consistency with the standards and policies of the ACMP (including Statewide Standards and Coastal District Enforceable Policies), on March 2, 2007 the applicant agreed (see attached Project Amendment form) to incorporate the following alternative measures into the final project description:

Alaska Department of Natural Resources (ADNR):

Office of Habitat Management and Permitting (OHMP)—On January 25, 2007 OPMP received the following comments/proposed alternative measures which represent a coordinated effort between OHMP and the Alaska Department of Fish and Game:

Additions and modifications to the text of existing general permit conditions are shown in **bold**.

Alternative Measure 1: Minimizing the impact of individual mining activities.

Condition 2 of the GP should be modified to read "...material involved during mining operations shall **not be placed within active floodplains or riparian management areas to the maximum extent practicable. If placed in these areas, material shall be protected from erosion.**"

Condition 3 of the GP should be modified to include the following: "**Stockpiles of organic materials shall not be placed within active floodplains or riparian management areas to the maximum extent practicable. If placed in these areas, the organic materials shall be protected from erosion.**"

Condition 4 of the GP should be modified to include the following: "Temporary features such as settling ponds, workpads, and roads and streams diversions shall **not be placed within active floodplains or riparian management areas to the maximum extent practicable. If not practicable, temporary features** shall be designed, constructed, and maintained to withstand, at a minimum, the high waters of a 10-year flood or the life of the structure, if longer. **Temporary and permanent channel diversions shall be sized to accommodate the bankfull flow (1.5 year flood). Permanent channel diversions shall include an associated floodplain equal to 2.2 times the width of the bankfull stream channel at a minimum.** Erosion or structural damage of features shall be evidence of noncompliance with this condition. These features must be reclaimed in accordance with condition number 9."

Condition 5 of the GP should be modified to include the following: "When an existing waterbody is not being mined, **existing vegetation within the riparian area shall be left adjacent to the waterbody to protect it from sedimentation. The sequencing of mining activities shall provide for the retention of vegetation within riparian management areas for as long as reasonably practicable.**

Condition 6 of the GP should be modified to include the following: **“Settling ponds shall not be located within natural standing or flowing waterbodies (e.g., ponds or streams), and shall not be placed within active floodplains or riparian management areas to the maximum extent practicable.”**

Condition 8a of the GP should be modified to include the following: **“...erosion of the streambed or banks. Stream diversions shall be designed and constructed to avoid excessive loss of flow through the bed and dewatering of the diversion channel. The stream diversion...”**

Rationale:

The first group of proposed alternative measures is directed at minimizing the impact of individual project components to the maximum extent practicable. These proposed alternative measures include a number of modifications to existing conditions within the GP in order to increase their effectiveness. The focus is on avoiding and minimizing impacts to water flow, active floodplains, and the vegetation within riparian management areas [11 AAC 112.300 (b)(8)].

Alternative Measure 2: Maximizing the effectiveness of reclamation.

Condition 9d of the GP should be modified to include the following: **“There is no defined time scale, but primary stabilization efforts should take place within one year (1 yr) of completing active mining operations. Ongoing efforts to improve stability should take place as needed thereafter.”** Also modifying and adding the following: **“Stream channels shall mirror pre-placer mining configuration in terms of length, channel cross-section, substrate, flow velocity... Stream channels shall be designed and constructed to avoid excessive loss of flow through the bed and dewatering of the channel. Diverted stream reaches...”**

Condition 9e of the GP should be modified to read: **“Floodplain widths shall be a minimum of 2.2 times the width of the bankfull channel. The purpose of this requirement is to retain the channel, substrate, and floodplain characteristics, without significant down- or head-cutting, and prevent excessive erosion of material placed adjacent to the stream. This standard may be raised or lowered on a case-by-base basis.”**

Condition 10 of the GP should be modified to include the following: **“...including removal of structures, such as, fuel drums, equipment, trailers, bone yards, used oil and waste upon abandonment. All areas of surface disturbance shall be reclaimed, stabilized, and contoured to promote revegetation. Access roads and areas of soil compaction shall be ripped, tilled, or otherwise broken up to promote revegetation.”**

Rationale:

The modification to 9e is necessary to provide enforceable metrics for determining compliance with this condition.

These proposed alternative measures for reclamation would maximize the effectiveness of reclamation as mitigation for disturbances. The purpose of the required reclamation is to re-establish the functional conditions and resource values of the unmined landscape. Once those conditions and values are obtained, reclamation can be considered mitigation for the impacts.

Coastal District:

Hoonah Coastal District—On January 18, 2007 OPMP received the following consistency comments and a proposed alternative measure from the Hoonah Coastal District Coordinator via email:

Hoonah Coastal District Enforceable Policy 2.7 states: “There shall be a minimum setback of 200 feet between dredge or fill activities and a public water supply intake except for emergency repairs.”

The Hoonah Coastal District Coordinator stated “The Hoonah Coastal District has no objection to reissuing the permit as long as applicant conforms to these enforceable policies.”

ADVISORIES:

OPMP has received the following advisories from the Department of Natural Resources Division of Mining, Land and Water, and Office of Habitat Management and Permitting, the Ketchikan Gateway Borough Coastal District, and the North Slope Borough Coastal District.

Department of Natural Resources:

Division of Mining, Land and Water (DMLW)—On January 25, 2007 OPMP received the following advisories from DMLW:

- “1. Change item number four where clarifying placer mining appears to reflect the commodity of interest rather than the mining process. Commodities of interest (which can include minerals like tin, Fe-Ti sands, scheelite, etc.) should include those that reflect the possessory interest that allows the placer mining activity i.e. state or federal mining claims or leases on public lands. The proposed permit would also exclude marine and non-marine suction dredging. While marine suction dredging was never allowed under the previous permit, non-marine activity was authorized. Unless there are general permits in process for these deleted activities it appears that these operators will also continue or be added to the individual permit category when it has been acknowledged by Corp staff that the scope of the activities does not warrant individual permits.
2. The State of Alaska will revise the Annual Reclamation Statement to meet the requirements of the Corps reporting requirements by including the length of any stream diversions.
3. The State of Alaska concurs with the use of the APMA as formal application for a Corps General Permit. We would recommend a standard time frame (21 days) for comment on the adequacy of the application. This is the time allowed the ACMP program to determine if an application is sufficient. We would hope that public comment periods required by ACMP regulations for new activities in the coastal zone could be coordinated with the Corps notice requirements to prevent one agency waiting for the process of another's with the effect of making comment periods sequential. This significantly delays authorization decisions and in general causing public confusion.
4. A number of fixed dimensions are used in the permit language such as a hundred foot set back on streams. While it is necessary to use specific language to cover most situations there should be an escape clause in the permit language to allow exceptions on a case by case basis.”

Office of Habitat Management and Permitting (OHMP)—On January 25, 2007 OPMP received the following advisories from OHMP:

“Condition #8 Other Requirement (a-d) include requirements that reference OHMP authorities. It needs to be clear which are Title 41 requirements and which aren't. For example:

- a. Any stream diversion activity shall provide for the free passage of fish, both upstream and downstream with no barriers or entrapments consistent with ADNR-OHMP Alaska Statutes (AS) 41.14.840-860.

This requirement could be clarified by ending the sentence after “entrapments” and ending the paragraph with “The stream diversion must comply with the ADNR-OHMP Fish Habitat Permit issued under AS 41.14.840-900 if such a permit is required.”

- b. Pump intakes or stream diversions shall be designed to prevent intake, impingement, entrainment or entrapment of fish consistent with ADNR-OHMP AS 41.14.870 - AS 41.14.900, and ADNR AS 46.15.

The way it is written, screening would only be required on cataloged streams, but not resident fish streams. While not required for consistency with the ACMP, to align the COE's General Permit with State law, this stipulation should be expanded to include consistency with AS 41.14.840 as well as AS 41.14.870 - AS 41.14.900.

Condition 9a. **Work in Vegetated Areas.** To reduce the likelihood of cumulative impacts and non-point sedimentation, we recommend the COE consider increasing the percent live cover after 2 growing seasons to 60% instead of 40% and further consider requiring active seeding or planting of native seeds, plants, or plant cuttings if a site fails to make progress towards this goal. We recognize that the COE will need to retain some flexibility in applying this standard as growing conditions vary widely in different parts of the state.

Condition 9(f). Reference to OHMP's authorities should be clarified as AS.41.14.”

Coastal Districts:

Ketchikan Gateway Borough Coastal District—On January 18, 2007 OPMP received the following advisory from the Ketchikan Gateway Borough Coastal District:

“Though supportive of the reissuance of the General Permit 88-02, the Borough would support the issuance of permits for placer mining activities that could damage subsistence, sport, or commercial fisheries including mariculture activities. When these areas are identified through a consistency review or public comment, the Borough requests that potential impacts are considered. Where upland land clearing, rock excavation, or grading may create hazardous conditions in sensitive areas, a surety bond or other means of guarantee to correct damages shall be required by the Borough.”

North Slope Borough Coastal District—On January 18, 2007 OPMP received the following advisories from the North Slope Borough Coastal District:

- “1. The NSB supports the exclusion of commercial gravel extraction, marine mining, and suction dredging from this general permitting process; specific and separate authorization for these extraction activities is warranted.

2. The proposed permit states "agency review would now be limited to those instances where preliminary review of the APMA application indicates potential concerns. Only agencies with regulatory oversight would be asked to review." Please define what type of "potential concerns" would warrant additional review. Please clarify when the NSB or Tribes in the NSB area would be asked to provide additional review of potential concerns.
3. Please define what constitutes "minimal adverse environmental impact."
4. Please notify NSB and any affected Tribe within the NSB if there is potential to adversely impact essential fish habitat or other subsistence resources. The NSB does not support activities which adversely impact subsistence resources.
5. Please add subsistence resource impacts to the list of factors which are relevant to determining potential concerns, environmental impact and cumulative impact evaluation.
6. Please add subsistence resources to the list of protected resources. The permit conditions should clearly state that activities under the general permit shall not adversely affect subsistence resources."

The applicant, within the five days, also may request an extension of time to consider the alternative measures or additional modifications. If the applicant or other review participants with elevation rights do not request an elevation or extension within the specified five days, the State will issue a final consistency response.

This consistency response may include reference to specific laws and regulations, but this in no way precludes an applicant's responsibility to comply with all other applicable State and federal laws and regulations.

This consistency response is only for the project as described and amended. If, after issuance of a final consistency response, the applicant proposes any changes to the approved project, including its intended use, prior to or during its siting, construction, or operation, the applicant must contact this office immediately to determine if further review and approval of the modifications to the project is necessary. Changes may require amendments to the State authorizations listed in this response, or may require additional authorizations.

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

REVISED FINAL CONSISTENCY RESPONSE PREPARED BY:

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Sadie Wright

ACMP CONSISTENCY EVALUATION

GP 88-02 (Placer Mining Fill Discharge Permit Modification and Re-issue) – AK 0612-12J

Pursuant to the following evaluation, the project 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
(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 (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.
Evaluation: OPMP has reviewed this Placer Mining Fill Discharge GP under 11 AAC 11.200 and finds that while this GP is not water-dependent, dredging eligible for discharge authorization under this particular GP may be water-dependent or water-related. The Placer Mining Fill Discharge GP proposed for re-issue contains conditions, limits, and requirements that are specifically designed to reduce or eliminate pollution in water discharges that are water-dependent or water-related. OPMP has reviewed the proposed re-issuance of the Placer Mining Fill Discharge GP under 11 AAC 112.200 and has determined it to be consistent with this standard to the maximum extent practicable.
11 AAC 112.210 Natural Hazard Areas
(a) In addition to those identified in 11 AAC 112.990, the department, or a district in a district plan, may designate other natural processes or adverse conditions that present a threat to life or property in the coastal area as natural hazards.
Evaluation: OPMP has reviewed the proposed re-issuance of the Placer Mining Fill Discharge GP under 11 AAC 112.210 and has determined it to be consistent with this standard to the maximum extent practicable.
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: OPMP has reviewed the proposed re-issuance of the Placer Mining Fill Discharge GP under 11 AAC 112.220 and has determined it to be consistent with this standard to the maximum extent practicable.
11 AAC 112.230 Energy Facilities
Evaluation: This statewide standard does <u>not</u> apply to this Placer Mining Fill Discharge GP as proposed and amended.

<p>11 AAC 112.240 Utility Routes and Facilities</p> <p>Evaluation: This statewide standard does <u>not</u> apply to this Placer Mining Fill Discharge GP as proposed and amended.</p>
<p>11 AAC 112.250 Timber Harvest and Processing</p> <p>Evaluation: This statewide standard does <u>not</u> apply to this Placer Mining Fill Discharge GP as proposed and amended.</p>
<p>11 AAC 112.260 Sand and Gravel Extraction</p> <p>Evaluation: This statewide standard does <u>not</u> apply to this Placer Mining Fill Discharge GP as proposed and amended.</p>
<p>11 AAC 112.270 Subsistence</p> <p>Evaluation: This General Permit does not preclude individuals from subsistence gathering or fishing within an area of a placer mine.</p> <p>OPMP has reviewed the proposed re-issuance of the Placer Mining Fill Discharge GP under 11 AAC 112.270 and has determined it to be consistent with this standard to the maximum extent practicable.</p>
<p>11 AAC 112.280 Transportation Routes and Facilities</p> <p>Evaluation: OPMP has reviewed this Placer Mining Fill Discharge GP under 11 AAC 112.280 and finds that Placer Mining Fill eligible for discharge under this particular GP may be associated with Transportation Routes and Facilities sited within the coastal zone. The Placer Mining Fill Discharge GP proposed for re-issue contains conditions, limits, and requirements that are specifically designed to reduce or eliminate pollution in fill water discharges that are associated with coastal waters and therefore would contribute to the avoidance and/or minimizing of 1) alteration of surface and ground water drainage patterns; 2) disruption in known or reasonably foreseeable wildlife transit; and, 3) blockage of existing or traditional access.</p> <p>OPMP has reviewed the proposed re-issuance of the Placer Mining Fill Discharge GP under 11 AAC 112.280 and has determined it to be consistent with this standard to the maximum extent practicable.</p>
<p>11 AAC 112.300 Habitats</p> <p>Habitats in the coastal area encompassed by this Department of the Army General Permit that are subject to the program are: (a) (2) estuaries, (3) wetlands, (6) lagoons, and (8) rivers, streams, and the active floodplains and riparian management areas of those rivers, streams, and lakes..</p> <p>Evaluation: The Office of Habitat Management and Permitting has reviewed the proposed re-issuance of this GP. To achieve consistency with the standards and policies of the ACMP (11 AAC 112.300), on March 2, 2007 the applicant agreed (see attached Project Amendment form) to incorporate two alternative measures into the final project description.</p> <p>OPMP has reviewed the proposed re-issuance of the Placer Mining Fill Discharge GP under 11 AAC 112.300 and has determined it to be consistent with this standard to the maximum extent practicable.</p>
<p>11 AAC 112.310 Air, Land & Water Quality</p> <p>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</p>

standard will be established when the ADEC issues or waives the required authorizations.

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:

OPMP has reviewed the proposed re-issuance of the Placer Mining Fill Discharge GP under 11 AAC 112.320 and has determined it to be consistent with this standard to the maximum extent practicable.

AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES

The following Coastal Districts submitted comments:

Aleutians West Coastal Resource Service Area:

Evaluation: "I have reviewed the materials you provided and check for any applicable AWCRSA policies. The AWCRSA CMP does not contain any enforceable policies specifically related to mining operations. Our policies relating to gravel extraction will not be applicable since gravel extraction operations are no longer covered under the general permit. The AWCRSA concludes that the permit as proposed is consistent with our program."

Bristol Bay Borough Coastal District:

Evaluation: "In reference to the Placer Mining Fill Discharge Permit Modification and Re-Issue, I have found that the project to be in compliance with Bristol Bay Borough's Enforceable Policies. To protect our anadromous streams is very important to this district and it appears that Section 8e would do that."

Hoonah Coastal District:

Evaluation: "In reference to GP 88-02 (Placer Mining Fill Discharge Permit Modification and Re-Issue), Project AK 0612-12J located statewide, the Hoonah Coastal District Enforceable Policies relating to Placer Mining have been addressed except for Policy 2.7 Discharge of Dredged or Fill Material which states: 'There shall be a minimum setback of 200 feet between dredge or fill activities and a public water supply intake except for emergency repairs.' The Hoonah Coastal District has no objection to reissuing the permit as long as applicants conform to these enforceable policies."**

**This comment is addressed under the "Alternative Measures" sub-heading on Pages 6-7.

Kenai Peninsula Borough:

Evaluation: "The changes to GP 88-02 do not significantly change the environmental protections required of placer mining operations to a degree that would be contrary to the enforceable policies of the Kenai Peninsula Borough."

Ketchikan Coastal District:

Evaluation: "The Ketchikan Coastal District has reviewed the above referenced application. The project is consistent with the Ketchikan Coastal District Zone Management Plan based on the following objectives and policies:

Economy and Growth, goal states: *We shall plan for a broad and secure economic base and orderly community growth for Ketchikan, while preserving the beauty and essential character of the community.*

1. Objective: To promote sources of employment, economic growth, and community stability.

*A.1.a. Government review and where appropriate, support and funding shall be given for the following

activities and projects: support facilities necessary for mining development and operation.

***A.1.b.** The Borough shall balance the contributions of potential commercial/industrial enterprises against their imposition of new demands on limited community services by: 1) assessing demands early in the project planning stages, 2) developing mitigation measures, and, 3) funding and scheduling service improvements.

4. Objective: To support the revival of Ketchikan's surface and sub-surface mining industry.

***A.4.a.** Land management programs shall identify accessible, high quality rock, sand, and gravel sites outside environmentally sensitive areas and allow for their excavation with minimal impact to the surrounding landscape. Where appropriate, a materials extraction plan shall be prepared for large intensive use sites.

A.4.b. Reasonable and prudent development within the scope of proven technology and reasonable surface access to all valid existing and future mining claims shall be given due consideration by all involved levels of government in their review of mining developments.

Fish and Wildlife, goal states: *We shall protect and enhance the productivity of fish and wildlife habitat in the Ketchikan area.*

E.2.a. All anadromous streams and stream banks, bays and coves with significant amounts of freshwater inflow and subsistence and sport shellfish areas shall be managed to protect and enhance fisheries resources.

E.2.b. Development that may directly cause a loss of fisheries habitat shall not be permitted in the immediate vicinity of areas critical to the productivity of local commercial and subsistence fisheries as referenced on Page II-39 of the Ketchikan Coastal Plan as significant salmon-producing streams or on Figure II-14 as subsistence salmon, clam and Dungeness crab areas or herring beach spawning areas.

Ketchikan Gateway Borough will defer to ADF&G to make the determination if anadromous streams, sport and subsistence areas will be adversely affected by a potential placer mining fill discharge.

**Denotes enforceable policies in the Ketchikan District Coastal Management Plan.*

Advisory: Though supportive of the reissuance of the General Permit 88-02, the Borough would be support the issuance of permits for placer mining activities that could damage subsistence, sport, or commercial fisheries including mariculture activities. When these areas are identified through a consistency review or public comment, the Borough requests that potential impacts are considered. Where upland land clearing, rock excavation, or grading may create hazardous conditions in sensitive areas, a surety bond or other means of guarantee to correct damages shall be required by the Borough.***

***These comments are addressed under the 'Advisory' section on Pages 8-9.

Lake and Peninsula Borough:

Evaluation: "The Lake and Peninsula Borough Planning Commission reviewed this consistency review at the regular Planning Commission meeting on January 8, 2007. The Planning Commission determined this review is consistent to the extent practicable under what can be reviewed using the new state standards and the existing coastal management plan minus the fact that mining has been removed from the new ACMP regulations and the Borough coastal Management plan.

The Planning Commission stated they thought the proposed change to the GP cleared up possible confusion

in certain areas that we better clarified with the proposed changes.”

North Slope Coastal District:

- Evaluation:** “1. The NSB supports the exclusion of commercial gravel extraction, marine mining, and suction dredging from this general permitting process; specific and separate authorization for these extraction activities is warranted.
2. The proposed permit states “agency review would now be limited to those instances where preliminary review of the APMA application indicates potential concerns. Only agencies with regulatory oversight would be asked to review.” Please define what type of “potential concerns” would warrant additional review. Please clarify when the NSB or Tribes in the NSB area would be asked to provide additional review of potential concerns.
 3. Please define what constitutes “minimal adverse environmental impact.”
 4. Please notify NSB and any affected Tribe within the NSB if there is potential to adversely impact essential fish habitat or other subsistence resources. The NSB does not support activities which adversely impact subsistence resources.
 5. Please add subsistence resource impacts to the list of factors which are relevant to determining potential concerns, environmental impact and cumulative impact evaluation.
 6. Please add subsistence resources to the list of protected resources. The permit conditions should clearly state that activities under the general permit shall not adversely affect subsistence resources.”**

**These comments are addressed under the ‘Advisory’ section on Pages 8-9.

Sitka Coastal District:

Evaluation: “The Sitka Coastal Management Program has reviewed the GP 88-02 Placer Mining Fill Discharge Permit Modification and Reissue AK 0612-12J for consistency with the Sitka Coastal Management Program. Sitka has no enforceable policies directly pertaining to mining activities, and gravel extraction will not be permitted under this GP. There is no placer mining within the City and Borough of Sitka, to my knowledge, and I am not aware of any areas where this GP would be inconsistent with the amended Sitka Coastal Management Program. Therefore, I believe GP 88-02 appears consistent with the Sitka Coastal Management Program which has no objection to this re-issuance.”

Valdez Coastal District:

Evaluation: “The Valdez Coastal District has reviewed the above referenced proposal for consistency with its Coastal Management Program. The project is consistent with the Valdez Coastal Management Plan as follows:

Section 6.5(A) Coastal Development:

6.5(A)(1)(a) Water-Related & Water Dependent Uses: Water-related & water-dependent uses are the top priority in the Valdez Coastal Management Plan. The US Army Corps of Engineers is proposing certain modifications to the wording in the General Permit 88-02 (Placer Mining Fill Discharge Permit Modification and Re-Issue) which affects the coastal waters in Alaska. The GP is appropriate for activities which are similar in nature, cause only minimal adverse environmental impact when performed separately, would have only minor cumulative effects on water quality, and would provide more effective administration of the Clean Water Act without creating an undue burden on the public.

GP 88-02 addresses and conforms with the following enforceable policies within the Valdez Coastal Management Plan:

6.5(A) (2) Habitat Protection. To the extent feasible and prudent, all land and water uses and activities shall avoid potentially adverse impacts on fish and wildlife and their habitats.

6.5(A) (2) Alteration of Bodies of Water. The placement of structures and the discharge of

dredge or fill material into water bodies, floodways, backshores or wetlands must, at a minimum comply with the standards contained in parts 320-330, Title 33, Code of Federal Regulations.

6.5(B)(3) Habitat Protection. Projects which require dredging, clearing or construction in productive habitats shall be designed to keep these activities to a minimum area necessary for the project.

6.5(B)(6) Water Quality. The short term effluents and cumulative impacts of facilities shall not violate state and federal water quality standards. To the extent feasible and prudent, industrial and commercial uses and activities must be located in areas of least biological productivity, diversity and vulnerability and where effluents can be controlled (including areas where currents can disperse effluents) or contained.

The changes to the GP have been found to be consistent with the Valdez Coastal Management Plan.”

PROJECT AMENDMENT

I have reviewed the proposed State comments and recommendations for the project identified as "GP 88-02 (Placer Mining Fill Discharge Permit Modification and Re-issue)", State ID No. AK 0612-12J, to achieve consistency with the standards and policies of the ACMP and agree to amend my project description to (check one):

- fully incorporate all of the alternative measures described therein; propose additional modifications to achieve consistency with the enforceable policies of the ACMP; or to
- incorporate some of the alternative measures and also propose additional modifications. Any additional modifications are described in a separate document. I understand that the option of proposing additional modifications may result in additional state review.

[Signature] (Applicant/Agent name)
2 March 2007 (Date)

Please fax the signed and dated form to Sadie Wright at OPMP at 465-3075 as soon as possible to enable OPMP/ACMP to issue your project's proposed and final ACMP consistency determinations.