



**US Army Corps
of Engineers
Alaska District**

FACT SHEET

Individual Permits for Mining Activities in Alaska

Under **Section 404 of the Clean Water Act (CWA)** the U.S. Army Corps of Engineers (Corps) has jurisdiction over discharge of dredged and fill material into waters of the U.S., including streams and wetlands. Under **Section 10 of the Rivers and Harbors Act**, the Corps has jurisdiction over structures and work, in or affecting, navigable waters.

A Department of the Army (DA) permit is required to place dredged and/or fill material into waters of the U.S., including streams and wetlands, and to perform work in navigable waters of the U.S.

The CWA applies to mining operations on state, federal, and private lands.

1. For **Mechanical Placer Mining** operations, an IP is required when the footprint of a project in wetlands and streams exceed the terms of General Permit (GP) POA-2014-55, which allows up to five (5) acres of wetland disturbance, and/or a stream diversion or relocation up to 1500 linear feet.
2. For **Hard Rock Mining** operations, an IP is required when the footprint of a project exceeds the limits of any applicable Nationwide Permits (NWP), including:
 - NWP # 3, Maintenance allows repair, rehabilitation, or replacement of structures or fill. An IP may be required if the structure or fill is no longer serviceable, if the purpose or use of the structure or fill changes from the original purpose or use, or when the change in footprint is determined to have a greater than minimal impact.
 - NWP # 6, Survey Activities allows exploration activities. An IP may be required when the area of un-reclaimed temporary pads exceeds 0.10 acres. Also, fill placed for roads, camps and airstrips are not covered under NWP # 6.
 - NWP # 14, Linear Transportation Projects: An IP is required for impacts over 0.50 acre of fill in non-tidal waters of the U.S., and over 0.33 acre of fill in tidal waters of the U.S.
 - NWP 18 for Minor Discharges: Pads over 0.10 acre require an IP.
3. For operations using a **Floating Recovery Device (FRD)** (previously known as suction dredging operations) in Section 10 waters, an IP is required when a project is proposed in specific excluded areas, such as “biologically important habitat”, and state or federally designated “Special Areas”. This trigger may also be satisfied through presence of unevaluated archaeological, cultural, or historic properties, or an agency adverse effect comment on Essential Fish Habitat, or Endangered Species or Critical Habitat.
4. **Floating Camps** located in **navigable waters**, require an IP under Section 10 of the Rivers and Harbors Act. All tidal and marine waters are considered navigable. The Alaska District

has an approved list of navigable waters:

<http://www.poa.usace.army.mil/Portals/34/docs/regulatory/NavWat.pdf>

To apply:

- **The APMA is not accepted as an application for the IP.**
- Use Department of the Army (DA) application (**ENG FORM 4345**).
- All materials needed for an IP application may be found at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>
- There are benefits to getting an IP. For example, an IP lasts for 5 years, and may be easily modified for changes in plans and time-extension. However, advance planning is necessary. There is a 90- to 120- day timeline before a permit can be issued.
- Operators who need a permit and work without authorization are subject to fines or penalties. Operators are responsible for obtaining an IP when it is needed.

Checklist for needed materials:

- Eng Form 4345
- Aerial photo
- Jurisdictional determination (JD)
- Vicinity map showing location of and access to project
- Latitude and Longitude of project
- Maps, Plans and Section Views
- Mitigation Statement

For assistance with an IP application:

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