



**US Army Corps
of Engineers
Alaska District**

FACT SHEET

Hardrock Exploration

Permitting in Alaska, including:
Survey Activities, Camps, Roads, and Airstrips

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 operations on federal, state, and private land.

A number of options are available under **Section 404** and **Section 10** to authorize hard rock exploration activities in Alaska. Floating base camps supporting exploration activities require a permit.

Please Note: Alaska District will no longer provide written authorization for hard rock exploration projects unless a written request is received. This is because most exploration projects can be verified under Nationwide Permit (NWP) # 6 without contacting the Corps ahead of conducting the work. However, written authorization is recommended for controversial projects, or other projects that may eventually require an Individual Permit (IP).

Nationwide Permit (NWP) 6, for Survey Activities

Activities include core sampling, drill pads, exploratory trenching, bulk sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, soil surveys, sample plots or transects for wetland delineations, and historic resources surveys.

- A jurisdictional determination is normally not required. If a PCN is required (see below) then a JD may be required.
- A Pre-Construction Notification (PCN) is normally not required. Situations requiring a PCN include: 1) operations conducting 3-D seismic surveys with cables, on the ocean bottom; 2) When historic properties may be affected (General Condition 20), and 3) When endangered species or critical habitat may be affected (General Condition 18).
- No upward limit on the total area of exploration activities.
- Temporary fill pads are limited to 0.10 acre within a defined project area, at any time. At 0.10 total acres of impacts, pads must be reclaimed before additional pads can be constructed.
- NWP 6 does not authorize fill placed for camps, roads, or airstrips.

Camps:

- No Permit Required: Camps constructed in uplands do not require a permit. Camps constructed in wetlands using raised platforms, pilings, boardwalks or skids, do not require a permit.
- NWP 18 for Minor Discharge of Fill: If camps are located in less than 1/10 of an acre of wetlands, and the discharge does not exceed 25 cubic yards (cy) of fill below the High Tide Line or Ordinary High Water Mark, then it may qualify for NWP 18. The fill must not be used for a stream diversion. A Pre-Construction Notification (PCN) is required.
- An IP is required for floating camps in navigable waters, under Section 10. Tidal and marine waters are considered navigable. The navigable waters list is here: <http://www.poa.usace.army.mil/Portals/34/docs/regulatory/NavWat.pdf>

Roads, airstrips:

- Exempt: Temporary mining roads for the purpose of moving mining equipment are exempt from the CWA at 33 CFR 323.4 (a)(6).
 - Alaska District has a **three (3) year** time limit for a “temporary road”, after which the road must be either be permitted, or, removed and reclaimed. Avoidance and minimization apply.
 - Avoid discharge of fill into waterfowl breeding and nesting areas, spawning areas, and wetlands. Avoid impacts to threatened or endangered species or critical habitat.
 - Minimize length, width and overall number of roads. Locate roads away from streams. Construct any bridges or culverts to prevent flood flow restriction. Obtain fill sources from uplands. Stabilize fill to prevent erosion into waters of the U.S. Minimize encroachment of equipment into waters of the U.S.
- No Permit Required: Roads located in uplands do not require a Corps permit.
- Nationwide Permits (NWP):
 - NWP 3, Maintenance – No upward limit to impacts for repair, rehabilitation, or replacement of serviceable roads or trails that have had a permit in the past, or were constructed before 1976. Only minor changes in configuration or filled area allowed. No PCN required.
 - NWP 14, Linear Transportation Projects – Limits: Up to 0.50 acre of fill allowed in non-tidal waters of the U.S., and up to 0.33 acre of fill in tidal waters of the U.S. May be used to construct, expand, modify, or improve linear transportation projects. PCN required when (1) loss of waters of the U.S. exceeds 0.10 acre, or (2) the discharge occurs in a “special aquatic site”, including wetlands.¹
 - NWP 18, Minor Discharges: See second bullet, under Camps.
 - The PCN form may be found here: <http://www.poa.usace.army.mil/Portals/34/docs/regulatory/Applicant's%20PCN%20Form.pdf>
 - An IP is required when NWP limits are exceeded, or to construct permanent features. <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>

¹ “Special aquatic sites include sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, riffle and pool complexes.