



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145)  
CEPOA-CO-R  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

**PUBLIC NOTICE DATE:** 22 December 2006  
**EXPIRATION DATE:** 22 January 2007  
**REFERENCE NUMBER:** GP 2006-1944

**GENERAL PERMIT (GP) 2006-1944  
PREVIOUSLY IDENTIFIED AS GP 88-02P  
PROPOSED FOR REAUTHORIZATION AND RENAMING**

The public is hereby notified that the Alaska District, U.S. Army Corps of Engineers (Corps) is proposing to re-issue and re-name General Permit (GP) 88-02P, previously issued under authority of Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et. Seq). This GP currently authorizes the discharge of fill material into waters of the U.S., including wetlands, for the purpose of placer mining in the State of Alaska. If re-issued, this GP will be in effect for five more years and **will be re-named GP 2006-1944** due to necessary Corps' administrative changes. The activities intended for authorization under this GP are essentially the same as those previously authorized under GP 88-2P, although certain activities would no longer be covered under the proposed GP. A copy of the Draft Proposed GP 2006-1944 is attached. We are soliciting and accepting comments for the next 30 days on our intent to re-issue this GP.

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 the last re-issuance, the GP has been used 197 times, resulting in an estimated disturbance of 985 acres of wetlands and uplands. For additional information on cumulative use, see table below.

GP ID No.	Issue Date	Expiration Date	Total GP Area (Acres)	No. Projects Authorized
GP 88-02 N	6/12/1995	6/12/2000	466	N/A
GP 88-02 P	8/13/2001	8/13/2006	985	197
GP 2006-1944	Under Evaluation	Not Issued	N/A	N/A
<b>Totals</b>			<b>1451</b>	<b>197</b>

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 website was added under application procedures. The website has office contacts by geographic 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.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation. The previous certification was issued under State AK ID Number AK 0102-01PA) was issued on April 17, 2001.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c) (3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c) (3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Alaska Department of Natural Resources, Office of Project

Management and Permitting has concurred with the applicant's certification. The previous Final Consistency Determination was issued under State AK ID Number AK 0102-01PA) was issued on April 13, 2001.

MITIGATION: None proposed, but the GP would allow for project-specific conditions to reduce impacts to streams, sloughs, rivers, ponds, lakes, permanently flooded wetlands, or tidal waters, as appropriate for the activity.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

CULTURAL RESOURCES: The Corps has conditioned the GP to protect cultural resources. Any comments the State Historic Preservation Officer has concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: The Corps has conditioned the GP to protect endangered species. Preliminarily, the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. The DE, or his designee, will review the NMFS and North Pacific Fishery Management Council's Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska (April 2006) to locate and identify EFH in the vicinity of the proposed action. If the project is located in EFH, the DE, or his designee, will consult with NMFS to determine if the described activity would adversely affect EFH, including anadromous fish and federally managed fishery resources. Project-specific conditions would be added as appropriate to reduce impacts to fish habitats and EFH.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The

benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposed activity, and the conditions under which it would be allowed to occur, would be determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. If further information is desired concerning this GP, contact Ms. Christy Everett at (907) 474-2166, by fax at (907) 474-2164, or by email at Christy.A.Everett@poa02.usace.army.mil.

AUTHORITY: This GP is subject to the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

The following are attached to this Public Notice: The Draft Proposed GP; Attachment 1: Annual Report for Placer Mining Under the Corps of Engineers General Permit 2006-1944; Notice of Application for Certification of Consistency with the Alaska Coastal Management Program; and Notice of Application for State Water Quality Certification.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

**DRAFT PROPOSED GENERAL PERMIT (GP) 2006-1944  
PREVIOUSLY IDENTIFIED AS GP 88-02P  
PROPOSED FOR REAUTHORIZATION AND GP RENAMING**

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 Engineer, Alaska District, U.S. Army Corps of Engineers (Corps), proposes to reauthorize and rename the existing General Permit 88-02P. GP 88-02P currently authorizes the discharge of fill material into waters of the U.S., including wetlands, for the purpose of placer mining in the State of Alaska.

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 metals such as silver, tin, or platinum from gravel. The gold or other metals 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
- **Stream Diversions:** Shall be limited to two thousand (2,000) linear feet at any one time.
- **Reclamation:** 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.

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 (see Conditions of the General Permit Number 9, below).

**Exceptions:** The following operations are not authorized under this GP, but may still require a different type of Department of the Army (DA) permit.

- **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 (Recreational, Commercial, or Marine):** Suction dredging is defined as excavation of sediment with a suction device from the bottom of a water body for the purpose of extracting placer deposits of gold or other minerals.
- **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. All marine mining operations require DA permit authorization, but are not included in this GP.
- **Commercial Gravel Operations:** This GP does not authorize mining for gravel.
- **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).

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 Office (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 gullying, 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 be placed into upland areas or into areas that have been previously mined, and may be used to meet reclamation requirements (see Condition number 9 below).
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.
4. Temporary features such as settling ponds, berms, workpads, roads, and stream diversions 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. Permanent features such as channel diversions shall be designed, constructed, and maintained to withstand the high waters of a 50-year flood at a minimum.

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 waterbody is not being mined, a minimum 100-foot buffer of existing vegetation, measured from the ordinary high water line, shall be left adjacent to the waterbody to protect it from sedimentation.
6. Settling ponds shall not be located in a flowing stream. 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)** shall be **limited to two thousand (2,000) linear feet** at any one time. All restoration activities must be completed on the first diversion before construction of a new diversion (see Conditions 9-d and 9-f, below).
8. **Other Requirements:**
  - 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 - 41.14.860. 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. The stream diversion must comply with the ADNR-OHMP Fish Habitat Permit, 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 - 41.14.900, and Alaska Department of Natural Resources (ADNR) AS 46.15.
  - 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 diverted stream segment.
  - d. 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.
  - e. 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.

- f. The proposed placer mining activity shall be in compliance with any applicable National Pollution Discharge Elimination System permit requirements.
- g. 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. The DC shall conduct a determination of effect by contacting the USFWS and the NMFS for each application received as a GP request, or require documentation of such contact from operators with an approved Federal plan of operation. If it is determined that listed species are likely to be adversely affected, and/or proposed 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.
- h. 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).
- i. 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.
- j. 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 SHPO, and the coastal district (if within a coastal district), of what you have found. The DC 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. (If the activity occurs on Federal land, the Federal land manager is responsible for coordination.)
- k. 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.

Failure to comply with any Federal or State authorization shall be grounds for suspending or revoking the authorization granted by this GP.

**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 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.

- 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. 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, flow velocity, grade, and functional configuration, including a riparian area supporting pioneer species of vegetation. 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 designed to withstand a 50-year flood event. The purpose of this requirement is to prevent excessive erosion of material placed adjacent to the stream; this standard may be raised or lowered on a case-by-case basis.

- f. Permanent stream diversions must meet Condition 9-d, above, and be approved by ADNR-OHMP under AS Title 41 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. Exploration trenches shall be backfilled, stabilized and covered with organic material to inhibit erosion, and promote natural revegetation as described above in Condition 9-a. All exploration drill holes must be plugged in accordance with Alaska State regulations.
10. You must maintain the lands and facilities subject to this GP in conformance with the terms and conditions of this GP. This requirement includes removal of fuel drums, equipment, trailers, bone yards, and used oil and waste upon abandonment. You are not relieved of this requirement if you abandon the permitted activity. 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.
  11. Any activity authorized by this GP must be completed by the date specified in the Corps authorization letter.
  12. **Reporting:** Submission of the "Annual Reclamation Statement for Small Mines" (Reclamation Statement) to ADNR by December 31<sup>st</sup> 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 Corp's 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

13. **Inspection:** You 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.

**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. 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 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, 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 at home 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 (USFWS)  
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:

\_\_\_\_\_  
Chief, North Section  
Regulatory Branch  
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



# STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 705  
ANCHORAGE, ALASKA 99501-3559  
PHONE: (907) 269-7470/FAX: (907) 269-3981

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. GP 2006-1944, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment # 2

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

**DIVISION OF WATER**

401 Certification Program

Non-Point Source Water Pollution Control Program

**NOTICE OF APPLICATION  
FOR  
STATE WATER QUALITY CERTIFICATION**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. GP 2006-1944, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-6281  
FAX: (907) 269-7508

Attachment # 3