



US Army Corps  
of Engineers  
Alaska District

# Special Public Notice

FAIRBANKS FIELD OFFICE  
Regulatory Division (1145)  
CEPOA-RD  
2175 University Avenue, Suite 201E  
Fairbanks, Alaska 99709-4927

<b>PUBLIC NOTICE DATE:</b>	<b>December 17, 2014</b>
<b>EXPIRATION DATE:</b>	<b>January 15, 2015</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2014-55</b>
<b>WATERWAY:</b>	<b>Statewide</b>

---

The Alaska District, United States (U.S.) Army Corps of Engineers (Corps), in accordance with regulations pursuant to Section 404 of the Clean Water Act (CWA) [Public Law 95-217, 33 U.S.C. 1344 *et. seq.*] proposes to issue General Permit (GP) POA-2014-55, (formerly known as GP POA-2006-1944-M1), authorizing placement of dredged and/or fill material into waters of the United States (U.S.), including wetlands and streams, associated with mechanical placer mining activities within the State of Alaska.

The CWA applies to operations on state, federal, and private land. Mechanical placer mining is defined as the removal of gold or other precious materials from gravels using mechanized equipment.

The current GP applies to operations with up to ten (10) acres of disturbance, including wetlands and uplands, and up to 2,000 linear feet (lf) of stream diversion, at any one time. The current GP, POA-2006-1944-M1, has been extended and now expires on October 31, 2015. Permittees whose permit expires on or before October 31, 2014, will receive a one year automatic time extension under POA-2006-1944-M1, until October 31, 2015.

The proposed GP would apply to work in waters of the U.S. subject to Section 404 of the CWA, (wetlands and streams). The proposed GP would apply to operations with up to five (5) acres of wetland impacts, up to 1,000 lf of streambank disturbance, and up to 1,000 lf stream diversion at any one time.

The proposed GP, POA-2014-55, would go into effect November 1, 2015, affecting the 2016 mining season. The proposed GP is explained in two components:

- a. Draft Permit: GP POA 2014-55 with Definitions
- b. Draft Corps GP Application Packet (2 Attachments)

**There are four (4) Public Meetings Currently Scheduled in Alaska:**

January 13, 2015, Tuesday, Noon-3:00pm @ Tetlin National Wildlife Refuge Conference Room in Tok

January 16, 2015, Friday, Noon-3:00pm @ Fairbanks North Star Borough Assembly Chambers in Fairbanks

January 20, 2015, Tuesday, 3:00-6:00pm @ Loussac Library Public Conference Room in Anchorage

January 21, 2015, Wednesday, 2:00pm @ City Council Chambers in Nome

What this means for permittees and applicants:

- Permittees whose permit expires on or before October 31, 2015, will receive an automatic one year time extension until October 31, 2016. (33 CFR 330.6 (b))
- New applicants in 2016 will be authorized under the new GP, expiring 5 years from GP issuance.
- Permittees or new applicants with projects that now exceed the limits of the GP will receive a one year time extension until October 31, 2016, or until the Corps develops an Abbreviated Individual Permit, whichever comes first.

In accordance to 33 CFR 325.2(d), the Public Notice for the proposed GP comment period will be 30 days. However, the Corps will consider an extension of the comment period upon request.

A Summary of Comments from the previous Public Notice, issued in May 2014, is available per request.

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. Please submit email comments to [POA.AKPlacerMiningGeneralPerm@usace.army.mil](mailto:POA.AKPlacerMiningGeneralPerm@usace.army.mil); by postal mail to 2175 University Ave, Suite 201E., Fairbanks, Alaska 99709; by fax at (907) 747-2164; or by phone to Leslie W. Tose at (907) 753-5515, Deb McAtee at (907) 474-2166, or toll free from within Alaska at (800) 478-2712. Also, if further information is desired concerning this notice or you would like a paper copy mailed to you.

District Commander  
U.S. Army, Corps of Engineers

Enclosures

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
401 Certification Program  
Non-Point Source Water Pollution Control Program

## **ANCHORAGE**

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

### **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. **POA-2014-55, Statewide**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance 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 to the address above by the expiration date of the Corps of Engineer's Public Notice.



**GENERAL PERMIT (GP) POA-2014-55**  
**Mechanical Placer Mining Activities within the State of Alaska**

**AUTHORITY:** Under *Section 404 of the Clean Water Act* (Public Law 95-217, 33 USC 1344 et seq.), the District Commander (DC), Alaska District, U.S. Army Corps of Engineers (Corps), proposes to reauthorize General Permit (GP) POA 2006-1944-M1 as GP POA 2014-55, Mechanical Placer Mining in the State of Alaska. The Corps has the authority to issue permits for discharge of *dredged and/or fill material* into *waters of the U.S.*, including *wetlands* and streams.

**SUBJECT:** Mechanical placer mining is defined as the removal of gold or other precious materials from alluvial gravels using mechanized equipment. This proposed GP would authorize miners to place dredged and/or fill material into *waters of the United States*, including wetlands and streams, for the purpose of placer mining in the State of Alaska, under the terms and conditions listed below.

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

This GP proposal would authorize up to five (5) acres of wetland *disturbance*, up to 1,000 linear feet (lf) of *streambank disturbance*, and up to 1,000 lf of *stream diversion*, *at any time*.

**TABLE OF CONTENTS**

- I. Activities covered by the permit
- II. Activities not covered by the permit
- III. Proposed Terms and Conditions for the GP
  - A. Two Size Categories – Tier 1 and Tier 2
  - B. Proposed Conditions
  - C. Site Inspections, Compliance and Enforcement
  - D. Expiration
- IV. Other Laws You Must Follow
- V. Suspension, Modification, Revocation and Reevaluation of the GP
- VI. Limits of the Authorization and Federal Liability
- VII. How to Apply

Appendix A: Definitions, Acronyms, and Abbreviations

Appendix B: Corps GP Application Packet

- A. Attachment 1: Baseline Information and Compliance Certification
- B. Attachment 2: Mitigation Statement

**I. ACTIVITIES COVERED BY THE PERMIT:** Mechanical Placer Mining activities that involve placement of *dredged and/or fill material* into *waters of the United States*, including *wetlands* and streams:

- Mechanized land clearing.
- Construction of berms or dams associated with settling ponds.
- *Stream diversions*.
- Mine features intended to be permanent - such as new camps, access roads, access road extensions, culverted crossings of streams or wetland areas, and airstrips.
- Stockpiles.
- Reclamation activities, including lands in process of reclamation.
- Exploration activities for placer mining are authorized if they comply with the conditions of the GP. Activities include:
  - fill for exploratory drill pads.
  - fill for trenches and holes.
  - side casting from trenches and holes.
  - bulk samples and other test methods.

**II. ACTIVITIES NOT COVERED BY THE PERMIT:** Some of these activities may require a different type of Department of the Army (DA) permit and others may not need a permit. Contact the Corps to determine whether a permit is required.

- Activities in uplands, including activities in natural uplands, and activities in uplands created by mining activities such as roads, camps, and airstrips, are not covered by this permit.
- Temporary mining roads for the purpose of moving mining equipment are exempt from the Clean Water Act at 33 CFR 323.4 (a)(6). In Alaska District, “temporary” means that the road is in use three years or less, and constructed without use of cut or fill methods. A Corps permit is not required as long as the roads are constructed and maintained in accordance with *Best Management Practices*. These include standard avoidance and minimization measures, such as are included on your Mitigation Statement.
- Recreational Mining uses hand tools such as a pick, shovel, pan, and/or rocker box. No Corps permit is required.
- Commercial Gravel Operations located at a placer mining site, but operated for the purpose of gravel sale for a separate purpose, are considered an independent mining action which may require a separate Corps permit.
- Suction dredge mining uses a suction device to remove bottom substrate from a water body, and discharges the material from a sluice box for the purpose of extracting gold or other precious metals. Sluice box discharge is regulated by the Alaska Department of Environmental Conservation (ADEC) under a Section 402 Alaska Pollution Discharge Elimination System (APDES) permit.
- Mining in Navigable Waters of the United States may be authorized under Section 10 of the Rivers and Harbors Act of 1899 through the use of GP POA-2007-372, Floating Recovery Devices (FRDs).
- Hard Rock Mining is the process of removing valuable metals or elements (not necessarily gold) bound within country rock. A Corps permit may be required if the project involves surface activities that discharge fill material into wetlands or streams.
- Coal Mining is not covered under this GP but may require a Corps permit.

### III. PROPOSED TERMS AND CONDITIONS FOR THE GP

- A. TWO SIZE CATEGORIES:** This permit proposes two Tiers, based on wetland *disturbance area*, *streambank disturbance*, and use of a *stream diversion*.

The wetland *disturbance area* includes mine features constructed by placing fill into wetlands and streams.

*Uplands* are not part of this GP. Uplands include naturally occurring uplands that do not satisfy the definition of a wetland, and previously filled wetland areas, such as camps, roads and airstrips that were constructed in wetlands under a prior GP. These areas are not under Corps jurisdiction.

**1. All Operators:**

- a. Are responsible for obtaining a copy of the GP to keep at the mine site. It is available on the Corps website or at the Fairbanks Field Office. Printed copies may be requested.
- b. Shall follow the terms of the GP, and the Alaska Department of Environmental Conservation (ADEC) Section 401 Certification for this authorization, which is included as a part of this GP.
- c. Are subject to compliance inspection.

**2. Tier 1:** Covers operations with *minimal impacts to aquatic resources*.

Limitations for Tier 1:

- a. One (1) acre or less of *wetland disturbance* per Annual Placer Mining Application (APMA).
- b. *Minimal Streambank Disturbance*.
  - A 25 to 50 foot wide vegetated *riparian area* shall be maintained adjacent to the *stream channel*. Also see General Condition 4-a, Management of riparian areas in all operations.
    - Allowed one stream crossing, maximum 20 foot width for mine access.
    - Allowed one temporary trail, maximum 12 foot width, for water access.
- c. No *Stream Diversion*.
- d. *At any time*.
  - Disturbed areas in wetlands and *streambank disturbance* may not accumulate so as to exceed the size limits of the Tier until such time as they are fully reclaimed.

Information Requirements for Tier 1:

- a. New operations and renewing operations under the APMA shall submit:
  - Baseline Information about the mine site, and a Compliance Certification.
- b. Submit information with the APMA. See Section VII, “How to Apply” and Appendix B, Corps GP Application.

Permit Process for Tier 1:

- a. APMA’s will be reviewed to confirm that Tier 1 limits apply.
- b. APMA’s will receive a Corps file number (POA-#), for tracking purposes.
- c. Tier I operations will normally be approved for the GP without further notification, but will not receive a written permit.

3. **Tier 2:** Covers operations where avoidance and minimization measures are necessary to assure minimal *impacts* to *aquatic resources*.

Limitations for Tier 2:

- a. Greater than one (1) and up to five (5) acres of *wetland disturbance*.
- b. Up to 1,000 linear feet (lf) of *streambank disturbance*.
- c. Up to 1,000 lf of a *stream diversion*.
- d. *At any time*.
  - Disturbed areas in wetlands, length for streambank disturbance, and length of stream diversion, may not accumulate so as to exceed the size limits of the Tier until such time as they are fully reclaimed.

Information Requirements for Tier 2:

- a. Baseline Information about the mine site, and a Compliance Certification.
- b. *A Mitigation Statement*.
- c. An Annual Report to track:
  - Disturbed wetland areas and stream lengths with GPS coordinates.
  - Restored wetland areas and stream lengths with GPS coordinates.
- d. Information shall be submitted with the APMA. For more information, see Section VII, “How to Apply” and Appendix B, Corps GP Application.

Permit Process for Tier 2:

- a. APMA’s will be reviewed to confirm that Tier 2 limits apply.
- b. Operations will receive a Corps file number (POA-#) and a written permit from the Corps.
- c. Special conditions requiring minimization of *impacts* and aquatic resource reclamation may be attached to the permit.

4. **Discretionary Note:** An Individual Permit may be required if your operation exceeds the limits of the GP, or if review reveals that your project may have a greater than minimal impact on the environment. (33 CFR 325.2(e)(2))

## B. PROPOSED CONDITIONS

### 1. *Disturbance Area:*

- a. **Tier 1 operations:** the area, or footprint, of the operation in *waters of the U.S.*, including *wetlands*, shall not exceed one (1) acre of wetlands, shall incur no more than *minimal streambank disturbance*, and shall not include a *stream diversion, at any time*.
- b. **Tier 2 operations:** the area, or footprint, of the operation in *waters of the U.S.*, including *wetlands* and streams, shall not exceed five (5) acres of wetlands, one thousand (1,000) linear feet of *streambank disturbance* or one thousand (1,000) linear feet of *stream diversion*, where applicable, *at any time*.
  - Operators shall track and report disturbed wetland areas, and stream lengths with GPS coordinates.
  - Operators shall track and report restored wetland areas, stream lengths with GPS coordinates.
  - A “*rolling footprint*” is allowed as long as an operator is engaged in *concurrent reclamation*.

### 2. Management of overburden and pay:

- a. Organic materials, including vegetation, shrubby and woody material, topsoil, leaf litter, peat, and other organic overburden, shall be separated from non-pay and mineral overburden, and stockpiled so as to be available for efficient handling in reclamation.
- b. Mine operations shall be managed so as to avoid *excessive erosion and/or sedimentation* into waters of the U.S.
- c. Appropriate soil erosion and sediment control measures shall be used and maintained in effective operating condition during site preparation, mining, overwintering and reclamation, so that exposed substrate and other dredged or fill material is contained within the confines of the mine footprint and eroded material does not enter waters of the U.S.
- d. Mine operations shall be separated from streams as much as is *practicable*. Separation measures may include the use of 25 to 50 foot wide vegetated *riparian areas*, compacted berms, distance separation, or other measures. See also General Condition 4-a.

### 3. Management of water:

- a. Appropriate water management measures shall be used to slow down, collect and retain water at the site, minimizing erosive and sediment transport forces and maximizing retention for beneficial use in restoration of wetlands and other reclamation activities.
- b. Water management measures apply to surface water runoff, groundwater infiltration, storm water management and stream channelization activities. Any feature such as settling ponds, diversions, bedrock drains, ditches, filters, natural vegetation, available substrate, or other features may be designed to slow, collect, and retain water for use in restoration of wetlands and other reclamation activities.
- c. Additionally, mine activities or features:
  - Shall be constructed to withstand expected high flows.
  - Shall not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows.
  - May alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream reclamation or wetland restoration).

### 4. Management of *riparian areas* in Tier 1 and Tier 2 operations.

The riparian area consists of the streambank and other lands located directly adjacent to streams. A vegetated riparian area supports plants that are native to the area, including sedges, grasses, shrubs and trees.

- a. **All operations:** Measurement of the riparian area (including the streambank)
  - Length is measured in feet along the *ordinary high water* of the stream.
  - Width is measured perpendicular, or at a right angle from the ordinary high water of the stream.
  - Width of the riparian area shall be at least:
    - 50 feet wide on *anadromous fish* streams.
    - 25 feet wide on all other streams.
  - Operators shall consult the ADFG or the state Anadromous Waters Catalog to determine fish status of their stream. This information in their "Baseline Information" form.

- b. **Tier 1 operations:** *Minimal streambank disturbance* is allowed in the riparian area.
- Operators shall maintain a 25 to 50 foot wide vegetated riparian area adjacent to the *stream channel*, above ordinary high water. To maintain means to keep in a state of natural vegetation, untrammelled by heavy machinery, and free of debris, garbage or pollutants.
  - Activities allowed in Tier 1 riparian area include:
    - One stream crossing, maximum 20 foot width, for mine access.
    - One temporary trail, maximum 12 foot width, for water access.
- c. **Tier 2 operations:** Up to 1,000 linear feet of streambank disturbance is allowed in the riparian area.
- Operators may choose to maintain a vegetated riparian area adjacent to the *stream channel* during mining. To maintain means to keep in a state of natural vegetation, untrammelled by heavy machinery, and free of debris, garbage or pollutants.
  - If the *riparian area* is disturbed during mining, operators shall reestablish a vegetated riparian area adjacent to the stream channel, within one year of concluding mining activities, and before moving to a new mining area. To reestablish means to use an *active revegetation* method including but not limited to seeding, hydro-mulching, use of dormant cuttings or branches, brush blankets, transplanting etc.
  - *Streambank Disturbance:*
    - Is measured in linear feet along the ordinary high water of the stream.
    - The measurement may include streambank disturbance activities along one or both *streambanks*, across from each other. It may not include disturbance along two banks that are not across from each other.

5. Management of *stream diversions*:

A stream diversion is a channel realignment constructed to direct existing stream flow around an active mining operation. See also General Condition 3, Management of water.

- a. Shall be limited to one thousand (1,000) feet in length at any time.
- b. Shall be constructed to accommodate a *bankfull* flow (1.5-year flood), with a stream channel and a *floodplain* of similar dimensions to the existing stream, upstream and downstream of the site.

- c. As built channel dimensions shall be included in the plans provided in the Baseline Information portion of your application.
  - d. Temporary vs. permanent: A diversion shall be considered temporary for three years. A diversion that is in use for more than three years is considered permanent. In year four, the operator shall decommission the diversion, remove berms if present, and revegetate the riparian area, or, submit updated plans for continued use of the diversion to the Corps.
  - e. Permanent stream diversions shall be constructed to satisfy stream reclamation standards. See Condition 6, Reclamation.
  - f. Stream diversions shall comply with the State of Alaska, Department of Fish and Game, Division of Habitat, Fish Habitat Permit, if such a permit is required.
6. Reclamation, to include restoration of *aquatic resources*:
- a. Timing:

Mine features shall be reclaimed concurrently with advancement of the mining operation.

    - When appropriate, the timing for some revegetation activities may extend to the spring of the following year, if the area is not going to be mined.
    - When appropriate, the timing for reclamation of permafrost-thawed soils may extend until the material is stable enough to work.
    - Within one year of concluding mining activities and before moving to a new mining area, all reclamation shall be completed.
    - A mine site is considered inactive, if operations are suspended for three years. If an operation becomes inactive, the permittee, or claim owner, are not relieved of reclamation requirements. A permittee or claim owner may make a good faith transfer of reclamation responsibilities to a third party. See Condition 8, Transfer of permit.
  - b. Diversions shall be reclaimed by decommissioning the channel, removing berms if present, and backfilling with suitable, non-erodible material to promote natural plant growth.
  - c. Reclaimed stream channel shall approximate dimensions of the pre-mined stream channel, and the channel upstream and downstream of the mine site.
    - Stream channels shall be reclaimed to maintain the length of the original channel running through the site. (See “*Loss of waters of the U.S.*” in the definitions).

- Other Important dimensions include: width, depth, profile (cross section view), longitudinal gradient, and meander pattern. In some situations, permittees may be required to provide specific dimensional information in their reclamation plans.
  - When reclamation is complete, streams shall have an acceptable balance between erosion and deposition, so they develop recognizable stream system features such as appropriate meanders, point bars, and floodplains, where appropriate.
- d. Floodplains shall be reclaimed to allow flooding at moderate to high flows.
- As a rule of thumb, floodplain width shall be constructed at twice the maximum “*bankfull width*” along a given stream reach.
  - Floodplain elevation should be graded to no more than two feet above the top of the rehabilitated channel bank.
- e. Streambank disturbance shall be reclaimed. A 25 to 50 foot wide vegetated riparian area shall be reestablished above ordinary high water, using *active revegetation* methods (unless the riparian area has been maintained during mining operations). See Condition 4, Management of riparian areas.
- f. Recontouring:  
All material, including tailings, non-pay overburden, and organic material, shall be used in reclamation.
- Stockpiled organic material shall be spread over contoured workings to hold moisture and promote natural plant growth.
  - Mine areas may be graded to construct wetlands or shallow ponds for as appropriate to conditions at the site, location of the site in the watershed, and the approval of the land manager.
  - Areas with compacted soils or tailings shall be ripped, tilled, or otherwise broken up to promote natural revegetation.
  - Permittees shall consider capacity of the site for erosion and sediment control in final recontouring.
  - RS2477 routes, pre-existing trails, and other established rights of ways that are to remain after mining should be identified in application materials.
- g. Settling Ponds:  
Where appropriate, settling ponds may be modified and left in place to *minimize* the loss of aquatic resources due to mining. This will depend on the type of valley, the location of the mine site in the watershed, and approval by the land manager. Site specific information proposing settling pond modifications shall be included in the Mitigation Statement.  
The following criteria apply:

- Shallow Littoral Zones:
    - For constructed ponds, create a 30-foot to 60-foot wide shelf with a 10H:1V to 20H:1V slope around 75% of the pond perimeter as indicated by the ordinary high water.
    - To provide additional habitat complexity, the slope may vary between 10H:1V and 20H:1V.
    - To accelerate and enhance revegetation, two-to-four inches of organic materials (e.g., salvaged topsoil) shall be spread along the shallow littoral shelf and fringe wetland.
    - A 50-foot wide area of native vegetation shall be established around of the pond perimeter to help filter sediment and pollutants.
  - Irregular Shoreline and Islands: Larger ponds may be required to include islands, irregular shorelines, and/or peninsulas to provide additional habitat complexity.
- h. Exploration drill holes, trenches, ditches, and bulk sample pits shall be plugged or filled. Depending on site conditions, it may be necessary to over-fill trenches and ditches so that within a year they subside or compact to be level with the original ground surface. The goal is to prevent new gullies from forming and runoff from reaching the stream. Exceptions are allowed per requirements for mineral validity.
- i. Acceptance of reclamation:
- Under the Clean Water Act, the Corps regulates discharge of *dredged and/or fill material* into waters of the U.S., including wetlands and streams, on federal, state and private property.
  - The Corps will generally accept reclamation measures that have been accepted by the land manager or private land owner, unless there is a compliance or enforcement issue with respect to the Clean Water Act, or the terms and conditions of the GP.
  - Following initial reclamation, a permittee may be required to make minor construction adjustments, such as re-shaping the channel, or adjustments of slope or structures to hold or maintain grade for the purpose of addressing specific reclamation goals.
7. Section 401, Water Quality Certification (“401 Certification”): The State of Alaska, Department of Environmental Conservation (ADEC), issues a Certificate of Reasonable Assurance, pursuant to Section 401 of the Clean Water Act, which is a part of this GP. When issued, the “401 Certification” is attached to the final page of this GP. You shall follow the conditions listed in the “401 Certification”.

8. Transfer of General Permit: GP authorizations may be transferred from one responsible party to another by submitting a letter of request, or email, to the appropriate Corps office. The correspondence shall contain:
  - a. A copy of the GP authorization letter.
  - b. The following statement: Please transfer the authorization under General Permit POA-2014-55, for mining operation POA-(authorization number), (waterway name), APMA # (number) from (name: current operator) to (name: new operator). The terms and conditions of this general permit, including any special conditions, will continue to be binding on the new responsible party.
  - c. Copy of claims transfer form submitted with the APMA.
  - d. A signature and date.

### **C. SITE INSPECTIONS, COMPLIANCE AND ENFORCEMENT (33 CFR Part 326):**

1. The permittee must allow the DC or designated representative(s), to inspect the activity at any time to ensure work is being, or has been, done according to the terms and conditions of this GP.
2. Refusing access to inspection of the authorized activities is considered noncompliance with the terms and conditions of this GP.
3. Failure to obtain a permit, or to comply with the terms of this GP, may result in an enforcement or non-compliance action, pursuant to 33 CFR 326.3, 33 CFR 326.4 and 326.5. The Corps and the permittee may work to reach a mutually agreeable solution to resolve the issue through voluntary measures, or, the Corps may issue an administrative order requiring compliance with the terms and conditions of the permit, or initiate legal action where appropriate.
4. A non-compliance or enforcement action may result in suspension of work, revocation of the permit, directive to remove dredged and/or fill material or other structures, and directed restoration of waters and/or wetlands.
5. If the permittee fails to comply with a 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.
6. In certain cases, imposition of penalties is provided for 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).

### **D. EXPIRATION:**

1. This permit expires five years from date of issuance. (GP Authorization date)
2. Operations that have a Corps authorization and are ongoing by the expiration date of the GP, have an additional twelve (12) months to operate under the terms and conditions of this GP. The permittee shall also notify the Corps of his/her intent to continue mining.

**IV. OTHER LAWS YOU MUST FOLLOW:** This GP requires that you follow other regulations and laws. Violation of these regulations and laws may be grounds to suspend, revoke, or modify your Corps permit.

- State of Alaska Fish Habitat or Fish Passage Permits (AS 16.05.841 Fishway Act and AS 16.05.871 Anadromous Fish Act). You must follow the rules of the State of Alaska, Department of Fish and Game and comply with any Fish Habitat Permit regarding fish passage, water withdrawal, or *anadromous fish*. To minimize impacts associated with your project, conditions attached to Fish Habitat Permits may be incorporated into your Corps permit.
- State of Alaska Section 402, Alaska Pollution Discharge Elimination System Permit (APDES). You must follow the rules of the Alaska Department of Environmental Conservation (ADEC), and comply with any discharge or mixing zone stipulations.
- Migratory Bird Treaty Act (16 U.S.C. 703-712) prohibits the willful killing or harassment of migratory birds, including destruction of active nests and eggs. At first you may not notice migratory birds because many are small or camouflaged, however many species use spruce forests and stream corridors for migration and nesting. In our short Alaskan summers, the nesting season is also short. When possible, schedule activities such as stripping, excavating, and filling before or after the nesting season in your area to avoid impacts to breeding migratory birds. Nesting season in Southcentral and Interior Alaska is generally May1 to July 15 (for other areas see [http://alaska.fws.gov/fisheries/fieldoffice/anchorage/pdf/vegetation\\_clearing.pdf](http://alaska.fws.gov/fisheries/fieldoffice/anchorage/pdf/vegetation_clearing.pdf)). For more information contact the closest U.S. Fish and Wildlife Service office: Anchorage (907) 271-2888; Fairbanks (907) 456-0203.
- Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, as amended) protects eagles and their nests from take and disturbance. If you find an active eagle nest within one quarter mile of your mine site, please contact the closest U.S. Fish and Wildlife Service office: Anchorage (907) 271-2888; Fairbanks (907) 456-0203.

## **V. REEVALUATION, MODIFICATION, SUSPENSION, AND REVOCATION OF THE GP (33 CFR 325.7):**

1. The DC may reevaluate the General Permit and/or any individual authorization under the GP at any time or as circumstances warrant, including:
  - When a permittee fails to comply with terms and conditions of the permit.
  - New information is provided to the Corps that was not considered in reaching the original decision.
  - If the activity is found to have greater than minimal adverse impacts to the aquatic ecosystem.
  - If the activity is found to be contrary to the Public Interest.
  - If there have been revisions to applicable statutory and/or regulatory authorities.
  - Depending on the extent to which modification, suspension, or other action would adversely affect plans, investments and actions with respect to reliance on the permit.
2. Reevaluation may cover individual activities, categories of activities, or geographic areas. It may result in use of suspension, modification, and revocation procedures.
3. Significant increases in scope of a permitted activity will be processed as new applications for permits in accordance with 33 CFR 325.2 of this part, and not as modifications under this section.
4. This GP may be modified, suspended, or revoked at any time by issuing a Public Notice, if the District Commander (DC) finds that the individual or cumulative effects of the authorized activities have an unacceptable adverse impact on the environment or on the Public Interest.

## **VI. LIMITS OF THIS AUTHORIZATION AND TO FEDERAL LIABILITY**

### **A. LIMITS OF THE AUTHORIZATION:**

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

### **B. LIMITS TO FEDERAL LIABILITY:**

The Federal Government does not assume liability for:

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

**VII. HOW TO APPLY:** The Alaska District has determined the State of Alaska’s Annual Placer Mining Application (APMA) will generally be accepted as a Pre-Construction Notification (PCN), which is the normal method of application for a Corps General Permit. Certain information must be included with the APMA to be considered “complete”. This information is summarized below, and included at 33 CFR 325.1 (c), and 33 CFR 330, General Condition 31.

**A. APPLICATION PROCESS:**

1. Tier 1:
  - Apply using the state APMA, submitted to the Alaska Department of Natural Resources, Division of Mining. (ADNR-Mining)
  - Submit Baseline Information and Compliance Certification, found in the Corps GP Application Packet, for all new and renewing multi-year APMA’s.
  
2. Tier 2:
  - Apply using the state APMA, submitted to the Alaska Department of Natural Resources, Division of Mining. (ADNR-Mining)
  - For all new and renewing multi-year APMA’s, submit a GP Application Packet, including Baseline Information, Compliance Certification, and Mitigation Statement.
  - Submit your packet to DNR-Mining and/or directly to the Corps.
  - Application Deadline of May 31 of each year to receive a permit for that year’s mining season. Applications may be submitted as early as September of the year before you wish to mine.
  - Note: If you have filed an APMA, do not assume that you have received your Corps permit. To be certain that you obtain a Corps permit, contact one of our offices directly.

Anchorage Offices

Corps of Engineers, Regulatory Division  
Alaska District Office  
P.O. Box 6898  
2204 3<sup>rd</sup> St.  
JBER, Alaska 99506-0898  
Phone: 907-753-2712  
Toll free: 800-478-2712  
Fax: 907-753-5567  
Email: [CEPOA-RD-N@usace.army.mil](mailto:CEPOA-RD-N@usace.army.mil)

ADNR-Division of Mining, Land, Water  
550 West 7th Avenue, Suite 900B  
Anchorage, Alaska 99501  
(907) 269-8652

Fairbanks Offices

Corps of Engineers, Regulatory Division  
Fairbanks Field Office  
2175 University Avenue  
Suite #201E  
Fairbanks, Alaska 99709  
Phone: 907-474-2166  
Fax: 907-474-2164  
Email: [CEPOA-RD-FFO@usace.army.mil](mailto:CEPOA-RD-FFO@usace.army.mil)

ADNR-Division of Mining, Land, Water  
3700 Airport Way  
Fairbanks, Alaska 99709  
(907) 458-6896

## B. AUTHORIZATION PROCESS

### 1. Review Process:

Day	Action
	Applicant submits APMA by May 31.
Day 1	<ul style="list-style-type: none"> <li>Corps dates stamps APMAs received by mail, email, or in person.</li> <li>Corps regularly downloads and date stamps APMAs from the ADNR-Mining “Discuss” website.</li> <li>New projects are assigned a POA- file number.</li> </ul>
45-day calendar day review	<ul style="list-style-type: none"> <li>45-day review period starts when the APMA is received and date stamped.</li> <li>Note: The date of posting on the ADNR-Mining “Discuss” web site is not necessarily the date of download.</li> <li>45-day clock may be stopped and re-started if the application is incomplete, or there are issues with cultural resources, Threatened or Endangered Species, or, Essential Fish Habitat.</li> </ul>
30 day completeness review  Application Complete -or- Application Incomplete	<ul style="list-style-type: none"> <li>Within first 30 days, Corps reviews APMA for completeness.</li> <li>To be complete, the APMA must contain all information required at 33 CFR 325.1 (d), and 33 CFR 330, General Condition 31.</li> <li>This includes information for Baseline Information (including the Wetland JD), a Compliance Certification, a Mitigation Statement, and clear plans.</li> <li>If it is not complete, the Corps contacts the applicant by phone, email, or letter to ask for additional information. The 45-day clock is stopped.</li> <li>Requests must specify information needed to make the notification complete.</li> <li>The Corps may speak with your land manager or other agencies about your operation.</li> <li>A new 45 day review period starts once the Corps receives all information needed for a complete application.</li> </ul>
10 calendar day agency review	<p>Corps is required (33 CFR 330.4) to coordinate with agencies over potential impacts of your project on resources including cultural resources, Threatened or Endangered Species, and, Essential Fish Habitat. (See Agency Coordination Section VII B-3)</p> <ul style="list-style-type: none"> <li>Corps contacts agencies by e-mail, or telephone, maintaining a file record.</li> <li>Agencies have ten (10) calendar days from date of contact to respond to the Corps with substantive comments.</li> <li>If the Corps determines that your project may adversely affect a resource, additional coordination may be required between the Corps, the applicant, and the agency, and/or the GP may not apply. The 45-day clock is stopped.</li> <li>A new 45 day review period starts once issues are resolved.</li> </ul>
Day 45	<ul style="list-style-type: none"> <li>If 45 calendar days have passed, and the applicant has not heard from the Corps regarding an incomplete application, or a substantive agency comment, the applicant may proceed in good faith with their project.</li> <li>The permittee is responsible for following terms and conditions of the GP.</li> </ul>

2. Wetland Jurisdictional Determination (Wetland JD):

- Wetland information must be included with the Baseline Information section, found in the Corps GP Application Packet.
- The Corps is requesting aerial and/or site photos of your mine for the purpose of determining whether wetlands are present, and whether or not you require a Corps permit. As a service, the Corps uses photos to make a “preliminary offsite wetland determination”, following a process identified in the “1987 Corps of Engineers Wetland Delineation Manual” and the “2007 Alaska Regional Supplement to the Corps Wetland Delineation Manual”. This process may be used in place of requiring a consultant supplied Wetland JD.
- A preliminary determination may not be appealed (Regulatory Guidance Letter (RGL) 08-02), however you may provide additional information to be considered.
- The Corps writes a brief wetland determination stating reasons for jurisdiction, or no jurisdiction.
- Duration: All Wetland JDs, including “No Permit Required” letters, are valid for five years from issuance, unless plans change or new information is supplied that change the circumstances of the determination. The five year duration of a Wetland JD is determined by RGL 05-02, which recognizes that landscapes are affected by man-made and natural changes which may affect wetland status.

3. Agency coordination occurs during the 10 day agency review period:

- Section 106 of the National Historic Preservation Act (NHPA) (36 CFR Part 800) requires the Corps to coordinate with the State Historic Preservation Office (SHPO) to determine potential effects of a project on historic properties or cultural resources. The Corps provides this service by consulting the Alaska Historic Resources Survey (AHRs). Also, the law states that if you discover previously unknown historic or archaeological remains while mining, you must contact the Corps. The Corps then contacts the SHPO, to determine if remains should be recovered, or if the site is eligible for listing in the National Register of Historic Places.
- Essential Fish Habitat Section 305 (b) of the Magnuson-Stevens Fishery Conservation and Management Act and 50 CFR Part 600 requires the Corps to coordinate with National Marine Fisheries Service (NMFS) to determine potential effects of a project on Essential Fish Habitat (EFH). EFH includes migration, rearing and spawning habitat for anadromous fish. You must supply EFH information with your Mitigation Statement. You may obtain this information from the ADFG or the state’s Anadromous Fish Catalog.

- The Endangered Species Act (ESA) of 1973 requires the Corps to consult with the U.S. Fish and Wildlife Service (USFWS) or NMFS to determine potential effects of your project on endangered species or critical habitat. There are no endangered species or critical habitat in Interior Alaska where most mechanical placer mining operations occur.
  - Subsistence Resources: The Corps checks with ADFG or tribes to determine if your project would have an adverse effect on subsistence resources.
  - State or Federal Special Area Designation: State areas include Game Refuges and Sanctuaries, and Critical Habitat Areas. Federal areas (existing or nominated) include National Wildlife Refuges, National Parks and National Wild and Scenic Areas. Mining operations must not occur in these areas without coordination with the managing agency.
4. One of the following three letters may be verified:
    - No Permit Required.
    - Individual Permit is required.
    - General Permit.
      - This GP includes the General Conditions contained in this document, which apply to all operations unless an exception is made.
      - Additional special conditions may be added to individual operations.
  5. The permittee shall keep an original copy of the permit in a safe location, and a duplicate copy at the mine site for review by visiting agencies. The yellow Notice of Authorization shall be visibly posted at the mine site.
  6. Authorizations are valid until the General Permit expires five years from the GP issuance (GP Authorization date), unless otherwise modified revoked, or suspended. Operations that have a Corps authorization and are ongoing by the expiration date of the GP, have an additional twelve (12) months to operate under the terms and conditions of this GP.

## APPENDIX A: DEFINITIONS, ACRONYMS AND ABBREVIATIONS

### I. Definitions

1987 Corps of Engineers Wetland Delineation Manual: The federal delineation manual, dated January 1987, used in the Clean Water Act, Section 404 Regulatory Program for the identification and delineation of wetlands. The manual generally requires evidence of wetland vegetation, soils, and hydrology in order to determine that an area is a wetland. <http://el.ercd.usace.army.mil/elpubs/pdf/wlman87.pdf>

2007 Alaska Regional Supplement to the Corps Wetland Delineation Manual: The federal regional guidebook to identifying wetlands in Alaska. [http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/reg\\_supp/ercd-el\\_tr-07-24.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/reg_supp/ercd-el_tr-07-24.pdf)

Active revegetation: Human caused revegetation activities including but are not limited to seeding, hydro-mulching, use of dormant cuttings or branches, brush blankets, etc.

Adverse effect: An activity which causes loss of an aquatic resource. An adverse effect is also known as an adverse impact. See also *direct* and *indirect*, permanent and *temporary impacts*, and “*Loss of waters of the United States*”.

Anadromous Fish: A fish or fish species that spends portions of its life cycle in both fresh and salt waters, entering fresh water from the sea to spawn. In Alaska, anadromous fish species include anadromous forms of Pacific trout and salmon of the genus *Oncorhynchus* (rainbow and cutthroat trout and chinook, coho, sockeye, chum and pink salmon), Arctic char, Dolly Varden, sheefish, smelts, lamprey, whitefish, and sturgeon.

Aquatic resources: Inclusive term, consisting of natural resources associated with waters of the U.S. regulated under the Clean Water Act. It includes the waterbodies listed at 33 CFR Part 328.3, such as wetlands, streams, lakes, and bogs, along with the interrelated and interacting communities and populations of plants and animals that live in the waterbodies. It also includes ecological functions associated with a waterbody. See also “*waters of the U.S.*” and *ecological functions*.

At any time: Wetland disturbance, length of streambank disturbance, and length of stream diversion, may not accumulate so as to exceed the size limits of a Tier described in the General Permit until such time as they are fully reclaimed.

Bankfull: Elevation on a streambank where a stream is at the brink of overflowing its banks. The width of a stream at bankfull elevation is used to provide a “Rule of Thumb” width for floodplain reclamation: Two times the *bankfull width* on both sides of a stream should provide a floodplain width sufficient for water to overflow during moderate stream flow.

Bankfull width is the width of a stream at *bankfull* elevation – the elevation where water fills the channel and starts to overflow onto the floodplain.

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse effects on the environment resulting from development. BMPs are categorized as structural or non-structural.

Concurrent reclamation: Reclamation that occurs in areas where mining has been completed, while at the same time, other phases of a mining operation continue. This may lead to a *rolling footprint*.

Direct effects: Impacts caused by the activity and occur at the same time and place. Direct effects may include loss of wetlands, loss of *stream channel* length, excessive erosion into streams, changes to channel shape and form, and changes in stream substrate, and direct structural changes to fish habitat and fish populations. (Also see *Indirect effects*).

Disturbance: Any event (natural or human caused actions), that alters the structure, composition, or functions of an ecosystem. Examples of natural disturbance include forest fires, insect infestations, and floods. For the purpose of this permit, examples of human disturbance include impacts that occur as a result of mechanical land clearing and discharge of dredged and/or fill material into waters of the U.S.

Disturbance area: Includes portions of a mine site located in waters of the U.S., including wetlands and streams that have not been reclaimed, are currently being reclaimed, have been stripped for future mining, and/or are being actively mined. It includes areas for temporary stockpiles and other temporary features. It includes linear feet of streambank disturbance, and stream diversion.

Dredged and/or fill material: Material placed into waters of the U.S. that has the effect of either replacing any portion of a water of the U.S. with dry land or changing the bottom elevation of any portion of a water. Examples of “fill material” include rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in waters of the U.S. The placement of overburden, slurry, or tailings or similar mining-related materials” is included in the definition of “discharge of fill material” regulated under Section 404 of the Clean Water Act. (Final Definition of Fill, 2002)

Ecological Functions: Physical, chemical, and biological processes that influence the flow, storage, and transformation of materials and energy within and through an ecosystem. Examples of physical processes include transport and storage of water and sediment. Examples of chemical processes include regulation of oxygen and carbon dioxide, and processing of organic matter and nutrients. Examples of biological processes include: numbers and diversity of species, amount of biomass, and biological productivity. Processes can be measured, which suggest that it is possible to establish objective targets for reclamation.

Excessive erosion and/or sedimentation: Gullying, head cuts, or other forms of severe scour within waters of the U.S. and/or caving, block slippage, or sloughing of material into waters of the U.S.

Floodplain: Land area adjacent to a stream that is subject to flooding during moderate to high flows.

Impact: An adverse effect.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include propagation of changes in *stream channel* structure upstream and downstream from a site – incision followed by head cuts upstream, aggradation downstream. Loss of spawning gravel, lowering of the water table. Changes in sediment supply, transport and storage. (See also *Direct effects*).

Loss of waters of the United States (U.S.): Permanent adverse effect to a water of the United States from filling, flooding, excavation, or drainage, as a result of the regulated activity. It includes permanent discharges of dredged or fill material that change an aquatic area to dry land (or *uplands*), increase the bottom elevation of a waterbody, or change the use of a waterbody. (See permanent impacts and *temporary impacts*).

*Wetlands* loss is measured in acres.

*Stream channel* and streambank loss is measured in linear feet.

Waters of the United States subject to temporary impacts, but are restored to pre-construction contours, lengths and elevations after construction and during reclamation, are not included in the measurement of loss of waters of the United States.

Minimal adverse effects determination: Minimal effects are determined through an analytic process. The following factors are considered when making a minimal effects determination:

- Direct and indirect effects caused by the activity,
- Site specific factors, such as environmental setting
- Type of resource that will be affected,
- Functions provided by the aquatic resources that will be affected,
- Degree or magnitude to which the aquatic resources perform those functions,
- Extent that aquatic resource functions will be lost as a result, (e.g., partial or complete loss),
- Duration of the adverse effects (temporary or permanent),
- Importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and
- Any mitigation required to offset the impacts.

<p><u>Minimal Streambank Disturbance:</u> A <i>streambank</i> is considered “minimally disturbed” when a 25 to 50 foot wide vegetated <i>riparian area</i> is maintained on a mining claim, adjacent to the <i>stream channel</i>, and above <i>ordinary high water</i>. The width of the vegetated riparian area is measured perpendicular to ordinary high water.</p>
<p><u>Minimize:</u> To make less, reduce, as in to reduce adverse impacts.</p>
<p><u>Mitigation Statement:</u> Required part of a Corps permit application that states how a permit applicant plans to avoid, minimize, or mitigate adverse impacts to aquatic resources.</p>
<p><u>Ordinary high water:</u> The line on the shore established by the fluctuations of water, and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. (See 33 CFR 328.3(e) and RGL 05-05)</p>
<p><u>Practicable:</u> Available and capable of being done after taking into consideration cost, existing technology, and logistics, in light of overall project purposes.</p>
<p><u>Riparian area:</u> Consists of lands adjacent to streams rivers, and lakes that provide a range of <i>ecological functions</i>, including maintenance of <i>stream channel</i> stability, reducing channel erosion, slowing or preventing erosion of dredged and/or fill material from a site, managing site runoff, improving water quality in streams, and maintaining habitat for fish and other aquatic organisms.</p> <p>A <i>vegetated riparian area</i> supports plants that are native to the area, including sedges, grasses, shrubs and trees.</p> <p>Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connect stream waters with their adjacent wetlands, non-wetland waters (i.e., floodplains), or <i>uplands</i>.</p>
<p><u>Rolling footprint:</u> Once an operator has reclaimed a mined area so that it is no longer a part of the active mining operation, including restoration of wetlands as practicable, that area may be subtracted from the five acre limit. It will then be possible for the operator to move ahead, so as to increase the mine area to five acres again. This is considered a rolling footprint.</p>
<p><u>Section 404 of the Clean Water Act</u> is a Federal law passed in 1972. The mission of the Clean Water Act (CWA) is to protect the nation’s waters, while allowing reasonable development.</p>
<p><u>Streambank:</u> Land located beside the <i>stream bed</i>. The streambanks form the sides of the <i>stream channel</i>, confining water flow.</p>

Streambank Disturbance:

- a) Regulated activities on streambanks include clearing of vegetation, so as to include root mat disturbance, grubbing, ripping, or re-shaping.
- b) Handclearing, hydro-axing, and other methods of clearing which do not break the root mat are not considered regulated activities.
- c) Streambank disturbance is measured in linear feet along the ordinary high water line of the stream. For this GP, there is a one thousand (1,000) linear foot limit on streambank disturbance.
- d) The measurement may include activities along one or both streambanks at a common location. It may include separate segments of disturbance, such as 500 feet and 500 feet, that add up to 1,000 linear feet. It may not include 1,000 lf along one bank, and then, another 1,000 lf upstream or downstream on the other side.
- e) Streambank disturbance must be actively revegetated within one year of conclusion of mining activities or before moving to a new mining area.

Stream Diversion is a temporary channel realignment constructed to direct existing stream flow around an active mining operation. It does not include pipes, culverts, or ditch(es) that might be constructed through or around an operation for the purpose of managing local water at the site. Previously also called stream by-pass. (See General Condition 3, regarding water management).

- a) Length should be minimum necessary to accomplish project purpose.
- b) Stream diversion length is measured along the centerline of the diversion channel.
- c) Construction of a stream diversion is considered a direct impact to the stream.

Stream channel: is a geologic feature that contains the flow of water in a valley. A stream is generally physically confined to the channel and defined by its bed and banks.

- a) Channel form is described in terms of geometry (plan, cross-sections, profile), physical characteristics (substrate, watershed size) and rates of change (discharge).
- b) Channel development is controlled by interaction between sediment and a range of water discharges.
- c) Channel length is measured in linear feet along the centerline of the stream. The APMA will ask for the length of the un-mined channel and the length of the diversion.
- d) Loss of stream channel length is considered a direct impact.

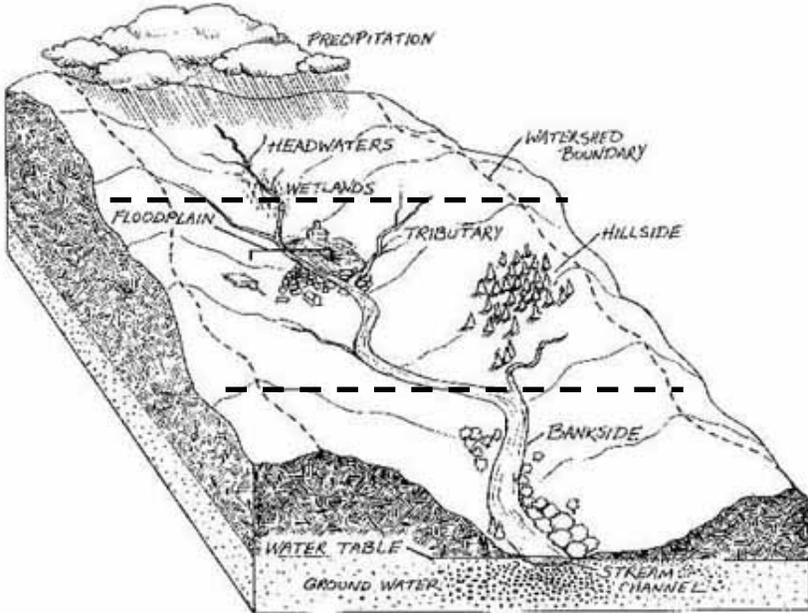
Temporary Impacts: For the purpose of this GP, temporary impacts are defined as impacts lasting three years or less.

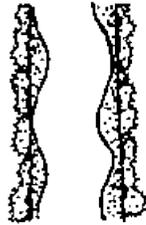
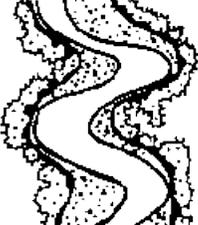
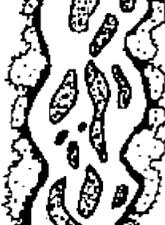
Temporary mining roads for the purpose of moving mining equipment are exempt from the Clean Water Act at 33 CFR 323.4 (a)(6), as long as the roads are constructed and maintained in accordance with best construction management practices. Alaska District defines a temporary mining road as: "a road that is in use three years or less, and constructed without use of cut or fill methods." Best construction management practices include standard avoidance and minimization measures, such as are included on your Mitigation Statement.

<p><u>Uplands</u>: Areas that do not qualify as wetlands because seasonal changes in hydrology do not cause formation of vegetation, soils, and/or hydrologic characteristics associated with wetlands. On mine sites, uplands may include areas of old tailings, or areas of naturally occurring uplands.</p>
<p><u>Waters of the United States</u>: Include all waters listed at 33 CFR Part 328.3. For the purposes of this GP, it generally includes wetlands and perennial, intermittent, and ephemeral streams that have a downstream connection to navigable waters.</p>
<p><u>Wetlands</u>: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (33 CFR 328.3(b)) Wetlands in Alaska may include bogs, grassy wetlands, forested wetlands, sedge wetlands, tussocks, tundra, and boreal forest. The “1987 Corps of Engineers Wetland Delineation Manual” and the “2007 Alaska Regional Supplement” will be used to determine whether an area is a wetland.</p>
<p><b>II. Acronyms and Abbreviations:</b></p>
<p>ADEC – Alaska Department of Environmental Conservation</p>
<p>ADFG – Alaska Department of Fish &amp; Game</p>
<p>ADNR-Mining – Alaska Department of Natural Resources, Division of Mining, Land and Water</p>
<p>BLM – Bureau of Land Management</p>
<p>Corps – U.S. Army Corps of Engineers</p>
<p>CWA – Clean Water Act</p>
<p>DA – U.S. Department of Army</p>
<p>DC – District Commander</p>
<p>EFH – Essential Fish Habitat</p>
<p>EPA – U.S. Environmental Protection Agency</p>
<p>ESA – Endangered Species Act</p>
<p>FRD – Floating Recovery Device</p>
<p>NMFS – National Marine Fisheries Service</p>
<p>PN – Public Notice</p>
<p>SHPO – State Historic Preservation Office</p>
<p>USFWS - U.S. Fish and Wildlife Service</p>
<p>Wetland JD - Wetland Jurisdictional Determination</p>

## Corps GP Application Packet Attachment 1 – Baseline Information

Operator/Company Name:	
APMA:	
Corps permit # (for this APMA#):	
Waterway:	
Date:	

<b>I. Watershed Questions</b>		
<p>Watershed—Area drained by a stream or river and all of its tributaries.</p> 		
<p>1. Where is your site located in the watershed?</p> <p><input type="checkbox"/> Headwaters</p> <p><input type="checkbox"/> Middle</p> <p><input type="checkbox"/> Lower</p>		
<p>2. Has there been previous mining in your watershed?</p> <p>If yes, when? _____</p> <p>What methods were used? _____</p> <p>Where was mining in relation to your site: (check all that apply)</p> <p><input type="checkbox"/> Upstream</p> <p><input type="checkbox"/> Downstream</p> <p><input type="checkbox"/> At site</p>	<p><b>YES</b></p> <input type="checkbox"/>	<p><b>NO</b></p> <input type="checkbox"/>
<p>3. Are there currently other active operations upstream or downstream of you? (check all that apply)</p> <p>If yes:</p> <p><input type="checkbox"/> Upstream</p> <p><input type="checkbox"/> Downstream</p>	<p><b>YES</b></p> <input type="checkbox"/>	<p><b>NO</b></p> <input type="checkbox"/>

Watershed Questions, continued		YES	NO
<p>4. Has your watershed been burned by fire?            If yes, when? _____            If yes, have you experienced? (check all that apply)</p> <p><input type="checkbox"/> Landslides: When? _____  <input type="checkbox"/> Large flood events: When? _____  <input type="checkbox"/> Sediment events during rainfall</p>		<input type="checkbox"/>	<input type="checkbox"/>
<p>5. Which best describes your valley type:</p> <p><input type="checkbox"/> <u>Gulch or pup</u>: Steep, narrow valley, no floodplain or narrow floodplain, channel is entrenched or incised, contained within the valley.</p> <p>Average gradient:  <input type="checkbox"/> 2-4%  <input type="checkbox"/> 4-10%  <input type="checkbox"/> &gt; 10%</p> <p><input type="checkbox"/> <u>Narrow valley</u>: Somewhat wider than gulch or pup. Single channel stream has enough room in the valley to move back and forth, well defined bars and banks during summer flow, may overtop during mean annual flood.</p> <p>Average gradient:  <input type="checkbox"/> 2-4%  <input type="checkbox"/> other: _____%</p> <p><input type="checkbox"/> <u>Wide valley</u>: Stream channels have moderate to flat grades, wider floodplains, well defined bars and banks.</p> <p>Average gradient:  <input type="checkbox"/> &lt;0.5 %  <input type="checkbox"/> &lt; 2 %  <input type="checkbox"/> 2- 4 %</p>			
<p>6. Which image best depicts the stream?</p> <p>Straight <input type="checkbox"/>      Meandering <input type="checkbox"/>      Braided <input type="checkbox"/></p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>Straight</p> </div> <div style="text-align: center;">  <p>Meandering</p> </div> <div style="text-align: center;">  <p>Braided</p> </div> </div>			

II. Site Questions:			
<p>1. Wetlands</p> <p>a. Vegetation: Do you have? (check all that apply)</p> <p><input type="checkbox"/> Black spruce _____ acres</p> <p><input type="checkbox"/> Willow shrubs _____ acres</p> <p><input type="checkbox"/> Sedge or cottongrass _____ acres</p> <p><input type="checkbox"/> Wet or moist tundra _____ acres</p> <p>b. Soil: What is the composition of native soils at your site? (check all that are present)</p> <p><input type="checkbox"/> Cobbles <input type="checkbox"/> Gravel <input type="checkbox"/> Sand <input type="checkbox"/> Silt <input type="checkbox"/> Clay</p> <p>Depth of non-pay overburden?</p> <p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Gravel _____ feet</p> <p><input type="checkbox"/> Organic material (muck or peat) _____ feet</p>			
<p>Do you have permafrost at your site? If yes: How long will it take to thaw once stripped: _____</p> <p>c. Hydrology: Do you have? (check all that apply)</p> <p><input type="checkbox"/> Old settling ponds that have naturalized _____ acres</p> <p><input type="checkbox"/> Other areas with saturated soil, water table within top 12 inches, or standing water _____ acres</p>		YES <input type="checkbox"/>	NO <input type="checkbox"/>
<p>2. Streambank &amp; stream questions:</p> <p>a. What is the streambank like at your site?</p> <p><input type="checkbox"/> Vegetated</p> <p><input type="checkbox"/> Unvegetated</p> <p><input type="checkbox"/> Partially vegetated</p> <p><input type="checkbox"/> Other? Describe: _____</p>			
<p>b. What is the status of fish in your stream?</p> <p><input type="checkbox"/> Anadromous</p> <p><input type="checkbox"/> Resident</p> <p><input type="checkbox"/> No fish recorded</p>			
<p>c. Have you contacted the Alaska Department of Fish &amp; Game? Who did you speak with? _____ When? _____</p> <p>Have you consulted the Anadromous Waters Catalog (AWC)? <a href="http://extra.sf.adfg.state.ak.us/FishResourceMonitor/?mode=awc">http://extra.sf.adfg.state.ak.us/FishResourceMonitor/?mode=awc</a></p> <p>Note: The AWC is updated annually. New versions are finalized by June 1st of each year. Fish status may change based on the prior year's sampling efforts and biologist observations. Since most APMA's are submitted prior to the new catalog, there is the potential that the status of specific streams will change.</p>		YES <input type="checkbox"/>  YES <input type="checkbox"/>	NO <input type="checkbox"/>  NO <input type="checkbox"/>

<b>III. Photo Requirements:</b> Please provide photographs of your operation, with outline showing all activity and facility locations for the next five years. Photos must be clear, sharp, and reproducible.		
1. <u>Aerial Photo:</u> Have you provided an aerial photo from your land manager, a website or other source that shows your operation site in clear detail? (Alaska Mapper printouts are generally not acceptable.)  Have you outlined the footprint of your operation as projected for the next five years on the photo?	YES <input type="checkbox"/>  YES <input type="checkbox"/>	NO <input type="checkbox"/>  NO <input type="checkbox"/>
2. <u>Ground Photos:</u> Have you provided site photos to include:  <input type="checkbox"/> Vegetation community types present around your operation. <input type="checkbox"/> Soil profiles of each vegetation community type (may be photographed from a bucket or shovel cut). Should include an object for scale. <input type="checkbox"/> Photos to illustrate the topography or landform of the area.  Note: All photos should include GPS lat/long locations in decimal degrees to 4 decimal places, Datum WGS 84. (e.g., 64.1234, -165.2223)	YES <input type="checkbox"/>         YES <input type="checkbox"/>	NO <input type="checkbox"/>         NO <input type="checkbox"/>
3. <u>Stream Photos:</u> Have you provided photos of the stream and streambanks prior to mining to illustrate current conditions:  <input type="checkbox"/> Upstream from mine site. <input type="checkbox"/> Downstream from mine site. <input type="checkbox"/> Any unique features such as headcuts. <input type="checkbox"/> Close-up photos of streambank existing conditions.  Note: All photos should include GPS lat/long locations in decimal degrees to 4 decimal places, Datum WGS 84. (e.g., 64.1234, -165.2223)	YES <input type="checkbox"/>         YES <input type="checkbox"/>	NO <input type="checkbox"/>         NO <input type="checkbox"/>
4. <u>Stream Diversion Photos:</u> Photos of proposed diversion location: <input type="checkbox"/> Diversion start point (upstream) location (include GPS lat/long). <input type="checkbox"/> Diversion end point (downstream) location (include GPS lat/long). <input type="checkbox"/> Vegetation along diversion route.  Note: All photos should include GPS lat/long locations in decimal degrees to 4 decimal places, Datum WGS 84. (e.g., 64.1234, -165.2223)	YES <input type="checkbox"/>         YES <input type="checkbox"/>	NO <input type="checkbox"/>         NO <input type="checkbox"/>

**IV. COMPLIANCE CERTIFICATION STATEMENT:**

I certify that information contained in the APMA and the Corps GP Packet truthfully represents the conditions at the project site and the plans I intend to follow.

\_\_\_\_\_  
Operator Signature

\_\_\_\_\_  
DATE

The Certification must be signed by the person who desires to undertake the proposed activity (applicant).

## Corps GP Application Packet Attachment 2

### Applicant Proposed Mitigation Statement 33 CFR Part 325.1(d)(7)

U.S. Army Corps of Engineers general mitigation policy is outlined at 33 CFR 320.4(r), issued in 1986, and 33 CFR Part 322, issued in 2008.

Mitigation is defined as a sequence of actions taken to avoid, minimize, and/or compensate for aquatic resource loss that occurs as a result of a permitted project. All steps to avoid and/or minimize impacts to aquatic resources must be taken before proposing compensatory mitigation to offset project impacts.

Alaska District regional mitigation policy for placer mining operations under this general permit (GP) will emphasize the avoidance and minimization steps of the mitigation sequence. Compensatory Mitigation will generally not be required. Mitigation (as avoidance and minimization) will be directly related to the impacts of the proposal, appropriate to the scope and degree of those impacts, and reasonably enforceable.

Mitigation Statement: Permit applications must include a statement describing how the permit applicant plans to avoid and minimize impacts to aquatic resources, which include wetlands and streams. Even though Alaska District is not proposing general use of Compensatory Mitigation with the GP, the application must still include a statement explaining why compensatory mitigation should not be required for the proposed impacts.

To get recognition for what you are already doing, include information from your APMA that satisfies avoidance or minimization. Think of minimization as actions you can take to keep dirt on site and manage water energy. Keep in mind that you decide which mitigation options will work best for your operation. Apply your knowledge of site-specific conditions, taking into account:

- Location in the watershed: Upper headwaters, mid-reach, lower reach
- Valley width
- Previous mining impacts
- Permafrost conditions
- Regional growing seasons and recovery rates
- Availability of equipment

**Please provide your mitigation statement below:**

<b>I. Avoidance Measures</b>	YES	NO	N/A
a. Can the project or portions of the project be located in uplands, previously mined area, and/ or away from streams? (For example: Are portions of the camp, access road, stockpiles, etc., located in an area without wetlands?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Can you conduct winter access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are you mining on a bench?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Can you maintain distance separation between your operation and the stream? If yes, how far? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Can the project be accomplished with fewer stream crossings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If not, can streams be crossed with a span as compared to a culvert?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Can the work be accomplished without a stream diversion?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Can you conduct test drilling ahead of mining?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Describe actions that avoid impacts to wetlands or streams:			
<b>II. Minimization of impacts to waters of the U.S., including wetlands and streams:</b>			
<b>1. Minimization during project planning</b>	YES	NO	N/A
a. Site prep and plan – is there a sequence for how the site will be developed, are existing roads and airstrips being utilized as much as possible?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Do you have a plan for material flow, i.e., how many cubic yards you will need to move and where you will put it? Do you have room for everything you want to do? Remember material swells!	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Do you have a plan for managing water on the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Do you have a plan for your settling pond: capacity calculation, at least two feet of freeboard, overflow spillway or infiltration ditch?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Have you considered methods, technologies, or sequencing of activities to minimize risk of dirt reaching the stream?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Minimization Measures, cont.	YES	NO	N/A
f. Have you identified areas that are steep, or potentially unstable? Have you identified runoff or erosion control measures that may work for your slopes and soil types?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Is it cost-effective to construct a stream diversion and to actively revegetate the streambank?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. As you design your mine, are you thinking about specific reclamation measures that will manage runoff, control erosion, and restore wetlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Describe planning measures that take into account minimization:			
<b>2. Minimization during site preparation – Clearing &amp; stockpiling. Construction of ponds, ditches, drains, stream diversions.</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
a. Have you separated and segregated any vegetation and organic material?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Can you limit advance stripping to what can be mined in one season?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is there a plan to recycle or reuse any vegetation on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Can you stack stockpiles higher to reduce your footprint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Do you have a method to manage runoff from your stockpiles?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Do you have an overall method for managing water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Can you sequence your activities so that streams and other flowing water are moved before you mine adjacent areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Is there a designated equipment storage area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Describe minimization actions during site preparation:			

<b>3. Minimization during mine production</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
a. Is work limited to only the active mine sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are stream crossings by equipment limited?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If not, has a temporary stream crossing been built to reduce impacts to the stream?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are wetlands and streams protected from accidental discharge? (For example the active work site is protected by a vegetated buffer and an organic berm that is at a minimum of 5 feet across at the base. Or the active project site has been isolated from the wetlands or stream with a silt fence.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Is the settling pond being maintained and functioning properly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Are steep slopes, stockpiles and areas not being actively worked being stabilized so that material does not leave the area and make it into a wetland or stream? (Note: this is where the organic overburden can be used, tracking with equipment, other BMPs to reduce erosion.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Describe minimization actions during active mining:			
<b>4. Minimization during reclamation and closure</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
a. Is vegetation re-established in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are slope grades reduced – knock down the stockpiles, re-contour the area, re-distribute the organic overburden on top of the re-graded area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have highly erodible soils (silts, sands, etc.) been graded and stabilized? (covered with coarse material, covered with organic overburden/mulch, or the soil seeded and re-vegetated)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Are stream diversions removed and stream channel re-established (sinuosity, grade, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Are stream crossings removed, area re-established and streambanks are left stable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Has there been restoration of wetlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Describe minimization actions during reclamation and closure. Describe your plans to restore waters of the U.S. These may become special conditions to your permit:

**III. Compensatory Mitigation:** This section is required in accordance with 33 CFR Part 325.1(d)(7). **(check one option from below)**

Compensatory Mitigation is not being proposed at this time as the avoidance and minimization measures proposed are considered to be sufficient to offset the impacts from the mining activity to wetlands and streams.

Option B – Permittee Responsible Mitigation will be conducted.

Option C – Compensatory Mitigation will be addressed with either submittal of an In-Lieu Fee, or purchase of credits from an approved Mitigation Bank.

Applicant Signature

Date