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 GP POA 2006-1944-M1 as GP POA 2014-55, Mechanical Placer Mining in the State of Alaska.

SUBJECT: Mechanical placer mining is defined as: removal of gold or other precious materials from aggradated 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.

This GP proposal would authorize up to five (5) acres of mining disturbance in wetlands, up to 1,000 linear feet (lf) of streambank disturbance and up to 1,000 lf of a stream by-pass or diversion at any one time, by one operator, at one location. The disturbance area would include mine features in wetlands and streams only. It would not include activities in uplands.

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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, consisting of:

- Exploration activities associated with a placer mine: fill and sidecast for drill holes and pads, trenches, bulk sample pits, and/or other exploration methods.
- Mechanized land clearing and temporary stockpiles.
- Access roads constructed using cut and fill methods, and culverted road crossings of streams or wetland areas.
- Pads, camps, and airstrips: five years old and less.
- Berms or dams associated with settling ponds, stream diversions, reservoirs.
- Stream by-passes/diversions.
- Reclamation activities.

A. TWO SIZE CATEGORIES:

Compliance Note: Tier 1 and Tier 2 operators must follow the terms and conditions of the GP, including Section 401 Certification, and are subject to inspection. They are responsible for obtaining a copy of the GP from the Corps website or Field Offices, for knowing the rules, and keeping a copy of the GP and Section 401 Certification onsite.

Tier I: One Acre or less of wetlands/ Minimal Streambank Disturbance/ No Stream By-pass or Diversion, at any one time, under one operator, at one location.

- Minimal Streambank Disturbance includes one permanent road or trail used for mine access, with dimensions limited to the minimal needed for equipment available at the site. One temporary trail for access to water is allowed under the mine road exemption (also, see Part II, "Temporary access roads.")
- Tier 1 operations will request a permit using the Corps Pre-Construction Notification (PCN) form or the state Annual Placer Mining Application (APMA), a Wetland JD, and a signed Certification page. Plans will be reviewed to confirm that Tier 1 limits apply. Operations will receive a permit number, and normally be approved. They will not receive a written permit. Compensatory Mitigation will not be required.

Tier 2: One to Five Acres of wetlands/ Up to 1,000 linear feet (lf) of Streambank Disturbance/ Up to 1,000 lf of a Stream By-Pass or Diversion, at any one time, under one operator, at one location:

- Streambank Disturbance includes activities such as road or trail construction, grubbing or clearing stream side vegetation, fill placement, or any activity that re-shapes the stream bank, or relocates the stream channel.
- Tier 2 operations will request a permit using the Corps PCN form or the APMA, and: a Wetland JD, a Mitigation Statement, Permittee Responsible Mitigation Plan (if PRM option is chosen), and a signed Certification page. Compensatory Mitigation will be required for Tier 2 operations.

B. **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.

II. **ACTIVITIES NOT COVERED BY THE GP:** These types of operations are not covered under this GP, but may require a different type of Department of the Army (DA) permit. Contact the Corps to determine whether a permit is required.

- Temporary access 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 management practices (BMPs). Alaska District defines a temporary road as: Road that is in use three years or less, and constructed without use of cut or fill methods. BMPs include standard avoidance and minimization measures, such as are included on your Mitigation Statement.
- Recreational Mining is defined as mining with hand tools such as a pick, shovel, pan, and/or rocker box. No Corps permit is required.
- Commercial Gravel Operations: Operations where the extraction of gravel for commercial sale is an independent mining action may require a Corps permit.
- Suction dredge mining is defined as removal of bottom substrate with a suction device from a water body, with discharge of that 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. Suction dredge operations in waters defined as 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, for Floating Recovery Devices (FRDs)
- Marine Mining is defined as mining in waters affected by the ebb and flow of the tides. These operations may also be authorized through the use of GP POA-2007-372, for FRD's, under Section 10 of the Rivers and Harbors Act of 1899.
- Hard Rock Mining: Hard rock mining is the process of removing valuable metals or elements (not necessarily gold) bound within country rock and may require a Corps permit.
- Coal Mining: Coal mining is not authorized under this GP but may require a Corps permit.

III. PROPOSED TERMS AND CONDITIONS FOR THE GP

A. PROPOSED CONDITIONS

1. Disturbance Area: The footprint of the operation in wetlands and streams shall not exceed five (5) acres, one thousand (1,000) lf of stream bank disturbance and 1,000 lf of stream channel by-pass or diversion, at any one time, in any one location, under any one operator. The footprint includes areas that have not been reclaimed, are being actively mined, are stripped in preparation for mining, are being used for temporary stockpiles, as well as other active mine features constructed in wetlands, such as roads, pads, and camps.

   A "rolling footprint" is allowed as long as an operator is engaged in concurrent reclamation. See condition 7, on Reclamation.

2. Site Stability: To minimize erosion of dredged and/or fill material into waters of the U.S., including wetlands and streams, material shall be placed and maintained in a stable condition.

   a. "Stable condition" means that dredged and fill material located on a mine site shall not show signs of excessive erosion. Excessive erosion is defined as gullying, head cuts, caving, block slippage, or sloughing of material into waters of the U.S., including wetlands and streams, after placement.

   b. The mine site shall be operated and maintained to avoid excessive erosion. At the end of the mining season, the mine site shall be prepared for overwintering so that it will be stable through the winter and during spring break-up.

   c. To promote stability, and minimize risk of excessive erosion:

      - Mine features such as stockpiles, pads, roads etc. shall be located outside of the floodplain of the creek, as much as is practicable, depending on the type of valley where the mine is located, and the location of the mine in the watershed.
      - During mine operation, mine features shall be stabilized and separated from the creek. Preferred measures include the use of vegetated stream buffers, compacted berms, distance separation, or other measures. The use of 25 to 50 foot wide vegetated stream buffers may be used to satisfy compensatory mitigation requirements.

3. Management of organic overburden: Organic materials, including vegetation, topsoil, leaf litter, and other organic overburden, shall be separated from non-pay and mineral overburden; stockpiled so as to be stable during mining (See Condition 2, above); and positioned for efficient handling in reclamation.

4. Stream by-passes or diversions:

   a. Stream by-passes or diversions shall be limited to one thousand (1,000) feet in length at any one time.

   b. Temporary vs. permanent: A by-pass or diversion shall be considered temporary for three years. A by-pass or diversion that is in use for more than three years becomes permanent. In year four, the operator shall decommission the by-pass or diversion, remove berms if present, and revegetate the stream buffer, or, submit updated plans to the Corps.

   c. Stream by-passes or diversions shall be constructed and reclaimed with a channel and a floodplain that are similar in dimensions to the channel and floodplain that are upstream and downstream. (unless the channel is of a type that does not have a floodplain, for example, for an operation in a pup or gulch.) The channel and floodplain shall support the following four functions, or processes, in the landscape:

      - Water transport and storage: The channel and floodplain system transport and store water coming into the watershed from rain, snow melt, and groundwater.
        Performance standards for this function: An appropriate system, usually consisting of a channel and floodplain, is present to transport and store water. The elevation of the floodplain, if present, is close to the elevation of the channel, and to the water table, so that the ground is saturated or wet on a regular basis. During high flow, the floodplain area provides room for the water to spread out.
      - Management of water energy: The channel and floodplain are constructed to moderate the energy of flowing water so that erosion and deposition patterns within the watershed are maintained. Energy may be managed by constructing rough surfaces, reducing slopes, or making use of storage and detention areas.
        Performance standards for this function: An appropriate method has been used to manage water energy:
        - Surface roughness, in the form of bigger cobbles, or vegetation, is present in the channel and along the stream banks.
        - Channel slope is reduced through grading or adding sinuosity.
        - Storage and detention areas are present: small ponds, floodplain lakes, oxbow, high flow channels.
        - During high flows, the floodplain area provides room for the water to slow down.

- Sediment processes: The amount and type of sediment carried by a stream determines the physical character of a channel and floodplain system. Sediment processes include erosion, transport and deposition of a typical range of substrate sizes, and woody material, resulting in formation of pools and riffles, meanders, snags, bars, terraces and a floodplain etc. – that are characteristic for a watershed. The channel and floodplain have ability to self-adjust to changes in slope, discharge of water, and supply of sediment.
  Performance standards for this function:
  - A range of substrate sizes are present, with sorting.
  - Characteristic stream and landform features are present.
  - Riparian vegetation is becoming re-established.
- Habitat: The stream and floodplain interact to re-establish a range of habitat structures, such as areas with fast and slow, deep and shallow moving water, and a vegetated riparian area. These provide suitable conditions for shelter, food, rearing, and reproduction of living organisms.
  Performance standards for this function:
  - Stream and landform features are present.
  - Riparian vegetation is becoming re-established.

d. Following initial reclamation, a permittee may be required to make minor construction adjustments, such as re-shaping the channel, adjustments of slope, structures to hold or maintain grade, to reclaimed stream diversions for the purpose of addressing specific reclamation goals.

5. Activities within 50 feet of the stream channel:

a. Stability of the area: Operators shall ensure that riparian areas are stable before, during and after mining. Acceptable measures include: maintaining a vegetated stream buffer, re-establishing a vegetated stream buffer, constructing and compacting a berm, locating mine features away from the stream and other means that may be identified by the permittee.

Planting is a preferred method. The use of vegetated stream buffers may satisfy the requirement for Compensatory Mitigation. The use of berms and physical separation alone are not acceptable for Compensatory Mitigation.

b. Vegetated Stream Buffers composed of native shrubs such as willows and alders, collected from locations at or near the mine site, may be either maintained or re-established next to streams, and, by-passes or diversions that are used three years or longer. The permittee may:

- Maintain or re-establish a 50 foot buffer of vegetation between the operation and the stream channel, above ordinary high water, on anadromous (salmon) streams.
- Maintain or re-establish a 25 foot buffer of vegetation between the operation and the stream channel, above ordinary high water, on all other streams with resident fish, without fish, or where fish status is unknown, and by areas of standing water.

c. Areas within 25 feet of the stream channel: may not be used for storage of equipment or materials or for mine features (such as pads, roads, stockpiles etc.) with the exception of compacted berms placed to protect temporary stream by-passes or diversions.

d. Stream Bank Disturbance: Under the GP, up to 1000 lf of streambank disturbance is allowed. This includes activities such as road or trail construction, grubbing or clearing stream side vegetation, placement of fill, and relocating the stream channel.

e. Pads and roads shall not encroach below ordinary high water of the stream channel.

f. Minimize access: Roads or trails constructed to access a stream for the purpose of obtaining water or making a crossing shall be minimized in number and dimensions. Additionally, Best Management Practices apply (use of perpendicular crossings, water bars, etc.)

g. Timing windows for mining within 50 feet of fish spawning or rearing areas: Presence of fish spawning and rearing areas shall be confirmed with Alaska Department of Fish and Game (ADFG) or the United States Fish and Wildlife Service (Service), labeled on project plans, and submitted with the permit application. The applicant shall follow any recommended timing windows or construction measures.

6. Settling ponds: The Corps regulates the placement of fill for berms and dams associated with settling ponds. This condition applies to both active and formerly used, or old, settling ponds on the claims.

   a. To the greatest extent practicable, settling ponds shall:
      - Be located away from flowing streams and active floodplains.
      - Be protected from floods, ice melt, aufeis effects, and storm events.
      - Be reclaimed, capped, or have sediments removed, so the fines do not erode into the stream channel.

   b. Settling ponds shall not be located where a stream channel is going to be reestablished, unless the fines are removed.

c. In some cases, dependent on the type of valley and the location of the mine site in the watershed, settling ponds may be re-worked to satisfy Compensatory Mitigation requirements.

d. Evidence of excessive erosion, defined as pond blow-outs, or other structural damage of berms and dams may require corrective or adaptive measures.

7. Reclamation:

a. Timing of reclamation: Mine features shall be reclaimed concurrently, with progression of the mining operation.

- Dirt work: Concurrent reclamation means that the area shall be reclaimed within the same season as it was mined, or, when the area is not going to be used for the next years mining operation.
- Re-establishing vegetation: To increase the chance of success for re-vegetation, concurrent reclamation for planting may extend to the spring window for dirt work and planting of the following year, when the area is not going to be mined.
- Abandoned operations: The permittee is not relieved of the requirement to reclaim if the activity is abandoned. For reclamation purposes, a mine site is considered abandoned, if a miner suspends operation a mine site for one year.

b. Exploration drill holes, trenches, ditches, and bulk sample pits must 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.

c. Recontouring shall be conducted so as to reduce the energy of surface water runoff and prevent excess erosion.

- Graded surfaces shall generally match the slopes and features of the surrounding landscape, unless otherwise indicated in the Compensatory Mitigation Plan. For example, mine areas may be graded in an alternate manner if it is desired to reclaim to provide wetlands or shallow ponds for mitigation.
- All material, including tailings, non-pay overburden, and organic material, shall be used in reclamation. Stockpiled organic material (including vegetation, topsoil, overburden, and/or muck), shall be spread over contoured workings to hold moisture and promote natural plant growth.
- Access roads and areas with compacted soils or tailings shall be ripped, tilled, or otherwise broken up to promote revegetation.

- Final slopes shall be left in stable condition, as per condition 1) above.
- Excess material – such as old tailings or other overburden – shall be removed from the floodplain.

d. Acceptance of reclamation and compensatory mitigation:

- On state and federal claims, the Corps will generally accept reclamation that has been accepted by the land manager, unless there is a clear issue of unresolved compliance or enforcement with respect to CWA standards listed in this GP. On private lands, in the absence of a land manager, the Corps shall take the lead for approval of reclamation.
- The Corps will generally have primary approval for Compensatory Mitigation activities.
  - On federal claims, the Corps shall generally accept BLM standards as satisfying CWA standards.
  - On state and private claims, the Corps shall take the lead for acceptance of Compensatory Mitigation.
  - Compliance and enforcement procedures are outlined in 33 CFR 326.

8. Compensatory Mitigation is defined as actions that are taken to offset unavoidable adverse impacts to aquatic resources that occur because of projects that receive permits under Section 404 of the CWA.

   a. The goal of compensatory mitigation is to improve functions of aquatic resources in the reclaimed landscape.
      - The functions to be considered for wetland impacts include: surface water runoff management, and habitat.
      - The functions to be considered for stream impacts are outlined in Condition # 4c, relating to stream bypasses and diversions, and include water transport and storage, management of water energy, sediment processes, and habitat.

   b. Compensatory Mitigation is not required for Tier 1 operations.

   c. For Tier 2 operations, there are three methods of Compensatory Mitigation:
      - Mitigation Banks
      - In Lieu Fee programs
      - Permittee Responsible Mitigation

      Tier 2 operations shall indicate their choice of a Compensatory Mitigation method in their Mitigation Statement, Attachment 2 of the Corps GP Packet.

d. This GP proposes three Mitigation Zones:

- Wetland impacts, areas greater than 50 feet from the stream:
  - For compensatory mitigation, permittees shall address functions for surface water runoff management, and habitat.
- Wetland impacts, areas within 50 feet from the stream:
  - For compensatory mitigation, permittees shall address functions for surface water runoff management, and habitat.
  - Revegetation generally required (Must provide a reason if you do not propose revegetation.)
- Impacts on the streambank and in the stream channel
  - For compensatory mitigation, permittees shall address functions for water transport and storage, management of water energy, sediment processes, and habitat.
  - Revegetation of streambank generally required (Must provide a reason if you do not propose revegetation.)

e. Requirements for Permittee Responsible Mitigation:

If you plan to use Permittee Responsible Mitigation for Alaska Miners, provide Baseline Information and propose a compensatory mitigation project with a brief work plan. Attachment 3 of the Corps GP Packet includes a list of actions which may satisfy compensatory mitigation. Operators may also propose a project that is not on the list.

i. Maintenance: The permittee is responsible for inspecting, maintaining and repairing compensatory mitigation projects until performance standards are satisfied.

ii. Performance Standards are being developed for the mitigation construction activities proposed in the Attachment 3 of the Corps GP Packet. The standards will be based on observable construction details.

iii. Monitoring:

- General Reporting: Submittal of the "Annual Reclamation Statement for Small Mines" (Reclamation Statement) to ADNR by December 31st of each year shall meet the general reporting requirements for the GP.
- Mitigation monitoring: shall occur until performance standards are satisfied, or for five years, whichever comes first. Reports shall include a plan view sketch showing the location of the mitigation project. Also the permittee shall include fixed photo points marked by stakes, posts or an equivalent structure, and GPS coordinates. Photos shall be labeled with identification of key features. Mitigation monitoring may be sent directly to the Corps or included in your DNR Annual Report.

- Non-compliance with reporting requirements may result in permit revocation, directed restoration of affected areas, and/or imposition of civil and criminal penalties.

iv. An Adaptive Management Plan is adjustable decision making: what will you do if something doesn't go as planned? If a mitigation project isn't working out as planned, operators may propose changes to make the project work better. It is appropriate for adaptive management plans to consider potential natural disasters that may occur, to the extent that they can be reasonably foreseen. For operators in good standing and that construct a mitigation project in good faith, an adaptive management plan may be submitted to the Corps with the Annual Monitoring Report.

v. Long term management of compensatory mitigation project sites shall be provided by the land owner or land manager. On public lands, integrated natural resource management plans may satisfy the requirement for a long term management plan.

vi. Financial Assurance: To provide incentive for completion of successful compensatory mitigation, the Corps may require financial assurances in the form of a letter of credit, escrow, or bond, on a case by case basis. Factors to consider when requiring financial assurance include permittee compliance record, whether or not the permittee is unable or unwilling to meet mitigation obligations, the risk of the project, whether or not the project represents a resource that takes a long time to recover.

9. The 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 CWA, which is a part of this GP. When issued, the 401 Certification is attached to the final page of this GP. You must follow the conditions listed in the 401 Certification.

10. Exceptions: Permit terms and conditions shall be applied to the maximum extent practicable. The Corps recognizes variability in site conditions and mine plans. Case-by-case exceptions and/or additions to the terms or conditions of this GP may be made by the Corps. (33 C*FR 325.2 (e)*(2))

11. One operator, one location, one time. GPs are verified for any one operator, at any one location, and at any one time. If there are two responsible parties listed, permits will be sent to both of them. The authorization is not transferable. A change in operator requires a new authorization. Reclamation may be required before reauthorization.

B. AGENCY COORDINATION

The Corps is required by federal law (33 CFR 330.4) to coordinate with certain resource agencies over potential impacts of your project on other resources. This section lists potential issues which must be identified and resolved before verification of the GP can occur. If the Corps determines that your operation may adversely affect any of these resources, additional coordination may be required, and/or and the GP may not apply.

Section 106 of the National Historic Preservation Act (NHPA) (36 CFR Part 800) requires that the Corps coordinate with the State Historic Preservation Office (SHPO) to determine potential effects of your project on historic properties or cultural resources. The Corps accomplishes this coordination 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 will then contact the SHPO, to determine if the 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 that the Corps coordinate with National Marine Fisheries Service (NMFS) to determine potential effects of your project on Essential Fish Habitat (EFH). EFH includes migration, rearing and spawning habitat for salmon. You must supply EFH information with your mitigation proposal. You may obtain this information from the ADFG or the state's Anadromous Fish Catalogue.
- The Endangered Species Act (ESA) of 1973 requires that the Corps consult with the U.S. Fish and Wildlife Service (Service) or NMFS over potential effects of your project on any endangered species or critical habitat. There are no endangered species or critical habitat in Interior Alaska where most mechanical placer mining operations are located.
- 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 shall not occur in these areas without coordination with the managing agency.

C. OTHER LAWS YOU MUST FOLLOW:

This GP requires that you follow other regulations and laws. Violation of these regulations and laws shall 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 (MBTA) (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) prohibits the willful killing or harassment of migratory birds. One threat to migratory birds is loss of habitat in areas where they breed and nest. At first, you may not notice migratory birds, because they are small or camoflaged, however there are many species that use the boreal black spruce forest and stream corridors for migration and nesting. In our short Alaskan summers, the nesting season is short. When it is possible, schedule activities such as stripping, should be performed before or after nesting season in your area to avoid impacts to breeding migratory birds. The nesting season varies for different locations in Alaska. Contact the Conservation Planning Assistance Office, USFWS, 101 12th Avenue, Room 110, Fairbanks, Alaska 99701. Phone: 907-456-0324 Email: jewel_bennett@fws.gov
- Bald and Golden Eagle Protection Act (BEGPA) (16 USC 668-668c, revised November 8, 1978) requires that you notify the Service if you find an eagle nest within one quarter miles of your mining site. Contact the Conservation Planning Assistance Office, USFWS, 101 12th Avenue, Room 110, Fairbanks, Alaska 99701. Phone: 907-456-0324 Email: jewel_bennett@fws.gov

D. SITE INSPECTIONS, COMPLIANCE AND ENFORCEMENT:

The permittee must allow the District Commander (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.

1. Failure to obtain a permit or to comply with the terms and conditions of this GP may result in an enforcement or non-compliance action, pursuant to 33 CFR 326.4 and 326.5. These procedures allow the Corps to issue an administrative order requiring compliance with the terms and conditions of the permit, or to initiate legal action where appropriate.

2. Refusing access to inspection of the authorized activities shall be considered noncompliance with the terms and conditions of this GP.

3. An operator found in non-compliance with this GP may not be issued another Corps authorization until the non-compliance is corrected.

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 I319), or Section 9 of the Rivers and Harbors Act of 1899 (33 USC 401).

7. Operators are responsible for applying for the appropriate Corps authorization for their projects. Failure to obtain the appropriate permit may result in a compliance or enforcement action.

IV. HOW TO APPLY:

A. APPLICATION PROCESS:

1. All Operators: Tier 1 and Tier 2:
   - Apply using a Corps Pre-Construction Notification (PCN), available from the Corps website and submitted to the Corps, or by using the state APMA, obtained from and submitted to the Alaska Department of Natural Resources, Division of Mining. (ADNR-DOM) The PCN contains the minimum necessary information requirements for obtaining a Corps permit, whereas the APMA may not include all of the information required for a Corps Permit.
   - Baseline Information (Attachment 1)
   - Signed certification page (Attachment 4)

2. Tier 2 Operators only:
   - Mitigation Statement (Attachment 2) and
   - Permittee Responsible Mitigation Plan (Attachment 3), if applicable.

3. Application submittal: Please submit your packet to the DNR and/ or directly to the Corps.

4. Application deadline of May 31 of each year to receive a permit for that year's mining season.

5. 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 3rd. 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

ADNR-Division of Mining, Land, Water
550 West 7th Avenue, Suite 900B
Anchorage, AK 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

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

B. AUTHORIZATION PROCESS

1. The Corps date stamps all applications that are received by mail. Also the Corps regularly downloads APMAs from the DNR-DOM "Discuss" website. New projects are assigned a case file number. The date stamp starts your timeline.

2. Review Process: Within 30 days of date stamping a PCN or downloading an APMA from the DNR-DOM "Discuss" website, the Corps will review material to determine whether the submittal is complete. If it is not complete, the Corps will contact the miner by phone, email, or letter to ask for additional information.

   The Corps reviews the following items in your GP submittal:
   - Is location information included and correct?
   - Is your operation within the terms and conditions of the GP?
   - Is the information in one section of the APMA consistent with information in other sections and from previous years and in your Annual Reports?
   - Are photos in the Wetland JD clear, legible, and reproducible?
   - Is your operation outlined on the photos?
   - Have you included a Mitigation Statement and a Permittee Responsible Mitigation Plan if needed? Does it make sense?
   - The Corps may speak with your land manager or other agencies about your operation.

3. Wetland Determination: The Corps makes a wetland determination, using the process identified in the 1987 Wetland Manual for an offsite, office determination. The Corps will write a brief wetland determination stating reasons for jurisdiction, or no jurisdiction.

   All jurisdictional determinations, including letters that state "No Permit is Required" are valid for five years from issuance, unless plans change or new information is supplied that change the circumstances of the determination. Wetland JDs are in most circumstances Preliminary JDs, based on Best Professional Judgment. They may not be appealed; however you may provide additional information to be considered.

4. Agency coordination: See Section III-B above. The Corps reviews your project for impacts to resources managed by other agencies, including cultural and historic resources, EFH, Threatened and Endangered Species, Subsistence, and State and Federal Special Areas. If there is a potential issue, the Corps will contact the appropriate agency by e-mail, or telephone, maintaining a record for the file. Agencies have ten (10) calendar days from the date they are contacted to respond to the Corps with substantive comments on the project. Comments are resolved.

5. One of the following three letters may be verified:
   - No Permit Required,
   - Regional General Permit, or a
   - Individual Permit is required.

The GP automatically includes all of the General Conditions contained within this document that apply to all operations unless an exception is made. Additional special conditions may be added as needed.

6. 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.

7. All authorizations are valid until the General Permit expires October 31, 2019 unless otherwise modified revoked, or suspended. Authorized work must be completed within 12 months of the expiration of this permit. (33 CFR 330.6 (b))

C. RE-EVALUATION OF A PERMIT DECISION:

The DC may reevaluate a permit decision at any time or as circumstances warrant (33 CFR 325.7), including:

1. When the permittee fails to comply with the terms and conditions of the permit.

2. New information is provided to the Corps that was not considered in reaching the original decision.

3. If the activity is found to have greater than minimal net adverse impacts to the aquatic ecosystem.

4. If the activity is found to be contrary to the Public Interest.

A re-evaluation may result in use of suspension, modification, and revocation procedures cited at 33 CFR 325.7.

V. EXTENSION, MODIFICATION, AND REVOCATION OF THE GP:

1. This permit expires on October 31, 2019.

2. This GP may be modified, extended, discontinued or revoked at any time by issuing a Public Notice, if the 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. If discontinued or revoked, prospective permittees will then be required to apply for an individual permit.

3. Operations that are authorized and underway by the expiration date of the GP have twelve (12) months to complete their work under the terms and conditions of this GP. The permittee must also notify the Corps of his/her intent to continue mining.

4. Further time extensions may be considered on a case-by-case basis under the provisions of 33 CFR 325.6.

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:
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.

VII. ACRONYMS AND DEFINITIONS

A. ACRONYMS

ADEC – Alaska Department of Environmental Conservation

ADFG - Alaska Department of Fish & Game

ADNR-DOM/(DMLW) – Alaska Department of Natural Resources, Division of Mining, Land and Water

BLM - Bureau of Land Management

Corps - U.S. Army Corps of Engineers

CWA - Clean Water Act

DA – U.S. Department of Army

DC – District Commander

EPA – U.S. Environmental Protection Agency

NMFS - National Marine Fisheries Service

The Service - U.S. Fish and Wildlife Service

SHPO – State Historic Preservation Office

Wetland JD - Wetland Jurisdictional Determination

B. 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 requires evidence of wetland vegetation, soils, and hydrology in order to determine that an area is a wetland. http://el.erdc.usace.army.mil/elpubs/pdf/wlman87.pdf

2007 Alaska Regional Supplement to the Corps Wetland Delineation Manual: The federal guide to identifying wetlands in Alaska.

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.

Buffer: A riparian buffer is a vegetated area (a "buffer strip") near a stream, usually forested, which helps protect a stream from the impact of adjacent land uses. It plays a key role in increasing maintaining ecosystem processes or functions, in associated streams, rivers, and lakes..

Compensatory Mitigation: For unavoidable impacts to streams and wetlands, compensatory mitigation is required to replace the loss of the aquatic resource. The Corps is responsible for determining the appropriate form and amount of compensatory mitigation required. Methods of compensatory mitigation include Mitigation Banks, In Lieu Fee programs, and Permittee Responsible Mitigation.

Ecological Functions: Ecological processes such as water quality improvement, floodwater storage, fish and wildlife habitat, and biological productivity, that occur within a watershed. Processes may be expressed as rates, which means that they can be measured.

Excessive erosion: Gullying, head cuts, caving, block slippage, or sloughing of material into waters of the U.S., including wetlands and streams, after placement.

Floodplain: Land area bordering a stream that is subject to flooding during high water, when the stream overflows its bank.

Functional lift: Improvement in ecological function, due to difference between the pre-mining and post-mining condition of a site.

General Permits: Permits issued nationwide or regionally for a category or categories of activities that are either similar in nature and cause only minimal individual and cumulative adverse impacts (Nationwide and Regional General Permits) or would result in avoiding unnecessary regulatory control exercised by another federal, state, or local agency and the environmental consequences of the activity would be individually and cumulatively minimal (Programmatic General Permit).

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

In-lieu Fee Mitigation: Program run by a government or non-profit management entity that accomplishes compensatory mitigation by accepting funds for purchase of mitigation credits. Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees. The In Lieu Fee program then takes over the responsibility for compensatory mitigation. However, the rules governing in-lieu fee programs are somewhat different from the rules governing mitigation banks.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Mitigation Bank: A site, or group of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts from Section 404 CWA permits. In general, a mitigation bank sells compensatory mitigation credits to permittees. The Mitigation Bank takes over the responsibility for compensatory mitigation from the permittee. The operation and use of a mitigation bank are governed by a mitigation banking instrument.

Mitigation Statement: Required element in a Corps permit application that states how the permit applicant plans to avoid, minimize, or mitigate unavoidable impacts to aquatic resources.

Ordinary high water mark: 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.

Performance standards: Observable or measurable physical (including hydrological), chemical and/or biological attributes that are used to determine if a compensatory mitigation project is successful.

Permittee-Responsible Mitigation: The permittee must propose and prepare the mitigation plan, including all 12 elements, which must be approved by the Corps prior to the start of work.

Permittee Responsible Mitigation for the Alaska Miner: The permittee must propose and prepare an abbreviated mitigation plan, which consists largely of Baseline Information and a Mitigation Work Plan.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Programmatic General Permit: A type of regulatory permit issued by the Corps which authorizes states, local governments, tribes, or other federal agencies with regulatory programs comparable to the Corps' Section 10 or 404 Program to issue permits for specified activities in lieu of direct Corps' issuance of such permits.

Riparian area: Lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Stream channel: Bed, Bank, ordinary high water bankfull, width and depth. Physical dimensions include: length, meander pattern, gradient, channel cross-section. Physical characteristics include: substrate, design discharge, watershed size.

Stream diversion: removal of a stream from its natural course or location by canal, pipe or other conduit.

Uplands: Land above the level where water flows or where flooding occurs.

Vegetated Stream Buffer area: Lands bordering streams that have a designated width for the purpose of maintaining certain ecosystem functions such as flood protection, stream bank and/ or stream channel stabilization, habitat, and water quality protection.

Watershed: A land area that drains to a common waterway, such as a stream, lake, or estuary

Wetland: Those 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. Wetlands generally include swamps, marshes, bogs, and similar areas.

VIII. CORPS GP PACKET – SEE ATTACHMENTS 1 through 4