

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM FOR ALASKAN SMALL SUCTION DREDGE PLACER MINERS

[General Permit No.: AKG-37-5000]

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. § 1251 et seq.,
as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

Owners and operators of facilities engaged in the processing of placer gold are authorized
to discharge to waters of the United States, in accordance with effluent limitations,
monitoring requirements, and other conditions set forth herein.

**A COPY OF THIS GENERAL PERMIT MUST BE KEPT AT THE SITE
WHERE DISCHARGES OCCUR.**

[Facility Name]

[Receiving Water]

This permit shall become effective on **June 5, 2007**

This permit and the authorization to discharge shall expire on **May 31, 2012**

Signed this **24** day of **April 2007**.

/s/

Michael F. Gearheard
Director
Office of Water & Watersheds, Region 10
U.S. Environmental Protection Agency

I. COVERAGE UNDER THIS PERMIT

A. Coverage and Eligibility

Upon the submittal of a Notice of Intent (NOI) to EPA or to the Alaska Department of Natural Resources, Office of Habitat Management & Permitting (OHMP) to gain coverage under this permit, facilities which meet the criteria for coverage under Permit Part I. will be granted coverage.

OHMP accepts applications for several area permits. The areas covered by these permits are designated in Appendix A. Facilities applying for OHMP area permits will be covered by one NPDES permit for each area.

B. Termination of Discharges

The permittee shall notify EPA when General Permit coverage is no longer needed at a site or within an area described by an NOI.

C. Authorized Placer Mining Operations

This permit authorizes placer mining by suction dredges with intake nozzles less than or equal to 6 inches and with dredge engines of 18 horsepower or less. Hose size shall not be greater than 2 inches larger than the nozzle size. If a constrictor ring is used, nozzle size may be determined based on the size of the constrictor ring, provided that the ring is of solid, one-piece construction with no openings other than the intake and openings not greater than one inch between the constricting ring and nozzle, and that the ring is welded or otherwise permanently attached over the end of the intake nozzle.

D. Additional Requirements

Many streams and stream reaches in Alaska have been designated as part of the federal wild and scenic rivers system or as Conservation System Units (CSUs) by the federal government. Permittees should contact the district offices of the federal agencies that administer the designated area for additional restrictions that may apply to operating within the area.

Permittees should contact the Alaska Department of Fish and Game (ADF&G) to obtain the necessary permit authorizations in all State-designated Critical Habitats, Wildlife Refuges, and Game Sanctuaries.

E. Prohibitions

1. This general permit does not apply to facilities located or proposed to be located in National Parks System Units (i.e., Parks and Preserves), National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, National Wilderness Areas, National Critical Habitat Areas, within one nautical mile of a Steller sea lion rookery or haulout area, or waters adjacent to areas designated as wild under the Wild & Scenic Rivers Act.
2. This permit does not apply to wetlands designated in the 1995 Anchorage Wetlands Management Plan.
3. Timing Limitations
 - a. Suction dredging is prohibited under this general permit from August 1 to April 30 within 4.0 nautical miles (nm) of locations that are used by 125 or more Steller's eiders as molting areas. Information from the US Fish and Wildlife Service indicates that in addition to the National Critical Habitat areas, these molting areas are:
 - 1) Nanvak Bay;
 - 2) Port Heiden;
 - 3) Nelson Lagoon/Herendeen Bay/Mud Bay/Port Moller Complex
 - 4) Kamishak Bay – McNeil Head to Cape Douglas
 - 5) Hagemeister Island
 - 6) Sekinak lagoon (St. Lawrence Island)
 - b. Suction dredging is prohibited under this general permit from September 1 to April 30 within 4.0 nm of locations that are used by 125 or more Steller's eiders as wintering areas. The areas of concern are specified below.
 - 1) the coastal seaward waters from Tununuk to Toksook Bay on Nelson Island;
 - 2) the south side of Nunivak Island from Cape Mohican to Atahgo Point;
 - 3) the coastal seaward waters from the south end of Carter Spit north to Jacksmith Bay;

- 4) Goodnews Bay;
- 5) Chagvan Bay;
- 6) Egegik Bay;
- 7) Ugashik Bay;
- 8) Bechevin Bay;
- 9) Cape Lapin;
- 10) Akutan Harbor;
- 11) Waters of Unalaska Bay south of Amaknak Island;
- 12) the coastline between Cape Star on Umnak Island and the western tip of Samalga Island;
- 13) the south coast of the Ikatan Peninsula between Otter Cove and Cape Pankof on Unimak Island;
- 14) Thin Point to the east end of Kinzarof Lagoon in Cold Bay;
- 15) Sanak Islands;
- 16) Moss Cape near Volcano Bay on the Alaska Peninsula;
- 17) Bear Bay;
- 18) Volcano Bay;
- 19) Coal Bay to McGinty Point;
- 20) Bay Point to Unga Spit on Unga Island;
- 21) Zachary Bay on Unga Island;
- 22) East Head to Popof Island airstrip on Popof Island;
- 23) Chignik Lagoon;
- 24) Wide Bay east to the mouth of Pass Creek and Hartman Island;
- 25) the following locations on Kodiak Island: Ugak Bay, Pasagshak Bay, Cape Chiniak, Kalsin Bay, Middle Bay, Womans Bay, and St. Paul Harbor;
- 26) Seldovia Bay in Kachemak Bay;
- 27) Homer Spit to Bishop's Beach;
- 28) Happy Valley to Clam Gulch in Cook Inlet; and
- 29) Kirschner Lake outlet to Rocky Cove on the western shore of Cook Inlet
- 30) Kamishak Bay
- 31) south end of Kodiak Island
- 32) Geese Islands
- 33) Aiaklatik Island
- 34) Sitkinak Island
- 35) Kempff Bay
- 36) Akhiok Bay and Island

F. Permit Expiration

This permit will expire 5 years from the effective date. For facilities submitting a new NOI 90 days prior to expiration of this general permit, the conditions of the expired permit continue in force until the effective date of a new permit.

II. BEST MANAGEMENT PRACTICES (BMPs)

- A. Streambanks shall not be mined or otherwise disturbed. Dredging is only permitted within the existing wetted perimeter (waterline) in the active stream channel. This provision does not apply to suction dredges operating within mine cuts located above the ordinary high water line or disconnected ponds and meander cutoffs if fish are not present. Each permittee shall consult with the regional office of OHMP for the region in which the permittee proposes to operate a dredge in order to obtain the information necessary to comply with this requirement.
- B. Dredging and discharging are prohibited within 500 feet of locations where anadromous fish are spawning or where anadromous fish eggs or alevins are known to exist at the time dredging occurs. Each Permittee shall consult the regional office of OHMP for the region in which the Permittee proposes to operate a dredge in order to obtain the information necessary to comply with this BMP.
- C. Motorized winches or other motorized equipment shall not be used to move boulders, logs, or other natural instream obstructions.
- D. No wheeled or tracked equipment may be used instream while dredging is in progress. No wheeled or tracked equipment may be used instream in an anadromous fish stream cataloged under Alaska Statute 41.14.870(a) without permit authorization from OHMP.
- E. No damming or diversions are authorized by this permit.
- F. Dredging of concentrated silt and clay should be avoided. The permittee shall use reasonable care to avoid dredging silt and clay materials that would result in a significant increase in turbidity. Reasonable care includes moving the dredge to a new location, or reducing the volume of effluent discharged by limiting the operating speed of the suction dredge.

- G. Care shall be taken by the operator during refueling of the dredge to prevent spillage into surface waters or to groundwater. Any spills shall be cleaned up using materials such as sorbent pads and booms. All spills shall be reported to Alaska Department of Environmental Conservation (ADEC) by calling 1-800-478-9300.

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply. The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions.

1. Civil and Administrative Penalties. Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Sections 309(d) and 309(g) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note).
2. Criminal Penalties:
 - a. Negligent Violations. The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.
 - b. Knowing Violations. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.

- c. **Knowing Endangerment.** The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than \$1,000,000.
- d. **False Statements.** The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.

- C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate.** The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

IV. GENERAL REQUIREMENTS

- A. Anticipated Noncompliance.** The Permittee shall also give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

- C. Duty to Reapply.** If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. The NOI should be submitted at least 90 days before the expiration date of this permit.
- D. Duty to Provide Information.** The Permittee shall furnish to the Director and ADEC, within a reasonable time, any information which the Director or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.
- E. Other Information.** When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director or ADEC, it shall promptly submit such facts or information.
- F. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.
- G. Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- H. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- I. State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- J. Paperwork Reduction Act.** EPA has reviewed the requirements imposed on regulated facilities in this general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The information collection requirements of this permit have already been approved by the Office of Management and Budget in

submission made for the NPDES permit program under the provisions of the CWA.

K. Inspection and Entry. The Permittee shall allow the Director, ADEC, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
3. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

L. Transfers. This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

V. DEFINITIONS

- A. "Active Stream Channel" means that part of the channel that is below the level of the water. Unvegetated gravel bars are considered part of the active stream channel.

- B. "Director" means the Regional Administrator, or an authorized representative, of EPA, Region 10.
- C. "Instream" means within the "active stream channel."
- D. "Silt and Clay" are soil particles having a diameter of less than 0.002 mm (2 microns).

APPENDIX A

OHMP Fairbanks Lists

Dalton Highway List	Steese Highway List
<p>Bettles River Bluff Creek Bonanza Creek Clara Creek Disaster Creek Dry Gulch Fish Creek Gold Creek* Hammond River Jim River Marion Creek - anadromous MF Koyukuk River Minnie Creek* Montana Gulch NF Bonanza Creek Nugget Creek* Prospect Creek Rosie Creek Slate Creek SF Bonanza Creek SF Koyukuk River Unnamed Creek</p> <p>*Parts of these creeks are considered non-navigable by BLM and are closed. Please check with the BLM office in Fairbanks for the closure areas.</p>	<p>Bachelor Creek Belle Creek Birch Creek** (the stream reach bounded by the Steese Highway is designated wild under Wild & Scenic Rivers Act) Boston Creek Boulder Creek Camp Creek Captain Creek Charity Creek Chatanika River Crooked Creek Faith Creek Grouse Creek Hope Creek Kokomo Creek Long Creek Mammoth Creek Mastadon Creek McKay Creek McManus Creek MP72 Gravel Pit</p> <p>Twelvemile Creek Sourdough Creek Poker Creek NF Harrison Creek Pilot Creek</p>
Fortymile List	
<p>Champion Creek** Dennison Fork EF Dennison Fork Fortymile River Franklin Creek Hutchinson Creek Independence Creek Ingle Creek Jack Wade Creek Joseph Creek** Kechumatuk Creek</p>	<p>MF Fortymile River (Upstream of Joseph Creek) Molly Creek Mosquito Fork (Upstream of Kechumstuk and downstream of Ingle) Napoleon Creek O'Brien Creek SF Fortymile River Slate Creek Uhler Creek WF Dennison Fork Logging Cabin Creek</p>
<p>** All or part of these creeks have been designated wild under the Wild & Scenic Rivers Act. This general permit does not cover activities in these areas. See Permit Part I.E.1. for more information.</p>	

OHMP Anchorage List		
Sixmile Creek Drainage		Resurrection Creek Drainage
Alder Creek	Juneau Creek	Abernathy Creek
Beaver Dam Creek	Lynx Creek	Afanasa Creek
Bench Creek	Lyon Creek	American Creek
Bertha Creek	Mills Creek	Bedrock Creek
Black Creek	Moose Creek	Bonanza Creek
Black Creek	Nelson Creek	Cannonball Creek
Butcher Creek	Ohio Creek	Caribou Creek
Canyon Creek	Old Woman Creek	Couer d'Alene Creek
Center Creek	Pass Creek	Cripple Creek
Clinton Creek	Petes Creek	East Creek
Colorado Creek	Roaring Creek	Fox Creek
Cub Creek	Silvertip Creek	Gold Gulch
Divide Creek	Spokane Creek	Highland Creek
Donaldson Creek	Stormy Creek	Hungry Creek
East Fork	Taylor Creek	Island Creek
Falls Creek	Tenderfoot Creek	Moose Creek
Frenchy Creek	Timberline Creek	Palmer Creek
Fresno Creek	Tincan Creek	Pass Creek
Gleason Creek	Tributary Creek	Rimrock Creek
Granite Creek	Walker Creek	White Creek
Groundhog Creek	Weber Creek	Wildhorse Creek
Gulch Creek	Wilson Creek	Willow Creek
	Unnamed tributaries	Wolf Creek
		unnamed tributaries

OHMP Matanuska – Susitna Borough Lists

Peters Creek and its tributaries (within and upstream of the Petersville Recreational Mining Area)

Peters Creek	Poorman Creek
Bird Creek	Pioneer Gulch
Dry Creek	Gopher Gulch
Willow Creek	Dandy Gulch
Little Writer Creek	Unnamed tributaries
Pass Creek	

Little Susitna River - Fishhook Creek Drainages

Archangel Creek	Hatcher Creek
Delia Creek	Lone Tree Gulch
East Fork	Maguire Creek
Fishhook Creek	numerous unnamed tributaries
Government Creek	

Matanuska River and its tributaries **excluding Moose Creek**

Boulder Creek	Gloryhole Creek	O'Brien Creek
Carbon Creek	Granite Creek	Packsaddle Gulch
Carpenter Creek	Gravel Creek	Pinochle Creek
Cascade Creek	Hicks Creek	Purinton Creek
Chickaloon Creek	Kings River	Riley Creek
Chickaloon River	Linquist Creek	Sawmill Creek
Coal Creek	Little Granite Creek	Spring Creek
Conglomerate Creek	Meadow Creek	West Fork
Doone Creek	Monument Creek	Winding Creek
Eska Creek	Muddy Creek	Wolverine Creek
Glacier Creek	Ninemile Creek	Young Creek

Knik River and its tributaries **excluding Bodenbug and Jim Creeks**

Good Creek	Troublesome Creek	Paradise Creek
Friday Creek	Fall Creek	Glacier Fork
Hunter Creek	Metal Creek	Lake Fork
Big Timber Creek	Cottonwood Creek	Goat Creek

EPA Proposed Area:

Cache Creek and its tributaries

Cache Creek

Morgan Creek

Spruce Creek

Fox Gulch

Easy Creek

Lower Ruby Creek

Dollar Creek

Little Dollar Creek

Windy Creek

Sourdough Gulch

Short Creek

Iron Creek

Long Creek

Coal Creek

Gold Creek

Cheechako Gulch

Davis Gulch

Falls Creek

Little Falls Creek

Ruby Gulch

Thunder Creek

Wilson Gulch

Rambler Creek

Trout Creek

Grant Creek

Lucky Creek

Nugget Creek

Slate Creek

Columbia Creek

APPENDIX B
Small Suction Dredge Notice of Intent Information Sheet
AKG-37-5000

Permittee Name:

Winter Address	Summer Address (if different)

Phone Number(s):

Operator Name (if different than Permittee)

Area Permit(s): Check any that apply

Fairbanks

- Steese Highway
- Dalton Highway
- Fortymile Area

Anchorage

- Sixmile/Resurrection Creek Drainages

Matanuska Susitna Borough

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Peters Creek Drainage <input type="checkbox"/> Little Susitna/Fishhook Creek Drainages | <ul style="list-style-type: none"> <input type="checkbox"/> Matanuska River <input type="checkbox"/> Knik River <input type="checkbox"/> Cache Creek |
|--|---|

All areas subject to the limitations described in the general permit.

If an Area Permit is not applicable, please complete the list below.

If you need additional space, attach another sheet.

Waterbody	Nearest Town	Mining District (see back)

Size of Suction Dredge Nozzle (6 inches or less):

Signature:	Date
Printed Name:	

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. 2007

(insert Mining District map here)

APPENDIX C
Stipulations based on the Enforceable Policies
of the Coastal Districts under the
Alaska Coastal Management Program

The following stipulations are enforceable under the Coastal Zone Management Act which is administrated by the Department of Natural Resources, Office of Project Management and Permitting.

1. Any inadvertent disturbance to streambanks shall be stabilized immediately to prevent erosion and sedimentation that may occur during or as a result of the disturbance. Please be advised that the regional office of OHMP can provide guidance on the stabilization methods necessary to protect habitat and water quality.
2. Where a stream has not been specified as anadromous fish habitat pursuant to AS 41.14.870(a), the applicant must determine that the stream in question is not fish bearing. Local knowledge can be used for this determination.
3. No damming or diversions are authorized. This includes inadvertent damming caused by tailing placement, which could change hydrology.
4. Dredging shall not block or restrict public access or adversely impact aquatic species harvested by subsistence users.
5. No discharge shall occur within 330 feet of an active bald eagle nesting site.