



US Army Corps
of Engineers
Alaska District

Special Public Notice

ANCHORAGE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

DATE: April 18, 2012
IDENTIFICATION NO.: POA-2006-1944-M1
(In reply, respond to above number)
EXPIRATION DATE: October 31, 2014

**ISSUE GENERAL PERMIT 2006-1944-M1
SPECIAL PUBLIC NOTICE
Placer Mining Activities within the State of Alaska**

The Alaska District, United States (U.S.) Army Corps of Engineers (USACE), in accordance with regulations pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 *et. seq.*) has issued General Permit (GP) POA-2006-1944-M1, formerly known as GP 2006-1944, authorizing placement of dredged and/or fill material into waters of the United States (U.S.), including wetlands, for placer mining activities within the State of Alaska. The GP applies to placer mining operations of ten acres or less of disturbance area, and stream diversions of up to 2,000 linear feet.

The GP is authorized until October 31, 2014, under the same terms and conditions as GP 2006-1944. The new expiration date is designed to align the renewal cycle of the USACE permit with the renewal cycle of the Alaska Department of Environmental Conservation (ADEC) Alaska Pollutant Discharge Elimination System (APDES) Permit for Mechanical Mining Operations. Currently the APDES permit is due to expire on October 31, 2014.

What this means for permittees and applicants

- Permittees whose permit expires on or before May 11, 2012, will receive an automatic time extension until October 31, 2014.
- New applicants in 2012 and 2013 will be authorized under the new GP, expiring October 31, 2014.

Any questions or requests for additional information should be directed to:
Alaska District, Corps of Engineers, Attention: **Ms. Leslie W. Tose**, Regulatory Division, Post Office Box 6898, JBER, Alaska 99506-0898, phone (907) 753-2716 or toll free in Alaska at (800) 478-2712.
Email: regpagemaster@usace.army.mil

District Engineer
U.S. Army, Corps of Engineers

Enclosure

GENERAL PERMIT (GP) POA 2006-1944 M1

**Mechanized Placer Mining Activities within the
State of Alaska**

Pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 USC 1344 et seq.), and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), the District Commander, Alaska District, U.S. Army Corps of Engineers (Corps), hereby reauthorizes: GP POA 2006-1944 as GP POA 2006-1944 M1.

This GP authorizes the mining public to place fill material into waters of the United States, including wetlands, for the purpose of placer mining within the State of Alaska under the specific conditions listed below. Placer mining is defined as the removal of gold or other precious materials such as silver, tin, platinum, or gems from gravel. The gold or other material has moved or been eroded from its original position in the earth, normally by water, and re-deposited within the gravel. The conditions of the GP are intended to ensure impacts to the aquatic environment are minimal. A strong emphasis is placed on reclamation of mined areas. The goal is to promote re-establishment of normal aquatic ecosystem functions representative of the area in which the mining takes place. Excessive erosion of soils into streams has been identified as one factor that makes it difficult to re-establish a productive aquatic ecosystem with a variety of plant and animal species. Therefore, the primary objectives are to achieve a stable stream channel and to prevent excessive erosion of soil into streams.

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AUTHORIZED ACTIVITIES:

- **Exploration activities** for placer mining are authorized as long as they comply with the conditions of the GP listed below. The U.S. Army Corps of Engineers (Corps) encourages exploration of placer ground in advance of mining. Exploration activities authorized in regulated waters of the United States are limited to:
 - o fills for exploratory drill pads
 - o fills for trenches
 - o side casting from trenches
 - o bulk samples and other test methods
- **Placement of dredged and or fill material** into waters of the United States, including wetlands, in association with:
 - o mechanized land clearing
 - o construction of sedimentation basins
 - o stream diversions (see limitations, below)
 - o foundation pads

- o permanent access roads less than five years old, or those built just to provide access to the mine site
- o required reclamation work
- o stockpiling of overburden and pay gravel
- o stockpiling of tailings
- o camp facilities if co-located with the mine site
- o similar activities

Limitations: General permits have restrictions. If your operations do not fit within the limitations described below, this GP will not apply, and you may be required to obtain an Individual Permit.

- **Disturbed Area:** The cumulative surface disturbance of one project site **shall not exceed ten (10) acres at any time.** The disturbed area may include:
 - o streams and diversions
 - o un-reclaimed ground
 - o wetlands
 - o uplands
 - o camps
 - o access roads
- **Reclamation (see condition numbers 9a-9g below):** All project features that will not be used during the next year's mining season must be reclaimed before the end of the current mining season. This requirement includes:
 - o mine cuts
 - o settling ponds
 - o stream diversions
 - o berms
 - o work and camp pads
 - o stockpiles, etc.

Exceptions to these requirements can be made on a case-by-case basis when approved by the appropriate land manager and the Corps. Areas reclaimed and approved in accordance with the State of Alaska under the Reclamation Law (AS 27.19.020) or a Federal land management agency are not included in computing the area of disturbance.

ACTIVITIES NOT AUTHORIZED: The following operations are not authorized under this GP, but may still require a different type of Department of the Army (DA) permit. Anyone may request written confirmation of whether his or her proposed operation requires Corps authorization. Contact us at the letterhead address or telephone number for additional information on how to proceed:

- **Recreational Mining:** For the purpose of this GP, recreational mining is defined as hand mining with a pick, shovel, pan, and/or rocker box. Recreational placer mining generally will not be regulated by the Corps and does not require a Corps permit, as explained in Special Public Notice 94-10, issued September 13, 1994. When the State of Alaska Department of Fish and Game, Division of Habitat requirements for fish-bearing waters are met, the activity is expected to have de-minimus effects. The Corps retains the discretion to require authorization on a case-by-case basis if it believes effects are greater than de-minimus. The placement of fill material specifically for dikes, wing dams, and stream diversion structures is not considered part of recreational mining, and requires Corps authorization.
- **Suction Dredging:** Suction dredge mining is defined as the removal of sediment with a suction device from the bottom of a water body and the

discharge for the purpose of extracting gold or other precious metals. Suction dredging as an independent mining operation and is not authorized under this GP.

- **Hard Rock Mining:** Hard rock mining is the process of removing valuable metals or elements (not necessarily gold) bound within country rock.
- **Marine Mining:** Defined as mining in any waters affected by the ebb and flow of the tides. Marine mining operations are not authorized under this GP, and require a different DA permit authorization. Operators should contact the Corps for permit information.
- **Commercial Gravel Operations:** Defined as operations where the extraction of gravel for sale is an independent mining action. This GP does not authorize commercial mining for gravel. Note: This GP does allow permittees to use gravel material within their mine area to support their mining operation (e.g. for construction of access roads, berms, etc.), but prohibits the sale of gravel for other uses off-site.
- **Temporary roads to move mining equipment:** An exemption is allowed where such roads are constructed and maintained in accordance with best management practices listed in 33 CFR.323.4(a)(6).
- **Coal mining:** Coal mining is not authorized under this GP.
- **Mining in the Municipality of Anchorage:** No mining operations within the Municipality of Anchorage will be authorized under this GP.

Additionally, this GP does not apply to the following situations unless prior approval is obtained from the appropriate agency:

- **State Designated Special Areas**, unless the activity is specifically authorized by the agency with jurisdiction over these lands. Examples of special areas are Game Refuges and Sanctuaries, and Critical Habitat Areas.
- **Archaeological, cultural, or historic properties** that would be adversely affected unless coordination with the State Historic Preservation Officer (SHPO), and if necessary, the Advisory Council on Historic Preservation is completed. This exception is per Section 106 of the National Historic Preservation Act, regarding properties which the National Park Service has listed, or has determined eligible for listing, on the National Register of Historic Places.
- **Federally Designated Areas (existing or nominated):** Examples of designated areas are National Wildlife Refuges, National Parks, and National Wild and Scenic Rivers.
- **Endangered or threatened species** would be adversely affected, as determined by the United States Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

CONDITIONS OF THE GENERAL PERMIT:

1. The **cumulative surface disturbance to both uplands and wetlands shall not exceed ten (10) acres** at any time, under any one Annual Placer Mining Application (APMA) or DA permit application. Disturbance is any unreclaimed ground, including stream diversions, camps, stockpiles, access roads, etc.
2. Dredged and/or fill material, including overburden and tailings, shall be placed so it is stable; the material shall not show signs of excessive erosion such as gullyng, head cutting, caving, block slippage, material sloughing, etc., after placement. Material shall not leach harmful or toxic substances into streams or wetlands. Preferably, material moved during mining operations shall not be placed within active floodplains or

riparian management areas¹ to the maximum extent practicable. If placed in these areas, material shall be protected from erosion.

3. All organic materials, including vegetation, topsoil, and other organic overburden, shall be separated from mineral overburden and stockpiled for future use in reclamation. The organic material shall be protected from erosion and from contamination by acidic or toxic materials and shall not be buried by tailings or non-organic material. Preferably, the stockpiles shall be placed into upland areas, or areas previously disturbed. Stockpiles of organic materials shall not be placed within active floodplains or riparian management areas¹ to the maximum extent practicable. If placed in these areas, the organic materials shall be protected from erosion.
4. Temporary features such as settling ponds, workpads, and roads and stream diversions shall not be placed within active floodplains or riparian management areas¹ to the maximum extent practicable. If not practicable, temporary features shall be designed, constructed, and maintained to withstand, at a minimum, the high waters of a 10-year flood or the life of the structure, if longer. Temporary and permanent channel diversions shall be sized to accommodate the bankfull flow (1.5-year flood). Permanent channel diversions shall include an associated floodplain equal to 2.2 times the width of the bankfull stream channel, at a minimum. Erosion or structural damage of features shall be evidence of noncompliance with this condition. These features must be reclaimed in accordance with condition number 9.
5. All habitable structures, petroleum storage, and sanitary facilities must be a minimum of 100 feet from the ordinary high water line of rivers, streams, and lakes. When an existing water body is not being mined, existing vegetation within the riparian management area¹ shall be left adjacent to the water body to protect it from sedimentation. Exceptions to this condition can be made on a case-by-case basis after consultation and approval from the Corps. The sequencing of mining activities shall provide for the retention of vegetation within riparian management areas for as long as reasonably practicable. Additionally, dredge or fill activities are prohibited within 200 feet of any public water supply intake.
6. Settling ponds shall not be located within natural standing or flowing waterbodies (e.g. ponds or streams), and shall not be placed within active floodplains or riparian management areas¹ to the maximum extent practicable. If a settling pond is likely to flood, and is needed for mining during the next year, it shall be protected from erosion by a berm or other accepted method. Settling ponds shall not be located where a stream channel is going to be reestablished unless the fines are removed or protected from erosion. Exceptions to this condition can be made on a case-by-case basis after consultation and approval from the Corps.
7. **Stream diversion(s):**
 - a. Stream diversion(s) shall be **limited to two thousand (2,000) linear feet** at any one time. Both temporary and permanent channel diversions shall be sized to accommodate the bankfull flow (1.5-year flood). Temporary and permanent stream diversions shall also include establishment of an associated floodplain sized to withstand a 10-year flood for temporary diversions, or the life of the structure if longer, and a 50-year flood for permanent diversions. All restoration activities must be completed on the first diversion before constructing a new diversion (see Conditions 9-d and 9-f, below).

Exceptions to this condition can be made on a case-by-case basis after consultation and approval from the Corps.

- b. Any stream diversion activity shall provide for the free passage of fish, both upstream and downstream with no barriers or entrapments. The stream diversion must comply with the State of Alaska Department of Fish and Game, Division of Habitat AS 16 if such a permit is required. The stream diversion must be supplied with a quantity of water sufficient to pass fish and at a grade and velocity approximating that of the original stream and must be capable of carrying anticipated stream flows during the period it will be in operation without overtopping the banks or causing undue erosion of the streambed or banks. Stream diversions shall be designed and constructed to avoid excessive loss of flow through the bed and dewatering of the diversion channel. The stream diversion must comply with the State of Alaska, Department of Fish and Game, Division of Habitat, Fish Habitat Permit, if such a permit is required.
 - c. If a stream segment is to permanently remain in a diversion channel (as mandated by State of Alaska Department of Fish and Game, Division of Habitat, the appropriate land management agency, or the Corps), the diversion channel shall approximate the length, flow velocity, grade, and functional configuration of the original stream segment.
 - d. Stream diversions shall be reclaimed in accordance with conditions 9(d), 9(e), and 9(f) below.
9. **Reclamation:** Mine features shall be reclaimed when mining activities are complete, and when disturbed areas are not expected to be used during the next year. All mine features, including exploratory trenches, shall be reclaimed according to the following minimum requirements (a through g). Exceptions and additions to these requirements can be made on a case-by-case basis when approved by the appropriate land manager and the Corps.
- a. Work in Unvegetated Areas: For work in minimally vegetated old mine tailings and/or work in unvegetated stream channels, mined areas shall be re-contoured to match the slopes and features of the surrounding landscape. All material, including overburden, side cast material, and tailings, shall be used. Stockpiled organic material (including vegetation, topsoil, overburden, and/or muck), shall not be placed in stream channels, but shall be spread over contoured workings in old tailings to promote natural plant growth.

Work in Vegetated Areas: For work in areas where revegetation is desirable and practicable (e.g., previously undisturbed areas, or previously-disturbed but vegetated areas), mined areas shall be re-contoured to match slopes and features of the surrounding landscape. All material, including overburden, side cast material, and tailings, shall be used. Stable slopes and soil surfaces shall be attained, and stockpiled organic material (including vegetation, topsoil, overburden, and/or muck), shall be spread over the contoured mine workings to hold moisture and promote natural plant growth. The goal of this condition is to promote the natural succession of vegetation representative of the area and to achieve 40% live plant cover of the entire reclaimed area by the end of two growing seasons. Acceptable indicators of progress toward this goal are a reasonable presence, density, species composition, and distribution of pioneer native species of plants typical to the area. If 40% live plant cover is not achieved after two growing seasons, the permittee shall implement seeding, planting, live transplants and/or fertilizing to promote re-

establishment of natural plant communities. Species to be used for seeding and planting shall be native to the site, region, or State of Alaska, as available. Further information about Alaska native plant sources can be found at the following web site:

http://www.dnr.state.ak.us/ag/NEWnative_directory.htm.

- b. Stockpiles of material intended for private use or subsequent commercial sale, if approved by the appropriate land managing agency, may be left for a maximum of three years, provided they are placed in an upland area and stabilized.
 - c. Settling ponds not located within a flowing stream but located within the stream channel floodplain shall be reclaimed, capped, or the pond sediments removed so the fines do not reach the stream system.
 - d. Stream channels shall be stabilized. The goal is to achieve a range of conditions that will move the stream system towards reestablishing some of the stream functions of pre-placer mining conditions. There is no defined time scale, but primary stabilization efforts should take place within one year (1 yr) of completing active mining operations. Ongoing efforts to improve stability shall take place as needed thereafter. This may include a combination of approaches, including relocation of the channel, changes to channel geometry, different methods of handling sediments, promoting natural re-vegetation, and applying new technology as appropriate. When reclamation is complete, streams shall have an acceptable balance between erosion and deposition so they develop recognizable stream system features. Such features include an active channel with appropriate meanders, point bars, and a floodplain. Stream channels should mirror pre-placer mining configuration in terms of length, channel cross-section, substrate, flow velocity, grade, and functional configuration, including a riparian area supporting pioneer species of vegetation. Stream channels shall be designed and constructed to avoid excessive loss of flow through the bed and dewatering of the channel. Diverted stream reaches, which are no longer needed, shall be backfilled with suitable, non-erodible material and the stream restored in a stable location in the valley.
 - e. Floodplain widths shall be a minimum of 2.2 times the width of the bankfull channel. The purpose of this requirement is to retain the channel, substrate, and floodplain characteristics, without significant down- or head-cutting, and prevent excessive erosion of material placed adjacent to the stream. This standard may be raised or lowered on a case-by-base basis.
 - f. Permanent stream diversions must meet Condition 9-d, above, and be approved by State of Alaska Department of Fish and Game, Division of Habitat AS Title 16 permits, the appropriate land management agency, and the Corps. If a diversion is to be left as a landscape feature, it must be suitably backfilled or blocked.
 - g. All exploration drill holes must be plugged in accordance with Alaska State regulations.
10. **Other Requirements:**
- a. Pump intakes or stream diversions shall be designed to prevent intake, impingement, entrainment, or entrapment of fish consistent with State of Alaska Department of Fish and Game, Division of Habitat.

- b. Placer mining activities located in waters used by anadromous fish species shall be consistent with State of Alaska Department of Fish and Game, Division of Habitat AS 16. Violation of the Fish Habitat permit shall be grounds to suspend or revoke the authorization granted by this GP.
- c. Discharges of dredged and/or fill material, including suction dredge activities performed in conjunction with an overall mining operation, shall not occur within 500 feet of locations where fish are spawning or where fish eggs or alevins are known to exist at the time work occurs.
- d. Placer mining activity shall not adversely affect Essential Fish Habitat (EFH) including anadromous streams. Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and 50 CFR Part 600 provide the requirements for EFH consultation. The District Commander (DC) shall make a determination whether or not the action will adversely affect EFH. The determination and an EFH assessment (per 50 CFR 600.920) shall be provided in any subsequent notice should the action adversely affect EFH. If necessary, the NMFS will provide EFH Conservation Recommendations as defined in Section 305 (b)(4)(A) and 50 CFR Part 600.
- e. The proposed placer mining activity shall be in compliance with any applicable National Pollution Discharge Elimination System permit requirements.
- f. Activities covered under this GP shall not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973, (ESA), nor jeopardize the continued existence of any proposed species under the ESA. If the proposed placer mining activity is located within the range of threatened or endangered species, the DC shall conduct a determination of effect by contacting the USFWS and the NMFS for the application, or require documentation of such contact from operations with an approved Federal plan of operation. If it is determined that listed species are likely to be jeopardized by the permitted action or related activities, this GP shall not apply until consultation of section 7 of the ESA is complete.
- g. No placer mining activity shall be located within one-quarter mile of an eagle nest site unless the USFWS determines the activity will not impact the eagles. The applicant has additional responsibilities to protect eagles under provisions of the Eagle Protection Act (16 USC 668-668c, revised November 8, 1978).
- h. The Migratory Bird Treaty Act prohibits the willful killing or harassment of migratory birds. Where practicable, clearing, excavation and fill activities shall be completed before or after the nesting season to avoid impacts to breeding migratory birds. If this is not possible, then other measures to avoid impacts to breeding migratory birds should be initiated. For example, the work area could be cleared of vegetation before the breeding season. This would render the area unsuitable for breeding birds before their arrival and facilitate work during the breeding season without impacts to birds. However, large areas should not be stripped of vegetation months before initiating work, which could result in even greater damage caused by excessive erosion. The DC or applicant shall contact the USFWS to determine when these disturbance activities should be avoided.

- i. No cultural resources shall be adversely affected by placer mining activities. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this GP, you must immediately notify this office. The Corps will notify the State Historic Preservation Office, and the coastal district (if within a coastal district), of what you have found. The Corps or the appropriate Federal land manager will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- j. The conditions found on the State of Alaska Department of Environmental Conservation (ADEC), Certificate of Reasonable Assurance, pursuant to Section 401 of the Clean Water Act, are attached to the Department of the Army General Permit. You must comply with the conditions specified in the certification as special conditions to this permit.
- k. Failure to comply with any Federal or State authorization shall be grounds for suspending or revoking the authorization granted by this GP.
- l. No subsistence resources shall be adversely impacted by placer mining activities.
11. Lands and facilities subject to this GP must be maintained in conformance with the terms and conditions of this GP. This requirement includes removal of structures, such as: fuel drums, equipment, trailers, bone yards, and used oil and waste upon abandonment. All areas of surface disturbance shall be reclaimed, stabilized, and contoured to promote revegetation. Access roads and areas of soil compaction shall be ripped, tilled, or otherwise broken up to promote revegetation. Permittees are not relieved of this requirement if the permitted activity is abandoned. If another operator will be taking over the mine, the GP must be reissued to the new operator and final reclamation may be required before reauthorization. The Corps shall be notified of the planned change.
12. Any activity authorized by this GP must be completed by the date specified in the Corps authorization letter.
13. **Reporting:** Submission of the "Annual Reclamation Statement for Small Mines" (Reclamation Statement) to ADNR by December 31st of each year shall meet reporting requirements for this permit, **provided it includes the length of any stream diversions.**
14. **Inspection:** The permittee must allow the District Commander, or designated representative(s), to inspect the authorized activity at any time deemed necessary to ensure work is being, or has been, accomplished in accordance with the terms and conditions of this GP. Refusing access to an inspection of the authorized activities shall be considered non-compliance with the terms and conditions of this GP.
 - In the event work is being or has been performed in noncompliance with this GP, appropriate measures shall be taken to resolve the violation.
 - Any operator found in non-compliance with this GP may not be issued another placer mine GP authorization until the non-compliance is rectified.

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

¹ Riparian management area means the area along or around a waterbody within the following distances, measured from the outermost extent of the ordinary high water mark of the waterbody:

- a. for the braided portions of a river or stream, 500 feet on either side of the waterbody;
- b. for the split channel portions of a river or stream, 200 feet on either side of the waterbody;
- c. for single channel portions of a river or stream, 100 feet on either side of the waterbody;
- d. for a lake, 100 feet of the waterbody.

APPLICATION PROCEDURES:

Mine operators must notify the Corps of their intent to mine before beginning the work.

- a. Mine operators may submit a letter to the Corps requesting GP coverage. Alternatively, the operator may complete a Department of the Army permit application (ENG FORM 4345) [available at a Corps office or website: <http://www.poa.usace.army.mil/reg/>]. **Request letters and applications submitted directly to the Corps will receive initial review for completeness within fifteen days of receipt.** The letter or application must include:
 - a legible map showing the location of the proposed work, including directions with mileages to turnoffs;
 - type/size of equipment to be used; and
 - drawings that show the dimensions (area) of each activity:
 - o cuts
 - o settling ponds
 - o stream diversions
 - o overburden and organic stockpiles
 - o pay gravel stockpiles
 - o berms and roads
 - o areas of reclamation
 - o camps
 - o etc.

The letter (or application) and accompanying drawings must be **current** and of sufficient detail for the application to be considered complete. The Corps will contact the miner for additional drawings and/or information, if necessary. After receipt of a complete GP application, the Corps will notify the applicant to confirm whether their work will be covered under this GP, or an individual permit is required. **No work can proceed without Corps confirmation. Anyone may request written confirmation of whether his or her proposed operation requires Corps authorization.**

OR

- b. Operators can notify the Corps by submitting an accurate State of Alaska APMA or a multi-year APMA to ADNR, thus making it available to the Corps. The APMA must include:

- a legible map showing the location of the proposed work, including directions with mileages to turnoffs;
- the type/size of equipment to be used; and
- drawings showing the dimensions (area) of each activity:
 - o cuts
 - o settling ponds
 - o stream diversions
 - o overburden and organic stockpiles
 - o pay gravel stockpiles
 - o berms and roads
 - o areas of reclamation
 - o camps
 - o etc.

Drawings must be **current** and of sufficient detail for the APMA to be considered a complete GP application by the Corps. The Corps will review APMAs submitted to ADNR as workload priorities permit (Note: we are in the process of establishing a more definitive evaluation process and timelines for APMA review). **If the applicant plans to start work within 30 days of filing the APMA, or if they have filed an APMA, have not yet received a verification letter from the Corps, and are planning to start work within 30 days, they should contact the Corps directly to ensure timely review of their application.** The Corps will contact the applicant for additional drawings and/or information, if necessary. After receipt of a complete GP application, the Corps will notify the applicant whether their work will be covered under this GP or an individual permit is required. No work can proceed without Corps confirmation.

If you have received GP authorization after filing an Annual Placer Mining Application (APMA), or multi-year APMA, with ADNR, no further action is required. The APMA is your permit application.

Authorization Process: All mining operations proposed for authorization under this GP will be authorized as follows:

1. Applicant submits a request for a permit by either of the methods outlined in Application Procedures (a) or (b) above.
2. The Corps reviews the application and preliminarily determines whether the GP is applicable.
3. The Corps will send the plans to appropriate agencies if our preliminary review finds potential impacts to resources such as essential fish habitat, anadromous streams, threatened or endangered species, subsistence or cultural resources.
4. Agencies have ten (10) calendar days from the date the Corps sends the plans to contact the Corps in writing, by FAX, e-mail, or by telephone, with comments on the project. Site specific plans for stream channels by State of Alaska Department of Fish and Game, Division of Habitat, and/or special conditions will be incorporated as appropriate. Emphasis will be on recommendations based on a site visit, for instance recommendations that would improve on the generalized reclamation requirements in Conditions of the General Permit number 9.
5. The Corps issues the applicant a GP authorization letter, or based upon review, the Corps notifies the miner a GP is not appropriate for the proposed operation. Special conditions can be added to the GP

authorization letter. A yellow Notice of Authorization will be included, and should be posted in an easily seen location on the mine site.

6. Permittee should retain all original mine authorizations in a safe location, e.g. home, place of business, safety deposit box, etc., and a duplicate copy at the mine site for review by visiting agencies.

OTHER INFORMATION:

Reevaluation of a Permit Decision: The Corps may reevaluate its decision to issue a GP authorization to any person or company at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to:

- The permittee fails to comply with the terms and conditions of this permit.
- Appropriate new information is provided to the Corps that was not considered in reaching the original public interest decision.

A reevaluation may result in:

- a decision to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7
- a decision to use enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. These enforcement procedures provide for the issuance of an administrative order requiring compliance with the terms and conditions of the permit and for the initiation of legal action where appropriate.

The permittee will be required to pay for any corrective measures ordered by this office. If the permittee fails to comply with such directive, in certain situations (such as those specified in 33 CFR 209.170), the Corps may accomplish the corrective measures by contract, or otherwise, and bill the permittee for the cost.

Extension, Modification, and Revocation of the GP:

- This GP may be revoked by issuance of a Public Notice at any time the DC determines the singular or cumulative effects of the activities authorized herein are having an unacceptable adverse impact upon the public interest. Following such revocation, all new applications will be processed under individual permit application review procedures and the DC would decide on a case-by-case basis if previously authorized activities should be revoked, suspended, or modified.
- The DC has discretionary authority to review any individual mining activity, or class of activities to determine whether the activity complies with the GP. If the DC finds the activity has more than minimal individual or cumulative net adverse impacts on the environment or otherwise may be contrary to the public interest, prospective permittees will be required to apply for an individual permit.
- This GP will be effective until October 31, 2014. During that time, the DC may modify it if singular or cumulative impacts of the activities authorized by this GP are determined to have an unacceptable adverse effect upon the public interest. During its operation this GP and the work authorized under it shall be reviewed to determine if this GP should be modified, extended, or discontinued.
- **Activities authorized and underway at the GP expiration date** must be completed within twelve (12) months of the GP's expiration date, and the permittee must notify the Corps of his/her intent to continue mining.

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

Penalties for Violations: Failure to comply with the terms and conditions of this GP may result in:

- suspension of work
- revocation of permit
- removal of dredged and/or fill material or other structures
- directed restoration of waters and/or wetlands
- imposition of penalties as provided under Section 301 of the Clean Water Act (33 USC 1319), or Section 9 of the Rivers and Harbors Act of 1899 (33 USC 401).

Limits of This Authorization:

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

Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for:

- Damages to permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- Damages to permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- Design or construction deficiencies associated with the permitted work.
- Damage claims associated with any future modification, suspension, or revocation of this permit.

Acronyms

General Permit (GP)
U.S. Army Corps of Engineers (Corps)
District Commander (DC)
Alaska Statute (AS)
Code of Federal Regulations (CFR)
United States Code (USC)
Annual Placer Mining Application (APMA)
Alaska Department of Natural Resources (ADNR)
Essential Fish Habitat (EFH)
Endangered Species Act of 1973 (ESA)
National Marine Fisheries Service (NMFS)
Annual Reclamation Statement for Small Mines (Reclamation Statement)
U.S. Fish and Wildlife Service (USFWS)
State Historic Preservation Office (SHPO)
State of Alaska Department of Fish and Game (ADF&G)

TERM

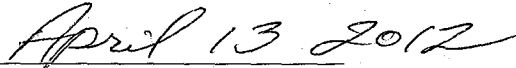
TERM

This GP is effective until October 31, 2014 from the date of issuance unless otherwise modified, suspended, or revoked. Authorized work must be completed within 12 months after the expiration date of this GP.

FOR THE DISTRICT COMMANDER:



Victor Ross
Acting Deputy Division Chief
Regulatory Division
Alaska District, Corps of Engineers



Date

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

WASTEWATER DISCHARGE AUTHORIZATION PROGRAM

Sean Parnell, GOVERNOR

555 Cordova Street
Anchorage, Alaska 99501-2617

PHONE: (907) 334-2288

FAX: (907) 334-2015

<http://www.dec.state.ak.us>

April 6, 2012

Certified Mail: 7009-2820-0001-7169-2783

Ms. Leslie Tose
U.S. Army Corps of Engineers
Regulatory Division
Post Office Box 6898, CEPOA-RD
JBER, AK 99506-0898

Subject: Placer Mining GP
Reference No. POA-2006-1944-M1

Dear Ms. Tose:

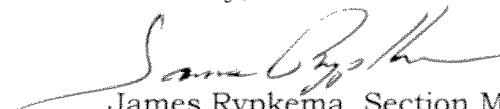
In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for the reauthorization of the placer mining general permit for Alaska.

Department of Environmental Conservation (DEC) regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with

18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 15 days of the permit decision. Visit <http://www.dec.state.ak.us/commish/ReviewGuidance.htm> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, AK 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

Sincerely,



James Rypkema, Section Manager
Storm Water and Wetlands

Enclosures:

cc: (with encl.)
Betsy McCracken, USF&WS
Matthew LaCroix, EPA, AK Operations

William Ashton, ADEC
Michael Daignault, ADF&G/Habitat

**STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE**

A Certificate of Reasonable Assurance (CRA), in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards is issued to the U.S. Army Corps of Engineers, Alaska District, Post Office Box 6898, CEPOA-RD, JBER, AK 99506-0898 for the reauthorization of General Permit POA-2006-1944-M1.

The proposed activity is located within many watersheds in Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.


A State Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit, reference number POA-2006-1944-M1, and a discharge may result from the proposed activity.

The DEC reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

1. Reasonable precautions and controls must be used to prevent incidental and accidental discharge of petroleum products or other hazardous substances. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, surface runoff or water bodies.
2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). Most importantly, the applicant must contact by telephone the DEC Area Response Team for Central Alaska at (907) 269-3063 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802. Report all spills.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under U.S Army Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18 AAC 15.100).

Date April 6, 2012



James Rypkema, Section Manager
Storm Water and Wetlands