# AUTHORIZATION TO DISCHARGE UNDER THE ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR SMALL-SIZE SUCTION DREDGE PLACER MINERS

## GENERAL PERMIT NUMBER AKG375000

Authorization Number: [#]

**ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION**
**Wastewater Discharge Authorization Program**
**555 Cordova Street**
**Anchorage, AK 99501**

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, this permit is issued under provisions of Alaska Statutes (AS) 46.03; the Alaska Administrative Code (AAC) as amended; and other applicable State laws and regulations.

Owners and operators of facilities engaged in the processing of placer gold, as defined in Part 1.0 of this Alaska Pollutant Discharge Elimination System (APDES) permit, are authorized to discharge to waters of the United States, only 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.**

**[PERMITTEE NAME]**

**[RECEIVING WATER]**

This permit is effective **September 20, 2012**.

This permit and the authorization to discharge shall expire at midnight on **September 19, 2017**.

Permittees authorized under Permit Part 1.6.2.1 shall reapply for a permit reissuance on or before **June 19, 2017,** 90 days before the expiration of this permit if the permittee intends to continue operations and discharge(s) at the facility beyond the term of this permit.

Signed Wade Strickland

| | |
|---|---|
| Signature | August 21, 2012<br>Date |
| Wade Strickland<br>Printed Name | Program Manager<br>Title |

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## SCHEDULE OF SUBMISSIONS

The Schedule of Submissions summarizes some of the required submissions and activities the permittee must complete and/or submit to the Alaska Department of Environmental Conservation (hereinafter referred to as DEC or the Department) during the term of this permit. The permittee is responsible for all submissions and activities even if they are not summarized below.

**Table 1: Schedule of Submissions for All Facilities**

| Permit Part | Submittal or Completion | Frequency | Due Date | Submit To |
|---|---|---|---|---|
| 1.6.3 | Fish Habitat Permit application | 1/permit cycle | Prior to the start of operation | Alaska Department of Fish and Game |
| Appendix A, 3.4 | Oral notification of noncompliance | As Necessary | Within 24 hours from the time the permittee becomes aware of the circumstances of noncompliance | DEC Compliance Program |
| | Written documentation of noncompliance | As Necessary | Within five days after the permittee becomes aware of the circumstances | |

**Table 2: Additional Submissions for Facilities Authorized under Permit Parts 3.0 – 4.0 [a]**

| Permit Part | Submittal or Completion | Frequency | Due Date | Submit To |
|---|---|---|---|---|
| 1.6.2 | Notice of Intent to discharge from a new or recommencing facility | 1/permit cycle | 60 days prior to discharge | DEC Permitting Program |
| | Notice of Intent for a currently authorized facility to seek coverage under a reissued general permit | 1/permit cycle | 90 days before expiration of this general permit | |
| 3.2 | Daily Records | Daily | - | Maintained on site |
| 3.3 | Annual Report | 1/year | January 31 for the previous year | DEC Compliance Program |
| 4.2 | Polar Bear Observation Sheet | As Necessary | January 31 for the previous year | U.S. Fish and Wildlife Service |

Notes:

a. Parts 3.0 – 4.0 include suction dredges with pump engines greater than 18 horsepower (hp) in freshwater and 23 hp in marine water; and facilities that are located in National Parks System Units, National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, National Wilderness Areas, waters designated as wild under the Wild and Scenic Rivers, critical habitat for northern sea otter or polar bear, or sea ice.

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# 1.0 PERMIT COVERAGE

## 1.1 Coverage and Eligibility

1.1.1 **Existing Facilities:** Owners or operators of facilities with coverage under the 2007 Small-Size Suction Dredge General Permit are eligible for coverage under this general permit (hereinafter referred to as permit or GP). See Part 1.6 for notification requirements.

1.1.2 **New or Recommencing Facilities:** Upon completion of notification requirements as outlined in Part 1.6, facilities which meet the criteria for coverage under this permit will be granted coverage.

## 1.2 Authorized Placer Mining Operations

1.2.1 This permit authorizes the following placer mining facilities:

1.2.1.1 Suction dredges with an intake diameter less than or equal to 6 inches, and

1.2.1.2 Highbankers / power sluices (hereinafter referred to as highbankers) that discharge to waters of the U.S.

1.2.2 This GP authorizes discharge of only those pollutants resulting from facility processes, waste streams, and operations clearly related to the mining process.

## 1.3 Prohibitions

1.3.1 This GP does not apply to facilities located within the following areas:

1.3.1.1 Tier 3 waters;

1.3.1.2 Wetlands designated in the 1995 *Anchorage Wetlands Management Plan;*

1.3.1.3 One nautical mile of a Steller sea lion rookery or haulout area;

1.3.1.4 Coral, eelgrass beds, seagrass beds, kelp beds, vegetated shallows, shellfish beds, or mudflats;

1.3.1.5 Critical habitat designated under the Endangered Species Act (ESA) for the spectacled eider and Steller's eider (see Appendix D, ESA Habitat Areas);

1.3.2 Operation is prohibited under this GP from October 1 to April 30 within 1.0 nautical mile of locations that are used by 125 or more Steller's eiders as wintering areas (see Appendix D, ESA Habitat Areas).

1.3.3 This GP does not apply to facilities located on sea ice with the exception of the following:

1.3.3.1 The East and West Nome Beach Public Mining Areas; and

1.3.3.2 Norton Sound lease areas in water depth less than or equal to 30 feet, with water depth measured from the sea floor to the upper ice surface.

1.3.4 This GP does not authorize the addition of chemicals for the enhancement of mineral recovery, or the discharge of domestic wastewater.

## 1.4 Additional Requirements

Facilities located in National Parks System Units (i.e., Parks and Preserves), National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, National Wilderness Areas, waters designated as wild under the Wild and Scenic Rivers Act, Endangered Species Act (ESA) critical habitat for northern sea otter, or ESA barrier island critical habitat for polar bear (see Appendix D, ESA Habitat Areas) may be considered on a case-by-case basis and must meet additional requirements, as outlined in Parts 1.6.2 and 4.0.

## 1.5 Requiring an Individual Permit

1.5.1 In accordance with 18 AAC 83.215, the Department may require or allow any permittee authorized under this GP to apply for and obtain an individual APDES permit or allow an owner or operator of a facility with an individual permit to obtain coverage under this GP.

1.5.2 If the Department requires a permittee to apply for an individual permit under Part 1.5.1, the Department will notify the permittee in writing that an application is required. If the permittee fails to submit an application by the date required in the notification, coverage under this GP is automatically terminated at the end of the day specified for application submittal.

## 1.6 Notification Requirements

Owners or operators of facilities eligible for permit coverage must meet the following notification requirements.

### 1.6.1 Facilities Eligible for Automatic Coverage

1.6.1.1 The following facilities, other than those located in areas listed under Part 1.6.2.1, are eligible for automatic coverage under this GP:

1.6.1.1.1 Facilities authorized under the 2007 EPA-issued Small Suction GP,

1.6.1.1.2 Suction dredges with pump engines less than or equal to 18 hp in freshwater and 23 hp in marine water, and

1.6.1.1.3 Highbankers.

1.6.1.2 To be automatically covered, owners or operators of eligible facilities must:

1.6.1.2.1 Receive a Fish Habitat Permit from the Alaska Department of Fish and Game (ADF&G), as described under Part 1.6.3, or

1.6.1.2.2 If a Fish Habitat Permit is not required, the permittee or ADF&G must submit a statement to DEC that a Fish Habitat Permit is not required. The statement must include the permittee name, contact information, and a description of the operation.

### 1.6.2 Facilities That Require Submittal of a Notice of Intent (NOI)

1.6.2.1 Owners or operators of the following facilities must submit an NOI and receive Department approval to be covered under this GP:

1.6.2.1.1 Suction dredges with pump engines greater than 18 hp in freshwater and 23 hp in marine water;

1.6.2.1.2 Facilities located on sea ice as listed under Part 1.3.3;

1.6.2.1.3 Facilities located in National Parks System Units, National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, National Wilderness Areas, waters designated as wild under the Wild and Scenic Rivers Act; or

1.6.2.1.4 Facilities located in critical habitat for northern sea otter or barrier island critical habitat for polar bear.

1.6.2.2 Applicants under Part 1.6.2.1.3 must provide written approval, and any additional water quality related stipulations, from the agency with jurisdiction over these areas, prior to Department approval.

1.6.2.3 Applicants under Part 1.6.2.1.4 must provide a written statement from the U.S. Fish and Wildlife Service (USFWS) that includes a list of any sensitive areas, such as small bays, estuaries, or narrow channels, located with the proposed area of operation, and any related stipulations, prior to Department approval. If USFWS does not respond within 30 calendar days from the date of notification, the Department may issue the authorization without additional input.

1.6.2.4 The information required for a complete NOI is in Appendix E of this permit. Notification must be made 60 days prior to discharge from a new or recommencing facility.

1.6.2.5 An Annual Placer Mining Application (APMA) submitted to the Alaska Department of Natural Resources (DNR) will be accepted as an NOI if all the required information is included.

1.6.2.6 Applicants under Section 1.6.2 who do not use the APMA process must submit an NOI to the DEC at the address in Appendix A, Part 1.1.

1.6.2.7 The NOI or APMA shall be signed by the owner, operator, or other signatory authority in accordance with Appendix A, Part 1.12 (Signature Requirement and Penalties).

1.6.2.8 A copy of the GP will be sent to the owner or operator when it is determined that the facility can be authorized under this GP. If it is determined that a facility cannot be authorized to discharge under this permit, the owner or operator will be informed of this in writing.

1.6.2.9 Permittees authorized under Part 1.6.2.1 wishing to continue coverage after the expiration date of this GP must submit a new NOI at least 90 days prior to expiration of this GP, as described in Appendix A, Part 1.3, in order for the conditions of the expired permit to continue in force until the effective date of a new permit.

### 1.6.3 **All Facilities**

Owners or operators of facilities eligible for coverage under this GP must contact ADF&G prior to the start of operation and receive a Fish Habitat Permit or a determination that a Fish Habitat Permit is not required. An APMA submitted to DNR will satisfy the notification requirement.

# 2.0 REQUIREMENTS FOR ALL PERMITTEES

The following requirements apply to all facilities.

## 2.1 Best Management Practices (BMP) Plan

2.1.1 Mining is permitted only within the active stream channel. Mining within the active stream channel that results in undercutting, littoral channeling, or that otherwise results in erosion of a stream bank is prohibited. This provision does not apply to facilities operating within mine cuts located above the ordinary high water line, disconnected ponds, or meander cutoffs if fish are not present. Each permittee shall consult ADF&G in order to obtain the information necessary to comply with this requirement.

2.1.2 Mining 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 mining occurs.

2.1.3 Motorized winches or other motorized equipment shall not be used to move boulders, logs, or other natural instream obstructions. Tailings or large cobbles that are moved by the operator must not be stacked in a manner that significantly alters the streamflow.

2.1.4 Suction dredges and highbankers must be operated to ensure that there is a zone of passage for fish around the turbidity plume at all times. Permittees must also ensure that there is no overlap of turbidity plumes from equipment used in the same waters.

2.1.5 Mining through concentrated silt and clay should be avoided. The permittee shall use reasonable care to avoid mining through silt and clay materials that would result in a significant increase in turbidity. Reasonable care includes moving the suction dredge or highbanker to a new location, or reducing the volume of effluent discharged by limiting the operating speed of the suction dredge or highbanker.

2.1.1 Equipment must be properly maintained and petroleum products managed as follows:

2.1.1.1 Equipment used for mining must not release petroleum products. Equipment surfaces must be free of oils and grease, and must be checked for fuel and oil leaks prior to start of operation on a daily basis.

2.1.1.2 All fuel and oil must be stored in an impermeable container and located a reasonable distance from any waterbody. Precaution must be taken to ensure that stored petroleum products cannot spill or otherwise enter a waterbody.

2.1.1.3 Care shall be taken by the permittee during refueling of the equipment 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 DEC by calling 1-800-478-9300.

## 2.2 Removed Substances

Collected screenings, grit, solids, scum, and other facility residuals, or other pollutants removed in the course of treatment or control of water and wastewaters shall be disposed of in a Department-approved manner and method in accordance with 18 AAC 60, such as to prevent any pollution from such materials from entering waters of the U.S.

# 3.0 ADDITIONAL REQUIREMENTS FOR FRESHWATER DREDGES GREATER THAN 18 HP AND MARINE DREDGES GREATER THAN 23 HP

The following requirements apply to suction dredges with pump engines greater than 18 hp in freshwater and 23 hp in marine water.

## 3.1 Effluent Limitations

Permittees are authorized a 500 foot mixing zone where a turbidity plume may exceed water quality criteria of the Alaska Water Quality Standards.

3.1.1 A visual increase in turbidity (any cloudiness or muddiness) beyond 500 feet downcurrent of the work site during operations is a violation of this permit.

3.1.2 If noticeable turbidity does occur beyond 500 feet downcurrent of the work site, operation of the equipment must decrease or cease so that a violation as defined above does not exist.

## 3.2 Monitoring Requirements

3.2.1 Operators shall visually monitor for turbidity, as defined in Part 3.1, once per day of operation. Individuals who conduct visual monitoring shall observe the turbidity plume immediately downstream or radially from the work site until the turbidity plume is no longer visible and note the distance. There is no need to monitor farther if the turbidity plume blends with the background before 500 feet.

3.2.2 All turbidity monitoring results shall be recorded daily. The permittee shall maintain records of all visual inspections, in accordance with Appendix A, Part 1.11 (Monitoring and Records).

## 3.3 Annual Report Requirements

3.3.1.1 An Annual Report must be submitted no later than January 31 for the previous calendar year.

3.3.1.2 The Annual Report must include the following:

3.3.1.2.1 Permittee name;

3.3.1.2.2 APDES authorization number;

3.3.1.2.3 Receiving water name;

3.3.1.2.4 The period of operation or a statement that no mining, or discharge to the receiving water, occurred during the year;

3.3.1.2.5 Monthly summaries of any monitoring results; and

3.3.1.2.6 Any visual violation occurrences along with the actions taken to comply with the provisions of Part 3.1.

3.3.1.3 The permittee shall sign and certify all reports, as specified in Appendix A, Part 1.12, and submit the the reports to the DEC Compliance and Enforcement Program at the address in Appendix A, Part 1.1.2.

# 4.0 SPECIAL CONDITIONS

The following requirements apply to facilities that are authorized to operate in National Park System Units, National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, National Wilderness Areas, waters designated as wild under the Wild & Scenic Rivers Act, ESA critical habitat for northern sea otter or polar bear, or sea ice.

## 4.1 Northern Sea Otter Critical Habitat

Facilities authorized to operate in critical habitat for northern sea otter (see Appendix D, ESA Habitat Areas) must maintain a distance of 800 feet from any northern sea otter during operation. If an otter moves within 800 feet of the facility, the operator must cease operations and move away from the animal or wait to continue until it has moved beyond 800 feet on its own.

## 4.2 Polar Bear Critical Habitat

Facilities authorized to operate in polar bear critical habitat (see Appendix D, ESA Habitat Areas) must submit a Polar Bear Observation Sheet (see Appendix F, Forms) if a polar bear is observed during operations. The observation sheet must be completed and submitted to the USFWS no later than January 31 for the previous calendar year.

## 4.3 Sea Ice

Facilities authorized to operate on sea ice must avoid red king crab. If red king crab mating pairs or clusters are observed, mining operations shall move to an alternate location where no crabs are observed or cease until any crabs move away on their own.

## 4.4 Site-Specific Conditions

4.4.1 The Department, on a case-by-case basis, may include additional site-specific requirements for facilities listed under Part 4.0 provided that the requirements do not relieve the permittee of any other stipulations under this permit.

4.4.2 Any additional site-specific requirements shall be based on input from other state or agencies, such as water-quality stipulations provided under Parts 1.6.2.2 -1.6.2.3, or stipulations the Deparment deems necessary to allow authorization under this GP.

# APPENDIX A

# STANDARD CONDITIONS

# APDES PERMIT

# PLACER MINE DISCHARGES

**August 2010**

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Appendix A of the permit contains standard regulatory language that must be included in all APDES permits. These requirements are based on the regulations and cannot be challenged in the context of an individual APDES permit action. The standard regulatory language covers requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and other general requirements. Appendix A, Standard Conditions is an integral and enforceable part of the permit. Failure to comply with a Standard Condition in this Appendix constitutes a violation of the permit and is subject to enforcement.

# 1.0 Standard Conditions Applicable to All Permits

## 1.1 Contact Information and Addresses

### 1.1.1 Permitting Program

Permit related documents and plans required under the permit and Appendix A are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Wastewater Discharge Authorization Program
610 University Avenue
Fairbanks, Alaska 99709-3643
Telephone (907) 451-2142
Fax (907) 451-2187
Email: dec.water.wqpermit@alaska.gov
Website: dec.alaska.gov/water/wwdp

### 1.1.2 Compliance and Enforcement Program

Compliance related documents, including Annual Reports, required under the permit and Appendix A are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Compliance and Enforcement Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone Nationwide (877) 569-4114
Anchorage Area / International (907) 269-4114
Fax (907) 269-4604
Email: dec-wqreporting@alaska.gov

## 1.2 Duty to Comply

A permittee shall comply with all conditions of the permittee's APDES permit. Any permit noncompliance constitutes a violation of 33 U.S.C 1251-1387 (Clean Water Act) and state law and is grounds for enforcement action including termination, revocation and reissuance, or modification of a permit, or denial of a permit renewal application. A permittee shall comply with effluent standards or prohibitions established under 33 U.S.C. 1317(a) for toxic pollutants within the time provided in the regulations that establish those effluent standards or prohibitions even if the permit has not yet been modified to incorporate the requirement.

## 1.3 Duty to Reapply

If a permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. In accordance with 18 AAC 83.105(b), a permittee with a currently effective permit shall reapply by submitting a new application at least 90 days before the existing permit expires, unless the Department has granted the permittee permission to submit an application on a later date. However, the Department will not grant permission for an application to be submitted after the expiration date of the existing permit.

## 1.4 Need to Halt or Reduce Activity Not a Defense

In an enforcement action, a permittee may not assert as a defense that compliance with the conditions of the permit would have made it necessary for the permittee to halt or reduce the permitted activity.

## 1.5 Duty to Mitigate

A permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

## 1.6 Proper Operation and Maintenance

1.6.1 A permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances that the permittee installs or uses to achieve compliance with the conditions of the permit. The permittee's duty to operate and maintain properly includes using adequate laboratory controls and appropriate quality assurance procedures. However, a permittee is not required to operate back-up or auxiliary facilities or similar systems that a permittee installs unless operation of those facilities is necessary to achieve compliance with the conditions of the permit.

1.6.2 Operation and maintenance records shall be retained and made available at the site.

## 1.7 Permit Actions

A permit may be modified, revoked and reissued, or terminated for cause as provided in 18 AAC 83.130. If a permittee files a request to modify, revoke and reissue, or terminate a permit, or gives notice of planned changes or anticipated noncompliance, the filing or notice does not stay any permit condition.

## 1.8 Property Rights

A permit does not convey any property rights or exclusive privilege.

## 1.9 Duty to Provide Information

A permittee shall, within a reasonable time, provide to the Department any information that the Department requests to determine whether a permittee is in compliance with the permit, or whether cause exists to modify, revoke and reissue, or terminate the permit. A permittee shall also provide to the Department, upon request, copies of any records the permittee is required to keep under the permit.

## 1.10 Inspection and Entry

A permittee shall allow the Department, or an authorized representative, including a contractor acting as a representative of the Department, at reasonable times and on presentation of credentials establishing authority and any other documents required by law, to:

1.10.1 Enter the premises where a permittee's regulated facility or activity is located or conducted, or where permit conditions require records to be kept;

1.10.2 Have access to and copy any records that permit conditions require the permittee to keep;

1.10.3 Inspect any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under a permit; and

1.10.4 Sample or monitor any substances or parameters at any location for the purpose of assuring permit compliance or as otherwise authorized by 33 U.S.C. 1251-1387 (Clean Water Act).

## 1.11 Monitoring and Records

A permittee must comply with the following monitoring and recordkeeping conditions:

1.11.1 Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

1.11.2 The permittee shall retain records in Alaska of all monitoring information for at least three years, or longer at the Department's request at any time, from the date of the sample, measurement, report, or application. Monitoring records required to be kept include:

1.11.2.1 All calibration and maintenance records,

1.11.2.2 All original strip chart recordings or other forms of data approved by the Department for continuous monitoring instrumentation,

1.11.2.3 All reports required by a permit,

1.11.2.4 Records of all data used to complete the application for a permit,

1.11.2.5 Field logbooks or visual monitoring logbooks,

1.11.2.6 Quality assurance chain of custody forms,

1.11.2.7 Copies of discharge monitoring reports, and

1.11.2.8 A copy of this APDES permit.

1.11.3 Records of monitoring information must include:

1.11.3.1 The date, exact place, and time of any sampling or measurement;

1.11.3.2 The name(s) of any individual(s) who performed the sampling or measurement(s);

1.11.3.3 The date(s) and time any analysis was performed;

1.11.3.4 The name(s) of any individual(s) who performed any analysis;

1.11.3.5 Any analytical technique or method used; and

1.11.3.6 The results of the analysis.

1.11.4 Monitoring Procedures

Analyses of pollutants must be conducted using test procedures approved under 40 CFR Part 136, adopted by reference at 18 AAC 83.010, for pollutants with approved test procedures, and using test procedures specified in the permit for pollutants without approved methods.

## 1.12 Signature Requirement and Penalties

Any application, report, or information submitted to the Department in compliance with a permit requirement must be signed and certified in accordance with 18 AAC 83.385. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under a permit, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be subject to penalties under 33 U.S.C. 1319(c)(4), AS 12.55.035(c)(1)(B), (c)(2) and (c)(3), and AS 46.03.790(g).

## 1.13 Proprietary or Confidential Information

1.13.1 A permit applicant or permittee may assert a claim of confidentiality for proprietary or confidential business information by stamping the words "confidential business information" on each page of a submission containing proprietary or confidential business information. The Department will treat the stamped submissions as confidential if the information satisfies the test in 40 CFR §2.208, adopted by reference at 18 AAC 83.010, and is not otherwise required to be made public by state law.

1.13.2 A claim of confidentiality under Appendix A, Part 1.13.1 may not be asserted for the name and address of any permit applicant or permittee, a permit application, a permit, effluent data, sewage sludge data, and information required by APDES or NPDES application forms provided by the Department, whether submitted on the forms themselves or in any attachments used to supply information required by the forms.

1.13.3 A permittee's claim of confidentiality authorized under Appendix A, Part 1.13.1 is not waived if the Department provides the proprietary or confidential business information to the EPA or to other agencies participating in the permitting process. The Department will supply any information obtained or used in the administration of the state APDES program to the EPA upon request under 40 CFR §123.41, as revised as of July 1, 2005. When providing information submitted to the Department with a claim of confidentiality to the EPA, the Department will notify the EPA of the confidentiality claim. If the Department provides the EPA information that is not claimed to be confidential, the EPA may make the information available to the public without further notice.

## 1.14 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any action or relieve a permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under state laws addressing oil and hazardous substances.

## 1.15 Cultural and Paleontological Resources

If cultural or paleontological resources are discovered because of this disposal activity, work that would disturb such resources is to be stopped, and the Office of History and Archaeology, a Division of Parks and Outdoor Recreation of the Alaska Department of Natural Resources (http://www.dnr.state.ak.us/parks/oha/), is to be notified immediately at (907) 269-8721.

## 1.16 Fee

A permittee must pay the appropriate permit fee described in 18 AAC 72.

## 1.17 Other Legal Obligations

This permit does not relieve the permittee from the duty to obtain any other necessary permits from the

Department or from other local, state, or federal agencies and to comply with the requirements contained in any such permits. All activities conducted and all plan approvals implemented by the permittee pursuant to the terms of this permit shall comply with all applicable local, state, and federal laws and regulations.

# 2.0 Special Reporting Obligations

## 2.1 Planned Changes

2.1.1 The permittee shall give notice to the Department as soon as possible of any planned physical alteration or addition to the permitted facility if:

2.1.1.1 The alteration or addition may make the facility a "new source" under one or more of the criteria in 18 AAC 83.990(44); or

2.1.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged if those pollutants are not subject to effluent limitations in the permit or to notification requirements under 18 AAC 83.610.

2.1.2 If the proposed changes are subject to plan review, then the plans must be submitted at least 30 days before implementation of changes (see 18 AAC 15.020 and 18 AAC 72 for plan review requirements). Written approval is not required for an emergency repair or routine maintenance.

2.1.3 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

## 2.2 Anticipated Noncompliance

2.2.1 A permittee shall give seven days' notice to the Department before commencing any planned change in the permitted facility or activity that may result in noncompliance with permit requirements.

2.2.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

## 2.3 Transfers

2.3.1 A permittee may not transfer a permit for a facility or activity to any person except after notice to the Department in accordance with 18 AAC 83.150. The Department may modify or revoke and reissue the permit to change the name of the permittee and incorporate such other requirements under 33 U.S.C. 1251-1387 (Clean Water Act) or state law.

2.3.2 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

## 2.4 Compliance Schedules

2.4.1 A permittee must submit progress or compliance reports on interim and final requirements in any compliance schedule of a permit no later than 14 days following the scheduled date of each requirement.

2.4.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

## 2.5 Corrective Information

2.5.1 If a permittee becomes aware that it failed to submit a relevant fact in a permit application or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit the relevant fact or the correct information.

2.5.2 Information must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

## 2.6 Bypass of Treatment Facilities

2.6.1 Prohibition of Bypass

Bypass is prohibited. The Department may take enforcement action against a permittee for any bypass, unless:

2.6.1.1 The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2.6.1.2 There were no feasible alternatives to the bypass, including use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. However, this condition is not satisfied if the permittee, in the exercise of reasonable engineering judgment, should have installed adequate back-up equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

2.6.1.3 The permittee provides notice to the Department of a bypass event in the manner, as appropriate, under Appendix A, Part 2.6.2.

2.6.2 Notice of bypass

2.6.2.1 For an anticipated bypass, the permittee submits notice at least 10 days before the date of the bypass. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the conditions of Appendix A, Parts 2.6.1.1 and 2.6.1.2.

2.6.2.2 For an unanticipated bypass, the permittee submits 24-hour notice, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting.

2.6.2.3 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.6.3 Notwithstanding Appendix A, Part 2.6.1, a permittee may allow a bypass that:

2.6.3.1 Does not cause an effluent limitation to be exceeded, and

2.6.3.2 Is for essential maintenance to assure efficient operation.

## 2.7 Upset Conditions

2.7.1 In any enforcement action for noncompliance with technology-based permit effluent limitations, a permittee may claim upset as an affirmative defense. A permittee seeking to establish the occurrence of an upset has the burden of proof to show that the requirements of Appendix A, Part 2.7.2 are met.

2.7.2 To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

2.7.2.1 An upset occurred and the permittee can identify the cause or causes of the upset;

2.7.2.2 The permitted facility was at the time being properly operated;

2.7.2.3 The permittee submitted 24-hour notice of the upset, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting; and

2.7.2.4 The permittee complied with any mitigation measures required under 18 AAC 83.405(e) and Appendix A, Part 1.5, Duty to Mitigate.

2.7.3 Any determination made in administrative review of a claim that noncompliance was caused by upset, before an action for noncompliance is commenced, is not final administrative action subject to judicial review.

### 2.8 Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges

2.8.1 In addition to the reporting requirements under 18 AAC 83.410, an existing manufacturing, commercial, mining, and silvicultural discharger shall notify the Department as soon as that discharger knows or has reason to believe that any activity has occurred or will occur that would result in:

2.8.1.1 The discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

2.8.1.1.1 One hundred micrograms per liter (100 µg/L);

2.8.1.1.2 Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile, 500 micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol, and one milligram per liter (1 mg/L) for antimony;

2.8.1.1.3 Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or

2.8.1.1.4 The level established by the Department in accordance with 18 AAC 83.445.

2.8.1.2 Any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

2.8.1.2.1 Five hundred micrograms per liter (500 µg/L);

2.8.1.2.2 One milligram per liter (1 mg/L) for antimony;

2.8.1.2.3 Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or

2.8.1.2.4 The level established by the Department in accordance with 18 AAC 83.445.

## 3.0 Monitoring, Recording, and Reporting Requirements

### 3.1 Representative Sampling

A permittee must collect effluent samples from the effluent stream after the last treatment unit before discharge into the receiving waters. Samples and measurements must be representative of the volume and nature of the monitored activity or discharge.

## 3.2 Reporting of Monitoring Results

The permittee shall summarize monitoring results on the annual report form or approved equivalent. The permittee shall submit its annual report at the interval specified in the permit. The permittee shall sign and certify all annual reports and other reports in accordance with the requirements of Appendix A, Part 1.12, Signatory Requirement and Penalties. The permittee shall submit the legible originals of these documents to the DEC Compliance and Enforcement Program at the address in Appendix A, Part 1.1.2.

## 3.3 Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than the permit requires using test procedures approved in 40 CFR Part 136, adopted by reference at 18 AAC 83.010, or as specified in this permit, the results of that additional monitoring must be included in the calculation and reporting of the data submitted in the DMR or annual report required by Appendix A, Part 3.2. All limitations that require averaging of measurements must be calculated using an arithmetic means unless the Department specifies another method in the permit. Upon request by the Department, the permittee must submit the results of any other sampling and monitoring regardless of the test method used.

## 3.4 Twenty-four Hour Reporting

A permittee shall report any noncompliance event that may endanger health or the environment as follows:

3.4.1 A report must be made:

3.4.1.1 Orally within 24 hours after the permittee becomes aware of the circumstances, and

3.4.1.2 In writing within five days after the permittee becomes aware of the circumstances.

3.4.2 A report must include the following information:

3.4.2.1 A description of the noncompliance and its causes, including the estimated volume or weight and specific details of the noncompliance;

3.4.2.2 The period of noncompliance, including exact dates and times;

3.4.2.3 If the noncompliance has not been corrected, a statement regarding the anticipated time the noncompliance is expected to continue; and

3.4.2.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3.4.3 An event that must be reported within 24 hours includes:

3.4.3.1 An unanticipated bypass that exceeds any effluent limitation in the permit (see Appendix A, Part 2.6, Bypass of Treatment Facilities).

3.4.3.2 An upset that exceeds any effluent limitation in the permit (see Appendix A, Part 2.7, Upset Conditions).

3.4.3.3 A violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring 24-hour reporting.

3.4.4 The Department may waive the written report on a case-by-case basis for reports under Appendix A, Part 3.4 if the oral report has been received within 24 hours of the permittee becoming aware of the noncompliance event.

3.4.5 The permittee may satisfy the written reporting submission requirements of Appendix A, Part 3.4 by submitting the written report via e-mail, if the following conditions are met:

3.4.5.1 The Noncompliance Notification Form or equivalent form is used to report the noncompliance;

3.4.5.2 The written report includes all the information required under Appendix A, Part 3.4.2;

3.4.5.3 The written report is properly certified and signed in accordance with Appendix A, Parts 1.12;

3.4.5.4 The written report is scanned as a PDF (portable document format) document and transmitted to the Department as an attachment to the e-mail; and

3.4.5.5 The permittee retains in the facility file the original signed and certified written report and a printed copy of the conveying email.

3.4.6 The e-mail and PDF written report will satisfy the written report submission requirements of this permit provided the e-mail is received by the Department within five days after the time the permittee becomes aware of the noncompliance event and the e-mail and written report satisfy the criteria of Part 3.4.5. The e-mail address to report noncompliance is: dec-wqreporting@alaska.gov

### 3.5 Other Noncompliance Reporting

A permittee shall report all instances of noncompliance not required to be reported under Appendix A, Parts 2.4 (Compliance Schedules), 3.3 (Additional Monitoring by Permittee), and 3.4 (Twenty-four Hour Reporting) at the time the permittee submits monitoring reports under Appendix A, Part 3.2. (Reporting of Monitoring Results). A report of noncompliance under this part must contain the information listed in Appendix A, Part 3.4.2 and be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

## 4.0 Penalties for Violations of Permit Conditions

Alaska laws allow the State to pursue both civil and criminal actions concurrently. The following is a summary of Alaska law. Permittees should read the applicable statutes for further substantive and procedural details.

### 4.1 Civil Action

Under AS 46.03.760(e), a person who violates or causes or permits to be violated a regulation, a lawful order of the Department, or a permit, approval, or acceptance, or term or condition of a permit, approval or acceptance issued under the program authorized by AS 46.03.020 (12) is liable, in a civil action, to the State for a sum to be assessed by the court of not less than $500 nor more than $100,000 for the initial violation, nor more than $10,000 for each day after that on which the violation continues, and that shall reflect, when applicable:

4.1.1 Reasonable compensation in the nature of liquated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;

4.1.2 Reasonable costs incurred by the State in detection, investigation, and attempted correction of the violation;

4.1.3 The economic savings realized by the person in not complying with the requirements for which a violation is charged; and

4.1.4 The need for an enhanced civil penalty to deter future noncompliance.

## 4.2 Injunctive Relief

4.2.1 Under AS 46.03.820, the Department can order an activity presenting an imminent or present danger to public health or that would be likely to result in irreversible damage to the environment be discontinued. Upon receipt of such an order, the activity must be immediately discontinued.

4.2.2 Under AS 46.03.765, the Department can bring an action in Alaska Superior Court seeking to enjoin ongoing or threatened violations for Department-issued permits and Department statutes and regulations.

## 4.3 Criminal Action

Under AS 46.03.790(h), a person is guilty of a Class A misdemeanor if the person negligently:

4.3.1 Violates a regulation adopted by the Department under AS 46.03.020(12);

4.3.2 Violates a permit issued under the program authorized by AS 46.03.020(12);

4.3.3 Fails to provide information or provides false information required by a regulation adopted under AS 46.03.020(12);

4.3.4 Makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with a permit issued under or a regulation adopted under AS 46.03.020(12); or

4.3.5 Renders inaccurate a monitoring device or method required to be maintained by a permit issued or under a regulation adopted under AS 46.03.020(12).

## 4.4 Other Fines

Upon conviction of a violation of a regulation adopted under AS 46.03.020(12), a defendant who is not an organization may be sentenced to pay a fine of not more than $10,000 for each separate violation (AS 46.03.790(g)). A defendant that is an organization may be sentenced to pay a fine not exceeding the greater of: (1) $200,000; (2) three times the pecuniary gain realized by the defendant as a result of the offense; or (3) three times the pecuniary damage or loss caused by the defendant to another, or the property of another, as a result of the offense (AS 12.55.035(c)(B), (c)(2), and (c)(3)).

## APPENDIX B. ACRONYMS

| | |
|---|---|
| AAC | Alaska Administrative Code |
| ACMP | Alaska Coastal Management Program |
| ADEC | Alaska Department of Environmental Conservation |
| ADNR | Alaska Department of Natural Resources |
| ADF&G | Alaska Department of Fish and Game |
| APDES | Alaska Pollutant Discharge Elimination System |
| APMA | Annual Placer Mining Application |
| BMP | Best Management Practice |
| CFR | Code of Federal Regulations |
| CWA | Clean Water Act |
| EFH | Essential Fish Habitat |
| ELG | Effluent Limitation Guideline |
| EPA | U.S. Environmental Protection Agency |
| ESA | Endangered Species Act |
| FR | Federal Register |
| GP | General Permit |
| NMFS | National Marine Fisheries Service |
| NOI | Notice of Intent |
| NPDES | National Pollutant Discharge Elimination System |
| NSPS | New Source Performance Standards |
| ODCE | Ocean Discharge Criteria Evaluation |
| SPCC | Spill Prevention Control and Countermeasure |
| USFWS | United States Fish & Wildlife Service |
| U.S.C. | United States Code |
| USGS | United States Geological Survey |
| WQS | Water Quality Standards |

## APPENDIX C. DEFINITIONS

| | |
|---|---|
| Active Stream Channel | Means 1) that part of the channel that is below the level of the water; or 2) any unvegetated gravel bars that occur below the ordinary high water mark. |
| Alaska Pollutant Discharge Elimination System (APDES)[a] | Means the State's program, approved by EPA under 33 U.S.C. 1342(b), for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under 33 U.S.C. 1317, 1328, 1342, and 1345 |
| Anadromous Fish[b] | Means a fish or fish species that spends portions of its life cycle in both fresh and salt waters, entering fresh water from the sea to spawn and includes the anadromous forms of pacific trout and salmon of the genus *Oncorhynchus* (rainbow and cutthroat trout and chinook, coho, sockeye, chum and pink salmon), Arctic char, Dolly Varden, sheefish, smelts, lamprey, whitefish, and sturgeon. |
| Application | Means an Annual Placer Mining Application (APMA) or written Notice of Intent (NOI) pursuant to 18 AAC 205 |
| Best Management Practices (BMPs) | Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States". BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from mined areas. |
| Clean Water Act (CWA)[a] | Means the federal law codified at 33 U.S.C. 1251-1387, also referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972 |
| Department[a] | Means the Alaska Department of Environmental Conservation |
| Discharge[a] | When used without qualification, means the discharge of a pollutant |
| Effluent[b] | Means the segment of a wastewater stream that follows the final step in a treatment process and precedes discharge of the wastewater stream to the receiving environment |
| Existing Facilities | Means those facilities having coverage under the 2007 Small-Size Suction Dredge Placer Miners General Permit |
| Facility | Means 1) a small-size suction dredge; or (2) a highbanker / power sluice |
| Highbanker | Means a small hand-fed concentrator, consisting of a hopper, sluice, and water pump, used for heavy metal concentration |
| Instream | Means the area within the "active stream channel" |
| Littoral or Littoral Zone | Means the strip of land along the shoreline between the high and low water levels. |
| Mixing Zone[b] | Means a volume of water adjacent to a discharge in which wastes discharged mix with the receiving water |
| New Facility | Means a facility that has not operated in the area specified in the Notice of Intent (NOI) prior to the submission of the NOI |

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 33 CFR 328.3(e)

| | |
|---|---|
| Ordinary High Water Mark[c] | Means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a 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. |
| Permittee | Means a company, organization, association, entity, or person who is issued a wastewater permit and is responsible for ensuring compliance, monitoring, and reporting as required by the permit |
| Pollutant[a] | Means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under 42 U.S.C. 2011), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural waste discharged into water |
| Power Sluice | Has the same meaning as “highbanker” |
| Receiving Water | Means waters such as lakes, rivers, streams, creeks, wetlands, or any other surface waters that receive wastewater discharges |
| Recommencing Facilities | Means those facilities that may have let permit coverage lapse but still meet the coverage requirements of the GP |
| Sheen[b] | Means an iridescent appearance on the water surface |
| Silt and Clay | Means soil particles having a diameter of less than 0.002 mm (2 microns) |
| Wastewater | Means all water used in and resulting from the beneficiation process (including but not limited to the water used to move the ore to and through the beneficiation process, the water used to aid in classification, and the water used in gravity separation), mine drainage, and infiltration and drainage waters that commingle with mine drainage or waters resulting from the beneficiation process |
| Wastewater Treatment | Means any process to which wastewater is subjected in order to remove or alter its objectionable constituents and make it suitable for subsequent use or acceptable for discharge to the environment |
| Waters of the United States or Waters of the U.S. | Has the meaning given in 18 AAC 83.990(77) |

a) See 18 AAC 83
b) See 18 AAC 70.990
c) See 33 CFR 328.3(e)

## APPENDIX D. ENDANGERED SPECIES ACT (ESA) HABITAT AREAS

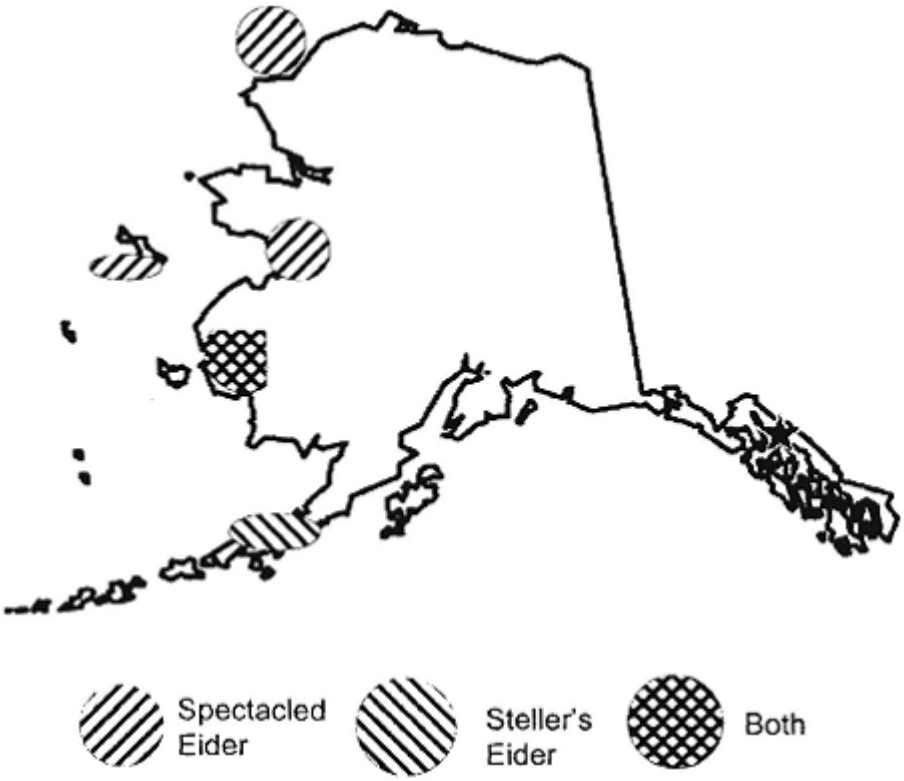
The following maps and tables provide the general locations of areas that contain critical habit. Permittees with facilities proposed for an area near critical habitat should consult the U.S. Fish and Wildlife Service (USFWS) website at http://alaska.fws.gov/fisheries/endangered/consultation.htm; or contact the Fairbanks office at (907) 456-0441 or the Anchorage Field Office at (907) 271-1467.

### D.1 Eider and Sea Otter Critical Habitat

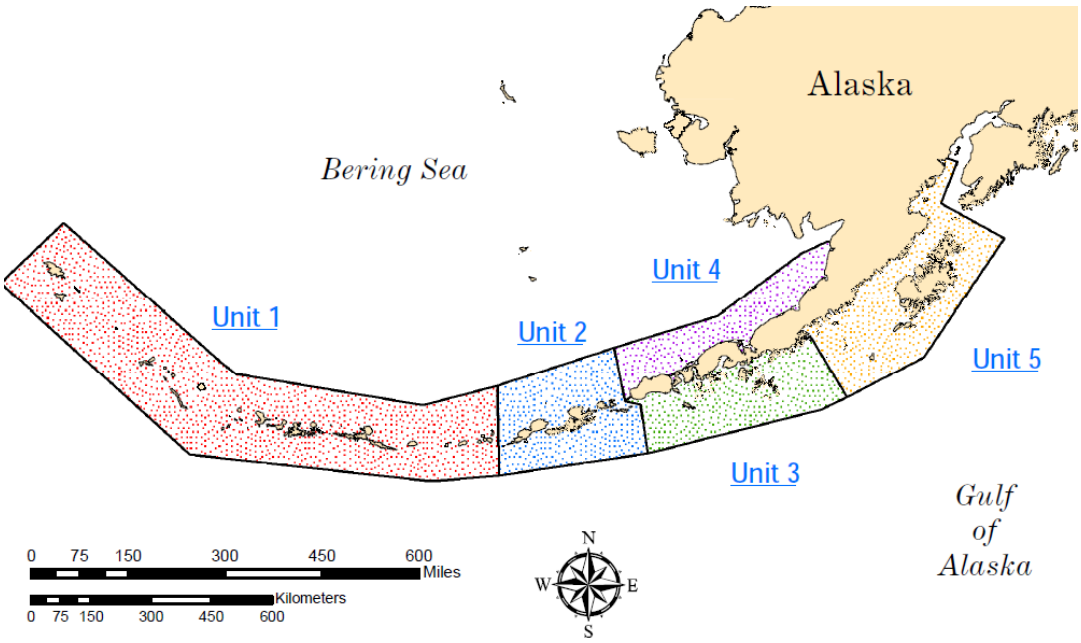
**Table D1: Eider and Sea Otter Critical Habitat Areas**

| | | | |
|---|---|---|---|
| Adak | Hooper Bay | Norton Bay | St. Lawrence |
| Afognak | Iliamna | Nunivak Island | St. Michael |
| Amukta | Kaguyak | Point Hope | Stepovak Bay |
| Atka | Karluk | Point Lay | Sutwik Island |
| Attu | Kenai – (west side of Cook Inlet south of Redoubt Point) | Port Moller | Trinity Islands |
| Baird Inlet | | Rat Islands | Ugashik |
| Chignik | Kiska | Samalga Islands | Umnak |
| Cold Bay | Kodiak | Seguam | Unalakleet |
| Delong Mountain (D-4 & 5) | Kuskokwim Bay | Seldovia | Unalaska |
| False Pass | Marshall | Simeonof Island | Unimak |
| Gareloi Island | Mt. Katmai | Solomon | Wainwright |

**Map D1: Spectacled and Steller's Eider Critical Habitat Areas**




**Map D2: Northern Sea Otter Southwest Alaska DPS Critical Habitat Areas**



## D.2 Steller's Eider Wintering Areas

| Table D2: Steller's Eider Wintering Areas | |
|---|---|
| **Location** | **Quad Map** [a] |
| The coastal seaward waters from Tununuk to Toksook Bay on Nelson Island | Nunivak Island |
| The south side of Nunivak Island from Cape Mohican to Atahgo Point | Nunivak Island<br>**Cape Mendenhall** |
| The coastal seaward waters from the south end of Carter Spit north to Jacksmith Bay | Kuskokwim Bay<br>**Goodnews Bay** |
| Goodnews Bay | **Goodnews Bay** |
| Chagvan Bay | **Hagemeister Island** |
| Egegik Bay | **Naknek** |
| Ugashik Bay | Ugashik, **Bristol Bay** |
| Bechevin Bay | Cold Bay, False Pass |
| Cape Lapin | Unimak |
| Akutan Harbor | Unimak |
| The waters of Unalaska Bay south of Amaknak Island | Unalaska |
| The coastline between Cape Star on Umnak Island and the western tip of Samalga Island | Samalga Island |
| The south coast of the Ikatan Peninsula between Otter Cove and Cape Pankof on Unimak Island | False Pass |
| Thin Point to the east end of Kinzarof Lagoon in Cold Bay | False Pass, Cold Bay |
| Sanak Islands | False Pass |
| Moss Cape near Volcano Bay on the Alaska Peninsula | Port Moeller |
| Bear Bay | Cold Bay |
| Volcano Bay | Port Moeller |
| Coal Bay to McGinty Point | Port Moeller |
| Bay Point to Unga Spit on Unga Island | Port Moeller |
| Zachary Bay on Unga Island | Port Moeller |
| East Head to Popof Island airstrip on Popof Island | Port Moeller |
| Chignik Lagoon | Chignik |
| Wide Bay east to the mouth of Pass Creek and Hartman Island | Ugashik |
| The following locations on Kodiak Island: Ugak Bay, Pasagshak Bay, Cape Chiniak, Kalsin Bay, Middle Bay, Womans Bay, and St. Paul Harbor | Kodiak<br>**Kaguyak**<br>**Trinity Islands** |
| Seldovia Bay in Kachemak Bay | Seldovia |
| Homer Spit to Bishop's Beach | Seldovia |

| **Table D2: Steller's Eider Wintering Areas** | |
|---|---|
| **Location** | **Quad Map** [a] |
| Happy Valley to Clam Gulch in Cook Inlet | Seldovia, Kenai |
| Kirschner Lake outlet to Rocky Cove on the western shore of Cook Inlet | Iliamna |

Notes:

a. **Bolded** names are not listed in Table D1.

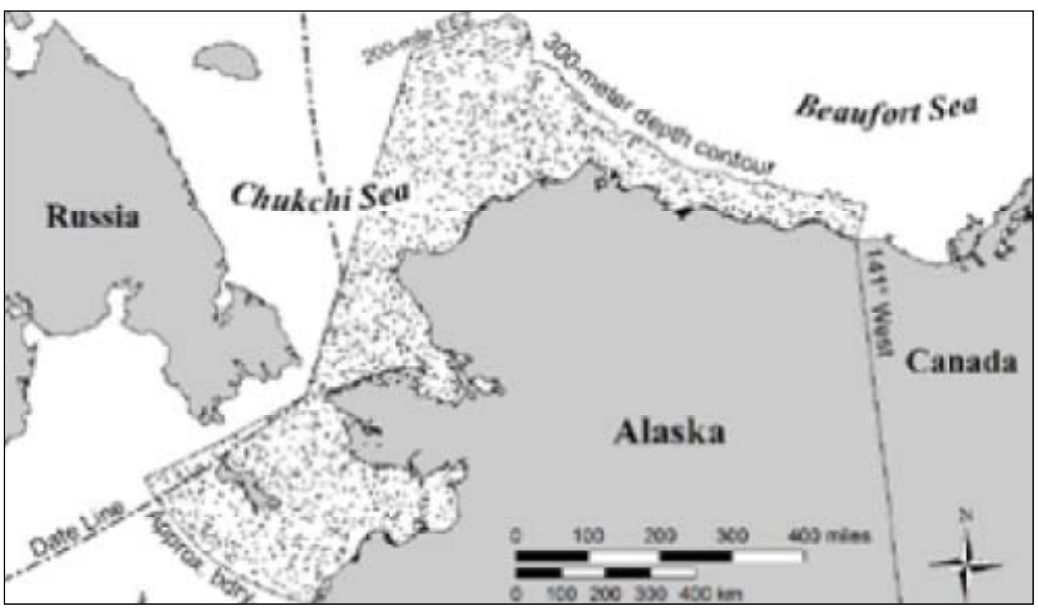
## D.3 Polar Bear Critical Habitat

| Table D3: Polar Bear Critical Habitat Areas | | |
|---|---|---|
| Baird Inlet | Hooper Bay | Sagavanirktok |
| Baird Mountains | Kotzebue | Selawik |
| Barrow | Kuskokwim Bay | Shishmaref |
| Barter Island | Kwiguk | Solomon |
| Beechey Point | Meade River | St. Lawrence |
| Bendeleben | Mt. Michelson | St. Michael |
| Black | Noatak | Teller |
| Candle | Nome | Teshekpuk |
| Delong Mountain | Norton Bay | Unalakleet |
| Demarcation Point | Nunavak Island | Wainwright |
| Flaxman Island | Point Hope | |
| Harrison Bay | Point Lay | |

### D.3.1 Sea Ice Habitat

Polar bear sea ice critical habitat is located over the continental shelf includes water 300m and less in depth (Map D7).

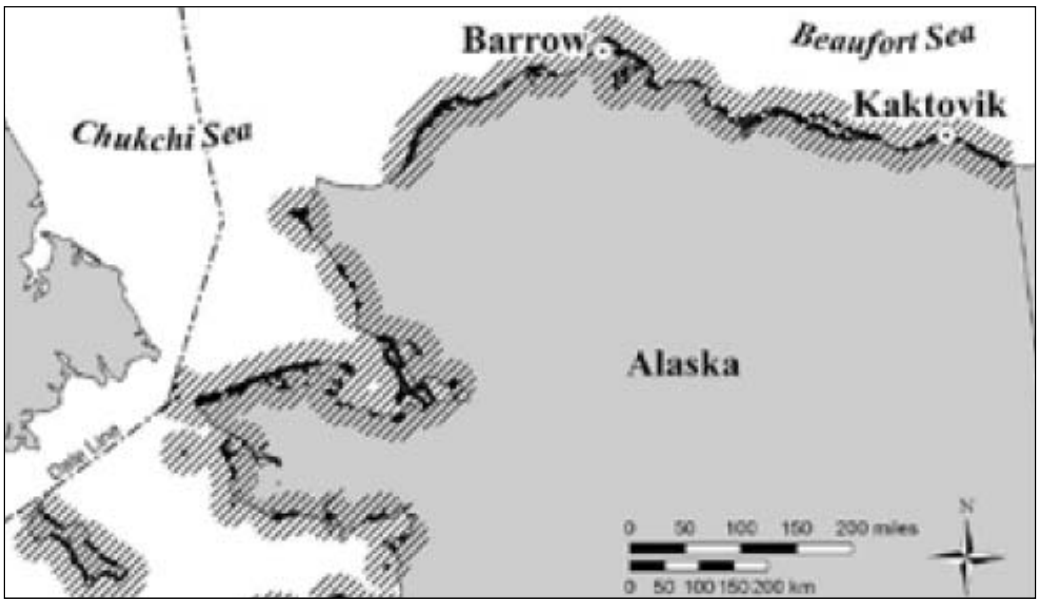
**Map D7: Polar Bear Sea Ice Critical Habitat Areas**



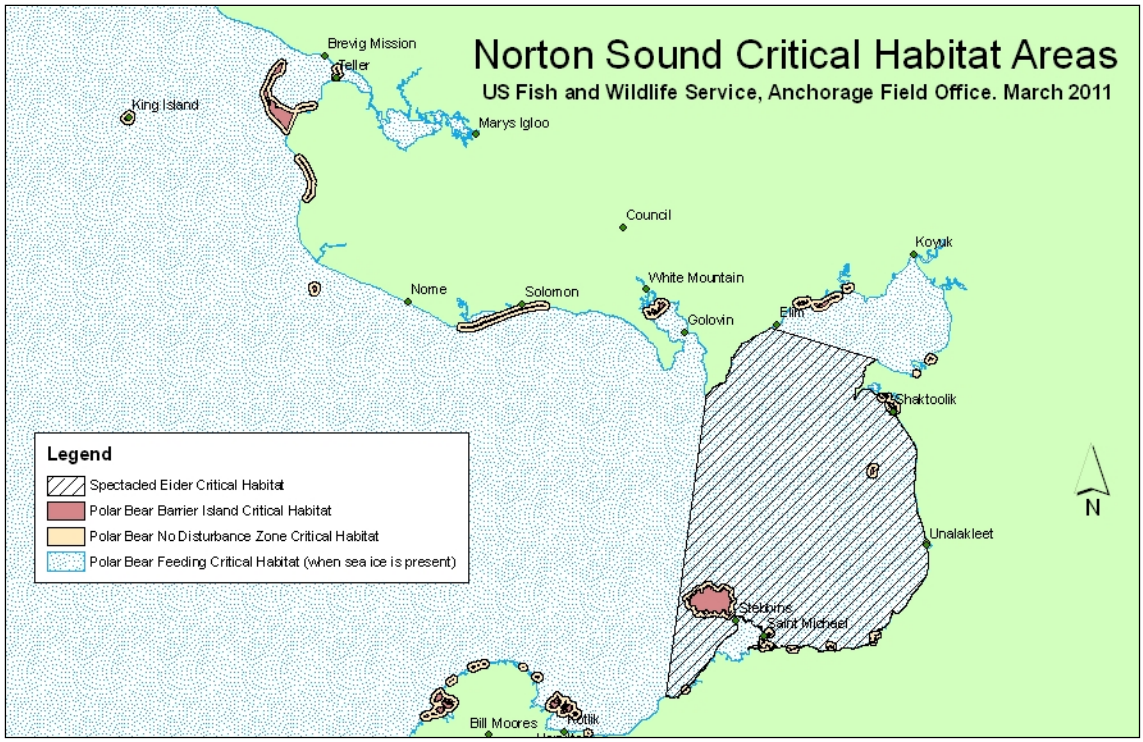
D.3.2 Barrier Island Habitat

Polar bear barrier island critical habitat area includes coastal barrier islands and spits along Alaska's coast (Map D3& D4). For the purposes of this permit, barrier island critical habitat also includes any no disturbances zones as designated by USFWS.

**Map D3: Polar Bear Barrier Island Critical Habitat Areas**




**Map D4: Polar Bear Norton Sound Critical Habitat Areas**

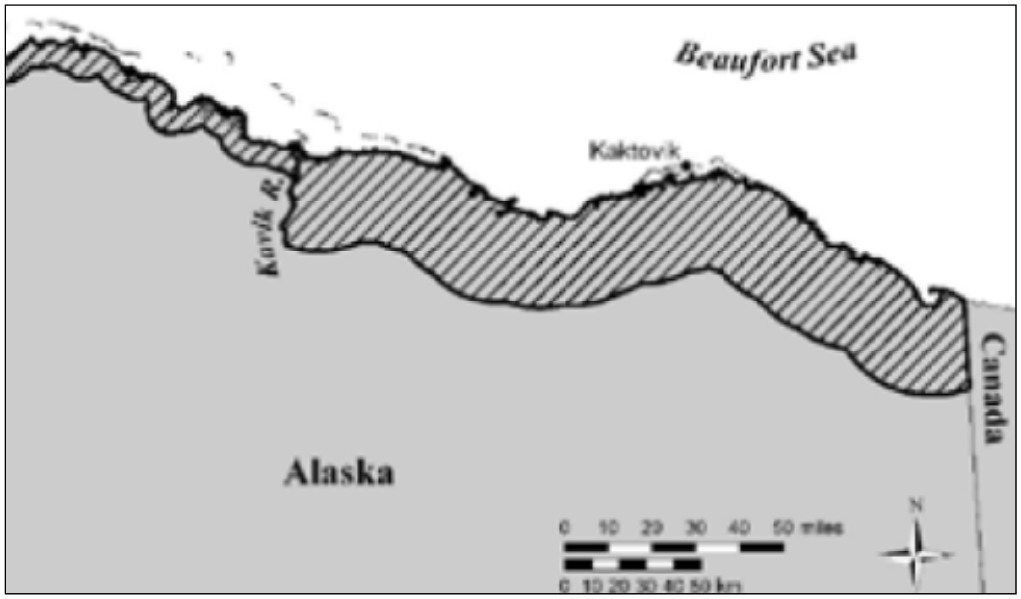


D.3.3 Terrestrial Denning Habitat

Polar bear terrestrial denning critical habitat includes lands within 32 km of the northern coast of Alaska between the U.S. Canadian border and the Kavik River and within 8 km between the Kavik River and Barrow (Map D5 & D6).

**Map D5: Polar Bear Western Denning Critical Habitat Areas**

**Map D6: Polar Bear Eastern Denning Critical Habitat Areas**



## APPENDIX E. NOTICE OF INTENT INFORMATION

| Small-Size Suction Dredge Placer Miners General Permit: AKG375000* | | | |
|---|---|---|---|
| **PERMITTEE NAME**:<br>☐ Mineral Property Owner ☐ Lessee ☐ Operator ☐ Other: | | | |
| ADDRESS | SUMMER | WINTER | EMAIL: |
| PHONE | | | |
| **ADDITIONAL CONTACT:**<br>☐ Mineral Property Owner ☐ Lessee ☐ Operator ☐ Other: | | | |
| ADDRESS | SUMMER | WINTER | EMAIL: |
| PHONE | | | |
| **PLEASE PROVIDE A DRAWING OF YOUR OPERATION ON THE BACK OF OR ATTACHED TO THE NOI SHEET.** | | | |
| RECEIVING WATER: | MINING DISTRICT: | | LATITUDE: |
| PREVIOUS APDES PERMIT No.(IF ANY): | SEA ICE OPERATION? ☐ Y ☐ N<br>DATES (IF APPLICABLE): | | LONGITUDE: |
| QUAD MAP, TOWNSHIP, RANGE, SECTION, MERIDIAN: | | | |
| TYPE OF OPERATION | ☐ SUCTION DREDGE<br>Nozzle Diameter: ____ Hose Diameter: ____<br>Dredge Engine Horsepower: ____ | ☐ HIGHBANKER<br>Water Pump Horsepower: ____ | |
| * A Notice of Intent is required for suction dredges with pump engines greater than 18 hp in freshwater and 23 hp in marine water; or facilities that are proposed to be located in National Park System Units, National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, National Wilderness Areas, waters designated as wild under the Wild & Scenic Rivers Act, critical habitat for northern sea otter, barrier island critical habitat for polar bear, or sea ice. | | | |
| **SIGNATURE:** | | **DATE:** | |
| **PRINTED NAME:** | | | |
| **Certification:** 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. | | | |

| |
|---|
| **Permittee Name:** |
| **Receiving Water:** |

**Drawing:**

| |
|---|
| Accessible by: □ 2WD □ 4WD □ ATV □ Boat □ Airplane □ Helicopter |
| Directions to facility from nearest highway (if applicable): |

## APPENDIX F. REPORTING FORMS

| Small-Size Suction Dredge Placer Miners General Permit: AKG375000<br>Polar Bear Observation Sheet * | | | | | |
|---|---|---|---|---|---|
| **Observer:** | | **Company:** | | | |
| **Date:** | **Time:** | Start | Stop | | |
| **Observed from** | □ Vehicle | □ Ground | □ Building | □ Other: | |
| **Nearest Town** | | | | | |
| **Specific Location** | meters | (direction) of | (facility) | | |
| **Weather** °F | □ Clear | □ Partly Cloudy | □ Rain | □ Fog | □ Snow |
| Wind Direction | at | mph | | | |
| **Bear Identification** | Earflag color | Right | Left | | |
| Natural Markings (scars, torn ear, etc) | | | | | |
| **Other Bears Present** | □ None | # of cubs ___ | # of yearlings__ | # of others ___ | |
| **Bear Activity:** when 1st seen, the bear was<br>□ Resting □ Feeding (garbage) □ Feeding (natural food) □ Traveling<br>□ Feeding/Traveling □ Other | | | | | |
| Bear's reaction to observer | □ Ignore | □ Approach | □ Avoid | | |
| Other people in area? (not w/ observer) | | | | | |
| Bear's reaction to others | □ Ignore | □ Approach | □ Avoid | | |
| Comments | | | | | |
| **Deterrence Action Taken** | □ Yes | □ No | | | |
| If yes, did you use<br>□ Horn □ Siren □ Plastic Slug □ Cracker Shell<br>□ Firecracker □ Birdshot □ Other | | | | | |
| Bear's reaction | □ Ignore | □ Approach | □ Avoid | | |
| **Additional Remarks:** | | | | | |
| * Required if a polar bear is observed during operations | | | | | |
| **Submit to:** U.S. Fish and Wildlife Service<br>101 - 12th Avenue, Room 110<br>Fairbanks, Alaska 99701 | | | | | |