# Department of Environmental Conservation

# Response to Comments

# for

# Small-Size Suction Dredge Placer Miners General Permit

# APDES Permit No. AK375000

## Public Noticed May 25, 2012 – June 24, 2012

## August 21, 2012

# 1 Introduction

## 1.1 Summary of Facility / Permit

The Small-Size Suction Dredge Placer Miners General Permit (GP) authorizes wastewater discharges from suction dredges with intake diameter less than or equal to six inches and highbankers / power sluices that discharge to waters of the U.S. The receiving waters are the waters of the U.S. in Alaska, as described in 18 AAC 83.990(77), with certain limitations. Fact Sheet Sections 1.0 and 2.0 provide additional coverage information and an industry description.

## 1.2 Opportunities for Public Participation

The Department proposed to issue an APDES wastewater discharge permit to small-size suction dredge placer miners. To ensure public, agency, and tribal notification and opportunities for participation, the Department completed the following:

- identified the permit on the annual Permit Issuance Plan posted online at: http://www.dec.state.ak.us/water/wwdp/index.htm;
- notified, via letter, fax and/or email, potentially affected tribes, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service that EPA and/or the Department would be working on this permit;
- posted a preliminary draft of the permit on-line for a 10-day applicant review April 26, 2012 and notified tribes and other agencies;
- formally published public notice of the draft permit on May 24, 2012 in two newspapers (Anchorage Daily News, Nome Nugget) and posted the public notice on the Department's public notice web page;
- posted the proposed final permit on-line for a 5-day applicant review; and
- sent email notifications via the APDES Program List Serve when the preliminary draft, draft, and proposed final permits were available for review.

The Department received comments from one interested party on the draft permit and supporting documents. The single comment came from Mike Busby of Chicken Gold Camp.

This document summarizes the comments submitted and the justification for any action taken or not taken by DEC in response to the comments.

## 1.3 Final Permit

The final permit was issued by the Department on August 21, 2012. There were no significant changes from the draft permit. Some minor edits were made to the permit and fact sheet for clarification that are not identified in this response to comments.

# 2 Comment

## 2.1 Comment

The proposed regulations are [sic permit is] overly burdensome and unwarranted for recreational activities conducted on public lands by the general public. It is quite apparent that a very large percentage of the public that these regulations [sic this permit] will affect is totally unaware of DEC's proposal. DEC should extend the comment period and conduct public hearings throughout the State to make this proposal more widely known. The consequences of requiring permits and reporting by the public for "generally allowed use" of the public lands will likely result in a large number of "infractions' that really have no negative impact to the waters or lands of the State. Studies have already shown that there has been no apparent impact to waters or fisheries by the minor turbidity generated by small scale operations.

## 2.2 Response

The proposed permit simplifies the application process and does not implement monitoring and reporting requirements for those dredges that meet equipment size criteria and operate outside certain management areas (e.g. National Park System Units).

The proposed permit expands coverage to include suction dredges with pump engines greater than 18 horsepower (hp). Reporting requirements only apply to suction dredges with pump engines greater than 18 hp operating in freshwater and greater than 23 hp operating in marine water.

Furthermore, the prior permit required all applicants to submit a Notice of Intent (NOI) to receive coverage under the permit. In order to simplify the permit process, the proposed permit removes the NOI application requirement and provides automatic permit coverage that is extended through the Alaska Department of Fish and Game Habitat Permit, or through a simple registration process, for operations that meet the equipment and location criteria. Only dredges with pump engines greater than 18 hp (freshwater) or 23 hp (marine water), or operations located in certain management areas (e.g. National Park System Units) are required to submit an NOI.

Potential applicants that have pump engines over 18 hp (freshwater) or 23 hp (marine water) comprise less than five-percent of the anticipated authorizations under the proposed permit.