



**AUTHORIZATION TO DISCHARGE UNDER THE
ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM
FOR SMALL SUCTION DREDGE PLACER MINERS**

GENERAL PERMIT NUMBER AKG375000

**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 the conditions set forth herein.

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

The permit is effective **June 1, 2023**. This permit underwent a minor modification to Permit Part 1.5, and corresponding cross-references, on January 30, 2026, under 18 AAC 83.145(a)(6).

This general permit expires at midnight on **December 31, 2027**.

Until the expiration of this permit, any discharge registrations for locations described in Part 1.5.1 expire at midnight on December 31 of each calendar year and must be resubmitted annually.

Signature

Gene McCabe

Printed Name

June 1, 2023

Date

Program Manager

Title

TABLE OF CONTENTS

SCHEDULE OF SUBMISSIONS..... 1

1.0 PERMIT COVERAGE..... 2

1.1 Coverage and Eligibility..... 2

1.2 Authorized Placer Mining Operations..... 2

1.3 Limitations on Coverage..... 2

1.4 Operations Requiring Individual Permits..... 3

1.5 Notification Requirements..... 3

2.0 SPECIAL CONDITIONS..... 4

2.1 Best Management Practices (BMP) Plan..... 4

2.2 Seasonal Restrictions..... 5

2.3 Separation Requirements..... 5

APPENDICES

APPENDIX A. STANDARD CONDITIONS..... A-1

APPENDIX B. ACRONYMS..... A-1

APPENDIX C. DEFINITIONS..... C-1

APPENDIX D. ENDANGERED SPECIES ACT (ESA) HABITAT AREAS..... D-1

TABLES

Table 1: Schedule of Submissions..... 1

SCHEDULE OF SUBMISSIONS

Table 1 summarizes some of the required submissions and activities that must be completed and/or submitted 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 permit required submissions and activities even if they are not summarized below.

Table 1: Schedule of Submissions				
Permit Part	Submittal or Completion	Frequency	Due Date	Submit To
1.5	Annual registration and fee payment (only required for certain locations – see Part 1.5.1)	1/ year	Prior to discharge	DEC Permitting Program ^a
	Fish Habitat Permit application	As required by the Alaska Department of Fish and Game	Prior to discharge	Alaska Department of Fish and Game ^b
	Proposal to discharge within a federal reserve or protected or estuarine habitat	1/permit cycle	90 days prior to initial discharge	See Part 1.5
2.1.8	Spill Report	As necessary	Upon discovery	DEC Spill Response Team ^c
2.3.7	Notification of plans to discharge within 3 nautical miles of a walrus haulout	As necessary	Prior to discharge	USFWS ^d and DEC Permitting Program ^a
Appendix A, 2.1	Oral notification of noncompliance	As necessary	Within 24 hours after the permittee becomes aware of the circumstances	DEC Compliance Program ^c
	Written documentation of noncompliance	As necessary	Within five days after the permittee becomes aware of the circumstances	

Notes:

- Online at <https://dec.alaska.gov/water/edms>. DEC Mining Section: 907-451-2142, dec.placer@alaska.gov
- Alaska Department of Fish and Game: Online at https://www.adfg.alaska.gov/index.cfm?adfg=uslicense.mining_ssm_permits; Anchorage, 907-267-2342; Fairbanks, 907-459-7289; Palmer, 907-861-3200; Soldotna, 907-714-2475; Douglas, 907-465-4105.
- Spill reporting: 1-907-269-0667 or 1-800-478-9300 or dec.alaska.gov/applications/spar/spill-reporter/.
- USFWS Marine Mammals Management Office: 1-800-362-5148 (<https://www.fws.gov/program/alaska-marine-mammals-management-office>)
- Non-compliance reporting hotline for oral notifications: 1-907-269-4114 (from Alaska) or 1-877-569-4114 (toll free nationwide). Compliance address: Department of Environmental Conservation, Division of Water, Compliance Program, 555 Cordova Street, Anchorage, Alaska 99501.

1.0 PERMIT COVERAGE

1.1 Coverage and Eligibility

- 1.1.1 **This permit provides statewide coverage** for discharges to fresh and marine waters of the U.S. within Alaska for facilities that meet the criteria described in Part 1.2, subject to restrictions under Part 1.3.
- 1.1.2 **Authorized facilities under Part 1.2 may begin discharge** upon completion of all applicable notification and annual registration requirements in Part 1.5. All applicable registrations expire annually on December 31 and must be completed each year mining occurs. In the event this general permit is not reissued prior to the expiration date, the permit will be administratively extended until reissuance occurs.

1.2 Authorized Placer Mining Operations

- 1.2.1 This permit authorizes discharges of process wastewater from the following placer mining facilities:
 - 1.2.1.1 suction dredges with intake diameters less than or equal to six inches and pump engine horsepowers less than or equal to 18 in fresh waters or 23 in marine waters, and
 - 1.2.1.2 highbankers.
- 1.2.2 Suction dredge intake diameter may be determined based on the size of a constrictor ring, provided that the ring is of solid, one-piece construction with no openings other than the intake and openings not greater than one inch between the constricting ring and nozzle, and that the ring is welded or otherwise permanently attached over the end of the intake nozzle.
- 1.2.3 This permit authorizes discharges from only those facility processes and operations that are described herein, including those identified in any applicable annual registrations per Part 1.5.1.
- 1.2.4 The following documents must be kept at the site where discharge occurs: a copy of this general permit; proof of a current annual registration, if required in Part 1.5.1, any amendments under Part 1.5.7; and any Fish Habitat Permits issued under Part 1.5.2.

1.3 Limitations on Coverage

- 1.3.1 The following discharges are not authorized under this permit:
 - 1.3.1.1 Discharges into Tier 3 waters;
 - 1.3.1.2 Discharges into wetlands designated in the *Anchorage Wetlands Management Plan*;
 - 1.3.1.3 Discharges from facilities located on sea ice and operating in water depths greater than 30 feet, with water depth measured from the sea floor to the upper ice surface;
 - 1.3.1.4 Discharges within 1.0 nautical mile (NM) of a Steller sea lion rookery or haulout area;
 - 1.3.1.5 Discharges that contain chemicals used for the enhancement of mineral recovery; or
 - 1.3.1.6 Discharges that contain domestic wastewater.
- 1.3.2 Discharges to waters within federal reserves, as defined in Appendix C, may be subject to coverage limitations. See notification requirements in Part 1.5.

- 1.3.3 Discharges are not authorized year-round within 1.0 NM of Endangered Species Act (ESA) critical habitat for the spectacled eider or Steller's eider; from August 1 to April 30 within 1.0 NM of locations that are used by 125 or more Steller's eiders as wintering areas; or year round within ESA critical habitat for the northern sea otter. See Appendix D for a list of ESA habitat areas. The Department may grant case-by-case exceptions upon receiving input and a statement of non-objection from the U.S. Fish & Wildlife Service (USFWS). See notification requirements in Part 1.5.
- 1.3.4 Discharges to estuarine habitats will be authorized on a case-by-case basis, based on the duration, scale, and location of the discharge. See notification requirements in Part 1.5.

1.4 Operations Requiring Individual Permits

As detailed in 18 AAC 83.215, the Department may terminate or revoke a permittee's coverage under this permit and require the permittee to obtain an APDES individual permit. If an individual permit is required, the Department will provide written notification and include a deadline for submission of an individual permit application. If the permittee fails to submit an application by the date in the notification, then coverage under this general permit is automatically terminated at the submittal deadline.

1.5 Notification Requirements

- 1.5.1 Permittees with discharges to the following locations must complete online registrations at <https://dec.alaska.gov/water/edms> prior to the start of operation each year:
- the following impaired waterbodies, and associated waterbodies with Total Maximum Daily Loads (TMDLs), for sediment or turbidity:
 - Circle Mining District: Eagle Cr., Gold Dust Cr., Crooked Cr., Boulder Cr.; Deadwood Cr.; & Ketchem Cr.
 - Fairbanks Mining District: Gilmore Cr.; & Goldstream Cr. and all tributaries (headwaters to confluence with Spinach Cr.);
 - marine waters (except for operations on state recreational mining areas, mining claims in Norton Sound, or leases in Norton Sound); or
 - federal reserves, protected habitats, or estuarine areas authorized under Part 1.5.6, regardless of any other exceptions under this part.

Discharge registrations are not required for any other locations. The annual registration must include the name and contact information of the permittee, approximate start and stop dates, a description of the equipment used, and a list of locations where discharge is anticipated. Completion of the registration requires full payment of permit fees, as listed under 18 AAC 72.956, and a written confirmation of completion from DEC. Discharge registrations submitted within calendar year 2023 under the prior permit are valid through December 31, 2023 under this permit.

- 1.5.2 All permittees must contact the Alaska Department of Fish and Game (ADF&G), Habitat Section, prior to discharge and obtain any necessary Fish Habitat Permits and information to satisfy the separation requirements of Part 2.3.2. An Application for Permits to Mine in Alaska (APMA) submitted to the Alaska Department of Natural Resources (DNR) will satisfy the ADF&G contact requirement. Permittees who do not apply through the APMA process should maintain records of the ADF&G contact date, name and title of the official contacted, and relevant information that was obtained.
- 1.5.3 Operations proposing to discharge within a federal reserve (see definition in Appendix C), must provide written notification to the agency with management authority over the federal reserve 90 days prior to initial discharge and provide a copy of the notification to DEC. Coverage within a federal reserve may be authorized per Part 1.5.6 unless DEC receives a valid objection from the agency with management authority over the federal reserve within 60 days of the agency receiving the notice. Operations on State-owned land within a federal reserve are excluded from the federal reserve notification requirements of this subpart.
- 1.5.4 Operations proposing to discharge within protected habitats for Steller's eider, spectacled eiders, or northern sea otter, as described in Part 1.3.3, must provide written notification and a review request to USFWS 90 days prior to initial discharge and provide a copy of the notification to DEC. Coverage within such areas may only be approved upon receipt of a statement of non-objection from USFWS. If USFWS does not respond within 60 days of receiving the notice, DEC may grant the coverage without additional input per Part 1.5.6.
- 1.5.5 Operations proposing to discharge to estuarine habitats must provide written notification to DEC 90 days prior to initial discharge. After evaluation of the proposal and consultation with the Alaska Department of Fish and Game (ADF&G), the Department may either provide notice authorizing the discharge per Part 1.5.6 or require coverage under an alternative general permit or individual permit. See notification requirements under Part 1.5.
- 1.5.6 Completion of the special notification requirements for federal reserves, protected habitat areas, and estuarine areas under Parts 1.5.3 – 1.5.5 requires written confirmation from DEC authorizing coverage. Based on agency input, DEC may include special conditions, such as seasonal or geographic restrictions, within the authorization letter. The authorized coverage is valid until the expiration date of this general permit; however, permittees must continue to complete any applicable annual discharge registrations under Part 1.5.1.
- 1.5.7 Facilities that plan to expand, as defined in Appendix C, or move to a location that was not covered in a registration under Part 1.5.1 must notify the Department. At the Department's request, an amended registration detailing the changes may be required.

2.0 SPECIAL CONDITIONS

2.1 Best Management Practices (BMP) Plan

- 2.1.1 Mining in fresh waters is only permitted within the active stream channel. Mining within the active stream channel resulting in undercutting, littoral channeling, or otherwise causing streambank erosion is prohibited. This provision does not apply to facilities operating within disconnected ponds or meander cutoffs if the permittee has received an ADF&G determination that the location is non-fish-bearing.

- 2.1.2 Motorized winches or other motorized equipment shall not be used in fresh water to move boulders, logs, or other natural obstructions within the active stream channel. This prohibition does not apply to the non-routine use of such equipment either to move obstructions that present an immediate safety hazard or to assist with reclamation.
- 2.1.3 Boulders, logs, or other natural obstructions must be kept as close to their original location within the active stream channel as possible. Material must not be placed in a manner significantly altering the active stream channel or otherwise redirecting water flow into the stream bank causing erosion or undercutting.
- 2.1.4 Operators shall use reasonable care to avoid mining through silt and clay materials that would result in significant increases in turbidity. Reasonable care includes moving the mining equipment to a new location or reducing the discharge rate by limiting the operation speed.
- 2.1.5 Mercury from historical mine operations or other pollutants may be encountered during mining. The permittee must take measures to ensure mercury or other pollutants, such as lead, that are removed from the wastewater streams are retained in storage areas and not released to the waters of the U.S. Information on how to safely handle, store, and dispose of mercury or other pollutants can be obtained by contacting DEC at the address in Appendix A, Part 1.1.1.
- 2.1.6 Mining equipment must not house invasive species. Equipment must be self-inspected and cleaned prior to its placement in waters of the U.S. and when transferring from one waterbody to another.
- 2.1.7 Petroleum products must be properly managed during storage, refueling, and operation to prevent spillage into surface waters or groundwater. Equipment must be free of excess oils and grease and must not release petroleum products. Discharge may not result in floating oils, film, or sheen from petroleum products on the surface or floor of the waterbody or adjoining shorelines.
- 2.1.8 If floating oil or a film or sheen from petroleum products is observed, operation must cease until the source of the problem can be identified and corrective action can be taken. Any spills must be cleaned up using materials, such as sorbent pads and booms. All spills containing fuel, oil, or other hazardous substances must be reported upon discovery to the DEC spill response team at 907-269-0667 or 1-800-478-9300 or online at dec.alaska.gov/applications/spar/spill-reporter/.

2.2 Seasonal Restrictions

In addition to seasonal coverage limitations under Part 1.3, permittees must adhere to all seasonal restrictions contained within ADF&G Fish Habitat Permits obtained under Part 1.5.2; DNR land-use approvals and permits for marine waters; and DEC coverage approvals provided under Part 1.5.6 for federal reserves, and protected or estuarine habitats.

2.3 Separation Requirements

- 2.3.1 Suction dredges and highbankers within fish bearing streams must be operated to ensure that the discharge will not form a barrier to migratory species or fish passage. Facilities within all waters must ensure that there is no overlap of turbidity plumes with other dischargers.

- 2.3.2 Discharges are prohibited within 500 feet of locations where anadromous fish are spawning or where anadromous fish eggs, anadromous fish alevins, or resident fish spawning redds are known to exist at the time mining occurs.
- 2.3.3 Discharges are prohibited where the turbidity plumes may negatively impact the intakes of active public water systems (PWSs). This prohibition only applies to PWS sources using surface water or groundwater under the direct influence of surface water. PWS Information can be found using the *Alaska DEC Drinking Water Protection Areas* web map at <http://dec.alaska.gov/das/gis/apps.htm>, or by calling the DEC Drinking Water Protection group at (907) 269-7549 or toll free at (866) 956-7656.
- 2.3.4 Dredges authorized to operate in critical habitat for northern sea otter (see Appendix D, ESA Habitat Areas) must maintain a minimum distance of 800 feet from any northern sea otter during discharge. If an otter moves within 800 feet of the dredge, the operator must cease operations and move away from the animal or standby until it has moved beyond 800 feet on its own.
- 2.3.5 Dredges operating on sea ice or within five miles of the coast must immediately cease operations if a polar bear moves within sight-range. The Department recommends permittees review U.S. Fish and Wildlife Service *Polar Bear Interaction Guidelines* at <https://www.fws.gov/pb-interaction-guidelines> or contact the Service at 1-800-362-5148 or FW7_AKMarine_Mammals@fws.gov to obtain additional information or report sightings.
- 2.3.6 Dredges operating in marine waters must avoid red king crab mating pairs and clusters. If red king crab mating pairs or clusters are observed, operations must move to alternate locations where no crabs are observed or cease operation until the crabs move away on their own.
- 2.3.7 Discharges are prohibited within 0.5 NM of feeding walruses. All vessels proposing to discharge within 3 NM of a walrus haulout must contact the USFWS Marine Mammals Management Office at 1-800-362-5148 (<https://www.fws.gov/program/alaska-marine-mammals-management-office>) to obtain information on preventing marine mammal disturbance and provide notification of the contact to DEC permitting staff prior to operation.
- 2.3.8 Discharges are prohibited within coral beds, eelgrass beds, seagrass beds, kelp beds, vegetated shallows, and shellfish beds.

APPENDIX A. STANDARD CONDITIONS

Appendix A of the permit contains standard regulatory language that must be included in all APDES permits. These requirements are based on APDES regulations and cannot be challenged in the context of an APDES permit action. The standard regulatory language covers requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and other general requirements. Standard conditions are generally included by reference unless a permittee would benefit from inclusion of a particular condition within the permit. 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 shall be sent to:

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

1.1.2 Compliance and Enforcement Program

Compliance related documents, including Annual Reports, required under the permit shall be sent to:

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 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.

1.4 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.

1.5 Property Rights

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

1.6 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.

1.7 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:

- 1.7.1 Enter the premises where a permittee's regulated facility or activity is located or conducted, or where permit conditions require records to be kept;
- 1.7.2 Have access to and copy any records that permit conditions require the permittee to keep;
- 1.7.3 Inspect any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under a permit; and
- 1.7.4 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).

1.8 Other Standard Conditions

Permittees are subject all other applicable Standard Conditions under APDES regulations at 18 AAC 83.105(b) & 405(c) Duty to Reapply and 18 AAC 83.405(f) Proper Operation and Maintenance, (g) Permit Actions, (k) Monitoring and Records, and (l) Signature Requirement and Penalties.

2.0 Special Reporting Obligations

2.1 Twenty-four Hour Reporting

A permittee shall report any noncompliance event that may endanger health or the environment. Reports shall be made orally within 24 hours and in writing within five days after the permittee becomes aware of the circumstances as required in APDES regulations at 18 AAC 83.410(f).

2.2 Corrective Information

If a permittee becomes aware that they 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.

2.3 Other Reporting Obligations

Permittees are subject all other applicable Special Reporting Obligations under APDES regulations at 18 AAC 83.410(a) Planned Changes, (b) Anticipated Noncompliance, (c) Transfers, (d) Monitoring Reports, (e) Compliance Schedules, and (g) Other Noncompliance Reporting.

3.0 Other General Conditions

3.1 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.

3.2 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 (<https://dnr.alaska.gov/parks/oha/>), shall be notified immediately at (907) 269-8721.

3.3 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.

3.4 Other General Conditions

Permittees are subject all other applicable General Conditions under APDES regulations at 18 AAC 83.165 Proprietary or Confidential Business Information, 415 Bypass, 420 Upset, 610 Additional Conditions for Mining Dischargers (Notification Levels), and 905 Permit Fees.

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) \$200,00; (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
ADF&G	Alaska Department of Fish and Game
APDES	Alaska Pollutant Discharge Elimination System
APMA	Application for Permits to Mine in Alaska
BMP	Best Management Practice
CFR	Code of Federal Regulations
CWA	Clean Water Act
DEC	Alaska Department of Environmental Conservation
DNR	Alaska Department of Natural Resources
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
NM	Nautical Mile
PWS	Public Water System
U.S.C.	United States Code
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

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, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under 33 U.S.C. 1317, 1328, 1342, and 1345.
Anadromous Fish	For the purpose of this permit, 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 <i>Oncorhynchus</i> (rainbow and cutthroat trout and Chinook, coho, sockeye, chum, and pink salmon), Arctic char, Dolly Varden, sheefish, and whitefish.
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 U.S. 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 any addition of any pollutant or combination of pollutants to waters of the United States from any point source.
Estuarine Habitat	In general, means a partially enclosed, coastal waterbody where fresh water from rivers and streams mixes with salt water from the ocean.
Expanding Facility	Means any facility increasing in size such as to affect the discharge but operating within the permit area covered by its general permit.
Facility ^a	Means any point source or any other facility or activity, including land or appurtenances, that is subject to regulation under the APDES program.
Fish Bearing	Means frequented by resident or anadromous fish as determined by the Alaska Department of Fish and Game.
Federal Reserve	Means National Park System Units, National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, National Wilderness Areas, or wild segments of designated Wild and Scenic Rivers under federal land management.
Highbanker	Means a small hand-fed concentrator, consisting of a hopper, sluice, and water pump, used for heavy metal concentration. Also referred to as a “power sluice”.
Intake Diameter	Means the measurement across the smallest internal cross-section of the primary inlet.

a) See 18 AAC 83

b) See 18 AAC 70;

c) See 33 CFR 328.3(e)

Littoral	Means the strip of land along the shoreline between the high and low water levels.
Operation	Means the same as “facility.”
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.
Point Source ^a	Means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged.
Pollutant ^a	Principal 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.
Process Wastewater	Means all water used in and resulting from the gold recovery process, including but not limited to water used to aid in classification and water used in gravity separation.
Receiving Water	Means the river, stream, creek, wetland, ocean, or other surface water that wastewater is directly discharged into.
Resident Fish	For the purpose of this permit, means a fish or fish species that spends its life cycle in fresh water and includes Arctic grayling; northern pike; lake trout; brook trout; burbot; landlocked coho, Chinook, or sockeye salmon; and nonanadromous forms of sheefish, rainbow or cutthroat trout, Arctic char, Dolly Varden, or whitefish.
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).
Spawning ^b	Means the process of producing, emitting, or depositing eggs, sperm, seed, germ, larvae, young, or juveniles, especially in large numbers, by aquatic life.
Tier 3 Water ^b	Means a high-quality water constituting an outstanding national resource as designated by the Alaska Department of Conservation, such as a water of a national or state park or wildlife refuge or a water of exceptional recreational or ecological significance, the quality of which must be maintained and protected.
Waters of the United States (U.S.)	Has the meaning given in 18 AAC 83.990(77).

a) See 18 AAC 83

b) See 18 AAC 70;

c) See 33 CFR 328.3(e)

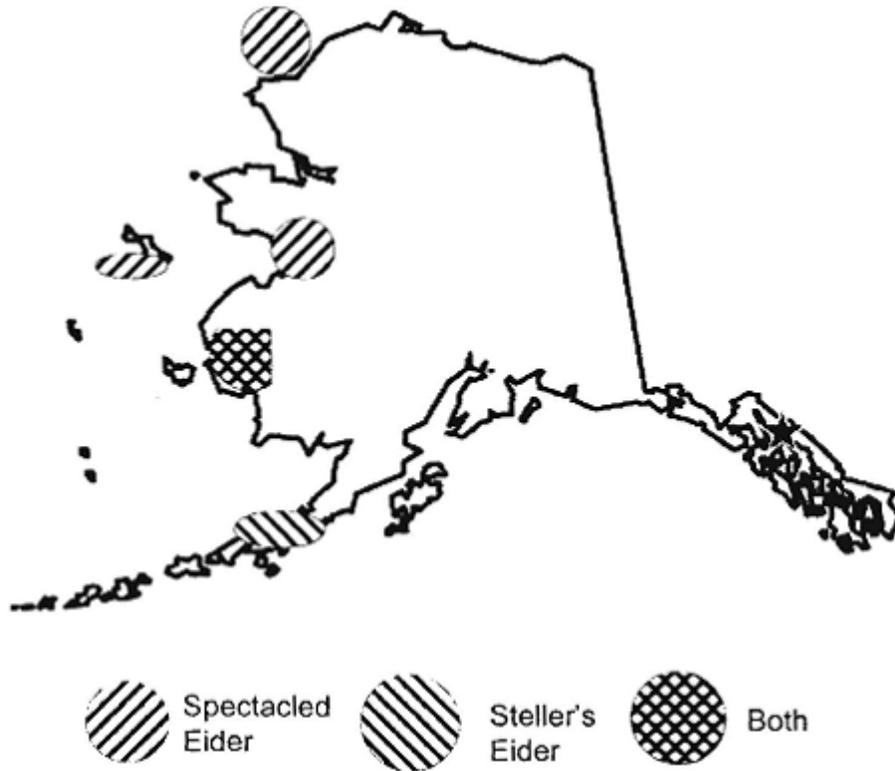
APPENDIX D. ENDANGERED SPECIES ACT (ESA) HABITAT AREAS

The following maps and tables provide the general locations of areas that contain ESA critical habit or are otherwise important to certain life stages of ESA-listed species. Permittees with facilities proposed for an area listed below should consult the U.S. Fish and Wildlife Service website at <https://ecos.fws.gov/ipac/>; or contact the Fairbanks office at (907) 456-0441 or the Anchorage Field Office at (907) 271-1467.

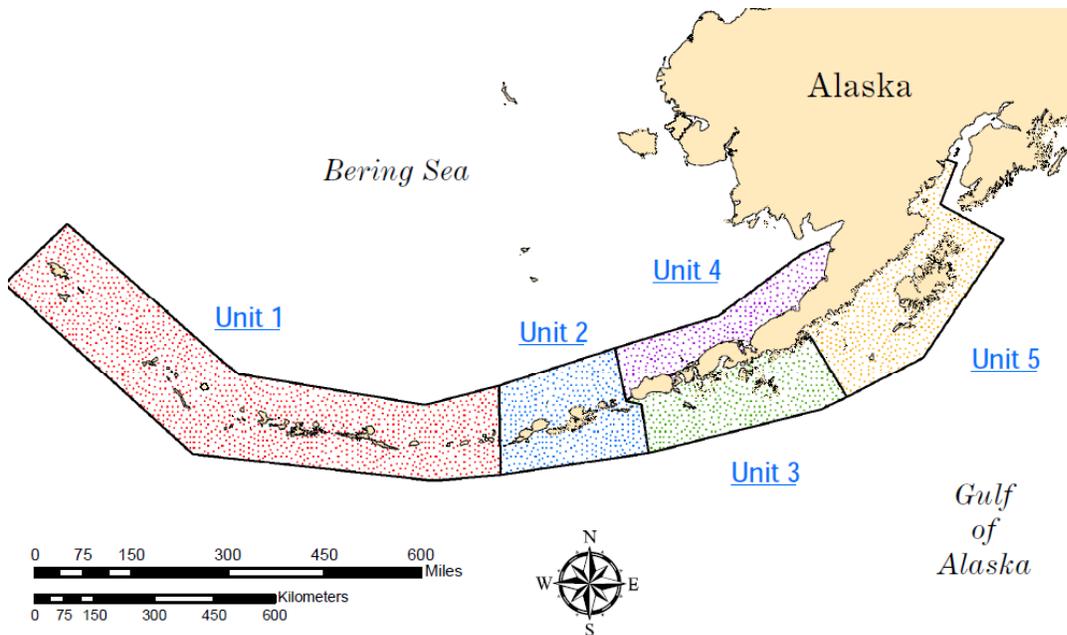
D.1 Eider and Sea Otter Critical Habitat

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	USGS Quad Map
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, Cape Mendenhall
The coastal seaward waters from the south end of Carter Spit north to Jacksmith Bay	Kuskokwim Bay 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 Pen. 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 Moller
Bear Bay	Cold Bay
Volcano Bay	Port Moller
Coal Bay to McGinty Point	Port Moller
Bay Point to Unga Spit on Unga Island	Port Moller
Zachary Bay on Unga Island	Port Moller
East Head to Popof Island airstrip on Popof Island	Port Moller
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, Kaguyak, Trinity Islands
Seldovia Bay in Kachemak Bay	Seldovia
Homer Spit to Bishop's Beach	Seldovia
Happy Valley to Clam Gulch in Cook Inlet	Seldovia, Kenai
Kirschner Lake outlet to Rocky Cove on the western shore of Cook Inlet	Iliamna