



**US Army Corps  
of Engineers  
Alaska District**

# FACT SHEET

## **General Permit (GP) 2006-1844-M1 for Mechanical Placer Mining**

Under **Section 404 of the Clean Water Act (CWA)** the U.S. Army Corps of Engineers (Corps) has jurisdiction over discharge of dredged and fill material into waters of the U.S., including streams and wetlands. Under **Section 10 of the Rivers and Harbors Act**, the Corps has jurisdiction over structures and work, in or affecting, navigable waters. A Department of the Army (DA) permit is required to place dredged and/or fill material into waters of the U.S., including wetlands, and/or to perform work in navigable waters of the U.S. The Clean Water Act applies to mining operations on state, federal, and private lands.

An Individual Permit (IP) is required for mining operations that exceed the 10 acre disturbance area, 2,000 linear foot diversion limits. Operators are responsible for obtaining appropriate authorization from the Corps. Operations that continue without proper authorization may be subject to a Notice of Violation.

### General Information:

- Apply for the GP through the **Annual Placer Mining Application (APMA)** process.
- Disturbance area of operation may be 10 acres or less in size (including uplands and wetlands) and/or has stream diversion less than 2000 linear feet.
  - Includes stripped areas, active mining areas, stream diversions, unreclaimed ground, and overburden piles;
  - Includes new camps, roads, and airstrips built within the last 5 years;
  - Does not include reclaimed areas;
  - Does not include camps, roads, and airstrips that are more than 5 years old.
- The **404 (b) (1) Guidelines** are at the heart of the Clean Water Act. The Guidelines require permit applicants to consider how they will avoid, minimize, and compensate for unavoidable adverse impacts to waters of the U.S. when they construct their projects. This is known as the **Mitigation Statement**. Compensatory mitigation is not required until all possible steps have been taken to avoid and minimize adverse impacts to waters of the U.S.
- A Mitigation Statement is not currently required for miners that have a GP. If you have a GP, it is assumed that you are minimizing your impacts to waters of the U.S. Currently, the Corps regards reclamation as accepted by the land manager as a minimization measure only, and does not require additional compensatory mitigation for projects authorized under the GP.

### New Information:

- **As of January 1, 2013, applicants submitting an Annual Placer Mining Application (APMA) to obtain their Corps GP for placer mining must include an aerial photo of their operation.** The photo must be of good enough quality to clearly differentiate uplands, wetlands, and

vegetation types. The photo must clearly show all mine activities, including stream diversions, mechanical stripping, cuts and fills, roads, camps, and overburden stockpiles.

- **May 31, 2013 deadline, for Corps receipt of APMA's to be used for GPs in 2013.**
- APMA's submitted without legible photos will be returned as incomplete. Operations that continue without proper authorization may be subject to a Notice of Violation.
- A separate Corps Annual Report is no longer required; the DNR Annual Report will be accepted.
- **In 2014, the GP will undergo additional changes.** On November 2, 2011, Special Public Notice POA-2006-1944-M1 was released, outlining the proposed changes. It may be viewed at: [http://www.poa.usace.army.mil/Portals/34/docs/regulatory/specialpns/2006-1944-M1\\_SPN%20PlacerGP%20Reissue%20.pdf](http://www.poa.usace.army.mil/Portals/34/docs/regulatory/specialpns/2006-1944-M1_SPN%20PlacerGP%20Reissue%20.pdf)
- New requirements are being phased, to allow resource agencies and the mining industry time to implement the changes.

#### Use of photos for Preliminary or Approved Jurisdictional Determinations

##### 1. Preliminary vs. Approved JDs

Explanation: The Corps uses two types of jurisdictional determination (JD), Preliminary and Approved.

- Most operations will receive a preliminary JD. A preliminary JD is based on best available information, and makes a reasonable determination that there may be jurisdictional wetlands at a site. Preliminary JDs are non-binding and may not be appealed.
- Some operations will receive an approved JD. An Approved JD is an official Corps determination that jurisdictional "waters of the United States," or "navigable waters of the United States," or both, are either present or absent on a particular site. Approved JDs are binding and they may be appealed.

##### 2. Requirement for miners to supply aerial photos with the APMA, to be used in conducting a Preliminary or Approved JD.

Explanation: Before a permit can be issued, all permit applicants must submit sufficient information for the Corps to determine jurisdiction. Since 2010, the Alaska District has generally required the use of consultant supplied JDs. Currently, most APMA's do not contain this information. Recognizing the expense a consultant supplied JD could present for small operators, the Corps has been working to get site specific information for placer mines which could result in a JD. On a trial basis, the Corps is willing to accept aerial photos supplied by the operator with the APMA.

- Placer mining operations that take place entirely in uplands or old tailings, and that do not have a stream diversion, do not require a Corps permit. An Approved JD is required. Operators may request an Approved JD and submit photos that document the upland operation. A No Permit Required letter will be provided.
- Placer mining operations with ten acres or less disturbance area in wetlands and uplands, and/or stream diversions of up to 2,000 linear feet require the GP. A preliminary JD may be used. Your signature on the APMA indicates acceptance of the Preliminary JD. A General Permit letter will be provided. At any time you may request an Approved JD.