



**FISH HABITAT PERMIT
SMALL SCALE MINING - SOUTHEAST AREA**

NAME: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
TELEPHONE: _____
E-MAIL: _____

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|---|
| For Official Use Only |
| PERMIT NUMBER: FH23-I-_____ |
| DATE ISSUED: _____ |
| DATE EXPIRES: 12/31/2023 |
| ISSUED BY: _____ |
| Kate Kanouse Regional Supervisor |
| Delegation from: Doug Vincent-Lang Commissioner, ADF&G |

AUTHORIZED SMALL SCALE MINING EQUIPMENT

- Suction Dredge:** Intake (in.): _____ (must be 6 inches or less)
Horsepower: _____ (must be 18 HP or less)
- Power Sluice:** Horsepower: _____ (must be 18 HP or less)

“Power Sluicing” is defined as the use of a sluice box and small pump to process material delivered to the sluice with hand tools (shovels, buckets, etc). This type of mining is also commonly referred to as “High Banking”.

AUTHORIZED STREAMS

| Stream Name | AWC No. (Species) | (Copper River Meridian) | | | | For Official Use Only Dates Permitted |
|-------------|-------------------|-------------------------|---------|----------|-------|--|
| | | Quad | Section | Township | Range | |
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Supplemental stream list attached

I certify that I have read and understand this permit, including the permit conditions. I agree to strictly abide by all of the conditions of this permit and I affirm that all information provided herein is true and correct. I understand that no other persons are authorized to mine under this permit. I acknowledge that non-compliance with the conditions of this permit is subject to the penalty provisions of AS 16.05.871(d) and/or AS 16.05.841.

Signature of Applicant _____ Date _____

In accordance with AS 16.05.871(d) and AS 16.05.841, approval is hereby given to mine with the specified authorized equipment at the specified locations subject to the following stipulations:

PERMIT STIPULATIONS – ANADROMOUS FISH STREAMS

These stipulations apply to activities in anadromous water bodies specified under AS 16.05.871(a) in ADF&G's Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes.

Stipulations for ALL Small Scale Mining in Anadromous Fish Streams

1. Mining activities below the ordinary high water (OHW) line may be seasonally restricted to protect incubating fish eggs, alevins, and fry within the streambed gravels. Consult the *Authorized Streams Table* (Page 1), and/or the attached list of authorized anadromous streams to determine timing restrictions for specific water bodies.
2. Construction or maintenance of dams, diversions, fills, deflectors, or any other structures below the OHW (vegetation) line is prohibited.
3. Natural stream banks and vegetated gravel bars or vegetated islands shall not be mined, under cut, or disturbed.
4. Motorized equipment shall not be used to move boulders, logs, or other objects too large to be moved by hand.
5. Wheeled or tracked vehicles or equipment shall not be operated in the stream or disturb the streambank.
6. No equipment leaking fuel, hydraulic fluid, or other pollutants shall be operated below the OHW line.
7. Water withdrawal is restricted to processing material through the sluice box and shall not be used for hydraulic mining or any other purpose.

Additional Stipulations for Power Sluicing in Anadromous Fish Streams

8. Water intakes must be screened with 1/8-inch mesh to prevent the impingement and entrainment of fish.
9. Adequate flow must remain to maintain fish passage during mining activities.

PERMIT STIPULATIONS – RESIDENT FISH STREAMS

These stipulations apply to activities in resident fish streams pursuant to AS 16.05.841.

Stipulation for ALL Small Scale Mining in Resident Fish Streams

1. Construction or maintenance of dams, diversions, fills, deflectors, or any other structure that may impede the efficient passage of fish is prohibited.

Additional Stipulations for Power Sluicing in Resident Fish Streams

2. Adequate flow must remain to maintain fish passage during mining activities.
3. Water intakes must be screened with 1/8-inch mesh to prevent the impingement and entrainment of fish.

This permit does not allow motorized vehicle use in specified anadromous (salmon bearing) fish streams. A separate Fish Habitat Permit is required to cross anadromous water bodies.

This determination applies only to activities regulated by ADF&G. This determination does not relieve you of the responsibility for securing other state, federal, or local permits nor does it authorize trespass on mineral claims or private property. It is the responsibility of the applicant/permit holder to obtain lawful permission from the landowner or land management agency prior to conducting activities authorized by this permit. Please contact the Douglas Habitat office at 907-465-4105 with any questions.

On state land, the Alaska Department of Natural Resources, Division of Mining, Land and Water (ADNR/DMLW) classifies suction dredges with an intake of 6 inches or less, powered by a motor of 18 HP or less, as recreational. Dredge operators with an intake larger than 6 inches, or motor greater than 18 HP, should contact the ADNR/DMLW Permitting Office at 907-269-8652 for commercial mining application instructions.

The Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation (ADNR/DPOR) has limitations on the use of motorized recreational mining equipment within state park units. Please contact the Juneau ADNR/DPOR office at 907-465-4563 for information specific to Southeast Alaska.

The U.S. Bureau of Land Management (BLM) has additional limitations on the use of motorized small scale mining equipment within lands managed by BLM. Please contact the BLM Anchorage Public Information Center at 907-271-5960 for information for those areas.

The U.S. Forest Service (USFS) has additional limitations on the use of motorized small scale mining equipment within the Tongass National Forest. Please contact the USFS Juneau Ranger District at 907-586-8800 for information.

The U.S. National Park Service (NPS) reviews all mining activities, regardless of size, under the Mining in Parks Act. Please contact the NPS at 907-644-3510 for information for those areas.

The City and Borough of Juneau (CBJ) has a mining exclusion zone within the borough. Please contact the CBJ at 907-586-0755 for information on mining activities within the borough. Outside of the borough, you may wish to contact the local city office to determine if additional restrictions apply in that area.

The Alaska Department of Environmental Conservation (ADEC) has issued a General Permit (GP) for small scale mining in Alaska. The GP (AKG375000) covers operators using small-size suction dredges having an intake diameter of 6 inches or less. The current permit can be found at <http://dec.alaska.gov/water/oasys>. For more information, please contact DEC at 907-451-2142.

The U.S. Army Corps of Engineers (USACE) has issued a Nationwide Permit (NWP) for discharge of dredged material into jurisdictional fresh waters. *NWP 44. Mining Activities* can be found at <https://www.poa.usace.army.mil/Missions/Regulatory/Permits/Nationwide-Permits/>

This letter constitutes a permit issued under the authority of AS 16.05.841 and AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to Habitat Section regulated activities; other agencies also may have jurisdiction under their respective authorities (see above). This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

For any activity that significantly deviates from the approved plan, you shall notify the Habitat Section and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is a Habitat Section responsibility. Therefore, we recommend you consult the Habitat Section before considering any deviation from the approved plan.

You shall give an authorized representative of the state free and unobstructed access to the permit site, at safe and reasonable times, for the purpose of inspecting or monitoring compliance with any provision of this permit. You shall furnish whatever assistance and information the authorized representative reasonably requires for monitoring and inspection purposes.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. You shall mitigate any adverse effect upon fish or wildlife, their habitats, or any restriction or interference with public use that the commissioner determines was a direct result of your failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

AS 16.05.871 permit decisions may be appealed in accordance with the provisions of the Administrative Procedures Act (AS 44.62.330—44.62.630).

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| cc: | Al Ott, ADF&G Habitat, Fairbanks | ___ DPS Alaska Wildlife Troopers |
| | ADF&G Habitat Staff, Douglas | ___ Local Government Contact |
| | ADF&G SF Area Management Biologist | ___ Ben Soiseth, USACE |
| | ADF&G CF Area Management Biologist | ___ USFS District |
| | dec.placernotices@alaska.gov | ___ NPS |

