



US Army Corps  
of Engineers  
Alaska District

# FACT SHEET

**For Regional General Permit (GP) POA-2007-372-M1,  
Floating Recovery Devices (previously known as Suction  
Dredging), within the State of Alaska**

The GP applies to operations located where the U.S. Corps of Engineers (Corps) has authority under **Section 10 of the Rivers and Harbors Act of 1899**. It applies to operators engaged in recovery of metals, from a floating vessel in navigable waters. The list of waters in Alaska District where the Corps has navigation responsibilities may be found here:

<http://www.poa.usace.army.mil/Portals/34/docs/regulatory/NavWat.pdf> .

Under Section 10, the GP considers the effects of floating recovery devices on the navigable capacity of the water. How does an operator stay in compliance? Stay out of shipping lanes and other navigational channels. Maintain access to moorage for other vessels. Avoid sinking your boat in a location where it could become an obstruction. Know and follow Coast Guard requirements for safety lights and signals.

1. The GP has two thresholds related to water depth:
  - Operations in **marine waters at minus 20 feet or less in depth**, measured from Mean Low Lowest Water (MLLW) at 0.0 feet, are automatically approved for operation, without notifying the Corps. Operators will not receive a written permit verification. Nevertheless, the work falls under Corps jurisdiction, and operators must comply with the terms and conditions of the GP.
  - Operations in **marine waters minus 20 feet or greater in depth MLLW** must fill out a Department of the Army (DA) permit application (ENG FORM 4345). They will receive a written letter stating that their operation qualifies for the GP or needs an Individual Permit. Applicants must provide a Compensatory Mitigation Statement, and information about Endangered Species, Critical Habitat, and Historic Properties with their permit application.
2. The GP has no timing restrictions with regard to when you can or cannot mine.
3. For operations requiring written authorization, compensatory mitigation will be determined on a case-by-case basis,

**How To Apply:** (For operators working in water deeper than 20 feet) Complete the DA permit application (**ENG FORM 4345**) [available at a Corps office or at our website:

<http://www.poa.usace.army.mil/Missions/Regulatory.aspx> ]. Request must include:

- A legible map showing the location of the proposed work;
- A description of the floating recovery device, size, and anchoring mechanism;
- Plan drawings that show the operation relative to tidal datum;
- Latitude and Longitude of the project area;
- Notification about ESA, Critical Habitat, and Historic Properties;
- Compensatory Mitigation Statement.

Application deadline of May 31, 2012, to receive a permit for the 2013 mining season.

Other information you need to know:

The Corps is required by federal laws to coordinate with resource agencies on whether your project would have an adverse effect on certain resources. The GP requires that you provide this information with your permit application.

- The Endangered Species Act ESA requires that the Corps consult with the US Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) over potential effects of a project on any endangered species or critical habitat. The information can be obtained directly from the offices of the USFWS, NMFS or from their web pages, at <http://www.fws.gov> or <http://www.fws.gov/ipac>, and <http://www.noaa.gov/fisheries.html>
- Section 106 of the National Historic Preservation Act (NHPA) requires that the Corps consult with the State Historic Preservation Office (SHPO) over potential effects of a project on any historic properties or cultural resources. The information may be obtained by submitting this form to the SHPO: <http://dnr.alaska.gov/parks/oha/106application.pdf>
- The Magnuson-Stevens Fishery Conservation and Management Act requires that the Corps consult with NMFS over whether a project could have an effect on Essential Fish Habitat (EFH). During permit evaluation, NMFS may make a conservation recommendation related to EFH that may be included in your permit. The applicant is not responsible for providing this information.

The GP also requires that you follow other laws. Violation of these regulations or permits shall be grounds to suspend, revoke, or modify your permit.

- In anadromous waters, you must follow the rules of the State of Alaska, Department of Fish and Game and comply with any Fish Habitat Permit.
- You must follow the rules of the State of Alaska, Department of Environmental Conservation, and comply with any Alaska Pollution Discharge Elimination System Permit.

Exclusions: The GP doesn't apply in the following locations or situations.

- a. In biologically important habitats: Coral reefs, eelgrass beds, seagrass beds, kelp beds, macroalgae, vegetated shallows, shellfish beds, mudflats, or wetlands.
- b. In EFH, where NMFS has commented that the project would have an adverse effect.
- c. Special coordination with an expert or managing agency needed for :
  - State Designated Special Areas: Game Refuges, Sanctuaries, and Critical Habitat.
  - Federally Designated Areas (existing or nominated): National Wildlife Refuges or Parks.
  - ESA: Where project would have an adverse effect on endangered species.
  - Archaeological, cultural, or historic properties: Where the project or property might be on or eligible for listing on the Register of Historic Properties.

An Individual Permit will be required if your operation is proposed in a location or situation where the GP doesn't apply.