



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT SECTION
Southcentral Region Office

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**FISH HABITAT PERMIT FH18-II-GP77
SMALL SCALE MINING – SUCTION DREDGING/POWER SLUICING
PETERSON CREEK
AMENDMENT 1**

ISSUED: January 3, 2020
EXPIRES: December 31, 2022

General Public:

Re: Small-Scale Recreational Mining – Peterson Creek

Peterson Creek

Water Body – 247-60-10238

Sections 1, 2, and 11, T. 9 N., R. 2 E., S.M.

Alaska law (AS 16.05.871 and AS 16.05.841) requires that a permit from the Alaska Department of Fish and Game, Habitat Section be obtained prior to conducting small-scale recreational mining below the ordinary high-water (OHW) mark of streams that support anadromous and/or resident fish. Pursuant to AS 16.05.871(b) and AS 16.05.841, the Habitat Section has determined that both the public interest and the proper protection of fish and game would be served by issuing a general permit (GP) authorizing small-scale mining activities in Peterson Creek. Small-scale mining activities in Crow Creek were previously authorized by this GP but have been removed. Individual permits for small-scale mining activities in Crow Creek may be applied for with the Habitat Section, Southcentral Region Office. A copy of this permit can be found on-line at https://www.adfg.alaska.gov/static/license/uselicense/pdfs/ii_gp77_peterson-crow.pdf.

This determination applies only to activities regulated by ADF&G. This determination does not relieve you of the responsibility of securing other state, federal, or local permits.

Small-scale mining equipment authorized by this permit are restricted to the use of motorized pumps 18 horsepower or less and intake hoses 6-inches in diameter or less.

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 Peterson Creek from the mouth to the coordinates 60.890 N, 149.042W pursuant to AS 16.05.871(d). This section of Peterson Creek is an anadromous water body specified under AS 16.05.871(a)(Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish). Mining activities below OHW are seasonally restricted to protect incubating fish eggs, alevins, and fry within the streambed gravels.

1. Small-scale mining activities below the OHW line of Peterson Creek are restricted to May 15 – July 15.
2. Construction or maintenance of dams, diversions, fills, deflectors, and any other structures below the OHW line is prohibited.
3. Natural streambanks 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 (High Banking) 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 Peterson Creek upstream of the coordinates 60.890 N, 149.042 W 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, and any other structure that may impede the efficient passage of fish is prohibited.

Additional Stipulation for Power Sluicing in Resident Fish Streams

2. Water intakes must be screened with 1/8-inch mesh to prevent the impingement and entrainment of fish.

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.

On state land, the Alaska Department of Natural Resources, Division of Mining, Land and Water (ADNR\DMLW) classifies suction dredges with an intake 6 inches or less as recreational.

The Alaska Department of Environmental Conservation (ADEC) considers dredges with an intake 6 inches or smaller as small scale and has issued a General Permit (GP) for small scale mining in Alaska. Larger dredges are considered commercial operations and require prior notice or approval from the federal land manager and ADEC. For more information, please contact the ADEC at (907) 451-2142.

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

For any activity that significantly deviates from the approved activity, you shall notify the Habitat Section and obtain written approval in the form of an individual permit 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 activity. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the Habitat Section. Therefore, it is recommended you consult the Habitat Section immediately when a deviation from the approved activity is being considered.

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

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 activities regulated by the Habitat Section; 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.

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. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the 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(anadromous stream) permit decision may be appealed in accordance with the provisions of the Administrative Procedures Act (AS 44.62.330—44.62.630).

If you have any questions, please call the Southcentral Region Office, Habitat Section at (907) 267-2342.

Sincerely,

Doug Vincent-Lang, Commissioner



By: Ron Benkert
Regional Supervisor
Southcentral Region Office

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