

Status Update:

Small Suction Dredge Mining in Idaho The Clean Water Act (NPDES) General Permit

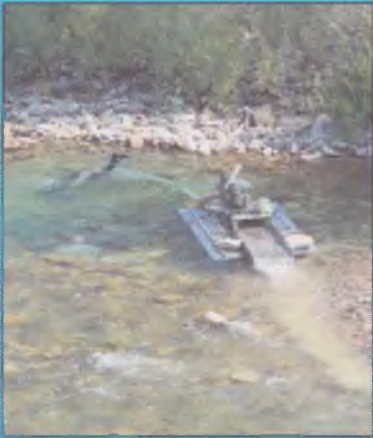
Presented to the Natural Resources Interim Committee of the Idaho Legislature
September 17, 2014



Topics Covered

EPA's Small Suction Dredge Mining General Permit

- General Permit Coverage
- History and Current Status
- Ongoing and Future Efforts
- Compliance Strategy
- Planned Improvements



General Permit Coverage in Idaho

General Permit coverage is available statewide, except for these 4 categories:

1. **Nationally Protected Areas: National Parks System Units (i.e., Parks and Preserves), National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, National Wilderness Areas, National Wild and Scenic Rivers System.** * Unless the land manager gives permission*
2. **Areas designated as critical habitat under the Endangered Species Act (ESA), and additional areas listed in the permit where species that are either listed as threatened or endangered are known to occur.** * Unless ESA consultation is completed*
3. **State Protected Waters: Withdrawn River Segments, State Protected Rivers, Sediment/Mercury Impaired Streams.** * No exceptions*
4. **Tribal Reservations.** * No exceptions*

History and Current Status

2010

- 1st draft of permit, took comments, held public meetings in Idaho.

2012

- Public Notice issued for 2nd draft permit; EPA received 122 different comments.
- Completed ESA consultation, coordinated with Tribes, received 401 Certification from IDEQ.
- Postcards & emails sent to 1000+ miners announcing the proposed permit with link to the Public Notice online.

2013

- Outreach to Tribes, Congressional Staff, BLM, IDL, IDEQ, IDWR, IDF&G, USACE, USFS, USFWS, NMFS.
- Final permit published in the Federal Register.
- Postcards & emails sent to 1000+ miners announcing the final permit and webpage. *No appeals were filed.
- Held a webinar for the Mining Community; met with the Idaho Gold Prospector's Association, Boise Chapter.

Number of
permits issued
in 2013:
81
162 people applied.

History and Current Status (continued)

2013

- ❑ Conducted inspections.
- ❑ Announced proposed permit modification in December, addressing typos, minor corrections to open/closed areas, compliance with an existing TMDL, and extended application deadline for specific areas. *Two commenters responded.

2014

Number of permits issued in 2014:
50
39 people applied (to date)

* Note: The GP is valid for 5 years, until 2018. Many applicants will not need to reapply each year, lowering the number of permits issued over the life of the permit.

- ❑ Met with the Gold Prospectors Association of America, Nampa Chapter.
- ❑ Permit modification became effective in March, 2014.
- ❑ Held an interagency meeting with state and federal land management agencies IDWR, IDEQ, and Tribes to discuss 2014 permit season.
- ❑ Coordinated with the Forest Service, USFWS, and NMFS to allow suction dredging in Orogrande and French creeks—previously closed due to critical habitat for bull trout.
- ❑ Conducted inspections.

Ongoing Efforts

Current Efforts:

- Reply to phone calls, emails, and drop-in visits from applicants.
- Provide copies of permit materials to those without internet access.
- Explain why a permit is required, how to apply, the permit's conditions, and why certain areas are not eligible for permit coverage.
- Offer to give presentations.
- Continue to process applications as quickly as possible (e.g., within 30-45 days).
- Respond to tips and complaints.

Multi-Year Effort:

- Explore, with land management agencies, NMFS, and USFWS, locations where limited dredging in ESA-sensitive areas could be permitted through ESA consultation.
- Meet annually with land managers, state, federal agencies to keep everyone informed of any updates.
- Continue to evaluate ways to improve the general permit, in preparation for reissuance in 2018.

Compliance & Enforcement

2013:
Six miners
received warning
letters.

2014:
Enforcement
actions are still
under review.



- Continued outreach and education (working with miners, land management agencies, and local law enforcement).
- Maintain EPA field presence, respond to tips/complaints.
- Send warning letters to miners operating without NPDES authorization.
- Pursue civil and criminal penalties for egregious violations.

Planned Improvements

Continually provide the most current information on our website.

Highlight, upfront, open and closed waters that are the most popular.

Create an online mapping tool that allows the public to view the same GIS data layers EPA uses for permit decisions.

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Idaho Small Suction Dredge Mining General Permit

General Information

EPA issued an NPDES general permit in 2013 for small suction dredge operations in Idaho. To comply with the Clean Water Act, operators of small suction dredges must obtain NPDES permit coverage prior to operation. The general permit covers small suction dredges with an intake nozzle size of five inches in diameter or less and with equipment rated at 15 horsepower or less.

EPA modified the general permit in 2014 in order to: 1) correct typos; 2) clarify that tributaries of Elk, Grimes, and Mores Creek are also subject to annual permitting and allocated hours (Permit Part II.B.3); 3) extend the application deadline for Elk, Grimes, and Mores Creek and their tributaries to April 1 each year; and 4) create new Appendices F and G.

The general permit places conditions on the discharge of rock and sand from each mining operation to protect water quality and aquatic resources. These conditions include best management practices and prohibited areas.

The general permit will expire on **April 30, 2018**.

How do I get permit coverage?

1. Read the Final Small Suction Dredge Mining General Permit (PDF) (44 pp, 1MB).
2. Determine if the waterbody you wish to work in is eligible for a permit from both the Idaho Department of Water Resources Recreational Mining Permits Program and the EPA for small suction dredge mining. Be aware that you will need permits from both agencies to dredge in Idaho.

Open Waters:

Mores Creek, Grimes Creek, Elk Creek, and their tributaries are permitted annually (see Permit Parts I.G. and I.B.3), with an application deadline of April 1 each year.

Elsewhere in Idaho, open waters are eligible for coverage until the permit's expiration date. Applications are welcome year-round. Please review the maps below to confirm which areas are open (represented by the color green); in some cases, the main channel is closed, but tributaries of the main channel remain open:

- Map of allowed small suction dredging areas in northwest Idaho (PDF) (1 page, 4.6MB).
- Map of allowed small suction dredging areas in southeast Idaho (PDF) (1 page, 1.7MB).
- Map of allowed small suction dredging areas in southwest Idaho (PDF) (1 page, 2.7MB).

Closed Waters:

Permit Part I.D. lists 7 categories of waters that are closed to dredging: Nationally Protected Areas, Tribal Reservations, National Wild and Scenic Rivers, Endangered Species Habitat Areas, Withdrawn Rivers, State Protected Rivers, and Impaired Streams. The following map shows all prohibited areas throughout Idaho:

- Areas excluded from small suction dredge mining in Idaho (PDF) (1 page, 2MB).

Many popular areas (e.g., Middle Fork Boise River, South Fork Payette, Salmon River, Clearwater River) have been designated as critical habitat for threatened or endangered species protected under the Endangered Species Act (ESA), and are not open to dredging at this time. A process known as ESA consultation must be completed before the EPA can authorize suction dredging in critical habitat areas, or where threatened and/or endangered species are present (see Permit Part I.D.4.a). For more information, please review the following:

- Appendix G: Endangered Species Critical Habitat Areas (PDF) (58 pp, 33.1K)
- Map of Chinook Salmon Evolutionarily Significant Units (PDF) (1 page, 61.3K)
- ESA Fact Sheet (PDF) (2 pp, 32.9K)
- ESA Questions and Answers (PDF) (2 pp, 29.1K)

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Join our mailing list to receive updates about Idaho suction dredge permits.

How do I get permit coverage?

Notice of Intent Form (PDF) (2 pp, 107K)
Annual Report Form (PDF) (1 page, 67K)

Website: <http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/idsuction-gp>

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**Questions?
Comments?**