

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
FOR SMALL SUCTION DREDGE PLACER MINERS IN IDAHO

General Permit No.: IDG-37-0000

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. § 1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

Owners and operators of placer mining operations in Idaho with small suction dredges (intake nozzle size of 5 inches in diameter or less (or the diametrical equivalent defined in the general permit) and with equipment rated at 15 horsepower or less) are authorized to discharge to waters of the United States, except those sites excluded from coverage of this NPDES permit, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

**A COPY OF THIS
GENERAL PERMIT
MUST BE KEPT AT THE SITE
WHERE DISCHARGES OCCUR.**

This permit became effective on May 6, 2013.

This permit and the authorization to discharge shall expire on April 30, 2018.

Signed this 28th day of March, 2013.

Daniel D. Opalski, Director
Office of Water & Watersheds, Region 10
U.S. Environmental Protection Agency

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I. APPLICABILITY AND NOTIFICATION REQUIREMENTS

A. Coverage and Eligibility

1. Existing Facilities: Owners or operators of suction dredge facilities covered by the Idaho Department of Water Resources (IDWR) Recreational Placer Mining General Permit may be eligible for coverage under this General Permit (GP). See Permit Part I.G. for notification information.
2. New Facilities/Recommencing Facilities: Upon submittal of a Notice of Intent (NOI) all suction dredge facilities that meet the criteria for coverage under this permit will be granted coverage.
3. Expanding Facilities: Suction dredge facilities that contemplate expanding shall submit a new NOI that describes the new discharge. The current permit may be terminated and a new permit, reflecting the changes, may be issued in its place if the facility meets all the necessary requirements of coverage.

Authorization to discharge requires **written notification from EPA** that coverage has been granted to the operation. The NPDES GP does not cover anything other than the discharge of wastewater from the suction dredge. Permittees are expected to follow all other applicable regulations including acquiring permission from land managers or land owners to access a site.

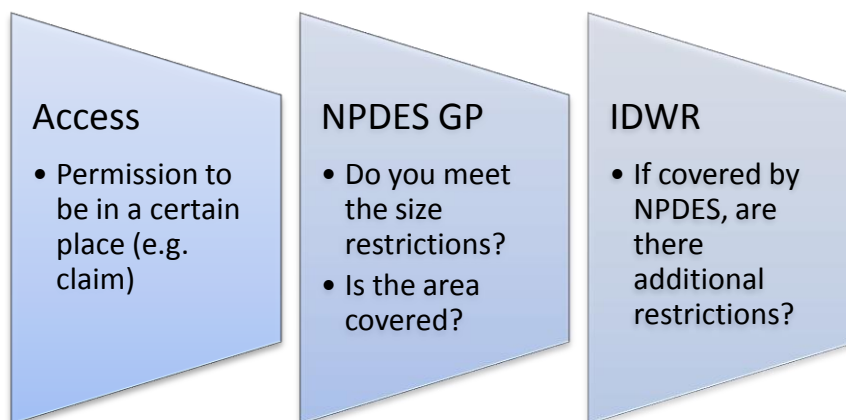


Figure 1

B. Termination of Discharges

The Permittee shall notify EPA in writing when GP coverage is no longer needed at a site.

C. Authorized Operations

This permit authorizes discharges from small suction dredges, defined as having intake nozzle diameters of less than or equal to 5 inches (or the diametrical equivalent, see next page) and a cumulative rating of 15 horsepower or less.

Diametrical equivalents are defined as follows:

- 1 - 5 inch dredge
- 1 - 4 inch dredge and 1 – 1 inch dredge
- 1 – 3 inch dredge and 1 – 2 inch dredge
- 1 – 3 inch dredge and 2 – 1 inch dredges
- 2 – 2 inch dredges and 1 – 1 inch dredge
- 3 – 1 inch dredges and 1 – 2 inch dredge
- 5 – 1 inch dredges

D. Prohibitions

1. This GP does not apply to facilities that are proposed to be located in National Parks System Units (i.e., Parks and Preserves), National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, or National Wilderness Areas unless an approval from the land management agency is submitted with the NOI.
2. This GP does not apply to the Nez Perce Reservation, the Coeur d’Alene Reservation, the Kootenai Reservation, the Shoshone Bannock Tribe or the Duck Valley Reservation.
3. Pursuant to the authorities specified in Section 47-1323, Idaho Code, the State Board of Land Commissioners prohibited dredge mining in any form from water bodies making up part of the National Wild and Scenic Rivers System.

See Appendix D, Part 1, for a list of these segments where discharges are not authorized under this GP.

4. Endangered Species Habitat Areas:
 - a. Discharges from suction dredges are not covered by this general permit in habitat designated as critical habitat under the Endangered Species Act (ESA), or areas occupied by listed aquatic species (see b. and c., below) unless an ESA determination has been made through another process (e.g. US Forest Service (USFS) Plan of Operations) and the decision is provided with the NOI for coverage under this GP.
 - b. The waterbodies listed below are not covered by this general permit for the protection of endangered species:
 - Columbia River Basin
 - Kootenai River
 - Moyie River
 - Lemhi River Basin
 - Agency Creek
 - Hawley Creek drainage (Hawley Creek, Big Bear Creek, Reservoir Creek, Meadow Creek)
 - Canyon Creek drainage (Canyon Creek, Cruikshank Creek)
 - Clear Creek

- Kirtley Creek
 - Texas Creek drainage (Texas Creek, Deer Creek)
 - Big Springs Creek
 - Middle Fork Little Timber Creek
 - Pattee Creek
 - Eighteenmile Creek
 - Pahsimeroi River Basin
 - Goldburg Creek
 - Ditch Creek
 - Big Gulch Creek
 - Panther Creek Basin
 - Boulder Creek
 - Spring Creek
 - Blackbird Creek and its tributaries
 - Carmen Creek and its tributaries
 - Jesse Creek and its tributaries
 - Williams Creek and its tributaries
 - Twelvemile Creek
 - Iron Creek and its tributaries
 - McKim Creek and its tributaries
 - Hat Creek and its tributaries
 - Allison Creek
 - Cow Creek and its tributaries
 - Pend Oreille Basin
 - Caribou Creek
 - Twin Creek
 - Little Lost River Basin
 - Little Lost River (from Badger Creek up to Sawmill Canyon)
 - Wet Creek
 - Williams Creek
 - Badger Creek
 - North Fork Payette River Basin
 - North Fork Lake Creek
 - Clearwater River Basin
- c. The general permit does not cover areas where the four species of snails listed as threatened or endangered under ESA (Banbury Springs Lanx, Bliss Rapids Snail, Bruneau Hot Springsnail, and Snake River Physa Snail) are found:
- Banbury, Box Canyon and Thousand Springs;
 - Hagerman Reach, tail waters of the Bliss and Lower Salmon Dams and Niagara Springs;
 - Spring flows of Hot Creek and 5.3 miles of Bureau Creek; and
 - Kings Hill reach.

5. Withdrawn River Segments

Pursuant to the authorities specified in Section 58-104(a) and 47-702, Idaho Code, the State Board of Land Commissioners has withdrawn from mineral

entry and exploration certain segments of the following navigable rivers. Recreational dredge or placer mining is prohibited in these areas:

- a. Boise River;
- b. Payette River;
- c. Priest River;
- d. Salmon River; and
- e. Snake River.

See Appendix D, Part 2, for the complete list of specific withdrawn river segments where discharges are not authorized under this GP.

6. State Protected Rivers

Pursuant to the authorities specified in Section 42-1734A, Idaho Code and adopted by the Idaho Water Resource Board, certain waterways and/or stream segments are protected as either a State Natural River or as a State Recreational River with recreational dredge or placer mining prohibited, including:

- a. Priest River Drainage;
- b. Payette River Drainage;
- c. Boise River Drainage;
- d. Snake River Drainage;
- e. Henry's Fork Snake River Drainage;
- f. South Fork Snake River Drainage;
- g. North Fork Clearwater River Drainage; and
- h. Main Salmon River Drainage.

See Appendix D, Part 3, for a complete list of the segments of State Protected Rivers where discharges are not authorized under this GP.

7. Impaired Streams

This GP does not authorize discharges from placer mining operations into streams listed in the State of Idaho's Integrated Report as impaired for mercury, siltation/sediment or that have sediment TMDLs except as allowed in Permit Part II.B.3. See Appendix D, Part 4, for information and an Internet link to the complete list of the impaired waters.

E. Areas of Coverage/Areas of Closure

Streams in Idaho where suction dredging occurs require a permit from the IDWR that may include specific timing requirements and additional restrictions. Permittees must contact the appropriate regional IDWR office (see Appendix A for contact information) to obtain a permit and determine whether additional restrictions may apply. The Notice of Intent (NOI) in Appendix A requires verification that the IDWR has been contacted.

F. Requiring an Individual Permit

1. The Regional Administrator may require any person authorized by this GP to apply for and obtain an individual NPDES permit for the following reasons, which include, but are not limited to:
 - a. a single discharge or cumulative number of discharges from a covered facility is/are a significant contributor of pollution;
 - b. the discharger is not in compliance with the terms and conditions of the GP;
 - c. a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the facilities covered under this GP;
 - d. effluent limitations guidelines are subsequently promulgated for the facilities covered under this GP;
 - e. an approved Water Quality Management Plan contains requirements applicable to facilities covered under this GP;
 - f. a Total Maximum Daily Load (TMDL) and corresponding wasteload allocation has been completed for a waterbody or a segment of a waterbody in which a facility is or expects to operate; or
 - g. circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this GP, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.
2. The Regional Administrator may deny coverage under this permit for the following circumstances, which include, but are not limited to:
 - a. a land management agency with jurisdiction over affected portions of the receiving water, bed, or affected uplands submits to EPA a request that GP coverage be denied within thirty (30) days of EPA's receipt of an NOI; or
 - b. the land management agency's request includes proposed additional or revised permit terms that the requesting agency believes, based upon evidence attached to or cited in the request, are necessary to protect the natural values of the affected location; or
 - c. the land management agency's request concerns a person who either:
 - i. seeks to discharge into U.S. waters located in National Recreation Areas, National Historic or Natural Landmarks, congressionally designated Land Use Designation (LUD) II which are to be managed in a roadless state, or in State Refuges, Sanctuaries, or Critical Habitat Areas; or

- ii. is in significant noncompliance with the terms and conditions of the most recent applicable NPDES permit.

Any person denied coverage under this part must apply for and obtain coverage under either: (1) an individual permit; or (2) another applicable watershed-specific GP. Upon receipt of any such application, EPA will determine whether the permit terms requested by the land management agency should be included in the applicable permit.

3. The Regional Administrator will notify the owner or operator in writing by certified mail that a permit application is required. If an owner or operator fails to submit an individual NPDES permit application by the date required in the notification, coverage under this GP is automatically terminated at the end of the day specified for application submittal.
4. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2C) with reasons supporting the request to the Regional Administrator at the address in Permit Part I.G.3.
5. When an individual NPDES permit is issued to an owner or operator otherwise covered by this GP, the GP is automatically terminated on the effective date of the individual permit for that owner or operator.
6. When an individual NPDES permit is denied to an owner or operator otherwise covered by this GP, the Permittee is automatically reinstated for coverage under this GP on the date of such denial, unless otherwise specified by the Regional Administrator.
7. A source excluded from a GP solely because it already has an individual permit may request that the individual permit be revoked and that it be covered by the GP. Upon revocation of the individual permit and submission of a NOI, the GP shall apply to the source.

G. Notification Requirements

1. Owners or operators of facilities eligible for this GP must submit a complete NOI to EPA in a timely manner to obtain permit coverage. The information required for a complete NOI is in Appendix A.

Owners or operators of facilities on the Mores, Grimes or Elk creeks must file an NOI on an annual basis. The implementation of the TMDL limits the number of 4 hour operating days which EPA has broken down to hours per year.

For 2013, EPA will accept NOIs until May 15 for Mores, Grimes and Elk creeks. Permittees will be notified in early June of their permit status.

Starting in 2014, EPA will begin taking NOIs for Mores, Grimes and Elk creeks after January 1st each year until February 14th. Permittees will be notified in early March of their permit status.

2. NOIs must be submitted at least 60 days prior to discharge from a facility. See above for special provisions in the Mores Creek drainage.
3. The NOI must be signed by an owner or operator or other person with signatory authority in accordance with Permit Part V.E. (Signatory Requirements), and a copy must be retained on site in accordance with Permit Part III.F. An NOI for coverage under this GP must be submitted to EPA at the following address:

EPA Idaho Operations Office
NPDES/IDG-37-0000
950 W Bannock Street, Suite 900
Boise, ID 83702

Fax: (208) 378-5744

Scanned signed copy e-mailed to:
degering.tracy@epa.gov

An NOI shall also be submitted to the appropriate IDEQ Regional Office (see Appendix A for contact information) and the land manager.

4. Owners or operators shall provide a copy of the NOI to the Federal, State, or local agency that manages or owns the land on which the facility is located or proposed to be located. Such agencies may include the U.S. Bureau of Land Management or U.S. Forest Service.
5. Once EPA makes a determination that a facility is eligible for coverage under this GP, a copy of the permit along with an authorization letter will be sent to the Permittee. If EPA determines that a facility is ineligible for coverage under this GP, the applicant will be informed in writing.

H. Permit ExpirationError! Bookmark not defined.

This permit will expire 5 years from the effective date. For facilities submitting a new NOI 180 days prior to expiration of this GP, the conditions of the expired permit continue in force until the effective date of a new permit.

II. PERMIT REQUIREMENTS

A. Identification

Suction dredgers will be assigned a Miner Number in the authorization letter. EPA will provide the number on an 8½ by 11 sheet of paper which can be laminated, placed in a sheet protector or wrapped in plastic to be displayed either on the dredge or in a vehicle on the bank near where dredging is occurring.

B. Effluent Limitations

1. Any visible increase in turbidity (any cloudiness or muddiness) above background beyond any point more than 500 feet downstream of the suction

dredge operation while operating is considered a violation of this permit. This requirement includes any turbidity that may result from any other part of the operation.

2. If any visible increase in turbidity is observed above background beyond any point more than 500 feet downstream of the dredge, operation of the suction dredge must be modified, curtailed or cease so that a violation as defined in Permit Part II.B.1. does not exist.
3. Mores Creek Drainage

Suction dredge owners and operators are limited to processing an average of 2 yd³/hour over the period of a 4-hour day and comply with the limits in Permit Part II.B.1. The TMDL limits the number of dredge days allowed during the year.

Mores Creek	60 four hour dredge days (240 hours)
Grimes Creek	84 four hour dredge days (336 hours)
Elk Creek	11 four hour dredge days (44 hours)

EPA will assign allowances on a creek-by-creek basis as follows:

- 1) if hours requested are less than or equal to the allocation then all requests will be filled, or
- 2) if requests are 25% or less over the allocated hours then each permittee will receive a proportion of their request, or
- 3) if more than 25% over the allocated hours are requested then EPA will chose by lottery and each will get a portion of the requested hours until the allocated hours are exhausted.

See Permit Part I.G.3. for NOI requirements.

4. South Fork (SF) Clearwater River

To receive coverage to discharge to the SF Clearwater River an operation must meet requirements of Permit Part I.D.4. EPA would authorize no more than 15 operations in any one year in accordance with the TMDL.

Permittees are limited to processing an average of 2 cubic yards per hour (yd³/hour) over the period of an 8-hour day and comply with the limits in Permit Part II.B.1.

- a. SF Clearwater River above Harpster Bridge, including tributaries:

July 15 – August 15:

- When background turbidity is 50 NTU or less: Turbidity below the 500 foot mixing zone shall not exceed background turbidity by more than 5 NTU

- When background turbidity is more than 50 NTU: Turbidity below the 500 foot mixing zone shall not exceed background turbidity by more than 10% and shall not exceed a maximum increase of 25 NTU, and

August 16 – July 14

Zero wasteload allocation. No discharges are allowed to the SF Clearwater River above Harpster bridge and tributaries between August 16 and July 14.

b. SF Clearwater River below Harpster Bridge

No discharges are allowed at any time to the SF Clearwater River below Harpster Bridge.

C. Monitoring & Reporting Requirements

1. Suction dredge operators must visually monitor the area for turbidity between the suction dredge operation and 500 feet downstream. Observations must be made at least once per day of operation. Individuals who conduct visual monitoring must observe the turbidity plume, where visible, immediately downstream from the dredge until the turbidity plume is no longer visible and note the distance.

There is no need to conduct more extensive monitoring if the turbidity plume is not distinguishable from background at a distance of less than 500 feet from the suction dredge operation.

All turbidity monitoring results must be recorded daily even if no visual increase of turbidity was observed. The Permittee shall maintain records of all information resulting from any visual inspections and other information required by the Annual Report (AR).

2. The Permittee must report the period of suction dredging in the AR. The AR must include the following information: name, GP number, activity status, waterbody where suction dredging took place, the geographic location of suction dredge operation, and dates of operation.

Observations of turbidity that exceed the requirements set out in Permit Part II.B.1 must be reported in the AR along with any measures taken to comply with the provisions of Permit Part II.B.2. Spills not required to be reported to IDEQ are required to be reported on the AR.

See Appendix B for AR Information Sheet.

D. Best Management Practices

The Permittee must comply with the following best management practices.

1. Silt and Clay Areas. Dredging of concentrated silt and clay should be avoided. The Permittee shall use reasonable care to avoid dredging silt and clay materials that would result in a significant increase in turbidity. Reasonable care includes moving the suction dredge to a new location or reducing the volume of effluent discharge by limiting operation speed of the suction dredge.
2. Mercury. If mercury is found during suction dredge operation, (i.e. mercury is collected in the sluice box), the operator must:
 - a. Keep mercury collected, do not remobilize the collected mercury;
 - b. Stop dredging immediately if this is the only way to achieve Step a; and
 - c. Work with the appropriate entity to dispose of the mercury properly.

Some communities have household hazardous waste disposal programs available for free to citizens and/or at a low cost to small businesses or conditionally exempt small quantity generators. To find out if your community has a program contact your county solid waste department or landfill or city public works department. If your county does not have a program, but a nearby county does, it may be willing to accept out-of-county waste at a lower cost than alternative disposal options. You could also generate support for a county-sponsored event or, if you belong to a mining association, an association-sponsored event. Contact your local DEQ office for questions on hazardous waste regulations.

Boise	(208) 373-0550	(888) 800-3480
Coeur d'Alene	(208) 769-1422	(877) 370-0017
Idaho Falls	(208) 528-2650	(800) 232-4635
Lewiston	(208) 799-4370	(877) 541-3304
Pocatello	(208) 236-6160	(888) 655-6160
Twin Falls	(208) 736-2190	(800) 270-1663

Consult the IDEQ Best Management Practices for Mercury Collection from Suction Dredging Activities:

http://www.deq.idaho.gov/media/638458-mercury_BMP_dredging_fs_0411.pdf

3. Suction dredge operations shall not operate within 800 feet of another suction dredging operation occurring simultaneously
4. Fish Passage, Spawning Fish and Spawning Habitat.
 - a. Dredging and discharging are prohibited within 500 feet of locations where:

- i. fish are spawning (See Appendix C); or
 - ii. fish eggs or alevins are known to exist at the time dredging occurs.
 - b. Suction dredge operation must not occur in gravel bar areas at the tail of pools or where operations result in fine sediments discharging onto gravel bars.
 - c. The Permittee shall ensure there is adequate passage for fish around and through the mining area at all times.
5. Stream Channel. Suction dredge operations must not change the stream channel in such a way that alters the bottom elevation of the active stream channel or redirects the flow of water into the stream bank, which may cause bank erosion or destruction of the natural form (width/depth configuration) of the active stream channel.
6. Erosion. Suction dredge operations that result in undercutting, littoral channeling, stream bank or beach erosion, is prohibited. Removal or disturbance of boulders (cobbles or larger rock) or any type of vegetation (dead or alive) on the stream bank, leading to erosion or undercutting of the banks is prohibited.
7. Dams or Diversions. Damming or diversions within a stream channel are not authorized by this GP.
8. Explosives, motorized winches or other motorized equipment to move boulders, logs, or other natural obstructions to facilitate dredging are prohibited under this GP.
9. Wheeled or tracked equipment used in-stream is prohibited while dredging is in progress. With the exception of the suction dredge itself and any life support system necessary to operate the dredge, mechanized equipment shall not be used below the mean (ordinary) high water mark.
10. Refueling and Hazardous/Deleterious Material Storage
- a. Care shall be taken by the operator during refueling of equipment to prevent spillage.
 - b. Suction dredges must be checked for leaks, and all leaks repaired, prior to the start of operations each day. Equipment must be in proper working order and shall not leak petroleum products.
 - c. Spill Reports. Spills of petroleum products must be reported to IDEQ as required below:

Owners and operators shall contain and immediately clean up an above ground spill or overflow of petroleum only after identifying and mitigating any fire, explosion and vapor hazards.

 - 1) An above ground spill or overflow of petroleum that results in a release that exceeds twenty-five (25) gallons or that causes a

sheen on nearby surface water shall be reported to the Department within twenty-four (24) hours and owners and operators shall begin corrective action.

- 2) An above ground spill or overflow of petroleum that results in a release that is less than twenty-five (25) gallons and does not cause a sheen on nearby surface water shall be reported to the Department only if cleanup cannot be accomplished within twenty-four (24) hours.

Any other spills shall be noted in the log and reported on the Annual Report.

- d. All chemical or petroleum products shall be stored in a safe and secure location at all times. Fuel not stored and dispensed with an ANSI or UL approved safety container must be maintained not less than 100 feet from the mean (ordinary) high water mark.

Hazardous and deleterious material must not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of state waters or waters of the US unless adequate measures and controls are provided to ensure that those materials will not enter these waters as a result of high water, precipitation runoff, wind, storage facility failure, accidents in operation or unauthorized third party activities.

- e. Suction dredges must be anchored to the streambank during refueling, so that fuel does not need to be carried out into the stream. Unless the dredge has a detachable fuel tank, miners may transfer no more than one gallon of fuel at a time during refilling. Miners must use a funnel while pouring, and place an absorbent material such as a towel, under the fuel tank to catch any spillage from refueling operations. A spill kit must be available in case of accidental spills.

In the event of a reportable spill, see Appendix A for IDEQ contact information. Outside of regular business hours report to the State Communications Center (800) 632-8000 or (208) 846-7610.

11. Invasive Species

Operators must ensure their dredging equipment does not house invasive species. Equipment must be decontaminated prior to its placement in waters of the US. Furthermore, dredging equipment used in multiple streams should be decontaminated before each deployment. IDEQ Decontamination procedures can be found at:

http://www.deq.idaho.gov/media/457155-decontamination_procedures.pdf

12. The intake for the suction dredge pump shall be covered with screening mesh. Screen mesh openings shall not exceed 3/32 inch. If fry-sized salmonids are never present at the site, screen mesh openings shall not exceed 1/4 inch.

III. GENERAL MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling (Routine and Non-Routine Discharges)

Samples and measurements must be representative of the volume and nature of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the Permittee must monitor the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The Permittee must analyze any additional samples for those parameters limited in Permit Part I.A. that are likely to be affected by the discharge.

The Permittee must collect such additional samples as soon as a spill, discharge, or bypassed effluent reaches the outfall. Any samples collected must be analyzed in accordance with Permit Part III.C ("Monitoring Procedures"). The Permittee must report all additional monitoring in accordance with Permit Part III.D. ("Additional Monitoring by Permittee").

B. Reporting of Monitoring Results

Monitoring results must be compiled for the AR (See Appendix B). The Permittee must sign and certify all ARs, in accordance with the requirements of Permit Part V.E. of this GP ("Signatory Requirements"). The AR must be submitted to the following address:

US EPA Region 10
Attn: NPDES Compliance Unit
1200 Sixth Avenue, Suite 900
OCE-133
Seattle, Washington 98101-3140

The AR shall be sent to the appropriate IDEQ Regional Office (see Appendix A for contact information)

The AR must be postmarked no later than January 31 for the activities during the previous calendar year.

An AR is required even if no mining activity occurred during the year.

C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR § 136.5.

D. Additional Monitoring by Permittee

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the Permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the AR.

Upon request by EPA, the Permittee must submit results of any other sampling, regardless of the test method used.

E. Records Contents

Records of monitoring information must include:

1. the date, exact place (i.e., geographic coordinates), and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

F. Retention of Records

The Permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of ARs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or IDEQ at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the Permittee becomes aware of the circumstances:
 - a) any noncompliance that may endanger health or the environment;
 - b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Permit Part IV.F., "Bypass of Treatment Facilities");
 - c) any upset that exceeds any effluent limitation in the permit (See Permit Part IV.G., "Upset Conditions"); or
 - d) any violation of a maximum daily discharge limitation for applicable pollutants.

2. The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
 - a) a description of the noncompliance and its cause;
 - b) the period of noncompliance, including exact dates and times;
 - c) the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to the addresses in Permit Part III.B (“Reporting of Monitoring Results”).

H. Other Noncompliance Reporting

The Permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Permit Part III.B. (“Reporting of Monitoring Results”) are submitted. The reports must contain the information listed in Permit Part III.G.2. (“Twenty-four Hour Notice of Noncompliance Reporting”).

I. Changes in Discharge of Toxic Pollutants

The Permittee must notify the Director of the Office of Water and Watersheds and IDEQ as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a **routine or frequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a) One hundred micrograms per liter (100 ug/l);
 - b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a **non-routine or infrequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:

- a) Five hundred micrograms per liter (500 ug/l);
 - b) One milligram per liter (1 mg/l) for antimony;
 - c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).
3. The Permittee must submit the notification to Office of Water and Watersheds at the following address:

US EPA Region 10
Attn: NPDES Permits Unit Manager
1200 Sixth Avenue, Suite 900, OWW-130
Seattle, Washington 98101

IV. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The Permittee must comply with all conditions of this GP. Any noncompliance with this GP constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the CWA, any person who violates CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any such sections in a permit issued under § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to a civil penalty not to exceed the maximum amounts authorized by CWA § 309(d) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$37,500 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402. Pursuant to 40 CFR 19 and the CWA, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(A) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500). Pursuant to 40 CFR 19 and the CWA, penalties for Class II violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(B) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection

Improvement Act (31 U.S.C. § 3701 note) (currently \$16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$177,500).

3. Criminal Penalties:

- a. Negligent Violations. The CWA provides that any person who negligently violates CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any of such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.
- b. Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. Knowing Endangerment. Any person who knowingly violates CWA §§ 301, 302, 303, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in CWA § 309(c)(3)(B)(iii), shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d. False Statements. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The CWA further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance

shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

D. Duty to Mitigate

The Permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice.
 - a) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
 - b) Unanticipated bypass. The Permittee must submit notice of an unanticipated bypass as required under Permit Part III.G. ("Twenty-four Hour Notice of Noncompliance Reporting").
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the Permittee for a bypass, unless:

- (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The Permittee submitted notices as required under paragraph 2 of this Part.
- b. The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

G. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the Permittee meets the requirements of paragraph 2, below. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the Permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the Permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The Permittee submitted notice of the upset as required under Permit Part III.G., "Twenty-four Hour Notice of Noncompliance Reporting;" and
 - d) The Permittee complied with any remedial measures required under Permit Part IV.D., "Duty to Mitigate."
3. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants

The Permittee must comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

I. Planned Changes

The Permittee must give written notice to the Director of the Office of Water and Watersheds as specified in Permit Part III.I.3. and IDEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under Permit Part III.I., "Changes in Discharge of Toxic Substances".

J. Anticipated Noncompliance

The Permittee must give written advance notice to the Director of Office of Compliance and Enforcement and IDEQ of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

V. GENERAL REQUIREMENTS

A. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the Permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B. Duty to Reapply

If the Permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the Permittee must submit a new NOI at least 180 days before the expiration date of this permit.

C. Duty to Provide Information

The Permittee must furnish to EPA and IDEQ, within the time specified in a request, any information that EPA or IDEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee must also furnish to EPA or IDEQ, upon request, copies of records required to be kept by this permit.

D. Other Information

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to the EPA or IDEQ, it must promptly submit the omitted facts or corrected information in writing.

E. Signatory Requirements

All applications, reports or information submitted to EPA and IDEQ must be signed and certified as follows.

1. All permit applications must be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by EPA or IDEQ must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, owner or operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the Director of the Office of Compliance and Enforcement and IDEQ.
3. Changes to authorization. If an authorization under Permit Part V.E.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.E.2 must be submitted to the Director of the Office of Compliance and Enforcement prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or

persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. Availability of Reports

In accordance with 40 CFR 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the Permittee. In accordance with the CWA, permit applications, permits, and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the Permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public information) and 41 FR 36924 (September 1, 1976), as amended.

G. Inspection and Entry

The Permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; IDEQ; or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

I. Transfers

This permit is not transferable to any person except after written notice to the Director of the Office of Water and Watersheds as specified in part III.I.3. The Director may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

J. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by CWA § 510.

K. Re-opener Clause

This permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR 122.62 or 122.64, and 40 CFR 124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, including but not limited to future monitoring results. All requests for permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.

VI. DEFINITIONS

- A. "Active Stream Channel" means that part of the channel that is below the level of the water. Unvegetated gravel bars are considered part of the active stream channel.
- B. "Director" means the Regional Administrator of the United States Environmental Protection Agency, Region 10, or an authorized representative.
- C. "Dredging Operation" means a small suction dredge defined as having intake nozzle diameters of less than or equal to 5 inches (or the diametrical equivalent) and a cumulative rating of no more than 15 HP.
- D. "Expanding Facility" means any facility increasing in size such as to affect the discharge but operating within the permit area covered by its general permit.
- E. "Mean High Water" Mark is a water level corresponding to the natural or ordinary high water mark
- F. "New Facility" means a facility that has not operated in the area specified in the NOI prior to the submission of the NOI.
- G. "Nephelometric Turbidity Units or NTU" means a measure of turbidity based on a comparison of the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions.

- H. "Receiving Water" means waters such as lakes, rivers, streams, creeks, wetlands or any other surface waters that receive wastewater discharges.
- I. "Recommencing Facilities" are those facilities that may have let permit coverage lapse but still meet the coverage requirements of the GP.
- J. "Silt and Clay" are soil particles having a diameter of less than 0.002 mm (2 microns).
- K. "Turbidity" is a measure of the degree to which the water loses its transparency due to the presence of suspended particulates.

APPENDIX A
 Notice of Intent (NOI) Information Sheet
 NPDES General Permit IDG-37-0000
 Small Suction Dredge

Applicant (Owner/Operator):

Owner Name:

Winter Address:

Summer Address Check if same

Telephone Number:

Email address:

Operator Name Check if same as owner

Operation Name (if applicable):

Size of Suction Dredge Nozzle:
(5 inches or less)

Equipment rating:
(15 hp or less)

Land Management Agency:

Contact:

Phone number:

Permit Part I.D.1. requires copies of certain land management approvals be submitted with the NOI.

Permit Part I.E. requires that you contact the Idaho Department of Water Resources to obtain a permit and determine whether additional restrictions may apply.

Waterbody Information

Waterbody*	Nearest Town	Latitude	Longitude	Dates of Operation	Hours of Operation**

***Include a map noting each location.**

**An NOI is required on an annual basis for facilities on Mores, Grimes and Elk creeks along with the number of dredge hours planned (See Permit Parts I.G.1. and II.B.3.)

Printed Name:

Signature:

Date:

Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Mail Completed NOI to EPA at the following addresses:

Original to:

EPA Idaho Operations Office
 NPDES/IDG-37-0000
 950 W Bannock Street, Suite 900
 Boise, ID 83702

Signed copies may be faxed to (208) 378-5744

Scanned signed copy e-mailed to degering.tracy@epa.gov

Mail completed NOI to Land Management Agency and the appropriate DEQ Regional Office:

State of Idaho Contact Information	
Department of Environmental Quality	Department of Water Resources
Boise Regional Office 1445 North Orchard Boise, Idaho 83706 (208) 373-0550 (888) 800-3480	The Idaho Water Center 322 East Front Street PO Box 83720 Boise, Idaho 83720-0098 Phone: (208) 287-4800
Twin Falls Regional Office 1361 Fillmore Street Twin Falls, Idaho 83301 (208)736-2190 (800) 270-1663	Field Office 1301 East Main Street, Suite 7 Salmon, ID 83467 Phone: (208) 756-6644
Pocatello Regional Office 444 Hospital Way, #300 Pocatello, Idaho 83201 (208) 236-6160 (888) 655-6160	Western Regional Office 2735 Airport Way Boise, ID 83705-5082 Phone: (208) 334-2190
Lewiston Regional Office 1118 F Street Lewiston, Idaho 83501 (208) 799-4370 (877) 541-3304	Northern Regional Office 7600 Mineral Drive, Suite 100 Coeur d'Alene, ID 83815-7763 Phone: (208) 762-2800
Coeur d'Alene Regional Office 2110 Ironwood Pkwy Coeur d'Alene, Idaho 83814 (208) 769-1422 (877) 370-0017	Southern Regional Office 1341 Fillmore Street, Suite 200 Twin Falls, ID 83301-3380 Phone: (208) 736-3033
Idaho Falls Regional Office 900 N. Skyline Suite B Idaho Falls, Idaho 83402 (208) 528-2650 (800) 232-4635	Eastern Regional Office 900 North Skyline Drive, Suite A Idaho Falls, ID 83402-1718 Phone: (208) 525-7161

Appendix B
Annual Report Information Sheet*

Name		Permit Number		
Address		IDG-37-		
		No Mining <input type="checkbox"/> (check here)		
Phone		Period of Dredging		
		From	To	Days**
E-mail				
Waterbody Name				
Location	Latitude:			
	Longitude:			

Estimated number of cubic yards processed during the season:

Report of Non-compliance

Date	Describe non-compliance and the remedy to come back into compliance

Date	Fuels spills not required to report to IDEQ

Printed Name:

Signature:	Date
------------	------

Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

* A separate Annual Report (AR) must be submitted for each permit number.
 ** Refers to the number of dredging days that occurred during the period of dredging.

APPENDIX C Identifying Spawning Areas

The following information can be used to determine if you are located in an area that may be a spawning area of a species of concern. These areas should be avoided.

- Trout construct spawning nests (redds) in clean gravel from 0.25 to 1.5 inches in diameter. The preferred site is a gravel bar at the tail or side of pools covered by 6 to 12 inches of smoothly flowing water. Redds may be recognized as round or oval depressions in the gravel which appear cleaner or brighter than the surrounding gravel.
- Salmon and Steelhead spawn in similar areas in gravel and cobblestones up to 3-4 inches in diameter.
- Steelhead, Rainbow and Cutthroat Trout can spawn from March through June, but primarily in the months of April and May, and their eggs and fry remain in the gravel until mid-summer.
- Spring and Summer Chinook Salmon typically spawn in August and September, Fall Chinook Salmon spawn in October and November. Their eggs and fry remain in the gravel until the following spring.
- Brook Trout, Brown Trout, Bull Trout, Kokanee and Mountain Whitefish spawn from September into December and their eggs and fry remain in the gravel during winter. Incubation of Bull Trout eggs also occur over a longer period than other species and their young have an extended period of residency in spawning gravels - 200 days as opposed to about 60 days for other trout.
- Pacific Lamprey are an anadromous species present in the Snake River Drainage utilizing similar stream habitats to Chinook Salmon and Summer Steelhead. Lamprey adults migrate into the Columbia and Snake River basins from June through October, over winter, and spawn during April through July. Spawning substrates are fine to medium size gravels (0.25 to 1.0 inch diameter). Following a hatching period of 2-3 weeks, larvae (ammocoetes) rear in fine substrates where they remain for over 5 years until the transformation to adult is complete. Adults migrate to the ocean where they become parasitic.

APPENDIX D
Receiving Waters Where Discharge is Not Authorized
Under This Permit

Part 1: National Wild and Scenic Rivers

Pursuant to the authorities specified in Section 47-1323, Idaho Code, the State Board of Land Commissioners prohibited dredge mining in any form from water bodies making up part of the National Wild and Scenic Rivers System.

1. Middle Fork of the Clearwater River

From the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell ranger station; and the Selway River from Lowell upstream to its origin.

2. Middle Fork of the Salmon River

From its origin to its confluence with the main Salmon River.

3. St. Joe River

Including tributaries, from its origin to its confluence with Coeur d'Alene Lake, except for the St. Maries River and its tributaries.

4. Owyhee River System

The Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, the North Fork of the Owyhee River from the Idaho-Oregon State border upstream to the upstream boundary of the North Fork Owyhee River Wilderness, the South Fork of the Owyhee River upstream from its confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho Nevada State border, Battle Creek from its confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness, Deep Creek from its confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in Section 30, Township 12 South, Range 2 West, Boise Meridian, Dickshooter Creek from its confluence with Deep Creek to a point on the stream ¼ mile due west of the east boundary of Section 16, Township 12 South, Range 2 West, Boise Meridian, Red Canyon from its confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness.

5. Bruneau River System

The Bruneau River from the downstream boundary of the Bruneau-Jarbidge Wilderness to its upstream confluence with the West Fork of the Bruneau River,

West Fork of the Bruneau River from its confluence with the Jarbidge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the Southeast/Northeast quadrants of Section 5, Township 13 South, Range 7 East, Boise Meridian.

6. Jarbidge River System

Jarbidge River from its confluence with the West Fork of the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, Sheep Creek from its confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness.

7. Big Jacks Creek System

Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in Section 8, Township 8 South, Range 4 East, to the point at which it enters the Northwest $\frac{1}{4}$ of Section 26, Township 10 South, Range 2 East, Boise Meridian, Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness upstream to the mouth of O X Prong Creek, Cottonwood Creek from its confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, Duncan Creek from its confluence with Big Jacks Creek upstream to the east boundary of Section 18, Township 10 South, Range 4 East, Boise Meridian, Wickahoney Creek from its confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness.

Part 2: Withdrawn River Segments

Pursuant to Section 58-104(a) and 47-702, Idaho Code, the State Board of Land Commissioners has prohibited recreational dredge or placer mining in the following segments.

1. Boise River
 - a. The Bed of the South Fork of the Boise River from Anderson Ranch Dam in T01S, R08E, downstream to Neal Bridge in Section 34, T03N, R06E.
 - b. The Bed of the Middle Fork of the Boise River from the east boundary of T05N, R08E, downstream to the west boundary of Section 1, T03N, R05E.
 - c. The Bed of the Boise River from Lucky Peak Dam in T02N, R03E, down River to Star Highway in T04N, R01W. Note: This withdrawal does not include the removal of sand and gravel, which is necessary for flood control purposes.

2. Payette River
 - a. The Bed of the North Fork of the Payette River, from Cabarton Bridge to Banks, between the ordinary high water marks, situated in Section 31, T13N, R 05E, to Section 32, T 09N, R 03E.
 - b. The Bed of the South Fork of the Payette River from the Sawtooth Wilderness Boundary to Banks, between the ordinary high water marks, situated in Section 12, T 09N, R09E to Section 32, T 09N, R 03E.
 - c. The Bed of the Main Payette River, from Banks to Black Canyon Dam, between the ordinary high water marks, situated in Section 32, T09N, R03E, to Section 22, T07N, R01W.
3. Priest River
 - a. The Bed of Upper Priest River, from the Canadian border to the confluence with Priest Lake, between the ordinary high water marks, situated in Section 12, T65N, R05W, B.M., to Section 19, T63N, R04W.
4. Salmon River
 - a. The Bed of the Salmon River from the mouth of the North Fork of the Salmon River in T24N, R21E, downstream to Long Tom Bar. The Bed of the Salmon River from the mouth in T29N, R04W, upstream to Hammer Creek in T28N, R01E. The Bed of the Middle Fork of the Salmon River from its origin to its confluence with the main Salmon River. The Bed of the South Fork of the Salmon River from the mouth through T20N, R06E.
5. Snake River
 - a. The Bed of the Henry's Fork of the Snake River from its point of origin at Henry's Fork to the point of its confluence with the backwaters of Ashton Reservoir, situated in Section 21, T15N, R43E, to Section 13, T09N, R42E.
 - b. The Bed of the Snake River from the east boundary of T06S, R08E to the west boundary of T01S, R02W, encompassing the Birds of Prey Area.
 - c. The Bed of the Snake River from the mouth of the east ordinary high water mark to the center of the main channel (State of Idaho ownership in the Hells Canyon National Recreation Area), from the north boundary of T20N, R04W to the south boundary of T31N, R05W.

Part 3: State Protected Rivers

Pursuant to the authorities specified in Section 42-1734A, Idaho code and adopted by the Idaho Water Resource Board, the following waterways and/or stream segments are protected as either a State Natural River or as a State Recreational River with recreational dredge or placer mining prohibited.

1. Priest River Drainage
 - Upper Priest River, International Boundary to confluence with Upper Priest Lake
 - Upper Priest Lake
 - The Thoroughfare, Upper Priest Lake to beginning of private property along south bank.
 - The Hughes Fork, headwaters to mouth
 - Rock Creek, headwaters to mouth
 - Lime Creek, headwaters to mouth
 - Cedar Creek, headwaters to mouth
 - Trapper Creek, headwaters to mouth
 - Granite Creek, confluence of its North and South Forks to mouth
 - Priest River, Priest Lake outlet structure to McAbee Falls
 - Lion Creek, headwaters to mouth
 - Two Mouth Creek, headwaters to mouth
 - Indian Creek, headwaters to mouth

2. Payette River Drainage
 - South Fork Payette River, Deadwood River to Big Pine Creek
 - Payette River, confluence of its South and Middle Forks to Beehive Bend
 - North Fork Payette River, Cabarton Bridge to mouth
 - North Fork Payette, headwaters (includes Cloochman and Trail Creeks) to Payette Lake inlet

3. Boise River Drainage
 - South Fork Boise River, Anderson Ranch Dam to a point 250 yards upstream of Neal Bridge
 - Lime Creek and all tributaries, headwaters to mouth
 - Big Smoky Creek and all tributaries, headwaters to mouth
 - Boise River, from confluence of its North and Middle Forks to backwaters of Arrowrock Reservoir
 - Sheep Creek, headwaters to mouth
 - South Fork Sheep Creek, headwaters to mouth
 - Devils Creek, headwaters to mouth
 - East Fork Sheep Creek, headwaters to mouth
 - Middle Fork Boise River, mouth of Roaring River to confluence with the North Fork Boise River

3. Boise River Drainage, continued

- Roaring River, headwaters to mouth
- East Fork Roaring River, headwaters to mouth
- Middle Fork Roaring River, headwaters to mouth
- North Fork Boise River, mouth of Crooked River to confluence with the Middle Fork Boise River
- North Fork Boise River, Sawtooth Wilderness Area to mouth of Hunter Creek
- McNutt Creek, headwaters to mouth
- Taylor Creek, headwaters to mouth
- McDonald Creek, headwaters to mouth
- Horsefly Creek, headwaters to mouth
- Blue Jay Creek, headwaters to mouth
- Lodge Pole Creek, headwaters to mouth
- Bow Creek, headwaters to mouth
- Big Silver Creek, headwaters to mouth
- Johnson Creek, Sawtooth Wilderness Area to mouth
- Robin Creek, headwaters to mouth
- Grouse Creek, headwaters to mouth

4. Snake River Drainage

- Snake River, downstream boundary of the Milner Hydroelectric Project to Clover Creek, but excluding hydroelectric project boundaries.

5. Henry's Fork Snake River Drainage

- Targhee Creek, including West and East Forks, source to National Forest boundary
- Henry's Fork, Big Springs to Island Park Reservoir, and the lower 2 miles of Henry's Lake Outlet
- Henry's Fork, Island Park Reservoir to Ashton Reservoir
- Golden Lake
- Silver Lake
- Thurman Creek, Golden Lake to mouth
- Buffalo River springs approximately 8 miles upstream of mouth to mouth
- Elk Creek, right-of-way lines below Elk Creek Dam to mouth
- Warm River, Partridge Creek to upper boundary of Warm River Campground
- Robinson Creek, Yellowstone Park boundary to mouth
- Rock Creek, Yellowstone Park boundary to mouth
- Henry's Fork, Ashton Dam to Falls River
- Falls River, Idaho border to Kirkham Bridge
- Boone Creek, Idaho border to mouth
- Conant Creek, Idaho border to Conant Creek diversion structure

- Teton River, Trail Creek to Felt Dam
- Teton Creek springs near Highway 33 to mouth
- Fox Creek springs approximately 2.5 miles upstream of mouth to mouth
- Badger Creek springs approximately 3 miles upstream of mouth to mouth
- Bitch Creek, Idaho border to mouth

6. South Fork Snake River Drainage

- South Fork Snake River, Palisades Dam to confluence with Henry's Fork
- Fish Creek, headwaters to confluence with McCoy Creek
- Big Elk Creek, Idaho-Wyoming state line to Palisades Reservoir backwaters
- Little Elk Creek, headwaters to Palisades Reservoir backwaters
- Bear Creek and perennial tributaries, headwaters to Palisades Reservoir backwaters and the following perennial tributaries:
 - South Fork Bear Creek, headwaters to mouth
 - Deadman Creek, headwaters to mouth
 - Warm Springs Creek, headwaters to mouth
 - North Fork Bear Creek, headwaters to mouth
 - Small Creek, headwaters to mouth
 - Poison Creek, headwaters to mouth
 - Currant Creek, headwaters to mouth
 - Muddy Creek, headwaters to mouth
 - Elk Creek, headwaters to mouth
- Palisades Creek and perennial tributaries, headwaters to South Fork Snake Confluence and the following perennial tributaries:
 - North Fork Palisades Creek, headwaters to mouth
 - East Fork Palisades Creek, Idaho-Wyoming state line to mouth
 - Corral Creek, Idaho-Wyoming state line to mouth
 - Lost Spring Canyon, headwaters to mouth
 - Dead Man Canyon, headwaters to mouth
 - Little Dry Canyon, headwaters to mouth
 - Dry Canyon, headwaters to mouth, including Upper Palisades Lake
 - Water Fall Canyon, headwaters to confluence with Dry Canyon
- Fall Creek and perennial tributaries, headwaters to mouth, and the following perennial tributaries:
 - East Fork Fall Creek, headwaters to mouth
 - Willow Springs Creek, headwaters to mouth
 - Beaver Creek, headwaters to mouth
 - Trap Creek, headwaters to mouth
 - Haskin Creek, headwaters to mouth
 - Camp Creek, headwaters to mouth

6. South Fork Snake River Drainage, continued
 - Gibson Creek, headwaters to mouth
 - Blacktail Creek, headwaters to mouth
 - South Fork Fall Creek, headwaters to mouth
 - Currant Hollow, headwaters to mouth
 - Pine Creek and perennial tributaries, headwaters to confluence with South Fork Snake River, and the following perennial tributaries:
 - Tie Canyon, headwaters to mouth
 - Poison Canyon, headwaters to mouth
 - Mike Spencer Canyon, headwaters to mouth
 - North Fork Pine Creek and perennial tributaries, headwaters to mouth, and the following perennial tributaries:
 - Elk Flat Fork, headwaters to mouth
 - Holter Creek, headwaters to mouth
 - Red Creek, headwaters to mouth
 - Corral Creek, headwaters to mouth
 - Lookingglass Creek, headwaters to mouth
 - West Pine Creek, headwaters to mouth, including unnamed headwater tributaries.
 - Burns Creek and perennial tributaries, headwaters (including unnamed headwater tributaries) to South Fork Snake Confluence, and the following perennial tributaries:
 - Beartrap Canyon, headwaters to mouth
 - Little Burns Canyon, headwaters to mouth
 - Jensen Creek, headwaters to mouth
 - Hell Hole Canyon, headwaters to mouth
 - Burns Creek (tributary to reservoir), headwaters to Idaho-Wyoming state line
 - Trout Creek, headwaters (including all unnamed headwater tributaries), to confluence with Palisades Reservoir
 - McCoy Creek and perennial tributaries, Fish Creek Confluence to backwaters of Palisades Reservoir, and the following perennial tributaries:
 - Spring Creek, headwaters to mouth
 - Clear Creek, headwaters to mouth
 - Wolverine Creek, headwaters to mouth
 - Kirk Creek, headwaters to mouth
 - Box Canyon Creek, headwaters to mouth

6. South Fork Snake River Drainage, continued

- McCoy Creek and perennial tributaries, Fish Creek Confluence to backwaters of Palisades Reservoir, and the following perennial tributaries
 - Hell Creek, headwaters to mouth
 - Jensen Creek, headwaters to mouth
 - Bitters Creek, headwaters to mouth
- Indian Creek (tributary to Palisades Reservoir)-Idaho-Wyoming state line to Smith Canyon.
- Sheep Creek, headwaters to South Fork Snake Confluence
- Indian Creek (tributary to South Fork Snake River), headwaters to South Fork Snake Confluence
- Rainey Creek and perennial tributaries, headwaters to South Fork Snake Confluence, and the following perennial tributaries:
 - North Fork Rainey Creek, headwaters to mouth
 - South Fork Rainey Creek, headwaters to mouth
- Prichard Creek, headwaters to South Fork Snake Confluence
- Black Canyon, headwaters to South Fork Snake Confluence
- Warm Springs, source to South Fork Snake Confluence
- Wolverine Creek, headwaters to South Fork Snake confluence
- Cress Creek, source to South Fork Snake confluence

7. North Fork Clearwater River Drainage

- Isabella Creek, headwaters to mouth
- Weitas Creek, headwaters to mouth
- Little North Fork Clearwater River, Meadow Creek to Cedar Creek
- North Fork Clearwater River, headwaters to Wrangler Creek and from Isabella Creek to the backwater of Dworshak Reservoir (Thompson Creek)
- Reeds Creek, Calhoun Creek to mouth
- Beaver Creek, Charlie Creek to mouth
- Little North Fork Clearwater River, headwaters to backwaters of Dworshak Reservoir at Meadows Creek
- Elk Creek, headwaters to Deep Creek
- Kelly Creek, headwaters to mouth
- Cayuse Creek, headwaters to mouth

8. Main Salmon River Drainage

- Little Salmon River - Hwy 95 bridge above "The Falls" to confluence with the Salmon River

- Boulder Creek - from its headwaters to its confluence with the Little Salmon River
- Hard Creek - from its headwaters to its confluence with Hazard Creek
- Hazard Creek - from the outlet of Hazard Lake downstream to its confluence with the Little Salmon River

Part 4: Impaired Waterbodies for Mercury and Siltation/Sediments

Discharges from suction dredge operations are not authorized in waterbodies that are listed for mercury or siltation/sediment.

The Idaho Department of Environmental Quality's document: Final 2010 Integrated Report, Sections 4(a), 4(b) and 5: Impaired Waters: Lakes and Rivers, approved by EPA, contains the list of water quality limited waterbodies.

The document can be accessed at:

<http://www.deq.idaho.gov/media/725927-2010-integrated-report.pdf>

This list is subject to change during the life of the permit, as the Integrated Report is updated every two (2) years and the permit will be valid for a term of five (5) years. Therefore, it is the permittees responsibility to know whether or not additional waters have been added to this list. The permittee must use the most current EPA-approved Integrated Report, available on Idaho DEQ's website:

<http://www.deq.idaho.gov/water-quality/surface-water/monitoringassessment/integratedreport.aspx>

Impaired waters are identified in Categories 4 and 5 of the Integrated Report. Category 4(a) reflects impaired waters for which a TMDL has been approved by EPA. Category 5 contains waters which have been identified as "impaired" but do not yet have an EPA-approved TMDL. DEQ's webpage also has a link to the state's map-based Integrated Report which presents information from the Integrated Report in a searchable, map-based format: <http://mapcase.deq.idaho.gov/wq2010/>. The permittee is advised to contact the appropriate DEQ regional office (Appendix A) to verify these listings.

Appendix E
Map

Detailed maps are available on the website at

<http://yosemite.epa.gov/r10/water.nsf/hpdes+permits/idsuction-gp>