

I want to suction dredge in Idaho

- 1) Is the water open under EPA general permit? If yes answer 2. If No go to 3.
- 2) Is the water open under IDWR permitting? If yes apply for EPA general permit and State IDWR permit and any other applicable permits (typically special use permit from land management agency if on public lands). If no – no option, do not pursue further.
- 3) Applicants may potentially apply for EPA suction dredging permits for closed waters under some circumstances which will require additional review and evaluation and potentially significant wait times depending upon land and consultation status.

3a) Is it Federal land with an existing valid ESA suction dredging consultation?

If it is Federal land and the land management agency has consulted on the effects to ESA species via an existing consultation process then the suction dredge applicant may be covered by the previous consultation process. Applicant would submit an EPA general permit, the applicable NOAA and/or FWS Biological Opinion(s), and associated Federal land management permit(s) to EPA.

3b) If it is Federal land and the land management agency has not consulted on the effects to an ESA species via a previous consultation process – then the land management agency needs to determine if suction dredging is a compatible use. If no – no options, do not pursue further. If compatible, then the agency will need to decide if it will pursue a new ESA consultation in an individual or batched (programmatic) approach. Even if compatible, an action agency may have other higher priority work which may preclude pursuing ESA consultation on behalf of the suction dredge applicant. The applicant would need to submit an EPA individual permit, the completed applicable NOAA and/or FWS Biological Opinion(s), and associated Federal land management permit(s) to EPA.

3c) If it is State or Private land and IDWR has determined the area is open for suction dredging and EPA general permit is closed - then an EPA individual permit would need to be applied for. EPA would be the “action agency” submitting the paperwork to NOAA and FWS for ESA assessment.

EPA Question: If on Federal land and an existing or new LAA consultation addresses LAA actions, can the General Permit still be used to issue a permit even though consultation for the General Permit was limited to a NLAA action?

EPA Question: Or, if an action via any consultation results in a LAA determination, does that require the individual permit (General Permit is not an option)?

IDWR Question: Is there any other avenue for suction dredging if the State Waters are closed for dredging? i.e. is there any exemption process or is suction dredging simply never going to be allowed under any circumstances?