



FISH HABITAT PERMIT

SMALL SCALE MINING – KENAI PENINSULA AREA STREAMS

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____

E-MAIL: _____

AUTHORIZED SMALL SCALE MINING EQUIPMENT

Suction Dredge: Intake (in.): _____ (must be 6 inches or less)

Horsepower: _____ (must be 18 hp or less)

Power Sluice: Horsepower: _____ (must be 18 hp or less)

“Power Sluicing” is defined as the use of a sluice box and small pump to process material delivered to the sluice with hand tools (shovels, buckets, etc.). This type of mining is also commonly referred to as “High Banking.”

AUTHORIZED STREAMS

Stream Name	Anadromous Water Body Number	Section	Township/Range

FOR OFFICIAL USE ONLY	
PERMIT NUMBER:	_____
	FH26-V- _____
DATE ISSUED:	_____
DATE EXPIRES:	_____
ISSUED BY:	_____
Delegation from Doug Vincent-Lang, Commissioner Alaska Department of Fish & Game	

FOR OFFICIAL USE ONLY	
Authorized Dates	Authority

Supplemental stream list attached.

I certify that I have read and understand this permit, including the permit conditions. I agree to strictly abide by all the conditions of this permit and I affirm that all information provided herein is true and correct. I acknowledge that non-compliance with the conditions of this permit is subject to the penalty provisions of AS 16.05.841 and/or AS 16.05.871(d).

Signature of Applicant: _____

Date: _____

In accordance with AS 16.05.841 and AS 16.05.871(d), 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 anadromous water bodies specified under AS 16.05.871(a) (Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish).

Stipulations for ALL Small-Scale Mining in Anadromous Streams

1. Mining activities below the ordinary high water (OHW) line may be seasonally restricted to protect incubating fish eggs, alevins, and fry within the streambed gravels.
2. Construction or maintenance of dams, diversions, fills, deflectors, and any other structures below the OHW (vegetation) line is prohibited.
3. Natural stream banks 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 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 resident fish streams 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 permit does not allow motorized vehicle use in anadromous (salmon bearing) water bodies. A separate Fish Habitat Permit is required to cross anadromous waters.

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 nor does it authorize trespass on mineral claims or private property. It is the responsibility of the applicant/permit holder to obtain lawful permission from the landowner or land management agency prior to conducting activities authorized by this permit. Please contact the Kenai Peninsula ADF&G Habitat office at (907) 714-2475 with any questions.

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, powered by a motor of 18 HP or less, as recreational. Dredge operators with an intake larger than 6 inches, or motor greater than 18 HP, should contact the ADNR/DMLW at (907) 269-8647 for commercial mining application instructions.

The Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation (ADNR/DPOR), has additional limitations on the use of motorized mining equipment within state park units. Recreational miners should contact the ADNR/DPOR at (907) 269-8400 to obtain the latest information for those areas.

The Bureau of Land Management (BLM) has additional limitations on the use of motorized small-scale mining equipment within lands managed by BLM. Please contact the Bureau of Land Management at (907) 271-5960 to obtain the latest information for those areas.

The U.S. National Park Service (NPS) reviews all mining activities, regardless of size, under the Mining in Parks Act. Please contact the NPS at (907) 644-3510 to obtain the latest information for those areas.

The Alaska Department of Environmental Conservation (DEC) considers highbankers and freshwater dredges with intakes less than or equal to 6 inches and pump engines less than or equal to 18 horsepower as small scale and requires coverage under the DEC Small Suction Dredge Placer Miners General Permit. Larger dredges require advanced notice and approval from the federal land manager and DEC. For more information, please contact DEC at (907) 451-2142.

For any activity that significantly deviates from the approved plan, you shall notify the Habitat Section and obtain written approval in the form of a permit amendment 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 plan. The final determination as to the significance of any deviation and the need for a permit amendment is a Habitat Section responsibility. Therefore, it is recommended you consult the Habitat Section immediately when a deviation from the approved plan 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 Habitat Section regulated activities; 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 from state, federal, or local agencies. 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. You shall mitigate any adverse effect upon fish or wildlife, their habitats, or any restriction or interference with public use that the commissioner determines was a direct result of your 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 decisions may be appealed in accordance with the provisions of the Administrative Procedures Act (AS 44.62.330 – 44.62.630).

ecc:

KPB River Center
AWT Northern Detachment
USACE Kenai
Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Soldotna
dec.placernotices@alaska.gov

ADF&G SF Area Management Biologist
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ADF&G SF Permit Coordinator
ADNR DMLW Anchorage
ADNR TWUA

