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Idaho Pollutant Discharge Elimination System

General Permit No. IDG370000

Small Suction Dredge Mining General Permit in Idaho

Idaho Department of Environmental Quality

Surface and Wastewater Division
IPDES Program

1410 N. Hilton Street
Boise, ID 83706

In compliance with the provisions of the State of Idaho Environmental Protection and Health Act Title 39, Chapter 1, "Rules Regulating the Idaho Pollutant Discharge Elimination System Program" (IDAPA 58.01.25) and the Federal Water Pollution Control Act (Clean Water Act) Title 33 United States Code, Section 1251 *et seq*.

Owners and operators of small suction dredges in Idaho (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 under this IPDES general permit, in accordance with the general permit conditions that follow.

A copy of this general permit must be kept at the site where discharges occur.

Mary Anne Nelson, PhD
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Important Highlights

The following highlights apply to the Idaho Pollutant Discharge Elimination System (IPDES) Small Suction Dredge Mining General Permit for Idaho. Appendix A provides definitions and acronyms used in this general permit (GP).

Eligibility Requirements (Permit Part I.A through E)

- One intake nozzle size of 5 inches or less or multiple nozzles with total diameter 5 inches or less);
- Engine rated at 15 horsepower or less; and
- Operated in Idaho Department of Environmental Quality's (DEQ's) open or allowed areas only.

Friends and family members sharing one or more dredging operation may operate under the authorized Operator's GP coverage. GP coverage is still restricted to the eligibility requirements of approved dredging operations of the total maximum of intake nozzle of 5 inches and engine rate of 15 horsepower. Friends and family must be identified on the Notice of Intent (NOI) and are subject to all other local, state, and federal rules and regulations. The authorized Operator (Permit Holder/Dredger) remains responsible for GP compliance. *DEQ requires 800 feet distance between dredging operations.*

This GP is not required for nonmotorized operations or techniques (i.e., hand panning, high banking, sluice box methods) that prevent any pollutants, or wastewater from discharging into the water.

Determining Allowable Areas (Permit Part I.E)

Materials are available online at *www2.deq.idaho.gov/admin/LEIA/index.html?view=folder&id=3018.*

DEQ requires that operators assess if their location is eligible for GP coverage prior to submitting their NOI. Some of the areas are open under both DEQ and Idaho Department of Water Resources (IDWR) but not all are open for both. The Operator is also responsible for verifying all requirements with other applicable agencies (e.g., Plan of Operations for Mining Activities on National Forest System Lands) are satisfied.

DEQ Open Waters

Open waters (waters eligible for dredging operations) can be permitted for the duration of the GP cycle (currently 2024–2029). The following exceptions apply to open waters (Permit Part I.E.2, including limitations on locations and timing awareness for special areas, Permit Part I.G.2).

- Exception 1: NOIs for Grimes, Elk, and Mores (GEM) Creeks and their tributaries can be submitted starting January 1 of each year and are **due by April 1** each year.

- Exception 2: NOIs for McCoy, Moose, Lolo, French, Orogrande Creeks and their tributaries can be submitted starting January 1 of each year and are **due by May 1 each year** or until GP authorizations meet the limitation condition.
- Exception 3: NOIs for the South Fork Clearwater River (SFCR) can be submitted after January 1 each year and are **due by March 1** each year or until GP authorizations meet the limitation conditions.
- *Exception 4: For 2024 dredging season, DEQ will send out separate notifications for NOI submittal deadlines.*

DEQ Closed Waters

Seven categories of waters are closed to dredging in Idaho (Permit Part I.E.):

- Idaho Designated Areas (Permit Part I.D.1. provides exceptions)
- Tribal Reservations
- National Wild & Scenic Rivers
- Withdrawn Rivers
- State-Protected Rivers
- Water bodies impaired by mercury, suspended solids, or sediment
- Waters where threatened or endangered species or their critical habitat, or essential fish habitat (EFH) occur* (Permit Part I.D.4. provides exceptions)

*Bull Trout, Steelhead, Chinook Salmon, Sockeye Salmon, White Sturgeon, and certain species of snails in Idaho are protected under the Endangered Species Act (ESA). EFH for Pacific Salmon (Chinook and Coho Salmon) is protected under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). ESA and EFH review by the US Fish and Wildlife Service and/or the National Oceanic and Atmospheric Administration (NOAA) Fisheries is required before DEQ will authorize suction dredging in critical habitat areas, EFH, or where threatened/endangered species are present. Initiating the ESA or EFH process is time-intensive; it is advisable to start ESA and/or EFH consultations and discussions with the relevant federal agencies well in advance of the GP coverage requirement.

How to Apply (Permit Part I.G.)

A complete NOI (example provided in Appendix B) must be submitted through the *Idaho Pollutant Discharge Elimination System Program (IPDES) E-Permitting System.*

Operators are responsible for providing a duplicate NOI to the applicable land managers (Bureau of Land Management [BLM], US Forest Service [USFS], Idaho Department of Lands [IDL]), and private property owner).

DEQ may request additional information if the dredging location is within 500 feet of a drinking water intake.

Processing the NOI (Permit Part I.G.)

DEQ coordinates every GP action with applicable land management agencies (i.e., BLM, USFS, and IDL) prior to GP coverage authorization for comments and conditions. Land management agencies have 30 days to object to GP coverage authorization by DEQ. *If coverage was authorized in previous years, all Annual Reports (ARs) must be submitted for the previous years before new coverage will be authorized. If GP coverage was issued, but no dredging activity occurred, the Operator must still provide an AR by January 30. Noncompliance with the reporting requirements will delay IPDES GP coverage authorization or may result in a denial of the NOI.*

Suction dredge activities covered under this GP are not allowed until DEQ provides the Operator with written notification, in the form of a letter or email, that GP coverage has been authorized.

Apply without delay, as processing may require 30 to 60 days.

General Permit Conditions (Permit Part II.D.)

The GP contains 12 conditions or best management practices (BMPs) that address the following:

- Avoiding silt and clay areas
- Encountering mercury
- Operating 800 feet apart
- Fish passage, spawning fish, and spawning habitat
- Alterations to the active stream channel
- Erosion and undercutting
- Dams and diversions
- Moving natural obstructions
- Other mechanized equipment in the water
- Refueling and hazardous material storage
- Invasive species
- Screen mesh opening for intake nozzle

Operators must visually monitor for compliance with all GP conditions and retain records of monitoring information.

GP conditions and restrictions are necessary to prevent harm to aquatic environments.

- *Lethal effects to fish may occur from suctioning eggs or young fish out of the gravel; crushing, trampling, or disturbing nest's (redds) eggs or young fish; or from dispersing sediment through the streambed that can deplete the oxygen supply to eggs or young fish in redds.*
- *Nonlethal effects include causing fish to move out of preferred habitat, disrupting feeding patterns, altering habitat, and disrupting food supplies.*
- *Water quality is temporarily impaired when sediment is stirred up.*

Reporting Requirement (Permit Part II.C.)

For each permitted location, the Operator must provide an annual report (AR) by January 30 each year, *even if operations did not occur in the previous season* (Appendix C).

Problems (e.g., lethal or nonlethal effects to fish, water quality issues, or any violations) encountered while dredging must be noted in the AR. If no problems were encountered, leave the noncompliance section blank. Submit ARs through the *Idaho Pollutant Discharge Elimination System Program (IPDES) E-Permitting System.*

Permit Part I.G.5 provides information on electronic waivers.

Other Important Information

- Do not operate in waters closed by DEQ or IDWR. Written authorization from the agency or agencies, establishing the closure is required before operation.
- Land management agencies may require additional information, such as a Plan of Operations (POO), before operating.
- DEQ will provide each Permittee a Permit Certificate that includes the GP coverage number and miner's number. The miner's number is issued once an Operator registers in the E-Permitting System. The Permit Certificate must be posted on the dredge and in your vehicle's window, demonstrating proof of authorization.
- A "Letter Permit" from IDWR is a prerequisite, along with a DEQ authorization letter, before commencing dredging operations.
- Operators may schedule an appointment to meet with DEQ regional office staff to discuss the GP.
- There is no application or annual fee.

I. Coverage Under This General Permit

A. Eligibility

To be covered under this GP, you must meet the following eligibility conditions and follow the requirements for obtaining GP coverage:

1. Operators (owners, dredgers, miners) of suction dredges covered by the IDWR's Idaho Recreational Mining Authorization (Letter Permit) may be eligible for coverage under this IPDES General Permit (GP). Permit Part I.G. provides the GP authorization requirements.
2. Operators must submit a NOI through the IPDES E-Permitting System. Paper submittals may be allowed for those Operators with an approved electronic waiver as identified in Permit Part I.G.5.
3. Friends and family members sharing one or more dredges may operate under the Operator's GP coverage authorization and are still limited to the conditions of authorized operations as identified in Permit Part I.C. DEQ requires 800 feet distance

between dredging operations. Friends and family must be identified in the NOI and comply with all other local, state, and federal rules and regulations. The authorized Operator (Permit Holder) remains responsible for GP coverage compliance.

4. Nonpowered equipment—DEQ does not require IPDES GP coverage for nonpowered placer mining equipment (i.e., hand panning, high banking, and/or sluice box) that prevents any pollutants from discharging into the water, meets the criteria found in the "Stream Channel Alteration Rules" (IDAPA 37.03.07.025.05), and complies with any BLM, USFS, or other federal requirements for placer mining on federal land. DEQ requires IPDES GP coverage in cases where pollutants are discharged into receiving waters and may require GP coverage if new information related to nonpowered equipment is acquired. Discharges through groundwater that are identified as functionally equivalent to point source discharges are also subject to permit coverage.
5. Authorization to discharge requires **written notification from DEQ** that coverage has been authorized. This GP only covers the discharge of wastewater from the suction dredge.
6. Other Information—When the Operator becomes aware that relevant facts were omitted in the NOI or incorrect information was submitted in the NOI or any report to DEQ, the Operator must promptly submit such facts or correct information to DEQ, through the E-Permitting system as a "Change NOI" submission.
7. Other Agency Requirements—When applying for this GP coverage, submission of the "Letter Permit" from IDWR is not mandatory. However, the IDWR "Letter Permit" is a prerequisite, along with a IPDES GP coverage authorization before commencing dredging operations. If an IPDES GP is not required, this does not exempt an Operator from any other GPs required by IDWR, USFS, and BLM and is the responsibility of the Operator to comply with other agency requirements (Figure 1).

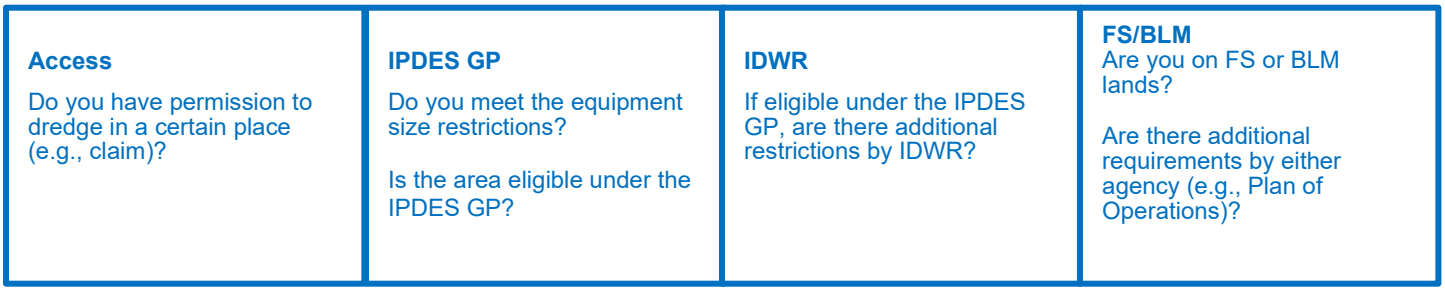


Figure 1. Eligibility guidance diagram.

B. Termination of Discharges

The Operator must notify DEQ through a Notice of Termination (NOT) in the IPDES E-Permitting System when GP coverage **is no longer needed at a site. This notification must accompany the AR** for the year in which coverage is terminated, which is due no later than January 30 of the following year. Operators that have an approved electronic waiver as identified in Permit Part I.G.5 must submit paper copies by mail or in person to one of the DEQ offices identified in Appendix D. The Operator is responsible for notifying and complying with all other agencies' requirements for termination.

C. Authorized Operations

This GP authorizes discharges from small suction dredge operations, defined as having intake nozzle diameters of less than or equal to 5 inches or the diametrical equivalent and a cumulative rating of 15 horsepower or less.

Diametrical Equivalents to One 5-inch Dredge	
One 5-inch	Two 2-inch and one 1-inch
One 4-inch and one 1-inch	Three 1-inch and one 2-inch
One 3-inch and one 2-inch	Five 1-inch
One 3-inch and two 1-inch	

D. Prohibitions

1. **National Designated Areas**—This GP does not apply in National Parks System Units (i.e., Parks and Preserves), National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, or National Wilderness Areas or other federal lands formally withdrawn from mineral entry unless an approval from the land management agency is submitted with the NOI.
2. **Tribal Reservations**—This GP does not apply to the Nez Perce Reservation, Coeur d'Alene Reservation, Kootenai Reservation, Fort Hall Reservation, or Duck Valley Reservation.
3. **National Wild & Scenic Rivers**—Pursuant to Idaho Code§ 47-1323, the State Board of Land Commissioners prohibited dredge mining in any form in water bodies that are part of the National Wild and Scenic Rivers system. This includes any waters included in the federal Wild & Scenic River system since the codification of Idaho Code § 47-1323.
4. **Endangered Species or EFH Areas**—This GP does not apply in water bodies that are designated as critical habitat under ESA, EFH, or areas that are occupied by listed aquatic species, unless compliance with ESA and/or EFH has been achieved through consultation on another federal process (e.g., POO) or through coordination with the NMFS or USFWS on permit for activities not associated with a federal action. DEQ

must possess the ESA and/or EFH consultation, determination, or permit, or the operator must provide it to DEQ. Please note, DEQ does not administer the ESA. For specific questions on the ESA compliance contact USFWS and NMFS.

5. **Withdrawn River Segments**—Pursuant to the authorities specified in Idaho Code §§ 58-104(9)(a) and 47-702(2), the State Board of Land Commissions has withdrawn from mineral entry and exploration of certain segments of specific navigable rivers. Recreational dredge or placer mining is prohibited in portions of the Boise, Payette, Priest, Salmon, and Snake Rivers.
6. **State Protected Rivers**—Pursuant to the authorities specified in Idaho Code § 42-1734A and adopted by IDWR, certain waterways and/or stream segments are protected as either a State Natural River or as a State Recreational River with recreation dredge or placer mining prohibited. Protection is included for the Priest River Drainage, Payette River Drainage, Boise River Drainage, Snake River Drainage, Henry's Fork Snake River Drainage, South Fork Snake River Drainage, North Fork Clearwater River Drainage, South Fork Clearwater Tributaries, and Main Salmon River Drainage.
7. **Impaired Streams**—This GP does not authorize discharges into streams listed in *Idaho's 2022 Final Integrated Report* or the most recent Final Integrated Report (if issued during this permit term) as impaired for mercury, suspended solids, siltation/sediment or that have a total maximum daily load (TMDL) for these parameters, except as allowed in Permit Part I.G.2. Table 1 provides the complete list of the impaired waters.
8. **Drinking Water Intakes**—Operators are not allowed to dredge within 500 feet of a drinking water intake. The Permittee will notify DEQ's regional office through the 24-hour IPDES hotline at 1-833-IPDES24 (1-833-473-3724) if a discharge or spill occurs within 500 feet of drinking water intake. Appendix E provides a list of active intakes. Permit Part III.A.1 provides the notification procedures.

E. Areas of Coverage and Areas of Closure

1. The IDWR requires operators of suction Operators to obtain a "Letter Permit" that may include specific timing requirements and additional restrictions. Operators must contact the appropriate regional IDWR office (Appendix D) to obtain a Letter Permit and determine whether additional restrictions may apply.

   IDWR's Recreational Mining Program Instructions contains information on which waters are open and closed to recreational mining under the Letter Permit. Table 1 summarizes the closure status of waters in Idaho. The table includes water quality specific considerations in addition to the IDWR status. The "DEQ GP Eligibility" column indicates whether there is a prohibition that would prevent or limit permitting by DEQ.
2. Any water body listed as "Closed the Entire Year" or missing from Table 1 may still be considered for DEQ GP coverage. To pursue this option, an Operator must submit an NOI to DEQ, and a *Joint Application for Permits* to IDWR. If the location is not on a Tribal Reservation (Permit Part I.D.2.), is not a Wild & Scenic River (Permit Part

I.D.3.), is not a Withdrawn River Segment (Permit Part I.D.5.), is not a State Protected River (Permit Part I.D.6., including the SFCR tributaries), and is not impaired for sediment or mercury (Permit Part I.D.7.), DEQ could provide GP coverage to an applicant. For Idaho Designated Areas (Permit Part I.D.1.), permission must be acquired from the land manager before DEQ GP coverage can be authorized. For endangered species habitat areas (Permit Part I.D.4.), ESA consultation must be completed to be eligible for GP coverage.

Table 1 reflects the current listing at the time this GP was issued. For more up to date water body status, visit the

ArcGIS Enterprise - ESA Critical Habitat (WCR) (noaa.gov) (*https://maps.fisheries.noaa.gov/portal/home/webmap/viewer.html?useExisting=1&layers=2abcff6b1cf14dcda99cbd5492b1c404*)

Table 1. DEQ GP eligibility status of popular waters throughout Idaho.

Legend
✓ = Open; see IDWR Recreational Mining Program Instructions regarding timing restrictions.
Closed Entire Year = Closure established by IDWR; Joint Application for GP s may apply.
ESA = Endangered Species Habitat Area; consultation required (Permit Part I.D.4.).
ESU = Evolutionary Significant Unit for a particular species, see ESA above.
Mercury, Sediment, or TSS = Impaired as determined by DEQ (Permit Part I.D.7.).
TMDL = Total Maximum Daily Load, allowing limited suction dredging per season (Permit Part I.D.7.).
Color = Red (GP not possible), Yellow (GP may be possible), Green (GP always possible) .
X = Protected as Wild & Scenic, Withdrawn, or State Protected River (Permit Part I.D.3, I.D.5., I.D.6.).
Note: Operators are prohibited from discharging within 500 feet upstream of a drinking water intake and the confluence with a water body that is impaired for sediment, suspended solids, or mercury.

DEQ GP Eligibility	Water Body Name
Kootenai River Drainage	
ESA	Kootenai River & tributaries not listed
	Trout Creek, from confluence upstream 0.8 miles
✓	Trout Creek, 0.8 miles above the confluence to the headwaters
ESA	Ball Creek, from confluence upstream 0.8 miles
✓	Ball Creek, 0.8 miles above the confluence to the headwaters
Sediment	Cow Creek, tributaries to Smith Creek
Closed Entire Year	Myrtle Creek & tributaries
	Long Canyon Creek & tributaries
	Parker Creek & tributaries
	Callahan Creek & tributaries
	N. Callahan Creek & tributaries

DEQ GP Eligibility	Water Body Name
Closed Entire Year	S. Callahan Creek & tributaries
	Boulder Creek & tributaries
	Debit Creek & tributaries
	Caboose Creek & tributaries
	Curley Creek & tributaries
Moyie River Drainage	
✓	Moyie River above the dam tributaries not listed
ESA	Moyie River from its confluence with the Kootenai River upstream 1.6 miles
Closed Entire Year	Canuck Creek & tributaries
	Keno Creek & tributaries
	Spruce Creek & tributaries
Deep Creek Drainage	
✓	Deep Creek above McArthur Lake & tributaries not listed
ESA	Caribou Creek, from confluence with Kootenai upstream 0.5 miles
✓	Caribou Creek, 0.5 miles above the confluence to the headwaters
Sediment	Deep Creek, from McArthur Lake to confluence with Kootenai River
Closed Entire Year	Trail Creek & tributaries
	Ruby Creek & tributaries
	Fall Creek & tributaries
	Snow Creek & tributaries
Boundary Creek Drainage	
✓	Boundary Creek, headwaters to mouth & tributaries not listed
Closed Entire Year	Grass Creek & tributaries
	Saddle Creek & tributaries
Pend Oreille Lake Drainage	
✓	Pend Oreille Lake drainage not listed
ESA	Pend Oreille River from the crest of Boundary Dam upstream 100.8 miles to Lake Pend Oreille

DEQ GP Eligibility	Water Body Name
Sediment	Pack River & tributaries
	Sand Creek
	Sand Creek tributaries above and including Schweitzer Creek
	Little Sand Creek
Closed Entire Year	Grouse Creek & tributaries
	Trestle Creek & tributaries
	Rapid Lightning Creek & tributaries
	Lightning Creek & tributaries
	E. Fork Lightning Creek & tributaries
	Savage Creek & tributaries
	Char Creek & tributaries
Closed Entire Year	Porcupine Creek & tributaries
	Wellington Creek & tributaries
	Rattle Creek & tributaries
	Morris Creek & tributaries
	Clark Fork to Montana border & tributaries
	Twin Creek & tributaries
	Johnson Creek & tributaries
	Granite Creek & tributaries
	Sullivan Springs & tributaries
	Falls Creek
Sediment	Gold Creek & tributaries
	N. Gold Creek & tributaries
Closed Entire Year	Strong Creek & tributaries
~~X~~	**Priest River Drainage–Withdrawn**
Spokane River Drainage	
✓	Spokane River & tributaries not listed

DEQ GP Eligibility	Water Body Name
ESA & Sediment	Coeur d'Alene (Cd'A) River from mouth up to and including Latour Creek
ESA	Cd'A River above LaTour Creek to the confluence of the North Fork (NF) and South Fork (SF) Cd'A River
✓	SF Cd'A River above Canyon Creek
✓	SF Cd'A River tributaries above Placer Creek
Sediment	SF Cd'A River below Canyon Creek
	SF Cd'A River tributaries below Placer Creek
Closed Entire Year	NF Cd'A River & tributaries above Yellow Dog Creek.
Sediment	NF Cd'A River below Prichard Creek
	Tepee Creek below Trail Creek
	Little NF Cd'A River & tributaries below Lavern Creek
Closed Entire Year	Little NF Cd'A River & tributaries above Lavern Creek
Sediment	Burnt Cabin Creek & tributaries
	Copper Creek & tributaries
	Prichard Creek & tributaries
	Eagle Creek
	EF Eagle Creek & tributaries
ESA	WF Eagle Creek & tributaries below Bobtail Creek
Closed Entire Year	WF Eagle Creek & tributaries above Bobtail Creek
Sediment	Beaver Creek & tributaries
	Shoshone Creek & tributaries above Falls Creek
	Shoshone Creek below Falls Creek
✓	Shoshone Creek tributaries below Falls Creek
Sediment	Falls Creek and tributaries
✓	Brown Creek & tributaries
Sediment	Lost Creek, Headwater & tributaries
	Lost Creek below EF Lost Creek

DEQ GP Eligibility	Water Body Name
✓	Tributaries to Coeur d'Alene Lake not listed
Sediment	Cedar Creek and tributaries
	Cougar Creek and tributaries
Sediment	Kid Creek
	Mica Creek and tributaries including NF and SF Mica Creeks
St. Joe River Drainage	
~~✓~~	St. Joe River & tributaries (Wild & Scenic withdrawal)
Sediment	St. Maries from confluence of MF & WF to mouth
	MF St. Maries River & tributaries
	WF St Maries River & tributaries
✓	St. Maries River tributaries not listed
Sediment	Alder Creek & tributaries, source to mouth
	John Creek & tributaries, source to mouth
	Santa Creek & tributaries, source to mouth
	Charlie Creek & tributaries, source to mouth
	Tyson Creek & tributaries, source to mouth
	Carpenter Creek & tributaries, source to mouth
	Emerald Creek & tributaries, source to mouth
	Crystal Creek & tributaries, source to mouth
	Renfro (Davis) Creek & tributaries, source to mouth
Sediment	Thorn Creek & tributaries, source to mouth
Palouse River Drainage	
✓	Palouse River & tributaries not listed
Sediment	SF Palouse, source to Gnat Creek and tributaries
	SF Palouse, Gnat to mouth
	Rock Creek
	WF Rock Creek

DEQ GP Eligibility	Water Body Name
	EF Rock Creek
	Hatter Creek
	Gold Creek
	Crane Creek
	Deep Creek
	Idlers Rest Creek
	Paradise Creek

DEQ GP Eligibility	Water Body Name
Salmon River (ESU)	
Mercury	Main Salmon River, Hammer Creek to Long Tom Bar
	All other Salmon River segments (Wild & Scenic & Withdrawn)
Closed Entire Year	All Salmon River tributaries
Clearwater Drainage (ESU unless otherwise noted)	
ESA	Main Clearwater River
ESA	Lower Orofino Creek & tributaries (Orofino Creek, 3.5 miles upstream of confluence of Orofino Creek and Clearwater River, and Whiskey Creek, 3 miles upstream of the confluence with Orofino Creek)
✓ Not ESU	Upper Orofino Creek and tributaries above the confluence with Whiskey Creek (Whiskey Creek confluence located approximately 3.5 miles upstream from Orofino Creek confluence with Clearwater River)
ESA	Lolo Creek (trib. To main Clearwater River), from Eldorado Creek to Dutchman Creek, incl. Dutchman Creek
Closed Entire Year	All tributaries to Main Clearwater not listed
ESA	NF Clearwater River from Kelly Creek to Isabella Creek
ESA	Orogrande Creek, (trib. To NF Clearwater River) including French Creek
	Moose Creek (tributary to Kelly Creek), including Independence Creek and Deadwood Creek
Closed Entire Year	All other portions of the NF Clearwater River & all tributaries not listed
	MF Clearwater River and tributaries including the Lochsa and Selway rivers (Wild & Scenic and Navigable Rivers withdrawal)
ESA & TMDL	SF Clearwater from Harpster Bridge to Red River
Closed Entire Year	All other portions of the SF Clearwater River & tributaries
Weiser River Drainage	
Sediment	Weiser River, mouth to Little Weiser River
✓	Weiser River tributaries not listed mouth to Little Weiser River
Sediment	Crane Creek
Closed Entire Year	Weiser River & tributaries above Little Weiser River
ESA	Little Weiser River, Andersen Creek to Grays Creek
Sediment	Little Weiser River, Grays Creek to mouth

DEQ GP Eligibility	Water Body Name
	Grays Creek
Closed Entire Year	Little Weiser River & tributaries above Anderson Creek
ESA	Dewey Creek (tributary to Little Weiser River)
✓	Tributaries to Dewey Creek
	Sage Creek & tributaries (tributary to Weiser River)
	Goodrich Creek & tributaries (tributary to Weiser River)
Closed Entire Year	All other streams and tributaries not listed
Payette River Drainage	
	Payette River, Black Canyon Dam (Sec 22, T7N, R1W) to Banks (Sec 32, T9N, R3E) (Withdrawn)
	Payette River, Banks to Beehive Bend Boat Access (Sec 26, T8N, R2E) (Protected)
	NF Payette River, Banks to Cabarton Bridge (Withdrawn & Protected)
Closed Entire Year	NF Payette River, Cabarton Bridge to Big Payette Lake
	NF Payette River, Payette Lake inlet to headwaters (Protected)
Sediment	MF Payette River, mouth to Tie Creek (lower 13.2 miles)
ESA	MF Payette River, Tie Creek to Wet Foot Creek (Sec 28, T12N, R5E)
✓	MF Payette River tributaries Wet Foot Creek to mouth, not listed below
ESA	Lightening Creek, from confluence with MF to its headwater
	Silver Creek from confluence with MF to its headwater
	Peace Creek from its confluence with Silver Creek upstream to its headwaters
	Valley Creek from its confluence with Peace Creek upstream 8.5 km to its headwaters
	Ucon Creek from its confluence with Silver Creek to its headwaters
	Long Fork Silver Creek from its confluence with Silver Creek to its headwaters
Closed Entire Year	MF Payette River & tributaries, Wet Foot Creek to headwater
ESA & Sediment	SF Payette River, from confluence of the MF Payette to Big Pine Creek
	SF Payette River, from confluence of Big Pine Creek to confluence of Deadwood River (Protected)
ESA	SF Payette River, from confluence of Deadwood River to Five Mile Creek

DEQ GP Eligibility	Water Body Name
Closed Entire Year	Deadwood River & tributaries
	All other stream segments & tributaries
Boise River Drainage	
Sediment	Boise River below Star Highway Bridge
	Boise River, Star Bridge to Lucky Peak Res. (Withdrawn – Navigable Rivers)
	Boise River, Arrowrock Res. To confluence of the NF Boise River and MF Boise River (Protected)
Closed Entire Year	Mores Creek & tributaries upstream from Boulder Creek
TMDL	Mores Creek downstream from Boulder Creek
	Tributaries to Mores Creek not otherwise specified
	Thorn Creek downstream of NF Thorn Creek
	Thorn Creek upstream of NF Thorn Creek
	Tributaries to Thorn Creek
	Daggett Creek downstream of Sheep Creek
	Daggett Creek upstream of Sheep Creek
	Tributaries to Daggett Creek
	Elk Creek between Ross Fork & Eldorado Gulch
	Elk Creek upstream of Ross Fork
	Tributaries to Elk Creek upstream of Eldorado Gulch
Closed Entire Year	Elk Creek & tributaries downstream of Eldorado Gulch
TMDL	Grimes Creek & tributaries upstream of Charlotte Gulch
	Grimes Creek downstream of Charlotte Gulch
	Tributaries to Grimes Creek not specified
	Clear Creek downstream of Smith Creek
	Clear Creek & tributaries upstream of Smith Creek
	Smith Creek downstream of SF Smith Creek
	Tributaries to Smith Creek
	Granite Creek downstream of WF Granite Creek

DEQ GP Eligibility	Water Body Name
	Granite Creek upstream of WF Granite Creek
	Granite Creek tributaries not otherwise specified
	Woof Creek downstream of Ophir Creek
TMDL	Woof Creek upstream of Ophir Creek
	Tributaries to Woof Creek
	Clear Creek downstream of Trail Creek
	Clear Creek & tributaries upstream of Trail Creek
	Trail Creek between Clear Creek and Canyon Creek
	Trail Creek upstream of Canyon Creek
	Tributaries to Trail Creek
	NF Boise River, confluence with MF Boise River to Crooked River (Protected)
Closed Entire Year	NF Boise River, Crooked River to Hunter Creek
	NF Boise River, Hunter Creek to Sawtooth Wilderness
	NF Boise River, all other stream segments and tributaries
	MF Boise River, Arrowrock Res. To east boundary T5N, R8E below Roaring River (withdrawn Nav. Rivers)
	Roaring River & tributaries(Protected)
ESA	MF Boise River, Roaring River to Sawtooth Wilderness
	SF Boise River, Neal Bridge to Anderson Ranch Dam (Navigable Rivers withdrawn)
ESA	SF Boise River, Pine Bridge upstream to Barker Gulch
Closed Entire Year	All other stream segments and tributaries
Owyhee River Drainage	
✓	Jordan Creek between Louse and Big Boulder creeks
Mercury	Jordan Creek, Headwaters to Louse Creek
	Jordan Creek, Big Boulder to Williams creeks
	Tributaries from Headwaters to Williams Creek
Closed Entire Year	All other streams & tributaries

DEQ GP Eligibility	Water Body Name
Bruneau River Drainage	
✓	Bruneau River & tributaries below Hot Creek
Closed Entire Year	All other streams & tributaries
Closed Entire Year	**Malad-Wood River Drainage**
Closed Entire Year	**Big Lost River Drainage**
Salmon Falls Creek Drainage	
TSS	Salmon Falls Creek
✓	All other streams & tributaries not listed
Closed Entire Year	Hot Creek & tributaries Nevada line to mouth
Closed Entire Year	**Goose Creek Drainage (Cassia County)**
Raft River Drainage	
Sediment	Raft River, between Cassia Creek and the Utah border
✓	Raft River, below Cassia Creek
	All other streams & tributaries unless otherwise listed
Sediment	Cassia Creek, Clyde Creek to mouth
Blackfoot River Drainage	
✓	Blackfoot River Trail Creek Bridge to Blackfoot Dam
Closed Entire Year	All other streams & tributaries
Snake River Drainage	
	Idaho portion of the Snake River from the north boundary of Boise Meridian T20N, R4W downstream to the south boundary of T31N, R5W (Withdrawn, includes Hells Canyon NRA)
Mercury	Snake River downstream from Hells Canyon Dam to Sheep Creek and its tributaries
ESA	Wildhorse River (Adams County)
	Indian Creek (Adams County)
	Snake River from west boundary of T1S, R2W upstream to east boundary of T6S, R8E (Withdrawn – encompasses Birds of Prey Area)
Sediment	Snake River from east boundary of T6S, R8E to King Hill
	Little Canyon Creek & tributaries upstream 4 mi. from mouth
✓	King Hill Creek & tributaries mouth upstream for 4 miles

DEQ GP Eligibility	Water Body Name
	Snake River 100 feet below Murtugh Bridge to 100 feet above the Hansen Bridge. (Protected)
Sediment	Snake River from King Hill to Milner Dam (except 100 feet below Murtaugh Bridge to 100 feet above Hansen Bridge)
ESA & Sediment	Kings Hill Reach
Closed Entire Year	Snake River from Heyburn/Burley Bridge to Minidoka Dam
✓	Snake River Minidoka Dam to Massacre Rock SP (except for Lake Walcott – impaired for mercury)
✓	Deep Creek (Twin Falls County)
TSS	Mud Creek (Twin Falls County)
	Cedar Draw Creek (Gooding County)
	Rock Creek & tributaries (Cassia & Twin Falls County) below mile 38
✓	Rock Creek & tributaries (Cassia & Twin Falls County) above mile 38
TSS	McMullen Creek (Twin Falls County)
✓	Snake River from Massacre Rock State Park to American Falls Reservoir Dam
Mercury	Snake River from American Falls Reservoir Dam to 108 miles above the Reservoir
✓	Grays Lake Outlet upstream from Homer Creek
Sediment	Lava Creek
	Henry's Fork of the Snake River (includes protected or withdrawn reaches and tributaries)
	Falls River from Kirkham Bridge to Idaho border & tributaries (Fremont County) (Protected)
Closed Entire Year	Teton River and tributaries
ESA	Moose Creek trib. To Warm River (Fremont County)
	McCoy Creek headwaters to Fish Creek (Bonneville County)
	Tributaries to McCoy Creek (City Creek, Camp Creek, Miners Delight Creek, Barns Creek, Iowa Creek, Anderson Creek, and Bilk Creek)
Closed Entire Year	All other stream segments & tributaries

DEQ GP Eligibility	Water Body Name
Bear River Drainage	
TSS	Georgetown Creek
	Eight Mile Creek, headwaters to N. Wilson Creek
Sediment	Eight Mile Creek, N. Wilson Creek to 1 mile below FS boundary
TSS	Eight Mile Creek, 1 mile below FS boundary to mouth
	Cottonwood Creek, Shingle Creek to mouth.
✓	Cottonwood Creek, above Shingle Creek
TSS	Mink Creek, source to mouth.
✓	Cub River, headwaters to Sugar Creek
Closed Entire Year	All other streams & tributaries
Closed Entire Year	**Malad River Drainage (Oneida County)**

Legend
✓ = Open; see IDWR Recreational Mining Program Instructions regarding timing restrictions.
Closed Entire Year = Closure established by IDWR; Joint Application for GP s may apply.
ESA = Endangered Species Habitat Area; consultation required (Permit Part I.D.4.).
ESU = Evolutionary Significant Unit for a particular species, see ESA above.
Mercury, Sediment, or TSS = Impaired as determined by DEQ (Permit Part I.D.7.).
TMDL = Total Maximum Daily Load, allowing limited suction dredging per season (Permit Part I.D.7.).
Color = Red (GP not possible), Yellow (GP may be possible), Green (GP always possible) .
X = Protected as Wild & Scenic, Withdrawn, or State Protected River (Permit Part I.D.3, I.D.5., I.D.6.).
Note: Operators are prohibited from discharging within 500 feet upstream of a drinking water intake and the confluence with a water body that is impaired for sediment, suspended solids, or mercury.

F. Requiring an Individual Permit

1. DEQ may require any operator authorized by this GP or requesting coverage under this GP to apply for and obtain an individual IPDES permit for the following reasons, which include, but are not limited to:
   a. A single or cumulative number of discharges from an eligible or covered dredging operation is a significant contributor of pollution;
   b. The operator 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 operator covered under this GP;
   d. Effluent limitations guidelines are subsequently implemented for the operations covered under this GP;
   e. An approved Water Quality Management Plan contains requirements applicable to the operator covered under this GP;
   f. A TMDL and corresponding wasteload allocation has been completed for a water body or a segment of a water body in which a permittee is or expects to operate; or
   g. Circumstances have changed since the time of the request to be covered so that the operator is no longer appropriately controlled under this GP, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.
2. Any Operator proposing to discharge to a Tier III water or Outstanding National Resource Water, should one be designated during the term of this GP, must obtain an individual IPDES permit.
3. DEQ may deny coverage under this GP for the following circumstances, including but are not limited to:
   a. A state or federal land management agency with jurisdiction over affected portions of the receiving water, bed, or affected uplands submits to DEQ a request that GP coverage be denied within 30 days of DEQ's receipt of an NOI; or
   b. A land management agency's request includes proposed additional or revised GP 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. A land management agency's request concerns an Operator who either:
      - Seeks to discharge into waters of the United States located in National Recreation Areas, National Historic or Natural Landmarks, congressionally designated Land Use Designation II, which are to be managed in a roadless state, or in State Refuges, Sanctuaries, or Critical Habitat Areas; or
      - Is in significant noncompliance with the terms and conditions of the most recent applicable IPDES GP.
   d. Any person denied coverage under this part must apply for and obtain coverage under: (1) an individual permit; or (2) another applicable GP before

operations commence. DEQ will evaluate any application for an individual permit or coverage under another GP for compliance with the terms requested by the land management agency from a-c above. If necessary, DEQ will incorporate those terms into any permit coverage issued.

4. If DEQ makes a determination pursuant to Permit Part I.F.1. or 3., then DEQ will notify the Operator in writing by certified mail that an individual permit application is required. If an operator of a suction dredge operation fails to submit an individual IPDES 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.
5. Any operator authorized by this GP may request to be excluded from the coverage of this GP by applying for an individual IPDES permit. The operator shall submit an individual IPDES permit application through the IPDES E-Permitting System with reasons supporting the request.
6. When an individual IPDES permit is issued to an operator otherwise covered by this GP, the GP coverage is automatically terminated on the effective date of the individual permit for that operator.
7. When an individual IPDES permit is denied to an operator otherwise covered by this GP, the operator is automatically reinstated for coverage under this GP on the date of such denial, unless otherwise specified by DEQ.
8. An operator excluded from a GP solely because it already has an individual IPDES permit may request that the individual IPDES permit be revoked, and that dredging operation be covered by the GP. Upon revocation of the individual permit and submission of a NOI, the GP shall apply to the operator.

G. General Permit Authorization Requirements

1. Operators of suction dredges eligible for this GP must submit a complete NOI to DEQ in a timely manner to obtain GP coverage. The information required for a complete NOI is listed below and provided in Appendix B:
    - Operator name
    - Whether a new Operator (if not, include Miner's number. A Miner's number will be required prior to a letter authorization)
    - Address
    - Telephone number
    - Email address
    - Names of other Operators (i.e., friends and family members sharing equipment)
    - Size of suction dredge nozzle (5 inches or less)
    - Equipment rating (15 horsepower or less)
    - Land management agency (include approval where applicable, Permit Part I.D.1)
    - Water body
    - Nearest town
    - Latitude and longitude coordinates of the **start** point (upstream point) of the claim and the **length** of the claim

- Dates of operation
- Hours of operation
- Map noting each location
- ESA if applicable
- Printed name
- Signature (certified according to Permit Part IV.K.)
- Date of signature

A separate NOI is required for each special area as identified in Permit Part I.G.2. for processing.

DEQ will issue Operators an authorization letter and Permit Certificate that includes the GP number and Miner's number. DEQ will provide both documents electronically, which can be printed, laminated, placed in a sheet protector, or wrapped in plastic and displayed on the suction dredge and in the window of your vehicle, demonstrating proof of authorization. DEQ will provide paper copies if the operator has an approved electronic waiver as identified in Permit Part I.G.1. A "Letter Permit" issued by IDWR, DEQ authorization letter, and DEQ permit certificate are required before commencing dredging operations.

Although Permit Part I.E. identifies the Operator must also obtain a Letter Permit from IDWR, the Letter Permit is not required prior to submitting an NOI to DEQ for review.

Friends and family members sharing one or more dredging operations may operate under the authorized Operator's GP coverage. GP coverage is still restricted to the eligibility requirements of approved dredging operations of the total maximum of intake nozzle of 5 inches, engine rating of 15 horsepower, and applicable limitations and conditions for special areas. Friends and family must be identified on the NOI and are subject to all other local, state, and federal rules and regulations. The authorized Operator (Permit Holder/Dredger) remains responsible for GP compliance. DEQ requires 800 feet distance between dredging operations.

2. Special Areas and Conditions
    a. Grimes, Elk, and Mores Creeks (GEM)
        i. DEQ will accept NOIs for GEM Creeks and their tributaries annually after January 1 and until April 1, or the next business day if it falls on a weekend (except for the 2024 dredging season; DEQ will send out separate notifications for NOI submittal deadlines). If a Operator obtained GEM Creeks coverage the previous year, the AR for all previous years must be submitted before new coverage will be granted. DEQ will email authorization letters and permit certificates by May 1 (except for 2024 dredging season). Paper copies for those Operators with an approved electronic waiver will be issued via mail by May 1 (except for 2024 dredging season). The Operator is responsible for ensuring the mailing address is current and correct when submitting the application.

ii. The TMDL for the GEM Creeks limits suction dredges to a number of 4-hour operating days. DEQ divided these 4-hour operating days into hours per year. Operators for GEM Creeks and their open tributaries must submit an NOI on an annual basis, specifying the number of hours requested.

iii. The TMDL limits the number of dredge days allowed during the year, converted to allowable hours:

Water Body	Number of 4-Hour Dredge Days	Total Allowable Hours
Grimes Creek	84	336
Elk Creek	11	44
Mores Creek	60	240

- The Mores Creek allocation applies to the main stem of Mores Creek and tributaries (except Grimes and Elk Creeks) below Boulder Creek.
- The Elk Creek allocation applies to the main stem of Elk Creek and tributaries above Eldorado Gulch.
- The Grimes Creek allocation applies to the main stem of Grimes Creek and all tributaries.
- Table 1 provides DEQ's GP eligibility status of popular waters throughout Idaho.

iv. DEQ will divide the total allowable hours between Operators, on a creek-by-creek basis, as follows:

- If hours requested are less than or equal to the allocation then all requests will be filled, or
- If requests are over the allocated hours, then each Operator will receive a portion of the request.
- It is recommended that a reasonable number of hours be requested for dredging.

v. DEQ will issue authorization letters to operators that have met all of the DEQ requirements.

b. South Fork Clearwater River (SFCR)

i. Operators can submit NOIs for the SFCR starting on January 1 of each year and are due by March 1 each year (except for the 2024 dredging season; DEQ will send out separate notifications for NOI submittal deadlines). If an Operator obtained SFCR GP coverage in the previous years, the AR for all previous years must be submitted before new coverage will be authorized. DEQ will authorize no more than 15 dredging operations in any one year according to the TMDL limits. A meeting with USFS, BLM, IDWR, and DEQ will be held in March of each year to select the 15 Operators on a first-come, first-served basis, based upon the date and time of DEQ NOI submission.

ii. To be considered for one of the 15 authorizations, all local, state, and federal rules and requirements must be satisfied with the other agencies prior to the March meeting, such as a POO and bond. BLM or USFS will notify the applicable 15 Operators of their status and placement on the list. IDWR, BLM, and USFS require delineation of the dredging site and must be completed prior to receiving the IPDES GP coverage authorization. DEQ will notify Operators not authorized for dredging at SFCR of their wait-list status. Operators included in the 15 originally selected to receive coverage should contact DEQ, IDWR, BLM, and USFS if they are unable to use their GP coverage. The Operator will be removed from the list of the originally selected 15 Operators. The first Operator on the wait-list will be selected to replace the removed Operator. DEQ will notify all Operators who do not meet the eligibility requirements and for whom coverage is no longer available due to TMDL limitations.

iii. Sediment plumes generated by small suction dredging operations in SFCR may not show any visible increase in sediment beyond background levels at a distance of 150 feet downstream.

c. McCoy Creek
   i. Operators must submit NOIs for McCoy Creek starting on January 1 of each year until May 1 (except for the 2024 dredging season; where DEQ will send out separate notifications for NOI submittal deadlines). If an Operator obtained McCoy Creek coverage the previous years, the AR for all previous years must be submitted before new coverage will be granted. DEQ will authorize no more than 15 dredging operations in any one year according to the TMDL limits.
   ii. DEQ will identify the first 15 NOI submittals on a first-come, first-served basis, based upon the submittal date and time of the NOI submission. DEQ will meet with IDWR, BLM, and USFS, where all the agencies will determine if all requirements for their respective agencies have been met. DEQ will issue authorization letters to operators that the agencies have agreed upon meeting all of the requirements. DEQ will notify all Operators who do not meet the eligibility requirements and for whom coverage is no longer available due to TMDL limitations.

d. Moose Creek
   i. The suction dredge mining areas are located in Moose Creek, 12 miles east of Kelly Forks Work Center in portion of T39N, R11E, Sections 4 and 9, T40N, R11E, Sections 29, 31, 32, 33, Clearwater County, Idaho. (Appendix E, Record of Decision, Small-Scale Suction Dredging in Lolo Creek and Moose Creek).
   ii. Operators must submit NOIs for Moose Creek starting on January 1 of each year until May 1 (except for the 2024 dredging season; where DEQ will send out separate notifications for NOI submittal deadlines). If an Operator obtained Moose Creek coverage the previous years, the AR for all previous years must be submitted before new coverage will be granted. DEQ will

authorize no more than 38 dredging operations in any one year according to the TMDL limits

iii. DEQ will authorize the first 38 NOI submittals on a first-come, first-served basis, based upon the submittal date and time of the NOI submission. DEQ will meet with IDWR, BLM, and USFS, where all the agencies will determine if all requirements for their respective agencies have been met. DEQ will issue authorization letters to Operators that the agencies have agreed upon meeting all of the requirements. DEQ will notify all Operators who do not meet the eligibility requirements and for whom coverage is no longer available due to TMDL limitations.

iv. Sediment plumes generated by small suction dredging operations in Moose Creek may not show any visible increase in sediment beyond background levels at a distance of 150 feet downstream.

e. Lolo Creek

i. Operators must submit NOIs for Lolo Creek starting on January 1 of each year until May 1 (except for the 2024 dredging season; where DEQ will send out separate notifications for NOI submittal deadlines). If an Operator obtained Lolo Creek coverage the previous years, the AR for all previous years must be submitted before new coverage will be granted. DEQ will authorize no more than 18 dredging operations in any one year according to the TMDL limits.

ii. DEQ will authorize the first 18 NOI submittals on a first-come, first-served basis, based upon the submittal date and time of the NOI submission. DEQ will meet with IDWR, BLM, and USFS, where all the agencies will determine if all requirements for their respective agencies have been met. DEQ will issue authorization letters to operators that the agencies have agreed upon meeting all of the requirements. DEQ will notify all Operators who do not meet the eligibility requirements and for whom coverage is no longer available due to TMDL limitations.

iii. Sediment plumes generated by small suction dredging operations in Moose Creek may not show any visible increase in sediment beyond background levels at a distance of 150 feet downstream.

f. French and Orogrande Creeks

i. Operators must submit NOIs for French and Orogrande Creeks starting on January 1 of each year until May 1 (except for the 2024 dredging season; where DEQ will send out separate notifications for NOI submittal deadlines). If a Operator obtained French and Orogrande Creeks coverage the previous year, the AR for all previous years must be submitted before new coverage will be granted. DEQ will authorize no more than 20 dredging operations (combined total for both creeks) in any one year according to the TMDL limits.

ii. DEQ will authorize the first 20 NOI submittals (combined total for both creeks) on a first-come, first-served basis, based upon the submittal date and time of the NOI submission. DEQ will meet with IDWR, BLM, and USFS, where

all the agencies will determine if all requirements for their respective agencies have been met. DEQ will issue authorization letters to operators that the agencies have agreed upon meeting all of the requirements. DEQ will notify all Operators who do not meet the eligibility requirements and for whom coverage is no longer available due to TMDL limitations.

iii. Sediment plumes generated by small suction dredging operations in Moose Creek may not show any visible increase in sediment beyond background levels at a distance of 150 feet downstream.

3. An Operator must submit the NOI at least 60 days prior to discharge from a suction dredge. Permit Part I.G.2 provides specific conditions for Special Areas.
4. The NOI must be signed by an owner or operator or other person with signatory authority according to Permit Part IV.K., Signatory Requirements, and a copy must be retained on site according to Permit Part I.G.1. An NOI for coverage under this GP must be submitted to DEQ at *Idaho Pollutant Discharge Elimination System Program (IPDES) E-Permitting System.*
5. NOIs must be submitted electronically, unless DEQ has approved an electronic waiver for NOIs and reporting according to IPDES Volume 4 Section 9.1.5. Paper submittals will be dated on the date received by DEQ. Appendix D provides the office locations for submittals.
6. An Operator must provide a copy of the NOI to the federal, state, or local agency that manages or owns the land on which the suction dredge is operated or proposed to be operated. Such agencies may include the USFS and BLM.
7. Once DEQ determines that an Operator is eligible for coverage under this GP, an electronic copy of the Permit Certificate along with an authorization letter will be sent to the Permittee. Paper copies will be mailed to those with an approved electronic waiver. If DEQ determines that an Operator is ineligible for coverage under this GP, the Operator will be informed in writing.

H. General Permit Expiration

This GP will expire 5 years from the effective date. For Operators submitting a new NOI 180 days prior to expiration of this GP (by Jan 20, 2028), the conditions of the expired GP continue in force until the effective date of a new GP, except for the following special areas: GEM Creeks and their tributaries; SFCR, and McCoy, Moose, Lolo, Orogrande, and French Creeks, which expires on October 31 of each year.

II. General Permit Requirements

A. Identification

Operators will be assigned a Miner number in E-Permitting System and will be included in the authorization letter and Permit Certificate. Both the authorization letter and Permit Certificate

will be provided electronically, which can be laminated, placed in a sheet protector, or wrapped in plastic to be displayed on the suction dredge and in the Operator's vehicle window, demonstrating proof of authorization. Paper copies will be provided to those that receive an approved electronic waiver (Permit Part I.G.5, Electronic Waivers).

B. Effluent Limitations

1. For all operations

   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 a violation of this GP, and operation of the suction dredge must be modified, curtailed, or ceased so that a violation does not exist. This requirement includes any turbidity that may result from any part of the operation. Violations are as defined in Permit Part III.B, Penalties for Violations of General Permit Conditions.

2. GEM Creeks and their tributaries

   Operators are limited to processing an average of 2 cubic yards per hour (yd^3/hour) during the hours allocated and must comply with the limits in Permit Part II.B.1.

   No discharges are allowed at GEM Creeks between October 1 and July 14.

3. South Fork Clearwater River

   Operators are limited to processing an average of 2 yd^3/hour over the period of an 8-hour day and must follow the requirements in Permit Part II.B.1. to comply with the following limits:

   a. SFCR above Harpster Bridge, including tributaries:

      Dredging operation dates July 15 through August 15:

      - When background turbidity is 50 nephelometric turbidity units (NTUs) or less: Turbidity below the mixing zone must not exceed background turbidity by more than 5 NTU.
      - When background turbidity is more than 50 NTU: Turbidity below the mixing zone must not exceed background turbidity by more than 10% and must not exceed a maximum increase of 25 NTU.
      - Zero waste load allocation. No discharges are allowed to the SFCR and tributaries above Harpster Bridge between August 16 and July 14.

   b. SFCR below Harpster Bridge:

      No discharges are allowed at any time to the SFCR below Harpster Bridge.

4. McCoy Creek

   Based upon the Decision Notice and Findings of No Significant Impact for Caribou Basin Small-Scale Placer Mining Project, 20211005 Caribou Basin Final DN-FONSI (Appendix F) dredging operations must occur between August 1 through October 31 and are limited to 15 dredging operations per year.

5. Moose Creek

Based upon the Record of Decision for Small-Scale Suction Dredging in Lolo Creek and Moose Creek, 2010 (Moose Creek and Lolo Creek; Appendix G), dredging operations on Moose Creek (including Independence and Deadwood Creeks) must occur between July 1 through August 15 and are limited to 38 dredging operations per year.

6. Lolo Creek

   Based upon the Record of Decision for Small-Scale Suction Dredging in Lolo Creek and Moose Creek, 2010 (Moose and Lolo Creeks; Appendix G) dredging operations on Lolo Creek (including Dutchman Creek) must occur between July 15 through August 15 and are limited to 18 dredging operations per year.

7. French and Orogrande Creeks

   Based upon the Environmental Assessment for Small-Scale Suction Dredging in Orogrande and French Creeks and South Fork Clearwater River, 2016 (Orogrande and French Creeks and SFCR Environmental Assessment; Appendix G) dredging operations must occur between June 30 and September 15 and are limited to a combined 20 dredging operations per year for both Orogrande and French Creeks.

C. Monitoring and Reporting Requirements

1. Reporting Requirements
   a. The Operator must give notice to DEQ as soon as possible of any planned physical alterations or additions to the permitted operation:
      i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether an operation is a new source;
      ii. 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 GP, nor to notification requirements under IDAPA 58.01.25.301.01.a. and 40 CFR 122.29(b); or
      iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the need for different conditions than what exist in the current GP, including notification of additional use or disposal sites: (1) not reported during the GP NOI process, or (2) not reported pursuant to an approved land NOI or sludge disposal plan.

   b. The Operator must give advance notice to DEQ of any planned changes in the permitted operation or activity that may result in noncompliance with GP requirements.
   c. The GP coverage is not transferable to any person except after notice to DEQ. DEQ may modify or revoke and reissue a GP coverage to change the name of the Operator and incorporate such other requirements as may be necessary (transfer of IPDES GPs).

2. Monitoring Requirements

a. Monitoring results must be reported at the intervals specified in the GP and meet the following requirements:
   i. Monitoring results will be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by DEQ for reporting results of monitoring of sludge use or disposal practices. All reports and forms submitted in compliance with this GP must be submitted electronically by the Operator to DEQ in compliance with this part and 40 CFR 127 unless waived pursuant to 40 CFR 127.15. Regulation 40 CFR 127 is not intended to undo existing requirements for electronic reporting
   ii. If the Operator monitors any pollutant more frequently than required by the GP using test procedures approved under 40 CFR 136, or another method required for an industry-specific waste stream specified in the GP or under 40 CFR 401–471 or 40 CFR 501–503, the results of such monitoring will be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by DEQ.
   iii. Calculations for all limitations that require averaging of measurements will use an arithmetic mean unless otherwise specified by DEQ in the GP.

b. The Operator is responsible for the length of their turbidity plume at all times. Operators must visually monitor the area for turbidity between the suction dredge operation and the downstream end of the mixing zone at least once per day of operation. Operators 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.
c. Operators do not need to conduct more extensive monitoring if the turbidity plume is not distinguishable from background at a distance less than the authorized mixing zone. If the turbidity plume is substantial, the Operator must take actions to cease violations as specified in Permit Parts III.A.1. and 2., Twenty-Four-Hour Reporting and Penalties for Violation of General Permit Conditions.
d. Operators must record all turbidity monitoring results in a daily log (Appendix C), even if no visual increase of turbidity was observed. The Operator must retain records of all information resulting from any visual inspections and other information required by the AR according to Permit Part II.C.8., Retention of Records for at least 3 years.

3. Representative Sampling (Routine and Nonroutine Discharges)

   Samples and measurements taken for monitoring purposes must represent the monitored activity.

   To ensure effluent limits in this GP are not violated at times other than when routine visual monitoring is conducted, the Operator must monitor the appropriate location 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 Operator must report all additional monitoring according to the Permit Part II.C.1, Reporting Requirements.

4. The Operator must report the period of suction dredging in the AR and submit to DEQ no later than January 30 each year. The AR must include the following information:
   - Name
   - General Permit coverage number
   - Activity status
   - Water body where suction dredging took place
   - Geographic location of suction dredge operation
   - Length of longest observed turbidity plume
   - Dates of operation
   - Any incidences of noncompliance, fuel spills, water quality issues, such as identification of mercury, response and disposal information, and environmental protection issues, such as invasive species identification and decontamination information.

   The Operator must report observations of turbidity that exceed the requirements in Permit Part II.B. in the AR along with any measures taken to comply with the provisions of Permit Part II.B. Incidental spills that not required to be reported to DEQ (Permit Part II.D.10.c.) are required to be reported in the AR (Appendix C).

   If a GP is issued, an AR is required even if no mining activity occurred during the year. Permit Part I.C.6., Reporting of Monitoring Results provides the AR submission procedures.

5. Records Contents

   Records of monitoring information must include the following:
   - Operator name and contact information
   - General Permit coverage number
   - Miner number
   - Water body name
   - Dredging dates
   - Coordinates of claim (i.e., latitude and longitude of start point of the claim and the length of claim in feet)
   - Date and time of sampling, analysis, and/or measurements
   - Names of the individuals who performed the sampling, analysis, and/or measurements
   - Analytical techniques or methods used
   - Results of analyses

6. Reporting of Monitoring Results

   The Operator must include visual monitoring results for incidents of noncompliance in the AR (Appendix C). The Operator must sign and certify all ARs according to the

requirements of Permit Part IV.K., Signatory Requirements. The AR must be submitted to the following website: *Idaho Pollutant Discharge Elimination System Program (IPDES) E-Permitting System.*

The Operator must submit the AR electronically, unless DEQ has granted the Operator an electronic waiver for NOIs and reporting according to IPDES Volume 4 Section 9.1.5. Permit Part I.G.5 provides information for electronic waivers. Paper submittals will be dated on the date received by DEQ. DEQ must receive the AR no later than January 30 each year for the activities during the previous calendar year. The Operator must submit all ARs for any previous dredging years prior to the approval of any new application. If no dredging operation was conducted, but a GP coverage was issued, an AR must still be submitted for that year.

7. Availability of Reports

   Under the "Rules Governing the Protection and Disclosure of Records in the Possession of the Department of Environmental Quality" (IDAPA 58.01.21), information submitted to DEQ pursuant to this GP may be claimed as confidential by the operator. GPs, NOIs, and effluent data are not considered confidential per IDAPA 58.01.25.002. Any confidentiality claim must be asserted at the time of submission by stamping the words "trade secret," "proprietary," or "confidential" on each page containing such information. If no claim is made at the time of submission, DEQ may make the information available to the public without further notice to the operator. If a claim is asserted, the information will be treated according to the procedures in IDAPA 58.01.21.

8. Retention of Records

   The Operator must retain records of all monitoring information, including all calibration and maintenance records, copies of all reports and documents required by this GP, copies of ARs, a copy of this GP, and records of all data used to complete the NOI for this GP, for a period of at least 3 years from the date of the sample, measurement, report, or NOI.

D. Best Management Practices

The Operator must comply with the following BMPs.

1. Silt and Clay Areas—The Operator should avoid dredging of concentrated silt and clay. The Operator must use reasonable care to avoid dredging silt and clay materials that would result in a significant increase in suspended solids and an increase in turbidity and downstream sedimentation. 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 is classified as a hazardous waste and must be properly managed and disposed of according to hazardous waste rules and regulations. If mercury is found during suction dredging, (i.e., mercury is collected in the sluice box), the Operator shall do the following:

a. Keep the mercury collected and not remobilize the collected mercury, including by stopping suction dredging immediately if that is the only way to prevent the remobilization of the collected mercury; and
b. Work with the appropriate entity to dispose of the mercury properly.
c. Contact the DEQ regional 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

d. Consult the DEQ Best Management Practices for Mercury Collection from Suction Dredging Activities: *www2.deq.idaho.gov/admin/LEIA/index.html?view=folder&id=2514.*

   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 hazardous waste management program, contact your county solid waste department, 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. The Operator is responsible for the proper disposal of hazardous waste.

3. Separation Distances
   a. For all operations, suction dredge operations shall not discharge within 800 feet of another suction dredge operation discharge that is occurring simultaneously.
   b. Operators are prohibited from discharging within 500 feet upstream of the confluence with a water body that is impaired for sediment, suspended solids, or mercury.
4. Fish Passage, Spawning Fish, and Spawning Habitat
   a. Suction dredging and discharging are prohibited within 500 feet of locations where:
      i. Fish are spawning (Appendix E); or
      ii. Fish eggs or alevins are known to exist at the time dredging occurs.

b. Suction dredging and discharging must not occur in gravel bar areas at the tail of pools or where discharges of suspended solids result in fine sediments settling onto gravel bars.
c. The Operator must ensure there is adequate passage for fish around and through the suction dredging area at all times.

5. Stream Channel—Suction dredge operations must occur within the wetted perimeter of the stream channel and must not alter the bottom elevation of the active stream channel (dredged material must be used to backfill all dredged holes before any new holes are excavated) or redirect the flow of water into the streambank, which may destroy the natural form (width/depth configuration) of the active stream channel.
6. Erosion—Suction dredge operations that result in undercutting, littoral channeling, streambank or beach erosion, are prohibited. Removal or disturbance of boulders (cobbles or larger rock) or any type of vegetation (dead or alive) on the streambank, leading to erosion or undercutting of the banks, is prohibited under this GP.
7. Dams or Diversions—Damming or diversions within a stream channel are not authorized by this GP.
8. Boulders and Natural Obstructions—Explosives, motorized winches, or other motorized equipment (includes but not limited to, connections utilizing ropes, pulleys, and/or cables) to move boulders, logs, or other natural obstructions to facilitate dredging are prohibited under this GP.
9. Mechanized Equipment—Wheeled or tracked equipment used in-stream is prohibited under this GP while suction dredging is in progress. Except for the suction dredge itself and any life support system necessary to operate the suction dredge, mechanized equipment (includes but not limited to connections utilizing ropes, pulleys, and/or cables), other than small suction dredging equipment, shall not be used below the mean (ordinary) high water mark.
10. Refueling and Hazardous/Deleterious Material Storage
    a. The Operator shall take care during refueling of equipment to prevent spillage. When using a fuel container without a nozzle, a funnel must be used while pouring. Absorbent material, such as a pad, shall be placed under the fuel tank to catch any spillage from refueling operations. A spill kit that includes material for minimizing the effects of a spill, such as absorbent pads and a boom, shall be available in case of accidental spills.
    b. The Operator shall check suction dredges 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. The Operator must report spills of petroleum products to DEQ as required below:

       The Operator must contain and immediately clean up an aboveground spill or overfill of petroleum only after identifying and mitigating any fire, explosion, and vapor hazards so long as it is safe to do so.

i. If an aboveground spill or overfill of petroleum results in a release that exceeds 25 gallons or that causes a sheen on nearby surface water, within 24 hours, the Operator must report the spill to DEQ and begin corrective action.

ii. If an aboveground spill or overfill of petroleum results in a release that is less than 25 gallons and does not cause a sheen on nearby surface water, the Operator must report the spill to DEQ only if cleanup cannot be accomplished within 24 hours.

iii. The Operator must note in the log and report on the AR any other spills.

d. All chemical or petroleum products must be stored in a safe and secure location at all times. Fuel not stored and dispensed with an American National Standards Institute (ANSI) or Underwriters Laboratories (UL)-approved safety container must be maintained more than 100 feet from the mean (ordinary) high water mark. The USFS requires secondary containment for fuel storage within the National Forest system.

   Hazardous and deleterious material must not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity waters of the United States unless adequate measures and controls are provided to ensure that those materials will not enter a water body 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 the fuel does not need to be hand carried out into the stream.

f. The Operator may transfer fuel over water in a detachable fuel tank or in an approved container for proper storage on the opposite bank (see subpart d).

   For a reportable spill, see Appendix D for DEQ contact information. Outside of regular business hours, report to the DEQ regional office through the 24-hour IPDES hotline at 1-833-IPDES24 (1-833-473-3724).

11. Invasive Species—Dredges are considered a “conveyance” under the Idaho Invasive Species Act of 2008. The Act requires any citizen traveling past a watercraft inspection station with a watercraft or conveyance, to stop for inspection and decontamination. The Operator shall ensure that their suction dredging equipment does not house invasive species. Equipment shall be decontaminated for invasive species before placing on or entering a water body. When traveling to a site, if the Operator passes an invasive species inspection station (watercraft inspection) they must stop to have the equipment inspected. If the equipment has been in waters known to be infested by Quagga and/or Zebra Mussels, within 30 days, document the decontamination of the equipment before using the equipment in Idaho waters (IDAPA 02.06.09.202.02). If decontamination has not been completed and documented, the Operator must go to an inspection station to have the equipment decontaminated

(free of charge). Suction dredging equipment used in multiple streams should be decontaminated before each deployment. DEQ decontamination procedures are found at *DEQ Procedures for Decontamination of Monitoring Equipment.* Applicable trained ISDA staff are available to inspect and detect potential invasive species. Training is also available through the ISDA, more information can be found at Watercraft Inspections — Invasive Species of Idaho (https://invasivespecies.idaho.gov/watercraft-inspection-stations)

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

III. Compliance and Enforcement

A. Twenty-Four Hour Reporting

In addition to reports required elsewhere in this GP:

1. The Operator must report any noncompliance that may endanger health or the environment directly to the DEQ regional office compliance officer or through the 24-hour IPDES hotline at 1-833-IPDES24 (1-833-473-3724). Any information must be provided orally within 24 hours from the time you becomes aware of the circumstances. A written submission must also be provided within 5 days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
2. The following information must be reported within 24 hours:
   a. Any unanticipated bypass that exceeds any effluent limit in the GP (40 CFR 122.41(m)(3)(ii)) and Permit Part IV.L., Bypass Terms and Conditions.
   b. Any upset that exceeds any effluent limit in the GP.
   c. Violation of a maximum daily discharge limit for any numeric effluent limit (40 CFR 122.44(g).) and Permit Part IV.M., Upset Terms and Conditions.
   d. DEQ may waive the written report on a case-by-case basis for reports under Permit Part III.A.1., 24-Hour Reporting, if the oral report has been received within 24 hours.
3. Other noncompliance
   a. The Operator must report all instances of noncompliance not reported under IDAPA 58.01.25.300.12.d., e. and f. at the time monitoring reports are submitted. The reports of noncompliance must contain the information listed in the GP. As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this permit part must be submitted electronically by the

Operator to DEQ in compliance with this permit part and 40 CFR 127 unless waived pursuant to 40 CFR 127.15. Regulation 40 CFR 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR 127, Operators may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this permit part. The director may also require Operators to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this permit part.

b. If the Operator becomes aware that relevant facts were not submitted in a GP NOI or incorrect information was submitted in a GP NOI or in any report to DEQ, promptly submit such facts or correct the information.

B. Penalties for Violations of General Permit Conditions

1. If the operator violates any GP condition, filing or reporting requirement, duty to allow or carry out inspections, entry or monitoring requirements, or any other provision in this GP, the operator is subject to administrative, civil, or criminal enforcement.
2. Pursuant to Idaho Code §§ 39-175E and 39-108, any person who violates any rule, GP or order related to the IPDES Program shall be liable for a civil penalty not more than $10,000 per violation or $5,000 for each day of a continuing violation, whichever is greater.
3. Pursuant to Idaho Code §§ 39-175E, 39-108, and 39-117, any person who willfully or negligently violates any IPDES standard or limit, GP condition, or filing requirement shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $10,000 per violation or for each day of a continuing violation.
4. Pursuant to Idaho Code §§ 39-175E, 39-108, and 39-117, any person who knowingly makes any false statement, representation, or certificate in any IPDES form, in any notice or report required by an IPDES GP, or who knowingly renders inaccurate any monitoring device or method required to be maintained shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $5,000 per violation or for each day of a continuing violation.
5. Pursuant to Idaho Code §18-113, a misdemeanor violation of the IPDES Program requirements in Idaho Code § 39-117, is also punishable by imprisonment in a county jail not exceeding 6 months.
6. In addition to civil penalties as described above, pursuant to Idaho Code § 39-175E and
7. Idaho Code § 39-108, any person who has been determined to have violated any provision of the rules, GPs, or orders relating to the IPDES Program shall be liable for any expense incurred by the state in enforcing the program requirements, or in enforcing or terminating any nuisance, source of environmental degradation, cause of sickness or health hazard.
8. Criminal Penalties

a. Negligent Violations. The Clean Water Act (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 permit parts in a GP 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 permit parts, 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 GP condition or limitation implementing any of such permit parts in a GP issued under CWA § 402, and who knows at that time that they place 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 GP 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 certificate in any record or other document submitted or required to be maintained under this GP, including monitoring reports or reports of compliance or noncompliance 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. Toxic Pollutants

The Operator must comply with effluent standards or prohibitions established under the "Water Quality Standards" (IDAPA 58.01.02) for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this GP has not yet been modified to incorporate the requirement.

D. Planned Changes

The Operator must give notice to DEQ as soon as possible of any planned physical alterations or additions to the permitted operation. Notice is only required for the following:

1. The alteration or addition to a permitted operation may meet one of the criteria for determining whether a operation is a new source 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 limits in the GP, nor to notification requirements under 40 CFR 122.42(a)(1).

E. Anticipated Noncompliance

The Operator must give advance notice to DEQ of any planned changes in the permitted activity that may result in noncompliance with GP requirements.

F. Transfers

This GP is nontransferable to any person except after notice to DEQ where a Operator wants to change the name of the operator. The new Operator must submit a NOI according to Permit Part I.G. The original Operator (the first owner or operators) must submit a NOT pursuant to Permit Part I.B., Termination of Discharges.

IV. Standard General Permit Conditions

The following conditions apply to all IPDES GPs (IDAPA 58.01.25.300). Nothing in this GP shall be construed to preclude the institution of any legal action or relieve the Operator from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by CWA§ 510.

A. Duty to Comply

The Operator must comply with all conditions of the GP. Any GP noncompliance constitutes a violation of Idaho law, the CWA, and is grounds for enforcement action, GP termination, revocation and reissuance, or modification, or denial of a GP renewal application. The Operator shall comply with effluent standards or prohibitions established under IDAPA 58.01.02 for toxic

pollutants and with standards for sewage sludge use or disposal established under the CWA §§ 380 and 405(d) and the "Wastewater Rules," (IDAPA 58.01.16.650), within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the GP has not yet been modified to incorporate the requirement.

B. Duty to Reapply

If the Operator wishes to continue an activity regulated by the GP after the expiration date of the GP, the Operator must apply for and obtain a new GP coverage. If the Operator complies with the NOI requirements for a GP, and a GP coverage is not issued prior to the GP's expiration date, the GP shall remain in force as stipulated in the GP.

C. Need to Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

The Operator shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of the GP that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

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

F. General Permit Actions

The GP may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Operator for a GP modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any GP condition.

G. Property Rights

The GP does not convey any property rights of any sort, or any exclusive privilege.

H. Duty to Provide Information

The Operator shall furnish DEQ, within a reasonable time, any information DEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the GP coverage or to determine compliance with the GP. The Operator shall also furnish DEQ upon request, copies of records required to be kept by the GP.

I. Inspection and Entry

The Operator shall provide DEQ's inspectors, or authorized representatives, including authorized contractors acting as representatives of DEQ, upon presentation of credentials and other documents as may be required by law, access to the following:

1. Entrance to the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the GP;
2. Any records that must be kept under the conditions of the GP and, at reasonable times, to copy such records;
3. Inspect, at reasonable times, any operations, equipment (including monitoring and control equipment), practices, or operations regulated or required under the GP; and
4. Sample or monitor at reasonable times, to ensure GP compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

J. Monitoring and Records

An Operator must comply with the following monitoring and recordkeeping conditions:

1. Samples and measurements taken for monitoring purposes shall represent the monitored activity.
2. The Operator shall retain the following records:
   a. All monitoring information, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by DEQ's request at any time.
   b. The permittee's sewage sludge use and disposal activities shall be retained for a period of at least 3 years or longer as required by 40 CFR 503.
3. Records of monitoring information shall include the following:
   a. All calibration and maintenance records.
   b. All original strip chart recordings for continuous monitoring instrumentation or other forms of data.
   c. Copies of all reports required by the GP.
   d. Records of all data used to complete the NOI for the GP.
   e. The date, exact place, and time of sampling or measurements.
   f. The name of any individuals who performed the sampling or measurements.
   g. The dates any analyses were performed.
   h. The name of any individuals who performed the analyses.
   i. The analytical techniques or methods used.

j. The results of the analysis.

4. Monitoring must be conducted according to test procedures approved under 40 CFR 136 unless another test method is required by 40 CFR 401–471 or 501–503.

K. Signatory Requirements

All NOIs, reports, or information submitted to DEQ must be signed and certified as follows.

1. All NOIs must be signed and certified:
   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 another public agency, by either a principal executive officer or ranking elected official.
   d. All reports required by the GP and other information requested by DEQ must be signed by the person described in subpart a above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
      i. The authorization is made in writing by a person described above.
      ii. The authorization specifies either an individual or a position with responsibility for the overall operation of the regulated facility or activity, such as the plant manager, owner or operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position with overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or an individual occupying a named position.).
      iii. The written authorization is submitted to the director. Appendix D contains DEQ addresses.

   e. Changes to authorization. If an authorization under Permit Part IV.K.1.b is no longer accurate because a different individual or position has responsibility for the overall operation, a new authorization satisfying the requirements of Permit Part IV.K.1.b must be submitted to the applicable DEQ office prior to or together with any reports, information, or NOIs to be signed by an authorized representative.
   f. Certificate. Any person signing a document under this part must make the following certificate:

      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.

L. Bypass Terms and Conditions

1. Bypass, as defined in Appendix A, is prohibited, and DEQ may take enforcement action against an Operator for bypass, unless:
   a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
   b. 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
   c. The Operator submitted a notice of a bypass to DEQ according to IDAPA 58.01.25.300.13.c. and d. As of December 21, 2020, all notices submitted in compliance with this permit part must be submitted electronically by the Operator to DEQ in compliance with this permit part and 40 CFR 127 unless waived pursuant to 40 CFR 127.15. Regulation 40 CFR 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR 127, Operators may be required to report electronically if specified by a particular GP.
   d. DEQ may approve an anticipated bypass, after considering its adverse effects, if DEQ determines that it will meet the three conditions listed in IDAPA 58.01.25.300.13.a.
   e. If the Operator knows in advance of the need for a bypass, it shall submit prior notice to DEQ, if possible, at least 10 days before the date of the bypass.
   f. The Operator shall submit notice of an unanticipated bypass as required in IDAPA 58.01.25.300.12.f. (24-hour notice).
   g. Bypasses not exceeding limitations, are allowed to occur, and are not subject to IDAPA 58.01.25.300.13.a. or 300.13.d. if:
      i. The bypass does not cause effluent limitations to be exceeded, and
      ii. Only if it also is for essential maintenance to assure efficient operation.

M. Upset Terms and Conditions

1. In any enforcement action for noncompliance with technology-based GP effluent limitations, an Operator may claim upset, as defined in Appendix A, as an affirmative defense. An Operator seeking to establish the occurrence of an upset has the burden of proof.
2. Any determination made in administrative review of a claim that noncompliance was caused by upset, before an action for noncompliance is commenced, is not final administrative action subject to judicial review.
3. The following conditions are necessary for an Operator to demonstrate that an upset occurred. An Operator who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the Operator can identify the cause(s) of the upset;
b. The permitted operation was at the time being properly operated;
c. The Operator submitted 24-hour notice of the upset as required IDAPA 58.01.25.300.12.f.iii (2); and
d. The Operator complied with any remedial measures required under IDAPA 58.01.25.300.04.

N. Penalties and Fines

1. General Enforcement and Penalties. Any person who violates any permit condition, filing or reporting requirements, duty to allow or carry out inspections, entry or monitoring requirements or any other provision in these rules shall be subject to administrative, civil, or criminal enforcement and those remedies authorized in the Environmental Protection and Health Act, Section 39-101 et seq., Idaho Code, including without limitation, civil and criminal penalties as provided in Section 39-108 and 39-117, Idaho Code.
2. Truth in Reporting. It is a violation of these rules for any person to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under an IPDES permit. In addition to any other remedy available to the Department, such a violation is punishable by a fine as provided in Section 39-117, Idaho Code.
3. False Statements. It is a violation of these rules for any person to knowingly make any false statements, representation, or certification in any record or other document submitted or required to be maintained under an IPDES permit, including monitoring reports or reports of compliance or non-compliance. In addition to any other remedy available to the Department, such a violation is punishable by a fine as provided in Section 39-117, Idaho Code.
4. Public Participation in Enforcement. The Department shall provide for public participation in the state enforcement process by:
    a. Investigating and providing written response to citizen complaints;
    b. Not opposing intervention by any citizen when permissive intervention may be authorized by statute, rule, or regulation; and
    c. Publishing notice of and providing at least thirty (30) days for public comment on nay proposed settlement of a state enforcement action.

GPs must include penalty and fine requirements pursuant to “Enforcement” (IDAPA 58.01.25.500).

O. Severability

If a portion of this GP is invalidated, the whole GP is not invalid. The GP will remain in effect to the extent possible. If any permit part is invalidated, the remaining permit parts will remain in effect unless DEQ issues a written statement indicating otherwise.

P. State Laws

Nothing in this GP shall be construed to preclude the institution of any legal action or relieve the Operator from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by the CWA § 510, including but is not limited to, IDAPA 58.01.02, IDAPA 58.01.16, and IDAPA 58.01.17.

Appendix A. Definitions, Abbreviations, and Acronyms

Definitions

Active Stream Channel—Part of the channel below the level of the water. Unvegetated gravel bars are considered part of the active stream channel.

Antidegradation Policy—Idaho's antidegradation policy provides three levels of protection to maintain the existing quality of Idaho waters (IDAPA 58.01.02.051; IDAPA 58.01.02.052):

- Tier I Protection. The first level of protection applies to all water bodies subject to CWA jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; IDAPA 58.01.02.052.01). Additionally, a Tier I review is performed for all new or reissued GPs or licenses (IDAPA 58.01.02.052.07).
- Tier II Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; IDAPA 58.01.02.052.08).
- Tier III Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities do not lower water quality (IDAPA 58.01.02.051.03; IDAPA 58.01.02.052.09).

DEQ employs a water-body-by-water-body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier I protection for that use, unless specific circumstances warranting Tier II protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

Bank (e.g., streambank or riverbank)—The rising ground bordering the stream channel.

Bypass—The intentional diversion of wastewater from any portion of a treatment facility.

Critical Habitat—As defined in the Endangered Species Act (ESA) at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of the ESA section 4, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of the ESA section 4, upon a determination by the Secretary that such areas are essential for the conservation of the species.

CWA—Formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972. Public Law 92-500, as amended by Public Law 95-

217, Public Law 95-576, Public Law 96-483 and Public Law 97-117, 33 U.S.C. 1251 *et seq.* (IDAPA 58.01.25).

Director—The director of the Idaho Department of Environmental Quality or authorized agent (IDAPA 58.01.25.010.25).

Discharge—When used without qualification, means the "discharge of a pollutant" IDAPA 58.01.25.010.27).

Discharge of a Pollutant—Any addition of any pollutant or combination of pollutants to waters of the United States from any point source. This definition includes additions of pollutants into waters of the United States from surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances leading into privately-owned treatment works. This term does not include an addition of pollutants by any indirect discharger (IDAPA 58.01.25.01.28).

Discharge to an Impaired Water—For this GP, a discharge to an impaired water occurs if the first water of the United States to which you discharge is identified by a state, tribe, or EPA pursuant to the CWA § 303(d) as not meeting an applicable water quality standard and (1) requires development of a total maximum daily load (TMDL) (pursuant to CWA § 303(d); or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories, but the water body is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). For discharges that enter a storm sewer system prior to discharge, the water of the United States to which you discharge is the first water of the United States that receives the storm water discharge from the storm sewer system.

Dredging Operation—A small suction dredge defined as having an intake nozzle diameter of less than or equal to 5 inches (or the diametrical equivalent) and a cumulative engine rating of no more than 15 horsepower.

Effluent Limitations—Any restriction imposed by DEQ on quantities, discharge rates, and concentrations of pollutants that are discharged from point sources into waters of the United States according to these rules and the CWA (IDAPA 58.01.25).

Effluent Limitations Guideline (ELG)—A regulation published by the EPA under the CWA § 304(b) to adopt or revise effluent limitations (IDAPA 58.01.25).

Eligible—For this GP, refers to storm water and allowable nonstorm water discharges that are authorized for coverage under this general permit.

Endangered Species—Defined in the ESA at 16 U.S.C. 1531 as any species that is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

Essential Fish Habitat—As defined by the Magnuson-Stevens Fishery Conservation and Management Act, essential fish habitat means those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity, and includes the physical, biological, and chemical properties that are used by fish (50 CFR 600.10). Effects on essential fish habitat may result from actions occurring within essential fish habitat or outside of it and may include site-specific or EFH-wide impacts, including individual, cumulative, or synergistic consequences of actions (50 CFR 600.810). Section 305(b) of the MSA directs Federal agencies to consult with NMFS on all actions or proposed actions that may adversely affect essential fish habitat.

Facility or Activity—Any point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the IPDES Program.

Hazardous Substances or Hazardous or Toxic Waste—Any substance designated under 40 CFR 116 pursuant to the CWA § 311

High Banking—A high banker, also called a power sluice, is a piece of equipment placed above the water line, that uses a pump to force water through a sluice to mimic the natural flow of a stream. This method involves shoveling or feeding material, such as gravel and sediment expected to contain gold, into a power sluice. Water is directed through the sluice to wash away lighter particles, leaving behind heavier materials such as gold flakes and nuggets in the riffles of the sluice box.

Impaired Water (or "Water Quality Impaired Water" or "Water Quality Limited Segment")—A water is impaired for purposes of this GP if it has been identified by a state, tribe, or EPA pursuant to the CWA § 303(d) as not meeting applicable state or tribal water quality standards (these waters are called "water quality limited water bodies" under IDAPA 58.01.02.010.112).

Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Indian Country—(a) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights- of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same (IDAPA 58.01.25.010.43).

IPDES—The state program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing GPs, and imposing and enforcing pretreatment requirements, under the CWA §§ 307, 402, 318, and 405 (IDAPA 58.01.25).

IPDES E-Permitting System—DEQ's online system for submitting electronic Small Suction Dredge Mining General Permit forms and other submissions required by this GP.

Mixing Zone—A defined area or volume of the receiving water surrounding or adjacent to a wastewater discharge where the receiving water, as a result of the discharge, may not meet all applicable water quality criteria or standards. It is considered a place where wastewater mixes with receiving water and not as a place where effluents are treated.

Nephelometric Turbidity Units (NTU)—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.

New Facility—A facility that has not operated in the area specified in the NOI prior to the submission of the NOI.

Nonturbid—A discharge that is free from visual turbidity. For this GP, visual turbidity refers to a sediment plume or other cloudiness in the water caused by sediment that can be identified by an observer.

Notice of Intent—An Operator seeking discharge coverage under an IPDES general permit shall submit a notice of intent to obtain coverage for discharges to waters of the United States under general permit classifications, including Small Suction Dredge Mining General Permit.

Operator or Owner—The person, company, corporation, district, association, or other organizational entity that is an owner or operator of any facility or activity subject to regulation under the IPDES Program. For this GP, Operator is equivalent to dredger or miner.

Ordinary High-Water Mark—The line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris.

Permitting Authority—For this GP, DEQ, or an authorized representative.

Placer Mining—The extraction or removal of stream bed deposits for minerals and precious metals.

Pollutant—Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 *et seq.*]), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

a. Sewage from vessels; or

b. Water, gas, or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located, and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources. NOTE: Radioactive materials covered by the Atomic Energy Act are those encompassed in its

definition of source, byproduct, or special nuclear materials. Examples of materials not covered include radium and accelerator-produced isotopes. (Train v. Colorado Public Interest Research Group, Inc., 426 U.S. 1 [1976]) (IDAPA 58.01.25).

Receiving Water—Those waters of the United States to which there is a discharge of pollutants (IDAPA 58.01.25).

Silt and Clay—Soil particles having a diameter of less than 0.002 millimeters (2 microns).

Spill—For this GP, the release of a hazardous or toxic substance from its container or containment.

Threatened Species—Defined in the ESA at 16 U.S.C. 1531 as any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Tier I Waters—Tier I Protection. The first level of protection applies to all water bodies subject to CWA jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; IDAPA 58.01.02.052.01). Additionally, a Tier I review is performed for all new or reissued GPs or licenses (IDAPA 58.01.02.052.07).

Tier II Waters—Tier II Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; IDAPA 58.01.02.052.08).

Tier III Waters—Tier III Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities do not lower water quality (IDAPA 58.01.02.051.03; IDAPA 58.01.02.052.09).

Total Maximum Daily Load (TMDL)—The sum of the individual wasteload allocations (WLAs) for point sources and load allocations for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the WLAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measure.

Toxic Waste—See Hazardous Substances.

Tributary—Defined as tributaries of all stream orders, for which the lowest flows into the named main stem (for example, both West Fork Newsome Creek and Newsome Creek are tributaries of the South Fork Clearwater River)**.**

Turbidity—A condition of water quality characterized by the presence of suspended solids and/or organic material and is a measure of the degree to which the water loses its transparency due to the presence of suspended particulates.

Upset—An exceptional incident in which there is unintentional and temporary noncompliance with technology-based GP effluent limitations because of factors beyond the reasonable control of the operator. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation (IDAPA 58.01.25).

Water Quality Standards—A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures. States, tribes, and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the CWA (CWA §§ 101(a)2 and 303(c)). Where necessary, EPA has the authority to promulgate federal water quality standards.

Waters of the United States (WOTUS)—The term "Waters of the United States or waters of the U.S.," as defined in 84 Federal Register 56626, 56669, October 22, 2019 (effective December 23, 2019).", unless said revision is stayed, overturned or invalidated by a court of law or withdrawn by EPA, in which case DEQ incorporates by reference the term "waters of the United States or waters of the U.S." as defined to mean the waters covered by those regulations consistent with Supreme Court decisions and longstanding practice.

Abbreviations and Acronyms

ANSI	American National Standards Institute
AR	Annual Report
BLM	Bureau of Land Management
BMP	Best Management Practice
Cd'A	Coeur d'Alene
CFR	Code of Federal Regulations
CWA	Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq.*)
DEQ	Idaho Department of Environmental Quality
EF	East Fork
EFH	Essential Fish Habitat
ELG	Effluent Limitations Guideline
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
ESU	Evolutionary Significant Unit
GEM	Grimes, Elks, and Mores Creeks
GP	General Permit
IDAPA	Idaho Administrative Procedure Act
IDL	Idaho Department of Lands
IDWR	Idaho Department of Water Resources
IPDES	Idaho Pollutant Discharge Elimination System
km	kilometer
MF	Middle Fork
NF	North Fork
NOAA	National Oceanic and Atmosphere Administration
NOI	Notice of Intent
NTU	Nephelometric Turbidity Units
POO	Plan of Operation
SF	South Fork
SFCR	South Fork Clearwater River

TMDL	Total Maximum Daily Load
UL	Underwriters Laboratories
USFS	United States Forest Service
U.S.C.	United States Code
WF	West Fork
WOTUS	Waters of the United States
yd	yard

Appendix B. Notice of Intent Form

Notice of Intent (NOI)
Information Sheet
IPDES General Permit IDG370000 Small Suction Dredge Mining

*** Denotes required fields – NOIs will be returned if not complete**

Applicant:*	Miner #: New Operator☐
Winter Address:*	
Telephone Number:*	Email address:
Operation/Claim Name (if applicable):	

Suction Dredge Nozzle size(s):* (5 inches or less)	_____inches _____inches _____inches	Equipment rating:* (15 hp or less)	_____hp _____hp _____hp

List other operators of same dredge:

Will you dredge in National Park system units, National Monuments, Sanctuaries, Conservation areas or Wilderness areas? *

☐ YES ☐ NO

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

Start point (upstream) of Claim Coordinates; *Longitude must start with a negative (-)*

Latitude (DD or DMS) *	Longitude (DD or DMS) *

Length of Claim (in feet) *		
Water Body *		
River Drainage *		
Nearest Town *		
Dates of Operation *	Start	Stop
Hours of Operation *	Start	Stop

Land Manager (if mixed ownership, check more than one) *

□ BLM □ IDL □ Other States □ USFS □ Other Federal □ Private

Operator must comply with all Local, State and Federal requirements (i.e. Plan of Operations)

Special Areas: Is your operation on or in a tributary for any of the following *
(check only one, a separate NOI must be submitted for each special area):

☐ Grimes, Elk, Mores (GEM) Creeks ☐ McCoy Creek ☐ Moose Creek ☐ Lolo Creek

☐ French Creek ☐ Orogrande Creek ☐ South Fork Clearwater River

* Is your operation on tribal land? ☐ Yes ☐ No

Permit Part I.D.1. requires copies of certain land management approvals be submitted with the NOI if you want to suction dredge in any National Park System Units (i.e., Parks and Preserves), National Monuments, Sanctuaries, Wildlife Refuges, Conservation Areas, or Wilderness Areas.

Permit Part I.D.8. requires that no dredging operations are to occur within 500 feet of a drinking water intake.

1. Include a map noting the location of claim.
2. DD is Decimal Degrees.
   DMS is Degrees, Minutes, Seconds
   Example: the Latitude and Longitude of the Capitol Building in Boise is:
   Decimal Degrees: 43.6179448, -116.1995616
   Degrees, Minutes, Seconds: 43 37'05" N, -116 11'58" W
3. An NOI is required on an annual basis for Special Areas as identified in Permit Part I.G.2. For dredging on Grimes, Elk, and Mores Creeks include the request for the total number of dredge hours (See Permit Part I.G.2.a.)

Friends and family are permitted to share GP coverage for this special area. Friends and family must be identified on the NOI. Dredging operations must be at least 800 feet apart. Friends and family are responsible for abiding by local, State and Federal rules and regulations. The Operator (permit holder) remains responsible for IPDES GP compliance.

Printed Name:*

Signature:*	Date:*

Certificate: 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.

See website for active drinking water intakes at *Active Surface Water Intakes_April_11_2018.xlsx (epa.gov)*.

Submit completed NOI as described here: Electronic submittal: *Idaho Pollutant Discharge Elimination System Program (IPDES) E-Permitting System*

Appendix C. Annual Report Information Sheet

Annual Report Information Sheet*

Small Suction Dredge Mining General Permit

Name		Miner No.: ___		
Address		Permit No.: IDG37___		
		No Mining □ (check here)		
		Period of Dredging		
Phone		From	To	Days**
Email				
Water Body Name				
Location of Claim	Latitude:			
	Longitude:			

For **Grimes, Elk, and Mores** (GEM) Creeks and tributaries, the total number of hours dredged:

Estimated number of cubic yards processed during the season: yd^3

Length of longest turbidity plume observed during daily monitoring: feet

Was mercury identified during dredging? □ Yes □ No
If yes, please provide a brief description of mercury response and disposal information:

Was an invasive species present during dredging? □ Yes □ No
If yes, please provide the invasive species found or a brief description, and decontamination information:

Report of Noncompliance

Date	Describe noncompliance and the remedy to come back into compliance

Date	Fuels spills not required to report to DEQ
Printed Name:	
Signature:	Date
Certificate: 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 GP coverage number. ** Refers to the number of dredging days that occurred during the period of dredging.	

Submit the AR to *Idaho Pollutant Discharge Elimination System Program (IPDES) E-Permitting System.*

A sample of a Daily Log can be uploaded with the annual report. (Note this is the same format as the USFS miner's log.)

Suction Dredging Information Form

Operator: Year: Claim:

	Dredging Period		Dredging Period		Dredging Period		Approximate Amount of Material		Max. Turbidity Plume (ft)	Bull trout seen?
Date	From	To	From	To	From	To	Area (ft^2)	Volume (ft^3)		

Additional Information:

1. Note any unusual conditions, activities, or other observations on reverse of this form with date and time.

Appendix D. Contact Information

State of Idaho Contact Information	
Idaho Department of Environmental Quality	**Idaho Department of Water Resources**
DEQ – State Office 1410 N Hilton Street Boise, Idaho 83706 (208) 373-0502 (866) 790-4337	The Idaho Water Center 322 East Front Street PO Box 83720 Boise, Idaho 83720-0098 Phone: (208) 287-4800
Boise Regional Office 1445 North Orchard Boise, Idaho 83706 (208) 373-0550 (888) 800-3480	Western Regional Office 2735 Airport Way Boise, ID 83705-5082 Phone: (208) 334-2190
Twin Falls Regional Office 650 Addison Ave. W, Suite 110 Twin Falls, Idaho 83301 (208)736-2190 (800) 270-1663	Southern Regional Office 1341 Fillmore Street, Suite 200 Twin Falls, ID 83301-3380 Phone: (208) 736-3033
Coeur d'Alene Regional Office 2110 Ironwood Pkwy Coeur d'Alene, Idaho 83814 (208) 769-1422 (877) 370-0017	Northern Regional Office 7600 Mineral Drive, Suite 100 Coeur d'Alene, ID 83815-7763 Phone: (208) 762-2800
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
Pocatello Regional Office 444 Hospital Way, #300 Pocatello, Idaho 83201 (208) 236-6160 (888) 655-6160	Field Office 1301 East Main Street, Suite 7 Salmon, ID 83467 Phone: (208) 756-6644
Lewiston Regional Office 1118 F Street Lewiston, Idaho 83501 (208) 799-4370 (877) 541-3304	

Appendix E. 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. Reach out to your local Fish and Game Office to determine which waters are closed during spawning. Additional

information can be found in the *Geographic and Timing of Salmonid Spawning in Idaho, April 25, 2014.*

- 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 that 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 spawn during spring (March–June). Peak spawning of Steelhead and Rainbow Trout often occurs during April and May and incubation may extend into midsummer. In many areas, peak Cutthroat Trout spawning occurs during May and June and incubation may extend into late 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 using similar stream habitats to Chinook Salmon and summer Steelhead. Lamprey adults migrate into the Columbia and Snake River Basins from June through October, overwinter, 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 F. Decision Notice and Findings of No Significant Impact for Caribou Basin Small-Scale Placer Mining Project (20211005 Caribou Basin Final DN-FONSI)

Decision Notice and Finding of No Significant Impact for the Caribou Basin Small-Scale Placer Mining Project

USDA Forest Service
Soda Springs Ranger District
Caribou-Targhee National Forest
Bonneville County, Idaho

Introduction

The Soda Springs Ranger District prepared an Environmental Assessment (EA) to document the analysis and disclose the effects of the proposed Caribou Basin Small-Scale Placer Mining Project. The EA describes the alternatives to the proposal, identifies issues, assesses existing environmental conditions, and discloses expected environmental consequences.

The Caribou Basin Small-Scale Placer Mining Project was proposed because there is a need for the Soda Springs Ranger District to analyze and respond to mining-related requests such as Notices of Intent (NOIs) and Plans of Operation (POOs) based on current laws and regulations. Each year the Soda Springs Ranger District receives double the permit applications than is currently authorized by the existing 1994 Small Placer Mining Operations Caribou Basin Area Decision Notice (DN) and Finding of No Significant Impact (FONSI). The 1994 DN and FONSI is the current management direction in place for small-scale placer mining in Caribou Basin. The project is needed to address the increased demand for in-stream placer mining activities within Caribou Basin. The purpose of the project is two-fold. First it will facilitate processing NOIs and POOs submitted to the Caribou-Targhee National Forest (CTNF). Second, it will protect environmental resources and ensure compliance with laws and regulations by creating standard procedures for reviewing proposals for small-scale mining operations in the Caribou Basin. The EA documents the analysis of three alternatives to meet this purpose and need. The project record is incorporated by reference and contains the detailed data, methodologies, analysis, references, and other technical documentation used to support my decision.

Decision and Reasons for the Decision

Based upon my review of all alternatives, I have decided to implement Alternative 3 (Proponent Alternative). It would authorize up to 15 in-stream permits per year for motorized sluicing and suction dredging in Caribou Basin in streams open to seasonal mining per Idaho Department of Water Resource (IDWR) regulations (Figure 1). In-stream work would occur between August 1 to October 31. Suction dredges shall be no greater than 5-inch intake nozzle size and 15-horsepower motor. Operations may disturb up to 50 feet of contiguous stream channel annually. Highbanking activities would be authorized under an approved POO. Restoration of approximately 5,000 feet of McCoy Creek would occur in coordination with affected active mining claim holders.

When compared to the other alternatives, this alternative will meet the purpose and need for the project while meeting all applicable Revised Forest Plan for the Caribou National Forest (RFP) standards and guidelines. This alternative was carefully developed to address concerns raised by the interdisciplinary team, cooperating State agencies, and the public. This alternative meets requirements under all Federal, State, and local laws or requirements imposed for the protection of the environment (e.g. Endangered

Species Act, Clear Air Act, National Preservation Act, Clear Water Acts, applicable Executive Orders, and Environmental Justice). Additionally, it acknowledges the statutory right to explore and develop mineral resources on federally administered lands, which is recognized by the General Mining Law of 1872 and the RFP. I believe that Alternative 3 provides the best balance of all the issues and concerns for this place at this time.

Project mitigation measures, restoration best management practices (BMPs), and monitoring requirements were developed based on standard operating procedures, RFP standards and guidelines, and other procedural directions to eliminate or mitigate potential impacts during project implementation. These measures are listed in Section 2.4 of the EA.

My selection of Alternative 3 does not constitute approval of proponents' POOs required for highbanking. Approval of a POO is contingent upon the proponent's acceptance of the project design criteria and BMPs developed to minimize effects of the operation on surface resources and posting of a full reclamation bond for project-related disturbance. These actions are regulated under Forest Service minerals regulations at 36 Code of Federal Regulations (CFR) 228 Subpart A.

Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives: no action alternative and the proposed action (alternative 2). Under the no action Alternative, current management direction would continue to guide management of the project area. The proposed action (alternative 2), is nearly the same as the selected alternative (alternative 3) with one difference: the in-stream work window analyzed is August 15 to October 15. A comparison of these alternatives can be found in the EA on pages 16-25.

Public Involvement and Scoping

The project was listed in the Schedule of Proposed Actions on June 4, 2020. The proposal was provided to the public, other agencies, and the Shoshone Bannock Tribe for comment during scoping from June 4, 2020 to July 6, 2020. In addition, as part of the public involvement process, the Forest Service consulted with the U.S. Fish and Wildlife Service and the Idaho Roadless Commission.

Using the comments from the public and other agencies (see *Issues* section in the EA on page 13), the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included water quality, aquatic habitat and species, wildlife, noxious weeds, and the miners' request for a longer in-stream work window. To address these concerns, the Forest Service created alternative 3, the Proponent Alternative, and selected alternative 3 for this project.

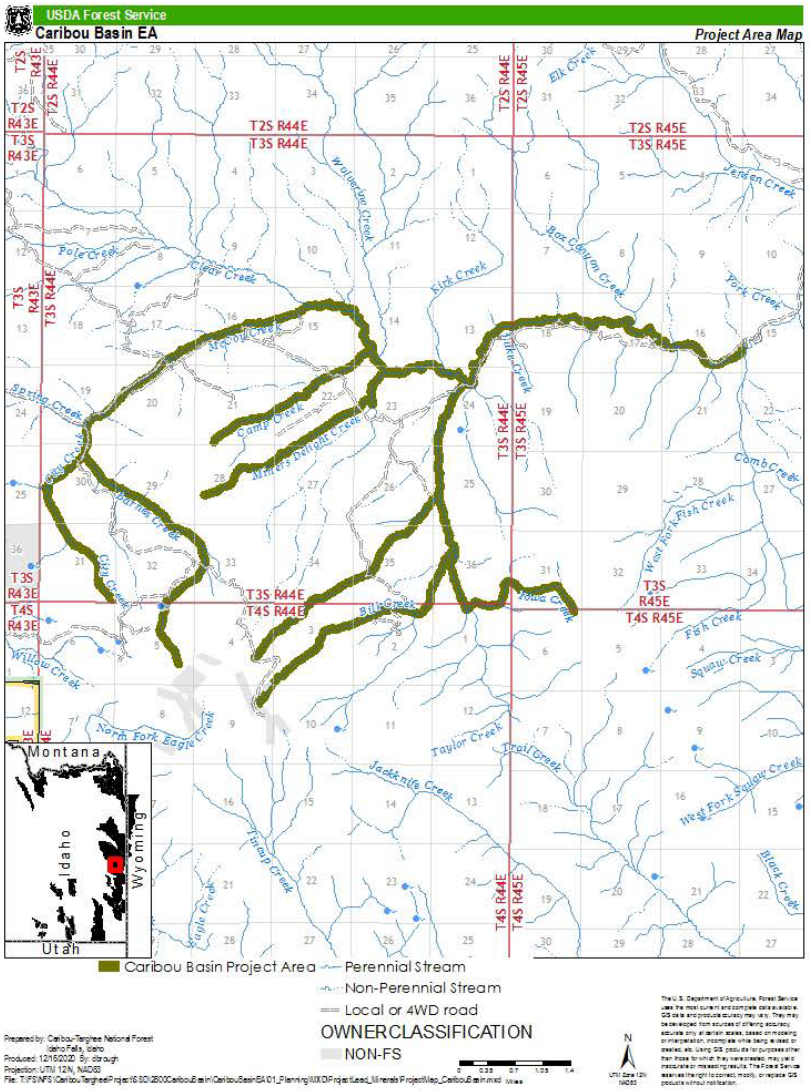


Figure 1 Project Map. This map shows the streams open to seasonal mining with a 300-foot buffer for highbanking activities.

Finding of No Significant Impact

The following is a summary of the project analysis to determine significance, as defined by Forest Service Handbook 1909.15_05. "Significant" as used in the National Environmental Policy Act (NEPA) requires consideration of both context and intensity of the expected project effects.

Context

For the proposed action and alternatives, the context of the environmental effects is based on the environmental analysis in Chapter 3 of the EA. The overarching management direction for this project comes from the RFP and the 1994 DN for the project area. Section 1.6 of the EA highlights management direction from the RFP that pertains to this project. The project is not of international, national, region-wide or statewide importance. The discussion of the significance criteria that follows applies to the selected alternative and is within the context of local importance in the area associated with the project.

Environmental and human effects are based on the potential impacts to the various analysis areas discussed in the Environmental Assessment (EA) and are tiered back to the RFP, which tiers to larger regional assessments. Based on my review of the EA, associated specialist reports and conversations with staff, the effects of the selected alternative are localized, with implications for only the immediate area, but I understand how this project fits into the Forest and Regional context. The cumulative effects analysis of past and future activities along with those proposed is discussed in the EA. The selected alternative is consistent with the direction, standards and guidelines outline in the RFP as well as applicable laws and regulations. My determination is based on this context.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the EA and the supporting documents in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The Forest Service has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using ten factors identified below.

1) **Impacts may be both beneficial and adverse. A significant effect may exist even if the Forest Service believes that on the balance, the effects will be beneficial.**

   Beneficial and adverse impacts of implementing the selected alternative have been fully considered in the EA. The adverse impacts of the selected alternative are minimized or controlled by project design. While Alternative 3 is the least protective of Yellowstone cutthroat trout (YCT), only 3.8% of the project area is affected, and therefore not considered significant. Effects to YCT are expected to be localized and no effects are expected at a population level. The EA and associated documents in the project record form the basis of my finding. No significant impacts were identified.

2) **The degree to which the selected alternative affects public health or safety.**

   There are limited health and safety hazards to the public, adjacent landowners, permittees, and Forest Service employees as a result of project activities. Project design features follow law, regulations, and policy to protect the environment and water quality. I find that the project, as proposed, will not likely have a significant impact to public health or safety.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The project area does not contain national parks or monuments, prime farmlands, wild and scenic rivers, or ecologically critical areas. Heritage surveys have previously been completed within portions of the project area and consultation with Idaho State Historic Preservation Office (SHPO) has occurred at these specific sites. Highbanking POOs require that an archaeologist survey and SHPO concur with the determination at each mining site prior to POO approval. Proposed activities would occur in Inventoried Roadless Areas as described on page 22 of the EA. Proposed activities are consistent with the Idaho Roadless Rule themes. No road or trail construction will occur as a part of this project. Based upon this information I find that the selected alternative will not have significant impacts to unique resources.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment are not likely to be highly controversial. During the comment period there was no information presented to indicate substantial scientific disagreement about the effects of the project. Based upon the limited context of the project, my review of comments received during scoping, and the analysis described in the EA and project record, I do not find any highly controversial effects to the human environment.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

Public scoping, meetings, and other communication with the public and stakeholders did not reveal any highly uncertain, unique, or unknown risks associated with the effects of the project. The Forest Service has experience with this type of activity and given the limited context of the project, the effects to the human environment are not significant or outside what would be expected with a project of this type. The EA and documents in the project record (which include resource reports, a biological assessment (BA), and biological evaluations (BEs)) determined that the selected alternative will not involve any highly uncertain or unknown risks. Based upon my knowledge of past actions and the professional and technical knowledge and experience of the project interdisciplinary team, I am confident that we understand the effects of these activities on the human environment. There are no unique or unusual characteristics about the area or the selected alternative that will lead to an unknown risk to the human environment.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This is a site-specific project that does not set precedence for any future actions or present a decision in principle about future considerations. Any proposed future projects must be evaluated on its own merits and effects. I find that the selected alternative will not establish any precedent for any future actions.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Cumulative and similar actions have been considered and included in the analysis. The analysis accounts for past, present, and reasonably foreseeable future actions of the Forest Service and private

landowners in the area. The analysis of cumulative effects in the EA follow the NEPA regulations (36 CFR 220.4(f)). This project is not connected with any other projects, actions, or decisions. Based upon review of the EA and project record, I find that the project does not represent a potential cumulative significant impact on the environment.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.

Heritage surveys have previously been completed within portions of the project area and consultation with the Idaho SHPO has occurred at these specific sites. Highbanking POOs require that an archaeologist survey and SHPO concur with the determination at each mining site prior to POO approval. All known cultural sites and values that could be negatively impacted by the implementation of the project will be avoided. If any other cultural resources are encountered during the course of this project, the forest archaeologist will be notified immediately, and all project ground-disturbing activities will cease in that area until the forest archaeologist takes appropriate action. I find that the selected alternative will not put any cultural or historical resources at significant risk.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.

A BA was prepared for threatened and endangered species to analyze the effects of alternatives 2 and 3. The effects and determinations are summarized in Section 3.1.2 of the EA. Consultation with the U.S. Fish and Wildlife Service resulted in a letter of concurrence received on March 15, 2021. This document is available in the project record.

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The selected alternative is consistent with all applicable laws and requirements necessary for the protection of the environment. This is detailed in the EA, analysis documents in the project record, and in the following sections of this document regarding specific acts and executive orders. I find that, based upon my review, this project will not violate Federal, State, or local laws or requirements for the protection of the environment.

Conclusion

After considering the environmental effects described in the EA and specialist reports, I have determined that Alternative 3 (the Proponent Alternative) will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement (EIS) will not be prepared.

Findings Required by Other Laws and Regulations

National Forest Management Act

This decision to authorize 15-instream permits for August 1 to October 31 and to highbank within the project area for mineral resource exploration on federally administered lands is consistent with the intent of the RFP's long-term goals and objectives. The project was designed in conformance with plan standards and incorporates appropriate plan guidelines for minerals.

Endangered Species Act

The purpose of this act is to provide for the conservation of endangered species and their habitats. BAs must be prepared to document possible effects of proposed activities on endangered and threatened species within the analysis area potentially affected by the project. A BA was prepared and it has been determined that the project "*may affect, but not likely to adversely affect*" the following threatened, endangered, proposed, or candidate species: lynx, grizzly bear, and monarch butterfly. The BA was sent to the U.S. Fish and Wildlife Service, which provided concurrence on March 15, 2021.

Regional Forester's Sensitive Species

The project record includes evaluations for those terrestrial, aquatic and plant species identified as Regional Forester's Sensitive Species known or expected to occur within the project area. As detailed in the terrestrial and aquatic resource reports and BEs, the selected alternative "*may impact individuals or habitat, but would not likely contribute to a trend towards federal listing or loss of viability to the population or species*" for YCT, greater sage-grouse, and western (boreal) toad. There are no sensitive plant species known or expected to occur within the project analysis area; therefore, it was determined there would be "*no impact*" to those species a result of the selected alternative. I have reviewed the analysis and anticipated effects on all Regional Forester's Sensitive Species and concur with the findings and determinations summarized above.

National Environmental Policy Act

The EA and Decision Notice/Finding of No Significant Impact document are in compliance with NEPA and the Council on Environmental Quality regulations (40 CFR 1500–1508) for implementing NEPA.

National Historic Preservation Act

The National Historic Preservation Act requires federal agencies to consult with SHPO and American Indian Tribes before cultural resources, such as archaeological sites and historic structures are damaged or destroyed. Section 106 of this act requires federal agencies to review the effects that a project may have on cultural resources prior to implementation. Future highbanking locations will be reviewed by a forest archaeologist and determinations will be sent to SHPO for concurrence prior to approval of a POO. Project activities will avoid known sites. My decision is compliant with this act.

Clean Water Act

The Clean Water Act provides direction for protection of water quality. No adverse impacts are expected with the implementation of the selected alternative. The selected alternative would be in compliance with the applicable hydrology related standards and guidelines in the RFP. Design features are in place to address aquatic influence zone (AIZ) concerns. This decision incorporates BMPs to ensure protection of soil and water resources. My decision is compliant with the Clean Water Act.

Wetlands Executive Order 11990

Executive Order 11990 requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service directives require that an analysis be completed to determine whether adverse impacts would result. As discussed in the hydrology specialist report, no disturbance of natural wetlands other than possibly a very few selected temporary crossings for access to mining claims is anticipated. The area of proposed disturbance is relatively small and with proper design features correctly implemented, should not measurably affect wetlands. The function and services of the wetland ecosystems would be unaffected. Therefore, the selected alternative is in compliance with this executive order.

Floodplains Executive Order 11988

Executive Order 11988 requires federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. Flood plains should not be negatively affected by this project as designed. My decision is compliant with this executive order.

Environmental Justice Executive Order 12898

Executive Order 12898 directs federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. The alternatives were assessed to determine whether they will have disproportionately high and adverse effects to human health, including social and economic effects, on minority or low income human populations. A scoping document was sent to the Shoshone-Bannock Tribe during the public scoping period, though a response was not received. Implementation of the selected alternative will be consistent with this order and will not have a discernible effect on minorities, American Indians, women or the civil rights of any United States citizen. Nor will it have a disproportionate adverse impact on minorities or low-income individuals. No civil liberties will be affected. Public involvement and comment was sought and incorporated into this document. No such effects were identified. I have determined my decision is compliant with Executive Order 12898.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 prohibits the killing, taking or possessing of native birds, nests, or eggs. One of the nation's first environmental laws, its purpose was to prevent the killing of millions of birds annually to supply the fashion hat trade. The selected alternative is in compliance with direction to protect migratory birds as described in the wildlife specialist report.

Administrative Procedures Act

This Act governs the process by which federal agencies develop and issue regulations. All Administrative Procedures Act regulations were followed in development of the EA.

Conclusion

After considering the environmental effects described in the EA, specialist reports, and supporting documentation in the project record, I have determined that the selected alternative will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an EIS will not be prepared.

Objection Review Process

Idaho Conservation League and Greater Yellowstone Coalition objected to the draft DN on July 16, 2021, and were determined to have standing to object under 36 CFR Part 218, Subparts A and B. The CTNF held two objection resolution meetings with the objectors on August 19 and September 1, 2021, and a partial resolution was achieved. The following monitoring items will be included as part of the project:

1. The Forest Service will conduct pre-season, mid-season, and post-season "riparian evaluations" for permitted in-stream work.
2. The Forest Service will complete evaluations consisting of photo points at the latitude and longitude the miner specifies on their IDWR suction dredge permit, as well as a synopsis of static BMP effectiveness and adherence. Data collection would be completed in Survey123 and would be available in written format.
3. The Forest Service will complete sediment plume monitoring spot-checks occurring during mid-season riparian evaluations, as dredgers are present and/or available.
4. Monitoring data collected, and associated reports, will be made publicly available through Freedom of Information Act (FOIA) requests.
5. The Forest Service agrees to take the necessary actions to prevent noncompliance with POOs and/or state permits; to report, detect, and describe unauthorized activities; and to complete any additional NEPA, if necessary, in a timely manner.

Implementation

Implementation of the decision will occur immediately. For further information concerning the Caribou Basin Small-Scale Placer Mining Project, contact me at bryan.fuell@usda.gov or 208-547-4356 during normal business hours. You may also contact Dominique Brough, project lead, at dominique.brough@usda.gov or 208-547-4356.

Approved by:

BRYAN FUELL Digitally signed by BRYAN FUELL Date: 2021.10.05 13:58:44 -06'00'

October 5, 2021

BRYAN K. FUELL
District Ranger
Soda Springs Ranger District
Caribou-Targhee National Forest

Date

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Appendix G. State Resources and References

Resources in this GP are subject to change during the life of the GP. Use these resources for up-to-date information.

- Impaired Water Bodies for Mercury, Suspended Solids and Siltation/Sediments—Discharges from suction dredge operations are not authorized in water bodies that are listed for mercury, suspended solids or siltation/sediment.
- Idaho Department of Environmental Quality's *Final 2022 Integrated Report*, Sections 4(a), 4(b) and 5: Impaired Waters: Lakes and Rivers, approved by EPA, contains the list of water quality limited water bodies: *Idaho's 2022 Integrated Report.*

  This list is subject to change during the life of the GP, as the Integrated Report is updated every 2 years and the GP will be valid for a term of 5 years. Therefore, it is the Permittee's responsibility to know whether or not additional waters have been added to this list. The Operator must use the most current EPA- approved interactive Integrated Report, available on DEQ's website: *Idaho's 2022 Integrated Report.*
- Drinking Water Intakes—DEQ has provided a list of 146 active drinking water intakes as of April 2018. The list is found on the EPA website at *Active Surface Water Intakes_April_11_2018.xlsx (epa.gov).*
- Attachment F of IDWR's Recreation Mining Program Instructions: *Recreational Mining Program Instructions.*
- Decision Notice and Findings of No Significant Impact for Caribou Basin Small-Scale Placer Mining Project (20211005 Caribou Basin Final DN-FONSI). See Appendix E1.
- Record of Decision for Small-Scale Suction Dredging in Lolo Creek and Moose Creek dated 2010 (2010 Moose Creek and Lolo Creek): *fseprd537381.pdf (usda.gov).*
- Environmental Assessment for Small-Scale Suction Dredging in Orogrande and French Creeks and South Fork Clearwater River dated 2016 (2016 Orogrande and French Creek and SFCR Environmental Assessment)
- Small-Scale Suction Dredging in Orogrande and French Creeks and South Fork of the Clearwater River (usda.gov)
- Consult DEQ's Best Management Practices for Mercury Collection from Suction Dredging Activities: *www2.deq.idaho.gov/admin/LEIA/index.html?view=folder&id=2514*
- DEQ Decontamination procedures is found at *DEQ Procedures for Decontamination of Monitoring Equipment.*