



# Fact Sheet

**The United States Environmental Protection Agency (EPA)  
Plans To Issue A National Pollutant Discharge Elimination System (NPDES) General  
Permit To:**

Small Suction Dredge Miners in Idaho

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**EPA Proposes NPDES Permit Issuance**

EPA proposes to issue a National Pollutant Discharge Elimination System (NPDES) General Permit to placer mining operations in Idaho for small suction dredges [intake nozzle size of 5 inches in diameter or less (or the diametrical equivalent defined in the general permit) and with equipment rated at 15 horsepower or less]. The draft permit sets conditions on the discharge - or release - of pollutants from these operations into waters of the United States.

This Fact Sheet includes:

- Information on public comment, public hearings, and appeal procedures
- a description of the industry
- a description of draft permit conditions
- background information supporting the conditions in the draft general permit

**The State of Idaho Clean Water Act (CWA) § 401 Certification**

EPA has requested that the Idaho Department of Environmental Quality (IDEQ) certify the NPDES general permit under CWA § 401.

Persons wishing to comment on State Certification should submit written comments by the public notice expiration date to Miranda Adams, Idaho Department of Environmental Quality, 1410 N. Hilton Boise, Idaho 83706. Ms. Adams may be reached by phone at (208) 373-0574 or by e-mail at [Miranda.Adams@deq.idaho.gov](mailto:Miranda.Adams@deq.idaho.gov)

### **EPA invites comments on the draft permit**

EPA previously published a draft permit in January 2010 and took comment on it. EPA utilized some of the information provided in those comments to re-draft the permit and fact sheet for this proposal. As such, EPA will only respond to comments received on this draft and will not formally respond to the comment received on the 2010 draft. If an issue commented on previously has not been addressed, please resubmit the comment to the address below.

EPA will consider all substantive comments before issuing a final permit. Those wishing to comment on the draft permit or request a public hearing may do so in writing by the public notice expiration date. Please submit comments to the Director, Office of Water and Watersheds, USEPA-Region 10, 1200 Sixth Avenue, Suite 900, OWW-130, Seattle, Washington 98101. Comments may be submitted by e-mail to [godsey.cindi@epa.gov](mailto:godsey.cindi@epa.gov) or faxed to (206) 553-0165.

All comments should include name, address, phone number, a concise statement of basis for the comment and relevant facts upon which it is based. A request for public hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number.

### **Documents are available for review**

The draft NPDES permit, fact sheet, and documents from the administrative record (mainly the references cited in this Fact Sheet) can be reviewed at EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday. The draft permit and fact sheet are also available for inspection and copying at the following locations in Idaho:

EPA Idaho Operations Office  
1435 North Orchard Street  
Boise, Idaho 83706  
(208) 378-5746

Idaho Department of Environmental Quality  
State Office  
1410 North Hilton  
Boise, Idaho 83706  
(208) 373-0502

Idaho Department of Environmental Quality  
Twin Falls Regional Office  
1363 Fillmore Street  
Twin Falls, Idaho 83301  
(208) 736-2190 (800) 270-1663

Idaho Department of Environmental Quality  
Boise Regional Office  
1445 North Orchard  
Boise, Idaho 83706  
(208) 373-0550 (888) 800-3480

Idaho Department of Environmental Quality  
Lewiston Regional Office  
1118 F Street  
Lewiston, Idaho 83501  
(208) 799-4370 (877) 541-3304

Idaho Department of Environmental Quality  
Pocatello Regional Office  
444 Hospital Way, #300  
Pocatello, Idaho 83201  
(208) 236-6160 (888) 655-6160

Idaho Department of Environmental Quality  
Idaho Falls Regional Office  
900 N. Skyline Suite B  
Idaho Falls, Idaho 83402  
(208) 528-2650 (800) 232-4635

Idaho Department of Environmental Quality  
Coeur d'Alene Regional Office  
2110 Ironwood Pkwy  
Coeur d'Alene, Idaho 83814  
(208) 769-1422 (877) 370-0017

Copies of the draft permit and fact sheet can be found on the EPA, Region 10 website at <http://www.epa.gov/r10earth/waterpermits.htm> (click on 'Draft Permits').

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## LIST OF ACRONYMS

AR	Annual Report
BE	Biological Evaluation
BLM	Bureau of Land Management
BMP	Best Management Practices
CFR	Code of Federal Regulations
CSU	Conservation System Unit
CWA	Clean Water Act
EFH	Essential Fish Habitat
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FR	Federal Register
GP	General Permit
IDEQ	Idaho Department of Environmental Quality
IDWR	Idaho Department of Water Resources
NOAA	National Oceanic and Atmospheric Administration
NMFS	National Marine Fisheries Service
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NTU	Nephelometric Turbidity Unit
SPCC	Spill Prevention Control and Countermeasure
T&E	Threatened and Endangered
USFS	United States Forest Service
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Survey
WQS	Water Quality Standard

## **I. BACKGROUND ON GENERAL PERMITS**

Clean Water Act Section 301(a) [CWA § 301(a)] prohibits most point source discharges of pollutants to waters of the U.S. unless they are authorized by a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permits authorize the discharge under certain conditions described in the permit. Such permits are usually issued to individual dischargers, i.e., an individual discharger receives its own individual permit. However, the NPDES regulations also authorize the issuance of "general permits" to categories of discharges. Issuance of a general permit allows EPA to authorize discharges from a number of dischargers at one time.

EPA's implementing regulations that authorize the issuance of general NPDES permits are under Title 40 of the Code of Federal Regulations (CFR), Part 122, Section 28 (40 CFR 122.28). EPA may issue a general NPDES permit if there are a number of point sources operating in a geographic area that: 1) involve the same or substantially similar types of operations; 2) discharge the same types of wastes; 3) require the same effluent limitations or operating conditions; 4) require the same or similar monitoring requirements; and 5) in the opinion of the Director, are more appropriately controlled under a general permit than under individual NPDES permits.

EPA Region 10 has determined that issuance of a general permit to authorize discharges from small suction dredge miners in Idaho is appropriate due to the similarity of operations, pollutants discharged, management practices, and need for similar limitations and monitoring requirements.

## **II. OPERATIONS AND RECEIVING WATERS COVERED BY THIS GENERAL PERMIT (GP)**

### **A. Industry Description**

Placer mining involves the mining and extraction of gold or other heavy metals and minerals primarily from alluvial deposits. These deposits may be in existing stream beds or ancient, often buried, stream deposits, i.e., paleo or fossil placers.

Many placer deposits consist of unconsolidated clay, sand, gravel, cobble and boulders that contain very small amounts of native gold or other precious metals. Most are stream deposits that occur along present stream valleys or on benches or terraces above existing streams. Areas for locating gold are around boulders near the upstream end of pools where the current first starts to slow, in seams and pickets in exposed bedrock around midstream boulders, or on the inside of a river bend at or near the head of a gravel bar where larger materials have accumulated.

Dredging systems are classified as hydraulic or mechanical (including bucket dredging), depending on the methods of digging. Suction dredges, the most common hydraulic dredging system, are popular with small and recreational gold placer miners. Suction dredges consist of a supporting hull with a mining control system, excavating and lifting mechanism, gold recovery circuit, and waste disposal system. All floating dredges are designed to work as a unit to dig, classify, beneficiate ores and dispose of waste. Because suction dredges work the stream bed rather than stream banks, the discharges from suction dredges consist of stream water and bed material.

The primary pollutant of concern in the discharges from a suction dredge is suspended solids. The suspended solids in the effluent discharged from suction dredge outlets result from the agitation of stream water and stream bed material in the dredge. The discharged suspended solids result in a turbidity plume, or cloudiness, in the receiving water.

Mercury may be encountered and collected from historic activities. The discharge of any mercury is prohibited under this GP.

## B. Operations Covered by the GP

EPA is proposing to issue a GP that would authorize discharges from placer mining by small suction dredges. For this permitting action, small suction dredges are defined as having intake nozzle diameters of less than or equal to 5 inches and a rating of no more than 15 HP or dredging operations with the diametrical equivalent to a 5 inch dredge as long as the combined horsepower does not exceed 15. Diametrical equivalents are defined as follows:

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

Larger suction dredges and other placer mining activities are not authorized to discharge under this permit. Operations not covered by this GP need to submit an individual permit application to EPA. EPA will evaluate the possible need for other general permits.

Placer mining activities are also permitted by the Idaho Department of Water Resources (IDWR). IDWR permits for Recreational Dredging to suction dredges with nozzle size of 5 inches in diameter or less, and equipment rated at 15 horsepower or less.

Many of the permit conditions in the GP are based on conditions of the IDWR permit and are consistent with IDAPA 37.03.07.07 Rule 64 Stream Channel Alterations Rules applicable to recreational dredging. Other permit requirements are based on Idaho Water Quality Standards (WQS) as described in more detail below.

## C. Receiving Waters

The draft GP authorizes discharges of specified pollutants to certain waters of the United States in the state of Idaho during certain times of year. This section summarizes where (in what receiving waters) and when (what times of year) suction dredge placer miners can discharge effluent under the GP. The receiving waters are the waters of the United States in the state of Idaho, most of which are

classified in the Idaho WQS [IDAPA 58.01.02] as protected for aquatic life, recreation, water supply, wildlife and aesthetics.

#### 1. Receiving Waters not covered by this GP

The following are the receiving waters excluded from coverage, i.e., this GP does not authorize the discharge from placer mining in the water bodies described below.

**National Protected Areas:** The draft GP does not apply to facilities that are proposed to be located in National Parks System Units (i.e., Parks and Preserves), National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, or National Wilderness Areas.

Comments were received on the 2010 draft GP that dredging should not be allowed in the Hells Canyon or Sawtooth National Recreation Areas. Both areas are administered by the U.S. Forest Service (USFS) and the regulations covering them prohibits mining activity, including suction dredging, in the Hells Canyon National Recreation Area [36 CFR 292.47(a)(1)] but allows potential facilities to submit a plan of operations or operations plan in the Sawtooth National Recreation Area [36 CFR 292.16(h) and 292.18(c)] to the USFS for review. EPA does not plan to restrict what is considered by many to be a recreational activity in a recreation area if the land management agency allows the activity.

**Endangered Species Act (ESA):** Habitat has been designated for bull trout by the USFWS. In order to facilitate the consultation required with the USFWS under Section 7 of the ESA, EPA is proposing to prohibit discharges from suction dredges in habitat designated for bull trout unless a consultation has been completed for another process (e.g. USFS Plan of Operations) and the decision is provided with the NOI for coverage under this GP.

Critical habitat has been designated by the National Marine Fisheries Service (NMFS) for the following salmon species in Idaho: Snake River Sockeye salmon, Snake River Spring/Summer Chinook salmon, and Steelhead.

A more complete discussion of the critical habitat areas is included in Section VII.A. of this fact sheet and EPA's Biological Evaluation.

Additionally, EPA is proposing to exclude activities in the stream segments where four species of snails that are either listed as threatened or endangered under ESA are known to occur: Snake River Physa, Banbury Springs Limpet, Bliss Rapids Snail, and Bruneau Hot Springsnail.

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

Appendix B of this Fact Sheet (Appendix C of the GP), Part 1 provides specific details on the prohibited waterbodies.

**Withdrawn River Segments:** Pursuant to the authorities specified in Section 58-104(a) and 47-702, Idaho Code, the State Board of Land Commissioners has prohibited recreational dredge and placer mining in certain segments of the following rivers: Boise River, Payette River, Priest River, Salmon River, and Snake River.

Appendix B of this Fact Sheet (Appendix C of the GP), Part 2 provides the complete list of specific withdrawn river segments that are closed to placer mining.

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

Suction dredge mining is prohibited in portions of the following water bodies: 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, and Main Salmon River Drainage.

Appendix B of this Fact Sheet (Appendix C of the GP), Part 3 provides a complete list of the segments of State Protected Rivers where placer mining is prohibited.

**Water Quality Limited Segments:** A water quality limited segment is any waterbody, or definable portion of a waterbody, where it is known that the water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards. Under CWA § 303(d), states must identify and list water quality limited segments.

CWA § 303(d) requires states to develop a Total Maximum Daily Load (TMDL) management plan for impaired waterbodies on the list. A TMDL is a mechanism for estimating the assimilative capacity of a water body and allocating the capacity between point and nonpoint sources.

There are many waterbodies identified on the State of Idaho's CWA § 303(d) list as water quality limited for sediments. This permit does not authorize discharges from placer mining operations in these waterbodies, unless there is a TMDL that specifies waste load allocations for placer mining activities. Currently only two sediment TMDLs specify allocations for placer mining, the South Fork Clearwater and Mores Creek TMDLs.

Appendix B of this Fact Sheet (Appendix C of the GP), Part 4 contains an internet link to a current list of segments that are water quality limited for sediment as of August 2011 and are therefore not included in the coverage area of this GP. IDEQ may update this list during the duration of this GP. Because this general permit does not relieve a permittee of the requirements of other applicable federal, state or local laws, it is the responsibility of the

permittee to contact IDEQ for the most up-to-date list. Pages 2 and 3 of this Fact Sheet and Appendix A of the draft GP contain IDEQ contact information.

The Nez Perce Tribe has requested that the GP not cover waters within the exterior boundary of the Nez Perce Reservation, and has expressed additional concerns about (1) how treaty-reserved fishing rights would be affected by authorizing dredging off-Reservation, and (2) how off-Reservation activities may affect on-Reservation waters. EPA will continue consulting with the Nez Perce Tribe, and will consider whether to exclude additional waters from the scope of the GP on account of these concerns. EPA will also offer to consult with the other Idaho Tribes (Shoshone-Bannock, Coeur d'Alene, Kootenai, and Shoshone-Paiute) regarding the same issues for their respective reservations, and will consider whether to limit the GP to exclude the corresponding waters for those Tribes.

### 3. Receiving Waters Covered Under This GP

The IDWR's permit contains closed areas as well as timing restrictions. EPA is including the current list in Appendix C of this Fact Sheet. The GP does not contain this list since it could be updated during the duration of the GP. Instead, a requirement to contact IDWR for the most current list of closures and timing restrictions is included. Because this GP does not relieve a permittee of the requirements of other applicable federal, state or local laws, compliance with the IDWR or IDEQ restrictions is expected.

## III. OBTAINING COVERAGE UNDER THE GP

Suction dredge operators seeking authorization to discharge under this GP must first submit to EPA a written Notice of Intent (NOI) to be covered. See 40 CFR 122.28(b)(2).

The required contents of the NOI are specified in Appendix A of the draft GP and include information necessary for EPA to adequately implement the NPDES program and GP. The NOI must include the following information: legal name and address of the owner and operator; the operation name; the nature and size of the operation; the name of the receiving stream and location of discharge; the contact information for Idaho Department of Water Resources (IDWR) and, the dates of operation. For those wanting to operate in areas designated as Critical Habitat, a determination made by the Services on the activity for another agency must be provided.

All operators that wish to be covered under this GP must meet the requirements of the permit, submit an NOI, and must receive written authorization to discharge from EPA.

After EPA receives an NOI, EPA will provide written authorization to the permittee regarding coverage under the GP. In certain circumstances, EPA may require the facility to apply for and obtain an individual NPDES permit. These situations are described in Permit Part I.F.1. and include circumstances where:

- the single discharge or the cumulative number of discharges is/are a significant contributor of pollution
- the discharger is not in compliance with the GP

- a change occurred in the pollutant control technology or practices
- effluent limitation guidelines are promulgated for the point sources covered by the GP
- a Water Quality Management Plan containing requirements applicable to such point sources is approved
- a TMDL and corresponding wasteload allocation has been completed for a waterbody
- circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the GP

There are also situations where EPA may deny coverage under the GP. These are described in Permit Part I.F.2. and include circumstances where:

- a land management agency with jurisdiction over affected portions of the receiving water submits to EPA a request that GP coverage be denied within 30 days of EPA's receipt of the NOI
- the land management agency's request includes proposed additional or revised permit terms that the requesting agency believes are necessary to protect the natural values of the affected location
- the land management agency's request concerns a person who either seeks to discharge into waters of the U.S. located in certain protected areas, is in significant noncompliance with the permit, or intends to discharge into impaired waters
- the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (USFWS) believes that consultation under Section 7 of the Endangered Species Act is necessary for suction dredge operations to protect listed threatened and endangered species and their habitat.

#### **IV. EFFLUENT LIMITATIONS REQUIRED BY THE GENERAL PERMIT**

##### **A. Statutory Requirements for Determining Effluent Limits**

NPDES permit conditions are developed in accordance with various statutory and regulatory authorities established pursuant to the CWA. CWA §§ 101, 301(b), 304, 308, 401, and 402 provide the process and statutory basis for the effluent limitations and other conditions in the NPDES permit. The EPA evaluates discharges with respect to these sections of the CWA and the relevant NPDES regulations in determining which conditions to include in the permit.

In establishing permit limits, EPA first determines which technology-based limits apply to the discharges in accordance with national effluent guidelines and standards. EPA then determines which water quality-based limits apply to the discharges based upon an assessment of the pollutants to be discharged and a review of state water quality standards. The effluent limit for a particular pollutant is the more stringent of the technology-based effluent limit or the water quality-based effluent limit.

## B. Technology-based Effluent Limitations

CWA § 301(b) requires technology-based controls on effluents. EPA has established technology-based controls, also called effluent limitation guidelines (ELGs), for numerous industry categories. On May 24, 1988, EPA established ELGs for the Gold Placer Miner industry. However, these guidelines apply to mechanical placer mining and certain large dredging operations but do not apply to small suction dredge operations. In the absence of established ELGs, EPA may establish limits based upon Best Professional Judgment (CWA § 402(a)(1) and 40 CFR 122.43, 122.44, 125.3).

It is EPA's Best Professional Judgment (BPJ) that Best Management Practices (BMPs) be established to minimize environmental impacts of the sediment in discharges from suction dredge operations. BMPs are commonly required in NPDES permits. BMPs are measures that are intended to prevent or minimize the generation and the potential for the release of pollutants from facilities to the waters of the United States.

The use of BMPs is allowed under CWA § 402(a)(2) and 40 CFR 122.44(k)(2) of the NPDES regulations. 40 CFR 122.44(k)(2) allows the inclusion of BMPs in lieu of numerical effluent limits under certain circumstances including where numeric effluent limits are infeasible or the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.

Suction dredging's unique method of intake and displacement present unusual permitting issues. As discussed above, a suction dredge is a mechanical device that floats on the stream surface and pumps stream water and stream bed material through a suction intake conduit to a sluice box from which gold or other minerals may be recovered.

The discharge from suction dredges consists totally of stream water and bed material immediately released back into the receiving water. It is infeasible to establish numeric limits directly to the discharge point, therefore BMPs are required in the permit to reduce the discharge of sediment and meet the intent of the CWA.

The specific BMPs included in the draft permit are described in Section V. of the Fact Sheet.

## C. Water quality-based Effluent Limitations

CWA § 301(b)(1)(C) requires the establishment of limitations in permits necessary to meet water quality standards. All discharges to state waters must comply with state water quality standards, including the state's antidegradation policy. The NPDES regulations at 40 CFR 122.44(d)(1) implement CWA § 301(b)(1)(C). These regulations require that permits include limits for all pollutants or parameters which are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard (WQS). The limits must be stringent enough to ensure that WQS are met and must be consistent with any available waste load allocation.

As discussed previously, the primary pollutant of concern in the discharge of effluent from suction dredge operations is suspended solids which can be measured by turbidity. Turbidity is a measure of light transmission and is measured in nephelometric turbidity units (NTUs). High levels of turbidity can adversely impact water quality and can have indirect effects on fish and other aquatic life. The State of Idaho has established the following turbidity standard for protection of the cold water aquatic life beneficial use:

Turbidity, below any applicable mixing zone set by the Department, shall not exceed background turbidity by more than 50 NTU instantaneously or more than 25 NTU for more than 10 consecutive days.

IDEQ has also established a turbidity standard for small public water supplies:

Turbidity as measured at the public water intake shall not be (1) increased by more than 5 NTU above natural background, measured at a location upstream from or not influenced by an human induced nonpoint source activity when background turbidity is 50 NTU or less or (2) increased by more than 10% above natural background, measured at a location upstream from or not influenced by any human induced nonpoint source activity, not to exceed 25 NTU, when background turbidity is greater than 50 NTU.

Water quality-based effluent limitations for turbidity are included in the draft GP. Limitations that apply specifically to operations in certain waterbodies based on an approved TMDL. Other limitations apply to suction dredge operations in other watersheds. These limitations are described below.

#### 1. Turbidity Limits and Monitoring Required for All Dischargers

The permit requires BMPs to reduce turbidity and monitoring to ensure that the BMPs are implemented properly. Proper implementation of BMPs will be protective of the Idaho WQS for turbidity.

In addition, the draft GP includes the following turbidity effluent limit:

Any visible increase in turbidity (any cloudiness or muddiness) above background beyond any point more than 500 feet downstream of the suction dredge during operations is considered a violation of this permit. This requirement includes any turbidity that may result from any other part of the operation.

The 500 foot distance downstream is based upon the mixing zone included in the draft CWA § 401 Certification (Appendix D) from the State of Idaho. After the public comment period, the State will issue a final CWA § 401 certification. The mixing zone size in the final permit will be based on the State's final certification.

A mixing zone is a defined area or volume of receiving water around a wastewater discharge where the receiving water, as a result of the discharge, may not meet all applicable WQS. State WQS can be exceeded in the mixing

zone, as long as acutely toxic conditions are prevented and the mixing zone does not impair the beneficial uses of the receiving water. An authorized mixing zone will ensure that the WQS are met at all points outside the mixing zone.

The draft permit requires that the permittee conduct a daily visual inspection to monitor turbidity within the area 500 feet downstream of the suction dredge during operation.

If any visible increase in turbidity is observed above background beyond any point more than 500 feet downstream of the dredge, it is a violation of the GP and the permittee must modify the operation to meet the permit limitation or cease operations.

## 2. Turbidity Limits for Dischargers to the South Fork Clearwater River

The NPDES regulations at 40 CFR 122.44(d)(1)(vii)(B) require that effluent limits be consistent with the assumptions and requirements of any available wasteload allocation (WLA) for the discharge in an approved TMDL. EPA reviewed the approved TMDLs for sediment impaired streams and found only one, the TMDL for the South Fork Clearwater River, that included WLAs for suction dredge operations. This TMDL was approved by EPA in July 2004.

The SF Clearwater River TMDL specified the following WLAs for the suction dredge industry. These WLAs are established as effluent limits in the draft GP.

### South Fork Clearwater River above Harpster Bridge, including tributaries:

July 15 – August 15:

- When background turbidity is 50 NTU or less: Turbidity below the 500 foot mixing zone shall not exceed background turbidity by more than 5 NTU :  
Visual monitoring is required to ensure compliance with this effluent limit
- When background turbidity is more than 50 NTU: Turbidity below the 500 foot mixing zone shall not exceed background turbidity by more than 10% and shall not exceed a maximum increase of 25 NTU, and
- 314 tons/day (tpd) total sediment discharge to the bed of the stream

The TMDL developed for this stream reach allows a daily mass sediment loading of 314 tpd. The development of this was based on 15 dredges operating for 8 hours a day mining no more than 2 cubic yards (yd<sup>3</sup>)/hour. Based on this information, EPA is proposing that facilities on the SF Clearwater operate under these conditions and reapply for GP coverage on an annual basis so no more than 15 authorizations will be granted during any one year.

To facilitate this process, EPA is proposing that NOIs be submitted on an annual basis starting on April 1<sup>st</sup>. EPA would cover the first 15 NOI submittals and notify additional applicants that coverage is no longer available.

August 16 – July 14:

- The TMDL specifies that zero wasteload allocation is available between August 16 and July 14. Therefore, no discharges are allowed to the SF Clearwater River above Harpster bridge and tributaries between August 16 and July 14.

South Fork Clearwater River below Harpster Bridge:

The TMDL specifies that zero wasteload allocation for the entire year. Therefore, no discharges are allowed at any time to the SF Clearwater River below Harpster Bridge.

### 3. Mores Creek Watershed

The TMDL developed for this stream reach allows an annual mass sediment loading of 1615 tons after allocations for future capacity and a 10% margin of safety. The development of this was based on dredges operating for 4 hours a day mining no more than 2 yd<sup>3</sup>/hour. Based on this information, EPA is proposing that facilities on Mores, Grimes and Elk creeks operate under these conditions and reapply for GP coverage on an annual basis so authorizations do not exceed the load allocations during any one year.

Grimes Creek – Mean Annual flow = 159.2 cubic feet per second (ft<sup>3</sup>/s)

$$\frac{159.2}{293} (1615) = 878 \text{ tons/yr} = 84 \text{ four hour dredge days}$$

Mores Creek – Mean Annual flow = 113.6 ft<sup>3</sup>/s

$$\frac{113.6}{293} (1615) = 626 \text{ tons/yr} = 60 \text{ four hour dredge days}$$

Elk Creek – Mean Annual flow = 20.2 ft<sup>3</sup>/s

$$\frac{20.2}{293} (1615) = 111 \text{ tons/yr} = 11 \text{ four hour dredge days}$$

EPA is taking comment on methods by which to fairly assign the allotted days between the dredgers that may want to operate in these streams. The proposed method is to have dredgers reapply after a certain date every year so that no one is monopolizing a timeframe but not utilizing it. EPA will consider other suggested methods and provide an application mechanism in the final permit.

#### D. Monitoring

CWA § 308 and the federal regulations at 40 CFR 122.44(i) require that permits include monitoring provisions to determine compliance with effluent limitations. Monitoring may also be required to gather data for future effluent limitations or to monitor effluent impacts on receiving water quality. Monitoring frequencies are based upon the nature and effect of the pollutant, as well as a determination of the minimum sampling necessary to adequately monitor performance. The permittee is responsible for conducting the monitoring and for reporting results to EPA. The draft permit requires daily visual monitoring of the suction dredge turbidity plume and recording of the extent downstream that the plume occurs.

#### V. BEST MANAGEMENT PRACTICES (BMPs)

As discussed in the previous section, the draft GP requires compliance with BMPs to minimize the effect and the potential for the release of turbidity from suction dredge operations.

The draft permit requires compliance with the following BMPs (see Permit Part II.C.):

##### A. Silt and Clay Areas:

Dredging of concentrated silt and clay should be avoided.

The Permittee shall use reasonable care to avoid dredging silt and clay materials that would result in a significant increase in turbidity. Reasonable care includes moving the dredge to a new location or reducing the volume of effluent discharge by limiting operation speed of the suction dredge.

*This practice will decrease the amount of fine material that will be released into the water that could cause turbidity plumes in excess of the permitted distance.*

##### B. Mercury: If mercury is found during suction dredge operation, (i.e. mercury is collected in the sluice box), the operator must:

1. Keep mercury collected, do not remobilize the collected mercury;
2. Stop dredging immediately if this is the only way to achieve Step 1; and
3. Work with the appropriate entity to dispose of the mercury properly.

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

Boise	(208) 373-0550	(888) 800-3480
Coeur d'Alene	(208) 769-1422	(877) 370-0017

Idaho Falls	(208) 528-2650	(800) 232-4635
Lewiston	(208) 799-4370	(877) 541-3304
Pocatello	(208) 236-6160	(888) 655-6160
Twin Falls	(208) 736-2190	(800) 270-1663

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

[http://www.deq.idaho.gov/media/638458-mercury\\_BMP\\_dredging\\_fs\\_0411.pdf](http://www.deq.idaho.gov/media/638458-mercury_BMP_dredging_fs_0411.pdf)

*Mercury was used in historic placer mining operations to amalgamate gold fines. Elemental mercury may be present in stream beds and banks and if remobilized can result in impacts to fish and other aquatic life. Placer miners encountering mercury must take the above steps to prevent mercury from reentering the water body.*

C. Spacing between operations:

Suction dredge operations shall not operate within 800 feet of:

1. another suction dredging operation occurring simultaneously or,
2. a location where it is apparent that another operation has taken place within the past month

*This practice should ensure that the mixing zone of an operation does not overlap with that of another since 800 feet is the distance of a 500 foot mixing zone for each operation plus a designated 300 foot buffer before the next suction dredge would impact water quality.*

D. Fish Passage, Spawning Fish and Spawning Habitat:

1. Dredging and discharging are prohibited within 500 feet of locations where:
  - a. fish are spawning or
  - b. fish eggs or alevins are known to exist at the time dredging occurs
2. Suction dredge operation must not occur in gravel bar areas at the tail of pools or where operations result in fine sediments discharging onto gravel bars.
3. The Permittee shall ensure there is adequate passage for fish around and through the mining area at all times.

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

- Trout construct spawning nests (redds) in clean gravel from 0.25 to 1.5 inches in diameter. The preferred site is a gravel bar at the tail or side of pools covered by 6 to 12 inches of smoothly flowing water. Redds may be recognized as round or oval depressions in the gravel which appear cleaner or brighter than the surrounding gravel.

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

*This BMP is designed to minimize impacts to fish spawning and spawning habitat and to provide for fish passage.*

E. Stream Channel:

Suction dredge operations must not change the stream channel in such a way that alters the bottom elevation of the active stream channel or redirects the flow of water into the stream bank, which may cause bank erosion or destruction of the natural form (width/depth configuration) of the active stream channel.

*Under CWA § 101, EPA is required to restore and maintain the chemical, physical and biological integrity of waters of the United States. Protection of the physical integrity of waterbodies includes protection of habitat which could be impacted by stream bank erosion or destruction of the natural form of the channel.*

F. Erosion:

Suction dredge operations that result in undercutting, littoral channeling, stream bank or beach erosion, are prohibited. Removal or disturbance of boulders (cobblestones or larger rock) or any type of vegetation (dead or alive) on the stream bank, leading to erosion or undercutting of the banks is prohibited.

In addition, per IDAPA 37.03.07.64.04, the operation of the dredge shall be done in a manner so as to prevent the undercutting of stream banks.

*This practice will ensure that erosion does not occur and that the finer sediments that may be found in these areas do not cause turbidity problems in the receiving waters.*

G. Dams or Diversions:

Damming or diversions within a stream channel are not authorized by this GP.

*EPA does not authorize dams or diversions under CWA § 402. These are generally authorized under CWA § 404 which is administered by the U.S. Army Corps of Engineers.*

H. Boulders and Natural Obstructions:

Explosives, motorized winches or other motorized equipment to move boulders, logs, or other natural obstructions are prohibited under this GP.

*This practice should ensure that important habitat which includes large organic debris and large boulders in these areas will not be destroyed.*

I. Mechanized Equipment:

The use of wheeled or tracked equipment in conjunction with suction dredging in-stream is prohibited while dredging is in progress. This permit does not authorize

With the exception of the suction dredge itself and any life support system necessary to operate the dredge, mechanized equipment shall not be used below the mean high water mark.

*This practice will minimize turbidity from sources other than the suction dredge.*

J. Refueling and Hazardous/Deleterious Material Storage

Care shall be taken by the operator during refueling of equipment to prevent spillage.

The Permittee must check the equipment for fuel and oil leaks daily prior to operation. Equipment must be in proper working order and shall not leak petroleum products.

Any spills shall be cleaned up using materials such as sorbent pads and booms.

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

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

Spills shall be reported IDEQ and the National Response Center (see Permit Part II.C.10.e.). Any spills of petroleum products must be reported to IDEQ within 24 hours. Spills must be cleaned up using materials such as sorbent pads and booms.

*These practices will decrease the potential for contamination of surface water by petroleum products and other potentially harmful substances.*

#### K. Invasive Species

Pursuant to IDAPA 02.06.09, operators must ensure their dredging equipment does not house invasive species. Equipment must be decontaminated prior to its placement in waters of the state. Furthermore, dredging equipment used in multiple streams should be decontaminated before each deployment. IDEQ Decontamination procedures can be found at:

[www.deq.idaho.gov/water/data\\_reports/surface\\_water/monitoring/decontamination\\_procedures.pdf](http://www.deq.idaho.gov/water/data_reports/surface_water/monitoring/decontamination_procedures.pdf)

*IDAPA 02.06.09, "Rules Governing Invasive Species." establishes procedures for inspection, certification, permitting, compliance verification, decontamination, recordkeeping and enforcement of regulated Aquatic Invertebrate Invasive Species.*

#### L. Screening Requirements

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

*EPA is including this requirement pursuant a recommendation on the previous draft permit from the National Marine Fisheries Service to facilitate their responsibilities for protecting fish under the Endangered Species Act (ESA).*

### VI. OTHER PERMIT PROVISIONS

Specific regulatory requirements for NPDES permits are contained in 40 CFR 122.41. These conditions are included in the GP in Parts III., IV., and V. as monitoring and reporting requirements, compliance responsibilities, and general requirements. Since these conditions are federal regulations, they cannot be challenged in the context of an NPDES permit action.

### VII. OTHER LEGAL REQUIREMENTS

#### A. Endangered Species Act

Section 7 of the Endangered Species Act (ESA) requires a federal agency to consult with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) (hereafter the Services) to insure that any action it authorizes, funds or carries out is not likely to jeopardize the continued existence of any listed species or results in the destruction or adverse modification of its critical habitat.

EPA has prepared a biological evaluation (BE) analyzing the effects of the GP on the listed species. A not likely to adversely affect determination has been tentatively made by EPA, based primarily on the permit restriction that dredging operations are closed on streams where critical habitat for fish species has been designated. Critical habitat contains biological features essential to the conservation of the species particularly during sensitive life stages such as spawning and rearing.

If the Services do not agree with EPA's determination of not likely to adversely affect, EPA will enter into formal consultation with them to ensure that the GP will not result in jeopardy of the listed species or adverse modification of their critical habitat.

NMFS has been reviewing applications that propose to alter stream channels and has been providing IDWR with pre-application assistance on possible ESA Section 10 incidental take permits. NMFS will continue to provide comments through this process.

The draft GP contains conditions meant to minimize impacts to T&E species and their habitats. These include the turbidity effluent limits and restrictions on locations and timing of suction dredge activities.

The IDWR recreational placer mining permit does not allow dredging during periods when fish are spawning and eggs or alevins are in the gravel. The following is information from the IDWR permit that is also included in the draft GP:

To protect important spawning populations of salmon, steelhead, and trout, streams are closed to dredging during the periods when fish are spawning and eggs or alevins are in the gravel. Because different species of fish spawn at different times, some streams have fish eggs or alevins in the gravel during every month of the year and are therefore closed year round to dredging (See Appendix C for more details).

Critical habitat was designated for the Snake River Sockeye Salmon (*Oncorhynchus nerka*); Snake River Spring/Summer Chinook Salmon (*Oncorhynchus tshawytscha*) and Snake River Fall Chinook Salmon (*Oncorhynchus tshawytscha*) in December 1993. Critical habitat was designated for Snake River Steelhead in 2005. Critical habitat was designated for the Bull Trout (*Salvelinus confluentus*) in 2005. Revised critical habitat was designated for the Kootenai River White Sturgeon on July 9, 2008. Critical habitat for the KR white sturgeon consists of 18.3 river miles of the Kootenai River within Boundary County, Idaho, from river mile 141.4 to river mile 159.7.

The critical habitat in Idaho for the Snake River Salmon, Steelhead and Bull Trout is described as follows:

#### Snake River Sockeye Salmon

Consists of river reaches of the Columbia, Snake and Salmon Rivers, Alturas Lake Creek, Valley Creek, and Stanley, Redfish, Yellow Belly, Pettit and Alturas lakes (including their inlet and outlet creeks)

### Snake River Spring/Summer Chinook Salmon

Consists of river reaches of the Columbia, Snake, and Salmon Rivers, all tributaries of the Snake and Salmon Rivers (except the Clearwater River) presently or historically accessible to Snake River Spring/Summer Chinook Salmon (except reaches above impassable natural falls and Hells Canyon Dam)

### Snake River Steelhead

Consists of river reaches of the Columbia, Snake, and Salmon Rivers, and all tributaries of the Snake and Salmon River presently or historically accessible to Snake River Steelhead (except reaches above impassable natural falls, Dworshak Dam and Hells Canyon Dam)

### Bull Trout

Consists of Lake Pend Oreille Subunit of Clark Fork River Drainage (East River, Gold Creek, Granite Creek, Grouse Creek, Lightning Creek, Middle Fork East River, N.F. Grouse Creek, Pack River, Priest River, Tarlac Creek, Trestle Creek, Twin Creek, and Uleda Creek). The Priest Lake and River Subunit (Cedar Creek, Granite Creek, Hughes Fork, Indian Creek, Kalispell Creek, Lion Creek, N.F. Indian Creek, Soldier Creek, S.F. Granite Creek, S.F. Indian Creek, S.F. Lion Creek, Trapper Creek, Two Mouth Creek, and Upper Priest River). The Coeur d'Alene Lake Drainage (Beaver Creek, Coeur d'Alene Lake and River, Eagle Creek, Fly Creek, North Fork Coeur d'Alene River, Prichard Creek, Ruby Creek, St. Joe River, Steamboat Creek, and Timber Creek). The Snake River in Adams and Washington Counties.

In streams where suction dredging occurs, the most critical life stage for salmon is the egg stage. To protect important spawning populations of salmon, steelhead and trout, streams are closed to dredging during the periods when fish are spawning and eggs or alevins are in the gravel.

#### B. Essential Fish Habitat (EFH)

The 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act set forth a number of new mandates for NMFS, regional fishery management councils and other federal agencies to identify and protect important marine and anadromous fish habitat. The action agency needs to make a determination on Federal actions that may adversely impact EFH.

In freshwaters, the GP is unlikely to be used during the critical phase (egg stage) and if it were, studies show that the impacts of an operation are minimal after 500 feet so a 500 foot buffer (Permit Part II.C.4.a.) should be sufficient protection. EPA determines that, with the inclusion of the 500 feet buffer, no adverse impact to EFH would result from the issuance of this permit. This EFH assessment is documented in the BE for this GP.

C. National Forest System Lands

Dredging activities under the GP on National Forest System Lands must comply with US Forest Service Mining regulations found at 36 CFR 228A. These regulations require that a “notice of intent to operate” be submitted to the US Forest Service District Ranger who is in charge of the area on which the proposed operation will take place.

D. State Permit Requirements

Pursuant to IDAPA 37.03.07, operators must obtain a recreation dredging permit from the IDWR. An application may be obtained from the following web page:

[www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/DredgingPermit/DredgingPermit.htm](http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/DredgingPermit/DredgingPermit.htm)

E. State Certification

CWA § 401 prohibits EPA from issuing a permit which may result in any discharge to navigable waters until the State in which the discharge will originate has certified that the discharge will comply with certain CWA provisions (or has waived certification). The regulations at 40 CFR 124.53 allow for the State to require more stringent conditions in the permit, if the certification cites the CWA or State law references upon which that condition is based. In addition, the regulations require a certification to include statements of the extent to which each condition of the permit can be made less stringent without violating the requirements of State law.

The State of Idaho, DEQ, provided EPA with their draft CWA § 401 Certification for the draft GP on April 13, 2012. See Appendix D for certification conditions.

After public comments have been evaluated, a preliminary final GP will be sent to the State to begin the final certification process. If the state authorizes different or additional conditions as part of the certification, the permit may be changed to reflect these conditions.

F. Antidegradation

In setting permit conditions, EPA must consider the State’s antidegradation policy. This policy is designed to protect existing water quality when the existing water quality is better than that required to meet the standards and to protect water quality from being degraded below the standard when existing quality meets the standard. For high quality waters, antidegradation requires that the State find that allowing lower water quality is necessary to accommodate important economic or social development before any degradation is authorized.

The draft GP does not authorize discharges from suction dredge mining in streams that are already impaired for sediments. Exceptions exist in some streams where the TMDL includes load allocations for suction dredging. These are discussed in other sections of this Fact Sheet.

For waters that are not impaired, discharges from suction dredge operations are allowed in certain waters and at certain times of year under the conditions of the draft GP. The draft permit limits turbidity and requires use of BMPs. IDEQ has indicated in their preliminary certification that the permit complies with the State's antidegradation requirements.

G. Permit Expiration

This permit will expire five years from the effective date of the permit.

## APPENDIX A – REFERENCES

NPDES Permit Writer's Manual. EPA, Office of Wastewater Management, Water Permits Division, State and Regional Branch. Washington, DC. 20460; EPA-833-K-10-001, September 2010.

Technical Support Document for Water Quality-based Toxics Control. EPA, Office of Water Enforcement and Permits, Office of Water Regulations and Standards. Washington, DC, 20460; EPA/505/2-90-001, March 1991, 145pp.

Instructions for Idaho Department of Water Resources Recreational Dredging Permit Application. IDWR, Boise, ID. February 2009, 26 pp.

Impact of suction dredging on water quality, benthic habitat, and biota in the Fortymile River, Resurrection Creek, and Chatanika River, Alaska. Prepared for EPA by Aaron M. Prussian, Todd V. Royer, and G. Wayne Minshall, Idaho State University. June 1999.

Regional Baseline Geochemistry and Environmental Effects of Gold Placer Mining Operations on the Fortymile River, Eastern Alaska. Department of Interior, U.S. Geological Survey. Open-File Report 99-328. 1999.

Regional Geochemical Results from the Analyses of Rock, Water, Soil, Stream Sediment, and Vegetation Samples--Fortymile River Watershed, East-Central Alaska. Department of Interior, U.S. Geological Survey. Open-File Report 99-33. 1999.

South Fork Clearwater River Subbasin Assessment and Total Maximum Daily Loads. Idaho Department of Environmental Quality and EPA in consultation with the South Fork Clearwater River Watershed Advisory Group. October 2003.

Boise-Mores Creek Subbasin Assessment and TMDL. Idaho Department of Environmental Quality. June 2009, revised December 2009.

Best Management Practices for Mercury Collection from Suction Dredging Activities. Idaho Department of Environmental Quality. April 2011.

Idaho's 2010 Integrated Report. Idaho Department of Environmental Quality. August 2011.

## APPENDIX B

### Waterbodies Where Placer Mining is Not Authorized Under the General Permit

#### Part 1: National Wild and Scenic Rivers

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

1. Middle Fork of the Clearwater River

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

2. Middle Fork of the Salmon River

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

3. St. Joe River

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

On March 30, 2009, the following waterbodies were added to the National Wild and Scenic Rivers System. Although they are not specifically listed in the Idaho Code, they fall under the general prohibition on dredge mining.

4. Owyhee River System

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

5. Bruneau River System

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

Southeast/Northeast quadrants of Section 5, Township 13 South, Range 7 East, Boise Meridian.

6. Jarbidge River System

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

7. Big Jacks Creek System

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

Part 2: Withdrawn River Segments

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

1. Boise River

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

2. Payette River

- a. The Bed of the North Fork of the Payette River, from Cabarton Bridge to Banks, between the ordinary high water marks, situated in Section 31, T13N, R 05E, to Section 32, T 09N, R 03E.
- b. The Bed of the South Fork of the Payette River from the Sawtooth Wilderness Boundary to Banks, between the ordinary high water marks, situated in Section 12, T 09N, R09E to Section 32, T 09N, R 03E.

- c. The Bed of the Main Payette River, from Banks to Black Canyon Dam, between the ordinary high water marks, situated in Section 32, T09N, R03E, to Section 22, T07N, R01W.
3. Priest River
    - a. The Bed of Upper Priest River, from the Canadian border to the confluence with Priest Lake, between the ordinary high water marks, situated in Section 12, T65N, R05W, B.M., to Section 19, T63N, R04W.
  4. Salmon River
    - a. The Bed of the Salmon River from the mouth of the North Fork of the Salmon River in T24N, R21E, downstream to Long Tom Bar. The Bed of the Salmon River from the mouth in T29N, R04W, upstream to Hammer Creek in T28N, R01E. The Bed of the Middle Fork of the Salmon River from its origin to its confluence with the main Salmon River. The Bed of the South Fork of the Salmon River from the mouth through T20N, R06E.
  5. Snake River
    - a. The Bed of the Henry's Fork of the Snake River from its point of origin at Henry's Fork to the point of its confluence with the backwaters of Ashton Reservoir, situated in Section 21, T15N, R43E, to Section 13, T09N, R42E.
    - b. The Bed of the Snake River from the east boundary of T06S, R08E, to the west boundary of T01S, R02W, encompassing the Birds of Prey Area.
    - c. The Bed of the Snake River from the mouth of the east ordinary high water mark to the center of the main channel (State of Idaho ownership in the Hells Canyon National Recreation Area), from the north boundary of T20N, R04W to the south boundary of T31N, R05W.

### Part 3: State Protected Rivers

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

1. Priest River Drainage
  - Upper Priest River, International Boundary to confluence with Upper Priest Lake
  - Upper Priest Lake
  - The Thoroughfare, Upper Priest Lake to beginning of private property along south bank.
  - The Hughes Fork, headwaters to mouth
  - Rock Creek, headwaters to mouth
  - Lime Creek, headwaters to mouth
  - Cedar Creek, headwaters to mouth

- Trapper Creek, headwaters to mouth
- Granite Creek, confluence of its North and South Forks to mouth
- Priest River, Priest Lake outlet structure to McAbee Falls
- Lion Creek, headwaters to mouth
- Two Mouth Creek, headwaters to mouth
- Indian Creek, headwaters to mouth

## 2. Payette River Drainage

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

## 3. Boise River Drainage

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

## 3. Boise River Drainage Continued

- McDonald Creek, headwaters to mouth
- Horsefly Creek, headwaters to mouth
- Blue Jay Creek, headwaters to mouth
- Lodge Pole Creek, headwaters to mouth
- Bow Creek, headwaters to mouth
- Big Silver Creek, headwaters to mouth
- Johnson Creek, Sawtooth Wilderness Area to mouth
- Robin Creek, headwaters to mouth
- Grouse Creek, headwaters to mouth

#### 4. Snake River Drainage

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

#### 5. Henry's Fork Snake River Drainage

- Targhee Creek, including West and East Forks, source to National Forest boundary
- Henry's Fork, Big Springs to Island Park Reservoir, and the lower 2 miles of Henry's Lake Outlet
- Henry's Fork, Island Park Reservoir to Ashton Reservoir
- Golden Lake
- Silver Lake
- Thurman Creek, Golden Lake to mouth
- Buffalo River springs approximately 8 miles upstream of mouth to mouth
- Elk Creek, right-of-way lines below Elk Creek Dam to mouth
- Warm River, Partridge Creek to upper boundary of Warm River Campground
- Robinson Creek, Yellowstone Park boundary to mouth
- Rock Creek, Yellowstone Park boundary to mouth
- Henry's Fork, Ashton Dam to Falls River
- Falls River, Idaho border to Kirkham Bridge
- Boone Creek, Idaho border to mouth
- Conant Creek, Idaho border to Conant Creek diversion structure
- Teton River, Trail Creek to Felt Dam
- Teton Creek springs near Highway 33 to mouth
- Fox Creek springs approximately 2.5 miles upstream of mouth to mouth
- Badger Creek springs approximately 3 miles upstream of mouth to mouth
- Bitch Creek, Idaho border to mouth

#### 6. South Fork Snake River Drainage

- South Fork Snake River, Palisades Dam to confluence with Henry's Fork
- Fish Creek, headwaters to confluence with McCoy Creek
- South Fork Snake River, Palisades Dam to confluence with Henry's Fork
- Fish Creek, headwaters to confluence with McCoy Creek
- Big Elk Creek, Idaho-Wyoming state line to Palisades Reservoir backwaters

#### 6. South Fork Snake River Drainage, cont.

- Little Elk Creek, headwaters to Palisades Reservoir backwaters
- Bear Creek and perennial tributaries, headwaters to Palisades Reservoir backwaters and the following perennial tributaries:
  - South Fork Bear Creek, headwaters to mouth
  - Deadman Creek, headwaters to mouth
  - Warm Springs Creek, headwaters to mouth
  - North Fork Bear Creek, headwaters to mouth
  - Small Creek, headwaters to mouth

## 6. South Fork Snake River Drainage, cont.

- Poison Creek, headwaters to mouth
- Currant Creek, headwaters to mouth
- Muddy Creek, headwaters to mouth
- Elk Creek, headwaters to mouth
  
- Palisades Creek and perennial tributaries, headwaters to South Fork Snake Confluence and the following perennial tributaries:
  - North Fork Palisades Creek, headwaters to mouth
  - East Fork Palisades Creek, Idaho-Wyoming state line to mouth
  - Corral Creek, Idaho-Wyoming state line to mouth
  - Lost Spring Canyon, headwaters to mouth
  - Dead Man Canyon, headwaters to mouth
  - Little Dry Canyon, headwaters to mouth
  - Dry Canyon, headwaters to mouth, including Upper Palisades Lake
  - Water Fall Canyon, headwaters to confluence with Dry Canyon
  
- Fall Creek and perennial tributaries, headwaters to mouth, and the following perennial tributaries:
  - East Fork Fall Creek, headwaters to mouth
  - Willow Springs Creek, headwaters to mouth
  - Beaver Creek, headwaters to mouth
  - Trap Creek, headwaters to mouth
  - Haskin Creek, headwaters to mouth
  - Camp Creek, headwaters to mouth
  - Gibson Creek, headwaters to mouth
  - Blacktail Creek, headwaters to mouth
  - South Fork Fall Creek, headwaters to mouth
  - Currant Hollow, headwaters to mouth
  
- Pine Creek and perennial tributaries, headwaters to confluence with South Fork Snake River, and the following perennial tributaries:
  - Tie Canyon, headwaters to mouth
  - Poison Canyon, headwaters to mouth
  - Mike Spencer Canyon, headwaters to mouth
  
- North Fork Pine Creek and perennial tributaries, headwaters to mouth, and the following perennial tributaries:
  - Elk Flat Fork, headwaters to mouth
  - Holter Creek, headwaters to mouth
  - Red Creek, headwaters to mouth
  - Corral Creek, headwaters to mouth
  - Lookingglass Creek, headwaters to mouth
  
- West Pine Creek, headwaters to mouth, including unnamed headwater tributaries.

## 6. South Fork Snake River Drainage, cont.

- Burns Creek and perennial tributaries, headwaters (including unnamed headwater tributaries) to South Fork Snake Confluence, and the following perennial tributaries:
  - Beartrap Canyon, headwaters to mouth
  - Little Burns Canyon, headwaters to mouth
  - Jensen Creek, headwaters to mouth
  - Hell Hole Canyon, headwaters to mouth
- Burns Creek (tributary to reservoir), headwaters to Idaho-Wyoming state line
- Trout Creek, headwaters (including all unnamed headwater tributaries), to confluence with Palisades Reservoir
- McCoy Creek and perennial tributaries, Fish Creek Confluence to backwaters of Palisades Reservoir, and the following perennial tributaries:
  - Spring Creek, headwaters to mouth
  - Clear Creek, headwaters to mouth
  - Wolverine Creek, headwaters to mouth
  - Kirk Creek, headwaters to mouth
  - Box Canyon Creek, headwaters to mouth
- McCoy Creek and perennial tributaries, Fish Creek Confluence to backwaters of Palisades Reservoir, and the following perennial tributaries continued:
  - Hell Creek, headwaters to mouth
  - Jensen Creek, headwaters to mouth
  - Bitters Creek, headwaters to mouth
- Indian Creek (tributary to Palisades Reservoir)-Idaho-Wyoming state line to Smith Canyon.
- Sheep Creek, headwaters to South Fork Snake Confluence
- Indian Creek (tributary to South Fork Snake River), headwaters to South Fork Snake Confluence
- Rainey Creek and perennial tributaries, headwaters to South Fork Snake Confluence, and the following perennial tributaries:
  - North Fork Rainey Creek, headwaters to mouth
  - South Fork Rainey Creek, headwaters to mouth
- Prichard Creek, headwaters to South Fork Snake Confluence
- Black Canyon, headwaters to South Fork Snake Confluence
- Warm Springs, source to South Fork Snake Confluence
- Wolverine Creek, headwaters to South Fork Snake confluence
- Cress Creek, source to South Fork Snake confluence

## 7. North Fork Clearwater River Drainage

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

## 8. North Fork Clearwater River Drainage

- Little North Fork Clearwater River, headwaters to backwaters of Dworshak Reservoir at Meadows Creek
- Elk Creek, headwaters to Deep Creek
- Kelly Creek, headwaters to mouth
- Cayuse Creek, headwaters to mouth

## 9. Main Salmon River Drainage

- Little Salmon River - Hwy 95 bridge above "The Falls" to confluence with the Salmon River
- Boulder Creek - from its headwaters to its confluence with the Little Salmon River
- Hard Creek - from its headwaters to its confluence with Hazard Creek
- Hazard Creek - from the outlet of Hazard Lake downstream to its confluence with the Little Salmon River

### Part 4: 303(d) Listed Waterbodies for Sediments

Discharges from suction dredge operations are not authorized in waterbodies that are listed for sediment.

The Idaho Department of Environmental Quality's document: Final 2010 Integrated Report, Section 5: Impaired Waters: Lakes and Rivers [303(d) list], which was approved by EPA, contains the list of water quality limited waterbodies.

The document can be accessed at:

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

It is the responsibility of the Permittee to check the website or contact IDEQ for the most up-to-date, EPA approved, 303(d) list.

## APPENDIX C – Areas of Coverage/Areas of Closure

The following is a list of waterbodies that are open for dredging and the times of year that they are open according to the IDWR Instruction Booklet published in 2011. Please note that permit coverage may not be available for all waterbodies on this list due to being closed for other reasons. This list also specifies closed areas. The waterbodies are organized by river drainage. You must consult the most up-to-date version of the area of coverage/areas of closure list or contact EPA for the most up-to-date list.

Table C-1	OPEN	CLOSED
<b>Kootenai River Drainage</b>		
Kootenai River & tribs not listed	July 15 - Aug 15	Aug 16 - July 14
Myrtle Cr. & tribs.		Closed Entire Year
Long Canyon Cr. & tribs.		Closed Entire Year
Parker Cr. & tribs.		Closed Entire Year
Callahan Cr. & tribs.		Closed Entire Year
N. Callahan Cr. & tribs.		Closed Entire Year
S. Callahan Cr. & tribs.		Closed Entire Year
Boulder Cr. & tribs.		Closed Entire Year
Debit Cr. & tribs.		Closed Entire Year
Caboose Cr. & tribs.		Closed Entire Year
Curley Cr. & tribs		Closed Entire Year
Snow Cr. & tribs		Closed Entire Year
<b>Moyie River Drainage</b>		
Moyie River & tribs not listed	July 15 - Aug 15	Aug 16 - July 14
Canuck Cr. & tribs		Closed Entire Year
Keno Cr. & tribs		Closed Entire Year
Spruce Cr. & tribs		Closed Entire Year
<b>Deep Creek Drainage</b>		
Deep Cr. & tribs not listed	July 15 - Aug 15	Aug 16 - July 14
Trail Cr. & tribs		Closed Entire Year
Ruby Cr. & tribs		Closed Entire Year
Fall Cr. & tribs		Closed Entire Year
<b>Boundary Creek Drainage</b>		
Boundary Ck. & tribs not listed	July 15 - Aug 15	Aug 16 - July 14
Grass Cr. & tribs		Closed Entire Year
Saddle Cr. & tribs		Closed Entire Year
<b>Pend Oreille Lake Drainage</b>		
Pend Oreille Lake drainage not listed	July 15 - Aug 15	Aug 16 - July 14
Pack River & tribs		Closed Entire Year
Grouse Cr. & tribs		Closed Entire Year
Trestle Cr. & tribs		Closed Entire Year
Rapid Lightning Cr. & tribs		Closed Entire Year
Lightning Cr. & tribs		Closed Entire Year
E. Fork Lightning Cr. & tribs		Closed Entire Year
Savage Cr. & tribs		Closed Entire Year
Char Cr. & tribs		Closed Entire Year
Porcupine Cr. & tribs		Closed Entire Year
Wellington Cr. & tribs		Closed Entire Year
Rattle Cr. & tribs		Closed Entire Year
Morris Cr. & tribs		Closed Entire Year
Clark Fork to Montana border & tribs		Closed Entire Year
Twin Cr. & tribs		Closed Entire Year
Johnson Cr. & tribs		Closed Entire Year
Granite Cr. & tribs		Closed Entire Year

## Table C-1

	<b>OPEN</b>	<b>CLOSED</b>
Sullivan Springs & tribs		Closed Entire Year
Gold Cr. & tribs		Closed Entire Year
N. Gold Cr. & tribs		Closed Entire Year
Strong Cr. & tribs		Closed Entire Year
Priest River Drainage (Withdrawn)		Closed Entire Year
<b>Spokane River Drainage</b>		
Spokane River & tribs not listed	July 15 - Aug 15	Aug 16 - July 14
N.F. of Coeur d'Alene & tribs above Yellow Dog Cr.		Closed Entire Year
Little N.F. of Cd'A River & tribs above Lavern Cr.		Closed Entire Year
Prichard Cr. & tribs below Granite Cr.		Year Round
Prichard Cr. & tribs above Granite Cr.	July 15 - Aug 15	Aug 16 - July 14
W.F. Eagle Cr. & tribs above Bobtail Cr.		Closed Entire Year
Beaver Cr. & tribs below Delta		Year Round
Beaver Cr. & tribs above Delta	July 15 - Aug 15	Aug 16 - July 14
Shoshone Cr. & tribs above Ulm Cr.		Closed Entire Year
Brown Cr. & tribs	July 15 - Aug 15	Aug 16 - July 14
Cougar Cr. & tribs	July 15 - Aug 15	Aug 16 - July 14
<b>St. Joe River Drainage</b>		
St. Joe River & tribs. not listed (Wild & Scenic)		Closed Entire Year
St. Maries River & tribs.	July 15 - Aug 15	Aug 16 - July 14
<b>Palouse River Drainage</b>		
Palouse River & tribs.		Year Round
<b>Clearwater River Drainage</b>		
Main Clearwater River	July 1 - Sep 15	Sept 16 - June 30
Orofino Cr & tribs. above Orofino Cr Falls not listed	July 1 - Mar 31	Apr 1 - June 30
All tributaries to Main Clearwater not listed		Closed Entire Year
N.F. Clearwater River from Kelly Cr. to Isabella Cr.	July 1 - Aug 15	Aug 16 - June 30
Orogrande Cr. (trib. to N.F. Clearwater River)	July 1 - Aug 15	Aug 16 - June 30
All other portions of the N.F. Clearwater River & all tribs. not listed		Closed Entire Year
M. F. Clearwater River and tribs. (see special restrictions for Wild & Scenic segments)		Closed Entire Year
S.F. of the Clearwater River from confluence of the Clearwater River to the confluence with the Red and American Rivers	July 25 - Aug 15	Aug 16 - July 24
All other portions of the S.F. Clearwater Rivers & tribs.		Closed Entire Year
<b>Main Salmon River</b>		
Salmon River, Hammer Cr. to Long Tom Bar	May 31 - Sept 30	Oct 1 - May 30
All other portions of the Salmon River & all tribs.(see special restrictions for Withdrawn and Wild & Scenic segments)		Closed Entire Year
<b>Weiser River Drainage</b>		
Weiser River & tribs. mouth to Little Weiser River	July 1 - Sept 30	Oct 1 - June 30
Weiser River & tribs. above Little Weiser River		Closed Entire Year
Manns Cr. above Manns Cr. Reservoir		Closed Entire Year
Little Weiser River, Grays Cr. to Andersen Cr.	July 1 - Sept 30	Oct 1 - June 30
Little Weiser River & tribs. above Anderson Cr.		Closed Entire Year
Dewey Cr. & tribs. (tributary to Little Weiser R.)	July 1 - Aug 15	Aug 16 - June 30
Sage Cr. & tribs. (tributary to Weiser R.)	July 1 - Sept 30	Oct 1 - June 30
Goodrich Cr. & tribs. (tributary to Weiser R.)	July 1 - Sept 30	Oct 1 - June 30
All other streams and tribs. not listed		Closed Entire Year
<b>Payette River Drainage</b>		
Payette River, Black Canyon Dam (Sec 22, T7N, R1W) to Banks (Sec 32, T9N, R3E) (Withdrawn)		Closed Entire Year
Payette River, Banks to Beehive Bend Boat Access (Sec 26, T8N, R2E) (Protected)		Closed Entire Year

Table C-1

	<b>OPEN</b>	<b>CLOSED</b>
N.F. Payette River, Banks to Cabarton Bridge (Withdrawn & Protected)		Closed Entire Year
N.F. Payette River, Cabarton Bridge to Big Payette Lake		Closed Entire Year
N.F. Payette River, Payette Lake inlet to headwaters (Protected)		Closed Entire Year
M.F. Payette River & tribs., mouth to Wet Foot Cr (Sec 28, T12N,R5E)	July 1 - Sept 30	Oct 1 - June 30
M.F. Payette River & tribs., Wet Foot Cr to headwater		Closed Entire Year
S.F. Payette River, from confluence of the M.F. Payette to Big Pine Cr.	July 1 - Sept 30	Oct 1 - June 30
S.F. Payette River, from confluence of Big Pine Cr. to confluence of Deadwood R. (Protected)		Closed Entire Year
S.F. Payette River, from confluence of Deadwood River to Five Mile Cr.	July 1 - Sept 30	Oct 1 - June 30
Deadwood River & tribs.		Closed Entire Year
All other stream segments & tribs.		Closed Entire Year
<b>Boise River Drainage</b>		
Boise River below Star Highway Bridge		Year Round
Boise River, Star Bridge to Lucky Peak Res. (Withdrawn)		Closed Entire Year
Boise River, Arrowrock Res. To confluence of the N.F. Boise R. and M.F. Boise R. (Protected)		Closed Entire Year
Mores Cr. & tribs upstream from Boulder Cr.		Closed Entire Year
*Mores Cr. downstream from Boulder Cr.	July 15 - Sept. 30	Oct. 1 - July 14
*Tributaries to Mores Cr. not otherwise specified	July 15 - Aug. 31	Sept. 1 - July 14
*Thorn Cr. downstream of NF Thorn Cr.	July 15 - Sept. 30	Oct. 1 - July 14
*Thorn Cr. upstream of NF Thorn Cr.	July 15 - Aug. 31	Sept. 1 - July 14
*Tributaries to Thorn Cr.	July 15 - Aug. 31	Sept. 1 - July 14
*Daggett Cr. downstream of Sheep Cr.	July 15 - Sept. 30	Oct. 1 - July 14
*Daggett Cr. upstream of Sheep Cr.	July 15 - Aug. 31	Sept. 1 - July 14
*Tributaries to Daggett Cr.	July 15 - Aug. 31	Sept. 1 - July 14
*Elk Cr. between Ross Fork & Eldorado Gulch	July 15 - Sept. 30	Oct. 1 - July 14
*Elk Cr. upstream of Ross Fork	July 15 - Aug. 31	Sept. 1 - July 14
*Tributaries to Elk Cr. upstream of Eldorado Gulch	July 15 - Aug. 31	Sept. 1 - July 14
Elk Cr. & tribs. downstream of Eldorado Gulch		Closed Entire Year
*Grimes Cr. & tribs. upstream of Charlotte Gulch	July 15 - Aug. 31	Sept. 1 - July 14
*Grimes Cr. downstream of Charlotte Gulch		Year Round
*Tributaries to Grimes Cr. not otherwise specified	July 15 - Aug. 31	Sept. 1 - July 14
*Clear Cr. downstream of Smith Cr.		Year Round
*Clear Cr. & tribs. upstream of Smith Cr.	July 15 - Aug. 31	Sept. 1 - July 14
*Smith Cr. downstream of S.F. Smith Cr.		Year Round
*Tributaries to Smith Cr.	July 15 - Aug. 31	Sept. 1 - July 14
*Granite Cr. downstream of W.F. Granite Cr.		Year Round
*Granite Cr. upstream of W.F. Granite Cr.	July 15 - Aug. 31	Sept. 1 - July 14
*Tributaries to Granite Cr. not otherwise specified	July 15 - Aug. 31	Sept. 1 - July 14
*Woof Cr. downstream of Ophir Cr.		Year Round
*Woof Cr. upstream of Ophir Cr.	July 15 - Aug. 31	Sept. 1 - July 14
*Tributaries to Woof Cr.	July 15 - Aug. 31	Sept. 1 - July 14
*Clear Cr. downstream of Trail Cr.		Year Round
*Clear Cr & tribs. upstream of Trail Cr.	July 15 - Aug. 31	Sept. 1 - July 14
*Trail Cr. between Clear Cr. and Canyon Cr.		Year Round
*Trail Cr. upstream of Canyon Cr.	July 15 - Aug. 31	Sept. 1 - July 14
*Tributaries to Trail Cr.	July 15 - Aug. 31	Sept. 1 - July 14

	<b>OPEN</b>	<b>CLOSED</b>
Table C-1		
N.F. Boise River, confluence with M.F. Boise R. to Crooked R. (Protected)		Closed Entire Year
N.F. Boise River, Crooked R. to Hunter Cr.		Closed Entire Year
N.F. Boise River, Hunter Cr. to Sawtooth Wilderness Area (Protected)		Closed Entire Year
N.F. Boise River, all other stream segments and tributaries		Closed Entire Year
M.F. Boise River, Arrowrock Res. to east boundary T5N, R8E (below Roaring R. ) (Withdrawn)		Closed Entire Year
Roaring River & tribs (Protected)		Closed Entire Year
M.F. Boise River, Roaring R. to Sawtooth Wilderness Area **Rev 1, Mar 29, 2011**	July 1 – Sep 30	Oct 1 - June 30
S.F. Boise River, Neal Bridge to Anderson Ranch Dam (Withdrawn)		Closed Entire Year
S.F. Boise River, Pine Bridge upstream to Barker Gulch	July 1 – Aug 20	Aug 21 - June 30
All other stream segments and tribs.		Closed Entire Year
<b>Owyhee River Drainage</b>		
Jordan Cr. above Williams Cr.		Year Round
All other streams & tribs.		Closed Entire Year
<b>Bruneau River Drainage</b>		
Bruneau River & tribs. below Hot Cr.	July 1 - Sept 10	Sept 11 - June 30
All other streams & tribs.		Closed Entire Year
Malad-Wood River Drainage		Closed Entire Year
<b>Big Lost River Drainage</b>		Closed Entire Year
<b>Salmon Falls Creek Drainage</b>		
Salmon Falls Cr. & tribs.	July 1 - Sept 10	Sept 11 - June 30
All other streams & tribs. not listed	July 1 - Sept 10	Sept 11 - June 30
Hot Cr. & tribs. Nevada line to mouth		Closed Entire Year
<b>Goose Creek Drainage</b> (Cassia Co.)		Closed Entire Year
<b>Raft River Drainage</b>		
Raft River	July 1 - Sept 10	Sept 11 - June 30
All other streams & tribs.	July 1 - Sept 10	Sept 11 - June 30
<b>Blackfoot River Drainage</b>		
Blackfoot River Trail Cr. Bridge to Blackfoot Dam	July 1 - Nov 30	Dec 1 - June 30
All other streams & tribs.		Closed Entire Year
<b>Snake River Drainage</b>		
Wildhorse River (Adams Co.)	July 1 - Aug 15	Aug 16 - June 30
Indian Cr. (Adams Co.)	July 1 - Aug 15	Aug 16 - June 30
Snake River from the north boundary of T20N, R4W upstream to the east boundary of T6S, R8E (Withdrawn)		Closed Entire Year
Snake River from eastern boundary of T6S, R8E to King Hill		Jan 1 - Dec 31
Little Canyon Cr. & tribs. upstream 4 mi. from mouth	July 1 - Mar 1	Mar 2 - June 30
King Hill Cr. & tribs. mouth upstream for 4 miles	July 1 - Sep 10	Sept 11 - June 30
Snake River 100 feet below Murtugh Bridge to 100 feet above the Hansen Bridge. (Protected)		Closed Entire Year
Snake River from King Hill to Milner Dam (except 100 feet below Murtugh Bridge to 100 feet above Hansen Bridge)	July 1 - Oct 31	Nov 1 - June 30
Snake River from Milner Dam to Massacre Rock State Park	July 1 - Oct 31	Nov 1 - June 30
Deep Cr. (Twin Falls Co.)	Aug 1 - Mar 1	Mar 2 - July 31
Mud Cr. (Twin Falls Co.)	Aug 1 - Mar 1	Mar 2 - July 31
Cedar Draw Cr. (Gooding Co.)	Aug 1 - Mar 1	Mar 2 - July 31
Rock Cr. & tribs. (Cassia Co. & Twin Falls Co.)	Aug 1 - Mar 1	Mar 2 - July 31
McMullen Cr. (Twin Falls Co.)	Aug 1 - Mar 1	Mar 2 - July 31

Table C-1	<b>OPEN</b>	<b>CLOSED</b>
Snake River from Massacre Rock State Park to confluence of Henry's Fork	June 15 - Nov 30	Dec 1 - June 14
Henry's Fork of the Snake River confluence with Falls River to Ashton Dam. (Protected)		Closed Entire Year
Henry's Fork of the Snake River Ashton Res. Upstream to its point of origin at Henry's Fork (Sec 21 T15N, R43E) (Withdrawn)		Closed Entire Year
Willow Cr. & tribs. (Fremont Co.)	Feb 1 - May 1	May 2 - Jan 31
Grays Lake Outlet upstream from Homer Cr.	Feb 1 - May 1	May 2 - Jan 31
Lava Cr.	Sept 1 - May 1	May 2 - Aug 31
Falls River from Kirkham Bridge to Idaho border & tribs. (Fremont Co.) (Protected)		Closed Entire Year
Teton River from Felt Dam to Trail Creek & tribs. (Protected)		Closed Entire Year
Moose Cr. ( Fremont Co.)	Aug 1 - Aug 31	Sep 1- July 31
McCoy Cr. headwaters to Fish Cr. (Bonneville Co.)	Sept 1 - Nov 30	Dec 1 - Aug 31
Tributaries to McCoy Cr. (City Cr., Camp Cr., Miners Delight Cr., Barns Cr., Iowa Cr., Anderson Cr., and Bilk Cr.)	Sept 1 - Nov 30	Dec 1 - Aug 31
Tin Cup Cr. & tribs. (Bonneville Co. & Caribou Co.)		Closed Entire Year
All other stream segments & tribs.		Closed Entire Year
<b>Bear River Drainage</b>		
Montpelier Cr.	July 1 - Nov 30	Dec 1 - June 30
Georgetown Cr.	July 1 - Nov 30	Dec 1 - June 30
Eight Mile Cr.	July 1 - Nov 30	Dec 1 - June 30
Cottonwood Cr.	July 1 - Nov 30	Dec 1 - June 30
Mink Cr.	July 1 - Nov 30	Dec 1 - June 30
Cub Cr.	July 1 - Nov 30	Dec 1 - June 30
All other streams & tribs.		Closed Entire Year
<b>Malad River Drainage</b> (Oneida Co.)		Closed Entire Year

Appendix D  
CWA § 401 Certification



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502

C.L. "Butch" Otter, Governor  
Curt Fransen, Director

April 13, 2012

Mr. Michael Lidgard  
NPDES Permits Unit  
USEPA Region 10  
1200 Sixth Avenue – OWW 130  
Seattle, Washington 98101

Subject: DRAFT §401 Water Quality Certification for the NPDES General Permit for Small Placer Miners in Idaho (IDG-37-0000)

Dear Mr. Lidgard:

The Idaho Department of Environmental Quality (DEQ) has reviewed the above-referenced preliminary draft permit and associated fact sheet, received via email on March 28, 2012. We appreciate that EPA incorporated the conditions set forth in our draft certification, dated November 13, 2009, into the revised draft permit. Please append our draft certification to your fact sheet and direct comments regarding the certification to DEQ in EPA's public notice.

If you have any questions or comments, please contact Miranda Adams at 208-373-0574 or [miranda.adams@deq.idaho.gov](mailto:miranda.adams@deq.idaho.gov).

Sincerely,

A handwritten signature in blue ink that reads "Barry N. Burnell".

Barry N. Burnell  
Water Quality Division Administrator

BNB:MA:ls

Enclosure (1)

c. Cindi Godsey, EPA Region 10



## Idaho Department of Environmental Quality **DRAFT §401 Water Quality Certification**

April 12, 2012

**NPDES Permit Number(s):** IDG-37-0000 Small Placer Miners General Permit for Idaho

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Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC Section 1341 (a)(1), and Idaho Code §§ 39-101 et.seq., and 39-3601 et.seq., the Idaho Department of Environmental Quality (DEQ) has authority to review National Pollutant Discharge Elimination System (NDPES) permits and issue water quality certification decisions.

Based upon its review of the above-referenced permit and associated fact sheet, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit along with the conditions set forth in this water quality certification, then there is reasonable assurance the discharge will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, including the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02) and other appropriate water quality requirements of State law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations or permits.

### **Antidegradation Review**

The WQS contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051).

- **Tier 1 Protection.** The first level of protection applies to all water bodies subject to Clean Water Act 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; 58.01.02.052.01). Additionally, a Tier 1 review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.05).
- **Tier 2 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 deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.06).

- Tier 3 Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.07).

DEQ is employing 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). Any water body not fully supporting its beneficial uses will be provided Tier 1 protection for that use, unless specific circumstances warranting Tier 2 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).

#### *Pollutants of Concern*

Sediment and Mercury are the only two pollutants of concern associated with discharges authorized under the Small Placer Miners General Permit (GP). These pollutants are relevant only with respect to aquatic life beneficial uses, not to recreational beneficial uses; therefore, the review of this permit is focused toward maintaining and protecting aquatic life uses in Idaho streams.

#### *Receiving Water Body Level of Protection*

The Small Placer Miners GP provides coverage to small placer miners throughout the State of Idaho except for the following: National Protected Areas; Critical Habitat designated under the Endangered Species Act; National Wild and Scenic Rivers; specific river segments withdrawn by the State Board of Land Commissioners including sections of the Boise, Payette, Priest, Salmon and Snake Rivers; State Protected Rivers; and Waters of the State which are 303(d) listed ("impaired") for sediment.

All waters in Idaho that receive discharges from small suction dredges authorized under the Small Placer Miners GP will receive, at minimum, Tier 1 antidegradation protection because Idaho's antidegradation policy applies to all state waters. Water bodies that fully support their aquatic life or recreational uses are considered to be "high quality waters" and will receive Tier 2 antidegradation protection, in addition to Tier 1 protection.

Although Idaho does not currently have any outstanding designated resource waters (ORWs), it is possible that a water body could be designated as an ORW during the life of this permit. Because of this potential, this antidegradation review will also assess whether the permit complies with the outstanding resource water requirements (Tier 3 protections) of Idaho's antidegradation policy.

#### *Protection and Maintenance of Existing Uses (Tier 1 Protection)*

As noted above, a Tier 1 review is performed for all new or reissued permits or licenses, applies to all waters subject to the jurisdiction of the CWA, and requires a showing that existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. In order to protect and maintain designated and existing beneficial uses, a permitted discharge must comply with narrative and numeric criteria of the Idaho WQS, as well as other provisions of the WQS such as Section 055, which addresses water quality limited waters.

Water bodies not supporting existing or designated beneficial uses must be identified as water quality limited, and a total maximum daily load (TMDL) must be prepared for those pollutants causing impairment. A central purpose of TMDLs is to establish wasteload allocations (WLA) for point source discharges, which are set at levels designed to help restore the water body to a condition that supports existing and designated beneficial uses. Discharge permits must contain limitations that are consistent with wasteload allocations in the approved TMDL. A permit with effluent limitations consistent with TMDL wasteload allocations will provide the level of water quality necessary to support existing and designated uses and therefore satisfies Tier 1 antidegradation requirements.

The water quality-based effluent limitations and requirements contained in the Small Placer Miners GP are designed to ensure compliance with the narrative and numeric criteria in the Idaho WQS. Specifically, the permit requires operators to comply with Idaho's numeric turbidity standards (IDAPA 58.01.02.250.e) which were established to protect aquatic life. The permit also authorizes a 500 foot mixing zone for turbidity, which is consistent with state WQS (IDAPA 58.01.02.060) . Additionally, the permit prohibits recreational dredging in waters that have been identified by DEQ as impaired due to sedimentation/siltation, except for where an existing TMDL has an established wasteload allocation for discharges associated with recreational dredging. The permit references two specific TMDLs which contain wasteload allocations for small suction dredging, and the responsibility of the permittee to operate in compliance with those allocations through monitoring. EPA has set restrictions on the number of operators allowed on these waters in order to comply with the established WLAs. For these reasons, the permit ensures compliance with WLAs in the applicable TMDLs, as well as the provisions of Section 055 of Idaho's WQS.

#### *Protection of High-Quality Waters (Tier 2 Protection)*

As indicated previously, water bodies that fully support their beneficial uses will be provided Tier 2 protection. As such, the quality of these waters must be maintained and protected, unless it is deemed necessary to accommodate important economic or social development. For a reissued permit or license, the effect on water quality is determined by looking at the difference in water quality that would result from the activity or discharge as authorized in the current permit and the water quality that would result from the activity or discharge as proposed in the reissued permit or license (IDAPA 58.01.02.052.04.a). For a new permit or license, the effect on water quality is determined by reviewing the difference between the existing receiving water quality and the water quality that would result from the activity or discharge as proposed in the new permit or license (IDAPA 58.01.02.052.04.a).

The permit sets restrictions on when and where these activities will be allowed to occur. The permit also sets limits on the number of operations allowed on certain water bodies. The permit sets restrictions on turbidity and requires the use of best management practices (BMPs) aimed at limiting impacts to the aquatic environment including stream channel and fish habitat alterations. For these reasons, DEQ believes that the permit is

protective of water quality and any short-term sediment impacts associated with recreational dredging are not likely to cause long-term degradation of the affected water body. Furthermore, EPA may decide that an individual permit is needed and will require the applicant to obtain an individual water quality certification from the state.

In sum, the effluent limitations, associated requirements and restrictions contained in the Small Placer Miners GP were developed and designed to ensure compliance with the narrative and numeric criteria in Idaho's WQS, as well as other state and federal regulations. Therefore, DEQ has determined that as long as permittees operate consistent with the terms of the NPDES permit, there is reasonable assurance that existing and designated beneficial uses will be protected and maintained and there will be no degradation or adverse change in water quality.

#### *Protection of Outstanding Resource Waters (Tier 3 Protection)*

As a condition of this certification, DEQ is requiring any applicant proposing to discharge to an ORW, should one become designated during the term of this permit, to obtain an individual NPDES permit from EPA. This requirement complies with Idaho's antidegradation provisions concerning ORWs.

## **CONDITIONS THAT ARE NECESSARY TO ASSURE COMPLIANCE WITH WATER QUALITY STANDARDS OR OTHER APPROPRIATE WATER QUALITY REQUIREMENTS OF STATE LAW**

#### *Stream Channel Alteration Permit Requirements*

Pursuant to IDAPA 37.03.07, operators must also obtain a stream alteration permit for recreational dredging from the Idaho Department of Water Resources. A permit application may be obtained from the following web page:

<http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>

## **MIXING ZONE**

Pursuant to IDAPA 58.01.02.060, DEQ authorizes the use of a mixing zone that extends 500 lineal feet downstream of the discharge. There shall be no observable turbidity plume extending beyond the limits of the mixing zone. This limit applies even where multiple suction dredgers are operating at the same time and at the same location; the combined mixing zone shall not exceed 500 feet.

## **ALTERNATIVE LIMITATIONS**

The following subsection(s) discusses how the permit can be made less stringent and still comply with Idaho WQS or other appropriate water quality requirements of state law.

#### *Distance between Suction Dredge Operations*

The draft permit indicates that suction dredges shall not operate within 800 feet of another active suction dredge operation or a location where suction dredging occurred within the past month. The permit can specify a distance of 100 linear feet of stream between active suction dredge operations and comply with Idaho's Stream Alteration Rules (IDAPA 37.03.07.064.07), this is in keeping with DEQ's Approved Best Management Practices for Rules Governing Nonpoint Source Activities (IDAPA 58.01.02350.03.d).

## **OTHER CONDITIONS**

This certification is conditioned upon the requirement that any material modification of this permit or the permitted activities including without limitation, any modifications of the permit to reflect new or modified TMDL wasteload allocations or other new information, shall first be provided to DEQ for review to determine compliance with WQS and to provide additional certification pursuant to Section 401.

## **RIGHT TO APPEAL FINAL CERTIFICATION**

The final Section 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5), and the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, within 35 days of the date of the final certification.

Questions regarding the actions taken in this certification should be directed to Miranda Adams, IDEQ State Office, at (208) 373-0574 or [miranda.adams@deq.idaho.gov](mailto:miranda.adams@deq.idaho.gov).

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