

Clean Water Act 404 Changes within the Last Year

Victor Ross, Alaska Mining Lead and Senior Regulatory Specialist

Stantec Environmental Services, Wasilla, Alaska

Cell: (907) 521-3588, Victor.Ross@stantec.com

I will summarize the changes made and proposed by USACE/EPA as shown below. These changes have been presented by Public Notice since 2019. I will cover the highlights of each and the implication to Alaskan miners.

Notice	Topic	Issue	Impacts
Special Public Notice 10 June 2019	National Wetland Plant list published by USACE on 21 May 2020	20 Plants status changes, none for Alaska	•Use 2018 plant list in JDR, work with 2016 list in Alaska
Special Public Notice 11 October 2019	ENG Form 6082 Nationwide Permit (NWP) Form	Pre-Construction Notification (PCN) Form updates	•New PCN form for Alaska
Special Public Notice 9 April 2020 POA 2014-0055-M1 Current GP expires 31 October 2020	Reissuance of Placer Mine General Permit	Conditions Change in proposed new authorization of GP	•Removes 1,500-foot limit on stream diversions/relocations •Stream diversion/relocation require a complete Stream Channel form and written approval from the Corps •Excludes work in and/or affecting anadromous streams.
Federal Register 21 April 2020	WOTUS, Navigable Waters Protection Rule	Rule effective 22 June 2020 in Alaska	•Ephemeral streams non-jurisdictional. •Abutting wetlands •TNWs and Tributaries replace RPWs
Public Notice 9 September 2020	NWP Reauthorization	Five new NWPs proposed	•Request for comment expires 16 Nov 2020
Special Public Notice 11 September 2020 SPN 2020-00399	Consultant-Supplied Jurisdictional Determination Reports	New requirements in JDR	•Minor changes to JDR
Special Public Notice 28 September 2020	401 Prefiling Changes	EPA Clean Water Act Section 401 Certification Rule	•New Form/Deadline for DEC 401 Filings