

NOME RECREATION AREA STIPULATIONS

Management of both the current East Nome Beach Public Mining Area and the proposed West Nome Beach Public Mining Area is an issue of increasing concern. With the current high price of gold and increased interest in offshore mining there have been several incidents of friction between miners in the East Nome Beach Public Mining Area. Local police have been called on three occasions. There have also been some problems of miners in the public mining area straying onto leases held by other miners.

Permits and Stipulations for Use of the West Nome Beach Public Mining Area

As a result of the above management concerns, there will be new permitting requirements and permit stipulations for miners in both public mining areas. An Annual Placer Mining Application (APMA) and Miscellaneous Land Use Permit (MLUP) will be required for all sizes of dredges in both public mining areas. This requirement will allow the DNR to revoke permits for miners who do not follow the stipulations for operating in the public mining areas. Generally, the permit stipulations will apply in both public mining areas at Nome. The stipulations will be as follows:

1. In the West Nome Beach Public Mining Area miners will be limited to six-inch or less suction nozzles with no more than 18 hp pump engines. This limitation is to maintain the small/recreational mining character of the public mining area, and to extend the life of the resource in the new area.
2. Eight-inch Nozzles with 36 hp engines will be allowed in the East Nome Beach Public Mining Area.
3. Miners may not leave any type of marker to secure a location for their exclusive mining on future days. The miner only occupies a location while their dredge is on that location and in operation. Miners will not be allowed to leave their unoccupied dredges on site in order to preserve a location.
4. Miners must maintain a minimum 75' distance between dredges. The first miner on site establishes their position; miners arriving later must

- locate with no part of their operation, dredge, anchors, or divers, less than 75' from the first miner's dredge.
5. State land begins at the mean high tide level. Since the average tide range at Nome is 1.04 feet, this means that in order to be on state land the miner must effectively be in the water. All of the uplands at Nome are privately owned. Therefore, highbankers can be used in the surf below mean high tide, but not higher up on the beach.
 6. Because the uplands are all privately owned, any miner mining or camping on the beach or tundra above the beach will be in trespass unless they have permission from the land owner. Trespass is not allowed, and is grounds for revocation of the miner's permit.
 7. Permits can be revoked for failure to follow stipulations or for any actions that impede another miner's ability to mine, or cause a threat to safety.
 8. Permits can be revoked or denied for failure to file the appropriate Mining License Tax and Production Royalty returns.
 9. Miners operating in either of the public mining areas will confine their operations to those public mining areas. Miners will not mine outside of the public mining area without an operator authorization, approved by the DMLW, from the adjacent lease holder.
 10. No individual, association of individuals, or company may hold an interest in the operation of more than one suction dredge in the two public mining areas combined. The dredge may have only one hose and nozzle. The intent of this stipulation is to prevent any individual, association of individuals, or company from leasing out a number of dredges to be operated in the public mining areas and retaining a royalty on production from the dredges. Owners of dredges may rent multiple dredges to miners for use in the public mining areas, but the dredges must be rented at a set rental rate, with no royalty on production. No royalties (other than the Production Royalty owed to the State under AS 38.05.212) are to be paid on production from either of the public mining areas.

The proposed stipulations will aid in the management of both the East and West Nome Beach Public Mining Areas. The stipulations will also help prevent the friction that has begun to occur among dredgers. Requiring a permit for all suction dredgers will provide the DNR with knowledge of who is mining in the public mining areas, and a tool for enforcing adequate conduct. Stipulation #3 will allow fair access to all miners. There will be no "staking a claim" to hold a spot in the public mining area indefinitely. The 75' buffer between dredges required by

stipulation #4 will further miners' safety. Finally, requiring miners to obtain a permit will give the DNR a means of ensuring that all miners file appropriate Mining License Tax and Production Royalty returns. The DNR recognizes that compliance with permit stipulations will be increased with greater DNR presence. Therefore, the DNR will endeavor to provide greater presence in Nome during the mining season.

In addition to the DNR Miscellaneous Land Use Permit, suction dredgers may have to obtain permits from the U. S. Army Corps of Engineers and Alaska Department of Environmental Conservation. Operators will also be subject to the Alaska Coastal Management Program. Under the APMA process, however, the DNR will distribute miners' applications to these agencies for processing and permitting.