

REGULATORY BRANCH MEMORANDUM 2003-03

SUBJECT: Temporary Roads for Moving Mining Equipment

1. Purpose. To establish policy regarding the exemption under Section 404 of the Clean Water Act for constructing temporary roads for moving mining equipment.
2. Applicability. This applies to all Regulatory actions in the Sacramento District.
3. Reference. 33 CFR 323.4 (a)(6), Discharges not requiring a permit; "Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained in accordance with best management practices (BMPS)..."
4. Definitions.
  - a. Temporary: A mining operation with a duration of one year or less, from start to finish.
  - b. Mining: All types of extraction including, but not limited to, hard rock, open pit, and aggregate mining.
  - c. Mining equipment: Equipment normally associated with mining including, but not limited to, trucks, haulers, excavators, and similar equipment.
5. Policy. This exemption will not be used for the construction or maintenance of roads for multi-year mining operations. Roads for gravel mining operations will not generally be exempt because these are usually multi-year operations.

Mining operations should be advised to contact and receive a written determination from the District as to whether the construction of a temporary mining road(s) meets the exemption and this policy.

A handwritten signature in black ink, appearing to read 'A. Rosenau', written in a cursive style.

FOR ANDREW J. ROSENAU  
Chief, Regulatory Branch