

STATE OF ALASKA

FRANK H. MURKOWSKI
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING
ALASKA COASTAL MANAGEMENT PROGRAM

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July 31, 2006

Douglas C. Nicholson
NovaGold Alaska, Inc.
Alaska Gold Company
P.O. Box 640
Nome, AK 99762

Charlotte MacCay
Bristol Environmental Engineering and
Services Corporation
111 W. 16th Avenue, Suite 301
Anchorage, AK 99501

Subject: Rock Creek and Big Hurrah Creek/Alaska Gold Company/Open Pit Gold Mines
State ID NO. AK 0605-05AA
Final Consistency Response

Dear Mr. Nicholson and Ms. MacCay:

The Office of Project Management & Permitting (OPMP) has completed coordinating the State's review of your proposed project for consistency with the Alaska Coastal Management Program (ACMP). OPMP has developed the attached final consistency response based on reviewers' comments.

Based on an evaluation of your project by the Alaska Departments of Fish and Game and Natural Resources and the Bering Straits CRSA, OPMP *concur*s with your certification that the project is

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

consistent with the ACMP and affected coastal district's enforceable policies. This concurrence is also based on your adoption of alternative measures to achieve consistency with the ACMP enforceable policies.

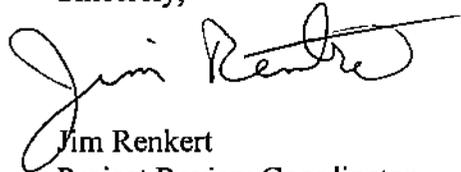
This is the *final consistency decision* for your project.

This consistency response is only for the project as described. If you propose any changes to the approved project, including its intended use, prior to or during its siting, construction, or operation, you must contact this office immediately to determine if further review and approval of the revised project is necessary.

By copy of this letter, I am informing the U.S. Army Corps of Engineers of OPMP's final finding.

If you have any questions regarding this process, please contact me at 907-269-0029 or email jim_renkert@dnr.state.ak.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Renkert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jim Renkert
Project Review Coordinator

Enclosures

cc: Robert McLean, DNR/OHMP, Fairbanks
William Ashton, DEC/Anchorage
Morris Nassuk, BSCRSA, Koyuk, AK
Jim Dory, City of Nome
Irene Anderson, Bering Straits Native Corporation, Nome
Robert Fagerstrom, Sitnasuak Native Corporation, Nome
Roselynn Smith, DNR, Fairbanks
Ellen Simpson, ADF&G, Anchorage
Mark Fink, ADF&G, Anchorage
Patricia Jones, Fairbanks
Margie Goatley, DNR/SHPO, Anchorage
Chuck Howe, DOT/PF, Fairbanks
Jim Wolfe, COE Regulatory Branch
Don Rice, COE Regulatory Branch

Trustees for Alaska, Anchorage
Meg Schlesinger, Northern Alaska Environmental Center
Eric Uhde, Alaska Center for the Environment
Dave Chambers, Center for Science in Public Participation, Bozeman, MT
Glen Yankus, NPS, Anchorage
Loretta Bullard, Kawerak, Nome
Rose Fosdick, Kawerak Reindeer Herders Association, Nome
Nome Common Council, Nome
Nome Eskimo Community I.R.A. Council, Nome
Andrew McCarthy, National Park Service
Gina Shirey-Potts, DNR/OPMP, Juneau
Brevig Mission City Council, Brevig Mission
Brevig Mission Native Corp., Brevig Mission
Brevig Mission Traditional Corp., Brevig Mission
Solomon IRA Council, Nome
Solomon Native Corporation, Nome
Teller City Council, Teller
Teller Native Corporation, Teller
Teller Traditional Council, Teller
Council IRA Council, Nome
Council Native Corporation, Nome
Mary's Igloo Native Corporation, Teller
Mary's Igloo Traditional Council, Teller
Nome Chamber of Commerce
Victoria Erickson, ADL / Nome
Leah Senungetuk, Nome Job Center
Leo Rasmussen, USDA / Nome
Clinton White, UAF / Nome
Derrick Leedy, Nome
Austin Ahmasuk, Nome

**ALASKA COASTAL MANAGEMENT PROGRAM
FINAL CONSISTENCY RESPONSE
CONCURRENCE**

DATE ISSUED: JULY 31, 2006

PROJECT TITLE: ROCK CREEK MINE PROJECT

STATE ID. NO.: AK 0605-05AA

AFFECTED COASTAL RESOURCE DISTRICT(S): BERING STRAITS CRSA

PROJECT DESCRIPTION AND SCOPE OF THE PROJECT SUBJECT TO CONSISTENCY REVIEW:

The Rock Creek Mine Project is comprised of two mine projects: 1) the Rock Creek Mine/Mill Complex located north of Nome in the Snake River watershed, and 2) the Big Hurrah Mine located east of Nome in the Solomon River watershed. A mill will be constructed at the Rock Creek site to process ore from both sites at a rate of approximately 7,000 tonnes per day. Ore from the Big Hurrah site will be trucked to the Rock Creek site for processing. The projected mine life is 4-5 years. Standard drilling and blasting techniques will be used to break the ore. The blasted ore and development rock will be hauled to the processing plant, rock dumps or stockpile area.

Alaska Gold Company (AGC) is undertaking the permitting process based on the economic resource as defined by the core drill-hole data. According to AGC "if additional resources are substantiated permits will require modifications to address an expanded pit design and longer mine life."

The Rock Creek Mine/Mill Complex will consist of an open pit gold mine, two non-acid generating development rock stockpiles, a gold recovery plant, and a paste tailings storage facility. Ore milling rates will be about 2.5 million tonnes per year (6,850 tonnes per day), while development rock stripping volumes will be in the range of 4 to 5 million tonnes per year (11,000 to 13,700 tonnes per day). The process plant site area will include: a three stage crushing and screening plant, a crushed ore stockpile, a mill facility, a maintenance shop, an administration and mine dry building, warehouse, explosive storage and fuel storage.

The Big Hurrah Mine facilities will include: an open pit gold mine, a non-acid generating development rock stockpile, a temporary potentially acid generating development rock stockpile that will be backfilled into the pit at closure, a run-of mine ore stockpile, a truck maintenance shop, a small administration and mine dry building, explosive storage and diesel fuel storage.

The ore mining rate will be about 550,000 tonnes per year (1,500 per day) and the stripping rate will be about 1.8 million tonnes per year (5,000 tonnes per day). Ore will be stockpiled and delivered to the Rock Creek Mill at an average rate of about 365,000 tonnes per year (1000 tonnes per day). Mine operations will likely only occur 3 to 6 months per year, but could be extended to a year round basis.

Scope of Project to be Reviewed

Except for the activities subject to DEC authorizations the project subject to this consistency review is as follows:

I. Rock Creek

The project subject to this consistency review at the Rock Creek site is to discharge approximately 13,618,959 cubic yards (cy) of fill into approximately 409.5 acres of wetlands.

<i>Proposed Facility</i>	<i>Wetland Fill Volume</i>	<i>Wetland Acreage</i>
Rock Stockpile	4,230,000	119
Soil Stockpile		
1	1,602,240	41
2	15,695	1.5
3	660,515	15
Water Management Systems		
Stormwater Diversion Channels	131,449	23
Class V Injection System – wells	32,700	7.5
Class V Injection System - Gallery	60,000	8.5
Tailing Storage Facility (TSF) Fill Quantities		
TSF Embankment	6,212,765	94
Mine/Mill Complex Roads		
Access road and on-site haul roads	510,101	49.5
Infiltration Zone access roads	45,778	6
Plant area general fill	117,716	44.5
Total	13,618,959	409.5

Upland fill at Rock Creek will include 9,277,268 cy on 192 acres. The footprint of wetlands and uplands at Rock Creek is 601.5 acres and will contain a total of 36,790,227 cy of fill. In addition the open pit mine has a footprint of 50 acres.

II. Big Hurrah Creek

The project subject to this consistency review at the Big Hurrah site is to discharge approximately 78,477 cubic yards (cy) of fill into approximately 5 acres of wetlands. The wetland fill is for the construction of the on-site access road/haul road.

<i>Proposed Facility</i>	<i>Wetland Fill Volume</i>	<i>Wetland Acreage</i>
Mine Roads. On-site access road and on-site haul roads	78,477	5
Total	78,477	5

The footprint area for activities at Big Hurrah, including wetlands and upland areas, is 154.5 acres and will contain a total of 4,447,148 cy of fill. In addition the open pit mine has a footprint of 25 acres.

The applicant has agreed to incorporate the following alternative measures into the project proposal:

1. The State Office of History and Archaeology must receive a copy of the Big Hurrah archaeological report with findings from the U.S. Army Corps of Engineers.
2. If the Rock Creek project cannot avoid NOM-129 (cabin, collapsed bunkhouse, sledge) the applicant must determine if the impacts will cause an adverse affect to the site. These findings must be received and commented on by the State Office of History and Archaeology.

CONSISTENCY STATEMENT: OPMP concurs with the consistency certification submitted by by Bristol Environmental and Engineering Services as the agent for Alaska Gold Company.

AUTHORIZATIONS: State agencies shall issue the following authorizations within five days after OPMP issues the final consistency determination that concurs with the applicant’s consistency certification, unless the resource agency considers additional time to be necessary to fulfill its statutory or regulatory authority.

I. Rock Creek Mine/Mill Site

U.S. Army Corps of Engineers (COE)
Section 404 Permit No. POA-2006-742-4

Alaska Department of Environmental Conservation (ADEC)
401 Certificate of Reasonable Assurance

Alaska Department of Natural Resources (DNR)
Division of Mining, Land and Water (DMLW)
Reclamation Plan Approval F20069578
Temporary Water Use Permits nos. F2006-09, F2006-10, F2006-11, F2006-12

II. Big Hurrah Mine

U.S. Army Corps of Engineers (COE)
Section 404 Permit No. POA-2006-742-4
Alaska Department of Environmental Conservation (ADEC)
401 Certificate of Reasonable Assurance

Alaska Department of Natural Resources (DNR)
Division of Mining, Land and Water (DMLW)
Reclamation Plan Approval F20069578
Temporary Water Use Permit nos. F2006-13, F2006-14
Office of Habitat Management & Permitting (OHMP)
Fish Habitat Permit (Big Hurrah Creek)

The Department of Environmental Conservation (DEC) will review any activities subject to DEC permits, certifications, approvals, and authorizations for consistency with 11 AAC 112.310. The issuance of the permits, certifications, approvals, and authorizations by DEC establishes consistency with 11 AAC 112.310 for those specific activities.

Please note that, in addition to their consistency review, State agencies with permitting responsibilities will evaluate this proposed project according to their specific permitting authorities. Agencies will issue permits and authorizations only if they find the proposed project complies with their statutes and regulations in addition to being consistent with the coastal program. An agency permit or authorization may be denied even though the State concurs with the ACMP. Authorities outside the ACMP may result in additional permit/lease conditions. If a requirement set out in the project description (per 11 AAC 110.260) is more or less restrictive

than a similar requirement in a resource agency authorization, the applicant shall comply with the more restrictive requirement. Applicants may not use any State land or water without Department of Natural Resources (DNR) authorization.

PUBLIC COMMENTS: Written public comments regarding ACMP consistency were received from Nome resident Austin Ahmasuk, Kawerak Inc., and the Kawerak Reindeer Herders Association (submitted by Kawerak, Inc. on the reindeer herders' association behalf).

I. Austin Ahmasuk of Nome provided detailed personal comments regarding the proposed project activities and its consistency under the following ACMP statewide standards: 11 AAC 112.270 Subsistence; 11 AAC 112.280 Transportation Routes and Facilities; 11 AAC 112.300 Habitats; and 11 AAC 112.900 Sequencing process to avoid, minimize or mitigate.

Under 11 AAC 112.270 Subsistence, Mr. Ahmasuk raised concerns that the project would negatively impact Nome and Solomon area subsistence uses. The principle impact would be aquatic resources but there also may be impacts to terrestrial resources. Concerns regarding subsistence at Big Hurrah included: 1) the proposed fish pools provide minimal habitat improvement, 2) the potentially acid generating rock would impact aquatic resources, 3) sedimentation will reduce aquatic habitat and 4) there is no fine detail on how sediment will be controlled.

Concerns regarding Subsistence at Rock Creek included: 1) The Snake River watershed is an important subsistence resource. 2) beaver are not included as one of the wildlife resources in the Rock Creek and Snake River watersheds, 3) there is potential to expose cyanide in free and converted form, 4) paste tailing failure could impact the Snake River watershed with non-toxic ferrocyanide that decomposes to release free cyanide, 5) Weak Acid Dissociable (WAD) cyanide complexes, 6) acid generating rock piles need to have increased monitoring, 7) agency monitoring should be increased, 8) sampling results should be provided to all interested parties, 9) there is no detail on how fine sedimentation will be controlled.

Under 11 AAC 112.300 Habitats, Mr. Ahmasuk's had concerns about activities at Rock Creek and Big Hurrah. Factors that he believed affected overall consistency included: 1) sedimentation, 2) cyanide releases, 3) acidification of surface water, 4) geochemical changes to surface water, and 5) aquatic life biodiversity impacts.

At Big Hurrah he had concerns about stream crossing, removal of historic tailings, vegetative cover and monitoring. Also at Big Hurrah concerns regarding: 1) sampling schemes, 2) Humidity Cell Testing (HCT), 3) iron carbonate buffering, 4) long term testing for Neutralizing Potential and Acid Generating Potential, 5) lack of information on Potential Acid Generating and Non Acid Generating material, 6) acid mine drainage and cyanide complexation impacts, 7)

oxidation of stockpiled rock.

Regarding the proposed operational and closure plan he felt that it should address the following: 1) Water quality impacts, 2) Energy Source impacts, 3) Biotic interaction impacts, 4) Flow regime impacts, 5) Habitat structure impacts.

He also had concerns at Rock Creek, the Snake River, Big Hurrah Creek, and the Solomon River regarding impacts to birds and fish.

Mr. Ahmasuk's comments and concerns regarding the consistency with the statewide standards for subsistence and habitats were reviewed by OPMP to determine if they constituted an inconsistency with the referenced ACMP standards. OPMP consulted with OHMP, the DNR Division of Mining, Land and Water, ADEC and the applicant regarding the concerns. OPMP determined that the concerns are addressed in the overall design of the project, as submitted by AGC, or through the terms and conditions that will be included in the required agency permits and authorizations.

Information regarding the overall design of the project, project plans and the required agency permits and authorizations mentioned above can be found in the following documents. The Rock Creek Plan of Operations (Volumes 1-8) submitted by AGC contains a detailed project design and plan. Pursuant to Alaska Statute Chapter 27.19 (AS 27.19), and the Alaska Administrative Code (11 AAC 97) as applicable to private land, DNR requires a mining reclamation plan. The Rock Creek Gold Mine Project Reclamation Plan can be found in Volume 4 of the Plan of Operations. Water quality is a major concern for the project. Water quality and waste rock monitoring will be done in accordance with AGC's Rock Creek Project Operational and Closure Monitoring Plan, Volume 7 of the Plan of Operations. This plan must be approved by ADEC as part of the Waste Management Permit. Other agency permits and authorizations include the DNR Temporary Water Use Permits, the OHMP Fish Habitat Permits, the ADEC Waste Management Permit (which includes the Monitoring Plan), the ADEC 401 Certificate of Reasonable Assurance and the COE Section 404 permit.

Please note that many of the concerns that were listed relate to water quality, which is regulated by ADEC. ADEC reviews any activities subject to DEC permits, certifications, approvals, and authorizations for consistency with ACMP Standard, 11 AAC 112.310, Air, Land and Water Quality. Consistency with this standard is established when DEC issues or waives the required authorization or certification.

Under 11 AAC 112.280 Transportation Routes and Facilities, Mr. Ahmasuk's states that although the proposed activity may be consistent with the ACMP he has concerns regarding: 1) safety, especially at Safety Sound (Nuuk) and, 2) dust control. He requests that a speed limit,

mitigation of road damage, a request to see any copies of proposed mitigation and that alternatives to calcium chloride used in dust control be considered. Jurisdiction of these concerns and recommendations is under the authority of the Alaska Department of Transportation and Public Facilities (ADOT). AGC has stated that it is willing to work with ADOT on dust control and maintenance issues. According to ADOT calcium chloride is a standard dust control method used statewide.

Mr. Ahmasuk also raised concerns under 11 AAC 112.900. This regulation is a General Provision of the ACMP and refers to the ACMP process, not a specific ACMP standard. Under 11 AAC 112.900 development projects are required to avoid, minimize or mitigate impacts under a sequencing process. According to the document *Alaska Coastal Management Plan, As Amended, Office of Project Management and Permitting, December 16, 2004, Chapter 5, Subsection 5.2.13*, the ACMP cannot be viewed as a 'no net loss' program. The 1979 Final Environmental Impact Statement states that 'complete nondegradation' is an impossible standard to meet, and [] in certain instances tradeoffs between natural values and other human values will have to be made....' The complete avoidance of impacts with a mining operation is not practicable; by definition mining takes away part of the mineral resource.

Because complete avoidance is not practicable the proposed project sequences from avoidance to, 1) minimizing adverse impacts to the maximum extent practicable and 2) mitigation where appropriate and practicable. According to AGC it has incorporated minimization and mitigation throughout the development and design of the project. A discussion of how the project has minimized impacts is in the AGC Environmental Information Document (EID) Section 6.0 Alternatives Analysis. Some of the minimization and mitigation practices referenced include avoiding wetlands where feasible, especially higher value wetlands, minimizing the overall footprint of the mine and facilities at both Rock Creek and Big Hurrah, and producing paste tailing instead of conventional tailing. The project requires no new quarries or material sites as all road and foundation fill will use mine development rock or historical tailings. Organic material will be stockpiled for use in reclamation and restoration of disturbed areas. The access road at Big Hurrah is being designed to impact the minimal amount of the stream and to enhance fish habitat. The development of a pit lake at both mine sites after closure is designed to provide over-wintering habitat for fish. Additional measures include diverting surface water and groundwater around the mine and minimizing the amount of chemicals required to process the ore.

II. Comments from the Kawerak Reindeer Herders Association were submitted under ACMP statewide standard 11 AAC 112.300 Habitats. Although the Reindeer Herders Association did not find the project inconsistent with the ACMP standards or enforceable policies it did raise concerns that reindeer habitat may be impacted by the mines, specifically the potential release by the mining operations of heavy metals and fugitive dust in the transportation

corridor. The association recommends that habitat be protected by:

- Controlling the dust caused by increased ore truck traffic
- Placing covers over the rock and ore being transported
- Continually testing to identify the presence of cadmium, heavy metals and other toxins
- Having a plan in place to stop contamination

Transportation issues regarding truck traffic are under the jurisdiction and authority of the Alaska Department of Transportation and Public Facilities. AGC has stated that it is willing to work with ADOT on dust control and maintenance issues. The ore that is being proposed for transport from The Big Hurrah ore will be drilled and blasted but not crushed or concentrated through a milling operation. According to DMLW the large particle size and the low metal concentrations of the broken ore being transported minimizes the amount and risk of dust and therefore eliminates the need for covered truck beds. The large ore size also reduces the likelihood of contaminants being dispersed during transport.

III. Comments from Kawerak, Inc. were submitted under ACMP statewide standards 11 AAC 112.270 Subsistence; 11 AAC 112.280 Transportation Routes and Facilities; 11 AAC 112.300 Habitats; and 11 AAC 112.900 Sequencing process to avoid, minimize or mitigate.

Although Kawerak, Inc. did not find the project inconsistent with the ACMP standards or enforceable policies it did have concerns and also provided recommendations.

Subsistence concerns were raised regarding the use of cyanide, the effects of acid, the release of arsenic and the sedimentation of streams and aquatic habitat. Kawerak, Inc. recommendations included monitoring the Snake River and Solomon River watersheds to detect changes in water chemistry, pH, cyanide, arsenic, and turbidity. Kawerak also recommends that the mine have steps and procedures in place to quickly mitigate any changes detected by the monitoring. They also request regular visits from permitting enforcement officers and that all monitoring data be provided to the public.

Habitat concerns were raised that the proposed activities may be inconsistent with the statewide habitat standard. Stream sedimentation is the biggest concern. An extensive monitoring program is the primary recommendation. Kawerak also recommends that a plan be developed to address the biotic and habitat integrities and how each will be monitored throughout the life of the mine.

OPMP determined that the subsistence and habitat concerns are being addressed in the overall design of the project, as submitted by AGC, or through the terms and conditions that will be included in the required agency permits and authorizations.

Transportation Routes and Facilities concerns were also raised along the section of the road that

passes through the Safety Sound (Nuuk) subsistence area. Specifically concerns were raised regarding the speed of ore trucks, safety and increased dust. Recommendations included implementing a speed limit, reconsideration of the use of calcium chloride for dust control, and covering the loads of all ore truck. Jurisdiction of these concerns and recommendations are under the authority of the Alaska Department of Transportation and Public Facilities. AGC has stated that it is willing to work with ADOT on dust control and maintenance issues.

Please see the comments in I. above regarding 11 AAC 112.900 Sequencing process to avoid, minimize or mitigate.

APPEAL: This final consistency response is a final administrative order and decision under the ACMP and for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court of Alaska must be made within thirty (30) days of the date this determination is issued.

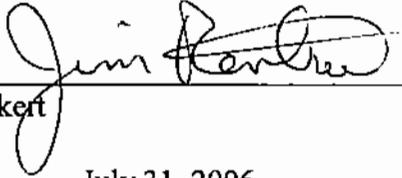
ENFORCEMENT: Pursuant to 11 AAC 110.260(e) and 110.445(e), if after receiving this final consistency response, the applicant fails to implement an adopted alternative measure, or if the applicant undertakes a project modification not incorporated into the final determination and not reviewed under 11 AAC 110.800-11 AAC 110.820, State resource agency may take enforcement action according to the resource agency's statutory and regulatory authorities, priorities, available resources, and preferred methods.

ADVISORIES:

Please be advised that although the OPMP concurs with your certification that the project is consistent with the ACMP, you are still required to meet all applicable State and federal laws and regulations. This consistency finding may include reference to specific laws and regulations, but this in no way precludes your responsibility to comply with other applicable laws and regulations.

If the proposed activities reveal cultural or paleontological resources, please stop any work that would disturb such resources and immediately contact the State Historic Preservation Office (907-269-8720) and the U.S. Army Corps of Engineers (907-753-2712) so that consultation per section 106 of the National Historic Preservation Act may proceed.

Final Consistency Response Prepared By:
Jim Renkert, Project Review Coordinator
550 W. 7th Ave., Suite 1660
Anchorage, AK 99501
(907)269-0029



Jim Renkert

July 31, 2006

Date

ACMP CONSISTENCY EVALUATION

Pursuant to the following evaluation, the project as proposed is consistent with applicable ACMP statewide and affected coastal resource district enforceable policies (copies of the policies are available on the ACMP web site at <http://www.alaskacoast.state.ak.us>).

STATEWIDE ENFORCEABLE POLICIES
11 AAC 112.200. Coastal development
a) In planning for and approving development in or adjacent to coastal waters, districts and state agencies shall manage coastal land and water uses in such a manner that those uses that are economically or physically dependent on a coastal location are given higher priority when compared to uses that do not economically or physically require a coastal location. b) Districts and state agencies shall give, in the following order, priority to <ol style="list-style-type: none">(1) water-dependent uses and activities;(2) water-related uses and activities; and(3) uses and activities that are neither water-dependent nor water-related for which there is no practicable inland alternative to meet the public need for the use or activity
Evaluation: b) The proposed project involves uses and activities which are neither water-dependent nor water related for which there is no feasible and prudent inland alternative to meet the public need for use or activity. c) OPMP defers to the United States COE to interpret compliance with the referenced standards.
11 AAC 112.210. Natural hazard areas
Evaluation: According to the project consultant, Bristol Environmental and Engineering, the project has been sited and designed to minimize property damage and loss of life as a result of seismic or other natural hazards.
11 AAC 112.220. Coastal access
Evaluation: N/A
11 AAC 112.230. Energy facilities
Evaluation: N/A
11 AAC 112.240. Utility routes and facilities
Evaluation: N/A
11 AAC 112.250. Timber harvest and processing
Evaluation: N/A
11 AAC 112.260. Sand and gravel extraction
Evaluation: N/A

11 AAC 112.270. Subsistence

Evaluation: No comments were received from the Bering Straits CRSA or state agencies regarding subsistence. The mine sites are on private land.

11 AAC 112.280. Transportation routes and facilities

Transportation routes and facilities must avoid, minimize or mitigate

- (1) alterations in surface and ground water drainage patterns;
- (2) disruption in known or reasonably foreseeable wildlife transit; and
- (3) blockage of existing or traditional access.

Evaluation: No comments were received from the district or state agencies regarding transportation routes or facilities for the proposed project. Alterations in surface and ground water drainage patterns on the Big Hurrah road are being addressed in the OHMP Fish Habitat Permit.

11 AAC 112.300. Habitats

The Habitat Standard requires that habitats in the coastal area be managed so as to avoid, minimize, or mitigate significant adverse impacts to habitat. In addition, (3) wetlands must be managed to avoid, minimize, or mitigate significant adverse impacts to water flow and natural drainage patterns. Also, (8) rivers, streams and lakes and the active floodplains and riparian management areas of those rivers, streams, and lakes must be managed to avoid, minimize, or mitigate significant adverse impacts to:

- (A) natural water flow,
- (B) active floodplains; and
- (C) natural vegetation within riparian management areas.

Evaluation: At both sites the project has been designed to avoid most impacts to aquatic resources. Zero discharge to surface water from the tailing facility will be maintained during mine operations. Surface waters will be bypassed around the mine site. Upon closure, the applicant has proposed measures to ensure that aquatic life water quality standards will be met. The project requires a Title 41 Fish Habitat Permit from the Office of Habitat Management and Permitting (OHMP) for the portion of the project at the Big Hurrah site. OHMP will monitor fish tissue metals levels both during active mining and post-mining closure to determine whether fish are accumulating metals and whether additional treatment measures are necessary. Maintenance of stream characteristics at Big Hurrah include culvert installation, road relocation, relocating willows and alders, constructing two fish ponds, and reestablishing a single thread channel.

11 AAC 112.310. Air, land, and water quality.

Evaluation: Notwithstanding any other provision of this chapter, the statutes and regulations of the Department of Environmental Conservation with respect to the protection of air, land, and water quality identified in AS 46.40.040(b) are incorporated into the program and, as administered by that department, constitute the exclusive components of the program with respect to those purposes. (Eff. 7/1/2004, Register 170)

11 AAC 112.320. Historic, prehistoric, and archeological resources.

Evaluation: The State Office of History and Archaeology has identified the project area as important due to the high potential for cultural remains. The applicant has agreed to adopt the alternative measures that have been proposed by the State Historic Preservation Officer, Office of History and Archaeology.

The applicant has been advised to contact DNR/SHPO and the U.S. Army Corps of Engineers and the Alaska State Troopers should a site of cultural or historical significance be suspected or revealed and to stop any work that would disturb any resources.

AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES

Bering Straits CRSA Enforceable Policies

A. Subsistence

A-1 Subsistence Use

A-3 Access

A-5 Impact Research

see evaluation for 11 AAC 112.270 and 11 AAC 112.300

B. Habitat and Biological Resource Protection

B-1 Habitat Alteration

B-2 Habitat Maintenance

B-5 Wetlands and Tidelands

B-9 Rivers, Lakes, and Streams

B-10 Upland Habitats

B-11 Instream Flow

B-12 Fish Passage

B-13 Maintenance of Stream Characteristics

B-14 Use of Explosives

B-15 Water Intake Structures

B-16 In-water Facilities and Structures

see evaluation for 11 AAC 112.300 and 11 AAC 112.270

C. Air, Land and Water Quality

C-1 State and Federal Regulations

C-2 Water Quality Standards

C-3 Environmental Protection Technology

C-6 Cumulative Impacts

C-7 Refuse Disposal

C-9 Storage of Petroleum and Petroleum Products

C-11 Siltation and Sedimentation

C-12.3 Discharge of Drilling Muds, Cuttings and Production Waters

see evaluation for 11 AAC 112.310

D. Historic, Prehistoric and Archaeological Sites

D-2 Cultural Resource Areas

D-3 Traditional Activities

D-5 Removal of Artifacts

D-6 Cultural Resource Orientation

see evaluation for 11 AAC 112.320

E. Geophysical Hazards

E-1 Design and Siting Criteria

E-5 Hazards

E-6 Riverine Flooding

E-7 Permafrost

see evaluation for 11 AAC 112.210

F. Coastal Development

F-1 Water-Dependent and Water Related Activities

F-2 Mitigation

F-9 Completion of Use

F-11 Compatibility

F-12 Compliance Monitoring

see evaluation for 11 AAC 112.200

G. Mining and Mineral Processing

G-5 Overburden Disposal

G-6 Reclamation and Restoration

I. Transportation and Utility Systems

I-2 Facility Design, Construction and Maintenance

I-3 Siting and Scheduling

I-6 Electric Transmission Facilities

see evaluation for 11 AAC 112.240

Evaluation: The Bering Straits CRSA did not provide OPMP with ACMP consistency comments for this particular project. OPMP must assume that the District had no substantive comments on the Rock Creek Mine Project.