May 6, 2005

Re: Finding and Decision, Jualin Mine Road, RST 4—Control of Public Access
Kensington Mine Project

To Whom It May Concern:

The Division of Mining, Land and Water (DMLW) has made a Finding and Decision to control public access along the Jualin Mine Road (RST 4) in association with the Kensington Mine Project; see attached.

The Response to Comment Document on State of Alaska Authorizations for the Kensington Mine Project and other finding and decisions, permits and certifications related to the Kensington Mine Project are available at http://www.dnr.state.ak.us/mlw/mining/largemine/kensington/.

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by May 26, 2005 and may be mailed or delivered to Tom Irwin, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr_appeals@dnr.state.ak.us. If no appeal is filed by that date, this decision goes into effect as a final order and decision on June 6, 2005. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

If you have any questions or require assistance, please call me at (907) 465-3442, or e-mail brady_scott@dnr.state.ak.us.

Sincerely,

/s/ Brady Scott

Brady Scott,
Natural Resource Specialist

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
Finding and Decision  
Jualin Mine Road, RST 4  
Control of Public Access

Authority & Delegation: This finding and decision is issued under the authority granted by AS 38.04.200 to the Commissioner of the Department of Natural Resources (DNR). That authority has been delegated by the Commissioner to the Director of the Division of Mining, Land and Water through a memorandum dated September 30, 1999.

Location and Legal Description: Copper River Meridian, Township 35 S., Range 62 E., Sections 14, 15, 23, 24, 25, & 36; and Township 36 S., Range 62 E., Section 1; containing approximately 27.8 acre(s), and located within the Jualin Mine Road (RST 4) in the vicinity of the City and Borough of Juneau, near Berners Bay, extending from Slate Creek Cove to Johnson Creek; as depicted in attachment A.

Reason for Action: In association with the Kensington Mine Project, Coeur Alaska, Inc. has requested DNR permission to control public access to the Jualin Mine Road (RST 4). The reasons for this request are: 1) protection of the public from health and safety hazards associated with mining activities; 2) compliance with applicable U.S. Mine, Safety and Health Administration (MSHA) requirements for the control of public access to mining activities; 3) avoidance of access conflicts arising from mining support vehicle traffic along the one-lane road; 4) need to haul explosives, fuel and other hazardous materials along the route; and 5) compliance with the applicable requirements of the U.S. Coast Guard, U.S. Forest Service, and Alaska Department of Environmental Conservation.

Management Criteria: Control of public use of the right-of-way will be allowed for the purposes stated above; however, such control must not unreasonably interfere with the public’s right of access. Control measures may include requiring the public to seek permission from the permittee before use of the right-of-way and specifying the time periods and types of allowed use. The permittee’s use of the Jualin Mine Road will be subject to Land Use Permit LAS 24488, or any successive land use authorization. Prior to initiating any access control measure, the permittee will submit a public access control management plan to DNR for review and approval, and will remain in compliance with the plan after approval as a condition of the land use permit.

Effective Dates: This finding and decision takes effect on May 6, 2005 and terminates upon closure and reclamation of the Kensington Mine Project, or upon a subsequent finding and decision.

Finding: The Director finds that unrestricted public access along the Jualin Mine Road (RST 4) may be incompatible with operations associated with the Kensington Mine Project. Therefore, it is in the State’s best interest to allow the permittee to control public access to the Jualin Mine Road subject to the conditions stated above.

Bob Loeffler, Director  
Division of Mining, Land and Water  

Date
Public Notice: Public notice of the proposed closure was accomplished by posting on State of Alaska Online, and by publishing in the Juneau Empire on June 21 and June 28, 2004, and the Chilkat Valley News on June 17 and July 1, 2004.

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by May 26, 2005 and may be mailed or delivered to Tom Irwin, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr_appeals@dnr.state.ak.us. If no appeal is filed by that date, this decision goes into effect as a final order and decision on June 6, 2005. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

Attachment A: Map of Jualin Mine Road (RST 4)