



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of
Fish and Game**

DIVISION OF HABITAT
Southeast Region Office

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**FISH HABITAT PERMIT FH05-I-0050
Amendment C**

ISSUED: June 10, 2013
Replaces FH05-I-0050 and Amendments A and B
EXPIRES: Upon Satisfactory Completion of Restoration

Coeur Alaska, Inc.
ATTN: Luke Russell
3031 Clinton Dr, Ste 202
Juneau, AK 99801

**RE: Tailings Impoundment Dam in Lower Slate Lake and
Temporary Dam in Mid-Lake Slate Creek**
Slate Creek (Stream No. 115-20-10030)
Sec 26, T 35 S, R 62E, CRM (Juneau D-4)
Location: 58.8081 N, 135.0383 (NAD83)

Dear Mr. Russell:

Pursuant to AS 16.05.841 and AS 16.05.871(b), the Alaska Department of Fish and Game Division of Habitat reviewed Coeur Alaska, Inc.'s Tailing Treatment Facility Ecological Monitoring Plan, required in their original permit FH05-I-0050 and subsequent amendments. The plan includes a study to investigate tailings habitability among others, to inform the closure design for the tailing treatment facility (TTF), and achieve the reclamation goal of restoring and improving aquatic productivity in Lower Slate Lake. This permit approves the plan, updates the permit for the project, and replaces the original permit and amendments A and B.

Project Description

Coeur has constructed two of three phases of an earthen dam for the TTF, which will raise the water level in Lower Slate Lake by about 85 feet, increase the size of the lake from about 20 to 56 acres, and flood the majority of Mid-Lake Slate Creek, the main inflow to Lower Slate Lake. Mine tailings will be permanently stored in the lake. During operations, Mid-Lake Slate Creek will be diverted around the TTF and safe downstream fish passage between Upper Slate Lake and East Fork Slate Creek will be provided by the diversion pipeline. Tailings will be deposited in the TTF for approximately 12 years, then reclaimed and improved to provide fish habitat. At reclamation, downstream fish migration will be provided via a constructed spillway.

Anadromous Fish Act and Fishway Act

Slate Creek has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Stream No. 115-20-10030 provides habitat for chum, coho, and pink salmon, and eulachon. We have also documented cutthroat trout and Dolly Varden char. Upstream of the barriers to anadromous fish migration, Dolly Varden char and threespine stickleback are present in East Fork Slate Creek and Upper Slate Lake.

In accordance with AS 16.05.841 and AS 16.05.871(d) project approval is hereby given subject to project description above, the terms of this permit, and following stipulations:

1. Coeur will submit plans and specifications for the final impoundment spillway with their proposed Reclamation and Closure Plan prior to closure. The Division of Habitat will approve the final plans in a future permit amendment; and
2. You will maintain the concrete diversion dam in Mid-Lake Slate Creek until conditions in the reclaimed TTF are suitable for Dolly Varden char, at which time the dam will be removed to allow free fish passage.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Division of Habitat and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising

directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

The AS 16.05.871 permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

If you have any questions regarding this permit, please contact Kate Kanouse at (907) 465-4290 or by email at kate.kanouse@alaska.gov.

Sincerely,
Cora Campbell
Commissioner



By Jackie Timothy
Southeast Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
Dan Teske, ADF&G Sport Fish, Douglas
Rich Chapell, ADF&G Sport Fish, Haines
Dave Harris, ADF&G Comm Fish, Douglas
Randy Bachman, ADF&G Comm Fish, Haines
Ryan Scott, ADF&G Wildlife Conservation, Douglas
Kyle Moselle, ADNR OPMP, Anchorage
Dave Kelley, ADNR DMLW, Juneau
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Randy Vigil, USACE, Juneau
Sarah Samuelson, USFS, Juneau
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