

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF COASTAL AND OCEAN MANAGEMENT
[Hhttp://www.alaskacoast.state.ak.us](http://www.alaskacoast.state.ak.us)

SEAN PARNELL
GOVERNOR

SOUTH CENTRAL REGIONAL OFFICE
550 W. 7TH AVENUE, SUITE 705
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 / FAX: (907) 269-3981

CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99801-0030
PH: (907) 465-3562 / FAX: (907) 465-3075

PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 257-1351 / FAX: (907) 272-3829

November 27, 2009

Teck Alaska Incorporated
Red Dog Operations
3105 Lakeshore Drive
Building A, Suite 101
Anchorage, AK 99517
Attn. Devin Harbke

Subject: Chukchi Sea/Red Dog Mine Closure and Reclamation Plan
State I.D. No. AK 0907-05AA
Final Consistency Response

Dear Mr. Harbke:

The Division of Coastal and Ocean Management (DCOM) has completed coordinating the State's review of your proposed project for consistency with the Alaska Coastal Management Program (ACMP). DCOM 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 Northwest Arctic Borough Coastal District, DCOM *concur*s with your certification that the project is consistent with the ACMP and affected coastal district's 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 DCOM's final finding.

If you have any questions regarding this process, please contact me at 907-269-0029 or email Jim.Renkert@alaska.gov.

Sincerely,



Jim Renkert
Project Review Coordinator

Enclosures

cc:

Rick Fredericksen	DNR/DMLW
Jack Dimarchi	DNR/DMLW
Steve McGroarty	DNR/DMLW
Charlie Cobb	DNR/DMLW
Alexander Wait	DNR/DMLW
Bruce Campbell	ADOT/PF
Ellen Simpson	ADFG
Tim Pilon	DEC
Fran Roche	DEC -JNU
Frank Maxwell	DNR/DMLW
Jeanne Proulx	DNR/DMLW
John Chase	NWAB Coastal District Coordinator
Kellie Westphal	DNR/DMLW
Al Ott	ADFG/Habitat
Robert McLean	ADFG/Habitat
Roselynn Ressa	DNR/DMLW
Sean Palmer	DEC - ANC
Shauna McMahon	DCOM
SHPO	DNR/SHPO
Tom Okleasik	NWAB Planning Director
Grant Hildreth	NWAB Deputy Planning Director
Don Kuhle	USACE Regulatory Branch

Barbara MacManus	Planning Commission, NWAB
Bryan Herczeg	EPA
Carol Wesley	Planning Commission, NWAB
Frank Adams	
Glen Yankus	NPS
Grant Hildreth	Planning Commission, NWAB
Helen Bolen	Maniilaq Association
Jackie Hill	Maniilaq Association
Kotzebue City Clerk	Kotzebue
Lester Hadley	Planning Commission, NWAB
Paul Hunter	NPS
Michael Dombkowski	US Coast Guard Civil Engineering
Nikos Pastos	Alaska Intertribal Council
Nina Shestakovich	Maniilaq Association
Ron Hunicutt	Planning Commission, NWAB
Sheila A. Gregg	Deering IRA Council
Sheldon Raven	Planning Commission, NWAB
Subsistence Coordinator	Nana Corporation
Tom Hanifan	Planning Commission, NWAB
Harold Shepard	Center for Water Advocacy

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

DATE ISSUED: NOVEMBER 27, 2009

PROJECT TITLE: RED DOG MINE CLOSURE AND RECLAMATION PLAN

STATE ID. NO.: AK 0907-05AA

AFFECTED COASTAL RESOURCE DISTRICT(S): NORTHWEST ARCTIC BOROUGH

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

The scope of the project subject to this consistency review includes the following.

I. The Red Dog Mine Closure and Reclamation Plan Approval for the Main, Aqqaluk and Qanaiyag pits at the Red Dog Mine, and

II. Impacts to 119 acres of wetlands for the development of the Aqqaluk pit deposit.

I. Red Dog Mine Closure and Reclamation Plan Approval, Description

Teck Alaska Incorporated (Teck) and NANA Regional Corporation (NANA) are associates in the operation of the Red Dog Mine. All large mining operations are required to file definitive closure and reclamation plans in accordance with and subject to Alaska Statutes 27.19 (Reclamation) and 38.05 (Alaska Land Act) and the Alaska Administrative Code, Title 11 and Chapter 97 (Mining Reclamation). Closure and Reclamation plans detail the procedures and requirements for the orderly closure of the mine and reclamation of disturbed areas. According to Teck the current projections are that the mine will remain in operation until 2031. Completion of the Closure and Reclamation enables Teck to accomplish several purposes. The plan allows for:

- modifications or restrictions to the operation to facilitate long term environmental protection
- integrating long term operating and closure plans
- determining the amount of funds required by the State of Alaska to cover closure and reclamation costs
- engaging the local communities to ensure the long term plans of the mine are consistent with their concerns

The General Stipulations of the Closure and Reclamation plan include provisions for financial assurance, terms of approval, authorized officer, monitoring, reporting, as-built maps, temporary closure, abandonment or cessation of operations, permanent closure, post-closure, and environmental audit. The plan also includes sections on Project-Specific Stipulations and Standard Stipulations. The complete list of stipulations can be found at: <http://dnr.alaska.gov/mlw/mining/largemine/reddog/publicnotice/pdf/draftrecplanapproval.pdf>

II. Aqqaluk Pit Deposit Project Description

Teck Alaska is proposing to develop the Aqqaluk Deposit at Red Dog Mine using traditional open pit mining methods to extract zinc and lead resources.

The proposed project will consist of developing a 600-foot-deep, 0.5 to 0.75-mile-diameter, circular open pit mine. The project would affect 245 acres, of which 119 acres are wetlands, and would require discharges of fill material for construction of auxiliary structures such as temporary stockpiles, access roads, and diversion channels. Access roads and diversion structures would be located within the pit boundary. The majority of the excavated waste rock would be deposited in the existing Red Dog Main Pit, with the remainder deposited on the existing Main Waste Rock Pile. No temporary stockpiles or double handling of material would occur in wetlands outside the project area.

A permanent diversion structure, or similarly functioning temporary structures, would be constructed for Sulfur Creek prior to pit development within the Sulfur Creek drainage basin. The purpose of the structure would be to divert clean water around the pit, thereby minimizing the volume of water that contacts mineralized materials and limiting the volume of water requiring treatment.

Location The location of the Red Dog Mine is in northwest Alaska 82 miles north of Kotzebue on private and state lands. A legal description of the property subject to the closure and reclamation plan can be found at:

<http://dnr.alaska.gov/mlw/mining/largemine/reddog/publicnotice/pdf/sda2.pdf> (Red Dog Mine Closure and Reclamation Plan, Supporting Documents (SD), SD A2 – Legal Description of Property).

The following is an abbreviated version of the legal description:

- Sections 5 – 8, Township 30 North, Range 18 West;
- Sections 1, 2, 11 and 12, Township 30 North, Range 19 West;
- Sections 1 – 24, 27 – 33, Township 31 North, Range 18 West;
- Sections 12, 13, 24 – 26, 35, 36, Township 31 North, Range 19 West;

- Sections 32 – 35, Township 32 North, Range 18 West, Kateel River Meridian

The Aqqaluk pit deposit development is located in:

- Sections 16, 17, 20, and 21, Township 31 North, Range 18 West, Kateel River Meridian; Latitude 68.075° North, Longitude 162.831° West.

Additional Information: The U.S. Environmental Protection Agency has prepared the “Red Dog Mine Extension, Aqqaluk Project, Supplemental Environmental Impact Statement” (SEIS) to evaluate the environmental effects associated with development of the Aqqaluk Deposit. The Corps of Engineers participated as a Cooperating Agency for preparation of the SEIS and will use it as part of their decision-making process. The SEIS is available at www.reddogseis.com, or a copy may be obtained by contacting Don Kuhle at (907) 753-2780, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at don.p.kuhle@usace.army.mil.

Applicant Proposed Mitigation: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

- a. Avoidance: Placement of the waste rock from the Aqqaluk deposit on the existing Main waste rock pile and in the Main pit will avoid additional new ground disturbance. Impacts to Sulfur Creek and the wetlands immediately adjacent to the Aqqaluk pit are unavoidable because of the physical location of the economic ore body.
- b. Minimization: Unavoidable impacts to wetlands adjacent to the Aqqaluk pit are minimized by limiting the pit to only the size necessary to recover the economic ore. Wetlands are primarily on the periphery of the Aqqaluk deposit so impacts will be minimized by maintaining pit walls at the steepest angle possible that ensures the longterm stability of the pit.

Impacts will be minimized by placing the temporary ore stockpiles required to provide a consistent grade of ore feed to the milling facilities on disturbed ground within the active pit boundary.

Minimization will occur wherever possible by maintaining the natural vegetated surface in contiguous sections in such a way as to not fragment the wetland habitats or bisect the natural direction of subsurface or surface water flow.

- c. Compensatory Mitigation: If a viable agent can be identified to offset the unavoidable impacts to waters of the United States, in the form of tundra wetlands, Teck proposes an

In Lieu Fee program for compensatory mitigation. Recognizing that an In Lieu Fee program would require an agent such as The Conservation Fund for the service area with a suitable number and type of available credits to offset the impacts, Teck proposes a 1.5 to 1 or a 2 to 1 ratio of compensation based on an inferred moderate function of the 119 acres of impacted wetlands.

Based on the Magee method of hydro geomorphic rapid assessment of wetland function and data collected in conjunction with the Wetland Jurisdictional Determinations, the impacted wetlands are slope class wetlands that perform a moderate function in the Red Dog Creek watershed. The high-level functions performed by the impacted wetlands relate to water quality, export of detritus, diversification of vegetation and fauna habitat. The impacted wetlands perform a moderate function for storm and flood water storage with low value function in modification of stream flow, ground water discharge, and recharge. The 119 acres of impacted wetlands, comprised of mixed shrub and ericaceous shrub-sedge tundra habitats, amount to approximately 1.3% of the most common wetland habitats in the Red Dog Creek watershed, assuming approximately 57.1% of the 15,789 acres of Red Dog Creek watershed are wetlands. The 119 acres of impacted wetland habitats in the Aqqaluk disturbance area are not unique to the project area and do not perform a critical function to the surrounding watershed or Alaskan tundra habitats.

If a suitable In Lieu Fee program cannot be identified, Teck proposes unavoidable impacts to waters of the United States be offset through permittee-responsible mitigation that enhances the function of stream, riverine, and wetland habitats downstream of the mine. Enhancement would be accomplished through the construction of the Sulfur Creek Diversion.

The water quality of Sulfur Creek is naturally high in metals similar to the pre-mining condition of Red Dog Creek. Prior to mining, the metal-laden waters of Red Dog Creek produced naturally degraded stream and riverine habitats downstream of the mine. Isolation of Sulfur Creek from the sub-surface water and surface water that originates in the mineralized and naturally denuded areas of the Aqqaluk deposit will improve the water quality in the Middle Fork and Main Stem of Red Dog Creek, thereby enhancing stream water quality and habitats in the adjacent floodplains. An estimated 68 acres of Middle Fork Red Dog Creek floodplain and an additional 86.4 acres of floodplain in the Main Stem Red Dog Creek would be enhanced by improved water quality.

Sulfur Creek is an intermittent stream that drains a 166-acre drainage basin contributing approximately 95 million gallons of water per year (based on annual average precipitation of 20.6 inches) to the Red Dog Creek watershed. These waters naturally carry a significant load of metals, particularly lead, zinc, cadmium, and iron. Although Sulfur Creek accounts for only about 7% of the 1.3 billion gallons of water that drains through the Red Dog Creek Diversion it contributes the majority of the annual lead load to the Red Dog Creek watershed. Sulfur Creek also produces the highest maximum concentrations of zinc, lead, cadmium, iron, sulfate, total

dissolved solids, and total suspended solids of the tributaries that drain areas adjacent and upstream of Red Dog Mine.

Capture and treatment of Sulfur Creek sub-surface and surface water runoff from the mineralized areas of the Aqqaluk deposit in conjunction with the diversion and segregation of cleaner surface water draining from the vegetated areas will be the purpose of the Sulfur Creek Diversion. The diversion of Sulfur Creek is analogous to the Red Dog Creek diversion in the Main pit and by improving water quality will result in further enhancement of downstream high value riverine and aquatic habitats. Although the steeper gradient of the Sulfur Creek drainage adds significant engineering challenges above those encountered in the design of the Red Dog Creek Diversion, the Sulfur Creek Diversion is a viable method of mitigating impacts to downstream water quality.

If Permittee responsible mitigation is identified as the preferred mitigation program, Teck in cooperation with the Corps of Engineers will develop a Final Mitigation Work Plan that ensures the Sulfur Creek diversion functions in an efficient and sustainable manner to offset the functional loss of the impacted wetlands. The final work plan would include a maintenance plan; establish performance standards, monitoring requirements, long-term and adaptive management plans, along with a mechanism of financial assurance.

Various studies, including the annual bio-monitoring studies conducted by the Alaska Department of Fish and Game, have demonstrated increased function of downstream aquatic and riverine habitats since mining and the associated water management practices began. The proposed mitigation is a proven technique that has been successfully used in the specific watershed at issue. The Sulfur Creek diversion will contribute significantly to an already successful mitigation technique by further improving water quality downstream of the mine.

CONSISTENCY STATEMENT: DCOM concurs with the consistency certification submitted by Teck Alaska Incorporated.

AUTHORIZATIONS: State agencies shall issue the following authorizations within five days after DCOM 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.

U.S. Army Corps of Engineers
Section 404 Permit No. POA-1984-12-M45

Department of Environmental Conservation (DEC)
Certificate of Reasonable Assurance (401)

Department of Natural Resources (DNR)

Division of Mining, Land and Water
Draft Red Dog Mine Closure and Reclamation Plan Approval F20099958

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 may deny a permit or authorization even though the ACMP concurs with your consistency certification. 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.

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 DCOM 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 705
Anchorage, AK 99501
(907)269-0029



Jim Renkert

November 27, 2009

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 STANDARDS
<p>11 AAC 112.200. Coastal development</p> <p>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.</p> <p>(b) Districts and state agencies shall give, in the following order, priority to</p> <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 <p>Evaluation:</p> <p>b) The proposed project involves uses and activities which are neither water-dependent nor water related for which there are no feasible and prudent inland alternatives to meet the public need for the use or activity.</p> <p>c) DCOM defers to the United States COE to interpret compliance with the referenced standards.</p>
<p>11 AAC 112.210. Natural hazard areas</p> <p>Evaluation: No comments were received from state agencies regarding natural hazards for the proposed project.</p> <p>The applicant provided the following evaluation:</p> <p>(a) Describe the natural hazards designated in the district plan as they affect this site.</p> <p>This project is not in a natural hazard area designated by a coastal district or the Alaska Department of Natural Resources. However the project has recognized permafrost and potential earthquakes as natural hazards that may affect the project.</p> <p>(b) Describe how the proposed project is designed to accommodate the designated hazards. How will you use site design and operate the proposed activity to protect public safety, services and the environment from potential damaged caused by known natural hazards?</p> <p>See Red Dog Mine Closure and Reclamation Plan, Supporting Document C: Geotechnical, SRK Consulting, August 2008, for details.</p>

- (d)(1) Describe the measures you will take to meet relevant codes and safety standards in the siting, design, construction and operation of the proposed activity. See response to (b), above.
- (d)(2)(A) If your project is located in an area without codes and safety standards, how is your project engineered for the specific natural hazard? Give the name of the appropriately qualified registered engineer who will approve the plans for protecting public safety, services, and the environment from damage caused by hazards OR
- (d)(2)(B) If the level of risk presented by the design of the project is low, how do the project plans and project design address the potential natural hazard?

The level of risk and the details of how the project plans and design address the natural hazard risks are included in the Red Dog Mine Closure and Reclamation Plan and Supporting Document C: Geotechnical, SRK Consulting, August 2008.

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

- (a) Utility routes and facilities must be sited inland from beaches and shorelines unless
- (1) the route or facility is water-dependent or water related; or
 - (2) no practicable inland alternative exists to meet the public need for the route or facility.
- (b) Utility routes and facilities along the coast must avoid, minimize, or mitigate
- (1) alterations in surface and ground water drainage patterns;
 - (2) disruption in known or reasonably foreseeable wildlife transit;
 - (3) blockage of existing or traditional access.

The applicant provided the following evaluation:

(a) Standard is not applicable; the proposed project plan does not include utility routes or facilities nor is it adjacent any beaches or shorelines.

(b)(1) Standard is not applicable, yet, the proposed project will avoid, minimize, and/or mitigate alteration of surface and ground water drainage using various methods that include, but are not limited to, vegetated covers for waste rock piles, long-term water treatment facilities, and detailed monitoring plans. Within the mine drainage area the primary mechanism will be a variety of water capture and diversion structures used to direct clean water around the mine drainage area. The structures will minimize the amount of water that requires storage and treatment. All water that has the potential to be impacted by the facility will be captured and treated in accordance with the NPDES Permit AK-003865-2. These methods are detailed in the Red Dog Mine Closure and Reclamation Plan, SRK Consulting, August 2008, and the applicant proposed mitigation statement included with the COE permit application.

(2) The project area is not a primary migratory route so no foreseeable impacts to wildlife transit are anticipated.

(3) Current access to the site is restricted, concerns regarding future access are addressed in the Red

Dog Mine Closure and Reclamation Plan, SRK Consulting, August 2008.
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
<p>The applicant provided the following evaluation: The project site is not within a designated Important Subsistence Resource Area. Nonetheless, this project recognizes the importance of subsistence resources as an important part of the TCAK NANA operating agreement. The Red Dog Mine Closure and Reclamation Plan incorporates many actions that serve to avoid and/or minimize impacts to the subsistence resources of the area. See Red Dog Mine Closure and Reclamation Plan, SRK Consulting, August 2008, and Supporting Document H - Ecological Risks, Exponent 2008, for details.</p>
11 AAC 112.280. Transportation routes and facilities
<p>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.</p> <p>The applicant provided the following Evaluation:</p> <p>Standard is not applicable, the project does not include construction of transportation routes or facilities and Pit access roads will be constructed within the ultimate footprint of the Aqqaluk Pit.</p> <p>(1) Standard is not applicable, yet, the proposed project will avoid, minimize, and/or mitigate alteration of surface and ground water drainage using various methods that include, but are not limited to, vegetated covers for waste rock piles, long-term water treatment facilities, and detailed monitoring plans. Within the mine drainage area the primary mechanism will be a variety of water capture and diversion structures used to direct clean water around the mine drainage area. The structures will minimize the amount of water that requires storage and treatment. All water that has the potential to be impacted by the facility will be captured and treated in accordance with the NPDES Permit AK-003865-2. These methods are detailed in the Red Dog Mine Closure and Reclamation Plan, SRK Consulting, August 2008, and the applicant proposed mitigation statement included with the COE permit application.</p> <p>(2) The project area is not a primary migratory route so no foreseeable impacts to wildlife transit are anticipated.</p> <p>(3) Current access to the site is restricted, concerns regarding future access are addressed in the Red Dog Mine Closure and Reclamation Plan, SRK Consulting, August 2008.</p>

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. Potentially affected habitats for the project include **(3) Wetlands**, and **(8) Rivers, streams, and lakes and the active floodplains and riparian management areas of those rivers, streams, and lakes**.

(3) Wetlands must be managed to avoid, minimize, or mitigate significant adverse impacts to water flow and natural drainage patterns;

(8) 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: The Alaska Department of Fish and Game, Division of Habitat does not require any permits for the project. ADFG provided input to the Monitoring Plan that will be incorporated by reference into appropriate federal and state permits.

The applicant provided the following Evaluation:

Drainage exposed to, or with the potential for exposure to, mineralized material within the mine beneficiation area will be captured and or pumped to the water treatment facility and discharged in accordance with NPDES permit AK-003865- 2. Other non-mineralized areas will be managed under current and future Red Dog Mine Storm Water Pollution Prevention Plans using best management practices to protect “Waters of the United States” in the project area. Habitats impacted by the development of the Aqqaluk pit will be avoided, minimized, and mitigated as detailed in the Applicant Proposed Mitigation Statement attached to the USACE application submitted with this certification statement.

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: Comments from the district and the State did not identify the proposed project location as an area which is important to the study, understanding, or illustration of national, state, or local history or prehistory. 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

The Northwest Arctic Borough Coastal Management Plan is currently being revised.