

# STATE OF ALASKA

SARAH PALIN, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES OFFICE OF PROJECT MANAGEMENT/PERMITTING ALASKA COASTAL MANAGEMENT PROGRAM

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April 6, 2007

Mr. Darwin Green  
Niblack Mining Corporation  
800 West Pender Street – Suite 615  
Vancouver, B.C., Canada V6C 2V6

Dear Mr. Green:

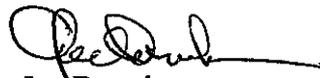
**Subject: Niblack Anchorage (Floating Camp – Temporary Site)  
State I.D. No. AK 0703-01J  
Final Consistency Determination – Concurrence**

The Office of Project Management and Permitting (OPMP) has completed coordinating the State's review of Niblack Mining Corporation's proposed temporary siting of a floating camp barge in Niblack Anchorage, on Prince of Wales Island, Alaska, for consistency with the Alaska Coastal Management Program (ACMP).

Based upon review by the Alaska Department of Natural Resources and the nearest affected Coastal District, OPMP has developed the enclosed consistency determination, in which the State concurs with certification that you submitted, that the project is consistent with the ACMP and affected coastal district's enforceable policies. This will be the final ACMP decision for this project, as proposed.

By copy of this letter, OPMP is informing the U.S. Army Corps of Engineers and State review participants of OPMP's proposed finding. If you have any questions, please contact me at 907-465-4664 or email [joe\\_donohue@dnr.state.ak.us](mailto:joe_donohue@dnr.state.ak.us).

Sincerely,



Joe Donohue  
ACMP Project Specialist

Enclosure

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

cc: Fran Roche – ADEC, Juneau  
Mark Fink – ADFG, Anchorage  
Alex Dugaqua – ADNR/DMLW, Juneau  
David Cohen – ADNR/DMLW, Juneau  
Brady Scott – ADNR/DMLW, Juneau  
Andrea Meyer – ADNR/DMLW, Anchorage  
Mark Minnillo – ADNR/OHMP, Craig  
Rhonda Ren-Kingery – ADNR/OHMP, Craig  
Claire Batac – ADNR/OPMP, Juneau  
Bob Tsigonis – ADNR/OPMP, Fairbanks  
Claire Batac – ADNR/OPMP, Juneau  
Margie Goatley – ADNR/SHPO, Anchorage  
Jim Gould – Coastal District, Thorne Bay  
Rick Richins – Agent, RTR Resource Management, Boise, ID  
Nicole Hayes – USACE, Regulatory, Anchorage  
John Hudson – NMFS, Juneau  
Ian Newton – USCG, Juneau  
Brian Levenson – USCG, Juneau

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

**DATE ISSUED:** April 6, 2007

**PROJECT TITLE:** Niblack Anchorage (Floating Camp – Temporary Site)

**STATE ID. NO.:** AK 0703-01J

**AFFECTED COASTAL RESOURCE DISTRICT:** None

**APPLICANT:** Niblack Mining Corporation / Mr. Darwin Green

**DESCRIPTION OF PROJECT SUBJECT TO ACMP REVIEW:**

The temporary site for the proposed floating camp in Niblack Anchorage lies within section 34, Range 88 E., Township 78 S., Copper River Meridian, at approximately 55.396° North, 132.862° West.

**Background Information -**

Niblack Mining Corporation (NMC) is in the process of acquiring the State and Federal various authorizations required for underground exploratory mining operations at the Niblack Mine situated on the uplands adjacent to Niblack Anchorage. The exploratory mining operations are necessary for the Company to ascertain whether there are sufficient valuable minerals to support a full-scale underground mining operation at the site.

In 1996 Abacus Minerals Corporation proposed an uplands crew camp site for support of their continued exploratory work at the mine site. This camp site was reviewed for consistency with the ACMP in 1996 under “AK 9604-06J”. NMC has recently acquired the Niblack Anchorage assets of Abacus Minerals Corporation. In a departure from the earlier exploratory work plan NMC proposes to operate a self-contained floating crew camp on a barge.

The eventual plan is for this floating camp barge to be permanently moored to driven steel piles located beside a proposed barge landing in shallow water and attached to shore by a metal access causeway. It is expected that the permitting process for the permanent site by the barge landing may not be completed until late in the Spring of 2007. In the interim, NMC is proposing this current temporary anchorage site along the north shore to provide camp facilities for the exploratory work force.

**Additional Review Information -**

As a result of the eelgrass study of the shallow western waters of Niblack Anchorage - conducted for NMC by HDR, it was discovered that the distribution of eelgrass was spotty throughout the area. With the assistance of the graphic illustrations that accompanied the eelgrass survey, NMC has

stated that they will take precautions to avoid eelgrass in positioning their float camp in this temporary site.

As per 11 AAC 110.255(j), OPMP is issuing this determination as the final ACMP consistency determination because the review participants concurred with the proposed consistency determination and the applicant accepted the recommended alternative measure.

**SCOPE OF PROJECT TO BE REVIEWED:**

The scope of the dock project subject to the consistency review includes all Federal and State applications and supporting documents submitted to gain authorizations for the proposed temporary siting of the floating camp barge in Niblack Anchorage. These applications and supporting documents will be within the scope of this ACMP consistency review.

**AUTHORIZATIONS:**

The project must be found consistent with the ACMP before the following Federal and State authorizations may be issued:

U.S. Army Corps of Engineers (USACE)  
Section 10 Permit No. POA-1982-0290 (Modification)

Department of Natural Resources (ADNR)  
Division of Mining, Land and Water (DMLW)  
Land Use Permit – LAS 25727

**CONSISTENCY STATEMENT:**

Based on an evaluation of your project by the Alaska Department of Natural Resources' Division of Mining, Land and Water (DMLW) and the Office of Habitat Management and Permitting (OHMP), and the nearest affected Coastal District, the State of Alaska concurs with the consistency certification submitted by Niblack Mining Corporation of Vancouver, BC, Canada and signed by Mr. Robert T. Richins.

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 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 DNR authorization.

This final consistency determination represents a consensus reached between you as the project applicant and the reviewing agencies listed above; regarding the conditions necessary to ensure the proposed project is consistent with the ACMP. We are informing the federal agency

responsible for approving a federal authorization for your project that your original proposal has not been modified subject to the conditions in this consistency determination.

This final consistency determination is a final administrative decision for purposes of Alaska Appellate Rules 601-612. Any appeal from this decision to the superior court must be made within 30 days of the date of this determination.

**ADVISORIES:**

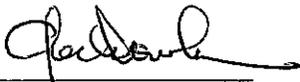
This consistency determination may include reference to specific laws and regulations, but this in no way precludes an applicant's responsibility to comply with all other applicable State and federal laws and regulations.

This consistency determination is only for the project as described and for the agreed upon alternative measures. If, after issuance of a final consistency determination, the applicant proposes any changes to the approved project, including its intended use, prior to or during its siting, construction, or operation, the applicant must contact this office immediately to determine if further review and approval of the modifications to the project are necessary. Changes may require amendments to the State authorizations listed in this determination, or may require additional authorizations.

If the proposed activities reveal cultural or paleontological resources, the applicant is to 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 DETERMINATION PREPARED BY:**

Joe Donohue – ACMP Project Specialist  
Department of Natural Resources  
Alaska Coastal Management Program  
PO Box 111030  
Juneau, Alaska 99811-1030  
(907) 465-8790



Joe Donohue

**ACMP CONSISTENCY EVALUATION**  
**Niblack Anchorage (Floating Camp – Temporary Site) – AK 0703-01J**

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>).

<b>STATEWIDE STANDARDS</b>
<b>11 AAC 112.200. Coastal Development</b>
<b>Evaluation:</b> This project is recognized as a water-dependent or water-related use. This project, as proposed and described, meets the intent of this standard.
<b>11 AAC 112.210. Natural Hazard Areas</b>
<b>Evaluation:</b> There were no district or state-designated natural hazard areas at this site. This project, as proposed and described, meets the intent of this standard.
<b>11 AAC 112.220. Coastal Access</b>
<b>Evaluation:</b> This project, as proposed and described, does not restrict public access to coastal waters and therefore meets the intent of this standard.
<b>11 AAC 112.230. Energy Facilities</b>
<b>Evaluation:</b> This standard does not apply to the project as proposed.
<b>11 AAC 112.240. Utility Routes and Facilities</b>
<b>Evaluation:</b> This standard does not apply to the project as proposed.
<b>11 AAC 112.250. Timber Harvest and Processing</b>
<b>Evaluation:</b> This standard does not apply to the project as proposed.
<b>11 AAC 112.260. Sand and Gravel Extraction</b>
<b>Evaluation:</b> This standard does not apply to the project as proposed.
<b>11 AAC 112.270. Subsistence</b>
<b>Evaluation:</b> There were no subsistence areas designated within the project area. This project, as proposed and described, meets the intent of this standard.
<b>11 AAC 112.280. Transportation Routes and Facilities</b>
<b>Evaluation:</b> This project, as proposed and described, meets the intent of this standard.
<b>11 AAC 112.300. Habitats</b>
Under 11 AAC 112.300, the following habitats in the coastal area of this temporary float camp site subject to the ACMP include (1) offshore areas.....
<b>Evaluation:</b> OHMP provided the following comments to OPMP on March 22, 2007: "The applicant proposes to use a temporary mooring site for a floating camp barge. The site would be located in the northwest portion of Niblack Anchorage in Section 34 of Township 78S., Range 88E., CRM; at North 55.396°, West 132.862°.

Based on the draft results of an eelgrass survey which was completed on February 20, 2007, it appears that the barge would not be sited over any eelgrass beds.

Habitats in the project area that are subject to the ACMP include offshore areas. The management of these habitats must be conducted as follows:

- offshore areas must be managed to avoid, minimize, or mitigate significant adverse impacts to competing uses such as commercial, recreational, or subsistence fishing, to the extent that those uses are determined to be in competition with the proposed use:

Pursuant to 11 AAC 110 and 11 AAC 112.300 HABITATS of the Alaska Coastal Management Program (ACMP), OHMP finds the project as proposed consistent with the ACMP."

Based on these consistency comments this project as proposed and described, meets the intent of this standard.

#### **11 AAC 112.310. Air, Land & Water Quality**

**Evaluation:** The ADEC statutes and regulations with respect to air, land and water quality are incorporated into the ACMP. The issuance of an ADEC authorization constitutes consistency with the ACMP for the authorized activity and this standard. Consistency with this standard will be established when the ADEC issues or waives the required authorizations.

#### **11 AAC 112.320. Historic, Prehistoric, and Archaeological Resources**

**Evaluation:** The consistency determination advises the applicant to contact ADNR/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**

##### **Thorne Bay Coastal District:**

**Evaluation:** The project is not sited within the boundaries of any approved Southeast Coastal District. OPMP did not receive any comments from Thorne Bay's Coastal District – the nearest approved coastal district.