



REPLY TO
ATTENTION OF:

Regulatory Division
POA-1982-290-N

**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
REGULATORY DIVISION
P.O. BOX 6898
ELMENDORF AFB, ALASKA 99506-0898**

JUL 12 2007

Mr. Rick Richins
RTR Resource Management
1109 West Main Street, Suite 480
Boise, Idaho 83702

Dear Mr. Richins:

Enclosed are two copies of Department of the Army permit POA-1982-290-N, Moira Sound, which authorizes the construction of a marine barge landing facility, a barge camp and dock. The project site is located within Section 34, T. 78 S., R. 88 E., Copper River Meridian; Latitude 55.0667° N., Longitude 132.1461° W.; in Niblack Anchorage, off of Moira Sound on Prince of Wales Island. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

You may contact me via email at nicole.m.hayes@poa02.usace.army.mil, by mail at the address above, by phone at (907) 753-2712, or toll free from within Alaska at (800) 478-2712, if you have questions. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,

A handwritten signature in cursive script that reads "Nicole Hayes".

Nicole Hayes
Project Manager

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: Niblack Mining Corporation

Permit No.: POA-1982-290-N, Moira Sound

Issuing Office: U.S. Army Engineer District, Alaska

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

- Construct a 24-foot wide by 60-foot long barge and landing craft ramp. Approximately 500 cubic yards of fill will be placed below the high tide line (HTL) (the HTL is 19.4 feet relative to mean lower low water datum elevation 0.0-feet) for the ramp;
- Construct a 10-foot by 100-foot pile supported walkway;
- Construct a 5-foot by 70-foot float ramp;
- Construct a 10-foot by 225-foot pile-supported steel and wood float;
- Moor a 50-foot by 150-foot camp barge;
- Install twelve 16-inch steel piles to support the structures; and
- Install a one-inch water line to supply the camp barge with water for domestic use. The water line would be attached to the walkway and floats.

All work will be performed in accordance with the attached plan, sheets 1-6, dated February 5, 2007.

Project Location:

The proposed project site is located within Section 34, T. 78 S., R. 88 E., Copper River Meridian; Latitude 55.0667° N., Longitude 132.1461° W.; in Niblack Anchorage, off of Moira Sound on Prince of Wales Island.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **July 31, 2012**.

If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Fill shall be placed during low tidal stages to the maximum extent practicable.
2. Fill material shall consist of clean shot rock fill and riprap that are free from fines and suspendable material.
3. No in-water work shall be permitted from April 1 through June 15, of any year, to protect out-migrating salmon.
4. No docks, ramps, or other structures that block sunlight shall be placed in or over eelgrass beds.
5. Barges and floating docks shall not ground during any tidal stage.
6. If treated wood must be used, any wood that comes in contact with marine or aquatic environments should be treated with waterborne preservatives approved for use in aquatic and/or marine environments. Creosote may be used; however, must be applied by pressure injection using a method that prevents leaching (such as those approved by the Western Wood Preserves Institute).
7. A vibratory hammer shall be used to drive piles to the maximum extent practicable, except under those conditions where an impact hammer is required.
8. To the extent possible, piles shall be driven during low tide stages in intertidal and shallow subtidal areas to prevent injuries to fish.
9. To reduce the possibility for harassment or injury to marine mammals, pile driving should not occur if any marine mammals are observed within 200 meters of the platform. The operator should scan the area for the presence of marine mammals. If marine mammals are sighted within 200 meters of the sound source or are observed to be disturbed by the activity at any distance, pile driving should cease until the animals leave the immediate area.
10. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.
11. You must install and maintain, at your expense, any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), 17th Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802, (907) 463-2269.
12. The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable

obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

Special Information:

Any condition incorporated by reference into this permit by General Condition 5, remains a condition of this permit unless expressly modified or deleted, in writing, by the District Engineer or his authorized representative.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.


Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE) AND TITLE

July 6, 2007
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

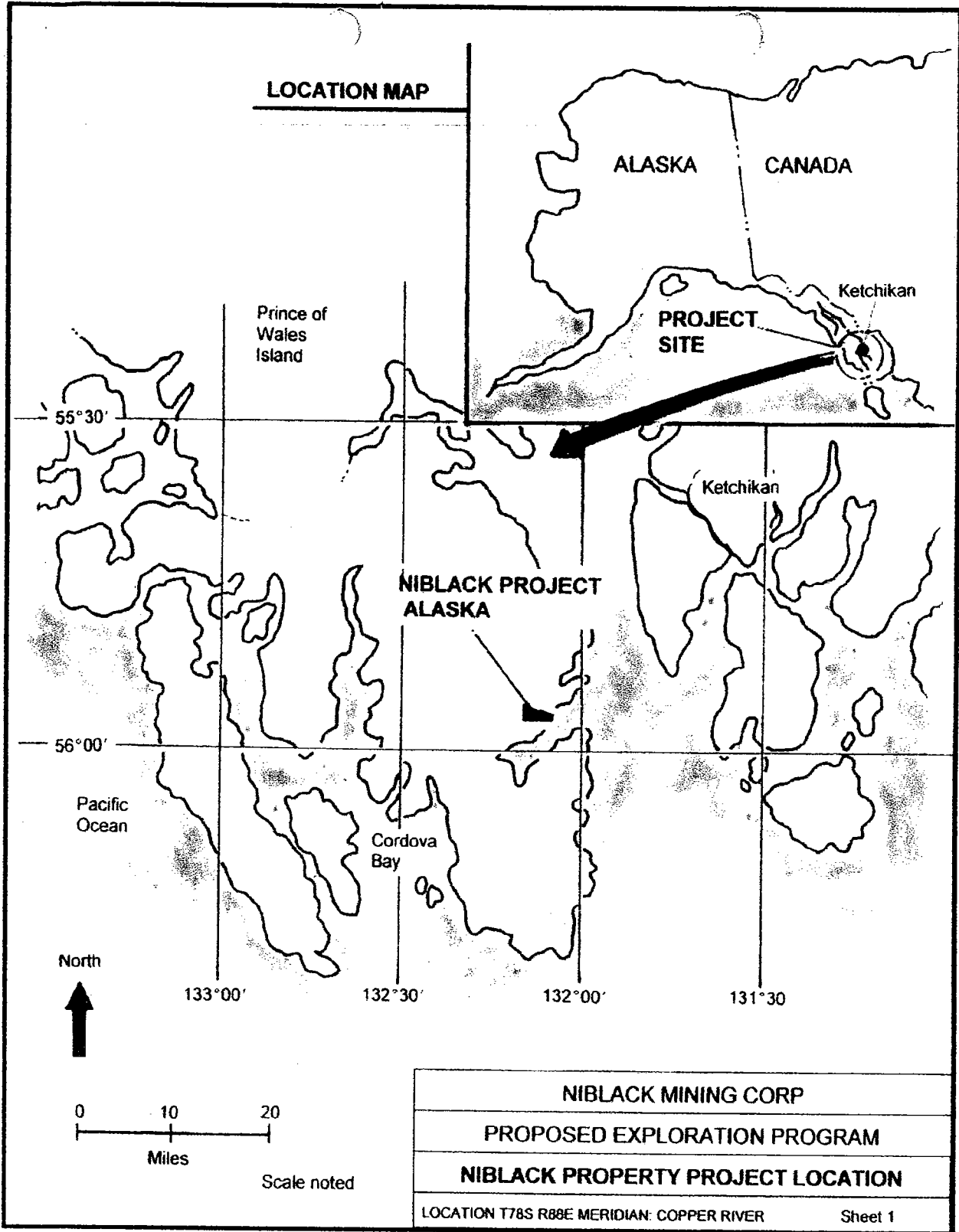

FOR: (DISTRICT ENGINEER) COL KEVIN J. WILSON
NICOLE HAYES, PROJECT MANAGER
EAST BRANCH, REGULATORY DIVISION

July 12, 2007
(DATE)

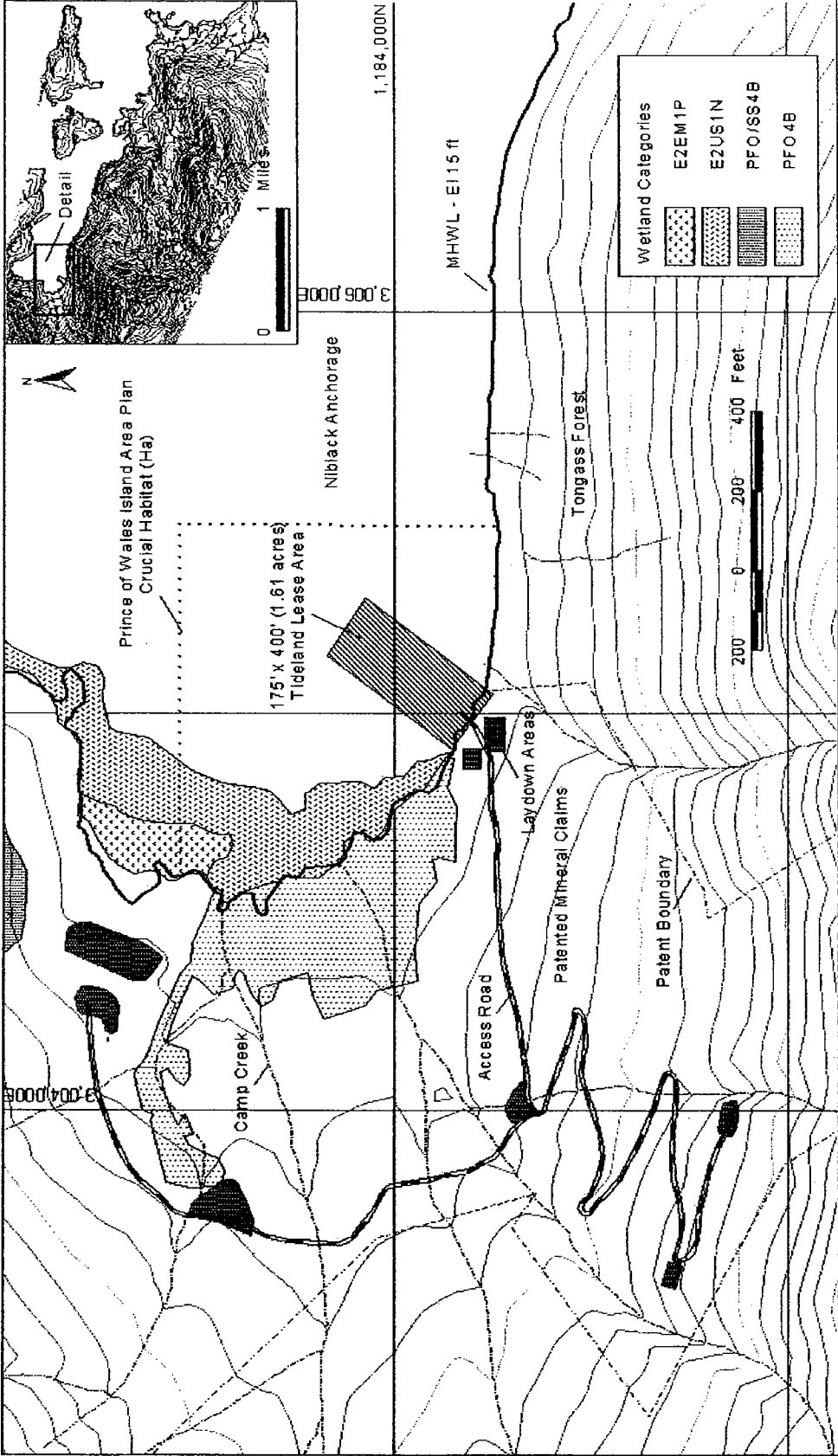
When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions have the transferee sign and date below.

(TRANSFEREE)

(DATE)



POA-1982-290-N
 MOIRA SOUND
 NIBLACK MINING CORP.
 FEBRUARY 5, 2007
 SHEET 1 OF 6

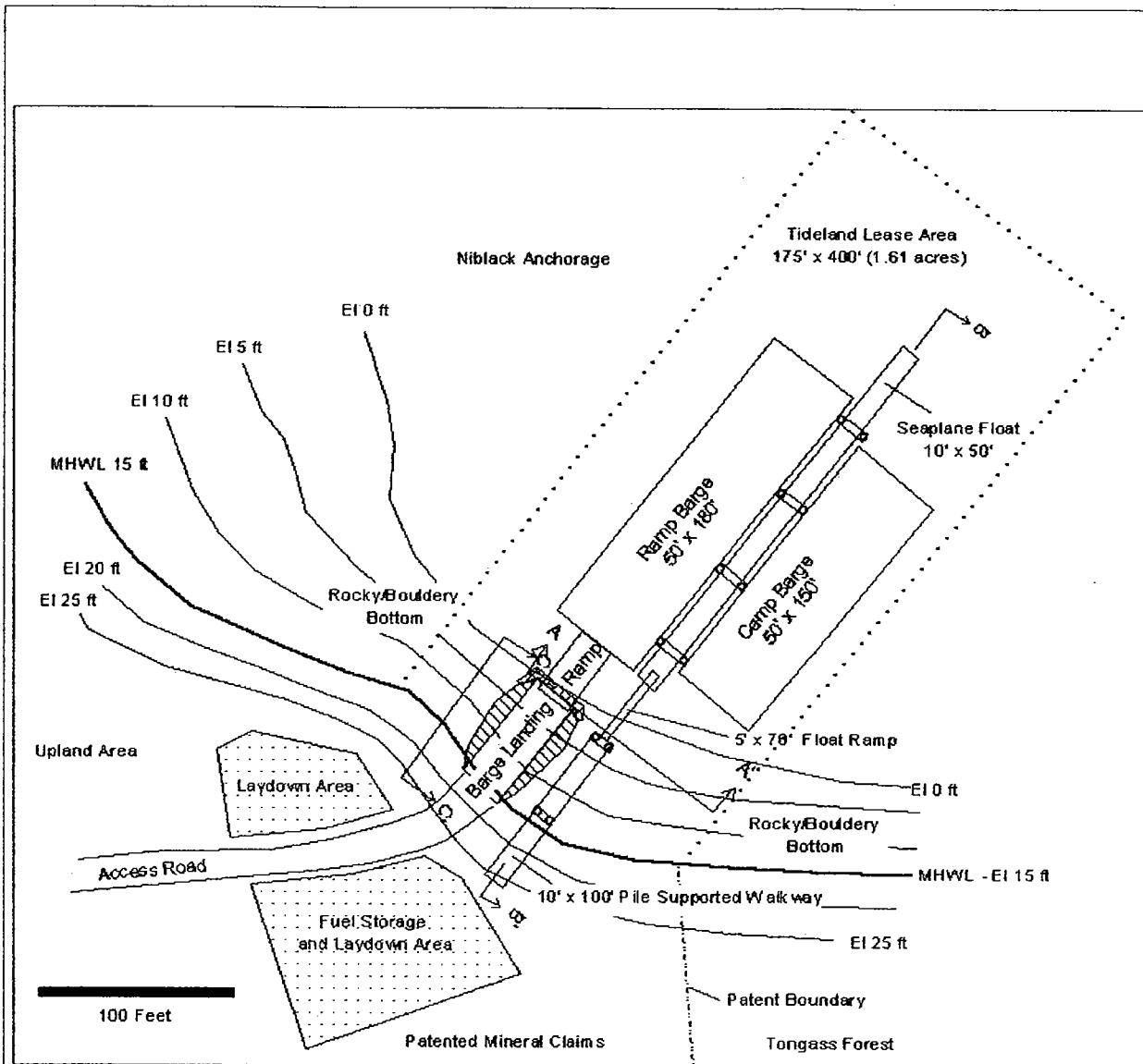


NIBLACK MINING CORPORATION

Marine Facility Diagram
Area Plan - Location Map

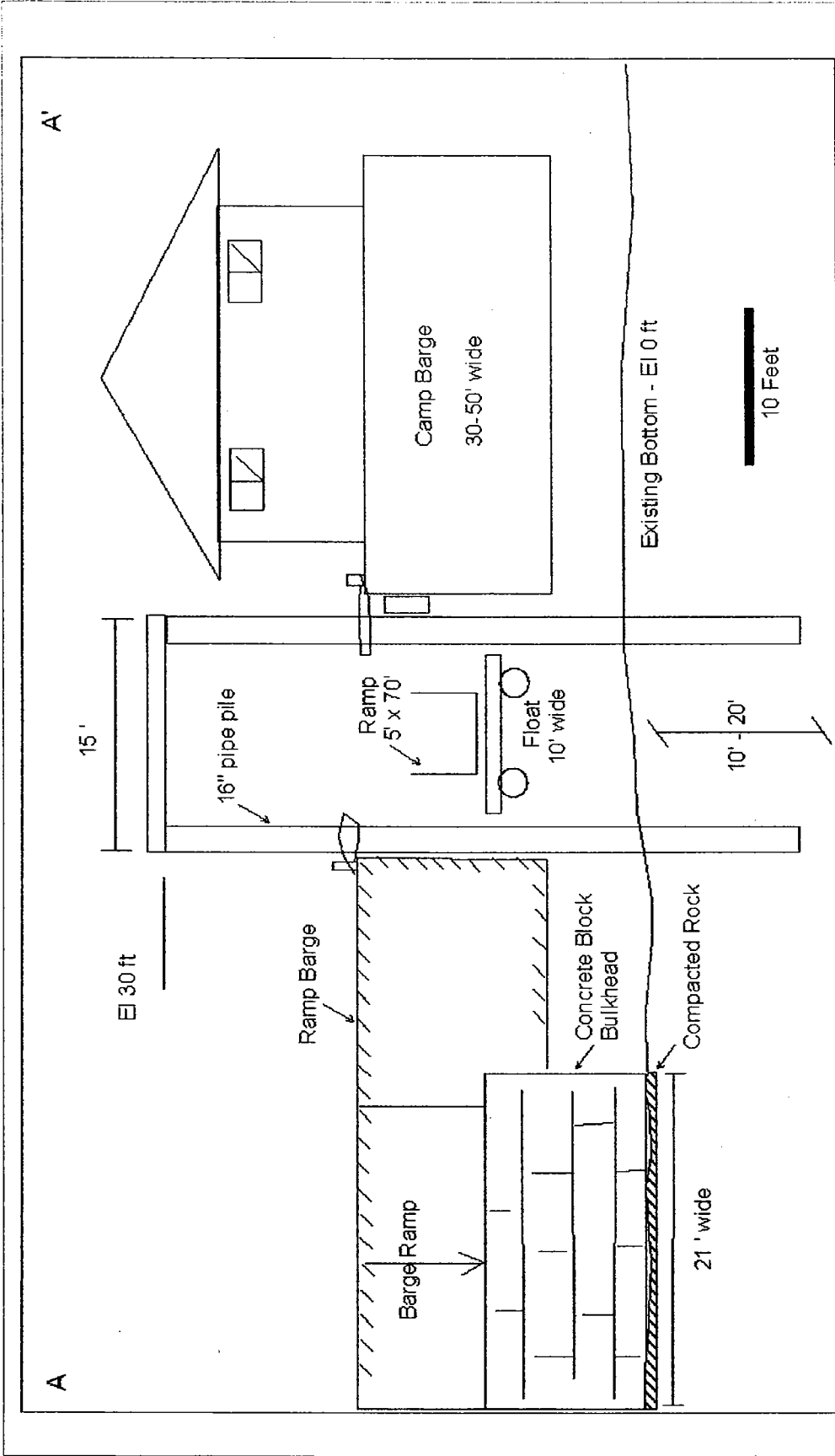
Location T78S R88E Meridian: Copper River

POA-1982-290-N
MOIRA SOUND
NIBLACK MINING CORP.
FEBRUARY 5, 2007



NIBLACK MINING CORPORATION
Marine Facility Diagram Detailed Plan
Location T78S R88E Meridian: Copper River

POA-1982-290-N
 MOIRA SOUND
 NIBLACK MINING CORP.
 FEBRUARY 5, 2007
 SHEET 3 OF 6

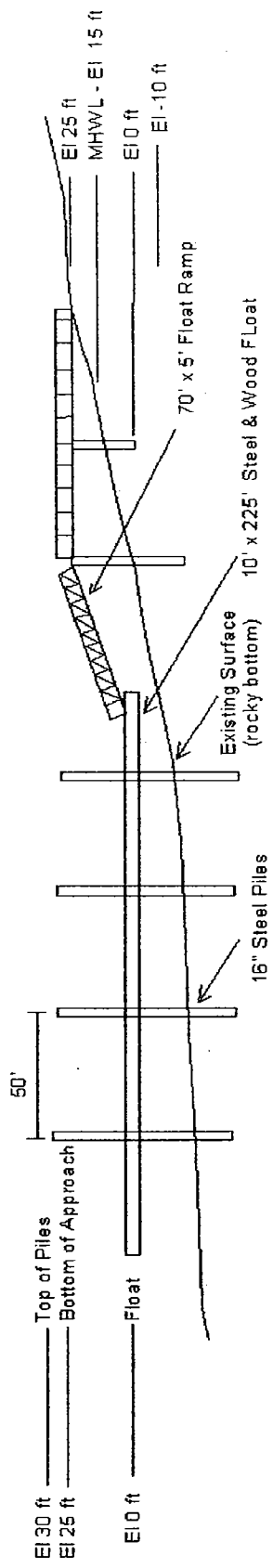


NIBLACK MINING CORPORATION
 Marine Facility Diagram
 Section A - A'
 Location T78S R88E Meridian: Copper River

POA-1982-290-N
 MOIRA SOUND
 NIBLACK MINING CORP.
 FEBRUARY 5, 2007
 SHEET 4 OF 6

B'

Total Length = 385'



50 Feet

B

NIBLACK MINING CORPORATION

Marine Facility Diagram
Section B - B'

Location T78S R88E Meridian; Copper River

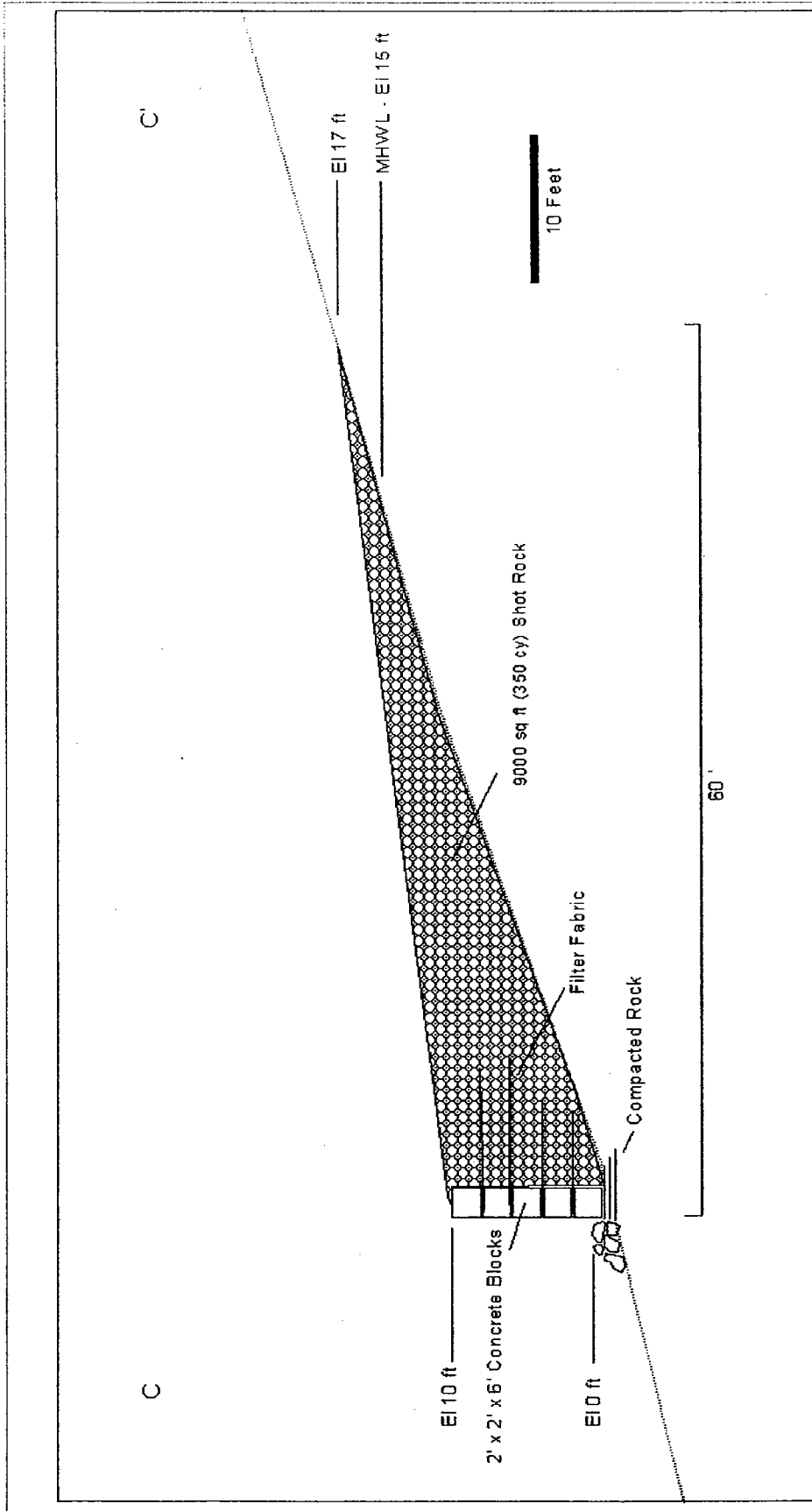
POA-1982-290-N

MOIRA SOUND

NIBLACK MINING CORP.

FEBRUARY 5, 2007

SHEET 5 OF 6



NIBLACK MINING CORPORATION
Marine Facility Diagram Section C - C'
Location T78S R88E Meridian: Copper River

POA-1982-290-N
 MOIRA SOUND
 NIBLACK MINING CORP.
 FEBRUARY 5, 2007
 SHEET 6 OF 6

STATE OF ALASKA

SARAH PALIN, GOVERNOR

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

SOUTH CENTRAL REGIONAL OFFICE
550 W 7th AVENUE SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 FAX: (907) 269-3891

CENTRAL OFFICE
PO BOX 111030
JUNEAU, ALASKA 99811-1030
PH: (907) 465-3562 FAX: (907) 465-3075

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

June 22, 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 (Mine Exploration Phase)
State I.D. No. AK 0704-03J
Final Consistency Determination – Concurrence**

The Office of Project Management and Permitting (OPMP) has completed coordinating the State's review of Niblack Mining Corporation's mine exploration phase and associated facilities proposed in Niblack Anchorage, on Prince of Wales Island, in southeast 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 on 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 finding. If you have any questions, please contact me at 907-465-4664 or email joe.donohue@alaska.gov.

Sincerely,



Joe Donohue
ACMP Project Specialist

Enclosure

cc: Kenwyn George – ADEC, Juneau
Ed Emswiler – ADEC, Juneau
Mel Langdon – ADEC, Anchorage
Brenda Krauss – ADEC, Juneau
Mark Fink – ADFG, Anchorage
Ruth Hamilton Heese – Law, Juneau
Alex Dugaqua – ADNR/DMLW, Juneau
Jim Anderson – ADNR/DMLW, Juneau
Brady Scott – ADNR/DMLW, Juneau
Steve McGroarty – ADNR/DMLW, Anchorage
Andrea Meyer – ADNR/DMLW, Anchorage
Rick Frederickson – ADNR/DMLW, Anchorage
John Dunker – ADNR/DMLW/Water, Juneau
Mark Minnillo – ADNR/OHMP, Craig
Rhonda Ren-Kingery – ADNR/OHMP, Craig
Ed Fogels – ADNR/OPMP, Anchorage
Tom Crafford – ADNR/OPMP, Anchorage
Claire Batac – ADNR/OPMP, Juneau
Bob Tsigonis – ADNR/OPMP, Fairbanks
Margie Goatley – ADNR/SHPO, Anchorage
Judy Bittner – ADNR/SHPO, Anchorage
Jim Gould – Coastal District, Thorne Bay
Leslie Real – Coastal District, Ketchikan
Paddy Nicol – Niblack Mining Corp., Vancouver, BC
Nicole Hayes – USACE, Regulatory, Anchorage
Katherine Miller – NMFS, Juneau
Chris Meade – USEPA, Juneau
Ian Newton – USCG, Juneau
Brian Levenson – USCG, Juneau

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

DATE ISSUED: June 22, 2007

PROJECT TITLE: Niblack Anchorage (Mine Exploration Phase)

STATE ID. NO.: AK 0704-03J

AFFECTED COASTAL RESOURCE DISTRICT: None

APPLICANT: Niblack Mining Corporation / Mr. Darwin Green

DESCRIPTION OF PROJECT SUBJECT TO ACMP REVIEW:

The site for the proposed mine exploration activities are located within sections 33 and 34, Range 88 E., Township 78 S., Copper River Meridian, at approximately 55.396° North, 132.862° West.

Background Information -

The "Niblack Project" is a copper-gold-silver prospect in an advanced exploration phase of development. The proposed underground exploration project is located off Moira Sound in Niblack Anchorage on southeastern Prince of Wales Island, approximately 30 air miles from the community of Ketchikan, Alaska.

The applicant, Niblack Mining Corporation (NMC), proposes to develop 6,000 feet of underground tunneling from a single adit entry. The main focus of the underground work is to provide access for exploration drilling to test deep zones of mineralization. The project is expected to last 2 years. It will require a marine access and camp barge facility on the adjacent state-owned tide and submerged lands. Other surface disturbances including an access road, portal, and waste rock storage and disposal areas will be confined to private property.

Total surface disturbance requiring post-closure reclamation is approximately 5.5 acres. The proposed underground excavation will generate about 60,900 cubic yards of waste rock, most of which is benign. Approximately 14,300 cubic yards is potentially acid-generating (PAG) material which will be placed in an engineered, lined 0.85-acre storage facility. At the end of the exploration period, all PAG waste rock will be picked up and transferred back underground and the adit will be sealed.

Adit development and exploration drilling will intercept groundwater, some of which will be used for the adit development drilling and exploration drilling. Diversion and use of this water

will be authorized under a Temporary Water Use Permit issued by ADNR. Control and treatment of intercepted groundwater will be regulated under a Wastewater Treatment and Disposal Authorization issued by ADEC.

Background Information -

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.

Additional Review Information -

At the end of the 30-day comment period, the State Historic Preservation Office (SHPO) had submitted consistency comments that found the proposed project inconsistent with ACMP statewide standard 11 AAC 112.320 "*Historic, Prehistoric, and Archaeological Resources*".

On May 25, 2007 the applicant accepted the proposed alternative measure and returned a signed "Project Amendment Form" that signified Niblack Mining Corporation has agreed to the SHPO alternative measure. By telephone conversation, Mr. Darwin Green of NMC stated that NMC has contracted with an archeologist to travel to the Niblack Mine site immediately to conduct a survey of areas of interest to both the USACE and the SHPO.

For the mine exploration phase to be found consistent with this standard, the SHPO recommended the following alternative measure:

- "The applicant must complete the Section 106 process between the State Historic Preservation Office and the U.S. Army COE."

Rationale: Under 36 CFR 800.2 of the National Historic Preservation Act, it is the statutory obligation of the lead Federal agency to fulfill the requirements of Section 106.

As a result of the Survey conducted by an archeologist contracted by NMC on the areas described by both the USACE and the SHPO, no culturally-significant resources were discovered. On June 22, 2007 the USACE provided SHPO with the information from the survey and SHPO contacted OPMP and verified that the project and associated activities described in the applications for the Niblack Mine's mine exploration phase is consistent with the standards and policies of the ACMP.

SCOPE OF PROJECT TO BE REVIEWED:

The scope of the project subject to the consistency review includes all Federal and selected State applications and supporting documents submitted to gain authorizations for this proposed underground exploratory phase of the development of the Niblack Mine and support facilities on the uplands and tide and submerged lands within Niblack Anchorage in Southeast Alaska.

The water quality authorizations from the Alaska Department of Environmental Conservation (ADEC) will not be within the scope of this coordinated ACMP consistency review, but rather will be the subject of a review process coordinated directly by ADEC.

AUTHORIZATIONS:

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

U.S. Army Corps of Engineers (USACE) Section 10 and 404 Permit
No. POA-1982-0290-N (Modifications)

Alaska Department of Environmental Conservation (ADEC)
Certification of Reasonable Assurance (401)
Industrial Solid Waste Disposal Authorization
Wastewater Treatment and Disposal Authorization

Alaska Department of Natural Resources (ADNR)
Division of Mining, Land and Water (DMLW)
Mining Reclamation Plan - J072711
Tidelands Lease - ADL 107544
Temporary Water Use Permit - J2007-01

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, and the applicant's acceptance of recommended alternative measures to allow the project to achieve consistency, the State of Alaska concurs with the consistency certification submitted by Niblack Mining Corporation of Vancouver, BC, Canada and signed by Mr. Darwin Green.

State permits. State agencies shall issue permits 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 necessary to fulfill its statutory or regulatory authority.

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 of 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(f)) is more or less restrictive than a similar requirement in a Resource agency authorization, the applicant shall comply with the more restrictive requirement.

This consistency determination is only for the project as described and amended. 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 is necessary. Changes may require amendments to the State authorizations listed in this determination, or may require additional authorizations.

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:

A consistency determination does not obligate the Department of Natural Resources to issue authorization pursuant to AS 38, nor does it supersede statutory obligations thereunder. The applicant may not proceed with any site specific land use activity on the subject State lands until so authorized by the Division of Mining, Land and Water. Authorities outside 11 AAC 112 may result in additional permit conditions not contained in the consistency decision.

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) 465-4664



Joe Donohue

ACMP CONSISTENCY EVALUATION
Niblack Anchorage (Mine Exploration Phase) – AK 0704-03J

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>Evaluation: This barge landing component of the mine exploration project is recognized as a water-dependent or water-related use. This project, as proposed and described, meets the intent of this standard.</p>
<p>11 AAC 112.210. Natural Hazard Areas</p> <p>Evaluation: 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.</p>
<p>11 AAC 112.220. Coastal Access</p> <p>Evaluation: This project, as proposed and described, does not restrict public access to coastal waters. As proposed the barge landing component of the project will enhance coastal access in this immediate area.</p> <p>Therefore the project, as proposed and described, meets the intent of this standard.</p>
<p>11 AAC 112.230. Energy Facilities</p> <p>Evaluation: This standard does not apply to the project as proposed.</p>
<p>11 AAC 112.240. Utility Routes and Facilities</p> <p>Evaluation: This standard does not apply to the project as proposed.</p>
<p>11 AAC 112.250. Timber Harvest and Processing</p> <p>Evaluation: This standard does not apply to the project as proposed.</p>
<p>11 AAC 112.260. Sand and Gravel Extraction</p> <p>Evaluation: This standard does not apply to the project as proposed.</p>
<p>11 AAC 112.270. Subsistence</p> <p>Evaluation: There were no subsistence areas designated within the proposed project area. This project, as proposed and described, meets the intent of this standard.</p>
<p>11 AAC 112.280. Transportation Routes and Facilities</p> <p>Evaluation: This project, as proposed and described, meets the intent of this standard.</p>
<p>11 AAC 112.300. Habitats</p> <p>Under 11 AAC 112.300, the following habitats in the coastal area of this mine exploration activity subject to the ACMP include (1) offshore areas and (4) tideflats.....</p> <p>Evaluation: OHMP provided the following comments to OPMP on March 22, 2007: "Habitats in the project area that are subject to the ACMP include offshore areas and tideflats. The management of these habitats must be conducted as follows:</p>

- 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;
- tideflats must be managed to avoid, minimize, or mitigate significant adverse impacts to adequate water flow and natural drainage patterns

Camp Creek (ADF&G stream 102-30-10750) is located approximately 800 feet north of the proposed ramp/barge location and has been specified pursuant to AS 41.14.870(a) as being important for the spawning, rearing and migration of pink and coho salmon. Out-migrating salmon fry and smolt from this stream for migration, feeding, and predator avoidance from April through May use the nearshore environment of this productive estuary while they are adjusting to marine conditions. In-water activities such as pile driving and placement of fill below the high tide line can be physically damaging or can represent a significant disturbance to juvenile fish during this time period.

Pursuant to 11 AAC 112.300(1), OHMP finds the project as proposed consistent with the ACMP.

In order to minimize potential negative impacts to out-migrating salmon fry using the nearshore environment, OHMP recommends the following:

1. Pile driving should not occur from April 1 through June 15.
2. Piles should be driven using a vibratory hammer to the extent practical. An impact hammer will be used only for proofing the piles.
3. Treated wood used to construct the float should be treated with preservatives approved for use in aquatic or marine environments, and treated in accordance with best management practices developed by the Western Wood Preservers Institute. Approved wood preservatives include, but are not limited to: Chromated Copper Arsenic (CCA) Type C, Ammoniated Copper Zinc Arsenate (ACZA), Alkaline Copper Quat (ACQ), Copper Boron Azole (CBA) or Copper Azole (CA). Pentachlorophenol shall not be used for treating any wood associated with this project."

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 vicinity of the current Niblack Mine and associated properties have been designated as an area known to contain a site of cultural or historical significance [in this particular case CRG-042, Niblack, a mining camp, established in 1901].

For the project to achieve consistency with 11 AAC 112.320, the State Historic Preservation Officer had recommended that:

- "The applicant must complete the Section 106 process between the State Historic Preservation Office and the U.S. Army COE."

On May 25, 2007 the applicant returned a signed "Project Amendment Form" that signified Niblack Mining Corporation has agreed to complete the Section 106 process. By telephone conversation, Mr. Darwin Green has contracted with an archeologist to travel to the Niblack Mine site and conduct a survey

of areas of interest to both the USACE and the SHPO.

Niblack Mining Corporation provided the survey results to the USACE and the USACE provided the survey results to the SHPO. On June 22, 2007 OPMP was contacted by SHPO and informed that the SHPO was satisfied that the Section 106 process had been completed and the project was consistent with this standard.

With this information, OPMP has determined that the applicant is actively satisfying the requirements of the Section 106 process and therefore, the proposed project meets the intent of this ACMP standard.

AFFECTED COASTAL RESOURCE DISTRICT ENFORCEABLE POLICIES

Ketchikan Gateway Borough Coastal District:

OPMP received the following comments from the Ketchikan Coastal District Coordinator:

"Comments:

The Ketchikan Coastal District finds this project consistent with its enforceable policies and applicable Statewide Standards.

Objective A.1. *To promote sources of employment, economic growth, and community stability.*

A.1.a. *Government review and, where appropriate, support and funding, shall be given for the following activities and projects: support facilities necessary for mining development and operation.

Objective A.4. *To support the revival of Ketchikan's surface and sub-surface mining industry.*

A.4.a. *Land management programs shall identify accessible, high quality rock, sand, and gravel sites outside environmentally sensitive areas and allow for their excavation with minimal impact to the surrounding landscape. Where appropriate, a materials extraction plan shall be prepared for large intensive use sites.

The following objectives of the Ketchikan District Coastal Plan would pertain to tideland development associated with the camp barge facilities.

Objective B.3. *To allow tideland development, leasing, and use in an efficient and orderly manner.*

B.3.a. *The use of piling supported or floating structures shall be encouraged over those requiring solid tideland fills.

The Ketchikan District defers to resource managers to determine if projects are acceptable in their impacts on habitat, wildlife, and fisheries.

* Denotes enforceable policies from the Ketchikan District Plan.

Evaluation:

The project is not sited within the boundaries of any approved Southeast Coastal District. Ketchikan is the nearest approved coastal district.

STATE OF ALASKA

MAH

SARAH PALIN, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

Non-Point Source Pollution Water Control Program

555 Cordova Street
Anchorage, AK 99501-2617
Phone: (907) 269-7564
Fax: (907) 334-2415
TTY: (907) 269-7511
<http://www.state.ak.us/dec/>

June 29, 2007

Certified Mail 7006-0810-0000-8656-8106

Niblack Mining Corporation
615-800 West Pender Street
Vancouver, BC V6C 2V6

Subject: Moira Sound Niblack Landing and Dock
Reference No. POA-1982-290-N

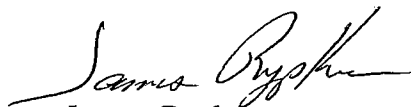
Dear Niblack Mining Corporation:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for fill involved the construction of a barge and landing craft ramp and adjacent: walkway, ramp, and float. Construction is off of Moira Sound on Prince of Wales Island, Alaska.

Department of Environmental Conservation regulations provide that any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director, Division of Water, 555 Cordova St., Anchorage, AK 99501, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, Alaska 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the Corps of Engineers and the Office of Project Management and Permitting of our actions and enclosing a copy of the certification for their use.

Sincerely,



James Rypkema
Program Manager

cc: (with encl.)
Claire Batac, DNR/OPMP
Mark Mannillo, DNR/OHMP
Fred Monrean, Agent to Applicant

Nicole Hayes, COE, Anchorage
Brenda Krauss, ADEC Juneau

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards, is issued to Niblack Mining Corporation, 615-800 West Pender Street, Vancouver, BC V6C 2V6, for the fill involved the construction of a barge and landing craft ramp, off of Moira Sound on Prince of Wales Island, Alaska. Material would consist of approximately 500 cubic yard substrate placement below the high tide line for the barge and landing craft ramp. Total wetland fill amounts to 0.033 acre. Adjacent to structure would also be a walkway, ramp, and float installed with steel piles.

The proposed activity is located within Section 34, T. 78 S., R 88 E., Copper River Meridian, off of Moira Sound on Prince of Wales Island, Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number POA-1982-290-N, and a discharge may result from the proposed activity.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

1. During the construction phase, spill response equipment and supplies shall be available on site for the cleanup and containment of petroleum product leaks or spills. For any spill amount, there are Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). Most importantly, contact by phone the ADEC Area Response Team for Southeast Alaska, (907) 465-5340 during work hours or 1-800-478-9300 after hours. Also contact by phone the National Response Center at 1-800-424-8802. Report all spills.
 2. Construction, fill, backfill, and blasting below the high high water mark shall proceed during periods when area is dewatered. If a turbidity plume is produced from the activities, then work shall cease until a silt curtain is installed to enclose the activity causing the turbidity.
 3. No portion of the docks may ground at any tidal stage.
 4. The timber piles and decking used to build the dock shall not be treated with a preservative containing pentachlorophenol and if treated with creosote, the creosote shall be applied via a pressure treatment that inhibits leaching at a rate which causes a sheen to form on the water.
-

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18AAC15.100).

Date: June 29, 2007



James Rypkema
Program Manager



This notice of authorization must be
conspicuously displayed at the site of work.

United States Army Corps of Engineers
MOIRA SOUND

A permit to: CONSTRUCT A MARINE BARGE LANDING FACILITY, BARGE CAMP & DOCK

at: NIBLACK ANCHORAGE, SECTION 34, T. 78 S., R. 88 E., C.R.M.

has been issued to: NIBLACK MINING CORP. **on:** JUL 12 2007

Address of Permittee: 615-800 W PENDER STREET VANCOUVER, BC, CANADA V6C 2V6

Permit Number

POA-1982-290-N

Nicole Hayes
**FOR: District Commander
NICOLE HAYES
PROJECT MANAGER
REGULATORY DIVISION**

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

(Proponent: CECW-O)