

## FORWARD

The following Storm Water Pollution Prevention Plan (SWPPP), dated October 24, 2006, was submitted to Federal and State agencies prior to final revisions to the Niblack Project Underground Exploration Plan of Operations (UEPOO), dated April 2007. Because of this, there are some inconsistencies between the two documents. Where inconsistencies occur, the UEPOO shall be taken as the correct version. To avoid unnecessary duplication (and confusion in the case of new revisions) some appendices listed in the Table of Contents to the SWPPP are not attached, and the reader is directed to the UEPOO and appendices therein. Similarly, the reader is directed to the UEPOO and the Water Quality Baseline and Site Monitoring Plan for correct and up to date figures.

**Niblack Lookout Unit  
Initial Construction/Exploration Project  
Storm Water Pollution Prevention Plan  
(SWPPP)**

**OCTOBER 24, 2006**

**Submitted to  
Alaska Department of Environmental Conservation**

**Prepared for:  
Niblack Mining Corporation**

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## TABLE OF CONTENTS

<b>1. OVERVIEW</b>	<b>- 1 -</b>
1.1. Introduction	- 1 -
1.2. General Facility Information	- 1 -
1.3. Objectives	- 2 -
1.4. Existing Permits	- 2 -
<b>2. STORM WATER POLLUTION PREVENTION TEAM</b>	<b>- 4 -</b>
2.1. SWPPP Operational Control Requirements	- 4 -
<b>3. PROJECT INFORMATION</b>	<b>- 5 -</b>
3.1. Project Description	- 5 -
3.1.1. General Location	- 5 -
3.1.2. Site Maps	- 5 -
3.1.3. Site Facilities and Construction Activities	- 6 -
3.2. Receiving Waters and Wetlands	- 10 -
3.2.1. Receiving Waters, Water Quality Criteria	- 10 -
3.3. Summary of Potential Pollutant Sources	- 11 -
3.3.1. Quantity and Nature of Potential Pollutants	- 11 -
3.4. List of Past Spills and Leaks	- 12 -
<b>4. STORM WATER CONTROLS</b>	<b>- 13 -</b>
4.1. Construction Storm Water Controls	- 13 -
4.1.1. Interim Stabilization Measures	- 13 -
4.1.2. Permanent Stabilization Measures	- 13 -
4.1.3. Storm Water Detention Structures	- 13 -
4.2. Post-Construction Storm Water Controls	- 14 -
4.2.1. Stabilized Construction Areas	- 14 -
<b>5. NON-STORM WATER DISCHARGES</b>	<b>- 15 -</b>
5.1. Allowable Non-Storm Water Discharges	- 15 -

<b>6. SITE INSPECTIONS AND ADMINISTRATIVE REQUIREMENTS</b>	<b>- 20 -</b>
<b>6.1. Inspection Frequency</b>	<b>- 20 -</b>
6.1.1. Scope of Inspections	- 20 -
6.1.2. Inspection Report	- 20 -
<b>6.2. Follow-up Actions</b>	<b>- 21 -</b>
<b>6.3. Annual Report</b>	<b>- 21 -</b>
6.3.1. Record Keeping and Reporting Forms	- 21 -
<b>6.4. Retention of Records</b>	<b>- 21 -</b>
<b>7. ADDITIONAL SWPPP REQUIREMENTS</b>	<b>- 22 -</b>
<b>7.1. Maintaining an Updated SWPPP</b>	<b>- 22 -</b>
<b>7.2. SWPPP Availability</b>	<b>- 22 -</b>
<b>7.3. Certification of the SWPPP</b>	<b>- 22 -</b>
<b>8. REFERENCES</b>	<b>- 23 -</b>

## **LIST OF TABLES**

Table 1	Niblack Lookout Unit Current Permit Status
Table 2	Storm Water Pollution Prevention Team
Table 3	Summary of Potential Pollution Sources

## **LIST OF FIGURES**

Figure 1	General Project Area
Figure 2	Land Ownership Map
Figure 3	General Site Map
Figure 4	Concept Layout for NAG & PAG (Temporary) Development Rock Storage Sites
Figure 5	Surface Water Monitoring Locations

## **LIST OF APPENDICES**

Appendix 1	Example BMPs for Niblack Construction/Exploration Project
Appendix 2	Wetlands Delineation
Appendix 3	Water Quality Database
Appendix 4	Notice of Intent Form
Appendix 5	Summary Plan of Operations, Niblack Lookout Unit Construction/Exploration Project (2006)

Note: Reporting Forms are currently in progress.

# 1. Overview

This Storm Water Pollution Prevention Plan (SWPPP) has been developed by Niblack Mining Corporation (NMC) to serve as a defined protocol for the management of storm water and non-storm water encountered during the construction of the Niblack Lookout Unit exploration program. The construction project is described later in this document. It is submitted to the Alaska Department of Environmental Conservation (ADEC) with copies provided to the Alaska Department of Natural Resource Large Mine Project Team (LMPT) for their review.

In 2005, NMC acquired the Niblack property from Abacus. Since that time, NMC has performed an extensive review of existing data and completed surface diamond drilling. This has resulted in a reinterpretation of the mineralization, and a decision to propose underground development necessary to evaluate the mineral resource. This SWPPP is intended to highlight proposed construction, exploration activities and the storm water control/management program that NMC has conducted or intends to complete at the site during the 2007 season. All related activities would occur on patented (fee) land. Company contact information is provided later in Section 1.

This plan will be implemented and supported by the owners and operators of the project, as detailed in Section 2. The Storm Water Pollution Team has the authority and resources to implement the plan outlined herein. Section 3 describes Project Information, including the general existing environmental baseline conditions at the site. Management techniques will include the use of standard best management practices (BMPs) as identified in Sections 4 and 5. Administrative and reporting requirements are also outline in Sections 6 and 7.

## ***1.1. Introduction***

This SWPPP provides for identification of the potential sources of pollution that could affect the quality of storm water discharged at the construction site. It also describes the BMPs used to reduce pollutants in storm water discharges associated with the Niblack construction/exploration project. This SWPPP further describes construction of the project and identifies those individuals responsible for implementing, inspecting, and updating this plan. This SWPPP becomes effective October 16, 2006 and will be maintained throughout the duration of the on-site activities.

## ***1.2. General Facility Information***

Name of the Facility: Niblack Lookout Unit Construction/Exploration Project  
Facility Location: Niblack Anchorage, Southeast Alaska (Figure 1)  
Facility Contact: Paddy Nicol  
Title: President, Niblack Mining Corporation  
Mailing Address: Suite 615 – 800 West Pender St. Telephone: (604) 484-5045  
Vancouver, B.C.  
Canada, V63 2V6

Facility Owner: Niblack Mining Corporation  
Facility Operator: Niblack Mining Corporation  
Emergency Contact: Darwin Green, Vice President-Exploration Phone: (604) 484-5045  
Standard Industrial Classification (SIC) Code: 1041.1044

### ***1.3. Objectives***

The goal of the SWPPP is to minimize the potential effects to surface waters by reduction, prevention, and treatment of surface runoff being discharged. Primary discharge sources include: excavation dewatering and construction of the underground drift, storm water runoff from the access road, and construction related non-point sources. This SWPPP is integrated with a separate Excavation Dewatering Permit, also to be submitted to ADEC. The Excavation Dewatering Permit is specific to managing potential water quality impacts related to actual construction of the underground drift to access the Lookout Unit. This activity includes its own set of BMPs, which include flow minimization through grouting and packing, underground sumps and treatment, water sources separating and management (flow augmentation), and explosives (BMPs) for water quality protection.

The objectives of this SWPPP are:

- To identify potential sources of water pollution at the Niblack construction/exploration project;
- To describe the BMPs which will be used to control these sources; and
- To provide other elements including a facility inspection schedule, site compliance evaluation program, and record-keeping and reporting program that will enable the Niblack project to comply with the intent of the plan.

It is important to note that NMC has already implemented certain priority activities of the plan to insure that in the interim, water quality is protected at the site. NMC will adhere to the requirements of the SWPPP and the General Storm Water Permit. Site-specific storm water management needs will be addressed on a case-by-case basis.

### ***1.4. Existing Permits***

Current operating permits for the Niblack construction/exploration project are shown in Table 1 below. Certain applications for operating permits are also currently in progress.

<b>TABLE 1. Niblack Lookout Unit Current Permit Status</b>	
<b>PERMIT</b>	<b>STATUS</b>
1. ADNR Tideland Permit (Temporary Mancamp)	1. In-hand, Temporary Permit Application to be filed for new barge/camp site.
2. ACOE Approved Jurisdictional Wetlands Determination	2. In-hand, dated 3/31/2006, valid for 5 years from issuance
3. ADEC Waste Management Plan	3. In preparation, includes domestic burning, underground excavation, special wastes ( to be filed November 13, 2006)
4. ACOE Authorization Under Nationwide Permit (NWP) No. 14, Linear Transportation Projects	4. In hand, File No. POA-2006-511-D, dated 6/13/2006, valid until the NWP is modified, reissued or revoked
5. ADEC Storm water Permit	5. Notification SWPPP to be filed October 20, 2006
6. ADEC General Permit for Marine Disposal of Secondary Treated Domestic Wastewater from Housing and Kitchen Facilities Built on Shore or Floating Barges	6. In-hand, Permit #0240DB004-1132 received by mancamp owner (8/4/2006)
7. ADNR Plan of Operations/Reclamation Plan for Lookout Unit Exploration (including bonding)	7. In review by LMPT (ADNR/ADEC) filed June 26, 2006
8. EPA Spill Prevention Counter Measure Control Plan for Exploration Project	8. Plan developed; copies clearly posted onsite; plan to be sent to EPA and ADEC November 13, 2006
9. ADNR Temporary Water Use Authorization	9. In hand, TWUP #J2005-06, dated 6/17/2005 for up to 750 gallons per day from an unnamed stream for domestic use in the camp facility
10. ADNR Temporary Water Use Authorization	10. In hand, TWUP#J2005-07, dated 6/24/2005, effective 7/15/2005 for up to 11,500 gallons per day from an unnamed stream for exploration drilling use
11. ADEC Air Quality Permit for Power Generation	11. To be submitted to ADEC
12. ACMP Checklist for Exploration Construction Activities	12. To be submitted to ADEC (target date: November 13, 2006)
13. ADNR State Historic Preservation Office	13. Concurrence that no historic properties will be affected, (6/16/2006), valid unless other historic sites are discovered during ground altering activities
14. ADNR Fish Habitat Permit	14. In hand, FH-06-VII-0014 for the bridge over Camp Creek (6/13/2006), expires at the end of the life of project

## 2. Storm Water Pollution Prevention Team

The NMC storm water pollution prevention team is responsible for developing, implementing, maintaining, and updating this SWPPP. The members of the team are familiar with all aspects of management and operations of the Niblack Construction/Exploration Project.

The members of the team and their primary responsibilities include the following: implementing, maintaining, record keeping, reporting, inspecting, training, and testing, are listed in Table 2.

**TABLE 2.**

<b>Storm Water Pollution Prevention Team</b>		
<i>Name</i>	<i>Title</i>	<i>Responsibility</i>
Paddy Nicol	President	Corporate signatory authority; review and implementation of the SWPPP.
Darwin Green	Exploration VP and Site Manager	Onsite coordination of all stages of project development and implementation of the SWPPP. This designee responsible for updating and modifying the plan, as well as report review and submittal.
Greg Duso	Designated Environmental Coordinator	Responsible for monitoring, site inspections, record-keeping, and reporting. Completes analysis of monitoring data and recommends new BMPs if required. This individual responsible also for employee training.
Sid Nielson	Construction Manager	Responsible for implementing storm water pollution prevention maintenance program, oversees good housekeeping practices and construction of structural BMPs.

### ***2.1. SWPPP Operational Control Requirements***

NMC provides operational control over construction plans and specifications as part of the implementation of the storm water management programs. NMC was responsible for preparing this document. Location and site maps are attached as part of the plan. All information is correct and factual. NMC will be responsible for overseeing implementation of the SWPPP in managing contractors, evaluating success of the plan, and directing changes to the SWPPP and related construction plans as needed.

All SWPPP team members identified above have specific duties in overseeing implementation of the plan. Specific duties will be defined within project areas once contractors are engaged, construction has commenced, and appropriate personnel are identified. NMC will coordinate meetings or required administration and program reporting with members of the team on a weekly basis. This will provide a timely exchange of information that may require modifications to the storm water control-related activities.

## **3. Project Information**

### ***3.1. Project Description***

The NMC Property is in the initial stages of construction and underground exploration. The main focus of the program is the evaluation of the down-dip extension of a poly-metallic resource by continued diamond drilling from underground drill platforms. The underground drill platforms will be accessed from 5,000 total feet of new underground workings that are being planned from a single adit entry level. The drift will be driven at about the 250 ft. elevation.

All surface disturbances including road, waste rock storage areas, portal, and ancillary facilities, will be confined to patented ground. The work camp will be located off-shore in a floating barge facility. An access road has been permitted and constructed to the location where excavation/dewatering activities and storm water management facilities are planned. All pre-construction work in advance of the excavation dewatering and underground drift construction was permitted according to the program outlined in Table 1.

#### **3.1.1. General Location**

The NMC property is located on Prince of Wales Island in south-eastern Alaska (Figure 1). The claims lie to the south of Niblack Anchorage, a protected bay in Moira Sound (Figure 2). The camp sits at the head of the Anchorage above a small tidal flat. The property is accessed by floatplane, boat, barge and helicopter.

The terrain is mountainous and rugged with steep to moderate slopes. Elevations range from sea level to peaks of 2600 feet and greater. Lookout Mountain (elevation 2300 ft.) where the proposed underground drift will be constructed, is the primary exploration target and must be evaluated via underground access.

Slopes are covered with temperate rain forest vegetation. Most of the planned surface facilities will be screened from the bay by this dense forest cover. The forest gives way to sparse vegetation only at the highest elevations, generally above 1800 feet. Temperatures are moderate and rainfall is high. The annual average precipitation is approximately 190 inches. Winter brings mixed snow and rain with January temperatures near the freezing point.

#### **3.1.2. Site Maps**

Figure 1 shows the general location of the overall project in Southeast Alaska. The project is located about 30 miles southwest of Ketchikan, Alaska. The property is comprised of 17 patented (Fee) claims, 101 lode claims, and two State of Alaska Tideland claims (Figure 2). All planned activities are located on Fee land.

Figure 3 presents a general facilities site map of the facility showing the following features:

- Proposed exploration development drift (nominal 14.5 ft. wide and 13 ft. in height)
- Two development rock stockpile area locations (potentially acid-generating; non acid-generating sites)
- Main access road (already constructed)
- Administration/operating area
- Topsoil stockpile locations (proposed)
- Laydown and storage areas (proposed)
- Explosives magazine (proposed)
- Fuel storage and maintenance areas (proposed)
- Engineered storm water management facilities (proposed)
- Locations and names of receiving water

In total, about 12 acres of patented land would be disturbed for all existing and proposed facilities. About 8 acres would be new disturbance. The largest disturbance acreage is the existing road, which comprises 4.26 acres. The total area for the two development rock storage sites is about 4 acres. The potential acid-generating site is temporary, as this material would be located back underground at final closure.

### **3.1.3. Site Facilities and Construction Activities**

The main focus of this initial underground exploration program is to develop drilling platforms from the drift. These platforms are closer to the main areas of continued mineralization at depth. These zones are situated at depths greater than can be reliably accessed from surface drilling. In addition, the underground workings will progress through the mineralized zone during the development program, thereby allowing a more detailed geological evaluation of the system, and will allow NMC to collect a 500 ton “representative” bulk sample for metallurgical testing. The development of these underground drill platforms requires the following facilities.

#### Underground Adit

The proposed underground workings will be collared at the 250 foot elevation on the North Slope of Lookout Mountain. This site is located above the existing camp facilities at the head of Niblack Anchorage. A road has been constructed to connect the collar location of the adit with the camp and tidewater, as shown on Figure 3. Appropriate and necessary environmental permitting preceded this construction activity (see Table 1).

Underground water management and storm water controls by NMC for underground activities will be combined and involve a sequence of BMPs at the site which include:

- Excavation water requiring management or discharge will be minimized to the extent feasible by grouting, plugging, and separation (clean vs. dirty water).
- Excavation water requiring management will be treated at the construction project via settling sumps (underground), addition of flocculants in the pond, and skimmers as necessary to remove sediments and any hydrocarbons in the water.

- Excavation water will also be put to beneficial use to the maximum extent feasible primarily as make up water for fire protection, road watering, etc., or recycled to the drilling process for construction excavation.
- A portion of the excess construction-related water requiring management will be directed to the permitted land dispersion system for application by “drip emitters”.
- Excavation dewatering water that cannot be put to beneficial use, recycled, and will be routed into the storm water pond management system as shown in Figure 3, then land applied for optimum infiltration/dispersion.

In order to provide safe and efficient access as the underground development proceeds, remuck stations will be constructed at 500 ft. intervals. Forced air fans will also be installed for ventilation, in order to meet the Mine Safety and Health Act (MSHA) and the U.S. Environmental Protection Agency (EPA) health and environmental standards.

### Development Rock Stockpiles

Two development rock stockpiles will be constructed with waste rock removed from the access tunnel. Development rock characterized as potentially acid generating (PAG) will be segregated and temporary stored at the location shown as “ARD Waste Disposal Area” (Figure 3). This is a rock quarry site, which is contained from a drainage standpoint and ideal for temporary storage. The area will involve a limestone foundation base and HDPE liner. It will also be covered. Up to 500 tons of “ore” (commercial) material will be shipped off-site for the purpose of metallurgical testing. At final closure, this material (about 15,000 yds<sup>3</sup>) will be stored back underground (Figure 4).

Non-acid generating material (NAG), about 43,000 yds<sup>3</sup>, will be stockpiled in the facility labeled ‘Non-Acid Generating Waste Disposal Area’ shown on Figure 4. Storm water runoff from these two facilities will be collected and routed either to BMPs, such as dispersion terraces and silt fences constructed down-gradient and then into the heavily forested area, or to the storm water detention pond for treatment prior to release. No discharges to waters of the U.S. are planned.

### Access Road

An access road for the site has been constructed. Silt fences, dispersion terraces, and infiltration excavations have been installed to manage water quality through the winter season. The alignment for the temporary road to the old camp, portal and staging area, and explosive magazine is also shown in Figure 3. The road is at a gradient of up to 8% with a 16 foot wide running surface. Total estimated length of the road is 5000 feet. Where appropriate, culverts were installed at minor drainage locations, and Camp Creek was crossed by a single span bridge as shown. Aside from the small staging area near the shore, the road will be located back from the beach in heavily forested areas. Minimal visual evidence of the road is apparent from Niblack Anchorage. An interim BMP program has already been installed at the site, as previously described.

The following construction techniques are being employed:

- All roads are constructed on properly surveyed alignment and grades.
- All road cross culverts were installed at the time of road construction.
- Equipment use in natural drainage channels was and will be held to an absolute minimum.
- Highly erosive soils are avoided, where possible.
- Straw bale dams with bale spills, were placed parallel to fill slopes to provide a sediment barrier from road construction activities (Appendix 1). The Alaska Department of Fish and Game, who is experienced with highway and logging road construction on Prince of Wales Island, recommended straw bale dams be installed instead of the more typical slash wind rows. These installations have been found to be more effective for the significant rain events typical of the area. NMC is following this direction where wind rows do not accomplish water management objectives.
- Cut-and-fill slopes have been stabilized by reducing their angle to a 2H:IV, where possible.
- Permanent erosion control measures have been constructed to last the life of the project, where feasible. Erosion control measures include straw bale dams with bale spills, shot rock ditch blocks, and drainage ditches that divert flow into areas of undisturbed forest floor. The Alaska Department of Fish and Game (ADF&G) has also recommended certain control measures as effective for containing sediment. The agency's input was incorporated in the plan. Representative BMPs are shown in Appendix 1.
- a 100 ft. setback or buffer will be maintained from all perennial streams.
- Stormwater flows and drainage will be diverted or dispersed (dispersion terraces/silt fencing) so as to maintain instream flows for anadromous fish.
- The road surface was covered with up to 12 inches of shot rock to reduce erosional features.

### Camp Facilities and Dock Landing

NMC will use a fully permitted 24-man floating camp for housing personal. The camp will include an ADEC-approved wastewater treatment system and drinking water plant. The barge camp will be secured to the dock facility with shore access provide by a hinged walkway. NMC is currently applying for all appropriate permits not already in place. Final location will consider potential important eelgrass habitat identified by the ADF&G.

There are no facilities at present to allow for docking of barges or floatplanes at the landing area. NMC plans to construct a dock facility at Niblack Anchorage. This will accommodate the 20-foot tide variance and allow heavy equipment to be unloaded. The barge landing will consist of a bulkhead constructed from cement blocks and backfill. The dock facility will consist of a float and walkway secured to two sets of pilings. The barge landing and dock facility will be designed to facilitate minimal disturbance of areas below high tide levels. To protect eelgrass habitat in the lower intertidal areas, siting will involve avoidance of this habitat to the extent possible. Also, propulsion systems will not be used on landing craft, tugs, self-propelled barges or other water craft using the barge landing site when tidal stage is less than half (7.6 ft. mean lower low water).

Minor supply needs and emergency requirements will be provided by regular float plane, boat and/or helicopter deliveries at the mancamp or the dock area. This mode of transport has proved to be efficient in the current exploration program.

#### Portal Platform – Ancillary Facilities

The portal excavation platform will be completed to provide for the entrance to the underground, and also a level working area of sufficient size to allow for equipment repair and other uses such as shop/lunchroom, diesel generating facilities, ventilation equipment and a lay down area for supplies will also be constructed at the portal. The generator will power underground equipment, ventilation fans and auxiliary lighting.

#### Fuel Storage

A fuel storage facility will be installed as shown on Figure 3. Estimated daily fuel consumption for the underground work is 1,000 gallons of diesel per day. Based on a 14-day delivery schedule and a 7-day safety margin, on-site storage of 21,000 gallons will be required. An additional 1,000 gallons (maximum) of gasoline will be stored on site for service vehicles. NMC has prepared a Spill Contingency Plan for the site. This includes provisions for fuel containment, emergency response, minimum equipment, and regular emergency response training for all employees. The plan is posted on-site, and the response program is part of all new-hire and regular management training.

#### Magazine Locations

A potential location for a powder magazine is shown on Figure 3. Subject to further investigation, an alternate site may be proposed. Any such site will be located at a safe distance from camp and portal locations. Storage sites would meet all Mine Safety Health Act (MSHA) requirements.

Using a 30-day re-supply cycle, the maximum amount of explosives in the magazine at any one time is estimated at:

- 7,000 pounds of Ammonium Nitrate
- 700 pounds of stick powder
- 500 pounds of nonel
- 1,000 feet of detonating cord

### Equipment

An underground water and explosives management strategy has been prepared for the project. This program addresses the use of ANFO, water gels, and emulsions to maintain existing water quality conditions at the site. Surface equipment available onsite includes: two back-hoes, a 3 cubic yard front end loader, a single boom tracked mounted drill, a heavy duty pickup, and two 4-wheeled ATVs. Two diesel generators, one at the portal and a second at the mancamp, will also be located at the site. A third backup generator will also be available at the minesite.

## **3.2. Receiving Waters and Wetlands**

Storm water collected from the disturbance area will report to either dispersion terraces, which effectively disperse water into the heavily vegetated areas of the forest, or to a constructed pond for treatment. This engineered treatment pond discharges to an engineered land application site. At the land application area, treated storm water will be applied in a drip irrigation network via surface emitters. The system is designed to optimize land infiltration over a large (about 10 acres) area.

A wetland delineation has been completed for the project area and is shown on Appendix 2. This survey was conducted using U.S. Army Corps of Engineers guidelines and was used in the facilities siting analysis. No application would occur on delineated wetlands or into waters of the U.S.

### **3.2.1. Receiving Waters, Water Quality Criteria**

Monitoring of baseline surface water quality at the Niblack Project was initiated in the fall of 1996. Six monitoring stations were identified at key drainage locations around the project area (Figure 5). Water quality samples were obtained from each site in October, 1996; September, 1997; April, 2005; and February, 2006. The results are presented in Appendix 3. Ongoing sampling is being conducted in 2006. Results are not currently available. This includes water quality monitoring and analysis for up-gradient and down-gradient sites from all major planned construction/exploration facilities.

Based on guidelines from the *Alaska Water Quality Criteria Manual for Toxic and Other Deleterious Organic and Inorganic Substances (2003)*, in October, 1996 naturally-occurring total and dissolved cadmium, total copper, and total and dissolved zinc were elevated at station WQ4. Total and dissolved lead concentrations were also elevated at station WQ6. Total and dissolved zinc concentrations were elevated at station WQ2. In September, 1997 baseline total and dissolved copper concentrations exceeded Alaska water quality criteria at station WQ2 and total zinc concentrations were elevated at station WQ1. These data represent pre-project environmental baseline conditions (see Appendix 3).

Detection limits used in the lab during the October 1996 and September 1997 sampling programs were higher at that time than current Alaskan water quality guidelines for some parameters. Therefore, total and dissolved copper, cadmium, lead, mercury, silver and zinc may have exceeded the guidelines at some or all sites in October of 1996. Total and dissolved copper, cadmium, lead, mercury and silver may also have been elevated at some or all sites in September of 1997. October, 1996 and September, 1997 data is presented in Appendix 3. Lab detection limits were decreased to appropriate levels for subsequent laboratory analyses.

Water quality data for 2005 and February 2006 are also presented in Appendix 3. In April, 2005 total and dissolved copper concentrations were elevated at Station WQ2 and station WQ6. In February, 2006 analytical results indicated that the waters did not contain elevated levels of metals above the Alaska criteria. Seasonal variations in flow conditions cause fluctuations in background water quality throughout the year. NMC has installed staff gauges and water level recorders to obtain this information. Trend monitoring will continue to establish seasonal water quality. Potential parameters of concern that may be naturally high in the area include cadmium, copper, zinc and lead, and pH. These will be closely monitored by the company.

NMC has advised ADEC in writing regarding naturally occurring metals concentrations that exceed applicable state water quality standards at the site. This information will be considered as part of the ongoing regulatory program underway to address this issue. It is NMC's understanding that adjustments to the current water quality standards are being considered in order to account for high naturally occurring water quality conditions and exceedences.

Trend monitoring had continued at the site through 2006 to establish high, average and low flow conditions. At the conclusion of the 2006 program, NMC will provide the Alaska Department of Natural Resources (ADNR) and the Alaska Department of Environmental Conservation (ADEC) with a summary report of monitoring results to date. The 2006 program will be re-assessed at that time, in order to consider future exploration and mining programs and monitoring needs.

### ***3.3. Summary of Potential Pollutant Sources***

Each significant material to be used at the site has been evaluated to determine the potential for these materials to contribute to pollution associated with storm water runoff from the site. Table 3 (Section 3.4) summarizes potential pollutant sources at the NMC construction/exploration project.

#### **3.3.1. Quantity and Nature of Potential Pollutants**

Potential pollutants of concern mainly consist of sediments originating from areas disturbed during construction, and to a lesser extent materials used in construction of the facilities. These include suspended solids, fuel, grease, and oil that may pollute storm water runoff. Potential construction materials impacts are mitigated with proper storage and/or containment and minimum exposure to the environment. This is a small-scale project with construction consuming and transporting an average of 1,000 gallons of fuel per day. A spill of fuel is considered to be the largest potential catastrophic risk at the project. The spill prevention and response plan and a winter caretaker addresses and helps to mitigate these potential pollutants.

Development rock disposal facilities will be exposed to the environment during construction and throughout the underground exploration program. This material will contain blasting residue.

### 3.4. List of Past Spills and Leaks

There are no known oil or other known polluting materials that have been spilled or leaked over the last three years at this site.

<b>TABLE 3 Summary of Potential Pollution Sources</b>		
<b>Area</b>	<b>Pollutant</b>	<b>Method of Exposure</b>
Underground Workings	Total Suspended Solids Ammonium Nitrate/Fuel Oil (ANFO)	Potentially transported by any surface or ground water encountered during the development of the access tunnel.
Development Rock Stockpiles	Potential Metals TSS	Temporary exposure of PAG development rock to storm water runoff (material lined and covered)
Laydown/Operating Areas	TSS Fuel and Oil	TSS from construction activities and spills incorporated into storm water runoff.
Access Roads	TSS Fuel and Oil Cement	TSS from trafficking, fuel and oil from leaks or spills and cement from transporting grout (spill).
Marine Dock	Fuel and Oil	Potential spills

Two reportable fuel spills occurred at the site in 2000 caused by vandalism. Petroleum fuel stored and secured at the storage site was broken into. Barrels were taken from the location to be the beach where the fuel was apparently siphoned. Empty barrels and residual were left behind. The U.S. Coast Guard was contacted, and a site visit ensued. No reprimand/violation was issued.

In winter 2004, a similar incident was reported. Following notification to the Coast Guard, contaminated soil at the storage site caused by vandalism was collected in barrels and sent to the Ketchikan landfill or Rebaneo near Seattle for final disposal. NMC's predecessor, Abacus Minerals Ltd., retained a third-party contractor to perform the cleanup. No violation was issued by the Coast Guard.

NMC has prepared a spill contingency strategy, which is currently being implemented. Spill response equipment and training is described in the *Niblack Mining Corporation, Niblack Project Underground Exploration Plan of Operations*, Knight Piesold Consulting, submitted June 26, 2006, which is currently under review by the LMPT. NMC has also hired a winter caretaker to provide security at the site this off-season.

## **4. Storm Water Controls**

Storm water management controls or BMPs will be implemented to reduce the amount of pollutants in storm water potentially discharged from the Niblack project site. The following describes the approach for installing storm water pollution controls at the site.

### ***4.1. Construction Storm Water Controls***

#### **4.1.1. Interim Stabilization Measures**

Interim stabilization measures include the use of: temporary seeding, mulching, diversion terraces, silt fences, straw bales, slope modifications/stabilization, temporary silt traps, infiltration galleries, and check dams. The control program will also include regular monitoring at selected sub-basins at designated “design points” to evaluate the efficiencies of these interim stabilization measures.

#### **4.1.2. Permanent Stabilization Measures**

Permanent stabilization measures will be installed once the facility is in its final configuration. Slopes will be graded to a stable angle, and revegetation initiated as concurrent reclamation or during closure of the facility. An Initial Plan of Operations (P of O) for the project has been submitted to the LMPT and is currently under review. A supplement to the P of O is also currently being prepared to address project needs which were evaluated during a site visit. This plan addresses interim and final reclamation of the site, including a temporary closure strategy in the event all exploration activities at the site are suspended for a period of six months or more. Permanent and temporary storm water controls will be employed at the site. Examples of the BMPs are shown in Appendix 1. An area-wide hydrology report is included as a supplement to the P of O.

#### **4.1.3. Storm Water Detention Structures**

The major permanent facility that will be used to prevent sedimentation of the receiving waters is the engineered silt pond. Its proposed location is shown on Figure 3. Flocculant addition will occur upstream of this facility in underground sumps, and at the “headwater” of the diversion drains. This will accelerate the settling of larger particles within the initial settling basin.

Dispersion terraces will be installed above and below all “fixed” location facilities. These will be surveyed in and constructed so as to maintain a flow velocity of storm water of less than two feet per second (scour velocity). Runoff from each facility “sub-area” will be conveyed/dispersed to undisturbed areas with heavy vegetation, thus minimizing the volume of water to be treated in the pond.

Smaller interim settling basins along the access road will also be converted to permanent structures that will remain for the life of the project. These smaller basins will also be “loaded”

with flocc logs. Infiltration galleries constructed in the primary sub-basins will require maintenance following storm events in order to settle out TSS in these smaller basins.

## ***4.2. Post-Construction Storm Water Controls***

Structural water quality management BMPs that are installed during the construction phase will remain during operations should that progression be made at the site by NMC. Potential future mine development and operations will be dependent on the results of the overall exploration project. Active storm water controls will be monitored/inspected monthly during the construction/exploration program. This will involve “efficiency audits” by NMC, which consider the water pollution controls vs. water quality sampling results. Additional BMPs may be added depending on these monitoring results. If areas are reclaimed and released, BMPs may be removed if they become redundant to the final reclamation measures.

### **4.2.1. Stabilized Construction Areas**

Once an area is determined to be “stabilized”, it may be classified as such in the SWPPP. Further inspections or additional BMP installations may be required once this designation has been made. Regular cleaning of culverts and sediment control traps will enhance early stabilization of disturbed areas. This may involve riprapping with larger rock material to further stabilize the runoff controls for the long-term.

Permanent sedimentation ponds will be constructed onsite according to the standards set forth in 18AAC 60.225(b)(2) and administered by ADEC. These standards require the construction and maintenance of a control system capable of containing and controlling run-off from the 24-hour, 25-year storm event.

Throughout the construction site, tree cutting and surface disturbance will be minimized. Up-slope ditching in access road construction areas will be well-defined. Culverts will be installed at appropriate design points to convey and disperse storm water into heavily wooded areas of the forest.

Given the steep topography at the site, topsoil salvaging will be difficult. NMC will make every effort to save topsoil in the larger areas, which remain to be disturbed. This will be done to the extent that the equipment operators can accomplish this salvage program in a safe and practicable manner.

The final road surface will be capped with up to a 12-inch layer of shot rock from the quarry (Figure 3) as described earlier. This will help to stabilize this construction activity long-term.

## **5. Non-Storm Water Discharges**

NMC has evaluated the presence of non-storm water discharges, as required by the General Storm Water Permit (AK-R-10-0000). This plan is intended to address both exploration (industrial) and construction activities on the same site prior to final stabilization. The following allowable, non-storm water discharges will potentially be discharged from the construction/exploration project.

### ***5.1. Allowable Non-Storm Water Discharges***

The following measures will be implemented in order to ensure that the potential for contamination from allowable non-storm water discharges will be mitigated. Potential allowable non-storm water discharges may include:

#### **Discharges from fire fighting activities**

Fire fighting activities would most likely occur at the floating camp barge or near the construction access portal. Discharges from fire fighting activities at the barge mancamp would discharge directly into the bay, and would not be detected by monitoring conducted within the storm water management system for the Niblack exploration project.

Fire fighting practice and training are not likely to be conducted in areas that are prone to surface runoff with attendant elevated TSS with a potential to degrade waters of the U.S. Fire fighting and training activities that may occur in areas where surface runoff could report to the containment and treatment systems would be visually monitored for suspended sediment and/or erosion. In the unlikely event of sedimentation, BMPs to control TSS would be implemented in these areas.

#### **Fire hydrant flushings**

Flushing of fire hydrants at the Project would likely only occur within the confinement of the mancamp barge. No flush water would report to the “on-land” storm water management facilities at the Niblack project.

#### **Waters used to wash vehicles where detergents are not used**

A vehicle wash down bay will be located at a designated facility in the area of the portal access, located upgradient of the main storm water sedimentation pond(s). The facility will be constructed with a catchment basin that captures and de-silts wash bay water prior to the release to the storm water treatment system. Oil booms, sorbents, or skimmers will be used to collect any residual oil or grease that is present in the wash water. Regular monitoring and maintenance is required to identify the limitations of the sump and the hydrocarbon collection system. These systems will be maintained and a manifest will be kept to verify the activities.

### **Water used to control dust**

The Niblack project is located in an area characterized by extremely high net precipitation (nearly 200 inches/year). In this setting it is important not to over apply water to roadways when controlling dust. Heavy precipitation in areas that have been recently saturated for dust abatement may contribute to sediment loading and “over-taxing” of the storm water collection and treatment system. Therefore, dust control is expected to be minimal. Excess water runoff from dust suppression activities will report to existing storm water collection ditches and will be subject to the existing storm water BMPs prior to release.

### **Potable water including uncontaminated water line flushings**

Regular maintenance of the potable water system at the mancamp may include flushing of the water lines. This practice would discharge flush water directly into the bay. The schedule is expected to be every two weeks. No excess surface runoff resulting from this exercise will report to the on-land storm water management system and BMPs.

### **Routine external building wash down that does not use detergents**

Routine external washing of any buildings associated with the project could result in pooling of water within the disturbance boundary of the project. Any excess runoff from this activity will report to the storm water runoff system and BMPs, as listed in the SWPPP.

### **Uncontaminated ground water or spring water**

The Niblack construction/exploration project is located adjacent to an area of delineated wetlands. The occurrence of ground water and spring water is wide-spread throughout the project site. Ground water primarily appears as low residence time near surface colluvial ground water. This source contributes to the overall surface flow that will be part of the storm water management system for the project. Regular monitoring will help to ensure that these sources are not compromised, or contribute to, sediment loading associated with the ongoing construction activities.

A ground water monitoring program is currently being designed and implemented at the site. This will define up-gradient (pre-construction) and down-gradient project effects to ground water. The ground water monitoring program results will be submitted to ADEC as part of this SWPPP reporting, once the network is installed and construction actually is commenced.

A second source of ground water is the deeper longer resident time water. This source will not effect the storm water management system and/or other constituents at the Niblack construction site.

## **Uncontaminated excavation dewatering**

An underground access drift will be established to provide access to drill stations. This underground development may from time to time intersect ground water that will be collected, evaluated, and treated for suspended solids.

Measures will be implemented to limit the amount of ground water that reports to the construction tunnel. High pressure grouting will be used within drill holes that intersect fracture zones. Concrete will be placed in the walls of the tunnel to plug ground water conduits to the workings. Packers have also been shown to be very effective in limiting water volumes.

Underground sumps will be constructed to treat any ground water that may be encountered. Flocculants will be added to aid in settling out suspended solids. Sumps will be cleaned regularly. Sludge will be placed underground and stabilized in dry areas of the workings.

Any excess ground water, which is not able to be plugged, will be utilized as a beneficial use for limited dust control, underground diamond drilling at the wash bay, and in other ongoing construction activities. Beyond beneficial uses and applications, the BMP techniques used for the management of the ground water will include introduction into the surface water runoff system currently designed for the project, as necessary.

Newly constructed underground sumps will be used to settle (treat), store, and recirculate non-storm water for beneficial uses. These sumps are designed to settle out the coarser fraction of solids in dewatering ground water that has come into contact with the construction working area of the access tunneling program. The sumps also provide a stored volume of water that can be pumped to a point of beneficial use.

This temporary water management / pollution prevention program is discussed in a separate document: *Niblack Outlook Unit*.

## **Inspection, Monitoring, and Maintenance**

Inspection, monitoring, and storm water system maintenance of allowable non-storm water excavation dewatering will be conducted by NMC personnel or assigned contractors. This will include daily visual monitoring of the discharge to the ponds. Further daily monitoring and recording of flow volumes and rainfall will also be conducted. Monthly monitoring (water quality) of any discharges from the surface ponds where non-storm water flows may have been routed will be conducted. Monitoring at these locations is described later in this document.

## **Best Management Practices (BMPs)**

Allowable non-storm water quality impacts will be mitigated by implementation of a sequenced BMP program at the site. The program will include the following:

- Non-storm water flows requiring discharge and management will be minimized to the extent feasible (i.e. grouting, packing, reuse and recirculation).

- Non-storm water flows requiring treatment at the construction project via sumps, ponds, and skimmers as necessary, in order to remove sediments and any residual hydrocarbons in the water.
- Non-storm water flows then can be put to beneficial use primarily as make-up water for exploration drilling and construction excavation.
- Excess allowable non-storm water that cannot be put to beneficial use, or recycled, will be routed into the storm water ponds.

### **Operations and Maintenance (O&M)**

BMP maintenance is an important component of water management at the Niblack construction site. Key activities are highlighted below.

- Silt Fences – Maintenance of silt fences will require removal of collected sediment each season, and placement of this sludge into a secured storage area (NAG site). Silt fences will be checked to see if they are securely in place prior to each spring run-off, mid-season, and at season's end. Downstream areas with limited siltation can be seeded for longer-term stabilization (Appendix 1).
- Terraces and Level Spreaders – This will be cleared of sediment deposits each spring, prior to startup, and the fall season end. Again, this material will be stored in a secure site. Dispersion terraces can and will be seeded with a local grass mixture to further trap sediments. Hydro-mulching has been shown to be particularly effective at other sites in SE Alaska.
- Straw Bale Barriers – These will be placed in a row on the contours and imbedded in the soil (6 inches). They will be inspected regularly and replaced as necessary.
- Filter Berms – Use of filter beams are designed to collect storm water flows over the dispersion terraces and settle out solids. Eventually they fill up and overflow. Frequent inspection and replacement of washed-out sections would occur, as well as year-end hydro-seeding (Appendix 1)
- Drop Inlets – These nonpoint source installations are also designed to collect and filter storm water and non-storm water flows. An example of non-stormwater flows would be oil and grease and other low density contaminants. The goal is to prevent these contaminants from being released to surface waters. These systems will be routinely inspected and cleaned as necessary.
- Drainage Channels – Use of rock-lined channels to the extent feasible will limit erosion caused by storm water runoff. This construction approach will also limit necessary O&M requirements.

- Water Bars – These may be installed at season's end where design flows are concentrated over the main access road. These would be used to divert water to more stable vegetated areas of the forest. Rock-lined water bars will reduce O&M requirements.

## **Monitoring**

Weekly inspections of the BMPs are to be conducted to ensure that they are operating as planned. This will further insure storm water quality does not adversely affect local water quality.

In addition to the inspections, receiving water quality monitoring will be conducted downstream of the treatment system, prior to co-mingling with the receiving surface water. The focus of the regular in-stream monitoring is to assess the impacts of potential nonpoint sources. Freshwater monitoring is currently being implemented at the project to develop a baseline database of in-stream water quality for the project. The 2007 program also includes a marine water quality sampling component which is described in the hydrology/water quality supplement to the P of O. A summary of this P of O is included as Appendix 5 of this document.

## **6. Site Inspections and Administrative Requirements**

### ***6.1. Inspection Frequency***

Regular site inspections of the storm water BMP program for the Niblack Lookout Unit Construction/Exploration Project will occur at least once every 15 calendar days. Inspection frequency may be reduced to once every month at such times as limited precipitation has occurred, the entire site is temporarily stabilized, or if runoff is limited due to winter conditions. Information about the inspections will be recorded, as described below.

#### **6.1.1. Scope of Inspections**

Inspections must include all areas of the site impacted by construction activities. This includes all areas used for the storage of materials that are exposed to precipitation. The inspector must evaluate potential pollutant sources identified earlier in Section 3.3 of the SWPPP. Sediment and erosion controls must be observed to evaluate effectiveness. Discharge locations would be observed to evaluate potential impacts to receiving waters.

Inspections must be completed by qualified exploration personnel or a consultant hired by the mine. Reports will be submitted directly to the designated NMC official on a weekly basis, and to ADEC on a quarterly frequency. Additional reporting would be required if water quality problems are observed and/or monitored.

#### **6.1.2. Inspection Report**

Each inspection will be documented on a SWPPP inspection form and contain the following minimum information:

1. Inspection date
2. Inspector's name and title
3. Weather information since the last inspection and amount of rainfall
4. Locations of discharge of sediment or other pollutants (photo-documented if problem)
5. Locations of BMPs that need to be maintained
6. Locations of BMPs that failed or are inadequate
7. Locations where additional BMPs are required
8. List any corrective actions including changes necessary to the SWPPP
9. Any water quality monitoring results as they are made available

Records of inspections and required follow-up actions will be retained for three years from the date that the inspection took place. Records will be filed at the NMC corporate office in Vancouver and at the construction site.

## ***6.2. Follow-up Actions***

Any deficiencies in the implementation of the SWPPP detected during routine facility inspections will be corrected before the next storm event, or as soon as practicable. If BMPs need to be modified or if additional BMPs are required, these will also be installed prior to the next storm event.

## ***6.3. Annual Report***

NMC commits to completing an annual report discussing the effectiveness of the BMPs onsite. This report will include any changes that have been made to the SWPPP, rationale for the changes, any spills that occurred, actions taken as a result of the spill, inspection results, and any other information relevant to the plan. The annual report is to be maintained onsite. Copies of the report will be submitted to ADEC and the LMPT leader.

### **6.3.1. Record Keeping and Reporting Forms**

The following BMP-related information will be collected at the site on specially designed forms:

- Significant spill report (as needed)
- Employee training (annual)
- Good housekeeping and preventive maintenance (annual)
- Non-storm water inspection report (every 15 days)
- SWPPP inspection report (every 15 days)

Forms that are completed throughout the year will be kept onsite and made available for regulatory inspections.

## ***6.4. Retention of Records***

NMC hereby will commit to retaining all records pertaining to the SWPPP for a period of three years from the initial date the SWPPP was implemented. These records will be made available to the ADEC project manager and LMPT leader upon written request.

## 7. Additional SWPPP Requirements

### 7.1. *Maintaining an Updated SWPPP*

The SWPPP must be maintained and amended to address changing conditions at the site during construction. Also as areas are finally stabilized, inclusion in the plan may not be warranted. It is understood that the SWPPP will be revised, if and when NMC makes a decision to advance the Lookout Project into a development/mining phase.

### 7.2. *SWPPP Availability*

This SWPPP will be kept onsite and made available to regulatory agency personnel during onsite inspections or to the designated agencies upon receipt of a written request.

### 7.3. *Certification of the SWPPP*

A completed copy of the Notice of Intent (NOI) is included herein as Appendix 4. This will comply with the General Permit Requirements of the U.S. Environmental Protection Agency.

I certify that this document and all attachments were prepared under my direction or supervision. The information submitted was prepared in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information. Based on my inquiry of the persons who directly responsible for gathering the information, the information submitted herein is, to the best of my knowledge and belief, true, accurate, and complete.



\_\_\_\_\_  
Paddy Nicol, NMC President

October 24, 2006

Date

Paddy Nicol  
Printed Name

President

Title

Retain a copy of this certification with the SWPPP.

## 8. References

1. Alaska Department of Transportation and Public Facilities, Alaska Storm Water Pollution Prevention Plan Guide. January 14, 2005.
2. Alaska Department of Environmental Conservation. 18 AAC 70, Water Quality Standards, 2003.
3. HDR Alaska, Inc. Niblack Property Prince of Wales Island, Alaska Preliminary Jurisdictional Determination. March 2006.
4. Knight Piesold. Preliminary Hydrology/Water Quality Report for Niblack Outlook Project, Alaska, 2006.
5. Niblack Mining Corp., Niblack Project – Underground Exploration Plan of Operations. June 14, 2006
6. RTR Resource Management. Temporary Excavation Dewatering General Permit (2004 D130101) Application. October, 2006.
7. U.S. E.P.A., List of Drinking Water Contaminants and MCL's, National Secondary Drinking Water Regulations, 2005.
8. U.S. Environmental Protection Agency, National Pollutant Discharge Elimination System, General Permit for Discharges from Large and Small Construction Activities, as modified January 21, 2005.

APPENDIX 1

TYPICAL BEST MANAGEMENT  
PRACTICES (BMPs)

For

EROSION & SEDIMENT CONTROL

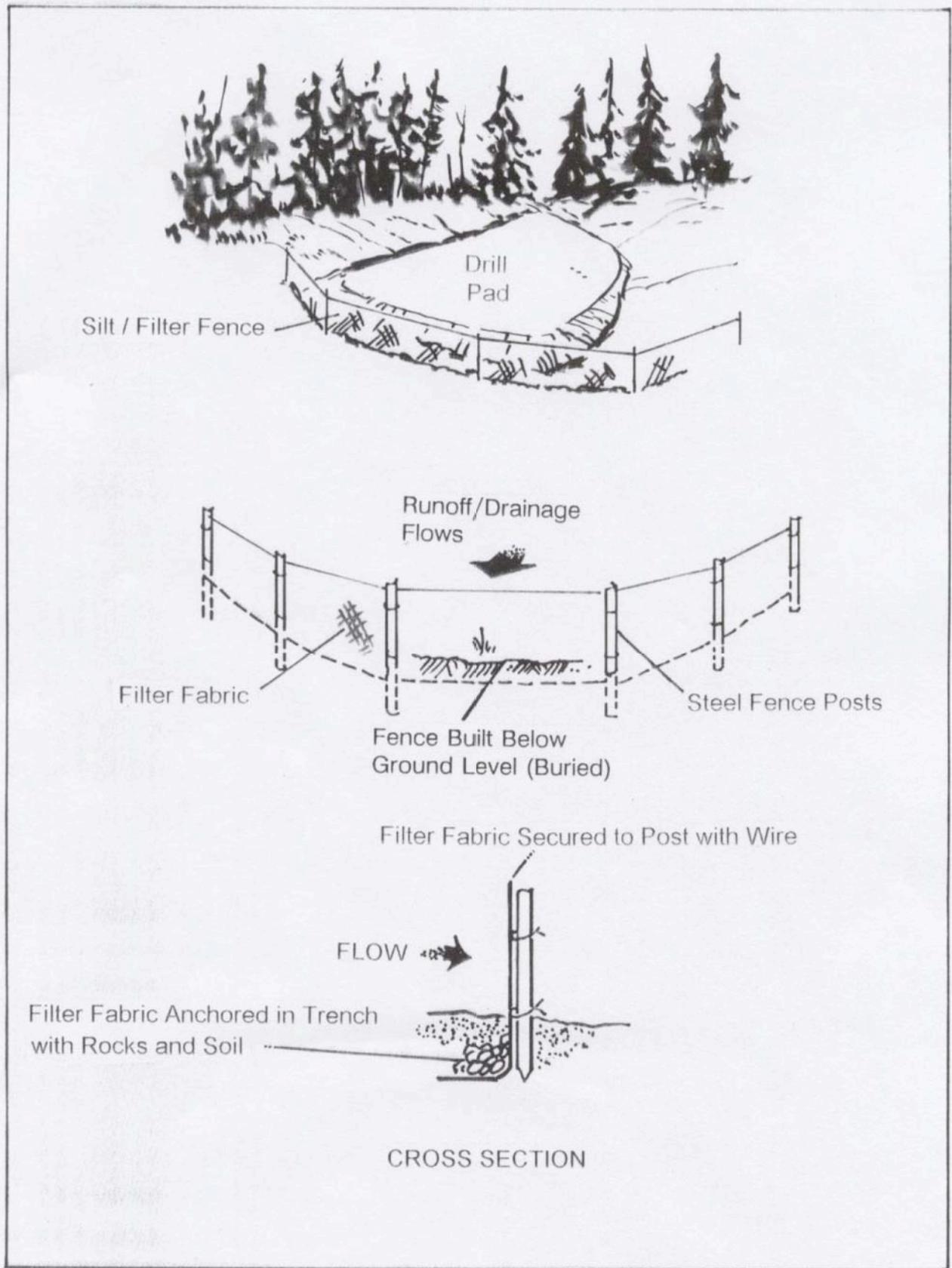
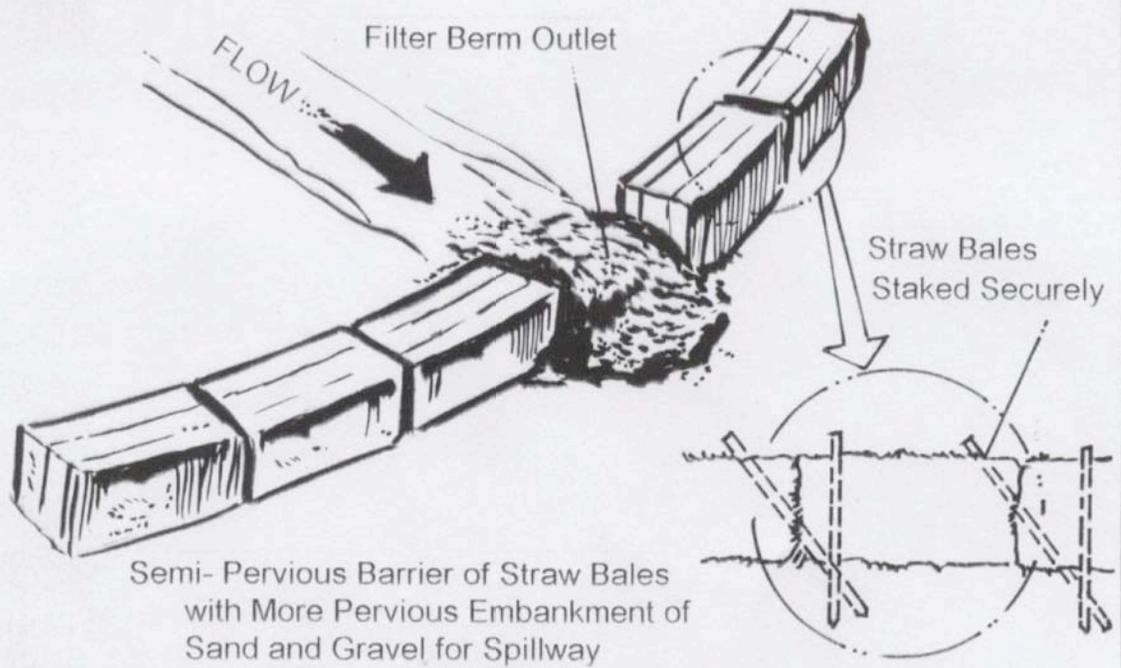


Figure 1 - Silt Fence/Filter Fence

### STRAW BALE BARRIER



### STRAW BALE SEDIMENT BARRIER

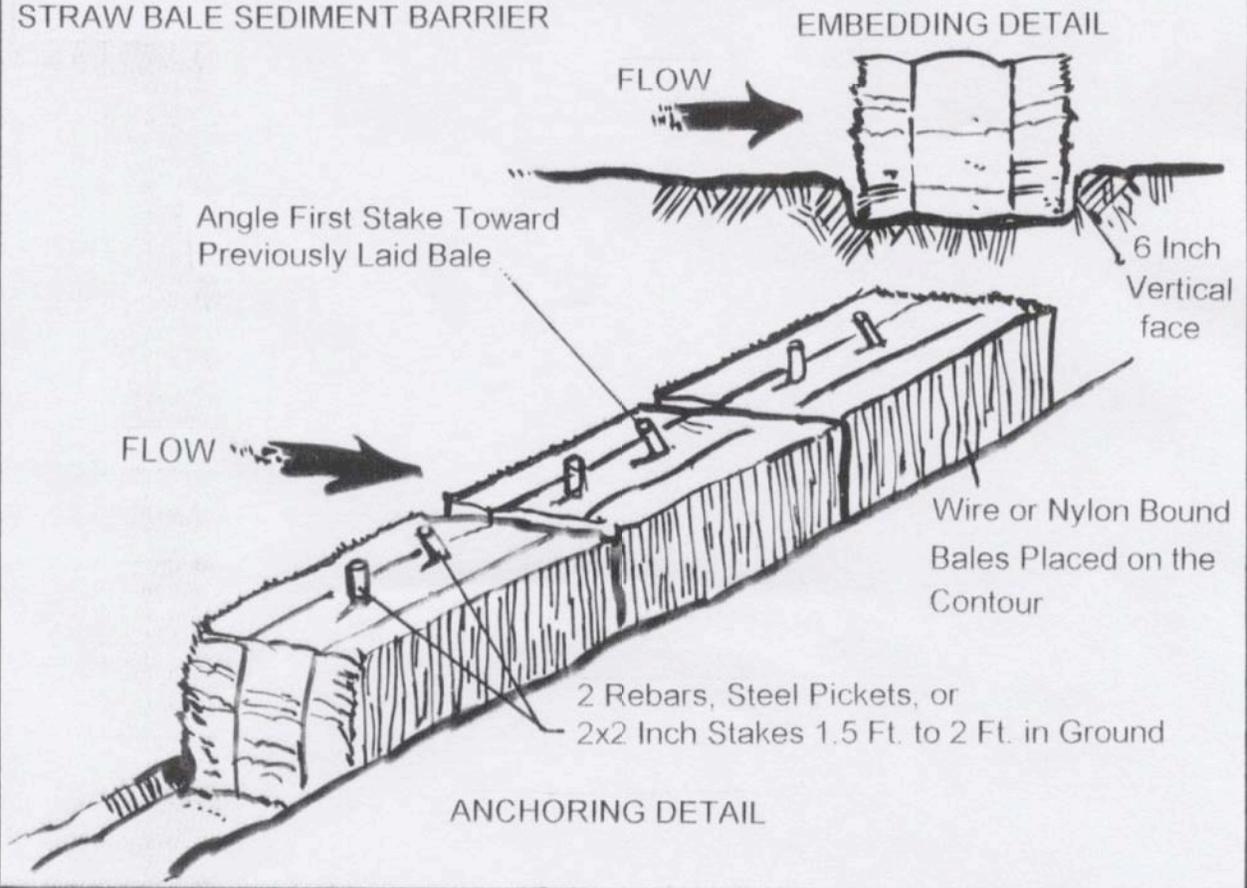
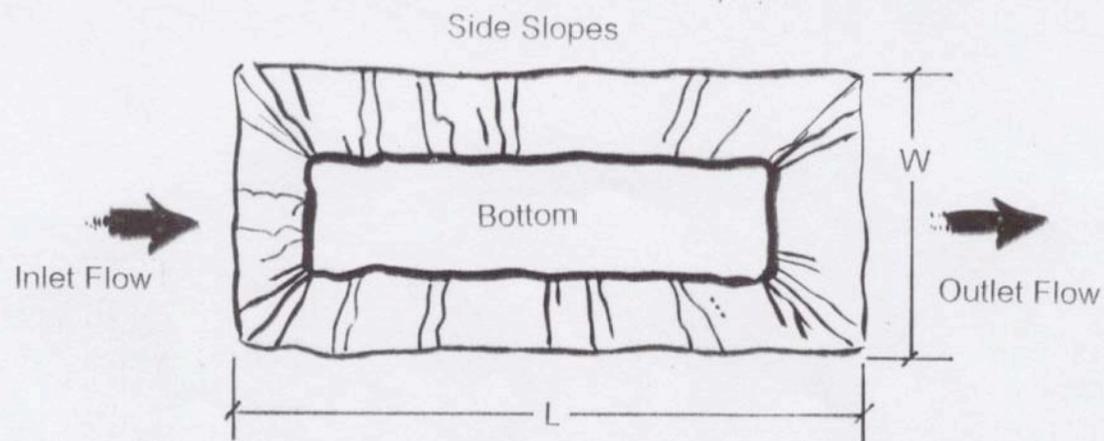
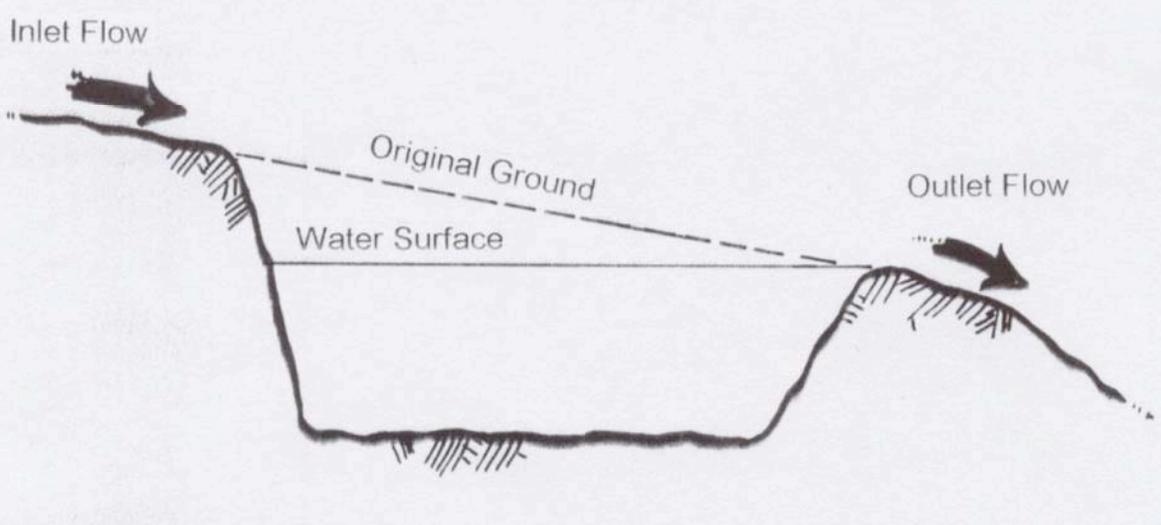


Figure 2 - Straw Bale Barriers



PLAN VIEW



CROSS SECTION

Figure 3 - Sediment Traps or Catch Basins

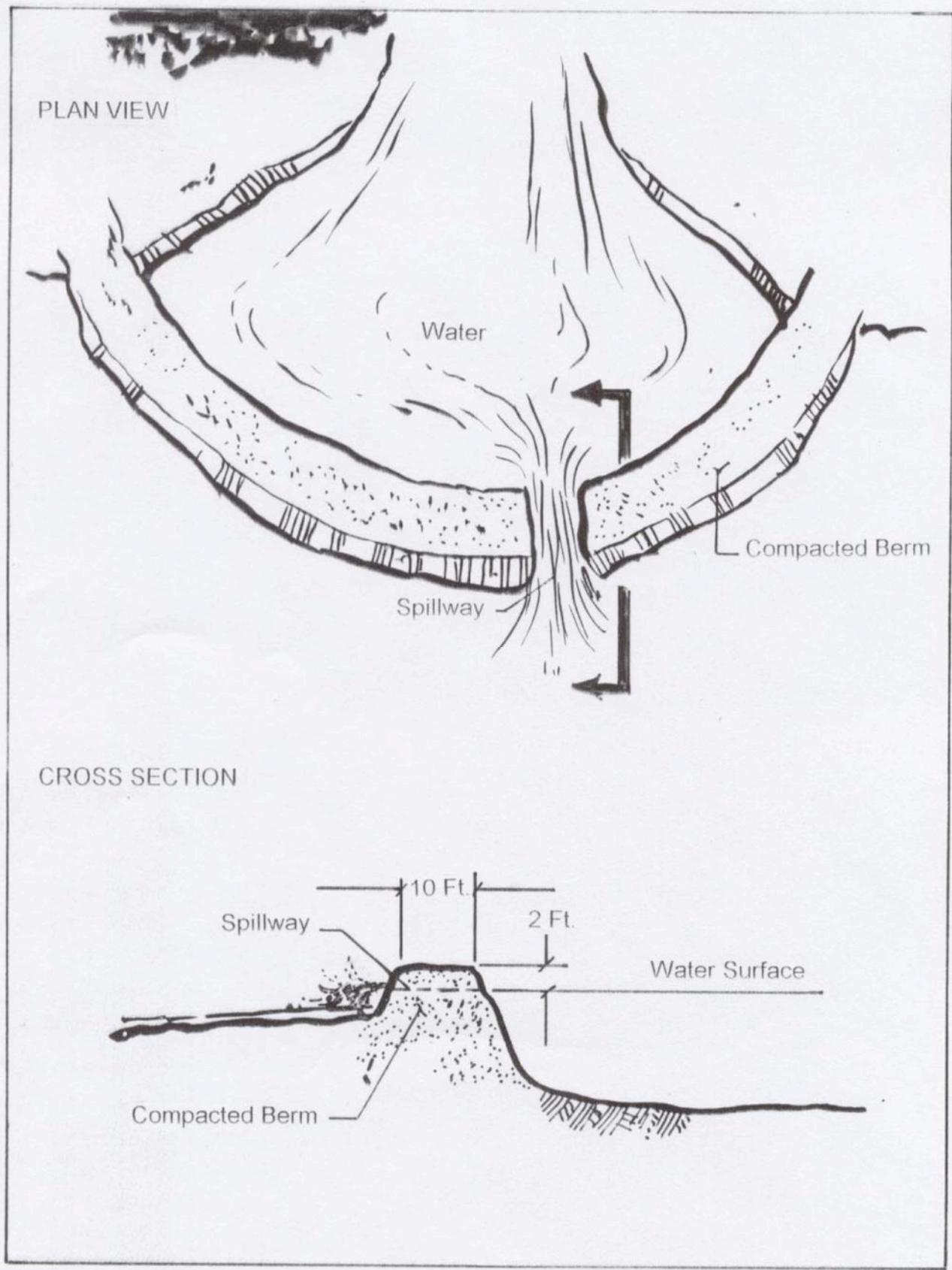
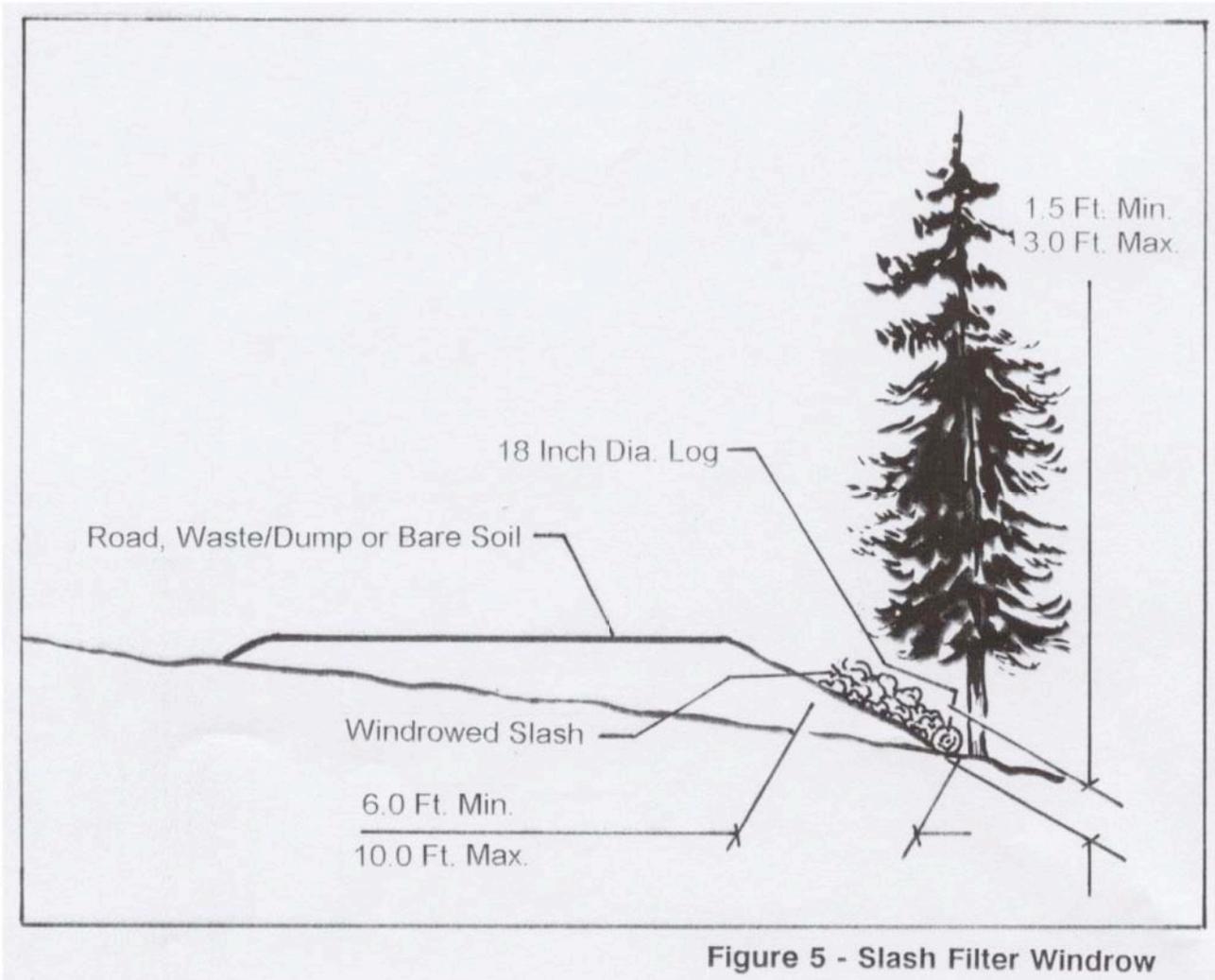


Figure 4 - Sediment/Settling Pond



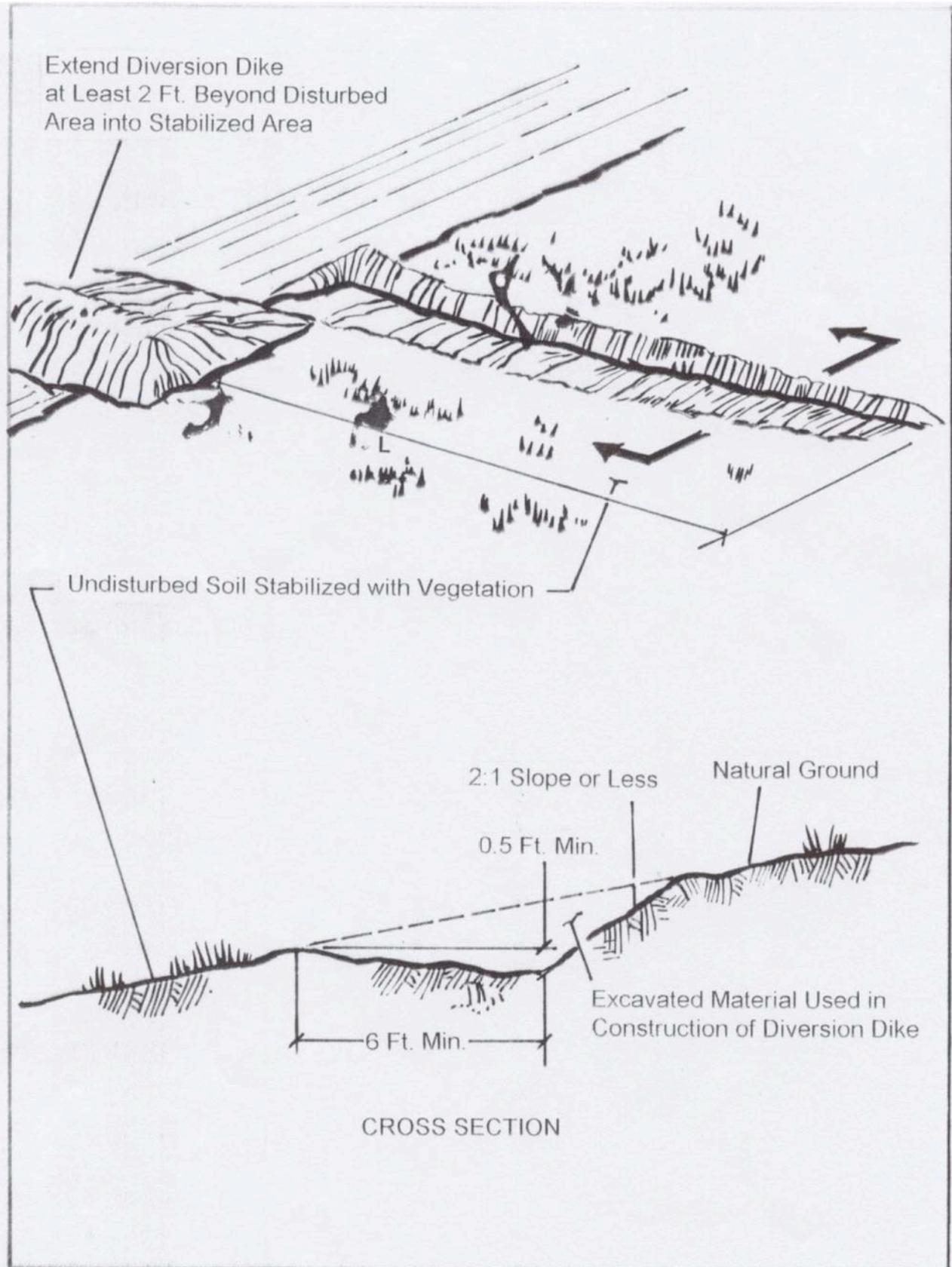
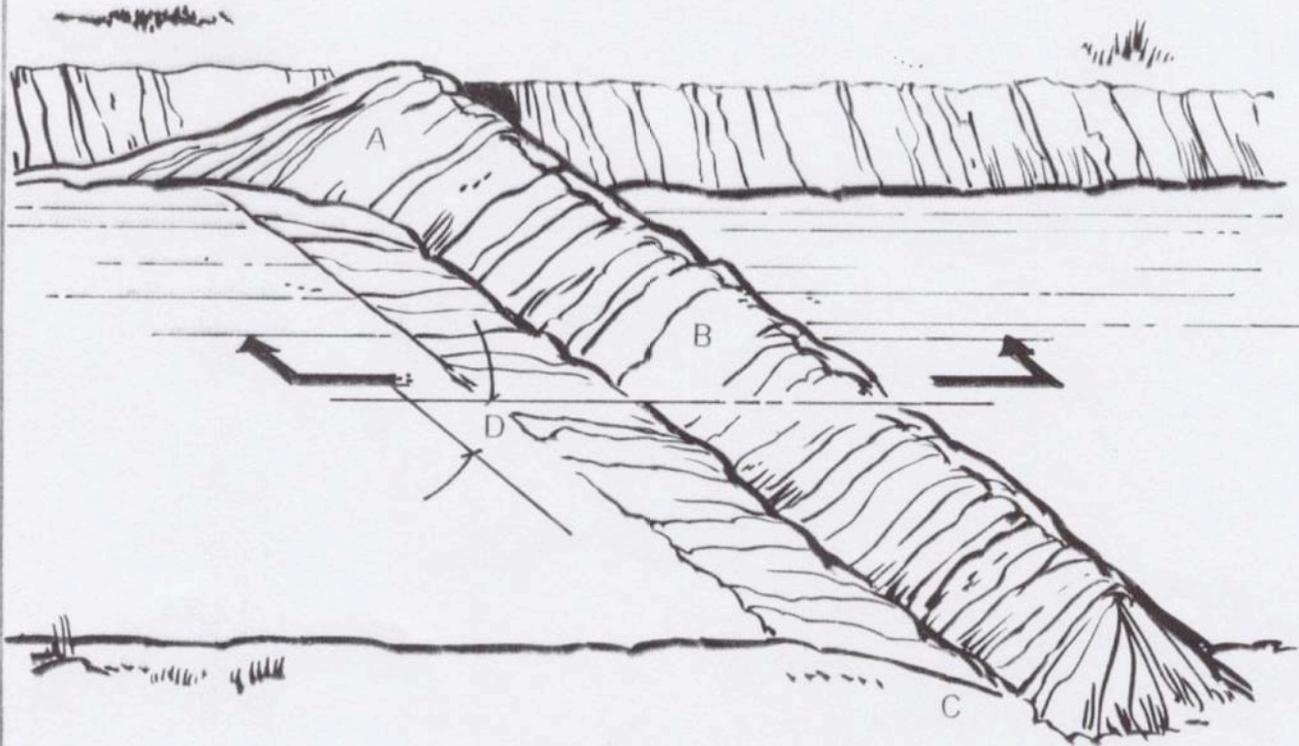
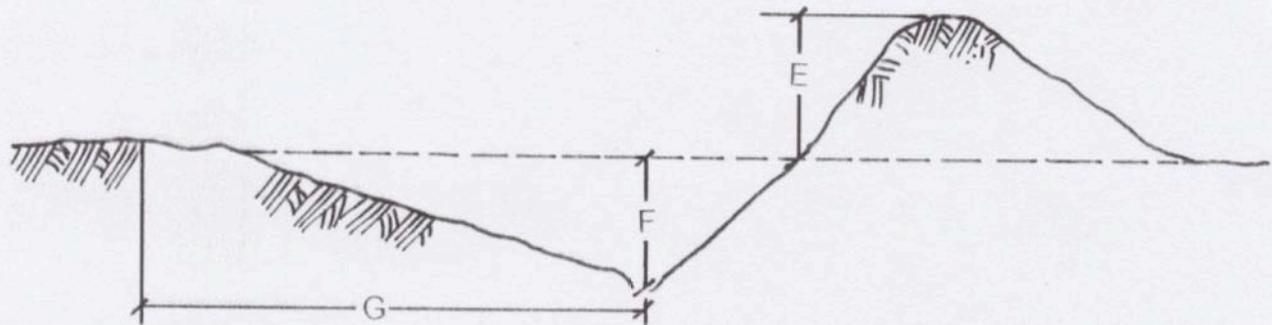


Figure 6 - Level Spreaders

TOP VIEW



CROSS SECTION



Waterbar (Cross Ditch) Construction for forest roads

- A Bank tie-in point cut 6 to 12 inches into roadbed
- B Cross drain berm height 12 to 24 inches
- C Drain outlet cut 8 to 16 inches into roadbed
- D Angle drain 30 to 40 degrees downward with road centerline
- E Height up to 24 inches
- F Depth to 18 inches
- G 36 to 48 inches

NPDES  
Form



United States Environmental Protection Agency  
Washington, DC 20460

**Notice of Intent (NOI) for Storm Water Discharges Associated with  
Construction Activity Under an NPDES General Permit**

Submission of this Notice of Intent (NOI) constitutes notice that the party identified in Section II of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section I of this form. Submission of this NOI also constitutes notice that the party identified in Section II of this form meets the eligibility requirements of the CGP for the project identified in Section III of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Refer to the instructions at the end of this form.

**I. Permit Number**

AKR100000

**II. Operator Information**

Name: NIBLACK MINING CORP

IRS Employer Identification Number (EIN):

**Mailing Address:**

Street: 615-800 WEST PENDER ST

City: VANCOUVER BC State: BC Zip Code: V6C - 2V6

Phone: 604 - 505 - 5045 Fax (optional): 604 - 684 - 0279

E-mail (optional): phicol@amemining.com

**III. Project/Site Information**

Project/Site Name: NIBLACK LOOKOUT UNIT CONST/EXPL

Project Street/Location: 30 MI. SW OF KETCHIKAN, AK

City: CRAIG A1 USGS NIBLACK ANCH. State: AK Zip Code:

County or similar government subdivision: PRINCE OF WALES

Latitude/Longitude (Use one of three possible formats, and specify method)

Latitude 1. 54° 50' N (degrees, minutes, seconds) Longitude 1. 132° 05' W (degrees, minutes, seconds)  
2. ° N (degrees, minutes, decimal) 2. ° W (degrees, minutes, decimal)  
3. ° N (decimal) 3. ° W (decimal)

Method:  U.S.G.S. topographic map  EPA web site  GPS  Other:  
• If you used a U.S.G.S. topographic map, what was the scale: CRAIG A-1 USGS QUAD

Project Located in Indian country?  Yes  No  
If so, name of Reservation or if not part of a Reservation, put "Not Applicable":

Estimated Project Start Date: 03 / 01 / 2007 Estimated Project Completion Date: 03 / 01 / 2009  
Month Date Year Month Date Year

Estimated Area to be Disturbed (to the nearest quarter acre): 50.00 ACRES



**Notice of Intent (NOI) for Storm Water Discharges Associated with  
Construction Activity Under an NPDES General Permit**

NPDES Form

This Form Replaces Form 3510-9 (8/98)

Form Approved OMB Nos. 2040-0188 and 2040-0211

**Who Must File an NOI Form**

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.; the Act), federal law prohibits storm water discharges from certain construction activities to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) Permit. Operator(s) of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, or any other site specifically designated by the Director, must submit an NOI to obtain coverage under an NPDES general permit. Each person, firm, public organization, or any other entity that meets either of the following criteria must file this form: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have day-to-day operational control of those activities at the project necessary to ensure compliance with SWPPP requirements or other permit conditions. If you have questions about whether you need an NPDES storm water permit, or if you need information to determine whether EPA or your state agency is the permitting authority, refer to [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) or telephone the Storm Water Notice Processing Center at (866) 352-7755.

**Where to File NOI Form**

See the applicable CGP for information on where to send your completed NOI form.

**Completing the Form**

Obtain and read a copy of the appropriate EPA Storm Water Construction General Permit for your area. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, refer to [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) or telephone the Storm Water Notice Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

**Section I. Permit Number**

Provide the number of the permit under which you are applying for coverage (see Appendix B of the general permit for the list of eligible permit numbers).

**Section II. Operator Information**

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this

application. An operator of a project is a legal entity that controls at least a portion of site operations and is not necessarily the site manager. Provide the employer identification number (EIN from the Internal Revenue Service; IRS), also commonly referred to as your taxpayer ID. If the applicant does not have an EIN enter "NA" in the space provided. Also provide the operator's mailing address, telephone number, fax number (optional) and e-mail address (if you would like to be notified via e-mail of NOI approval when available). Correspondence for the NOI will be sent to this address.

**Section III. Project/Site Information**

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

The applicant must also provide the latitude and longitude of the facility either in degrees, minutes, seconds; degrees, minutes, decimal; or decimal format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and EPA's web-based siting tools, among others. Refer to [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) for further guidance on the use of these methodologies. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. Applicants must specify which method they used to determine latitude and longitude. If a U.S.G.S. topographic map is used, applicants are required to specify the scale of the map used.

Indicate whether the project is in Indian country, and if so, provide the name of the Reservation. If the project is in Indian Country Lands that are not part of a Reservation, indicate "not applicable" in the space provided.

Enter the estimated construction start and completion dates using four digits for the year (i.e., 05/27/1998). Enter the estimated area to be disturbed including but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Indicate to the nearest quarter acre. Note: 1 acre = 43,560 sq. ft.

**Section IV. SWPPP Information**

Indicate whether or not the SWPPP was prepared in advance of filing the NOI form. Check the appropriate box for the location where the SWPPP may be viewed. Provide the name,

**Notice of Intent (NOI) for Storm Water Discharges Associated with  
Construction Activity Under an NPDES General Permit**

NPDES Form

This Form Replaces Form 3510-9 (8/98)

Form Approved OMB Nos. 2040-0188 and 2040-0211

fax number (optional), and e-mail address (optional) of the contact person if different than that listed in Section II of the NOI form.

**Section V. Discharge Information**

Enter the name(s) of receiving waterbodies to which the project's storm water will discharge. These should be the first bodies of water that the discharge will reach. (Note: If you discharge to more than one waterbody, please indicate all such waters in the space provided and attach a separate sheet if necessary.) For example, if the discharge leaves your site and travels through a roadside swale or a storm sewer and then enters a stream that flows to a river, the stream would be the receiving waterbody. Waters of the U.S. include lakes, streams, creeks, rivers, wetlands, impoundments, estuaries, bays, oceans, and other surface bodies of water within the confines of the U.S. and U.S. coastal waters. Waters of the U.S. do not include man-made structures created solely for the purpose of wastewater treatment. U.S. Geological Survey topographical maps may be used to make this determination. If the map does not provide a name, use a format such as "unnamed tributary to Cross Creek". If you discharge into a municipal separate storm sewer system (MS4), you must identify the waterbody into which that portion of the storm sewer discharges. That information should be readily available from the operator of the MS4.

Indicate whether your storm water discharges from construction activities will be consistent with the assumptions and requirements of applicable EPA approved or established TMDL(s). To answer this question, refer to [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp) for state- and regional-specific TMDL information related to the construction general permit. You may also have to contact your EPA regional office or state agency. If there are no applicable TMDLs or no related requirements, please check the "yes" box in the NOI form.

**Section VI. Endangered Species Information**

Indicate for which criterion (i.e., A, B, C, D, E, or F) of the permit the applicant is eligible with regard to protection of federally listed endangered and threatened species, and designated critical habitat. See Part 1.3.C.6 and Appendix C of the permit. If you select criterion F, provide the permit tracking number of the operator under which you are certifying eligibility. The permit tracking number is the number assigned to the operator by the Storm Water Notice Processing Center after EPA acceptance of a complete NOI.

**Section VII. Certification Information**

All applications, including NOIs, must be signed as follows:  
*For a corporation:* By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or

*For a municipality, state, federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered eligible for permit coverage.

**Paperwork Reduction Act Notice**

Public reporting burden for this application is estimated to average 3.7 hours. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB control number on any correspondence. Do not send the completed form to this address. **Visit this website for mailing instructions:**  
[http://cfpub.epa.gov/npdes/stormwater/application\\_coverage.cfm#mail](http://cfpub.epa.gov/npdes/stormwater/application_coverage.cfm#mail)