



DEPARTMENT OF THE ARMY  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
P.O. BOX 6898  
JBER, ALASKA 99506-0898

JUL 28 2014

Regulatory Division  
POA-1982-290

Heatherdale Resources  
Attention: Mr. Patrick Smith  
1040 W Georgia Street, 15<sup>th</sup> Floor  
Vancouver, BC V6E 4H8

Dear Mr. Smith:

This is in response to your March 17, 2014, application for a Department of the Army (DA) permit to construct an 830-foot long by 6-inch diameter outfall line (of which 480-foot would occur below the high tide line of Moira Sound in both vegetated and unvegetated estuarine intertidal waters). The new discharge pipe would lead to the proposed marine discharge outfall at an elevation of 14-feet below mean lower low water on the seafloor. The estimated maximum amount of rock and/or concrete fill material to be placed below the high tide line of Moira Sound is 11 cubic yards to anchor the outfall line. It has been assigned file number POA-1982-290, Moira Sound, which should be referred to in all future correspondence with this office. The project site is located within Section 34, T. 78 S., R. 88 E., Copper River Meridian; USGS Quad Map Craig A-1; Latitude 55.0664° N., Longitude 132.1465° W.; at the Niblack Mine Exploration Project in Moira Sound on Prince of Wales Island, Alaska.

Based on our review of the information you furnished and available to us, we have preliminarily determined the above project area contains waters of the United States (U.S.), including wetlands, under the Corps' regulatory jurisdiction (Please see the attached Preliminary Jurisdictional Determination Form).

DA permit authorization is necessary because your project would involve work in and placement of structures and fill material into waters of the U.S. under our regulatory jurisdiction.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan (sheets 1-7), dated June 2, 2014, is authorized by Nationwide Permit (NWP) No. 7, Outfall Structures. NWP No. 7 and its associated Regional and General Conditions can be accessed at our website at: [www.poa.usace.army.mil/Missions/Regulatory/Permits.aspx](http://www.poa.usace.army.mil/Missions/Regulatory/Permits.aspx). Regional Conditions F, G, and H apply to your project. You must comply with all terms and conditions associated with NWP No. 7, as well as with the special condition listed below:

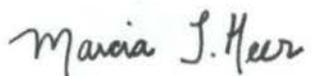
Documentation of an Alaska Pollution Discharge Elimination System (APDES) permit authorized by Alaska Department of Environmental Conservation and a State of Alaska Tidelands Lease authorized by Alaska Department of Natural Resources to the applicant shall be required prior to construction.

Further, please note General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to us.

This verification is valid until March 18, 2017, unless the NWP is modified, reissued, or revoked. It is incumbent upon you to remain informed of changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at [Marcia.L.Heer@usace.army.mil](mailto:Marcia.L.Heer@usace.army.mil), by mail at the address above, by phone at (907) 753-5759, or toll free from within Alaska at (800) 478-2712, if you have questions or to request paper copies of the regional and/or general conditions. For more information about the Regulatory Program, please visit our website at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,

A handwritten signature in cursive script that reads "Marcia L. Heer".

Marcia L. Heer  
Project Manager

Enclosures



**US Army Corps of Engineers  
Alaska District**

Permit Number: POA-1982-290

Name of Permittee: Mr. Patrick Smith, Heatherdale Resources

Date of Issuance: JUL 28 2014

**Upon completion** of the activity authorized by this permit and any mitigation required by the permit, **sign this certification and return it to Ms. Marcia L. Heer at the following address:**

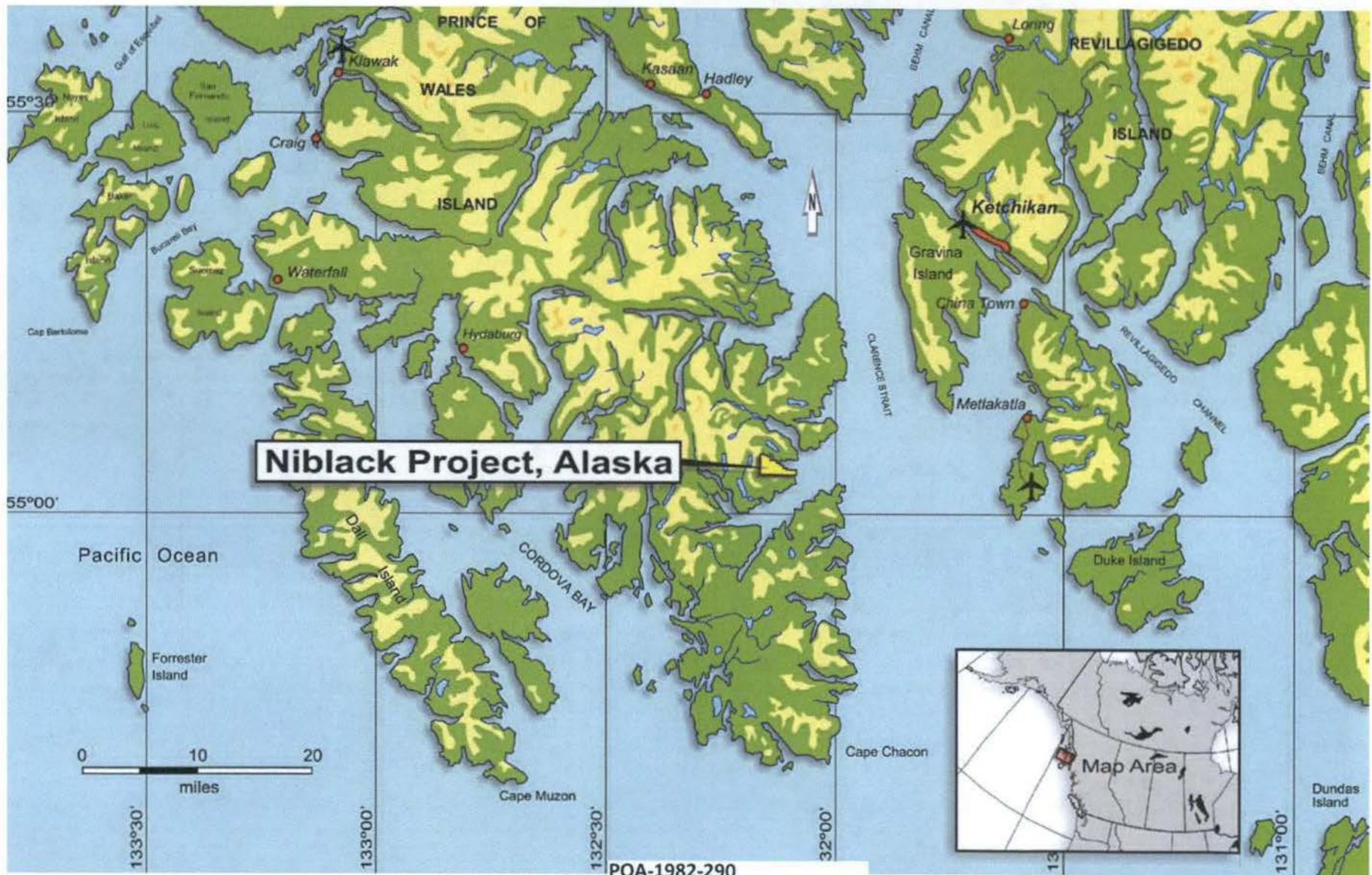
U.S. Army Corps of Engineers  
Alaska District  
Regulatory Division  
Post Office Box 6898  
JBER, Alaska 99506-0898

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

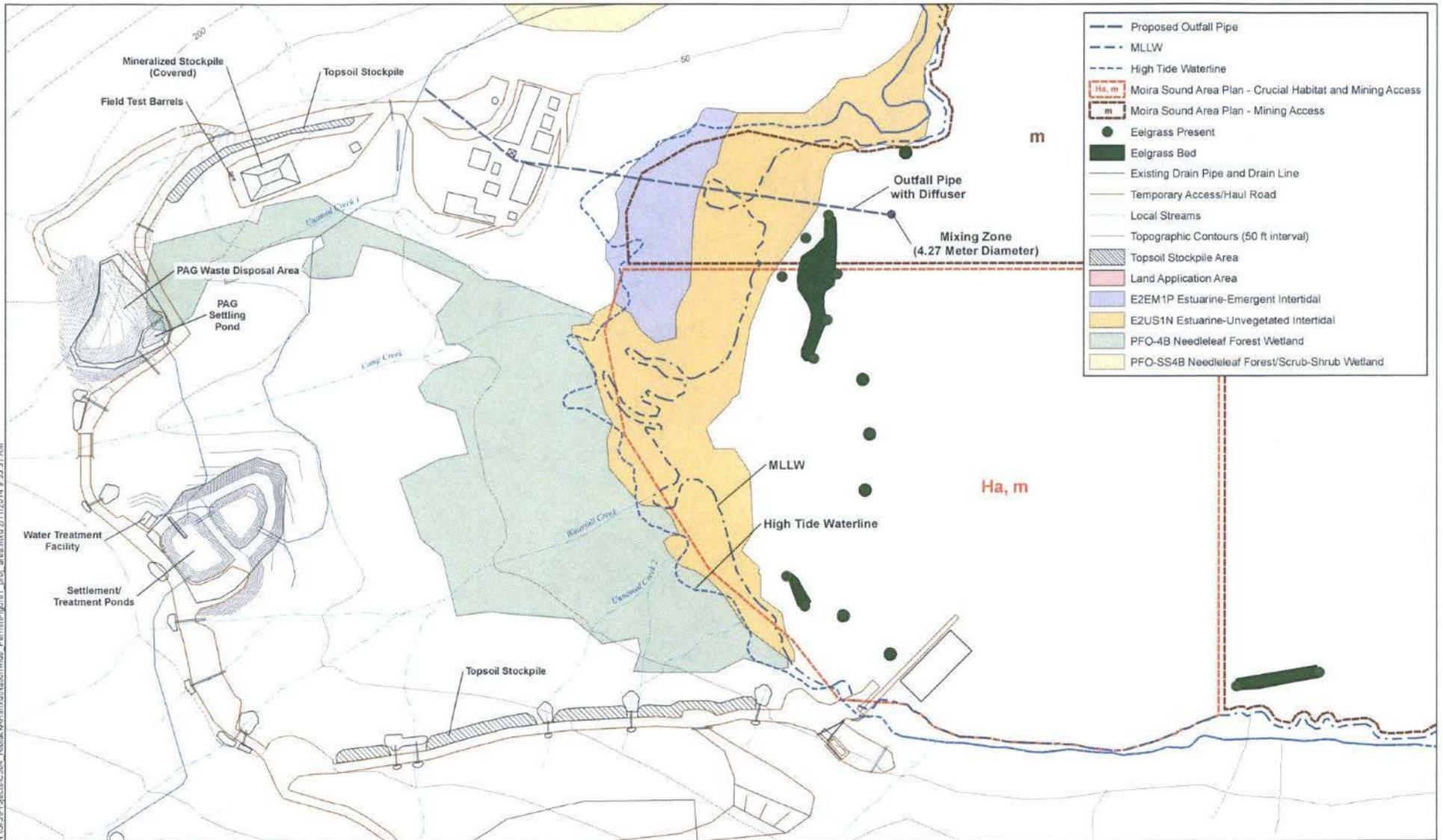
I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

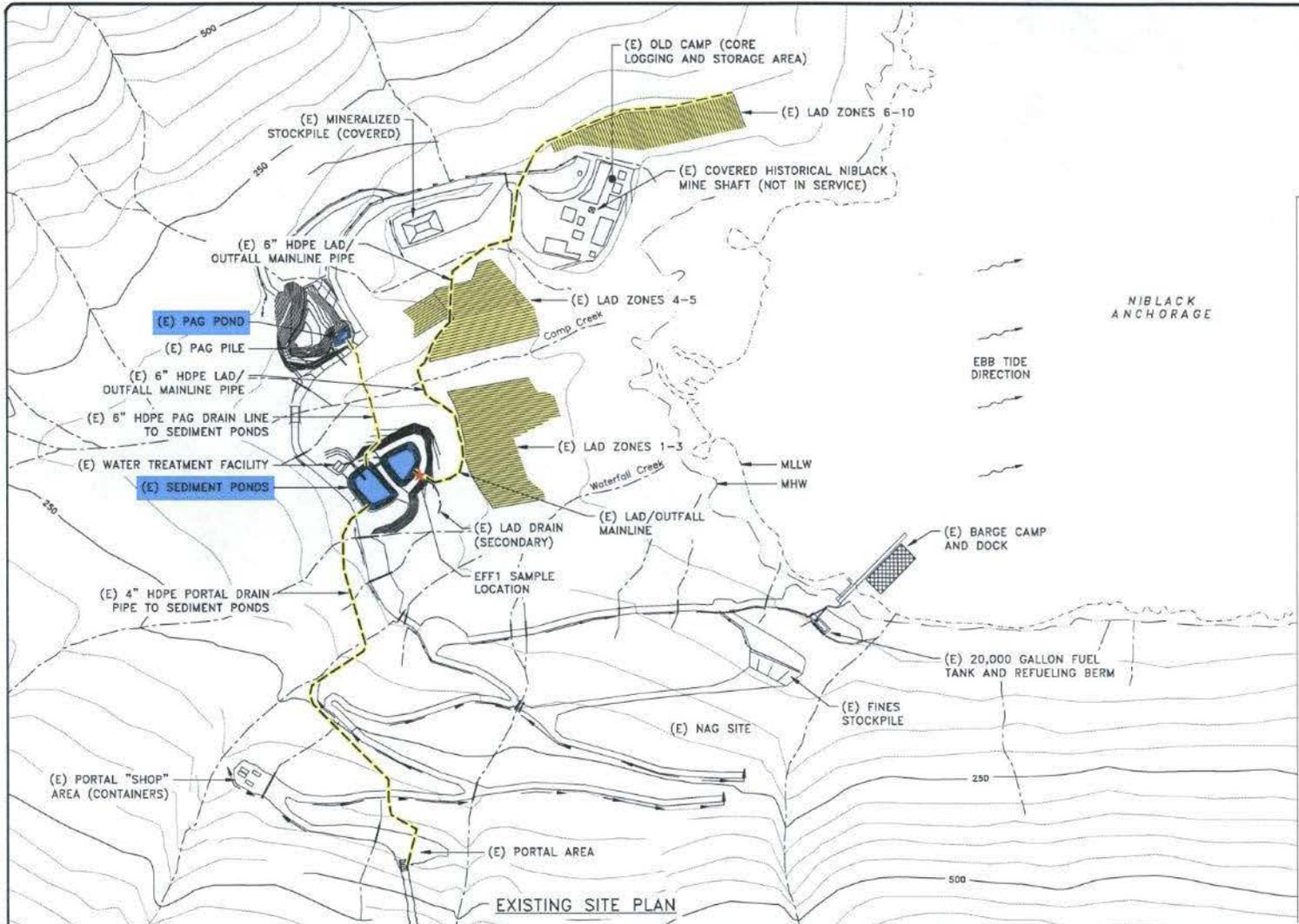
\_\_\_\_\_  
Date



**Niblack Project, Alaska**



N:\GIS\Projects\386\_Niblack\Map\Map\Map\Permit\Figure1\_ers\_area.mxd 2/11/2014 9:33:31 AM



**LEGEND**

(E)	EXISTING
(P)	PROPOSED
---	EXISTING DRAINAGE SYSTEM
---	PROPOSED DRAINAGE SYSTEM
*	EFF1 SAMPLING LOCATION
---	CREEK
---	CPP CULVERT
---	ROAD
---	DITCH/DRAINAGE

POA-1982-290  
 Niblack Project, LLC  
 Moira Sound  
 June 2, 2014  
 Sheet 3 of 7

**TONGASS ENGINEERING**  
 Civil and Environmental Engineering  
 PO BOX 5436 KETCHIKAN, ALASKA 99901  
 (907) 617-8982 | brett@tongassengineering.com  
 www.tongassengineering.com

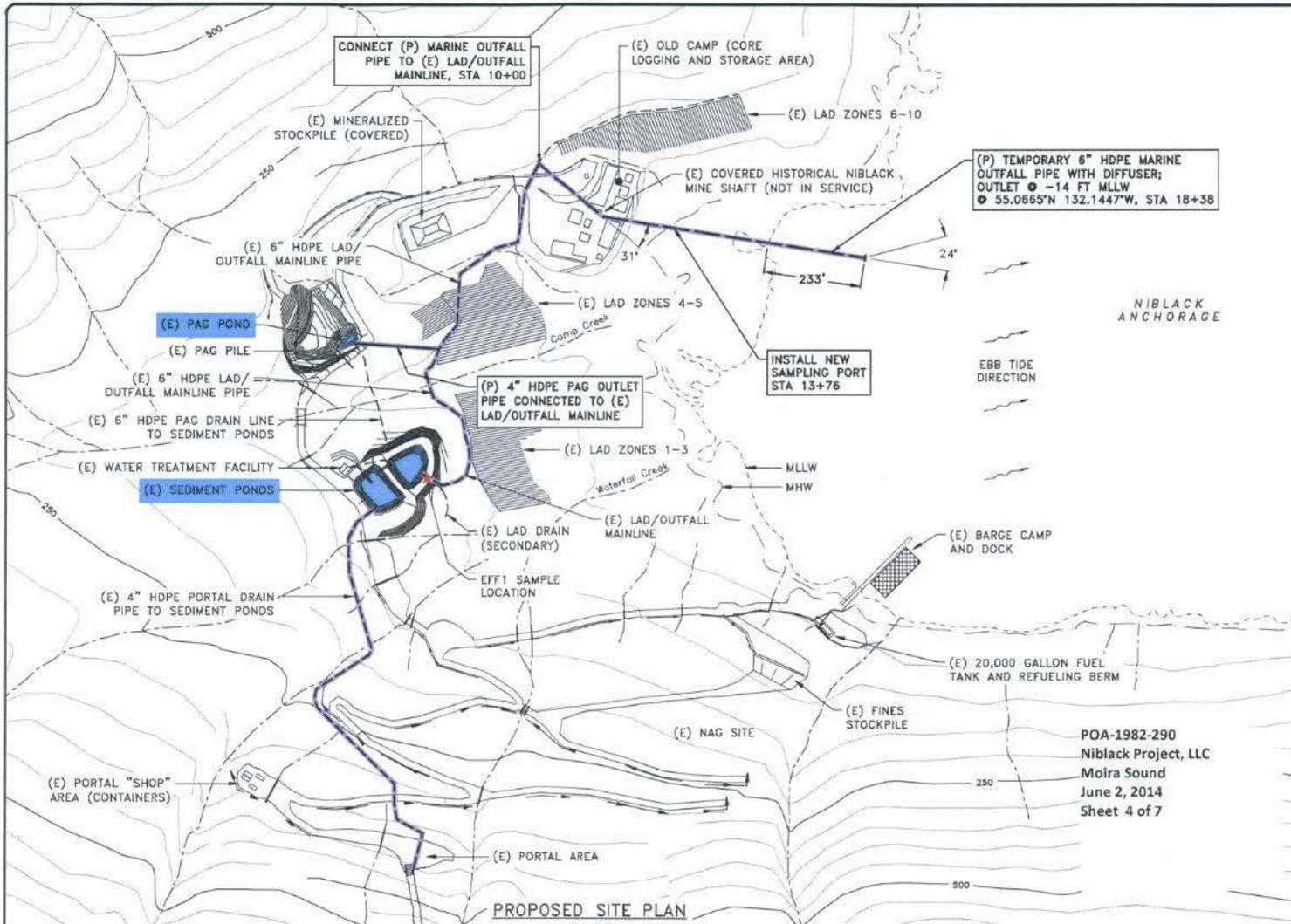
BASE MAPPING DATED 11/25/09  
 PROVIDED BY NIBLACK PROJECT LLC  
 N  
 SCALE IN FEET  
 0 125 250 500

PRELIMINARY

<b>MINE DISCHARGE MARINE OUTFALL</b>	
EXISTING SYSTEM WITH LAD	PROJECT LOCATION: NIBLACK MINE NIBLACK ANCHORAGE, MOIRA SOUND PRINCE OF WALES ISLAND, ALASKA SEC34 T78S R8BE CRM

PROJECT NO. 13209	DATE 1-24-2014
CLIENT INFORMATION NIBLACK PROJECT LLC 1040 W GEORGIA ST, 15TH FLOOR VANCOUVER, BC V6E 4H8 CANADA	

DRAWING SCALE AS NOTED	DRAWN BY BMS
REVISIONS $\Delta$	



**LEGEND**

(E)	EXISTING
(P)	PROPOSED
---	EXISTING DRAINAGE SYSTEM
---	PROPOSED DRAINAGE SYSTEM
*	EFF1 SAMPLING LOCATION
---	CREEK
---	CPP CULVERT
---	ROAD
---	DITCH/DRAINAGE

**ONSITE MARINE OUTFALL SYSTEM  
CONSTRUCTION NOTES AND  
SPECIFICATIONS**

- GENERAL**
1. ANY DEVIATIONS FROM PROJECT PLANS SHALL HAVE WRITTEN APPROVAL BY ENGINEER PRIOR TO WORK.
  2. TREATED EFFLUENT SHALL BE DISCHARGED TO MARINE OUTFALL UNDER TERMS OF WASTEWATER DISCHARGE PERMIT SPECIFIC TO THIS SYSTEM.
  3. OUTFALL SYSTEM IS DESIGNED FOR DISCHARGE OF UP TO 300 GALLONS PER MINUTE OF EFFLUENT OUTFLETTING FROM SETTLING POND WITH MINIMAL SOLIDS CONTENT.
  4. OUTFALL SYSTEM IS DESIGNED FOR DISCHARGE TO NIBLACK ANCHORAGE AS RECEIVING WATER, WHICH IS NOT USED FOR SUPPLY FOR DRINKING WATER, AGRICULTURE, AQUACULTURE, INDUSTRIAL USE, RECREATION, SUBSISTENCE, FISH PROCESSING, OR FISH SPAWNING.
  5. CARE SHALL BE TAKEN TO COMPACT BACKFILL IN WORK AREA SUCH THAT SETTLING DOES NOT CAUSE PIPES TO BREAK OF SEPARATE FROM JOINTS.
  6. ALL TEMPORARY FILLS AND EXCAVATIONS SHALL BE RESTORED TO CONDITIONS THAT EXISTED PRIOR TO COMMENCEMENT OF WORK.
  7. UPON COMPLETION OF WORK, ENGINEER WILL INSPECT FINISHED SYSTEM.
- PIPE AND FITTINGS**
1. VARIOUS PIPE MATERIALS ARE REFERENCED THROUGHOUT DRAWINGS AND UNLESS EXPLICITLY STATED, SUBSTITUTIONS BASED ON AVAILABILITY, CONSTRUCTABILITY, COST, ETC. MAY BE ACCEPTED, SUBJECT TO APPROVAL BY ENGINEER.
  2. ALL PIPE, FITTINGS, AND OTHER COMPONENTS SHALL BE INSTALLED AS SHOWN ON PLAN DRAWINGS, AND ALL COMPONENTS SHALL BE JOINED AND INSTALLED PER MANUFACTURER'S SPECIFICATIONS.
  3. PIPE SHALL BE GLUED OR JOINED WITH GASKETED FITTINGS PER MANUFACTURER'S SPECIFICATIONS. GLUE SHALL BE APPLIED ACCORDING TO GLUE MANUFACTURER'S DIRECTIONS.
  4. ALL WORK SHALL BE WATERTIGHT AND TESTED BY RUNNING WATER THROUGH PIPE TO VERIFY.

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Niblack Project, LLC  
Moira Sound  
June 2, 2014  
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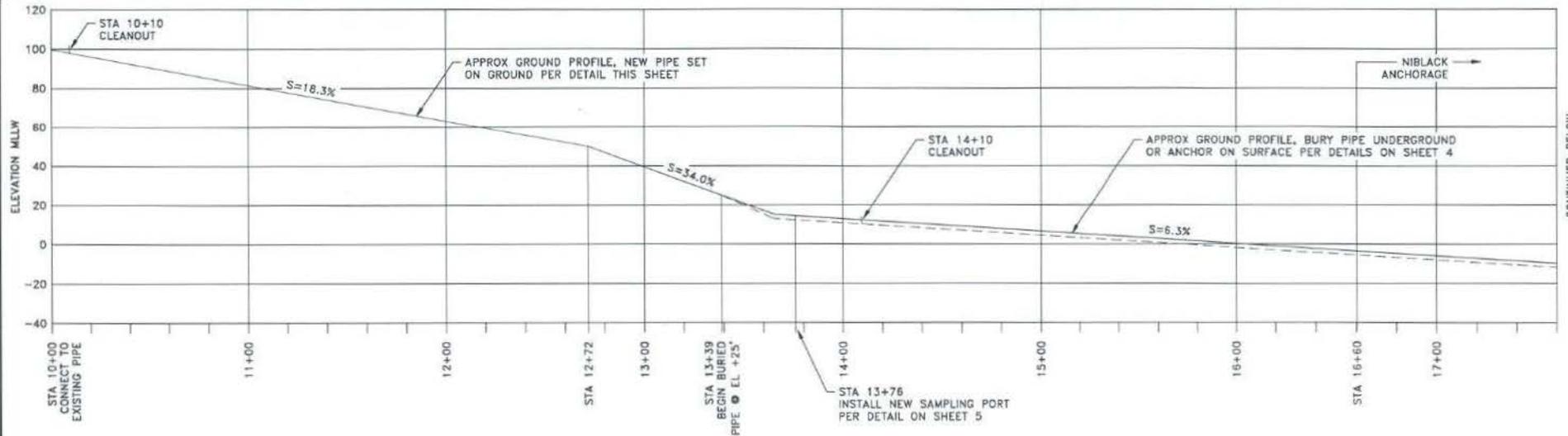
BASE MAPPING DATED 11/25/09  
PROVIDED BY NIBLACK PROJECT LLC

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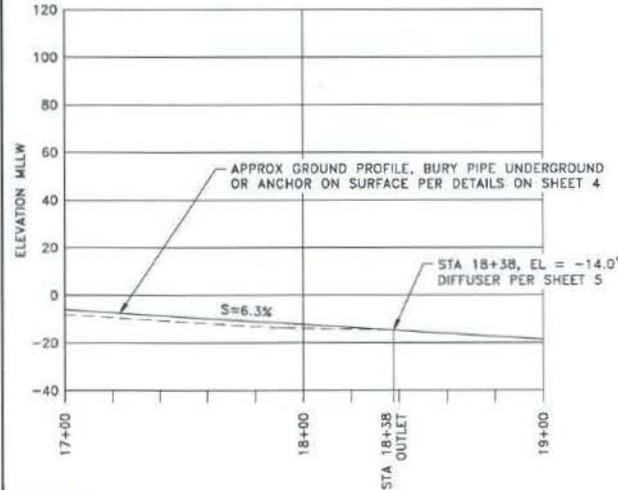
SCALE IN FEET

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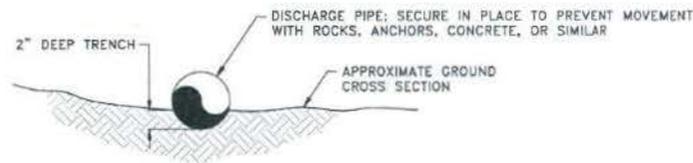
<b>PRELIMINARY</b>	<b>MINE DISCHARGE MARINE OUTFALL</b>		PROJECT NO. 13209	DATE 1-24-2014	DRAWING SCALE AS NOTED	DRAWN BY BMS
	PROPOSED SYSTEM WITH MARINE OUTFALL, NOTES		PROJECT LOCATION NIBLACK MINE NIBLACK ANCHORAGE, MOIRA SOUND PRINCE OF WALES ISLAND, ALASKA SEC34 T78S R88E CRM	CLIENT INFORMATION NIBLACK PROJECT LLC 1040 W GEORGIA ST, 15TH FLOOR VANCOUVER, BC V6E 4H8 CANADA		REVISIONS $\Delta$



CONTINUED BELOW



**OUTFALL PIPE PROFILE**  
GROUND PROFILE BASED ON MAPPING DATED 11/25/09 PROVIDED BY NIBLACK PROJECT LLC

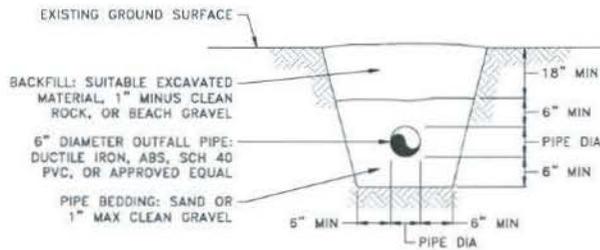


**PIPE ON GRADE INSTALLATION CROSS SECTION**  
- NOT TO SCALE -

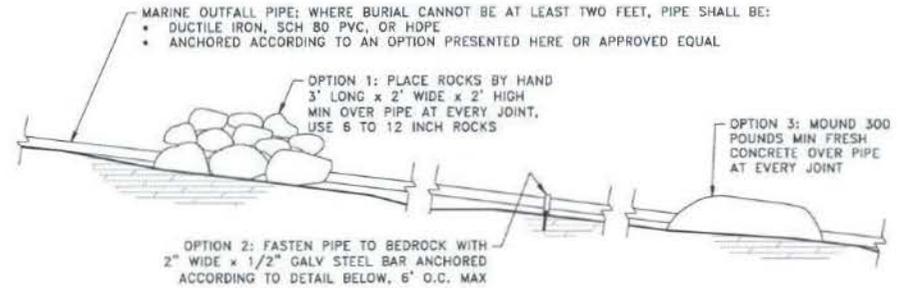
POA-1982-290  
Niblack Project, LLC  
Moira Sound  
June 2, 2014  
Sheet 5 of 7

**TONGASS ENGINEERING**  
Civil and Environmental Engineering  
PO BOX 5436 KETCHIKAN, ALASKA 99901  
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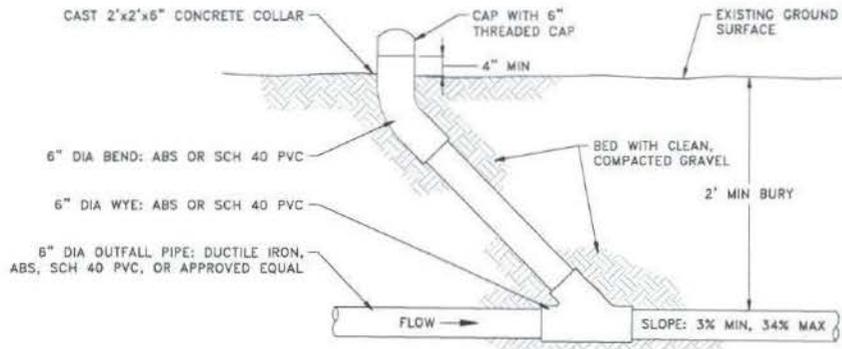
<b>PRELIMINARY</b>	<b>MINE DISCHARGE MARINE OUTFALL</b>		PROJECT NO. 13209	DATE 1-24-2014	DRAWING SCALE AS NOTED	DRAWN BY BMS
	PROFILE	PROJECT LOCATION NIBLACK MINE NIBLACK ANCHORAGE, MOIRA SOUND PRINCE OF WALES ISLAND, ALASKA SEC34 T78S R88E CRM	CLIENT INFORMATION NIBLACK PROJECT LLC 1040 W GEORGIA ST, 15TH FLOOR VANCOUVER, BC V6E 4H8 CANADA		REVISIONS	



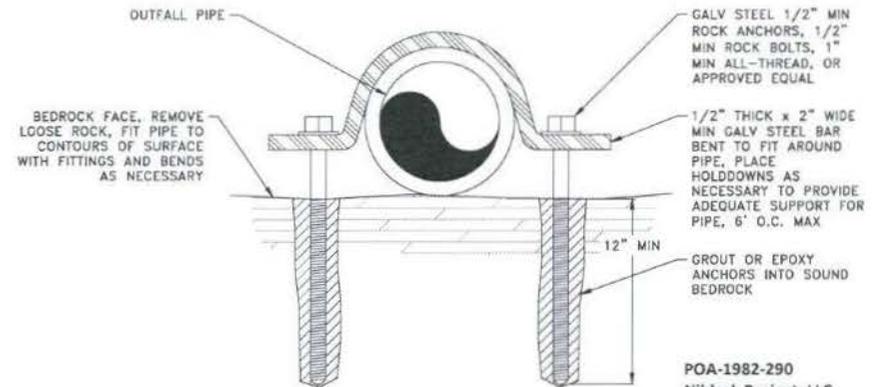
**BURIED PIPE TRENCH SECTION FROM EL +25' TO EL -6'**  
 - NOT TO SCALE :: USE DIMENSIONS -  
 SEE "ALTERNATE ANCHOR DETAILS" THIS SHEET WHERE BURIAL IS NOT POSSIBLE



**ALTERNATE ANCHOR DETAILS (WHERE BURIAL IS NOT POSSIBLE)**  
 - NOT TO SCALE -



**BURIAL AND CLEANOUT DETAIL**  
 - NOT TO SCALE :: USE DIMENSIONS -



**BEDROCK ANCHOR DETAIL**  
 - NOT TO SCALE :: USE DIMENSIONS -

POA-1982-290  
 Niblack Project, LLC  
 Moira Sound  
 June 2, 2014  
 Sheet 6 of 7

<b>PRELIMINARY</b>	<b>MINE DISCHARGE MARINE OUTFALL</b>		PROJECT NO. 13209	DATE 1-24-2014	DRAWING SCALE AS NOTED	DRAWN BY BMS
	PIPE BURIAL AND ANCHORAGE DETAILS	PROJECT LOCATION NIBLACK MINE NIBLACK ANCHORAGE, MOIRA SOUND PRINCE OF WALES ISLAND, ALASKA SEC34 T78S R88E CRM	CLIENT INFORMATION NIBLACK PROJECT LLC 1040 W GEORGIA ST, 15TH FLOOR VANCOUVER, BC V6E 4H8 CANADA		REVISIONS	

# Preliminary Jurisdictional Determination Form

This preliminary JD find that there "may be" waters of the United States on the subject project site that could be affected by the proposed activity based on the following information:

District Office	Anchorage Office	File/ORM #	POA-1982-290		PJD Date	May 16, 2014
State	AK	City/County	Prince of Wales Island		Name/ Address of Person Requesting PJD Patrick Smith 1040 W Georgia Street, 15th Floor Vancouver, BC V6E 4H8	
Nearest Waterbody	Moira Sound					
Project Location	Section	34	Township	78 S		
Meridian	Copper River	Range	88 E			
USGS Quad Map	Craig A-1	Latitude	55.06647	N	Longitude	-132.14654 W
Subdivision Name, Block, Lot, Directions to Project Site	Private Road from Barge Landing, Moira Sound, Prince of Wales Island					

Identify (Estimate) Amount of Waters in the Review Area <u>Non-Wetland Waters:</u> 480 Linear ft 6 inch Width Acres	Stream Flow	Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal: Moira Sound Non-Tidal:
<u>Wetlands</u> 0.0087 Acres Cowardin Class: Estuarine		<input checked="" type="checkbox"/> Office (Desk) Determination Date of Site Visit: <input type="checkbox"/> Field Determination

**SUPPORTING DATA:** Data Review for Preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below)

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Applicant supplied plans and wetland map
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data Sheet prepared by the Corps
- Corps navigable waters' study:
  - USGS NHD Data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s) Cite quad name: Craig A-8
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National Wetlands Inventory map(s):
- State/Local Wetland Inventory map(s):
- FEMA/FIRM map(s):
- 100-year Floodplain Elevation:
- Photographs:
  - Aerial (Name & Date) 2009 Google Earth Aerial
  - Other (Name & Date)
- Previous determination(s). File # and date of response letter:
- Other Information:

**IMPORTANT NOTE:** The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

*Marcia S. Kerr May 16, 2014*

Signature and Date of Regulatory Project Manager  
(REQUIRED)

Signature and Date of Person Requesting Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

**EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:** 1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time. 2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.



**US Army Corps of Engineers  
Alaska District**

Permit Number: POA-1982-290

Name of Permittee: Mr. Patrick Smith, Heatherdale Resources

Date of Issuance: JUL 28 2014

**Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Ms. Marcia L. Heer at the following address:**

U.S. Army Corps of Engineers  
Alaska District  
Regulatory Division  
Post Office Box 6898  
JBER, Alaska 99506-0898

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date