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Consistency of
Northland Gold
Dredging, J/V
Proposed Mining
Plan with ACMP

The Department of Fish and Game has reviewed the Northland Gold Dredging, J/V mining plan of operations titled, "General and yearly mining plans, Tuluksak River dredging operation, Alaska" ("Plan") for consistency with the Guidelines and Standards of the Alaska Coastal Management Program (ACMP). Northland Gold Dredging proposes to mine for placer gold on valid claims leased from Tuluksak Dredging, Ltd. using a 6 cubic foot bucketline dredge and associated equipment (dragline, dozers, backhoe, loader, truck, pumps, etc.). In addition, Northland proposes to construct a 120 foot by 6,300 foot relocation channel for the purposes of diverting and relocating approximately 6,750 feet of the Tuluksak River and 2,200 feet of lower Granite Creek. Both of these streams provide habitat for the spawning and rearing of salmon and resident fish species.

Water affected by mining operations (approximately 2,000 - 2,500 gallons per minute (gpm), 2.88 - 3.5 million gallons

per day (gpd)) would be treated in conventional settling ponds before being discharged into the Tuluksak River.

Two temporary diversions of Granite Creek are proposed to enable a dredge crossing of Granite Creek. One dredge crossing of the Tuluksak River is proposed which will require digging across the active channel of the Tuluksak River and discharging settleable solids, suspended solids, dissolved solids, and residues into the Tuluksak River.

The department finds that the referenced plan of operations, without additional conditions and stipulations to protect habitats, water quality and subsistence is inconsistent with ACMP Standards, specifically 6 AAC 80.110(a) (Mining and Mineral Processing); 6 AAC 80.120(a) (Subsistence); 6 AAC 80.130 (a) (7)&(8), (b), and (c) (7) (Habitats); and 6 AAC 80.140 (Air, Land, and Water Quality).

However, ADF&G believes the project can be made consistent with the ACMP if the following needs are satisfied by adherence to the stipulations which appear later in this memorandum and those aspects of the Plan which are not taken exception to by those stipulations.

Need No. 1

All discharges to the Tuluksak River and Granite Creek attributed to mining operations and associated activities must not be allowed to violate State Water Quality Standards (18 AAC 70.020) unless authorized by the Alaska Department of Environmental Conservation (DEC) and the Alaska Department of Fish and Game (ADF&G).

Justification

In the Plan of Operations it is indicated that the proposed operations are expected to result in the production of approximately 2,500 gpm (3.5 mill. gpd) of wastewater containing settleable solids, suspended solids, and other pollutants potentially including arsenic, mercury, and iron. The Tuluksak River and Granite Creek contain and support important anadromous and resident fish, other aquatic resources, and important wildlife resources including moose, black bear, waterfowl and furbearers. These fish and wildlife resources may be harmed if they are exposed to pollutants in excess of those allowed by State Water Quality Standards (18 AAC 70.020). Based on studies by the Commercial Fisheries Division of ADF&G, approximately 90% of the chinook salmon, 97% of the chum salmon and 23% of the coho salmon produced in the Tuluksak River and Granite Creek spawn below the proposed mining operation and are exposed

to, and at risk from pollution discharged by the Northland operations.

The Tuluksak River is a major salmon-producing stream in the Kuskokwim River drainage and is used as an "index" stream by ADF&G to manage local commercial and subsistence fisheries. Fish resources produced in the Tuluksak River are harvested in commercial and subsistence fisheries in the Bering Sea, Kuskokwim River and Tuluksak River. In addition, the people living in Tuluksak are dependent upon other fish and wildlife resources produced in the Tuluksak River and associated drainages. The Alaska Department of Fish and Game, Subsistence Division's, Technical Report No. 87 entitled "Wild resource uses of the Tuluksak River drainage by residents of Tuluksak, 1980-1983" states on page 27 that "The Tuluksak River was the focus of almost all resource harvest activities of Tuluksak residents. Most of these activities extended upriver above the mining settlement of Nyac to the lower reaches of Bear Creek." The residents of Tuluksak are directly affected by any pollutants introduced to the Tuluksak River. Local concerns have been repeatedly expressed by the residents of Tuluksak through letters, petitions and public hearings. Residents of the Kuskokwim Drainage have been impacted by pollution of the Tuluksak both through losses to the fishery, as shown by ADF&G's Tuluksak River 1983 fisheries studies, and the inability of

the ADF&G Commercial Fisheries Division to enumerate salmon escapements because of turbid effluent from Northland's operations in 1981 and 1982.

Therefore strict adherence by Northland Gold Dredging to meeting State Water Quality Standards is necessary for the proposed project to be consistent with the Standards of the ACMP.

Need No. 2

The relocation channel, described on pages 34 to 43 of the referenced mining plan, needs to be hydraulically stable and needs to provide suitable aquatic habitat to support the spawning, rearing, and migration of anadromous fishes.

Justification

Northland Gold Dredging's proposed mine plan will dewater and mine through approximately 7,979 feet (1.5 miles) (includes 6,750 feet of main channel and 1,229 feet of multiple channels) of the Tuluksak River and 2,394 feet (0.45 miles) (includes 2,200 feet of main, and 194 feet of multiple channel) of Granite Creek. An ADF&G study in 1983 found that the portion of the Tuluksak River proposed for mining provides spawning, rearing and migration habitat for

chinook and coho salmon and migration habitat for chum salmon. In the same study, the portion of Granite Creek proposed for mining was found to provide spawning, rearing and migration habitat for coho salmon and rearing habitat for chinook salmon. Dewatering and mining through portions of these streams will totally eliminate the fish habitat and aquatic resources existing within the portions and may degrade or eliminate additional stream habitat through downstream sedimentation and hydraulic changes. If replacement habitat is not provided, this is expected to result in a net loss of salmon production from the Tuluksak River and Granite Creek. A loss of salmon production in the Tuluksak River and Granite Creek would reduce the number of salmon available to the commercial and subsistence fisheries in the Bering Sea, Kuskokwim River and Tuluksak River. In addition, other aquatic resources dependent upon the Tuluksak River and Granite Creek are likely to be adversely affected by the loss of habitat and the fish resource. Wildlife, too, may be affected. This would reduce opportunities for subsistence and recreational uses of these resources.

Without compensatory mitigation in the form of replacement habitat within the relocation channel, the dewatering and mining of the Tuluksak River and Granite Creek is inconsistent with ACMP Standards 6 AAC 80.130(b) and

6 AAC 80.130(c)(7) (Habitats) and 6 AAC 80.120(a) (Subsistence).

The applicant has retained Jack Fisher (fisheries engineer) to design the relocation channel, and Dames and Moore (environmental consultants) to provide biological input to the design. These professional consulting firms have certified that the design of the relocation channel is hydraulically stable and will provide spawning, rearing and migration habitat for salmon. Based on this certification the Department of Fish and Game has received reasonable assurance that all feasible and prudent preconstruction steps have been taken to design a channel that will "maintain or enhance the biological, physical and chemical characteristics of the (river and stream) habitat which contribute to its capacity to support living resources (6 AAC 80.130(b)), that will "protect natural vegetation, water quality, important fish or wildlife habitat and natural water flow" (6 AAC 80.130(c)(7)), and that will "assure opportunities for subsistence usage of coastal areas and resources" (6 AAC 80.120(a)).

Need No. 3

Northland Gold Dredging should be required to expedite the 1984 dredge crossing of the Tuluksak River and effectively

seal the dredge channel off from the active river channel in 72 hours or less from the time of breaking the north bank of the Tuluksak River. The dredge crossing needs to be expedited by direct bank-to-bank movement in a manner minimizing the size of the dredge channel and by pre-excavating a dredge basin on the south side of the Tuluksak River of sufficient size to admit the entire dredge. A soft plug of undisturbed bank material must be retained to isolate the dredge basin from the active river channel until the dredge breaks the south bank. Immediately after excavating a sufficient opening in the bank, to admit the dredge, the dredge must be pulled into the basin and the bank resealed by the dredge. Any discharge occurring after the 72 hour crossing period must be fully contained within the dredge basin and treated to meet State Water Quality Standards.

Justification

The Plan proposes a 7-day crossing of the Tuluksak River which would be accomplished by dredging across the active channel of the Tuluksak River. Subsequent discussions with Joe Fisher and Chuck Hawley on February 6, 1984 indicate that the dredge crossing can be accomplished in 72 hours or less. Streambed and bank materials including sand, silt, gravel, soil, and organic material will be discharged

directly from the dredge into the Tuluksak River without being treated. During the dredge crossing, when discharges enter the river, a severe degradation of water quality can be expected to occur downstream as it did during the 1983 dredge crossing. This degradation, if prolonged to 7 days or more, would be expected to result in sedimentation of salmon spawning beds, entrapment of sac-fry in the streambed, a decline of primary productivity and aquatic insects, impairment of feeding ability of fish, possible physical damage to fish, and a general decline in the productivity of the stream ecosystem. Water quality degradation resulting from the 10-day, May - June, 1983 dredge crossing greatly exceeded ADF&G expectations: State Water Quality Standards were greatly exceeded; numerous complaints about "muddy water" were voiced by Tuluksak residents. Studies completed by ADF&G in 1983 noted accumulations of silt and sediment on the streambed of the Tuluksak River as far as 1.5 miles downstream from the 1983 dredge crossing site. Significantly lower numbers of young-of-year coho fry were found in a five mile section of the Tuluksak River downstream from the dredge crossing than were found upstream, suggesting that coho sac-fry emergence may have been affected by siltation of spawning beds. The 1983 studies also found significantly higher numbers of chinook salmon spawning (5.6 redds/mile) upstream of the 1983 dredge crossing site than in the section 1.5 miles

downstream (0.6 redds/mile), suggesting that chinook salmon selected spawning beds in 1983 which were less impacted by siltation.

The water quality degradation and impacts to fish resources and stream habitats attendant with a 7-day dredge crossing are inconsistent with the ACMP Standards, specifically 6 AAC 80.130 (b), 6 AAC 80.130 (c) (7), and 6 AAC 80.140. In addition, to the extent that prolonged water quality degradation and impacts to fish and wildlife resources decrease opportunities for subsistence uses of these resources, a 7-day dredge crossing is inconsistent with 6 AAC 80.120 (a).

A pre-excavated dredge basin on the south side of the Tuluksak River will significantly reduce the time the dredge must be digging and discharging untreated materials into the river. The shortened period of untreated discharge (less than 72 hours) and its resulting reduction of water quality degradation should significantly reduce adverse impacts occurring to fish and wildlife resources and habitats.

Need No. 4

To provide for the proper protection of fish, Northland must cross the Tuluksak River between midnight on June 1 and

midnight on July 10. The Department of Fish & Game, Habitat Division, Anchorage, needs to be notified at least 72 hours in advance of the time Northland plans to enter the River. Department personnel must be allowed to verify that all stipulations to minimize impacts on anadromous fish, spawning, rearing, and migration habitat have been met before the crossing will be permitted. If the crossing cannot be completed by midnight July 10, it will need to be delayed until 1985.

Justification

The portion of the Tuluksak River that will be affected by the dredge crossing provides spawning, rearing and migration habitat for salmon. Studies conducted by ADF&G in 1983 found that the 1982 year-class of coho salmon fry did not totally emerge from the streambed of the Tuluksak River until mid-July. When sac-fry are present in the gravel, sedimentation can entrap the fry and prevent their emergence. Other studies indicate that for each 1% addition of sediments to the substrate a 4% increase in egg to fry mortality can occur. Because of the increased downstream sedimentation expected from the dredge crossing, it is important to the survival of coho fry that they be emerged from the gravel and become motile.

Conversely, adult chinook salmon and chum salmon begin to arrive to spawn in the dredge crossing sometime between June 29 - July 16. If spawning occurs before the dredge crosses the Tuluksak River, the sedimentation and physical disturbance of the spawning beds will cause mortality of the salmon eggs deposited in 1984. To minimize any impacts to spawning salmon from physical disturbance and downstream sedimentation the dredge crossing must occur before the spawning period begins. If the dredge crossing occurs after the spawning period (when eggs are in the streambed) unacceptable impacts to fish resources will occur.

Therefore, to provide for the proper protection of fish and to be consistent with the ACMP Habitat Standards including 6 AAC 80.130(c)(7) the dredge crossing must occur during the period of minimum impact to salmon, June 1 - July 10. The Department is aware, however, that even this constricted time period places late-emerging coho fry and the eggs of early-returning chinook and chum adults at risk.

Need No. 5

No diversion of the Tuluksak River into the relocation channel should be allowed until the Department of Fish and Game has inspected the relocation channel and received an "as built: survey" and accompanying certification that the

relocation channel has been built to the specifications provided in the referenced mining plan. The as-built survey needs to be certified by Jack Fisher or a professional engineer with equivalent qualifications in stream relocation. The relocation of the Tuluksak needs to be timed to minimize impacts on spawning, rearing, and migrating anadromous fish. Provision for gradual dewatering of the abandoned Tuluksak River channel and salvage of stranded fish in dewatered portions of the abandoned channel should be required.

Justification

Reasonable assurance that the relocation channel will provide spawning, rearing and migration habitat for salmon is predicated on the channel being constructed to the design specifications provided in the referenced mine plan.

If an as-built survey certified by the designer (Jack Fisher) or a professional engineer with equivalent qualifications certifies that the channel is built to the design specifications then the department will have reasonable assurance that when the Tuluksak River is diverted into the relocation channel the relocation channel will provide spawning, rearing and migration habitat for salmon. This assurance is necessary for the proper

protection of fish and game as required by AS 16.05.870 and for the project to be consistent with the ACMP Standards. To minimize impacts on spawning, rearing, and migrating salmon the relocation of the Tuluksak River must occur during the period after most species of salmon have left the spawning gravels and before new spawning has occurred. In the Tuluksak, all chum and king salmon fry will leave the gravel by June 1, and adult spawning and migration will not occur until after June 29. Coho fry do not leave the gravel until mid July, and unless special precautions are taken many fry in the dewatered channel will likely be lost. Many rearing fry will likely be stranded in the dewatered river channel as the water subsides.

Need No. 6.

After diversion of the Tuluksak River into the relocation channel the abandoned channel of the Tuluksak River should not be mined or otherwise modified until the Department of Fish and Game has determined that the relocation channel is hydraulically stable and is capable of being used by anadromous fish for spawning, rearing, and migration. If the relocation channel is determined to be hydraulically unstable, is not otherwise capable of being used by anadromous fish for spawning, rearing, and migration, or does not, or is otherwise expected not to, perform as

specified, the river needs to be immediately diverted back into the abandoned channel. In such case, Northland should be required to either modify the relocation channel to provide spawning, rearing, and migration habitat for anadromous fish or forgo mining in the abandoned Tuluksak River channel.

Justification

Same as Stipulation No. 5. Measurements of water velocities, inspection of instream structures, and surveys of spawning, rearing, and migrating salmon in July of 1985 will determine how effective the relocation channel is in providing alternate spawning, rearing, and migrating habitat. If the relocation channel is not providing salmon spawning, rearing, and migration habitat then it will have to be modified to perform that function to meet the requirements of AS 16.05.870 that there be proper protection for fish and game.

Need No. 7

Northland must be required to maintain the relocation channel as necessary so that it continuously provides spawning, rearing, and migration habitat for salmon. Northland should be required to identify in writing how the

relocation channel will be maintained to provide spawning, rearing, and migration habitat for salmon after the 5 year mining program has been completed. This written assurance is to be certified by a professional engineer with qualifications in stream relocation.

Justification

Because the relocation channel is somewhat shorter than the combined sections of the Tuluksak River and Granite Creek it will replace, because natural stream movements and adjustments are constrained by tailings piles, because the stream channel is constructed out of material subject to movement at water velocities over 7 feet per second, and because special structures and design will be necessary to support salmon rearing and spawning, maintenance of the relocation channel will be necessary. The relocation channel is only designed to accommodate a 25-year flood which has a 20% probability of occurring over the 5 year life of the project and an almost 100% probability of occurring once in 25 years. When a 25 year flood occurs the spur dikes to accommodate salmon spawning and rearing may either wash out or a portion of the river will be permanently diverted into an overflow channel created in the mined area. When this occurs the ability of the relocation channel to support spawning, rearing, and migrating salmon

can be expected to be severely reduced because of the loss of the special structures or because of less than adequate flows for spawning, migration, and rearing during low flow periods. This habitat loss can be reversed by blocking off the overflow channel and restoring the spur dikes in the relocation channel. Restoration of the relocation channel is possible during the 5 year period when Northland is mining because of the availability of equipment and the ability to make maintenance a condition of annual permits. However, after the area is mined out restoration of the relocation channel after a flood will be a public responsibility unless some long-term maintenance schedule is provided.

Need No. 8

To insure the proper protection of fish, Northland should be required to provide offsite mitigation at a site in the previously mined area upstream to compensate for the net loss of approximately 0.9 miles of existing stream channel (including multiple channels and sloughs) habitat in Granite Creek and the Tuluksak River; for the likely loss of habitat and aquatic resources in the 1.2 mile relocation channel while it stabilizes and "heals"; and for eggs, fry, and spawning gravels which will likely be lost or impaired during the 1984 crossing, dewatering, and rechanneling of

Granite Creek, and the 1984 crossing and 1985 dewatering of the Tuluksak River.

Justification

The issue of mitigation is partially addressed in preceding sections. The relocation, dewatering, mining, and crossing of Granite Creek and the Tuluksak River will result in important losses of anadromous fish and anadromous fish habitat that will not be mitigated by the relocation channel. The Habitats Standard 6 AAC 80.130 requires that rivers be managed to protect natural vegetation, water quality, important fish or wildlife habitat, and natural water flow. Uses and activities which do not conform may be allowed, pursuant to 6 AAC 80.130(d), only if

- (1) there is a significant public need for the proposed use or activity;
- (2) there is no feasible and prudent alternative to meet the public need for the proposed use or activity which would conform to the standards contained in (b) and (c) of this section; and

- (3) all feasible and prudent steps to maximize conformance with the standards contained in (b) and (c) of this section will be taken.

Conformance to the Habitat Standard requires that a concerted effort be made to compensate for losses of habitat.

Need No. 9

Initial permits from the Department of Fish and Game and Department of Environmental Conservation need to be issued for 1984 operations only.

Justification

The departments' approval of permits after 1984 must be based upon the results achieved in implementing the plan of operations and permit stipulations in 1984, and information at hand when future operations are contemplated. The degree to which the plan of operations and the 1984, permits achieve their intended purposes in providing for the spawning, rearing and migration of fish will influence the approval of subsequent permits and the design of stipulations attached thereto. The complexity of the project, the high potential for habitat degradation, and the

need to receive a certified as-built survey of the relocation channel argue for the staging of permits. In such staging, the departments' will, as they have in 1984, act on those permits which the operator can demonstrate are necessary for the timely completion of a given season's operation.

Need No. 10

The mined area must be revegetated and a 50 to 100 foot vegetated buffer must be maintained between the mined area and the Tuluksak River.

Justification

The area covered by the mine plan is vegetated with willow, spruce, and alder. It provides approximately 600 acres of productive habitat for moose, as well as a variety of furbearers, small mammals, and birds. The Habitat Standard (6 AAC 80.130) requires that important upland habitats be managed to maintain or enhance the biological, physical, and chemical characteristics which contribute to its capacity to support living resources. Mining will completely remove all topsoil and vegetation, and redistribute the overburden into a series of steep tailings piles and ponds. On previously mined areas, very little revegetation has occurred.

Northland already has made a commitment to reclaim the mined area. Page 50 of the Plan states that they will reclaim and revegetate the mined area by: distributing the fines on top of the tailings piles; retaining the topsoil and spreading it on the tailings piles; leaving virgin areas of natural vegetation in the mined area, and; leaving a 50 to 100 foot unmined buffer between the mining area and the Tuluksak River. These reclamation actions should be a condition of federal land use permits for this operation.

In light of the foregoing, the following stipulations and those aspects of the Plan which are not taken exception to by the following stipulations, are required for the project to be consistent with the ACMP.

1984 Placer Mining, Diversions and Crossing of Granite Creek as Described in "General and Yearly Mining Plans, Tuluksak River Dredging Operation, Alaska." (Sections 3, 9, 10, T.10N, R.61W, S.M.); Stipulations to be Carried by an ADF&G Title 16 Permit, Exclusive of the Stipulation Requiring Offsite Mitigation.

1. The placing of berms or diversion structures in Granite Creek shall not commence before Northland Gold Dredging has notified the Habitat Division, Region IV, ADF&G, 333 Raspberry Road, Anchorage, Alaska 99502 (267-7345

or 344-0541) at least 72 hours in advance of the anticipated diversion of Granite Creek. The Alaska Department of Fish and Game shall be allowed to conduct a field inspection of the diversion channels prior to any diversion of Granite Creek, and Northland Gold Dredging shall commence diversion of Granite Creek only after ADF&G has certified that all appropriate precautions to protect fish and game specified in the Plan and in its permit have been taken.

2. To minimize impacts to emergent fry and spawning salmon, the diversions of Granite Creek and the crossing of Granite Creek shall be completed within the period of June 1 - July 10, 1984. No instream work outside of this time period is authorized.

3. The initial diversion channel referred to as the "old high water channel" on page 22 of the Plan shall be cleared of fallen trees, brush and other obstructions to allow for the free flow of water, to insure that there will be no obstructions to fish passage, and minimize the amount of fine sediment washed into the Tuluksak River during the diversion.

The second diversion channel referred to as the "new channel" on page 25 of the Plan shall be excavated to a

nominal depth of 3 feet below the original ground level. The channel shall have an average width of 20 feet measured from bank to bank and shall have an average gradient not to exceed 0.005. The bed of the channel shall be substantially free of soil and organic debris prior to allowing water to enter the channel. Existing vegetation on the banks of the diversion channel will be maintained to minimize erosion. To prevent damage to and subsequent erosion of the channel banks, equipment travel associated with the channel construction shall be confined to the limits (bed) of the channel. A soft plug of undisturbed bank material shall be retained along the Tuluksak River until just prior to turning water into the channel. Fine sediments accumulated at the lower end of the channel shall be excavated along with the soft plug of bank material just prior to turning water into the channel. At no time after turning water into the channel shall the diversion channel constitute a migration blockage to the free passage of fish, both adult and juvenile, either in an upstream or downstream direction. If a migration blockage occurs through some unforeseen circumstance, the ADF&G, Habitat Division Region IV office shall be notified and appropriate measures shall be authorized to correct the blockage condition.

4. The dewatering of the existing channels of Granite Creek shall be accomplished by gradually closing the upstream end while allowing water and fish to freely pass out of the lower end. As the water subsides, a sweep of all dewatered channels of Granite Creek shall be made using a fine (one-eighth inch) mesh seine, buckets, or dip nets as necessary to salvage any live fish that may become entrapped. Salvaged fish shall be transported to quiet water above the upper diversion berm and released into Granite Creek. As soon as the dewatered channel has been swept of fish it shall be fitted with a gravel berm or screening device at its lower end to prevent fish from reentering dewatered channels. If screening is used, the effective screen opening may not exceed 3/32 inch (2.4mm).
5. Up to 2500 gpm of water may be diverted from Granite Creek for make-up water. All intakes to make-up water diversion channels shall be fitted with gravel berms or screening devices at all times to prevent entrainment of fish. If screening is used, the effective screen opening may not exceed 3/32 inch (2.4mm). The intakes to make-up water diversion channels shall be fully capable of controlling the flow of water being diverted from Granite Creek so that 1) the quantity of water being diverted does not exceed 2500 gpm at any time and

- 2) the flow can be immediately shut off in the event of a failure of the water treatment system. No later than one hour after the dredge breaks the north bank of the Tuluksak River on or about July 5, 1984, the diversion of makeup water from Granite Creek to the dredge channel shall be stopped and the diversion opening in Granite Creek sealed with clean fill material.
6. The "pumping station" referred to on page 25 of the Plan shall be in place and functioning before any contaminated make-up water is allowed to flow toward the mouth of Granite Creek. In order to allow for the orderly diversion of Granite Creek from the "old high water channel" to the "new channel" and to allow for the gradual dewatering and fish salvage operation in Granite Creek as specified in Stipulation No. 4, the dredge shall be shut down (buckets stopped, stacker and flumes stilled) until such time as the protective measures contained in Stipulation No. 4 are accomplished and the pumping station has been installed. Before the dredge is restarted, the pumping station must be tested and shown to be fully capable of intercepting contaminated dredge water produced on the north side of the Tuluksak River and conveying it across to the settling ponds on the south side of the Tuluksak River as referenced in Table 2 of the Plan.

If at any time, because of mechanical failure or otherwise, the pumping station fails to intercept all polluted dredge water or fails to convey the polluted dredge water across the Tuluksak River to the referenced settling ponds, the dredge shall immediately shut down and make-up water flow shall cease until the pumping station is again functioning as specified. The pumping station shall be fitted with a gravel berm or screened device to prevent any fish from entering the wastewater collection pond at the mouth of Granite Creek. If screening is used, the effective screen opening may not exceed 3/32 inch (2.4 mm).

1984 Crossing of Tuluksak River With a Bucketline Dredge as Described in "General and Yearly Mining Plans, Tuluksak River Dredging Operation, Alaska." (Section 9 SE 1/4 SE 1/4 NE 1/4, NW 1/4 NE 1/4 NE 1/4 SE 1/4, NE 1/4 NW 1/4 NE 1/4, T.10N, R.61W, S.M); Stipulations to be Carried by an ADF&G Title 16 Permit, Exclusive of the Stipulation Requiring Offsite Mitigation

1. To minimize impacts to fish and game, the crossing of the Tuluksak River in 1984 shall occur no sooner than June 1 and no later than July 10, 1984 (not July 15 as proposed in the Plan). If a crossing cannot be completed during this period of minimum impact to

anadromous fish, the crossing will have to be delayed until 1985.

2. To minimize potential damage to fish and game resources resulting from pollution of the Tuluksak River, the period of time that the dredge is in the active stream channel of the Tuluksak River or discharging untreated effluent to the Tuluksak River shall be limited to a maximum of 72 hours (not 7 days as proposed in the Plan).
3. The slurry pump and pipeline used to convey polluted water from Granite Creek dredge channel across the Tuluksak River shall be kept in operation up to the time the dredge breaks the north bank of the Tuluksak River in order to intercept any contaminated water within the dredge pond on the north bank and to minimize the amount of polluted water entering the River. Immediately after the dredge enters the Tuluksak River the diversion of water (2,500 gpm) to the dredge channel from Granite Creek shall be stopped and no additional diversions of water from Granite Creek will be authorized.
4. The dredge shall enter and leave the River at the sites referenced in the Plan and the crossing shall be made

directly from bank to bank in a direction substantially perpendicular to the water flow. The dimensions of the dredge channel shall not exceed the minimum 160 foot width and eight foot depth necessary to allow the dredge to safely cross the River.

5. Both the north and south banks of the Tuluksak River shall be pre-stripped of all topsoil, clay, and organic material prior to the dredge crossing. All organic material, clay, and topsoil shall be removed to an upland site where it will not wash or erode into the waters of the Tuluksak River or Granite Creek. This will minimize the amount of this material entering the River during and after the crossing.

6. To minimize the amount of settleable solids, suspended solids, dissolved solids and residues entering the Tuluksak River, a basin adequate to float and contain the entire 60' X 120' dredge shall be pre-excavated at the crossing point on the south bank prior to the dredge breaking the north bank of the River. This basin shall remain separated from the active stream channel of the Tuluksak by a soft plug of undisturbed natural bank material, until broken by the dredge ladder. When the dredge has cleared a sufficient opening to enter the basin, the dredge shall be pulled

in and within ~~5~~⁸ hours after the dredge has cleared a sufficient opening to the basin, but not later than 72 hours after the dredge broke the north bank of the Tuluksak River the opening to the dredge channel shall be sealed off from the Tuluksak River by an impermeable plug of clean fill or tailings material.

7. After the dredge has entered the south bank and been sealed off from the River, no further pollution is authorized. A permit must be obtained from DEC for wastewater discharges.

8. The crossing of the Tuluksak River shall not commence before Northland Gold Dredging has notified the Habitat Division, Region IV, ADF&G, 333 Raspberry Road, Anchorage, Alaska 99502 (267-2346 or 344-0541) at least 72 hours in advance of the anticipated breaking of the north bank of the Tuluksak River. The Alaska Department of Fish and Game shall be allowed to conduct a field inspection of the crossing site, pre-excavated basin, and settling ponds, prior to any crossing of the Tuluksak River. Northland Gold Dredging shall commence the crossing of the Tuluksak River only after ADF&G has certified that all appropriate precautions to protect fish and game specified in the Plan and in its permit have been taken. The permit shall not become valid

until a field inspection of the crossing site has been performed by ADF&G. The ADF&G must verify that the crossing will occur within the period between June 1 to July 10, 1984, that both banks have been pre-stripped, and that a basin adequate to receive the dredge without additional dredging of the south bank has been pre-excavated in the south bank before Northland may commence crossing the Tuluksak River.

9. The diedge sand pump shall be operated during the period of time that the dredge is in the River in order to maximize the amount of fine material deposited on the north bank and to minimize the amount of suspended, and settleable solids entering the Tuluksak River and adversely affecting fish and game.

1984 Activities Affecting Granite Creek and the Tuluksak River (Above Two Categories of Activity); Stipulation to be Carried by ADF&G Title 16 Permits

To compensate for the loss of anadromous fish resources and habitats in Granite Creek and the Tuluksak River caused by operations, including but not limited to:

- a. the net loss of 2,394 lineal feet (47,880 square feet) of existing spawning, rearing, and migration

habitat for anadromous fish in lower Granite Creek and its replacement by 1,100 lineal feet (22,000 square feet) of new channel which may only provide a migration corridor for fish;

- b. the total disruption of the lower Granite Creek ecosystem including the stream hydraulics, sub-surface hydrology, aquatic food chain, nutrient balance with adjacent soils and vegetation, water quality and instream habitat features;
- c. the inevitable mortality of some fish, including pre-emergent coho fry, which will result in spite of fish salvaging efforts in Granite Creek when the existing stream channel is dewatered;
- d. the temporary pollution of the Tuluksak River caused by diversions of Granite Creek which may cause damage to fish, aquatic life and fish habitats, however minimized; and
- e. the loss or impairment of eggs, fry and spawning gravels occurring during the 1984 crossing of the Tuluksak River;

Northland Gold Dredging shall perform compensatory offsite mitigation to improve anadromous fish habitat in the Tuluksak River at a site identified by ADF&G upstream of this operation. The site was disturbed by mining operations which occurred from previous mining operations at Nyac (not by Northland Gold Dredging). The site for this compensatory mitigation has also been identified by BLM and it is expected that the mitigation work conducted by Northland Gold Dredging will be coordinated with the BLM.

Other Stipulations Required (To be carried by agency permits after 1984)

1. The relocation channel, described on pages 34 to 43 of the referenced mining plan, shall be hydraulically stable and shall provide suitable aquatic habitat to support the spawning, rearing, and migration of anadromous fishes. (Title 16)

2. No diversion of the Tuluksak River into the relocation channel shall be allowed until the Department of Fish and Game has inspected the relocation channel and received an "as built survey" and accompanying certification that the relocation channel has been built to the specifications provided in the referenced mining plan. The as-built survey shall be certified by

Jack Fisher or a professional engineer with equivalent qualifications in stream relocation. The relocation of the Tuluksak shall be timed to minimize impacts on spawning, rearing, and migrating anadromous fish. Salvage of stranded fish in the dewatered channel shall be required. (Title 16)

3. After diversion of the Tuluksak River into the relocation channel the abandoned channel of the Tuluksak River shall not be mined or otherwise modified until the Department of Fish and Game has determined that the relocation channel is hydraulically stable and is capable of being used by anadromous fish for spawning, rearing, and migration. If the relocation channel is determined to be hydraulically unstable, or is not otherwise capable of being used by anadromous fish for spawning, rearing, and migration or does not or is otherwise not expected to perform as specified the applicant must reconstruct the diversion channel to be hydraulically stable and provide anadromous fish spawning, rearing, and migration habitat or forgo diversion of and mining in the abandoned Tuluksak River channel. (Title 16)

4. Northland shall maintain the relocation channel as necessary so that it continuously provides spawning,

rearing, and migration habitat for salmon. This will include annual maintenance of the spur dikes. Northland shall identify in writing how the relocation channel will be maintained to provide spawning, rearing, and migration habitat for salmon both during the period of mining and after the 5 year mining program has been completed. This written assurance shall be certified by a professional engineer with qualifications in stream relocation. (Title 16)

5. The 1985 dewatering of the Tuluksak River will require mitigation as detailed in the appropriate section, above. (Title 16)

6. For any activity which significantly deviates from the approved plan the permittee shall notify the appropriate agency and obtain written approval in the form of a permit amendment prior to commencement of the activity. Any action taken by the permittee which increases the overall scope of the project or which negates, alters or minimizes the intent or effectiveness of any stipulation contained in this permit will be considered a significant deviation from the approved plan. The final determination relative to the significance of any deviation and the need for a permit amendment is the responsibility of the

appropriate agency; therefore, it is recommended that agencies be consulted immediately when a deviation from the Plan or the terms of a permit is being considered.
(appropriate agencies)

7. Additional stipulations will be added to post 1984 permits as necessary to meet the requirements of the ACMP and will consider, but may not be limited to; construction of the overflow channel, instream structures, revegetation of stream banks, timing and method of blocking the Tuluksak River, maintenance of the relocation channel, salvage of stranded fish, equipment fords, control of water pollution, timing of in-stream activities, possible modification of the relocation channel to insure hydraulic stability and provide for use by fish and game.

By copy of this memorandum we are providing the Corps of Engineers with our comments and recommendations on this project pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661-666e). The Corps is advised herein that a conclusive consistency finding is forthcoming from the state.

The Department recommends that if there is any significant deviation from the Plan or the stipulations addressed

Wendy Wolf

-36-

February 9, 1984

herein, the project should be subject to a new ACMP consistency determination.

Thank you for the opportunity to comment.

cc: M. Hayes, ADNR/DL&W
G. Gallagher, ADNR/DMEM
B. Martin, ADEC
D. Barrows, COE

LLT:tw:sp

COMMS/Wendy Wolf

MEMORANDUM

State of Alaska

TO: Wendy Wolf
OMB/GCU - Juneau

DATE: February 6, 1984

FILE NO:

TELEPHONE NO: 274-2533

FROM: S.J. Cyr
Environmental Engineer
ADEC/SCRO

SUBJECT: Tuluksak River 2
COE 071-OYD-M-830186

The Tuluksak villagers have vigorously expressed concern for and complained about the Tuluksak River water's turbidity and possibly other contaminants. We reviewed the situation with Dr. John Middaugh, Division of Public Health and Mr. J. Sikorski, Environmental Protection Agency, Seattle. General concern was expressed for the quality of the river water should it be contaminated and adversely affect native health since they do drink the water. To assure the river water is not detrimental to the health of the Tuluksak villagers and others who drink the water and to protect the water's quality, as referenced in our regulations, we have expressed several conditions when mining takes place.

SJC/msr

BUDGET REVIEW

FEB 7 1984

OFFICE OF
MANAGEMENT & BUDGET

OFFICE OF
MANAGEMENT & BUDGET

FEB 07 1984

GOVERNMENTAL
COORDINATION

MEMORANDUM

State of Alaska

OFFICE OF
MANAGEMENT & BUDGET

TO: Wendy Wolf
OMB/GCU - Juneau

DATE: February 2, 1984

FEB 06 1984 FILE NO:

FROM: S.J. Cyr
Environmental Field Officer
ADEC - SCRO

TELEPHONE NO:
GOVERNMENTAL
COORDINATION

274-2533

SUBJECT: Tuluksak River 2
COF 071-OYD-M-830186


Response to the proposed Tuluksak River 2 project provides for consideration of C.C. Hawley's letter of January 30, 1984. Although the letter satisfies some of our concerns, additional measures are needed if degradation of the Granite Creek and Tuluksak River waters is to be prevented. To that end, Northland Gold Dredging's operating plan should incorporate certain actions hereby identified as stipulations. Approval of this project is contingent to implementation of these stipulations:

1. When dredging north of the Tuluksak River down to Granite Creek, a sufficient quantity of filter cloth, of the desired mesh size, shall be on hand for immediate installation in new dikes, as a corrective measure should the effluent discharge to those waters violate the Alaska Water Quality Standards.
2. In dredging south of the Tuluksak River, a sufficient quantity of filter cloth, of the desired mesh size, shall be on hand for immediate installation in new dikes, as a corrective measure, should the effluent discharge to the river violate the Alaska Water Quality Standards.
3. The slurry pump at the mouth of Granite Creek shall be in place and in an operational mode when Granite Creek is diverted to the old high water channel should the pump be needed to transfer contaminated water to the south side of the Tuluksak River if degradation of the river is threatened by discharge of any sediment-laden waters at that location.
4. Diversion dikes numbers 7 and 8 will be in place when Granite Creek is first diverted to the old high water channel to assure that any sediment-laden water pumped to the south side of the Tuluksak River will not discharge into and degrade the river water.
5. Except when in the process of preparing to and actually crossing the Tuluksak River, dredge operations will cease whenever the Alaska Water Quality Standards for the day are exceeded, the suspension of dredging continuing until corrective measures are implemented. This includes failure of the slurry pump should its operation at that time be necessary to prevent degradation of State waters.
6. A short-term water quality variance shall be secured before the dredge crosses the Tuluksak River, the issuance of such a variance being contingent to the Alaska Department of Fish and Game's advising the Department of the crossing's impact on river waters, reference being to 18 AAC 70.015(a)(1), Alaska Water Quality Standards.

Wendy Wolf
February 2, 1984
Page 2

7. Institute and conduct an ADEC approved monitoring program which incorporates the following:
 - (a) Sampling the Tuluksak River above where the dredge is operating and at its principal effluent discharge for three out of the seven days that it is operating. The once-daily sampling, measuring and recording for turbidity and settleable solids will be in accordance with Department procedures.
 - (b) Every two weeks, when the dredge is operating, sampling the Tuluksak River and Granite Creek upstream of the dredge-impact area and in the effluent discharge mixing zone for arsenic and mercury for above background concentrations in violation of the Alaska Drinking Water Regulations, 18 AAC 80.050. Procedures for sampling and analyses shall be in accordance with a state-approved laboratory instructions.

SJC/msr
cc: Jack Heesch, OMB/GCU, Anchorage



TULUKSAK RIVER Mining Project Proposal from NORTHLAND GOLD (NG)

1. DEC is currently evaluating NG proposal and will either issue or not a "Certificate of Reasonable Assurance pertaining to water quality by Thurs. or Fri., Feb 2,3.
2. F&G is currently evaluation proposal and will issue Title 16 permit concerning matters involving fish population of river. Also due: 2-2/3-84.
3. DNR is examining matter and will issue finding concerning mining standards to be implemented by NG
4. BLM issues environmental assessment of project and also leases land to NG for dredging/mining project.
5. Upon completion of steps 1-3, Office of Governmental Coordination (Wendy Wolfe) produces draft (hopefully by Monday, Feb. 6th) of STATE'S POSITION on proposal. Ms. Wolfe indicates that the draft will probably give go-ahead with a multitude of stipulations to insure water quality, fish population/quality standards, and other similar concerns.
- *6. When Wolfe's draft of state position is completed it is presented to NG and others involved...
 - a) if NG agrees to meet all the requirements, standards, stipulations, etc. then "go-ahead" is issued at which point the entire matter goes to Army Corps of Engineers.
7. Army Corps of Engineers receives STATE POSITION and:
 - a) if State says NO - Corps must say NO
 - b) if State says YES - Corps can say either YES or NO
8. In the meantime, EPA (Environmental Protection Agency) issues a consent decree on mining project.....If NG violates decree project is stopped.

* If NG (Chuck Hawley) does not agree to stipulations, monitoring standards in draft statement of state's position...then entire matter goes to DIVISION DIRECTORS from Div. of Mining, Div. of Water Quality, and the F&G directors, whereupon they address the issue from a "policy standpoint."

CONCLUSION: After my meeting with Ms. Wolfe, I believe she will draft a position paper that will permit the project to go ahead but with all sorts of stipulations that must be implemented before and during the mining project.

COMMENTS: Ms. Wolfe says that the first time NG tried this they failed to adhere to standards of quality re: both water and fish count....DEC (State) and EPA (Feds) filed charges against NG.

This time NG has proposed meeting all sorts of standards which if met they seem to think will avoid problems of last time.

Wolfe claims that the folks of Tuluksak are basing current opposition on last time's failure by NG. She thinks if they can understand that a variety of standards, and stipulations will be enforced that they may not object to project.

She told me that the state wants to make policy based on fact, not politics.

I explained that the issue is VERY POLITICAL because THE PEOPLE were not happy about the issue, nor were they convinced that the project would not harm their water and fish quality.

attachments

TULUKSAK RIVER -- NORTHLAND GOLD DREDGING

Background

Northland Gold Dredging J/V began mining claims leased from Tuluksak Dredging Company in 1981. Complaints about "muddy water" in the Tuluksak River attributed to Northland's operations began in 1981 and continued through 1982 and 1983. Complaints came first from the Commercial Fisheries Division because they could not count salmon in the muddy water, and later from the Department of Public Safety, EPA, AVCP, and the village of Tuluksak 40 miles downstream. In 1982, Northland was issued a Notice of Violation for water quality violations.

Northland applied to State and federal agencies for permits for major mining operations last year. The scope of the project was reduced by Northland after receiving indications that the portion of the project requiring diversion of the Tuluksak River was more difficult to assess and would undoubtedly be denied. The Department of Fish and Game (DFG) did issue a permit for a river crossing. After crossing the river, Northland chose not to continue operating.

The villagers of Tuluksak have legitimate concerns since improper mining practices may have impacted water quality and habitat in the Tuluksak River which is central to their existence. They are concerned that agencies will not pay attention to their interests.

TULUKSAK RIVER -- NORTHLAND GOLD DREDGING

Present

This year Northland applied for all the permits to complete their project, assuring the State that any improper procedures will be corrected. The question before us now is how to allow the mining to continue while ensuring water quality and compensating for the two miles of prime salmon rearing, spawning and migration habitat that will be lost.

Permitting Procedures

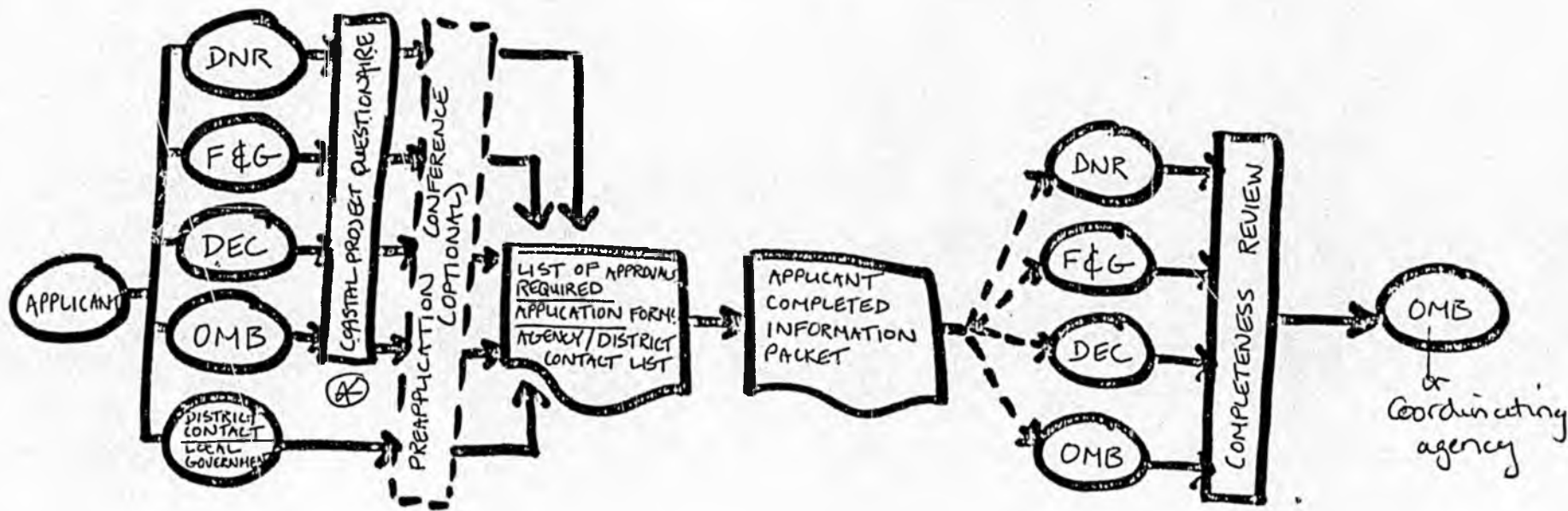
Since Northland applied prior to the effective date of AO 78, their permits were scattered throughout agencies, in different stages of review. We offered Northland two options for completing the reviews. They chose to go for a consolidated review under the new procedures. The agency and public comments are due by January 30. Between January 30 and February 6, the regional staff will develop a draft position to present to Northland by February 6. If Northland or the agencies have not resolved the issues, the project will be elevated to Directors. If agreement cannot be reached by February 11, OMB will seek policy direction from the commissioners. In all cases, within five days after the consistency determination is received, State agency permits will be issued. Therefore, at the latest, if the project is elevated all the way to the cabinet, permits may not be issued until

TULUKSAK RIVER -- NORTHLAND GOLD DREDGING

February 29, but if agreement is reached sooner, the permits will be issued before that date.

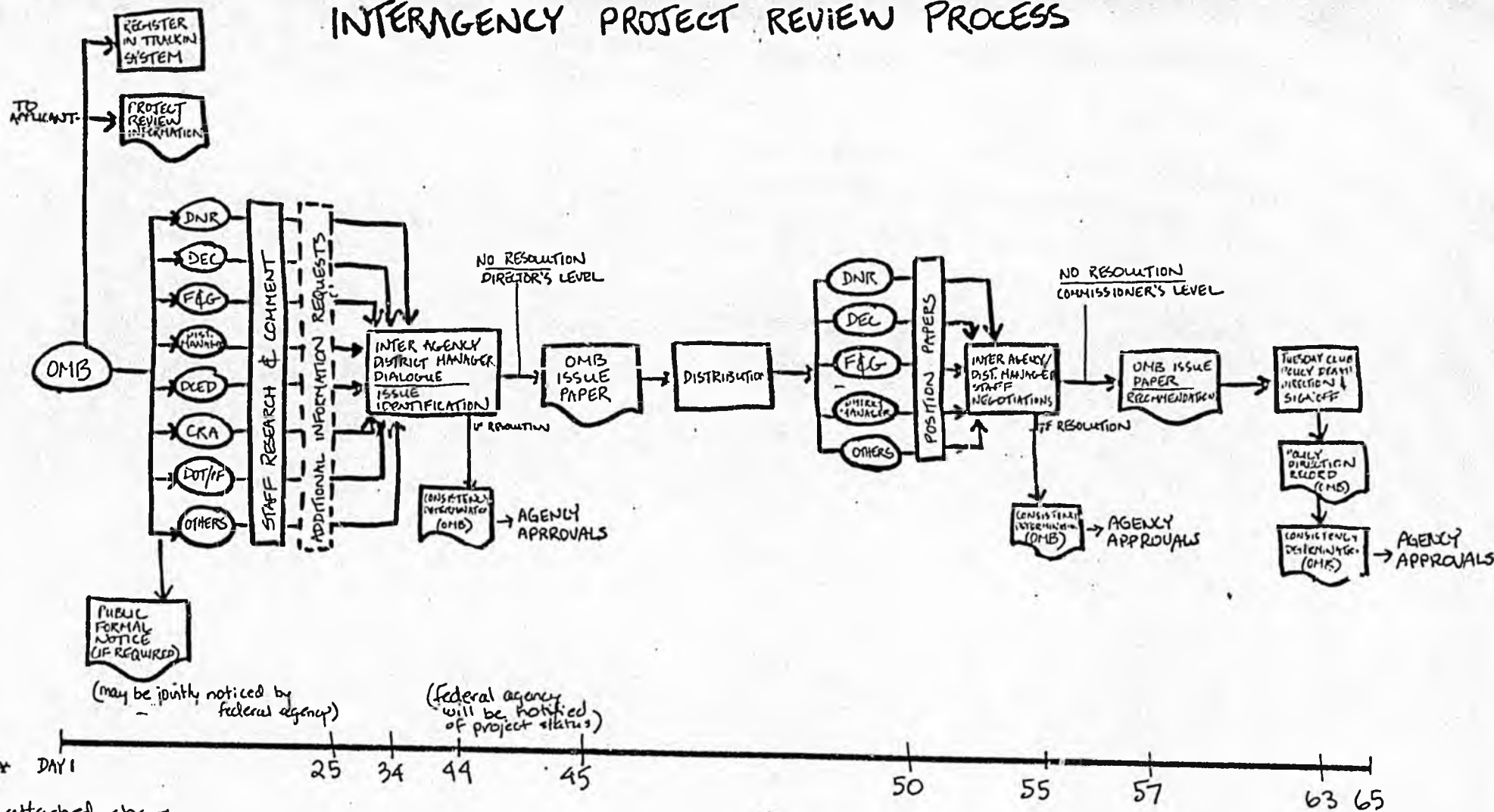
ww12/EA

PREAPPLICATION ACTIVITIES



⊗ Coastal Project Questionnaire will be (eventually) part of applicants' consistency certification to federal agencies. Preapplication can run concurrent with federal preapplication coordination. Preapplication conferences are encouraged.

INTERAGENCY PROJECT REVIEW PROCESS



See attached chart for clarification

*Timeframes subject to extensions allowed by Administrative Order 78

TIMEFRAMES FOR
ADMINISTRATIVE ORDER 78

<u>STEP</u>	<u>30 DAY</u> <u>SCHEDULE</u> <u>(by day)</u>	<u>50 DAY</u> <u>SCHEDULE</u> <u>(by day)</u>
Startup, distribution, public notice	1-2	1-2
Research, comments, informal information requests	3-17	3-34
Formal information request	15	25
Consideration of comments	18-24	34-44
Consistency Agreement* or elevate to directors	24	44
Office of Management and Budget issue paper	25	45
Agency position papers	NA	50
Negotiation	23-29	50-55
Consistency agreement*	29	55
Elevate to cabinet for policy direction	30	57
Policy direction	37	63
Consistency determination issued*	39	65

*Agency permits to be issued five days after consistency determination received unless statutorily impossible.

-10 day extension in U.O.B. for comment and decision deadlines.

-Request for public hearing by day 17 or day 34.

-Under proposed regulations, a decision must be reached by day 95.

Alaska State Legislature

SENATOR
John C. Sackett

CO CHAIRMAN
SENATE FINANCE COMMITTEE

MEMBER
COMMUNITY & REGIONAL AFFAIRS COMMITTEE
LABOR & COMMERCE COMMITTEE
BUDGET & AUDIT COMMITTEE
REGULATION REVIEW COMMITTEE

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POUCH V
JUNEAU, ALASKA 99801
TELEPHONE 465-3753

Senate

February 20, 1984

MEMORANDUM

TO: Lynn Bartlett
Appointments Secretary
Office of the Governor

FROM: Max Gifford
Administrative Assistant

SUBJ: Tuluksak/Northland Gold Mining Permit
Delegation from Tuluksak, Akiak and
Assoc. of Village Council Presidents-
meeting with Governor, 5 p.m., Wed. Feb. 22, 1984

As of 12 Noon, today, the following is a list of those we expect to be at the above referenced meeting:

TULUKSAK: Anna Phillip, Mayor
Carol Alexie, Joe Alexie, Edward Wise,
Andrew Alexie, Nick Alexie, Noah Andrew.

AKIAK: Owen Ivan, Lillian Lliaban, Frank DeMantle

AVCP: Gene Peltola, Willie Kasayulie

JAN. 30, 1984 pg. 3

Propose plans

Press
Company's plans to eventually
Alaska river have drawn
300 residents of the village
of the Tuluksak and

Kuskokwim rivers, sits about 30 miles downstream from Northland Gold Dredging's claim at Nyac on the Tuluksak River.

Villagers contend the company has muddied the otherwise clear river during the last three summers, fouled drinking water and disrupted subsistence fishing for salmon that spawn in the stream.

"We, the people, do not like the muddy water," said Anna Phillip, mayor of the village. "We live out of the river."

Company officials say the villagers' claims are unfounded. Silt is discharged into the waterway for only a short time each mining season, the company contends, and has not harmed salmon runs.

But in 1982, the Alaska Department of Fish and Game cited

Northland for violating water quality standards. The state never prosecuted because the attorney general did not think the state could win the case, according to an interdepartmental memo.

But the May 5, 1983, memo from acting habitat division director Bruce Baker to Dennis Kelso, a deputy Fish and Game commissioner, stated the company "polluted the Tuluksak River in 1981 and 1982 to the point that the Commercial Fisheries Division could not make any escapement counts" of returning salmon.

The federal Environmental Protection Agency sued Northland in July, claiming the company violated a provision of the Clean Water Act during the 1982 mining season.

Chuck Hawley, a general managing partner in Northland, said

he was not even aware of the state and federal concerns until 1982.

"Up until then, we thought we were being good guys," he said.

He said the area shows signs of mining, but he said the company did not pollute the river in 1981 and 1982 as the state memo contends.

This mining season, the company is asking for permits to move its dredge from the north bank of the Tuluksak to Granite Creek.

Eventually, the company plans work in the area that would require the major, mile-long diversion channel, and that has irked the villagers.

TUNDRA DRUMS
Feb. 9, 1984 18.4

Nyac mining company sued by EPA

by Peter Friend

A Nyac gold-mining firm, whose plans to eventually divert a mile of the Tuluksak River are opposed by local villagers, is near an out-of-court settlement of a lawsuit brought against them last year by a federal agency for alleged violations of the Clean Water Act during the 1982 mining season.

The suit was brought against Northland Gold Dredging of Anchorage by the Environmental Protection Agency last year for failing to submit a timely monitoring report on the discharge of pollutants such as arsenic into the river, said an EPA attorney this week.

The attorney said that "rather extensive" field inspection and monitoring surveys by the EPA in Alaska had revealed that Northland was discharging quantities of pollutants without a permit.

The EPA is also aware of local villagers' claims that mining activities have hindered salmon spawning and fouled drinking water in the vicinity of Tuluksak, located 30 miles downstream of Northland's operations center at Nyac.

But the EPA attorney said that no evidence of these allegations were presented to him as part of the current suit.

Northland's re-application for permits to move their mining dredge downstream was opposed by all the local residents present at a recent meeting with Northland personnel and state and federal of-

ficials, according to Tuluksak Mayor Anna Philip.

Northland came under official scrutiny from the Alaska Department of Fish and Game last year, according to an intradepartmental memo from acting habitat division director Bruce Baker to Dennis Kelso, a deputy Fish and Game commissioner.

The memo alleged that Northland "polluted the Tuluksak River in 1981 and 1982 to the point that the Commercial Fisheries Division could not make any escapement counts" of returning salmon.

Kuskokwim escape-ment biologist Dan Schneiderhan, who has been flying aerial surveys over the Tuluksak since 1978, told the Drums that in both 1981 and 1982 the river was "completely muddy" from the Northland dredge to the mouth of the river at its junction with the Kuskokwim.

Normally, said Schneiderhan, the Tuluksak River clears about half way from the Nyac mine to the river mouth.

In the summer of 1983, after Northland had closed their dredge down for the season, there was very little muddiness in the upstream part of the river normally scanned by Fish and Game, he added.

The agency memo continues that habitat division officials "concluded from aerial photographs that Northland also illegally diverted and mined at least one chan-

nel of the Tuluksak in 1982."

Northland officials say the villagers' claims are unfounded, according to the Associated Press. Silt is discharged into the river for only a short time each mining season, the company contends, and has not harmed salmon runs.

Chuck Hawley, a general managing partner for Northland, told the Anchorage Times recently that the company did not pollute the river as the Fish and Game memo contends, and pointed out that mining operations had been going on in the Tuluksak River since 1928.

Meanwhile, Northland has applied for a US Corps of Engineers permit to move its dredge from the Tuluksak River to Granite Creek, a tributary, during this year's mining season.

The firm eventually plans to divert more than a mile of the Tuluksak River into a channel in order to dredge the dry riverbed, according to a Times report.

Tuluksak residents con-

tend that these activities are bound to cause some pollution of the river in the long run, in spite of Northland's plans to filter the tailings and contain them in settling ponds.

Their claims are supported by a letter to Tuluksak officials from John A. Clark, current director of Fish and Game's habitat division, which said that because of soil conditions, "it may be very difficult for Northland to treat their effluent effectively" when mining in the river.

Governor Bill Sheffield's Office of Management and Budget is expected to make a decision this month on Northland's application for the various permits required to continue operations on the Tuluksak River.

Gov. Sheffield recently issued an executive order designed to streamline the permitting process for the mining industry. Northland's 1984 mining plan is one of the first two tests of the new state policy.

Record high jobless rate in Japan - still low

TOKYO — Japan's unemployment rate rose from 2.4 percent in 1982 to 2.6 percent last year, the highest level since the government began compiling such statistics in 1953. Officials in the prime minister's office said the major cause of the high level of unemployment, which averaged 1.56 million last year, was the long recession, despite a surge in the economy in the second half of the year.

Japan's unemployment remains low compared with other advanced industrial nations. The jobless rate last year averaged 12.4 percent in Britain, 11 percent in Canada, and 9.6 percent in the United States, the officials said.

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Alaska State Legislature

SENATOR
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REGULATION REVIEW COMMITTEE



Senate

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TELEPHONE 465-3753

February 20, 1984

M E M O R A N D U M

TO: SENATOR BETTYE FAHRENKAMP
Chair, Senate Resources

FROM: Max Gifford *M.G.*
Administrative Assistant
SENATOR JOHN SACKETT

SUBJ: Meeting with delegation from Tuluksak, Akiak and Association of Village Council Presidents (AVCP) concerning the Northland Gold Mining Permits.

Last week this office was requested to arrange an appointment with the Governor for a meeting with the above mentioned delegation to discuss Northland Gold's request to begin mining operations along the Tuluksak River.

The meeting with the Governor is set for 5 p.m., Wednesday, February 22, 1984.

At the same time, Senator Sackett requested that a meeting be arranged with Senator Fahrenkamp and the delegation so the Northland Gold matter could be discussed. Senator Sackett felt it important for the delegation to have the opportunity to meet with Senator Fahrenkamp in view of your leading role within the Legislature concerning mining in Alaska.

On behalf of Senator Sackett's constituents who will be traveling to Juneau I would request a meeting with you and the delegation at a convenient time on Wednesday.

Attached is a list of those we expect to be present for both the meeting with the Governor as well as yourself.

FEB 20 1984

Senator Fahrenkamp
February 20, 1984
Page Two

TULUKSAK/Northland Gold Mining Delegation:

Tuluksak: Anna Phillip, Mayor
Carol Alexie, Joe Alexie, Edward Wise,
Andrew Alexie, Nick Alexie, Noah Andrew

Akiak: Owen Ivan, Lillian Lliaban, Frank DeMantle

AVCP: Gene Peltola, Willie Kasayulie

JOHN SACKETT

Thank you for your consideration.

*P.S. I spoke with Danny in your office about this request
last Thursday or Friday.

City Of Tuluksak

General Delivery • Tuluksak, Alaska 99679

Phone 907-695-6212

The Honorable Bill Sheffield
Governor,
3rd floor, State Capotal
Pouch A
Juneau, Alaska 99811

Dear Governor Bill Sheffield;

We want to thank you for sending your agencies to Tuluksak for meeting with the residence of Tuluksak and surrounding villages to sit and listen to the concerns what the villages have to say.

The concerns we still find out from the residence of Tuluksak and the surrounding villages is they are opposing the permits given to Northland Gold. They believe that the stipulations the Fish and Game made will not work because who knows what mother nature will do. Man made objects cannot hold forever, we have floods in spring and when it rains to much we have high waters, and the river changes and it erodes.

The residence of Tuluksak depends on land and rivers to get food to live on. They are very comfortable in hunting and fishing from the land and the river because they know that they can gather any food resource they need. They have been depending on it for many generations. The river and the land is our subsistence way of life, that os the only way we can live. Nature is our life, it gives us food and supplies we need.

Governor Sheffield, now we can call you Governor, because we voted for you, we trusted you, for when you were running for Governor you promised us that you will help us with subsistence, supporting us with our way of life. Now is the time for you to full fill your promise that you gave us when you were running for Governor. We call this State The Last Frontier, the beautiful untouch land, have the most wildlife in USA, and the most and greatest resource Alaska have is Salmon. What are we going to do? Destroy the wonderful, Beautiful symbols that Alaska have? Imagine it being called, once a Last Frontier the land that once was untough and beautiful, and now the least resource Alaska have os Salmon. Let us not break the symbols of our Great, Last Frontier, Beautiful, Untough, and the Biggest State. Lets keep it that way.

What is this Dredge? It is a big monsterous machine that destroy our wonderful world that does not care how he left the earth behind it. Does not know how to repair the damage it has done. Does not care how most people will be hurt from it, by destroying the only resource fthey get from land and water. Oh yes, it might be helpful to a handfull of people, but would those handfull of people help other people that depend on land and water?

We guess it is enough that we send our message clear to you. Governor

City Of Tuluksak

General Delivery • Tuluksak, Alaska 99679

Governor Sheffield

Phone 907-695-6212

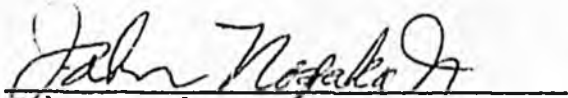
Page Two

Sheffield, please do not approve the permit to Northland Gold Co.. you will do a very big favor for yourself and to us, the residence of Tuluksak and the people that uses our river to gather food to survive. You will gain a big respect from the people of Tuluksak and from the people of Alaska. We will start to respect you and trust you that you do keep your promises. It is very great to keep promises and be trusted by people you are working for. It make you feel you belong with them and standing together in respect with them then being alone and know that you have enemies out there who don't trust you and respect you.

This is a letter we wrote how we feel towards the land and water we use to survive, we do not want to lose it forever, once this Company start to Dredge, this is no way of stopping it. We do not want to lose this wonderful, beautiful land we always see that grows trees, grass, flowers, and food like berries, tundras that animals live and eat on. And this magnificent water that give us salmons that Alaska has as a biggest resouce.



Anna Phillip
Mayor



John Napoka Jr.
IRA President

Noah Andrew Sr.
Tulkisarmute Inc. President

POSITION PAPER
ON
SENATE JOINT RESOLUTION 37

by

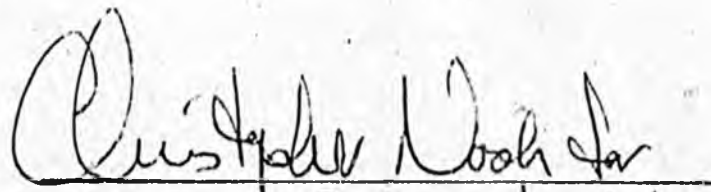
Richard A. Neve'

Commissioner

Alaska Department of Environmental Conservation

February 21, 1984

The Department of Environmental Conservation is coordinating its position on Senate Joint Resolution 37 with the Department of Fish and Game and the Office of the Governor's Governmental Coordination Unit. The Administration's consolidated position will be final no later than February 27, 1984 and will be in the form of a coastal policy consistency determination. It appears that, if Northland Gold Dredging Co. conducts its operations in accordance with the detailed conditions and stipulations required by the various permits, State laws and standards will not be violated and the resources of the Tuluksak River will be protected. If permits are issued, a vigorous monitoring program will ensure that permits are followed and the letter of the law will be enforced.


Richard A. Neve'

We the Registered Voters , Tribal members, and Shareholders of Tuluksak represented by Tuluksak City Council, Tuluksak IRA Council, and Tulkisarmute, Incorporated, hereby made a petition against an issuing of permit to Northland Gold Dredging on ground of,

A. Village of Tuluksak, the residence have the highest rate of unemployment, a seasonal work are limited, therefore the residence has a livelihood on subsistence has a major source of income from land and water year round.

On grounds of following line items.

Tuluksak River is a major salmon producing stream.

1. Based on Commercial Fisheries Division of ADF&G approx 90% of Chinook Salmon, 97% Chum Salmon, and 23% Coho Salmon produced in Tuluksak River, and Granite Creek.

2. At risk from pollution discharged of Northland Operation, production of approx 2,500 gpm (3.5 mill. gpd) of waste water containing of settleable solids, suspended solids, and other pollutants potentially including arsenic, mercury, and iron which will be a health hazardous to residence of Tuluksak, in which will have affect on Wildlife resource Vegetation area, and species of fish.

3. The relocation of channel will have adverse effect on Wildlife Resource, and spawning, rearing, and migration of anadromous fishes. Also vegetation Areas. Loss of salmon production of Tuluksak River and Granite Creek will affect Commercial and subsistence fisheries in Bering Sea, Kuskokwim River, And Tuluksak River will be adversely affected without Compensatory Mitigation in form of replacement habitat within the relocation channel of Tuluksak River and Granite Creek. Inconsistent with ACMP Standards 6AAC 80.130 (b) and 6AAC 80.130 (c) (7) (Habitats) and 6AAC 80.120 (a) (subsistence).

4. Crossing of Tuluksak River will be affected streambed and bank material including sand, silt, gravel, silt, and organic materials will be discharge. Therefore causing turbid, and effect water quality use by fish, wildlife, residents of Tuluksak and surrounding Villages down stream mentioned, Akiak, Akiachak, Kwethluk will violate State Water Quality Standard (18 AAC 70020).

5. Diking and settling ponds will not work due to thawing of snow and ice, Spring break up, and rainy season 50 to 100 feet buffer zone will not provide a safe guard to prevention of polluted discharge to the Tuluksak River and Granite Creek.

1. Noah C. Alexie
2. Hannah S. Alexie
3. Mary Kate
4. Edith Napoka
5. Eliza Nupok Sr.
6. Minnie M. Alexie
7. Peter Alexie Jr.
8. John Isaac
9. Hannah Isaac
10. David J. Alexie
11. Susie Alexie
12. Nellie Andrew
13. Ruth Alexie
14. Col M. Napoka
15. Ruth Napoka
16. Mary Ann Andrew
17. Hannah Yamont
18. Edward Michelson
19. David Yamont
20. Della Andrew
21. Isaac Wassilie
22. Anastasia M. Wassilie
23. Bessie A. Phillips
24. Sara Owens
25. Fannie Phillips

26. Joseph Phillips
27. Jess Perry
28. Alexie Andrew Sr
29. Elizabeth Andrew
30. Noel Owens
31. Sarah Andrew
32. Tommy Nupoke
33. Molly Napoka
34. Peter P. Peter
35. Stanley M. Peter
36. James Peter
37. Moses Peter
38. John H. Gott
39. Henry Gott
40. Nick F. Gott
41. Hattie Napoka
42. Andrew B. Alexie
43. Freda A. Alexie
44. Emanuel. Gregory
45. Peter Gregory
46. James Allain SR
47. Maggie Allain.
48. David J. Alexie
49. Annie J. Alexie
50. ~~Peter Alexie~~
51. Ellen E. Alexie
52. Evelyn M. Alexie
53. Carrie Alexie
54. Mollie R. Alexie
55. Hannah D. Alexie
56. Carrie Fultz

51. Michael Alexie
52. Bernice Alexie
53. Anna Phillip
54. Edward Wise
55. Carol Alexie
56. Peter Waskie
57. Christine Andrew
58. Santa Lutz
59. Jack W. Kincaid
60. Fred W. Hess
61. Andrew Latt
62. Barbara Alexie
63. Peter Fey
64. Frank Fly
65. Lydia Fly
66. Basilio Alexie
67. Henry Liskay
69. Larry Liskay
70. Martha Liskay
71. Fred Napoka
72. Lucy Napoka
73. Peter Napoka Sr
74. Dora Napoka
75. Nastasia A. Gerhart
76. Howard Simon

- 76.
77. Lena Diamond
78. Jim Anderson
79. Mary K. McMoran
80. Donna Kapitany
81. E. Louise O'Neill
82. Joe O'Neill
83. Kenneth P. Schmeider
84. James P. Roland
85. Debbie Owen
86. Sharon J. Demantle
87. Lucy Demantle
88. Jack Napoka
89. Joseph Liskay
90. Bill Gerhart Sr.
91. Joe Demantle Sr.
92. Tom Owen
93. Peter J. Gerhart
94. Nicholas Alexie
95. Emma Phillip
96. Joshua Phillip
97. Nicholas Phillip
98. Peter Latt
99. Martha Latt
100. Stanley J. Muto

101. Jim Wise

102. Mary Wise

103. Joseph A. Wise

104.

Joint Resolution 84-05

Tuluksak City Council
Tuluksak Native Community
Tulkisarmute, Inc.

Where as, the City of Tuluksak, represented by the Tuluksak City Council, Tuluksak IRA Council, and Tulkisarmute, Inc., and

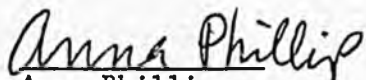
Where as, the residents, tribal members, and shareholders, oppose the issuance of Permit to Northland Gold Dredging, and

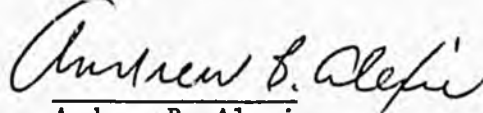
Where as, the City of Tuluksak, and the surrounding villages have no main source of income, and subsistence is needed year round to provide for families protected under 6AAC 80.120(A) subsistence as defined, and

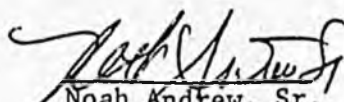
Where as, residents, tribal elders of Tuluksak has noted that the impact and destruction of land and water will have a long term adverse effect on land and water resources, also to the city of Tuluksak, surrounding villages all the way to Bering Sea protected under 6AAC 80.130(B) and 6AAC 80.130(C)(7) habitats, 6AAC 80.120 (A) subsistence and 18AAC 70020 water quality standards.

Now therefore be it resolved that the Governor Bill Sheffield, and the appointed representatives support or efforts, our reasons, opposing the issuance of the permit to Northland Gold Dredging for the good and well being of the City of Tuluksak, surrounding villages, and generations to come.

Motion and passed this 22 day of February 1984.


Anna Phillip
Mayor


Andrew B. Alexie
Tuluksak Native Community


Noah Andrew, Sr.
Tulkisarute Inc.