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Robert R. Stoltz	Palmer, AK 99645
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John Stoltz	Willow, AK 99688
Tracie	Anchorage AK 99500
Gene J. Bortola	Wasilla, AK 99654
Lisa Miranoff	Bangkok, Thailand
Sophide Pynumala	BKK, Thailand

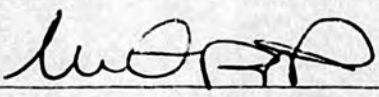
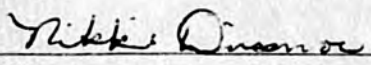
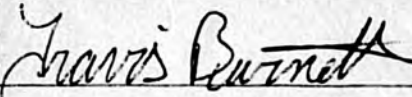
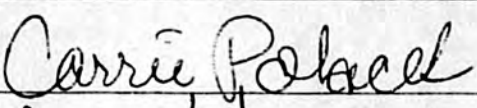
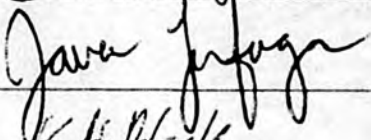
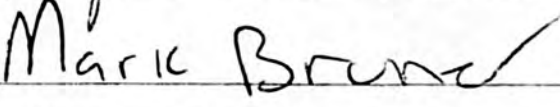
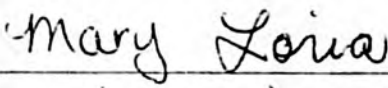
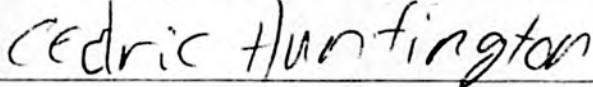
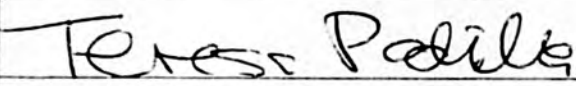
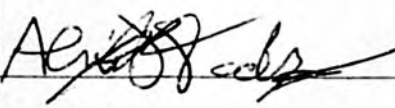
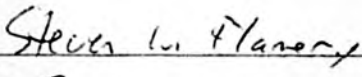
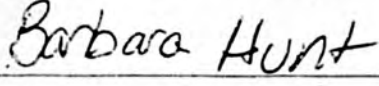
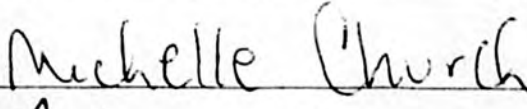
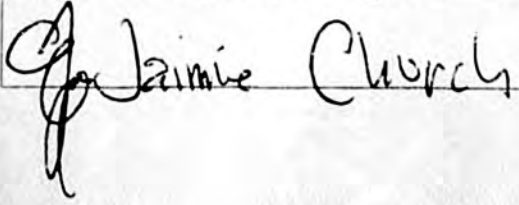
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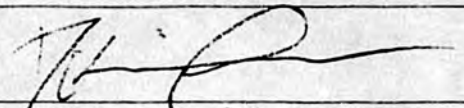
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Laurie Hammill	3560 W. Diamond # AS A/A 99502

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John Nelson	5980 Longoria Circle
Larone O. Taylor	17930 Chablis Circle Eagle River, AK 99571
Aurora Taylor	"
Christian Taylor	"
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Phil K Rose	1716 Kalgin St Anch. AK 99504
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Don O'Hara	9018 Siskiwit St Anch AK 99507
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Chris Zeller	3351 Elberberry Dr

DEBRA CHRISTOPHERSEN	1112 MELCHINA STR ANCHORAGE AK 99501
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Kelly Christine	660 FAWN DR FAWN
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Questions and Answers for DEC/DNR/ADF&G to House Fisheries/House Resources HB 134 field hearings and Pebble site tour

These answers were provided by staff from DEC Division of Water and DNR Division of Mining, Land and Water, and DNR Office of Project Management and Permitting. For more information, please contact Ed Fogels, DNR/OPMP, (907) 269-8423 (ed.fogels@alaska.gov).

1. Large Scale Tailings Facilities

a. Is a liner always required for a large scale tailings facility?

No, liners are normally not utilized to line the 'basin area' of large tailings facilities; however, synthetic liners are sometimes used as a low-permeability layer within the tailings dam. A prospective mining company must demonstrate how they will protect groundwater quality down-gradient of the tailings facility. All tailings facilities must have some form of seepage control, typically consisting of drainage materials and grout curtains, compacted soil, and / or synthetic liners in various combinations designed to meet the unique performance requirements of each project.

b. What material are liners made from?

Liners may be made of geologic, synthetic, or geosynthetic materials. Typically a geologic liner is composed of clay or other fine-grained material, which is compacted to achieve a permeability and thickness that comply with Department of Environmental Conservation regulations (18 AAC 60). Geomembranes, commonly referred to as synthetic liners, are made of a variety of polymers including polyvinylchloride (PVC), 'high', 'linear low', and 'very low' density polyethylene (HDPE, LLDPE, VLDPE), polypropylene (PP), and ethylene interpolymers alloy (EIA), among others. A geosynthetic clay liner (GCL) includes processed bentonite clay laminated with synthetic geotextile fabrics. Geomembranes are typically 30 to 100 mils (0.030 to 0.10 inch) thick depending upon the specific synthetic material and application.

c. On a scale as large as Pebble, is this a significant cost factor?

Yes, synthetic liners and their installation are relatively expensive. Costs can vary greatly depending on the details of the design, required products (type, polymer formulation, thickness or weight, etc.), quantity of materials that are purchased (economies of scale), project location (shipping and installation environment), and any required sub-grade preparation, and are therefore very site-specific. Budget estimates for material costs for synthetic liners typically used in the mining industry may be in the range of US\$0.65/ft² for GCLs, US\$0.50/ft² for 80-mil HDPE, and US\$0.19/ft² for 16 oz/YD² geotextile fabric for sub-liner. We have seen cost estimates for lining a 1,000 acre tailings facility ranging from \$110 million to \$290 million.

d. Have advances in liner technology occurred in the recent past?

The variety of synthetic liner products has been relatively stable over the recent past, although novel products or product improvements occur regularly due to the competitive nature of the

industry. Geotextiles in general (including synthetic liners) have provided substantial benefits to a variety of mining and civil engineering projects, but they should not be considered a panacea. Engineer's understanding of product performance continues to improve, but challenges remain. The 'long-term' life span of synthetic liners is an area of uncertainty, and depends on a number of factors such as composition, construction, stress, and exposure to sunlight.

e. What agencies have authority over tailings facility design – does one agency take the lead role in permitting?

The Department of Natural Resources is the lead state agency for coordinating the permitting of mining projects. However, the permitting and regulatory oversight for the waste associated with tailings facilities falls mainly to the Department of Environmental Conservation through issuance of a Waste Management Permit for mine tailings disposal and any required waste water treatment and/or discharge. The purpose of this permit is to ensure that all water leaving the facility during operations and after closure meets standards, and that water quality is protected. The permit requires operational and post-closure monitoring, and requires financial assurance to make sure any long term treatment and monitoring can be funded.

The Department of Natural Resources' Office of Dam Safety conducts the technical review of proposed dams and companies must receive a Certificate to Construct prior to beginning work on the dam. The Dam Safety Engineer conducts inspections during the construction of the dam and reviews 'as-built' drawings, construction reports prepared by the professional engineer responsible for quality assurance / control, and the Dam Operating Plan. The mining company must receive a Certificate to Operate before they can place tailings in the facility. The designs for any modifications or the ultimate abandonment of the dam are also reviewed by the Dam Safety Engineer and must be approved prior to any actions being taken by the company. The construction and ultimate closure of tailings facilities is also reviewed by the Department of Natural Resources' Division of Mining, Land & Water to ensure that the closure plan complies with the requirements of the State Reclamation Act (AS 27.19). All projects must obtain a Reclamation Plan Approval prior to initiation of construction activities and projects located on state land must also receive a Plan of Operations Approval.

f. In a typical tailings impoundment, similar to what could be expected at Pebble, how deep is the water used to cover the tailings?

In a conventional tailings impoundment, water depth can vary from 0 to perhaps 50-feet depending primarily on the topography of the tailings basin, but also on the physical and chemical characteristics of the tailings, and requirements for water in the milling process. Also, some tailings facilities may have a water cover during the mine's life, but at closure, the water is removed and replaced with a dry or wet-soil cover.

g. What depth below the surface of the sediment beneath a tailings pond does the water permeate?

This depends on a number of factors, such as the permeability of the liner (if used), the nature of the material that the facility is built on, and the type of tailings stored in the facility. In all cases

the applicant must model the expected seepage from the facility, and demonstrate the pathways the seepage will follow and how this seepage water will be intercepted should it not meet water quality standards. When a dam is used to impound mine tailings, water behind the dam will follow the path of least resistance. Often tailings dams are designed and constructed to convey tailings water as underground seepage to the toe of the dam where a system of wells and pumps create a barrier to outward underground flow.

h. How fine is waste rock in a hypothetical tailings pond? Is the consistency of glacial silt a fair characterization, or will the tailings be coarser?

The actual size of the tailings depends on the ore processing method. In general, tailings are usually fine sand to silt sized material, which is very similar to glacial silt.

i. At the end of operations, is it normal to completely cover the tailings and make dry land, or will a lake remain in perpetuity?

Reclamation of a tailings facility is designed based on a wide variety of factors such as the site water balance, geochemistry of the tailings, quality of the water remaining in the tailings pond, seepage chemistry, and other site-specific factors. If the tailings material has potential for acid-generation or metals leaching, it may be necessary to maintain a water cover in perpetuity. In other cases, it is quite feasible to provide for either a wet-soil or dry-soil cover with re-vegetation of the surface material.

2. Mine Pit

a. Hypothetically after the termination of operations at Pebble a large pit is left, and this fills with water. Is the rock in the Pebble area expected to leach heavy metals or other materials into the water?

At this point in the exploration process it is uncertain what the tendencies for heavy metal leaching or other water quality impacts might be. As is typical for most mines, this data is developed through extensive drilling and water quality monitoring programs that most often go on for years, prior to submission of permit applications to regulatory and resource agencies. Baseline water quality and rock characterization information that is used to predict these conditions will be submitted as part of the permitting process, and will be evaluated by DEC and DNR prior to issuance of any permits. These documents, along with proposed permits must be provided to the public and public comments received.

It is possible that the pit might fill with water containing heavy metals and acid rock drainage. If a mine were permitted, it would be based on the proposed mining plan along with extensive, supporting rock and water chemistry data. It is impossible to predict any outcomes without knowing the activity (type of mining procedure and concurrent closure techniques), specific locations, and baseline data. However, any predictions will be conservative in nature. They will protect the environment to the highest prevailing quality or level while considering a range of scenarios.

A clear understanding the rock geochemistry and the water quality of any water that contacts mine rock and tailings is usually the single most important factor that agencies consider in deciding if a mine's design is permissible or not. These water quality predictions drive the design of tailings storage facilities, waste rock dumps, and closure plans.

b. Will agencies require a contingency plan for a potential pit filling and discharge of heavy metals into adjacent streams?

State agencies must approve a closure plan for all mines, including any open pits that are to remain after closure. If the lake is to fill with water, the closure plan must show what the predicted water quality in the pit will be—if this water won't meet water quality standards, then it must be treated before leaving the site.

The major purpose for requiring rock to be characterized and baseline water quality to be established prior to permit issuance is to predict whether metal leaching will be a problem. The results of these studies are used to establish operating permit conditions, short and long term treatment requirements, and to predict water quality in the pit at closure. This information is also used to estimate the long term costs associated with mine closure so that adequate financial assurances can be required from the mine developer to protect the state.

In all cases, the natural quality of the receiving water will be strictly protected through redundant containment, and by vigilant monitoring, recordkeeping, and reporting. All discharged water must meet Alaska Water Quality Standards or the highest prevailing, natural, quality of the receiving water.

3. Water Quality Monitoring wells

a. To what extent are water quality monitoring wells required in areas downstream of a tailings dam?

The location and number of monitoring wells is dependent on very site specific hydrogeologic data and on the design of the tailings storage facility. Complicated geologic conditions may indicate that numerous wells are needed. Less complicated subsurface conditions may allow fewer wells. It is important that all the potential subsurface pathways be identified that could allow contamination to escape and that provisions for sampling such as a monitoring well be provided. In general, the number of wells will depend on the site hydrogeology and the size of the facility.

b. What are the monitoring requirements during operation of the tailings facility - how often is monitoring required and by whom?

Monitoring frequency is established in a permit and again is site dependent. It is important that sampling be frequent enough to detect small changes over time. Typical monitoring and sampling for important contaminants of concern may be weekly or even daily. Less critical contaminants may be sampled monthly or even quarterly.

Environmental sampling is typically performed by the permittee or sometimes by an independent lab or firm under the permittee's direct control. By design and through mandate, the Clean Water Act requires self monitoring and reporting by permittees. Analytical work for compliance must be performed at a testing lab with an approved quality assurance and quality control plan.

c. How deep do monitoring wells go?

Monitoring wells extend into the aquifer that would most likely be affected if a release occurred. This is usually the upper most aquifer, but in some cases, deeper aquifers may need to be sampled as well.

d. How many years after the end of operations is monitoring required?

Under 18 AAC 60.397, Post-closure care requirements for a Class I or Class II MSWLF, Section (a) requires a minimum of 30 years post-closure care, which includes groundwater monitoring among several other requirements. Consequently, post-closure monitoring must continue for 30 years or until background water quality or Alaska Water Quality Standards are met, whichever is longer.

4. Bonding

a. How does mine bonding work (for instance, is there a formula that is applied, what agencies weigh in, is bonding often a commissioner level discussion)?

Bonding or Financial Assurance is the amount of money that is necessary to reclaim a mining project, under the terms of the approved reclamation plan, and conduct post-closure monitoring and water treatment, if necessary. The amount of the financial assurance is calculated as if the State has to take over the project and conduct the reclamation effort. As such, the costs are higher than it would normally take the mining company to do the job. Normally the company makes the calculation and provides all the data, including vendor quotes, to the ADNR and the ADEC to review. Our engineers thoroughly review the calculations, sometimes conducting our own independent calculations, and ultimately derive a cost figure that is protective of the State. There is no formula, since all projects are different and reclamation costs can vary considerably depending on the location and type of mine. No project can begin construction until the financial assurance package is in place. The bond calculation is not normally an issue at the Commissioner's level; however, should there be a serious dispute over the bond amount, the company can avail itself of the Commissioner's office for additional review.

Regarding DEC's part in bonding, AS 46.03.100(f) requires the permittee to provide DEC with proof of financial responsibility for managing and closing the facility in a manner DEC finds will control or minimize the risk of the release of unauthorized levels of pollutants to state waters. Consequently, DEC's portion of the bond is for managing and protecting water quality. This is dependent on the operation, the operational control strategies, and closure plan.

b. Should monitoring of water quality be required in perpetuity, how do bonding requirements treat this?

In the event that water at a closed mine site will need treatment in perpetuity, a trust fund must be established that will fund the effort. It is a sort of water treatment "permanent fund". The trust fund receives contributions from the mining company over the life of the mining operation such that at mine closure the fund is large enough that the costs of monitoring and water treatment can be funded from the annual earnings; the principal of the fund would remain untouched. Before the mine can begin operations, financial assurance must be in place to make sure that the full trust fund will be in place in the event of unexpected closure.

c. Please explain any changes to bonding standards that have occurred and if a mine as potentially large as the proposed Pebble mine will require changes to existing standards.

In the past the bonding standards were mostly set up to address the issues of placer mining and the bonding was capped at \$750 per acre of land to be reclaimed. This was changed by the legislature in 2004 to make hard rock mines exempt from the \$750 cap. Even a mine as large as Pebble would not require a change in bonding standards. The standards now require that an adequate financial assurance package be in place such that the State could conduct the reclamation and closure plan at any point in the life of the mine. The bond amount is monitored and updated regularly to reflect any change in conditions that warrant a significant change. This can include changes in fuel costs, the mine reclamation plan, equipment rental rates, etc. Also, the State requires that the bond be reviewed by an independent third party expert to make sure it is still adequate, or to recommend changes if it is not adequate.

The Process and Requirements for Large Mine Permit Applications in Alaska



**Ed Fogels, Acting Director
Office of Project Management and Permitting
Alaska Department of Natural Resources**

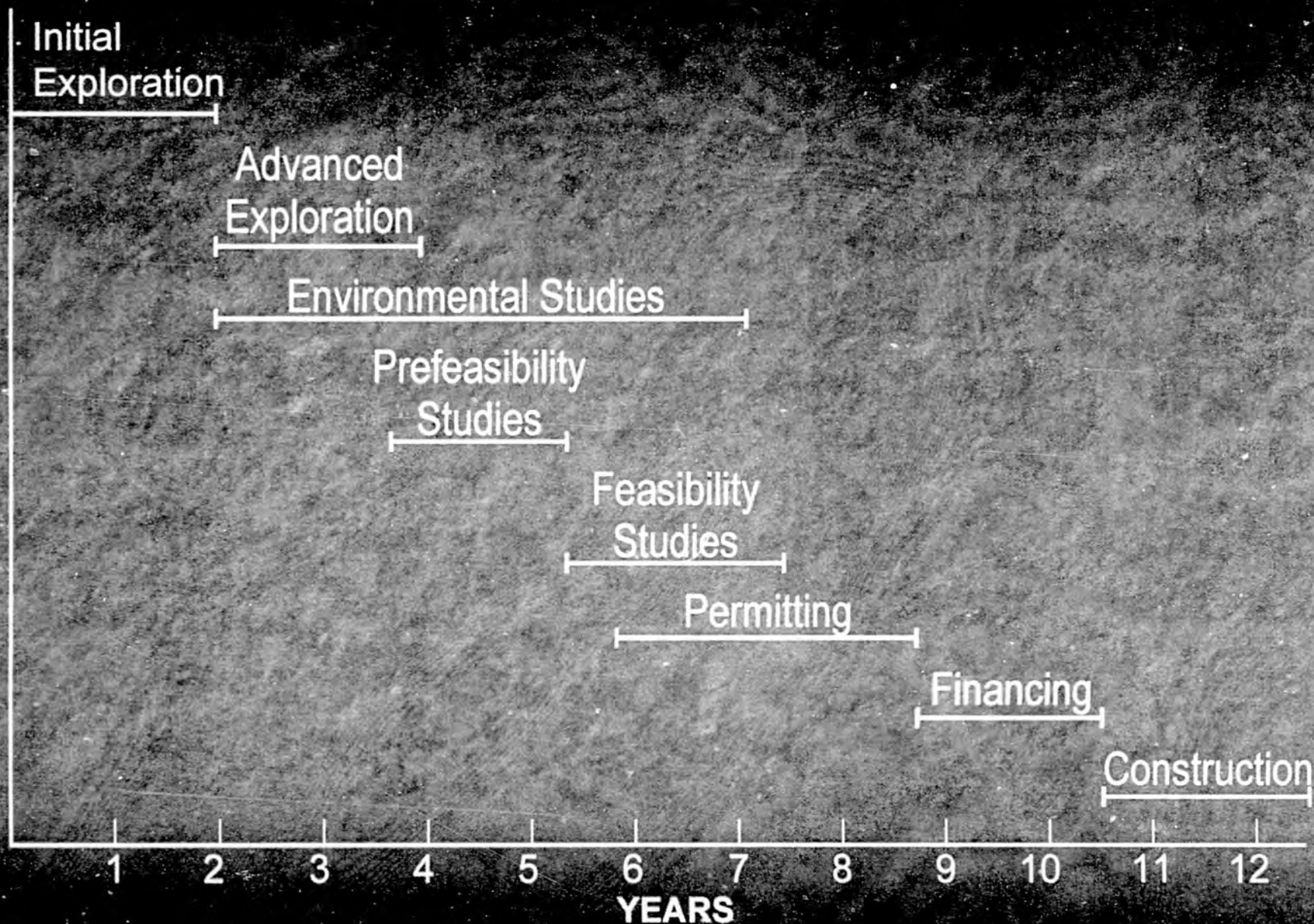
Presentation Outline

- What is the process?
- Mining 101
- The Permits
- The Agencies

No Single Permit to Mine; there are Lots and Lots of Permits!

- Plan of Operations (DNR)
- Reclamation and Bonding (DNR)
- Waste Management Permits and Bonding (ADEC)
- Certification of NPDES and ACOE Permits (ADEC)
- Sewage Treatment System Approval (ADEC)
- Air Quality Permits (ADEC)
- Fish Habitat and Fishway Permits (DNR)
- Water Rights (DNR)
- Right of Way/Access (DNR/DOT)
- Tidelands Leases (DNR)
- Dam Safety Certification (DNR)
- Cultural Resource Protection (DNR)
- Monitoring Plan (Surface/Groundwater/Wildlife) (DNR/DEC)
- Coastal Zone Consistency Determination (DNR)
- US EPA Section 402 NPDES Water Discharge Permit
- US EPA Air Quality Permit review
- US EPA Safe Drinking Water Act (UIC Permit)
- US ACOE Section 404 Dredge and Fill Permit
- US ACOE Section 10 Rivers and Harbors Act
- US ACOE Section 106 Historical and Cultural Resources Protection
- NMFS Threatened and Endangered Species Act Consultation
- NMFS Marine Mammal Protection Act
- NMFS Essential Fish Habitat
- NMFS Fish and Wildlife Coordination Act
- USFWS Threatened and Endangered Species Act Consultation
- USFWS Bald Eagle Protection Act Clearance
- USFWS Migratory Bird Protection
- USFWS Fish and Wildlife Coordination Act

(These are only some of the authorizations required)



National Environmental Policy Act (NEPA) Process

Environmental Impact Statement (EIS)

Usually triggered by Federal authorizations (eg. clean
water discharge permit or wetlands fill permit)

NEPA Process for EIS

A means for considering and evaluating alternatives

Not a permit

- Designation of Lead Federal Agency
- Process starts with submittal of full application package

3 Steps

- Scoping (delineation of issues)/public comment
- Draft EIS/public comment
- Final EIS/public comment

Example: Pogo Mine



**Underground Gold Mine
near Delta Junction**



Pogo Process

- Agency Discussions and Baseline Studies Initiated in 1997
- EIS Initiated in August 2000
- Public Input on Scoping 2000/2001
- Public Review of Draft EIS and Public Meetings, Spring 2003
- Final EIS Completed in October 2003-Public Notice
- Permits Issued in December 2003