Alaska Milic	Permitting Process
Alaska B	oard of Fisheries
Dece	mber 5, 2009
Tom Crafford Mining Coordinator Alaska Department of Na Office of Project Manage	

### **MAJOR POINTS**

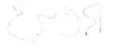
- no single "Permit to Mine"
- met Monitoring isrequired

### State of Alaska Agencies LARGE MINE PERMITTING TEAM (LMPT)

- Department of Natural Resources(ADNR)
   (Lead State agency for mining projects AS 27.05.010 & AS 38.05.020(b)(9) )
   Office of Project Management and Permitting
   Division of Mining, Land & Water
- - Division of Water Division of Air Quality Division of Environmental Health

- Department of Commerce, Community and Economic Development (ADCED)
- Department of Transportation & Public Facilities (ADOTPF)

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### State of Alaska Regulatory Requirements

- Reclamation and Closure Plan
   Solid Waste Permits and Bonding ()

- Dam Safety Certification (ADNR)
  Fish Habitat and Fishway Permits (ADF&G)
  Reclamation and Bonding (ADNR)
  Air Quality Permits
  Water Rights (ADNR)
  Sewage Treatment System Approval
  Right of Way/Access (ADNR/ADOT)
  Cultural Resource Protection (ADNR)
  Monitoring Plan (Surface/Groundwater-Fish/Wildlife-Air)
  (... /ADF&G ADNR)
  Coastal Zone Consistency Determination (ADNR)
  ADEC and ADF&G authorizations to be coverage and additional access to the control of the coverage and additional access to the coverage access to the coverage and additional access to the coverage and additional access to the coverage access to the c

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### Div. Of Mining, Land & Water, **Dam Safety Unit**

- Financial Assurance for long term care and maintenance

### **Technical Issues for Dams**

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## Mines Must be Reclaimed RECLAMATION PLAN APPROVAL

- Reclamation and Closure Plan Approval required prior to start-up
- Minesite must be returned to a stable condition, compatible with the post-mining land use
- Reclamation ≠ Restoration
- Financial Assurance (bond) must ensure State can do reclamation even if company cannot.

# Reclamation Bond is based on a detailed Cost estimate The Propose And 1 Transport Application of the Cost of th

### **Financial Assurance (Bond)**

- Single Bond for combined ADNR & ADEC
  requirements
- Recalculated every 5 years
- How Much? Kensington is \$7.3 million, Red Dog calculated to be \$305 million
- What Mechanism? Most are Letters of Credit
- Trust Fund allowed for long-term obligations
- Applies equally to US and non-US corporations

### **During Mine Operation**

- Regular Inspections, Environmental Monitoring, Annual Reports and Annual Meetings
- Environmental Performance Audits by independent 3rd party, every 5 years
  - muependent 3 party, every 3 years
  - Financial Assurance adjustments

Public Notice & Comment

 Project webpage maintained with historical and current information

### **Post Closure**

30 years of post-closure monitoring

### **Federal Agencies**

- ◆ US Environmental Protection Agency
- US Army Corps of Engineers
- US Fish and Wildlife Service
- NOAA-National Marine Fisheries Service
- Bureau of Land Management/U.S. Fores Service

### MAJOR FEDERAL REGULATORY REQUIREMENTS

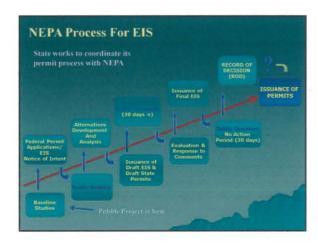
- ◆ US EPA CWA Section 402 NPDES Discharge Permit NPDES → APDES Nov 2010 for mining
- US ACOE CWA Section 404 Dredge and Fill Permit
- US ACOE Section 106 Historical and Cultural Resources
   Protection
- NMFS Threatened and Endangered Species Act Consultation
- NMFS Essential Fish Habital
- USFWS Threatened and Endangered Species Act Consultation
- USFW5 Bald Eagle Protection Act Clearance
- USFWS Migratory Bird Protection

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### Federal National Environmental Policy Act (NEPA) Process

Environmental Impact Statement (EIS)

## NEPA Process for EIS A means for considering and evaluating alternatives Not a permit Triggered by major federal action (Notice of Intent) Designation of Lead Federal Agency Probably not EPA, but U.S. Army Corps of Engineers Selection of 3<sup>rd</sup> Party Contractor to manage the EIS 5 Components Scoping (delineation of Issues) Draft EIS Public Comment Final EIS



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### **Baseline Studies**

- · Surface Water Quality & Quantity
- Groundwater Quality & Quantity
- Aquatic Life (Includes Marine & FreshwaterFish, Invertebrates, etc.)
- Wildlife
- Wetlands
- Socioeconomics
- Subsistence
- · Traditional Ecological Knowledg
- . Cultural Resources
- Air Quality
- Meteorology
- · Health Impact Assessmen
- Visual Resources
- . Nnise

### Pogo Example

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

So, for Pogo, ~ 3 years of baseline studies followed by 3+ years of permitting

### **Public Participation**

- · Pre-Application meetings and outreach
- Environmental Impact Statement Process
  - Scoping (meetings, public notice)
  - Draft EIS (meetings, public notice)
  - Final EIS (public notice
- ) public comment
- Tribal Consultation (Government to Government
- Open Communication (website, meetings, etc)

### **Summary**

- Pre-application baseline studies consultation
- Understand what the issues are (Scoping) as early as possible - Public Process
- "DESIGN FOR CLOSURE"
- Technical review of mine plan and environmental data
- Coordination of public notice, hearings, public comments
- Determine and update financial requirements for reclamation and closure
- Ensure appropriate monitoring (air, water, fish, wildlife, reclamation success, etc)

### Learn More At:

or

http://www.dnr.state.ak.us/ml/Wmining/largemine.htm

or contact

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Tom.Grafford@alaska.gov

