

STATE OF ALASKA

SEAN PARNELL, Governor

ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting

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June 18, 2012

Rick Obernesser, Superintendent
Wrangell-St. Elias National Park and Preserve
P.O. Box 439
Copper Center, AK 99573

Dear Mr. Obernesser:

The State of Alaska reviewed the Dan Creek Mining Plan of Operations Environmental Assessment (EA), which evaluates granting an Alaska National Interest Lands Conservation Act Right-of-Way Certificate of Access to private property within Wrangell-St. Elias National Park and Preserve, and approving a mining plan of operations at Dan Creek. The following comments represent the consolidated views of the State's resource agencies.

The State generally supports the proposed action to authorize the ongoing operations on patented mining claims at Dan Creek, including the Alaska Department of Fish and Game (ADF&G) approved corridor on the Nizina River flood plain, which provides access to the inholding during low water stages.

The EA recommends the applicant contact the State to obtain any required state authorizations. Our records indicate the operator has obtained a Fish Habitat Permit from ADF&G authorizing crossing the Nizina River with motorized equipment (FH11-III-0098 issued April 20, 2011, expiring December 31, 2016) and a water rights authorization from the Alaska Department of Natural Resources (ADNR) (ADL 46283 issued September 23, 1987).

The EA assumes the Nizina River is non-navigable; however, while a Recordable Disclaimer of Interest or a Court Judgment Quieting Title to the Nizina River has not yet been filed, ADNR has determined the Nizina River is navigable for title purposes and reserves its right to assert title in the future. Authorization from ADNR is therefore also required for cross country movement of equipment along the Nizina riverbed. We request the applicant contact ADNR, Division of Mining, Land and Water, South-Central Region Office at 550 W. 7th Avenue, Suite 1260, Anchorage, AK 99501-3557; (907) 269-8400.

We request the Service notify the State of any significant changes to the Mining Plan of Operations. Thank you for this opportunity to comment. Please contact me at (907) 269-7529 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Magee". The signature is fluid and cursive, with the first letter of the last name being a large, stylized "M".

Susan Magee
ANILCA Program Coordinator

cc: Danny Rosenkrans, Senior Management Analyst