



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Water Resources Section

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October 24, 2022

CERTIFIED MAIL: 70211970000227572303

Hecla Greens Creek Mining Company
PO Box 32199
Juneau, AK 99803-2199

Attention: Michael Butikofer

RE: DECISION TO ISSUE *TEMPORARY CERTIFICATE OF APPROVAL TO OPERATE A DAM FOR THE POND 7/10 DAM SYSTEM (AK00307 & AK00316)*

Dear Mr. Butikofer:

The Dam Safety and Construction Unit of the Alaska Department of Natural Resources has decided to issue to Hecla Greens Creek Mining Company (Hecla) the attached *Temporary Certificate of Approval to Operate a Dam FY2023-11-AK00316* for the Pond 7/10 Dam System. This decision was made based on the document titled *Pond 7/10 Dam System Operations and Maintenance Manual* dated February 2020; the *Hecla Greens Creek Mining Company, Greens Creek Pond Annual Review, 2019 Periodic Dam Safety Inspection*, dated April 8, 2020.

This includes special conditions within Attachment A pertaining to the Periodic Safety Inspection as required by 11 AAC 93.159 and is the basis for this *Temporary Certificate of Approval to Operate a Dam*.

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a) and (b).

This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

Thank you for your cooperation with the Alaska Dam Safety Program. Your attention to the safety of the Pond 7/10 Dam System is greatly appreciated.

Respectfully,



Kim Bustillos
Assistant State Dam Safety Engineer

cc: Ben Wagner, ADNR
Tom Barrett, ADNR
Sylvia Kreel, ADNR

Attachments: *Temporary Certificate of Approval to Operate a Dam* No. FY2023-11-AK00307
& AK00316

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND AND WATER
DAM SAFETY AND CONSTRUCTION UNIT



Temporary Certificate of Approval to Operate a Dam

The **State of Alaska** under Alaska Statute Title 46 and the regulations adopted under this statute, grants to:

Hecla Greens Creek Mining Company

The approval to operate the following dams and respective appurtenant works on **Admiralty Island** in accordance with the terms and conditions contained in this certificate:

Pond 7 Dam (NID ID#AK00307)
Pond 10 Dam (NID ID#AK00316)

The location of this project is: T43S, R65E, S26, Copper River Meridian

The holder of this certificate shall:

- Operate the Pond 7 Dam and Pond 10 Dam and respective appurtenant works in accordance with accepted practice and the Operations and Maintenance Manual dated February 2020, approved by the Department concurrent with this certificate.
- Except for claims or losses arising from negligence of the State, defend and indemnify the State against, and hold it harmless from any and all claims, demands, legal actions, loss, liability and expense for injury or death of persons, and damages to or loss of property, arising out of or connected with the exercise of the approval granted by this certificate.
- Comply with all applicable laws, regulations, and conditions.
- Allow representatives of the Department to inspect the work and records covered by this certificate at all times determined necessary by the Commissioner.
- Follow special conditions that apply to the operation of these dams as found in Attachment A, attached hereto and made a part hereof.

**Temporary CERTIFICATE OF APPROVAL TO OPERATE A DAM
Pond 7/10 Dam System**

Attachment A – Special Conditions

1. The Pond 7 Dam (AK00307) and the Pond 10 Dam (AK00316) are approved to operate as Class II (significant) hazard potential dams as defined in 11 AAC 93.157 at a nominal crest elevation of 144 feet (site datum) each. This approval also applies to the appurtenant works of the dams which divert, capture, contain, collect and transfer water to Pond 7 and Pond 10 including all respective, integrated components at the tailing disposal facility (TDF), Site 920, Site 23, Hawk Inlet and other areas of the site, as shown on Figure 2-1 in Appendix 2 of the O&M Program referenced in Special Condition 2. These features and the Pond 7 Dam and Pond 10 Dam are herein referred to collectively as the Pond 7/10 Dam System.
2. Inspect the Pond 7/10 Dam System in accordance with the procedures outlined in the document "Pond 7/10 Dam System Operations and Maintenance Manual" dated February 2020. Inspect the Pond 7/10 Dam System after all significant seismic or precipitation events. Maintain records of all inspections, including routine inspections listed in the O&M Program.
3. An annual instrumentation report for Pond 7/10 Dam System shall be submitted to the Department which shall include, but not be limited to respective data from: thermistors, piezometers, lysimeters, inclinometers, water levels, surface and pipeline flow, underdrain flow, underdrain water quality tests, leak detection system flow, survey monuments, and weather stations. The report shall be in summary form and in a format acceptable to the Department. The annual instrumentation report is due by March 31 of each calendar year.
4. An annual water management plan shall be submitted to the Department by April 30 of each year during active mine operations which shall include, but not be limited to:
 - a description of the accumulated tailings, the amount of water transferred from the TDF and respective underdrains to Pond 7 and Pond 10 in the preceding year, and the remaining storage capacity of the constructed TDF
 - an updated water balance forecast based on the most current actual data available that includes the historic and projected water quantities and flow rates collected and transferred from the TDF, Pond 23, Pond A, Pond C and Pond D and other collections points to Pond 7 and Pond 10, and the quantity and flow rates of water discharged from the water treatment plant
 - the current estimated construction schedule for remaining phases of the TDF
 - a current input file for the computer water balance model
 - other information pertinent to the operation and performance of the Pond 7/10 Dam System
5. An annual performance report prepared by an engineer qualified in accordance with 11 AAC 93.193(b) shall be submitted to the Department by October 31 of each year during active mine operations. At a minimum, the report shall include:
 - the findings of a visual inspection of the Pond 7/10 Dam System when clear of snow
 - photographs of key features of the Pond 7/10 Dam System and other observations during the visual inspection
 - a review and evaluation of routine inspection and maintenance reports

**Temporary CERTIFICATE OF APPROVAL TO OPERATE A DAM
Pond 7/10 Dam System**

- a review and evaluation of monitoring data included in the annual instrumentation report and any additional monitoring data available at the time of the site visit
- other information pertinent to the operation and performance of the Pond 7/10 Dam System

The annual performance report shall be in summary form and in a format acceptable to the Department. This requirement will be waived for each year that a periodic safety inspection (PSI) required by 11 AAC 93.159 is conducted, but the PSI must include the above listed information in addition to meeting the other requirements of 11 AAC 93.159.

6. Within 60 days of the date of this certificate submit a finalized Periodic Safety Inspection (PSI) report as required by 11 AAC 93.159 on the Pond 7/10 Dam System and appurtenant works.
7. An Emergency Action Plan (EAP) shall be maintained in accordance with the requirements of 11 AAC 93.164(a). The EAP may be included in the O&M Manual as provided under 11 AAC 93.164(e) for a Class II dam. The EAP shall be reviewed, exercised, and revised in accordance with the following schedule:

<u>DATE</u>	<u>ACTION</u>
Annually	Internal review
Annually	Orientation exercise with all responsible parties
Annually	Revise as needed and distribute updated pages
Biennially	Drill exercise (Internal responsible parties)
Triennially	Tabletop exercise with all responsible parties
Triennially	Revise and distribute to all responsible parties

The drill exercise is not required in the same year as the tabletop exercise. EAP exercises must include responsible parties listed in the plan as indicated in the schedule. Provide written notice to the Department within 7 days after all EAP exercises.

8. Notify the Department immediately if the EAP is activated, or within 24 hours for any significant problems that may develop which could affect the safety of the Pond 7/10 Dam System including discharge through the emergency spillway. An incident report shall be submitted to the Department in accordance with 11 AAC 93.177 within 14 days after the conclusion of the incident.
9. For any modifications or major repairs of the Pond 7/10 Dam System during routine operations, or for removal or abandonment, a separate certificate of approval must be obtained from the Department.
10. The requirements for operation, abandonment or removal of the Pond 7/10 Dam System must be included in each revision of the detailed mine reclamation plan. Sufficient funds for these requirements must be identified and included in the financial assurance required per:
AS 27.19.020-040; 11 AAC 97.200-450; 11 AAC 93.171(d); 11 AAC 93.171(f)(2)(C); 11 AAC 93.171(f)(4)(F); and 11 AAC 93.172(a)(6)(C); other applicable Alaska laws; and the Memorandum of Understanding between the Alaska Department of Natural Resources, Alaska Department of Environmental Conservation and the U.S. Department of Agriculture, Forest Service Concerning Reclamation/Closure/Post-Closure Bonding for the Greens Creek Mine (June 30, 2014), or any revisions thereof including Modification No. 1 signed in January 2015. Submit a copy of associated sections of the Reclamation Plan and financial assurance instrument to the Dam Safety and Construction Unit of the Department during each review and revision cycle.
11. This *Temporary Certificate of Approval to Operate a Dam* expires on January 22, 2023.

End of Attachment A