

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

Non-Point Source Pollution Water Control Program

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June 29, 2007

Certified Mail 7006-0810-0000-8656-8106

Niblack Mining Corporation
615-800 West Pender Street
Vancouver, BC V6C 2V6

Subject: Moira Sound Niblack Landing and Dock
Reference No. POA-1982-290-N

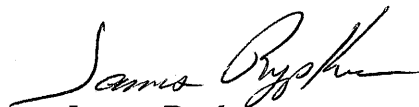
Dear Niblack Mining Corporation:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for fill involved the construction of a barge and landing craft ramp and adjacent: walkway, ramp, and float. Construction is off of Moira Sound on Prince of Wales Island, Alaska.

Department of Environmental Conservation regulations provide that any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Director, Division of Water, 555 Cordova St., Anchorage, AK 99501, within 15 days of the permit decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, Alaska 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the Corps of Engineers and the Office of Project Management and Permitting of our actions and enclosing a copy of the certification for their use.

Sincerely,



James Rypkema
Program Manager

cc: (with encl.)

Claire Batac, DNR/OPMP
Mark Mannillo, DNR/OHMP

Nicole Hayes, COE, Anchorage
Brenda Krauss, ADEC Juneau

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, in accordance with Section 401 of the Federal Clean Water Act and the Alaska Water Quality Standards, is issued to Niblack Mining Corporation, 615-800 West Pender Street, Vancouver, BC V6C 2V6, for the fill involved the construction of a barge and landing craft ramp, off of Moira Sound on Prince of Wales Island, Alaska. Material would consist of approximately 500 cubic yard substrate placement below the high tide line for the barge and landing craft ramp. Total wetland fill amounts to 0.033 acre. Adjacent to structure would also be a walkway, ramp, and float installed with steel piles.

The proposed activity is located within Section 34, T. 78 S., R 88 E., Copper River Meridian, off of Moira Sound on Prince of Wales Island, Alaska.

Public notice of the application for this certification was given as required by 18 AAC 15.180.

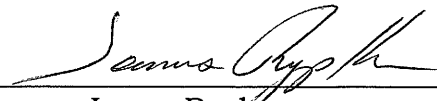
Water Quality Certification is required under Section 401 because the proposed activity will be authorized by a Corps of Engineers permit, reference number POA-1982-290-N, and a discharge may result from the proposed activity.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, will comply with applicable provisions of Section 401 of the Clean Water Act and the Alaska Water Quality Standards, 18 AAC 70, provided that the following alternative measures are adhered to.

1. During the construction phase, spill response equipment and supplies shall be available on site for the cleanup and containment of petroleum product leaks or spills. For any spill amount, there are Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). Most importantly, contact by phone the ADEC Area Response Team for Southeast Alaska, (907) 465-5340 during work hours or 1-800-478-9300 after hours. Also contact by phone the National Response Center at 1-800-424-8802. Report all spills.
2. Construction, fill, backfill, and blasting below the high high water mark shall proceed during periods when area is dewatered. If a turbidity plume is produced from the activities, then work shall cease until a silt curtain is installed to enclose the activity causing the turbidity.
3. No portion of the docks may ground at any tidal stage.
4. The timber piles and decking used to build the dock shall not be treated with a preservative containing pentachlorophenol and if treated with creosote, the creosote shall be applied via a pressure treatment that inhibits leaching at a rate which causes a sheen to form on the water.

This certification expires five (5) years after the date the certification is signed. If your project is not completed by then and work under Corps of Engineers Permit will continue, you must submit an application for renewal of this certification no later than 30 days before the expiration date (18AAC15.100).

Date: June 29, 2007



James Rypkema
Program Manager