

**PLANNING COMMISSION  
NOTICE OF DECISION**

Date: September 14, 2011  
File No.: USE20110020

Coeur Alaska Inc.  
Kensington Gold Mine  
3031 Clinton Dr. Ste 202  
Juneau, AK 99801

Application For: Modification of an allowable use permit to change the existing temporary dormitory housing to permanent housing, and add new dormitory housing for 96 people. The requested modifications will result in permanent housing for 216 employees.

Legal Description: USMS 570

Property Address: Kensington Mine Site—Berners Bay Area

Parcel Code No.: 3-M00-0-BB0-001-0

Hearing Date: September 13, 2011

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 8, 2011, and approved the change of the existing temporary dormitory housing to permanent housing, and adding new dormitory housing for 96 people to be conducted as described in the project description and project drawings submitted with the application. The conditions of MIN2004-0003 remain unchanged as follows:

**Traffic**

1. Speed limit signs that are provided by, or are comparable to, Alaska Department of Transportation speed limit signs, shall be posted in readily visible locations at the tidewater and mill site ends of the haul road.
2. Coeur shall state in the approved Plan of Operations that passengers and freight vessels must reduce speed and/or alter course to lessen the wake effect on other boat traffic in the bay, particularly non-motorized vessels.
3. Unless weather, safety procedure, emergencies, or Federal Aviation Administration requirements dictate otherwise, the mine operator shall operate helicopters at elevations and along the flight path that follows, in order to minimize noise levels on residential areas and recreational users of Berners Bay.
  - The minimum flight elevation shall be 1,000 feet above ground level. The highest practicable elevation shall be maintained, preferably at least 2,000 feet above mean sea level.
  - The flight path shall be: from the Juneau Airport, head west while immediately climbing to FAA-directed or highest practicable altitude, cross the Mendenhall

River, turn north to Montana Creek and proceed northwest following the creek drainage, on past Windfall Lake toward the mouth of Cowee Creek, north across Berners Bay, and then along the coastline of Lynn Canal to Comet Beach.

### **Parking and Circulation**

4. The applicant shall develop and operate a bus commute for mine workers for the life of the project. This requirement may be waived only upon modification of this permit. A fully-operational bus commute system, which includes both a bus commute and park-and-ride as described in conditions 5 and 6 below, must be in place before any Occupancy Permit is issued to the applicant or the Allowable Use Permit will be revoked.
5. The park-and-ride facility must be located between Mile 6 and Mile 12 of Glacier Highway, and must be designed and sized to support daily bus transportation to and from Cascade Point for all mining shifts and all mine workers per shift. The park-and-ride facility must provide enough parking spaces for two shifts of workers, or 100 vehicles.
6. The bus commute shall consist of round-trip bus transportation from a park-and-ride facility to the Cascade Point Terminal and back. The busses shall be operated daily, 365 days per year, and shall be operated so as to provide transportation to and from each work shift. The busses shall have sufficient capacity to transport all hourly mineworkers scheduled for each work shift.
7. The applicant shall institute a company policy that its employees utilize the bus commute on a daily basis.

### **Exterior Lighting**

8. Lighting at the marine terminals shall be used only during loading and off-loading of workers and materials, or when the terminals are otherwise in use, and applicant shall use an appropriate low-intensity lighting system to implement this condition.
9. Lighting must, to the extent that safety is not compromised, be directed downward, and remain within the perimeter of the site.
10. Lighting must be of a type that provides for adequate illumination without unnecessary glare. The applicant shall install a low-level lighting system, subject to Department approval, that provides for onsite safety while minimizing or eliminating offsite glare.
11. Lighting required by the Coast Guard as Aids to Navigation is exempt from these recommendations.

### **Signs**

12. Speed limit signs and other signs managing traffic on the haul road shall comply with appropriate Alaska Department of Transportation standards for highway signage.
13. Signage at the park-and-ride facility must comply with standards in CBJ§ 49.45.

### **Safety**

No recommendations

### **Noise**

14. Company policy shall forbid the use of “jake” brakes, or compression braking, on trucks transiting the haul road to Slate Creek Cove, except under emergency circumstances.
15. Only rubber-tired machinery may be used to load and offload freight at the Slate Creek Cove marine terminal. Track machinery may be used for on and off-loading only when rubber-tired machinery is incapable of handling the loads.

(See the Traffic section for a condition on helicopter flights.)

### **Dust**

16. The speed limit on the haul road shall be posted at 20 miles-per-hour to minimize the amount of airborne dust.
18. The applicant shall abate visible airborne dust as necessary to protect the visual quality of the project area.

### **Visual Screening**

18. Retain the values of the Modified Landscape VQO in the materials and colors used in construction of the Slate Creek Cove marine terminal.
19. Minimize tree clearing at the mine and mill complex and along the haul road. Maintain as large a buffer or standing timber as possible between the haul road, mill and processing area at Berners Bay.
20. Use earth tone colors and finishes on the exterior of the mill and processing buildings.

### **Surface Subsidence**

21. The company must maintain a 150-foot crown pillar to assure stability and prevent surface subsidence.
22. The employment of mining techniques that modify the 150-foot crown pillar must be pre-approved in the Plan of Operations and be shown to have no increased potential for contributing to surface subsidence.

### **Avalanches and Landslides**

23. The tailings pipeline must be buried for the entire mapped area of the Snowslide Gulch avalanche path. Burial must be at a depth and length that will assure the integrity of the pipeline to withstand a 100-year avalanche event.

24. If the tailings access road remains open for use during the November to May avalanche season, the applicant shall be required to prepare a Snow Safety Plan that includes, at a minimum, the following:
  - a. avalanche search and rescue training for on-site employees;
  - b. travel protocol on the tailings access road;
  - c. placement of probes, beacons and shovels in all vehicles crossing Snowslide Gulch;
  - d. radio checks for all travel across Snowslide Gulch;
  - e. a system for daily and/or weekly avalanche forecasting;
  - f. designation of an on-site avalanche expert;
  - g. other practices and procedures that assure worker safety and rapid response to avalanche events.

The plan shall be prepared by an organization such as the Southeast Alaska Avalanche Center or another comparable qualified organization.

25. If the tailings access road remains closed for use during the avalanche season, then the applicant shall be required to incorporate avalanche awareness training into the required 40 hour Mine Safety and Health Administrative (MSHA) training class that is given to every new miner hired for the project. The applicant is required to consult with the Southeast Alaska Avalanche Center, or a comparable qualified organization, in developing avalanche awareness training. Specific attention shall be given to the avalanche hazard posed at Snowslide Gulch.
26. Snow removal equipment must be staged on the mill side of the tailings pond access road, and must be in a ready-to-operate condition in the event the tailings pipeline is damaged. This equipment must be available to clear the access road of avalanche debris just as quickly as it is declared safe to do so in consultation with a qualified individual or organization such as the Southeast Alaska Avalanche Center. This consultation shall occur immediately following an avalanche event.
27. If the tailings access road is available for use during the avalanche season, signage must be placed warning all drivers of avalanche danger on the road. The road must be closed during periods of high avalanche risk as determined by mine officials in consultation with the Southeast Alaska Avalanche Center or comparably qualified organization or individual. This consultation shall occur on a daily basis during the November–May avalanche season.
28. A snow shed shall be constructed over the Kensington portal to shed snow away from the portal and prevent the portal from being covered by snow and impeding escape from the mine.

## **Erosion**

29. Coeur shall identify methods in the approved Plan of Operations for the employment of best management practices that allows for quick action to be taken where erosion is imminent or under way.

30. Provide worker training in the employment of best management practices, including both techniques (how MBPs are employed) and protocols (when and where MBPs are employed).
31. Reclaim disturbed areas on steep slopes and avoid disturbing steep slopes during inclement weather.
32. Construct all storm water diversion ditches to accommodate a 100-year, 24-hour precipitation event.

### **JCMP Conditions**

33. Preserved and pressure-treated wood shall not be used in the water, or have contact with the water, in the construction of the Slate Creek Cove marine terminal.
34. Fill in wetlands shall be avoided and minimized to the greatest extent practicable.
35. The best management practices enumerated in CBJ §49.70.1080 (b) (7) (A) (B) (C) (D) (F) and (G) are incorporated as MBPs for the project. These are:
  - There shall be no work in the stream bed or that would adversely impact the stream during egg incubation or out-migration of salmon smelts;
  - Filtration curtains shall be used to protect streams from turbidity due to adjacent soil disturbance activities;
  - Existing wetlands vegetation shall be stripped in mats and repositioned over regraded soils;
  - The amount of fill shall be restricted to the minimum amount necessary to achieve stated purposes;
  - All discharge material shall be free from toxic pollutants in toxic amounts as defined by state law, and;
  - Erosion at the construction site shall be controlled through re-vegetation and other appropriate means. Exposed soils shall be re-vegetated within one year.

### **Wetlands Review Board Conditions**

36. Marine construction shall not occur in Slate Creek Cove during the spring concentration of forage fish.
37. A strong monitoring and reporting program shall be instituted for water quality assessment in the Slate Lakes Basin and in Slate Creek Cove, with an emphasis on the fish population.
38. Species in Slate Creek Cove shall be monitored for vessel impacts. Measures shall be taken to reduce impacts to marine species, including reduction of vessel speed, vessel routing and timing of vessel arrivals and departures. Coeur should incorporate provisions for marine mammal protection in the approved Plan of Operations or through an agreement with the National Marine Fisheries Service.

39. Coeur shall sponsor a Berners Bay working group to coordinate activities and promote good communication among the operator, the agencies and the public.

Attachments: September 8, 2011, memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding USE20110020.


This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.


This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

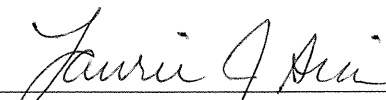
Effective Date: The permit is effective upon approval by the Commission, September 13, 2011.

Expiration Date: The permit will expire 18 months after the effective date, or March 13, 2013, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

  
Beth McKibben, Planner  
Community Development Department

  
for Maria Gladziszewski, Chair  
Planning Commission

  
Filed With City Clerk

9/15/11  
Date

cc: Plan Review

**NOTE:** The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.