

STATE OF ALASKA

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
Water Non-Point Source Pollution Control Program**

Frank H. Murkowski, Governor
555 Cordova Street
Anchorage, AK 99501-2617
Phone: (907) 269-6281
Fax: (907) 269-7508
TTY: (907) 269-7511
<http://www.state.ak.us/dec/>

May 6, 2005

Mr. Gary Droubay
Goldbelt Incorporated
9097 Glacier Hwy, Ste 200
Juneau, Alaska 99801

Certified Mail #:7004 1160 0004 2848 6175
Return Receipt Requested

Subject: Berners Bay 4, Cascade Point Marine Terminal
Reference No. POA-1997-245-2
State I.D. No. AK 0406-14J

Dear Mr. Droubay:

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 the proposed construction of a docking facility at Cascade Point, within state waters and wetlands 45 miles northwest of Juneau, Alaska.

This Certificate of Reasonable Assurance supersedes the prior one dated April 26, 2005 with certified mail number 7200 2410 005 3101 1142 due to errors in reference to Ketchikan and editing changes in the stipulations. Please replace the April 26, 2005 Certificate with this one.

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, 410 Willoughby Ave., Juneau 99801, within 15 days after receiving this certification. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days after the date of this certification. If a hearing is not requested within 30 days, the right to appeal is waived.

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

Sincerely,

SIGNATURE ON FILE
Ron Klein
Program Manager

Enclosure

CC: (with encl.)

John Leeds, COE Juneau

Pete McGee, ADEC Fairbanks

People who commented

EPA, Juneau Field Office

Jackie Timothy, DNR/OHMP, Juneau

EPA, AK Operations

F&WS

DNR/OPMP, Anchorage

Jim Powell, ADEC, Juneau

Joe Donahue, DNR/OPMP, Juneau

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 Goldbelt, Incorporated, 9097 Glacier Highway, Juneau, Alaska 99801, for the proposed construction of a moorage facility for the Kensington Mine workers ferry. The facility consists of a rubble mound breakwater, a moorage basin, and a pile supported docking facility. The basin will be dredged to -10 and will be 1.6 acres in size. The breakwater footprint is 1.3 acres and is detached from the uplands to allow for fish passage.

The proposed activity is located within Section 1, T36S, R63E, and Section 32, T37S, R63E, Copper River Meridian, in Berners Bay north of Echo Cove, approximately 45 miles northwest of Juneau, 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-1997-245-2, 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. Petroleum spill response equipment and supplies shall be available at the marine terminal to contain and clean up any fuel spills which may occur during the construction or operation phases.
2. The wooden portions of the terminal docking shall not be treated with a preservative containing pentachlorophenol and if treated with creosote, the creosote shall be applied via pressure treatment that inhibits leaching at a rate that causes a sheen to form on the water.
3. Restroom and solid waste containment facilities shall be made available and maintained at the marine terminal during the construction and operation phases.
4. The dredging activity and spoils barge shall be enclosed within a silt curtain during dredging and spoils dewatering activity. If during dredging a silt plume is produced, dredging shall cease until the problem is resolved. Runoff resulting from dewatering the spoils or storing the spoils on uplands shall be directed into the enclosed area. The silt curtain shall extend a minimum of 20' below the surface at high tide. The structure shall remain until the silts have settled from the enclosed waters.

5. During breakwater construction, the applicant shall limit the introduction of silts into the marine waters. This can be done by utilizing fill clean of all silts and organics or by enclosing and isolating the fill area prior to fill placement with a silt curtain or similar structure. The silt curtain shall extend a minimum of 20' below the surface at high tide. The structure shall remain until the silts have settled from the enclosed waters.

May 6, 2005

Date

SIGNATURE ON FILE

Ron Klein
Program Manager