

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

Southeast Regional Land Office

Regional Manager's Decision

ADL 109506

Hecla Greens Creek Mining Company

Application for Easement

AS 38.05.850

Executive Summary

On March 13th, 2026, the Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southeast Regional Office (SERO) received an application from Hecla Greens Creek Mining Company ("Greens Creek" or "applicant") to install an outfall line to dispose of treated water from the upland mining operations of Greens Creek to the permitted discharge location within Hawk Inlet, depicted in the "Mixing Zone diagram". This proposed easement is located on state-owned, DMLW-managed tide and submerged lands of Hawk Inlet, within the City and Borough of Juneau, Alaska.

The proposed easement will encompass approximately 1.4-acres of state-owned tide and submerged lands. The State of Alaska intends to authorize this easement request. A development plan for the proposal is included as "Attachment 1".

Proposed Action

DMLW will issue an Entry Authorization (EA) for a term of three years to allow for construction and completion of a DMLW-approved survey, which is a prerequisite for issuance of the final easement. The term of the EA shall be inclusive of the total easement term of 15 years. A draft EA is included as Attachment 2. A draft private non-exclusive easement is included as Attachment 3.

The project will include an outfall line which will be installed on state-owned, DMLW-managed tide and submerged lands of Hawk Inlet. This outfall line will transfer treated water from the upland mining operations of Greens Creek to the discharge/mixing zone location in the submerged lands of Hawk Inlet.

The applicant proposes to install and maintain a new outfall pipeline (Outfall 002A) beginning at the Pond 7 Water Treatment Plant (WTP) for Greens Creek Mine. This outfall source will originate at Pond 7 WTP on privately owned uplands. The proposed outfall (Outfall 002A) is a separate outfall line that will follow the beginning path next to the existing outfall (Outfall 002), authorized by DNR-DMLW under ADL 105124.

Once on state-owned tidelands, the proposed outfall will follow the neighboring existing outfall (Outfall 002), for approximately 1,840 feet. The remaining, approximately 2,222-feet of Outfall 002A, will split from the neighboring installation path of Outfall 002 and be installed within a new path traveling north, further into the center of Hawk Inlet. The termination point of Outfall 002A is included in the Alaska Department of Environmental Conservation (DEC), Alaska

Pollution Discharge Elimination System (APDES) permitted mixing zone under Permit AK0043206, within state-owned submerged lands. The total area of state-owned lands encompassed by this project is approximately 1.4-acres.

The outfall line will be constructed of a 14-inch fused and bolted HDPE pipe. The installation of the outfall will be supported by heavy equipment such as excavators, pickup trucks, and a support barge. CAT340 and CAT350 excavators are proposed for installation and trenching work. Rig mats will be used for all travel across state-owned tidelands. Any materials removed from state-owned tidelands will be placed over the installed pipeline and anchors. The trench ballasts used to anchor the outfall to the tidelands will be dug at approximately four-foot depth. The bedding material to secure and surround the ballasts will be sourced from the native excavated source material, when available; additional Type 2 material will be excavated from a local quarry if additional quantities are required.

An 185-foot by 50-foot support barge will be used to support the submerged lands installation. The section of outfall within the submerged lands will be fused, bolted, and capped from the floating barge. Subaqueous placement, bolting, and securing of the anchor points along the seabed floor will be supported by a commercial diving company. No buoys are proposed for the submerged lands portion of this project; and instead, the applicant will notify the US Coast Guard (USCG) for a Local Notice to Mariners and the National Oceanic and Atmospheric Administration (NOAA) for updates to any pertinent nautical charts. Similar to Outfall 002, the applicant proposes to install a sign on the adjacent shoreline with a notice of the outfall structure located underwater.

The applicant will provide long-term maintenance which includes annual submittal of video and written report on the condition of Outfall 002A diffusers and diffuser ports to DEC. Based on inspections, general maintenance will include rehabilitation of anchor bolts, replacement of zincs and repair of any sections that require attention.

Statutory Authority

This easement application is being adjudicated pursuant to AS 38.05.850, the Alaska Land Act as amended, The Submerged Lands Act of 1953, and AS 38.05.127.

Administrative Record

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations referenced herein, the *Juneau State Land Plan, December 1993* (JSLP) and other classification references described herein, and the case file for the application serialized by DNR as ADL 109506.

Scope of Decision

The scope of this decision is to determine if it is in the State's interest to create an easement for the proposed use. The scope of administrative review for this authorization is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization is in the interest of the State of Alaska.

Location Information

Geographic Location:

Admiralty Island, Hawk Inlet, within the limits of the City and Borough of Juneau, approximately 18-miles southwest of Juneau International Airport.

Property Description:

C043S065E27; Township 43 South, Range 65 East, Section 27, Copper River Meridian. Approximate coordinates – Source: 58.1152 N, 134.7555 W; Termination: 58.1139 N, 134.7649 W.

Width: 15-feet **Length:** 4,062-feet **Approximate Acreage:** 1.4-acres

Other Land Information

Municipality: City and Borough of Juneau

Regional Corporation: Sealaska Corporation

Village Corporation: Goldbelt, Incorporated

Federally Recognized Tribe: Central Council of the Tlingit and Haida Indian Tribes of Alaska

Title

The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including lands underlying Hawk Inlet in the section(s) referenced above, on the basis of the Equal Footing Doctrine and the Submerged Lands Act of 1953.

Planning and Classification

The proposed site is subject to the *Juneau State Land Plan, December 1993* (JSLP), and is depicted in “Region 13 – Admiralty Island”. The project area is located within Unit 13A: Young Bay – Area 13a10 – Upper Hawk Inlet (JSLP 3-231 and 3-236).

Management Unit 13a10 – Upper Hawk Inlet: Tidelands and submerged lands are designated as “Ha” – Fish and wildlife habitat; “Hv” – Fish and wildlife harvest; and “Rd” – Recreation and tourism, dispersed use (JSLP 3-231 and 4-3).

These designations convert to land classifications: Ha = Wildlife habitat land; Hv = Wildlife habitat land; Rd = Public recreation land (JSLP 4-3).

According to 11 AAC 55.040(c), “A classification identifies the primary use for which the land will be managed, subject to valid existing rights and to multiple use.”

Management Intent:

“This unit will be managed for fish and wildlife habitat resources and to provide opportunities for marine recreation use, sport fishing, sport hunting, and subsistence, while accommodating resource transfer facilities for mining and timber activities on state tidelands (JSLP 3-234).”

The proposed authorization is consistent with JSLP management guidelines and determined allowable within Area 13a10 (JSLP 3-233 & 234).

Third Party Information

GCI: ADL 107619 – Underwater fiber optic cable near project area within Hawk Inlet

Background

- March 13th, 2026 – Application received for installation of new outfall pipe
- April 2nd, 2026 – Application deemed complete, adjudication begins

Public Notice & Agency Review

Agency Review Summary

An Agency Review was conducted April 6th, 2026, to May 6th, 2026. The following organizations were included in this review:

- Department of Fish and Game (ADFG) – Division of Habitat and Access Defense Program
- Department of Environmental Conservation (DEC) – Commissioner’s Office
- DEC – Division of Water – Director’s Office and Wastewater Discharge Authorization Program
- Department of Natural Resources (DNR) – Division of Mining, Land and Water (DMLW) – Director’s Office
- DNR-DMLW – Public Access Assertion and Defense (PAAD)
- DNR-DMLW – Water Resources Section
- DNR-DMLW – Parks and Outdoor Recreation (DPOR) – Office of History and Archaeology (OHA)
- DNR-DMLW – Land Sales
- Department of Transportation and Public Facilities (DOT&PF) – Design and Engineering Services – Right of Way Office

Agency Review Comment and Response

Alaska Department of Fish and Game

Summary: ADFG has reviewed the application and has no comment.

DMLW Response: None required.

Public Notice Summary

Notice of this application was posted on the Alaska Online Public Notice System website from April 6th, 2026, to May 6th, 2026, and sent to the following known interested parties:

- Bureau of Land Management (BLM)
- Goldbelt, Incorporated
- Alaska Association of Conservation Districts (AACD)
- Southeast Alaska Conservation Council (SEACC)
- Sealaska Corporation
- Central Council of the Tlingit and Haida Indian Tribes of Alaska
- US Army Corps of Engineers (USACE)
- Lynn Canal Conservation
- Southeast Alaska Land Trust (SALT)

- US Forest Service (USFS)
- City and Borough of Juneau (CBJ)
- Kootznoowoo, Incorporated
- General Communication Incorporated (GCI)
- National Oceanic and Atmospheric Administration (NOAA)
- US Fish and Wildlife Service (USFWS)
- US Post Office – Auke Bay (USPS)

Public Notice Comment and Response

US Army Corps of Engineers

Comment: Because the proposed project would be located below the mean high tide line of Hawk Inlet, a Department of the Army (DA) permit from USACE is likely needed. DA authorization is required if anyone proposed to place dredged and/or fill material into waters of the US, including wetlands and/or perform work in navigable waters of the US. A copy of the DA permit application can be found online at:

www.poa.usace.army.mil/Missions/Regulatory.

Sample drawings can also be found at:

www.poa.usace.army.mil/Portals/34/docs/regulatory/guidetodrawings2012.pdf.

Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the US, including jurisdictional wetlands (33 U.S.C. 1344). USACE defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the US (33 U.S.C. 403). Section 10 waters are those waters subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or other waters identified by the Alaska District. Aquaculture structures and work would require Section 10 Authorization. The applicant is welcome to submit a preapplication meeting request, a jurisdictional determination request, or a permit application directly to the general mailbox (regpagemaster@usace.army.mil) and they will be assigned a project manager to assist them. Please feel free to contact the main line at 907-753-2712.

DMLW Response: This information will be directed to the applicant. The applicant has confirmed they are aware of the required USACE permit and are working towards necessary authorization.

GCI – Project Permitting and Compliance – Law and Corporate Advocacy

Comment: GCI’s submarine cable segment serving this route is part of a single-thread fiber optic cable connection and is therefore a critical communications asset requiring additional protection and coordination. Should the submarine fiber cable be damaged during Hecla Greens Creek’s pipeline installation, there will be an outage affecting thousands of Alaskans because there is no redundant fiber path. Therefore, it is vital that protective measures be taken to avoid damaging AU-Southeast (AU-SE).

Based on engineering review, the GCI submarine cable generally follows the deeper channel in Hawk Inlet and is expected to be clear of the proposed pipeline alignment. However, the terminal portion of the outfall pipe and diffuser will be located closer to the cable corridor as the pipe descends into the channel. To ensure the continued integrity and operability of the submarine cable, GCI requests that the following measures be incorporated as permit conditions and construction requirements:

1. Cable Identification and Verification

Prior to construction, the exact location of the submarine cable shall be positively identified through direct visual inspection using diver or ROV survey. If visual confirmation is not feasible, acceptable alternative methods may include sidescan sonar, magnetometer survey, or active tone injection on the cable.

- a. The project proponent (Hecla Greens Creek and/or its' subcontractors) should seek to locate the GCI subsea fiber optic cable and identify its' exact locations to guarantee its' avoidance.

2. Clearance and Coordination

If any portion of the pipeline or associated structures crosses the identified cable route or is located within 20 meters of the AU-SE cable, GCI shall be notified immediately. The project proponent and GCI will then mutually coordinate to implement an agreed-upon solution to protect our submarine cable, such as pipeline realignment, installation of cable protection, or other appropriate mitigation measures.

3. Marine Operations Controls

All project vessels shall have the verified cable location loaded into onboard navigation systems. No anchorings, spudding, dredging, or other bottom-contact activities shall occur on or near the cable alignment.

4. Incident Notification and Work Suspension

GCI shall be notified immediately of any suspected or confirmed contact with the AU-SE submarine cable. All construction activities in the vicinity shall cease until GCI verifies that the cable is not damaged and is no longer at risk.

5. Construction Schedule Notification

GCI shall be provided with the in-water construction schedule as early as practicable and no later than 30 days prior to the start of any in-water work.

6. Inspection Rights

GCI shall be allowed to observe and inspect in-water construction activities to ensure compliance with cable protection measures.

7. Liability and Repairs

Any damage to the GCI submarine cable resulting from construction or related activities will be the responsibility of the project proponent. All

associated repair costs shall be reimbursed to GCI, and cable repair efforts shall not be impeded or delayed by pipeline construction activities.

The pipeline and submarine cable can safely coexist with appropriate planning, verified cable location, and clear assignment of responsibility. GCI appreciates the opportunity to coordinate and work collaboratively to protect our existing infrastructure while allowing the proposed project to proceed. Thank you for considering these comments. Please include them in the administrative record for this project. GCI remains available to coordinate directly with the project applicant and agency staff as needed. Should anyone need to contact GCI regarding these matters, they may contact Principal Engineer Bruce Rein at brein@gci.com or 907-229-5920. As an alternative, they may also contact Tyra Bignall at tbignall@gci.com or 713-998-0149 or Sharee Tserlentakis at smarin@gci.com or 907-868-8567.

DMLW Response: DMLW will require the applicant to locate GCI's fiber optic cable before construction and installation begin via stipulations in the Entry Authorization. The applicant will have the selected contractor develop a plan to locate, demarcate, and avoid all disturbances of the underwater GCI cable during the execution of installation. No portion of the outfall is proposed to cross the GCI cable or come within 65-feet of the cable during installation. The termination point of the outfall is approximately 300-feet southeast of the GCI cable. If the barge is proposed to come within 65-feet of the cable during outfall installation, the applicant will be required to notify GCI before any work occurs with the contact information provided in the official public comment.

Dredging is part of the development plan to ensure the concrete ballasts are secured to the tide and submerged lands of Hawk Inlet. The dredging proposed is mostly done on state-owned tidelands, away from the GCI cable. If dredging in the submerged lands occurs, the closest area to the GCI cable is the termination point of the outfall, approximately 300-feet southeast of the GCI cable. If GCI requires specific boundaries, it is DMLW's recommendation GCI and the applicant depict a specific boundary line where dredging cannot occur near the cable. This portion of project activity is allowed per the development plan and DMLW authorization.

The applicant will be notified that GCI requests notification if there is confirmed or suspected contact with the cable and that activity requests to be ceased until GCI can verify the condition of the cable and be provided with the contacts listed in the public comment. The applicant should work directly with GCI to ensure communication occurs in the event of contact with the cable. DMLW shall be included in the notification to GCI in any instance where the cable is disrupted or disturbed.

The applicant will be notified that GCI requests to be provided with in-water construction schedule no later than 30-days prior to the start of work and will be provided the contacts listed in the public comment; however, this request will not be a required item for final issuance from DMLW. The applicant will also be notified that GCI requests all project vessels to have the verified cable location loaded into onboard navigation systems. GCI

should work with the applicant to verify that location information, but should note that this request is also not a requirement of the final easement agreement.

GCI is allowed to observe and inspect in-water construction. GCI and the applicant must work together to ensure a conducive plan for both parties. DMLW is not required to provide an agreement between the two parties as this easement is non-exclusive and does not block access or public use of Hawk Inlet.

DMLW cannot require the applicant to be held liable for repair costs to the GCI cable if the cable were to be contacted during outfall installation. This agreement should be arranged by GCI and the applicant directly.

Southeast Alaska Conservation Council

Comment: Southeast Alaska Conservation Council (SEACC) submits these comments on the DNR's public notice for ADL 109506, which concerns Hecla Greens Creek Mining Company's request for a 15-year easement for a new outfall pipeline in Hawk Inlet. SEACC is a regional conservation organization with a longstanding interest in the protection of Southeast Alaska's marine waters, fish habitat, and cultural resources affected by industrial development.

The application seeks authorization for installation and maintenance of Outfall 002A beginning at the Pond 7 Water Treatment Plant and extending to an APDES-permitted mixing zone in Hawk Inlet under Permit AK0043206. The proposed outfall would consist of roughly 4,062 feet of 14-inch HDPE pipe on state-owned tidelands and submerged lands, with the overall pipeline length described as about 5,400 feet.

APDES Permit AK0043206 was amended in 2023 to add Outfall 002A as an additional discharge line, with its own mixing zone and monitoring point, to increase discharge capacity during high-precipitation events. Under that permit, routine treated wastewater discharge is expected to continue through Outfall 002, while Outfall 002A would be used to handle excess flows, up to a stated rate of 2,000 gpm, without changing the total annual volume of authorized discharge. The permit rationale described installing a new discharge line, rather than replacing the existing line with a larger pipe, as reducing construction impacts and allowing discharge to continue during installation of the new line.

For purposes of this comment, the relevant project components are the physical activities in and adjacent to Hawk Inlet, including trenching from the mean high-tide line through approximately 290 feet of the intertidal zone, placement of pipe on the inlet floor, installation of Type 1 and Type 2 ballast anchors, use of Type 2 bedding material, backfilling over installed infrastructure, and use of a support barge and heavy equipment for construction. These are the components that may trigger separate state and federal authorization requirements beyond the APDES discharge permit identified in the application.

SEACC also notes the operational context in which Outfall 002A is being pursued. As Greens Creek has expanded, the volume of contact water requiring treatment has

increased, and the 2023 APDES amendment explains that the existing Tank 7 to Outfall 002 line cannot accommodate excess water during wet weather. That history underscores the importance of both ensuring that new infrastructure is adequately monitored for pressure and flow and confirming that discharges reach the permitted mixing zones rather than leaking into the intertidal environment.

The easement application is before DNR under AS 38.05.850, which governs easements on state land. Because the project would occupy state-owned tidelands and submerged lands in Hawk Inlet, DNR's review should account not only for state land management requirements but also whether the applicant has identified and obtained all other applicable state and federal approvals tied to the construction activities described in the application.

The principal regulatory requirements potentially implicated by this project are summarized in the following table:

Requirement	Why it may apply here	Current record in the application
Clean Water Act Section 404, 33 U.S.C. § 1344	Section 404 regulates the discharge of dredged or fill material into waters of the United States. The application describes trenching in the intertidal zone, placing pipe and anchors on the seabed, using bedding material, and backfilling over installed infrastructure in Hawk Inlet. Colleagues and partners familiar with the project have also highlighted that the amount of intertidal excavation proposed appears consistent with activities that typically warrant Section 404 review.	No Section 404 permit, jurisdictional determination, or exemption analysis is identified in the public notice or application materials.
Rivers and Harbors Act Section 10	Section 10 regulates structures and work in navigable waters, including tidal waters shoreward to mean high water. The pipeline, anchors, and diffuser assembly would be installed in tidal waters of Hawk Inlet, which remain waters of the United States even though they are managed as state-owned tidelands and submerged lands.	No Section 10 authorization is identified in the record provided with the easement application.
ESA Section 7	ESA Section 7 consultation applies to federal actions, including federal permits or authorizations. If the project requires Corps authorization under Section 404 or Section 10, construction impacts would need to be assessed as part of that federal action.	The application cites ESA coordination conducted during the 2023 APDES permitting process, but that discussion is tied to discharge water quality and mixing-zone analysis rather than construction impacts from the new pipeline installation.
Magnuson-Stevens EFH consultation	Federal agencies must consult with NOAA Fisheries on actions that may adversely affect Essential Fish Habitat. Seabed disturbance, trenching, anchoring, and construction in Hawk Inlet may affect EFH separate from the water-quality effects of discharge.	The application notes EFH was identified during APDES review, but it does not show EFH consultation for any separate federal permit tied to construction of the outfall infrastructure.

NHPA Section 106	Federal permits can trigger review of effects on historic properties and cultural resources. The application itself notes prior cultural resource work in Hawk Inlet and acknowledges the area's historical importance.	The application references earlier studies and a cultural resource management plan, but it does not identify Section 106 review for this specific undertaking.
USFS authorization	The application states that the upland portion on National Forest System land is conditioned under USFS Special Permit ADM230 and that the permit is under review for amendment to include Outfall 002A.	The record indicates the USFS amendment is still under review, not finalized.

The application shows that Hecla has an APDES permit for the discharge location and states that a facility change notification was provided to ADEC under Permit AK0043206. It also states that use of the adjacent Forest Service land is under a yearly lease arrangement and that the relevant USFS permit is out for amendment review to include the new outfall.

That is not the same as demonstrating that all permits and consultations required for physical construction in tidal waters have been obtained. The APDES materials discussed in the application concern treated discharge, receiving-water monitoring, antidegradation review, and mixing-zone analysis. They do not establish on the face of this record that the applicant either lacks or does not need Section 404 or Section 10 authorization, nor do they establish that any federal consultation tied to a Corps permit has been completed for the trenching, seabed placement, ballast installation, and backfill work described here.

The application's discussion of ESA and EFH is also incomplete for this purpose. It states that ADEC consulted with NOAA, NMFS, and USFWS during the 2023 APDES permitting process and that EFH was identified in that process. But that consultation appears directed to whether the treated discharge and mixing zone would maintain water quality and avoid lethality to organisms passing through the zone, not whether construction of a new pipeline and associated infrastructure in Hawk Inlet may affect listed species, designated habitat, or EFH under a separate federal permit action.

For the same reason, the application's reference to prior cultural resource studies and a cultural resource management plan does not demonstrate compliance with any project-specific Section 106 obligation that may arise if a federal permit is needed for this construction activity. The current record therefore appears incomplete on whether all triggered authorizations have been secured or whether DNR has sufficient information to determine that the project is ready for state easement approval as proposed.

SEACC recognizes that the APDES permit amendment already analyzed and authorized the discharge locations and mixing zones for Outfalls 002 and 002A, and that the total annual discharge volume is not proposed to increase under that authorization. However, several practical questions about the configuration and operation of the new line remain relevant to DNR's public-interest determination for the easement.

First, the application and associated materials do not clearly describe whether the arrangement of diffuser ports or the physical layout of the diffuser structure at the Outfall

002A terminus will differ from what was evaluated in the 2023 APDES amendment. To the extent the diffuser configuration or number of ports is changing, clarification would help confirm that the current construction proposal is fully aligned with the discharge scenario evaluated by ADEC.

Second, the record does not describe the extent to which flow and pressure monitoring along the new and existing lines will ensure that discharge actually reaches the permitted mixing zones during both routine and wet-weather operations. It would be appropriate for DNR to understand how the operator will detect leaks or failures before they result in untreated or partially treated effluent entering the intertidal environment outside of the authorized mixing zones.

Finally, while the development plan identifies construction methods, it is silent on several basic best management practices that are typically applied to marine and intertidal construction. These include measures to control turbidity and suspended solids during trenching and backfilling, explicit prohibitions on refueling equipment on tidelands, and timing windows to avoid peak salmon migration or other sensitive periods for fish and wildlife use of Hawk Inlet.

SEACC respectfully recommends that DNR not issue the requested easement unless and until the applicant provides a complete accounting of all required state and federal permits and consultations for the construction activities described in the application. DNR should require the applicant to supplement the record with the following:

- A clear statement whether the project will involve any discharge of dredged or fill material into waters of the US, including intertidal and submerged areas of Hawk Inlet, and whether the applicant has sought or obtained a Clean Water Act Section 404 permit or jurisdictional determination from USACE.
- A clear statement whether Section 10 authorization from USACE is required for installation of the outfall, anchors, and diffuser structure in tidal waters, and if so, the status of that authorization.
- Documentation showing whether ESA Section 7 and EFH consultation have been conducted, or will be conducted, for any separate federal permit associated with construction of Outfall 002A rather than only for the APDES discharge permit.
- Documentation of the final status of the USFS permit amendment for the upland portion of the project.
- A project-specific explanation of how cultural resources in Hawk Inlet will be reviewed and protected if a federal permit triggers NHPA Section 106 review.

SEACC further recommends that any easement authorization issued by DNR incorporate construction-phase safeguards tailored to the intertidal and subtidal work. These should include:

- Requirements for turbidity and suspended-sediment control and monitoring during trenching, pipe placement, and backfilling in the intertidal and subtidal zones, with numeric or narrative thresholds that trigger adaptive measures if exceeded.

- Express prohibitions on fueling or servicing equipment on tidelands, with designated fueling locations and spill-prevention measures specified in a construction plan reviewed by DNR.
- Timing restrictions or work windows to avoid key salmon migration periods or other sensitive seasonal uses of Hawk Inlet by fish and wildlife, coordinated with ADFG and informed by existing use information referenced in the application.
- Clarification of the long-term operational relationship between Outfalls 002 and 002A, including how pressure and flow monitoring will detect potential leaks or failures, and how the operator will confirm that discharges consistently reach the permitted mixing zones.

If DNR proceeds with the easement, any authorization should also include a condition that no construction may begin on state tidelands or submerged lands until the applicant has provided DNR with all final federal and state approvals applicable to the in-water and intertidal work. DNR should require an updated development plan if any aspect of construction methods, footprint, anchoring, trenching, or disposal/backfill practices changes during permit coordination, because DNR's own instructions provide that approved activities are limited to those described in the development plan and that changes must be approved before they occur.

The present record shows that Hecla has identified an APDES discharge authorization and a pending USFS amendment, but it does not clearly establish whether additional federal approvals are required for the physical construction of Outfall 002A in the tidal and submerged environment of Hawk Inlet. Because the application describes trenching, seabed placement, ballast installation, bedding material, and backfill in tidal waters, and because there are reasonable questions about the need for Section 404 and Section 10 review, DNR should require a fuller showing on Clean Water Act, Rivers and Harbors Act, ESA, EFH, and cultural-resource compliance before issuing the requested easement.

DMLW Response: Thank you for commenting on application ADL 109506. DMLW defers to the applicant and DEC for monitoring pressure flow and confirming discharges reach the permitted mixing zones, while not leaking into the intertidal areas. There is no evidence that there have been any spills or leakages from Outfall 002 – serialized by DMLW as ADL 105124. The applicant is required to comply with all municipal, state, and federal laws, statutes, regulations, and requirements for all projects relating to Greens Creek Mine, including the proposed outfall operations. If approved, the final easement agreement will include the stipulation regarding compliance: “Compliance with Government Requirements: The Grantee shall, at its expense, comply with all federal, state, and local laws, regulations, and ordinances directly or indirectly related to this authorization. The Grantee shall ensure compliance by its employees, agents, contractors, subcontractors, licensees, or invitees.”

The applicant is aware of the additional required authorizations from federal agencies and is in contact with USACE. DMLW does not require all federal authorizations to be fully completed before the issuance of easements. The applicant holds full responsibility for complying with all federal laws and obtaining all required federal authorizations before

conducting installation and operation of the new outfall. The applicant will be required to provide DMLW with documentation demonstrating active coordination with state and federal agencies.

The applicant is responsible for locating and obtaining all required federal permits. If a NHPA Section 106 consultation and/or authorization is required, it is the applicant's responsibility to obtain the authorization. The scope of this authorization for this site is proposed for state-owned lands only. During Agency Review, the Parks and Outdoor Recreation (DPOR) – Office of History and Archaeology (OHA) was included and did not provide any comments or concerns regarding the potential for disturbances to historic or cultural findings or artifact recovery with the installation path of the proposed outfall.

It is the applicant's responsibility to ensure the APDES authorization is up-to-date and holds the correct authorization for this type of activity on state-owned tide and submerged lands. The discharge proposed in this authorization is permitted under DEC APDES Permit AK0043206, and expires in 2028. A copy of the approved and authorized APDES permit will be required for final issuance of this easement. The USFS permit is based upon federally-owned land, the proposed outfall and the scope of this authorization is for state-land only; therefore, issuance of the easement on state land is not dependent on approval of the USFS amendment. The USFS permit and review of the amendment are outside the scope of the DMLW decision. In the case where an applicant does not obtain all necessary permits for a project to move forward or be completed, DMLW will revoke the easement and close the case file.

The design, configuration, and operation of the diffuser (including diffuser structure, number of ports, discharge characteristics, monitoring and performance under varying flow conditions fall under the regulatory authority of DEC through the APDES permit. These elements directly relate to discharge quality, mixing zones, and diffuser functions, and are outside the scope of DNR-DMLW's authorization. Questions or concerns regarding diffuser configuration, port arrangement, or flow monitoring should be directed to DEC to ensure they are addressed within the APDES permit authority. DNR-DMLW's decision focuses on the placement of the outfall pipe and ensuring the pipeline is installed within the approved location according to the development diagrams submitted with the application. The proposed outfall is anticipated to only be utilized when necessary to maintain the main water treatment systems, typically only for large rain/snow storm events, or in anticipation of a rain/snow event to ensure all pond levels maintain operating capacity.

The applicant will install a flowmeter to the outfall which is connected to on-site process controls, and will monitor daily values. The flowmeter will continuously record and discharge values and will be monitored to conform with the APDES permit guidelines listed in the DEC permit and will distribute monthly copies of data per DNR Mining reporting requirements. The applicant is also required to submit annual monitoring of the outfall line with written and video submission to DEC regarding the overall status of the outfall. Based on inspections, general maintenance will include rehabilitation of anchor bolts, replacement of zincs and repair of any pipe sections that require attention.

The applicant will utilize rig mats, corduroy roads, and the crane connected to the floating barge to minimize ground disturbance associated with heavy equipment on state-owned tidelands. Excavation for the pipeline burial would occur, to the greatest extent possible, during low tide events, allowing for stockpiling at or near the mean high water line. If stockpiling occurs spanning multiple tidal cycles, additional measures such as open top supersacks and tarp coverings would be employed to prevent mobilization of said materials. Native materials removed for installation would then be placed back over the buried pipeline within the tidelands. For the portion of pipeline not scheduled for direct burial on the tidelands, the floating barge will float the pipe above its final position in Hawk Inlet and attach concrete ballasts to sink the remaining sections into place.

A non-construction window will not be required for this authorization. DMLW included ADFG, NOAA, and USFWS in the Public Notice and Agency Review to solicit agency wildlife and habitat expertise. The agencies provided no comments or recommendations with regard to a specific construction or operating window, nor did they propose a non-construction window during spawning season within Hawk Inlet. Fish Habitat Permits are not required by ADFG for Outfall 002 or 002A.

DNR-DMLW is not required to deny or hold an easement until all federal permits are authorized and approved. The applicant is aware of the required USACE permits and is working towards authorization. ESA Section 7 and EFH consultation are outside the scope of the DNR-DMLW authorization. The USFS permit amendment is a federal permit and does not involve state-owned tide or submerged lands, therefore is not within the scope of this authorization. If a NHPA Section 106 review is triggered, it is the applicant's responsibility to ensure all requirements are met, DMLW does not have the authority to assume responsibility for or require a NHPA Section 106 review.

Requirements for turbidity and sediment control are outside the scope of the DNR-DMLW authorization. Requested requirements should be directed to DEC. Total suspended solids are included in the daily monitoring report.

If the easement is approved, the following stipulations will be included to ensure the protection of tidelands during construction periods and during the authorization period:

Fuel and Hazardous Substances: (b) – “During equipment maintenance operations, the site shall be protected from leaking or dripping hazardous substances or fuel. The Grantee shall place drip pans or other surface liners designed to catch and hold fluids under the equipment or develop a maintenance area by using an impermeable liner or other suitable containment mechanisms. a) “Surface liner” means any safe, non-permeable container (e.g., drip pans, fold-a-tanks, etc.) designed to catch and hold fluids for the purpose of preventing spills. Surface liners should be of adequate size and volume based on worst-case spill risk.”

Notification of Discharge: “The Grantee shall immediately notify the Department of Environmental Conservation (DEC) and AO of any unauthorized discharge of

any amount of oil to water, a discharge of any amount of a hazardous substance (other than oil), and any discharge of oil greater than 55 gallons on land. All fires and explosions must also be reported immediately.

If a discharge, including a cumulative discharge, of oil is greater than 10 gallons but less than 55 gallons, or a discharge of oil greater than 55 gallons is made to an impermeable secondary containment area, the Grantee shall report the discharge within 48 hours. Any discharge of oil greater than one gallon up to 10 gallons, including a cumulative discharge, solely to land, must be reported in writing on a monthly basis.

Notification of discharge must be made to DEC online at ReportSpills.alaska.gov or by phone at 1-800-478-9300.

Notification of discharge must be made to the appropriate DNR Office, preferably by email: Anchorage email dnr.scro.spill@alaska.gov, (907)-269-8528; Fairbanks email dnr.nro.spill@alaska.gov, (907)-451-2739; Juneau email dnr.sero.spill@alaska.gov, (907)-465-3513. The Grantee shall supply the AO with all incident reports submitted to DEC.”

Stop Work: “Stop Work Orders may be issued if there is a deviation from design criteria, project specifications, stipulations, state statutes, or state regulations and that deviation is causing or is likely to cause significant damage to state resources. Under a Stop Work Order, work at the area subject to the Stop Work Order may not resume until the deviation is cured and corrective action is taken. Corrective action may include halting or avoiding specific conduct, implementing alternative measures, repairing any damage to state resources that may have resulted from the conduct, or other action as determined by the AO. The AO has the right but not the obligation, to undertake corrective action at the expense of the Grantee by moving against the performance bond when such action is necessitated by neglect or inaction on the part of the Grantee to take corrective action.”

Access

Physical and Legal Access: The applicant may access the site over state tide and submerged lands underlying Hawk Inlet, a navigable water body. The applicant can also access the project site via private docks within conveyed tideland area serialized by DMLW as ADL 2881.

Access to and along Public Waters: Hawk Inlet is a navigable, public water body. Pursuant to AS 38.05.126(a), the public has a constitutional right to free access to, and use of, navigable or public waters of the State of Alaska. Public access across this easement shall not be restricted in any manner.

Environmental Considerations

DMLW considers the environmental factors directly related to authorizing the use of State lands as part of its determination of whether approving the authorization is in the State’s interest. The purpose of this consideration is to identify any associated mitigation measures or other requirements necessary to protect the public interest, while informing the overall decision of whether to approve the authorization. The applicant is responsible for determining site suitability.

DMLW defers to DEC on expertise when authorizing the discharge of treated mining wastewater from the subject outfall (ADL 109506) under APDES Permit AK0043206, this permit is active until 2028. The APDES Permit requires the applicant to monitor daily flow, total suspended solids, pH, temperature, and dissolved oxygen microorganisms; and authorizes discharge of the following wastewater materials: cadmium, copper, lead, mercury, zinc, cyanide, and fecal coliform bacteria.

DMLW Mining Section monitoring is conducted via on-site inspections, field reports, and data collection. Large-scale operations such as Greens Creek submit annual monitoring reports for review. Discharge from the proposed outfall is authorized by DEC under the Alaska Pollutant Discharge Elimination System (APDES) Permit AK0043206. A copy of the approved APDES permit will be required for final issuance of this easement. Effluent quality is monitored under the APDES permit through daily measurements, annual reporting, and required compliance with water quality standards intended to limit environmental impacts. The APDES Permit requirements and monitoring minimize potential impacts of discharge of effluent water.

The applicant will install a flowmeter to the outfall which is connected to on-site process controls. The flowmeter will continuously record and discharge values will be monitored to conform with the APDES permit guidelines listed in the DEC permit and will distribute monthly copies of data per DNR Mining reporting requirements. The applicant is also required to submit annual monitoring of the outfall line with written and video submission to DEC regarding the overall status of the outfall. Based on inspections, general maintenance will include rehabilitation of anchor bolts, replacement of zincs and repair of any sections that require attention. The APDES Permit also has daily, monthly, and annual limits for discharge volume. DEC nor ADFG commented on or objected to the issuance of this easement and did not comment on environmental risks and/or contamination concerns related to this project during Agency Review.

Economic Benefit and Development of State Resources

In accordance with AS 38.05.850, DMLW considers three criteria to determine if this project provides the greatest economic benefit to the State and the development of its natural resources: direct economic benefit to the State, indirect economic benefit to the State, and encouraging development of the State's resources.

Greens Creek Mine is a large employer within the City and Borough of Juneau and provides many jobs to Alaskans. The mine is a direct financial revenue source for the State and will continue to provide jobs for Alaskan residents. The outfall is part of the overall mining operation, will directly benefit the mine, and provide revenue in the form of annual use fees.

Discussion

Based upon the information provided by the applicant, as well as review of the relevant planning documents, comments from Agency Review and Public Notice, review of the applicable statutes, regulations, environmental, and economic considerations related to this application; DMLW finds that the proposed easement is in the best interest of the State.

Performance Guaranty

Performance guarantees are means to assure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the permit document. They are also used to protect state land from damage and to make certain that improvements are removed and that the land is returned in a usable condition upon termination of the permit.

History of Compliance: DNR Land Administration System records indicate that the applicant is in a state of compliance with the terms of other DMLW-issued authorizations.

Performance Guaranty Narrative:

The Grantee shall provide a surety bond or other form of security acceptable to the AO in the amount of \$10,408.00 payable solely to the State of Alaska, DNR. Such Performance Guaranty (PG) shall remain in effect for the term of this authorization and any subsequent authorizations under ADL 109506 to secure performance of the Grantee's obligations hereunder. The amount of the PG may be adjusted by the AO upon approval of amendments to this authorization, changes in the development plan or changes in the activities conducted on the premises. The PG may be utilized by DMLW at the discretion of the AO; to cover costs incurred by the State of Alaska to pay for any necessary corrective actions in the event the Grantee does not comply with site utilization and restoration guidelines. The provisions of this authorization shall not prejudice the State's right to obtain remedy under any law or regulation. The PG may only be released in writing by the AO.

Insurance

Consistent with AS 38.05.850, to protect the State from liability associated with the use of the site, the applicant shall provide and maintain a comprehensive general liability insurance policy with the State of Alaska named as an additional insured party per the stipulations of the easement agreement. The applicant shall secure or purchase at its own expense, and maintain in force at all times during the term of this easement, liability coverage and limits consistent with what is professionally recommended as adequate to protect the applicant and the State, its officers, agents and employees from the liability exposures of all the insured's operations on state land. The insurance requirement may be adjusted periodically.

Survey

A DMLW-approved survey is required to determine the proper location and acreage of installed improvements and the associated easement on State-owned, DMLW-managed lands. The area shown on Attachment 1 is the basis for the survey. The applicant must acquire survey instructions and coordinate with the DMLW Survey Section during the survey process. A survey instruction fee may be applicable. A draft must be submitted to the Survey Section prior to the expiration of the EA and a final survey must be approved by DMLW before issuance of the final easement.

Fees

Entry Authorization: In accordance with 11 AAC 05.070(d)(2)(I), the fee for an Entry Authorization for an approved easement for site development is \$240.00 annually for up to two acres, and \$120 annually for each acre above two. The annual fee for this Entry Authorization is \$240.00.

Easement: In accordance with 11 AAC 05.070(d)(2)(A)(i) the fee for a private, non-exclusive easement containing approximately 1.4 acres is \$480.00.

As a measure of incentivizing applicants to complete the required survey, both the EA and easement fee will apply during the term of the EA. The annual total fee during the term of the EA will be: \$720.00. After the easement is granted, only the annual easement fee of \$480.00 will apply to the authorization.

Survey: Fees for survey instruction, review, and recording will be required and administered through the Survey Section.

Entry Authorization

The Entry Authorization (EA) is an interim authorization issued when a survey is necessary prior to easement issuance. Staff recommend that an EA be issued for a term ending in three years from the effective date of this decision for the purpose of constructing, surveying, operating, and maintaining the infrastructure considered herein prior to DMLW's issuance of a private, non-exclusive easement. The EA may be revoked if the applicant has not supplied DMLW with a draft survey within three years of receiving survey instructions. An extension of the EA may be granted at the written request of the applicant if granting the extension is deemed appropriate by DMLW and may be subject to applicable fees. If an extension is required, the applicant must contact DMLW no later than 30 days prior to the expiration of the EA and certify there have been no changes to the approved development plan. Staff recommend that EA not be granted until the following deliverables have been provided to DMLW, as described or recommended above:

- Payment of the Entry Authorization fee \$240.00
- Payment of the Easement fee \$480.00
- Performance Guaranty, in the amount of \$10,408.00
- Request for survey instructions to the DMLW Survey Section
- Certificate of Insurance
- Copies of communications and authorizations from DEC, USFS and USACE
- Copy of GCI agreement, if/when an official agreement is signed and authorized between Greens Creek and GCI
- Current location of GCI's fiber optic cable; and a copy of the developed plan from selected contractor to locate, demarcate and avoid GCI's underwater fiber optic cable

Easement Term

The authorization requested under ADL 109506 will be issued for a term of 15 years from the effective date of this decision.

Term Discussion

Easements issued under AS 38.05.850 may be revoked for cause if the area described is no longer used for the purpose intended or if a higher and better use of the land is established as determined by DMLW. Following termination an easement, whether by abandonment, revocation, or other means, a grantee shall restore the site to a condition that is acceptable to DMLW. A grantee's planned site restoration activities, including either removal or abandonment of installed improvements, must be described in writing and present to DMLW prior to termination of the easement. DMLW may require compliance with additional conditions specific to the site restoration effort that were not required for the construction, maintenance, or operation of described improvements. Should a grantee or refuse to perform approved site-restoration activities within the time allotted by DMLW, the improvements may become property of DNR. However, a grantee shall not be relieved of the cost of restoring the area to a condition that is acceptable to DMLW.

Recommendation

In consideration of all events and criteria described above, it is my determination that this project is consistent with the overall classification and management intent for this land and would be a benefit to the State of Alaska. Therefore, I recommend issuance of a private, non-exclusive easement to Hecla Greens Creek Mining Company pursuant to AS 38.05.850, upon satisfactory completion of the project in conformance with all the terms and conditions of this decision the EA. The easement will be issued for a term of 15 years from the effective date of this decision that may be terminated if a higher and better economic use for the project area is established as determined by DMLW Director, if the land is no longer used for the above stated purpose, or is revoked for cause.

Quinn McClurg

Quinn McClurg, Natural Resource Specialist III

8/11/2026

Date

Regional Manager's Decision

When adjudicating an easement authorization pursuant to AS 38.05.850, DNR seeks to responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with the public interest. In consideration of all events and criteria listed above, DMLW has determined that the authorizations to be granted under ADL 109506 are consistent with DNR's mission. It is my decision that this project is consistent with the overall classification and management intent for this land. DMLW will issue a private, non-exclusive easement, pursuant to AS 38.05.850, once the applicant has conformed to all terms and conditions of this decision and the EA.

Mason Auger

Mason Auger, Natural Resource Manager II

8/11/2026

Date

Attachments:

Attachment 1: Development Diagram

Attachment 2: Draft Entry Authorization

Attachment 3: Draft Easement

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department. Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals 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)-(b). Review of the applicable statutes regarding appeals can be found here: <https://www.akleg.gov/basis/aac.asp#11.02>