



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of
Fish and Game**

DIVISION OF HABITAT
Fairbanks Regional Office

1300 College Road
Fairbanks, Alaska 99701-1551
Main: 907.459.7289
Fax: 907.459.7303

**FISH HABITAT PERMIT
FH13-III-0109**

ISSUED: March 21, 2013
EXPIRES: Upon Removal of the Structures

Agnes Bernhardt
Kobuk Traditional Council
P.O. Box 51039
Kobuk, Alaska 99751

Dear Ms. Bernhardt:

RE: Culvert Installation on the Kobuk-Bornite Road
Unnamed Tributary to Dahl Creek
Lat 66.9473N, Long. 156.9347W; Section 20, T18N, R9E, KM; Shungnak (D2) Quad

Pursuant to AS 16.05.841 (Fishway Act), the Alaska Department of Fish and Game (ADF&G), Division of Habitat has reviewed your proposal to replace a failed culvert on an unnamed tributary to Dahl Creek.

Project Description

The culvert replacement will be completed in stages. The existing culvert will be cleaned out and extensions will be put on so that it may function for drainage while the new culvert system is installed. A trench will be dug across the road and a 72 inch diameter; 50-foot long corrugated steel culvert will be buried 2.5 feet. Once this culvert is installed, it will be backfilled and a second trench will be dug to accommodate a second 72 inch diameter, 50-foot long corrugated steel culvert that will be buried 2.5 feet. Once the second culvert is installed, the second trench will be backfilled, and the old culverts will be removed and crushed.

Fish Resources

Your application indicates that the unnamed water body is a tributary of Wesley Creek, a known resident fish stream. However, based on the submitted maps and GPS coordinates and a review of the Google Earth imagery for the site, it appears that the proposed culvert installation will actually occur in an unnamed tributary of Dahl Creek, also a known resident fish stream.

Based upon our review of your plans, your proposed project may obstruct the efficient passage and movement of fish. In accordance with AS 16.05.841, project approval is hereby given subject to the proposed scope of work and the following stipulation:

1. The crossing shall be designed, installed, and maintained to accommodate the efficient passage and movement of fish, both upstream and downstream, for the life of the structures. Any barriers to the free and efficient passage of fish that may develop over time (for example, perched culvert, outwash gravels, or excessive water velocities) shall be restored to the satisfaction of the ADF&G Division of Habitat.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Division of Habitat and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when any deviation from the approved plan is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the state free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of AS 16.05.841 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The Division of Habitat reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this

provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

Any questions or concerns about this permit may be directed to Habitat Biologist Heather Scannell at 907-459-7281 or emailed to heather.scannell@alaska.gov.

Sincerely,

Cora Campbell, Commissioner



BY: William A. Morris, Regional Supervisor
Division of Habitat
Alaska Department of Fish and Game

ecc: Jewel Bennett, USFWS, Fairbanks
James Menard, ADF&G CF, Nome
Brendan Scanlon, ADF&G SF, Fairbanks
Charlotte Westing, ADF&G WC, Kotzebue
Al Ott, ADF&G, Fairbanks
Scott Ayers, ADF&G, ANchorage
NOAA Fisheries, Anchorage
Leslie Tose, ACOE, Anchorage
Deborah McAtee, ACOE, Fairbanks
Cameron Kuhle, ACOE, Anchorage

WAM/hs