

# STATE OF ALASKA

**FRANK H. MURKOWSKI, GOVERNOR**

**DEPARTMENT OF NATURAL RESOURCES**  
**OFFICE OF HABITAT MANAGEMENT**  
**AND PERMITTING**

1300 COLLEGE ROAD  
FAIRBANKS, ALASKA 99701-1599  
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## **FISH HABITAT PERMIT FH03-III-0335**

ISSUED: December 18, 2003  
EXPIRES: Upon Closure and Abandonment  
of the Pogo Project

Mr. Karl Hanneman  
Teck-Pogo Inc.  
3520 International Street  
Fairbanks, Alaska 99701

Dear Mr. Hanneman:

RE: Shaw Creek Bridge Installation, Maintenance and Removal, Pogo Project; Section 3, T6S, R12E, FM.

Pursuant to A.S. 41.14.840, the Alaska Department of Natural Resources, Office of Habitat Management and Permitting (OHMP) has reviewed your proposal to install, maintain, and remove a bridge over Shaw Creek for the purpose of accessing the Pogo Mine. A temporary bridge may be installed to facilitate construction. A description of the proposed project was provided in your June 2002 Right-of-Way application and in your US Army Corps of Engineers project public notice dated September 19, 2003.

Shaw Creek supports resident fish species (Arctic grayling, round whitefish, and slimy sculpin) in the area of your proposed activity. Based upon our review of your plans, your proposed project should not obstruct the efficient passage and movement of fish.

In accordance with A.S. 41.14.840, project approval is hereby given subject to your proposed scope of work and the following stipulations:

- (1) Final design drawings (approved for construction) for the bridge crossing of Shaw Creek shall be prepared and submitted to the department for review and approval prior to beginning bridge construction activities. Final design drawings shall clearly show elevations for the stream thalweg, ordinary high water, bridge decking, bottom chords, the location and height of bridge abutments with respect to the ordinary high water line, and the location of any riprap required for abutment protection.
- (2) Before conducting any instream maintenance activities following construction or bridge removal activities following project abandonment, written notification shall be made to the OHMP describing the planned instream activities. A permit amendment will then be issued authorizing the activities.

*“Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans.”*

The permittee is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved plan. For any activity that significantly deviates from the approved plan, the permittee shall notify the OHMP and obtain written approval in the form of a permit amendment before beginning the activity. Any action taken by the permittee, or an agent of the permittee, 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 OHMP. Therefore, it is recommended that the OHMP be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of A.S. 41.14.840. This permit must be retained on site during the permitted activity. Please be advised that this determination applies only to activities regulated by OHMP; other divisions with ADNR also may have jurisdiction under their respective authorities. This determination does not relieve you of the responsibility for securing other permits, state, federal, or local. You are still required to comply with all other applicable laws.

This permit provides reasonable notice from the commissioner that failure to meet its terms and conditions constitutes violation of A.S. 41.14.860; no separate notice under A.S. 41.14.860 is required before citation for violation of A.S. 41.14.840 can occur.

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 department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law.

The recipient of this permit (permittee) 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 the permittee's 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.

Sincerely,

Dick LeFebvre, Deputy Commissioner

BY: Robert F. McLean, Habitat Biologist  
Office of Habitat Management and Permitting  
Alaska Department of Natural Resources

ecc: Bob Loeffler, ADNR, Anchorage  
Al Edgren, ADNR, Delta  
Anna Plager, ADNR, Fairbanks  
Rich Harris, ADCED, Fairbanks  
Pete McGee, ADEC, Fairbanks  
Victor Ross, USACE, Anchorage  
Fred Bue, ADF&G, Fairbanks  
Charlie Swanton, ADF&G, Fairbanks

Mike Smith, Terra Nord, Anchorage  
Jim Vohden, ADNR, Fairbanks  
Luke Boles, ADEC, Fairbanks  
Gary Folger, DPS, Fairbanks  
Keith Mueller, USFWS, Fairbanks  
Julie Raymond Yakoubian, ADNR, Anchorage  
David James, ADF&G, Fairbanks  
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Steve DuBois, ADF&G, Delta	Bill Ridder, Delta
Cindi Godsey, EPA, Anchorage	Sonja Ahlberg, NAEC, Fairbanks
Kelley Hegerty, Kelley Hegerty & Associates, Fairbanks	

cc: Ed Fogels, ADNR, Anchorage                      Mike Filion, Teck, Vancouver  
Ichiro Abe, Sumitomo, Vancouver                Harry Bader, ADNR, Fairbanks  
Hahn Gold, EPA, Seattle                            Gary Lee, Mendeschaag Corp, Fairbanks  
Lisa Jaeger, TCC, Fairbanks  
Robin Moilanen, Friends of the Goodpaster, Fairbanks  
Jim Movius, Goodpaster River Property Holders, Fairbanks

RFM/jfw