

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

**OFFICE OF HABITAT MANAGEMENT
AND PERMITTING**

1300 COLLEGE ROAD
FAIRBANKS, ALASKA 99701-1599

PHONE: (907) 459-7289
FAX: (907) 456-3091

FISH HABITAT PERMIT FH03-III-0338

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: Culvert Installation, Maintenance and Removal in Temporary Airstrip 1; Section 34, T5S, R14E, FM; Unnamed Tributary to the Goodpaster River, (Stream No. 334-40-11000-2490-3407-4175).

Pursuant to AS 41.14.870(b), the Alaska Department of Natural Resources, Office of Habitat Management and Permitting (OHMP) has reviewed your proposal to install, maintain, and remove a culvert in an unnamed tributary to the Goodpaster River near the Temporary Airstrip 1 for the purpose of accessing the Pogo Mine. Activities authorized under this permit include culvert placement and equipment operation necessary for culvert installation. A description of the project was contained in your June 2002 Right-of-Way application.

The unnamed tributary to the Goodpaster River has been specified as being important for the migration, spawning, or rearing of anadromous fishes in accordance with AS 41.14.870(a). Chinook salmon use this portion of the waterbody for rearing. Your project as proposed may have adverse effects on anadromous fish or their habitat and may obstruct the free passage of fish.

In accordance with AS 41.14.870(d), project approval is hereby given subject to your proposed scope of work and the following stipulations:

- (1) The culvert in the unnamed stream shall be constructed, operated, and maintained for the life of the structure in accordance with the terms of this permit such that free passage of fish is assured. Any obstruction to the free passage of fish (e.g., perched culvert, outwash gravels, excessive water velocities) shall be restored to the satisfaction of the OHMP. Twenty percent of the culvert diameter shall be depressed in the streambed below the stream thalweg.
- (2) Final design drawings (approved for construction) for the culvert crossing shall be prepared and submitted to the department for review and approval prior to culvert installation. Drawings shall include length, diameter, and type of culvert, stream gradient, design culvert slope, and any associated inlet or outlet structures.

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- (3) Before conducting any instream maintenance activities following construction, plans describing the instream activities shall be submitted to the OHMP for review and approval. A permit amendment will then be issued authorizing the activities.
- (4) Upon abandonment of the Pogo Project, the culvert shall be removed, and the streambanks and streambed stabilized to approximate pre-disturbance conditions.

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 AS 41.14.870. 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.

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 (the 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.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

Dick LeFebvre, Deputy Commissioner

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

ecc: Bob Loeffler, ADNR, Anchorage

Mike Smith, Terra Nord, Anchorage

Al Edgren, ADNR, Delta	Jim Vohden, ADNR, Fairbanks
Anna Plager, ADNR, Fairbanks	Luke Boles, ADEC, Fairbanks
Rich Harris, ADCED, Fairbanks	Gary Folger, DPS, Fairbanks
Pete McGee, ADEC, Fairbanks	Keith Mueller, USFWS, Fairbanks
Victor Ross, USACE, Anchorage	Julie Raymond Yakoubian, ADNR, Anchorage
Fred Bue, ADF&G, Fairbanks	David James, ADF&G, Fairbanks
Charlie Swanton, ADF&G, Fairbanks	Fronty Parker, ADF&G, Delta
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
Ichiro Abe, Sumitomo, Vancouver
Hahn Gold, EPA, Seattle
Lisa Jaeger, TCC, Fairbanks
Robin Moilanen, Friends of the Goodpaster, Fairbanks
Jim Movius, Goodpaster River Property Holders, Fairbanks

Mike Fillion, Teck, Vancouver
Harry Bader, ADNR, Fairbanks
Gary Lee, Mendeschaag Corp, Fairbanks

RFM/jfw