

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF FISH AND GAME

HABITAT & RESTORATION DIVISION

1300 COLLEGE ROAD
FAIRBANKS, ALASKA 99701-1599
PHONE: (907) 459-7289
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FISH HABITAT PERMIT (FG97-III-0053)

ISSUED: February 17, 1997
EXPIRES: Upon Abandonment and
Reclamation

Jim Kulas, Environmental Manager
Cominco Alaska Inc.
P.O. Box 1230
Kotzebue, AK 99752

Dear Mr. Kulas:

RE: Gabion Barrier; Middle Fork Red Dog Creek

Pursuant to AS 16.05.840, the Alaska Department of Fish and Game (ADF&G) has reviewed your proposal to construct and maintain a gabion barrier in Middle Fork Red Dog Creek. A description of the proposed project was provided to the ADF&G in the U.S. Army Corps of Engineers Public Notice Chukchi Sea 11 dated February 4, 1997 (enclosed).

Middle Fork Red Dog Creek does not support fish in the area of your proposed activity. Based upon our review of your plans, your proposed project is designed to block upstream fish movement. In accordance with AS 16.05.840, project approval is hereby given subject to the following stipulations:

- (1) The gabion barrier shall be constructed, operated, and maintained for the life of the structure.

NOTE: Any material excavated from the active floodplain of Middle Fork Red Dog Creek shall be backhauled and disposed of in a waste rock dump that drains into the tailing impoundment.

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 ADF&G 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 ADF&G. Therefore, it is recommended that the ADF&G be consulted immediately when a deviation from the approved plan is being considered.

February 17, 1997

This letter constitutes a permit issued under the authority of AS 16.05.840. This permit must be available to the on site field supervisor during the permitted activity. Please be advised that this approval does not relieve you of the responsibility of securing other permits, state, federal or local.

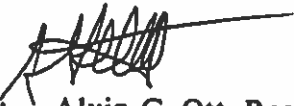
This permit provides reasonable notice from the commissioner that failure to meet its terms and conditions constitutes violation of AS 16.05.860; no separate notice under AS 16.05.860 is required before citation for violation of AS 16.05.840 can occur.

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,

Robert G. Bosworth, Deputy Commissioner



BY: Alvin G. Ott, Regional Supervisor
Habitat and Restoration Division
Alaska Department of Fish and Game

Enclosure: U.S. Army Corps of Engineers Public Notice Chukchi Sea 11 (X-840012)

cc: w/o enclosure
Nancy Welch, ADNR, Fairbanks
Charlotte MacCay, Cominco, Anchorage
Steve McGroarty, ADNR, Fairbanks
Paul Bateman, ADEC, Fairbanks
Patrick Sousa, USFWS, Fairbanks
Fred Andersen, ADF&G, Fairbanks
Terry Haynes, ADF&G, Fairbanks
Phyllis Weber Scannell, ADF&G, Fairbanks
Ted Rockwell, EPA, Anchorage
Ron Morris, NMFS, Anchorage

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