



FISH HABITAT PERMIT

FH21-III-0078

ISSUED: April 8, 2021

EXPIRES: Upon Abandonment of Use

Robert Napier
Teck Alaska Incorporated
2525 C Street, Suite 310
Anchorage, AK 99503

RE: Vehicle Crossing
Bons Pond Spillway
Section 1, T030N, R019W, KRM (De Long Mts A-2)
Location: 68.0283 N, 162.9210 W

Dear Mr. Napier:

Pursuant to AS 16.05.841 (Fishway Act), the Alaska Department of Fish and Game (ADF&G) Habitat Section has reviewed your proposal to use a low water crossing for vehicles and equipment on the spillway of Bons Pond.

Project Description

Bons Pond is formed by a rockfill embankment across Bons Creek known as the Freshwater Dam. Bons Pond provides freshwater for the Red Dog Mine mill, offices, and living quarters. Vehicles and/or equipment access the Freshwater Dam and associated infrastructure by driving through low water across the spillway. Water in the spillway at the crossing site is typically less than 18 inches deep, and the substrate is bedrock.

Fishway Act

Bons Pond supports Arctic grayling. Your project as proposed should not obstruct the free passage of fish.

In accordance with AS 16.05.841, your project is approved subject to the project description and permit terms.

Permit Terms

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 Habitat Section of ADF&G; 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.

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 ADF&G Habitat Section 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 provision 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 Habitat Section. Therefore, it is recommended that you consult the Habitat Section before considering any deviation from the approved plan.

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

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. You shall mitigate any adverse effect upon fish or wildlife, their habitats, or any restriction or interference with public use that the commissioner determines was a direct result of your 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.

Please direct questions about this permit to Habitat Biologist Chelsea Clawson at (907) 459-7287 or chelsea.clawson@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By: Audra L. J. Brase
Fairbanks Regional Supervisor

ecc: Al Ott, ADF&G Habitat, Fairbanks
Brendan Scanlon, ADF&G SF, Fairbanks
Permit Coordinator, ADF&G SF, Anchorage
Bob Henszey, USFWS, Fairbanks
Charles Cobb, DNR Dam Safety, Anchorage
Tim Pilon, DEC, Fairbanks
Ellen Lyons, USACE, Fairbanks
AWT, Northern Detachment, Fairbanks

cmc/AB