



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Fish and Game

DIVISION OF HABITAT
Southeast Region Office

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FISH HABITAT PERMITS

FH15-I-0038, FH15-I-0039, & FH15-I-0040

ISSUED: March 26, 2015

Kevin Eppers
Environmental Manager
Coeur Alaska, Inc.
3031 Clinton Drive, Suite 202
Juneau, AK 99801

RE: Water withdrawal point 1 (FH15-I-0038)
Johnson Creek (Stream No. 115-20-10070)
Sec 23 T 35 S R 62 E, CRM (Juneau D4 Quad)
Location: 58.8240 N, 135.0260 W (WGS 84)

Water withdrawal point 2 (FH15-I-0039)
Johnson Creek
Sec 10, 14, 15 T 35 S R 62 E, CRM (Juneau D4 Quad)
Location: 58.8407 N, 135.0450 W (WGS 84)

Water withdrawal point 3 (FH15-I-0040)
East Fork Slate Creek
Sec 23, 26 T 35 S R 62 E, CRM (Juneau D4 Quad)
Location: 58.8062 N, 135.0383 W (WGS 84)

Dear Mr. Eppers:

Pursuant to AS 16.05.871(b) and 16.05.841 (Fishway Act), the Alaska Department of Fish and Game (ADF&G), Division of Habitat has reviewed your water withdrawal activities in Johnson Creek and East Fork Slate Creek near the Kensington Gold Mine.

Project Description

You will withdraw water using 2 inch gravity fed intakes screened with 1/8 inch mesh, or 2 inch pump intakes placed in a bucket with 1/4 inch holes, in Johnson Creek and East Fork Slate Creek.

Anadromous Fish Act

Stream No, 115-20-10070 (Johnson Creek) has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Stream No. 115-20-10070 provides habitat for chum, pink, and coho salmon.

Fishway Act

Johnson Creek provides habitat for Dolly Varden char at the project site, and downstream Stream No. 115-20-10070 provides habitat for chum, coho, and pink salmon, and Dolly Varden char. East Fork Slate Creek provides habitat for Dolly Varden char at the project site, and downstream Stream No. 115-20-10030 provides habitat for chum, coho, and pink salmon, and eulachon.

In accordance with AS 16.05.871(b) and AS 16.05.841, project approval is hereby given subject to the project description above and the terms of this permit.

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 AS 16.05.871 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

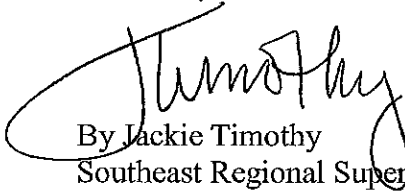
Division of Habitat reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

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.

The permit decision relating to AS 16.05.871 may be appealed in accordance with the provisions of AS 44.62.330-630.

Any questions or concerns about this permit may be directed to Habitat Biologist Benjamin Brewster at (907) 465-6160 or emailed to ben.brewster@alaska.gov.

Sincerely,
Sam Cotten
Commissioner


By Jackie Timothy
Southeast Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Juneau
Dan Teske, ADF&G/SF, Juneau
Dave Harris, ADF&G/CF, Juneau
Steve Brockmann, USFWS, Juneau
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