



FISH HABITAT PERMIT FH19-II-0062

ISSUED: April 2, 2019
EXPIRES: December 31, 2023

Pebble Limited Partnership
Attention: Tim Havey
3201 C Street, Suite 604
Anchorage, AK 99503

RE: Water Withdrawal
Unnamed Tributaries - Upper Talarik Creek
Sections 15 & 22, T 3 S, R 35 W, SM
Locations: 59.9128 N, 155.2719 W
59.9047 N, 155.2865 W

Dear Mr. Havey:

Pursuant to the Fishway Act at AS 16.05.841, the Alaska Department of Fish and Game (ADF&G) Division of Habitat has reviewed your proposal to withdraw water from the unnamed tributaries of Upper Talarik Creek (see Figure 3B – UTC Watershed Resident Fish).

Project Description

Water will be withdrawn at a maximum rate of 25 gallons per minute. The water pumped from the Upper Talarik Creek tributaries will be used for exploratory drilling operations. Pebble Limited Partnership (PLP) has provided the ADF&G, Division of Habitat, with the specifications of the fish screens being used to conduct water withdrawals for this project. The screens consist of a 24-inch long, 4-inch diameter outer screen with a 1-millimeter by 12-millimeter slot size and either an 18-inch or 24-inch long, 2.5-inch diameter inner distribution sleeve. At a withdrawal rate of 25 gallons per minute, these screens exceed the Division of Habitats' most restrictive screening criteria of a screen mesh size not to exceed 1.0 millimeter and maximum water velocity at the screen surface of 0.1 feet per second. These fish screens have been certified by ADF&G as being protective of all life states of fish present in these waterbodies.

When conducting activities under this permit, PLP will adhere to the State-approved Pebble Project Water Withdrawal Plan (enclosed). No activities associated with the water withdrawals will occur in any stream or lake, except for the placement of the screened pump intake enclosure. No surface disturbing activities will occur within 100 feet of any stream or lake.

Fishway Act

The unnamed tributaries are likely to support rainbow trout, Dolly Varden, and sculpin species. Upper Talarik Creek has been specified downstream of your project area as being important for the spawning, rearing, and migration of anadromous fish.

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

1. PLP shall inspect the intake screen for damage (torn screen, crushed screen, screen separated from intake ends, etc.) before and after each use. Any damage observed must be repaired prior to use of the intake structure. The structure must always conform to the original design specifications while in use.

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 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.

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 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 Division of Habitat. Therefore, we recommend you consult the Division of Habitat immediately 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 Josh Brekken at (907) 267-2113 or josh.brekken@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By Ron Benkert
Southcentral Regional Supervisor

Enclosures: Figure 3B – UTC Watershed Resident Fish
Pebble Project Water Withdrawal Plan

Email cc:

A. Ott, ADF&G
J. Dye, ADF&G
T. Sands, ADF&G
C. Larson, ADNR
M. Walton, ADNR
J. March, ADNR
H. Chalup, ADNR
K. Moselle, ADNR
USACE, Regulatory
AWT, Dillingham
N. Hill, L&PB