



FISH HABITAT PERMIT

FH18-III-0146

ISSUED: June 25, 2018
EXPIRES: December 31, 2023

Paul Karczmarczyk
Alaska Department of Transportation & Public Facilities
2301 Peger Road
Fairbanks, AK 99709

Dear Mr. Karczmarczyk:

RE: Material Removal
Wulik River Relic Channels
Sections 2, 11, 35, T27N, R26W, KM, Noatak C-5
Source 1 location coordinates (NAD83): 67.7779 N 164.4563 W
Source 2-1 location coordinates (NAD83): 67.7612 N 164.4744 W
Source 2-2 location coordinates (NAD83): 67.7542 N 164.4770 W

Pursuant to AS 16.05.841 (Fishway Act), the Alaska Department of Fish and Game (ADF&G), Division of Habitat has reviewed your proposal to remove material from three abandoned channels of the Wulik River at the referenced locations in support of construction of the Kivalina Evacuation Road. Initial information on your proposal was provided in your Fish Habitat permit application on May 17, 2018 with additional information by email and telephone through June 24, 2018.

Project Description

The Alaska Department of Transportation and Public Facilities (ADOT&PF) proposes to remove up to 450,000 cubic yards of gravel and sand from three abandoned (relic) channels of the Wulik River. These materials will be suitable for use in the Kivalina evacuation roadway embankment and possibly as crushable material for roadway surfacing in limited quantities.

The following methods are anticipated for development of the Wulik Relic Channel Sources 1, 2-1 and 2-2:

- Material sources adjacent to the relic channels of the Wulik River would be developed as a series of deep cells extending below the water table.
- Blasting may be required depending on the presence of permafrost, moisture content, and types of materials encountered.
- Sources would be reclaimed by excavating ponds and may be connected to existing relic channels that could provide potential overwintering habitat for juvenile fish.

Material site development will likely begin during the winter months by developing spur roads to access the excavation areas. However, excavation and development are likely to occur year round. Additional project details are presented in your application materials.

Fish Resources

During high water events it is very likely that fish flood into the abandoned (relic) channels of the Wulik River and provide rearing habitat for juvenile resident species, If the relic channels are deep enough the fish may be able to overwinter and survive for multiple years in the vicinity of your proposed material removal. Your project as proposed should not obstruct the efficient passage and movement of fish.

Determination

In accordance with AS 16.05.841, project approval is hereby given subject to the project description above with the following stipulations:

- 1) If blasting is required in or immediately adjacent to fish bearing waterbodies, the following guidelines shall be implemented to the extent practicable: 1) limit the charge size and detonation velocity to the minimum required and separate sequential detonations by a minimum of an 8 millisecond delay to reduce the shock wave intensity and blast radius; 2) place explosives to minimize impacts to fish habitat; 3) detonate a length of primer cord or a blasting cap 30-60 seconds before the main blast to scare fish out of the immediate area.
- 2) Prior to closure of the material sites, ADF&G Habitat shall be contacted and consulted to determine final design of the reclaimed and enhanced fish habitat.

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 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.

Any questions or concerns about this permit may be directed to Audra Brase at 907-459-7282 or by email: audra.braser@alaska.gov.

Sincerely,

Sam Cotten, Commissioner

A handwritten signature in blue ink, appearing to read "Audra L. J. Brase", with a long horizontal flourish extending to the right.

BY: Audra L. J. Brase, Regional Supervisor
Division of Habitat
Alaska Department of Fish and Game

ecc: James Menard, ADF&G CF, Nome
Al Ott, ADF&G HAB, Fairbanks
Brendan Scanlon, ADF&G SF, Fairbanks
Permit Coordinator, ADF&G SF, Anchorage
AWT Northern Detachment
Melissa Riordan, USACE, Fairbanks
Ben Soiseth, USACE, Fairbanks
Bob Henszey, USFWS, Fairbanks
Jeanne Proulx, ADNR, Fairbanks
Bruce Sackinger, ADNR, Fairbanks
Jonathan Hutchinson, ADOT&PF, Fairbanks