

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

SARAH PALIN, GOVERNOR

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FISH HABITAT PERMIT FH08-I-0010

ISSUED: February 12, 2009

Mr Dave Palmer, Manager
Juneau International Airport
1873 Shell Simmons Drive
Juneau, Alaska 99801

RE: Juneau International Airport - Fuel Farm Access Road Project
Duck Creek, Stream No. 111-50-10500-2002
T. 40 S., R. 65 E., S. 36 and T. 40 S., R. 66 E., S. 31 C.R.M. (Juneau B-2 SW)
State ID AK 0705-03J, FH08-I-0150-SA, FH08-I-0002, FH08-I-0003, FH08-I-0116-SA

Dear Mr. Palmer:

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Division of Habitat has reviewed your request to construct a new crossing of Duck Creek. The purpose of the Fuel Farm Access Road Project is to provide greater airfield efficiency and create safer traffic conditions by keeping fuel supply trucks off public thoroughfares.

Background:

The Juneau International Airport (JNU) has proposed a number of projects to enhance airport capacity and efficiency and to meet FAA requirements to improve the RSA and reduce risks posed to aviation from wildlife. These projects are described as the "Agency Preferred Alternatives" in the Juneau International Airport Final Environmental Impact Statement, April 2007 (FEIS Section 2.13.2).

Habitat in Duck Creek is seriously degraded. The creek does not meet Alaska Water Quality Standards for dissolved oxygen, fecal coliform bacteria, sediment/turbidity and residues/debris. Despite all of these problems, Duck Creek continues to provide rearing habitat.

A restoration plan has been developed for Duck Creek (Duck Creek Watershed Management Plan, 1999) that is being implemented by resource agencies, CBJ and community groups including the Juneau Watershed Partnership. Restoration projects include replacement of inadequate stream

crossings, sealing the stream bottom to reduce infiltration, restoration of riparian habitat, wetlands creation, and removal of fines from spawning gravels.

Project Description

As described in your application, the project would include the following activities:

- Construction of a new access road consisting of two lanes, each 12 feet wide, with an adjacent two-foot shoulder on each side. The roadway will narrow to a single lane for approximately 30 feet at the Duck Creek crossing to minimize the length of creek affected.
- A 17-foot diameter bottomless arch culvert with concrete footings will be constructed within the new Duck Creek channel. The culvert will be constructed prior to Duck Creek being released into the new channel.

Anadromous Fish Act and Coastal Consistency Requirements

Duck Creek (Stream #111-50-10500-2002), is specified in the Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes pursuant to AS 16.05.871(a). Duck Creek provides habitat for coho, pink, and chum salmon, Dolly Varden char, and cutthroat trout. The lower reaches are often dry, but juvenile coho salmon may be present in the stream year-round and spawning adults can be present after mid-August. No timing restriction will be required for in-water work because the new channel will be constructed while isolated from anadromous waters.

Your project is consistent with the Standards of the Alaska Coastal Management Program.

In accordance with AS 16.05.871(d) and 11 AAC 110, your project is approved subject to the project description, standard alternative measures, and the terms of this permit.

You must maintain the integrity of the bridge/culvert for the life of the structure in accordance with the terms of this permit so that free passage of fish is assured. You must restore any obstruction to the free passage of fish to the satisfaction of ADF&G.

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 ADF&G 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 ADF&G. Therefore, it is recommended you consult ADF&G immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.871. This permit must be retained on site during construction. This permit provides reasonable notice from the commissioner that failure to meet its terms and conditions constitutes violation of AS 16.05.861; no separate notice under AS 16.05.861 is required before citation for violation of AS 16.05.871 can occur. Please be advised that this determination applies only to activities regulated by 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.


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 or wildlife created by the project which was a direct result of 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.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

If you have any questions regarding this permit, please contact me at (907) 465-4346 or email tom.schumacher@alaska.gov.

Sincerely,
Denby Lloyd
Commissioner


For Jackie Timothy
Regional Supervisor
Division of Habitat

Email cc:

Al Ott, DNR/OHMP, Fairbanks
Ryan Scott, ADF&G, Douglas
Brian Glynn, ADF&G, Douglas
Kevin Monagle, ADF&G, Douglas
Jim Anderson, ADNR, Juneau
Fran Roche, DEC, Juneau
Erin Allee, DNR/DCOM, Juneau
Randy Vigil, COE, Juneau
Chiska Derr, NMFS, Juneau
Richard Enriquez, USFWS, Juneau
Chris Meade, EPA, Juneau
Teri Camery, Juneau Coastal District

Lt. Todd Sharp, AWT, Juneau
Tom Carson, Carson-Dorn Inc, Juneau