

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

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FISH HABITAT PERMIT FH11-I-0118

ISSUED: September 13, 2011

Mr. Thomas G. Carson
JNU Airport Engineer
Carson Dorn, Inc.
712 West 12th Street, Suite 1
Juneau, Alaska 99801

RE: Juneau International Airport - Duck Creek Security Fence Installation
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)
FH08-I-0150-SA, FH08-I-0116-SA, FH08-I-0003,
FH08-I-0010, FH08-I-0002

Dear Mr. Carson:

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G) Division of Habitat reviewed your request to install a security fence and trash rack near the mouth of Duck Creek. To complete this work, you request to install a temporary culvert for crane access across Duck Creek to drive piles to support the fence. Biologists Jackie Timothy and Kate Kanouse verbally authorized this work on September 1st and 6th respectively, and Habitat Biologist Greg Albrecht was on site during culvert installation on September 7th.

Project Description

A 36" temporary culvert was placed in the stream about 100 feet upstream of the new pedestrian bridge, and backfilled with rock to create a large pad for operation of the crane. Care was taken to avoid excessive deposition of fine materials into the stream bed by placing a large boulder in the stream, to act as a temporary bridge, prior to crossing with the excavator. The excavator crossed the stream twice prior to culvert installation. Large-diameter rock was used to fill the stream bed. Salmon mortalities were avoided by scaring fish from the immediate work area and slowly placing the culvert instream. These precautions will also be used during culvert and fill removal.

You will complete installation of the fence with minimal disturbance to the streambed and spawning salmon in the area. You will notify the Division of Habitat when the instream piles will be driven and

when the culvert will be removed so a habitat biologist can be onsite to observe construction and relocate adult fish, if needed.

Anadromous Fish Act and Coastal Consistency Requirements

Duck Creek, Stream No. 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). The stream provides migration, spawning, and rearing habitat for coho, pink, and chum salmon, Dolly Varden char, and cutthroat trout.

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

You must maintain the integrity of the security fence and trash rack for the life of the structure in accordance with the terms of this permit so that free passage of fish is assured. You shall remediate 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.

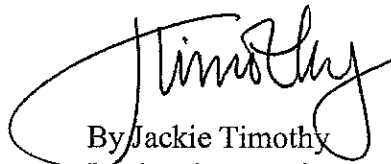
You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, 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 Greg Albrecht at (907) 465-6384 or email greg.albrecht@alaska.gov.

Sincerely,
Cora Campbell
Commissioner



By Jackie Timothy
Regional Supervisor
Division of Habitat

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
Ryan Scott, ADF&G, Douglas
Brian Glynn, ADF&G, Douglas
Kevin Monagle, ADF&G, Douglas
Jim Anderson, ADNR, Juneau
Randy Vigil, USACE, Juneau
Chiska Derr, NMFS, Juneau
Steve Brockman, USFWS, Juneau
Teri Camery, City and Borough of Juneau