

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF HABITAT MANAGEMENT AND PERMITTING
PRINCE OF WALES AREA OFFICE

**FRANK H. MURKOWSKI,
GOVERNOR**

Po Box 668
Craig Alaska 99921-0668
Phone 907-826-2560
Fax 907-826-2562

FISH HABITAT PERMIT FH-06-VII-0014

ISSUED: June 13, 2006

EXPIRES: End of the life of the Project

Mr. Darwin Green
Niblack Mining Corporation
Suite 615-800 West Pender St.
Vancouver, BC V6C 2V2 Canada

RE: Proposed Bridge Installation
"Camp Creek", Tributary to Niblack Anchorage
Stream No. 102-30-10750
T. 73 S., R. 88 E. S. 33, C.R.M.

Dear Mr. Green:

Pursuant to AS 41.14.870(b), the Alaska Department of Natural Resources -- Office of Habitat Management and Permitting (OHM&P) has reviewed your proposal to construct a 40-foot clear-span log-stringer or modular bridge over the above referenced location as part of the road construction associated with mining operations at Niblack Anchorage on Prince of Wales Island.

Camp Creek (ADF&G stream number 102-30-10750) has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 41.14.870(a). The crossing location is within the specified portion of the stream. At the proposed bridge site, camp Creek has a cobble and boulder substrate with some gravel and bedrock. The stream reach appears to be high energy, with a 12% gradient, and large (3'-4') rocks on the banks. Camp Creek is specified as being important for pink, chum, and coho salmon. Resident Dolly Varden char were captured at the proposed bridge site during a June 11, 1998, site visit. Although no evidence of anadromous fish was found in the vicinity of the proposed crossing, use of the lower portion of the stream by pink salmon was documented by field staff working at the site at that time. No absolute barriers to pink salmon exist downstream of the crossing site, although the stream has numerous steps over rocks and logs. It is imperative that bridge installation occur in a manner that minimizes risks to pink salmon eggs and alevin, which occur downstream of the crossing site between August 7 and June 1 each year.

As a result of the 1998 site visit, a Fish Habitat permit, in 1998, was issued to Abacus Minerals Corporation for the construction of the bridge over Camp Creek. Operations were abandoned and the bridge was never constructed.

In accordance with AS 41.14.870(d) and the ACMP, project approval is hereby granted with the following stipulations:

1. The bridge shall be designed, installed, operated, and maintained for the life of the structure in accordance with the terms of this permit such that free passage of fish is assured. Any obstruction to the free passage of fish shall be restored to the satisfaction of the OHM&P.

The recipient of this permit (the permittee) is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved plan. For any activity that significantly deviates from the approved plan, the permittee shall notify the OHM&P and obtain written approval in the form of a permit amendment before beginning the activity. Any action taken by the permittee, or an agent of the permittee, that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit would 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 OHM&P. Therefore, it is recommended that the OHM&P be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 41.14.870 and 11 AAC 110. This permit must be retained on site during construction. Please be advised that this approval does not relieve you of the responsibility for securing other state, federal, or local permits.

Pursuant to 11 AAC 112.020(b), the conditions of this permit are consistent with the Standards of the Alaska Coastal Management Program. The work described in this permit complies with General Concurrence GC-7 (Culvert and Bridge Installation).

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 and game created by the project and which was a direct result of the failure to comply with this permit or any applicable law.

The permittee 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 the permittee's 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--44.62.630.

Mr. Darwin Green
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Expires: End of Life of Project

Sincerely,

Edmund J. Fogels, Deputy Commissioner

By: Mark Minnillo, Habitat Biologist
Office of Habitat Management and Permitting

cc: Al Ott, OHMP, Fairbanks*
Mark Fink, ADF&G, Anchorage*

* e-mail