THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Fish and Game

DIVISION OF HABITAT
Southeast Region Office

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FISH HABITAT PERMITS

FH14-I-0109, FH14-I-0110, and FH14-I-0111

ISSUED: April 27, 2015

Chris Wallace
Environmental Affairs Manager
Hecla Greens Creek Mining Company
P.O. Box 32199
Juneau, AK 99803-2199

RE: Culvert 1 (FH14-I-0109)
Stream No. 111-41-10190
Sec 1, T 43 S, R 56 E, CRM (JUN A3)
Location: 58.1701° N, 134.7046° W (WGS84)

Culvert 2 (FH14-I-0110)
Drainage to Fowler Creek (Stream No. 111-41-10180)
Sec 11, T 43 S, R 56 E, CRM (JUN A3)
Location: 58.1559° N, 134.7437° W (WGS84)

Culvert 3 (FH14-I-0111)
Drainage to Fowler Creek (Stream No. 111-41-10180)
Sec 11, T 43 S, R 56 E, CRM (JUN A3)
Location: 58.1538° N, 134.7505° W (WGS84)

Dear Mr. Wallace:

Pursuant to AS 16.05.871(b) and AS 16.05.841, the Alaska Department of Fish and Game (ADF&G) Division of Habitat reviewed three culverts along the Greens Creek Mine A Road between Young Bay and Hawk Inlet. A former mine owner installed the culverts in the 1980s during road construction to the mine site, and the Division of Habitat does not have Fish Habitat Permits on record for these structures.

Project Description

You will maintain the 6 ft arch culvert in Zinc Creek, and the 5 ft and 4 ft round culverts in drainages to Fowler Creek. You affixed 0.5 inch mesh metal grating to the inlet and outlet of Culvert 2 to prevent debris accumulation from beaver activity, and will maintain a minimum 4 inch opening between the grate and the substrate within the culvert to ensure fish passage through the culvert.

Anadromous Fish Act

Stream No. 111-41-10190 has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a).[1] Stream No. 111-41-10190 provides habitat for coho salmon. Habitat biologists have also documented juvenile cutthroat trout and Dolly Varden char in the system.

Fishway Act

The drainages to Fowler Creek (Stream No. 111-41-10180) support cutthroat trout and Dolly Varden char.

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

You must maintain the integrity of the culverts 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 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.

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[1] Anadromous Waters Catalog nomination data do not exist for Stream No. 111-40-10190 (J. Johnson, Fisheries Biologist, ADF&G, Anchorage, personal communication). In 2015, we will track the stream and determine fish use extent, and submit an update to the Catalog.

This letter constitutes permits issued under the authorities of AS 16.05.871 and 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.

The permit decision relating to AS 16.05.871 may be appealed in accordance with the provisions of AS 44.62.330-630.

Any questions or concerns about this permit may be directed to Habitat Biologist Kate Kanouse at (907) 465-4290 or emailed to kate.kanouse@alaska.gov.

Sincerely,
Sam Cotten
Commissioner

By Jackie Timothy
Southeast Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
ADF&G Habitat Staff, Juneau
Dan Teske, ADF&G/SF, Juneau
Dave Harris, ADF&G/CF, Juneau
Phil Mooney, ADF&G/WC, Sitka
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