



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT SECTION
Fairbanks Regional Office

1300 College Road
Fairbanks, AK 99701-1551
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FISH HABITAT PERMIT

FH21-III-0159

ISSUED: June 30, 2021
EXPIRES: Upon Removal of Structure

Enric Fernandez
Donlin Gold
4720 Business Park Blvd.
Suite G-25
Anchorage, AK 99503

RE: Culvert Installation; Lyman's Road
Ruby Gulch
Section 23, T023N, R049W, SM (Iditarod A-5 Quad)
Location: 62.0626 N 158.2171 W

Dear Enric Fernandez:

Pursuant to AS 16.05.841 (Fishway Act), the Alaska Department of Fish and Game (ADF&G) Habitat Section has reviewed your proposal to install a culvert within Ruby Gulch crossing Lyman's Road.

Project Description

Donlin Gold (Donlin) proposes to install a 24-inch corrugated metal pipe (CMP) culvert in Ruby Gulch to facilitate water and fish passage across Lyman's road. Historically the crossing has been a low water crossing but expected increases in road traffic indicate a culvert is needed to protect water quality and facilitate vehicle passage. Construction will be completed from the road with an excavator. In-water activities include excavation of the trench across the road, placement of the culvert, and backfill. The 24-inch CMP culvert will be embedded to 20% of its depth to facilitate fish passage. A complete description of your proposed project was contained in your fish habitat permit application dated June 18, 2021.

Fishway Act

Ruby Gulch in the area of your project likely supports resident species of fish such as ninespine stickleback and slimy sculpin. Your project as proposed is not anticipated to obstruct the efficient passage and movement of fish.

In accordance with AS 16.05.841, your project is approved subject to the project description and permit terms, with the following stipulation:

1. The culvert shall be constructed, operated, and maintained for the life of the structure to ensure fish passage. Any obstruction to the passage of fish (e.g., perched culvert, outwash gravels, and/ or excessive water velocities) shall be restored to the satisfaction of the Habitat Section. The Habitat Section shall be notified, and its approval granted before any instream culvert maintenance activities occur.

Permit Terms

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 Habitat Section of 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.

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 ADF&G Habitat Section 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 provision 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 Habitat Section. Therefore, it is recommended that you consult the Habitat Section before considering any deviation from the approved plan.

You shall give an authorized representative of the state free and unobstructed access to the permit site, at safe and reasonable times, for the purpose of inspecting or monitoring compliance with any provision of this permit. You shall furnish whatever assistance and information the authorized representative reasonably requires for monitoring and inspection purposes.

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. You shall mitigate any adverse effect upon fish or wildlife, their habitats, or any restriction or interference with public use that the commissioner determines was a direct result of your 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.

Please direct questions about this permit to Habitat Biologist Maria Wessel at (907) 459-7281 or maria.wessel@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



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

ecc: John Chythlook, ADF&G SF, Fairbanks
Douglass Cooper, USFWS, Anchorage
Ellen Lyons, USACE, Fairbanks
AWT Northern Detachment, Fairbanks
Josh Peirce, ADF&G WC, McGrath
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