

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF HABITAT MANAGEMENT & PERMITTING

SARAH PALIN, GOVERNOR

1300 COLLEGE ROAD
FAIRBANKS, ALASKA 99709-1551
PHONE: (907) 459-7289
FAX: (907) 456-3091

FISH HABITAT PERMIT **FH07-III-0082 Amendment #2**

ISSUED: April 18, 2008
EXPIRES: December 31, 2010

Ms. Jennifer L. Saran
Environmental Affairs Manager
Hecla Greens Creek Mining Company
P.O. Box 32199
Juneau, AK 99803-2199

Dear Ms. Saran:

RE: Material Removal and Water Intake Screen Replacement
Greens Creek
Section 4, T. 44 S., R. 66 E., CRM; Juneau A-2 Quad

Pursuant to Alaska Statute 41.14.840 the Alaska Department of Natural Resources, Office of Habitat Management and Permitting (OHMP) has reviewed the March 26, 2008 request from Hoffman Silver Gilman and Blasco for assignment of the referenced fish habitat permit from Kennecott Greens Creek Mining Company to Hecla Greens Creek Mining Company.

In accordance with AS 41.14.840 (Fishway Act), the requested assignment is hereby given. All other aspects of Fish Habitat Permit FH07-III-0082 Amendment #1 remain valid and in effect.

Sincerely,

Dick LeFebvre, Deputy Commissioner

/s/ Robert F McLean

BY: Robert F. McLean, Area Manager
Office of Habitat Management and Permitting

ecc: Al Ott, ADNR OHMP, Fairbanks
Jackie Timothy, ADNR OHMP, Juneau

Bill Oelklaus, HGCMC, Juneau
Paul Hoffman, HSGB, Juneau

RFM/jdd

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FISH HABITAT PERMIT **FH07-III-0082 Amendment #1**

ISSUED: March 18, 2008
EXPIRES: December 31, 2010

Ms. Jennifer L. Saran
Environmental Affairs Manager
Kennecott Greens Creek Mining Company
P.O. Box 32199
Juneau, AK 99803-2199

Dear Ms. Saran:

RE: Material Removal and Water Intake Screen Replacement
Greens Creek
Section 4, T. 44 S., R. 66 E., CRM; Juneau A-2 Quad

Pursuant to Alaska Statute 41.14.840, the Alaska Department of Natural Resources, Office of Habitat Management and Permitting (OHMP) has reviewed your amended proposal to perform maintenance on the Greens Creek Mine main water withdrawal screen area in Greens Creek at the referenced location. In addition to the work described in the February 8, 2007 letter of application, the amended scope of work (described in your letter of March 14, 2008) includes replacing rather than cleaning the intake screens. To facilitate the replacement, a temporary inflatable dam would be used to divert Greens Creek around the work area. All other portions of the scope would remain as previously permitted.

In accordance with AS 41.14.840 (Fishway Act), project approval is hereby given subject to your amended scope of work. All other portions and stipulations of FH07-III-0082 remain in effect.

Sincerely,

Dick LeFebvre, Deputy Commissioner

/s/ Robert F McLean

BY: Robert F. McLean, Area Manager
Office of Habitat Management and Permitting

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ecc: Katy Mckerney, ADEC Water, Juneau
Mark Fink, ADF&G SF, Anchorage
Jackie Timothy, ADNR OHMP, Juneau
Al Ott, ADNR OHMP, Fairbanks
John Dunker, ADNR Water, Juneau
John Leeds, COE, Juneau
Pete Griffin, USFS, Juneau
Teri Camery, CBJ, Juneau

RFM/jdd

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FAX: (907) 456-3091

FISH HABITAT PERMIT **FH07-III-0082**

ISSUED: February 21, 2007
EXPIRES: December 31, 2010

Mr. William F. Oelklaus
Environmental Manager
Kennecott Greens Creek Mining Company
P.O. Box 32199
Juneau, AK 99803-2199

Dear Mr. Oelklaus:

RE: Material Removal and Water Intake Screen Maintenance
Greens Creek
Section 4, T. 44 S., R. 66 E., CRM; Juneau A-2 Quad

Pursuant to Alaska Statute 41.14.840, the Alaska Department of Natural Resources, Office of Habitat Management and Permitting (OHMP) has reviewed your proposal to perform routine weir maintenance on your main water withdrawal screen area in Greens Creek at the referenced location. The scope of work was described in your letter of application with two figures dated February 8, 2007. Approximately 20-25 cubic yards of accumulated bed load material would be removed from the pool area surrounding the screen intake boxes. Work would be performed during periods of low winter stream flows, and would reestablish the stream thalweg over the intake screens while protecting them from freezing. Similar work was performed previously under Fish Habitat Permits FG-01-I(J)-39 and FH05-III-006.

Greens Creek supports resident fish species including Dolly Varden in the area of your proposed activity. Downstream of the weir, Greens Creek (Stream No. 112-65-10240) has been specified as being important for the spawning, rearing, or migration of anadromous fishes in accordance with AS 41.14.870(a), although anadromous fish have not been documented to date to use the portion of the waterbody immediately downstream of the weir.

In accordance with AS 41.14.840, project approval is hereby given subject to your proposed scope of work.

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In addition, the following stipulations were adopted pursuant to 11 AAC 110 [Project Consistency with the Alaska Coastal Management Program (ACMP)] and are necessary to ensure that your project is consistent with General Concurrence Determination GCD-41 – Debris Removal:

1. All debris removed shall be deposited in an upland location to avoid reintroduction to the stream or damage to riparian habitat. Debris shall not be disposed of below the OHW line.
2. Stream banks, including stream bank vegetation, shall not be altered to facilitate debris removal.
3. Any intentional or unintentional bank cuts, slopes, fills, and other exposed earth work attributable to this project shall be stabilized and revegetated to prevent erosion which may occur both during and after the project.
4. Refueling of equipment or the storage of petroleum products within 100 feet of the OHW line is prohibited.

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 OHMP 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 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 OHMP. Therefore, it is recommended that OHMP be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of A.S. 41.14.840 and 11 AAC 112.010, and must be retained on site during the permitted activity. Please be advised that this determination applies only to activities regulated by OHMP; other divisions with ADNR also may have jurisdiction under their respective authorities. This determination does not relieve you of the responsibility for securing other permits, state, federal, or local. You are still required to comply with all other applicable laws.

This permit provides reasonable notice from the deputy commissioner that failure to meet its terms and conditions constitutes violation of A.S. 41.14.860; no separate notice under A.S. 41.14.860 is required before citation for violation of A.S. 41.14.840 can occur.

Pursuant to 11 AAC 112.010, the conditions of this permit are consistent with the Standards of the Alaska Coastal Management Program and the City and Borough of Juneau Coastal Management Plan.

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 were a direct result of the failure to comply with this permit or any applicable law.

The recipient of this permit (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.

Sincerely,

Edmund J. Fogels, Acting Deputy Commissioner

/s/ Robert F McLean

BY: Robert F. McLean, Area Manager
Office of Habitat Management and Permitting
Alaska Department of Natural Resources

ecc: Katy Mckerney, ADEC Water, Juneau
Mark Fink, ADF&G SF, Anchorage
Jackie Timothy, ADNR OHMP, Juneau
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RFM/jdd