

# STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF HABITAT MANAGEMENT AND PERMITTING  
JUNEAU AREA OFFICE

FRANK H. MURKOWSKI, GOVERNOR

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796

PHONE: (907) 465-4105

FAX: (907) 465-4759

## FISH HABITAT PERMIT FH05-I-0047

ISSUED: May 6, 2005

Mr. Luke J. Russell  
Coeur Alaska, Inc.  
3031 Clinton Dr., Suite 202  
Juneau, AK 99801

Re: Bridge Replacement on Upper Johnson Creek (Bridge #1)  
Located above Stream #115-20-10070  
T. 35 S., R. 62 E. Sec. 15, C.R.M. (Juneau D-4)

Dear Mr. Russell:

Pursuant to AS 41.14.840 and AS 41.14.870(b), the Alaska Department of Natural Resources (DNR) Office of Habitat Management and Permitting (OHMP) has reviewed your proposal to replace a bridge (Bridge #1) on the access road to the Kensington Gold Project mine/mill complex. The new bridge is designed to be constructed without any instream work. However, instream work may be required if the existing bridge abutments need to be removed prior to construction of the new bridge. This project was found consistent with the Alaska Coastal Management Program on 01/25/2005 (Lynn Canal 31, State I.D. No. AK 0406-13J).

### **Anadromous Fish Act and Fishway Act Requirements**

The project is located on Upper Johnson Creek, approximately 0.5 stream miles above a natural barrier that blocks migration of anadromous fish. Below this barrier, Lower Johnson Creek (Stream #115-20-10070) has been specified as being important for the migration, spawning and rearing of anadromous fish pursuant to AS 41.14.870(a). Lower Johnson Creek supports pink, chum and coho salmon, cutthroat trout and Dolly Varden char. The project area is located above this natural barrier, where only resident Dolly Varden char are present. In addition to implementing Best Management Practices that you have proposed to control erosion and sedimentation, impacts to resident Dolly Varden char and downstream impacts to anadromous fish will be minimized by limiting work below ordinary high water to periods when stream flows are low.

In accordance with AS 41.14.840 and AS 41.14.870(b), project approval is hereby given subject to the following stipulations:

1. All work below the ordinary high water mark of Johnson Creek must occur during November 1 through April 30. If work is to be performed outside of this timing window, prior written approval by OHMP is required.

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2. Prior to placement in the stream, fill material shall be clean of silts, clays and organic materials.
3. The applicant shall notify OHMP in Juneau at least five working days before work is to occur, to allow for an onsite inspection.

The integrity of the structure must be maintained for the life of the structure in accordance with the terms and conditions of this permit so that free passage of fish is assured. Any obstruction to the free passage of fish must be restored to the satisfaction of OHMP.

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 OHMP 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 stipulations 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 OHMP. Therefore, it is recommended you consult OHMP immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 41.14.840 and AS 41.14.870. This permit must be retained on site during construction. 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 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 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.

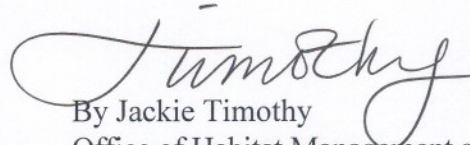
This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

If you have any questions, please contact Carl Schrader at (907) 465-4287 or email [carl\\_schrader@dnr.state.ak.us](mailto:carl_schrader@dnr.state.ak.us).



Sincerely,

Richard A. LeFebvre  
Deputy Commissioner



By Jackie Timothy  
Office of Habitat Management and Permitting  
Department of Natural Resources

CC by email:

Al Ott, DNR/OHMP, Fairbanks  
Carl Schrader, DNR/OHMP, Juneau  
Ed Fogels, DNR/OPMP  
Joe Donohue, DNR/OPMP, Juneau  
Brady Scott, DNR/DMLW, Juneau  
Brian Glynn, ADF&G, Douglas  
Kevin Brownlee, ADF&G, Douglas  
Randy Erickson, ADF&G, Haines  
Randy Bachman, ADF&G, Haines  
Ben Kirkpatrick, ADF&G, Haines  
Wayne Dolezal, ADF&G, Anchorage  
John Leeds, USACE, Juneau  
Steve Hohensee, USFS, Juneau  
David Cox, USFS, Juneau  
Pete Schneider, USFS, Juneau  
Susan Walker, NMFS, Juneau  
Richard Enriquez, UFSWS, Juneau  
Chris Meade, USEPA, Juneau