

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

SEAN PARNELL, GOVERNOR

802 3rd Street, Douglas
P.O. BOX 110024
JUNEAU, AK 99811-0024
PHONE: (907) 465-4105
FAX: (907) 465-4759

FISH HABITAT PERMITS FH11-I-0128, FH11-I-0129 and FH11-I-0130

ISSUED: February 13, 2012

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

RE: **Johnson Creek Bridges and Water Use**
T. 35 S., R. 62 E. Sec. 15, C.R.M. (Juneau D4)

Locations:

58.8250 N, 135.0260 W	Johnson Creek "Bridge 1" (FH11-I-0128)
58.8370 N, 135.0430 W	Johnson Creek "Bridge 2" (FH11-I-0129)
58.8370 N, 135.0430 W	Johnson Creek Water Intake (FH11-I-0130)

Dear Mr. Russell:

Pursuant to AS 16.05.841 (Fishway Act), the Alaska Department of Fish and Game (ADF&G), Division of Habitat reviewed three existing structures on Johnson Creek, two bridges and one infiltration gallery, that support the Kensington Gold Mine. These new permits replace the preceding permits for these structures, which all occur upstream of the cataloged anadromous portion of Johnson Creek (Stream No. 115-20-10070). The purpose of issuing these re-authorizations is to update departmental change and current conditions of these structures.

Project Description

The structures on Johnson Creek include the following:

- 1) "Bridge 1" **FH11-I-0128** (previously permitted under FH05-I-0047)

The 30' full-span steel bridge is located about 0.5 miles upstream of a natural barrier to anadromous fish migration. It was constructed above the ordinary high water mark, and the previous log abutments were left in place downstream.

2) “Bridge 2” **FH11-I-0129** (previously permitted under FH05-I-0048)

The 30’ full-span steel bridge is located about 1.4 miles upstream of a natural barrier to anadromous fish migration. It was constructed above the ordinary high water mark, and the previous log abutments were left in place upstream.

3) Intake Structure **FH11-I-0130** (previously permitted under FH05-I-0049)

The structure provides water to the mill and camp. You excavated a 15’ long trench, measuring 5-6’ wide and 10’ deep. The trench was dug perpendicular to the stream channel extending primarily into the bank, but also into the stream channel. The excavated area was backfilled with coarse gravel surrounding a 24” diameter vertical pipe that intersects the bank at the low flow water surface elevation and extends approximately 3 feet below the streambed.

Fish Resources

Johnson Creek supports resident Dolly Varden char.

Fishway Act

In accordance with AS 16.05.841, project approval is hereby given subject to the project description and the terms of this permit:

The structures shall maintained to accommodate the efficient passage and movement of fish, both upstream and downstream.

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 a 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.

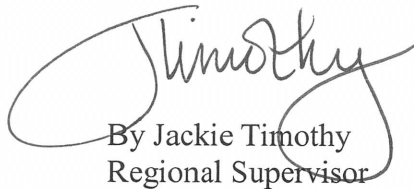
This letter constitutes a permit issued under the authority of AS 16.05.841 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective 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 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.

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.

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,
Cora Campbell
Commissioner



By Jackie Timothy
Regional Supervisor
Division of Habitat

CC via email:

Al Ott, ADF&G Habitat, Fairbanks
Brian Glynn, ADF&G/SF, Douglas
Kevin Monagle, ADF&G/CF, Douglas
Ryan Scott, ADF&G/WC, Douglas
Ted Deats, ADNR Water, Juneau
Steve Brockmann, USFWS, Juneau
Mary Goode, NMFS, Juneau
Heidi Firstencel, USACE, Juneau
Linda Speerstra, USACE, Sitka
Kevin Eppers, Coeur Alaska, Juneau