



**FISH HABITAT PERMIT**

**FH19-III-0141-A1**

ISSUED: December 24, 2019  
EXPIRES: December 31, 2024

Nathan Kehoe, Environmental Specialist  
Northern Star (Pogo) LLC  
PO Box 145  
Delta Junction, AK 99737

RE: Water Withdrawal  
APMA F159500  
Indian Creek (Stream No. 334-40-11000-2490-3407-4187)  
Section 14-15, T5S, R14E, FM Big Delta B-2  
Location (WGS84): 64.4681 N, 144.9656 W

Dear Mr. Kehoe:

Pursuant to AS 16.05.871 (b), the Alaska Department of Fish and Game (ADF&G) Habitat Section has reviewed your proposal to continue to withdraw water from Indian Creek for an additional five (5) years to facilitate mineral exploration.

**Project Description**

Northern Star (Pogo) LLC proposes to withdraw water from Indian Creek to facilitate mineral exploration. These activities are also referenced in TWUA 2019-0106.

**Anadromous Fish Act**

Indian Creek (Stream Number 334-40-11000-2490-3407-4187) has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Chinook salmon rear in this section of Indian Creek. In addition, resident fish species such as Arctic grayling are present in the area of your proposed activity. Your project should not have adverse effects on anadromous fish or their habitat and should not obstruct the free passage of fish.

In accordance with AS 16.05.871(d), your project is approved subject to the project description and permit terms, with the following stipulation:

- 1) Each water intake structure shall be designed to prevent the entrainment, impingement and/or entrapment of fish and shall be installed and maintained at each intake location. The effective screen openings may not exceed 0.25 inches (1/4 inch), and water velocity at the screen/water interface may not exceed 0.5 feet per second when the pump is operating.

*Note: For detailed information regarding screened intake device design please consult our webpage <http://www.adfg.alaska.gov/index.cfm?adfg=uselicense.withdrawal> and Technical Report No. 97-8 ([http://www.adfg.alaska.gov/static/license/uselicense/pdfs/97\\_08.pdf](http://www.adfg.alaska.gov/static/license/uselicense/pdfs/97_08.pdf)). Feel free to contact our office for additional assistance.*

### **Permit Terms**

This letter constitutes a permit issued under the authority of AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to Habitat Section regulated activities; 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 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 a Habitat Section responsibility. Therefore, we recommend 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.

You may appeal this permit decision relating to AS 16.05.871 in accordance with the provisions of AS 44.62.330-630.

Please direct questions about this permit to Habitat Biologist Justin Burrows at 907-459-7254 or [justin.burrows@alaska.gov](mailto:justin.burrows@alaska.gov).

Sincerely,  
Doug Vincent-Lang  
Commissioner



By: Audra L. J. Brase  
Fairbanks Regional Supervisor

ecc: Brandy Baker, ADF&G SF, Delta Junction  
Bob Henszey, USFWS, Fairbanks  
Jeff Estensen, ADF&G CF, Fairbanks  
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Fairbanks Mining, ADNR, Fairbanks  
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NOAA Fisheries, HCD, Anchorage

jb/AB