

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF HABITAT MANAGEMENT
AND PERMITTING

1300 COLLEGE ROAD
FAIRBANKS, ALASKA 99701-1599
PHONE: (907) 459-7289
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FISH HABITAT PERMIT FH03-III-0332

ISSUED: December 18, 2003
EXPIRES: Upon Closure and Abandonment
of the Pogo Project

Mr. Karl Hanneman
Teck-Pogo Inc.
3520 International Street
Fairbanks, Alaska 99701

Dear Mr. Hanneman:

RE: Gilles Creek Bridge Installation, Maintenance and Removal, Pogo Project; Section 28, T6S, R11E, FM.

Pursuant to A.S. 41.14.840, the Alaska Department of Natural Resources, Office of Habitat Management and Permitting (OHMP) has reviewed your proposal to install, maintain, and remove a bridge over Gilles Creek for the purpose of accessing the Pogo Mine. A temporary bridge may be installed to facilitate construction. A description of the proposed project was provided in your June 2002 Right-of-Way application and in your US Army Corps of Engineers project public notice dated September 19, 2003.

Gilles Creek supports resident fish species (Arctic grayling, round whitefish, and slimy sculpin) in the area of your proposed activity. Based upon our review of your plans, your proposed project should not obstruct the efficient passage and movement of fish.

In accordance with A.S. 41.14.840, project approval is hereby given subject to your proposed scope of work and the following stipulations:

- (1) Final design drawings (approved for construction) for the bridge crossing of Gilles Creek shall be prepared and submitted to the department for review and approval prior to beginning bridge construction activities. Final design drawings shall clearly show elevations for the stream thalweg, ordinary high water, bridge decking, bottom chords, the location and height of bridge abutments with respect to the ordinary high water line, and the location of any riprap required for abutment protection.
- (2) Before conducting any instream maintenance activities following construction or bridge removal activities following project abandonment, written notification shall be made to the OHMP describing the planned instream activities. A permit amendment will then be issued authorizing the activities.

“Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans.”

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 the 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 the OHMP. Therefore, it is recommended that the 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. This permit 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 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.

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,

Dick LeFebvre, Deputy Commissioner

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

ecc: Bob Loeffler, ADNR, Anchorage
Al Edgren, ADNR, Delta
Anna Plager, ADNR, Fairbanks
Rich Harris, ADCED, Fairbanks
Pete McGee, ADEC, Fairbanks
Victor Ross, USACE, Anchorage
Fred Bue, ADF&G, Fairbanks

Mike Smith, Terra Nord, Anchorage
Jim Vohden, ADNR, Fairbanks
Luke Boles, ADEC, Fairbanks
Gary Folger, DPS, Fairbanks
Keith Mueller, USFWS, Fairbanks
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Charlie Swanton, ADF&G, Fairbanks	Fronty Parker, ADF&G, Delta
Steve DuBois, ADF&G, Delta	Bill Ridder, Delta
Cindi Godsey, EPA, Anchorage	Sonja Ahlberg, NAEC, Fairbanks
Kelley Hegerty, Kelley Hegerty & Associates, Fairbanks	

cc: Ed Fogels, ADNR, Anchorage
Ichiro Abe, Sumitomo, Vancouver
Hahn Gold, EPA, Seattle
Lisa Jaeger, TCC, Fairbanks
Robin Moilanen, Friends of the Goodpaster, Fairbanks
Jim Movius, Goodpaster River Property Holders, Fairbanks

Mike Filion, Teck, Vancouver
Harry Bader, ADNR, Fairbanks
Gary Lee, Mendeschaag Corp, Fairbanks

RFM/jfw