

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES OFFICE OF HABITAT MANAGEMENT AND PERMITTING

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FISH HABITAT PERMIT FH 06-II-0253

ISSUED: September 15, 2006
EXPIRES: September 30, 2006

U.S. Army Engineer District, Alaska
Attention: Ms. Estrella Campellone
EN-CW-ER
2204 3rd Street
Elmendorf AFB, AK 99506-1538

Dear Ms. Campellone:

Re: Stream Crossings - Eklutna River
Stream Number 247-50-10175
NW ¼, NW ¼ Sec. 25, T. 16N., R. 1W., S.M.
GCD-5

Pursuant to AS 41.14.870 the Alaska Department of Natural Resources, Office of Habitat Management and Permitting (OHMP) has reviewed your request to cross channels of the Eklutna River with a track drill rig to establish five ground water monitoring wells within an old gravel pit adjacent to the lower reaches of the Eklutna River. The monitoring wells are being installed to gather data in order to plan future restoration efforts. None of the monitoring wells are within waters of the Eklutna River. One round trip crossing with a tracked CME-850 drill rig will be required. Drilling and crossings will be conducted during a period of about three days between September 19-22, 2006.

The Eklutna River has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 41.14.870(a). The proposed crossing site is in a reach of the stream that supports spawning chinook, sockeye, coho, chum, and pink salmon. Adult chinook salmon will begin arriving in the stream around June 15.

Vehicle stream crossing activities have been found consistent with the Alaska Coastal Management Program under Generally Consistent Determination (GCD) 5. The stream crossings need to adhere to the conditions contained within GCD-5 and the conditions of this permit. A copy of GCD 5 is enclosed for your reference. Your proposed project should not adversely affect fish resources if conducted according to the plans submitted for review, the conditions on GCD 5 and the permit conditions below.

In accordance with AS 41.14.870(d), project approval is hereby given subject to the following conditions:

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

1. Crossings are authorized only within the established crossing identified as the crossing site in the field on August 23, 2006. Vehicles shall not be driven upstream or downstream, but must go directly across the bed of specified anadromous fish-bearing waters.
2. There shall be no fueling, servicing, or repair of vehicles or equipment below the OHW mark of the Eklutna River. No vehicles shall be left unattended within the area of braided channels and islands of the Eklutna River.
3. Vehicles with fuel, oil, or hydraulic fluid leaks, or leaking other pollutants, shall not be operated or moved across the streambed or the open waters of the Eklutna River.

The recipient of this permit (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 AS 41.14.870. This permit must be retained on site during construction and operation activities. Please be advised that this determination applies only to activities regulated by OHMP; other divisions within ADNR may also 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.

Pursuant to 11 AAC 112.020 the conditions of this permit are consistent with the Standards of the Alaska Coastal Management Program.

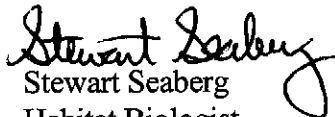
In addition to the penalties provided by law, this permit amendment may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which was a direct result of the failure to comply with this permit amendment or any applicable law.

The 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 amendment. 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--44.62.630. Please contact Habitat Biologist, Ed Weiss at (907) 269-5901 if you have further questions or need assistance with this permit.

Sincerely,

Edmund J. Fogels, Acting Deputy Commissioner

By: 
Stewart Seaberg
Habitat Biologist
Anchorage Area Office

Enclosure: GCD-5

cc:	M. Miller, ADF&G	ABWE, Anchorage	M. Lamoreaux
	M. Fink, ADF&G	T. Tobish, MOA	A. Ott, OHMP
	C. Ballard, DNR/OPMP	C. Cox, DNR/DML&W	

GENERALLY CONSISTENT DETERMINATION GCD-5

EQUIPMENT CROSSING OF STREAMS

The following activity is consistent with the Alaska Coastal Management Program per 11 AAC 110.730 when conducted according to the standard alternative measures listed below. This approval does not relieve the applicant from obtaining required permits and approvals from local, State, and federal individual agencies.

ACTIVITY DESCRIPTION

Winter ice crossings of resident fish streams in the North Slope Borough, Northwest Arctic Borough, and Bering Straits CRSA, and short term or transitory crossings of anadromous fish streams by wheeled or tracked vehicles or equipment statewide.

<i>Authority:</i>	AS 41.14.840 AS 41.14.870 AS 16.20 AS 38.05.850 5 AAC 95
<i>Permits:</i>	Fish Habitat Permit (OHMP) Special Area Permit (DFG) Land Use Permit (DNR)
<i>Region:</i>	Statewide for crossing of anadromous fish streams; winter ice crossings of resident fish streams in the North Slope Borough, Northwest Arctic Borough, and Bering Straits CRSA.

PROCEDURE

For activities subject to GCD-5, the applicant is not automatically required to complete a coastal project questionnaire (CPQ). For example, a CPQ may not be required for short-term or transitory crossings associated with timber harvest activities on state and federal lands. DFG may require a CPQ for project proposals where it is uncertain whether other state or federal authorizations are required. In all cases, a CPQ is not required for the activities described below on private lands and non-navigable waters reviewed in accordance with AS 41.17, the Alaska Forest Resources and Practices Act.

Prior to crossing any stream, river or lake specified as being important for the spawning,

rearing or migration of anadromous fish, the applicant shall obtain a Fish Habitat Permit pursuant to AS 41.14.840 and AS 41.14.870. In addition, construction of an ice bridge across such water bodies in the North Slope Borough, Northwest Arctic Borough, or Bering Straits CRSA coastal districts requires a Fish Habitat Permit pursuant to AS 41.14.840. OHMP will determine in advance of permit issuance if the activity can be accomplished in a manner that ensures protection of fish habitat.

The standard alternative measures listed under DNR Land Use Permits apply only when a DNR Land Use Permit is issued under this generally consistent determination. All other conditions apply when a OHMP Fish Habitat or DFG Special Areas Permit is issued.

STANDARD ALTERNATIVE MEASURES

Summer In-water Crossings

1. Stream crossings shall be made from bank to bank in a direction substantially perpendicular to the direction of stream flow.
2. Stream crossings shall be made only at locations with gradually sloping banks. There shall be no crossings at locations with sheer or cut banks.
3. Stream crossing activities shall be sited and timed to avoid spawning areas and sensitive fish life stages and habitats. OHMP may restrict or prohibit activities during certain sensitive time periods as necessary.
4. Streambanks and streambeds shall not be altered or disturbed in any way to facilitate crossings. DFG and DNR, or the applicable land manager, shall be notified within three working days of any disturbances. Corrective action may be stipulated as applicable and necessary.
5. Movement of equipment through willow (*Salix*) stands shall be avoided to the extent possible. (North Slope Borough, Northwest Arctic Borough, and Bering Straits CRSA)

Ice Bridge Construction or Crossing Frozen Waterbodies

6. Equipment, other than vessels, must not enter open water areas of a watercourse during winter. Ice or snow bridges and approach ramps constructed at stream crossings must be substantially free of extraneous material (i.e., soil, rock, wood, or vegetation) and, if requested by OHMP, must be removed or breached before spring breakup. Alterations of the banks of a watercourse are prohibited.
7. To avoid additional freeze-down of deep-water pools harboring overwintering fish, watercourses shall be crossed at shallow riffle areas from point bar to point bar.

Compaction or removal of the insulating snowcover from the deep-water pool areas of rivers must be avoided. Exceptions to this stipulation may be authorized by OHMP on a case-by-case basis if it determines the pool is deep enough to prevent complete freeze-down.

DNR Land Use Permits

8. Vehicle maintenance, refueling of equipment, campsites, or storage and stockpiling of hazardous substances on the surface ice of lakes, ponds, or rivers is prohibited. The storage of non-hazardous material on the surface ice of lakes, ponds, or rivers is allowed with consent from DNR or the applicable land manager.
9. Snow ramps or other mitigating measures will be used to avoid unsafe obstacles to snow machiners or others using the riverway for travel.
10. Equipment shall not operate in flowing water without written authorization from DNR, Division of Land.

Wildlife Avoidance

11. Operations must avoid grizzly bear dens by one-half mile. Known bear den locations shall be obtained from OHMP at (907) 459-7289 prior to starting operations. Occupied dens encountered in the field must be reported to the above, and subsequently avoided. (North Slope Borough, Bering Straits CRSA, and Northwest Arctic Borough)
12. Operations shall avoid known polar bear dens by one mile. Known den locations shall be obtained from the U.S. Geological Survey at (907) 786-3424 prior to starting operations. New dens encountered in the field must be reported to the above, and subsequently avoided by one mile. (North Slope Borough, Bering Straits CRSA, and Northwest Arctic Borough)

Spill Notification

13. The lessee or permittee shall immediately notify DEC by telephone, and immediately afterwards send DEC a written notice by facsimile, hand delivery, or first class mail, informing DEC of: any unauthorized discharges of oil to water; any discharge of hazardous substances other than oil; and any discharge or cumulative discharge of oil greater than 55 gallons solely to land and outside an impermeable containment area. If a discharge, including a cumulative discharge, of oil is greater than 10 gallons but less than 55 gallons, or a discharge of oil greater than 55 gallons is made to an impermeable secondary containment area, the lessee or permittee shall report the discharge within 48 hours and immediately afterwards send DEC a written notice by facsimile, hand delivery, or first class mail. Any discharge of oil, including a cumulative discharge, solely to land greater than one gallon up to 10 gallons must be reported in writing on a monthly basis.

The posting of information requirements of 18 AAC 75.305 shall be met. The provisions of 18 AAC 75.310 (Scope and Duration of Initial Response Actions) and other reporting requirements of 18 AAC 75.300 - 18 AAC 75.396 also apply. The lessee or permittee shall supply DEC with all follow-up incident reports. Notification of a discharge must be made to the nearest DEC Area Response Team during working hours: Anchorage (907) 269-7500, fax (907) 269-7648; Fairbanks (907) 451-2121, fax (907) 451-2362; Juneau (907) 465-5340, fax (907) 465-2237. The DEC oil spill report number outside normal business hours is (800) 478-9300.

ADVISORIES

1. The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury, or destruction of any state-owned historic, prehistoric, or archeological site without a permit from the commissioner. Should any sites be discovered during the course of field operations, activities that may damage the site shall cease and the Office of History and Archaeology in the DNR, Division of Parks and Outdoor Recreation at (907) 269-8721 and the appropriate coastal district shall be notified immediately.