



FISH HABITAT PERMIT FH14-SW-0002 Amendment No. 1

ISSUED: May 7, 2014
Amendment Issued: April 6, 2015
EXPIRES: December 31, 2020

Mr. John C. Maisch, AK State Forester
Alaska Department of Natural Resources
Division of Forestry
4700 Airport Way
Fairbanks, AK 99701

Mr. Kent W. Slaughter, AFS Manager
U.S. Bureau of Land Management
Alaska Fire Service
P.O. Box 35005
Fort Wainwright, AK 99703

Dear Mr. Maisch and Mr. Slaughter:

RE: **Water Withdrawal during Wildland Fire Suppression Activities**
Fish Bearing Fresh Water Bodies Statewide

In response to statewide needs for wildland fire suppression crews to use fish bearing water bodies as water sources during wildland fire suppression-related activities, the Alaska Department of Fish and Game (ADF&G), Division of Habitat has determined that both the public interest and the maintenance of free and efficient fish passage under Alaska Statute (AS) 16.05.841 (Fishway Act) and the proper protection of fish and game under AS 16.05.871 (Anadromous Fish Act) will be served by issuing this Statewide Fish Habitat (Title 16) Permit for certain types of water withdrawals.

Project Description

This statewide permit is for water withdrawal from fish bearing fresh water bodies during active wildland fire suppression activities, including water withdrawals for wildland fire suppression training and control of prescribed fires. Such withdrawals are accomplished by either scooping or pumping. Scooping uses specially built scooper aircraft or buckets slung from helicopters to scoop water from placid water bodies, typically lakes; the water is then broadcast dropped on or near the fire. Pumping uses small portable pumps to withdraw water from a variety of water bodies to supply water to hose nozzles, sprinklers, or other point applications to directly fight fire or to protect resources at risk of ignition.

This permit does not authorize pumps with a capacity greater than 110 gallons per minute; contact the appropriate ADF&G Division of Habitat area manager for such authorizations or for emergency authorizations, which may be made by phone or email.

Anadromous Fish Act

Various rivers, lakes, and streams throughout Alaska have been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Such water bodies provide important habitat for species that spawn in fresh water but have life stages using marine waters, including salmon, steelhead, and some whitefish. Many water bodies statewide support resident species of fish such as rainbow and cutthroat trout, Arctic grayling, northern pike, or whitefish whether or not they also support anadromous fish species. Water withdrawals have the potential to obstruct the efficient passage and movement of fish, both upstream and downstream, and to not provide for the proper protection of fish and game.

In accordance with AS 16.05.871(d) and AS 16.05.841, project approval is hereby given subject to the project description above and the following stipulations:

Water withdrawal using scooper planes or aerial buckets is approved provided that:

- 1) ADF&G shall be notified no later than 24 hours after initial use on each fire.

Water withdrawal using small portable pumps at a rate no greater than 110 gallons per minute per pump is approved provided that:

- 2) ADF&G shall be notified no later than 24 hours after initial use on each fire.
- 3) All pump intakes shall be provided with a screened structure with a mesh size of no larger than ¼ inch and approach velocity of less than ½ feet per second. This may be accomplished using burlap bags, window screen, or other materials available on the fire line.
- 4) Water bodies shall not be dammed, bermed, or otherwise altered in a manner that could block or trap fish. Hand tools may be used to deepen a sump for water withdrawal provided the feature does not extend fully across the wetted surface and any depressions are filled in when pump use is no longer necessary.
- 5) All pump sites shall use and maintain spill prevention and containment dykes for both the fuel containers and the pumps themselves.

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 ADF&G 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 16.05.871 and AS 16.05.841, and must be posted at the incident command post and staging areas 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.

Portions of this permit decision issued under the authorities of AS 16.05.871 (anadromous water bodies only) may be appealed in accordance with the provisions of AS 44.62.330-630.

Any questions or concerns about this permit may be directed to the appropriate area contact:

Northern/Interior/Western Area	907-459-7254	Jim Durst	james.durst@alaska.gov
Matanuska/Susitna Area	907-861-3202	Mike Bethe	mike.bethe@alaska.gov
Southwest/Southcentral/Prince William Sound	907-267-2172	Mike Daigneault	michael.daigneault@alaska.gov
Kenai Peninsula Area	907-714-2477	Ginny Litchfield	ginny.litchfield@alaska.gov
Northern Southeast/Central Southeast Area	907-465-4275	Jackie Timothy	jackie.timothy@alaska.gov
Southern Southeast Area	907-826-2560	Mark Minnillo	mark.minnillo@alaska.gov

Sincerely,

Sam Cotten, Commissioner



BY: Alvin G. Ott, Operations Manager
Division of Habitat
Alaska Department of Fish and Game

ecc: ADF&G Habitat Area Managers
Jeff Regnart, ADF&G Commercial Fisheries, Anchorage
Tony DeGange, ADF&G Habitat, Anchorage
Tom Brookover, ADF&G Sport Fish, Anchorage
Hazel Nelson, ADF&G Subsistence, Anchorage
Bruce Dale, ADF&G Wildlife Conservation, Palmer
Brent Goodrum, ADNR Mining, Land and Water, Anchorage
Ben Ellis, ADNR Parks and Outdoor Recreation, Anchorage
Ben Soiseth, COE, Fairbanks
NOAA Fisheries, Juneau
Jewel Bennett, USFWS, Fairbanks

AGO/jdd