



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT SECTION
Fairbanks Regional Office

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FISH HABITAT PERMIT

FH20-SW-0001 AMENDMENT 1

ISSUED: December 21, 2020
EXPIRES: December 31, 2025

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

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

RE: Stream Crossing & Water Withdrawal During Wildland Fire Suppression Activities
Limited Anadromous & All Resident Fish Bearing Fresh Waterbodies
STATEWIDE

Dear Mr. Maisch and Mr. Slaughter:

Pursuant to AS 16.05.871(b) (Anadromous Fish Act) and AS 16.05.841 (Fishway Act), the Alaska Department of Fish and Game (ADF&G), Habitat Section has amended this statewide Fish Habitat Permit for clarification and efficiency for suppression operations and to expand support for all wildland fire suppression related activities. Stream crossings and water withdrawals were previously authorized under Fish Habitat Permits FH14-SW-0001 and 0002, respectively.

Project Description

This statewide permit is for crossing all resident fish waterbodies and the extents of catalogued waterbodies NOT specified as SPAWNING habitat for anadromous fish with vehicles and heavy equipment. This permit includes the potential construction of reinforced crossing structures, aerial scooping, and subsurface pumping of water from these waterbodies during all

wildland fire related suppression activities. When practicable, ADF&G Habitat will be notified prior to the activity to verify habitat status of the waterbody.

Anadromous Fish Act and Fishway Act

Waterbodies specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a) support various life stages of anadromous species of fish, mostly salmonids (Chinook, sockeye, chum, coho and pink salmon), and support resident species of fish such as Arctic grayling. Your project as proposed 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) and AS 16.05.841, your project is approved subject to the project description, permit terms, and the following stipulations:

- 1) Stream crossings with equipment and light vehicles shall be made from bank to bank in a direction substantially perpendicular to the direction of stream flow to the extent practicable. Equipment crossings shall be made in a manner that precludes creation of barriers to efficient fish passage (ridging and/or rutting of streambed, etc.). Any inadvertent disturbance of the bank shall be immediately stabilized.
- 2) No significant modifications to the banks of the stream are authorized, except for the following mitigation measures when necessary to stabilize the bank and facilitate safe and efficient crossings: (A) logs, cribbing, and/or culverts may be temporarily placed along the bank and/or in the bed of the stream parallel to current flow; (B) large woody debris may be moved downstream, deposited upland, or used for the crossing; and (C) riparian vegetation that needs to be cut shall be deposited back from the stream and no roots/stumps grubbed within 50 feet of the stream. After use of the crossing any material used for a structure shall be immediately removed and the bed and bank of the stream restored and stabilized.
- 3) 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.
- 4) Waterbodies shall not be altered in a manner that could block or trap fish. However, to facilitate the efficient function of a pump hand tools may be used to deepen a sump. The depression shall be filled in after use.
- 5) If it is critical to immediately withdraw water from an anadromous waterbody where the habitat type is not verified a pump may be used if the intake is buoyed near the surface and the site is deep enough whereby the streambed is not disturbed by the action of the pump.

- 6) ADF&G Habitat shall be notified within 24 hours if a crossing requires modification and/or crosses an anadromous waterbody, water is withdrawn from an anadromous waterbody, and/or scooper planes or aerial buckets are used in any fish bearing waterbody.
- 7) The invasive aquatic plant *Elodea sp.* has been found in waterbodies throughout Alaska. Pumps, hoses, and screens shall be thoroughly inspected after pumping and when moving between bodies of water. Any plant material must be removed and discarded to an upland location, and withdrawn water containing plant material may not be discharged into any other waterbodies except after treatment that prevents the spread of *Elodea*.

Permit Terms

This letter constitutes a permit issued under the authority of AS 16.05.871 and 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 Habitat Section of ADF&G; 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 ADF&G 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 the responsibility of the ADF&G Habitat Section. Therefore, it is recommended that 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 Todd Nichols at 907-459-7363 or todd.nichols@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By: Alvin G. Ott
Operations Manager
Habitat Section

ecc: Norman McDonald, ADNR DOF, Palmer
Jeremy Douse, ADNR DOF, Fairbanks
Hans Rinke, ADNR DOF, Soldotna
Peter Butteri, BLM AFS, Ft. Wainwright
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tn/AB