

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

SARAH PALIN, Governor

333 RASPBERRY RD.
ANCHORAGE, ALASKA 99518
PHONE: (907) 267-2342
FAX: (907) 267-2499

FISH HABITAT PERMIT FH 09-II-0047

ISSUED: April 6, 2009
EXPIRES: December 31, 2012

Chris Floyd
U.S. Army Corps of Engineers/Civil Works
P.O. Box 6898
Elmendorf AFB, AK 99506

Dear Mr. Floyd:

Re: Bank Stabilization – Nushagak River
Stream No. 325-30-10100
Section 21, T.13 S., R. 55 W., S.M.
SID AK0901-09AA

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Division of Habitat, has reviewed your proposal to stabilize the banks of the Nushagak River in accordance with alternatives W2 and C1 described in your Environmental Assessment and Finding of No Significant Impact (November 2008), which is hereby incorporated by reference into this permit. You propose to construct a 1,100 foot long rock revetment with a 371 foot long rubble mound breakwater along the west side of the entrance to the Dillingham Small Boat Harbor (Attachment 1). The revetment and breakwater will consist of a three layer system of core, secondary, and armor stone. The upper section of the revetment will be graded to transition to the top of the existing bank. The riverbank behind the revetment will be planted with native grasses and live willow stakes, as described in *Streambank Revegetation and Protection, A Guide for Alaska, 2005*. Access to the revetment and breakwater will be from Scandinavian Creek Road and across former wetlands that had been used for disposal and dredged sediments in the past. You also propose to construct a 950 foot long rock revetment along the shoreline east of the harbor entrance (Attachment 2). The east side revetment will consist of a three layer system similar to the west side revetment and breakwater. The former disposal site behind the east side revetment will be contoured to direct water away from the revetment and through a weir where it will return to the river along an existing natural drainage. The east side revetment construction will also include a precast concrete beach access ramp adjacent to the west end of the revetment. Access to the east side revetment will be across the former Peter Pan disposal site from existing roads, including the harbor access road. The proposed revetments and breakwater will require approximately 47,000 cubic yards of fill material including armor rock and core material. Approximately 37,600 cubic yards of fill will be placed below the mean high water line. The total project footprint will be approximately 1.9 acres. Bulldozers, excavators, trucks, and backhoes will be used to perform this work. Much of the revetment construction below the mean high water line will occur during lower tides when the tide flat is naturally dewatered, however, initial placement of all sections of the project will occur "in the wet" as necessary until enough elevation is gained to conduct a full work day above the reach of tide. This activity has been found consistent with the Alaska Coastal Management Program.

The Nushagak River has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). The Nushagak River is known to support Chinook, chum, coho, sockeye, and pink salmon, Arctic char, and whitefish.

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

1. No excavation or other alterations of the tidal flats (stream bed) are authorized outside of the project footprint.
2. All bank cuts, slopes, fills, and other exposed earth work attributable to this project shall be stabilized and revegetated to prevent erosion which may occur both during and after the project.
3. Fuel, lubricants or other hazardous substances shall not be stored below the OHW level of the Nushagak River or Scandinavian Creek.

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 Division of Habitat 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 Division of Habitat. Therefore, it is recommended that the ADF&G, Division of Habitat be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.871. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies 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.

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.

Pursuant to 11 AAC 112.020(b)(2), the conditions of this permit are consistent with the standards of the Alaska Coastal Management Program.

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. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

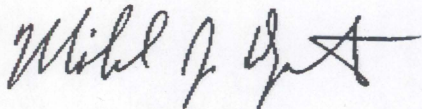
This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Any questions or concerns about this permit may be directed to Habitat Biologist Jim Bales at 267-2143 or emailed to james.bales@alaska.gov.

April 6, 2009

Sincerely,

Denby Lloyd, Commissioner

A handwritten signature in black ink, appearing to read "Michael Daigneault", with a stylized flourish at the end.

By: Michael Daigneault
Regional Supervisor
Anchorage Area Office

Enc: Attachments 1 and 2

cc: S. Palmer, ADEC
T. Sands, ADF&G
A. Ott, ADF&G
J. Dye, ADF&G

AWT, Dillingham
M. Goatley, DCOM
C. Godsey, EPA
S. Morstad, ADF&G

Attachment 1



Attachment 2

