



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT SECTION
Fairbanks Regional Office

1300 College Road
Fairbanks, AK 99701-1151
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FISH HABITAT PERMIT FH25-III-0056

ISSUED: April 9, 2025
EXPIRES: Upon Removal of Structures

Kawerak, Incorporated
Attn: Ben Payenna
P.O. Box 948
Nome, AK 99762

RE: Bridge Installation
Boulder Creek
Section 35, T03N, R45W, KM (Teller C-6 Quad)
Location Coordinates (WGS84): 65.6168 N 167.9830 W

Goodwin Creek
Section 12, T02N, R45W, KM (Teller C-6 Quad)
Location Coordinates (WGS84): 65.5969 N 167.9187 W

Dear Ben Payenna:

Pursuant to AS 16.05.841 (Fishway Act), the Alaska Department of Fish and Game (ADF&G) Habitat Section has reviewed your proposal to upgrade the road between Wales and Tin City by constructing bridges across Boulder and Goodwin creeks and replacing culverts at Granite Creek. We received your application materials via email at part of the US Army Corps of Engineers Public Notice #POA-2025-00140 on April 3, 2025.

Project Description

Kawerak, Inc. will upgrade the existing road between Wales and the barge landing at Tin City to improve surface transportation. As part of this project, fill will be permanently placed in about 0.04 acres of riverine areas, including 575 linear feet of creek. A bridge will be installed over Boulder Creek where the existing road currently travels in the creek bed. The bridge is a steel girder bridge with concrete decking that is 26 feet wide and 100 feet long. The bridge over Goodwin Creek will also be a steel girder bridge that is 26 feet wide and 100 feet long. Material for the proposed project would come from existing road cuts and established gravel material sites along the proposed alignment. Some material may be sourced from the alluvial wash area of Boulder Creek. Staging areas for equipment and supplies would be at the current

Tin City barge landing site and along the proposed alignment and be in uplands as determined by the contractor. Construction is expected to start in May and extend to October during a two-year time period. Further details are contained in your project application.

Fishway Act

Boulder and Goodwin creeks likely support resident fish species such as juvenile Dolly Varden, at least seasonally. Your project as proposed should not obstruct the free passage of fish.

In accordance with AS 16.05.841, your project is approved subject to the project description and permit terms, with the following stipulations:

- 1) The structures shall be designed, installed, and maintained to accommodate the efficient passage and movement of fish, both upstream and downstream, for the life of the structure. Any obstruction to the passage of fish (e.g., perched culvert, outwash gravels, or excessive water velocities) shall be restored to the satisfaction of the Habitat Section. The Habitat Section shall be notified, and approval granted by the Habitat Section before any instream maintenance activities occur.
- 2) Material harvest from the Boulder Creek alluvial wash shall be conducted in a manner that does not create depressions or cuts that create barriers to efficient fish passage or trap fish when water levels fluctuate. At the end of gravel removal operations each year, depressions shall be back-filled and the mined area shall be graded toward the main channel at a slope less than 3:1.

Permit Terms

This letter constitutes a permit issued under the authority of 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.

Please direct questions about this permit to Habitat Biologist Chelsea Clawson at 907-459-7287 or chelsea.clawson@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By: Audra L. J. Brase, Regional Supervisor
Habitat Section
Alaska Department of Fish and Game

ecc: Brian Pederson, Pederson Consulting Group
Al Ott, ADF&G HAB, Fairbanks
Permit Coordinator, ADF&G SF
Kevin Clark, ADF&G CF, Nome
Brendan Scanlon, ADF&G SF, Fairbanks
Tim Pilon, ADEC, Fairbanks
Jenny March, ADNR, Fairbanks
Matt Sprau, USFWS, Fairbanks
AWT, Northern Detachment, Fairbanks
USACE, Alaska District

cmc/AB