



## FISH HABITAT PERMIT

**FH18-III-0147**

ISSUED: June 25, 2018  
EXPIRES: December 31, 2023

Paul Karczmarczyk  
Alaska Department of Transportation & Public Facilities  
2301 Peger Road  
Fairbanks, AK 99709

Dear Mr. Karczmarczyk:

RE: Material Removal  
Wulik River (Stream No. 331-00-10060)  
Section 3, T28N, R25W, KM, Noatak C-5  
Location coordinates (NAD83): 67.7750 N 164.4102 W

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Division of Habitat has reviewed your proposal to remove material from a gravel bar adjacent to the Wulik River at the referenced locations in support of construction of the Kivalina Evacuation Road. Initial information on your proposal was provided in your Fish Habitat permit application on May 17, 2018 with additional information received by email and telephone through June 24, 2018.

### **Project Description**

The Alaska Department of Transportation and Public Facilities (ADOT&PF) proposes to remove up to 240,000 cubic yards of well graded alluvial gravels from a gravel bar adjacent to the Wulik River. These materials will be suitable for use in the Kivalina evacuation roadway embankment and roadway surfacing. Note that this material site (Wulik River) will only be developed if sufficient quality and volume of materials are not available at the Wulik River Relic Channel material sites (FH18-III-0146) and/ or the upland K-Hill material sites. Additionally, use of the Wulik river site will be contingent on conducting additional consultation with the National Marine Fisheries Service (NMFS), ADF&G and the community of Kivalina to collaborate on development of a final site development, operation, and reclamation methodology that avoids and minimize potential impacts to anadromous and resident fishes.

The following methods are anticipated for development of the Wulik River Material Site:

- The material source would be initially developed along the west bank of the Wulik River when ground is frozen and water levels are relatively low.
- Excavation may occur below the water table. However, a minimum of 100-foot buffer would be maintained between the active river channel and the excavation area.
- Source development would require excavation of overburden that may be used for reclamation.
- Material would be extracted, hauled, and placed using conventional equipment, though blasting may be necessary if permafrost is encountered.

Material site development will likely begin during the winter months by developing spur roads to access the excavation area. However, excavation and development are likely to occur year round. Additional project details are presented in your application materials.

### **Anadromous Fish Act**

The Wulik River has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Chinook, chum, sockeye, pink and coho salmon are identified as using this portion of the Wulik River as well as Dolly Varden and anadromous whitefish. Pink salmon spawn and Dolly Varden overwinter near this project location. Resident fish species such as Arctic grayling are present in the project area year-round.

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

- 1) If blasting is required in or immediately adjacent to fish bearing waterbodies, the following guidelines shall be implemented to the extent practicable: 1) limit the charge size and detonation velocity to the minimum required and separate sequential detonations by a minimum of an 8 millisecond delay to reduce the shock wave intensity and blast radius; 2) place explosives to minimize impacts to fish habitat; 3) detonate a length of primer cord or a blasting cap 30-60 seconds before the main blast to scare fish out of the immediate area.
- 2) Prior to closure of the material sites, ADF&G Habitat shall be contacted and consulted to determine final design of the reclaimed and enhanced fish habitat. A fish escapement channel may be required to connect the pond to the Wulik River to prevent fish entrapment.

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 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 any 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 must be retained on site 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 Division of Habitat 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.

This permit decision 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 Audra Brase at 907-459-7282 or by email: [audra.braser@alaska.gov](mailto:audra.braser@alaska.gov).

Sincerely,

Sam Cotten, Commissioner



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

ecc: James Menard, ADF&G CF, Nome  
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