STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF FISH AND GAME

HABITAT AND RESTORATION DIVISION

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FISH HABITAT PERMIT FG 98-II-0526

ISSUED: August 21, 1998
EXPIRES: February 28, 2003

Cook Inlet Aquaculture Association
Attention: Mr. Thomas P. Walker
HC 2, Box 849
Soldotna, AK 99669-9707

DNR

Dear Mr. Walker:

Re: Weir Installation and Operation--Meadow Creek
Stream No. 247-50-10330-2050
Section 16, T. 17 N., R. 3 E., S.M.

Pursuant to AS 16.05.870(b), the Alaska Department of Fish and Game (ADF&G) has reviewed your proposal to seasonally install, maintain, and operate a temporary weir at the referenced location. The weir will be used to capture adult sockeye and coho salmon and collect their eggs. The site will be operated between July 15 and September 30.

During our July 22, 1998 telephone conversation, the ADF&G expressed concern about streambank conditions adjacent to the egg-take site. Over the past few years, foot traffic has trampled vegetation and weakened the natural bank. The resultant bank erosion has also widened the stream channel, which could be problematic for fish passage during low flow periods. We discussed restoration and preventative treatments that included the possible use of bio-log (coir log), bank rehabilitation and revegetation, and light penetrating boardwalks. The U.S. Fish and Wildlife Service administers a program called Partners in Wildlife that would cost-share such projects if approved by the ADF&G. You are urged to contact and initiate preliminary discussions with Mr. Tony DeGange at 786-3492. In the interim, we have enclosed some stream bank rehabilitation handouts for your review.

Meadow Creek has been specified as being important for the spawning, rearing or migration of anadromous fish pursuant to AS 16.05.870(a). It supports sockeye, pink, and coho spawning in the vicinity of the project site.

Your proposed project meets the requirements of the Alaska Coastal Management Program General Concurrence (GC) for temporary fish research and management facilities and is approved subject to the conditions of GC-6 (Enclosure) and in the stipulations contained herein.

In accordance with AS 16.05.870(d), project approval is hereby given subject to the following stipulations:

1. Devices used to capture adult salmon shall be maintained in a practical and effective manner to prevent unnecessary fish mortality.

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2. Any bank cuts, fills, or exposed earth attributable to the maintenance, operation, or removal of the weir shall be stabilized and revegetated to prevent sediment and erosion. Temporary measures may be employed to halt bank damage, erosion, or sedimentation prior to submitting plans for site restoration. The ADF&G, Habitat and Restoration Division shall be notified within 2 working days of any bank disturbance.

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

This letter constitutes a permit issued under the authority of AS 16.05.870. This permit must be retained on site during stream crossings. Please be advised that this approval does not relieve you of the responsibility for securing other permits: state, federal, or local.

Pursuant to 6 AAC 80.010 (b), the conditions of this permit are consistent with the Alaska and the Matanuska-Susitna Borough Coastal Management Programs.

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 were a direct result of the failure to comply with this permit or any applicable law.

The recipient of this permit (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.

Sincerely,

Robert G. Bosworth, Deputy Commissioner

By: Dennis G. Gnath
Habitat Biologist
Habitat and Restoration Division
(907) 267-2285