

FISH HABITAT PERMIT FG 02-I(k)-06

ISSUED: July 18, 2002
EXPIRES: August 7, 2002

Mr. Tom Waggoner
Ketchikan Public Utilities
2930 Tongass Avenue
Ketchikan, Alaska 99901

Dear Mr. Waggoner:

Re: Proposed Removal of 5-Foot Migration Barrier
Ketchikan Creek
Stream No. 101-47-10250
T. 75 S., R. 91 E., S.30, C.R.M.
State ID No. Ak9904-07JJ; Partial Mitigation

Pursuant to AS 16.05.840 and 16.05.870(b), the Alaska Department of Fish and Game (ADF&G) has reviewed your proposal to remove a 5ft. migration barrier located 1280 feet upstream from the hydroelectric tailrace at the referenced location. The barrier, located at the head of a narrow rock gorge, is caused primarily by a large log. Some large boulders are also being held behind the log. Passage beyond the barrier could open up about 1855 linear feet of stream with relatively good spawning and rearing habitat. The barrier will be removed by either helicopter, or through physical labor as described on page 6 of the application for this permit. KPU will monitor the fish passage during the peak adult salmon passage to measure success. This project is being accomplished in partial fulfillment of the mitigation required for the relicensing of the existing Ketchikan Lakes Hydroelectric Project.

Ketchikan Creek (ADF&G Stream No. 101-47-10250) has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a), as listed in the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes. Species that utilize Ketchikan Creek for one or more life phases throughout the year include king, coho, chum, and pink salmon, rainbow, steelhead and cutthroat trout, and Dolly Varden char. Spawning begins in the lower creek in late July, although fish may not reach the area of the tailrace until about August 7, and continues through September, with additional spawning

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occurring in the spring. Any instream activity near the project area between August 7 and July 18 could jeopardize egg to fry survival.

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

1. Inwater activities shall not occur between August 7 and July 18.

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. Therefore, it is recommended that the ADF&G 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 the permitted activity. 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 Standards of the Alaska Coastal Management Program and the Ketchikan Coastal District Program.

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 ADF&G 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 ADF&G, 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 ADF&G's negligence.

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

Thank you in advance for your cooperation. Please contact us if you have any questions.

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Sincerely,

Robert G. Bosworth, Deputy Commissioner

By: Jack Gustafson
Area Habitat Biologist
Habitat and Restoration Division

cc: Bill Hanson, ADF&G, Douglas
Moirra Ingle, ADF&G, Douglas
Clayton Hawkes, ADF&G, Douglas
Steve Hoffman, ADF&G, Ketchikan
Susan Round, KGB, Ketchikan
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