

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF HABITAT MANAGEMENT AND PERMITTING
JUNEAU AREA OFFICE

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FISH HABITAT PERMIT FH06-I-0042

ISSUED: June 30, 2006

Mr. Reuben Yost
Department of Transportation and Public Facilities
6860 Glacier Highway
PO Box 112506
Juneau, AK 99811-2506

RE: Lace River Bridge
Lace River (Stream #115-20-10200)
Sec. 19, T. 35 S., R. 63 E., C.R.M. (Juneau D-3)
58.815 N.; 134.985° W.

Dear Mr. Yost:

Pursuant to AS 41.14.870(b), the Alaska Department of Natural Resources (DNR) Office of Habitat Management and Permitting (OHMP) has reviewed your proposal to construct a permanent bridge across the Lace River as part of the Juneau Access Improvements Project. The 2,800-foot bridge will have 144-foot spans supported by 19 piers. Each pier consists of three 4-foot diameter steel piles placed in line with the river flow. Abutments and riprap armoring will be placed at least 50 feet back from the stream banks to minimize disturbance to the banks and to provide passage for wildlife.

The following measures will be implemented to minimize impacts to fishery resources and habitat:

- Work below ordinary high water (OHW) will be prohibited from March 15 to June 15 to protect out-migrating salmon and spawning eulachon.
- No fill will be placed below ordinary high water.
- Equipment will not be operated below ordinary high water except on exposed bars during low-flow periods or during winter.
- Pile driving will be done with a vibratory hammer to the extent practicable.

Anadromous Fish Act and Coastal Consistency Requirements

Lace River (Stream #115-20-10200) has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 41.14.870(a). Coho, sockeye, chum, and pink salmon, as well as Dolly Varden char migrate through the area to spawn in the Lace and Berners rivers, and Johnson Creek from mid-July through November. Cutthroat trout migrate upstream to Berners River earlier in the year during April and May. Salmon fry and smolts migrate out to sea

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mid-March through mid-June. Eulachon enter the Lace River to spawn mid-April to mid-May. Eggs hatch after about 4 weeks and the larvae are quickly washed downriver to sea. Your project was found consistent with the Standards of the Alaska Coastal Management Program (ACMP) under State I.D. number AK 0603-07J.

In accordance with AS 41.14.870(d) and 11 AAC 110, your project is approved according to the project description and the terms of this permit.

The integrity of the bridge must be maintained for the life of the structure in accordance with the terms and conditions of this permit so that free passage of fish downstream is assured. Any obstruction to the free passage of fish must be restored to the satisfaction of OHMP.

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 OHMP 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 OHMP. Therefore, it is recommended you consult OHMP immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 41.14.870. This permit must be retained on site during construction. Please be advised that this determination applies only to activities regulated by OHMP; other divisions with ADNR 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 department reserves the right to require mitigation measures to correct disruption to fish created by the project which was a direct result of failure to comply with this permit or any applicable law.

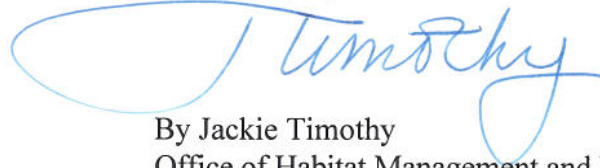
You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, 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.

If you have any questions, please contact Carl Schrader at (907) 465-4287 or email carl_schrader@dnr.state.ak.us.

Sincerely,

Edmund J. Fogels,
Acting Deputy Commissioner



By Jackie Timothy
Office of Habitat Management and Permitting
Department of Natural Resources

Email cc:

Al Ott, OHMP, Fairbanks
Carl Schrader, OHMP, Juneau
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Brian Glynn, ADF&G-SF, Douglas
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