



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

HABITAT Section
Southcentral Region Office

514 Funny River Road
Soldotna, Alaska 99669-8255
Main: 907.714.2475
Fax: 907.260.5992

FISH HABITAT PERMIT FH20-V-0186

ISSUED: October 1, 2020
EXPIRES: December 31, 2021

Alaska Railroad Corporation
Brian O'Dowd
327 W. Ship Creek Ave.
Anchorage, AK 99501

RE: Bank Stabilization
Upper Placer River – Above Anadromous Reach
Section 23, T 7N, R 2E, S.M.
Location: 60.6838° N, 149.0483° W

Dear Mr. O'Dowd:

Pursuant to the fishway act at AS 16.05.841, the Alaska Department of Fish and Game (ADF&G), Habitat Section, has reviewed your proposal to conduct rockfall mitigation on the slope above the Placer River at the referenced location.

Project Description

Critical line stabilization activities, including excavating and blasting rock from a cliff face and reconstructing a retaining wall, will occur on the Alaska Railroad track at the referenced location. The line stabilization effort is critically needed, as the slope in this location has become unstable and threatens to slough away towards the Placer River. A significant slough could completely block the track at this location and constrict the river channel below. Displaced rock and excavated material attributable to this project is expected to be collected in the existing railroad ditch and railbed above ordinary high water.

Fishway Act

The Placer River (AWC No. 247-60-10200) downstream of the project location has been documented as providing migration habitat for coho salmon. The Placer River at the project location

may support species of resident fish. Your project as proposed has the potential to obstruct the efficient passage and movement of fish.

In accordance with AS 16.05.841, project approval is hereby given subject to the project description, the following stipulations, and the permit terms:

1. Any displaced rock attributable to this project shall be removed from the stream channel. You must restore any obstruction to free fish passage to the satisfaction of ADF&G.

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 Habitat Section regulated activities; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other state, federal, or local permits. 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 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 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 a Habitat Section responsibility. Therefore, it is recommended you consult the Habitat Section immediately when a 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 project site. You shall furnish whatever assistance and information as 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 Brian Blossom at (907) 714-2481 or e-mail at brian.blossom@alaska.gov.

Sincerely,

Doug Vincent-Lang
Commissioner

Brian Blossom

By: Brian Blossom
Kenai Peninsula Area Manager
Habitat Section

cc: KRC File

By email only:

AWT Seward
ADF&G Anchorage