



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Fish and Game

DIVISION OF HABITAT
Fairbanks Regional Office

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FISH HABITAT PERMIT FH12-III-0246

ISSUED: October 5, 2012
EXPIRES: April 30, 2015

Mr. Steven M. Selvaggio, President
Whitestone Community Association
P.O. Box 1630
Delta Junction, AK 99737

Dear Mr. Selvaggio:

RE: Vehicle and Equipment Stream Crossing
Delta River (Stream No.334-40-11000-2490)
Sections 7, 8, 17, & 18, T9S R10E, FM; Big Delta A-4 Quad

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Division of Habitat, has reviewed your proposal to construct, maintain, and use a low water crossing of the Delta River near Big Delta. Whitestone Community Association (WCA) and ADF&G staffs reviewed the proposed route on site on March 23, 2012 and October 2, 2012.

Project Description

WCA proposes to establish and use a low water crossing (LWC) across the Delta River at an established winter crossing location. The purpose is to provide safe and efficient transportation of goods and people between the highway system on the east side of the Delta River and the Whitestone Community on the west side at times when it is not practicable to use the existing boat transportation system for such movements. The crossing route is known locally by several names including the Alaska Division of Forestry Delta Creek Road, the ADF&G Rainbow Lake Trail, and the Whitestone Winter Road, and will be along the routes of two public easements (Alaska Department of Natural Resources (ADNR) right-of-way ADL 416534 and ADF&G access easement ADL 415270). The proposed LWC will not interfere with these existing uses. Although primarily a winter crossing, the LWC will also be used by WCA at times during the "shoulder" periods between decreasing fall flows and freeze-up and between winter and break-up. WCA will travel the crossing primarily with highway passenger vehicles, but will also use all-terrain vehicles, tracked utility vehicles, fuel trucks, and other vehicles over 10,000 pounds dry weight to haul supplies and people when required. Occasionally, tracked heavy equipment such as an excavator or bulldozer will need to make a round trip during the shoulder seasons.

The LWC crosses multiple braided channels of the Delta River within the braidplain on the east half of the floodplain, as well as several smaller high water and summer channels that pass through the west half of the floodplain which is now largely higher than ordinary high water (OHW) of the Delta River. In general, WCA will use natural ice, clean snow ramps, and the natural stream bed to cross the Delta River. Some ice aggregate will be developed where there is sufficient ice thickness, and minimal pumping of water will be used to solidify ramps and channel crossings when necessary. If pumping is required, a 1.5-inch pump with capacity of less than 100 gallons per minute will be used.

Several minor modifications to the bed and banks of the Delta River braidplain will be made by WCA when necessary to facilitate crossing safety: (1) logs will be placed parallel to current flow in low spots to keep vehicles out of open water and to accommodate overflow; (2) minor grading of the dry stream bed will be done to facilitate vehicle passage; (3) woody debris obstructing or compromising the driven path will be moved intact to the downstream side of the crossing or used under item one above; and (4) steep banks at the west side of the west main channel and east side of the east main channel may be partially pulled back to facilitate ice and snow ramp development and use. At times when overflow ices channel crossings, a loader will be used to remove the ice up to 100 feet in either direction from the crossing.

The exact route for crossings will be the shortest practicable route between accessible locations. The reference line for the crossings is between existing road segments above OHW on either side of the braidplain (see Figure 1). The winter crossing will occur within a corridor extending up to 200 feet downstream or 300 feet upstream of the reference line. The shoulder season crossing route is typically farther from the reference line to make use of shallow riffle areas and gently sloping banks. Shoulder season crossings will occur within a corridor extending up to 200 feet downstream or 2,000 feet upstream of the reference line. Actual routes will be at or upstream of the reference line consistent with safety and practicability.

Anadromous Fish Act

The Delta River, and associated side and highwater channels, has been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Coho salmon and chum salmon, as well as resident fish species including Arctic grayling, use this portion of the water body. A major fall chum salmon spawning area in the lower Delta River begins approximately 500 feet downstream of the proposed crossing location. Most of that spawning area lies within the Delta River Fall Chum Spawning Area managed by ADF&G under an interagency land use agreement (ILMA) with the ADNR. Arctic grayling migrate upstream though the crossing area at breakup to reach spawning grounds in the Jarvis Creek basin.

In accordance with AS 16.05.871(d), project approval is hereby given subject to your proposed scope of work as described above, and the following stipulations:

- 1) Stream crossings must be made from bank to bank directly between the upland portions of the existing crossing. No travel upstream or downstream of the appropriate seasonal corridors is permitted.

- 2) Water pump intakes shall be centered and enclosed in a screened box or similar device designed to prevent the intake, impingement, or entrapment of fish, with an effective screen opening not exceeding ¼ inch. To reduce fish impingement on screened surfaces, water velocity at the screen/water interface may not exceed 0.5 feet per second when the pump is operating.
- 3) Only clean logs may be placed parallel to stream flow in main channels and in overflow areas to minimize vehicles operating in water. No slab wood, cants, or lumber is permitted. To the extent feasible, remove logs from within OHW prior to or at the beginning of break-up.
- 4) Steep bank cutting and pull-back shall be minimized to that necessary to install the crossing. Snow and ice ramps to connect the winter road and frozen driving surfaces must be substantially free of debris. To the extent feasible, gravel or soil graded onto the surface of the ramps shall be pulled back to above OHW prior to or at the beginning of break-up.
- 5) Ice or snow bridges and approach ramps constructed at other than main channels must be removed or breached before spring breakup if their surface elevation is higher than that of either adjacent bank.
- 6) The low water crossing shall be used and maintained in a manner that does not obstruct the free passage of fish. Any obstruction to the free passage of fish (such as debris accumulations, ruts, or berms) shall be restored to the satisfaction of the Division of Habitat.

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 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 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 department

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.

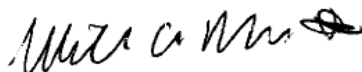
You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, 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 Habitat Biologist Jim Durst at 907-459-7254 or emailed to james.durst@alaska.gov.

Sincerely,

Cora Campbell, Commissioner



BY: William A. Morris, Regional Supervisor
Division of Habitat
Alaska Department of Fish and Game

ecc: Tim Pilon, ADEC, Fairbanks
Bonnie Borba, ADF&G CF, Fairbanks
Al Ott, ADF&G HAB, Fairbanks
Brandy Baker, ADF&G SF, Delta Junction
Audra Brase, ADF&G SF, Fairbanks
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WAM/jdd

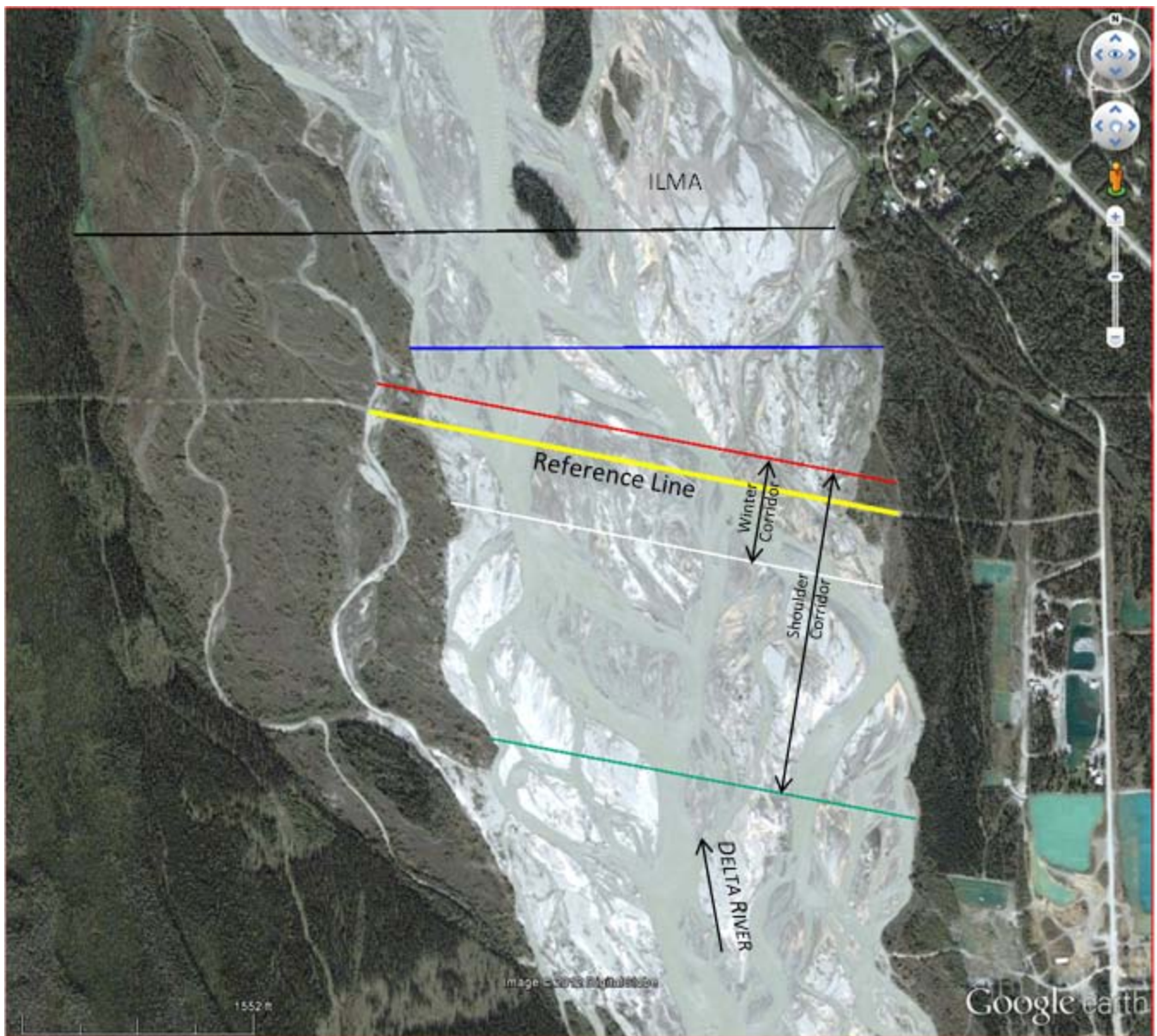


Figure 1: Aerial image of Whitestone Community Association vehicle and equipment crossing locations of the Delta River. Yellow is reference line for the crossings between existing road segments above OHW on either side of the braidplain. Red is maximum downstream extent of crossing corridors, white is maximum upstream extent of winter crossing corridor, and green is maximum upstream extent of shoulder season crossing corridor. Blue is upstream extent of documented viable spawning area, and black is upstream boundary of ADF&G Delta River Fall Chum Spawning Area ILMA.