



## FISH HABITAT PERMIT FH18-I-0109 and 0110

ISSUED: [Select Issue Date](#)

Douglas Leen  
PO Box 341  
Petersburg, AK 99833

**RE: Micro Hydroelectric Project**  
Uncataloged Stream  
South Fork of the Uncataloged Stream  
Section 32, T 58S, R 79E, CRM (Petersburg D3)  
Location: 56.8015 N, 132.9974 W  
Location: 56.8016 N, 132.9976 W

Dear Mr. Leen:

Pursuant to AS 16.05.841 (Fishway Act), the Alaska Department of Fish and Game (ADF&G) Division of Habitat has reviewed your proposal to construct a micro hydroelectric project.

### Project Description

You will install perforated<sup>1</sup> inclined plate intakes in the streambed of the south and north stream forks about 50 feet up from the confluence to withdraw water for a micro hydroelectric generator. You will use wood and native rock to direct flow over the intakes without creating an upstream juvenile fish passage barrier.<sup>2</sup> You will ensure flow is present at the confluence of the north and south forks to provide year-round fish passage in the bypass reach. You will return water to the stream about 580 feet downstream near the high tide line.

### Fishway Act and Anadromous Fish Act

This uncataloged stream supports resident cutthroat trout and Dolly Varden char and anadromous coho salmon. I submitted a nomination for inclusion in the Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes in June, 2018. The bypass reach provides only rearing and migration habitat for anadromous fish.

<sup>1</sup> Holes will be 1/8 inches or less.

<sup>2</sup> No greater than 6 inches.

In accordance with AS 16.05.841, project approval is hereby given subject to the project description above and the terms of this permit. When the stream is listed in the Catalog of Waters Important for the Spawning, Migration, or Rearing of Anadromous Fishes, the provisions of AS 16.05.871 will also apply to this project.

You must maintain the integrity of the structure in accordance with the terms of this permit so that free passage of fish is assured. You must restore any obstruction to the free passage of fish to the satisfaction of ADF&G.

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 any 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 16.05.841 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 Division of Habitat 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.

Any questions about this permit may be directed to Habitat Biologist Greg Albrecht at (907) 465-6384 or emailed to [greg.albrecht@alaska.gov](mailto:greg.albrecht@alaska.gov).

Sincerely,  
Sam Cotten  
Commissioner

By Jackie Timothy  
Southeast Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks  
ADF&G Habitat Staff, Douglas  
Patrick Fowler, ADF&G SF, Petersburg  
Kevin Keith, ADF&G SF, Anchorage  
Troy Thynes, ADF&G CF, Petersburg  
Carl Reese, ADNR MLW, Juneau  
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