



ALASKA DEPARTMENT OF NATURAL RESOURCES

Division of Mining, Land, and Water

Water Resources Section

PO Box 111020, Juneau, AK 99811-1020

TEMPORARY WATER USE AUTHORIZATION

TWUA J2021-07

Pursuant to AS 46.15, as amended and the rules and regulations promulgated thereunder, permission is hereby granted to **Colaska/Secon (authorization holder), PO Box 32159, Juneau, Alaska 99803, and its contractors, to withdraw up to 30,000 gallons of water per day (for a seasonal maximum of 500,000 gallons of water) from each of four surface water sources (see Sources of Water below) for dust control during construction activities associated with the Gustavus Airport Rehab Project.**

SOURCES OF WATER:

City of Gustavus Gravel Pit Pond located within the Southeast one-quarter (SE $\frac{1}{4}$) of Section 31, Township 39 South, Range 59 East, Copper River Meridian.

Good River located within the Northwest one-quarter (NW $\frac{1}{4}$) of Section 13, Township 40 South, Range 58 East, Copper River Meridian.

Rink Creek located within the Northwest one-quarter (NW $\frac{1}{4}$) of Section 3, Township 40 South, Range 59 East, Copper River Meridian.

Spruce Lane (unnamed tributary to Good River) located within the Northeast one-quarter (NE $\frac{1}{4}$) of Section 12, Township 40 South, Range 58 East, Copper River Meridian.

STRUCTURES TO BE CONSTRUCTED AND USED:

Pump(s) with 1,500 gpm maximum pump rate, pipe/hose, 3,500 gallon tanker truck(s), and other water withdrawal and distribution infrastructure and equipment.

Changes in the natural state of water are to be made as stated herein and for the purposes indicated.

The authorization holder shall comply with the following conditions:

CONDITIONS:

1. This authorization does not authorize the authorization holder to enter upon any lands until proper rights-of-way, easements or permission documents from the appropriate landowner have been obtained.
2. Follow acceptable engineering standards in exercising the privilege granted herein.
3. Comply with all applicable laws, and any rules and/or regulations issued thereunder.

4. Except for claims or losses arising from negligence of the State, defend and indemnify the State, the State's agents and the State's employees against and hold each of them harmless from any and all claims, demands, suits, loss, liability and expense, including attorney fees, for injury to or death of persons and damages to or loss of property arising out of or connected with the exercise of the privileges covered by this authorization.
5. Notify the Water Resources Section upon change of address.
6. The authorization holder is responsible for obtaining and complying with other permits/approvals (state, federal, or local) that may be required prior to beginning activities pursuant to this authorization including, but not limited to, Fish Habitat Permit(s) from the Alaska Department of Fish and Game (ADF&G), Habitat Division and any necessary permit(s) from the Alaska Department of Environmental Conservation (ADEC).
7. The authorization holder shall allow an authorized representative of the Water Resources Section to inspect at reasonable times any facilities, equipment, practices, or operators regulated or required under this authorization.
8. Failure to respond to a request for additional information during the term of the authorization may result in the termination of this authorization.
9. This authorization, or a copy thereof, shall be kept at the site of the authorized project described herein. The authorization holder is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project and shall ensure that workers are familiar with the requirements and conditions of this authorization. For any activity that significantly deviates from the approved project during its siting, construction or operation, the authorization holder is required to contact the Water Resources Section and obtain approval before beginning the activity.
10. The Water Resources Section may modify this authorization to include different limitations, expand monitoring requirements, evaluate impacts, or require restoration at the site.
11. Any false statements or representations in any application, record, report, plan, or other document filed or required to be maintained under this authorization may result in the termination of this authorization.
12. Pursuant to 11 AAC 93.220(f), this authorization may be suspended or terminated by the Department of Natural Resources to protect the water rights of other persons or the public interest.
13. Adequate flow and water levels, as determined by the ADF&G, Habitat Division, must remain to support indigenous aquatic life and provide for the efficient passage and movement of fish.
14. Any water intake structure in fish bearing waters (including a screened enclosure, well-point, sump or infiltration gallery) must be designed, operated and maintained to prevent fish entrapment, entrainment or injury, unless specifically exempted by the Alaska Department of Fish and Game, Habitat Division.
15. Water intake structures in fish bearing waters **including City of Gustavus Gravel Pit Pond; Rink Creek; Good River; and Unnamed Tributary to Good River (Spruce Lane)**, must be enclosed and centered within a screened box with a maximum screen-mesh size of 1/8 inch or as may be amended by ADF&G, Habitat. To reduce fish impingement at the screen/water interface, water velocity may not exceed that determined by the ADF&G, Habitat, when the pump is operating.

16. Authorization holder shall inspect the intake screen for damage (torn screen, crushed screen, screen separated from intake ends, etc.) after each use and prior to each deployment. Any damage observed must be repaired prior to use of the structure. The structure must always conform to the original design specifications while in use.
17. The suction hose at the water extraction site and all equipment used at or adjacent to water bodies must be clean and free from contamination and invasive species (terrestrial and aquatic) at all times to prevent introduction of contamination and invasive species to the water body, and should be in water of sufficient depth so that sediments are not disturbed during the water extraction process.
18. In-water activity for water withdrawal will be limited to placement and removal of the withdrawal structure(s) and intake structure(s) only. No other in-water activities for water withdrawal will occur.
19. Except as described in the application materials: if banks, shores or beds are inadvertently disturbed, excavated, compacted or filled by activities attributable to this project, they shall be immediately stabilized to prevent erosion and resultant sedimentation of water body which could occur both during and after operations. Any disturbed areas shall be re-contoured and re-vegetated. The Water Resources Section is to be notified immediately if the above occurs. Additional corrective action may be required by ADNIR and the land manager/owner.
20. Adequate water level in ponds and lakes must remain to support indigenous aquatic life. Authorization holder shall cease any further water withdrawal from an authorized pond or lake, for the remainder of an authorized season or year, when twenty-percent (20%) of calculated (using a simple cone calculation method) pond or lake water volume is withdrawn.
21. Operations shall not cause or contribute to the spread of preexisting or authorization holder caused contaminate plumes. Operations shall be conducted in such a way as to prevent any petroleum products or other hazardous substances from contaminating surface or ground water. Pumps and equipment will not be fueled or serviced within 100 feet of a pond, lake, stream, or river unless they are situated within a catch basin designed to contain any spills. Vehicles will not be fueled or serviced within 100 feet of a pond, lake, stream, or river. Equipment shall not be stored or serviced within 100 feet of a pond, lake, stream, or river. In case of accidental spills, absorbent pads shall be readily available at the water collection point. All spills must be reported to the Alaska Department of Environmental Conservation (ADEC) and the Alaska Department of Natural Resources. Authorization holder shall cooperate with lawful prohibitions, restrictions, instructions, or work plan requirements issued by ADEC for authorization holder's projects.
22. Water discharge (including runoff) shall not be discharged at a rate or location resulting in sedimentation, erosion, or other disruptions to the bed or banks of water bodies, causing water quality degradation.
23. Issuance of this authorization does not give the authorization holder the right to block or dam a water course.
24. The placement of equipment shall not unnecessarily hinder public access.
25. The water use area is near one or more ADEC active registered Public Water System (PWS) sources. Under 18 AAC 80.015 activities related to this project must not cause pollution or contamination to enter a public water system or create or maintain a condition that has significant potential to cause or allow the pollution or contamination of a public water system. Activities related to this project must adhere to "*Recommendations for General Project Activities*" where applicable.

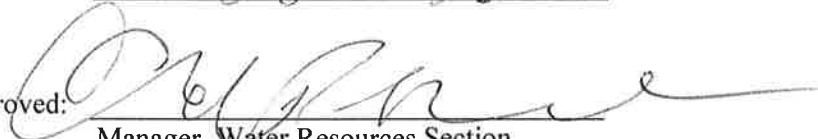
26. Per 11 AAC 05.260(e) , an annual administrative service fee shall be assessed on this authorization.
27. **Any water source that has been found to contain detectable levels of Per- and Polyfluoroalkyl Substances (PFAS) is not authorized for water withdrawal and use including, but not limited to, the dug pit water source located immediately west of the Gustavus Airport runway prism.**
28. **Any water source authorized for withdrawal and/or use under this Temporary Water Use Authorization that has been found to contain detectable levels of Per- and Polyfluoroalkyl Substances (PFAS) at any time after the date of issuance of this Temporary Water Use Authorization is immediately suspended from any further water withdrawal and/or use until a determination can be made by the Department of Natural Resources in conjunction with any other jurisdictional State of Alaska Department.**

This Temporary Water Use Authorization is issued pursuant to 11 AAC 93.220. No water right or priority is established by a temporary water use authorization issued pursuant to 11 AAC 93.220. Water so used is subject to appropriation by others (11 AAC 93.210 (b)).

Pursuant to 11 AAC 93.210 (b), authorized temporary water use is subject to amendment, modification or revocation by the Department of Natural Resources if the Department of Natural Resources determines that amendment, modification or revocation is necessary to supply water to lawful appropriators of record or to protect the public interest.

This authorization shall expire on April 30, 2023.

Date issued: 4-22-2021

Approved: 
Manager, Water Resources Section
ADNR/DMLW

ALASKA DEPARTMENT OF NATURAL RESOURCES
Water Resources Section

TO: Carl Reese

DATE: March 22, 2021

FROM: Clint Gundelfinger

FILE NUMBER: TWUA J2021-07

The subject Temporary Water Use Authorization case file has been reviewed for accuracy and conformance with statutes and regulations. The following comments, recommendations, or corrections are presented.

Project Description: The project consists of rehabilitation construction work at the Gustavus Airport.

Water Use Description: The proposed water use is beneficial. The requested water use is to provide water for dust control during construction associated with the Gustavus Airport Rehab Project and is limited to 30,000 gpd (500,000 gallons seasonal maximum) each from the City of Gustavus Gravel Pit Pond, Good River, Rink Creek, and an Unnamed Tributary to Good River (Spruce Lane).

Check for duplicate water use authorization: None.

Agency Notice: Dated March 19, 2021.
Amended Agency Notice Dated March 20, 2021.
Deadline for response was 5:00 P.M., March 21, 2021.

Department of Fish and Game: In an email dated April 19, 2021, Kate Kanouse (ADFG, Habitat) commented that ADFG will issue SECON four fish habitat permits for screened water intakes at these locations later this week. Based on the withdrawal rate, intake diameter, and fish species and habitat types at withdrawal sites, a 2 ft x 2 ft x 2 ft box screened enclosure wrapped with 1/8 mesh is needed to prevent entrainment and impingement of fish. One side of the screened enclosure may be solid, preferably the side which includes the intake hose, or it can rest on the streambed.

In an email dated April 20, 2021, Kate Kanouse further commented that given the urgent need for water, ADFG approves withdrawing water from the sites mentioned (in the first email above), and Spruce Lane, using the specifications sent (first email above). The water use must not impede fish passage, smaller streams may have little water flow. To be followed up with written permits later this week.

Department of Environmental Conservation: In an email dated April 20, 2021, Kalah Statz (ADEC, Drinking Water Program) commented that this TWUA is near an active registered Public Water System (PWS) source and requested that the applicant adhere to "*Recommendations for General Project Activities*" where applicable and to ensure that the applicant is in compliance with 18 AAC 80.015.

In an email dated April 20, 2021, Bill O'Connell (ADEC, Contaminated Sites Program) commented that the first location (dug pit immediately west of airport runway prism) contains PFAS and it is ADEC's understanding that this location is the least preferred option. The City Gravel Pit (City of Gustavus Gravel Pit Pond) has been sampled and does not contain PFAS and Rink Creek and Good River are far enough away from the areas of concern that sampling is not warranted.

In an email dated April 21, 2021, Bill O'Connell further commented that ADEC has no objection to the addition of Spruce Lane (Unnamed Tributary to Good River) as a water source.

City of Gustavus: In an email dated April 20, 2021 Tom Williams (City of Gustavus Administrator) requested ADFG permits for the three sites with fish (Good River, Rink Creek, Spruce Lane Unnamed Tributary to Good River) including screened intakes, and also requested a screened intake be used at the City of Gustavus Gravel Pit Pond also.

In an email dated April 20, 2021, Mike Taylor (City of Gustavus City Council Member and Road Maintenance Team) further clarified Mr. Williams request.

In a later email dated April 20, 2021, Mike Taylor expressed (in response to being provided information about ADFG issuing Fish Habitat permits with screening requirements) confidence that the resource protection needs are being properly addressed by ADNR and ADF&G regarding the water withdrawal from these sites for the airport project.

Effect On Fish and Game:

No effect on fish and game is anticipated. ADFG, Habitat was given notice and commented that Fish Habitat Permits would be issued for the fish bearing surface water sources (Good River, Rink Creek, and the Spruce Lane Unnamed Tributary to Good River) and included intake and screen size recommendations (see ADFG comments above in Agency Notice section). The City of Gustavus was given notice and commented regarding the protection of fish and further commented positively regarding the protections that would be required by ADFG and ADNR (see City of Gustavus comments above in Agency Notice section). Any issued temporary water use authorization will contain conditions designed to minimize near-term, long-term and cumulative impacts to water resources for the protection of fish including a condition that specifically requires obtaining and complying with fish habitat permit(s) from the ADFG if any are required.

Therefore, it is unlikely that issuing an authorization for the subject TWUA J2021-07 application will negatively affect fish and game.

Coastal Issues:

The requested sources and the proposed Gustavus Airport construction area is within coastal zone areas but is not within any tidally influenced areas nor will there be any negative impacts to the coastal environment from the proposed temporary water withdrawal(s).

Appropriators of Record & Water Availability:

A search in the Department's database for case category 8 (Water) for the City of Gustavus Gravel Pit Pond within C39S59E31, Good River within C40S58E13, Rink Creek within C40S59E03, and Unnamed Tributary to Good River (Spruce Lane) within C40S58E12, shows one surface water right holder of record and no active temporary water use authorizations currently issued (see TWUA J2021-07 Case Information by MTRS document). No adjudication of the dug pit source immediately west of the airport runway prism was performed as this source will not be authorized for water withdrawal or use (see Contaminated/Hazardous Sites section below). The subject requested water withdrawal is limited to 30,000 gallons per day (for a seasonal maximum of 500,000 gallons) from each source. Any potential impacts to the stream channel sources, the pond source, and to any prior appropriators is de minimis (see TWUA J2021-07 Water Resource Availability document).

Therefore, it is unlikely that issuing an authorization for the subject TWUA J2021-07 application will unreasonably affect any prior appropriators.

No water right or priority is established by a temporary water use authorization issued pursuant to 11 AAC 93.220. Water so used is

Review and Determination

TWUA J2021-07

Page 2 of 4

subject to appropriation by others (11 AAC 93.210 (b)). The Department may suspend operations authorized under this authorization whenever such suspension shall in its judgment be necessary to protect the public interest or that of a prior appropriator.

Proposed Means of Construction:

Adequate. Pump(s) with 1,500 gpm maximum pump rate, pipe/hose, 3,500 gallon tanker truck(s), tank(s), and other water withdrawal and distribution infrastructure and equipment will be used to withdraw and distribute water.

Effect Upon Access to Navigable Or Public Water:

No foreseen effects upon access to navigable water ways or public water.

Contaminated/Hazardous Sites:

An examination of the Alaska Department of Environmental Conservation Contaminated Sites Database revealed one contaminated site within one mile of the Unnamed Tributary to Good River (Spruce Lane) surface water source (ADEC File No. 1507.38.019) and two contaminated sites within one mile of the dug pit source immediately west of the airport runway prism (ADEC File Nos. 1507.38.014 and 1507.38.017) which includes the Gustavus Airport Sitewide PFAS contamination. ADEC Contaminated Sites Program was given notice on April 19, 2021 and April 20, 2021 and commented that the first location (dug pit immediately west of airport runway prism) contains PFAS and it is ADEC's understanding that this location is the least preferred option. The City Gravel Pit (City of Gustavus Gravel Pit Pond) has been sampled and does not contain PFAS and Rink Creek and Good River are far enough away from the areas of concern that sampling is not warranted and that ADEC has no objection to the addition of Spruce Lane (Unnamed Tributary to Good River) as a water source. Prior to the issuance of the Agency Notice there had been an ongoing discussion between ADEC, Contaminated Sites Program, ADNR, Water Resources Section, and ADOT&PF (entity whom has management authority over the Gustavus Airport) regarding the airport site area PFAS concerns. Based upon this discussion, the available ADEC, Contaminated Sites Program file report for the PFAS contamination, and comments from ADEC, Contaminated Sites Program, which state that PFAS has been detected at the dug pit source immediately west of the airport runway prism, the dug pit source immediately west of the airport runway prism IS NOT AUTHORIZED FOR WATER WITHDRAWAL AND USE. A condition to this effect will be included in any issued Temporary Water Use Authorization. Furthermore, an additional condition will be included in any issued Temporary Water Use Authorization that requires that if any source that has been authorized for water withdrawal and use is found to contain detectable levels of PFAS then any water withdrawal or use from said water source will be immediately suspended until a determination can be made by ADNR in conjunction with any other jurisdictional State of Alaska Department.

Therefore, there should be no concern with the noted contaminated sites regarding the subject TWUA water sources.

It is interpreted that the proposed use of water is in the public interest. This file contains no evidence of a likelihood of harm to the public interest. Furthermore, it is inferred that the applicant has the intent and ability to complete the project.

Application for Temporary Use of Water to Temporary Water Use Authorization

NECESSARY ACTIONS:

Concurrence : _____ Other : _____



Signature
Manager, Water Resources Section
ADNR/DMLW

41-22-2021
Date

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of issuance of this decision, as defined in 11 AAC 02.040(c) and (d), and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; faxed to 907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to superior court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources. Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a) and (b).



June 11, 2020

Recommendations for general project activities associated with, or near, a public water system source

The following recommendations are intended to address potential impacts of projects, to be permitted or otherwise, in which planned activities are associated with, or near, a public water system (PWS) source (e.g. spring, well, and/or surface water intake). The key aspects of these recommendations are to identify nearby PWS sources, establish appropriate points of contact for the applicant and PWS, and implement best management practices.

Authority:

18 AAC 80.015. Well protection, source water protection, and well decommissioning.

- a) A person may not
 - (1) cause pollution or contamination to enter a public water system; or
 - (2) create or maintain a condition that has a significant potential to cause or allow the pollution or contamination of a public water system.

Recommendations:

- 1) Identify on a legible map if any part of the project is within a Drinking Water Protection Area (DWPA) for a PWS source. DWPAs can be found using the interactive web map application, "Alaska DEC Drinking Water Protection Areas", located at <http://dec.alaska.gov/das/GIS/apps.htm>. Basic instructions for using this web map can be found at <http://dec.alaska.gov/media/14954/dwp-dec-dw-public-web-map-instructions.pdf>. If you experience problems accessing the map, please contact the Drinking Water Source Protection group at (907) 269-7549, or chris.miller@alaska.gov.
- 2) Where the project/permit intersects a DWPA, notify the associated PWS contact and provide the following:
 - a) A brief description of the project location and associated activities; and
 - b) Project contact information.

PWS contact information can be obtained using the hyperlink from within the DWPA pop-up information in the web map, or directly by using the online application called "Drinking Water Watch", found at <http://dec.alaska.gov/DWW/>.

- 3) Within the identified DWPA, control stormwater and wastewater discharge such that it is directed away from the PWS.

Recommendations for general project activities associated with, or near, a public water system source (continued)

- 4) Within the identified DWPA, restrict project/permit activities that could significantly and/or permanently change the natural surface water or groundwater levels of the water sources immediately contributing to the PWS.
- 5) Within the identified DWPA, implement voluntary best management practices suited to your project where equipment storage, maintenance and operation, or other potential sources of contamination are located to minimize the potential for PWS source contamination.
- 6) Restrict or limit equipment storage, maintenance and operation, and other potential sources of contamination, within the following high-priority DWPA Zones:
 - a) Zone A DWPA (several-months-time-of-travel for contributing groundwater, or 1,000-foot buffer of the contributing surface water body and its immediate tributaries);
 - b) Zone E DWPA (1,000-foot buffer of the contributing surface water body and its immediate tributaries for a source using groundwater under the direct influence of surface water (GWUDISW)); or
 - c) Provisional DWPA (1,000-foot radius around a PWS source).
- 7) All non-proprietary data related to the project/permit, including but not limited to, water quality results (field and lab), survey data, water levels, subsurface lithologic descriptions and depth, and groundwater flow direction and gradient information, should be made available to the permitting agency upon request.
 - a) When associated with the development, construction, modification, or operation of a PWS, follow the requirements in DEC Drinking Water regulations 18 AAC 80, <http://dec.alaska.gov/eh/dw/regulations>.
- 8) Keep a list of PWS contacts and agency spill reporting contacts readily available.
 - a) Immediately notify contacts of any potential contamination event, such as spills or excess erosion.

Sincerely,

Charley Palmer, *Hydrologist III*
DEC Drinking Water Source Protection
E: charley.palmer@alaska.gov

Alternate contacts:

Chris Miller, Environmental Program Specialist IV, chris.miller@alaska.gov
Kalah Statz, Environmental Program Specialist II, kalah.statz@alaska.gov