

(f) Notwithstanding subsection (e), the Department may authorize a mixing zone in a spawning area of a lake, stream, river or other flowing fresh water if, after consultation with the Department of Natural Resources, Office of Habitat Management and Permitting, or the Department of Fish and Game if within a legislatively designated special area under AS 16.20, the department finds that the applicant has

(1) demonstrated that spawning fish, fish eggs, or alevins are not physically present within the mixing zone when the discharge will occur and the discharge will not adversely affect the capability of the area to support future spawning, incubation, and rearing activities;

(2) demonstrated the discharge does not contain pollutants that will adversely affect the capability of the area to support present and future spawning, incubation, and rearing;

(3) submitted a mitigation plan approved by the Department of Fish and Game under 5 AAC 95.900 if within a legislatively designated special area under AS 16.20; or

(4) submitted a mitigation plan approved by the Department of Natural Resources, Office of Habitat Management and Permitting, and incorporated as part of the Department of Environmental Conservation permit, that includes one or more of the following mitigation actions:

(A) avoid the impact altogether by not taking a certain action or parts of an action;

(B) minimize the impact by limiting the degree or magnitude of the action and its implementation;

(C) rectify the impact by repairing, rehabilitating, or restoring the impacted environment;

(D) reduce or eliminate the impact over time by preservation and maintenance operations during the life of the proposed use or activity;

(E) compensate for the impact by replacing or providing substitute resources or environments.