



FISH HABITAT PERMIT

FH22-III-0124

ISSUED: May 24, 2022
EXPIRES: December 31, 2026

Graphite One (Alaska)
Attn: Ed Fogels
600-777 Hornby St.
Vancouver, BC Can. V6Z 1S4

RE: Road Corridor Geotechnical Boring
Nome River (Stream No. 333-10-11250)
Buffalo and Hudson Creeks
Sinuk River (Stream No. 333-10-10700)
Windy Creek (Stream No. 333-10-10700-2115)
Cobblestone River (Stream No. 332-00-10270)
Unnamed Tributaries
Sec 6-7, 14-18, 21-24, T7S, R33W, Sec 1, T7S, R34W,
Sec 1-2, 11-14, 23-26, 35-36, T6S, R34W, Sec 23-26, 35-36, T5S, R34W,
KRM, Nome D-1, Teller A-1
Nome River Crossing Coordinate (WGS84): 64.8700 N, -165.2636 W
Mosquito Pass (WGS84): 64.9353 N, -165.4767 W
Cobblestone River Crossing Coordinate (WGS84): 65.0306 N, -165.4808 W

To Ed Fogels:

Pursuant to AS 16.05.871(b) and AS 16.05.841 (Fishway Act), the Alaska Department of Fish and Game (ADF&G), Habitat Section has reviewed your proposal to conduct geotechnical boring along your proposed mine access road corridor from the Kougarok Highway.

Project Description

Your proposed 17-mile access road corridor begins from Mile 28 of the Kougarok Highway westward to the headwaters of the Sinuk River, turns north along Windy Creek over Mosquito Pass, then down along the Cobblestone River. You will collect geodata from sites along this corridor for potential stream crossing, gravel borrow, and quarry sites. Water required for the drilling operation will be withdrawn from the described water bodies.

Anadromous Fish Act

The Nome, Sinuk, and Cobblestone Rivers and Windy Creek along the proposed road corridor have been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Extents of these water bodies within the road corridor provide habitat for coho and chum salmon and anadromous Dolly Varden. Chum salmon spawning habitat is within the road corridor and sockeye and pink salmon spawning habitat is located near both ends of the corridor. All water bodies support resident species of fish such as Arctic grayling. Your project as proposed should not obstruct the free passage of fish.

In accordance with AS 16.05.871(d) and AS 16.05.841, your project is approved subject to the project description and permit terms, with the following stipulation:

- 1) Each water intake structure shall be designed to prevent the entrainment, impingement and/or entrapment of fish and shall be installed and maintained at each intake location. The effective screen openings may not exceed 0.25 inches (1/4 inch), and water velocity at the screen/water interface may not exceed 0.5 feet per second when the pump is operating.
Note: Chum salmon spawning is catalogued in The Sinuk River and Windy Creek in section 18, and in the Cobblestone River near the north terminus of the corridor in section 25. If water is withdrawn from these areas the intake shall be buoyed near the surface and the water body site deep enough to avoid disturbance of the streambed.

Note: For detailed information regarding screened intake device design please consult our webpage <http://www.adfg.alaska.gov/index.cfm?adfg=uselicense.withdrawal> and Technical Report No. 97-8 (http://www.adfg.alaska.gov/static/license/uselicense/pdfs/97_08.pdf). Feel free to contact our office for additional assistance.

Permit Terms

This letter constitutes a permit issued under the authority of AS 16.05.871 and 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 Habitat Section of ADF&G; 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.

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 ADF&G 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 provision 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 ADF&G Habitat Section. Therefore, it is recommended that you consult the Habitat Section before considering any deviation from the approved plan.

You shall give an authorized representative of the state free and unobstructed access to the permit site, at safe and reasonable times, for the purpose of inspecting or monitoring compliance with any provision of this permit. You shall furnish whatever assistance and information 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.

Portions of this permit decision relating to AS 16.05.871 (anadromous waterbodies only) may be appealed in accordance with the provisions of AS 44.62.330-630.

Please direct questions about this permit to Habitat Biologist Todd Nichols at 907-459-7363 or todd.nichols@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By: Audra L. J. Brase
Fairbanks Regional Supervisor

ecc: Brendan Scanlon, ADF&G SF, Fairbanks
James Menard, ADF&G CF, Nome
ADNR, Mining, Fairbanks
Jenny March, ADNR Water, Fairbanks
ADEC, Placer Notices, Fairbanks
Bob Henszey, USFWS, Fairbanks

Al Ott, ADF&G HAB, Fairbanks
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Ellen Lyons, USACE, Fairbanks
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tn/AB