



FISH HABITAT PERMIT

FH23-III-0034

ISSUED: February 24, 2023
EXPIRES: May 15, 2023

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

RE: Winter Stream Crossing with Heavy Equipment
Nome & Sinuk River Drainage Headwaters
Nome River (Stream No. 332-00-10250-2285)
Sec 13/24
Crossing Coordinate (WGS84): 64.8742 N, -165.2616 W
Buffalo Creek
Sec 23
Crossing Coordinate (WGS84): 64.8700 N, -165.2882 W
Hudson Creek
Sec 22
Crossing Coordinate (WGS84): 64.8712 N, -165.3175 W
Sinuk River (Above Catalogued Extent)
Sec 17
Crossing Coordinate (WGS84): 64.8712 N, -165.3175 W
Windy Creek (Stream No. 333-10-10700-2115)
Sec 18, T7S, R33W KRM, Nome D-1
Crossing Coordinate (WGS84): 64.8836 N, -165.4484 W

Imuruk Basin Drainage (North of Mosquito Pass)

Osborn Creek
Sec 2, T6S, R34W KRM, Nome D-2
Crossing Coordinate (WGS84): 64.9967 N, -165.5038 W
Cobblestone River (Stream No. 332-00-10270)
Sec 24, T5S, R34W KRM, Teller A-1
Crossing Coordinate (WGS84): 65.0336 N, -165.4793 W

To Ed Fogels:

Pursuant to AS 16.05.871(b) and AS 16.05.871 (Fishway Act), the Alaska Department of Fish and Game (ADF&G), Habitat Section has reviewed your proposed winter equipment transport from the Nome-Taylor Highway to your Graphite Creek exploration camp. The described crossing sites along this corridor were selected based on your geotechnical survey authorized under Fish Habitat Permit FH22-III-0124.

Project Description

Multiple winter transport trips using equipment and utility snowmachines to pull freight sleds along the described route is scheduled for March through April 2023. Where ice bridging is needed for stability water may be withdrawn at crossing sites.

Anadromous Fish Act

The Nome and Cobblestone Rivers and Windy Creek along the proposed route have been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). Windy Creek and Cobblestone River crossing sites provide chum salmon spawning habitat and provide habitat for Chinook, sockeye, and pink salmon and anadromous Dolly Varden. 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 stipulations:

- 1) Winter stream crossings shall occur when and where the ice is naturally frozen to the streambed or in areas where ice thickness is adequate to support equipment. Vehicles shall not enter open water during winter. Any ice/snow bridges and approach ramps constructed at stream crossings of any definable stream must be substantially free of extraneous material (i.e., soil, rock, wood, or vegetation). Any ice/snow bridge shall be breached and fill used for ramps shall be removed upon completion of use to facilitate breakup such that fish passage is maintained.
- 2) This equipment transport operation is scheduled only for the period of March-April 2023. If a seasonal or annual extension and/or new crossing sites are needed, the Habitat Section shall be notified prior to the activity to determine if an amendment to this permit is required.
- 3) 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: Because the Windy Creek and Cobblestone River crossing sites contain documented chum salmon spawning habitat, water may only be withdrawn at the crossing sites from pools deep enough to avoid disturbance of the streambed (and

incubating salmon eggs). If appropriate pools cannot be located, water shall be withdrawn upstream of the spawning extent or from a non-catalogued water body.

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
Jim Menard, ADF&G CF, Nome
ADNR, Mining, Fairbanks
Jenny March, ADNR Water, Fairbanks
ADEC, Placer Notices, Fairbanks
Bob Henszey, USFWS, Fairbanks
NOAA Fisheries, HCD, Anchorage
Ellen Lyons, USACE, Fairbanks
Gale Laurel, USACE, Anchorage
AWT, Northern Detachment, Fairbanks
Permit Coordinator, ADF&G SF
Al Ott, ADF&G HAB, Fairbanks

tn/AB