

APMA F20222299 Amendment #1
Graphite Creek
Nome & Port Clarence Mining Districts
Memorandum of Decision

Applicant(s):

Graphite One (Alaska)
Kougarok LLC

March 21, 2023

1. Requested Land Use and Proposed Activity Description:

Broad Proposed Activity Description:

The applicant (Graphite One) requested an amendment to their Hardrock Exploration & Reclamation activities on lands managed by the State of Alaska. The amendment#1 proposes to establish a temporary winter access trail from MP 28 Kougarok Road, through the Kigluaik Mountains at Windy Pass, to the Graphite One Creek Camp (GCC). Heavy equipment such as D6 Dozer and Komatsu 290 Excavator will be used to establish the trail, equipment will then be left onsite at GCC in support of ongoing exploration and camp activities. The purpose of the travel is to mobilize heavy equipment, drill rigs and a PSD environmental Monitoring Station to the claim block. Summer access to the claim block and upland mining lease will continue via helicopter support.

Proposed Surface Occupancy:

No changes to the proposed surface occupancy.

Fuel Storage:

Fuel will be transported in double walled 114 gallons fly tanks, secured to freight sleds. Spill containment duck ponds will be used during all fuel transfers.

Acreage Disturbance and Reclamation Bonding:

Current ground disturbance 3.5 acres. One half acre of additional disturbance is proposed for 2022. Reclamation is anticipated to be 0.65 acres. No changes to the current disturbance.

Water, Fish, Wildlife, Wetlands and Cultural Surveying:

Water use and water quality, fish and habitat mitigation, wildlife mitigation, wetlands impact and cultural resources are managed and regulated by the following agencies:

- Alaska Department of Natural Resources, Division of Mining, Land & Water, Water Section (DMLW-Water)
- Alaska Department of Natural Resources, Office of History and Archeology (OHA)
- Alaska Department of Fish and Game, Habitat Division (ADFG)
- Alaska Department of Environmental Conservation (ADEC)
- U.S. Army Corps of Engineers, Alaska District (USACE)
- U.S. Fish and Wildlife Service (USFWS)

2. Relevant Statutory Authorities

- AS 38.05.020 Authority and Duties of the Commissioner
- AS 38.05.035 Powers and Duties of the Director
- AS 38.05.255 Surface Use of Land or Water
- AS 38.05.850 Permits
- AS 27.19 Reclamation

3. Relevant Regulatory Authorities

- 11 AAC 97 Mining Reclamation
- 11 AAC 96 Miscellaneous Land Use
- 11 AAC 86 Mining Rights

4. Proposed Permit Area Location

a. Geographic Location:

The proposed Exploration Project is located Graphite Creek, on the lands encumbered by See Attached List claim list.

The proposed winter travel will start from MP 28 of the Kougarok Road, through Windy pass to Graphite One GCC south of the Imuruk Basin near Nome.

b. Legal Description:

KRM T5S R34W Sections 9-17, & 20-35, KRM T5S R35W Sections 25-27 & 34-36

The cross-country route is Kateel River Meridian:

Sections 6, 7, 14, 15, 16, 17, 18, 21, 22, 23, and 24 of Township 7 South, Range 33 West;

Section 1, Township 7 South, Range 34 West;

Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36 of Township 6 South, Range 34 West;

and Sections 23, 24, 25, 26, 35, and 36 of Township 5 South, Range 34 West.

5. Land Status Information

The subject lands within K007S0033W were tentatively approved to the State under TA 1985-0094, TA 2005-0002, and TA 2006-0051 on June 11, 1985; October 4, 2004; and May 5, 2006, respectively. All the TAs were issued with a reservation for ditches and canals constructed by the United States. TA 2005-0002 and TA 2006-0051 were issued subject to a reindeer grazing permit serialized under F-035186, while TA 1985-0094 was issued subject to the rights-of-way issued under F-09113 and F-09117, which have since been closed.

Section 1 of K007S034W was tentatively approved to the State under TA 2006-0051 with a reservation for ditches and canals constructed by the United States and subject to a reindeer grazing permit serialized under F-035186.

The subject lands within K006S034W were tentatively approved to the State under TA 2020-0006 on March 23, 2020. The TA was issued excepting and reserving ditches and canals constructed by the United States and subject to the reindeer grazing permits F-030165 and F-035186.

The subject lands within K005S034W were tentatively approved to the State under TA 2006-0050, TA 2018-0006, and TA 2020-0006. TA 2006-0050 excluded from Section 23 the mining claims F-71303 and F-71359, however, these mining claims are located near the western

boundary of the section and there are no proposed drilling sites in that area. All these TAs were issued with a reservation for ditches and canals constructed by the United States. TA 2020-0006 was issued subject to the reindeer grazing permits F-030165 and F-035186.

Mineral Closing Orders

None

Leasehold Location Order

None

Municipal Selection

None

Other Permits, Leases or Actions

None

Land Agreements, Settlements, Conveyances, Reconveyances and Municipal Entitlements of land

No authorization should be granted to access or use non-state lands.

Other Land Information

Regional Native Corporation: Bering Straits Native Corp.

Village Corporation: Sitnasuk Native Corporation

Other Federally Recognized Tribe: Kawerak Inc.

Description of activities above lie within the management provisions or may be affected by the Northwestern Area Plan for the following regions:

Area Plan: Northwest Area Plan

Plan Name: NW Seward Plan

Description: Mi, Rd, & Ha, S-05 & S0-1

- **Designation:** Mineral, Recreation and Habitat
- **Classification:** None
- **Prohibited Uses:** None
- **Management Intent:**

The proposed travel route is located in lands that fall within multiple units of the Northwest Area Plan, including S-05, designated as mining and recreation-dispersed; S-01, designated as habitat; S-03, designated as general use; and W-05, designated as settlement.

Lands within the S-05 unit are to be managed for recreational and mineral values. Mineral development may be appropriate but must consider impacts upon habitat and recreational values. More generally, lands designated for mineral values are to provide opportunities for mineral exploration and development as well as economic opportunities. For recreational lands, they are to be managed with the goal of providing recreational opportunities, such as by providing recreation opportunities on less developed land and water areas that serve multiple purposes such as habitat protection and mineral resource extraction as well as protecting recreation resources such as public access, visual resources, fish and wildlife importation for recreation, and, where appropriate, the isolation and unique wilderness characteristics of the planning area. The use of a temporary winter cross country access that does not impede recreational opportunities in the area is consistent with the management intent of the plan. While the flight of a helicopter may

create noise that disturbs wilderness characteristics valued by recreationists, DMLW does not regulate the travel of aircraft. The flight of a helicopter could occur with or without a land use permit and is not part of the scope of this permit. As winter travel is being used to support mining exploration activities, it is consistent with the mineral resource values identified as well.

Lands within the S-01 unit are to be managed for sensitive species, grazing, and habitat values. Mineral development may be appropriate within the unit but shall consider impacts upon grazing activities and habitat. Authorizations involving long-term or permanent uses are to consider impacts to the Western Arctic Caribou Herd (WACH), particularly during the winter when parts of this unit are used as part of their winter range. Access associated with local trails and RS 2477 routes is to be maintained. In general, habitat lands are to be managed with the goals of ensuring access to public lands and waters, mitigating habitat loss, contributing to economic diversity through the protection of fish and wildlife resources, and maintaining and protecting a publicly owned habitat base. Due to the short duration and limited extent of the proposed activities within this unit, it should greatly reduce the chances of impacting grazing. The operation of the drill rig would not impede public access to the area and would likely not impact vegetation beyond what is removed for the drilling activity; therefore, habitat values should remain unaffected. The cross-country travel is an associated activity which contributes to the economic diversity of state lands by facilitating potential mineral development without impacting habitat and is therefore consistent with the management intent of the plan. The Alaska Department of Fish & Game (ADF&G) was consulted during the agency comment period and a Fish Habitat Permit FH-III-0034 has been issued.

Lands within the S-03 unit are to be managed for multiple uses with grazing and mining recognized as appropriate. Moose and bird concentration areas and anadromous streams are to be protected. Mineral development may be appropriate but shall consider impacts on grazing and habitat as well as the WACH, particularly during the winter when parts of this unit are used as part of their winter range. Access associated with local trails and RS 2477 routes is to be maintained. Public access to the area would be unaffected. The activity takes place for a short period of time during the winter and it is unlikely to have any impact on the WACH or grazing reindeer winter range distribution. Anadromous water bodies within the area include the Nome River, the confluence of Windy Creek and the Sinuk River, and lower portions of the Cobblestone River. Disturbance to anadromous streams is very unlikely during the winter months. Impacts to bird areas can be mitigated using timing recommendations identified by the United States Fish and Wildlife Service (USFWS) as. Impacts to moose are not anticipated. The proposed activity is consistent with the management intent of the plan as it supports mining without causing negative impacts to habitat interests.

Lands within the W-05 unit are considered appropriate for disposal. Disposals are to take into consideration grazing activities and habitat values. Closure to mineral entry and development of locatable minerals should occur once the configuration of a subdivision has been determined. In general, settlement lands are to be managed with the goals of private land ownership; maintaining community, social, and esthetic values in the design of disposals; protecting critical recreational areas and environmental resources. The temporary use of the surface for travel would not impact the development of future settlement areas and is therefore consistent with the management intent of the plan.

6. Access

Tundra travel access trail will begin at MP 28 on the Kougarok Road, where the equipment is currently staged. The equipment will walk approximately 2 miles on the Kougarok Road until MP 30 where it will exit the road to the west. The trail will continue along Hudson Creek

drainage to the Sinuk River. The trail turns north, past the Sinuk near the confluence of North Star and Windy Creeks. Then continues up the Windy Creek drainage to the highest point at Mosquito Pass, with an elevation of 1,206 feet.

After crossing the Mosquito Pass, the trail descends and continues north along the east side of the Cobblestone River. The trail crosses the Cobblestone ~2.4 miles north of the mouth of the Oro Grande River, then turns west toward Graphite One's camp. The total length is estimated about 20 miles.

Actual trail routing may change slightly due to field conditions and would be determined by an initial trail assessment crew with winter trail experience estimated to be conducted around the end of March. Temporary reflective trail markers will be utilized and picked up after travel occurs.

Summer Access will continue to be helicopter supported.

7. Permitting Background/History of Applicant Compliance

Graphite One (Alaska) Inc. is establishing an exploration camp near the Imuruk Basin under their Application for Permits to Mine in Alaska (APMA) serialized as F20222299 and F20222299#1. The Mining Section currently requires a permit for any drilling related to mining activities, whether it's related to geotechnical or hard rock exploration if it is done using anything greater than hand operated equipment. Graphite One (Alaska) and Kougarok LLC do not have outstanding non-compliance with the State of Alaska.

8. Project Review and Agency Notice

The Division provided the application for review and opportunity to comment for the activities considered for authorization under this summary. The following entities were notified on 02/15/2023 for comment on the application: The Alaska Department of Fish and Game (ADFG), Alaska Department of Environmental Conservation (ADEC), ADNR Water Resources Section (ADNR-Water), ADNR State Historic Preservation Office (AK SHPO), U.S. Army Corps of Engineers (USACE), Bureau of Land Management (BLM), U.S. Fish and Wildlife Service and all interested parties that requested notification. Agencies were given opportunity to review the application materials and submit comments for a 14-day period.

Agency Review Comment and Issue Response

No Agency comments were received. ADF&G issued their Fish Habitat Permit F23-III-0034 in response to receiving the agency review.

Public Notice:

The Division issued a public notice of the application and supporting documents on 02/15/2023. Notice was distributed using the State of Alaska Online Public Notice System.

Online Public Notice and Request for Information

Four comments were received and summarized in Attachment A.

9. Potential Environmental Risk

This decision considers the environmental factors directly related to the authorization for use of state lands, specifically whether the approval of the authorization is in the State's interest. The purpose of this consideration is to identify any associated mitigation measures or other requirements necessary to protect the public interest while informing the overall decision of whether or not to approve the authorization.

The environmental risks associated with this activity are low. The application stated that fuel will be transported in double-walled fly tanks aka fuel cubes. Similar to those used for slinging fuel via helicopter. The total amount proposed is 114 gallons, secured to freight sleds, and stored in secondary containment. Any spill which could occur would be small and readily containable. Risks may be minimized by permit stipulations.

10. Performance Guaranty

Pursuant to 11 AAC 96.060(b), a performance guaranty is determined “based on the scope and nature of the activity planned and the potential cost of restoring the permit site.”

Upon review of the scope and nature of the proposed activities, in combination with the applicants’ history of acceptable compliance, the DNR has determined to waive the requirement under 11 AAC 06.060 for a performance guaranty. The DNR reserves the right to evaluate the performance guaranty at any time during the life of the permit, and at least annually. If a performance guaranty is required and not timely provided, the authorization will be nullified without further consideration.

11. Insurance

Insurance is a means to protect the state from liabilities incurred through the use of state property, or from damage to state property as a result of accidental or catastrophic events. This type of protection is necessary in the event of an accident or negligence that was consequentially connected to activities conducted on state land, and/or if the state is named in a lawsuit as a result of an accident or negligence.

Consistent with to 11 AAC 96.065 the Grantee shall secure or purchase at its own expense, and maintain in force at all times during the term of this permit, liability coverage and limits consistent with what is professionally recommended as adequate to protect the Grantee (the insured) and Grantor (the State, its officers, agents and employees) from the liability exposures of ALL the insured's operations on state land. Certificates of Insurance must be furnished to the AO prior to the issuance of this permit and must provide for a notice of cancellation, nonrenewal, or material change of conditions in accordance with policy provisions. The Grantee must provide for a 60-day prior notice to the State before they cancel, not renew or make material changes to conditions to the policy. Failure to furnish satisfactory evidence of insurance, or lapse of the policy, are material breaches of this permit and shall be grounds, at the option of the State, for termination of the permit. All insurance policies shall comply with, and be issued by, insurers licensed to transact the business of insurance under Alaska Statute, Title 21. The policy shall be written on an "occurrence" form and shall not be written as a "claims-made" form unless specifically reviewed and agreed to by the Division of Risk Management, Department of Administration. The State must be named as an additional named insured on the policy with respect to the operations of the Grantee on or in conjunction with the permitted premises, referred to as APMA F20222299 #1

12. Determination

When adjudicating cross-country travel permits, DMLW considers the impact the authorization will have on state resources by evaluating the proposed route, the type of lands traversed (wetland, forested, etc.), the season during which travel will occur, the type of vehicles to be used, the number trips requested, and the transportation of hazardous materials

such as fuel or hydraulic fluid. This information is used to assess the risk of damage, contamination, or other liability to state resources, and determine the best course to mitigate that risk through insurance, bonding, or alternative activities.

Because Graphite One will be using heavy machinery during a short period in the winter months while there is adequate snow coverage and frozen tundra the risk to the vegetative mat will not be minimal. The mining section will coordinate with Graphite One on current snow conditions, prior to travel in order to evaluate the potential impacts to state land and resources. It has been determined that the proposed activity is unlikely to have a significant or long-lasting impact on state land or resources provided Graphite One operates the requested activities in a responsible manner, limiting impacts to surrounding lands and resources and following permit stipulations. A completion report will be required as a condition of the permit for DMLW to address any management issue that may arise or to respond to any inquiries about the authorized use.

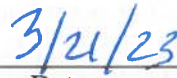
Since the proposed activities are low-risk and utilize a small footprint, impacts to state land are expected to be minimal. No alternatives to the proposed activity were considered.

DNR has determined it appropriate to issue a stipulated miscellaneous land use permit for Winter Cross Country Travel and to conduct Hardrock Exploration & Reclamation activities on lands owned by the State of Alaska.

The applicant is advised to review authorization documents carefully as well as the regulations under AS 27.19 (Reclamation), AS 38.05 (Alaska Land Act), 11 AAC 86 (Mining Rights), 11 AAC 96 (Miscellaneous Land Use), and 11 AAC 97 (Reclamation).




Charlene Bringham
Natural Resource Specialist III



Date



David Charron
Geologist IV



Date

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department. Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established

in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A copy of 11 AAC 02 is available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.

Attachments:

Attachment A-Special Stipulations

Attachment B- Response Overview

ATTACHMENT A

Modified or Special Stipulations to be applied to MLUP for Mining Operations

Standard Hardrock Exploration Stipulations are included in LUP.

Comments from The U.S. Fish and Wildlife Service agency comment received from previous APMA reviews, which still applies, are included in this decision and are included in the LUP: The most effective Best Management Practice (BMP) to avoid eagle take is to leave their nest in place and avoid nearby disturbances during their nesting season. If project-related disturbances (e.g., drilling, blasting, aircraft noise, other construction activities) cannot be timed to occur outside the eagle nesting season (March 1–August 31 or navigate to <https://www.fws.gov/alaska-bird-nestingseason>), the US Fish and Wild Life Service (Service) in Alaska recommends, prior to commencement of activities, conducting eagle nest surveys within one-half mile of the project footprint, including cliffs of tributary streams, to determine if, and where, eagles may be nesting. If nests are located within one-half mile of the project footprint, the Service recommends following the *National Bald Eagle Management Guidelines* for Bald Eagles and contacting the Service's office for Golden Eagles, as well as for other questions regarding Raptors and project activities, including the potential need for an eagle incidental take permit. The Service also encourage reviewing their Alaska webpage for Bald Eagle Nesting and Sensitivity to Human Activity, and the National Bald and Golden Eagle Management webpages available at <https://www.fws.gov/Alaska-eagle-nesting> and <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>. The Migratory Bird Treaty Act (MBTA) prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service. Immediately to the north of, and adjacent to the Kigluaik Mountains, and thus the project area, is the Imuruk Basin, which is designated as an Important Bird Area (IBA) for Red-throated Loon, Black Scoter, Tundra Swan, and Glaucous Gull during the nesting season. Additionally, there are about 15 bird species of conservation concern that may be found within the project area. Depending upon the timing, extent, and type of construction, the proposed project may affect these, and other species, of nesting birds within the project area. Therefore, to minimize impacts to migratory birds, the Service recommends and appreciates the project employing Best Management Practice (BMP) to help avoid disturbing migratory bird habitat during the nesting season when nests and hatchlings are most vulnerable.

Action Requirements on Inspection Reports

Complete and report any outstanding work requirements identified in any Department inspection report by the date specified in the inspection report for completion.

Fire Prevention, Protection, and Liability:

1. The applicant shall take all reasonable precautions to prevent and suppress forest, brush, and grass fires and shall assume full liability for any damage to state land resulting from the negligent use of fire.
2. The State of Alaska is not liable for damage to the applicant's personal property and is not responsible for forest fire protection of the applicant's activity.

Annual Exploration / Reclamation Report:

Attached in application.

File Annual Work Plan

Each calendar year of the permit, the applicant shall file a work plan detailing the number, type and location of proposed activities under this authorization to be conducted for that exploration year, including any repairs and details of the repair plans. The Annual Work Plan is due by March 31. If no work is proposed, a timely statement shall still be filed. You are also required to file an Annual Exploration Report by December 31st of each year; please ensure that your report contains the following information:

1. A written narrative describing your activities and the reclamation measures utilized at all disturbances.
2. A topographic map showing the portion of the claim block where surface disturbing exploration activities have occurred. The plan map should be at a scale of 1"=1/2 mile, or other appropriate scale sufficient to illustrate: existing trails and roads; new trails and roads; drill hole locations (other than shallow auger holes); trench locations; the camp location; and, any other surface disturbances (please distinguish between reclaimed and un-reclaimed features).
3. A photo, with appropriate caption, of each reclaimed drill site and exploration trench.
4. A photo of representative sections of any new road or trail construction.
5. A detailed description of the methods used to plug the drill holes.
6. A list of Mining Claims by ADL# that contain un-reclaimed disturbance at the end of the year and a total acreage that remains un-reclaimed.

ATTACHMENT B

Comment Overview

In rendering a decision on the February 2, 2023, application, the Department considered comments submitted during the comment period, which ran from February 15, 2023, to March 1, 2023. DNR received four comments via email or letters regarding APMA F20222299 #1. Four comments were received, and responses are captured below. Comments received during the public notice period may have been shortened for conciseness and clarity. All applicable comments within the scope of the application review were considered, especially those with scientifically supported information or relevant concerns regarding multiple uses on state land.

Comment Category: Damage to Subsistence Resources

“The Imuruk Basin is a highly important water body to a significant number of people who live in Nome, Teller, and Brevig Mission. It supports all five species of salmon, whitefish, cod, smelt, thousands of migratory birds, marine mammals, moose, muskox, bear, as well as terrestrial plants. The indigenous tribes have not been adequately considered in the decision to permit aspects of the Graphite One Mine to go forward, the state of Alaska must not overturn indigenous rights and interests.”“ Underlying this unethical decision making is a disregard for justice, as well as potential dangers posed by mining activities such as soil erosion, air and water pollution, loss of biodiversity and destruction of indigenous archeological sites. If the mine is developed there is a real possibility that toxic chemicals used in graphite processing could be released into nearby waterways, potentially contaminating drinking water sources for indigenous communities that depend on the Imuruk Basin.”

DMLW Response:

The proposed temporary winter travel route is located in lands that fall within multiple units of the Northwest Area Plan, including S-05, designated as mining and recreation-dispersed; S-01, designated as habitat; S-03, designated as general use; and W-05, designated as settlement.

After consulting the Northwest Area Plan the management intent is to “Manage for recreation and mineral values. Mineral development may be appropriate within the unit but shall consider impacts upon habitat and recreational values/uses.” The resources and uses include “the Kigluaik Mountains, which contain both high mineral and recreation values. The unit is co-designated Mineral/Public Recreation to acknowledge the two uses and the two values that exist within this unit. Habitat values are also important in this unit. Mining potential is rated as very high and a number of federal claims already exist. It is also used by Nome residents for a variety of backcountry recreational activities.”

As the activity will take place during the winter and for a short period of time, it is unlikely to have any impact on the WACH or grazing reindeer winter range distribution. Public access to the area would be unaffected. Disturbance to anadromous streams is very unlikely, and ADF&G has been consulted and issued their own Fish Habitat Permit. The proposed activity is consistent with the management intent of the plan as it supports mining without causing negative impacts to habitat interests.

The proposed travel is for winter travel only and while snow conditions are suitable to conduct travel without damage to the vegetative mat. Currently, the NOAA Alaska Snow Data for the Nome station shows 32" of snow in the region (access March 16, 2023). This is above the minimum required amount of snow for travel on the North Slope and should be adequate snow for travel to occur with minimal impacts.

The area would not be closed to public access while the activity is occurring and would not inhibit recreation. The activity is timed to reduce impacts to wildlife such as birds, moose, and caribou and is short enough in duration so that any negative impacts which may occur would be very limited.

Standard permit stipulations require that permittees maintain the authorized area in a neat, clean, safe condition and that all trash related to the activity be removed and disposed of at a DEC approved facility. Should the permittee be non-compliant with permit stipulations, the State may require performance guarantees in the future that may be seized if further violations occur, issue stop-work orders, revoke a permit, or issue trespass notices depending on the severity of the violation.

Comment Category: Public Access

"I am writing to express concerns about the Graphite One winter trail through Mosquito Pass.

The route of the proposed winter trail to Mosquito Pass and down through the Cobblestone River valley is a place I have cherished and used regularly for backpacking and camping trips in winter and summer for the 28 years I have lived in Nome.

One of the great delights about the Mosquito Pass corridor has been its inaccessibility to ATV traffic. The beautiful tundra landscape is undisturbed by the myriad of tracks and ruts that crisscross the tundra pretty much everywhere else near the Nome road system.

I am concerned that the heavy equipment Graphite One proposes to haul through this pristine environment will damage the fragile tundra vegetation and leave lasting scars of their passage. There must be minimum snow depth requirements for cat trains traversing tundra landscapes? Will snow depth be measured and determined to be adequate before the 72,000 lb. excavator passes? Will they be prepared to build up the protective cover with ice wherever snow cover is inadequate? Will they be fined if they damage the tundra? Fined enough to make them think twice about doing damage?

It is not a done deal that this mine will be permitted and certainly not that they will be allowed to destroy this remote and scenic Mosquito Pass area for future generations. They should not be allowed to damage it on speculation that they will be allowed to tear it up anyway in the future.

This area is not just my go-to place, but many other Nome residents also enjoy the ease of access on foot to such spectacular scenery, practically in our back yard. The corridor through the Kigluaik Mountains over Mosquito Pass is in the heart of an area long ago designated by BLM as a Special Recreational Management Area, for good reason. The unique scenic landscape and recreational value are unparalleled in the region. Mosquito Pass and the Cobblestone valley is a world-class spectacular setting that is treasured by many Nome and Alaska residents who value

its untouched splendor and use it year-round for a wide variety of recreational activities. Plans for an industrial haul road through this beloved, pristine environment are deeply disturbing.

Additionally, a parade of wildlife uses the pass as a travel route between the north and south sides of the Kigluaik Mountains. A difficult-to-access side valley of the Cobblestone provides a refugium for moose in September during the rut—a place with large bulls that hunters on all-terrain vehicles don't access."

DMLW Response:

DNR does not have a standard for snow conditions to allow/oppose winter cross country travel with equipment on the tundra outside of the Umiat Meridian, specifically within the North Slope Special Use Area. With that said, I can answer your question regarding "There must be minimum snow depth requirements for cat trains traversing tundra landscapes?" The answer is yes, but it is specific to state land on the North Slope. Within the North Slope, tundra travel or off-road travel within the North Slope's foothills requires at least 9 inches of snow and ground temperatures of -5 degrees C to be open to unrestricted vehicle use to those with a DNR permit.

I shared your comments with Graphite One and requested information on current snow conditions in the Nome Area, within the travel route, and if there was a plan for a team to scout the route prior to travel. Graphite One's Response was "There is anywhere from 3 to 6 feet of snow along the route right now, and staff in Nome believe that another 2 to 4 feet may have fallen there during the storm this past week. There is no visible tundra up in that area now." "We do not have a weather station up and running right now, but we are planning to use the winter mob to restart our Mosquito Pass weather station & camera. Our plan is to do an aerial recon of the route on March 13, and start scouting and flagging the route on March 22." This ballpark snow depth estimate is supported by the NOAA Alaska Snow Data Center for the Nome Radio station (NMRA2) measuring 32" of snow on March 15, 2023, which should be adequate snow for winter travel and is well above DNR's standard for winter travel on the North Slope.

The proposed temporary access route would not be closed to public access while the activity is occurring and would not inhibit recreation. Additionally, the proposed activity is timed (early spring) to reduce impacts to wildlife such as birds, moose, and caribou and is short enough in duration so that any negative impacts which may occur would be very limited.

The activity proposed would be occurring on state managed lands within the boundaries of the Salmon Lake-Kigluaik Special Recreation Management Area (SRMA) which extends from the Nome-Taylor Highway to the Nome-Teller Highway approximately 30 miles west. The area was designated in the Kobuk Seward Peninsula Land Use Plan, developed by the Bureau of Land Management (BLM) to guide the management of federal lands within the plan. When the State acquired the lands from BLM the lands were not conveyed subject to any SRMA regulation. The special recreation management area designation directs BLM to provide specific recreational opportunities within those areas, such as developing trailheads. The SRMA does not limit what uses may be permitted within its boundaries and does not control what the State permits on state managed lands. The proposed travel is for winter travel only and as conditions allow travel to be conducted in a safe and prudent manner. This authorization is not for a proposed "industrial long-haul road". Public access is not limited during the activity and recreation can still occur in the area.

Comment Category: Proposed Route and Mining Operation Site Conditions

“During the summer of 2018, Graphite One conducted a survey of the proposed route to their proposed mine site near Windy Cove from between mile 28 to mile 30 of the Kougarok Road. A helicopter was used to transport the survey crew and equipment.

During September 2018, backpackers hiking through Mosquito Pass came across trash and debris left behind by the survey crew. The area near the lakes near the top of Mosquito Pass and the route to the top of the pass had shredded plastic sheets, metal spikes and various wooden laths scattered about. This garbage was collected and brought to Nome, where it was turned into the local representative for BLM.

I am concerned that Graphite One has already demonstrated a lack of appreciation about the impact of their activities on this unique area and that this will continue if they establish a winter trail.

The route that Graphite One has proposed bisects the Kigluaik Mountains and passes through an area that is inaccessible to mechanized land travel for most of the year. In winter when enough snow has accumulated, snow machines can travel up Windy Creek, through Mosquito Pass and down the Cobblestone River. The rest of the year travel is largely restricted to walking. As a result, this area is one of the few places on the Seward Peninsula that is not visited by motorized vehicles when the snow is gone. This area is largely untouched by vehicles and the landscape is not scarred and rutted by tracks.

The lack of motorized vehicles in the Mosquito Pass area has created a refuge for moose, bears, wolverines, and many other species. Hikers also find a place of great beauty, inspiration, and solitude.

Building a road through this area will forever destroy what it is now. A road will open up access to and fundamentally alter an area that should be left alone to continue to provide its unique benefits to people who visit on foot and to the flora and fauna that find a respite.

I believe that building a road through Mosquito Pass would be a grave mistake and a disservice to future generations.”

DMLW Response:

I have shared your email with Graphite One, who provided a reply to your comment:

“Regrettably, the debris left behind by Graphite One was several years ago. That was a survey station set up for our survey of the project area, and we were going back there to remove all of that material. However, some hikers decided to remove the survey station before we got there to remove it. The survey station may have been damaged by winds, but nevertheless we were planning to retrieve everything and leave no trace.”

I will add that DMLW has standard permit stipulations require that permittees maintain the authorized area in a neat, clean, safe condition and that all trash related to the activity be removed and disposed of at a DEC approved facility. DMLW will be more diligent in conducting a site inspection this summer to ensure permit compliance. Should the permittee be non-compliant

with permit stipulations the State may seize performance guarantees, issue stop-work orders, revoke a permit, or issue trespass notices depending on the severity of the violation.

The proposed travel is for winter travel only and while snow conditions are suitable to conduct travel without damage to the vegetative mat. Currently, the NOAA Alaska Snow Data for the Nome station shows 32" of snow in the region (access March 16, 2023). This is above the minimum required amount of snow for travel on the North Slope and should be adequate snow for travel to occur with minimal impacts.

The area would not be closed to public access while the activity is occurring and would not inhibit recreation. The activity is timed to occur in winter to reduce impacts to wildlife such as birds, moose, and caribou and is short enough in duration so that any negative impacts which may occur would be very limited. Summer access to the mining operation will be via helicopter.