

October 2, 2019

To: APMA F2875 Amendment #3-IPOP LLC  
From: Charlene Bringham, NRS II  
Re: Adjudication Summary

**1. Requested Land Use and Proposed Activity Description:**

The applicant (IPOP LLC) submitted an updated mining plan (F20182875 #3) on 06/24/2019. The applicant is requesting modifications to the previous authorization (F20182875, Amendment #2) for limited survey and exploratory activities for purposes of gaining knowledge of the potential mineral deposit and to collect environmental baseline study data.

The applicant proposes to continue to use a 6-inch suction dredge on three mining claims (DSKN 30 – ADL#726984, DSKN 31- ADL# 726985& DSKN 32 – ADL#726986) to complete a turbidity plume study as approved in F20182875 Amendment #2.

Additionally, the applicant is requesting to amend their current mining plan to conduct 50 additional core samples on the eastern claim block, east of the Bonanza Bridge on mining claims DSKN 02, 15-18, 21, 23 & 26 (See Table 1 for ADL numbers). The applicant proposes to use a 2.25-inch diameter GeoProbe, mounted on a floating pontoon supported platform. The applicant is requesting to conduct this activity in ice free conditions starting in September 2019 and ending October 15, 2019, which differs from previously authorized coring in the winter/ice present conditions.

Finally, the applicant has proposed four additional locations to be used for access to launch their exploratory equipment. Three of the proposed locations are within State DNR managed uplands and within their western mining claim block. One location is the east side of the Bonanza River Bridge. The applicant is currently authorized to utilize the boat launch at the Safety Sound Bridge.

***Proposed Surface Occupancy:***

All staff accommodations will be in the City of Nome during this exploratory drilling and dredging activities. A temporary warming structure will be permitted during the winter drilling phase for safety and to function as a foul weather refuge.

***Fuel Transport/Storage:***

Anticipated petroleum products for both drilling and dredging equipment include gasoline, diesel fuel, motor oil, hydraulic oil, and grease. All equipment fueling and maintenance will occur off the ice or water within a dedicated area and will include containment basins and a spill kit.

***Acreege Disturbance and Reclamation:***

IPOP proposes reclamation will be concurrent with test dredging and exploration activities. Exploratory dredging and drilling are proposed to disturb less than one acre, no more than 5 cubic yards of material to be removed from any single location, and not to exceed 25 cubic yards total. Reclamation shall consist of leveling or contouring any tailing pile and contouring

gravel bar and stream bed tailings in a manner that will approximate the adjacent bottom surface for activities within the main channel.

***Water, Fish, Wildlife, Wetlands and Cultural Surveying:***

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

- Department of Natural Resources, Division of Mining, Land & Water, Water Section (DNR-Water)
- Department of Fish and Game, Habitat Division (ADFG)
- Department of Environmental Conservation (DEC)
- U.S. Army Corps of Engineers (USACE)
- Department of Natural Resources, Office of History and Archeology (OHA)
- U.S. Fish and Wildlife Service (USFWS)
- U.S. NOAA-National Marine Fisheries Services (NMFS)

**Division of Mining, Land & Water (DMLW) Proposes the following:**

A Miscellaneous Land Use Permit (MLUP) is the most commonly used vehicle for authorizing exploration activity on State Mining Claims (AS 38.05.850). DNR has adjudicated the application under 11 AAC 96 (Miscellaneous Land Use).

A MLUP includes recommendations DNR has received from the U.S. Fish and Wildlife Service and NOAA National Marine Fisheries Service. Additionally, the Northwest Area plan has recommendations for buffer zones around migratory bird nests and marine mammal haul outs that shall be included in the MLUP unless FWS and NMFS has superseding recommendations.

Separate authorizations from the DNR Water Section, ADFG Habitat Division, USACE and ADEC may be required.

**1. 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

**2. Relevant Regulatory Authorities**

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

**3. Administrative Record**

The Administrative Record for this case includes application materials and supporting documentation of APMA F20182875 and successive amendments #1 and #2, The Northwest Area Plan (2008) (adopted by reference), and the MLUP #2875 casefile maintained by DNR-Mining.

#### 4. **Proposed Permit Area Location Information**

**Geographic Location:** IPOP has 32 state mining claims approximately 25-30 miles east of Nome, Alaska. The mining claims are in the vicinity of the village of Solomon and within the Bonanza Channel of the Safety Sound waterbody. USGS Topographic maps are Solomon C-5, C-6, B-5, & B-6.

The proposed mining area is located within the Alaska Maritime National Wildlife Refuge and the surrounding uplands is primarily Native Corporation land.

State land in this unit will be managed for the development of mineral resources in areas designated for Minerals and for multiple uses in areas designated for General Use. In areas designated Mineral/Habitat, these will be managed to accommodate mining activity, but such activity must give particular attention to habitat and recreational values (NWAP, 2008 pg. 3-66)

#### **Legal Description:**

Mining claim block:

- Kateel River Meridian Township 11 South Range 30 West Sections 24, 25 & 26
- Kateel River Meridian Township 11 South Range 29 West Sections 3-6, 10, 15-20
- Kateel River Meridian Township 11 South Range 28 West Sections 4-6

Bonanza Bridge Access:

- Kateel River Meridian Township 11 South Range 28 West Section 10

#### 5. **Land Status Information:**

The requested activities lie within State of Alaska Mining Claims  
(See Attached Table A).

Interests within or near the sections listed above: These interests are identified in Alaska's Land Administration System and Alaska Mapper both available online at <http://dnr.alaska.gov/mlw/index.htm>

#### **State Tentatively Approved or Patented**

CG 180-Community Grant

GS 4542- General Grant

GS 4168- General Grant

GS 4153- General Grant

GS 7018-General Grant

RST 299-Revised Statute 2477-Kaltag-Topkok-Solomon-Nome Trial

RST 364 Revised Statute 2477-Casadepaga Road

#### **Permit or Lease**

LAS 13861 – Thomas Gray Grazing Permit, Status: Issued

LAS 13862 – Bruce Davis Grazing Permit, Status: Issued

LAS 22406 – ADFG Instream Water Reservation, Status: Application Complete

LAS 26186 – Kawerak Corp. Non-State Land Reclamation Plan, Status: Active

TWUA A2017-70 - ADOT Temp Water Use Authorization, Status: Issued

APMA F20152239 - Dry Creek Valley LLC, MLUP, Status: Issued

APMA F20152247 - Colby Engstrom, MLUP, Status: Issued

## **Settlements**

PA 20160013 - Donald Mullikin Platting Action, Status: Plat Files/Approved

PA 20150049 - George Krier Platting Action, Status: Pending Review

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**

- Local Government: City of Nome
- Regional Corporation: Bering Straits Native Corporation
- Village Corporations: Sitnasuak Native Corporation, White Mountain Native Corporation, Teller Native Corporation, Solomon Native Corporation, Mary's Igloo Native Corporation, Council Native Corporation, Golovin Native Corporation, Elim Native Corporation
- Surrounding Organizations: Kawerak Inc, Solomon Traditional Council, Mary's Igloo Traditional Council
- Surrounding Federally Recognized Tribe(s): King Island Native Community, Village of Council, Village of Elim, Village of White Mountain; Nome Eskimo Community, Village of Solomon
- School Trust Land: N/A
- Legislatively Designated Area: N/A
- Special Use Designations: N/A

The management provisions of the Northwest Area Plan, CL NC-08-001, CL NC-80-016, CL NC-88-008, for the following regions are as follows:

### **Northwest Area Plan, Region 5 Southwest Seward Peninsula: Subunit Description: WT-01**

- Designation: Habitat
- Classification: Resource Management Land
- Prohibited Uses: Use must be consistent with management intents of Chapter 2, NWAP
- Management Intent: Manage to protect habitat values<sup>1</sup>. Contact USFWS and ADF&G prior to issuing authorizations.
- Resources and Uses: Safety Sound is a large, nearly enclosed lagoon situated directly east of the city of Nome. This extensive tideland, including the closely connected lake, provides a protected habitat for a number of important and sensitive species, including waterfowl, anadromous fish, and marine mammals. Estuarine wetlands are present.

### **Northwest Area Plan, Region 5 Southwest Seward Peninsula: Subunit Description: W-01**

- Designation: Habitat
- Classification: Resource Management Land

---

<sup>1</sup> While this unit's management intent is to protect habitat values, the activity as proposed is de minimus in nature and finite in duration and does not constitute an adverse risk to habitat values. Consultation and stipulated mitigation for any potential affect has been provided to DNR by ADFG, the USFWS, and NMFS.

- Management Intent: Manage for habitat values<sup>2</sup>. Mineral Development may be appropriate with the unit but shall consider impacts upon grazing activities and habitat and shall adhere to the following guidelines
  - Authorizations issued in this unit involving long-term or permanent uses are to consider impacts upon the Western Arctic Caribou Herd (WACH), particularly during the winter. Consult ADF&G prior to issuing authorizations.
- Maintain access associated with local/regional trails and RS 2477 routes.
- Resources and Uses: Mineral Potential is considered to be low to moderate and the majority of high value concentrations occur in adjacent areas co-designated Minerals/Habitat. There are a variety of trails, including the Iditarod and one RS 2477 route in the southeastern part of the unit (RST 216).

The State land and water in this unit will be managed for the development of mineral resources in areas designated for Minerals and for multiple uses in areas designated for General Use. In areas designated Mineral/Habitat, these will be managed to accommodate mining activity, but such activity must give particular attention to habitat and recreational values (NWAP, 2008 pg. 3-66). While this unit's management intent is to protect habitat values, the activity as proposed is de minimis in nature and finite in duration and does not constitute an adverse risk to habitat values.

## 6. Access

The application contemplates multiple modalities of access for each activity, winter drilling and summer dredging. In the absence of detailed access route plans provided by the applicant, and in concert with the spirit and management intent of this unit, DNR will stipulate the applicants access points as follows:

- a. Winter access shall be from an identified entry point where State mining claims abut the Iditarod trail, a winter trail which roughly follows the Nome-Council Highway. The Nome-Council Road is a Federal-Aid Secondary (FAS), Class "A" route, with a designated 200' wide (100' each side of centerline) Right of Way (ROW). DNR consulted with the Alaska Department of Transportation (ADOT) who is the managing authority. The ROW is available for public use. However, commercial use of or long-term camping in the ROW is not allowed. Therefore, this mining operation should not plan to place any of its facilities in the ROW – this would include parking areas, staging areas for equipment, supplies, other material, camp trailers, accommodations, etc. – these should all be out of the ROW. Also, any driveway or access road serving this operation and connecting with the Nome-Council Road should have an approved driveway permit from ADOT.
- b. The route shall be located on state mining claims, be 25 feet wide, and marked in such a way that it can be distinguished from other trail markings in the area. All personnel (including visitors) are restricted to using this route to access the project. Markers shall be removed when coring activities for the season are complete.
- c. Summer access may occur from the public small-boat ramp located on the northeast side of the Safety Sound Bridge as approved by the USFWS, on State land within mining

---

<sup>2</sup> While this unit's management intent is to protect habitat values, the activity as proposed is de minimus in nature and finite in duration and does not constitute an adverse risk to habitat values. Consultation and stipulated mitigation for any potential affect has been provided to DNR by ADFG, the USFWS, and NMFS.

claims ADL's 724967, 726978, 726989, 726992 (DKSN 02, 06, 35 & 38) provided they have obtained any necessary authorizations from DOT. If additional dredge or fill impacts are required, or, if a different access is proposed, it is incumbent on the permittee to apply for and receive authorization before commencing work. Such work could include construction of an access road, pad, boat ramp, channel or other work that would facilitate access.

7. **Project Review and Agency Notice/Public Notice**

**Agency Review:**

The following entities were notified for agency comment on the application: The Alaska Department of Fish and Game (ADFG), Alaska Department of Environmental Conservation (ADEC), Alaska Department of Transportation and Public Facilities (ADOT&PF), ADNR Water Resources Section (ADNR-Water), ADNR State Historic Preservation Office (AK SHPO), U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), National Park Service (NPS), Bureau of Land Management (BLM), Bering Straits Native Corporation (BSNC), Bristol Bay Native Association (BBNA), Sitnasuak Village Corporation and all interested parties that requested notification. Agencies were given opportunity to review the application materials and submit comments for a 14-calendar day period.

The Division also issued a public notice of the application. Notice was distributed using the State of Alaska Online Public Notice System. For both agency and public notice, the notices were provided on July 19, 2019 and archived on August 3<sup>rd</sup>, 2019.

There were no requests by either agency nor the public for extension of the comment periods.

**Agency Review Comment and Issue Response:**

**1. Comment:** USFWS commented Amendment #3 lacks descriptive vessel information (e.g., vessel draft) leading USFWS to suggest bathymetry information be obtained prior to the entry into DSKN 02, 15-18, 21-23 & 26 to assess vessel compatibility and prevent possible grounding and damage to estuarine habitat. If bathymetry information cannot be obtained, minimization of possible [impact to] estuarine habitat by grounding can be achieved with winter coring, as conducted on the original claims DSKN 30-32. The USFWS also has requested the applicant contact the Service for a Section 7 consultation under the ESA for the proposed project amendment.

**Response:** Comments were noted and incorporated into the MLUP amendment under special stipulation #6.

**Public Notice Comment and Issue Response**

Amendment #3 received 32 comments of opposition from the public. No comments were in support of the proposal. Public comments have been reviewed and cataloged in the administrative record. Responses to public comments were categorized by like topics.

1. Issue Topic: Opinion comments against the issuance of the MLUP for exploration dredging and drilling within IPOP's claim block generally.

**Comment Summary:** All comments received for Amendment #3 voiced their opposition to the project. These commenters stressed the importance the Safety Sound and Bonanza Channel to local residents for subsistence and recreational uses.

**Comment Response** General opposition comments were noted but are beyond the scope of review under 11 AAC 96. DNR agrees with a need to adequately manage fishery resources, and in administering this MLUP, DNR will continue to work closely with the Alaska Department of Fish and Game, which has the regulatory expertise considering management and protection of fish, wildlife and habitat resources. DNR also notes that while some comments referenced a mine development plan and/or mine plan submitted to the Army Corps of Engineers for review, the activities requested (and authorized) under this permit are limited to exploration and reclamation only.

2. Issue Topic: The proposed activity may destroy the land.

**Comment Summary:** Many of the comments received reflected concern for the overall degradation of land or water resources of Safety Sound and Bonanza Channel should the applicant secure a permit to mine.

**Comment Response:** DNR is charged with managing all uses of State lands according to the Alaska Constitution, State Law and applicable State regulations. DNR may render a decision after carefully analyzing the potential impacts of the activity being conducted. This amendment reflects the operator's request to continue limited exploration, data collection and reclamation activities – this is not an application to conduct commercial mining, nor an authorization to do so. The anticipated impacts for these activities are limited in duration and effect. For some land uses, like exploratory drilling, finite impact to the environment is expected and is mitigated by specific stipulations applied to the authorization to reduce those impacts to the greatest extent. This authorization has been stipulated to mitigate those impacts. In addition to specific stipulations, DNR conducts regular compliance inspections of its permittees. If a permit holder is found conducting activities beyond the scope of the authorization, DNR has full authority to seek remedy under the conditions of the permit, state regulation and state law.

3. Issue Topic: Potential user conflicts regarding boat launch access

**Comment Summary:** Several comments were received with concerns of the use of a privately managed boat launch at the Bonanza Bridge. Commenters expressed concern regarding trespass use of the private launch. Additionally, comments were received regarding the feasibility of using the proposed access due to loose sand and the lack of a ramp infrastructure.

**Comment Response:** DNR consulted Alaska Department of Transportation (ADOT) during the agency review period. ADOT has confirmed that the proposed boat launch is narrowly within the Nome Council Right of Way (ROW). The Nome-Council Road is a Federal-Aid Secondary (FAS), Class "A" route, with a designated 200' wide (100' each side of centerline) ROW. ADOT is the managing authority. The ROW is available for public use. However, commercial use of or long-term camping in the ROW is not

allowed. According to Section 3 of the authorization (Operation of Vehicles Outside of the Claim Block), stipulation (c) states that the applicant must obtain an approved driveway permit from ADOT for any commercial or long-term use of the Nome-Council ROW.

Additionally, commenters' concern regarding the use of the private boat launch is beyond the scope of this amendment application and DNR's review.

4. Issue Topic: Comments concerning access, generally.

**Comment Summary:** Commenters voiced concerns regarding the use of proposed summer and winter access routes and trespass of private property and/or Native Corporation lands.

**Comment Response:** DNR has consulted with the USFWS and the ADOT regarding the use of Summer and Winter access routes and surface use at the Safety Sound Bridge, Bonanza River Bridge and on State land adjacent to the Nome-Council Highway. Section 3 of the authorization (Operation of Vehicles Outside of the Claim Block) specifically mitigates potential user and land impacts to proposed routes of travel. In addition, Special Stipulation #1 of the permit requires advance notification prior to beginning travel and authorized activities. Special Stipulation #4 (Surfaces Uses within the National Maritime Wildlife Refuge) mitigate travel, equipment storage, and launch locations within the refuge and have been incorporated in the MLUP amendment.

The winter and summer access routes are along the Nome Council Highway, which is managed and maintained by ADOT in the summer and The Iditarod Trail, which is used and maintained by locals for daily travel between adjacent villages and high profile dog sled races such as the Iditarod and snow machine races like the Iron Dog.

Winter access during heavy trail use for the Iditarod, Iron Dog and Nome-Golovin races should be limited to necessary travel and should be conducted in a manner which minimizes conflicts with other users. Additionally, Section 2(l) of the permit states that "during the course of travel, the permittee shall grade or drag the trail to keep it properly maintained to allow the use of snow machines, dog teams or others using the trail for travel."

5. Issue Topic: DNR must deny the amendment due to conflicts with subsistence use preference.

**Comment Summary:** Comments were received stating that DNR cannot authorize the amendment because of a conflict with AS 16.05.258, commonly referred to as the "Subsistence Priority." Commenters assert this statute states subsistence use takes precedence above all other uses of land and water.

**Comment Response:** The Alaska Statute 16.05.258 (Subsistence Use and Allocation of Fish and Game) directs the Alaska Board of Fisheries and Alaska Board of Game to provide a reasonable opportunity for subsistence uses first, before providing for other uses of any harvestable surplus of a fish and game population. This statute speaks directly to the management and allocation of fish and game resources and does not state



that subsistence harvest activities supersedes *any* commercial activities unrelated to the taking of fish or game.

6. Issued Topic: Potential Impact on Fish Resources

**Comment Summary:** Many commenters expressed concerns regarding potential impact to resident and anadromous fish resources within the permit area. Commenters call out concern for how turbidity from exploration or data collection activities may affect anadromous fish spawning and fish presence. Commenters also reflect concern for impacts to saffron cod/tomcod habitat within eelgrass beds and the unsatisfactory data collection efforts of the applicant on the presence or absence of eelgrass beds within the permitted area.

**Comment Response:** DNR is not the managing authority on fish resources or their habitat. As such, DNR consults with the USFWS, ADFG, and NMMFS regarding potential impacts to fish resources for this permit amendment. Consultation and stipulated mitigation for potential affects of the permit activity were provided by these agencies and incorporated into the MLUP amendment.

7. Issue Topic: Potential Impacts to Subsistence Resources and their users.

**Comment Summary:** Many comments were received regarding the potential impact of the permit activity on subsistence resources and their users. Commenters call out that the area proposed for use is heavily utilized by subsistence users to hunt and fish. Concerns regarding the degradation of the environment which supports subsistence uses were also prevalent.

**Comment Response:** The water resource in which the activity is proposed are within waters owned by the State of Alaska and managed in part by DNR. Activities authorized by this MLUP are evaluated for potential conflicting uses. The Division incorporates standard stipulations into all MLUPs (Section 3. Surface Use) mitigating surface uses which states:

“A locator does not have exclusive use of the surface of the location. A locator may not restrict public access to the surface without an approved authorization (11 AAC 86.145). Issuance of this permit is not an authorization to restrict public access.”

Because subsistence hunting, fish and gathering activities are Generally Allowed Uses of State Lands, in which any member of the public may conduct, the applicant must allow entry and use of the water for that purpose. The Division finds that the area encumbered by the proposed uses will not unreasonably interfere with uses of the surface estate by members of the public. Additionally, the applicant may not conduct any harassing activities towards those conducting lawful hunting, fishing, trapping or viewing of fish and game according to AS 16.05.790 (See Special Stipulation 5).

In regard to potential impacts to subsistence resources, the MLUP incorporates stipulations provided by ADFG to minimize disturbances around the mouths of anadromous rivers. The MLUP also mitigates activities in proximity to shore fish net sites, and marine mammals.

Consultation and stipulated mitigation for any potential impact to fish and wildlife resources has been provided to DNR by ADFG, the USFWS, and NMFS.

## 8. **Potential Environmental Risk**

### **Fuel**

The volume and type of hazardous fuel proposed by the applicant constitutes low risk. DNR consulted with USFWS for potential mitigation measures for fuel containment, transfer and storage. DNR advises applicants that activities involving fuel and hazardous substances and disposal of waste and wastewater must satisfy any pertinent requirements of the DEC and the U.S. EPA.

### **Biological**

The Safety Sound marine body and the Bonanza Channel are heavily used by numerous species of migratory waterfowl and song birds including Spectacled eiders (*Somateria fischeri*) and Steller's eiders (*Polysticta stelleri*), marine mammals such as threatened Beringia bearded seals (*Erignathus barbatus*), Spotted seal (*Phoca largha*), Arctic Ringed seals (*Phoca hispida*) and polar bears (*Ursus maritimus*). The Safety Sound and Bonanza channel has large quantity of aquatic vegetation such as Eelgrass which is considered Essential Fish Habitat for all 5 species of Pacific Salmon (*Oncorhynchus* spp.) and Saffron Cod (*Eleginus gracilis*) and vital to overall biodiversity of the area.

The NMFS-Habitat Conservation Division and the U.S. Fish and Wildlife Services provided comments to DNR. NMFS asserts that, with the project as proposed in Amendment #3, there will be minimal effects to Essential Fish Habitat (EFH) in the proposed project area. However, should the operational plan change significantly, NMFS and USFW may require a formal EFH and Biological assessment.

The applicant has identified two potential marine mammal stressors that may result from exploratory drilling and dredging activities and have proposed mitigation measures. The first stressor is the acoustical disturbance from coring and utility vehicle use. The applicant identifies the potential acoustical effects on bearded seals to be de minimus due to an established 100-meter radial shut down zone surrounding exploration activity. The anticipated acoustical disturbance is not anticipated to exceed 120 dB, and the operator proposes to cease operation if there is a marine mammal presence within the 100-meter shut-down zone.

The second potential stressor is the temporary alteration to fish habitat and a potential temporary alteration of the hunting patterns of marine mammals which feed on those fish resources due to the turbidity plumes created by test dredging activities. The applicant proposes the turbidity plume created by dredging activities will be temporary in nature, and synonymous to naturally occurring high-turbidity events caused by local storms. DEC has issued mitigating measures to control turbidity plumes caused by dredging activity and total sediment loading of the water body.<sup>3</sup> Additionally, the MLUP has been stipulated to

---

<sup>3</sup> Travis/Peterson Environmental Consulting, Inc. to Jon Kurland, National Marine Fisheries Services Alaska Region, dated November 29, 2018, p.8.

mitigate potential impacts to fish resources and their habitats, including eelgrass beds, and the presence of marine mammals.

9. **Performance Guaranty**

Upon evaluation of the scope of activity and associated risk and anticipated cost of restoring the project site, the performance guaranty requirement is waived. DNR reserves the right and opportunity to reassess the need for a performance guaranty at any time during the life of the permit.

10. **Insurance**

Pursuant to 11 AAC 96.065 and consistent with the analysis to waive a performance guaranty under 11 AAC 96.060, the requirement for insurance is waived.

11. **Fees**

**Amendment Fee: \$50**

12. **Determination**

Issue a five-year stipulated and revocable miscellaneous land use permit, authorizing the proposed drilling and dredging exploration activity subject to terms of the permit (attached) including the special stipulations provided below.

The applicant is advised to review permit documents carefully as well as the regulations under AS 27.19 (Reclamation), 11 AAC 97 (Reclamation) and 11 AAC 96 (Provisions for General Land Use Activity).

**SPECIAL STIPULATIONS:**

1. **NOTIFICATION:** The permittee must contact the DNR Nome Field office at (907) 443-3546 and the Southcentral Regional Office at [dnr.anc.mining@alaska.gov](mailto:dnr.anc.mining@alaska.gov) at least 14 days prior to the initial start of dredging and at least 24 hours prior to the start of winter access and winter drilling. If the anticipated start date changes after the notification, the permittee must re-notify the DNR as soon as the date change is known.
2. **EXPLORATION DRILLING:** The permittee proposes fifty (50) core sites at the following estimated latitudes and longitudes. Final drill locations must be as close to estimated locations as practicable and within visual approximation on the attached map (Appendix 1). Changes in the drill locations or additional drill locations require prior approval.
3. **MARINE MAMMAL MITIGATION:** The following mitigation measures will be implemented to minimize risk to Marine mammals
  - a. Exploratory dredging and drilling activities will not be initiated until the area of activity is thoroughly inspected by the project manager and no marine mammals have been observed in the area for 30 minutes.
  - b. A shut-down zone of 100m radius centered at the drilling activity and 150m

radius for dredging activity will be established. All activities will halt if a marine mammal enters, or appears likely to enter, the shutdown zone. Activities may resume once the mammal has exited the shutdown zone on its own accord and the area remains clear of marine mammals for 30 minutes.

- c. The project manager will maintain an in-depth logbook noting the time and date of the exploratory activities, environmental conditions, beginning and ending of shut down events, marine mammal species, numbers and behaviors observed, and any other miscellaneous observations. Photocopies of the logbook will be provided to the DNR mining section and NMFS Protected Resources Division after the exploratory program is completed, or at any time by request of an Authorized Officer.

4. SURFACE USES WITHIN THE ALASKA MARITIME NATIONAL REFUGE:

The project area is located within the Alaska Maritime National Refuge (AMNWR). Surface uses of the area are managed by the U.S. Fish and Wildlife Service and subject to the following conditions:

- a. All staff accommodations will be in Nome.
- b. All equipment will be stored on site in Nome when not being utilized.
- c. Mobilization to and from the project area will occur on the Nome Council Road and subject to ADOT jurisdiction and authority.
- d. The equipment put-in location may occur at the public small-boat ramp located at the northeast side of Safety Sound Bridge. Vehicles utilized for towing dredge equipment will be parked at the public parking lot adjacent to the small boat ramp.

5. HUNTER HARASSMENT PROHIBITED:

- a. The permittee, its employees, contractors or agents may not intentionally obstruct or hinder another person's lawful hunting, fishing, trapping, or viewing of fish and game.
- b. Prohibited activities include positioning one's self in a location where human presence may alter the behavior of fish or game another person is pursuing.
- c. It is also illegal to create a sight, sound, smell, or physical stimulus to alter the behavior of fish and game another person is attempting to take.

6. BATHOMETRY INFORMATION REQUIRED:

- a. Bathometry information shall be obtained prior to entry into DKS 02, 12-18, 21-23 & 26 to assess vessel compatibility and prevent possible grounding and damage to estuarine habitat. If bathometry information cannot be obtained, minimization of possible estuarine damage by grounding can be achieved by conducting the coring activities during winter, on-ice conditions as previously authorized on DSKN 30-32.

**Table A:**

Mining Claims to be used in Coring and Dredging activities

ADL 724967 DKS 02  
ADL 726979 DKS 15  
ADL 724980 DKS 16  
ADL 724968 DKS 17  
ADL 724969 DKS 18  
ADL 724970 DKS 21  
ADL 724972 DKS 23  
ADL 724973 DKS 26  
ADL 726984 DKS 30  
ADL 726985 DKS 31  
ADL 726986 DKS 32

Mining claims to be used for Access:

ADL 724967 DKS 02  
ADL 726978 DKS 06  
ADL 726989 DKS 35  
ADL 726992 DKS 38

**Attachments:**

Appendix 1 – Map of Proposed Drilling Locations  
MLUP Amendment #1 F20182875<sup>4</sup>

---

<sup>4</sup> While DNR has received three amendment requests, the Department has issued only two authorizations, F20182875 reflecting the original application and amendments #1-2, and F20182875 Amendment #1, reflecting amendment request #3.

# APPENDIX 1

## East side Estimated Coring Locations



EAST SIDE CORE LOCATIONS					
Claim	Latitude	Longitude	Claim	Latitude	Longitude
DKSN 26	64° 34' 13.02" N	164° 16' 27.83" W	DKSN 17	64° 33' 47.88" N	164° 19' 56.65" W
	64° 34' 14.66" N	164° 16' 18.13" W		64° 33' 47.72" N	164° 19' 39.84" W
	64° 34' 13.26" N	164° 16' 13.94" W		64° 33' 43.65" N	164° 19' 51.84" W
	64° 34' 09.62" N	164° 16' 11.06" W		64° 33' 43.35" N	164° 19' 39.85" W
	64° 34' 05.80" N	164° 16' 09.18" W			
	64° 34' 05.78" N	164° 16' 23.93" W			
	64° 34' 09.15" N	164° 16' 24.78" W	DKSN 16	64° 33' 47.61" N	164° 20' 10.94" W
				64° 33' 47.30" N	164° 20' 18.74" W
				64° 33' 46.63" N	164° 20' 27.00" W
DKSN 23	64° 34' 00.91" N	164° 17' 55.93" W		64° 33' 45.81" N	164° 20' 39.72" W
	64° 34' 00.00" N	164° 17' 43.27" W		64° 33' 43.68" N	164° 20' 54.95" W
	64° 33' 57.32" N	164° 17' 49.20" W		64° 33' 40.40" N	164° 20' 50.02" W
	64° 33' 54.09" N	164° 17' 54.43" W		64° 33' 35.02" N	164° 20' 56.51" W
	64° 33' 54.66" N	164° 17' 43.75" W		64° 33' 36.54" N	164° 20' 42.77" W
DKSN 22	64° 34' 00.70" N	164° 18' 25.46" W	DKSN 15	64° 33' 39.77" N	164° 21' 08.55" W
	64° 34' 00.80" N	164° 18' 07.93" W		64° 33' 38.49" N	164° 21' 15.17" W
	64° 33' 57.12" N	164° 18' 16.16" W		64° 33' 37.99" N	164° 21' 20.10" W
	64° 33' 53.18" N	164° 18' 22.36" W		64° 33' 37.03" N	164° 21' 25.50" W
	64° 33' 53.26" N	164° 18' 08.97" W		64° 33' 35.87" N	164° 21' 31.19" W
				64° 33' 33.77" N	164° 21' 38.70" W
				64° 33' 31.39" N	164° 21' 46.17" W
DKSN 21	64° 34' 00.08" N	164° 18' 56.46" W		64° 33' 29.17" N	164° 21' 53.61" W
	64° 34' 00.56" N	164° 18' 38.04" W		64° 33' 33.12" N	164° 21' 21.69" W
	64° 33' 57.55" N	164° 18' 43.81" W		64° 33' 33.97" N	164° 21' 10.57" W
	64° 33' 53.92" N	164° 18' 55.71" W			
DKSN 18	64° 33' 44.04" N	164° 19' 28.14" W	DKSN 02	64° 32' 19.10" N	164° 28' 30.76" W
				64° 32' 15.60" N	164° 28' 50.63" W

# Appendix 1

PROPOSED PROJECT CLAIMS	REQUESTED ACCESS (only one access required)
2	Public Boat Ramp, SW side of Bonanza Channel Bridge
06 (not a coring location)	Requested Access is Located on Claim 06
15	Public Boat Ramp, SW side of Bonanza Channel Bridge
16	Public Boat Ramp, SW side of Bonanza Channel Bridge
17	Public Boat Ramp, SW side of Bonanza Channel Bridge
18	Public Boat Ramp, SW side of Bonanza Channel Bridge
21	Public Boat Ramp, SW side of Bonanza Channel Bridge
22	Public Boat Ramp, SW side of Bonanza Channel Bridge
23	Public Boat Ramp, SW side of Bonanza Channel Bridge
26	Public Boat Ramp, SW side of Bonanza Channel Bridge

## DKSN 02 Estimated Coring location

- 1) **64° 32' 19.10" N, 164° 28' 30.76"W**
- 2) **64° 32' 15.60"N, 164° 28' 50.63"W**

