



**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER**

**Northern Regional Land Office  
Memorandum of Decision for Reissuance**

**LAS 34053**

**Graphite One (Alaska) Inc.**  
Application for Land Use Permit  
AS 38.05.850

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Northern Regional Land Office (NRO) has received a Land Use Permit (LUP) reissuance application from Graphite One (Alaska) Inc. for LAS 34053, which authorized the cross country travel and drilling of up to 100 feet with a 6,000 lb drill rig. The drill rig is primarily transported from site to site via helicopter, with some cross country travel where drill sites are close together. The applicant has requested to conduct this activity again with an additional location and a slightly larger drill rig weighing approximately 6,600 lbs. The drilling is part of geotechnical work for a potential future access road, however, the road itself and any drilling within the permittee's claim blocks are not within the scope of this decision.

**Public Notice and Agency Review**

There were no new third party interests or resource interests which required agency coordination. However, the drilling sites located in Section 31 of K007S032W were not included in the activity originally permitted and the applicant requested a slightly larger drill rig. Requests for comments were sent out for agency review on March 10, 2026, for a period of 14 days. The Alaska Department of Fish and Game (ADF&G) responded with Graphite One's current fish habitat permit and the Department of Transportation and Public Facilities (DOT&PF) requested the applicant work with their local office for any activities occurring within the DOT&PF right of way for the Kougarok Road.

DMLW posted public notice of the proposed permit reissuance to the Online Public Notice system on March 10, 2026, for a period of 14 days. Courtesy notice was also sent to mining claim holders potentially impacted by the activity, however, no drilling sites are proposed within mining claims held by third parties at this time. Approximately 100 comments were received in response to this notice. Many comments included requests to deny the permit as the commentors did not support the Graphite One mine itself, which is outside of the scope of this decision and will not be addressed further in this document.

72 comments were identical containing the following language:

*“We urge the Division of Mining, Land, and Water to deny permit reissuance application from Graphite One for the permit under LAS 34053. We request that you extend the public comment period to a minimum of 30 days for meaningful public participation of rural residents directly impacted by this project. The notice severely understates the scope and impact of the proposed activity.”*

- A heavier drill rig (6,600 lbs vs. 6,000 lbs previously authorized)
- Additional drill locations, including areas not previously subjected to this activity
- Continued cross country travel, including over tundra landscapes that are highly sensitive to disturbance
- Continued reliance on helicopter transport, with associated noise, wildlife disturbance, and subsistence impacts

*Expansion in equipment weight, footprint, or location constitutes a change that requires scrutiny and expanded public input, not an abbreviated process. The 14-day comment period does not allow residents directly impacted to provide meaningful comments, especially with the lack of supporting documentation to make a meaningful decision.*

*The “Waiver of Technical Defects” clause is inappropriate and alarming. The statement that “DMLW reserves the right to waive technical defects in this notice” is troubling. Public notice requirements are not technicalities; they are the foundation of procedural fairness. Preemptively asserting the right to waive defects signals an agency posture that prioritizes expediency over legitimacy. This clause, combined with an abbreviated comment period, undermines public confidence in the integrity of the review process.*

*The public comment period must be extended to a minimum of 30 days from the date revised materials are made available to the public, i.e. a revised public notice must be issued. DMLW must provide complete and accessible supporting documentation, including maps, operational details, and impact analyses. Clearly explain the differences between the prior authorization and the current request, including risks posed by increased equipment weight. DMLW must conduct meaningful outreach to affected communities. Refrain from issuing any authorization until public participation requirements are fully satisfied. Anything less will constitute a procedurally defective review and will fail to meet the State’s legal and ethical obligations to the public.”*

DMLW Response: The additional drilling locations proposed in the permit reissuance request do not differ from the originally permitted activity in third party interests, site condition, or in planning or classification. The applicant is utilizing helicopter transport of the drill rig to minimize potential damage to the vegetative mat. The use of a helicopter is not regulated by DMLW, however, the applicant is required to abide by Federal Aviation Administration (FAA) regulations concerning wildlife impacts. The increased weight of the drill rig in the reissuance proposal would not result in additional potential impacts of the activity as it would not change any permit stipulations, insurance or bonding requirements. Comments regarding permit processing procedures are outside of the scope of this decision. All maps and the project description were provided in the public notice.

In addition to the 72 identical comments, 20 separate commenters requested the comment period be extended to between 30 and 60 days to allow for meaningful public participation. Several commenters stated that this comment period should be extended due to lack of access to broadband connectivity in surrounding communities. Additionally, one commentator stated the comment period should be extended because it partially overlapped with the Iditarod Sled Dog Race. One commentator stated that the only acceptable means of soliciting public comment was through town halls in the communities.

DMLW Response: Land Use Permit applications may be subject to a 14-day agency review and public notice to provide interested parties the opportunity to comment on the proposed activity. All notices are published on the Alaska Online Public Notice System. DMLW conducted public notice of the reissuance application for a period of 14 days, just as with the original application for this activity in 2022. During the course of this public notice period numerous comments were received and subsequently addressed herein.

Eight comments included concerns regarding subsistence uses and habitat impacts. These comments referenced fish camps around the Imuruk Basin as well as berry picking, egg gathering, hunting grounds, and other subsistence food gathering activities potentially being impacted by noise and the travel of the drill rig. Information and suggestions regarding how impacts may be mitigated were not provided.

DMLW Response: While concerns regarding subsistence impacts from the proposed mine and the access road are outside of the scope of this decision, the applicant is required through permit stipulations to comply with all laws and regulations to minimize impacts to wildlife through timing and buffer zones. By transporting the drill rig via helicopter, the applicant is also substantially reducing the potential impacts of the drill rigs travel on the vegetative mat. ADF&G was contacted for comments regarding the proposed reissuance and they provided a current fish habitat permit issued to the applicant. The drill rig proposed to be used weighs approximately 6,600 lbs and is outfitted with low ground pressure tracks. It is unlikely that this travel would disturb the vegetative mat or irreparably damage vegetation for the short distances that it would travel overland.

One commentator stated that Graphite One was inaccurate in their statement that previous drilling activities had not caused damage to the vegetative mat. They provided a photo of the Kigluaik Mountains hillside looking southeast with the Imuruk Basin behind the photographer. The photo showed roads and other vegetation disruption. The commentator also questioned why additional drilling was required.

DMLW Response: The photo shows the hillside where Graphite One is operating under their Application for Permits to Mine in Alaska (APMA). All the activities shown are fully authorized under those permits and fall outside of the scope of this decision. The applicant stated in their project description that the additional drill sites were needed to support final engineering planning.

The Native Village of Brevig Mission requested an extension of the comment period to 30 days. They included an additional comment opposing the drilling as the noise would impact duck migration patterns and disrupt other subsistence gathering activities.

DMLW Response: Extending the comment period is not necessary as DMLW received ample response to the public notice within the 14 day comment period provided. The applicant is required under permit stipulations to abide by all laws and regulations pertaining to wildlife disturbance such as timing and buffer zones.

The Native Village of Teller requested an extension of the comment period to 30 days. They included an additional comment stating that they did not agree with the permit being called a

“reissuance” as they argue that the activity proposed is substantively different than originally authorized. Additionally, they state that the public notice did not include supporting information regarding the proposed drilling sites and that the Waiver of Technical Defects clause should be removed from the public notice template. They also state environmental concerns in that the use of the drill rig in the green-up period could result in damage to vegetation, siltation of streams, and that ongoing helicopter use has resulted in locals having to move elsewhere to hunt. Teller notes that there are ancient rock cairns which might be disturbed by drilling activities and that Graphite One is exceeding the Statutory Water Use Limit.

DMLW Response: Extending the comment period is not necessary as DMLW received ample response to the public notice within the 14 day comment period provided. The proposed changes in the reissuance application are not considered substantively different because the increased weight of the drill rig and additional sites would not change any permit stipulations, insurance or bonding requirements. Procedural concerns regarding permitting and public notice are outside of the scope of this decision.

The drill rig is small and would operate over short distances using low pressure tracks. By using a helicopter to do the majority of transport, the applicant is further reducing any potential damage to vegetation. The proposed drill sites are located on uplands approximately a quarter mile at the closest to streams. It is unlikely that any runoff from drilling, should it occur, would result in sedimentation of waterways. The applicant is required through permit stipulations to comply with all laws and regulations pertaining to wildlife disturbance buffers. Any wildlife disturbance which may occur would likely be short term.

Per permit stipulations the applicant must comply with The Alaska Historic Preservation Act, AS 41.35.200. The point raised about water use is incorrect. Graphite One has an APMA which would authorize any water use over 5,000 gallons per source per day which may occur in relation to their mining activities. The applicant has not stated that their water use would exceed the 5,000 gallon per source per day ceiling established under 11 AAC 93.035.

The Native Village of Mary’s Igloo requested an extension of the comment period to 30 days.

DMLW Response: Extending the comment period is not necessary as DMLW received ample response to the public notice within the 14 day comment period provided.

Two commentators expressed concerns regarding impacts to historic and archeological sites, both sites which have been impacted or could potentially be impacted by Graphite Ones’ drilling and helicopter activities. One of these commentators also discussed contamination due to previous mining and military operations in the area prior to 2010.

DMLW Response: Per permit stipulations the applicant must comply with The Alaska Historic Preservation Act, AS 41.35.200. Please provide documentation of any disturbed historical or archeological sites to the State of Alaska Office of History and Archaeology <https://dnr.alaska.gov/parks/oha/shpo/sec106.htm>. Historic contamination in the region is outside of the scope of this decision. The use of hazardous materials and any subsequent cleanup requirements are managed via permit stipulations.

The mining claim holder under ADLs 722007, 722008, 722009, and 722010 commented that they do not wish for the access road to route through their claims. If the permit is issued, the claim holder states that they reserve the right that all locatable minerals found within their claims be immediately returned with location information provided. They also expressed concern that access to their claims may be blocked.

DMLW Response: The future proposed access road is outside of the scope of this decision. The helicopter transport of the drill rig should not limit public access anywhere in the project area. Under this reissuance application there are no drilling sites located within the commentor's claim block.

One commentor who states that their family has had a camp on the Sinuk River for five generations provided multiple detailed comments expressing a wide variety of concerns: cultural resources, including those such as oral history and sites without discrete physical features; a rare Alaskan Glacier Buttercup which may only exist in the Kigluaik Mountains; the potential mines' impacts to drinking water and salmon habitat; a request to extend the public comment period beyond 14 days; the proposed drillings' impact to permafrost; a request to provide public notice through regional media, such as the local newspaper and radio; a request that Tribes be consulted per AO 300 (DNR Tribal Liaison); and a request to remove the Waiver of Technical Defects clause from the public notice template.

DMLW Response: Per permit stipulations the applicant must comply with The Alaska Historic Preservation Act, AS 41.35.200. Please provide documentation of any disturbed historical or archeological sites to the State of Alaska Office of History and Archaeology <https://dnr.alaska.gov/parks/oha/shpo/sec106.htm>. Concerns regarding the proposed Graphite One mine and access road are outside of the scope of this decision. The Alaskan Glacier Buttercup is not a threatened or endangered species, therefore, there are no stipulations which can be attached to the permit regarding its protection.

Extending the comment period is not necessary as DMLW received ample response to the public notice within the 14 day comment period provided. Procedural concerns such as public notice template language, the use of local media for public notices, and the involvement of a Tribal Liaison are outside of the scope of this decision.

Following the previous permit term, the applicant provided a closure report which stated that all the drill sites were recontoured using hand tools. Although permafrost was noted in some of the drilling locations, the drilling activity itself has not resulted in any known disruption such as thawing/thermokarsting.

## **Discussion**

There are no significant changes to the permitted activity or site development plan, thus a full decision is not necessary for this reissuance. Land ownership is unchanged for the previously authorized sections and the activity continues to be consistent with current area plan. There are two additional drilling sites within Section 31 of K007S032W which was not in the original permit decision. These lands were Tentatively Approved to the State under TA 1982-0339 on September

29, 1982, with standard reservations to be applied at patent. This section is within the W-05 unit of the Northwest Area Plan, which was discussed in the original decision.

When the previous permit was closed in August of 2025, the permittee submitted an acceptable closure report depicting no environmental impacts, such as vegetative mat disturbance or hydrocarbon spills, and that all equipment was removed from the project sites. During the public notice period, DMLW received numerous public comments addressing topics that were either outside of the scope of this decision or expressed concerns over values which will be mitigated through permit stipulations.

DMLW will reissue the land use permit for a term of one year. The resulting Land Use Permit and stipulations will address requirements and mitigate concerns.

### **Performance Guaranty**

Performance guarantees are means to assure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the permit document. They are also used to protect state land from damage and to make certain that improvements are removed and that the land is returned in a usable condition upon termination of the permit.

The performance guaranty is \$3,000. This guarantee will need to be resubmitted as the one provided with the original permit was returned after permit closure.

### **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 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 LAS 34053.

**Fees**

Under 11 AAC 05.180 (d)(2)(J), the fee for a use of state lands which does not hinder other public use, such as moving heavy equipment, is \$240 annually.

**Fee:** \$240

**Relevant Fee Regulation(s):** 11 AAC 05.180 (d)(2)(J), and Director’s Fee Order Number 3

**Term**

Effective Date: June 1, 2026

Expiration Date: May 31, 2027

**Recommendation**

Based upon the information provided by the applicant, as well as review of relevant planning documents, statutes, and regulations related to this application, it is the recommendation that a land use permit for the activity described above be reissued, on the condition that all stipulations are followed as described in the attached authorization.

<i>Jaclyn Cheek</i>	5/29/2026
Jaclyn Cheek, Natural Resource Specialist	Date

**Manager’s Decision**

It is the decision of this office to take the action as recommended above. This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department. This decision may be rescinded by written notification if, after 60 days from the effective date of this decision, the applicant has not completed all requirements outlined in this decision for issuance of the permit. Additional time may be allotted to complete these requirements at the applicant’s request and concurrence of the Authorized Officer, however this will not extend the total term of the authorizations issued under this decision.

<i>AJ Michels</i>	05/29/2026
Austin (AJ) Michels, Natural Resource Manager	Date

**Attachments**

Land Use Permit

Drilling Site Locations Diagram

**Appeals**

An eligible person affected by this decision may appeal 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](mailto: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>.