



**NewRange Copper Nickel LLC**

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Submitted via Email

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Shauna Marquardt  
United States Fish and Wildlife Service  
4101 American Boulevard East  
Bloomington, MN 55425

**Reference:** Biological Opinion Annual Report  
FWS No. 03E19000-2016-B-001 NorthMet Project and Land Exchange

This document transmits NewRange Copper Nickel LLC's annual report to the U.S. Fish and Wildlife Service (USFWS) per the Biological Opinion Terms and Conditions (T&C) 2c.

Following a conversion and name change under Minnesota Statutes §§ 302A.682-692 in February 2023, Poly Met Mining, Inc. is now NewRange Copper Nickel LLC (NewRange). NewRange is "for all purposes the same entity that existed before the conversion." Minn. Stat § 302A.691, subd.1. This and subsequent submittals and associated documents will now reference NewRange Copper Nickel LLC.

NewRange (PolyMet) completed the Land Exchange with the U.S. Forest Service in June 2018 and had received all necessary permits to construct the NorthMet Project (Project). The final permit received being the U.S. Army Corps of Engineers (USACE) Section 404 permit on March 21, 2019; however, some permits are being held up (stayed, suspended, revoked or remanded) due to ongoing litigation, including the Section 404 permit, and therefore NewRange has not yet commenced construction. We continue to follow measures to minimize the potential for take of Canada lynx, grey wolf, and northern long-eared bat regardless of the project permitting status at this time. Activities completed per the Project's Conservation Measures, Reasonable and Prudent Measures, and Terms and Conditions are listed below:

**Conservation Measures**

**1. Reclaim Project Area**

No mining-related construction activities occurred in the Project area in 2023.

**2. Maintain Vegetated Buffers**

The Project design continues to maintain vegetative buffers.

**3. Limit Public Access to Project Area**

Public access is restricted from the Project area at all times. NewRange has security staff on site 24 hours a day, seven days a week to patrol the property for trespassers. The only access to the site is through private roads which are either guarded by security staff or are gated and locked. There are signs at all entrance roads to the property identifying it as private lands and that no trespassing is allowed. Camera systems are also in use to alert security staff about trespassers.

#### **4. Minimize Road Construction and Reclaim Unused Roads**

No new roads were constructed in 2023 in the Project area. Project design will continue to plan for minimizing disturbance and limiting road construction.

#### **5. Educate Employees and Public**

NewRange posts and maintains speed limits of 40 miles per hour or less on Project roads, which minimizes the risk of vehicle mortality to Canada lynx and wolves. NewRange has also developed educational materials specifically to ensure both employees and contractors: 1) are aware of the importance of the area to wildlife such as Canada lynx and wolves, 2) understand that they need to and how to report sick, injured, or dying wildlife along Project area roads or railroads to a NewRange environmental manager, 3) ensure that wastes or other harmful materials are properly disposed of or stored securely, and 4) raise awareness of other actions that could be harmful to wildlife or their habitats. The importance of following these practices is conveyed to employees and contractors, and all contractors to the site are required to review these materials and sign a waiver stating they will follow them.

No sick, injured, dying, or dead animals near roads within the Project area were reported in 2023.

#### **6. Canada Lynx Monitoring**

NewRange (PolyMet) and the U.S. Forest Service (USFS) entered into a funding agreement for the purpose of conducting Canada lynx surveys. NewRange (PolyMet) provided funding in 2019 and again in 2022 in accordance with this agreement, which was extended through September 15, 2027.

NewRange provided the USFS with access to our Project area in 2023 for the purposes of continued Canada lynx monitoring. Vehicles and snowmobiles were used by the USFS to travel to the mine site and record observations of Canada lynx. The 2023 Canada lynx monitoring report from the USFS is included as an attachment to this submittal.

#### **7. Preserve and Protect Habitat**

The Project plan continues to avoid and minimize impacts to habitats as practicable. No trees were cleared during the northern long-eared bat's pup season in 2023.

### **Reasonable and Prudent Measures**

#### **RPM 1. Implement proposed action Conservation Measures to reduce the likelihood of vehicle collisions with lynx and wolf.**

As described in the response to Conservation Measures above, NewRange has developed education materials to train employees and contractors, maintained appropriate speed limits on Project area roads, and limited public access in order to reduce the likelihood of vehicle collisions.

#### **RPM 2. Implement measures to reduce the likelihood of injuring or killing any northern long-eared bats during vegetation removal, other mining-related activities, and forest management.**

Some vegetation was removed during brushing along access roads, however no large trees were removed during the long-eared bat pup season. Mining-related construction activities did not occur, and no forest management activities took place in 2023.

