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March 17, 2017

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Bureau of Land Management Central Yukon Field Office  
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*e-mail to: CentralYukon@blm.gov*

RE: Comments on Central Yukon Resource Management Plan – Preliminary Alternatives Concept, dated January 17, 2017

The Alaska Miners Association (AMA) offers the following comments on the Central Yukon Resource Management Plan – Preliminary Alternatives Concept.

AMA is a non-profit membership organization established in 1939 to represent the mining industry in Alaska. We are composed of more than 1,400 members that come from eight statewide branches: Anchorage, Denali, Fairbanks, Haines, Juneau, Kenai, Ketchikan/Prince of Wales, and Nome. Our members include individual prospectors, geologists, engineers, vendors, suction dredge miners, small family mines, junior mining companies, and major mining companies. We look for and produce gold, silver, platinum, molybdenum, lead, zinc, copper, coal, limestone, sand and gravel, crushed stone, armor rock, and other materials.

Overall, AMA supports Alternative D as it adheres most closely to the “multiple use” mandate of the Bureau of Land Management, and provides the maximum opportunity for resource exploration and potential development, including mineral exploration and development. Alternative D also provides the greatest opportunities for public access, including potentially necessary access to State and private (primarily land owned by Alaska Native Claims Settlement Act [ANCSA] corporations), and provides opportunities for overland access to remote communities.

AMA strongly supports Alternative D’s proposal to revoke most of the outdated ANCSA Section 17(d)(1) land withdrawals. ANCSA (d)(1) withdrawals put in place in the early 1970s to protect lands for selections by ANCSA Corporations, which have long since been completed, were meant to be temporary and are no longer needed. Congress directed BLM to review these withdrawals when it passed Section 207 of the Alaska Land Transfer Acceleration Act (ALTAA). In its 2006 report to Congress in response to Section 207 of ALTAA, BLM concluded that most ANCSA Section (d)(1) withdrawals should be revoked, but left it to future planning efforts such as the current Central Yukon

RMP to make final decisions regarding revocations. Alternative D alternative most consistent with BLM's conclusions in the 2006 report to Congress.

AMA opposes, and BLM should not go forward with Alternative B, as it completely fails to meet BLM's multiple use mandate as required by the Federal Land Policy and Management Act (FLPMA). Under Alternative B very little land with resource development potential is available for exploration and possible development, and public access opportunities are greatly curtailed, particularly through the introduction of large areas where any developed access is prohibited by "Right-of-Way Exclusion Areas."

We offer the following comments on proposals in the Alternatives Complex Matrix:

### **Section 3.1 – Locatable Minerals**

AMA strongly supports Alternative D for locatable minerals as it ensures that any land currently open to locatable mineral entry remains open, and ensures that most currently closed lands would be opened. Most of the planning area has never been explored with modern methods or technology because of the extensive mineral closures established by the 1969 land freeze, and withdrawals established starting in 1971 under ANCSA Section 17(d)(1). Therefore, the state of current knowledge of the region and its mineral potential is nearly identical to what it was in the mid-1960's – completely inadequate for making accurate estimates of mineral potential.

### **Section 3.2 – Lands and Realty**

AMA supports the statement in the overview for the Lands and Realty Section that under alternatives B, C, and D BLM will recognize the Ambler and Umiat road corridors. This provision should be included in ALL alternatives. In Section 201(4)(b) of ANILCA, Congress specifically recognized the potential need for surface access from the Haul Road (Dalton Highway) to the Ambler Mining District and allowed the corridor to cross "the boot" of Gates of the Arctic National Park. BLM plans such as this should be consistent with this Congressional intent, as such a route would likely need to cross some BLM land in the planning area.

AMA supports Alternative D for Lands and Realty overall, and supports Alternative D under Lands and Realty for the Dalton Highway – Utility Corridor (PLO 5150) as it rightfully allows the State of Alaska to take ownership of the land that provides critical access to State land on the North Slope of Alaska. PLO 5150 was enacted to enable construction of the Trans-Alaska Pipeline, which was completed 40 years ago.

AMA strongly opposes the establishment of any Right-of-Way (ROW) exclusion areas, as proposed in Alternatives B and C. On page 8, BLM states "In areas identified as ROW exclusion areas, *the BLM would not issue any ROW for any reason*" (emphasis added). ROWs are necessary for any future oil or gas pipeline, road, railroad, transmission line, or fiber optics line or cable installation. Future needs for access for resource development are unknowable and specific needs will be dictated by as-yet-undeveloped technologies and future discoveries. The proposed ROW exclusion areas, that would place large areas of BLM land off limits to any future ROWs, are premature. They are NOT consistent with the intent of Congress expressed in Title XI of the Alaska National Interest Lands Conservation Act (ANILCA), where Congress acknowledged that transportation and utility systems would need to be



built across federal lands in Alaska. While Title XI applies to Conservation System Units in Alaska, we find it inconceivable that Congress envisioned that BLM would be more restrictive on access on multiple use lands than what is allowed in National Parks, Wildlife Refuges and designated Wilderness. ROW exclusion areas could directly conflict with the ANILCA Section 1323(b) access provision. Furthermore, FLPMA Title V does not envision a preemptive prohibition of ROWs on large areas of

BLM lands. The definition of ROW exclusion areas specifically contradicts BLM's stated goal (page 7) "to meet public needs for use authorizations such as rights of way."

In particular, AMA is amazed by, and strongly objects to, the ROW exclusion areas proposed under Alternative B. In proposed Alternative B, the ROW exclusion areas are so extensive that they essentially prevent creation of any continuous access across or within the planning area. Examination of BLM's Preliminary Concept Alternative maps for Recreation that partially depict proposed exclusion areas, in combination with high priority watersheds on the Wildlife Habitat and Priority Watershed Maps for Alternative B, reveal a virtual, defacto prohibition of any meaningful East-West surface transportation route across most BLM lands in the planning area. Of particular concern are the ROW exclusion areas in the Sethkokna River, Sulukna River and Ray Mountains/Tozitna River ACECs. This alternative may actually force any future surface transportation route to be routed through already established Federal Conservation System Units (such as the Kanuti, Nowitna, or Koyukuk National Wildlife Refuges), rather than across "multiple use" BLM lands. Because they exceed 100,000 acres, proposed ROW exclusion areas should be subject to Congressional Review under FLPMA Section 202(e)(2), as they are "a management decision that excludes (that is, totally eliminates) one or more of the principal or major uses for two or more years with respect to a tract of land of one hundred thousand acres or more" (43 U.S.C. 1712).

Alternative B is not a reasonable alternative for BLM to even consider advancing to the public as it so blatantly violates FLPMA and ANILCA requirements to provide reasonable access across BLM lands.

AMA found it difficult to identify what lands were included in several of the proposed ROW exclusion areas under both Alternatives B and C due to inconsistencies in terminology and the illegibility of the maps. Boundaries of these proposed exclusion areas need to be clarified in any future documents. For example:

- we could not find where the "Wild" segments mentioned under Alternative B on page 9 are depicted;
- the depiction of ROW exclusion areas on the Recreation maps are hard to read due to the use of similar line patterns with other categories shown on the map and legend;
- BLM uses inconsistent terminology, as the maps indicate "High Priority Watersheds" while the table on page 9 refers to "High Value Watersheds";
- The Ray Mountains/Tozitna River appears to be a ROW exclusion area on the map but is not listed on page 9 under Alternative B.

### **Section 3.3 - Lands with Wilderness Characteristics**

AMA strongly opposes the designation of, and special restrictions attached to, “Lands With Wilderness Characteristics.” The concept is inherently flawed in Alaska because most BLM lands currently exhibit “wilderness characteristics” due to the lack of development and infrastructure. By managing with a goal to protect wilderness, BLM is essentially establishing Wilderness areas. In 1980, Congress through ANILCA determined the over 100 million acres of Alaska lands that should be Wilderness, and specifically excluded BLM lands from Wilderness designations. AMA strenuously objects to including “lands next to CSUs” (page 12, Alternative C), since those CSU and Wilderness boundaries were extensively studied when ANILCA was being debated, and all necessary “buffers” were considered and included as part of those designations. AMA strongly opposes “buffering the buffers.”

### **Section 3.4 - Areas of Critical Environmental Concern (ACECs)**

AMA recommends BLM adopt Alternative D for ACECs, in which only one ACEC and one Research Natural Area are proposed. AMA opposes most current ACECs under Alternative A, as well as the extensive additional ACECs proposed under Alternatives B and C. Many of the ACECs already in existence under Alternative A, the current plan, as well as the numerous and extensive additional ACECs in both Alternatives B and C fail to meet the criteria for ACEC designations. Specific concerns AMA has identified with ACECs include:

- The ACECs are much larger than necessary to protect any resources indicated as the justification for the designations. For example entire watersheds would not require ACEC designation to protect a fishery in a specific river or stream;
- The proposed ACECs purport to be needed to provide protection for resources that are already extensively protected by existing state and federal statutes and regulations, including BLM’s own policies and regulations. As such, BLM has provided no indication of why the existing regulatory framework is inadequate to protect any specific resource. These proposed ACECs are not necessary. AMA has raised this concern in past comments on this plan and on the Eastern Interior RMP, and BLM has failed to justify why additional regulation would be necessary for ANY proposed ACECs.
- Most proposed ACECs, particularly under Alternative B, will include a prohibition on locatable mineral entry, without ANY justification or explanation of alleged conflicts between mineral entry and the resources the ACECs purport to protect. Existing state and federal regulations provide extensive protections for water quality and fish, and existing laws require reclamation of land, allow for seasonal restrictions and afford other protections. Blanket prohibition of mineral entry is not justified by any resource-protection need.

AMA has previously offered comments on ACECs in general and extensive comments on specific ACEC proposals being considered for the Central Yukon RMP. AMA would like to incorporate those comments in response to the proposals being considered in the alternatives. (See letter dated August 29, 2014).

For the various reasons previously stated, if any ACECs are established, they should not be closed to locatable mineral entry and should not be ROW Exclusion Areas.

We would like to thank BLM for the opportunity to comment on these Preliminary Alternatives Concepts.

Sincerely,



A handwritten signature in blue ink, appearing to read "Deantha Crockett".

Deantha Crockett  
Executive Director, Alaska Miners Association