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December 22, 2023

Ms. Stacie McIntosh

Bureau of Land Management

Submitted via email at <https://eplanning.blm.gov/eplanning-ui/project/57323/530>

Re: Comments on Ambler Road Draft Supplemental Environmental Impact Statement (DSEIS)

Dear Ms. McIntosh:

The Alaska Miners Association (AMA) writes to comment on Ambler Road Draft Supplemental Environmental Impact Statement (DSEIS).

AMA is a professional membership trade 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, suction dredge miners, small family mines, junior mining companies, and major mining companies, Alaska Native Corporations, and the contracting sector that supports Alaska's mining industry.

The Ambler Access Project (AAP) is a proposed industrial access road connecting the Dalton Highway to the Ambler Mining District, along a right of way that is provided for in the Alaska National Interest Lands Conservation Act (ANILCA). The AAP was analyzed in an Environmental Impact Statement (EIS) and received a favorable Joint Record of Decision (JROD) by the Bureau of Land Management (BLM) and National Park Service (NPS) in August 2020. A subsequent lawsuit was filed and the Department of the Interior (DOI) requested a voluntary remand in February 2022, necessitating the creation of a Supplemental EIS.

The agency alleges "*deficiencies in the analysis of impacts to subsistence uses under ANILCA Section 810 and consultation with Tribes pursuant to NHPA Section 106.*" – AAP DSEIS Vol. 1 DOI submitted court filings stating that a ROD for the supplemental EIS would be signed in 2023; after multiple missed deadlines, the Bureau of Land Management published a draft supplemental EIS (DSEIS) on October 13, 2023.

We have reviewed the DSEIS and offer comments in the areas of scope, Alternatives, subsistence impacts, environmental analysis, access and trespass, economic and community benefits, and critical minerals as they relate to national security. Those comments are as follows:

Scope

The AAP DSEIS totals 1,283 pages and four volumes and includes an analysis of: "*water resources, air quality and climate, vegetation and wetlands, fish and aquatics, birds, mammals, transportation*

and access, environmental justice, subsistence, and cultural resources.” – AAP DSEIS Vol. 1. However, the voluntary remand that DOI submitted identified two issues to be addressed: subsistence uses in ANILCA and tribal consultation under the National Historic Preservation Act. For some reasons, the DSEIS includes expanded and additional analyses on issues beyond the remand, including a new phasing option for the road. The scope of the DSEIS should be constrained to the two issues identified in the remand, and AMA urges that to be the case moving forward.

In general, the DSEIS significantly expands the mandated analysis and scope of the project. It identifies multiple potential issues, but doesn't put them into context or identify the severity of those impacts. Possible negative impacts appear to be amplified and treated as inevitable. Analyzing potential negative impacts and risks are important, but Alaska has a number of examples where development and protection of values like environment and subsistence are done successfully, and this has been done through following our prescribed regulatory processes in an objective manner. The right management can be done by the agency, developers, and land owners to ensure these successes are realized at AAP, and the DSEIS should have evaluated that.

Alternatives

AMA questions why additional alternatives are included in the DSEIS. In 2020, NPS and the U.S. Army Corps of Engineers (USACE) selected alternative A as the preferred route and those decisions still stand today. The alternative selected in the 2020 JROD was not subject to judicial review and was determined by USACE to be the alternative with the least environmental impact.

Also, alternatives must take into account that access to our mineral resources were granted at Statehood and access to the Ambler Mining District was expressly provided for in ANILCA.

Subsistence Impacts

AMA was dismayed to see that the DSEIS expands the ANILCA Section 810 analysis from 27 to 66 communities. This is overreach at its strongest: some of these communities are hundreds of miles away from the road area being proposed. It also assumes without scientific evaluation that subsistence uses for these communities will be “significantly restricted” by the road. This is inappropriate and alarming. The focus of the SEIS moving forward should remain on the 10 villages closest to the road, and BLM should take into consideration the decades of successful coexistence of other private industrial roads in Alaska like the Delong Mountain Transportation System (DMTS) at Red Dog Mine and the road to Pogo Mine.

The DSEIS cites data about caribou population that is not actually definitive and ignores that post-DMTS construction and operation, the Western Arctic Herd population actually increased in the region. The DSEIS also failed to acknowledge current successful structures of Subsistence Advisory Committees, particularly at the Red Dog Mine, in which communities have management authority in issues impacting subsistence uses. This is irresponsible and must be taken into consideration moving forward.

“The overall Project footprint is less for Alternative A than Alternative B, and significantly less than Alternative C. Of particular relevance to subsistence impacts, Alternative A places a river crossing on

the Reed River, seven miles farther from known sheefish spawning habitat than Alternative B, which means less potential for impacts to this important subsistence resource. Alternative A also places the road outside of Ambler's vegetation subsistence harvest area, while Alternative B overlaps it. Alternative A requires fewer disturbed acres (4,524 acres, of which 1,022 acres are on DOI-managed land) than Alternative B (5,138 acres, of which 1,033 are on DOI-managed land) and Alternative C (8,210 acres). Alternative A also avoids placing an airstrip, construction camp, and maintenance facility within GAAR, while Alternative B includes these features within GAAR." – Direct quote on page 9 from **Section 6.2 Bureau of Land Management's Rationale for Adopting Alternative A – Joint Record of Decision 2020**. By BLM's own language, and in particular to subsistence impacts, Alternative A is clearly the best route for having overall significantly lower environmental and subsistence impacts. This language needs to be included in the DSEIS.

Environmental Analysis

In no place does the DSEIS acknowledge that Alaska has a history of roads coexisting with the environment, wildlife, and human health. If the agency is going to amplify concerns such as suggesting the road project would damage fish habitat, then it must also outline permitting requirements and mitigation measures required by the Alaska Department of Fish and Game that has successfully regulated projects near fish habitat for decades.

The SEIS infers the road will sever hydrology in some areas and ignores that the applicant has proposed a significant number of bridges and culverts to maintain connectivity. The objective balance of both must be considered. In fact, this entire topic area is lacking an objective balance, particularly in Appendix C Section 1.5. Opinions should not be included in EIS documents.

Access and Trespass

The DSEIS supposes that trespass and authorized use by the public is inevitable. It is important to consider the possibility of trespass, and consider and implement all possible measures to prevent it. This can be done by reviewing the track record of DMTS and the Pogo Mine road, and also by working with the communities in the region. Simply stating "trespass" will happen without including objective evaluation of where mitigation possibilities have been effective, only serves to alarm the region's residents and does a disservice to potential opportunities. Simply put, it is unfair to everyone.

Economic and Community Benefits

The DSEIS significantly downplays the economic benefits and opportunities if development were to take place: in the 1,200+ page document, the term is only mentioned 11 times!

The DSEIS does not take into account concerns about production of minerals and oil and gas in the region to begin winding down. Should this happen, jobs and economic benefits will decrease, elevating the importance of replicating the successes of projects like Red Dog. According to the Northwest Arctic Borough's (NAWB) [Comprehensive Plan Update for 2030](#), 83% of the borough's operating funds came from Red Dog in 2020. That is why the NAWB and North Slope Borough assemblies passed a joint resolution in April of 2023 in support of the AAP and development of the



Ambler Mining District in recognition of the jobs, revenue, and good stewards mining companies can be.

To avoid a gap in local jobs and other economic benefits, new opportunities need to be explored in the region. AAP has the potential for the creation of thousands of direct AND indirect, quality jobs, especially for those living closest to the project through construction and operation phases. Alaska's mining industry provided for 11,400 direct and indirect jobs in 2022, with an average annual wage of over \$130,000.

Beyond local jobs, the AAP will also bring immense economic benefits state-wide. Mining license tax revenues to the state, along with corporate income taxes, production royalties and rent claims are anticipated to reach over \$1 billion over the life of all four mines that will be made accessible by the AAP. An additional \$193 million is anticipated to be paid out to local governments ([source](#)).

Critical minerals and national security

In contrast to where the majority of society's needed minerals are currently being sourced, mining in Alaska ensures the highest labor, safety, and environmental standards will be adhered to. Domestic mining also serves to build our mineral independence from the many adversarial nations we import them from. The Ambler Metals Arctic Deposit is one of the highest-grade copper deposits known in the world. We must consider building a road to access the area, to supply our nation with the copper, cobalt, and other minerals we need.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read "D Skibinski".

Deantha Skibinski
Executive Director