



121 W. FIREWEED SUITE 120 | ANCHORAGE, ALASKA | 99503 | 907.563.9229 | ALASKAMINERS.ORG

March 5, 2024

Dougless Skinner
Bureau of Land Management, Central Yukon Field Office
222 University Avenue
Fairbanks, AK 99709
Submitted via email

Re: Comments in regard to proposed revisions to the Section 106 Area of Potential Effect (APE) for the Ambler Access Project (AAP)

Dear Mr. Skinner:

The Alaska Miners Association (AMA) writes to submit the following comments to the Bureau of Land Management (BLM) in regard to proposed revisions to the Section 106 Area of Potential Effect (APE) for the Ambler Access Project (AAP) proposed by the Alaska Industrial Development and Export Authority (AIDEA).

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.

AMA's mission is to advocate for and promote responsible mineral development in the state. The AAP, a proposed 211-mile road, will make the Ambler mining district – along with its abundance of critical minerals – accessible. This project will pave the way for responsible resource development, a continuation of a legacy our state's industry can proudly point to.

Because of this, AMA has previously submitted comments to BLM regarding other permitting matters, such as the response to the draft supplemental environmental impact statement (SEIS) issued last year and the several previous associated public comment periods pertaining to the AAP. Despite being on the record multiple times on the AAP, AMA was not included on the distribution list for the APE.

Permitting of the AAP started in 2015 and is in year nine of the process. Today the voluntary remand is two years old, and now the agency is threatening the fate of the AAP by introducing more uncertainty in the form of a Section 106 APE.

The proposed revisions fall far outside of the scope of the Section 106 process. The proposed seven to tenfold increase in the geographical scope on its own would certainly be a cause for concern, but when coupled with improper considerations of wildlife protections and significant departures from

precedent, this proposal could be seen as yet another attempt to hinder or fully prevent the AAP from moving forward.

The scope of the APE, and its expanded area is a significant departure from what is the norm of our nation's regulatory process. The items outlined in the APE should not come at this stage of permitting, versus our stringent and prescribed National Environmental Policy Act Process in which scoping and development of Environmental Impact Statements analyze impacts and scrutinize projects.

The APE will create a lengthier approval timeline without justification and with no added benefit to the environment, and it further complicates the process for the AAP. It also sets a dangerous precedent for other development projects across the country. The required costs, time, and effort required to complete the Section 106 process would be altered with this proposal, and all without any meaningful rationale as to why this departure from precedent is needed. Beyond this specific project, allowing for these revisions to go forward unchallenged would only introduce Section 106 challenges as another viable avenue for anti-development groups to challenge projects.

With regard to BLM's improper evaluation of subsistence measures as part of this proposal, AMA takes issue with two factors: BLM is not only attempting to duplicate the evaluations which happen under ANILCA, but is also applying faulty logic in their proposed revisions with regard to subsistence impacts. While protecting subsistence lifestyles is a well-documented priority for the AAP, these unreasonable metrics have the potential to completely undermine the future of the project.

The revised Zones of Influence (ZOIs) for species such as caribou and moose proposed go beyond the mandate of the APE. The faulty analysis claiming the need for these unnecessary expansions lean heavily on the findings of an oft-cited Boulanger study. Importantly, this study evaluated caribou populations around operating mines, not a road or any other infrastructure with a similar footprint. With this study as its basis, BLM has crafted revisions which treat the AAP as a 211 mile mine, rather than a road with a host of mitigation measures to protect subsistence species. This revision in particular is a gross mischaracterization which cannot be approved.

Finally, the proposed revisions to the AAP's APE unfairly removes the distinction between direct and indirect impacts, leading to what will almost certainly be an overestimation of impacts. The scale and nature of the potential effects on the areas at or closest to the proposed access road where physical effects or disturbance is most likely (direct effect area), is much different from areas far from the proposed road and construction areas where potential visual or acoustic effects may be present (indirect effect area). This differentiation between direct and indirect area of potential effects, corresponds with the nature of the potential effect and will be necessary to determine the potential effects to a historic property. AMA encourages BLM to avoid this proposed revision in favor of maintaining the important distinction between direct and indirect impacts.

AMA strongly believes that Alaskans deserve the right to leverage our own resources; we have proven time and time again that we can be responsible stewards of our environment. AMA encourages BLM to reconsider its misguided use of the Section 106 process, leaning on precedent and relying on the original APE which was not only more appropriate and within scope, but also received the support of the State Historic Preservation Office.



In the event that the federal government proceeds with these proposed revisions, it not only introduces a concerning precedent, but would serve as further evidence that the federal government is not acting in good faith with its permitting process for the AAP. As has been said before, the federal government's involvement in this matter should be straightforward and neither interfere with nor undercut any of the vital local decision making regarding this project.

Ultimately, AMA encourages BLM to put forth their absolute best effort to avoid further delays, both with respect to its timelines for issuing a final SEIS and record of decision, but also with regard to these unnecessary proposed revisions.

Thank you for your consideration of these comments.

Sincerely,

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

Deantha Skibinski
Executive Director