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September 11, 2025

Director, Ecosystem Management Coordination

United States Department of Agriculture

Submitted electronically at [www.regulations.gov](http://www.regulations.gov) docket number FS-2025-0001

Re: Comments of the Alaska Miners Association supporting the United States Department of Agriculture Notice of Intent to initiate an Environmental Impact Statement and rulemaking to remove the 2001 Roadless Area Conservation Rule from National Forest, including in Alaska

Dear Secretary Rollins; Secretary Burgum; and Director, Ecosystem Management Coordination; and Alaska Roadless Rule Team:

The Alaska Miners Association (AMA) writes to support of the United States Department of Agriculture's (USDA) August 29, 2025, Notice of Intent (NOI) to initiate an Environmental Impact Statement (EIS) and rulemaking to remove the 2001 Roadless Area Conservation Rule from the nation's National Forests, including the two National Forests in Alaska.

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. Hundreds of AMA members live, work, recreate, and otherwise use the Tongass National Forest on a daily basis, and are impacted by the Notice.

Because of its historic two pulp mills and multiple sawmills and the resulting old-growth timber harvesting that took place from the 1950s through the 1990s, rescinding the Roadless Rule has long been considered as primarily a timber issue. Unfortunately, there are no longer any pulp mills on the Tongass and the mid-sized Viking sawmill at Klawock on Prince of Wales Island is the only significant timber operation on the Tongass.

However, in addition to being a rainforest, the Tongass contains multiple highly mineralized geologic terranes that host numerous historic mines<sup>1</sup> and two large and one mid-size operating mines. The Tongass contains billions of dollars of discovered and undiscovered critical and rare earth minerals. In

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<sup>1</sup> See, Patricia Roppel, *Fortunes from the Earth*, "An History of the Base and Industrial Minerals of Southeast Alaska," Printed 1991 and reprinted in 2021. Ms. Roppel was on the board of the Alaska Historical Society for many years.

short, the AMA comments address the need to rescind the Roadless Rule (permanently through legislation if possible) to remove barriers to mining in the Tongass National Forest.

AMA's comments explain why the 2001 Roadless Rule is a barrier to road access to mining claims, exploration and development on the Tongass National Forest which should be removed to improve access to the Tongass's incredible discovered and undiscovered mineral wealth. The comments are directed to the Tongass because, unfortunately, nearly all the Chugach National Forest is in Wilderness and no longer open to mining.

## BACKGROUND

### Introduction.

USDA first exempted the Tongass from the 2001 Roadless Rule in December 2003. The policy reason given then for doing so is as valid for rescinding the Biden Administration's 2023 reimposition of the Rule today:

The Department has concluded that the social and economic hardships to Southeast Alaska outweigh the potential long-term ecological benefits because the Tongass Forest plan adequately provides for the ecological sustainability of the Tongass. Every facet of Southeast Alaska's economy is important and the potential adverse impacts from application of the roadless rule are not warranted, given the abundance of roadless areas and protections already afforded in the Tongass Forest Plan.<sup>2</sup>

Please note: every Alaskan Governor and member of the Alaska Congressional Delegation (both Republican and Democrat) since promulgation of the 2001 Roadless Rule, has requested a total exemption of the Tongass from the Roadless Rule for this and for the reasons set out below.

The Final Environmental Impact Statement (FEIS) for the Tongass specific Roadless Rule that was published in the Federal Register on September 24, 2020, during President Trump's first term states that:

Inventoried Roadless Areas (IRAs) on the Tongass National Forest (Tongass) include 9.37 million acres (56% of the Tongass) across 110 IRAs. When these designated roadless areas are combined with the Wilderness and National Monument areas (another 34% of the Tongass),<sup>3</sup> the Tongass is currently more than 90% undeveloped and unavailable for road building (with certain limited exceptions). Developed areas cover about 1.3 million acres or about 8% of the Tongass. Southeast Alaska residents (approximately 73,000) are for the most part surrounded by largely undeveloped land.<sup>4</sup> In removing the Tongass from the Roadless Rule in the 2020 FEIS USDA acknowledged that: The Tongass is unique from other national forests with respect to size, percentage of IRAs, amount of NFS lands and subsequent dependency of 32 communities on federal lands (the Tongass comprises almost 80% of Southeast Alaska), and Alaska and Tongass specific statutory considerations (Alaska

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<sup>2</sup> Federal Register Vol. 68, No. 249 December 30, 2003, at Pages 75141-75142.

<sup>3</sup> These areas (constituting 25% of the acreage of identified mineral resources) are withdrawn from mineral entry. See 2008 Tongass Land and Resource Management Plan Amendment FEIS at 3-361.

<sup>4</sup> September 24, 2020, Alaska-specific Final Environmental Impact Statement at page ES-1.

National Interest Lands Conservation Act (ANILCA), Tongass Timber Reform Act (TTRA)). In ANILCA, Congress sought to balance national environmental interests with “adequate opportunity for satisfaction of the economic and social needs of the state of Alaska and its people.” (16 U.S.C. §3101(d), *Sturgeon v. Frost*, 139 S.Ct. 1066, 1075 (2019)).<sup>5</sup>

In short, the Tongass does not need the Roadless Rule to maintain its beauty, fish, and wildlife. It is already protected by 5.7 million acres of Wilderness and 775,524 acres of Legislative LUD II Areas (Similar to Roadless Areas).

## History

Notwithstanding the substantial land set asides made by Congress in ANILCA and the TTRA and notwithstanding the fact that §1326 (a) of ANILCA says that the executive branch may not withdraw more than 5,000 acres of land without the consent of Congress (the “no-more” clause), in 2001 the Forest Service set aside an additional 9.37 million acres of land as IRAs in the Tongass. The State and a substantial group of Statewide and Southeast intervenors supporting the State’s lawsuit have been litigating application of the Roadless Rule to the Tongass since 2001.

In January 2018, Alaska petitioned the USDA to promulgate a state-specific Rule exempting the Tongass from the 2001 Rule and to revise the 2016 Forest Plan to be consistent with the Exemption.<sup>6</sup> In June 2018, the Secretary of Agriculture agreed to review the State’s petition through the rulemaking process because “the USDA has sought a long-term durable approach to roadless area management that accommodates the unique biological, social, and economic situation found in and around the Tongass National Forest.”<sup>7</sup>

The Final Environmental Impact Statement (FEIS) for the Tongass specific Roadless Rule that was published in the Federal Register on September 24, 2020, states that: “Inventoried Roadless Areas on the Tongass National Forest (Tongass) include 9.37 million acres (56% of the Tongass) across 110 IRAs. When these designated roadless areas are combined with the Wilderness and National Monument areas (another 34% of the Tongass), the Tongass is currently more than 90% undeveloped and unavailable for road building (with certain limited exceptions). Developed areas cover about 1.3 million acres or about 8% of the Tongass.”<sup>8</sup>

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid. at page ES-2. “The State of Alaska believes that roadless conservation interests for the Tongass can be adequately protected under the Tongass Forest Plan and that the 2001 Roadless Rule prohibitions are unnecessary. In addition, the State believes application of the 2001 Roadless Rule substantially impacts the social and economic fabric of Southeast Alaska and violates ANILCA and TTRA.”

<sup>7</sup> October 29, 2020, Final Rule Exempting the Tongass from the 2001 Roadless Rule, at Page 68689 (lower left column).

<sup>8</sup> Ibid. at Pages 68688-89

The first Trump Administration's October 29, 2020, Alaska-specific Rule Exempting the Tongass opted for a more flexible approach to land management than the 2001 Roadless Rule:

The final rule [i.e., Exemption] would leave the roadless area management issue open for future consideration to the forest planning process. The forest planning process is more flexible than the 2001 Roadless Rule's regulatory approach, because plans are expected to be designed and attuned to local circumstances and are intended to be periodically reviewed. the 2001 Rule's prescriptive approach forecloses a full balancing of interests during future forest planning processes. The final rule [i.e., Exemption] will allow local decision makers the flexibility to address roadless management based on changed local conditions, new unforeseen issues, and take into account state and local economic development plans.<sup>9</sup>

In conclusion, the Forest is adequately protected through the normal national forest land management planning process as intended by Congress in 1976 when it enacted the National Forest Management Act (NFMA). The nationwide Roadless Rule usurped much of the land planning process mandated by the NFMA, particularly on the Tongass. Exempting the Tongass from the Roadless Rule will not authorize any development activities, but it will enable the NFMA planning process to function as intended.

The Biden Administration's failure to amend the 2016 Forest Plan to make it consistent with the October 29, 2020 Rule

Without question, application of the 2001 rule has severely impacted the social and economic fabric of Southeast Alaska communities. It has devastated the timber industry where sustainable harvests have plummeted, and employment is now a tiny fraction of what it was prior to enactment of the Tongass Timber Reform Act of 1990 and the 2001 Rule. These adverse impacts on the timber industry were exacerbated by the Biden Administration's Failure to Amend the 2016 Forest Plan to Make it Consistent with the October 29, 2020, Rule.

The October 29, 2020, Rule exempting the Tongass from the 2001 Roadless Rule would have made 188,000 acres available for timber harvest (168,000 old growth + 20,000 young growth). But that change would only occur if the Forest Service also changed the prohibition in the 2016 Forest Plan. Although the October 29, 2020, Final Rule Exempting the Tongass "direct[ed] the Tongass Forest Supervisor to issue a notice of an administrative change pursuant to 36 C.F.R 219.13(c)," it failed for whatever reason to make the change. As the October 29, 2020, Final Rule Exempting the Tongass said would occur "allowing the inconsistent portion of the 2016 [timber] suitability designation to stand would effectively nullify the Department's regulatory choice to remove the 2001 timber harvest prohibitions."<sup>10</sup> Thus, the 188,000 acres were not made available for timber harvest by the 2020 Exemption; so, Repeal will have no effect whatsoever on timber harvest or associated road construction or the environment.

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<sup>9</sup> Ibid. at Page 68694.

<sup>10</sup> Ibid. at Page 68695 (lower middle column)

## BENEFICIAL IMPACT ON MINING OF REMOVING THE ROADLESS RULE FROM THE TONGASS

### Employment and Environmental Care

The Tongass has two large-scale mines near Juneau occupying footprints of 320-360 acres and a smaller mine near Hollis on Prince of Wales Island. So even if there were ten more such mines on the Tongass they would occupy a footprint of only 3600 acres in a 16.9-million-acre National Forest. The current mining operations and development projects in Southeast Alaska provide over 1,600 direct and indirect jobs, with an estimated average annual wage of \$111,000 (2018 Annual Economic Benefits of Alaska's Mining Industry in Southeast report, McDowell Group). The potential for many more high-paying mining jobs on the Tongass is enormous.

These mines, and any that may follow, cannot operate unless they 1) meet the strict environmental requirements of 36 C.F.R. Part 228 as analyzed under the National Environmental Policy Act (NEPA) process; and 2) survive the inevitable litigation testing whether the analysis complied with NEPA. Mines making it through this process will not be allowed to seriously impact hunting, fishing, and tourism on the Tongass, or interfere with ecological, subsistence, cultural or social values. To the contrary, field evidence from Alaska's mines show that environmental mitigation done as part of mining has improved natural local water quality such that fisheries now exist where none did prior to mine development. Designation of Tongass' mineral-rich lands will bring no additional benefit to the environment, but it will negatively impact the Southeast Alaska economy.

### The Documented Mineral Wealth of the Tongass

The future potential for the Tongass to help power America with its critical and rare earth mineral resource needs is huge. For example, the Bokan Mountain Project on southern Prince of Wales Island is a rare earth prospect that would produce domestically (rather than in China) minerals needed for batteries to power electric cars and high strength magnets required for essentially all electronic devices, including many medical devices.

A 1991 United States Geologic Survey (USGS) study estimated a value for Discovered Minerals of \$37.1 billion and a value for Undiscovered Minerals of \$28.3 billion (expressed as 1988 dollars).<sup>11</sup> The FEIS for the 2008 Tongass Land and Resource Management Plan pointed out that the former U.S. Bureau of Mines had identified 148 locatable mineral deposits in the Tongass. Of these, 52 were ranked by these agencies as having the highest mineral potential. Seven were ranked as having the next highest potential and at least one "critical" and "strategic" mineral.<sup>12</sup>

In addition to the 148 "Identified Mineral Deposits" the 2008 FEIS described 930 "Undiscovered Mineral Resource" tracts estimated. Many of these minerals, like copper, zinc, and barite are on the current "Critical Minerals" list outlined by the U.S. Geological Survey (USGS).

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<sup>11</sup> For summaries of this Report see the 1991 Forest Plan Revision Supplement to the Draft EIS and the 1997 Forest Plan Revision Final EIS (USDA Forest Service 1991, 1997a).

<sup>12</sup> 2008 Tongass Land and Resource Management Plan Amendment FEIS at 3-356.

These USGS and Bureau of Mines reports were prepared in the 1970s, 1980s, and 1990s, and there has been no update of the Tongass Mineral resources since the 2008 FEIS. Technical advances in the recovery of minerals from ore, the significant increases in metals prices, and the need for these metals for national security reasons fully support USDA's proposal to remove the 2001 Roadless Rule barriers to access Tongass minerals.

Removal of the Roadless Rule will remove a barrier to road access to mining claims, exploration, and development on the Tongass

While "reasonable access to mining claims" under the General Mining Law of 1872 is authorized by the 2001 Roadless Rule, the Preamble to the 2001 Roadless Rule is careful to point out that "[r]easonable rights of access may include, but are not limited to, road construction, reconstruction, helicopters or other nonmotorized access." (Emphasis added). The fact is, the USDA has often decided that road access is not "reasonable" and has insisted that helicopter transportation be used, knowing full well that is not a feasible option. What is "reasonable" is left to Forest Supervisor discretion, but there are no guidelines for its determination.

For example, in 1977 the Forest Service denied a Special Use Permit to U.S. Borax to construct a road for a bulk sample of 5,000 tons of ore at the Quartz Hill Project, requiring access to be by helicopter. As the opinion *SEACC v. Watson*, 697 F.2d 1305 (9th Cir. 1983) shows, six years later Borax still did not have a permit to build the road needed to move that volume of ore.

The larger core and underground drilling necessary cannot occur without roads, let alone extraction of large tonnage metallurgical test mill 'bulk' samples. Thus, without roads, only initial exploration data can be obtained. In order to advance a project, the Security and Exchange Commission requires greater certainty of resource/reserve estimation.

While "reasonable access" is technically permitted in IRAs, cutting trees associated with mining exploration and development does not appear to be allowed. 36 C.F.R. § 294.13 (b) (2) authorizes the cutting of timber "incidental to implementation of a management activity not otherwise prohibited by this subpart." However, there is no mention of mining in the examples of what this section authorizes provided in the 2001 Rule and ROD.

The proposed Removal of the Tongass from the Roadless Rule will:

Assure road access to mineral operations authorized by the United States mining laws (30 U.S.C. § 22 et seq.) for operators meeting the requirements of 36 C.F.R. Part 228. This is the same process for obtaining road access to mineral operations on non-IRA National Forest lands.

Allow the cutting and removal of trees associated with mining exploration and development.

Currently, 36 C.F.R. § 294.13(b)(2) only authorizes the cutting or removal of trees in IRAs that is "incidental to implementation of a management activity not otherwise prohibited by this subpart." The level of exploration needed to develop a mine on the Tongass requires the cutting and removal of



trees. Mine development would require even more cutting and removal of trees. Removal would eliminate this barrier to mining.

Removal of the Roadless Rule Road Prohibitions Will Benefit More Than Just Mining Activity.  
The proposed Removal of the Tongass from the Roadless Rule will:

Assure road access to leasable minerals (such as geothermal resources) if the operator meets the environmental criteria of 36 C.F.R. Part 228.

Permit roads in the Transportation Utility System (TUS) corridors identified in the State's 2004 Southeast Alaska Transportation Plan (SATP) for development and/or essential for reservation for the connection of communities and development of the regional transportation system.

Assure access to new hydropower and other renewable energy projects and their transmission infrastructure, including their maintenance.

Allow road access to Congressionally authorized Southeastern Alaska Intertie System Plan Routes (PL 106-511, February 1, 2001) as identified in report #97-01 of the Southeast Conference.

Allow roads included in community, municipal, and tribal government plans to provide access and development of water resources, renewable energy resources, sanitary landfills, connecting isolated road networks, and subsistence resources, including maintenance of such roads and facilities.

Assure road access to an authorized facility or location for fishery research, management, enhancement, and rehabilitation activities; fishways, fish weirs, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other permitted aquaculture facility or activity, including mariculture.

Allow hunters, including older hunters, greater access to the interior of the islands that make up the Tongass and prevent concentration of hunting within 1.5 miles of the beach.

Allow roads, and transportation corridors needed for all uses of the Tongass: economic development, renewable energy, recreation, and other community economic, cultural, and social activities.

Enhance the benefits of Congress's 2005 SAFETYLU Transportation Legislation which helped implement the 2004 Southeast Alaska Transportation Plan by authorizing 19 easements allowing for road construction in the Tongass.

Provide road support for the Congressionally authorized Southeastern Alaska Intertie System Plan Routes (PL 106-511, February 1, 2001) as identified in report #97-01 of the Southeast Conference.

Provide certainty that road access to future hydro projects and power distribution line corridors will be authorized; and

Allow road access to geothermal projects.

## CONCLUSION

The above-described benefits explain AMA's strong enthusiasm for the proposed Removal of the 2001 Roadless Rule from the Tongass.

While AMA supports removal of the Roadless Rule to the Tongass through the instant proposed rulemaking, the "on again – off again" application of the Roadless Rule to the Tongass has created great uncertainty for investors. Accordingly, AMA requests that the Administration seek legislation to make removal of the Tongass from the Roadless Rule as permanent as can be made.

AMA also requests that the Administration invest in mining the critical and rare earth minerals on the Tongass either through the Departments of Interior and Energy or by directing investment from sovereign wealth funds with which the United States has entered tariff agreements. Doing so would be in the national security interest of the United States.

Thank you for your consideration, and please do not hesitate to contact me with questions.

Sincerely,



Deantha Skibinski  
Executive Director