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April 21, 2026

Courtney Stevens
Acting Deputy Under Secretary
Natural Resources and Environment
USDA Forest Service
1400 Independence Avenue SW
Mailstop 1124
Washington, DC 20250
Submitted via regulations.gov

Re: Proposed Rule on Locatable Minerals; 91 Fed. Reg. 8316 (Feb. 21, 2026)

Dear Ms. Stevens:

The Alaska Miners Association (AMA) appreciates the opportunity to provide comments on the United States Forest Service (USFS) proposed rule on Locatable Minerals on National Forest System lands.

AMA is a professional membership trade organization established in 1939 to represent the mining industry in Alaska. AMA's more than 1,400 members come from eight statewide branches: Anchorage, Denali, Fairbanks, Haines, Juneau, Kenai, Ketchikan/Prince of Wales, and Nome. Alaska's miners are individual prospectors, geologists, engineers, suction dredge miners, small family mines, junior mining companies, major mining companies, Alaska Native Corporations, and the contracting sector that supports Alaska's mining industry.

AMA members explore and develop on federal, state, and private lands across Alaska; in many cases, a mining project can consist of all three types of land ownership. Furthermore, in Alaska two large metal mines and numerous exploration projects have operated successfully for decades on USFS lands and they and the communities that support and benefit from them stand to benefit from a modern, efficient, and practical new rule on locatable minerals. Unfortunately, AMA has reviewed the proposed rule and must comment in opposition to the unworkable rewrite of the regulations governing the exploration and development of locatable minerals on Forest Service lands.

As proposed, the revisions will undermine the stated objectives of improving the "transparency and efficiency" of the regulations and supporting federal policy "to secure reliable and sustainable supplies of strategic and critical minerals in the United States." Our concerns regarding the proposal are detailed below, but ultimately we urge the Forest Service to adopt the recommendations of the National Mining Association (NMA) and American Exploration and Mining Association (AEMA) to pursue a tailored rulemaking that will meaningfully unlock mineral resources on Forest Service lands in a responsible and sustainable manner.

The mining industry has been waiting for decades for the Forest Service to implement the common-sense recommendation of the National Academy of Sciences (NAS) that the agency align its treatment of small-scale exploration activities with the approach used by the Bureau of Land Management (BLM). In its 1999 report, *Mining on Federal Lands*, the NAS specifically recommended that the Forest Service allow exploration disturbing less than five acres to be approved or denied expeditiously, similar to notice-level exploration activities on BLM lands. BLM utilizes a 15-day timeframe for determining a notice is complete and the operator may conduct notice-level operations once it has submitted the required financial guarantee. In contrast, exploration projects on USFS lands can wait years to secure necessary approvals, which ultimately exacerbates the U.S.' reliance on foreign sources of minerals. Unfortunately, the Forest Service's effort to expedite small-scale exploration activities fails because the proposed rule contains so many exceptions that will trigger a full plan of operations, far beyond those contained in the BLM's regulations. As a result, very little new exploration activity would be incentivized by the Forest Service's proposed revisions.

AMA is extremely concerned about the proposed inclusion of a new overarching environmental standard requiring minimization of adverse environmental impacts to the "fullest extent practicable." Nothing in the proposal explains or justifies the insertion of this language, which will simply create confusion and litigation risk and undermine the regulatory certainty necessary for operating on Forest Service lands, and is inconsistent with the mineral development policy goals of this Administration.

Exacerbating the insertion of this new standard is the removal of existing language in the purpose section of the rule that highlights the statutory right conferred by the U.S. mining law "*to enter upon the public lands to search for minerals.*" The language is critical as it reflects the limits of Forest Service's authority to impair mining on forest lands as articulated in section 478 of the Organic Administration Act of 1897 and interpreted by the courts. Without the purpose section language on Forest Service's limited authority, new language in the scope section appears to subject mining activities to the entirety of the listed regulations including parts 251 (special uses) and 212 (travel management, including road management). This inclusion unlawfully implies that these other regulations may trump the applicability of the mining laws to Forest Service lands as reflected in the Organic Act by providing new or additional regulatory discretion to deny mining projects. Additionally, these regulations could be misused to create additional and unnecessary regulatory burdens that will significantly delay and/or interfere with mine project permitting.

While the proposal includes a passing reference to the administration's interest in expanding mining on federal lands to secure reliable and sustainable supplies of domestic minerals, the proposal neglects to mention key Executive Orders (E.O.) directing agency action to align with these objectives. The proposed rule fails to acknowledge either President Trump's Jan. 2025 E.O. 14154, "*Unleashing American Energy*," or the March 2025 E.O. 14241, "*Immediate Measures to Increase American Mineral Production.*" Both these orders direct implementation of policies to encourage exploration and mineral production by removing agency actions and roadblocks. The Forest Service failed to tailor its proposed revisions in a manner that aligns with these directives. Moreover, the USFS failed to consider the Jan. 2025 E.O. 14153, "*Unleashing Alaska's Extraordinary Resource Potential*" which established as national policy to "...efficiently and effectively maximize the development and production of the natural



resources located on both Federal and State lands within Alaska.” This is especially significant here in Alaska which contains the two largest National Forest in the nation, the Tongass and the Chugach.

Similarly, the proposed rule ignores congressional directives tasking the Forest Service to evaluate hurdles to mining projects, such as those included in section 40206 of the Infrastructure Investment and Jobs Act (IIJA) of 2021. The IIJA contained extensive bipartisan permitting efficiency improvements and required regular updates from the Forest Service on achieving the law’s objectives. Despite the passage of more than four years, the Forest Service has yet to implement these directives.

AMA appreciates the opportunity to submit these comments on the proposed rule. Rather than upend the 228A framework as the USFS has proposed, we endorse the recommendations of the NMA and AEMA that the Forest Service implement tailored regulatory improvements to include the: (1) adoption of a process to allow expeditious approval or denial of small-scale exploration activities; and (2) codification of appropriate financial assurance for small-scale exploration activities and long-term post-mining maintenance requirements. Please don’t hesitate to contact me should you have any questions regarding these comments.

Sincerely,

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

Deantha Skibinski
Executive Director