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July 21, 2025

Gregory Zerzan, Acting Solicitor
United States Department of the Interior
1849 C St NW
Washington, DC 20240
Submitted via <https://regulations.gov>

RE: Regulatory reform Request for Information

Dear Director Acting Solicitor Zerzan:

The Alaska Miners Association (AMA) appreciates the opportunity to comment on the U.S. Department of the Interior's (DOI) regulatory reform Request for Information (RFI) to "identify existing regulations that can be modified or repealed, consistent with applicable law, to ensure that DOI administrative actions do not undermine the national interest." This initiative carries out the directives of the President to "deconstruct the regulatory burden that has been self-imposed on our Nation's interest and improve the relevant processes to establish a more efficient regulatory program at DOI."

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.

The RFI is a nationwide ask to submit recommendations and identify regulations inconsistent with statutes, impede economic growth, and are a burden to American businesses. To that end, AMA supports and incorporates by reference comments submitted by the National Mining Association and the American Exploration & Mining Association. These national organizations are our partners and eyes and ears on federal government issues and policy, and do a terrific job of representing all fifty states in their mining industry advocacy. The remainder of comments are specific to Alaska regulations that we would like to bring to the attention of the Department.

Ambler Road Record of Decision

The 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 Ambler Road 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. In June 2024, the Biden Administration selected a No-Action Alternative, a flat refusal to grant access to the Ambler Mining District that was mandated by Section 201(4)(b) of ANILCA. The Ambler Road is needed to provide access to important zinc, lead, silver, cobalt and copper deposits and provide much-needed jobs (5,000 direct and indirect) and revenue (\$1.1 billion to Alaska and \$193 million to local governments, including Alaska Natives). Without the road, mineral development projects are not viable. The selection of the No Action Alternative was based on flawed analyses in the Supplemental Environmental Impact Statement and Alaska National Interest Lands Conservation Act (ANILCA) evaluation. None of the benefits of providing road access were cited in the analyses. It was also inconsistent with the explicit grant of right-of-way to the Ambler Mining District provided in ANILCA.

While the previous Record of Decision and following policy actions for the Ambler Access (road) Project are referenced in the January 20, 2025 Unleashing Alaska's Extraordinary Resource Potential [Executive Order](#), regulatory and/or other actions are still needed to ensure that the Ambler Mining District has access to the Alaska Haul Road (Dalton Highway) pursuant to the mandatory requirement of ANILCA Section 201 4(b). The June 2024 Record of Decision should specifically be rescinded and the Clean Water Act Section 404 permit suspended in January 2025 should be re-instated.

ANCSA 17(d)(1) withdrawals

With the enactment of the Alaska Native Claims Settlement Act (ANCSA) in 1971, temporary Public Land Orders (PLOs) were instituted to allow for the land to be classified to be made available for selection by Alaska Native Corporations organized under the Act. The State of Alaska and Alaska Native Corporations have since selected their lands agreed upon at Statehood, and the Alaska National Interest Lands Conservation Act (ANILCA) established national conservation system units that removed lands from development. Yet, 50 years later, the 17 (d)(1) withdrawals remain in place, keeping as much as 57 million acres of lands in a status that precludes multiple use management, including mineral development. In 2024, BLM chose to continue the withdrawals and failed to resolve this longstanding inappropriate management of public lands. AMA's comments which provide a full background and recommended actions can be seen [here](#). At a broader level, in this and other rulemakings, the Biden Administration indicated that natural resource projects and related infrastructure cannot co-exist with protection of subsistence. These findings blatantly ignore the history of environmentally and socially responsible development in Alaska in subsistence areas and the federal and state agency, Native group, and private sectors efforts to protect these resources. This false narrative should be rebutted in each of DOI's regulatory efforts going forward.

Central Yukon Resource Management Plan (RMP) (and all Resource Management Plans)

Also in the Unleashing Alaska's Extraordinary Resource Potential [Executive Order](#), BLM must pursue a revision to the 2024 Central Yukon RMP to adopt an Alternative that that provides for greater mineral entry and multiple use could incentivize mining investment on significant acreage in Interior Alaska. AMA's comments which provide a full background can be seen [here](#) and [here](#).

Public Land Order 5150

Section 3 (b)(7) of the *Unleashing Alaska's Extraordinary Resource Potential*

[Executive Order](#), that directs the lifting of Public Land Order (PLO) 5150 could maximize investment in mineral deposits, as well as oil and gas activity, along a significant portion of the Trans-Alaska Pipeline and Dalton Highway route. BLM must lift the order, as directed by [Secretarial Orders](#).

Bureau of Land Management (BLM) Conservation and Landscape Rule

In 2024, BLM issued a final “lands rule” prioritizing conservation over multiple uses of public lands under the Federal Land Policy and Management Act’s (FLPMA) multiple-use and sustained-yield framework. BLM also prioritized designating Areas of Critical Environmental Concern (ACEC) and avoidance of impacts to federal lands. Together, these actions caused great uncertainty for federal land users like mining. The rule is similar to the BLM’s Planning 2.0 in 2016 which Congress voided under the Congressional Review Act. AMA filed [comments](#) on the rule emphasizing the importance of BLM lands in providing access both to resources on BLM lands, and even more significantly, the importance of BLM lands in providing access to state and private lands, including Alaska Native Corporation lands, in Alaska.

Congress, in 1980, determined that ANILCA provided the proper balance between conservation and resource development in Alaska. ANILCA designated 135 million acres, approximately 60% of ALL Federal lands in Alaska into National Parks and Preserves, National Wildlife Refuges, and National Wilderness areas, and National Wildlife and Scenic Rivers. In addition to six BLM-managed Wild and Scenic Rivers, ANILCA set aside over 2 million acres of BLM lands as the Steese National Conservation Area and White Mountains National Recreation Area. Remaining BLM lands were intentionally left as multiple use lands, part of the balance of “public lands necessary and appropriate for more intensive use and disposition.”

In our comments, AMA argued that RMPs for BLM’s Alaska lands have demonstrated that the existing federal statutes, regulations and rules provide more than adequate protection for conservation of resources, additional restrictions on development in the proposed rule were not necessary. While the Rule made general statements about the ongoing and future degradation of BLM lands, it cited no specific evidence that it is actually occurring due to existing and likely future uses. This is especially the case where such uses encompass only very small areas of otherwise undisturbed lands, like in Alaska. These realities again must be acknowledged and addressed before radically changing how Federal lands are managed, and rules must be consistent with other federal laws like ANILCA. We are aware that OMB is working with BLM to rescind this rule, supported by Secretarial Order 3418, and we applaud this action. Since the Central Yukon RMP is based on many of the provisions of the land rule, we see actions on both has related and important.

Exemption of Roadless Rule application to Tongass National Forest

While our management of our National Forests and the application of a Roadless Rule fall under the Department of Agriculture, it is worth highlighting a key role for DOI agencies in the Tongass National Forest. The Final Environmental Impact Statement (FEIS) for the 2008 Tongass Land and Resource

Management Plan pointed out that the U.S. Bureau of Mines had identified 148 locatable mineral deposits in the Tongass. Of these 52 were ranked as having the highest mineral potential. Seven were ranked as having the next highest potential and at least one “critical” and “strategic” mineral. (2008 FEIS at 3-356).

In addition to the 148 Identified Mineral Deposits the 2008 FEIS described 930 “Undiscovered Mineral Resource” tracts estimated in the 1991 USGS Report. The potential for many more high-paying mining jobs on the Tongass is enormous. A 1991 United States Geologic Survey (USGS) study estimated a value for Discovered Minerals of \$37.1 billion (expressed as 1988 dollars) and a value for Undiscovered Minerals of \$28.3 billion (expressed as 1988 dollars). (This report was revised in 1996 in USGS Report 96-716). The escalation in metals prices that has taken place since 1991 and 2008 has dramatically increased these values.

Only the Greens Creek, Kensington, and Dawson Mines are operating on this West Virginia sized federal land. To properly access its extensive mineral deposits, the Tongass must be exempt from the 2001 Roadless Rule (which the President identified for exemption in Section 3(c) of the Unleashing Alaska’s Extraordinary Resource Potential [Executive Order](#)). In addition, road (not helicopter) access to the mineralization described above must be authorized to unleash the potential to explore, develop, and open additional mines.

The uncertainty caused by the failure to durably resolve this issue after 25 years, the failure to assure road access to mining exploration and development areas of the Tongass, the lack of assurance that bulk samples can be removed by road, and the cost of using helicopters for access have limited the ability of the United States to realize the incredible mineral wealth to the Tongass. 36 CFR Part 294 §§ 294.10 – 294.14 must be statutorily repealed, and the USGS must be empowered to continue with studies to report the abundant mineral resources in the area.

National Historic Preservation Act Section 106

United States Corps of Engineers (USACE) Appendix C procedures relating to NHPA Section 106, which were abandoned during the prior administration in favor of the Advisory Council on Historic Preservation’s Section 800, should be reinstated. They could cause significant expansion of the areas of potential effects and consultation requirements, creating greater permitting burdens on USACE and project proponents and increasing risk of litigation. The move changed decades of precedence for consultation that have worked effectively and inevitably will lead to general and individual permitting delays for critical mineral projects, especially given the lack of USACE’s expertise in cultural resource management.

Section 106 consultations required within the U.S. Army Corps of Engineers permit as part of the National Historic Preservation Act have resulted in significant delays to the mine obtaining key permits to do exploration activity. Section 106 is expanding into a separate, multi-level, mini-NEPA process. This process must be reformed, clarified, and improved to make the procedures transparent and shorten timelines. The process appears to be weaponized by non-governmental organizations to create delays and leverage. There is an opportunity to eliminate or clarify the interpretation and use of Traditional Cultural Landscapes (TCL), as defined by National Park Service, rather than Historic

Property as defined by the Act, or to provide some clarity on the how TCLs should be considered in permitting actions to focus on what Congress intended.

Endangered Species Act (ESA) policy

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service, in the Biden Administration, undertook specific actions underneath the ESA, for example salmon and the North Pacific Right Whale, as well as effectuated policy changes on other species under the Act that led to significant and unnecessary restrictions on domestic mining and infrastructure projects. This is inconsistent with the stated goals of the Trump Administration. Moving forward, we urge the Administration to carefully consider a path forward for ESA policy, and review the broader comments that our national mining partners have submitted on reversing the national ESA rulemakings.

Finally, AMA offers a general comment to address the significant undertaking that will be required to accomplish deregulatory goals on federal lands in Alaska. Specifically, ANILCA quite intentionally incorporated known mineral deposits within withdrawn lands, largely National parks, without provision for developing or even accessing those deposits. Mineral prospect after mineral prospect, not to mention deposit after deposit, are tied up, not just by statute but by regulations, policy decisions and public land orders. For over six decades, these barriers have remained in place. Re-establishing the joint federal/state land use commission, as created by ANILCA, for the purpose of addressing regulatory problems could be a useful tool to facilitate the meaningful change needed to realize economic development on these lands.

Thank you for the opportunity to provide these comments.

Sincerely,



Deantha Skibinski
Executive Director