

**Alaska Community Action on Toxics • Alaska Soles Broadband of Great Old  
Broads for Wilderness • Alaska Wilderness League • Alaska Wildlife  
Alliance • All About Adventure • Brooks Range Council • Center for  
Biological Diversity • Earthworks • National Parks Conservation Association  
• Native Movement • Northern Alaska Environmental Center • Protect the  
Kobuk • The Wilderness Society • Trustees for Alaska • Winter Wildlands  
Alliance**

*Sent via e-mail*

May 10, 2023

Stacie McIntosh  
Project Manager  
Bureau of Land Management  
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Fairbanks, AK 99709  
s05mcint@blm.gov  
BLM\_AK\_AKSO\_AmblerRoad\_Comments@blm.gov

**Re: Request to consider the Council on Environmental Quality’s new climate  
guidance and President Biden’s recent Executive Order on environmental justice in  
the Ambler Mining District Industrial Access Road Supplemental Environmental  
Impact Statement**

Dear Ms. McIntosh:

Our organizations respectfully request that the Bureau of Land Management (BLM) take into account the Council on Environmental Quality’s (CEQ’s) new *National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change* and President Biden’s new Executive Order 14096, *Revitalizing Our Nation’s Commitment to Environmental Justice for All*, when preparing its Supplemental Environmental Impact Statement (SEIS) for the Ambler Mining District Industrial Access Road (Ambler Road).<sup>1</sup>

CEQ released updated guidance on how agencies should consider and analyze GHG emissions and climate change in NEPA reviews on January 9, 2023, after the close of the scoping comment period for the Ambler Road SEIS. The CEQ climate guidance is effective immediately and directs agencies to “consider applying this guidance to actions in the EIS or EA preparation stage if this would inform the consideration of alternatives or help address comments raised through the public comment process.”<sup>2</sup> This guidance is directly relevant to the Ambler

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<sup>1</sup> National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change, 88 Fed. Reg. 1196 (Jan. 9, 2023); Executive Order 14096: Revitalizing Our Nation’s Commitment to Environmental Justice for All (Apr. 21, 2023).

<sup>2</sup> 88 Fed. Reg. at 1212.

Road and the analysis of its impacts. BLM should fully consider and apply that guidance in its forthcoming SEIS.

The new CEQ guidance directs agencies to account for the impact climate change will have on a proposed project. The guidance states, “NEPA reviews should consider the ongoing impacts of climate change and the foreseeable state of the environment, especially when evaluating project design, siting, and reasonable alternatives.”<sup>3</sup>

This new guidance is particularly important and relevant in the context of the Ambler Road. The Ambler Road project is proposed to be set in an area that is already facing the devastating impacts of climate change. Continuous permafrost underlies the entirety of the project area. With average annual temperatures rising, permafrost degradation is already occurring and is a very real threat to any infrastructure in this region. Thawing permafrost can lead to thaw settlement and thaw ponds, which will negatively impact and degrade gravel road and mining infrastructure. Permafrost thaw can also mobilize contaminants, such as mercury and other heavy metals, as well as persistent organic pollutants that have been sequestered.<sup>4</sup> Mobilization of these contaminants poses risks of exposure and harm to health. Additionally, permafrost thaw can lead to releases of carbon dioxide and methane into the atmosphere.<sup>5</sup>

The Denali Park Road serves as an example of how gravel roads through permafrost areas can lead to serious infrastructure problems with significant environmental and financial consequences.<sup>6</sup> As seen in the Denali Park Road context, gravel roads in permafrost landscapes will degrade over time, and degradation may accelerate dramatically from thawing of the underlying layers of permafrost.

A new study done by University of Alaska Fairbanks scientists on landslide risks in Alaska national park road corridors found that mean annual air temperatures are warming

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<sup>3</sup> *Id.* at 1207.

<sup>4</sup> Paul F. Schuster et al., *Permafrost Stores a Globally Significant Amount of Mercury*, 45 GEOPHYSICAL RESEARCH LETTERS 1463 (2018) (attached), available at <https://agupubs.onlinelibrary.wiley.com/doi/epdf/10.1002/2017GL075571>; Kimberly R. Miner et al., *Emergent Biogeochemical Risks from Arctic Permafrost Degradation*, 11 NATURE CLIMATE CHANGE 809 (2021) (attached), available at <https://www.nature.com/articles/s41558-021-01162-y>; Moritz Langer et al., *Thawing Permafrost Poses Environmental Threat to Thousands of Sites with Legacy Industrial Contamination*, 14 NATURE COMM'NS 1721 (2023) (attached), available at <https://www.nature.com/articles/s41467-023-37276-4>; Brittany Tarbier et al., *Permafrost Thaw Increases Methylmercury Formation in Subarctic Fennoscandia*, 55 ENVTL. SCI. TECH. 6710 (2021) (attached), available at <https://pubs.acs.org/doi/pdf/10.1021/acs.est.0c04108>.

<sup>5</sup> Kimberley R. Miner et al., *Permafrost Carbon Emissions in a Changing Arctic*, NAT. REV. EARTH ENV'T, 3:55–67 (Jan. 2022) (attached), available at <https://par.nsf.gov/servlets/purl/10313977>

<sup>6</sup> Yereth Rosen, *Worsening Thaw-Spurred Landslide Curtails Access to Alaska's Denali Park*, REUTERS, Apr. 26, 2021 (attached), <https://www.reuters.com/business/environment/worsening-thaw-spurred-landslide-curtails-access-alaskas-denali-park-2022-04-26/> (last visited Feb. 10, 2023).

significantly each decade and with increased summer precipitation. As a result, the study concluded the Ambler Road corridor has an elevated risk of landslides during the late century (2061–2100), which will potentially impact road construction and infrastructure.<sup>7</sup>

During the prior permitting and environmental review process for the Ambler Road, several of the federal agencies and staff voiced concerns about the impacts permafrost degradation would have on the road and region, pointing to risks to water quality, erosion, long-term viability of the road, and the amount of gravel that would be required to support the road in the case of degrading permafrost.<sup>8</sup> The road development itself has the potential to accelerate permafrost degradation as well.<sup>9</sup>

Despite the serious concerns about permafrost degradation flagged in the prior process, BLM failed to adequately address the full extent of these impacts, to ensure there was adequate baseline information, or incorporate adequate mitigation measures into the design of the project. BLM must address these information gaps and properly assess the impacts that permafrost degradation and climate change will have on the road in the SEIS.

BLM should also ensure that it considers mitigation and design measures to avoid or lessen the impacts of climate change on the project. Under the guidance, “[c]onsidering the effects of climate change on a proposed action, and reasonable alternatives (as well as the no-action alternative), also helps to develop potential mitigation measures to reduce climate risks and promote resilience and adaptation.”<sup>10</sup> In addition to accounting for the climate impacts on a project, agencies must properly assess proposed mitigation measures. As the climate guidance states, mitigation “plays a particularly important role in how agencies should assess the potential climate change effects of proposed actions and reasonable alternatives.”<sup>11</sup> For the Ambler Road, BLM should adopt targeted mitigation measures in the SEIS that address the impacts of climate change on and from the road and mining infrastructure. Such measures were not adequately considered or adopted in the prior environmental review process for the road.

In applying the updated CEQ climate guidance, BLM must also adequately analyze and address greenhouse gas emissions and climate change impacts from construction of the Ambler

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<sup>7</sup> Rick Lader et al., *Climate Indicators of Landslide Risks on Alaska National Park Road Corridors*, *ATMOSPHERE* 14, no. 1:34 (Dec. 24, 2022) (attached), available at <https://doi.org/10.3390/atmos14010034>.

<sup>8</sup> Bureau of Land Mgmt., Ambler Mining District Industrial Access Project: Cumulative Impacts Assessment Workshop Day 2: Meeting Minutes 5–6 (Apr. 9, 2019) (Admin. R. BLM\_0067430–31) (NPS staff explaining “everything flows from permafrost: water quality issues, erosion potential, long-term viability of road, and amount of gravel needed to support the road”).

<sup>9</sup> Bureau of Land Mgmt., Ambler Mining District Industrial Access Project: Cumulative Impacts Assessment Workshop Day 1: Meeting Minutes 16 (Apr. 8, 2019) (Admin. R. BLM\_0067377) (NPS staff noting it “wouldn’t take much” to thaw permafrost at Phase I of the Ambler Road project).

<sup>10</sup> 88 Fed. Reg. at 1209.

<sup>11</sup> *Id.* at 1206.

Road, its associated mines, and future traffic in the area. The first steps for such an analysis require BLM to quantitatively model the GHG emissions from the Ambler Road project, consider their significance, and examine the cumulative effects. The guidance requires agencies to “quantify the reasonably foreseeable direct and indirect GHG emissions of their proposed actions and reasonable alternatives (as well as the no-action alternative) and provide additional context to describe the effects associated with those projected emissions in NEPA analysis.”<sup>12</sup>

In the 2020 final EIS for the Ambler Road project, BLM failed to analyze all project GHG emissions in its quantitative analysis. The 2020 final EIS only considered emissions from road traffic after the project was completed. It did not consider emission from aircraft traffic, construction activities, gravel mining, permanent work camps, and maintenance activities from the project. In compliance with the CEQ climate guidance, BLM must properly model and address all associated GHG emissions from each stage of the project in the SEIS.

In addition to quantifying the GHG emissions from the Ambler Road project itself, the guidance directs agencies to properly evaluate the connected actions of a project.<sup>13</sup> The purpose of the road is to allow for industrial access from the Dalton Highway to the Ambler Mining District; therefore, the future development in the Ambler Mining District and the road are connected actions. BLM must acknowledge and account for the future impacts from the mining development in its assessment of potential GHG emissions from the Ambler Road project in the SEIS.

The guidance also underscores the importance of agencies contextualizing the cumulative project emissions while using the best available climate science. “In evaluating a proposed action’s cumulative climate change effects, an agency should consider the proposed action in the context of the emissions from past, present, and reasonably foreseeable actions.”<sup>14</sup> Therefore, BLM must explain how the project’s GHG emissions, in the context of the current global climate crisis, would move the planet closer to or further from unacceptably dangerous warming that could lead to further catastrophic impacts.

BLM should use the best available social cost of GHG estimates to evaluate the cost of the Ambler Road’s emissions. The guidance calls for agencies to use the social cost of carbon estimates to better help decision makers and the public understand the proposed action’s climate impacts.<sup>15</sup>

The CEQ guidance further emphasizes the importance of agencies considering the environmental justice (EJ) implications of a given project. As noted in the guidance, communities of color and Indigenous communities often face the brunt of climate change impacts. Therefore, it is important for agencies to incorporate environmental justice considerations in their NEPA analyses.

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<sup>12</sup> *Id.* at 1201.

<sup>13</sup> *Id.* at 1205.

<sup>14</sup> *Id.* at 1205–06.

<sup>15</sup> *Id.* at 1202–03.

It is imperative that BLM complete a robust environmental justice analysis in the Ambler Road SEIS. In addition to the updated CEQ climate guidance, President Biden’s new Executive Order 14096 directs agencies to, among other things, address climate and environmental burdens from federal activities on communities with EJ concerns. The Executive Order instructs agencies to “evaluate relevant legal authorities and . . . consider adopting or requiring measures to avoid, minimize, or mitigate disproportionate and adverse human health and environmental effects (including risks) and hazards of Federal activities on communities with environmental justice concerns.” In order to comply with the Executive Order, BLM must properly analyze, minimize, and mitigate the EJ impacts of the Ambler Road project. Our organizations previously submitted comments on the potential EJ implications of the Ambler Road project and how the 2020 final EIS failed to directly account for and mitigate those impacts from the project. In the SEIS, BLM must address these EJ concerns while analyzing the proposed alternatives and mitigation strategies to ensure that impacts to EJ communities are avoided or minimized and that the agency is complying with both the new CEQ guidance and the Executive Order.

We respectfully request that BLM follow the CEQ climate guidance and Executive Order 14096 as it conducts the SEIS process for the Ambler Road. BLM needs to account for the current and future climate change impacts in the region, such as melting permafrost, and how that may affect the project itself and the surrounding environment. BLM should also properly calculate and mitigate the direct, indirect, and cumulative GHG emissions from the Ambler Road and its connected actions.

If you have any questions, please do not hesitate to contact Suzanne Bostrom at (907) 433-2015 or by e-mail at [sbostrom@trustees.org](mailto:sbostrom@trustees.org). Thank you for your consideration of these comments.

Sincerely,

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