

RE: Comment on the Notice of Intent to Prepare a Supplemental Environmental Impact Statement on the Proposed Ambler Mining District Industrial Access Road, Fairbanks, AK.

Let me start by telling you who I am and why I care. I am a resident of Alaska and currently reside in the Anchorage area. I have also lived in rural Alaska, was a rural resident of Kotzebue, and a subsistence user in Northwest Alaska. I have traveled throughout the area in all seasons of the year.

I retired from the Federal Subsistence Program, where I worked on subsistence management and regulations throughout Alaska. During this time I attended many public meetings and listened to concerns from subsistence users, scientists and other members of the public about the changes they are seeing in respect to climate change and negative effects to their subsistence resources and harvesting due to the increase of commercial ventures in their subsistence areas. Many of the speakers were residents who had lived in their community all their lives, and come from families that have generations of knowledge about the land and its resources. Concerns about climate change, hunting pressures from sport hunters and commercial ventures were raised and how that affected their ability to adequately harvest for the subsistence needs of their families.

I think in the rush to prepare and publish this EIS on the Ambler Road, the importance of subsistence was devalued and environmental impacts were not adequately addressed. The full scale of the project is not being considered. Once again, the application and environmental review process seems to be using the same tactic which was reported to have been used by the Pebble Mine proponents on their plans. Which was to deliberately minimize and piecemeal the full extent of the project, so that once the first step was authorized, the subsequent expanded plans would be presented as only marginally different and simply rubber stamped as “approved.”

A review of primarily the construction phase of the Ambler Road plans, without a review of the full longterm operational plans, and lifespan of the road appears to be an attempt to downplay the potential environmental and subsistence impacts of a road that will cross 2,900 streams, 11 major rivers and 1,700 acres of wetlands. Furthermore, a review of the road plan without looking at the full cumulative effects, does not provide a complete analysis of the future environmental impacts to this region, the potential impacts to the subsistence resources and the users of those resources.

The U.S. District Court for Alaska seems to agree with this perspective on the preparation and review of the EIS for the Ambler Road. The Court’s remand to BLM, stating that additional legal analysis had revealed deficiencies in the BLM’s analysis of subsistence impact under ANILCA Section 810 and consultation with tribes pursuant to Section 106 of the National Historic Preservation Act (NHPA).

1. The Supplemental EIS should include full discussion and analysis of not only the construction of the road but also the impacts associated with the OPERATION of the Road to haul minerals out and supplies in, for the lifespan of the road (not just the construction phase).

The narrative in the EIS also describes that the Ambler Road will be available for access to future development in the area. The EIS does not however address this type of increased use, in its analysis. In some sections it barely provides analysis of the operational aspect of providing access to a single mine, which is yet to be permitted, in the Ambler District. This EIS as prepared focuses its analysis on the construction of the road and marginally introduces, describes and analyzes the **OPERATION OF THE ROAD** in the “Other Indirect or Cumulative Impacts” sections. In accordance with the Code of Federal “The definition in the Code of Federal Regulations (CFR 43 2800) states a “Right-of-Way means the public lands that the BLM authorizes a holder to use or occupy under a particular grant or lease.” The EIS that was prepared on this road seems to limit its scope and analysis to simply the construction of the road and minimizes its discussion and analysis of the OPERATION of the road. Although it mentions the Ambler Road will “open up mineral development” in the area, the EIS does not provide any analysis of the types and amounts of new mining ventures that may spawn in this area, and how that would increase the use and impacts of the road. The full scope of construction and long-term operation need to be addressed and analyzed. If the road is not being built to operate a mine, then what is its purpose? There are a few sections of the analysis that address use and impacts during the operation of the road, but many sections skirt the issue.

2. The Supplemental EIS review should include a more scientific discussion of current climate change factors in the region and future projections of climate change in Alaska. Climate change will have an effect the physical road, and will also have effects on the physical environmental factors, the biological resources and the social systems. Climate change factors and data from the region, should play a greater role in this analysis.

I have suggested in previous comments that the Alaska Center for Climate Assessment and Policy might be a good first stop for gathering this type of information, but it appears those suggestions have not been incorporated in the EIS, except in the Fish and Amphibians section. The rapidly changing climate, vegetation changes, subsistence challenges resulting from climate change are not adequately addressed here. I would suggest the Supplemental EIS incorporate not only the current science in Alaska on these changes, but also available projections for continued climate changes, such as permafrost melting and resulting methane releases, changes in animal migration patterns, flooding and storm pattern intensity and the anticipated stressors to subsistence resources. Changes to freezing and thawing of waterbodies have already negatively effected access to subsistence resources. Change on current and future subsistence needs and resources should receive better analysis in the Supplemental EIS.

3. The Supplemental EIS review should include a full analysis of what would occur to physical, biological and subsistence resources when the road is eventually opened to the public or other mineral or development interests.

If this road is built with public funds from AIDEA, it has a very good chance of being opened as a public access road. The analysis appears to be an attempt to minimize the impacts of a major new road across Northwest Alaska and could provide a false sense of assurances for the future. If history teaches us anything, then perhaps we could look back, to access issues on the Haul Road, as an example of how a "limited access road" was eventually opened to all traffic. An excerpt from a story printed on June 10, 1981, by Wallace Turner, in the New York Times provides this history:

"The Alyeska Pipeline Company had to build the road before it could build the pipeline, and when the highway opened in 1974, traffic was limited beyond the Yukon to vehicles involved in the pipeline construction. Later, traffic was restricted by permits to about 200 trucks a day carrying supplies to the oil camps built by the petroleum companies on the frozen Arctic plain.

At midnight May 31, after four years of disputes among several interests, a stretch 150 miles north of the Yukon was opened to all traffic. 25 Vehicles the First Week.

No more than 25 vehicles exercised the new privilege in the first week the road was open, by the estimate of Patty Christiansen, a highway department employee, who hands out leaflets to those about to set off up the highway with the warning: "Feeding animals is dangerous. Violators will be prosecuted."

A clamor over opening the road began when the state took control of it on completion of the pipeline in 1977. Sportsmen wanted access to remote fishing and hunting areas. Business interests thought opening it might help the state's economy. Miners wanted to get to their claims.

But truckers believed tourists would create traffic hazards. Indians and Eskimos wanted to keep people out of their hunting areas, believing that whites who shoot for trophies and not for the meat would deplete the game. Safety-conscious officials worried about tourists coming onto the highway, unfamiliar with the country, and ill-equipped to look after themselves.

"I resisted it being thrown wide open," said Gov. Jay Hammond. "I wanted it opened in stages." That was what a Superior Court judge in Fairbanks ordered done in late winter. 150 Desolate Miles."

4. The Supplemental EIS should include the construction and operation effects of the Ambler Road to the Haul Road and throughout the transportation corridor to the Port of Anchorage, during both its construction and operational period. The EIS also briefly mentions a “rehabilitation” phase, which should be addressed as well.

If the Haul Road is already experiencing maintenance challenges, it only stands to reason that adding an access branch to a 200 plus mile Ambler Road which operates to support and transport mining activity, will provide added challenges. One estimate I read in the EIS was that 168 trucks/day will be hauling materials on this road. It does not mention any limitations, so the reader is left to assume as additional mining activity comes on line, more trucks will be on the road each day. The 168 trucks/day figure equates to over 5,000 trips/month or over 61,000 trips/year, if the mines operate year round. The EIS did not specify if these were one way or round-trips, but that figure should be clarified. To omit consideration of these impacts would be like suggesting that there will be no off-site impacts of the construction and operation of this road for mining activities. If the reasoning of omitting this analysis in this EIS was that it could be better considered at a later date, in the EIS for the mining activities, it could be seen as much more than an oversight, it could be viewed as an attempt to circumvent the NEPA process in addressing the potential impacts. If the BLM fails to provide that analysis now, when the time comes, the mining companies will claim that should have been considered in this EIS, as it is not part of their mining footprint. I know this shell game has been parlayed for other ventures in the past to attempt to downplay their impacts and increase the profit margin, but it should not be allowed to happen in this case. If not for the mines, the Ambler Road would not be necessary. If not for connection to the Port in Anchorage, there is no market for minerals. If the Dalton Highway and the Alaska Railroad are also part of the plan for transporting these minerals, their use and potential impacts should also be described and analyzed in this EIS.

Stories in the Anchorage Daily News about the Haul Road published on April 16, 2022, describe what climate change is doing to the haul road. The Alaska Department of Transportation and Public Facilities Dalton Highway website provides additional information on those challenges (<https://dot.alaska.gov/highways/dalton/maintenance.shtml>):

“Maintenance Challenges

Maintaining remote infrastructure is always a challenge, but maintaining remote infrastructure on delicate permafrost-covered Arctic tundra is even more of a challenge. In addition to the unique logistical and engineering considerations, the State of Alaska has seen deep budget cuts since 2015 that have further reduced our ability to provide the level of service expected by drivers.

As state funding has decreased, Alaska DOT&PF has tried to compensate by leveraging available federal funding. Federal funding, however, comes with more restrictions. We can only use that money on activities that preserve our infrastructure and prevent further maintenance, like asphalt surface treatments or calcium chloride that helps keep fine

materials from blowing away on gravel roads. Activities like pothole repair, grading gravel surfaces, and snow plowing are not eligible for federal funding, which means they must be funded by the state. This also means that cuts to our state maintenance funding primarily affect those essential activities.

In addition to dwindling state funding, the warming Arctic climate has increased our maintenance challenges. We are seeing rivers and streams flood that have never flooded before. We are seeing increased rainfall that is making it difficult to maintain our unpaved surfaces. (We cannot grade the road surface when the road materials are saturated.) We are also regularly seeing temperatures above freezing in the winter, which can create hazardous icing conditions on our roads and runways that would have been extremely rare in previous decades. All of these challenges increase our maintenance costs and decrease the quality of road conditions.”

I did not see an analysis addressing the hauling and transporting of minerals and chemicals associated with the mine site, up and down the Haul Road, in communities throughout Alaska on their way to the port, nor potential off site impacts to the state roads and Railways along the route, or at the Port of Anchorage. These impacts should be addressed in the “Mining, Access, and other Indirect and Cumulative Impacts in the Hazardous Waste Section” and in other sections of the EIS where the construction and operational activity of the Ambler Road may have environmental consequences.

5. The Supplemental EIS should do a much better job on incorporating the data and the analysis from other sections of the EIS into the analysis on subsistence impacts.

I would suggest the analysis in the Supplemental EIS should also include:

- A. Projected economic costs to rural federal subsistence users, if their subsistence resources are adversely impacted by the construction and operation of the Ambler Road and the mining development it would facilitate;
- B. Address how customary and traditional subsistence uses might be effected by this action;
- C. How access to subsistence harvest areas might be effected by the construction and operation of this right-of-way. And how disturbance, noise levels and vibrations to the ground would be generated by the operation of the road with over 5,000 truck trips/month.

The current document seems unable to make the connection that when the biological resources and the physical environment are impacted, subsistence resources and opportunities are also impacted. The information provided in the “Affected Environment and Environmental Consequences” section should be more closely interwoven with the analysis of impacts on subsistence.

Furthermore, many of these sections do NOT adequately address impacts relating to the OPERATION of the Ambler Road, nor provide detail on physical environment or biological resources that will be impacted, which in turn could lead to significant impacts on subsistence in the Region. Some examples of this, from the current EIS are:

- Recent research linking the dangerous release of methane gases to thawing permafrost, is not adequately addressed in this analysis.
- The transport of Hazardous Wastes over the Ambler Road and through Alaskan Communities is not addressed in this analysis.
- Liquefied natural gas will be hauled by tanker trucks on the road, and spills are to be predicted to happen.
- The Noise section is sadly lacking in its analysis of discussion of the noise and vibrations of truck traffic and aircraft, during the construction and operation.
- Future gravel needs are identified, but no locations or detail are provided which would indicate how or where it would be obtained.
- Dust will be kicked up by the road. Mosses, lichen, and vegetation can accumulate metals in their tissue, caribou may consume the lichen and subsistence users will harvest caribou.
- Tailings dam failures occur and could have major adverse effects to water quality, fish and wildlife habitat, fish and wildlife mortality, and human mortality.
- When this increase in sound level is assessed cumulatively with effects of past and present activities and reasonably foreseeable developments from activities associated with mining, road traffic, community access traffic, and Dalton Highway improvements, there would be an incremental increase in noise levels, especially where noise sources are closer to communities, subsistence use and recreation areas, or other noise-sensitive locations.
- Heavy metal dust can persist in the soil for many decades (Neitlich et al. 2017), resulting in impacts to the surrounding vegetation and habitat.
- Elevated levels of metals in plants could have impacts to overall vegetation health as well as present risks to wildlife, fish, and subsistence users as they enter the food chain.
- AIDEA's proposed action, in combination with other reasonably foreseeable actions, would likely have substantial cumulative and long-term impacts to vegetation, wetlands, and associated wetland functions and ecosystem services.
- There are few known sheefish spawning areas in Alaska, and two are in the project area.
- Changes to natural water chemistry parameters may reduce egg survival and affect fish populations. Sheefish have very specific spawning habitat requirements, influenced in part by geologic features. Exposing materials with considerably different geologic composition may influence the water chemistry signature downstream. Even small changes in water quality could have substantial consequences to fish populations. is potential that direct activity associated with the road or indirect activity associated with the mines could result in toxic releases sufficient to eliminate or damage populations of fish downstream (see Section 3.3.2), with the Kobuk River drainage at greater risk than the Koyukuk drainage, because both the road and mines would occur in the Kobuk drainage.

- The road could accelerate the predicted rate of permafrost melting, which would further reduce downstream water quality, potentially inhibit fish movement, and may alter species distribution and abundance. Climate-driven changes are predicted to be substantial within the life of the road and would influence the timing of life history events (e.g., spawning, emergence), the ability of habitat to support some species, and ultimately change species distribution and affect the productivity of individual stocks and species populations.
- Cumulatively, the road and reasonably foreseeable future development have the potential to have very substantial, long-term impacts to fish and aquatic life in the project area, which could lead to substantial impacts on subsistence use practices in the region.
- The indirect and cumulative impacts from development of mines within the District and secondary access roads, other development or activities, and climate change would be additive to the impacts to fish and amphibians described above (see Appendix H for more details). Construction of the road is anticipated to lead to the development of large-scale hard rock mines near habitat that is essential for Chinook, chum, and coho salmon; sheefish; broad and humpback whitefish; Arctic grayling; and several other species that are integral to the subsistence practices throughout this region.
- Scientists suspect that heat stress from the warmer than normal water temperatures and low water is what caused thousands of adult chum salmon in the Koyukuk River to die prior to spawning in 2019 (Westley et al. 2019; Quinn-Davidson 2019). While Pacific salmon species are resilient, many stocks in Alaska, including within the project area, appear stressed by a number of factors. It is difficult to assess at what point individual impacts may cumulatively stress fish, including Pacific salmon, to the point of effects to local and regional populations or cumulatively affect species' resilience.
- Habitat loss and alteration due to the reasonably foreseeable development of the District could more than equal that from the road and exponentially increase fragmentation of avian habitat. Disturbance and displacement from mining activity would be in addition to disturbance due to road construction and use.
- Warming Arctic conditions combined with other cumulative actions may increase wildfires, change the abundance and distribution of forage and nesting habitat, or increase the prevalence and intensity of weather events (Hinzman et al. 2005).
- The road project would fragment wildlife habitat. This has been of most concern among public and agency commenters for the WAH, which migrates from the North Slope to the Seward Peninsula across the project area.
- The presence of a road and road noise could affect caribou migration patterns and movements of other animals. Changes in migration could alter where caribou spend their winters and summers; affect energy expenditure of the animals; and, with other herd pressure from other developments and climate change, could affect calving and survival rates.
- Conflict between local and non-local hunters has arisen due to perceived negative effects of aircraft on caribou behavior and local hunter success.
- Lichens are the primary forage for WAH caribou in late fall and throughout winter, comprising over 70 percent of their diet.

- Environmental justice has to do with “disproportionately high and adverse effects” to low-income and minority populations. Low-income and minority populations make up most of the populations of project-area communities. Impacts to subsistence and public health, including stress, subsistence-food insecurity, and potential exposure to toxins from road and mine operations would disproportionately affect low-income and minority populations, specifically Alaska Native villages in and near the project area that depend on the surrounding area for their subsistence lifestyle.
- Impacts to employment would occur but would not be expected to disproportionately benefit low-income and minority populations. Where adverse impacts to residents are discussed throughout the EIS, these impact would fall disproportionately on minority and low-income populations.
- Subsistence, an important underpinning of Alaska Native culture, lifestyle, and economy that would be affected by the project. There are 27 communities with subsistence use areas that overlap the alternatives. Subsistence use would be altered by the presence of a road, both because a road would affect wildlife behavior and because it would bisect travel routes used by hunters and affect their access to subsistence use areas.
- The road and mines could cause individual and community impacts related to collection of traditional foods.
- Overall, changes to subsistence uses would be high-likelihood, medium-magnitude, long- or permanent-duration impacts over an expansive area for all alternatives.

6. In conclusion, the narrative provided in the Record of Decision (see below), illustrates the weak attempt that was made to compare the public values to the “substantial” public benefits. I would suggest that the points listed under “substantial” public benefits do not hold a candle to those listed under public values, which I suggest should have also included a “healthy ecosystem, for future generations.”

In the wording of the Ambler Road EIS Joint Record of Decision (ROD) issued on July 2020, that compares the “public values” in this area to the “substantial public benefits,” it appears to weigh short term profits over generational, ecosystem, societal and cultural values and the ability to maintain and continue a subsistence way of life and customary and traditional use for current and future generations. The wording in the ROD looks like it may have been crafted in a manner to undervalue and marginalize the public and subsistence values, and overvalue the short term pro-development interests, in an attempt to justify the approval of this project. How else could values that include: subsistence resources and values; maintaining large tracts of undeveloped land in the great land of Alaska; keeping one of Alaska’s few remaining roadless areas with outstanding fragile ecosystems intact, be of less value than jobs, royalties, a new fiber optic cable and the ability to make a few companies and their share holders very rich?

I urge you to keep in mind that this land was not sitting idle for years waiting for the right developer to come along, it has been in use by generations of people living with customary and traditional use. Rural residents of Alaska are dependent upon this land and its resources for their livelihood and way of life.

**“Customary and Traditional Use means they have a long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation. This use plays an important role in the economy of the community.”
(36CFR 242.4)**

I appreciate the opportunity to provide comments and hope they will help you provide a more meaningful analysis of the potential impacts to Subsistence and Customary and Traditional Use, when the Supplemental EIS for the proposed Ambler Road right-of-way is being prepared.

Sincerely,

Kathleen M. O'Reilly-Doyle

Excerpt from Record of Decision, Ambler Road EIS, July 2020

“8.7 Alaska National Interest Lands Conservation Act, Title XI

(H.) The short- and long-term public values which may be adversely affected by approval of the transportation or utility system versus the short- and long-term public benefits which may accrue from such approval.

“Based on the public comment record for the Ambler Road EIS, the public values many things about the Project area in its existing condition, including particularly:

- Subsistence opportunities; subsistence resources such as caribou, moose, salmon, and sheefish; and the traditional rural lifestyle and Native cultures that have subsistence as the central feature.
- Large tracts of natural lands and waters with intact ecosystems, substantially without roads, airports, and signs of human habitation.
- Recreation opportunity and recreation/tourism-based business opportunity in the area, including backpacking, river floating/boating, fishing, sport hunting, camping, flightseeing, lodge stays, and guiding for many of these activities.

Substantial public benefits also are expected to result from the Project:

- The road would provide much-needed, high-paying jobs for construction (approximately 6 years) and operation (approximately 50 years). The vast majority of jobs are expected to be held by Alaskans, and a portion is expected to be held by residents of the local area. Specific numbers of jobs are detailed in FEIS Chapter 3, Section 3.4.5, Socioeconomics and Communities.
- The road is expected to induce greater exploration within the District and result in development of multiple mines. Exploration and development would be indirect and cumulative effects of the road, and would result in many more jobs for initial development and for on-going operations (approximately 50 years). Again, the vast majority of jobs are expected to be held by Alaskans, and a portion is expected to be held by residents of the local area. Specific numbers of jobs are detailed in Ambler Road FEIS Appendix H, Section 3.5.5, Socioeconomics and Communities.
- The State of Alaska, Northwest Arctic Borough, and ANCSA Native corporation landowners would be expected to accrue substantial taxes, fees, mineral royalties, payments in lieu of taxes, job training, and other economic benefits to the State's General Fund and to the people of region and of the State as a whole.
- Communities nearest to the road, particularly Kobuk, Shungnak, and Ambler near the western end and Bettles and Evansville nearer to the eastern end, will have opportunity to connect to the Project's fiber optic cable and benefit from greater internet bandwidth and speed, allowing greater participation in e-commerce, telemedicine, and general communications. Similarly, the same communities and area residents/landowners near the road will have the opportunity to take commercial deliveries via the road, with likely substantial improvements in the cost of living (lower fuel and grocery prices). See Ambler Road FEIS Appendix H, particularly Section 2.2, Indirect Road Access Scenarios, and Section 3.5.5, Socioeconomics and Communities.
- Society as a whole is expected to benefit from the copper and other metals, including zinc, lead, gold, and silver, to which the road would provide access.”