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August 29, 2014

Ms. Shelley Jacobson
Field Manager
BLM Fairbanks District Office
1150 University Ave.
Fairbanks, AK 99709-3844

Re: Request for nominations for Areas of Critical Environmental Concern (ACECs) and comments on existing ACECs for the Central Yukon Resource Management Plan

Dear Ms. Jacobson:

Thank you for the opportunity to comment on the development of the Central Yukon Resource Management Plan and your solicitation dated May 1, 2014 requesting nominations of Areas of Critical Environmental Concern (ACECs). We also offer comments on existing ACECs and Research and Natural Areas (RNAs) within the planning area.

I would first like to thank BLM staff; whom on several occasions met with the Alaska Miners Association Federal Oversight Committee to explain the ACEC nomination process and provide information regarding the existing ACECs within the planning area.

AMA is a non-profit membership organization established in 1939 to represent the mining industry in Alaska. We are composed of more than 1,800 members that come from seven statewide branches: Anchorage, Denali, Fairbanks, Juneau, Kenai, Ketchikan/Prince of Wales, and Nome. Our members include individual prospectors, geologists, engineers, vendors, suction dredge miners, small family mines, junior mining companies, and major mining companies. We look for and produce gold, silver, platinum, molybdenum, lead, zinc, copper, coal, limestone, sand and gravel, crushed stone, armor rock, and other materials.

AMA has reviewed the ACEC nomination documents. The following is a summary of our most significant concerns:

- ACECs should not be evaluated through a separate step in the planning process;
- There has been inconsistent use of ACEC designations in BLM planning efforts statewide, reflecting a lack of clear criteria as to what justifies an ACEC designation;
- Many existing ACEC and RNA designations are not justified because existing state and federal regulations provide protection for the resources that were used to justify the designations;
- When making existing designations, BLM often failed to adequately consider the mineral resources of the areas designated;
- ACECs unnecessarily restrict access to, and exploration of and development of mineral resources;
- BLM has failed to follow through on provisions of past plans that called for revocation of land withdrawals within many existing ACECs.

In light of these concerns, AMA is not nominating any new areas for ACEC designation in the Central Yukon Planning Area. Rather, we request that BLM consider the concerns of AMA when reviewing existing ACECs and RNAs and evaluating new areas for ACEC or RNA designation.



Our more detailed comments follow. The first section of our comments apply to ACEC and RNA designations in the planning area generally, the second section includes comments on specific existing ACECs and RNAs.

GENERAL COMMENTS SPECIFIC TO EXISTING AND POTENTIAL NEW ACECs THROUGHOUT THE PLANNING AREA

1. ACEC Nominations should not be done through a separate step in the planning process.

AMA strongly objects to using a separate process to nominate and evaluate ACECs. The identification of new ACECs should be a product of BLM's integrated planning effort following detailed resource inventories, data review, and analysis. The plan should identify all of the resources in the area that is being considered for ACEC designation and determine if the ACEC designation is appropriate to achieve the management objectives for the specific area. The planning effort should not start out by pre-determining that certain areas deserve a higher level of protection before management objectives have been established. The *Relevance and Importance* criteria, which must be met to qualify for ACEC designation should be reviewed in light of the resources of the entire planning area and not as individual areas. This review can only be adequately performed after the completion of planning related inventories and data review, including mineral inventories and assessments.

We believe requesting nominations for new ACECs early in the planning process compromises BLM's mandates to provide for a full range of multiple use opportunities on public lands and biases the process towards further land use restrictions and closures. For example, some ACEC designations restrict access to, or prohibit development of, known mineral resources.

Furthermore, adding this step to the BLM planning process adds additional time to the already long BLM planning process.

2. BLM's "Call for Nominations" was inaccurate and will lead to biased public comments. AMA's second process concern is that BLM's May 1, 2014 Call for Nominations and related press release inaccurately describe the current step in the process as the request was only for "Nominations" for ACECs. As part of any nomination process, BLM should request comments on existing ACECs as the existing areas were established through land use plans that were adopted 23 (Utility Corridor) and 28 (Central Yukon) years ago. ACEC designations need to reflect new knowledge about resources values, and consider changes to laws and regulations regarding mining and other land uses that have occurred since the existing plans were developed.

Based on subsequent discussions between AMA and BLM, it is our understanding that this current step in the planning process is not only to nominate new areas, but BLM is also soliciting comments on existing ACECs. Therefore, AMA'S comments are primarily focused on existing ACECs. We were also told at various meetings that BLM is using this current step to solicit comments on Research and Natural Areas (RNAs). In fact, BLM's May 1 notice specifically makes mention of RNAs within the planning area although it never specifically requests nominations or public comments on RNAs.

If this is going to be a step in future BLM Resource Management Plans, we request that the call for nominations and other public notices specifically request comments on existing ACECs and RNAs. AMA strongly believes that continuation of any existing restrictions to reasonable use of other resources in an existing ACEC or RNA be based on a thorough and balanced review of the effectiveness of existing restrictions against the objectives and inventories presented in the planning process.

AMA is concerned that because of the wording of the notice, most public comments will suggest new areas, but will not address issues regarding existing ACECs.

3. There has been inconsistent use of ACEC and RNA designations in BLM planning efforts statewide, reflecting a lack of clear criteria as to what justifies an ACEC or RNA designation.

AMA has participated in past BLM planning efforts in Alaska and we observe significant inconsistencies in BLM's approach to ACEC and RNA designations between plans. Based on the statewide table of



ACECs and RNAs provided by BLM, some recent BLM plans appear to use a very conservative approach when delineating ACECs. AMA supports this more conservative approach as it more correctly adheres to the intent for these designations.

For example the East Alaska Plan that covers the Copper River Basin, Denali Highway area and Cape Yakataga designated only one ACEC, and the (Bristol) Bay Plan only one ACEC. The existing Central Yukon plan designated a total of 24 ACECs and RNAs, covering almost half the planning area. We do not believe that the environmental resources on BLM lands within the Central Yukon Planning Area are correspondingly that more “critical” or more significant than those found in other planning areas. Rather it appears this is due to a lack of consistent criteria used in different planning areas and by different planning staff, and the relatively ambiguous criteria used when designating ACECs.

Specific examples of this inconsistency are the designation of thirteen existing ACECs for fisheries and five ACECs for salt licks within the Central Yukon Planning area. Many other BLM lands have similar fisheries values and salt licks; yet statewide BLM has identified ACECs for fisheries in only four other areas (3 in Kobuk-Seward RMP and one in the Southwest Plan ((Anvik River)), and no ACECs for salt licks. BLM has apparently concluded that on BLM lands outside the Central Yukon plan area, existing regulations provide adequate protection for these resources. Again, AMA encourages BLM take a similar approach when evaluating new and existing ACECs in the current plan revision.

A major reason for this inconsistent use of ACEC designations is that the relevance criteria (in 43 CFR 16100.7.2 and BLM Manual 1613.02) are much too broad. As written, virtually any region of Alaska or the nation could be relevant, particularly because the criteria 2,3, and 4 are not limited to “endangered or similar categories, or rare instances. For example, relevance criteria #2 is “A fish and wildlife resource”. There is some fish and wildlife resource on most waters or land in Alaska.

Similarly, the importance criteria used by BLM (also included in the BLM manual at 1613.02) are vague, open ended, poorly defined or undefined, and in most cases, have no scientific definition. Again, using an example, importance criteria #1 states that the “value, resource, system, process or hazard” has “more than locally significant qualities”, but local is not defined. Based on ACEC designations in the 1986 Central Yukon plan, it appears that this criterion is not met, as many of the streams identified as important for fisheries seem to be important locally, but not on a regional or statewide basis. However, the lack of definitions for such terms makes this a very subjective judgment whether by BLM or AMA.

4. Many existing ACEC designations are not necessary to protect the resource values that were used to justify the designation; existing federal and state laws and regulations adequately protect these resources.

Before designating new ACECs and when reviewing existing ACECs, BLM needs to consider existing state and federal regulations. In many instances, existing laws and regulations already protect the “critical” resources of that are identified in the ACEC. In these areas, ACEC designation is redundant and not necessary. For example, many of the ACECs in the Central Yukon Planning area were established to protect the entire watershed of salmon spawning streams, yet existing water quality standards and ADFG Title 16 authorities as well as other federal requirements such as Section 404 of the Clean Water Act and the current listings under the Endangered Species Act provide adequate protection.

Since the first Central Yukon Plan was approved there have been many changes to the land use regulations pertaining to activities such as mining. The re-write of the 43 CFR 3809 Regulations in 2001, along with new requirements from other agencies such as Alaska’s Title 16 Authorities protecting salmon, and tightened water quality standards have put many new stringent requirements on Alaskan Miners today. The protection these new standards provide, such as stream buffers and stream reclamation, should be considered prior to ACEC designation.

The following twelve ACECs were established primarily for fish habitat protection. Considering the existing federal and state authorities that protect fisheries, AMA requests that the following at existing ACECs not be designated in the updated Central Yukon RMP, or that BLM explicitly state why existing

protections do not adequately protect these areas and why their fisheries resources are particularly unique:

- Gisasa River ACEC
- Hogatza River Tributaries ACEC
- Indian River ACEC
- Inglutalik River ACEC
- Kateel River ACEC
- North River ACEC
- Shaktoolik River ACEC
- Sulukna River ACEC
- Tozitna River ACEC
- Ungalik River ACEC
- Jim River ACEC
- Ivishak River ACEC

5. Land transfers under the Statehood Act and the Alaska Native Claims Settlement Act have significantly reduced the land area under BLM management of many ACEC's, making them no longer appropriate for ACEC designation.

Significant portions of several ACECs are no longer BLM managed lands. BLM's first step in ACEC review should be to look closely at the ACEC's where there has been a significant reduction to the land base under BLM management. A quick review of the ACEC/land status map available on line indicates that as many as 10 of the 25 ACEC's in the planning area have had significant reductions in the acreage of land managed by the BLM. Where significant portions of the ACEC are no longer under BLM jurisdiction, the ACEC designations no longer apply and should be eliminated or, if ACEC designation of the remaining BLM managed lands is determined appropriate, it should be reduced to only those areas remaining under exclusive BLM control.

For example, in the Hogatza ACEC, the lands managed by the BLM have been reduced to a mere 10% of the original ACEC with 90% of the watersheds of the ACEC now managed by the State of Alaska or ANCSA Corporations.

This plan should take a serious look at dropping the ACEC designation of the Hogatza ACEC and any other ACEC's with similar reductions in BLM managed acreage, unless now clearly justified on the basis of the specific resources on the remaining BLM land involved.

6. BLM has failed to follow through on provisions of past plans that called for revocation of land withdrawals within many existing ACECs.

Prior land management plans called for leaving many ACECs open to mineral location, but BLM has kept many of these areas closed. AMA believes that mining can be compatible with most ACEC designations and that ACEC lands should be open to mineral location and entry under federal mining laws and to the sale of federally owned minerals, including oil and gas and coal resources. If the BLM finds it appropriate to maintain some of the existing ACEC's or designate new ones, leaving them open to mineral entry with reasonable environmental protections can reduce the economic impact of designation.

Existing plans call for many ACECs to remain open to mineral entry but the areas remain closed because of the numerous land withdrawals (Public Land Orders) established pursuant to the Alaska Native Claims Settlement Act (ANCSA). The previous plans (1986 and 1991) specifically called for revocation of many of these withdrawals, but almost 30 years later no action has been taken by the Department of Interior. The BLM planning effort should specifically address these existing PLOs and clearly identify any rationale for retaining or eliminating these mineral closures given the current state and federal laws and regulations that provide adequate environmental protections governing access to and development of mineral resources.

Once the plan is adopted, BLM and the Secretary of Interior should implement the plan by revoking PLOs and other withdrawals that the plan proposes be removed. BLM and the Department of Interior



have largely failed to follow through on revocation of ANCSA withdrawals as called for in the 1986 Central Yukon Plan and subsequent BLM Resource Management Plans statewide.

7. All ACEC's should be reviewed with consideration given to federal lands already designated as Conservation System Units under the Alaska National Interest Lands Conservation Act (ANILCA). Within the boundary of the planning area there are three National Wildlife Refuges representing a significant acreage of the area. The area also borders four additional refuges and two National Parks all removed from multiple use management. These conservation system units, all created under ANILCA represent many different types of ecosystems and resources of interior Alaska.

The resources of these conservation system units should be considered prior to establishing new, or maintaining existing, ACECs.

8. Discussion of and proposed management of ACECs should not consider mineral resource development a "threat."

BLM is charged by the Federal Land Policy and Management Act (FLMPA) with managing federal Public Lands for multiple use, including specifically mineral resources. References to mineral resources within the existing planning documents repeatedly refer to mineral resource potential as a "concern" or a "threat" to their intended management. This language is found primarily in the five step-down Management Plans prepared by the Kobuk District between 1988 and 1995 for specific ACECs. Multiple-use management requires that BLM allow for access to mineral resources and opportunities for future mineral development, mining related activities should not be viewed as a "threat" to other resources.

COMMENTS ON SPECIFIC ACECs WITHIN THE PLANNING AREA

HOGATZA ACEC. As previously mentioned, much of the Hogatza ACEC is no longer under BLM management and the ACEC should be eliminated. Because this area has considerable mineral potential and a history of mining, we offer the following detailed comments on this ACEC.

Clearly, the 20 year old, 1994 BLM Hogatza ACEC Aquatic Habitat Management Plan is no longer a relevant assessment or justification of the Hogatza ACEC for the following reasons:

- The 1994 BLM Hogatza ACEC Aquatic Habitat Management Plan maps is out of date with regard to the lode mining potential in the drainage west of the ACEC. The 7 lode prospects in the drainage area were not acknowledged in the 1994 Hogatza Plan. Uranium lode potential was the only lode commodity evaluated in the 1994 plan with no mention of lode gold, silver, copper and rare earth lode potential.
- Similarly, the placer mining comments in the 1994 Hogatza Management Plan focus on bucketline dredging with a mention of Taiga Mining reprocessing the dredge tailings. Modern placer mining techniques and safeguards (used by Taiga Mining) are not discussed.
- The Aquatic habitat evaluation is based on out of date and incomplete information without regard to new mining techniques and safeguards.
- The ACEC location information is unclear.
- The BLM should not establish an ACEC in an area where over 90% of the land is selected for conveyance or is owned by a native corporation and the State of Alaska.
- While the 1986 Central Yukon RMP and 1994 Hogatza Plan refer to intent to provide for mineral exploration and development, BLM should not establish an ACEC in such an area unless it is clear that designation of the ACEC/RNA will not restrict access to or development of mineral resources.

Hogatza Map and Land Issues

- The Hogatza area land status maps provided by BLM show conflicting ACEC boundaries. The May 1994 BLM Hogatza ACEC Aquatic Habitat Management Plan maps indicates the ACEC abuts the entire east edge to the Doyon land; whereas the 2013 BLM GIS map layer (shown on the attached map) indicates a gap in the Dry Creek area between the ACEC and the Doyon Land.



- According to the May 1994 BLM Hogatza ACEC Aquatic Habitat Management Plan, 92% of the ACEC acreage lies on state land, state selected land, native land and native selected land. The BLM should not encumber the land with protective designations on lands they do not administer, even if the ACEC has no legal authority over the non-federal lands.
- Specifying watershed boundary on native land impedes the process of balancing mineral prospect development with perceived fish habitat denigration.
- An incomplete chum salmon survey and poor spawning count timing has resulted in inaccurate assessment of the salmon in the Hogatza River system.

Hogatza Mineral Resource Assessment

As noted we recommend the Hogatza ACEC be removed in the updated plan. We offer BLM the following information on the areas mineral resources for consideration of this issue:

- The May 1994, BLM Hogatza ACEC Aquatic Habitat Management Plan states lode mining potential west of the ACEC for uranium was thought to be low based on the 1994 “poor economics of the uranium market. Because mineral prices fluctuate and this is a long-range plan, short-term mineral economics should not drive BLM’s policy regarding future mineral management and future opportunities for mineral development potential.
- Under the heading of ‘Lode Mining’ the May 1994, BLM Hogatza ACEC Aquatic Habitat Management Plan did not mention the lode gold, silver and rare earth (REE) minerals, or the potential for a gold-copper- molybdenum porphyry system west of the ACEC. Seven lode mineral prospects identified in the Alaska Resource Data file (see map) that lie in the drainage system of the Hogatza ACEC, were not part of the 1994 Hogatza Management Plan assessment.
- Under the heading of Lode Mining the last sentence states; “Currently, there are no lode claims within the ACEC or within the combined watershed of Clear, Caribou and Bear Creek.” However, Native land that accounts approximately half of the drainage area is fee simple ownership that is available for mineral exploration and development at the discretion of the land owner, claims are not relevant or required. All of the Alaska Resource Data File, lode mineral prospects in the drainage are on Native Corporation (Doyon) land.
- The easternmost ARDF prospect shown on the attached map represents the approximate location of the Taiga Mining placer mining operation. Taiga Mining is a large, highly regarding placer mining company which received the BLM 2013(?) award for their outstanding reclamation at Hogatza. In spite of Taiga’s diligent reclamation work the ACEC closures (shown as black lines on the attached map) effectively prohibits Taiga Mining from staking additional placer claims.
- Similar to the BLM lode potential evaluation, the 1994 Hogatza Management Plan contains no information pertaining to the rare earth minerals placer potential in the Hogatza ACEC area.

TOZITNA SUB-UNITS, KANUTI HOT SPRINGS, INDIAN MOUNTAIN, UPPER JIM RIVER ACECS; SPOOKY VALLEY and ISTAHLITNA RNAs

The following comments address the above areas because they are generally situated within a definable metallogenic belt associated with a northeast trending geological feature generally referred to as the Ruby Batholith. We note the following general concerns regarding these areas:

- Acreage totals provided in documents provided by BLM are vague and conflicting, representing boundaries that have varied over the past 25 years.
- Maps provided are of poor quality.
- There are mixed and confusing references to (ACECs) and (RNA) Resource Natural Areas

AMA estimates over 900,000 acres are included in the Tozitna sub-units (Tozitna River, Tozitna North and Tozitna South parcels), about 160,000 acres in the Indian Mountain area, and about 200,000 acres in the Jim River ACEC: combined acreage of these areas is about 1.25 million acres. The Kanuti Hot Springs and several RNS designations likely total less than 10,000 acres, however, their location will impact any nearby resource development in the future.

Much of the Tozitna Sub-units and the Jim River area are in conflict with State of Alaska land selections or State top-filings where land status is un-resolved (see Map A). The State land interest



includes most of the Ray Mtns. and the adjacent Pipeline Corridor where selections have also been top-filed over temporary BLM land closures of the corridor. A series of 1970s-vintage temporary public land orders (PLOs) have removed most of this territory from mineral entry or other disposition such as selection by the State of Alaska under the Alaska Statehood Act. The state has filed land selections, or has top-filed selections over most of these lands in good faith that the lands will be re-opened to selection as per the intent of the Statehood Act.

The area of State selection applications are largely due to mineral resource potential of the region, and the strategic importance of the only available corridor to the arctic. In 2004 Congress passed then Alaska Land Transfer Acceleration Act of 2004 with the intent to lift the BLM PLOs that were blocking completion of the State's entitlement. The BLM was ordered to report to Congress on the matter. In 2006 the BLM reported on the status of existing PLO's that are blocking state land selection but there has been little action since then.

MINERAL RESOURCE POTENTIAL. We offer the following mineral resource information that should be considered in evaluating these existing ACECs and RNAs.

INDIAN MOUNTAIN

- Little modern information is available for the Indian Mountain region although occurrences of zinc, copper, lead and gold have been reported. Modern exploration of the area has been discouraged by restrictive military access and withdrawals for native land selections.
- Indian Mountain is cored by an intrusive pluton that is generally grouped with the Hogatza Plutonic Belt which elsewhere is known to contain these metals plus uranium and REE.

TOZITNA-RAY MOUNTAINS REGION

- The intent of the State of Alaska to acquire lands in the Tozitna-Ray Mountains region has encouraged the location of several thousand mining claims, the majority staked under the State mining location rules for location on state selected lands
- Multiple studies by Alaska Geological Survey, U.S. Bureau of Mines, and the U.S. Geological Survey indicate mineral potential across this region, specifically including metals of critical importance to our economy
- These metals include documented occurrences of rare earth elements (REE), tin, tungsten, zirconium, chromium, germanium, manganese, and uranium.
- Most of this data has been available in the public literature for up to 30 years
- Mineral occurrences and exploration potential occurs as an approximately 50 mile-wide northeast-trending zone from the Kokrine Hills on the southwest, and including the Tozitna River, the Ray Mountains, Ishtalitna, Kanuti, Kilolitna, Ray, Salt, and Dall drainages, and ultimately beyond Caribou Mountain to the northeast including the pipeline corridor, the Jim River and upper Prospect Creek regions.
- The area of State selection applications and top-filings for selections approximates the distribution of critical metals in statewide surveys by the National Uranium Resource Evaluation of the 1970s-1980s; on Map B attached, the regional distribution of the metal *dysprosium* is shown as an example.
- MINERAL POTENTIAL EXAMPLE-Dysprosium is one of the rare earth elements, it is also one of the most sought after high-technology metals for our economy; the distribution of dysprosium correlates well the area of mineral potential across the Tozitna subunit. See Map B.
- Similar patterns of distribution occurs for each of the other REE and associated metals such as tin and tungsten
- Known deposits of chromium occur in a parallel adjoining belt forming the northwest side of the Ruby batholith trend
- Generally in this area of central Alaska there are numerous perspective mineral locations that would be of interest to industry if questions of secure mineral title are resolved
- Examples of localities of mineral interest proximate to the subject ACECs and RNAs include:

VABM McCormick (tin)
Banddana Creek (tungsten)



Kilolitna River valley (tin, REE)
McQuestren Creek (tin)
Spooky Valley (REE)
Ray River valley (REE, tin, zircon)
Caribou Mtn (chromium)
Upper Tozitna (manganese)
VABM Curky (chromium)
Sithylemenkat Lake region - adjacent to Doyon land (tin, REE, tungsten)
East Fork Kilolitna River (tin, REE, tungsten)

DULBI-KAIYUH, GALENA MOUNTAIN, SAGWON BLUFFS ACECs

These three ACECs were designated to protect peregrine falcon habitat. At the time the Central Yukon Plan was developed, peregrine falcons were on the endangered species list. They have subsequently been de-listed (in August 1999); hence these areas should be re-evaluated.

CONCLUDING COMMENTS

In light of the concerns expressed above, AMA encourages BLM to propose ACEC and RNA designations only in areas that clearly require a higher level protection. As directed by the Federal Land Policy Management Act and Mining and Minerals Policy Act, the BLM through this plan should encourage multiple use, including access to and the development of the mineral resources of the planning area. The plan should also emphasize that mineral development under today's regulations can be performed in an environmentally safe manner.

We would like to thank BLM for the opportunity to comment in response to the call for nominations for ACEC designations in the Central Yukon Resource Management Plan.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Crockett', is written over a light blue horizontal line.

Deantha Crockett
Executive Director, Alaska Miners Association