ALASKA MINERS ASSOCIATION

121 W. Fireweed Suite 120 | Anchorage, Alaska | 99503 | 907.563.9229 | alaskaminers.org

June 7, 2021

Ms. Chel Ethun, Project Manager
Central Yukon Field Office
Attn: Central Yukon Draft RMP/EIS
Bureau of Land Management
222 University Avenue
Fairbanks, Alaska 99709
Submitted via e-mail to: CentralYukon@blm.gov

RE: Comments on Central Yukon Draft Resource Management Plan and Environmental Impact Statement, issued December 2020.

The Alaska Miners Association (AMA) offers the following comments on the Central Yukon Draft Resource Management Plan (RMP) and Environmental Impact Statement (EIS). We also incorporate by reference our previous letters of January 17, 2014 (Scoping Comments); August 29, 2014 (ACEC Nominations); and March 17,2017 (Preliminary Alternatives Concepts).

AMA is a professional membership trade organization established in 1939 to represent the mining industry in Alaska. We are composed of more than 1,400 members that come from eight statewide branches: Anchorage, Denali, Fairbanks, Haines, Juneau, Kenai, Ketchikan/Prince of Wales, and Nome. Our members include 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.

General Comment: The plan is too complex for the general public to review and meaningfully participate in the process. The Draft Plan, Draft EIS and Appendices total 1000 pages, including nearly one hundred pages of maps. Even with access to a team of resource professionals, AMA found the document challenging to review because of its complexity. We question its usability by Bureau of Land Management (BLM) field office staff who must implement the plan in their day-to-day processing of permits, leases, plans of operation and other land use authorizations. We encourage BLM to significantly revise and simplify the final plan.

The plan unnecessarily duplicates and conflicts with existing State and Federal laws and regulations for environmental permitting and resource management. Where necessary, the RMP should simply reference the agencies that have primary responsibility for these issues rather than duplicate these laws and regulations. This would help to simplify the plan.

A particular concern is the plan fails to address the national priority for developing domestic sources for Rare Earth Elements (REEs) and other critical and strategic minerals. The plan does reference the large body of studies that have been developed over the past many decades for these

minerals. The planning process did not, however, utilize the State Division of Geologic & Geophysical Surveys or the Federal U. S. Geological Survey which have both studied these minerals and have the primary expertise for understanding the opportunity for developing these in the planning area.

AMA supports alternative D. Recognizing that the Final Plan will likely draw some provisions from the Preferred Alternative (C2) as well as certain components of other alternatives, our comments focus on specific provisions.

The Federal Land Policy and Management Act (FLPMA) requires BLM lands be managed for multiple-use. AMA strongly objects to much of Alternative B and portions of C1 as they fail to meet the multiple use requirement of FLPMA. Alternatives B and C1 include several provisions that would allow future changes to the plan that would bypass public comment and formal rulemaking.

Furthermore, in 1980 when Congress passed the Alaska National Interest Lands Conservation Act (ANILCA), these BLM lands were to be managed "for more intensive use and disposition". In Section 101(d) of ANILCA, it was specifically stated than the need for additional Conservation land designations in Alaska had been met: *"…the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby."* This is the "no more" promise of ANILCA.

SUMMARY OF ALASKA MINERS ASSOCIATION'S CONCERNS

We provide here a summary of AMA's positions on various issues; our rationale is explained in the following pages.

Draft Plan (Preferred Alternative) Provisions that AMA supports:

1. Revoke the entire remainder of Public Land Order (PLO) 5150 (Pipeline Utility Corridor) to enable the State of Alaska to own this transportation corridor that provides critical access to State lands on the North Slope. Absent a complete lifting PLO 5150, AMA specifically requests that a portion of the lands currently withdrawn by PLO 5150 that have significant REE potential be made available for conveyance to the State. These specific lands and the rationale for this request are described in the discussion of item #1 below. To not remove this PLO would be in direct conflict with the Biden Administration goal to develop domestic sources of REEs and critical and strategic minerals.
2. Revoke all remaining outdated and unnecessary ANCSA 17(d)(1) withdrawals. The Native Corporations have long since completed their land selections and the purpose and need for these withdrawals has ended.
3. Open (or keep open) all BLM land to Locatable Minerals. We are especially concerned that areas with known and likely critical and strategic minerals, including Rare Earth Elements, be open to mineral entry and exploration, or made available for conveyance to the State, especially the Ray Mountains and areas along the Ray River valley.
4. Keep BLM lands open to mineral materials disposal as currently allowed in Alternative D.

5. Designate the proposed Ambler Road and existing Dalton Highway corridors as Utility and Transportation Corridors.
6. Retain the Toolik Lake as a Research and Natural Area.

We agree with Alternatives C2 and D presented in the draft RMP that **the following designations are not necessary and should NOT be included in the final RMP**.

7. No Right of Way Exclusion Areas – these will impede or prevent access needed to state and ANCSA lands and to provide future communication, transportation and utilities between communities.
8. No Areas of Critical Environmental Concern (ACECs) – we agree with the preferred alternative's conclusion that ACEC designations and related special management provisions are not needed to protect the resources identified.
9. The proposed core caribou calving habitat restrictions (in Alternatives C-1 and C-2) are not needed or justified and will prevent exploration of the Ray Mountains area as a potential source for REE's and critical and strategic minerals. It is important to ensure this area has access and is open for mineral prospecting, location and future mining.
10. The proposed Dall Sheep Habitat Areas and Movement Corridors (in Alternative C-1) are not needed or justified and will prevent further exploration of areas known as potential sources of strategic and critical minerals.
11. There should be no areas designated to be managed as "Lands With Wilderness Characteristics". Managing multiple-use BLM lands for this purpose is not appropriate.
12. Wilderness Recommendations – should not be included in the plan except for the existing Wilderness Study Area (ANILCA Section 1004).
13. No new Wild and Scenic River Designations.
14. No use of Boreal Ecosystems Analysis for Conservation Networks (BEACONS) benchmark as described in Appendices F and G for Alternatives B and C1. The BEACONS and related large areas in Connectivity Corridors give land managers the ability to alter the decisions made in the approved RMP with no public process, no public input and no NEPA process. It would allow land managers to make decisions inconsistent with this RMP. This could nullify the entire plan for areas designated as Connectivity Corridors.

In addition, we would like to highlight two areas of great concern regarding the draft plan:

- Section 3.3.3 – Energy and Minerals – Locatable Minerals – we have extensive concerns about the failure to acknowledge the importance of and potential for development of critical and strategic minerals and REE throughout the draft plan. We also are concerned about the inadequate use of mineral resource data. Especially troubling is the failure to rely on both data from and geologists and mining experts in the Department's own U.S. Geological Survey. See our specific comments for details.
- Appendix F – Standard Operating Procedures and Fluid Mineral Leasing Stipulations – many of these are not necessary as they repeat requirements already covered by existing State and Federal statutes and regulations. Under a strict interpretation t**he cumulative impact of these SOPs will make it extremely difficult and, in many cases, impossible for small placer miners to operate on BLM lands.** See detailed comments on Appendix F.

We also are providing comments on these specific sections of the Draft RMP and EIS, our concerns are explained in the following pages:

- Section 3.2.10 – Paleontological Resources
- Section 3.2.8 – Wildland Fire Ecology and Management
- Section 3.2.11 – Visual Resources
- Section 3.3.3 – Energy and Minerals – Locatable Minerals
- 3.4.2 – Wild and Scenic Rivers
- Appendix F - Standard Operating Procedures (SOP) and Fluid Mineral Leasing Stipulations Comments
- Appendix G – Adaptive Management Framework
- Appendix H – Aquatic and Riparian Resource Desired Conditions and Objectives – Watershed Aquatic Resource Value Model (ARM) and Watershed Condition Model (WCM)
- Appendix N – Reasonably Foreseeable Development Scenarios

Finally, this letter concludes with some general comments about the entire document and process.

DETAILED COMMENTS ON EACH TOPIC

1. Revoke Entire Public Land Order 5150, Pipeline Utility Corridor (2.1 million acres). PLO 5150 withdrew Federal lands to allow for the construction of the Trans Alaska Pipeline System (TAPS). The pipeline was completed more than 40 years ago. The withdrawal has long since served its intended purpose and is no longer necessary. This will allow the State's land selection Top-filings to finally become valid State selections. The State already owns much of the land that was once withdrawn by PLO 5150, which demonstrates that the corridor no longer needs to be retained in Federal ownership. In fact, more than half of the former PLO 5150 lands are now State owned, including areas near Valdez, through much of the Copper and Tanana basins, and north of Atigan Pass. In addition, the corridor provides critical access to State land on the North Slope of Alaska.

Absent a complete lifting PLO 5150, AMA specifically requests that a portion of the lands currently withdrawn by PLO 5150 that have significant Rare Earth Element potential be made available for conveyance to the State. These land areas fall within the townships identified below:

<u>All Fairbanks Meridian, Alaska</u>
T. 12 N., Rs. 10 and 11 W.
T. 13 N., Rs. 10, 11, and 12 W.
T. 14 N., Rs. 12 and 13 W.
T. 15 N., Rs. 12 and 13 W.
T. 16 N., Rs. 12 and 13 W.
T. 17 N., Rs. 13 and 14 W.
T. 18 N., Rs. 13 and 14 W.
T. 19 N., Rs. 14 and 15 W.

These lands have either the potential to contain valuable deposits of REEs or could provide access to such mineralized areas. Explorers have advised they will dedicate resources to find REEs if the land is conveyed to the State. This would assist in reducing our nation's nearly complete dependence for

these minerals on exports from China. Providing for a domestic supply of REEs should be a critical part of a strategy to secure America's future. The nation is desperately in need of supplies of REEs to support domestic jobs and manufacturing of REE products.

In a letter dated June 27, 2012 to Governor Sean Parnell (attached), then Secretary of Interior Ken Salazar acknowledged that this specific issue would be addressed in the Central Yukon RMP.

See also map titled "Metal Source Provinces, Tin, REE, Tungsten" attached to this letter.

2. Revoke all remaining ANCSA 17(d)(1) withdrawals (5.25 million acres). AMA strongly supports the draft plan's proposal to revoke most of the outdated ANCSA Section 17(d)(1) land withdrawals. The ANCSA (d)(1) withdrawals were put in place in the early 1970s to protect lands for selections by ANCSA Corporations, which have long since been completed. They were also intended for "Study and Classification". Fifty years of study should have been sufficient to complete this task. The ANCSA 17(d)(1) withdrawals were meant to be temporary and are no longer needed. Congress directed BLM to review these withdrawals when it passed Section 207 of the Alaska Land Transfer Acceleration Act (ALTAA) of 2004. In its 2006 Report to Congress in response to Section 207 of ALTAA, BLM concluded that most ANCSA Section (d)(1) withdrawals should be revoked, but left it to future planning efforts such as the current Central Yukon RMP to make final decisions regarding revocations. The draft plan's preferred alternative is the alternative most consistent with BLM's conclusions in the 2006 Report to Congress.

3. Open (or keep open) all BLM land to Locatable Minerals (13 million acres). AMA strongly supports Alternatives C-2 and D for locatable minerals as both alternatives ensure that any land currently open to locatable mineral entry remains open, and ensures that most currently closed lands would be opened. Most of the planning area has never been explored with modern methods or technology because of the extensive mineral closures established by the 1969 land freeze, and withdrawals established starting in 1971 under ANCSA Section 17(d)(1). Therefore, the state of current knowledge of the region and its mineral potential is nearly identical to what it was in the mid-1960's – completely inadequate for making accurate estimates of mineral potential.

<u>Rare Earth and other Critical & Strategic Minerals Potential</u>**.** The planning area includes some of the highest potential lands in Alaska for several critical and strategic elements, including tin (Sn), tungsten(W), tantalum(Ta), niobium(Nb), germanium(Ge), zirconium(Zr), gallium(Ga), and Rare Earth Elements (REEs). Each of these are essential for industry and defense applications. Many of these mineral commodities the U.S. currently imports from China, leaving them vulnerable to supply chain disruptions.

The U.S. policy as stated in the recent Executive Order on America's Supply Chains dated February 24, 2021, is to have "…resilient, diverse, and secure supply chains…and facilitating greater domestic production…" This RMP can and must focus on this goal for obtaining and domestically producing REEs and the other critical and strategic minerals to comply with this policy.

The known belt of critical and strategic minerals extends from Ruby on the Yukon River thence 100 miles northeast, the north flank of the Ray Mountains. It underlies the Ray River valley crossing the Dalton Hwy north of the Yukon River bridge, extending east to include Dall River and Coal Creek.

See attached map titled "Metal Source Provinces, Tin, REE, Tungsten". This area has the highest potential for several REEs of anywhere in Interior Alaska.

Alternatives B and C1 propose restrictions for this area that would make the area unavailable for developing the critical and strategic minerals listed above.

One of the elements that occurs in the area is germanium(Ge). Ge is currently produced almost exclusively in China and minor sources in Russia. Except for minor traces from a few copper deposits, the U.S. buys all this metal from China.

Because much of this mineralized area has been closed to mineral entry by various PLOs for over 50 years (in many areas since 1969) and its remoteness, only a few government agency investigations have been done in the RMP area and further study is necessary. Historic sampling in the RMP area has been limited primarily to ridge tops and traverses along the major rivers. Blocks of coal have been easily found and their analyses has included recoverable amounts of germanium, tungsten, and other metals. There are extensive alluvial heavy mineral deposits containing minable grades of placer tin, tungsten, REE, zirconium, niobium, and tantalum on many of the streams and in adjacent benches. The RMP rarely mentions mineral opportunities and is silent regarding critical and strategic minerals.

4. Keep BLM lands open to mineral materials disposal. Keep BLM lands open to mineral materials disposal as is currently allowed on almost 13 million acres and proposed to remain open in Alternative D. Material sites are necessary for roads, airstrips, pipelines and other developments, including community needs. Specific locations are very project specific. It is important that the planning area remain open to mineral materials disposal.

5. Designate the Ambler Utility and Transportation Corridor. AMA supports the designation of the Ambler road corridor. In Section 201(4)(b) of ANILCA, Congress specifically recognized the future need for surface access from the Haul Road (Dalton Highway) to the Ambler Mining District. This BLM plan must be consistent with this Congressional intent, as such a route would need to cross some BLM land in the planning area.

The Ambler Mining District has extensive mineral resources, including copper, cobalt, silver, gold, lead, zinc and trace amounts of REEs. It has been characterized as one of the largest undeveloped copper-zinc mineral belts in the world. The area has been explored for decades, but development of the mineral resources has been limited due to a lack of transportation infrastructure. Once complete, the Ambler Access project will provide surface transportation access to the Ambler Mining District and enable further exploration and development of the area's resources, providing for National security and State economic development. Most of the mineral resources in the Ambler Mining District are on State and ANCSA Native Corporation owned lands.

6. Retain the Toolik Lake Research and Natural Area. AMA supports designation of this longtime University of Alaska's and other Universities' Arctic monitoring and research area on the North Slope Northwest of Atigan Pass – 77,000 acres.

7. No Right of Way (ROW) Exclusion Areas. There should be no ROW Exclusion Areas in the final plan. Future development on State and ANCSA corporation lands, and future communication and electrical lines between communities, will require ROWs across BLM lands. This is particularly true because BLM lands in the planning area are intermixed with State and ANCSA lands.

BLM states "In areas identified as ROW exclusion areas, *the BLM would not issue any ROW for any reason*" (emphasis added). ROWs are necessary for any future oil or gas pipeline, road, railroad, transmission line, or fiber optics line or cable installation. Future needs for access for resource development are unknown and specific needs will be dictated by as-yet-undeveloped technologies and future discoveries, and should not be precluded by such pre-emptive designations.

The proposed ROW exclusion areas in Alternatives B and C-1 would place large areas of BLM land off limits to any future ROWs. These exclusion areas are not consistent with the intent of Congress expressed in Title XI of the ANILCA, where Congress acknowledged that transportation and utility systems would need to be built across Federal lands in Alaska. ANILCA Sections 1102-1108 lays out a specific process for enabling Transportation and Utility Systems across protected Conservation System Units and Areas. We find it inconceivable that Congress envisioned that BLM would be more restrictive on access on multiple use lands than what is allowed in National Parks, National Wildlife Refuges and designated Wilderness.

ROW exclusion areas also directly conflict with the ANILCA Section 1323(b) promise of access to ANCSA Native Corporation and State-owned lands.

Furthermore, FLPMA Section Title V identifies ROWs as a "principal or major use" on BLM lands and does not envision a preemptive prohibition of ROWs on large areas of BLM lands. At least 6 ROW Exclusion Areas in Alternative B exceed 100,000 acres – including Jim River (303,000 acres), South Fork Koyukuk (415,000 acres), and Sethkokna (299,000 acres). Because they exceed 100,000 acres, proposed ROW exclusion areas are also subject to Congressional Review under FLPMA Section 202(e)(2), as they are "a management decision that excludes (that is, totally eliminates) one or more of the principal or major uses for two or more years with respect to a tract of land of one hundred thousand acres or more" (43 U.S.C. 1712).

Finally, the definition of ROW exclusion areas specifically contradicts BLM's stated goal "to meet public needs for use authorizations such as rights of way."

In summary, AMA is amazed by, and strongly objects to, the ROW exclusion areas proposed under Alternative B. In proposed Alternative B, the ROW exclusion areas are so extensive that they essentially prevent creation of any continuous access across or within large portions of the planning area. The ROW exclusion area overlapping the Sethkokna ACEC in Alternative B creates a virtual, defacto prohibition of any meaningful East-West surface transportation route across BLM lands that lie between two large blocks of State-owned land in the southern portion of the planning area. The Jim River and South Fork Koyukuk ACECs that are ROW exclusion areas under Alternative B actually include the Dalton Highway and TAPS lines. These two exclusion areas would prevent future new ROWs within this vital transportation and utility corridor. Such proposals are <u>unacceptable</u> in ANY alternative.

BLM should not consider the ROW Exclusion areas as proposed in Alternative B as they blatantly violate FLPMA and ANILCA requirements to provide reasonable access across BLM lands.

8. No Areas of Critical Environmental Concern (ACECs). AMA supports the Draft Plan's proposal not to designate any ACECs and requests that BLM carry this proposal forward in the final plan and Record of Decision. AMA has provided extensive comments on ACECs in our letters of August 29, 2014 and March 17, 2017.

ACEC Designations Are Not Necessary. AMA has consistently argued that ACEC designations are not necessary to protect the resources due to existing Federal and State statutes and regulations and the unlikelihood of significant activities in these remote areas. We were pleased to see BLM agrees with AMA, as stated in the Record of Decision for the Bering Sea – Western Interior RMP issued signed on January 15, 2021. Specifically, AMA agrees with the following conclusion in the BSWI RMP ROD: "The decision not to designate any Areas of Critical Environmental Concern (ACECs) is consistent with FLPMA and BLM guidance. While FLPMA Section 202(c)(3) directs the BLM "give priority to the designation and protection of areas of critical environmental concern" during the development and revision of land use plans (43 U.S.C. 1712(c)(3)), the agency is not required to designate all proposed ACECs even if relevant and important values are present (BLM Manual § 1613.23). The BLM complied with agency policy that requires all ACECs with R&I be considered for designation in at least one alternative (BLM Manual § 1613.22.B). The Proposed RMP and Final EIS considers a range of ACEC designation options across alternatives, including at least one alternative that recommended designating all potential ACECs, and provided a comparison of the effects and tradeoffs associated with each alternative (Final EIS Section 3.4.1). *Consistent with the BLM ACEC Manual § 1613.33.E, the Proposed RMP and Final EIS documents, for each proposed ACEC, that special management attention is not required to protect the R&I values, because the remoteness and lack of infrastructure and facilities in Alaska as well as a low present and future potential for development significantly reduces the risk to the R&I's values and, as a result, the standard management prescriptions in the Proposed Plan would provide adequate protection for those resources (Final EIS, p. 2-91, pp. 3-154 to 3-171). This decision is well within the broad discretion afforded to the BLM under FLPMA and agency guidance to determine whether or not designation of ACECs is appropriate in a land use plan." (emphasis added)*

Need for Consistent Policy Direction Statewide on ACECs. Because BLM lacks clear policies on ACECs, BLM has been inconsistent in its treatment of ACECs across planning areas and with different Federal administrations. For example, in 2014 BLM added an entirely new and unnecessary step to the planning process asking for public nominations of ACEC's. As a result, BLM's 2017 Preliminary Alternatives Concept advanced totally inappropriate proposals for ACECs. This resulted in unrealistic public expectations, including numerous public comments from people outside of Alaska who are unfamiliar with existing State and Federal protections, and do not understand the vast size, limited access, and very limited development pressure on these lands, making ACECs unnecessary.

9. There should be no areas designated as core caribou calving habitat as proposed in Alternatives C-1 and C-2). The Ray Mountains core caribou calving area in Alternatives C1 and C2 covers 572,000 acres and the Galena Mountain core caribou calving area (also in C1 and C2) includes 174,000 for a combined total 746,000 acres. The RMP does not include an estimate of

animals occupying the area, but we understand it is not a large population. As noted above, the Ray Mountains area is potentially a good source for REEs and critical and strategic minerals. It is important to maintain reasonable access to the area and keep it open for minerals prospecting, claim location and future mining. Development on BLM lands throughout the state has been minimal and it is unlikely that this will change. Special restrictions for calving or other such areas are not warranted or justified.

The lands covered by core caribou habitat restrictions have for the most part been segregated by previous State selections and some Doyon Corporation selections. The BLM should not attempt to reserve or plan for another use while the valid segregations are in place. Ultimately, the land and mineral estate will be transferred to these parties to manage as they deem appropriate.

Restrictions to the use of mineral materials are proposed for a large area in the proposed core caribou area and beyond due to wet and poor soil conditions. Although portions of the area may be challenging to cross the designation was made without the benefit of detailed soils reconnaissance and testing. It is probable that, given the size and evidence of alluvial action, material sources are available and access roads or trails could be constructed the same as they have in many similar areas in Alaska.

10. There should be no areas designated as Dall Sheep Habitat Areas and Movement Corridors as proposed in Alternative C-1. Dall sheep habitat areas are primarily located in a narrow strip on either side of the Dalton Highway starting a short distance south of Coldfoot and continuing northerly for approximately 100 miles. The Dall sheep study area (DSSA) identifies several smaller areas of Dall sheep habitat (DSHA) and Dall sheep movement corridors (DSMCs). The DSSA occupies 361,300 acres, the DSHA 4,600 acres and the DSMC 163,000 acres. The acreage is the same for Alternatives C1 and C2. It is important to identify and maintain access ROWs along this corridor for current and future users. Development on BLM lands throughout the state has been minimal and it is unlikely that this will change. Special restrictions in DSHA and DSMCs are not warranted or justified.

Under Alternative C1 for the DSHAs, the RMP proposes a two tired management system with BLM managing the inner corridor, which includes the Dalton Highway, and the State managing the outer corridor. This would likely cause confusion and problems with management. Alternative C2 would allow the State to acquire all the lands along the corridor.

11. There should be no lands designated as Lands With Wilderness Characteristics. AMA strongly opposes the designation of, and special restrictions attached to, "Lands With Wilderness Characteristics." The concept is inherently flawed in Alaska because most BLM lands currently exhibit "wilderness characteristics" due to the lack of development and infrastructure. By managing with a goal to protect wilderness, BLM is essentially establishing Wilderness areas. In 1980, Congress through ANILCA determined the over 100 million acres of Alaska lands that should be Wilderness, and specifically excluded BLM lands from Wilderness designations. AMA strenuously objects to including "lands next to CSUs", since those CSU and Wilderness boundaries were extensively studied when ANILCA was being debated, and all necessary "buffers" were considered and included as part of the ANILCA designations. AMA strongly opposes "buffering the buffers."

12. Wilderness Recommendations. AMA supports BLM's past and current decision not to make Wilderness recommendations in Alaska Resource Management Plans other than the one designated BLM Wilderness Study Area designated in ANILCA Section 1004. As stated above, the issue of Wilderness designations in Alaska was addressed through ANILCA.

Wilderness Study Area – Approximately 90% of the Central Arctic Management Area identified in ANILCA Section 1004 as a Wilderness Study Area is now State owned or ANCSA owned (mostly by the Arctic Slope Regional Corporation). With the exception of the small "Nigu River" area, the remaining BLM lands within this Wilderness Study Area are surrounded by State and ANCSA lands and should not be recommended for or managed as Wilderness. This BLM land may be needed for access to the adjoining State and ANCSA lands.

13. New Wild and Scenic River Designations. AMA supports the conclusion in Alternatives C1, C2 and D that the 11 eligible stream segments are not suitable for inclusion in the National Wild and Scenic Rivers System. BLM should release these streams from the existing interim management protections afforded by Alternative A (the no action, or existing plans).

14. BLM should not use the Adaptive Management and BEACONS as described in Appendix F and G for alternatives B and C1. The BEACONS and related large areas in Connectivity Corridors gives land managers the ability to alter the decisions made in the final RMP with no public process, no public input and no NEPA process. It would allow land managers to make decisions inconsistent with this RMP. This could nullify the entire plan for areas designated as Connectivity Corridors as described in Appendix G for alternatives B and C-1. In addition, decisions for BLM multiple use lands should not be tied to management of adjacent Conservation System Units. See AMA's detailed comments regarding Appendix G later in this letter.

COMMENTS ON SPECIFIC SECTIONS OF DRAFT RMP AND EIS DOCUMENTS

Section 3.2.10 Paleontological Resources - PFYC – Potential Fossil Yield Classification.
This section lacks scientific justification and should be modified significantly in the final RMP. The draft states "A Potential Fossil Yield Classification (PFYC) model for Alaska is **in development.** Preliminary PFYC values have been assigned to the mapped geologic units in the planning area (Breithaupt 2019)" (emphasis added). This (Breithaupt, B. 2019) reference is to a single internal email to a BLM GIS specialist and constitutes the entire basis for the PFYC classification scheme. The RMP contains no description of Classes 1-5 or how they were derived, no information on the ages, lithology or geologic units they include, nor does it acknowledge the very preliminary state of geologic mapping and related fossil information in most of the CYMP region. The RMP states (p. 3-103) that "there is no comprehensive BLM geodatabase of known fossil locations", although this information (in a GIS format) is readily available from USGS Alaska Science Center geologists. This PFYC "system", developed by BLM, has undergone no scientific review, has no available documentation, and is not in use in any university system, scientific, or land management agency. Management decisions should not be based on a non-peer reviewed, "analytical method" and, therefore, this PFYC system should not be used in this RMP.

This value system suggests that it evaluates "significant paleontological resources and the degree of management concern". However, it appears to be concerned only with vertebrate animal and

certain large invertebrate species. Without identified data sources or link between geology and the established "classes", the public has no idea what is being classified.

It should be titled "macrofauna" or "vertabrate fossil" categorization, because it does not address the microfossils (diatoms, sponges, radiolaria, conodonts etc.) which provide the majority of geologic age and sedimentary setting information, and makes no mention of flora (useful in establishing coal ages and settings).

Also, every example of "impacts" to paleontological resources listed in the document are negative and seem targeted to justifying the most restrictive management possible. For example, it states that climate change will expose fossils to "weathering actions" and "erosion". Exposure makes them "susceptible to unauthorized collection". Mining, infrastructure and ROW development, and recreation could cause "damage or destruction" of fossils or "disturbance of …stratigraphic context", and increased accessibility to "looting or vandalism," etc. Land exchanges or conveyance to "other" entities can make them "susceptible to loss or degradation". In fact, the 8 pages of the document dedicated to paleontology (more than the entire "energy and minerals" section) lists the perceived adverse impacts of all alternatives upon paleontological resources. The fact that increased exposure of fossil-bearing units that would otherwise never be found, is most often to the good when considered from a scientific knowledge and geologic mapping viewpoint is completely ignored.

In summary, this section is lacks adequate justification and should be substantially re-written.

Section 3.2.8 – Wildland Fire Ecology and Management - Wildland Urban Interface Analysis. We question the use of this concept in an area that has no "urban" land. BLM defines "Wildland Urban Interface" as a "zone where structures and other human development" meet fuels or undeveloped land. This is counter to the commonly understood meaning of "urban" (Merriam-Webster "of, relating to, characteristic of, or constituting a city"). The RMP then defines timber harvest and land closure management tools for the entire region, expanding their scope and extent of authority to include individual cabins, by listing any "area on or next to private and public property" as an urban interface. We recommend deleting reference to "wildland urban interface" as it is not appropriate in an area with no urban land.

Section 3.2.11 - Visual Resources. The Visual Resource Inventory (VRI) section and related policies in the Draft RMP are difficult to understand, including use of multiple similar-sounding terms, use of terms in uncommon ways, arbitrarily assigning "values" without clear basis, and using many pseudo-scientific terms that the average user of BLM lands cannot comprehend.

Visual "components" include "scenic quality" (Class A, B or C), visual "sensitivity" (high, medium or low), "distance zones" (fore/middle, background, or seldom seen (which is not a "zone" but a temporal condition), inventory "Classes" (I, II, III, IV) and "Management classes" (I, II, III, IV and unclassified). These 18 different categories that represent subjective quality are then discussed in 4 pages of tables which purport to analyze how all possible future actions would "preserve the visual character of the landscape".

"Future actions" of humans (cell towers, placer mining) are consistently presented primarily in a negative light. With human activity such as changes in "landforms, vegetation, color"…"the scenic

quality of an area can be degraded". Fires, however, cause only "nuanced changes" in the visual character of the landscape". The visual resources discussion fails to recognize that significant natural conditions also change the visual landscape, such as seasonal vegetation changes, caribou migration, or landslides.

All these categories are subjective and poorly defined. Much of the VR "inventory" was done by fixed wing plane. Without a complete log of the flight paths, there is no record of how any categories were assigned to any segment of the landscape, nor how any future "action" that could "damage" or "impact" the "scenic quality" assigned could be evaluated.

The document refers users to an April 2016 internal BLM document for "additional information. In that document we are informed that having "a great deal of visual variety and contrast" is what rates a Class A. Who determines these ratings? Why are value judgments made by individual employees now to apply to all land users?

This section should be revised to eliminate overly prescriptive restrictions on hypothetical future uses. Rather, it should provide general guidelines that can then be applied to project specific land use decisions.

<u>Specific Comments on Visual Resources Section</u>
The VRI Scenic Quality (Map 3.1.7) simply lists geographic regions – how is this a "quality "determination?

VRI Distance Zones (Map 3.16) lists among the categories "seldom seen, hidden from view or not in foreground/middleground, or background visibility zones" – what does this mean? If something is neither in the fore-, middle-, or back-ground, it must by definition, be not visible (invisible). These terms are not readily understood by the average scientist, and certainly not by typical public users of BLM lands.

VRI Sensitivity Levels (Map 3.1.8) establishes areas of "high, moderate and low" value to maintaining visual quality, but provide no explanation. Who decides that one area's visual quality is "more important" to maintain than another? Why may one side of a creek's visual quality be "impaired" but the other side is "important" to keep? To whom is this visual quality important? How were potential users of the land considered in these determinations? And what does "visual quality" consist of – to one user "quality" might be a view of spruce trees, to another a wide-open vista, to a third, paved trails for their wheelchair.

Map 3.19 indicates areas of Class II, III and IV of a visual "inventory" with no legend, no indication of the source of the data, and no explanation of the missing Class I. Nowhere in the document is there any explanation of Map 3.19.

Section 3.3.3 – Energy and Minerals - Locatable Minerals. AMA has extensive concerns about the treatment of critical and strategic minerals and (REEs throughout the Draft RMP. We also are concerned about the inadequate use of mineral resource data.

The RMP should be revised to reflect the regional, State and national importance of the critical and strategic minerals in the planning area. These revisions should incorporate information from the references cited below. The RMP and EIS should recognize the potential adverse impacts of how each alternative and management prescription could impact the future development of these mineral resources, including national security and the nation's ability to develop essential infrastructure.

Especially troubling is the failure to rely on both data from and geologists and mining experts in the Department's own U.S. Geological Survey (USGS). USGS is the mineral science arm of the Department of Interior. USGS is not listed as a Cooperating Agency and no USGS personnel are listed in the List of Preparers in Appendix B (Table B-3). Our comments below list specific reports and studies that have been completed by State and Federal agencies that were not used in development of the RMP.

A concern throughout the RMP is that nearly all references to mineral development in the body of the RMP are from a negative viewpoint, evaluated only as "disturbances" of a given size or acreage, with no reference to the values of production, jobs, quality of life, contributions to U.S. supply chain security or any other positive aspect of mineral development.

Section 3.3.3 (Energy and Minerals) of the text states "Gold prices plateau, copper and rare earth elements are becoming more important economically". This sentence provides no documentation or evidence for price forecasts. It also seems to contradict the immediately following sentence "The forecasted demand for locatable minerals is expected to remain largely the same as current levels." This conclusion is referenced only to a 2016 BLM "analysis of management situation", and ignores current claim activity and the last 5 years of infrastructure development and strategic minerals emphasis at the Federal level and referred to in Appendix N.

The discussion of metal prices here and in Appendix N lacks an understanding of metals markets. Prices fluctuate based on numerous factors, none of which are mentioned. Prices for many metals today including copper, gold, silver, and most REEs are the highest they have been in many years. Major factors for these price increases include increasing demand for electric vehicles, electrical transmission to accommodate increased electrical usage, and adverse actions by China, our primary source of many REEs. Added to these is the fact that current mines are being depleted faster than new deposits are being developed. All of these factors will continue and become even more significant in the future.

In a related note, "high, medium, low, none" categories of "mineral potential" are shown on Maps 2.67, 2.68, 2.69 and 2.70. We see no explanation of these categories in the text, no bibliographic reference for them, and no indication of what elements / metals / minerals they include. Also, speaking geologically, the category "NONE" should not be used here since it is not possible to know for certain that there is no potential for any minerals.

The 6 maps of critical mineral potential produced by the USGS specifically for the CYMP area, are not even included in the 75 maps appended to the RMP, and these data are only referred to Appendix N.

Comments on Locatable Minerals Discussion Here and in Appendix N. Appendix Section N.8 summarizes locatable mineral potential and projections. Map N-6 indicates locatable potential as high (≥10), medium (4-9), or low (1-3). The latter 2 categories directly contradict the appendix text which says (p. N-17, 18) that scores of 1-5 are "low", and 6-9 are "moderate".

The majority of areas are indicated as a rating of zero "considered to have no locatable mineral potential" (page N-17), which is a geologically indefensible categorization. No indication is given for what the "1-5" rankings measure or summarize, nor is there any indication of the process by which these ranks were created.

This entire approach and discussion is misleading. Lack of discovery does not mean valuable mineral deposits are not there. Lack of discovery also has no bearing on the probability of finding such deposits in the future. There has been very little exploration in the plan area because most of the area has been closed to mineral entry and exploration by various land withdrawals in place since the late 1960s. As a result, none of the modern exploration tools developed in the last 50-plus years have been utilized. Throughout the world new discoveries are made even in areas where there has been extensive exploration and mining. Additionally, as technology advances for exploration, mining and metallurgical processing, deposits that were once not economic often become valuable operating mines. The key message here is that the lands should be kept open to mineral entry to ensure the nation has the metals it needs for now and in the future.

Rare Earth and other Critical & Strategic Minerals Potential. The draft plan needs to specifically identify areas with high potential for critical and strategic minerals, including REEs and make these lands available for either state conveyance or open to mineral exploration and entry. AMA is concerned that both the plan alternatives and information in the Affected Environment Section fail to adequately consider that the planning area includes some of the highest potential lands in Alaska for several critical and strategic minerals, including some REEs. These minerals include tin, tungsten, tantalum, niobium, germanium, zirconium, and gallium. Each of these are essential for industry and defense applications. Many of these minerals we currently import from China and other countries.

The known belt of critical minerals extends from Ruby on the Yukon River thence 100 miles northeast, the north flank of the Ray Mountains. It underlies the Ray River valley crossing the Dalton Hwy north of the Yukon River bridge, extending east to include Dall River and Coal Creek. See attached map "**Metal Source Provinces, Tin, REE, Tungsten".** This area has the highest potential for several REEs of anywhere in Interior Alaska.

The CYRMP proposes added restrictions for this area that would make the area unavailable for developing the critical and strategic minerals listed above.

One of the minerals that occurs in the area is germanium (Ge). Ge is currently produced almost exclusively in China and minor sources in Russia. Except for minor traces from a few copper deposits, the U.S. buys all this metal from China.

There are extensive alluvial heavy mineral deposits containing minable grades of placer Sn-W-REE-Zr-Nb-and Ta on many of the streams and in adjacent benches. The RMP rarely mentions mineral opportunities and is nearly silent regarding critical and strategic minerals.

Additional Mineral Information Not Referenced (Not Used?) in preparing the Draft Plan and EIS. The following information and reports need to be reviewed by BLM in developing a revised or final RMP.

USGS Open File Report 2015-1021. This USGS report "*GIS-based identification of areas with mineral resource potential for six selected deposit groups, Bureau of Land Management Central Yukon Planning Area, Alaska" was prepared specifically for the CYMP area, yet most of this* information is not reflected in the data and maps in the Draft Plan and EIS:
https://pubs.er.usgs.gov/publication/ofr20151021

The report covers 6 critical mineral deposit types. The plates, which are attached to the USGS Report should be part of the planning document, and a large part of BLM analysis of minerals (plus phosphate etc.) should be based on this report, as it was done specifically for BLM by the mineral science agency in DOI.

The USGS analysis supports the Federal administrations' "Made in America" and "Supply Chain" Executive Orders (EO 14-005 and EO 14-017]) as well as the push for the green energy.

Existing Studies that were not considered in developing the RMP. The studies that have been completed on the area are not referenced in the RMP (and should be). These include:
Herried, G., Regional Geochemistry of the Bettles Quadrangle, 1 Sheet, Alaska Division of Geological & Geophysical Surveys. 1974.
Brosge, W.P., Reiser, H.N., and Yeend, W.E., Reconnaissance Map of the Beaver Quadrangle. U.S. Geological Survey. Miscellaneous Field Studies, Map M.F.-525, 1973, 1 sheet, 1:250,000 scale.
OFR 59-83 Reconnaissance of Tin and Tungsten in Heavy Mineral Panned Concentrates Along the Trans-Alaska Pipeline Corridor, James C. Barker. USBM.
Investigation of Tozimoran Placers, Field Report, J. Barker and D. Warner. October 1985.
IC 9104 Tin Reconnaissance of the Kantui and Hodzana Rivers Uplands, Central Alaska. James C. Barker and Jeffery Y. Foley. USBM 1986.
OFR 34-91 Investigation of Tin-Rare Earth Element Placers in the Ray River Watershed. James C. Barker. USBM.
Barker, J.C. Formation of Tin Placers Associated with Downcutting of the Ray River Fissure Basalts. 1991. In *Annual Short Notes on Alaskan Geology*. Alaska Division of Geological & Geophysical Surveys.
Evidence for Geothermal Tungsten and Germanium Mineralization in Eocene Coal and Associated Sediments, Fort Hamlin Hills area, Interior Alaska. 2006. Alaska Division of Geological & Geophysical Surveys *Preliminary Interpretive Report 2006-1*.

3.4.2 – Wild and Scenic Rivers - Use of Outstandingly Remarkable Values (ORVs).
"Outstandingly remarkable" values (ORVs), are defined in the RMP as "scenic, recreational, geological, fish and wildlife, historical, cultural or other similar values", which may include ecological biological or botanical.

No definitions of "values" are provided, and no criteria are indicated for what makes any particular scene, fish, geologic, or botanical feature, for example, "remarkable", nor what would constitute "outstanding". The standard Oxford dictionary lists "remarkably" as a synonym of outstandingly, and in standard English usage, exceptionally, remarkably, outstandingly, conspicuously, unusual, uncommon, "worth noting" and "better than usual" are clearly all subjective terms.

None of these definitions are scientific, nor do they have a clear and precise meaning. Therefore, they should not be used in making determinations of land use. Such subjective terms are applied very differently by people of diverse backgrounds. In fact, they have been applied very differently by BLM when preparing RMPs for different areas of the state and country over the past 25 years.

Table 2-9 lists, numerous river segments with "outstandingly remarkable" "scenic" values with no indication of which persons' judgments determined this, or by what criteria. One could argue that to a resident of Detroit, every inch of Alaskan scenery would be both outstanding and remarkable. The reference to where these determinations originated is listed as a 2012 BLM Policy Direction Manual (6400), which is clearly not a scientific nor peer-reviewed document and one with no indicated authorship or credentials. This manual, and the process which led to these scenic "ORV" determinations are not available to the public for further scrutiny while commenting on the Draft RMP, yet the designations from this policy manual are used in determining management alternatives.

Without criteria defined for inclusion, clear threshold levels identified for listing as "remarkable" or "outstanding" for each category (geology, biota, recreation etc.), the usage of these terms has no scientific, or commonly agreed upon meaning, and should play no role in management decisions.

COMMENTS ON APPENDICIES

Appendix F. Standard Operating Procedures (SOPs) and Fluid Mineral Leasing Stipulations Comments. Many of these are not supported or necessary as they repeat requirements already covered by existing State and Federal statutes and regulations. Our comments focus on the impact of the SOPs on mining operations, particularly placer operations. Under a strict interpretation, t**he cumulative impact of these SOPs will essentially make it impossible for many small placer miners to operate on BLM lands.** Because of this, before imposing any SOP in the RMP, BLM should address whether it is justified to be applied across all activities and the benefits and costs of its implementation.

F.2.1 Air (AIR).
Before submitting an application for BLM approval, the permittee may have to submit a list of foreseeable air pollutant emissions and BLM may require air quality modeling and if they feel necessary, they may require monitoring. While we don't think their target is small operators, the burden would likely be beyond small operators. The burden could get quite large for any operator. **This requirement duplicates existing regulatory authorities of the Alaska Department of Environmental Conservation and should be deleted**.

F.2.2 Soils (SOI).

Most of the items in SOP SOI-1 thru 11 are already practiced by most miners in some form. In SOP SOI-12 it doesn't define "long-term" storage of stockpiles. And they are recommending use of a "protective cover". Most stockpiled organic material has enough organic material to not require any additional cover. It shouldn't be required but rather left to the discretion of the AO.

In SOP-SOI-13, for slopes greater than 3:1 BOM is requiring that the sites are properly surveyed and designed by an engineer registered in Alaska. **This requirement should be deleted** as it is not feasible for small remote mining operators that would have to bring an engineer in a year in advance to get the information that the engineer would need since remote sites are usually only accessible during the mining season. Many of these operators are experienced enough that they should be allowed to submit their own erosion control strategy and topsoil segregation/restoration plan without an engineer stamp for consideration.

F2.3 Watershed and Fisheries (WAT/FISH). These requirements should be deleted as fish and fish habitat protection are already regulated by the Alaska Department of Fish and Game under Alaska Statutes Title 16. In addition, this SOP does not define where the regulatory boundaries are. Under SOP WAT/FISH-1&2, the issues concerning stream crossings are already practiced.

In SOP WAT/FISH-3, it is not practical nor necessary to prohibit drilling in the 100-year floodplain of fish-bearing rivers and streams, which would include most rivers and streams in Alaska. In many streams, the 100-year floodplain can entail a major portion of a valley. Drilling is often the chosen method of exploration because it can be done with minimal impact. **SOP WAT/FISH-3 should be deleted**.

SOP WAT/FISH-15 concerns stream and marsh crossings. It has several stipulations which are commonly practiced now, but it has one stipulation that would be an impediment for many current placer operators. It states that "stream and marsh crossings are to be designed on at least 1 year of relevant hydrological data". Many, if not, most streams in Alaska do not have 1 year of stream specific hydrological data. Appropriate project designs, including mitigation, can typically be determined based on existing information for a watershed (or nearby analogous watersheds) without the need for time consuming and costly hydrologic data collection over an arbitrary (and potentially non representative) one year period. **As such, SOP WAT/FISH 15 should be deleted as a requirement in the RMP.**

Many of the rest of the SOP WAT/FISH stipulations are already being practiced or are not project prohibitive.

F2.4 Vegetation and Nonnative Invasive Species (VEG/NNIS).
In SOP WEG/NNIS-1 the NNIS of concern "are all terrestrial and aquatic NNIS species identified by the BLM at the time of the permitted action. Planning, inventory, treatment, and monitoring are required for all permitted activities to ensure that the permitted (and associated) activities do not contribute to, or result in, the introduction, establishment, or spread of invasive species". This requirement would be an extreme challenge for most small operators as they don't have the professional staff or knowledge needed to inventory and possibly monitor (since they likely won't be able to identify many) terrestrial and aquatic NNIS. And many small operators, especially remote

ones, could find hiring professional services to be cost prohibitive. **This SOP should be deleted, or only required for large projects.**

SOP VEG/NNIS-3 states that during activity "if NNIS of Concern are detected at any time during any permitted activity, the permittee will report to the BLM AO within 30 days of detection". Again, as explained for SOP VEG/NNIS-1, this is beyond what resources small operators have on site to identify. Only large projects that have professional scientific staff are capable of following this stipulation. **This SOP should be deleted, or only on a case-by-case required for large projects.**

SOP VEG/NNIS-4 concerns eradication. Of particular concern is that it states "for all projects where NNIS of Concern are detected (before, during, **or after the permitted activity**) and eradication is deemed necessary by the BLM, the permittee will have to present a plan. For how long into the future is a permittee liable for invasive species? **This SOP should be revised to state that it no longer applies after the permitted activity has ended and the associated reclamation is completed.**

SOP VEG/NNIS-6 "Projects that require Invasive Species Monitoring Plans" is of particular concern. It includes:

- ground disturbance greater than 2 acres
- ground disturbance of more than 0.5 miles in total length
- operations within waterways or involving water handling operations
- Importation (from another part of the State or beyond) of equipment or substances, including weed-free seed, straw, gravel, topsoil, or mulch that could harbor invasive species
  This would include all mining Plan of Operations. The BLM will require an Invasive Species Monitoring Plan that describes post-activity monitoring and includes a Hazard Analysis Critical Control Point Evaluation. Many operations are off trails that are utilized by several different users. This could be recreational users, hunters, other miners, or cabin or property owners along a trail system. Invasive species, if found, could be brought in by any of these users, but the miner could end up being liable. **That needs to be recognized by BLM to not burden the miner with a blanket liability**.

In SOP VEG/NNIS-15, the arbitrary criterion of "3 inches of snow water equivalent" should be removed. The amount of snow cover needed for overland movement of equipment will vary depending on the ground pound per square inch of the equipment being moved. Light equipment with a large footprint, such as low ground pressure (LGP) equipment may not need that much coverage. In SOP VEG/NNIS-16, the stipulation references its application to a "designated **or proposed** critical habitat". A **proposed** critical habitat should not be regulated as if it is a **designated** critical habitat.

F.2.5 Wildlife (WILD)

SOP WILD-1 makes potential restrictions based on "known or **suspected migration corridors or movement corridors".** The BLM AO may require the development of an ecological land classification map (or similar instrument) of the development area as part of the permitting process. This is beyond the capacity of almost all small mining applicants. Applicants for a very large mining project could possibly do this, but they would likely also require an EIS and project-specific

authorizations anyway and this requirement does not have to be in an RMP. **This SOP should be deleted, or only required for large projects.**

SOP WILD-2 concerns preventing raptors from nesting or using man-made structures such as power poles or cell towers. We believe the BLM regulated projects that have these structures are very minor compared to the statewide existence of all the similar public structures.

SOP WILD-7&8 involve buffers and seasonal time restrictions for nesting around eagles and migratory birds. BLM needs to be sensitive to seasonal operators having a very short operating season and so time restrictions and buffers should be kept as small as practical with the approval of the AO.

SOP WILD-10 concerns protecting special species habitat to enhance indigenous animal population or otherwise maintain "public land health" through avoidance of sensitive habitat. **Public land health** is an undefined term that could include almost anything.

F.2.6 Wildland Fire Management (FM)
In SOP FM-6, it is required to get approval from the BLM before using heavy equipment or off-road vehicles in a fire. **This requirement should be deleted or modified to allow exceptions when the operator is unable to reach a BLM authority due to poor communications or time of day.** For example, if a fire were to occur due to natural or man-made causes on a weekend, it could take hours before BLM approval could be attained allowing a fire to rapidly spread in dry or windy conditions.

F.2.7 Visual Resource Management (VRM) AMA is unclear as to BLM's goal in this section. With unidentified phrases and undefined terms, it is likely the general public remains confused as well. BLM should not set stipulations managing areas without clear language so that what is specifically being proposed is actually understood.

F.2.8 Forestry (FOR) No comments.

F.2.9 Mineral Materials and Locatable Minerals (MIN-LMM)
SOP MIN-LMM-1 Language is acceptable and it is good to see that BLM recognizes that the permittee is "subject to constraints developed through project-specific NEPA analysis.

SOP MIN-LMM-5 This concerns closure of mining operations and the BLM requirement to **remove** all improvements, materials and substances including scrap steel, derelict mining machinery, and parts. This should be limited to what the operator brought in. Many mining claim areas have had historic mining on them and there is a lot of historic "iron" left on these sites. Perhaps this whole issue of closure should be left to the mining operations plan.

F.2.10 Lands and Realty (LR) No comments.

F.2.11 Travel and Transportation Management (TTM)

SOP TTM-1 This concerns winter travel on streambeds. The SOP prohibits using a streambed as a primary ice road or trail. It should be made clear that streambed does not include rivers, which sometimes have winter ice roads on them.

SOP TTM-2 states that for BLM permitted activities, petroleum, oil, and lubricants could be transported in amounts greater than 1000 gallons over ice **only under the direction of a licensed professional engineer.** There may be numerous operators who have already been doing that for years. This could be covered in the mine plan after showing competency and history and could be referenced as such in the RMP.

F.2.12 National Trails (NAT) No comments.

F.2.13 Hazardous Materials and Health and Human Safety (HAZMAT)
SOP HAZMAT-1 through 4 are familiar issues that don't require comment.

SOP HAZMAT-5 states that storage of petroleum, oil, and lubricants equal to or greater than 55 gallons at any site will require secondary containment. **This should be changed to 660 gallons to be the same as EPA and ADEC requirements, or the SOP should be deleted as this is already regulated by these agencies.**

SOP HAZMAT 6&7 requiring a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan) are already required by ADEC so duplicative.

SOP HAZMAT-8 just adds BLM AO to the list to notify in the event of a reportable spill

SOP HAZMAT-9 No comments.

SOP HAZMAT-10 requires that no fueling operation will be allowed within a riparian zone or within 100 feet of a water body. It's not uncommon to have pumps located within this area to facilitate water control and those pumps need to be refueled occasionally.

SOP HAZMAT-11 requires that a hazardous materials emergency contingency plan will be prepared and implemented before transportation, storage, or use of fuel or hazardous substances. **This is new and seems mostly duplicative if you have a SPCC Plan and should be deleted.**

F.2.14 Subsistence (SUB) No comments.

F.2.15 Connectivity Corridors (LANDSCAPE)
SOP LANDSCAPE-1 "Landscape connectivity corridors will be analyzed for all discretionary activities that disrupt habitat connectivity, cause habitat fragmentation, or present barriers or deterrents to wildlife movement. Such activities will be authorized in the corridors only when no other feasible alternative exists. In all cases, analysis of impacts for proposed activities in the corridors would include careful consideration of cumulative impacts on habitat connectivity." This language is dangerously inclusive and vague. It uses phrases that are not defined and could include anything within its language. The required mitigation may include among other things "seasonal or

time restrictions on activities". This open-ended and vague stipulation should not be in a RMP. **SEE ADDITIONAL COMMENTS REGARDING APPENDIX G IN THE FOLLOWING SECTION.**

F.2.16 Ecological Benchmarks (BENCHMARK)
We note that this is only in Alternatives B and C1. We understand this methodology has been used by BLM in the lower 48 as a management tool. With the lack of data bases in Alaska, it will be difficult to apply to a RMP. **SEE COMMENTS REGARDING APPENDIX G IN THE FOLLOWING SECTION.**

F.3 Fluid Mineral Leasing
On page F-21: BLM stipulates that motorized noise in a Dall sheep habitat area would not exceed 50 decibels which is about equivalent to a quiet office. Normal conversation is 60 decibels. This threshold is too low to allow most motorized uses as it could achieve that low of a noise level.

On page F-22: Raptor nests not within 0.5 miles. No exploration, development, of facility construction from April 15 through August 15. This is an excessive distance buffer and a timing buffer of 4 months. For Golden Eagles, no occupancy or use allowed within 0.5 miles. **This requirement should either be deleted or revised to allow for specific exemptions as part of project specific site conditions and authorizations.**

<u>Appendix G. Adaptive Management Framework</u>

As we previously stated, BLM should not use the Adaptive Management and BEACONS as described in Appendix F and G for alternatives B and C1. The BEACONS and related large areas in Connectivity Corridors gives land managers the ability to alter the decisions made in the approved RMP with no public process, no public input and no NEPA process. It would allow land managers to make decisions inconsistent with this RMP. This could nullify the entire plan for areas designated as Connectivity Corridors.

General Comments Regarding Appendix G. Appendix G is not written in a way to be understandable by the general public. As currently drafted, we question if, or how, a land manager making permitting decisions can use it in a meaningful way.

The BEACONS) and the related large areas in Connectivity Corridors gives land managers the ability to alter the decisions made in an approved RMP with no public process, no public input and no NEPA process. It appears to allow land managers to make decisions inconsistent with this RMP. This essentially could nullify the entire plan for areas designated as Connectivity Corridors.

In addition, under the description of the use of BEACONS and management of Connectivity Corridors in Alternative C1, it directs BLM managers to essentially defer to the managers of nearby Federal Conservation System Units (CSUs) when making decisions. This is contrary to the intent of ANILCA. BLM lands were excluded by the U.S. Congress from these CSUs specifically so they would not be managed the same as the CSUs. CSUs are not multiple use lands. This is the language we find to be especially troubling:

Page G-5 "***Alternative C1—Select BEACONS benchmark from the top-ranked 13 benchmarks with the greatest amount of CSU lands*** *(national wildlife refuge, national park and preserve, or national conservation area; see* ***Map G-2****). Cooperation with other Federal land managers would be emphasized under this alternative. The goal would be to supplement or contribute to the effectiveness of CSU benchmarks by managing adjacent BLM-managed lands appropriately and in close cooperation with the CSU land manager*. "

Adaptive Management Overall. The concept of "adaptive management", is diametrically opposed to the traditional BLM (and US Forest Service) land management approaches of establishing fixed land plans for any geographic area. Those plans, which theoretically are developed over 2-3 years with public input, set management policy for a minimum of 20 years.

In reality, use of adaptive management means that RMPs (and Forest plans) are merely baselines. They attempt to set minimum standards of management, but any and all policies established therein can be changed at any time, and future decisions need not follow any of the rules established in the plan's "chosen" alternative, or vetted by the public. The Adaptive Management approach proposed for alternatives B and C-1 allows BLM to deviate from the approved RMP without the rigorous agency and public process required by FLPMA.

The application of the BEACONS approach, and the concepts of "connectivity corridors" and "ecological benchmarks" as management priorities are predicated on assuming that the "health" of surficial flora and fauna are the sole, or even the primary responsibility of the BLM. Managing lands exclusively for the protection of the health of the surficial resources assumes there can be little or no use of any mineral resources.

The BLM management mandate, however, is for "multiple use", not exclusively for ecosystem health. The BEACONS and adaptive management approaches disregard BLM's responsibilities in aquifer identification, management, replenishment etc.; identification of landforms; tectonic activity, and natural hazards; and all non-biologic resources (fossil fuels, solid fuels, minerals, materials, etc.) that are all part of the land that they manage for the benefit of the American public.

The statement "healthy resource industries…. depend on the sustained yield of healthy productive ecosystems" ignores the formation, occurrence and development of most metallic and non-placer mineral resources. Mineral resources have no dependence on, or relationship to, the current ecosystems, as the current ecosystems developed tens of millions of years after the formation of the mineral resources, and the ability to develop them depends on their structural, chemical and geologic conditions.

Resource development projects can co-exist with ecological protection when viewed on an ecosystem or landscape level. This is especially true in an area such as the Central Yukon RMP where all realistic development scenarios comprise very small geographic portions of the planning area. BLM has failed to show where realistic development scenarios will actually cause ecosystem level effects – especially considering the large-scale natural changes that occur all the time. For example, major river systems can have large scale hydrologic and physical changes regularly due to erosion and flooding. Similarly major often naturally caused fires can have similar large scale ecosystem impacts.

Terms such as "ecological degradation" and "quality of recreational experiences" are subjective and not defined in the document, yet are invoked to justify management restrictions.

This section maintains the negative attitude towards non-biotic resource uses and development seen throughout the RMP document. Resource development activities "both large and small" are claimed to influence the ecosystem of their immediate footprint, but also across their entire "supply chain and their production stream". Thus, effects of any size or type of development in the CYMP area can always be deemed to cause "unnecessary" degradation of an ecosystem, whether near or far.

Specific Comments on Appendix G. Adaptive Management Framework

Minerals. Page 1 of Appendix G emphasizes how the BLM is required to use "best available science" in all management and adapt management policies when additional information is made available. "BLM policy IM 2014-125 directs BLM to consider "relevant data and information from…. other landscape assessments during land use planning and project-level decision making". BLM's own words here support AMA's strong recommendation to redo the entire minerals section using the results from the USGS 2015 landscape-level analysis of critical minerals specifically within the CYMP area.
https://pubs.er.usgs.gov/publication/ofr20151021

Appendix H – Aquatic and Riparian Resource Desired Conditions and Objectives – concerns about the Watershed Aquatic Resource Value Model and Watershed Condition Model (WCM)

Watershed Aquatic Resource Value Model (ARM). Fish resources in the RMP are ranked via an ARM (aquatic resource value) model, which analyzes species diversity, endangered species presence, non-salmon anadromous species, essential fish habitat, and "rare" or "unique" fish habitat or resources. The model is scored, according to the RMP, via "GIS modeling and professional judgement".

"Results" of the model are said to be on the BLM website – however, a search of the website yielded only a document describing the model: "Table 2 Rank Criteria and Scoring Used to Identify Aquatic Resource Values"
(https://eplanning.blm.gov/public_projects/lup/36665/54875/59566/BSWI_Watershed_Analysis_Framework_Process-maps.pdf)
listing the scoring points for each category of the ARM (ESA listed species present = 3 points; rare habitats unspecified up to 10 points etc.).

No descriptions are given of the types, quantity, or age of field data available (based on one 1935 survey or continuous monitoring for 30+ years) for any of the categories used. As a result, there is no reasonable basis for using the methodology to establish broad prohibitions or avoidance requirements, or overly prescriptive restrictions on development activities especially since all of these will be subject to project specific analyses and authorizations by BLM and State agencies with specific expertise and mandates for protection of aquatic resources.

We recommend BLM not use the model to establish blanket prohibitions or overly restrictive prescriptive requirements.

WCM – Watershed Condition Model. Riparian and aquatic habitat health are evaluated by 6th-level (12 digit) hydrologic units by the WCM model, which includes 4 categories based on a "set of model attributes, including, *but not limited to* water quality conditions, aquatic and terrestrial habitat conditions, aquatic species diversity, riparian function, soil conditions, and invasive species presence / absence"

The model overall is poorly described, with little indication of how "values" are assigned, who does the assigning, and what other attributes or evaluation parameters might be included.

The BLM analyses includes projections of the duration and magnitude of changes in water quantity, quality, habitat etc. but are in an area where little baseline data have been gathered, and the data record does not include a sufficient length of time to define what "original" conditions are or what their natural annual or diurnal variability might be.

A "weighted scoring system" (undefined in the RMP document) is applied to each watershed based on "Presence or absence of model attributes". Watersheds are scored via GIS modeling and "professional judgement", although no indication is given in the report of whose judgments these are, nor their profession or qualifications.

Only the "results" (not the criteria, or process) of the WCM and ARM models/indices are available on the BLM website; the RMP simply accepts the model as definitive.

Similar to the ARM, because the WCM description does not identify the detailed scientific basis for using the methodology, we recommend BLM not use the model to establish blanket prohibitions or overly restrictive prescriptive requirements.

Appendix N – Reasonably Foreseeable Development Scenario – Mineral Evaluation

N.3 Fluid Leasables. This section and Map N-3 present "potential" for fluid leasable minerals. The text refers to 6 plays evaluated in a recent USGS assessment of oil and gas resources (Houseknecht and others, 2020). Map N-3, however indicates "high/low/ very low" potential areas that are not defined in any way and are referenced only to a **2017** BLM GIS system.

N.5 Coal. Section N.5 discusses coal resources and potential. Page N-10 refers reader to Map N4 for development potential, and Map N5 for location of coal basins. These 2 maps are reversed – N4 is coal basins, and N-5 is potential, both without sources shown for the data (locations) or the interpretation of potential. The over-brief (half page) discussion of coal refers to basin names, locations and quality, and interprets development potential for coal, yet contains not a SINGLE bibliographic reference to where this information is obtained. Unsurprisingly "no mining" is anticipated in any area. Confusingly, in the main text, coal is referred to in both Table 2-22 as a "fluid" leasable mineral, and in Table 2-23 as a "nonenergy" solid leasable mineral. Both of these are incorrect.

N.8. Locatable Minerals – see previous discussion in AMA's comments on Section 3.3.3 of the RMP.

GENERAL COMMENTS ON DRAFT RMP ALTERNATIVES AND OVERALL ANALYSIS

General Comment on Alternative B. Alternative B would place severe restrictions on development in the planning area. Specifically, the extensive (ACECs, Research Natural Areas (RNAs), high value watershed (HVWs), Lands Managed for Wilderness Characteristics, Class 1 and 2 viewsheds and other areas designated for special protection encompass very large percentages of the planning area. Under these designations, the management approach under Alternative B would prohibit or severely limit natural resource development as well as associated critical infrastructure (e.g., access, power, fiber, and other services) necessary for these projects.

Overall, Alternative B is entirely inconsistent with BLM's mandate under FLPMA to manage its lands for multiple use. In addition, it completely fails to recognize Congress' intent under ANILCA when it designated an expansive area of over 100 million acres of CSUs across Alaska and left the remaining BLM-managed public lands available for more intensive use and disposition.

A fundamental issue that we have with the EIS is the suggestion that many types of development (mining, ROWs, other infrastructure, etc.) are not compatible with environmental protection especially in the designated "high value" areas. This is evident in the summary language for Alternative B, which states that it emphasizes the protection of resource values over other uses. Specifically, the extent of allowable disturbance is suggested as an NEPA "indicator" of environmental effects. The impact summaries consistently equate acreage protected to level of impacts. This creates a public perception that by allowing more activities in these areas, resources will not be protected, and more effects will occur. We believe this a very simplistic and misleading finding that needs to be corrected in the Final EIS.

These issues are magnified in several ways. For example, the "high value" areas are very large, e.g., High Value Watersheds (HVWs) cover the entire floodplains of large watersheds. As such, almost any linear project in the region is likely to cross a "high value" area. Second, there is no context to the analysis, e.g., would a single crossing of or limited material site within an HVW cause a significant impact? We strongly suggest this is typically not the case especially since most of the area covered by the RMP is currently pristine and widespread future development is highly unlikely. The EIS provides few if any examples of where existing, modern mineral development projects are creating significant effects on high value areas that suggest a higher level of protection is needed beyond the current levels of protection.

We appreciate that BLM has tried in the EIS to provide some context to the impact analysis, including (1) using terms like "potential" impacts to resources, (2) noting that the area is currently pristine and widespread development is unlikely under any alternatives, and (3) all proposed development activities would be subject to project-specific NEPA analyses and Federal permitting as well as a range of State permitting requirements and protections. However, these considerations are inconsistently referenced and not fully discussed for each resource area, and acreages protected versus potentially disturbed are overemphasized when comparing the alternatives.

We also want to emphasize that the requirements of the RMP could have implications well beyond the lands managed by BLM. Much of the planning area is a "checkerboard" of land ownership, including extensive surface land areas as well as underlying mineral rights granted to ANSCA corporations and the State. As such, we anticipate that future development proposals on non-Federal lands will require access through BLM-managed lands. We want to make sure that important mineral development projects will not be precluded where high value areas are involved. We are especially concerned that any proposed restrictions in the RMP could jeopardize the rights guaranteed by ANILCA to Alaska Native Corporations and the State.

Mineral development projects in the planning area have the potential to provide significant and often unique economic and social development opportunities. Such opportunities are especially important to Alaska Natives. The benefits can extend well beyond employment and revenues directly associated with these mineral projects themselves but also give the people of the region the resources necessary to pursue their traditional lifestyles as well as potential use of shared infrastructure. We do not believe that the EIS provides a fulsome and complete discussion of how each alternative could impact how people might or might not be able to realize these opportunities. Denial of such benefits could, in many ways, directly conflict with the environmental and social justice mandates that are being advanced by the Biden Administration.

Overall, we have several strong general recommendations for the FEIS, including:

Consistently indicate that numbers of acres do not correlate with levels of impacts. The caveats listed above should be noted upfront, so they are fully communicated to the public. BLM should clearly recognize that the RMP itself will not immediately open the area to widespread development and that individual mineral projects would undergo a high level of scrutiny under project specific NEPA and are typically subject to extensive State review and permitting requirements.
Carefully review the scales of the high value areas; it is our view that they do not need to consist of millions of acres but should be much more focussed on the specific resources that may need to be protected balanced with the loss of other uses that may be precluded or severely restricted.
Fully recognize how restrictions on use of BLM-managed lands may have significant impacts on the surrounding non-BLM lands, including specific impacts to ANCSA land use. This should include detailed consideration of environmental and social justice issues.
Ensure that the land use management decisions do not conflict with the requirements of, and rights guaranteed under ANILCA, FLPMA, and other land use statutes.

It is our view that by undertaking the above changes, it will be clear that while there is value in defining the overall resource attributes in the planning area, including higher value areas, there is no scientific justification for the broad prohibitions and severe restrictions that would result from Alternative B and to a lesser degree Alternative C1 and C2

Document Format and Length. The Draft RMP and EIS is too long and complex. Specifics are buried in numerous places. Because BLM retains the right to "pick and choose" details from any or all alternatives, the "public" is therefore required to digest and comment on all 1000+ pages in order to weigh in effectively.

The Draft RMP blurs the distinction between land under BLM control and that of other landowners. BLM collated and analyzed data for 56 million acres, when their decisions affect only the 13.3 million acres under their management. This is especially troublesome because the Draft RMP does not recognize how its management decisions could adversely affect potential development in the surrounding areas.

Maps and Data Referencing. Most maps in the EIS contain the disclaimers: "no warranty is made by the BLM as to the accuracy, reliability or completeness of these data"; "data were compiled from various sources"; "may not meet National Map Accuracy Standards", and "may be updated without notification". Yet these are the SOLE products upon which management decisions are being based.

Most maps are sourced to "BLM GIS 2017. In the references this is listed as:
BLM GIS (U.S. Bureau of Land Management Geographic Information Systems). 2017. GIS data used in the Central Yukon RMP alternatives, affected environment, and impact analysis. Last edit date June 2020. Fairbanks, Alaska.

This is not an appropriate bibliographic reference. The GIS is not available to the public, does not document the layers or structure of data held, disclose the authorship or primary sources of any of the data layers, and is an ever-changing entity (i.e., the "last edited June 2020 note"). The reader, therefore, has no idea of the quality, quantity or source of data available or used at the time any specific map or "analysis" was produced.

Many references cited are only to internal BLM documents (staff reports, memos, even "email communications" (BLM 2018b)) that are neither peer-reviewed nor available for public review. Some are incomplete - Barros et al, 2014 references a report with no indication of a publisher or pagination. Others refer to unpublished material of uncertain origin; e.g. Carlson et al, 2016 and Ives and Schick, 2016, for example reference unpublished documents "prepared for" various agencies with no idea who the authors work for, their position or credentials, the length of the documents, where they exist, or to whom they might be available.

The standards for scientific documentation should be adhered to. Any reference that is not to a publicly available journal or government document source, must include an active web-link for the reviewing public to be able to read and evaluate the documents themselves, and a verification date for the last known access to the web-link.

Lack of Rigor in "Scientific "Analyses. Many of the analyses referred to in the RMP are to concepts that are subjective in nature, not in wide acceptance, have no clear definition, and/or are "values" that the BLM is the sole interpreter of. This RMP provides very little documentation of the processes used for, or the scientific basis of, many of the decisions indicated.

These include analyses of "potential fossil yield", "visual resources", "wildlife urban interfaces", "aquatic resource values", "watershed conditions" including "high value" watersheds, "outstandingly remarkable values" and "relevant and important" criteria

Conclusion. The Draft Central Yukon RMP and EIS needs major revisions and rewriting. The RMP needs to be more concise, clear, and internally consistent in order to be understandable by the

public and usable by BLM land managers and land users. The Preferred Alternative needs to eliminate restrictions that are inconsistent with BLM's "multiple use" mandate in FLPMA. The Preferred Alternative needs to abide by Congress' intent as expressed in ANILCA that no more lands in Alaska need to be managed as if they were Conservation System Units, which is how nearly all BLM lands are proposed to be managed under Alternative B. The plan needs many revisions as we have delineated in the numerous comments above. The RMP also unnecessarily duplicates and at times contradicts requirements for environmental permitting and wildlife management of other agencies. The plan also fails to follow the President Biden's direction to develop REEs and strategic and critical minerals from domestic sources and minimize dependence on foreign sources.

We thank BLM for the opportunity to comment on the Draft RMP and EIS and we look forward to reviewing the next draft of the Central Yukon RMP.

Sincerely,

Deantha Skibinski
Executive Director

cc:
Nada Wolff Culver, Delegated Director, Bureau of Land Management
Chad Padgett, Alaska State Director, BLM
Senator Lisa Murkowski
Senator Dan Sullivan
Congressman Don Young
Corri Feige, Commissioner, Alaska Department of Natural Resources
Susan Magee, ANILCA Coordinator, Alaska Department of Natural Resources

Attachments:
- June 27, 2012 letter from Secretary of Interior Ken Salazar to Governor Sean Parnell
- Map titled "Metal Source Provinces, Tin, REE, Tungsten" attached to this letter.
- Previous comments by the Alaska Miners Association regarding CYRMP

THE SECRETARY OF THE INTERIOR
WASHINGTON

JUN 27 2012

The Honorable Sean Parnell
Governor of Alaska
Juneau, Alaska 99811

Dear Governor Parnell:

Thank you for your letter dated April 13, 2012, regarding additional land selections and conveyances to the State of Alaska and Public Land Order (PLO) 5150. I appreciate you taking the time to share your concerns.

You requested that the withdrawal under PLO 5150 be lifted to allow the State's selections to attach in the inner and outer segments of the Trans-Alaska Pipeline System corridor. The determination of whether to revoke or modify PLO 5150 is a discretionary action informed by the Bureau of Land Management's resource-management planning process. In the 2007 Record of Decision for the East Alaska Resource Management Plan, the BLM determined that it would be inappropriate to recommend the complete revocation of PLO 5150 to allow for conveyance of corridor lands to the State of Alaska. However, as you note, the BLM recommended a partial revocation of PLO 5150, which was accomplished in 2008 through PLO 7692. This allowed the State to select approximately 82,000 additional acres of land within the utility and transportation corridor for conveyance. The Department of the Interior also modified the Order in 1995 through PLO 7150, which allowed the patent of 3,840 acres near Jarvis Creek to the State. The BLM is committed to working with the State to consider further modification of PLO 5150.

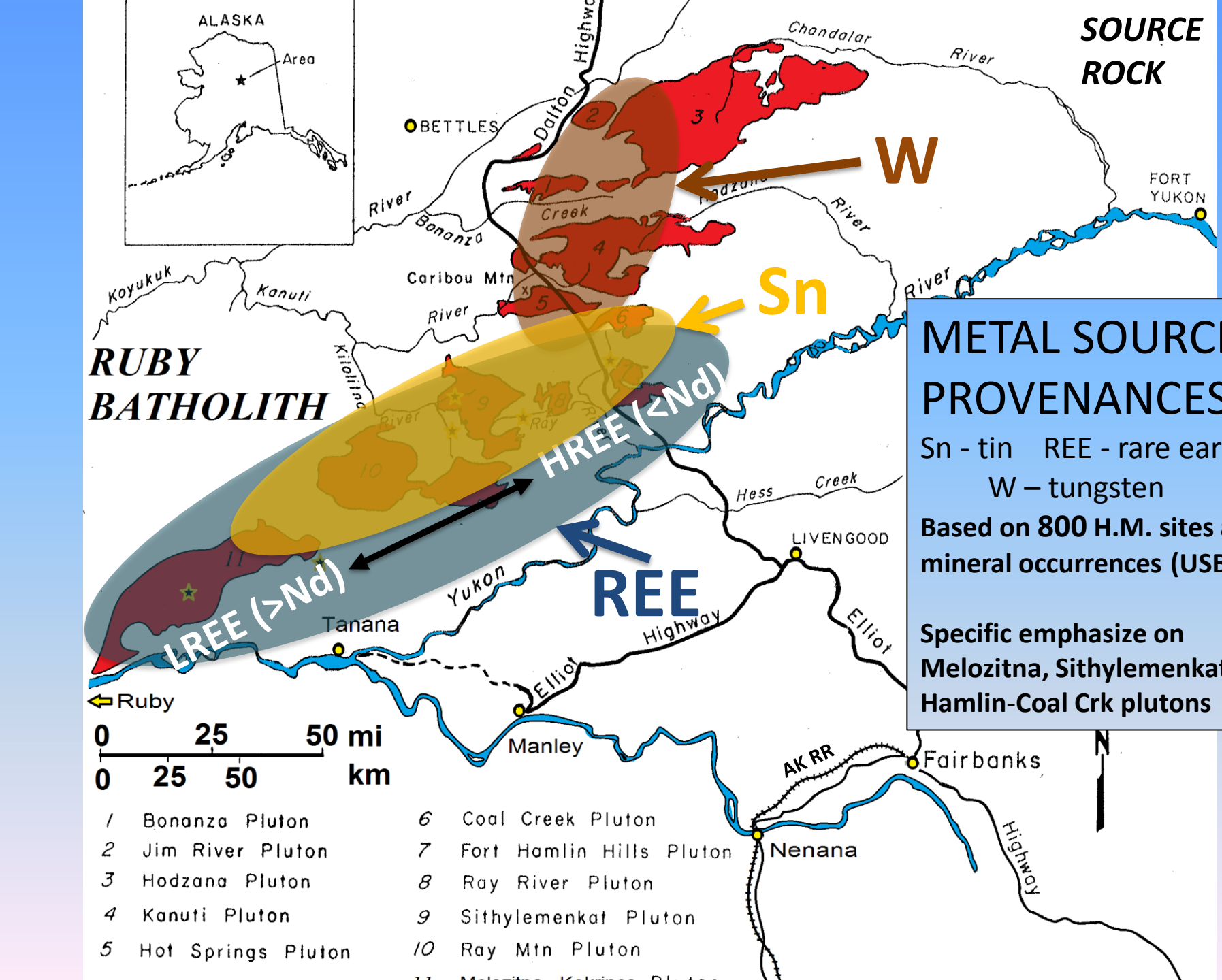
With respect to lands outside the East Alaska planning area, the BLM Alaska State Office has proposed to initiate a plan revision in the near future that could affect decisions made in the 1989 Utility Corridor Resource Management Plan for lands within the BLM's Central Yukon Field Office, which includes public lands within the utility corridor, north of the Yukon River. The State will be invited to participate in this process, and I encourage you and your staff to work closely with the BLM-Alaska State Office as it moves forward with this planning effort.

I consider fulfillment of the State of Alaska's land entitlement a top priority. Please let me know if you have additional comments.

Sincerely,

Ken Salazar

Ken Salazar


SOURCE ROCK
W
Sn
REE
HREE (<Nd)
LREE (>Nd)
METAL SOURCE PROVENANCES
Sn - tin REE - rare earth
W – tungsten
Based on 800 H.M. sites and mineral occurrences (USBM)
Specific emphasize on Melozitna, Sithylemenkat, Ft Hamlin-Coal Crk plutons
RUBY BATHOLITH
ALASKA
Area
BETTLES
FORT YUKON
Caribou Mtn
LIVENGOOD
Tanana
Manley
Fairbanks
Nenana
Ruby
Chandalar River
Dalton Highway
Bonanza Creek
Koyukuk River
Kanuti River
Hess Creek
Yukon River
Elliot Highway
AK RR
0 25 50 mi
0 25 50 km
1 Bonanza Pluton
2 Jim River Pluton
3 Hodzana Pluton
4 Kanuti Pluton
5 Hot Springs Pluton
6 Coal Creek Pluton
7 Fort Hamlin Hills Pluton
8 Ray River Pluton
9 Sithylemenkat Pluton
10 Ray Mtn Pluton
11 Melozitna Kokrines Pluton

ALASKA MINERS ASSOCIATION, INC.

121 W. Fireweed Lane, Suite 120 Anchorage, Alaska 99503 (907) 563-9229 www.alaskaminers.org

January 17, 2014

Ms. Jeanie Cole
BLM Fairbanks District Office
1150 University Avenue
Fairbanks, AK 99709-3844

Re: Central Yukon Resource Management Plan and Environmental Impact Statement

Dear Ms. Cole:

Thank you for the opportunity to submit scoping comments for the Central Yukon Resource Management Plan (RMP) and Environmental Impact Statement (EIS).

The Alaska Miners Association (AMA) is a non-profit membership organization established in 1939 to represent the mining industry in Alaska. We are composed of more than 1,500 individual prospectors, geologists, engineers, vendors, suction dredge miners, small family mines, junior mining companies, and major mining companies. Our members look for and produce gold, silver, platinum, molybdenum, lead, zinc, copper, coal, limestone, sand and gravel, crushed stone, armor rock, and other materials.

AMA offers the following comments, suggestions, and requests for inclusion in the Central Yukon RMP documents.

Mineral Resources on Federal Lands

AMA urges the BLM to recognize mineral resources on federal lands not just in the Central Yukon RMP, but in all federal land management processes. Minerals on federal lands are a critical resource for the nation's economy and defense. Minerals on federal lands, if developed, can lead to less dependency on foreign sources, but the land must first be available for mineral entry and discoveries. The economic benefits to surrounding communities, the State of Alaska, and the United States are well worth consideration in land management decisions on their own; and importantly, mining in Alaska is done in accordance with stringent state and federal environmental regulations that protect all land uses.

While some RMPs have been preceded by a BLM-authored "Mineral Occurrence and Development Potential Report", many do not have that type of data for input to the various management alternatives. Moreover, it is important to note that where the "Mineral Occurrence and Development Potential" reports are available, they are, by definition, limited to discussion of "known" (already discovered) mineral occurrences and their development potential. Undiscovered occurrences and the true "mineral-potential" of a region are not discussed, and are generally absent from the final RMPs. Central Yukon, and all RMPs, should contain a thorough discussion of the mineral potential of the area- not just the likelihood of development of already identified ("known") mines, prospects and mineral occurrences.

An ideal mineral-potential section of an RMP would review all data related to regional geology, geochemistry and geophysics, and include maps, data summaries, and a thorough discussion of geologically-based mineral deposit models and their likelihood of occurrence within the RMP area. This type of material can and should be provided by the U.S. Geological Survey, who are notably absent in the development of many of these RMPs.

Land Designations within the Environmental Impact Statement (EIS)

The RMP and any accompanying or proposed EIS should consider the cumulative impact on the state's economy and public access to federal, state and ANCSA lands that results from special land designations such as Wild

and Scenic Rivers, Wilderness recommendations, special management for lands with "wilderness characteristics", Areas of Critical Environmental Concern, and Research Natural Areas recommended in this plan; combined with the impacts of similar designations contained in other recently adopted BLM Resource Management Plans.

Access (including RS 2477)

The plan should acknowledge the existence of and include maps of access routes claimed by the state under RS 2477 and ensure that existing access routes are kept open for public use.

AMA urges the BLM not to designate land uses that would impair or prevent the State of Alaska, Alaska Native Corporations and other landowners from gaining access to their lands that are adjacent to federal lands within the planning areas. The plan should also provide for new access corridors across vacant and unappropriated BLM-managed, public domain land.

Public Land Orders

The plan should evaluate all existing Public Land Orders (PLOs) in the planning area and recommend revocation of all obsolete and unnecessary PLOs and other land withdrawals for which the original purpose of the withdrawal has been completed. In particular, the plan should recommend revocation of all land withdrawals on BLM lands that were established pursuant to the Alaska Native Claims Settlement Act (ANCSA) Section (d)(1). When these withdrawals were put in place 40 years ago, they were intended to be temporary to enable ANCSA selections and for possible land classifications. ANCSA selections have long since been completed and the issue of permanent federal land classifications was settled with passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980. Congress recognized that these withdrawals were obsolete when, in Section 207 of the Alaska Land Transfer Acceleration Act of 2004, it directed the Secretary of Interior to recommend possible revocation. The Secretary's conclusion contained in a June 2006 report to Congress was that many of these withdrawals are obsolete and decisions on revocation would be made through the BLM RMP process. Now is the time to fulfill the Secretary's commitment.

Public Land Order 5150

This land withdrawal was established to enable construction of the Trans Alaska Pipeline. It should be revoked and the land within PLO 5150 that is topfiled by the State of Alaska should be made available for transfer to the State or opened to the public land laws. The transportation corridor can and will be protected under state management. The withdrawal was evaluated as part of the 1991 BLM Utility Corridor Plan and several nodes (such as at Coldfoot) and a large area of PLO 5150 North of the Brooks Range were subsequently conveyed to the state, and state management has continued to protect the transportation corridor. The state owns more than half of the TAPS corridor. The corridor provides access to millions of acres of state lands rich in mineral and oil and gas resources.

"No More" Clause

AMA encourages the BLM to recognize the spirit and the language of the great compromise that was effectuated with the passage of the ANILCA, upon which it was agreed by all parties that no additional lands would be studied for inclusion in the four land preservation systems (the National Park System, the National Forest System, the Wilderness System and the Wild and Scenic Rivers System).

The mandate of the BLM is to ensure that public domain lands are available for reasonably regulated multiple use where the limits on regulation do not conflict with health and safety of the general public. AMA would like to remind the BLM that setting aside public domain is beyond the scope of the Public Use mandate and barred by ANILCA Sections 101(b) and 1326 (a) & (b). Any determination by the BLM to preclude multiple use within portions of the study area, in the absence of specific language in ANILCA to the contrary, is prohibited.

Thank you for the opportunity to comment on the Central Yukon RMP and EIS.

Sincerely,

Deantha Crockett
Executive Director

Cc: Senator Lisa Murkowski
Senator Mark Begich
Congressman Don Young
Governor Sean Parnell

ALASKA MINERS ASSOCIATION

121 W. Fireweed Suite 120 | Anchorage, Alaska | 99503 | 907.563.9229 | alaskaminers.org

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.

<u>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.</u>

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 flowing 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,

Deantha Crockett
Executive Director, Alaska Miners Association

ALASKA MINERS ASSOCIATION

121 W. Fireweed Suite 120 | Anchorage, Alaska | 99503 | 907.563.9229 | alaskaminers.org

March 17, 2017

Chel Ethun
Bureau of Land Management Central Yukon Field Office
222 University Avenue
Fairbanks, Alaska 99709

e-mail to: CentralYukon@blm.gov

RE: Comments on Central Yukon Resource Management Plan – Preliminary Alternatives Concept, dated January 17, 2017

The Alaska Miners Association (AMA) offers the following comments on the Central Yukon Resource Management Plan – Preliminary Alternatives Concept.

AMA is a non-profit membership organization established in 1939 to represent the mining industry in Alaska. We are composed of more than 1,400 members that come from eight statewide branches: Anchorage, Denali, Fairbanks, Haines, 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.

Overall, AMA supports Alternative D as it adheres most closely to the "multiple use" mandate of the Bureau of Land Management, and provides the maximum opportunity for resource exploration and potential development, including mineral exploration and development. Alternative D also provides the greatest opportunities for public access, including potentially necessary access to State and private (primarily land owned by Alaska Native Claims Settlement Act [ANCSA] corporations), and provides opportunities for overland access to remote communities.

AMA strongly supports Alternative D's proposal to revoke most of the outdated ANCSA Section 17(d)(1) land withdrawals. ANCSA (d)(1) withdrawals put in place in the early 1970s to protect lands for selections by ANCSA Corporations, which have long since been completed, were meant to be temporary and are no longer needed. Congress directed BLM to review these withdrawals when it passed Section 207 of the Alaska Land Transfer Acceleration Act (ALTAA). In its 2006 report to Congress in response to Section 207 of ALTAA, BLM concluded that most ANCSA Section (d)(1) withdrawals should be revoked, but left it to future planning efforts such as the current Central Yukon RMP to make final decisions regarding revocations. Alternative D is the alternative most consistent with BLM's conclusions in the 2006 report to Congress.

AMA opposes, and BLM should not go forward with Alternative B, as it completely fails to meet BLM's multiple use mandate as required by the Federal Land Policy and Management Act (FLPMA). Under Alternative B very little land with resource development potential is available for exploration and

possible development, and public access opportunities are greatly curtailed, particularly through the introduction of large areas where any developed access is prohibited by "Right-of-Way Exclusion Areas."

We offer the following comments on proposals in the Alternatives Complex Matrix:

Section 3.1 – Locatable Minerals

AMA strongly supports Alternative D for locatable minerals as it ensures that any land currently open to locatable mineral entry remains open, and ensures that most currently closed lands would be opened. Most of the planning area has never been explored with modern methods or technology because of the extensive mineral closures established by the 1969 land freeze, and withdrawals established starting in 1971 under ANCSA Section 17(d)(1). Therefore, the state of current knowledge of the region and its mineral potential is nearly identical to what it was in the mid-1960's – completely inadequate for making accurate estimates of mineral potential.

Section 3.2 – Lands and Realty

AMA supports the statement in the overview for the Lands and Realty Section that under alternatives B, C, and D BLM will recognize the Ambler and Umiat road corridors. This provision should be included in ALL alternatives. In Section 201(4)(b) of ANILCA, Congress specifically recognized the potential need for surface access from the Haul Road (Dalton Highway) to the Ambler Mining District and allowed the corridor to cross "the boot" of Gates of the Arctic National Park. BLM plans such as this should be consistent with this Congressional intent, as such a route would likely need to cross some BLM land in the planning area.

AMA supports Alternative D for Lands and Realty overall, and supports Alternative D under Lands and Realty for the Dalton Highway – Utility Corridor (PLO 5150) as it rightfully allows the State of Alaska to take ownership of the land that provides critical access to State land on the North Slope of Alaska. PLO 5150 was enacted to enable construction of the Trans-Alaska Pipeline, which was completed 40 years ago.

AMA strongly opposes the establishment of any Right-of-Way (ROW) exclusion areas, as proposed in Alternatives B and C. On page 8, BLM states "In areas identified as ROW exclusion areas, *the BLM would not issue any ROW for any reason*" (emphasis added). ROWs are necessary for any future oil or gas pipeline, road, railroad, transmission line, or fiber optics line or cable installation. Future needs for access for resource development are unknowable and specific needs will be dictated by as-yet-undeveloped technologies and future discoveries. The proposed ROW exclusion areas, that would place large areas of BLM land off limits to any future ROWs, are premature. They are NOT consistent with the intent of Congress expressed in Title XI of the Alaska National Interest Lands Conservation Act (ANILCA), where Congress acknowledged that transportation and utility systems would need to be built across federal lands in Alaska. While Title XI applies to Conservation System Units in Alaska, we find it inconceivable that Congress envisioned that BLM would be more restrictive on access on multiple use lands than what is allowed in National Parks, Wildlife Refuges and designated Wilderness. ROW exclusion areas could directly conflict with the ANILCA Section 1323(b) access provision. Furthermore, FLPMA Title V does not envision a preemptive prohibition of ROWs on large areas of

BLM lands. The definition of ROW exclusion areas specifically contradicts BLM's stated goal (page 7) "to meet public needs for use authorizations such as rights of way."

In particular, AMA is amazed by, and strongly objects to, the ROW exclusion areas proposed under Alternative B. In proposed Alternative B, the ROW exclusion areas are so extensive that they essentially prevent creation of any continuous access across or within the planning area. Examination of BLM's Preliminary Concept Alternative maps for Recreation that partially depict proposed exclusion areas, in combination with high priority watersheds on the Wildlife Habitat and Priority Watershed Maps for Alternative B, reveal a virtual, defacto prohibition of any meaningful East-West surface transportation route across most BLM lands in the planning area. Of particular concern are the ROW exclusion areas in the Sethkokna River, Sulukna River and Ray Mountains/Tozitna River ACECs. This alternative may actually force any future surface transportation route to be routed through already established Federal Conservation System Units (such as the Kanuti, Nowitna, or Koyukuk National Wildlife Refuges), rather than across "multiple use" BLM lands. Because they exceed 100,000 acres, proposed ROW exclusion areas should be subject to Congressional Review under FLPMA Section 202(e)(2), as they are "a management decision that excludes (that is, totally eliminates) one or more of the principal or major uses for two or more years with respect to a tract of land of one hundred thousand acres or more" (43 U.S.C. 1712).

Alternative B is not a reasonable alternative for BLM to even consider advancing to the public as it so blatantly violates FLPMA and ANILCA requirements to provide reasonable access across BLM lands.

AMA found it difficult to identify what lands were included in several of the proposed ROW exclusion areas under both Alternatives B and C due to inconsistencies in terminology and the illegibility of the maps. Boundaries of these proposed exclusion areas need to be clarified in any future documents. For example:

- we could not find where the "Wild" segments mentioned under Alternative B on page 9 are depicted;
- the depiction of ROW exclusion areas on the Recreation maps are hard to read due to the use of similar line patterns with other categories shown on the map and legend;
- BLM uses inconsistent terminology, as the maps indicate "High Priority Watersheds" while the table on page 9 refers to "High Value Watersheds";
- The Ray Mountains/Tozitna River appears to be a ROW exclusion area on the map but is not listed on page 9 under Alternative B.

Section 3.3 – Lands with Wilderness Characteristics

AMA strongly opposes the designation of, and special restrictions attached to, "Lands With Wilderness Characteristics." The concept is inherently flawed in Alaska because most BLM lands currently exhibit "wilderness characteristics" due to the lack of development and infrastructure. By managing with a goal to protect wilderness, BLM is essentially establishing Wilderness areas. In 1980, Congress through ANILCA determined the over 100 million acres of Alaska lands that should be Wilderness, and specifically excluded BLM lands from Wilderness designations. AMA strenuously objects to including "lands next to CSUs" (page 12, Alternative C), since those CSU and Wilderness boundaries were

extensively studied when ANILCA was being debated, and all necessary "buffers" were considered and included as part of those designations. AMA strongly opposes "buffering the buffers."

Section 3.4 - Areas of Critical Environmental Concern (ACECs)

AMA recommends BLM adopt Alternative D for ACECs, in which only one ACEC and one Research Natural Area are proposed. AMA opposes most current ACECs under Alternative A, as well as the extensive additional ACECs proposed under Alternatives B and C. Many of the ACECs already in existence under Alternative A, the current plan, as well as the numerous and extensive additional ACECs in both Alternatives B and C fail to meet the criteria for ACEC designations. Specific concerns AMA has identified with ACECs include:

- The ACECs are much larger than necessary to protect any resources indicated as the justification for the designations. For example entire watersheds would not require ACEC designation to protect a fishery in a specific river or stream;
- The proposed ACECs purport to be needed to provide protection for resources that are already extensively protected by existing state and federal statutes and regulations, including BLM's own policies and regulations. As such, BLM has provided no indication of why the existing regulatory framework is inadequate to protect any specific resource. These proposed ACECs are not necessary. AMA has raised this concern in past comments on this plan and on the Eastern Interior RMP, and BLM has failed to justify why additional regulation would be necessary for ANY proposed ACECs.
- Most proposed ACECs, particularly under Alternative B, will include a prohibition on locatable mineral entry, without ANY justification or explanation of alleged conflicts between mineral entry and the resources the ACECs purport to protect. Existing state and federal regulations provide extensive protections for water quality and fish, and existing laws require reclamation of land, allow for seasonal restrictions and afford other protections. Blanket prohibition of mineral entry is not justified by any resource-protection need.

AMA has previously offered comments on ACECs in general and extensive comments on specific ACEC proposals being considered for the Central Yukon RMP. AMA would like to incorporate those comments in response to the proposals being considered in the alternatives. (See letter dated August 29, 2014).

For the various reasons previously stated, if any ACECs are established, they should not be closed to locatable mineral entry and should not be ROW Exclusion Areas.

We would like to thank BLM for the opportunity to comment on these Preliminary Alternatives Concepts.

Sincerely,

Deantha Crockett
Executive Director, Alaska Miners Association