



October 29, 2019

Tina McMaster-Goering
Project Manager
Ambler Road DEIS Comments
BLM Fairbanks District Office
222 University Avenue
Fairbanks, AK 99709

Sent electronically to: tmcmastergoering@blm.gov and tlamarr@blm.gov

Re: Ambler Road Draft Environmental Impact Statement (DEIS)

Thank you for providing Doyon, Limited (“Doyon”) the opportunity to submit the following comments in response to the “Notice of Availability of the Ambler Road Draft Environmental Impact Statement, Alaska,” published by the Bureau of Land Management (“BLM”) on August 30, 2019. 84 Fed. Reg. 45799 (2019).

Doyon, Limited has closely monitored the Ambler Road project development, and has been very involved in advocating on Ambler road without taking a position supporting or opposing the road. While Doyon fully supports responsible resource development, Doyon has raised concerns about the development of the Ambler Road to the Alaska Industrial Development Export Authority (AIDEA) and the Bureau of Land Management (BLM) in the development of the EIS for the Ambler Road project and expects these concerns to be addressed in the EIS process.

I. Introduction

Doyon is one of the thirteen Native regional corporations established by Congress under the terms of the Alaska Native Claims Settlement Act (“ANCSA”), Pub. L. No. 92-203, 85 Stat. 688 (1971), as amended. Headquartered in Fairbanks, Doyon is the largest private landowner in Alaska, with a land entitlement under ANCSA of more than 12.5 million acres. Doyon’s lands extend from the Brooks Range in the north to the Alaska Range in the south. The Alaska-Canada border forms the eastern border and the western portion almost reaches the Norton Sound. Doyon’s mission is to promote the economic and social well-being of our present and future shareholders, to strengthen our Native way of life, and to protect and enhance our land and resources.

BLM’s preferred alternative for the proposed Ambler Mining District Industrial Access Project is either an approximately 211-mile long road “beginning at Milepost (MP) 161 of the Dalton Highway and extending west along the southern flanks of the Brooks Range to the Ambler River within the District” (Alternative A) or a 228-mile long variation on that route with the same termini (Alternative B), the purpose of which is to “support mineral resource exploration and development” in the Ambler Mining District in northwest Alaska.

DEIS, pp. ES-2, 1-3. The road is proposed to cross approximately ten to twelve miles of Doyon-owned lands, although Doyon expects to see little if any material direct or indirect economic benefit from the project. DEIS, p. 3-100.

Doyon is concerned that the DEIS did little to address the issues and concerns that we raised in our scoping comments. Doyon continues to believe that variations of the Cape Darby and Selawik Flats routes westward from the Ambler Mining District would provide significant comparative benefits and lesser impacts than previously reported and than represented in the DEIS. The alternatives—including specifically the alternative route to Council/Nome proposed by Doyon—were wrongly eliminated from detailed consideration in the EIS process. Doyon also continues to believe that BLM’s review and decisionmaking process does not give adequate attention to a number of critically important issues associated with the proposed project, including, but not limited to: 1) the potential for the project to be opened to the public, much like the Dalton Highway was in the 1980s and 1990s, and associated impacts; 2) impacts to ANCSA corporations and ANCSA lands; 3) purported benefits to local communities, including from uses of the road that may not materialize; and 4) most importantly, impacts on subsistence use and access. Doyon also believes that there are important questions relating to the economic feasibility of the road, as well as the ability of BLM and the cooperating agencies to meaningfully assess the proposed road and its impacts separate and apart from review of mining development activities. BLM should engage with potentially impacted local communities as it continues to look at these issues, and throughout the remainder of its review and decisionmaking process. BLM must meaningfully consult with Alaska Native Corporations in accordance with applicable statutory requirements and departmental and agency policies.

II. Comments

- A. BLM should reconsider its decision not to undertake a detailed evaluation of alternative routes to the west from the Ambler Mining District, such as the Nome/Council route that Doyon presented to BLM, or any other route that would not require use of Doyon lands.

In our scoping comments, in consultation discussions, and in our subsequent August 3, 2018 submittal, Doyon urged that variations of the routes westward from the Ambler Mining District that had been included in the 2012 Alaska Department of Transportation & Public Facilities (DOT&PF) Ambler Mining District Access Summary Report AKSAS 63812 (DOWL HKM, 2012) would provide significant comparative benefits and lesser impacts than previously reported and described in the DEIS and should be given further detailed consideration in the FEIS and BLM’s decisionmaking process. Doyon, Limited Comments on Ambler Road Project, Jan. 24, 2018; email from J. Simon to T. LaMarr, Aug. 3, 2018. To assist in BLM’s review, Doyon provided BLM with a document that describes an alternative route to Council/Nome, and we urged BLM to give detailed consideration to this alternative in its EIS process. Although BLM purports to have considered this and other western routes, the DEIS explains that the agency determined these routes not to be reasonable and eliminated them from further detailed consideration. Specifically, according to the DEIS, BLM

determined that these routes “would not connect to a usable port” and therefore do “not have a rational end point for the project” and do “not satisfy the project’s purpose and need.” DEIS, p. 2-3. Although BLM also identified environmental effects, practicality considerations, and high costs as other reasons for rejecting these route alternatives, *id.*, given the DEIS’s lack of detailed discussion or meaningful comparison to the preferred alternatives on these issues, it seems clear that BLM’s decision not to carry these alternatives forward was a result of its determination relating to the port.

BLM should reconsider its decision not to undertake a detailed evaluation of alternative routes to the west from the Ambler Mining District, such as the Nome/Council route that Doyon presented to BLM, or any other route that would not require use of Doyon lands. In particular, Doyon continues to believe that detailed consideration of its alternative route is warranted based on the U.S. Army Corps of Engineers’ ongoing study of the feasibility of a deep-draft port in Nome, supported by a range of stakeholders across the State of Alaska. As noted in the document that Doyon provided to BLM on August 3, 2018, Doyon also believes that the potential comparative benefits of this alternative route are greater, and the costs/impacts lesser, than previously reported for the western routes included in the Alaska Department of Transportation & Public Facilities (DOT&PF) 2012 report on potential corridor options, and than represented in the DEIS. For instance, by better utilizing upland terrain and more closely following the Continental Divide, the amount of wetland habitat traversed and the number of stream crossings could both be reduced; the crossing of the Selawik Wild and Scenic River could be avoided; and availability of material sites could be greatly improved. These factors also would be expected to result in improved constructability and lower construction costs.

1. *BLM must complete and document a fair, meaningful comparison of proposed alternatives that considers the entire transportation and logistics chain and holds proposed alternatives to similar standards.*

Doyon also continues to have concerns that the BLM has not yet undertaken a true and fair comparison of western alternatives, such as Doyon’s proposed Nome/Council route, and BLM’s preferred alternatives. As Doyon has expressed to BLM on multiple occasions, it is essential that BLM’s assessment look at the costs and impacts associated with the complete logistics and transportation chain—not just construction and use of the Ambler Road itself, but of the complete transportation network including the additional hundreds of miles of existing, improved, or new infrastructure that would be necessary to move concentrate, product, and other materials and resources to and from the Ambler Mining District.

Among other information, Appendix C: Alternatives Development Memorandum identifies the “Distance to Transportation Network (mi) (distance to existing port site)” for each alternative. For the AIDEA Proposed Route (Alternative A), that distance is 939 miles (from Ambler Mining District to Port of Seward). For Alternative B, the distance is 956 miles (from Ambler Mining District to Port of Seward). For Alternative A, the DEIS addresses only 211 of the 939 miles (approximately 22%) of total distance required for transportation between Ambler Mining District and the Port of Seward; for Alternative B, the DEIS addresses only 228 of the required 956 miles (approximately 24%). DEIS, Appendix C, pp. 1-

2. The DEIS does not in any meaningful way, if at all, address the infrastructure construction and/or improvement costs, operation and maintenance costs (for example, the increased costs for maintenance of the Dalton, Elliot and Parks highways), or impacts associated with that additional infrastructure and transportation.

This includes, among other things, any upgrades to the port that may be necessary in order for the proposed project to serve its intended purpose and need, as well as the transfer facility near Fairbanks. Indeed, whether there is an adequate terminus for the project under either of the preferred alternatives is simply assumed. For BLM's preferred alternatives, Alternatives A and B, the DEIS states that BLM's analysis "Includes no speculative assumptions/foreseeable circumstances. However, *assumes* adequate capacity/loading facilities at Port of Alaska or other existing port location in Southcentral AK." *Id.* The DEIS, however, provides no basis for its assumption that the facilities at the Port of Alaska are "adequate," and the transportation discussion in Appendix H is exceedingly vague. Despite the DEIS's statement that it includes "no speculative assumptions," this assumption and the reference to some undefined "existing port location in Southcentral AK" certainly appears to be speculative. The DEIS certainly does not afford the same benefit of the doubt to the western routes.

Notably, for the Nome/Council route suggested by Doyon, the total transportation distance is a substantially lower 460 miles (from Ambler Mining District to existing Nome port). DEIS, Appendix G, p. 1. The DEIS also, however, fails to discuss the comparative benefits that a shorter overall travel distance would offer, in terms of environmental and social impacts, cost, and otherwise. The failure to make these meaningful comparisons, and the decision to limit the alternatives analysis to three very similar action alternatives (one of which, Alternative C, is so much longer and impactful than the other two that it is difficult to view it even as a meaningful alternative), are serious flaws in the DEIS.

2. *The FEIS should seriously consider the fact that westward routes could facilitate additional development outside of the Ambler Mining District, providing important additional benefits in other areas of the State.*

As Doyon has stated, a westward corridor could provide important access for additional economic development opportunities on the Seward Peninsula, consistent with the long-term goals of the State. Although it has been suggested that such considerations are outside of this particular project's purpose and need, such suggestions indicate that the project's purpose and need is too narrow. The project proponent, AIDEA, is a public corporation of the State of Alaska, created "in the interests of promoting the health, security, and general welfare of *all the people of the state*, and a public purpose, *to increase job opportunities and otherwise to encourage the economic growth of the state*, including the development of its natural resources, through the establishment and expansion of manufacturing, industrial, energy, export, small business, and business enterprises and other facilities . . ." Alaska Statutes 44.88.010(b) (emphasis added). As Doyon has stated, the west corridors to the Seward Peninsula could provide access to the numerous mining districts (Koyuk District, Fairhaven District, Kougarok District, Council District, Nome District and Port Clarence District), all having known potential for resource development.

Each of these districts could benefit from port and road infrastructure. By comparison, the Brooks East Corridor has limited potential to spur development of other mineral resource districts and deliver additional economic benefits to the State.

The FEIS's evaluation of the comparative costs and benefits of the various project alternatives, including Doyon's proposed Nome/Council route, should include an assessment and comparison of the extent to which a road project will help achieve these objectives and stimulate the development of natural resources in areas outside of the Ambler Mining District. AIDEA's charter suggests that, if the Authority has the opportunity to spur the development of additional natural resources and deliver additional benefits across the State in connection with its efforts to develop transportation infrastructure to connect the Ambler Mining District, then it should seriously consider the merits of doing so. And if the purpose and need of the EIS is stated in a way that doesn't provide for that, then the purpose and need statement should be expanded.

In summary, Doyon continues to believe that in excluding any western routes from further detailed consideration, BLM failed to meaningfully address significant considerations and criteria typically included in evaluations of access options to new mine development projects, and failed to evaluate western routes on a level playing field with BLM's preferred alternatives. Western routes, including the Nome/Council route that has been proposed by Doyon, should be further evaluated *in detail* as part of BLM's review and decisionmaking process. This review should hold *all* alternatives to the same standard with regard to the availability of existing infrastructure and the need for any additional infrastructure necessary to move supplies or product to/from the mining district and a port, and include serious consideration of relevant factors, including, but not limited to, the following:

- economics of corridor options as a function of the complete logistics chain;
- opportunities to provide access to other resource areas that currently lack access;
- corridor fit with overall state transportation and infrastructure plans;
- transport chain risk assessment; and
- cost and operational benefit of dedicated heavy haul road from port to mine.

3. *BLM's limitation of action alternatives to alternatives that would rely upon use of Doyon and other private lands is problematic and could ultimately require further National Environmental Policy Act review if AIDEA is unable to obtain a ROW across such lands.*

The BLM's dismissal of any western route alternative also means that every alternative being assessed in detail would require use of Doyon lands. AIDEA has acknowledged that it does not possess the power of eminent domain to enable it to take private lands for use by the project, and Doyon has not agreed and may not agree to authorize use of its lands for the project. The same could be true of other private landowners. As Doyon has indicated, it does not currently anticipate that it and its shareholders will benefit from this project in any meaningful way that would justify the impacts to communities or resources in its region.

To date, AIDEA has not engaged with Doyon on substantive discussions regarding a potential right-of-way (“ROW”) across Doyon lands. Doyon has raised serious concerns with both AIDEA and BLM about this project that have not been satisfactorily addressed. In the event that the final selected route would propose to cross Doyon lands, among other conditions to its considering granting a ROW, Doyon would require appropriate compensation for the use of its lands, as well as other assurances. These assurances would include, but not be limited to, restrictions on the transfer or assignment of the ROW, or any rights thereunder, to any other entity (including any other state, federal, or local governmental entity). That AIDEA and Doyon will be able to reach agreement on terms and conditions for access to Doyon lands is by no means assured, and to assume that the proposed Project will occupy Doyon lands, as the DEIS does, is presumptuous.

As such, it is inappropriate for AIDEA and BLM to assume that AIDEA will be able to obtain a ROW across the entire route for any of the three action alternatives carried forward in the DEIS. Absent permission to cross Doyon lands, none of the three action alternatives will meet the stated purpose and need of the project. BLM’s environmental analysis must consider the possibility that AIDEA may not be able to obtain use of all of the lands required to accomplish the stated purpose and need for the project under any of the action alternatives. It must identify and assess the impacts of one or more alternatives that do not require crossing Doyon lands. If BLM continues to only consider action alternatives that require rights to use Doyon, and perhaps other, private lands, other action alternatives would have to be developed and further subsequent NEPA analysis would be required in the event AIDEA is unsuccessful in obtaining the private ROWs needed under each of the existing action alternatives.

B. BLM and AIDEA should reconsider the timeliness of this environmental review process as well as the relationship of this review to the review and permitting of mine development.

The DEIS raises important questions about the ability of BLM and the cooperating agencies to meaningfully assess the proposed road and its impacts separate and apart from review of mining development activities. As a result, BLM and AIDEA should reconsider the timeliness of this environmental review process as well as the relationship of this review to the review and permitting of mine development.

The ongoing EIS process focused solely on environmental review of the proposed road suggests that BLM and the cooperating agencies have made a determination that the proposed road and the proposed mining development are not “connected actions.” The Council on Environmental Quality’s National Environmental Policy Act (“NEPA”) regulations provide that “connected actions,” which are closely related, “should be discussed in the same impact statement.” 40 C.F.R. § 1508.25(a)(1). Actions are considered connected if, among other things, they “[c]annot or will not proceed unless other actions are taken previously or simultaneously” or “[a]re interdependent parts of a larger action and depend on the larger action for their justification.” *Id.* BLM’s guidance on connected actions, however, further states: “Connected actions are limited to Federal actions that are currently proposed (ripe for decision). Actions that are not yet proposed are not connected actions but may need to

be analyzed in the cumulative effects analysis if they are reasonably foreseeable.” See “Analysis of Connected Actions under the National Environmental Policy Act (NEPA),” BLM PIM 2018-023 (Sept. 10, 2018). “The connected actions regulation requires agencies to review the picture as a whole rather than conduct separate NEPA reviews on pieces of an agency-action jigsaw puzzle . . .” *Sierra Club v. U.S. Army Corps of Engineers*, 803 F.3d 31, 50 (D.C. Cir. 2015).

AIDEA has not explained specifically what actions with respect to mining exploration and development will have to occur before it would proceed with construction of the road. However, given the stated purpose and need for the road and the fact that AIDEA has stated that the road would be financed via revenue bonds repaid by the mining companies, road construction presumably will not proceed unless specific actions have been taken and AIDEA has appropriate assurances that mining development is certain to proceed. BLM should require AIDEA to make clear what these actions are, and, alternatively, what would happen if the road were to be built and the anticipated mining development does not materialize. Presumably, the road will not proceed unless other actions with regard to mining exploration and development are taken before or simultaneously with development of the road. But this should be made clear as part of the federal agencies’ review and permitting process.

The road and the mining exploration and development activity are “interdependent parts of a larger action and depend on the larger action for their justification.” According to the DEIS, “AIDEA’s purpose for this project is to support mineral resource exploration and development in the District. The road would provide surface transportation access to the District and allow for expanded exploration, mine development, and mine operations at mineral prospects throughout the District. AIDEA indicates that surface transportation access would help bring the high-value mineral resource areas into production (DOWL 2016a).” DEIS, p. 1-3. BLM’s purpose is “to issue a ROW grant that provides for: Technically and economically practical and feasible year-round industrial surface transportation access in support of mining exploration and development; and, Construction, operation, and maintenance of facilities associated with that access.” *Id.* The proposed road and mining exploration and development activity in the Ambler Mining District then are interdependent parts of a larger action and each requires the other for its justification. The road serves no purpose without mining exploration and development in the district, and mining exploration and development in the district could not and would not proceed without the proposed road. See, e.g., “Analysis of Connected Actions under the National Environmental Policy Act (NEPA),” BLM PIM 2018-023 (Sept. 10, 2018) (“*The BLM proposes constructing a trail to provide recreation access to BLM-managed lands from a campground the Forest Service proposes to construct on adjacent Forest Service lands. The Forest Service campground construction is a connected action. You and the Forest Service may elect to include the BLM trail construction and the Forest Service campground construction as aspects of a broader proposal, analyzed in a single NEPA document, either as joint lead agencies, or with one agency as lead and the other as cooperating.*”).

It appears that the reason that BLM and the cooperating agencies apparently have determined that the proposed road and the mining exploration and development activity are

not “connected actions” is that the federal permits required for the actual mining exploration and development activity are not currently proposed. If that is the case, given the interdependent nature of the proposed road and the potential mining exploration and development activity, there is a legitimate question as to whether the environmental review for the proposed road is premature and whether instead the road and the mining exploration and development should be treated together as aspects of a broader proposal analyzed in a single NEPA document when the mining exploration and development is ready to be permitted. Further consideration should be given to this question, given that Trilogy Metals Inc. has publicly indicated that the mine permitting process is scheduled to commence early next year (2020).

Many impacts associated with operation and use of the road are directly dependent upon the nature and scope of the mining activity, and mining activity directly supported by the road will have important impacts on resources that will also be impacted by the road itself. Although Appendix H, section 2.1 of the DEIS “lays out the reasonably foreseeable mining development scenario anticipated to result from development of the Ambler Road,” its discussions under the Mining, Access, and Other Indirect and Cumulative Impacts headings in Chapter 3 (Affected Environment and Environmental Consequences) are very general and do not appear to reflect that hypothetical mining scenario. Indeed, one cannot conclude from reviewing the DEIS that any meaningful effort was made to actually evaluate the potential impacts associated with the mining scenario laid out in Appendix H and how they relate to the impacts of the project.

In sum, as it determines how to move forward with environmental review and permitting of the proposed road, BLM should consider two fundamental questions. First, is the future mining exploration and development scenario sufficiently certain that the current process to review and permit the proposed road is timely and not premature? In the context of addressing this question, there remain important outstanding questions as to the whether the mine prospects are economic and whether the road is economically feasible based upon anticipated costs and toll revenues. This should be responded to publicly and should be considered as part of this review and permitting process. BLM should call upon AIDEA to present a plan for reclamation of the proposed project for when there are no mining operations in place. This plan must address a scenario in which the road has already been built, but mineral project development is not economic. AIDEA should help make certain that these issues are addressed in BLM’s permitting process and associated environmental review.

Second, are the proposed road and the proposed mining development so intertwined, in terms of justification and potential impacts, that they should be considered together in a single EIS? Arguably, a “single NEPA document” would provide local communities, private landowners, and other stakeholders a more meaningful opportunity to review and comment on the proposed development and its potential impacts, and “would improve the quality of analysis and efficiency of the NEPA process and provide a stronger basis for decision-making.” PIM 2018-023.

- C. The FEIS and BLM’s decision-making process must seriously consider the potential for the project to be opened and available for public use.

Doyon continues to believe that, despite AIDEA's stated intent to the contrary, there remains a very real possibility that the project, like the Dalton Highway, ultimately will be opened to public use, and that BLM must seriously consider this possibility in its environmental review and decisionmaking process. As we explained in our scoping comments, the James W. Dalton Highway, stretching over four-hundred miles from Livengood to Deadhorse was originally built in 1974 as a haul or supply road to support the Trans-Alaska Pipeline System ("TAPS") and Prudhoe Bay oil fields. The highway, originally known as the North Slope Haul Road, was restricted to commercial traffic until 1981, when the state opened public access over approximately half of the route to Disaster Creek (Milepost 211). The state opened public access over the remainder of the route in 1994, following a heavily litigated dispute with the North Slope Borough and Tanana Chiefs Conference, who opposed opening the entire road to the public. *Turpin v. North Slope Borough*, 879 P.2d 1009 (Alaska, 1994). Although the Dalton Highway continues to carry significant commercial truck traffic to and from Prudhoe Bay, locals and visitors can now use the highway to access what were once remote and unreachable areas.

Despite continuing assertions by AIDEA and in the DEIS that the proposed road would not be open to the general public, *see, e.g.*, DEIS, p. 2-6, Doyon believes that there will be political pressure to open the proposed road to public use and that the road ultimately could be made available for either restricted or unrestricted use by the general public. Doyon believes it is incredibly unlikely that, as assumed in the DEIS, at the end of the 50-year ROW term, "the road would be closed and reclaimed (i.e., camps, communications, bridges, and culverts removed)." *Id.*, p. ES-1; *see id.*, p. 1-2 ("AIDEA's proposal calls for removal of the road and reclamation and restoration of the ROW upon cessation of mining activities in the District."). Large scale road "removal" never has been attempted in Alaska and can be assumed to involve significant additional impacts (*e.g.*, re-disturbance of crossings and associated adverse impacts on land and water resources), with limited to no ability to access or mitigate issues once the road is "removed." Even the DEIS acknowledges that "AIDEA's proposed reclamation of the road at the end of its useful lifespan could have great impact on communities that have become dependent on commercial access and fiber optic service." *Id.*, p. 3-103. It is entirely foreseeable that those communities would seek to have the road remain in place and opened to public use.

Much as the Dalton Highway was and is "only maintained land route linking central Alaska to the northern coast of Alaska," *Turpin*, 879 P.2d at 1012, the proposed Ambler road would be the only maintained land route linking the Ambler Mining District in the northwestern Arctic to central Alaska. As stated in the Recreation Activity Plan for the Dalton Highway and the Utility Corridor, prepared by BLM in 1982, "Prior to 1981, the highway was open for public use only to the Yukon Crossing The State of Alaska and BLM are committed to making this scenic splendor available to the public." A similar outcome for the proposed Ambler road project is certainly not unforeseeable.

As was the case with the Dalton Highway, the availability of the proposed project for general public use would result in opening a large, remote area of Alaska to public access. The public use made possible by a public road could adversely impact local communities and

natural resources, as well as the road itself and commercial and industrial uses. Such impacts would be comparatively different from the limited industrial use road presumed in AIDEA's ROW application. There are important implications, for instance, for safety, law enforcement (e.g., accident response, highway patrol, criminal investigation, search and rescue), general health and welfare (e.g., the Dalton Highway led to social issues like significantly greater alcohol use), fish and wildlife, maintenance repairs and road work. *See, e.g.*, DEIS, p. 3-103. As was the case with the Dalton Highway, opening the road to public use also would increase access to fish and game resources along the corridor, encroaching on fish and wildlife populations and habitat and creating additional pressure on subsistence resources by non-local sport hunters and anglers. This could, among other things, lead to access limitations on both subsistence and sport hunters and anglers, withdrawing lands that might otherwise be available for subsistence use. *See* Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way (Nov. 2002); *see also* Dalton Highway Master Plan (Dalton Highway Advisory and Planning Board, 1988) (acknowledging that opening the road in 1994 caused additional issues). The FEIS must take a hard look at the possibility that the road could be opened to public use (whether over the near or longer term) and at the potential impacts associated such public use of the road.

D. Asserted positive impacts for ANCSA corporations remain vague and uncertain.

According to the DEIS, "AIDEA lists multiple public benefits related to the project purpose, including direct employment for road construction and operation, indirect employment related to mining, revenues paid to local and state governments and Alaska Native corporations, and commercial access opportunities for nearby communities associated with proximity to a road (DOWL 2016a)." DEIS, p. 1-3. AIDEA's ROW application asserts that "[e]ffects on ANCSA corporations are expected to be positive." Ambler Mining District Industrial Access Project Corridor SF299 Supplemental Narrative, p. 20. It asserts that "the public benefits from the project would include . . . [r]evenues to Alaska Native Corporations and their shareholders from mineral exploration and development activities in the District." *Id.*, p. 15. It explains that "Native corporations have the potential to gain revenues from land leases, material sales, and by providing goods and services associated with road construction and operations." *Id.*, p. 20. "NANA Regional Corporations [sic]," it further states, "would also benefit indirectly from mining-related revenues generated in the Ambler Mining District and Native corporations in the region could benefit from providing goods and services to the mining companies conducting exploration and operations in the District." *Id.*

While the proposed project may positively impact certain ANCSA corporations, this is unlikely to be true as to all ANCSA corporations. The DEIS asserts that:

Road construction could also potentially generate economic benefits for ANCSA corporations, such as Doyon Limited. Portions of the road alignments cross 10 to 12 miles of land for which Doyon Limited owns the subsurface rights. Furthermore, there are 4 project material sites located on land for which Doyon Limited owns the subsurface estate. Doyon Limited manages 40 sand, gravel, and rock sources in 34

villages within the Doyon region to generate revenue (Doyon Limited 2019). Road construction would require approximately 23.6 million cubic yards of material for a total estimated cost of \$160.2 million, which includes labor and the material expense. Of this total amount, approximately \$28.6 million is expected to go to Doyon Limited (Cardno 2015).

DEIS, p. 3-100. To our understanding, the “substantial increases in revenue” that the DEIS projects would be experienced by the NAB and NANA “as a result of mining development,” *Id.*, p. 3-104, would not be subject to sharing with other Alaska Native corporations under sections 7(i) and 7(j) of ANCSA, as is often the case with resource development projects in the State. And, at this time, despite statements in the DEIS to the contrary, we continue to remain unaware of any material positive economic impact, either direct or indirect, to Doyon from the proposed project.

The DEIS’s suggestion that Doyon’s ownership is limited to “subsurface rights” and the statement that Doyon could potentially receive \$28.6 million from the sale of sand, rock, and gravel are both in error. Doyon has full fee ownership of both the surface and subsurface. The statement regarding the \$28.6 million relies on an erroneous reading of an economic impact analysis by Cardno. Cardno’s analysis estimates that “Alaskan Native entities” or “Native corporations,” which would include NANA and not be limited to Doyon, could receive a total of \$28.6 million from material sales (Cardno, 2015). This figure is based on the development of 11 material sites on Native lands. Depending on which alternative is selected, there potentially could be one to five material sites on Doyon lands. Regardless of the number of material sites, such material sales would be determined by the actual local construction requirements on or near Doyon lands, rather than the total number of material sites. A review of the proposed material site locations shown for Alternate A and B are relatively tightly spaced over a short length of road corridor. Due to the limited engineering detail and other information provided in the DEIS, it is not feasible to calculate an accurate estimate of the amount that Doyon could receive from material sales. However, it is clear that the number would be far less than the \$28.6 million quoted in the DEIS.

Because the proposed Ambler road crosses the Doyon region, Doyon has closely monitored the project development of the Ambler road and has met with representatives from the State of Alaska, including from the Department of Natural Resources, AKDOT, AIDEA, Department of Fish and Game, and Governor’s office. To date, Doyon has neither endorsed nor opposed the road project. Doyon has not, however, agreed to the use of its lands for the road. As a for-profit corporation, Doyon has analyzed the route for economic benefits from both the road and the proposed mine sites. And, while the preferred routes would cross and impact Doyon lands, contrary to the assertions in the DEIS, Doyon currently does not expect to enjoy any material benefit from the proposed project.

- E. Socioeconomic and other impacts on rural communities—beneficial and adverse—still must be more specifically identified and assessed.

Doyon continues to have significant concerns that, although isolated rural communities in the vicinity of the ROW will bear the greatest burden of the project's impacts, it is still not clear how and, if at all, to what extent they will enjoy any of the benefits of the project or how these impacts would be mitigated. As it continues to review and assess the proposed project and alternatives and their potential effects, BLM must more meaningfully consider project impacts on local communities and how these impacts can be mitigated.

As an industrial road, the project "would not be open for public access", 82 Fed. Reg. at 12119; *see* DEIS, p. 2-2 ("Therefore, under Alternative A, B, or C, the road would be for industrial access only, with commercial deliveries along the road possible, but not general public access."). Although AIDEA's ROW application and the DEIS suggest that local communities would benefit from being able to use the road for commercial deliveries, commercial transport of local residents, and emergency response, statements to this effect are vague, inconsistent, and at times potentially misleading. BLM must provide additional, detailed information on such use of the road so that impacted communities, the public, and the agencies concerned can meaningfully assess the impacts and benefits of the project.

Section 2.2.2 of Appendix H to the DEIS sets forth a "Commercial Access Scenario" that contains a discussion of these purported benefits. Quoting from AIDEA's 2016 revised ROW application, the DEIS states: "Other permitted traffic at times could include commercial deliveries of goods for local communities or commercial transport for local residents and emergency response authorized through access permits." DEIS, p. H-24. The DEIS further states:

AIDEA's road operator would have authority to allow drivers access under limited terms—vehicles associated with large-scale mines in the District, commercial trucks making deliveries of goods for community residents or landowners along the road, and landowning agency vehicles, including those of Alaska Native regional corporations that own land adjoining the road. Agency access is likely to include land management, land use planning, and scientific research personnel and, if necessary, firefighting crews. Alaska State Troopers on official business likely would be authorized. Community emergency medical personnel would be included for emergency response and medical evacuation. Transport of the general public, either by commercial vehicle or public transit, would not be included in the authorization.

Id.

But additional discussion in Appendix H and in the DEIS illustrates that details relating to the nature and scope of such access remain scarce to non-existent. It shows that, to the extent AIDEA has provided information on this topic, such access would be very limited and perhaps unlikely to be of any material value to local communities. The DEIS states, "Although *commercial access may not be permitted on the action alternatives*, government access to the road would be anticipated for fire suppression and management activities, such as mobilizing personnel and equipment, which would improve access to suppress wildfires." DEIS, p. 3-45 (emphasis added). According to AIDEA, "The traffic level for these local community and emergency response operations would likely total less than

one truck or bus per week. No additional work outside the approved ROW would occur to accommodate this.” DEIS, p. H-24 (quoting AIDEA’s revised SF299, June 2016, p. 5).

Despite the admittedly low level of “commercial access” that might be afforded to local communities under the proposed project, if any would be allowed at all, the DEIS attempts to suggest that such access would be of significant benefit to local communities. For instance, according to the DEIS, “AIDEA’s application indicates that a secondary benefit of the proposed road would come from commercial access for communities closest to the road, creating opportunities for less expensive transportation of goods to and from some NAB/YKCA communities.” DEIS, p. 3-103 (referencing Appendix H, section 2.2.2); *see also id.*, p. 3-100 (“AIDEA has stated the proposed access road could alleviate [sic] through potential commercial access for affected communities (see Appendix H, Section 2.2.2, Commercial Access Scenario).”). The DEIS explains, “AIDEA has proposed allowing some commercial access to communities, which could result in increased access to and decreased costs of goods, such as food and equipment.” DEIS, p. 3-118.

The DEIS further states:

Potential commercial access could improve goods and service distribution, resulting in a mixture of positive and negative impacts. For example, access to cheaper building materials could make constructing or maintaining water, sewer, or other health-related infrastructure less expensive. Improved commercial access could lower distribution costs for clinic supplies. . . . Improvements in road and air infrastructure (i.e., new landing strips associated with road construction and maintenance) would facilitate redundancy for emergency evacuation for health related emergencies or during disasters for communities (See Appendix H Section 2.2).

DEIS, p. 3-104. The DEIS asserts that, “In general, the opportunities for less-expensive transportation of goods and people to and from a study area community increase with the proximity of the community to the road. DEIS, Appendix H, p. H-25. Thus, it states, “Bettles, Evansville, and Kobuk would be closest to the road corridor; therefore, they would be more likely to experience benefits of the road regarding lowered costs of subsistence supplies/equipment and other goods if the communities can develop a way to create an access route from their community to the nearby corridor (note: Kobuk is the only community that would have direct access). Appendix H describes communities’ anticipated access of the route for commercial deliveries.” DEIS, p. 3-116.

The DEIS also describes specific actions that certain communities, such as Bettles/Evansville, would be expected to take to develop spur roads or other associated infrastructure “once the road is open to commercial deliveries.” *Id.*, p. H-26, H-27. For example, the DEIS asserts that “[i]t is reasonably foreseeable that once the road is open to commercial deliveries . . . [t]he Bettles/Evansville community would desire to re-route the winter road (ice road) they build most years to the Dalton Highway to instead access the proposed road (about 1/3 the length). This would also continue to benefit Alatna and Allakaket.” *Id.*, p. H-26; *see, id.*, H-27 (“Over the 50-year life of the proposed road, in addition to Kobuk, it is reasonable to assume that Bettles/Evansville, Shungnak, and/or Ambler would pursue additional permanent roads connecting to the road (Alternative A or B).

Bettles/Evansville is on the opposite side of the Koyukuk River and would require a large, expensive bridge of 600 feet or more, so this road is assumed to develop as a replacement winter road or a permanent road that terminates across the river, requiring a boat to make the last connection. While the connecting road may be authorized as a public road, it is assumed that the public would not be authorized to use the proposed road; these roads are reasonably foreseeable as roads for commercial deliveries.”).

Any suggestion, however, that the road as currently proposed will be “open” to commercial deliveries is highly misleading. While we understand that local communities or businesses might be provided an opportunity to obtain authorization by the road operator to make use of the road (subject to approval and environmental and safety controls), and that communities might be permitted to construct spur roads, it seems unlikely that such an all-season industrial access road will accommodate any meaningful community or commercial use that is not directly associated with mine development or operation. Based upon the overall body of statements that have been made regarding non-mine-related access to the road, any purported benefits to local communities from “commercial access” seem to be significantly overstated.

BLM also should clarify the following statement in its FEIS:

Landowners could decide whether to authorize other individual users under separate decision-making processes. For example, if another mine were proposed outside the District, access could be allowed, but authorization would have to come through the underlying landowner(s) and not from AIDEA or its road operator. Landowners issuing such authorization would do so in consultation with AIDEA and its road operator, though AIDEA concurrence would not be required, and all drivers would be required to follow AIDEA road safety and operations requirements.

DEIS, Appendix H, p. H-24. BLM should explain how this would work in practice and under what circumstances the landowners would be able to grant others use of the road, as suggested by this statement.

AIDEA’s ROW application for the project asserts that “the road is expected to provide several benefits to residents of the region.” Ambler Mining District Industrial Access Project Corridor SF299 Supplemental Narrative, p. 16. These purported benefits, and whether and the extent to which they would be enjoyed by rural communities along the project route, should continue to be scrutinized and assessed in greater detail as part of BLM’s consideration of AIDEA’s application. Doyon continues to believe that many local communities that will be most affected by the proposed road project will have to bear the adverse impacts of the project but receive little if any benefit in return. For example, although according to the application, these benefits include “Increased employment and income opportunities in the short term and long term in these areas where few employment opportunities exist,” *id.*, p 16-17, the DEIS estimates that the project could directly and indirectly support 117 jobs for NAB/YKCA residents annually during the few years of construction and only 9 jobs annually during road operation. DEIS, p. 3-101. Moreover, while NANA shareholders could benefit from shareholder hire priorities given NANA’s interests in the Ambler Mining District, Doyon shareholders would not enjoy the same benefit, whether

for road construction or operation or for mining jobs. Although the application asserts that there is “Potential for communities to use the road to reduce fuel and freight transportation costs to reduce the high cost of living in these rural areas,” Supplemental Narrative, p. 16, as noted above, that potential remains undefined and likely exceedingly limited. Other purported benefits seem to be similarly questionable.

In addition to assessing impacts on the natural and cultural resources of importance to the isolated rural communities, BLM must assess the socioeconomic impacts of the proposed action and alternatives. How and the extent to which the proposed project and alternatives will have economic, social, or health and welfare effects—including, but not limited to, impacts on employment and local tax bases, education, crime, and recreation—all must be given meaningful consideration and analysis in BLM’s review process. Further details on these potential impacts—both beneficial and adverse—should continue to be made available to the public so that local communities along the route and their residents can provide educated comments and better inform BLM’s decisionmaking process.

Moreover, Doyon expects that AIDEA will work with the Alaska Department of Transportation and Public Facilities (“DOT&PF”) to ensure that communities interested in the construction of spur roads will be supported and prioritized over pending projects listed in the State Transportation Improvement Plan. Doyon also expects that DOT&PF will support tribes seeking additional funding through the Tribal Transportation Program to leverage the opportunity for design, construction, and contract administration for spur road projects, including local hire. Additionally, Doyon expects that the DOT&PF will actively support tribal governments that enter into a Tribal Transportation Program Agreement with the Federal Highway Administration.

There also must be specific provision for employment and training opportunities for residents of local communities in the project area. As noted above, AIDEA has asserted that the project will provide increased employment and income opportunities in the region, where few employment opportunities exist, over both the short and long term. According to AIDEA, these opportunities are associated with road construction and operations, as well as mineral exploration and development. AIDEA must come forward with, and the FEIS must document as part of its assessment of socioeconomic impacts, specific plans and measures to ensure that these employment and income benefits are realized, including for those in the communities that will be most affected by the project. This includes:

- *Expansion of opportunities for job training for local residents.* In partnership with the Alaska Department of Labor and Workforce Development and Tanana Chiefs Conference, AIDEA must provide employment and training services to village residents of Bettles/Evansville, Alatna, Allakaket, and Hughes, Huslia, prior to the construction of the road.
- *Local hire and shareholder hire provisions.* AIDEA, in partnership with companies who are involved in the construction and operation of the road and related facilities or who are exploring and/or developing resources in the Ambler Mining district, must

ensure the adoption of local hire and shareholder provisions for NANA, Doyon, K'oyitl'ots'ina, Limited, and Evansville, Inc. through contracts and subcontracts.

F. The DEIS Does Not Sufficiently Address Concerns About Potential Impacts to Subsistence Resources, Access, and Use.

As noted above, the DEIS does not adequately address potential impacts to subsistence resources, access, and use. “A recent study comparing road-connected to non-road-connected communities showed that road-connected communities have substantially lower subsistence harvests than non-road-connected communities (Guettabi et al. 2016).” DEIS, p. 3-118.

The proposed Project will have potentially major or significant impacts on the abundance or availability of caribou and certain other subsistence resource populations. There will be reductions in resource abundance and reductions in resource availability related to both construction and operation activities, and to the introduction of road access. *Id.*, p. 3-110. The Project will create physical barriers and have impacts on resource behavior, migration, or distribution. *Id.*, pp. 3-111, 3-112. There is the potential risk of contamination from construction, operation, and use of the road, as well as from mine operation and related transportation. *Id.*, p. 3-112. “Overall, decreased availability of resources resulting from project operations may result in residents having to travel farther to access subsistence resources, with greater risks to safety and greater expenditures of time, effort, and money.” *Id.*, p. 3-113. Residents could face more serious consequences if impacts to resource abundance and/or availability are significant enough that sufficient resources become unavailable as a result of the Project and associated activities.

In addition, the proposed Project will have significant impacts to user access that the DEIS acknowledges would not be eliminated by crossing ramps. As proposed, public access to and use of the road would be highly restricted (though, as noted above, there is no assurance that this would remain the case); the road would not be open to use by local residents for access to subsistence opportunities. No hunting or fishing would be allowed on the ROW. Subsistence activities near the road, even outside of the ROW, would also be restricted due to safety concerns. *Id.*, p. 3-114 (“In addition to physical barriers to subsistence users during construction, residents may also experience reduced access due to security restrictions around construction work areas or general avoidance of development areas.”)

The proposed road could create, in some cases, an insurmountable obstacle to subsistence access and use. As stated in the DEIS, the communities of Bettles, Evansville, and Hughes, among others, have subsistence use areas “that are bisected by the road, meaning that access to a large portion of their hunting, fishing, and gathering areas would require crossing the road”; and “Alatna, Allakaket, and Ambler use areas are also crossed but to a lesser degree.” *Id.*, p. 3-113. Providing clear direction then on how subsistence access will be protected for residents of these communities is essential.

The DEIS explains that “the road would include crossing ramps for local residents to use when traveling overland” but acknowledges that “these likely would not be in place until Phase 2 or 3 of the project; therefore, the road is more likely to pose a physical obstruction to overland travel during the construction phase. In addition, hunters may not be permitted to cross construction-phase roads until crossing areas are established, which would obstruct travel altogether for a period of time. It is anticipated that bridges would be designed with adequate clearance. However, it is possible that bridges may also obstruct boat travel along certain smaller waterways; the likelihood of this impact depends on individual bridge height and design.” *Id.*, p. 3-114. As its environmental review and decisionmaking process moves forward, BLM must better address these acknowledged significant adverse impacts on subsistence use and more clearly, definitively, and specifically describe how subsistence interests will be sufficiently protected—during *all phases* of the proposed Project.

In our scoping comments, Doyon raised significant concerns about the potential for unauthorized use of the road and ROW, as well as possible future authorized public use of the road. We shared our concern that unauthorized individuals could use the road to access areas that would not otherwise be accessible, and compete for subsistence resources traditionally used and relied on by residents of the local community. And we explained that the potential risk of such impacts and how they are appropriately mitigated could be different during Phase I, when the road is being used on a seasonal basis from August through April, than during the other road phases, when the road is being used on a year-round basis. We also raised the likelihood that, despite AIDEA’s assertions to the contrary, the road will be opened to public access when mine activities are completed, again introducing additional competition for limited subsistence resources.

Doyon remains deeply concerned about these issues. Illegal hunting and trespass present significant challenges from a management standpoint and could have significant impacts on subsistence resources. There is no question that hunting opportunities on state and federal lands within the Doyon region would be made more accessible by the Project. As the DEIS acknowledges, the Project could increase visitation to the area (via airplane, OHV, or snowmachine), and more people could access public lands to engage in harvesting activities, which could increase the number of hunters in the area over time and reduce resource availability for local residents.” *Id.*, p. 3-112. While some potential mitigation measures are discussed, as the DEIS admits, “[p]ublic use could be allowed at designated crossings” increasing accessibility and potential for trespass, DEIS, p. 3-89, and “[r]ecreational hunters or anglers . . . similarly may try to use (i.e., trespass on) portions of the road to access fish and game.” *Id.*, p. 3-92. Indeed, the DEIS explicitly recognizes that restrictions on use of the ROW could be “difficult to enforce.” *Id.*, p. 3-89 (stating that, even with AIDEA’s proposed design features to reduce trespass on the road, “some trespass may occur, particularly by those intersecting the road in the backcountry”), Appendix M, p. M-8.

In addition, the DEIS describes a number of airstrips along the route. The DEIS claims that the airstrips “would be closed and reclaimed at the end the road’s useful life.” DEIS, p. 2-7, 2-8. The DEIS then goes on to say, however, that “[i]t is likely that mining companies would request that some segments of the road within the District stay open and revert to mining company control to allow their continued access from airstrips to the mines for water

treatment and monitoring activities, potentially in perpetuity.” *Id.*, p. 2-8. “After closure, aviation activities would consist of an occasional flight for monitoring activities.” *Id.*, p. 3-90. Even the DEIS (although inconsistently), then, seems to acknowledge that the airstrips will not, in fact, be closed and reclaimed. In addition, the DEIS recognizes that use of the airstrips would result in increased regional air traffic, increased noise, and potential collisions with caribou. *Id.*, pp. 3-29, 3-76, 3-89, 3-90. The number of proposed airstrips heightens our concern about aircraft landing in our region and making game much more easily accessible to hunters who would compete with local village residents. The DEIS does not explain how access to the airstrips will be restricted and monitored to address this concern—during project construction, during mine operation, or thereafter; this must be addressed in any final EIS. In addition, as stated earlier in these comments, BLM’s environmental review must take a harder and more realistic look at the likelihood of the road and related facilities being open and accessible, including to the public, after the completion of mining activity (if not earlier), and the impacts associated with that.

G. Subsistence use and access must be sufficiently protected through appropriate mitigation measures with effective enforcement mechanisms.

As noted above, Doyon’s mission is to promote the economic and social well-being of our present and future shareholders, to strengthen their Native way of life, and to protect and enhance our land and resources. Subsistence hunting and fishing is critically important to our shareholders and to our Native culture. *See, e.g.*, DEIS, p. 3-106 – 3-107. For thousands of years, Alaska Natives in the project area have depended upon wild plants, fish, and animals for subsistence. Subsistence activities remain an important part of the traditional Native culture and a primary source of nutrition for residents of remote rural villages. In ANILCA, Congress found that “the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence,” and it included substantive provisions to protect such opportunity. 16 U.S.C. § 3111(1).

In our scoping comments, we expressed concern that, while AIDEA’s ROW application acknowledged the potential for subsistence impacts, it understated the significance of these impacts. The Ambler Mining District Industrial Access Project Corridor SF299 Supplemental Narrative stated:

Residents of Bettles and Evansville use areas in the vicinity of the communities for gathering subsistence resources. In particular, ADF&G has identified areas along the Alatna, John, and Koyukuk Rivers as subsistence use areas for these communities (Braund & Associates, 2012). The proposed road may affect subsistence harvests in the immediate vicinity of the road.

Ambler Mining District Industrial Access Project Corridor SF299 Supplemental Narrative, p. 18.

Residents of Alatna and Allakaket gather subsistence resources from a very wide area including the lower Koyukuk valley and particularly up the Alatna River. The proposed road may affect subsistence harvests in the immediate vicinity of the road. Overall impacts on subsistence resources (fish, wildlife, etc.) however are *expected to be low* and only in close proximity to the road itself, affecting only a small area compared to the overall availability of areas usable for subsistence harvests.

Documented traditional use areas for subsistence harvest for Hughes are south of the proposed road corridor and *minimal effects* on the community's subsistence use are anticipated. Huslia is located 90 miles from the road corridor and minimal effects from the road are anticipated on the community's subsistence uses.

Id., p. 20 (emphasis added).

As we noted in our scoping comments, however, an August 2016 National Park Service Natural Resource Report had concluded that the proposed road “could have *substantial impacts* on subsistence production of affected communities.” Evaluating Differences in Household Subsistence Harvest Patterns between the Ambler Project and Non-Project Zones, Natural Resource Report NPS/GAAR/NRR—2016/1280 (Aug. 2016), p. 41 (emphasis added). Addressing the additional outside stresses that road construction could impose upon subsistence resources and the additional competition that the road could create for these finite resources upon which these remote communities are heavily reliant, this report concluded that households in communities currently off the road system could face a potential *significant loss of subsistence production* after road construction. *Id.*, p. 39-41 (emphasis added).

Particularly given Doyon's concern with AIDEA's ROW application's understatement of potential subsistence impacts, although we continue to believe that potential impacts on subsistence use are not sufficiently addressed in the DEIS, we appreciate BLM's recognition in section 3.4.7 of the DEIS and in its ANILCA Section 810 Preliminary Evaluation (DEIS, Appendix M) that the proposed project could result in significant potential impacts on subsistence uses and resources. As noted in the DEIS, the project crosses a number of subsistence use areas for communities in the Doyon region, including Alatna, Allakaket, Bettles, Evansville, Hughes, Huslia, Stevens Village, Tanana, and Wiseman. DEIS, p. 3-110. According to the DEIS, several of these communities have the highest numbers of resource uses crossed by the proposed project alternatives. *Id.* “Because of the importance of subsistence to maintaining the stability of the mixed economy and resilience of the study communities,” these communities are “particularly vulnerable to impacts on subsistence harvests and subsistence resource availability” resulting from the project. *Id.* Thus, BLM's ANILCA Section 810 Preliminary Evaluation found that: “*Alternative A may result in a significant restriction to subsistence uses for Alatna, Allakaket, Ambler, Anaktuvuk Pass, Bettles, Buckland, Coldfoot, Evansville, Kiana, Kobuk, Kotzebue, Noatak, Noorvik, Selawik, Shungnak and Wiseman due to a decrease in abundance and availability of caribou, fish and vegetation.*” DEIS, Appendix M, p. M-13 (emphasis in original); see DEIS, p. 3-116. Similarly, “*Alternative B may result in a significant restriction to subsistence uses for Alatna, Allakaket, Ambler, Anaktuvuk Pass, Bettles, Buckland, Coldfoot, Evansville, Kiana, Kobuk, Kotzebue,*

Noatak, Noorvik, Selawik, Shungnak and Wiseman due to a decrease in abundance and availability of caribou, fish and vegetation.” Id., Appendix M, p. M-14 (emphasis in original).

Doyon also appreciates the inclusion of the mitigation measures identified in Appendix N to help mitigate impacts on subsistence uses and resources. A number of these proposed measures, however, are vague, and it is unclear how they would be implemented to minimize potential impacts on subsistence resources, access, and use. For instance, measure 1 identifies as a potential BLM mitigation measure: “Operations would not impede qualified rural residents from pursuing subsistence activities.” DEIS, Appendix N, p. N-28. While this is a laudable goal, the DEIS’s description of the many potential impacts to subsistence uses and resources from the proposed project in section 3.4.7 of the DEIS suggests that this would be impossible. The FEIS should clarify what this means and how BLM would implement and ensure compliance with this measure. In addition, one of the AIDEA proposed design features described in Appendix N is the formation of a “subsistence working group for communication and knowledge sharing.” *Id.* While such a measure conceptually seems desirable, it is unclear from the DEIS what the role of this working group would be (other than potentially identifying road crossings, DEIS, p. 3-115) or who would be represented in the group. If such a group is to be required as a mitigation measure, it is important that its role and composition be clearly defined and meaningful.

Noting the potential impacts of hunting or fishing by construction workers on subsistence resources and uses, DEIS, p. 3-112, the DEIS “assumes no road users authorized by AIDEA (e.g., construction workers, vehicle operators) would be allowed to hunt or fish from project facilities.” But, although the DEIS states that potential mitigation measures include a measure to this effect, it also recognizes that BLM only has the authority to enforce such restrictions on BLM-managed lands. *Id.* The DEIS similarly recognizes the possibility that “residents from nearby study communities in addition to non-local hunters from other regions would use the cleared ROW alongside the road as a travel corridor for overland (snowmobile or OHV) travel, particularly if resources such as moose concentrate in these corridors.” *Id.*, p. 3-115. But, again, the DEIS recognizes the difficulty of enforcing restrictions against trespass. *Id.* Doyon urges BLM to work with the applicant and local communities to develop specific and enforceable mitigation measures, for inclusion in any final EIS, to address these serious concerns.

As it proceeds with its review and decisionmaking process, BLM must continue to carry out its obligations under ANCSA and ANILCA to ensure that subsistence uses and access to subsistence resources are protected. As part of this effort, BLM must actively and meaningfully consult with affected Alaska Native village and regional corporations and engage proactively with affected rural communities. Doyon urges BLM to ensure that any concerns regarding potential impacts to subsistence use and access are heard and addressed to the satisfaction of affected communities, and that the FEIS identifies and requires appropriate mitigation measures, with appropriate enforcement mechanisms, to ensure that subsistence uses and access are protected.

H. BLM must provide additional, detailed information regarding the fiber optics line component of the proposed project, and address the potential for the line to remain in place after the end of the road's useful life.

As noted in the DEIS, AIDEA has proposed, as part of the project, installation of a fiber optic communications line for telephone and internet service along the road. DEIS, pp. 2-7, and Appendix H, p. H-28. While the primary intent of this proposed project component is “to serve the road maintenance stations and operations along the length of the road,” local communities are anticipated to be interested in connecting to the fiber optic line. DEIS, pp. 3-10, 3-103, and Appendix H, p. H-28.

The DEIS states that the following are reasonably foreseeable over the 50-year life of the proposed road: fiber optic connections to Kobuk and Shungnak, which already are connected by power transmission line; fiber optic connection to Bettles/Evansville under Alternatives A and B; and, under Alternative C, “fiber optic connection to Hughes and to a mining operation at Hogatza and possibly to the military’s Long Range Radar site on Indian Mountain.” DEIS, Appendix H, p. H-29. This statement, however, fails to fully capture the enormous importance of potential fiber optic / broadband access for local communities along the proposed project route. As just one example, as the DEIS states, “There would be potential health improvements due to access to fiber optic cable infrastructure because faster and more stable internet/telecommunications would facilitate telemedicine.” DEIS, p. 3-104. Connectivity must at least include access for schools, health clinics, tribes, and village corporations in the communities of Alatna, Allakaket, Bettles/Evansville, Hughes, and Huslia, as well as close the loop to Koyukuk through the development of cell phone towers (the siting of which should be determined in consultation with local village representatives). Further information must be provided as to how community access to broadband via optic cable is expected to work, addressing, among other things, the fact that a number of communities near the cable will not be directly accessible from the proposed road, as well as who would be expected to pay for it.

Such fiber optic installation also must remain in place after the 50-year projected lifespan of the road, and the FEIS should recognize the likelihood that this would be the case. The DEIS states that “AIDEA’s proposed reclamation of the road at the end of its useful lifespan could have great impact on communities that have become dependent on commercial access and fiber optic service.” DEIS, p. 3-103. The premise that the fiber optic line would be removed at the end of the road’s useful life, and that communities who have relied on such connections for decades would suddenly find themselves disconnected, is problematic to say the least.

I. Conclusion.

We hope that BLM will give serious consideration to these comments, and we look forward to BLM's further consultation with Doyon and other affected Alaska Native corporations as the agency proceeds with its review and decisionmaking process with regard to the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Schutt', with a stylized flourish at the end.

Aaron M. Schutt
President and Chief Executive Officer
Doyon, Limited