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Keeping Wilderness Wild

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October 29, 2019

Bureau of Land Management
Ambler Road DEIS Comments/Attn: Tim LaMarr
222 W. 7th Ave. Stop #13
Anchorage, AK 99513

Submitted via email:

BLM_AK_AKSO_AmblerRoad_Comments@blm.gov

Dear Mr. LaMarr:

The following comments are offered on behalf of Wilderness Watch as well as its Alaska Chapter. Wilderness Watch is a non-profit conservation organization dedicated to education and advocacy for protection and proper stewardship of our Nation's National Wilderness Preservation System and the National Wild and Scenic Rivers System.

Background

The proposed road to potential mining prospects in northwest Alaska would extend road access into the largest remaining block of roadless lands in the US. The construction and use of this road would constitute an enormous impact to the existing conditions of wildness, fish and wildlife populations, ecosystems and traditional subsistence uses by local residents over a vast area. The three alternative routes presented range in length from about 211 to 332 miles, crossing numerous rivers, including the Kobuk Wild River, and hundreds of smaller streams. Two proposed routes would cross lands within the Gates of the Arctic National Preserve, one of which would run just outside of National Park lands that are also designated as Wilderness. All proposed routes intersect with caribou migration routes to winter ranges.

Our review of the Draft Environmental Impact Statement (DEIS) finds several significant problems that must be addressed to fulfill the requirements of the National Environmental Policy Act (NEPA) and the Wilderness Act. The DEIS does not take a hard look at the direct, indirect, and cumulative impacts of the proposal for the reasons stated below.

Fragmented Approach

Mineral exploration and staking of claims have been taking place in the Ambler area during the past 70 or more years, and it remains highly speculative as to if, or when, mine development occurs. To date there have been no permit applications filed for a mine development there. The Alaska Industrial Development and Export Authority (AIEDA) has applied for an industrial road right-of-way before any decision has been made for development of a mine.

This premature action sets the stage for fragmentation of the entire environmental impact analysis. We question the propriety of initiating the current process because it runs counter to NEPA regarding unauthorized project segmentation. Although the proposed action to grant a right-of-way and build a road is inherently connected to mine development, without a permit application to mine, the DEIS does not directly address impacts associated with mining. This is a classic case of project segmentation. It prevents consideration of cumulative impacts, prevents exploration of a full range of alternatives, and will also likely result in commitment of additional federal funds. Under the current approach a road could be built but no mine is developed. How long would such a “Road to Nowhere” exist before the Alaska Legislature opened it to the general public? Probably not long. A road right-of-way should not be decided before there is a permit application for mine development to that a comprehensive evaluation of all the potential impacts associated with access routes, mine development, operation and restoration are available for public review.

Alternatives

Due to the narrow approach of only addressing a specific right-of way application, the range of alternatives in the DEIS is inappropriately limited. For a project of this scale, with such far reaching potential impacts, a broad range of alternatives must be considered. Instead, however, only three alternative routes are analyzed.

The DEIS places most emphasis on Alternatives A and B primarily because they are merely the shortest in distance, however, they do not necessarily result in the least environmental impact. Alternative A would result in the greatest impacts to National Park lands that are also designated Wilderness because of its close proximity to these lands. Unacceptable impacts would result from Alternative A due to road noise, dust, light pollution during nighttime, and increased access to these remote lands. The longest route, Alternative C, which begins at mile 59.5 of the Dalton Highway and lies substantially south of Alternatives A and B would have less impacts to caribou, National Park lands and designated Wilderness. However, remarks made by BLM officials at the Fairbanks public hearing indicated that this route is not going to be seriously considered. It appears that Alternative C was generated primarily for the appearance of presenting a “full range” of alternatives. We recommend that a more robust array of alternatives be evaluated that would include rail transportation, because it would eliminate extension of the existing road system and thus foreclose public access via motor vehicles.

Wilderness and Wild and Scenic Rivers

The DEIS gives cursory mention of the proximity of the various alternatives to designated Wilderness and Wild and Scenic Rivers, including noting that Alternative A would parallel the Wilderness boundary within 1 mile for 16 miles and bridges would be built over Wild and Scenic rivers under Alternatives A and B. However, discussion of resulting direct, indirect, and

cumulative impacts is sparse. Under a recreation and tourism heading, the DEIS devotes a few sentences to explain that visual and noise impacts would affect visitors seeking opportunities for solitude in Wilderness and Wild and Scenic River corridors but then contrasts these impacts with the potential for increased commercial delivery of goods and supplies. The Wilderness and Wild and Scenic Rivers section of the DEIS simply notes:

Congress designated GAAR, except the National Preserve portion, as Wilderness. Congress also designated the northern portion of the Selawik NWR as Wilderness, which abuts Wilderness in the southern portion of Kobuk Valley National Park, located approximately 8 miles west of Ambler. The BLM assessed its lands in much of the project area and determined most have “wilderness characteristics.” However, the BLM does not manage these lands for these characteristics, so this analysis does not consider them further. See Section 3.4.3, Recreation and Tourism, regarding wilderness recreation experiences. No designated Wilderness Study Areas occur in the project area.

But agencies are not relieved of their duties under the Wilderness Act merely because degrading activities originate outside the Wilderness boundary. Agencies have a statutory duty to preserve the wilderness character of designated wilderness, 16 U.S.C. § 1133(b), and that duty applies to agency activity outside of the wilderness boundary when “that action degrades the wilderness character of a designated wilderness area.” *Izaak Walton League of America, Inc. v. Kimbell*, 516 F.Supp.2d 982, 989 (2007). “[A]gency activity that results in noise that is louder, more constant, more frequent, or of a different quality, is more likely to degrade the wilderness character from its present condition and thus violates § 4(b) [of the Wilderness Act].” *Id.* at 990. The DEIS does not discuss agency compliance with duties under the Wilderness Act or the Wild and Scenic Rivers Act and indicates that some or all of the alternatives degrade conditions that Congress acted to protect and thus violate the law.

Similarly, under NEPA, the agency must analyze the direct, indirect, and cumulative impacts to protected areas, including Wilderness and Wild and Scenic Rivers. Such an analysis must include “the nature of the agency activity, the existing character of the wilderness [or Wild and Scenic River], and the extent to which the essential, natural characteristics of the wilderness area [or Wild and Scenic River] are changed by the agency activity in question.” *Id.* at 989. The proposal poses significant impacts from noise, visual intrusions, light pollution, and dust and air quality degradation, as well as a reasonable likelihood of impacts related to increased public and commercial access, that have not been adequately disclosed and analyzed. Similarly, these protected areas provide some of the last and best vestiges of secure habitat for an array of sensitive wildlife species that are not accustomed to the disturbances associated with roads and traffic, including the creation of spur roads, the increase in motorized activity from snowmobiles and ATVs, and a general increase in human presence and activity. The proposed road to the Ambler mining district would penetrate deeply into the largest block of road-less lands in the United States. The consequences of this proposed road are enormous and will affect a vast region that extends far beyond the road itself, including areas protected by the Wilderness and Wild and Scenic River designations. The impacts to those lands must be fully disclosed and analyzed.

Road Closure to the Public

AIDEA claims it will operate the Ambler road exclusively for industrial use and it will be closed to public access. Similar promises were made during deliberations over authorization of the Trans-Alaska Pipeline and construction of the Dalton Highway. Those promises were not kept,

and the Dalton Highway has been open to the public for nearly three decades. The Ambler road is proposed to be in operation for a period of 50 years, however, if it is open to the public it will become a permanent road. Our scoping comments noted these concerns:

We disagree with the claim that this proposed road will remain closed to the public. Similar assurances were made that the TAPS haul road would remain closed to public use. A review of haul road history clearly shows that the initial closure was not adequately enforced by the State Department of Transportation. Prohibited travel soon increased as word got out that enforcement was lax. Also, violators were not prosecuted, and this led to greater illegal travel on the haul road. A lack of commitment to enforcing the closure ultimately led to opening of the road to public travel.

The opening the haul road resulted in far ranging impacts over a vast area of the North Slope and northern Brooks Range. For example, hunting guides and resident hunters using airplanes were now able to greatly extend their activities by trucking aviation fuel up the haul road where logistical operations were established at airports that had been previously constructed for pipeline and road construction. This has greatly expanded hunting pressure for vulnerable wildlife in this open landscape where such pressure did not exist previously. In turn, adequate enforcement of hunting rules have fallen short of what is necessary. We seriously doubt that the proposed Ambler road will remain closed to the public. Therefore, we recommend that the impacts of public access be fully described and analyzed in the NEPA process.

The proposed Ambler road will also provide greatly improved access to existing mining claims and related activities on State lands located north of the road and south of the Gates of the Arctic National Park boundary. Because of access advantages created by the road in this region, more trails and mining activity can be expected in the future. When the Ambler road is opened to public travel, it will also allow for greatly increased ATV and snow machine travel up existing and future mining trails. It should be anticipated that there will be increased incursions of motorized hunters and recreationists the state lands and extend into the Gates of the Arctic Wilderness to the north. Such incursions will likely increase over time, and result in significant negative impacts to wilderness character, vegetation, visual aesthetics, wildlife and subsistence uses. We recommend that the draft EIS address this issue because it will affect Park and Wilderness lands as well as State lands.

Public access on the proposed Ambler road will create significant conflicts between subsistence users and urban based sport hunters. It will also focus increased harvest mortality on caribou, moose, bears, wolves and fur bearer species. Such changes caused by the road will greatly disrupt traditional subsistence practices and create hardship for local residents. This fact is a major reason why all of the communities in the region have voiced strong opposition to this proposed road. The socio-economic aspects of increased public access for hunting and fishing must be thoroughly reported and accurately assessed the draft EIS.

The DEIS fails to seriously acknowledge the likely impacts associated with increased access and therefore fails to provide a reasonable assessment of the direct, indirect, and cumulative impacts—both short-term and long-term, of this road to fish and wildlife populations, habitat, traditional subsistence uses by local residents, wild and scenic rivers, and the wilderness

character of this vast roadless area.

Water Quality

The DEIS addresses only the proposed road while potential water quality issues are relegated to the cumulative impacts section (H-37 & 38). Several studies are mentioned that found “while all mines studied predicted compliance with water quality standards, 76% exceeded water quality pollution limits.” The Kobuk River watershed is famous for its very high fish habitat values, yet such issues are not fully addressed in the DEIS due to the segregation concerns mentioned above. These deficiencies must be corrected to comply with NEPA.

Thank you and please keep us informed as this proposal progresses,



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