Gates of the Arctic National Park and Preserve
Alaska

US Department of the Interior
National Park Service

Public Comment Summary Report

Ambler Mining District Industrial Access Project Environmental and Economic Analysis

March 2018

CONTENTS

TABLES

APPENDICES

ACRONYMS AND ABBREVIATIONS

AIDEA	Alaska Industrial Development and Export Authority
ANILCA	Alaska National Interest Lands Conservation Act
EEA	Environmental and Economic Analysis
EIS	Environmental Impact Statement
NEPA	National Environmental Policy Act of 1969
NPCA	National Parks Conservation Association
park	Gates of the Arctic National Park and Preserve
PEPC	Planning, Environment and Public Comment
ROW	Right-of-way

INTRODUCTION

The Alaska Industrial Development and Export Authority (AIDEA), a public corporation of the State of Alaska, proposes to construct a new roadway from Dalton Highway to the south bank of the Ambler River, which would require crossing the western unit (Kobuk River Preserve) of the Gates of the Arctic National Park and Preserve (the park). The Alaska National Interest Lands Conservation Act (ANILCA; Public Law 96-487) requires that the National Park Service issue a right-of-way (ROW) permit for access through the Kobuk River Preserve (43 CFR § 36.13(a); appendix B). Under ANILCA, the National Park Service is also required to complete an Environmental and Economic Analysis (EEA) in lieu of an Environmental Impact Statement (EIS), which would otherwise be required under section 102(2)(C) of the National Environmental Policy Act (NEPA). The federal action analyzed in this EEA is deciding where to locate the ROW across the Kobuk River Preserve and under what terms and conditions to issue the permit the applicant has requested. The Bureau of Land Management (BLM) is the lead agency for the entire Ambler Mining District Industrial Access Project and is preparing an EIS to determine the impacts from the proposed haul road from Dalton Highway to the south bank of the Ambler River (the BLM alignment).

SUMMARY OF THE PUBLIC INPUT PROCESS

Although the EEA does not follow the NEPA process completely, the National Park Service sought public comment on the two route alignments proposed by the applicant through the Kobuk River Preserve in the park. The National Park Service was also interested in the public's input in the identification of issues relevant to analysis of the benefits and consequences of those alternatives.

The public comment period was open from September 27, 2017 through January 31, 2018. The Bureau of Land Management held 10 public meetings between November 13 and December 8, 2017 with communities that could be affected by the project; the National Park Service also participated in these meetings. These meetings were held in the following communities/locations: Allakaket, Anaktuvuk, Alatna, Fairbanks, Wiseman, Anchorage, Ambler, Kotzebue, and Shungnak. The National Park Service distributed a project summary at these meetings and made it available online. Additionally, the National Park Service also distributed postcards and newsletters and released a press release. The National Park Service accepted comments on the project electronically through the NPS Planning, Environment and Public Comment (PEPC) website, by emailing comments to yuga_ambler_road@nps.gov, and by faxing or mailing comments to the park. All comments received via mail, email, and fax were transcribed into the PEPC system. The National Park Service welcomed comments from the public, as well as federal, state, and local agencies with jurisdiction by law or special expertise; non-governmental entities; and other interested and affected parties.

During the public comment period, 201 unique correspondences were entered into PEPC. Of these, nearly half (98 correspondences) were submitted directly through the PEPC system. Nearly 15,600 pieces of correspondence from 29 states, the District of Columbia, and 2 other countries were received during the public comment period. More than 15,400 pieces of correspondence were form letters submitted by the National Parks Conservation Association (NPCA) and Wilderness Watch. All form letters submitted by the NPCA and Wilderness Watch were read to determine if they contained any additional substantive material. Correspondences that did not contain any substantive material that differed from the form letter were included as a signature to the form letter. Correspondences with additional substantive text were considered individual correspondences. Of the 201 letters on PEPC, 183 were not associated with either the NPCA or Wilderness Watch form letter submittal.

Commenters will continue to be notified of the project's progress, and are encouraged to visit the NPS PEPC website at http://parkplanning.nps.gov/ambler to view information about this project.

As stated, the National Park Service has been tasked with analyzing two routes that cross the Kobuk River Preserve to determine where to locate the ROW and under what terms and conditions to issue the permit the applicant has requested. BLM has been tasked with completing an EIS for the entire Ambler access road from the Dalton Highway to the Ambler mining district. Some correspondences received by the National Park Service related to the project as a whole or specifically to the BLM EIS. These comments were considered to be outside the EEA scope of analysis. This comment summary report focuses only on what ANILCA requires for the EEA.

Tables 1 and 2 presents the geographic distribution (by country and by state) of public comments received during the public comment period. Twenty-one comments were submitted without demographic information, representing approximately 10.4% of the correspondences received.

Table 1: Geographic Distribution of Public Comments by Country		
Country	Number of Correspondences	Percentage of Correspondences
United States	199	99%
Canada	1	0.5%
Great Britain	1	0.5%

Table 2: Geographic Distribution of Public Comments by State		
State	Number of Correspondences	Percentage of Correspondences
Alaska	78	38.8%
Alabama	1	0.5%
Arizona	5	2.5%
California	13	6.5%
Colorado	11	5.5%
Delaware	1	0.5%
District of Columbia	4	2.0%
Florida	6	3.0%
Georgia	3	1.5%
Idaho	1	0.5%
Illinois	2	1.0%
Indiana	1	0.5%
Kansas	1	0.5%
Massachusetts	3	1.5%
Maryland	2	1.0%

Table 2: Geographic Distribution of Public Comments by State		
State	Number of Correspondences	Percentage of Correspondences
Michigan	2	1.0%
Missouri	1	0.5%
Montana	5	2.5%
New Jersey	4	2.0%
New Mexico	1	0.5%
Nevada	1	0.5%
New York	4	2.0%
Oregon	4	2.0%
Pennsylvania	3	1.5%
Tennessee	2	1.0%
Texas	3	1.5%
Virginia	4	2.0%
Vermont	1	0.5%
Washington	6	3.0%
Wisconsin	4	2.0%
Wyoming	1	0.5%
Unknown	21	10.4%
Total	199	100%

Tables 3 and 4 provide general demographic information, including the methods by which the correspondences were received and the organization types from which the correspondences were received, respectively.

Table 3: Correspondence Count by Correspondence Type	
Type of Correspondence	Number of Correspondences
Web Form	98
Letter	8
E-mail	95
Total	201

Table 4: Correspondence Count by Organization Type		
Organization Type	Number of Correspondences	Percentage of Correspondences
Business	14	7.0%
Conservation/Preservation	6	3.0%
Federal Government	2	1.0%
Non-Governmental	4	2.0%
Recreational Groups	1	0.5%
State Government	1	0.5%
Tribal Government	6	3.0%
Unaffiliated Individual	166	82.6%
University/Professional Society	1	0.5%
Total	201	100%

In addition to the general public, members of the following agencies and organizations submitted comments on the EEA. The full text of letters from these agencies and organizations is available upon request.

- Alaska Chapter of Wilderness Watch
- Alaska Community Action on Toxics
- Alaska Department of Natural Resources
- Alaska Rising Tide
- Alaskans for Wildlife
- All About Adventure
- Allakaket Tribe
- Arctic Audubon Society
- Backcountry Hunters & Anglers
- Brooks Range Council
- californiaarthistories.org
- Center for Biological Diversity
- Center for Science in Public Participation
- Coalition to Protect America's National Parks
- Conservation Congress
- Cook Inletkeeper
- Council of Alaska Producer
- DJK Research and Consulting
- Doyon, Limited
- Earthjustice
- Friends of Alaska National Wildlife Refuges
- Gates of the Arctic Subsistence Resource Commission
- Greater DuPage Wild Ones
- Horst Expediting & Remote Operations, Inc.
- Iniakuk Lake Wilderness Lodge, LLC
- Kachemak Bay Conservation Society
- Kobuk Traditional Council
- Long Island Oral & Maxillofacial Surgery
- Mining Action Group of the Upper Peninsula Environmental Coalition
- NANA Regional Corporation, Inc.

- National Parks Conservation Association
- Native Village of Allakaket
- Native Village of Kotzebue
- Northern Alaska Environmental Center
- Oasis Earth
- Okanogan Highlands Alliance
- Stevens Village
- Tanana Chiefs Conference
- The Ocean Foundation
- The Wilderness Society
- Trilogy Metals US Inc
- US Fish and Wildlife Service
- Valhalla Mining LLC
- Western Arctic Caribou Herd Working Group
- Wilderness Institute
- Yukon River Drainage Fisheries Association
- Yukon River Inter-Tribal Watershed Council

Definition of Terms

Primary terms used in this document are defined below.

Correspondence: A correspondence is the entire document received from a commenter. It can be in the form of a letter, email, written comment form, note card, or petition. Each piece of correspondence is assigned a unique identification number in the PEPC system.

Comment: A comment is a portion of the text within a correspondence that addresses a single subject. It should include information such as an expression of support or opposition to the use of a potential management tool, additional data regarding an existing condition, or an opinion debating the adequacy of the analysis.

Public Comment Analysis

Comment analysis is a process used to compile and combine similar public comments into a format that can be used by decision makers and the project team responsible for preparing the EEA. In the public input phase, comment analysis helps the project team to refine alternatives and issues to be evaluated and considered in the EEA.

Comment analysis will help the project team organize and clarify technical information, refine the scope of the EEA, define alternatives and issues to be addressed, and effectively evaluate potential impacts associated with the alternatives.

A coding structure was developed to capture the content of all the comments received and to help sort comments into logical groups by topic and issue. The coding structure was derived from an analysis of the range of topics discussed during internal NPS scoping and from comments received from members of the public. Comments were coded into the following categories:

- New alternatives or alternative elements
- Support and opposition for the entire project and for the alternatives through the park

- Public access
- Data quality and availability
- Scope of the analysis
- Natural, physical, and cultural resources
- Climate change
- Water quality
- Subsistence
- Management of wilderness
- Wild and Scenic Rivers
- Visitor use and experience
- Public involvement
- Socioeconomics and the local economy
- Economic compensation for resources lost

Content Analysis

The following tables are produced from PEPC and provides information on the numbers and types of comments received, organized by code. Table 5 presents the coding structure used to analyze the comments and the distribution of comments within those codes.

Table 5: Correspondence Distribution by Code

Code	Description	Number of Correspondences	Number of Signatures
AC1000	Comments Addressing Public Access	42	3,327
AL1000	Suggests New Alternative/Route	7	22
AL1100	Supports the Ambler Access Road Project	4	4
AL1200	Opposes the Ambler Access Road Project	47	47
AL1300	Supports the Road through GAAR	2	2
AL1400	Opposes the Road through GAAR	68	15,449
AL1500	Supports the Northern Route	8	8
AL1510	Opposes the Northern Route	3	3
AL1600	Supports the Southern Route	7	7
CC1000	Comments Addressing Climate Change	14	14
CR1100	Cultural Resources: Impact of Proposal and Alternatives	5	5
CU1000	Comments Addressing Cumulative Impacts	1	1

Table 5: Correspondence Distribution by Code			
Code	Description	Number of Correspondences	Number of Signatures
DA1000	Comments Addressing Adequacy of the Existing Data	14	14
EC1000	Comments Addressing Economic Analysis	6	6
EC2000	Comments Addressing Cost/Budget	1	1
EC3000	Comments Addressing Economy	11	11
HS1100	Health and Safety: Impact of Proposal and Alternatives	5	20
NR1100	Natural Resources: Impact of Proposal and Alternatives	66	15,461
NS1000	Nonsubstantive Comment	7	7
OS1000	Out of Scope	13	13
OS2000	Comment Addressing the BLM EIS	30	45
PF1100	Permafrost and Hydrology: Impact of Proposal and Alternatives	4	19
PR1000	EEA Process	38	38
SU1100	Subsistence: Impact of Proposal and Alternatives	20	35
TC1000	Comments Addressing Mitigation/Terms and Conditions	58	12,169
VU1100	Visitor Use and Experience: Impact of Proposal and Alternatives	5	5
WC1100	Wilderness Character: Impact of Proposal and Alternatives	28	3,313
WQ1100	Water Quality: Impact of Proposal and Alternatives	16	3,286
WS1100	Wild and Scenic Rivers: Impact of Proposal and Alternatives	7	22

PUBLIC COMMENTS

This section summarizes the comments received during the public input process into concern statements. These concern statements are organized by the codes presented in table 5.

AC1000 – COMMENTS ADDRESSING PUBLIC ACCESS

Concern Statements

The access road should be available for use by all people. The road would provide increased recreation opportunities to more people at lower costs, which could be beneficial to the economy.

The access road should remain an industrial access road only, which would satisfy the National Park Service's obligations under ANILCA. Although the access road is slated to be for industrial access only, residents are concerned that the road will not remain closed to the public indefinitely. Dalton Highway is an example of a road that was supposed to remain closed to the public but currently is used by the public. Even while the road was managed for industrial access only, hunters were able to obtain an industrial permit and go beyond the checkpoint to hunt. Concerns about public access include damage to resources, an increase in drug and alcohol in the communities, hunters being able to access areas far from the road with the use of snowmobiles and power boats, and a lack of enforcement.

The suggestion that the Ambler access road cannot remain an industry-only road is false. The DeLong Mountain Transportation System that services Red Dog Mine and the Pogo Mine Project Road are examples of private roads in Alaska that have remained private.

The application is incomplete because it does not address the impacts that would occur from opening the road to the public. The comparisons to the Red Dog Mine haul road are inappropriate. Instead the Ambler road should be compared to Dalton Highway, which is open to the public, and the Pogo Mine road, which will become public in the future. The application should include the impacts from public use of the road and potential development beyond the Ambler road. The EEA must analyze the impacts of allowing public access on the Ambler access road. The analysis should include impacts on the resources and subsistence for both alternatives, as well as a comparison of recreational opportunities that would be created by opening the road to the public. Conversely, a new EIS and EEA process could be required if the road is considered for public use in the future.

AL1000 – SUGGESTS NEW ALTERNATIVE/ROUTE

Concern Statements

Additional route locations should be considered, including townships south of the preserve, on the south tier of the preserve, in between the two proposed routes, and out of sight and hearing distance of rivers and large lakes.

Alternative construction methods should be considered, as opposed to only an elevated gravel road. Suggestions included using only winter roads that would be easy to remove and restore after use, installing wildlife bridges, and constructing the road in such a manner (e.g., reduced width, curvy, bumpy) that use and speed would be reduced.

Alternative transportation methods should be considered for mining exploration, including a narrow-gauge rail system and air transport.

Certain aspects of the alternatives should be changed to reduce impacts on park resources. The first phase of the road, the pioneer, road should be eliminated, as this phased approach creates more impacts. Water and material site access roads and airstrips should not be located inside the park, the alternative should be altered to move these features outside park boundaries. Additionally, all river crossings should be made at a 90-degree angle.

CC1000 – COMMENTS ADDRESSING CLIMATE CHANGE

Concern Statements

The Ambler Mining District contains significant deposits of metals that are used in building components for wind and solar energy and hybrid and electric vehicles; therefore, mining in the Ambler Mining District would help to eliminate coal-fired power plants and vehicles powered by petroleum products. The EEA should analyze the benefits on climate change that would result from mining the resources of the Ambler Mining District.

The alternatives need to account for a changing climate. Melting permafrost, flooding, altered freeze/thaw patterns, and river bank erosion are some concerns related to climate change. The applicant should incorporate these challenges into the engineering design and construction and maintenance methodologies for the road, as these occurrences could lead to failures in the road and other impacts that should be analyzed in the EEA.

CR1100 – CULTURAL RESOURCES: IMPACT OF PROPOSAL AND ALTERNATIVES

Concern Statement

The Ambler road would cross several areas of cultural importance, which should be evaluated and surveyed prior to construction, including the Reed River Valley, the Norutak Lake area, the upper Kobuk River valley, and areas specific to the Allakaket. Additionally, the Alaska Department of Natural Resources Office of History and Archaeology has information on the cultural resources in the park and can aid in identifying sites of importance.

CU1000 – COMMENTS ADDRESSING CUMULATIVE IMPACTS

Concern Statement

The EEA should analyze the impacts of other development projects on the Western Arctic Caribou Herd and the region, as this is the largest road-free area in the United States. The cumulative effects of other road projects must be considered in conjunction with the Ambler road to fully understand the effects.

DA1000 – COMMENTS ADDRESSING ADEQUACY OF THE EXISTING DATA

Concern Statements

The existing data are not sufficient for addressing the impacts of both alternatives, and therefore, choosing one alternative over the other is not appropriate at this time. Specific data gaps identified

include information required for a full National Historic Preservation Act analysis; fisheries information; water quality information; baseline human health and environmental contamination information; and extensive use of the Kobuk River for subsistence.

In preparation for the application, AIDEA collected data and compiled numerous reports on wetlands, subsistence, fisheries, raptors, hydrology, habitat, visual resources, snow, economic analysis, terrain, and soundscapes. These reports should contain sufficient information for the National Park Service to complete the EEA.

EC1000 – COMMENTS ADDRESSING ECONOMIC ANALYSIS

Concern Statement

The EEA should consider the economic loss associated with degraded park resources, potential impacts on park jobs, and the economic impact on subsistence users.

EC2000 – COMMENTS ADDRESSING COST/BUDGET

Concern Statement

The EEA should fully analyze the increased costs associated with the Ambler road on NPS property. The road would require personnel to perform monitoring and maintenance tasks. Additionally, park staff would need to be trained to respond to spills related to construction and maintenance of the road. The EEA should identify the source of the funding for these added responsibilities.

EC3000 – COMMENTS ADDRESSING ECONOMY

Concern Statements

The Ambler road will have an impact on tourism and tourism-related jobs. Concerns include the dust and noise from construction and routine use of the road, as well as contamination of streams and lakes that could affect aquatic resources.

The Ambler road will open an area of the park and Alaska that are not accessible to most people currently. The product found in the Ambler Mining District would be economically beneficial, as it is used in the development of green energy and transportation initiatives. The actual mining will bring higher-paying jobs to local communities; however, for similar projects (e.g., Dalton Highway), temporary workers can sometimes out-compete local residents for these jobs.

HS1100 – HEALTH AND SAFETY: IMPACT OF PROPOSAL AND ALTERNATIVES

Concern Statements

Residents and visitors alike benefit from wilderness areas; large undeveloped areas have been proven to be a health benefit.

There are health concerns associated with naturally occurring asbestos that might be present in material to be used to construct the road. Additionally, the metals mined from the Ambler Mining District could affect workers, park personnel, and visitors, as the fugitive dust could be inhaled. The EEA should analyze the potential health risks from these contaminants. Noise from blasting, changes

in water quality, and possible changes in nutrition for subsistence users are additional health concerns.

NR1100 – NATURAL RESOURCES: IMPACT OF PROPOSAL AND ALTERNATIVES

Concern Statements

The Ambler road would create ecosystem-wide impacts, including impacts on many species of wildlife. Major concerns include habitat fragmentation, population sinks, and wildlife mortality. The road will fragment habitat in a roadless area, which will affect wildlife that require large areas of contiguous habitat. The road will also create connectivity barriers. Aside from the road corridor itself, effects will be evident in cleared areas adjacent to the road and habitats in the area that are affected by road dust. The road corridor would become a travel route and would likely increase predation, thus reducing the number of prey species. Traffic on the road will directly and indirectly affect wildlife through deaths from collision and altered migration patterns. Materials associated with vehicles (e.g., fuel, oil) and road and ore dust can introduce toxicants into the ecosystem, which will affect habitat and ultimately wildlife.

Road dust resulting from the construction and operation of the Ambler road would affect vegetation, and associated habitats. Adjacent to other haul roads, metal-laden dust has been found up to 5 miles from the road. Once the habitat is disturbed, nonnative species can become established. Once established, it is difficult to remove nonnative species.

In determining the preferred route, the National Park Service should consider the potential for slope failures, snow avalanching, flooding, and ground ice content.

The Ambler road will affect a large number of wetlands by interrupting hydrologic flow, creating ponding and channeling. The majority of the wetlands are common scrub shrub wetlands; however, several high-value wetlands could also be impacted, such as the Nutuvuki Fen along the northern alignment.

The Ambler road would have an impact on aquatic resources from potentially impeded flow due to use of culverts, contamination from fugitive dust and runoff, and changes in water quality. The river and streams in this portion of Alaska are high-quality and are used by fish for feeding, spawning, overwintering, and as migratory pathways. Of particular concern is the Kobuk River, which is the richest river system in Alaska and popular for subsistence and sport fishing and other recreation. In addition to the large number of fish species, a variety of other wildlife use the river and its riparian area. Sheefish is a species of importance for sport and subsistence hunting. This species is sensitive to changes in turbidity, water flows, and contaminants, such as asbestos. The upper Kobuk River is only one of two spawning areas for sheefish in the northeast arctic region.

The Western Arctic Caribou Herd would be affected by the Ambler road. The road would bisect the seasonal ranges of the herd. Research shows that roads can delay or diverge caribou migration; this has been observed at the Red Dog Mine haul road. There are speculations that the linear east-west nature of the northern alignment would be more detrimental than the U-shape of the southern alignment. In addition to migration, impact on caribou forage are also a concern. In winter months, forage is currently limited and vegetation conditions are changing due to climate change. Impacts on lichen from road dust could further limit caribou forage. Finally, the road could increase mortality of caribou from collisions and increased predation.

Extensive research has been completed on caribou herds whose ranges overlap with the development of oil, gas, mining, and power generation in Alaska. The Central Arctic Caribou Herd experienced a population explosion during this development. Research shows that connectivity remains between seasonal ranges; however, there is evidence that roads and other developed areas delay the migration of some individuals. In Denali National Park, research concludes that increased traffic due to the park's rise in popularity has not caused significant changes in caribou.

The activities associated with the Ambler road, and the road itself, have the potential to affect moose and the vegetation upon which moose feed, which could ultimately affect subsistence hunting.

The Ambler road will affect birds, including songbirds, raptors, and waterfowl, especially migratory species. Fragmentation, contamination of prey species, and road noise can disrupt behaviors such as feeding, mating, and nesting. With potential changes to the Migratory Bird Treaty Act, protection of birds through best management practices should be a priority.

Impacts to wood frogs must be considered. Previous studies show that deformities increase with proximity to roads. Wood frogs could be at risk when traveling to breeding areas.

There are no federally listed rare, threatened, or endangered species in the project area; however, the project area contains a variety of habitats that support a number of migratory birds that could be affected by the Ambler road.

PF1100 – PERMAFROST AND HYDROLOGY: IMPACT OF PROPOSAL AND ALTERNATIVES

Concern Statement

The Ambler road will cross numerous wetlands and waterbodies, resulting in changes to hydrology. The application is lacking an analysis of the impacts that would result from the placement of fill in wetlands and the use of culverts at stream crossings. The changes in hydrology could affect aquatic resources, riparian habitats, and the wildlife that depend on these resources. An additional management challenge will be the handling of snow. Moving snow off the roadways will encourage hydrologic movement; however, the snow may contain contaminants from road dust. The potential for impacts from contaminants in snow should be examined.

Climate change is currently causing permafrost to melt. Road construction activities will cause additional melting, making maintenance of the road difficult.

PR1000 – EEA PROCESS

Concern Statements

The National Park Service may have misinterpreted the language in ANILCA about their requirement to permit ROW access for the road to the Ambler Mining District. Some commenters suggested that the National Park Service work to change the language in ANILCA, while other commenters state that the National Park Service should withhold a final decision on the ROW permit until BLM determines feasibility of the road; the method of access by which the least impacts are incurred; and whether the road would be entirely funded.

ANILCA requires that the National Park Service prepare the EEA in lieu of implementing the NEPA process for evaluating the permit request for the ROW across GAAR. ANILCA speaks only to NEPA and all other laws and regulations that apply to the management of park lands must be followed.

The National Park Service has an obligation to permit ROW access for the road to the Ambler Mining District; however, the National Park Service does not have to permit one of the two routes suggested by the applicant. Because the BLM is analyzing only one route outside of the park, this limits the options, but the National Park Service has an obligation to choose the route that will be most protective of park resources.

AIDEA involved the National Park Service in the process that led to the selection of the two alternatives through the Kobuk River Preserve, including preliminary meetings, establishment of route criteria, and development and review of the field study reports.

The National Park Service and the Bureau of Land Management have misinterpreted Section 201(4) of ANILCA to read that it only applies to the road as it crosses NPS lands; however, this section of ANILCA applies to the entire road.

The purpose and need statement in the EEA should not commit the National Park Service to allowing a road through the park. Further, it should emphasize the importance of the health and the sustainability of the Western Arctic Caribou Herd.

The EEA should include a complete analysis of the resources that will be affected by the Ambler road, including subsistence, wildlife and fisheries, permafrost, water quality, soundscapes, and viewsheds. There should be a full assessment of all phases of the road, as well as a cumulative impacts discussion and identification of mitigation measures.

The National Park Service should collaborate meaningfully with the public and all other stakeholders, including Tribes, local villages, Native corporations, and non-governmental groups, during the entire EEA process. The National Park Service should consider making some stakeholders cooperating agencies for the EEA, given their knowledge on traditional use and the resources. The National Park Service should keep stakeholders updated on the progress of the EEA and be forthright with the US Department of Transportation's role in the process.

ANILCA provided a timeline for completion of the EEA, but the National Park Service has not met the deadline. The scope of the EEA is narrow and many of the requirements of NEPA are not necessary in the EEA, such as analyses of cumulative impacts, connected actions, direct effects, and indirect effects. The omission of these sections should make the EEA easy to complete within 3 to 4 months.

In the Federal Register Delay Notice, the National Park Service cited the need to wait for the USACE to complete wetlands work; however, a Clean Water Act wetlands permit is not required by ANILCA. A NEPA review is generally required prior to issuance of a wetlands permit, and this is inconsistent with ANILCA's NEPA exemption. Wetlands and streams were assessed within the park along the two alternative alignments, and the reports were presented to the National Park Service. These reports should contain the information required for the National Park Service to complete the EEA.

SU1100 – SUBSISTENCE: IMPACT OF PROPOSAL AND ALTERNATIVES

Concern Statements

The Ambler would negatively affect the natural processes of the large, undeveloped landscape. Changes in vegetation, water quality, and wildlife and fish populations would impact those who live a subsistence lifestyle. A reduction in food harvest will ultimately affect income for these residents. The future of caribou, sheefish, salmon, sheep, and berries are of great concern. If public access is allowed, the competition for hunting would exasperate these issues. A Section 810 subsistence analysis and finding should be completed for the EEA.

When the Trans Alaska Pipeline System ROW permit was up for renewal, a Section 30 subsistence claim was entered by a local village due to depleted subsistence resources resulting from non-locals hunting. This instance should be considered, as the Ambler road would be connected to Trans Alaska Pipeline System.

TC1000 – COMMENTS ADDRESSING MITIGATION/TERMS AND CONDITIONS

Concern Statement

The National Park Service should reference other road projects to inform their decisions on terms and conditions; however, even though a project like Red Dog Mine is similar, the conditions for the Ambler road will be unique. For example, the openness along the Red Dog Mine road allows drivers to see wildlife and slow their vehicles to avoid collisions. The wildlife that use the habitats in the park and their behaviors (e.g., movement patterns, activity times) will drive the mitigation measures and terms and conditions. Draft terms and conditions should be shared with stakeholders for review, input, and further suggestions prior to finalizing. A list of suggested mitigation measures and terms and conditions are presented in appendix A.

VU1100 – VISITOR USE AND EXPERIENCE: IMPACT OF PROPOSAL AND ALTERNATIVES

Concern Statement

The Ambler road would negatively affect visitor experience from changes to the viewshed and soundscapes; this would occur with either alternative. Soundscapes would be affected by vehicle noise, development and operation of gravel pits, and use of airstrips. Aside from the presence of the road and vehicles, the viewsheds would be impacted by dust plumes, headlights, and construction debris.

WC1100 – WILDERNESS CHARACTER: IMPACT OF PROPOSAL AND ALTERNATIVES

Concern Statements

The Ambler road would cross eligible wilderness, which is currently managed in the same manner as designated wilderness by the National Park Service. The EEA should analyze how the road would impact the wilderness character in the preserve.

The northern route travels adjacent to the designated wilderness boundary of the park. Wilderness character would be impacted by the road from dust, noise, and visual impacts from the elevated road in a roadless area. If the road is opened to public access, the impacts would be greater due to off-road traffic. A preliminary report determined that Ambler road would severely diminish wilderness character.

East of the Kobuk River Preserve, the proposed road travels through a portion of the park that is designated wilderness. This portion of the park is located outside the area identified in ANILCA for the ROW, is privately owned by Doyon Ltd, and represents some of the most significant wilderness lands in the park. Commenters questions AIDEA's authority to cross this section of GAAR.

WQ1100 – WATER QUALITY: IMPACT OF PROPOSAL AND ALTERNATIVES

Concern Statement

The construction and operation of the Ambler road will affect water quality in streams, rivers, lakes, and wetlands, which support sustainable fisheries and recreation opportunities. Dangers of contamination exist from fugitive dust and spills from vehicle operation and maintenance. Copper, one of the main materials in the Ambler Mining District, is very toxic to fish. Sedimentation would occur from slope failures, solifluction, and blocked culverts. Impacts to the fisheries and water quality have the potential to affect wildlife higher in the food chain, up to and including subsistence users.

WS1100 – WILD AND SCENIC RIVERS: IMPACT OF PROPOSAL AND ALTERNATIVES

Concern Statement

The Ambler road would detract from visitors' wilderness experiences on the wild designated Kobuk River with either alternative. Building a bridge over the river has the potential to impact stream flow and natural qualities of the river. One suggested crossing for the River is below the Pah River.

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APPENDIX A

Permitting Considerations and Terms and Conditions Suggestions

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PERMITTING CONSIDERATIONS AND TERMS AND CONDITIONS SUGGESTIONS

The following are mitigation measures and terms and conditions suggested by commenters:

ROW Permit

- Make the ROW permit non-transferable
- Provide only direct access to the Ambler mineral belt
- Retain the right to review and revise terms and conditions with any new data and/or terminate the permit if the road is not built in a pre-determined amount of time
- Restrict the ROW to only provide for activities directly associated with the mining in the Ambler Mineral District and transport directly related to that activity
- Require a subsequent ROW application for any uses outside of mining the Ambler Mineral District
- Retain the ability to deal directly with the people building road and driving the trucks to enforce the strict requirements of the ROW permit
- Retain ownership and regulatory authority on the lands affected by the proposed road (no easements)
- Require that the ROW permit is for a specific term (number of years), which could be renewed at the end of the term upon submission of a subsequent application, and after processing and approval by the NPS
- Revoke the ROW permit if the road construction is not commenced within a specific time period
- Require time periods for commencement and satisfactory completion of each proposed phase of the road; revoke the permit if those periods are not met
- Provide that all management and compliance costs to the NPS be paid by the ROW permit holder
- Prior to issuing the ROW permit, develop and approve a bonding and escrow system to assure that all costs are guaranteed, including restoration
- Develop, review and approve a joint operation plan in coordination with the BLM, coordinating work and responsibility so that all terms and conditions, mitigations and ameliorations in this process are fully met; include reliable assurances that no public access from the Dalton Highway is permitted
- Provide for company disciplinary review for any employee violating these standards, and include in the company's disciplinary review committees trained representatives of the local rural residents so that complete transparency while adhering to necessary confidentiality are maintained.
- Explicitly state law enforcement authority
- Explore the options if the road is not needed for the full 50 years, as this could have severe potential economic impacts on the ability to pay back construction costs, maintain the road, or close and reclaim the industrial road, spur roads, airfields, etc.

Road

- Require that the proposed two-lane road will ultimately be built (beyond the pioneer road) and the permit holder will do comprehensive mitigation from the beginning phase
- Require that the road be constructed in accordance with Arctic engineering practices that consider melting permafrost and the need for culverts to maintain natural drainage
- Require that construction incorporates local and indigenous knowledge regarding road height and areas to avoid
- Require studies of the continuous and discontinuous permafrost, as this will affect the foundation of the road
- Prohibit stopping in the Preserve, other than for emergencies; no turnouts
- Require the ROW width is only as wide as necessary to avoid unnecessary impacts; explicitly state the road dimensions in the permit
- Require the best possible material be used for bank stabilization; use root wads and trees if better than riprap
- Consider methods to reduce and clean up spills from transport trucks carrying reagents, fuels, and oils in road design (road grades, berms, sinuosity and curves)

Road Features

- No material sites, road construction or maintenance facilities, or airstrips within the Preserve
- No fuel storage
- No refuse areas

Construction

- Consult with multiple arctic road building experts/companies for specifications on slopes, construction on permafrost and side slopes, grades, drainage, roadbed construction, etc.
- Retain the ability to choose the company that builds the road in the Preserve
- Do not allow construction to begin on NPS lands until the road is constructed to the borders on either side in case the project is stopped prior to completion

Safety

- Require that emergency fuel spill cleanup supplies are readily available for immediate use, especially in high risk areas; these supplies should be kept clear of snow and ice, and regularly checked and maintained
- Test for asbestos prior to mining at each of the proposed gravel mine sites; use of asbestos-laden material is not practicable in a remote area where control of fugitive dust and runoff from rain events will be difficult
- Minimize disturbance to the underlying material through areas containing asbestos

- Cap and monitor excavated and disturbed material containing asbestos to prevent future exposure
- Require funding for up to two public safety officers (training and salary) for any village that desires such assistance to fight drugs and alcohol
- Require funding for an additional state trooper to patrol the road, and for search and rescue/emergency response
- Require anyone using the road (contractor, mining operator, trucker, etc.) to submit to NPS proof of an insurance policy that provides coverage of search and rescue
- Require any company transporting cyanide to sign on to the International Cyanide Management Code before being allowed to move cyanide through the park
- Determine how emergencies will be handled and who will pay for these services.
- Determine a way to increase permanent staffing to enforce regulations within NPS lands

Gravel & Water

- No road construction materials can be removed from the park for use in constructing/maintaining the road or sale; require that all gravel sources be outside the Preserve and away from tributaries of the Kobuk River; terms should state clearly that the ROW permit will not convey surface or subsurface materials on federal lands
- Allow the use of material from road cuts to grade the roads only
- Any gravel extracted from the park will remain the property of the federal government and the federal government should be monetarily compensated for its use at the current (at time of use) market rate
- No use of water resources from within the park for road construction/maintenance
- Mine gravel and reclamation in logical phases/cells, so the rooted layer (for revegetation) and the other overburden can be direct-hauled separately from the mine area to the reclamation area, reducing material handling costs and reducing the time before the reclaimed area attains its final beneficial use

Traffic

- Limit the number of trucks per day and how frequently they can travel on the road to minimize visual and noise pollution to visitors, disruption to wildlife activity, limit road use and consequent wear and tear
- Vary traffic rate (number of vehicles simultaneously using the road) by season or time; trucks could drive out at certain times of the day and in at others to avoid making a wider road for passing vehicles
- Keep the ROW to the minimum width necessary for construction of a one lane road with pullouts to accommodate two-way traffic
- Limit truck weight to minimize road damage and vehicle breakdowns
- Limit vehicle speed and change speed limits as necessary based on the amount of traffic on the road

- Require vehicles to carry extra belts, tires, and repair tools, have satellite communication devices, and arrange for immediate removal or repair of vehicles broken down along the road in the Preserve
- Require vehicles to have annual emissions tests, documented annual maintenance/service records, and be registered to operate on the road; require vehicles to have these documents available on demand for compliance checks; fines for noncompliance
- Have a gated entry into the preserve with a guard where ROW compliance is checked; fines for noncompliance with ROW stipulations
- Permit the use of only electric vehicles to minimize noise and air pollution.
- Require the purchase of a permit for vehicle access; vehicles should be allowed for specific use and lengths of time
- Prohibit all motorized vehicles from traveling off road, including ATVs
- Require a specific toll and permit requirement for each entity or vehicle to use the road; local subsistence hunters should be exempt from restrictions on use or permit/toll requirements

Fugitive Dust

- Require lead dust monitoring and abatement to avoid heavy metal contamination
- Require that fugitive dust be contained by covering the ore trucks
- Review and implement successful dust mitigation measures used for the Red Dog Mine haul road

Waterbody Crossings

- Avoid having the route parallel the Kobuk River and determine a better crossing location for the southern alignment
- The bridge to cross the Kobuk River should be designed to withstand the extensive floods that can occur during spring and summer
- Require that culverts are appropriately sized to accommodate winter overflow levels and spring floods, minimizing disruption of the natural flow of water through the wetland areas the road traverses
- Require that culverts are large enough to handle hydrologic flows; consider a stream simulation crossing at least slightly wider than the bankfull width to maintain minimal floodplain connectivity and to offer dry passage for smaller terrestrial animals; road crossings with at least a bankfull width are also less likely to generate high discharge velocities requiring extensive bank hardening such as riprap; also consider box culverts with full-metal inverts, pipe-arches, and horizontal ellipse pipes as they offer wider width-to-height ratios than standard round culverts.
- Require the use of Context Sensitive Solutions that minimize obstructions and allow the passage of all fish and wildlife
- Require that the road be constructed at least a half mile away from any fishbearing waters
- Consider French drains under sections of the road where wetlands are upslope

- Require modeling for future precipitation patterns to determine flooding by waterbodies and wetlands
- Require studies for hydrological, water quality, and water flow data; these base parameters are needed to determine future pollution mitigation
- Require yearly operation budgets that allow for keeping culverts free of debris
- Determine where embedded fish passage culverts would be necessary, where culverts should be wider than 36", whether some culverts should be upgraded to bridges, and a potential cost range of implementing overflow culverts at several locations
- Prohibit facilities or structures that would enable the launching of motor boats or air boats into streams and rivers that are crossed by the road, reducing the negative influences of noise and wake damage to river banks which can lead to siltation of fish habitat and reducing impacts to traditional subsistence activities caused by increased access for hunters from outside the region entering via the proposed road.
- Ensure that ADF&G Fish Habitat permits are obtained for construction of stream and river crossings and long-term maintenance to ensure unimpeded passage for all species and all appropriate life stages of fish; fish habitat permits include the screening requirements for water withdrawals in fish bearing waters
- Ensure that the ADF&G Technical Report 13-3 Alaska Blasting Standard for the Proper Protection of Fish is followed; this guidance could be a factor depending on the location of material sites or if pilings will need to be driven for any bridge installations.
- Consider employing road designs and construction practices that minimize the introduction of sediment and other contaminants in streams
- Consider including vegetative buffers between material sites and riparian habitats as well as road alignments parallel to riparian habitats
- For material sites and other activities adjacent to streams and higher-value wetlands, ensure that the multiagency guidelines for riparian and wetland buffers on public lands in Interior Alaska are followed
- Consider including an assessment of the difference between baseline and post-impact wetland function, based on a defined length of recovery; any functional loss after that period should be considered a permanent loss; temporal loss (i.e., the time lag between the loss and replacement of wetland function) should also be considered; any temporary loss in wetland function after three full growing seasons should be considered a permanent loss

Wildlife Protection

- Close the road to all use during critical times (e.g., migration, breeding, birthing) to protect wildlife and give local rural residents a meaningful role in such decisions
- Require that ample corridors are available for wildlife to cross safely; wildlife overpasses should be considered; require that routes taken by migratory animals are mapped and discussed to inform these decisions
- Discourage fencing if it would allow predators to trap prey animals against the fence or facilitate predator "herding" of prey animals along a fenceline, or if fencing would inhibit the movements of smaller animals

- Ensure that ADFG guidelines for fish protection from blasting are followed both in the construction of the road and in the removal of the road, bridges, and culverts
- Require that fisheries biologists are consulted to determine the seasonal or diurnal times when blasting would be least damaging to fish and fish embryos, and that spawning beds, rearing areas, and migration corridors on each waterway are located prior to blasting

Hunting

- No stopping or hunting by project employees so as not to compete with local subsistence uses and sport hunters
- No shooting with firearms should be allowed within five miles of any road

Subsistence

- Require that a local subsistence guide is hired to ensure that construction does not interfere with subsistence or migration; the subsistence representative must be present during all field operations and construction activities and must be knowledgeable of cultural and traditional activities in the permit area; the subsistence representatives must have radio or phone communication with the nearest village and NPS

Viewsheds

- No visible communications towers or structures along the road in the Preserve
- Require downward facing flood lights so that there is no creeping glow in the dark starry night

Mitigation and Monitoring

- Ensure that Best Management Practices are used for minimizing the introduction and proliferation of invasive species, including thoroughly washing equipment before entering the jobsite to remove dirt and debris that might harbor invasive seeds, using weed-free till, appropriately disposing of spoil and vegetation contaminated with invasive species, and revegetating with local native plant species.
- Ensure that on-the-ground personnel understand their role in preventing and controlling the introduction and spread of aquatic and terrestrial invasive species due to their potential impact on interjurisdictional fish, wetlands and other important resources
- Require that only certified weed-free straw and reclamation material is used for reclamation of areas during and after construction, that best management practices to reduce sediment or stormwater runoff are used, that hazard analysis critical control points are established, that truck tires are washed before entering the road, that equipment that will be used in streams and rivers is cleaned
- Require that topsoil and aggregate are stockpiled in a weed-free setting for use in restoration and that funding for maintenance of said stockpiling during the period of operation is required
- Retain the ability to analyze and examine monitoring data collected by outside research entities

- Require that baseline studies are funded by the mining industry
- Require that some percentage of the total cost of the road is set aside for funding relevant environmental monitoring activity
- Require an annual performance plan to assure compliance with the purpose of the road
- Require regular monitoring of vegetation, and if vegetation appears to be impacted, go further and research impacts to wildlife, including caribou and birds if they use the vegetation for food, nesting, or rearing
- Require monitoring where the road crosses streams and rivers, to determine if there are physical impacts (bank erosion, scouring), chemical impacts (detectable copper or other trace metals, or hydrocarbons), or biological impacts (invasive plants or aquatic species); this should include regular vegetation, soil, sediment, and water sampling and may include tissue, feather, and fecal sampling of potentially impacted species.
- Identify mitigation actions for loss of resource value(s) such as through direct monetary payments, additional research support, additional land protections/additions, etc.
- Require revegetation of cutbacks and fills with native vegetation to reduce some of their visibility and coatings on highly visible rock cut slopes to mute the tonal contrast where appropriate.
- Require that material sites are located so they are screened from the view of important viewing positions and developed in cells so that the first cells developed can be reclaimed as they are exhausted
- Ensure that a mining and reclamation plan is submitted to Alaska DNR for review and approval.
- Ensure that Alaska NDR authorizations are obtained for construction and use of bridges or other improvements across state-owned submerged lands and for construction camps or staging areas on state lands
- Ensure that all land disturbing activities (e.g., clearing, excavation and placing fill) in potentially suitable nesting habitats are complete before the nesting season, which in the proposed project area is generally May I to July 15.
- Complete additional survey in the year immediately prior to construction for bald and golden eagles to provide more extensive and up-to-date information for use in determining whether a permit for incidental take or nest take is recommended
- Material sites that fill with water should be reclaimed lo usable wetland habitat by including shallow littoral zones, islands, and peninsulas; deep, open-water pits provide little habitat value and should not be considered as suitable wetland re-establishment
- Reclaim these newly created ponds by: 1) constructing a littoral zone at least 20 feet wide (shallow underwater shelf along the bank with slopes averaging less than 10H:1V), 2) constructing an irregular shoreline with bays and spits, and 3) spreading two to four inches of separately stockpiled organic overburden on the littoral zone and shoreline to enhance revegetation. Establish a 2.5+ foot wide buffer of native vegetation around the excavation perimeter to help filter sediment and pollutants before they enter the water

Restoration

- Avoid the use of non-native vegetation in revegetation of disturbed areas.
- Agree upon a plan with BLM hat clearly requires restoration and includes the standards of what constitutes sufficient dismantlement, restoration and reclamation of the road corridor before approving the ROW; agree upon a cost estimate for this fund
- Require that a restoration fund be established and funds made available for use to reclaim and restore roadway; funds should be available in the event of damage caused from use of the road such as accidents resulting in physical damage along the roadway or resulting in leaks, from spills etc.; require that mining companies purchase and retain equipment/supplies necessary to mitigate impacts of oil/gas leaks from accidents
- Require that third parties determine the amount of the fund
- Reclamation should be funded by royalties on the minerals extracted
- Require that a mitigation fund be set up to provide funding to each community within 50 miles of the road or the mining district, so long as either is in place; the fund would cover various indirect costs and impacts (e.g., providing gas to hunters that must now travel farther).
- Require a Restoration Fund in Escrow; include the costs for restoration in the tolls and retained in escrow; require the permit holder to maintain those funds in an altogether separate escrow account so money would be available at the time restoration occurs
- Include provisions for dismantling the road when the mines prove no longer economically viable, provisions should include: removing bridges and materials used to build them, culverts, concrete structures, and machinery; deconstructing the roadbed so it is impassable to vehicle traffic and can eventually approach its original natural state; and restoring native vegetation
- Require that the road be closed and replanted as soon as mining operations are completed
- Require that tundra cut for the project not be bulldozed off to the side but should be saved, preserved, and used for reclamation of adjacent bare slopes
- Provide a complete restoration program in advance of issuing the ROW permit for full compliance with §1107; the program should be peer-reviewed and certified by an independent group
- Develop a plan that clearly requires restoration and includes the standards of what constitutes sufficient dismantlement, restoration and reclamation of the road corridor prior to approving the permit; a cost estimate provided by AIDEA and approved by the NPS and BLM should be required

Public Access

- Prohibit public use for the lifespan of the ROW
- Make provisions for crossing by the public who are on foot or snow machines at designated locations
- No launching of boats, four-wheelers, or snowmachines from the road or within 5 miles of it
- Allow vehicles originating from points beyond 5 miles to cross through the road corridor

- Determine how public pressure to open the road to public use after the 50-year period will be managed