

United States Senate

November 3, 2022

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Haaland:

We write to again reiterate our support for the Ambler Access Project (Project) and to urge the Department of the Interior (DOI), through the Bureau of Land Management (BLM), to promptly complete its review on remand given the importance of this project to both Alaska and the nation.

As you know, Congress first recognized the importance of the Project in 1980 when it passed the Alaska National Interest Lands Conservation Act (ANILCA) and designated the Project for expedited treatment and guaranteed a right-of-way across certain federal lands. The Project would facilitate the development of a closed industrial surface transportation access road to the currently-inaccessible mineral deposits in the Ambler Mining District (District), which sits on extensive mineral resources, including copper, silver, gold, lead, and zinc, and has been characterized as one of the largest undeveloped copper-zinc mineral belts in the world. These minerals are necessary for the manufacturing of renewable energy infrastructure and are crucial to most modern defense systems.

Forty years later, DOI and the U.S. Army Corps of Engineers (USACE) issued a final EIS for the Project in March 2020, and the Project was authorized in a Joint Record of Decision (JROD) in July 2020. The Final EIS and JROD were the culmination of an exhaustive, four-year, collective effort by the career staff of BLM, the National Park Service, and the Army Corps of Engineers, working in cooperation with the State of Alaska, AIDEA, and other stakeholders.

As part of that process, the agencies rigorously evaluated potential impacts and sought extensive local and public input. The agencies efforts on consultation are ongoing, as the law provides, and opportunities for input will continue as provided in the agencies' decision documents and the Programmatic Agreement executed by the agencies, the State of Alaska, and AIDEA.

These efforts more than satisfied the requirements of the National Environmental Policy Act (NEPA), ANILCA, and the National Historic Preservation Act (NHPA). Nevertheless, in February 2022, fully eighteen months after the issuance of the JROD, and on the very same day President Biden hosted a summit on the need to bolster the domestic critical minerals supply chain, DOI requested that the U.S. District Court judge hearing a challenge to the agencies' approval

allow it to undertake a voluntary remand and review of alleged “deficiencies” the BLM had identified in that prior review.

The U.S. District Court for Alaska (the Court) granted DOI’s remand request in May 2022. BLM had requested remand to conduct additional, narrowly-tailored analysis for potential subsistence impacts under section 810 of ANILCA and consultation with tribes pursuant to Section 106 of the NHPA. The Project was the subject of extensive scoping prior to the development of the final EIS, so we strongly believe that additional scoping for remand – which BLM stated would be narrow – is inappropriate and contrary to the agency’s stated intentions before the Court. It took BLM four months to open the public scoping period after the remand was granted, and the agency is now conducting superfluous scoping.

Given the delays to date and the strategic importance of the Project, it is essential that DOI limit the scope of its additional analysis to the two specific deficiencies that BLM identified to the Court. BLM states in its notice of intent published on September 20, 2022, however, that it is seeking comments “concerning the scope of the analysis, potential alternatives, and identification of relevant information, and studies.” It would be inappropriate and a waste of taxpayer resources for the scope of the analysis to go beyond what the BLM identified to the Court in its request for a voluntary remand.

With the Project’s extensive consultation and public comment history, including this 45-day comment period, Alaska’s shortened construction season, and the President’s recent support for more effective and streamlined permitting processes, we believe a 30-day comment period is more than sufficient for any draft SEIS. As part of its ongoing Project consultation obligations, BLM should also ensure that it provides full and fair consultation with all Alaska Natives, including those who support the project and those who have suffered hardships from BLM’s delays to the Project.

Further setbacks for this Project will ultimately benefit no one, while directly undermining the administration’s own policy goals. For example, S&P Global recently found that “Unless massive new supply [of copper] comes online in a timely way, the goal of Net-Zero Emissions by 2050 will be short-circuited and remain out of reach,” with near-term “copper scarcity” having the potential to “emerge as a key destabilizing threat to international security.” The message from S&P Global is remarkably clear: it is time to proceed with key projects, rather than delaying or denying them.

We appreciate your attention to this matter and urge you to take all steps necessary to complete an efficient and timely, narrowly-tailored review of the Project. Failure to do so in an expeditious manner would defy federal law, prevent hardworking Alaskans from finding jobs that can support their families, and jeopardize U.S. economic and national security by prolonging our reliance on foreign adversaries for needed minerals and metals and worsening projected global shortfalls in their supply.

We look forward to your timely response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Murkowski".

Lisa Murkowski
United States Senator

A handwritten signature in blue ink, appearing to read "Dan Sullivan".

Dan Sullivan
United States Senator