

TODD KIM
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

SARAH A. BUCKLEY (Virginia State Bar No. 87350)
ELISABETH H. CARTER (New York State Bar No. 5733274)
Trial Attorneys, Environmental Defense Section
P.O. Box 7611 Washington, D.C. 20044
202-616-7554 (Buckley) || 202-305-8865 (fax)
202-514-0286 (Carter)
sarah.buckley@usdoj.gov
elisabeth.carter@usdoj.gov

PAUL A. TURCKE (Idaho Bar No. 4759)
Trial Attorney, Natural Resources Section
P.O. Box 7611 Washington, D.C. 20044
202-353-1389 || 202-305-0275 (fax)
paul.turcke@usdoj.gov

Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN ALASKA
ENVIRONMENTAL CENTER, *et al.*,

Plaintiffs,

v.

DEBRA HAALAND, in her official
capacity, *et al.*,

Defendants,

and

AMBLER METALS, LLC, *et al.*,

Intervenor-Defendants.

Case No. 3:20-cv-00187-SLG

DEFENDANTS' THIRD STATUS REPORT

Northern Alaska Env't Center v. Haaland
DEFS.' THIRD STATUS REPORT

Case No. 3:20-cv-00187-SLG

1

Defendants submit the following status report in accordance with the Court's Order Re Motions for Voluntary Remand (ECF No. 143) dated May 17, 2022. This is Defendants' third status report, which will expand upon information provided in the first status report (ECF No. 152) dated July 18, 2022, and the second status report (ECF No. 158) dated September 16, 2022.

On September 20, Defendant Bureau of Land Management (BLM) completed publication of the Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) for the Proposed Ambler Mining District Industrial Access Road (NOI). *See* 87 Fed. Reg. 57509 (Sept. 20, 2022). The NOI initiated a 45-day public scoping period, which closed on November 4, 2022. BLM is evaluating the scoping comments and additional information obtained during recent and ongoing meetings with stakeholders and consultations with Alaska Native Tribes and Corporations to determine the nature and focus of SEIS resource area analysis and whether it is appropriate to consider any new alternative(s) or modification of existing alternatives.

BLM is now able to preliminarily identify a schedule on remand for the SEIS and related processes and determinations under the Alaska National Interest Lands Conservation Act (ANILCA) Section 810 and National Historic Preservation Act (NHPA) Section 106. As always, such preliminary determinations can be subject to realignment of agency priorities and reallocation of agency staffing and resources, often due to external events beyond the control of BLM or the Department of the Interior. Acknowledging these considerations, BLM currently anticipates publishing a Draft SEIS and preliminary revised ANILCA Section 810 evaluation during the second quarter of

calendar year 2023, which will be subject to public comment upon publication. BLM anticipates publishing a Final SEIS, conducting final pre-decision consultation with Alaska Native Tribes and Corporations, and issuing a Record of Decision, all within the fourth quarter of calendar year 2023.

Defendants' next recurring status report is due on January 17, 2023. Defendants will continue to "(1) provide prompt notice to Plaintiffs of any applications and authorizations for activities on federal lands related to the Ambler Road and (2) provide no less than 28 days' notice to Plaintiffs in advance of any ground-disturbing activities [except limited brush clearing solely to allow for helicopter landings] occurring pursuant to the 404 permit or other authorizations." *See Order Re Motions for Reconsideration 12, ECF No. 151.*

Respectfully submitted this 15th day of November 2022.

TODD KIM
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

SARAH A. BUCKLEY
ELISABETH H. CARTER
Trial Attorneys
Environmental Defense Section
P.O. Box 7611 Washington, D.C. 20044
202-616-7554 (Buckley) || 202-305-8865 (fax)
202-514-0286 (Carter)
sarah.buckley@usdoj.gov
elisabeth.carter@usdoj.gov

/s/ Paul A. Turcke
PAUL A. TURCKE
Trial Attorney
Natural Resources Section
P.O. Box 7611

Washington, D.C. 20044
202-353-1389 || 202-305-0275 (fax)
paul.turcke@usdoj.gov

Attorneys for Defendants

Of Counsel:

MIKE GIERYIC
Office of the Regional Solicitor, Alaska Region
4230 University Drive, Suite 300
Anchorage, AK 99508
907-271-1420
mike.gieryic@sol.doi.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2022, a copy of the foregoing was served by electronic means on all counsel of record by the Court's CM/ECF system.

/s/ Paul A. Turcke
Paul A. Turcke