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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' STATUS REPORT

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

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

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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’ first such status report. As indicated in prior filings, *see Alatna Village Council v. Cohn*, Case No. 3:20-cv-00253-SLG (“*AVC*”), ECF No. 111, Defendants on remand intend to reinitiate the National Historic Preservation Act (NHPA) Section 106 process; reinitiate analysis of impacts to subsistence uses under Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA), “including publishing a draft and final 810 evaluation”; and “publish[] a draft and final supplemental environmental impact statement.” Decl. of Tommy P. Beaudreau ¶ 11, ECF No. 111-1 in *AVC*. As Defendants have explained, this and other early status reports “will address the scope and timing of the additional reviews and consultation they will undertake on remand, and will predict associated milestones,” whereas Defendants anticipate that “subsequent status reports w[ill] update progress toward these milestones and eventual new decisions that will modify or supplant the challenged decisions.” Defs.’ Reply in Supp. of Mot. for Voluntary Remand 11, ECF No. 132.

Defendants Bureau of Land Management (BLM) and National Park Service (NPS) are actively soliciting additional government-to-government consultation under Executive Order 13175. In the months of June and July, BLM and NPS have each participated in government-to-government consultations and each is in the process of scheduling additional consultations. BLM and NPS have also participated in and are scheduling further meetings with other entities, such as city governments within the project area, the Northwest Arctic Borough, Alaska Native Regional Corporations

Doyon, Limited and NANA, and Tanana Chiefs Conference. These meetings and consultations respond to specific requirements, and otherwise inform and contribute to Defendants' undertaking additional consultation and analysis under the NHPA Section 106 and ANILCA Section 810 processes.

Defendant BLM has taken additional actions relating to the NHPA Section 106 process and consideration of historic properties. These include creating and filling a full-time position for an archeologist to specifically work on Ambler Road matters, and reviewing the 2021 Annual Fieldwork Report and Annual NHPA Programmatic Agreement report, in coordination with the State Historic Preservation Officer.

Because supplemental analysis under the National Environmental Policy Act will incorporate elements and determinations from the aforementioned NHPA and ANILCA processes, Defendants are not yet able to identify a timeframe for completion of a draft and final supplemental environmental impact statement. However, BLM anticipates initiating that review through publication of a Notice of Intent to Prepare a Supplemental Environmental Impact Statement in the Federal Register, and intends in that Notice to identify an anticipated sequence and timeframe for completing the supplemental review. BLM anticipates reporting on the filing date for the Notice in its next status report. Defendant U.S. Army Corps of Engineers is coordinating with BLM and NPS on scheduling, and will also determine as the Department of the Interior bureaus progress in the NHPA and ANILCA processes whether circumstances have changed relating to the Clean Water Act Section 404 permit.

Defendants' next recurring status report is due on September 16, 2022. BLM and

NPS 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 18th day of July 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on July 18, 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
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