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Attorneys for Defendants

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

ALATNA VILLAGE COUNCIL, *et al.*,

Plaintiffs,

v.

STEVEN COHN, in his official capacity
as BLM Alaska State Director, *et al.*,

Defendants,

and

AMBLER METALS, LLC, *et al.*,

Intervenor-Defendants.

Case No. 3:20-cv-00253-SLG

DEFENDANTS' STATUS REPORT

Defendants submit the following status report in accordance with the Court's

Alatna Village Council v. Cohn
DEFS.' STATUS REPORT

Case No. 3:20-cv-00253-SLG

1

Order (ECF No. 152) dated July 19, 2022, and Order Re Motions for Voluntary Remand (ECF No. 142) dated May 17, 2022. This is Defendants' second status report, which will expand upon, but not unnecessarily repeat, information provided in the prior status report (ECF No. 151) dated July 18, 2022.

On September 14, Defendant Bureau of Land Management (BLM) caused to be transmitted for publishing in the Federal Register a Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) for the Proposed Ambler Mining District Industrial Access Road (NOI). It is anticipated that the NOI will publish on September 20. The NOI indicates that BLM will accept scoping comments relating to the SEIS for 45 days following the publication of the NOI in the Federal Register. The SEIS analysis will focus on more thoroughly assessing the impacts and resources related to the identified deficiencies to facilitate integrating its National Environmental Policy Act (NEPA) analysis with its ongoing Alaska National Interest Lands Conservation Act (ANILCA) Section 810 and National Historic Preservation Act (NHPA) Section 106 processes. BLM is providing an opportunity for scoping to help determine which additional impacts and resources should be more thoroughly assessed. The NOI advises that input of Alaska Native Tribes and Corporations will be of critical importance to the SEIS, and that BLM will continue to consult with these entities under applicable authorities and agency guidance. The NOI further indicates that generation of the SEIS in compliance with NEPA will additionally help BLM to fulfill its obligations under ANILCA, the NHPA, and other applicable law.

BLM anticipates publishing a Draft SEIS during the second quarter of calendar

year 2023, at which time BLM will begin accepting public comments on the Draft SEIS. BLM's next status report in this case will be due after the close of the SEIS scoping period. At that time, BLM will update the Court on the status of the SEIS process.

Defendants have continued and expanded upon their previously described efforts on remand. Illustrative, but not exhaustive, examples begin with the July 27 resumption of bi-weekly agency coordination meetings including BLM, the National Park Service (NPS), and the U.S. Army Corps of Engineers (USACE). The USACE will continue to participate in the SEIS process as a cooperating agency and determine whether as a result of the SEIS any circumstances relating to the authorized activity have changed. BLM and NPS have continued consultation with Tribes and Alaska Native corporations. BLM Director Tracy Stone-Manning was in Alaska during the week of August 15, and during that time attended a robust listening session in Allakaket that included tribal members from Allakaket, Alatna, and Evansville, and members of the Tanana Chiefs Conference. BLM and NPS have also attended, and further scheduled, multiple meetings with representatives of Intervenor-Defendant (and project proponent) Alaska Industrial Development and Export Authority (AIDEA), and Intervenor-Defendant Ambler Metals LLC.

Also, on August 19 BLM approved AIDEA's 2022 Annual Work Plan. *See* Defs.' Resp. to Req. for Status Conference 4, ECF No. 155 and 155-1 (approved Work Plan). BLM coordinated review of the Work Plan to ensure its consistency with the terms of the right-of-way suspensions and NHPA Programmatic Agreement. Many of the activities authorized under the Work Plan might provide information that will be relevant to the

agencies' evaluations and analysis in the SEIS.

Defendants' next recurring status report is due on November 15, 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. 150.

Respectfully submitted this 16th day of September 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 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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