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Comments on the Tongass National Forest Land Management Plan Revision #64039

Dear Forest Supervisor Nelson.

Thank you for the opportunity to comment on the Tongass National Forest Land Management Plan Revision #64039.

INTRODUCTION AND CONTEXT

The New Forest Plan needs to be reoriented to recognize that mining is now a major supplier of employment earnings on the Tongass. In 2024 the mining industry provided 1062 jobs and a payroll of \$141,072,550¹ from three operating mines. The Tongass is a 16.9-million-acre mineralized district with multiple metallogenetic terranes in which the Forest Service's own data show can support multiple mines and supplying critical minerals to the nation²

Paragraph 5 (b) of the President's March 20, 2025, Executive Order 14241 "Immediate Measures to Increase American Mineral Production" directs:

(b) Within 30 days of the date of this order, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Energy shall identify as many sites as possible on Federal land managed by their respective agencies that may be suitable for leasing or development pursuant to 10 U.S.C. 2667, 42 U.S.C. 7256, or other applicable authorities, for the construction and

¹ Southeast Alaska by the Numbers 2025 by Rain Coast Data at pages 1, 2, and 7.

² The Final Environmental Impact Statement (FEIS) for the 2008 Tongass Land and Resource Management Plan pointed out that the U.S. Bureau of Mines had identified 148 locatable mineral deposits in the Tongass In addition to the 148 Identified Mineral Deposits the 2008 FEIS described 930 "Undiscovered Mineral Resource" tracts estimated in the 1991 USGS Report.

operation of private commercial mineral production enterprises and provide such list to the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and the Chair of the NEDC. The Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Energy shall prioritize including sites on such lists on which mineral production projects could be fully permitted and operational as soon as possible and have the greatest potential effect on robustness of the domestic mineral supply chain.³

Yet the Preliminary Direction devotes only one page (part of page 46 and part of page 47) to Mineral Resources. And, as the Alaska Miners Association March 20, 2026, Comments on the New Forest Plan correctly point out:

The existing Minerals Overlay Land Use Designation (LUD) comprises only 249,570 acres, or less than 1.5% of the Tongass. If you remove Wilderness and monument areas, this LUD only comprises 2.31% of the Tongass. This significantly underestimates the mineral potential on USFS lands in SE Alaska and artificially constrains mineral development to a few isolated areas. The Minerals LUD Overlay, which moving forward is referred to as a management area, should either be expanded to include all lands not withdrawn from mineral entry or removed altogether, and mineral development should be recognized as a potential viable use on all USFS lands. Due to the roadless rule and other impediments to mineral exploration, the Tongass is significantly underexplored, and the full mineral potential of the forest remains unknown.

Given Executive Order 14241's direction to "identify" and "prioritize" areas of Federal Land "suitable for mineral development," the Forest Service must recognize the Tongass as a Mining District and speed up this planning process. Otherwise, the litigation that will follow release of the Plan will drag the entire enterprise into a new Administration and have to be done over again – just as has occurred with the application of the Roadless Rule to the Tongass over the last 25 years.

³ The State of Alaska's response to Executive Order 14241 dated April 11, 2025, is attached. It strongly emphasizes the role Southeast Alaska minerals can play in meeting America's critical mineral needs.

MINERAL RESOURCES ON THE TONGASS

The Tongass contains multiple world class mineral terranes including the prolific Juneau Gold Belt which has historically produced over seven million ounces of gold and currently contains the active Kensington Mine (Coeur Mining) and the New Amalga (Grande Portage) Exploration Project. In addition a premiere silver-zinc-lead-gold-copper-barite volcanogenic massive sulfide (VMS) mineral belt runs north to south through the Tongass which includes the active Greens Creek Mine (Hecla Mining), Vizsla Copper's copper, zinc, barite advanced exploration project near Haines, and the Canadian Windy Craggy Project a 298 million metric ton copper-cobalt-gold deposit nearby in Canada. In addition, The Dawson Mine near Hollis on Prince of Wales is an operating gold mine.

The certainty of extensive mineral resources on the Tongass is proven by the 124 legacy non-gold mines discussed in Patricia Roppel's 1991 book for the Alaska Historical Society entitled "Fortunes from the Earth." The large-scale removal of precious metals from the legacy AJ and Treadwell Mines is described in David Stone's and Brenda Pugh's "Hardrock Gold" first published in 1980 by the Juneau Centennial Committee.

The Final Environmental Impact Statement (FEIS) for the 2008 Tongass Land and Resource Management Plan pointed out that the U.S. Bureau of Mines had identified 148 locatable mineral deposits in the Tongass. Of these 52 were ranked as having the highest mineral potential. Seven were ranked as having the next highest potential and at least one "critical" and "strategic" mineral. (2008 FEIS at 3-356).

In addition to the 148 Identified Mineral Deposits the 2008 FEIS described 930 "Undiscovered Mineral Resource" tracts estimated in the 1991 USGS Report. The potential for many more high-paying mining jobs on the Tongass is enormous. A 1991 United States Geologic Survey (USGS) study estimated a value for Discovered Minerals of \$37.1 billion (expressed as 1988 dollars) and a value for Undiscovered Minerals of \$28.3 billion (expressed as 1988 dollars). The escalation in metals prices that has taken place since 1991 and 2008 has dramatically increased these numbers.

USGS has updated information on Alaska's and the Tongass's mineral resources which should be included in the analyses made in the New Forest Plan. The Forest Service has access to all the maps and all the data in the following USGS maps, and to the digital report which includes the digital prospectivity analysis for each drainage basin. This updated information should inform, and be the centerpiece, of the discussion of mineral resources in the new Forest Plan. This includes:

Karl, S.M., Jones, J.V., III, and Hayes, T.S., eds., 2016, GIS-based identification of areas that have resource potential for critical minerals in six selected groups of deposit types in Alaska: U.S. Geological Survey Open-File Report OF-2016–1191, 99 p., 5 appendixes, 12 plates, scale 1:10,500,000.<http://dx.doi.org/10.3133/ofr20161191>.
<https://doi.org/10.3133/ofr20161191>

Granitto, M., Wang, B., Shew, N.B., Karl, S.M., Labay, K.A., Werdon, M.B., Seitz, S.S., and Hoppe, J.E., 2019, Alaska Geochemical Database Version 3.0 (AGDB3)—Including “best value” data compilations for rock, sediment, soil, mineral, and concentrate sample media: U.S. Geological Survey Data Series 1117, 33 p., <https://doi.org/10.3133/ds1117>

Karl, S.M., Kreiner, D.C., Case, G.N.D., Labay, K.A., Shew, N.B., Granitto, M., Wang, B., and Anderson, E.D., 2021, GIS-based identification of areas that have resource potential for lode gold in Alaska: U.S. Geological Survey Open-File Report 2021–1041, 98 p., 9 plates, <https://doi.org/10.3133/ofr20211041>.

Karl, S.M., Kreiner, D.C., Case, G.N.D., Labay, K.A., Shew, N.B., Granitto, M., Wang, B., and Anderson, E.D., 2021, Data and results for GIS-based identification of areas that have resource potential for lode gold deposits in Alaska: U.S. Geological Survey data release, <https://doi.org/10.5066/P9YVCG6U>.

There is no barrier or reason for not using these materials and the even more recent Tongass maps and information prepared by Sue Karl for USGS in the New Forest Plan⁴ because the Service's own regulations specify that the assessment for plan development or revision, must include the identification and evaluation of existing information relevant to the plan area including renewable and nonrenewable energy and mineral resources; 36 CFR 219.6(b)(10).

⁴ See the attached May 25, 2022, letter from then Alaska Commissioner of Natural Resources, Cori Feige, requesting then Secretary of Agriculture Thomas Vilsack to update the 1990 Coldwell and 1991 Brew Studies: “Given the policies and directions of the Biden Administration, and the significant mineral opportunities found in Southeast Alaska and the Tongass National Forest, I respectfully request that adequate funding be allocated through the Southeast Alaska Sustainability Strategy to build upon and update Coldwell (1990) and Brew et al. (1991). See also the attached June 25, 2022, letter from then Secretary of Agriculture Thomas Vilsack effectively refusing her request.

CORRECT THE IMPACT ON ACCESS TO MINERALS, IF ANY, RESULTING FROM THE FAILURE TO AMEND THE 2016 FOREST PLAN

The 2016 Forest Plan was ordered amended by the October 29, 2020, Roadless Rule. However,, the 2016 Forest Plan was not amended, as admitted by the Forest Service in its January 27, 2023, Record of Decision at page 5261:

As part of the Department’s 2020 final rulemaking decision to exempt the Tongass from the 2001 Roadless Rule, the Department directed the Forest Service to issue a ministerial notice of an administrative change to the 2016 Forest Plan pursuant 36 CFR 219.13(c) to alter the timber suitability of lands deemed unsuitable solely due to the application of the 2002 Roadless Rule: However, the ministerial administrative change was never issued and no change has been made to the suitable lands designation in the 2016 Forest Plan.

Please disclose whatever impact this failure to amend the 2016 Forest Plan may have had on access to mineral resources and what will be proposed in the New Forest Plan to correct it.

INTERACTION OF THE ROADLESS RULE WITH THE NEW FOREST PLAN

A. Decouple the New Forest Plan and the Roadless Rule

The 2016 Forest Plan incorporated the 2001 Roadless Rule into the Forest Plan This meant that if President Trump’s October 29, 2020, Decision to exempt the Tongass from the Forest Plan had survived President Biden’s reinstatement of the Roadless Rule and been in effect, the Roadless Rule would have applied anyway due to its being part of the 2016 Forest Plan.

The 2001 Roadless Rule should apply to the Tongass *only* if the Rule is in effect. As you know the Administration is engaged in nationwide rulemaking to terminate the Roadless Rule and the Tongass is included in that rulemaking. When that is successful, the Roadless Rule will no longer apply to the Tongass. Accordingly, the New Forest Plan needs to be constructed to be able to remove the restrictions of the Roadless Rule when it no longer applies.

B. Administration of the Roadless Rule to Mining Exploration and Development under the New Forest Plan if the Roadless Rule Continues to Apply to the Tongass.

1. Alternatively, if the Roadless Rule continues to apply to the Tongass **road** access from tidewater to a mining exploration area should be the default mode of access

for mining operations in the Tongass unless it can be shown by substantial evidence that the proposed road does not meet the criteria of 36 C.F.R. Part 228.

The requirements for authorizing access to mining claims and for mining exploration on non-IRA Tongass land and Tongass IRAs should be the same. That is, roads for mining and other mining related activities in IRAs should be authorized unless the Forest Supervisor can show that a road would not meet the environmental criteria of 36 C.F.R. § 228 (a). The Tongass has remained relatively unimpacted by the construction of hundreds of miles of one-lane, reclaimed, gravel logging roads. There is no reason mining roads to be constructed and reclaimed pursuant to the same requirements as logging roads would not achieve the same result.

Here is the problem:

While “reasonable access to mining claims under the General Mining Law is authorized by the 2001 Roadless Rule, the Preamble to the 2001 Roadless Rule is careful to point out that “[r]easonable rights of access **may include, but are not limited to,** road construction, reconstruction, helicopters or other nonmotorized access (FEIS Vol.1, 3-329 to 350).”

What is “reasonable” is up to the Forest Supervisor, but there are no guidelines for its determination. For example, in a pre-Roadless Rule case in 1977 the Forest Service denied a Special Use Permit to U.S. Borax to construct a road for a bulk sample of 5,000 tons of ore at the Quartz Hill Project, requiring access to be by helicopter. *SEACC v. Watson*, 697 F.2d 1305 (9th Cir. 1983). As the opinion shows, six years later Borax still did not have a permit to build the road needed to move that volume of ore. Bulk samples must be removed by road.

This will not work for mining.

Mining Exploration requires an ever-increasing level of investigation to add certainty to resource/reserve information to support financing in public markets. To advance a project, the Security and Exchange Commission requires greater certainty of resource/reserve estimation.

Without roads, only initial exploration data can be obtained. While NQ (1.9-inch diameter) core can be obtained with lighter drills, and can be moved by helicopter, HQ (2.5-inch diameter) or PQ (3.4-inch diameter) core is necessary for higher certainty of assay and structure and cannot be safely moved (if at all) by helicopter.

Thus, larger core and underground drilling cannot occur without roads - nor can extraction of large tonnage metallurgical test mill ‘bulk’ samples. Without roads mining exploration

budgets would shoot up dramatically - by \$millions to \$tens of millions - to fly in large rigs, underground excavation equipment, camps, personnel, infrastructure, emergency response, environmental controls, etc. Yet, it is uncertain whether the 36 C.F.R. § 294.12(b)(3) exception would allow roads for these purposes.

What is proposed:

To define what reasonable access means the following exception should be added to the seven road exceptions in the 2001 Roadless Rule under the New Forest Plan:

8. A road is needed to access mineral operations authorized by the United States mining laws (30 U.S.C. § 22 et seq.). Such road access shall be permitted in IRAs unless the Forest Supervisor shows by substantial evidence that such a road does not meet the criteria of 36 C.F.R. Part 228 and would be denied if the application for the road to access such mineral operations were being permitted on non-IRA National Forest lands.

In conclusion, on this point, road access to mining exploration and development in IRAs should be the default mode of access for mining in the Tongass and authorized unless the Forest Supervisor can show by substantial evidence that the proposed road does not meet the criteria of 36 C.F.R. Part 228.

2. Need for Realistic Management of Vegetation in Mining Areas Under the New Forest Plan

Mining exploration requires the drilling of multiple exploration holes to determine the subsurface characteristics and extent of the mineral resource. If exploration establishes there are viable deposits, mine development normally requires the substantial cutting of trees for site clearing for buildings, tailings piles, mills, and other facilities.

While “reasonable access” is technically permitted in IRAs, cutting trees associated with mining exploration and development does not appear to be allowed. 36 C.F.R. § 294.13 (b) (2) authorizes the cutting of timber “incidental to implementation of a management activity not otherwise prohibited by this subpart.” However, there is no mention of mining in the examples of what this section authorizes provided in the 2001 Rule and ROD.⁵ Moreover, in describing this section the 2001 Rule and ROD provide: “Such management activities are expected to be rare and to focus on small diameter trees.”⁶

⁵ 2001 Roadless Rule 66 Fed Reg. at Page 3258.

⁶ *Ibid.*, at Page 3257.

This needs to be clarified in the New Forest Plan. The Plan should provide that if the 2001 Roadless Rule is in effect removal of trees and vegetation shall be authorized in a mining area in the same manner as if it were not in an IRA.

MAKE THE MINING REGULATIONS THAT APPLY TO THE NATIONAL FORESTS IN ALASKA THE SAME AS THOSE THAT APPLY ON BLM-ADMINISTERED LAND IN ALASKA

36 Code of Federal Regulations (CFR) Part 228, Subpart A governs locatable mineral operations on National Forest System (NFS) lands. 36 CFR Part 228, Subpart A regulates the prospecting, exploration, development, mining, and processing activities proposed by operators and conducted on NFS lands, as authorized by the Mining Law of 1872, as amended at Revised Statute § 2319 *et seq.*; 30 United States Code (U.S.C.) 22 *et seq.* (the mining laws). These regulations are currently being revised.

The BLM regulations for mining on land are administered by the Department of Interior pursuant to 43 C.F.R. § 3809 *et seq.* Any operations that go beyond “casual use” of public lands cannot commence without BLM approval under 43 C.F.R. § 3809 *et seq.* Specifically, where a mining operation will disturb more than five acres of land, BLM must approve a mining plan of operations (“MPO”) before operations can begin. An MPO is filed “with the local BLM field office with jurisdiction over the lands involved,” and BLM regulations stipulate the minimum information sufficient for a complete MPO and “to determine that the plan of operations prevents unnecessary or undue degradation.”⁷

It would be in the interest of efficiency and avoidance of confusion for the new Forest Service Part 228 regulations as applied to the National Forests in Alaska to be the same as the BLM 3809 regulations. Because of the BLM’s long history of applying the 3809 regulations to mining operations on land it administers throughout Alaska (except for the Tongass and Chugach National Forests), this proposal would avoid the learning period that regulators and the regulated community go through when new regulations (such as new Part 228 regulations) are introduced. The precedent set by the BLM in applying the 3809 regulations is already known throughout Alaska. It would avoid the litigation that new regulations on any subject often produce.

⁷ 43 C.F.R. § 3809.401. This minimum information includes, but is not limited to, operator information, a description of the operations, maps of the project area, preliminary project design, a reclamation plan for the conclusion of operations, and information concerning the water quality, rock characterization, wildlife, and other environmental factors. See 43 C.F.R. § 3809.401(b).

Looked at another way, what are the differences in mining on BLM-administered land in Alaska and National Forest land in Alaska that require different mining regulations?

CONCLUSION. In conclusion:

1. The New Forest Plan must recognize that the Tongass is foremost a Mining District;
2. The 2001 Roadless Rule should apply to the Tongass only if the Rule is in effect. Accordingly, the New Forest Plan should be constructed with the ability to remove the restrictions of the Roadless Rule when it no longer applies.
3. If the 2001 Roadless Rule continues to apply to the Tongass road access from tidewater to a mining exploration/development area should be the default mode of access for mining operations in the Tongass unless it can be shown that the proposed road does not meet the criteria of 36 C.F.R. Part 228.
4. If the 2001 Roadless Rule is in effect removal of trees and vegetation shall be authorized in a mining area in the same manner as if it were not in an IRA.
5. It would be in the interest of efficiency and avoidance of confusion for the new Forest Service Part 228 regulations as applied to the National Forests in Alaska to be the same as the BLM 3809 regulations. There is no legal impediment to so providing in the New Forest Plan.

Thank you for the opportunity to comment.

Sincerely,

s/ James F. Clark

James F. Clark