DECISION OF THE PRESIDENT AND STATEMENT OF REASONS

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DECISION OF THE PRESIDENT

I approve the appeal made by the applicant Alaska Industrial Development and Export Authority (AIDEA) on June 6, 2025, under section 1106(a) of the Alaska National Interest Lands Conservation Act (ANILCA) and approve AIDEA's 2016 revised consolidated application for a transportation system known as the Ambler Road Project for the reasons explained in the following Statement of Reasons. In making my decision, I have considered all relevant information as necessary and appropriate in accordance with section 1106(a)(2) of the ANILCA.

Accordingly, I direct each Federal agency concerned to promptly issue such authorizations as are necessary with respect to the establishment of the Ambler Road Project. The details of the manner in which these authorizations must be issued are addressed in the Statement of Reasons.

DONALD J. TRUMP

Dated: October 6, 2025

STATEMENT OF REASONS

I. Background

On June 6, 2025, the Alaska Industrial Development and Export Authority (AIDEA) submitted an appeal to me under Alaska National Interest Lands Conservation Act (ANILCA) section 1106(a)(1)(B).[1] AIDEA appeals the Bureau of Land Management's (BLM's) 2024 decision to disapprove AIDEA's proposed Ambler Road Project (Project or Road).[2]

Under section 1106(a), a rejection of an application "for the approval of any transportation or utility system" by any agency may be appealed "to the President."[3] Section 1106(a) applies to any transportation system "to which section [1105] of this title does not apply or that does not occupy, use, or traverse any area within the National Wilderness Preservation System."[4]

I have jurisdiction over this appeal for three reasons. First, AIDEA seeks a "transportation or utility system," which is defined by section 1102(4) to include "[r]oads" "and other systems of general transportation" for which "any portion . . . will be within any conservation system unit, national recreation area, or national conservation area."[5] Here, "the route of the proposed road would traverse a

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[1] 16 U.S.C. 3166(a)(1)(B).
[2] *See* Ambler Road Supplemental Environmental Impact Statement Record of Decision, at 16 (June 2024) (2024 ROD).
[3] 16 U.S.C. 3166(a)(1)(B).
[4] *Id.* 3166(a)(1).
[5] *Id.* 3162(4)(A), (B)(vii).

conservation system unit"—namely, the Gates of the Arctic National Preserve (GAAR).[6] Second, section 1105 applies only when "there is no applicable law,"[7] and here the BLM applied other "law[s] of general applicability."[8] Third, the proposed Road "would not pass through Wilderness."[9] Thus, section 1106(a) applies. Consistent with section 1106(a)(1)(B), AIDEA is entitled to appeal the BLM's rejection of the Ambler Road Project directly to the President.

Section 1106(a) otherwise describes the process for deciding an appeal:

> The President shall approve the application if he finds, after consideration of the factors set forth in section [1104(g)(2)] of this title, that such approval would be in the public interest and that (1) such system would be compatible with the purposes for which the unit was established; and (2) there is no economically feasible and prudent alternative route for the system. In making a decision, the President shall consider any environmental impact statement prepared pursuant to section [1104(e)], comments of the public and Federal agencies received during the preparation of such statement, and the findings and recommendations, if any, of each Federal agency that rendered a decision with respect to the application.[10]

ANILCA gives the President four months to "decide whether to approve or deny the application," and his decision "shall be published in the Federal Register,

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[6] 2024 ROD at 16.
[7] 16 U.S.C. 3165.
[8] S*ee* 2024 ROD at 1 (listing laws, including the Federal Land Policy and Management Act (FLPMA)).
[9] Final Ambler Road Environmental Impact Statement, at 3-122 (Mar. 2020) (2020 EIS); *see also* Ambler Road Final Supplemental Environmental Impact Statement, at 3-172 (Apr. 2024) (2024 SEIS).
[10] 16 U.S.C. 3166(a)(2).

together with a statement of the reasons for his determination."[11] And "[i]f the President approves an application . . . each Federal agency concerned shall promptly issue, in accordance with applicable law, such rights-of-way, permits, licenses, leases, certificates, or other authorizations as are necessary with respect to the establishment of the system."[12] The President's approval of an application in a section 1106(a) appeal is final.[13]

II. Consideration of Information

In making my decision and in accordance with section 1106(a)(2), I have considered all environmental impact statements prepared pursuant to section 1104(e), comments of the public and Federal agencies received during the preparation of such statements, the findings and recommendations of each Federal agency that rendered a decision with respect to the application, all other relevant environmental statements, findings by Federal agencies pertaining to this application, the appellate brief and record submitted by AIDEA, and additional relevant information as necessary and appropriate. Below is a summary of certain information I considered most relevant to my decision. Omission of a specific reference to a particular document does not mean that I did not consider it.

[11] *Id.*
[12] *Id.* 3166(a)(3).
[13] *Id.*

The Ambler Road Project is an approximately 211-mile private, industrial access road heading west from the Dalton Highway (formerly Alaska Pipeline Haul Road or North Slope Haul Road) to the Ambler Mining District (District) in Northwest Alaska.[14] The District, which contains copper, silver, gold, lead, cobalt and other strategic metals, is one of the largest undeveloped copper-zinc mineral belts in the world.[15]

In November 2015, AIDEA submitted an SF-299 consolidated application for a 250-foot-wide right-of-way (ROW)—in accord with section 1104(b) and 43 C.F.R. 36.4—for the Road to five Federal agencies: BLM, National Park Service (NPS), Federal Highway Administration, U.S. Army Corps of Engineers (Corps), and U.S. Coast Guard (USCG).[16] After agency consultations, AIDEA filed a revised consolidated SF-299 application with supplemental information in June 2016.[17] The completion of the application process triggered section 201(4)(d), which provides specific procedures for affording access through GAAR.[18]

The application was for, among other things, an industrial-access road and ancillary facilities (including turnouts, airstrips, and fiber optic line), several material site areas (including one to be developed as a maintenance station after

[14] 2024 SEIS at 1-1.
[15] *Id.* at 3-205.
[16] *Id.* Appendix G at G-1, G-7.
[17] *Id*.
[18] 16 U.S.C. 410hh(4)(d).

use as a material site), and access roads to material sites and water sources.[19] AIDEA requested to use these areas both during construction and for a period of 50 years throughout the operations period for maintenance.[20] Once exploration and mine operations in the District are completed and when access to the region is no longer necessary, reclamation measures would be implemented to return the road area to its natural state.[21]

The proposed Road would begin near Milepost 161 of the Dalton Highway, extend west across less than 20 miles of BLM-lands top-filed by the State of Alaska as Statehood Act land entitlements, then cross other lands—mostly State-owned, along with some lands owned by Alaska Native corporations, a portion of GAAR, and two additional short sections of BLM-managed lands—terminating in the District.[22]

Though several Federal agencies reviewed AIDEA's application, the BLM took the lead in processing the application.[23] The BLM prepared an Environmental

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[19] 2024 SEIS at 2-7, 2-9, 2-11, 3-30, 3-32, 3-39, Appendix G at G-1.
[20] *Id.* at 1-1.
[21] *Id.* at 2-18.
[22] *Id.* The short sections of BLM lands on the western portion of the Road are subject to ongoing conveyance processes that may have concluded by the time this decision issues. For example, in July 2025 the BLM conveyed certain of these lands to NANA Regional Corporation, Inc. as part of its Alaska Native Claims Settlement Act entitlement.
[23] 2024 SEIS at 1-1 to 1-2. Lands managed by the BLM account for a small fraction of the Road's 211 miles. *Id.* The vast majority of the Road is on non-Federal lands. *Id.* at Vol. 4, at 5-7 (Map 2-3).

Impact Statement (EIS) that considered AIDEA's proposal along with two alternative routes and a no-action alternative.[24] While preparing the EIS, the "BLM consulted with Tribes, AN[CS]A corporations, municipal governments, and other interested parties" about potential effects to historic properties, "and provided opportunities for the public to comment on and share information relevant to the" National Historic Preservation Act (NHPA) Section 106 process.[25] In July 2020, the BLM and the Corps issued a Joint Record of Decision (JROD) that approved AIDEA's application.[26] A Programmatic Agreement (PA) had been signed between the BLM and other entities establishing procedures for Federal agencies to satisfy their obligations under NHPA section 106 in connection with the Road that was incorporated into the 2020 JROD.[27]

Concurrently with the 2020 JROD, the Secretary of the Interior and the Secretary of Transportation jointly prepared an Environmental and Economic

[24] *See* 2020 EIS at 2-4 to 2-5.
[25] Ambler Road Environmental Impact Statement: Joint Record of Decision, at 14 (July 2020) (2020 JROD) (Section 106 of the NHPA is a procedural statute requiring an agency to "take into account the effect of the undertaking on any historic property" prior to approval. 54 U.S.C. 306108.).
[26] 2020 JROD at 23-24.
[27] *See* 2020 JROD Appendix H.

Analysis (EEA) to determine the route through GAAR.[28] The Secretaries adopted the EEA's recommendation for the right-of-way as proposed by AIDEA.[29]

After the agencies approved AIDEA's application, the BLM and the NPS issued AIDEA 50-year ROW permits, and the Corps issued a 15-year Clean Water Act (CWA) Section 404 and Rivers and Harbors Act (RHA) Section 10 permit.[30]

Legal challenges were brought against the Project in August and October 2020.[31]

In early 2022, the Department of the Interior suspended the NPS and the BLM ROWs and sought a voluntary remand without vacatur.[32] In May 2022, the U.S. District Court for the District of Alaska remanded the matter to the agencies while retaining jurisdiction.[33] The BLM issued a final Supplemental EIS in April 2024.[34]

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[28] Ambler Mining District Industrial Access Project at Gates of the Arctic National Park and Preserve Environmental and Economic Analysis, at 1 (July 2020) (EEA).
[29] Record of Decision Ambler Mining District Industrial Access Project at 4 (July 2020).
[30] BLM Right-of-Way Grant, No. F-97112 (Jan. 5, 2021), NPS ROW permit GAAR-21-001 (Jan. 5, 2021), Corps CWA Section 404, RHA Section 10 permit POA-2013-00396 (Aug. 25, 2020).
[31] 2024 SEIS Appendix G at G-1.
[32] 2024 SEIS Appendix G at G-1 to G-2.
[33] *See N. Alaska Env't Ctr. v. Haaland*, No. 3:20-CV-00187-SLG, 2022 WL 1556028, at *7 (D. Alaska May 17, 2022), *opinion clarified*, 2023 WL 3661998 (D. Alaska May 25, 2023).
[34] *See* 2024 SEIS.

On June 20, 2024, the BLM issued a new Record of Decision, the 2024 ROD, in which it decided "to select the No Action Alternative and terminate the previously issued ROW Grant."[35] The BLM terminated the PA following issuance of the 2024 ROD.[36] On August 5, 2024, the Corps suspended the CWA Section 404 and RHA Section 10 permit associated with the Ambler Road Project.[37] The NPS ROW covering the portion of the route traversing NPS-managed lands has remained suspended since 2022.

III. Consideration of the Section 1104(g)(2) Factors

Section 1106 provides for direct review by the President of the denial of the application for the Road. I have considered all eight statutory factors listed in section 1104(g)(2) and referenced in section 1106(a)(2). Each factor independently supports approving AIDEA's application for the Ambler Road Project, as do the factors when considered together. The reasoning below summarizes my consideration of the factors.

[35] 2024 ROD at 30.
[36] BLM, Notice to Ambler Access Project Programmatic Agreement Signatories and Consulting Parties (July 11, 2024).
[37] August 5, 2024, Corps Letter Suspending Permit Number POA-2013-00396.

1. The Need For, and Economic Feasibility of, The Transportation or Utility System

There is a need for the Road. The Congress in section 201(b)(4) recognized that "there is a need for access for surface transportation purposes" to the District, showing the economic importance of accessing its resources.[38] The Road would provide essential surface transportation access for expanded mineral exploration, mine development, and operations for the more than 1,700 active mining claims in the District.[39] Public benefits include, among other things, direct employment for road construction and operation, increased State, Alaska Native corporation, and local revenue, and indirect employment related to mining.[40] The BLM's 2024 decision confirmed that "[t]he road would provide surface transportation access to the District and allow for expanded exploration, mine development, and mine operations at mineral prospects throughout the District."[41]

The Road is economically feasible. As the BLM explained, "the project would not move ahead with road construction until legal agreements were in hand with the mining companies that would use the road."[42] "Funding for maintenance and operations and ongoing mitigation costs would be a pass-through charge to the

[38] 16 U.S.C. 410hh(4)(b).
[39] 2024 SEIS at 1-4.
[40] *See generally* 2020 JROD at 10.
[41] 2024 ROD at 16.
[42] 2020 EIS at 2-9.

mining companies using the road."[43] Each mine would pay a fee to use the road so that the project can be financed.[44] And AIDEA can lead the financing of the road: it is authorized by statute to participate in public-private partnerships[45] and has been involved in over $1 billion of bond issuances.[46] It also has experience financing mining access roads, as it used bonds to finance the Delong Mountain Transportation System, an operational access road and port in Northwest Alaska that supports the Red Dog Mine.[47] The BLM's 2024 SEIS confirmed that the Ambler Road as proposed is "the most economically feasible route."[48]

Thus, I find there is a need for the Road and that it is economically feasible.

2. Alternative Routes and Modes of Access

Before AIDEA submitted the application for the Road, the State of Alaska looked at several ways to access the District.[49] Likewise, the BLM's 2020 EIS and ROD "evaluated a full range of alternative routes and modes to identify reasonable alternatives."[50] The BLM supported the Road as proposed, explaining that it "is the most direct and shortest overall route."[51] The BLM's 2024 decision confirmed

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[43] *Id.*
[44] 2024 ROD at 16.
[45] A.S. 44.88.080(7), (9), (17), (20).
[46] State of Alaska, Alaska Public Debt, at 35 (Jan. 2025).
[47] *Id.*
[48] 2024 SEIS Appendix M at M-28.
[49] *See* 2020 EIS Appendix G at G-6 to G-8.
[50] 2020 JROD at 15; *see* 2020 EIS Appendix G.
[51] 2020 JROD at 16.

that conclusion, and further confirmed that the Road would be "feasible and would provide access to the District."[52] The Road is the only option that "meets the overall Project purpose, is practicable, and would result in the least environmentally damaging impacts."[53]

After considering the robust record of the planning for the Road and reviewing the alternative transportation systems,[54] I find that there is not an economically feasible and prudent alternative to the routing of the Road through or within a conservation system unit and that there are not alternative routes or modes that would result in fewer or less severe adverse impacts upon the conservation system unit.

3. Feasibility and Impacts of Including Different Transportation or Utility Systems in The Same Area

The BLM explained in 2020 that "[t]he Ambler Road ROW would be suited to other transportation or utility systems in the same corridor, if there was demand for them," including a pipeline and communications systems.[55] The BLM's 2024 analysis confirmed this conclusion and that further development of the Road may be feasible and "allow[] for communities located in the vicinity of the road to use

[52] 2024 ROD at 17; *see* 2024 SEIS Appendix M at M-28.
[53] 2020 JROD at 10.
[54] *See generally* 2020 EIS Appendix G.
[55] 2020 JROD at 16.

the road for commercial deliveries of goods and services."[56] "Likewise, communities may also desire to connect to the proposed fiber optic line."[57] But in the initial phase at least, the Road would simply be "a seasonal, single-lane, gravel pioneer road."[58] I find that it is feasible to include different transportation and utility systems in the same area covered by AIDEA's proposal and that the impacts of these additions would be positive for local communities.

4. Short- and Long-Term Social, Economic, and Environmental Impacts of National, State, or Local Significance, Including Impacts on Fish and Wildlife and Their Habitat, and on Rural Traditional Lifestyles

The 2020 EIS and JROD extensively analyzed the short- and long-term social, economic, and environmental impacts of national, State, or local significance of the Road.[59] The BLM found that the Road "would provide some increased job opportunities for residents" in the surrounding areas.[60] "An estimated total of 2,730 jobs would be directly supported by the construction of the proposed road over the entire construction phase."[61] "Construction of the proposed road would initiate subsequent rounds of income creation, spending, and re-

[56] 2024 ROD at 17.
[57] *Id.*
[58] *Id.* at 2.
[59] *See generally* 2020 EIS Chapter 3, Appendix H; 2020 JROD at 16-17.
[60] 2020 EIS at 3-127.
[61] *Id.* at 3-130.

spending."[62] Economic benefits would also accrue to Alaska Native corporations.[63] Further, mining operations would contribute to State and local revenues, as well as create more jobs for residents.[64] The 2020 EIS recognized that:

> The combined effects of project employment opportunities, enhanced ability . . . to support public infrastructure and services in the region, and reductions in the cost of living due to changes in the logistics of transporting fuel, freight and people are expected to have an overall beneficial impact on the economic well-being of individuals and families [in the area].[65]

As likewise recognized in Executive Order 14153 of January 20, 2025 (Unleashing Alaska's Extraordinary Resource Potential), developing Alaska's mineral resources would "help deliver price relief for Americans, create high-quality jobs for our citizens, ameliorate our trade imbalances, [and] augment the Nation's exercise of global energy dominance."[66]

The 2024 SEIS also confirmed that the Road would, among other benefits, create jobs, lead to mining opportunities, provide revenues to Alaska Native

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[62] *Id.* at 3-127.
[63] *Id.* at 3-128.
[64] *Id.* at 3-128, 3-132 to 3-133.
[65] *Id.* at 3-132; *see also id*. at 3-129 (explaining that "[i]ncreased economic benefits may decrease the number of food-insecure households"); 2020 JROD at 10.
[66] Exec. Order No. 14153, sec. 1, 90 Fed. Reg. 8347 (Jan. 20, 2025).

corporations, local governments, and the State, and improve community access to transportation.[67]

The 2020 JROD examined impacts on fish and wildlife and their habitat, and on rural, traditional lifestyles and found that the Road "would result in the least environmentally damaging impacts" of any alternative.[68] The 2020 JROD accepted AIDEA's many proposed mitigation measures to reduce potential impacts, including a Subsistence Advisory Committee (SAC) to help minimize impacts on subsistence access.[69] That committee passed resolutions with standard operating procedures to protect caribou and other wildlife.[70] And the 2024 SEIS confirmed that "the overall migratory patterns of the Western Arctic Caribou Herd are expected to remain intact."[71] In the most recent year for which data were available, *zero* tracked caribou crossed the Road area.[72] Nonetheless, "AIDEA would adopt a caribou policy that AIDEA and all contractors and road users would make every effort to ensure caribou are not disturbed in their efforts to cross the road"—including by preventing "the free-flow of traffic on the Ambler Road

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[67] 2024 SEIS at 3-199 to 3-210.
[68] 2020 JROD at 10, 16-17 (citing 2020 EIS).
[69] *See* 2020 JROD Appendix D; 2020 JROD Appendix C at C-10; 2020 EIS Appendix N. sec. 3.4.7 (listing mitigation measures).
[70] Ambler Access Project Subsistence Advisory Committee Resolution 2024-01, *Road Operations: Fish, Wildlife, and Security Management Plan* (adopted Feb. 21, 2024); *id.* Addendum No. 1 (adopted Aug. 8, 2024).
[71] 2024 SEIS at 3-248.
[72] 2024 SEIS Appendix E at E-25.

whenever caribou are crossing or are in the area."[73] As for fish, the 2024 SEIS confirmed that "[d]esign features proposed by AIDEA (e.g., design fish passage culverts to comply with Washington stream simulation culvert width standards adapted for Alaska conditions) . . . and other potential measures" "would minimize potential effects to fish species abundance and distribution."[74] Alaska law independently protects the efficient passage of fish across streams from obstructions.[75] Last, contrary to statements in the 2024 ROD, cash flow from road construction and associated activities would "also benefit subsistence hunting and fishing activities by providing additional cash for purchase of gas, ammunition, snow machines, and for repair and maintenance of equipment used in subsistence activities."[76]

The Road would provide significant short- and long-term benefits for Alaska, its Native corporations, and its residents.

5. Impacts, If Any, on The National Security Interests of The United States

As the BLM found in 2020, "[i]ncreasing access to allow for the exploration and development of critical minerals is an important goal" of several orders related

[73] 2024 SEIS at 2-19.
[74] *Id.* at 3-97.
[75] AS 16.05.841, 16.05.871.
[76] 2020 JROD Appendix F at F-68.

to national security.[77] "The proposed Ambler Road will provide the access necessary for the development and production of . . . critical minerals" like cobalt, germanium, and gallium, which would reduce reliance on foreign sources, "in furtherance of the national security interests of the United States."[78] Developing these mineral resources would "enhance our Nation's economic and national security,"[79] and it is "imperative for our national security that the United States take immediate action to facilitate domestic mineral production."[80]

Other potential mineral deposits in the District include copper, zinc, lead, silver, and gold.[81] "Copper is a critical material essential to the national security, economic strength, and industrial resilience of the United States," and the United States needs "to ensure a reliable, secure, and resilient domestic copper supply chain."[82]

The discussion in the 2024 ROD also demonstrates that national-security considerations support the Road. In that regard, the BLM stated that the Road "could provide the access necessary for the eventual development and production

[77] 2020 JROD at 17.
[78] *Id.*
[79] Exec. Order No. 14153, sec. 1.
[80] Exec. Order No. 14241, sec. 1, 90 Fed. Reg. 13673 (Mar. 20, 2025).
[81] 2020 JROD at 19.
[82] Exec. Order. No. 14220, sec. 1, 90 Fed. Reg. 11001 (Feb. 25, 2025).

of these minerals, or other as-yet unidentified developable deposits of minerals in furtherance of the national security interests of the United States."[83]

Accordingly, I find that approving the Road would positively and significantly impact the national-security interests of the United States.

6. Impacts That Would Affect The Purposes for which The Federal Unit or Area Concerned Was Established

As the 2020 JROD explained, "Congress in ANILCA Section 201(4)(b) specifically provided for road access to the District across the Preserve portion of GAAR at the time it established GAAR."[84] Access to the District is specifically part of the Congress's purpose in establishing GAAR. And the Road accounts for the Congress's other purposes for the unit, such as maintaining GAAR's wild character and affording access for outdoor recreation, because it "avoids placing an airstrip, construction camp, and maintenance facility within GAAR."[85] Approving the application will accomplish one of the purposes for which the Congress established GAAR, and it is compatible with the Congress's other purposes.

[83] 2024 ROD at 19.
[84] 2020 JROD at 18.
[85] *Id.* at 9; 16 U.S.C. 410hh.

7. Measures That Should Be Instituted to Avoid or Minimize Negative Impacts

The BLM's 2020 decision "carefully examined . . . potential mitigation measures and standard stipulations," selecting those that would "avoid or minimize adverse impacts" to, among other things, wetlands, water quality, fish and wildlife habitat, and subsistence resources.[86] It provided six appendices of "design features, mitigation measures, and special conditions [that] are expected to substantially protect valued resources along and near the road."[87] AIDEA agreed to implement those measures, which will be incorporated into the authorizations that are reissued in accordance with this decision.[88] In addition to those specific mitigation measures, the Road's status as a private industrial-access road limits many of its potential negative impacts. And rights-of-way authorizations reissued following this decision will reflect that limitation by authorizing only a private industrial-access road and not a road for public access. Collectively, these measures should avoid or minimize negative impacts from the Road.

8. Short- and Long-Term Public Values That May Be Adversely Affected by Approval of The Transportation or Utility System Versus The

[86] 2020 JROD at 18.
[87] *Id.*
[88] BLM Right-of-Way Grant, No. F-97112, at 2 (Jan. 5, 2021), NPS ROW permit GAAR-21-001, at 8 (Jan. 5, 2021), Corps CWA Section 404, RHA Section 10 permit POA-2013-00396, at 7 (Aug. 25, 2020).

Short- and Long-Term Public Benefits That May Accrue from Such Approval

The BLM's 2020 JROD addressed the short- and long-term public values that might "be adversely affected by the road and resulting mines" and public benefits that might accrue from approval of the Project.[89] Short- and long-term public values that might be adversely affected include, among other things, subsistence opportunities, large tracts of land with intact ecosystems, and recreational opportunities.[90] AIDEA intends to implement measures like those already discussed to ensure that these adverse effects are minimized.

Public benefits that might accrue include, among other things, direct jobs in construction, indirect jobs in mining, greater mineral exploration and mine development, benefits to landowners (including the State of Alaska and Alaska Native corporations), communications connectivity to isolated communities, and societal access to valuable minerals.[91] There is ample information indicating that those benefits are likely to be realized.

On balance, I find that the public would benefit from the Road.

[89] 2020 JROD at 18–19.
[90] *Id*.
[91] *Id.* at 19.

IV. ANILCA Section 1106(a)(2) Findings

Section 1106(a)(2) provides that the President shall approve an application if the President finds (after consideration of the section 1104(g)(2) factors) that (1) approval would be in the public interest, (2) the system would be compatible with the purposes for which the unit was established, and (3) there is no economically feasible and prudent alternative route.[92] After considering the eight section 1104(g)(2) factors, I find that each of the 1106(a)(2) elements supports the approval of the application and the application is therefore approved. I summarize my findings regarding each of these elements below.

1. I find that approval of the application would be in the public interest. The 2020 JROD already concluded that the Road "is in the public interest."[93] That conclusion is correct and hereby reaffirmed. As discussed, the Road would, among other benefits, create jobs, increase State and local revenues, and enable mine development that would promote American national security interests.[94] These benefits greatly outweigh any negative impacts. Moreover, the Congress has confirmed via multiple statutory provisions that this transportation system is in the public interest. Beyond Title XI of ANILCA—which generally streamlines the process for transportation systems in Alaska—the Congress recognized in

[92] 16 U.S.C. 3166(a)(2).
[93] 2020 JROD at 10.
[94] *See id.* at 10, 17.

section 201(4)(b) "that there is a need for access for surface transportation purposes . . . from the Ambler Mining District to the Alaska Pipeline Haul Road."[95] In short, the Congress has indicated that projects like the Ambler Road should go forward because such projects promote the public interest in enabling Alaska to support itself and its residents.

2. I find the Road would be compatible with the purposes of the relevant unit—here, GAAR. Again, in the same section of ANILCA that established GAAR, the Congress *required* access across this specific unit in section 201(4)(b), showing that the Road is compatible with the purpose of GAAR.[96]

3. I find that there is no economically feasible and prudent alternative route. This finding is consistent with both the 2020 JROD and 2024 SEIS that detail the inadequacies of alternative routes. The 2020 JROD concluded that "there are no

[95] 16 U.S.C. 410hh(4)(b) (cleaned up). Senate Report No.119-46, Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2026 (July 24, 2025) included the following note on page 21: "Ambler Access Project. —The Committee notes that section 201(4)(b) of the Alaska National Interest Lands Conservation Act [ANILCA] of 1980 requires the Secretary to permit access for surface transportation purposes from the Ambler Mining District to the Alaska Pipeline Haul Road in accordance with the provisions of the act and expects the Department to follow the law."

[96] *See* 2020 JROD at 18.

other practicable alternatives that would meet the purpose and need for the proposed project and be less environmentally damaging."[97] And the BLM in 2024 again recognized that the Road is "the most economically feasible route."[98]

V. Direction to Federal Agencies

Under section 1106(a)(3), "[i]f the President approves an application" like this, "each Federal agency concerned shall promptly issue, in accordance with applicable law, such rights-of-way, permits, licenses, leases, certificates, or other authorizations as are necessary with respect to the establishment of the system."[99] As used in this part of ANILCA, "applicable law" refers to

> any law of general applicability (other than this subchapter) *under which any Federal department or agency has jurisdiction to grant any authorization* (including but not limited to, any right-of-way, permit, license, lease, or certificate) without which a transportation or utility system cannot, in whole or in part, be established or operated.[100]

The involved agencies have jurisdiction to grant authorizations under, among other authorities, FLPMA, CWA, RHA, and ANILCA. Statutes such as the National Environmental Policy Act and the National Historic Preservation Act do not provide agencies jurisdiction to issue authorizations, rather they are procedural statutes that require Federal agencies to consider certain things when making

[97] 2020 JROD Appendix F at F-68.
[98] 2024 SEIS Appendix M at M-28.
[99] 16 U.S.C. 3166(a)(3).
[100] 16 U.S.C. 3162(1) (emphasis added).

decisions.[101] ANILCA's definition of "applicable law" omits statutes like NEPA and NHPA, and thus ANILCA does not direct any further environmental statements or other review after Presidential approval. Rather, because I approve this application, I hereby direct the relevant Federal agencies promptly to issue the following authorizations necessary to proceed with the Road.

The Federal agency with jurisdiction must issue the permits described below no later than 30 days after the date of this decision (not its publication in the Federal Register). Agencies are permitted to make only ministerial revisions to their authorizations as necessary to reflect changed circumstances such as termination of the PA (discussed more below), conveyances of BLM-managed lands out of Federal ownership, or other similar circumstances. Otherwise, agencies shall include the same terms and conditions in their reissued authorizations that they included in their original authorizations.

1. The BLM shall reissue BLM Right-of-Way Grant, No. F-97112, originally issued January 5, 2021. Its 50-year term shall begin on the date it is reissued. And the BLM shall, in accordance with applicable law and the 2020

[101] *Seven Cty. Infrastructure Coal. v. Eagle Cty.*, 145 S. Ct. 1497, 1507 (2025) ("NEPA is a purely procedural statute."); *Te-Moak Tribe of W. Shoshone of Nev. v. United States DOI*, 608 F.3d 592, 610 (9th Cir. 2010) (describing NHPA as "a procedural statute requiring government agencies to 'stop, look, and listen' before proceeding with agency action").

JROD, grant any other authorizations necessary for any of the components and phases of the Ambler Road on Federal lands managed by the BLM.[102]

2. NPS shall remove the suspension of ROW permit GAAR-21-001 and reissue it in the same form. Its 50-year term shall begin on the date it is reissued. And the NPS shall, in accordance with applicable law and the 2020 JROD by the Secretary of the Interior and the Secretary of Transportation, grant any other authorizations necessary for any of the components and phases of the Ambler Road on Federal lands managed by the NPS.

3. The Corps shall reinstate the suspended CWA Section 404 permit POA-2013-00396. Its 15-year term shall begin on the date it is reissued.

This reissuance does not preclude the Corps from later reevaluating its jurisdictional determination based on the Supreme Court's decision in *Sackett v. EPA*, 598 U.S. 651 (2023), and EPA's follow-up guidance[103] to assess the appropriate jurisdictional limits on the permit, including by identifying all traditionally navigable and relatively permanent bodies of surface water and potentially, if appropriate, revising the permit.

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[102] *See* 2020 JROD at 3.

[103] *See* EPA, *Memorandum to the Field Between the U.S. Department of the Army, U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency Concerning the Proper Implementation of "Continuous Surface Connection" under the Definition of "Waters of the United States" under the Clean Water Act* (Mar. 12, 2025), https://perma.cc/DN2S-7V47.

4. The Corps shall reinstate the suspended RHA Section 10 permit POA-2013-00396. Its 15-year term shall begin on the date it is reissued.

5. The USCG jurisdictional and pre-approvals[104] are reaffirmed by this order. No further USCG approvals shall be required.

6. Because the BLM's 2024 ROD canceled the ROW (that is, the undertaking for purposes of the NHPA) and terminated the PA, I direct the BLM (and the other Federal agencies) to replace any authorization provisions referring to the terminated PA with the following provisions to address NHPA issues:

- Adverse effects to historic properties from project construction and operation activities that are within Federal jurisdiction shall be avoided or minimized to the extent prudent and feasible. To the extent that avoiding adverse effects is not prudent or feasible, AIDEA shall implement standard treatment methods identified in the 2021 CRMP for the project to resolve such adverse effects.

- In the event that historic resources, archaeological resources, or human remains are encountered during project construction, the Inadvertent Discovery Plans developed for the project shall be implemented.

Nothing in my findings, decision, or direction are intended to affect approval processes and authorizations required from non-Federal landowners in the Ambler Project corridor.

[104] *See* Dec. 18, 2020, USCG Letter Declining Jurisdiction; Dec. 18, 2020, USCG Letter for Advance Approval (2024 SEIS at 3-38 to 3-39).