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Before the United States House of Representatives

Committee on Natural Resources

Subcommittee on Public Lands and Environmental Regulation

July 19, 2013

Concerning

H.R. 587, the “Niblack and Bokan Mountain Mining Area

Roads Authorization Act”

Mr. Chairman, Ranking Member Grijalva, and members of the Committee, thank you for inviting me here today to testify regarding H.R. 587, the “Niblack and Bokan Mountain Mining Areas Road Authorization Act”.

H.R. 587 would require the Secretary of Agriculture, notwithstanding the Roadless Area Conservation Rule, to establish a road corridor connecting the Niblack and Bokan Mountain mining areas to the existing road system on Prince of Wales Island within 6 months of the date of enactment, choosing between two alternative routes as depicted on a map referenced in the bill for the connection to the Niblack mine. H.R. 587 would also establish criteria for choosing between the two alternative routes, including minimizing road costs, environmental effects, and compliance with applicable law; allow the

Prince of Wales Community Advisory Council and the State of Alaska to be cooperating agencies in developing any needed environmental impact statement; and express the intent of Congress that any required Federal permits be issued or denied within a year of application.

The Department of Agriculture opposes enactment of H.R. 587.

If the road is needed for mining operations it can be submitted as part of a mining plan of operations and would be considered through the existing process established by the Secretary for reviewing development in inventoried roadless areas, and through the National Environmental Policy Act process. H.R. 587 would pre-empt those processes, setting a precedent for future legislative actions to pre-approve road construction in roadless areas, regardless of the relative costs and benefits of doing so. Apparently the primary justification for building roads as envisioned in H.R. 587 is to allow residents of Prince of Wales Island to work at these mines. This could be accomplished more simply and inexpensively, however, if the Alaska Native Corporations, that owns the existing roads that would be used under H.R. 587, would allow a dock to be built on its land at the end of West Arm Cholmondeley Sound. From here the residents of Prince of Wales Island could be transported by boat to the Niblack mine site, just as the Kensington mine workers take a boat from a dock built by the Goldbelt Corporation on its land across Berners Bay from the Kensington Mine.

In addition, it would be very expensive to build these roads because of the difficult terrain they would cross. The existing roads that would be used under H.R. 587 are on lands owned by Alaska Native Corporations and were built as logging roads. It is not clear whether they are suitable for frequent use to transport miners to the Niblack or Bokan Mountain mines, or whether the owners of these roads would support such use and accept any related liability risks. Maintenance of the new and existing roads would also be difficult and expensive, especially during the winter. Additionally, the bill does not address who would pay the cost for building and maintaining the roads.

In summary, H.R. 587 would pre-empt existing processes through which any roads to the Niblack and Bokan Mountain mines will be considered if proposed by the mining companies and would set a very troublesome precedent as well.

This concludes my statement and I am happy to answer any questions you might have.