Northern Alaska Env't Ctr. v. Haaland, 2023 WL 3661998 (D. Alaska, May 25, 2023).

- **Holding**: Programmatic Agreement to resolve National Historic Preservation Act issues relating to proposed mining road through federal, state, and Alaska Native Corporation (ANC) lands restricted mining company from conducting ground-disturbing road construction on ANC lands regardless of whether the ANCs were signatories to the PA.
- **Summary**: As part of federal approval of mining companies' proposed road of 211 miles crossing lands owned by the federal government, State, and Alaska Native Corporations (ANCs), the BLM, the National Park Service, the State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, the mining company, and the Alaska Department of Natural Resources entered into a Programmatic Agreement (PA) and Cultural Resource Management Plan for implementing Section 106 of the National Historic Preservation Act. The PA provided that before any work on the road could proceed both BLM and the SHPO must approve it. After an initial challenge to the PA and a related Environmental Impact Statement, the U.S. moved for, and was granted, a voluntary remand without vacatur to address, in part, deficiencies in their consultations with ANCs, and committed to preserving the environmental status quo while the case was on remand. Intervenors representing mining interests sought clarification allowing ground-disturbing activities to commence during the remand and to hold that BLM could not bar activities on state and ANC lands. On reconsideration, the court held that the PA did not apply to the non-signatory ANCs, but that the mining companies' activities on ANC lands remained subject to the PA because the mining company was a signatory thereto. The court declined, in the context of a motion to clarify, the assertions of the mining company that the PA should be restricted to federal lands only. In response to one ANC's concern that the PA limited field work activity on its lands, the court stated that "[t]he PA does restrict [the mining company's] activities along the planned road corridor, including through ANC lands. It does not otherwise restrict the ANCs' use of their lands."
- **Relevant (2023) Deskbook Section**: 3:16, 10:13