

*BLM must begin studies*

# Court: Mining checks inadequate

by Steve Pilkington

for the Tundra Times

A Federal District Court ruled recently that the Bureau of Land Management has not been checking the effects of placer mining correctly.

Alaska Natives and environmentalists say they are pleased about the court's ruling that BLM must begin four environmental impact studies of placer mining on nearly all heavily mined rivers in Alaska.

The court ruled that in the past, mining effects on subsistence have been

studied by the BLM individually, "ignoring" the cumulative effects.

Residents of Birch Creek Village have said that placer mining has damaged the quality of their drinking water and is also linked with declining levels of subsistence fishing for residents along Birch Creek.

"My village has not caught a grayling in the river for years. Ten years ago there were many fish. Now, with all the mining, there are none," said Susan James, the second chief of Birch Creek Village.

James feels the court's ruling gives

her village hope.

"Now maybe BLM will start to protect our subsistence lifestyle, not just the lifestyle of the upstream miners," said Andy Jimmie of Minto.

But residents are raising concerns about the fact that the ruling affects only mining operations of five or more acres.

The decision means mining operations, if found to have cumulative effects outweighing their benefits, cannot be approved by the BLM for next

(Continued on Page Five)

# • Ruling gives BLM one year for study

(Continued from Page One)

season. They include:

- The Birch Creek National Wild River.
- The Fortymile National Wild and Scenic River.
- The Beaver Creek National Wild River.
- The Minto Flats Watershed.

The plaintiffs were a coalition of environmental and Native groups which included the Sierra Club, the Northern Alaska Environmental Center and the Villages of Birch Creek, Minto and Golovin.

U.S. District Judge James A. von der Heydt ruled that the BLM had only one year to complete the impact study.

"BLM's policy and practice has been to evaluate mining in the watershed on a piecemeal basis, ignoring cumulative impacts," the court ruled.

Mines operating on Birch Creek and surrounding areas can finish out this season, which will end Oct. 1.

The BLM began work to prepare for the impact statements May 27. The project is headed by Dick Dworsky of BLM's Branch of Renewable Resources.

"We don't want to disallow mining," said Dworsky. "At our fastest, with no glitches, it will take us one year. The judge says he doesn't think

we can do it."

Ever since large deposits of gold were found in Birch Creek Wild area, the stream has had roughly half the mining claims in the state, said Dworsky. Birch Creek Village, along with concerned environmental agencies, has been trying for years to get the BLM to study the effectiveness of pollution control techniques used with placer mining.

"There's no regulation up there. It's just a joke," said Jack Hession, Alaska representative for the Sierra Club. "The law is not being upheld."

An independent Dames & Moore study has said that Birch Creek contained 3.4 milligrams of suspended solids per liter above the mining, and 1,556 milligrams below — twice the limit set by the state water quality standards.

James Burling, an attorney with the Pacific Legal Foundation which is representing the miners, wrote about the issue in a recent op-ed column for the *Anchorage Times*.

"Placer mines that will be hurt by this order are not huge multi-national corporations," he said. "Many of these operations have been run by the same family for generations, and most do not have any solution but bankruptcy court if they are forced idle for a

---

*Birch Creek Village, along with concerned environmental agencies, has been trying for years to get the BLM to study the effectiveness of pollution control techniques used with placer mining.*

---

season or two."

The miners, represented by Burling, feel they have spent "extraordinary sums and taken on huge debts in order to purchase new pollution control equipment."

Because the injunction focuses on mines which affect five or more acres, Dworsky and the Sierra Club feel there are ways for large mines to dodge the injunction.

"Say there was a mining operation affecting seven acres. If the mining company did reclamation work on four

acres, leaving only three in actual operation, they would be excluded from the injunction," explained Page Spencer, Dworsky's assistant at BLM.

The plaintiffs are currently trying to convince the court to amend the injunction to include all mines along the stated rivers.

Hession says that depending on the outcome of the impact statement, the Sierra Club may continue its fight.

"We'll force them into court, if necessary," he said.