WILDERNESS WATCH
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WILDERNESS WATCHER

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Drilling for Gold in Wilderness? We Think Not!

By Jeff Smith

Wilderness Watch has joined four other organizations to strenuously object to the Payette National Forest's decision to allow extensive new gold explorations in the Frank Church-River of No Return Wilderness (FC-RONR) in Idaho.

The "River of No Return" is literally the wild heart of Idaho. It's shaped like a heart, and its 2.4 million acres pump wildness to all directions of the panhandle of this pyramidal Northern Rockies state. It's the largest contiguous Wilderness in the Lower 48, with 296 maintained trails (2,616 miles). Yet it's even wilder than that, with 1.5 million acres of trailless terrain.

Middle Fork Salmon River, Frank Church-River of No Return Wilderness.
Photo: Rex Parker

Think steep, dry, Salmon River canyons, so filled with whitewater that if you go there the least bit unprepared, you may never return. Even Lewis and Clark heard the warnings of the Lemhi Shoshoni and decided not to go in there. The iconic expedition that had been running rivers of the West for two years straight walked north to the Lolo Trail instead of hazarding a journey down the Salmon River.

In our era, the Salmon River country lures more than 40,000 wild country enthusiasts—floaters, backpackers, equestrians, and other adventurers—each year.

As unbelievable as it sounds, the Forest Service (FS) has authorized the American Independence Mines and Minerals Company (AIMMCO) to build four miles of temporary road into the Wilderness to an altitude of 7,300 feet in the headwaters of Big Creek, a tributary of the Middle Fork of the Salmon River. There, the company will build 11 drill pads and use a skid-mounted drilling rig to drill 13 to 18 core holes 500 to 800 feet deep. Miners will also re-open an 80-year-old collapsed adit, or mine mouth. They will pull water from a nearby creek, leave a waste-rock pile, and build a trench for fluid wastes and drilling debris. How is this possible in Wilderness?

According to the FS plan, AIMMCO will regularly drive pickups, a seven-cubic-yard dump truck, a 6 X 6 flatbed truck, a D-8 bulldozer, ATVs, and a forklift into the Wilderness. AIMMCO will use compressors and chainsaws for up to three years of explorations. The FS will allow the miners to take up to 25,000 gallons

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of water a day from nearby Coin Creek for their drilling. Mining operations could continue 24 hours a day, seven days a week for three summers, with miners establishing a camp and supply depot just outside the wilderness boundary, but commuting back-and-forth in vehicles—driving themselves, fuel, and supplies—almost 200 times each summer, with a total allowance of 571 trips during the explorations.

"They believe that mining trumps all other uses," said Roger Flynn of the Western Mining Action Project, who, along with Bryan Hurlbutt of Advocates of the West, filed the objections for the four organizations. "They think the 1872 Mining Law lets them do what they want to do on public lands. Even so, it's rare that you get something like this in wilderness."

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The Forest Service contends it has no choice under the 1872 Mining Act but to allow this scale of mining to happen, despite its own regulations requiring a Wilderness unimpaired for future generations, despite an earlier environmental impact statement that drew more than 17,000 public comments, most opposed, and despite an earlier court decision meant to severely limit the project's adverse affects on the Wilderness.

"It's an indication of the current mentality of the Forest Service," Wilderness Watch executive director George Nickas said. "The agency is in a downward spiral when it comes to managing Wilderness. In years past you had leaders like (Secretary of Agriculture) Orville Freeman, who basically told Kennecott Copper, 'Don't even ask,' when the company talked of opening a mine in the Glacier Peak Wilderness. Now you've got managers who want to do the mining company's bidding and who throw their hands in the air when you question the impacts on Wilderness."

The Golden Hand is not a new mine. A miner named J.M. Hand discovered it in 1889, and another, Claude Elliot, owned the mine during its only active period, from 1932 to 1934. The mine produced 1,485 metric tons of ore, which Elliot distilled to about 85 pounds of gold and about 19 pounds of silver, worth about $44,000. Since then, the old mine has been melting back into nature, a process that should continue now that it's in the River of No Return Wilderness.

But the sleeping dog woke up after AIMMCO took ownership of the exhausted claims of the Golden Hand in 1979, the year before the FC-RONR entered the wilderness system. Soon after the company filed a request to validate two of its claims.

This is permissible in some circumstances under the Wilderness Act, but only within specific constraints. By law, the FS must provide mining companies with reasonable access if mineral claims are judged valid. Supposedly, the deadline set for validating claims was December 31, 1983.

And here's the issue: whether AIMMCO has valid claims that date back before that 1983 deadline.

The saga took a turn toward legal morass in 1987 when the agency denied the company's initial request to validate its claims. A decision by a federal judge in 2002 reversed that denial and recognized AIMMCO's right under the 1872 Mining Act to "corroborate preexisting exposures of a valuable mineral deposit." In other words, Judge B. Lynn Winmill did not allow AIMMCO to open a full-throttle treasure hunt for new deposits but required the company to show "exposure of a valuable mineral in its claim" dating back before the deadline.

The judge also limited the validation work to AIMMCO's original plan: to "use hand labor" in Claim 1 to clear the entry to the old mine mouth, known as the Ella Portal, and to use "mapping, sampling, trenching, and drilling to confirm the existence of mineral-bearing xenolith" in Claim 2.

The company, under the leadership of a retired South Carolina paint company executive named Conway Ivy, resubmitted a new plan of operations in 2007, and the FS's draft environmental impact statement (EIS) was issued in 2012. After analyzing over 17,000 comments, the agency released the final EIS on January 2 this year and gave opponents 45 days to object.

Wilderness Watch did so on March 13 joined by Earthworks, Friends of the Clearwater, Idaho Conservation League, and the Wilderness Society. Roger Flynn of the Western Mining Action Project and Bryan Hurlbutt of Advocates for the West wrote our 61 pages of objections.

In brief, our objections document how the FS's approval of AIMMCO's plan with its roads, motorized vehicles, mechanized drilling, water quality threats, and daily work-

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ers' commutes violates the Wilderness Act and numerous other laws and agency regulations. We also suggest that the agency has let the mining company's genie out of Judge Winmill's bottle, encouraging extensive and intrusive new mineral explorations beyond the scope of the original ruling.

"Judge Winmill's decision clearly expected the Forest Service to approve a plan that is a reduced version of AIMMCO's 1987 assessment work request," our brief states. "Therefore, the Forest Service should have started with the 1987 plan and then worked with AIMMCO to scale it back as instructed by the court."

In addition, our objections make these points:

- There is no blank check in Wilderness. The Wilderness Act limits all projects to what is "essential" and "reasonable," meaning they must leave the Wilderness unimpaired. In the Siskiyou National Forest, for instance, federal courts have upheld strict conditions, including making miners walk to the mine site rather than drive. The industrial scale proposed at the Golden Hand must be brought back to the original proposal, as Judge Winmill intended.

- This is not a treasure hunt. The mineral explorations must stay within the claim boundaries, and AIMMCO must limit all confirmation activities to known deposits. Judge Winmill wrote, "AIMMCO must reduce the scope of its surface disturbing proposals, focus only on work that is necessary to support validity, and propose mitigation and protective measures." This means doing without its excavator, expanded drill pads, and drilling equipment that would be used to drill up to 18 core holes down to 800 feet beneath the surface. The FS must keep explorations to surface sampling and basic underground sampling that result in less disturbance than proposed in 1987.

- The agency's water quality analysis is sloppy and inadequate. Three species of fish in the Wilderness have been listed as threatened under the Endangered Species Act: Chinook salmon, steelhead, and bull trout. Converting a hiking trail into a haul road for industrial equipment; transporting fuels, solvents, and other toxins along roads following the streams; concentrating waste rock near the Ella Portal; bringing waste water to the surface; and allowing vehicles to ford streams (600 crossings a year) will likely degrade water quality. The FS should have done a baseline water quality study and a mitigation plan before allowing mining. The company's use of up to 25,000 gallons a day of water from nearby Coin Creek could also have an adverse impact on a threatened fishery. The agency also has tacitly permitted some operations—including a 4,000-gallon "mud pit" for drilling fluids and cuttings—in the Payette National Forest's riparian conservation area in violation of its own Forest Plan.

So what happens now?

A resolution conference call with the FS on April 13, according to one of the lawyers present, ended with the agency "not budging on the scale of exploration work, the amount of motorized and mechanized activities, or the lacking analyses we identified in our objections."

As the newsletter is going to press, we are still awaiting the Forest Supervisor's response to our objections. Should the agency choose to go forward supporting the mining proposal, the only remaining course of action is to seek redress in federal court.