

## **Testimony from Sheldon Maier, Fortymile Mining Association and Linda Kile**

### **The Fortymile Mining Association**

Gold discovery in the Fortymile September 7, 1886 by Franklin and Madison on Franklin Gulch. March 25, 1898 first official meeting of the Fortymile Mining Association (FMA) on Bonanza Bar. The Fortymile has been mined and prospected since making it the oldest Mining District in Alaska.

Placer gold is washed from gravel without the addition of chemicals. There are approximately 657 active small scale placer operations in Alaska today; 77 are in the Fortymile mining district

The FMA maintains annual meetings and fundraising to ensure responsible mining activity in the region

### **Federal overreach by the Environmental Protection Agency**

August 2013; an EPA led crime taskforce with armed fully suited squads of 3-7 men entered 30 mining locations in the Fortymile. The taskforce took water samples from small scale placer operations to ascertain compliance with discharge requirements mostly without the courtesy of introducing themselves to the mine operators

EPA visit at Jeff Owen's mine site; 7 armed guards in two cars entered camp, 2 approached the miner for introduction the rest started taking water samples. To measure potential discharge, a "background" water sample from upstream of the operation is needed. At the Owen mine site, the EPA to the back ground water sample from a small tributary to the mainstream instead

At the Race family mine, 4 armed guards entered on four-wheelers, they did not introduce themselves to the miner, but simply commenced sampling. The miner approached the agents to inquire about their activities

At the Hammond family mine 7 armed agents passed the miners cabin without stopping or making introduction and commenced searching and sampling at the mine site. Again the miner approached the agents to find out what their purpose was

Linda Kile will give an account of the inspection at her and her husband's mine site. Here again, no introductions were made, and the miner had to initiate dialog with the agents

Notwithstanding the unacceptable show of force to collect water samples, there is no science supporting current EPA small mine discharge restrictions. The only peer-reviewed studies on the environmental effect of fluctuating suspended solids, or turbidity, from placer mining, use data from before current settling pond and reclamation requirements were in place

The Army Corps of Engineer branch is also reaching into Alaskan's mining rights further by planning to ensure wetland reclamation through compensatory mitigation. No study has investigated small scale placer mining impact on wetlands since current reclamation practices have been mandated

### **Federal Overreach, Bureau of Land Management**

In 1980 the Fortymile Management Plan along with plans for other Eastern Interior areas were mandated by congress, but BLM has continuously ignored mandates in the plans to open designated areas to mineral entry,

and the agency refuses to recognize valid existing rights with regards to navigable waterways, right-of-ways, and validity of mining claims in the managed areas

In accordance with the 1980 mandate, small scale placer miners now fulfill settling pond and reclamation requirements. Otherwise small scale placer mining methods have changed little since 1980 continuing to rely on the physical properties of material and water for gold extraction

Nevertheless, BLM insists on a new lengthy and more restrictive management plan encompassing all Eastern Interior Alaska

### **Mining Safety and Health Administration**

MSHA regulations are applicable to small mines to the same extent as to large operations with hundreds of employees, and large mines employ several people to stay abreast of MSHA required record keeping; an onerous and unneeded task for small scale placer operations

FMA encourage miners in the district to follow MSHA mandated precautions and practice safety and FMA conducts an annual licensed MSHA training class facilitating this

OSHA partially exempts businesses with fewer than 10 employees; in the interest of attainable safety parameters, a similar MSHA small miner exemption is warranted

### **Economic and Historic Impact**

The Alaska small scale placer industry impacts the economy in trade hubs as well as in the rural communities where the mines operate and contribute, and small scale place miners in Alaska work hard to comply with regulations to stay safe, minimize impact, and protect the environment

At the same time miners in the Fortymile are contributing to and participating in an ongoing part of Alaska mining history. Taking steps to ensure the survival of this sustainable and historically well preserved way of life is paramount

### **Securing American Small Scale Mining Jobs**

In cooperation with the Alaska Miners Association the FMA has worked continuously to seek acceptable solutions and we suggest

- Small miner exemption from most EPA, COE, and MSHA regulations; for mines under 10 employees and 20 acres
- Congressional mandate to implement the original Fortymile management plan

#### References:

Alaska Polar Regions Archives, Rasmusen Library, UAF

Alaska Department of Natural Resources

EPA and MSHA regulations

[http://scholar.google.com/scholar?hl=en&as\\_sdt=0,2&q=turbidity+mining+alaska](http://scholar.google.com/scholar?hl=en&as_sdt=0,2&q=turbidity+mining+alaska)

Army Corps of Engineers

Proposed Eastern Interior Management Plan, and communications with BLM state director Cribley Oct 2012

Fortymile Management Plan

[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=9632](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9632)

Fairbanks Economic Development Cooperation

Personal communication