

ANILCA Promises Broken in Bering Land Bridge National Preserve

By Cheryl Jong

This is a story about the promises broken through ANILCA. It is from the perspective of a small placer mining family that has mined continuously in Alaska, on the Seward Peninsula, since 1899. Seventeen placer claims known as the Humboldt Group, owned by our family members are within the Bering Land Bridge National Preserve. All other mining claims, lode and placer, held by various people in the past have been closed by the National Park Service (NPS letter, May 11, 1992).

This story is important because it is about the only claims remaining within the Bering Land Bridge National Preserve as a result of ANILCA.

The real trouble began in 1985. A letter from the Regional Director of the Park Service conveyed the information that a validity examination would be conducted on the Humboldt Creek mining claims. Two geologists, Bill Nagle and Sid Covington, came from a Denver, Colorado office of the National Park Service to conduct the validity examination during the 1985 season. One was a coal specialist, the other, a geochemist. Neither knew how to pan for gold and neither had ever used a rocker. Yet that was the equipment that they brought on site to Humboldt and used for the validity exam. They took samples of surface material that would have naturally showed low values so the unique panning methods and rocker techniques were secondary to the samples. Two members of our family

were on-site taking pictures and making notes. The validity results were challenged and a new exam with Alaskan geologists who did have experience with placer gold was scheduled in 1986 and 1987.

From the time of withdrawal until the Sierra Club sued the National Park Service in 1985, it was believed (hoped) that ANILCA's promises of reasonable access and being able to economically mine the ground that was now four miles inside the park would just take time to sort out and regulate. That has never happened.

Prior to the creation of Bering Land Bridge National Preserve, the ground was mined with mechanized equipment. In 1985 and over the next several years, there was an approved plan of operation for handwork by pick, pan and shovel. Many plan rejections and requests for additional information have come and gone. There have been very few approved plans of operation for mining in any of the parks in Alaska and even the Humboldt Group had an injunction against using a shovel one year. Concurrent with the injunction, and in the years afterward with the approved "#2 hand shovel" operation, the "cash only" bonds were excessive. During the last year of the approved hand operation the bond was reduced to \$3,850. When the Humboldt Group finally did get an approved plan for a D-6 operation, with a pit size of 100' by 200' each year for a three-year dura-

tion, the "cash only" bond was over \$40,000. The bond was for more money than the gold that could be mined from a pit of that size where the operation was approved. During these years of trying to work with the National Park Service, all other permits were approved and in place: NPDES, CZM, COE, Tri-Agency, etc. However, the National Park Service roadblock has remained.

By the early 1990's it was obvious that a small inholder could not compete with how the National Park Service believes it needs to manage mining claims. The claimants asked the National Park Service to buy the claims. The Park Service said that claim acquisition was restricted to claim purchases in Denali only. The National Park Service has spent tens of thousands of dollars doing environmental assessments and the like on the Humboldt Group. There must be some point where it is obvious to everyone that it is just a bad game of pushing paper. The National Park Service never says publicly that a miner can not get an approved plan of operation, but when individuals within the Park Service keep requesting information that is already on file; when bonds are more than the money that is in the ground; when they ask for a claimant to submit second and concurrent plans for non-mechanized work on a claim because they will not (cannot?) approve a mechanized plan that year; it is obvious to even the most stubborn claimant that the promises of ANILCA—reasonable access and the ability to responsibly extract ore—mean nothing to NPS.

Validity examinations and claim boundaries have been big issues with the National Park Service. The claim boundaries on the main fork of Humboldt Creek have been resolved with the main group undergoing the patenting process. The claimant and the National Park Service have signed off on the West Fork boundaries so it is thought that this issue is resolved.

The validity/patent examination has never been completed to the satisfaction of the National Park Service and the claimants have had limited access to what the Park Service has been working on from 1986-87 to these last approximately two years. The claimants are eager to review what the National Park Service includes in the validity/patent report. Only a shovel was used to show discovery and several claims required picking frost to get down to pay level. There has never been a question as to the validity of the claims. They have been mined economically at \$35.00 an ounce. The flood plain is greater than 350 feet wide in most areas and the reserves are at least 300,000 BCY. It can be mined most economically with a bucket line dredge and D-9's. During the summer of 1999, an NPS geologist reexamined the mining claims to confirm the claim boundaries and to verify the mineral discovery sites. The claimant's understanding was that NPS would be completing the report because the Secretary of the Interior had set a deadline for reports to be due to him in the fall.

On September 17, 1999 the Secretary of the Interior signed the first half of the mineral entry final certificate for

eight of the placer mining claims in Bering Land Bridge National Preserve and the Bureau of Land Management contracted with a private engineering firm to rewrite (once again...) the validity report, updating the economic evaluation to meet current standards. As of the date of this story about ANILCA's broken promises (May 17, 2000) the report is not yet out. The claimants have been given a date for scheduled completion of June, 2000. If that deadline is met, the validity/patent report will have only taken fifteen years to write. If the claimants are not satisfied with the report, the claimants believe it would be only prudent to take in mechanized equipment during the winter across four miles of park land to assist the discoveries in remaining open.

In the fall of 1999, the claimants were amazed to learn of the Solicitor's Opinion, approved by Secretary of the Interior Babbitt on May 27, 1998, regarding the patenting of mining claims and mill sites in wilderness areas. Since the Humboldt claims are not in wilderness and portions have been mined, how can they fall under the Wilderness Act of 1964, which would allow patenting of the minerals only? This is a current issue.

For anyone that has been reading for detail in this story, there are nine claims of the original seventeen missing. Originally, maintenance fees (\$100 per claim) were paid for all claims. Then, eight claims went to patent and the other nine claims were quit claimed to me. Main-

tenance fees continued to be paid but frustration grew as it became obvious that the National Park Service would not allow economic mining. I decided to file a small miner exception because the National Park Service regulations state they will not approve plans of operation for assessment. The waiver was filed. The National Park Service declared those claims null and void because the \$900 was not paid. I took the case to the Interior Board of Land Appeals and after almost two years, the case was decided in my favor because the National Park Service had declared them void for the year that included the years when the money had been paid. National Park Service filed again and I have been continuing to file the waiver. IBLA has yet to make a decision.

It is important to be truthful and accurate in the chronology of events. It is difficult because it is the claimant's belief that National Park Service deliberately withholds information and uses their considerable resources to impede any project they may not like to come to closure.

Cheryl Jong is the granddaughter of N.B. Tweet who began mining at Taylor Alaska, in 1950, eighteen miles from the Humboldt Claims, which were mined by N.B. Tweet and sons in 1948 and 1949. Ms. Jong is currently teaching high school in the village of Buckland, Alaska on the north side of the Seward Peninsula, approximately eighty miles east of the Humboldt Claims.