

For suction dredge miners, Bundy era is over

Marty Trillhaase/Lewiston Tribune

Ron Miller sounds like a man in a time warp.

The Clearwater-based president of Rocky Mountain Mining Rights told the Lewiston Tribune's Eric Barker last month he may not cooperate with the federal agencies charged with enforcing the Clean Water Act. He's not going to allow the feds to tell him when and how he can suction dredge mine on the South Fork of the Clearwater River.

"What they are asking is totally unworkable and unreasonable," Miller said. "They didn't even try to work with us, they just put a bunch of rules and regulations on us. They just want us to go away and sit and watch TV or go motorcycle riding or whatever. They don't want us in the water."

If so, he seems to think he's still living in the Cliven Bundy era.

Back then, in the shadow of the 2014 standoff with the public lands rancher who refuses to pay for the right to use public lands, it looked like the feds were going to be pushovers.

Perhaps the Southwest Idaho Mining Association thought so when it suction dredge mined segments of the Salmon River near Riggins two years ago.

Maybe the American Mining Rights Association of Coulterville, Calif., had the same idea last summer when it participated in a suction dredge mining operation along the South Fork of the Clearwater River near Golden, Idaho.

Both river sections are habitat to endangered or threatened fish. At the time, the U.S. Forest Service and the Environmental Protection Agency had no authority to issue a permit. So the miners were violating the law.

But nothing happened.

No federal agent stopped the miners.

No citations were issued.

That was then.

This is now - with Bundy and his sons, Ammon and Ryan - under indictment for various offenses including the occupation of at the Malheur National Wildlife Refuge near Burns, Ore.

Last week, two of the miners Nez Perce-Clearwater National Forest geologist Clint Hughes documented dredge mining along the South Fork on July 22, 2015, were slapped with a complaint. If the EPA prevails in an administrative courtroom, Dave Erlandson Sr. of Swan Valley, Idaho and Robert P. Rice Jr. of Idaho Falls could pay fines of up to \$16,000.

That's the stick.

But at the same time, Nez Perce-Clearwater National Forest Supervisor Cheryl Probert just provided the carrot - a plan that balances the interests of critical fish habitat with those of the miners.

Probert's plan means a limited number of miners - up to 15 - will get a federal permit.

They have to consult with state and federal biologists to avoid operating in the areas most sensitive to fish.

They'll be required to fill in holes left in the river bed mining has left behind and otherwise clean up the mining areas.

They'll be subject to inspections.

And the season will be limited to about a month.

Miners may bristle under some of these restrictions, but it's a pathway toward legal operation.

Miller continues arguing that miners know more than the federal officials about whether suction dredge mining pollutes streams - and he dismisses the government's authority over his actions.

"I do plan on protesting. I do not believe we need a plan of operation," Miller said.

Miller should take another look. Times have changed. He could be sharing the fate of Erlandson and Rice - to say nothing of playing right into the hands of environmentalists who would prefer an outright ban. Things have changed.

At least this summer, his actions will have consequences. - M.T.