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## **Montana Court Strikes Down Water Use Permit for Rock Creek Mine, Protecting Wilderness Streams**

HELENA, MT—A Montana District Court judge last week reversed the decision of Montana's Department of Natural Resources and Conservation (DNRC) to grant a water use permit for the Rock Creek Mine, a silver-copper mine proposed in northwest Montana's Cabinet Mountains. The permit would have allowed the mine operator, Hecla Mining Company and its subsidiary, RC Resources, to carry out major groundwater pumping that the company's own analysis shows would permanently dewater pristine streams in the Cabinet Mountains Wilderness.

"The Court's ruling safeguards some of the purest waters in the lower-48 from the destructive impacts threatened by the Rock Creek Mine," said **Earthjustice attorney Katherine O'Brien**. "The ruling also affirms that the state's job is to protect Montana's waters for the benefit of all Montanans—not to give those waters away to corporate interests without taking a hard look at the impacts."

The court's ruling, issued in response to a lawsuit filed by Earthjustice on behalf of Clark Fork Coalition, Rock Creek Alliance, Earthworks, and Montana Environmental Information Center (MEIC), concluded that the agency violated state law by ignoring evidence that groundwater pumping for the mine would permanently degrade multiple streams classified by Montana as Outstanding Resource Waters.

"The Court's decision is a victory for the Cabinet Mountains and the Clark Fork watershed," said **Karen Knudsen, Executive Director of the Clark Fork Coalition**. "It's also a victory for all Montanans, who share an equal interest in protecting and preserving our state's outstanding water resources."

"This decision is great news for our wilderness rivers and streams and the critical habitat they provide for fish and wildlife," said **Bonnie Gestring, northwest program director for Earthworks**. "After all, it isn't enough that the water in these streams is clean if there isn't enough of it."

"This landmark ruling erases the false narrative that water quality and water quantity are separate under Montana water law," said **MEIC Executive Director Jim Jensen**. "This breathes new life into all Montanans' right to protect clean water in the face of mining's destructive practices."

"When Congress designated the Cabinet Mountains Wilderness, it did so to protect the abundance of unspoiled streams and lakes that make this temperate rainforest so unique," said **Mary Costello**,

**Executive Director of the Rock Creek Alliance.** “The state court’s decision affirms the need to protect wilderness waters from an industrial use that would permanently diminish and degrade them.”

The Rock Creek Mine, proposed for development near Noxon, Mont., would extract up to 10,000 tons of ore every day for up to 35 years, tunneling beneath one of America’s first wilderness areas to access the ore body. The mine would harm more than 7,000 acres of primarily public lands in and adjacent to the Cabinet Mountains Wilderness—including irreplaceable habitat for threatened populations of bull trout and grizzly bears.

The Rock Creek Mine would tunnel beneath the Cabinet Mountains Wilderness to access underground ore deposits. That process would drain water from wilderness streams, robbing water from bull trout and other native fish that depend on the cold, clean streams in the Cabinet Mountains Wilderness to survive. Mining would permanently alter the groundwater system so that the substantial damage to area streams could never be undone.

The Department of Natural Resources and Conservation, however, turned a blind eye to these impacts and issued a water use permit for the mine without considering the effects of mining on flows in wilderness streams. The Court’s ruling invalidates the permit and sends the matter back to the agency for a new evaluation that meets the requirements of state law.

The Rock Creek Mine project faces additional legal challenges, including a lawsuit by Montana’s Department of Environmental Quality. The agency has sued to stop Hecla Mining Company CEO Phillips S. Baker, Jr., from proceeding with the Rock Creek Mine and nearby Montanore Mine based on its determination that Baker is in violation of the State’s “bad actor” mining law. Baker formerly served as Vice President and CFO of Pegasus Gold Corporation, which operated and abandoned multiple cyanide heap-leach gold mines across Montana in the 1990s. The “bad actor” law prohibits mining executives whose companies default on their clean-up obligations from developing new mines in Montana.

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