



# Montana Environmental Information Center



## The Quarantine Series

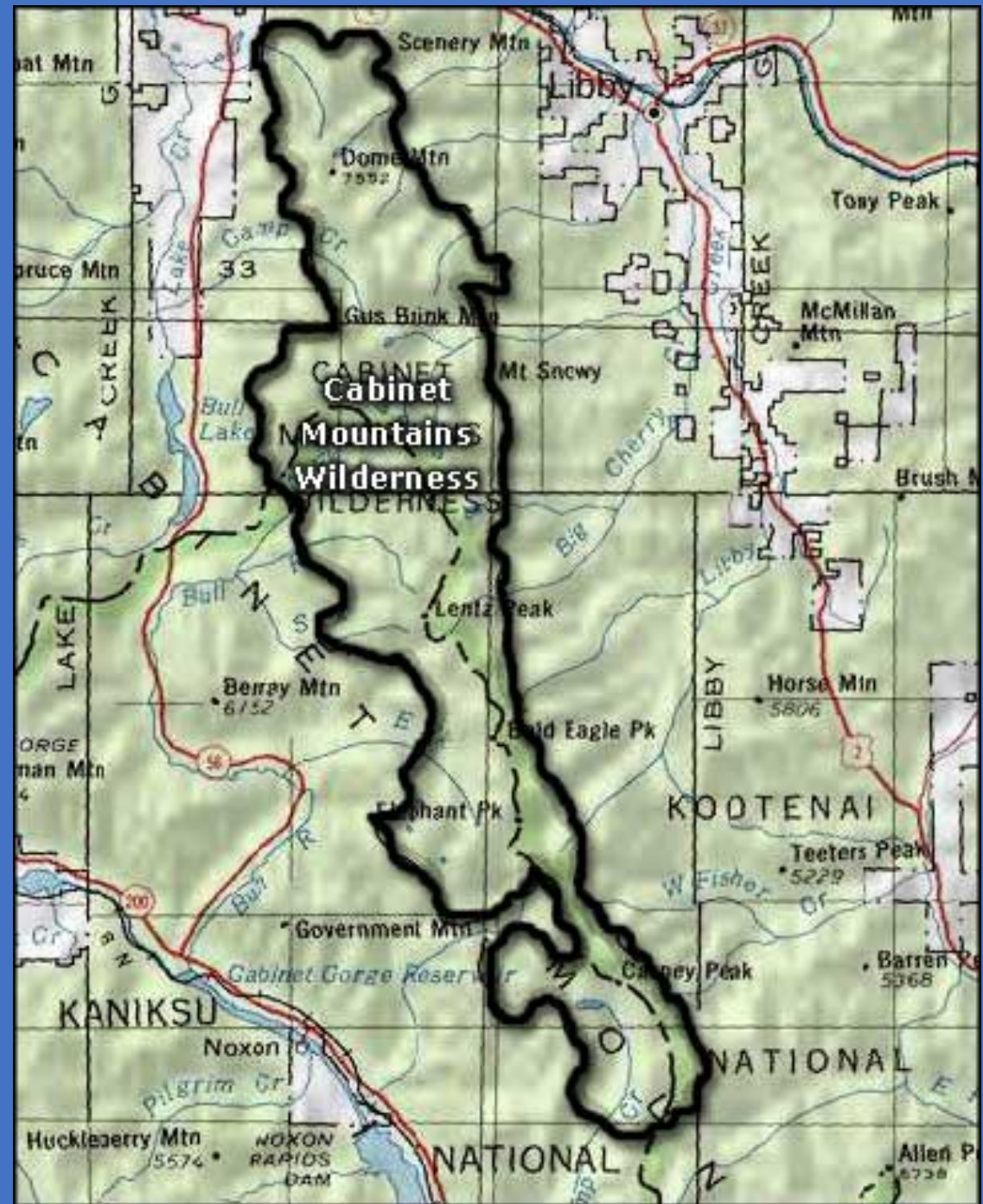
### The Cabinet Mountains Wilderness and the Threat of Mining

What's happened, and what's next, and what's MEIC going to do in the fight to protect the Cabinet Wilderness?



## The Cabinet Mountains

- Located in NW Montana near the Idaho Panhandle, south-southwest of Libby, Montana.
- Located within the Kootenai National Forest.
- Approximately 2,100 square miles. Tallest mountain in the range is Snowshoe Peak at 8,738 feet.







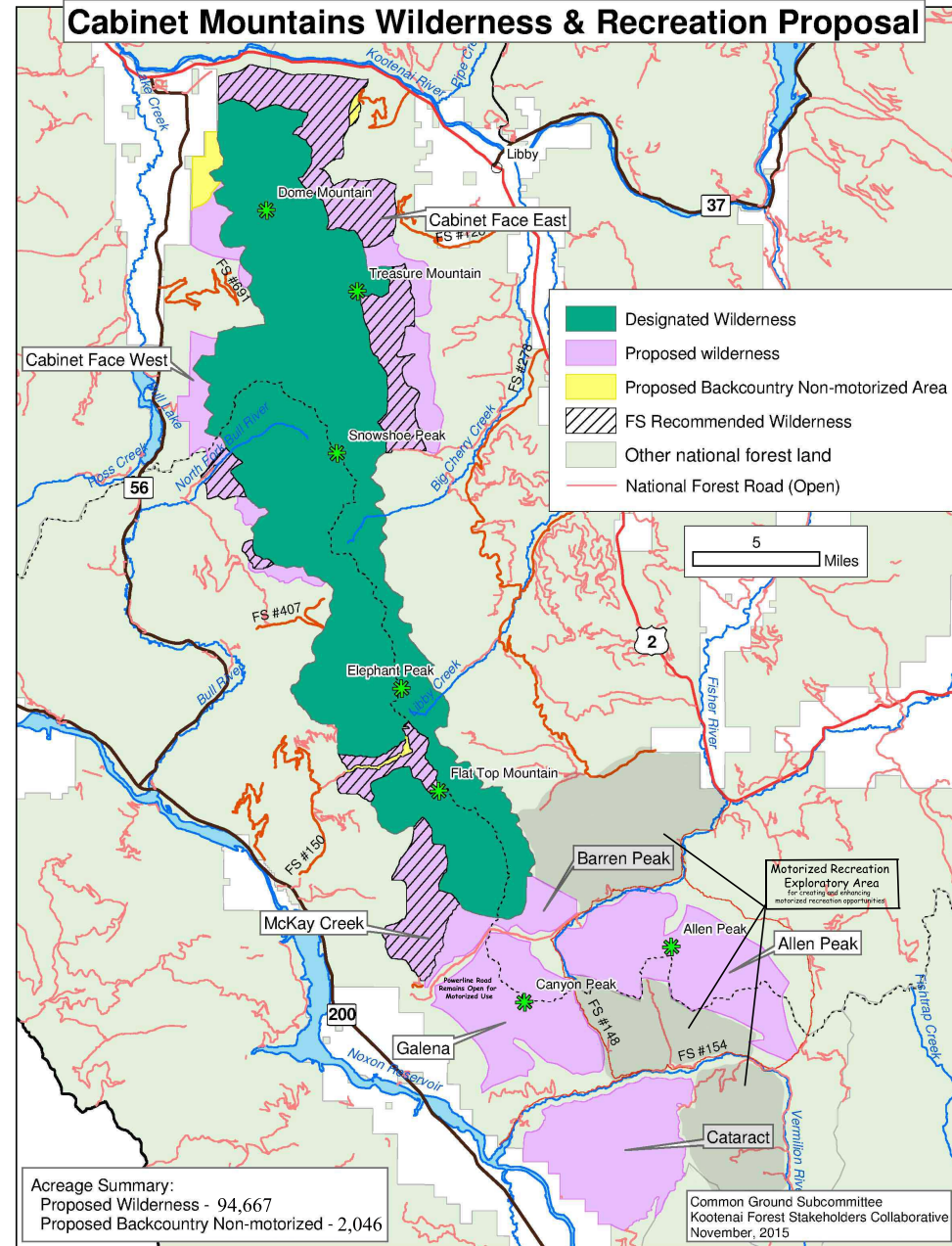
# The Cabinet Mountains Wilderness

- Occupies the interior of the cabinet mountains.
- One of the original 10 Wilderness areas designated during the passage of the 1964 Wilderness Act.





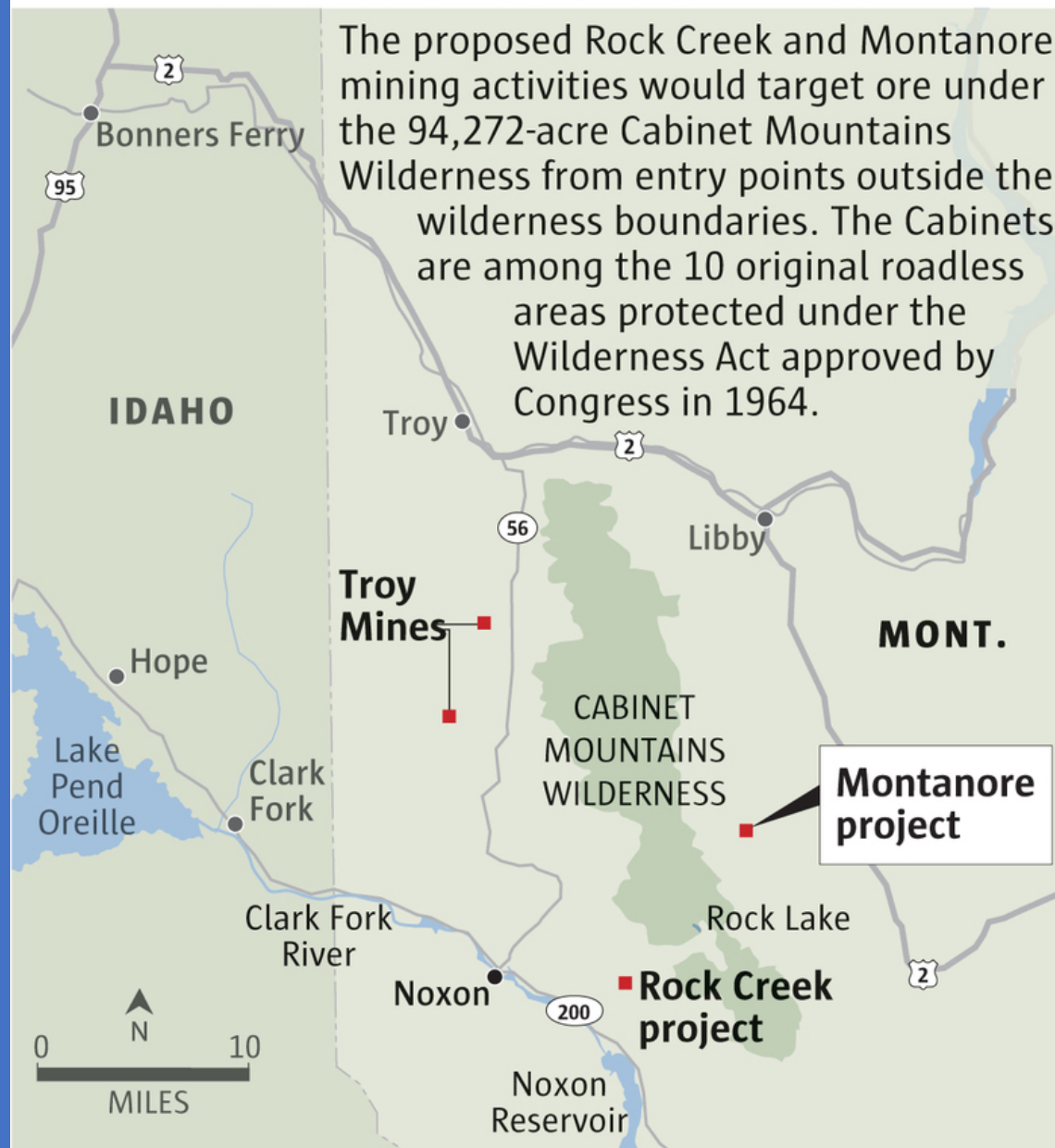
*Map provided by the Yaak Valley Forest Council.*







## Wilderness area mines



Source: U.S. Forest Service

THE SPOKESMAN-REVIEW





## Permitting History

- The Montanore and Rock Creek Projects have been proposed for a very long time.
- MEIC's first community meeting was in 1978







# Potential Impacts of the Hecla Mines

- The proposed Mines would tunnel underneath the Cabinet Mountains Wilderness, potentially draining wilderness streams and lakes
- The mining process would produce contaminated wastewater that would threaten to pollute adjacent waterbodies
- Wildlife, such as the endangered grizzly bear and bull trout, will go extinct with due to the mines surface activities.







# Current Permitting Status of Hecla Mines

## Montanore

- Currently has a state operating permit that it acquired from Mines Management.
- Does not have federal permits, which were in 2017. Is currently in EIS for evaluation phase, but still need biological opinion, etc.
- MPDES Permit was set aside, and is on appeal

## Rock Creek

- Currently has an exploration license, but not an operating permit.
- ROD for Phase I has been issued.





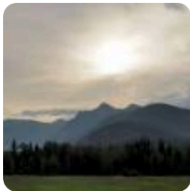


# So What’s MEIC Doing About It?

 The Missoulian

## Enviro groups tout 'big win' in Montanore mining lawsuit

Hecla also has come under fire by the DEQ, which filed a lawsuit to ... The bad actor law prohibits development of new mines in Montana ... Jim Jensen, executive director of MEIC, said it's “time for this project to just go  
Jul 29, 2019



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

\_\_\_\_\_)  
KSANKA KUPAQA XA'ŁĆIN, ROCK CREEK  
ALLIANCE, EARTHWORKS, MONTANA  
ENVIRONMENTAL INFORMATION  
CENTER, DEFENDERS OF WILDLIFE,  
SIERRA CLUB, and CENTER FOR  
BIOLOGICAL DIVERSITY;  
)  
Plaintiffs, )  
)  
v. )  
)  
UNITED STATES FISH AND WILDLIFE  
SERVICE; CHAD W. BENSON, Kootenai  
National Forest Supervisor; and UNITED  
STATES FOREST SERVICE;  
)  
Defendants. )  
\_\_\_\_\_)

Case No. CV 19-20-M-DWM

**PLAINTIFFS’  
MEMORANDUM IN  
SUPPORT OF MOTION  
TO COMPLETE THE  
ADMINISTRATIVE  
RECORD**









# **Bad Actor: A Case Study on MEIC's Work**



Little Rocky Mountains, Montana.





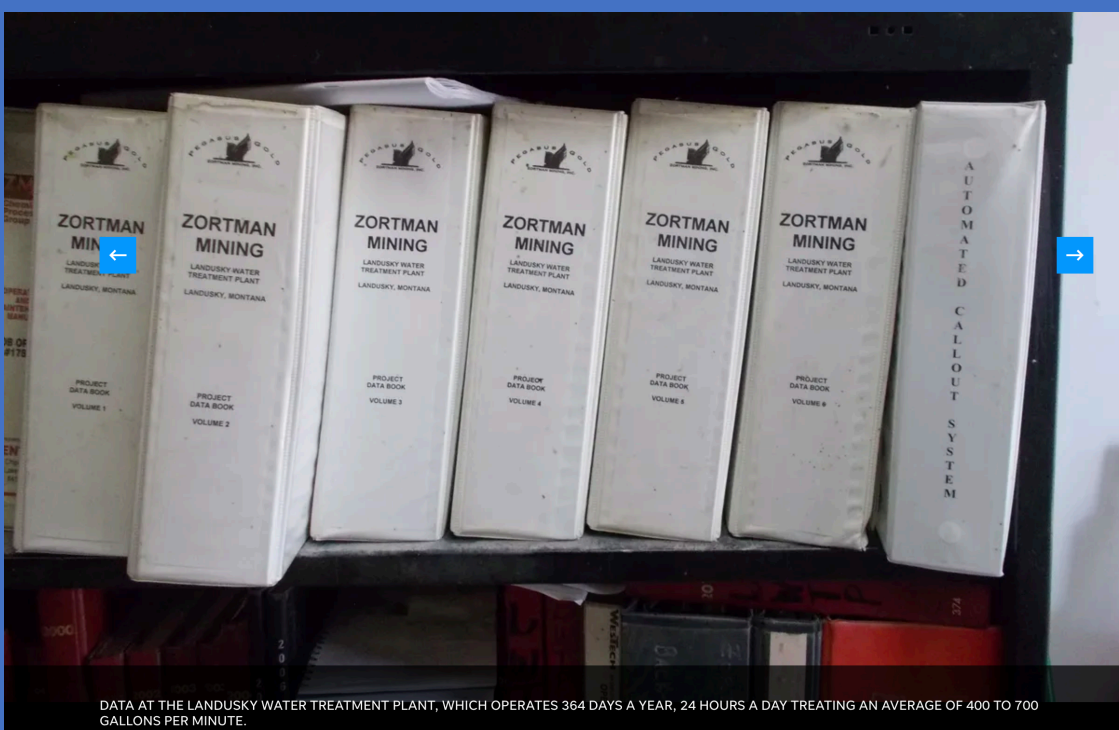
## 1980's: Zortman Landusky Permitting

- The Final Environmental Impact Statement from the 1980's Claimed there would be "*no measurable impact ... to surface water ...*"

### d. Cumulative impacts

There are two theories regarding the cumulative impact of two open pits to the groundwater system in the Little Rockies. One theory postulates that the groundwater regime between the two mines is separate, there is no contiguous groundwater body between the two areas. The second theory is that the two areas are probably connected by a fractured and complex geologic system which is reflected in the movement of groundwater and evidenced by the change in groundwater found in mine tunnels and adits over the years. This theory, probably the more likely of the two, proposes that there will be a cumulative effect on the groundwater due to infiltration from both pits. The impact, however, will be small due to the small area proposed for mining and no measurable cumulative impact is expected to surface water from either or both projects. The utilization of berms, ditches and impermeable barriers is expected to prevent deterioration of surface water from the waste ponds.





## Zortman-Landusky gold mines cleanup funding



**\$46,518,735**

Pegasus Gold Corporation's reclamation and water bonds



**\$32,348,510**

State of Montana funding to date



**\$17,139,312**

Bureau of Land Management funding to date



**\$340,000**

Environmental Protection Agency funding to date

Source: Montana Department of Environmental Quality

From Great Falls Tribune and Mountain West News





## **2001: Bad Actor Law**

Governor Judy Martz and MEIC Staffers Bonnie Gestring, Anne Hedges, Patrick Judge, and Michelle Reinhart at the Bad Actor bill signing.







# 2017: Enforcement Request of Bad Actor Designation Against Hecla



Director Tom Livers  
Montana Department of Environmental Quality  
P.O. Box 200901  
Helena, MT 59620-0901  
Via Hand Delivery

October 23, 2017

Dear Director Livers:


This is a request for enforcement under the Metal Mine Reclamation Act (“MMRA”), MCA §§ 82-4-331(3), 82-4-335(9), and 82-4-360(1), submitted on behalf of Earthworks, Montana Environmental Information Center, Clark Fork Coalition, Rock Creek Alliance, and Save Our Cabinets (collectively, the “Conservation Organizations”). The cited MMRA provisions generally prohibit the former principals of companies that fail to complete required mine reclamation from receiving a hard rock exploration license or operating permit and conducting exploration or mining activities in Montana. As explained more fully below, these provisions apply to and prohibit Hecla Mining Company (“Hecla”) from developing the Rock Creek and Montanore mine projects because Hecla President, Chief Executive Officer, and Director Phillips S. Baker, Jr. is a former principal officer of Pegasus Gold Incorporated and its subsidiaries Pegasus Gold Corporation, Zortman Mining Incorporated, Pegasus Gold Montana Mining Incorporated, and Beal Mountain Mining Incorporated. The Pegasus entities failed to complete required reclamation of, at a minimum, the Zortman-Landusky and Basin Creek mines, resulting in DEQ’s receipt of bond funds to carry out necessary reclamation in their stead.<sup>1</sup>

When the Pegasus entities filed for bankruptcy in 1998, they left in their wake a toxic





# 2018: Phillips S. Baker is Designated Bad Actor

 Flathead Beacon

## Montana Seeks Judge's Order to Ban Mining Company CEO

HELENA — Montana environmental regulators asked a judge on Monday to ... But Livers said in a letter Monday to Hecla's attorney the DEQ could take ... to overturn the state agency's "bad actor" designation against Baker.

Jun 25, 2018

 The Missoulian

## Hecla Mining Co., in legal fight with Montana, halts cleanup work at Troy mine

"They're getting called a bad actor as they reclaim a mine they've never taken one ounce of ore out of. There's no distinction between the ...

Jul 31, 2018







# Litigation of Bad Actor Designation

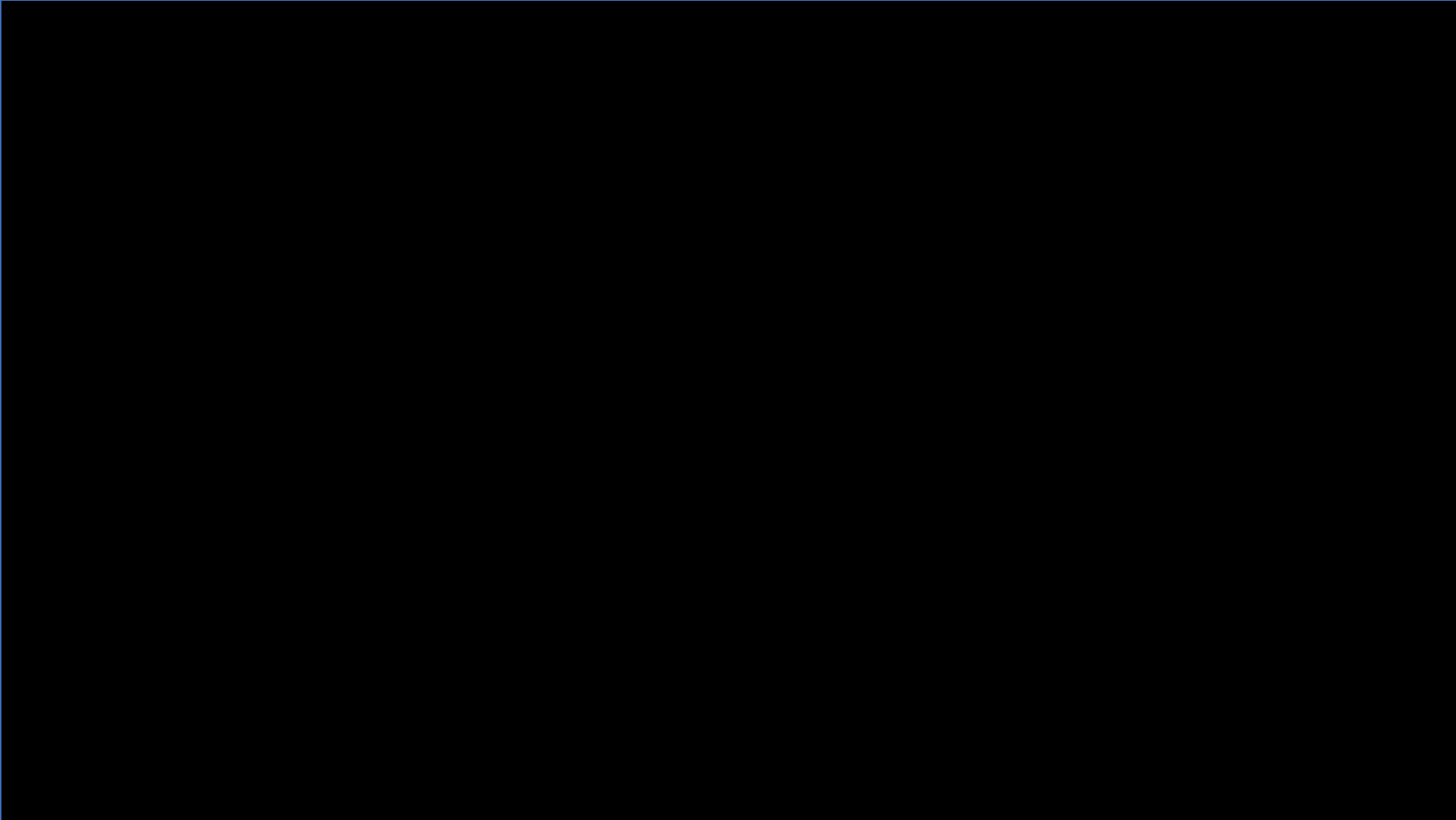
- Currently the litigation is at the 1<sup>st</sup> Judicial District in Helena, Montana.
- MEIC has intervened in support of DEQ's designation of Hecla as a Bad Actor.



## CONSERVATION COALITION SEEKS TO DEFEND DEQ ENFORCEMENT ACTION AGAINST HECLA MINING

*Groups seek to intervene in lawsuit aiming to overturn DEQ's determinations that Hecla and Baker are in violation of the bad actor provisions*







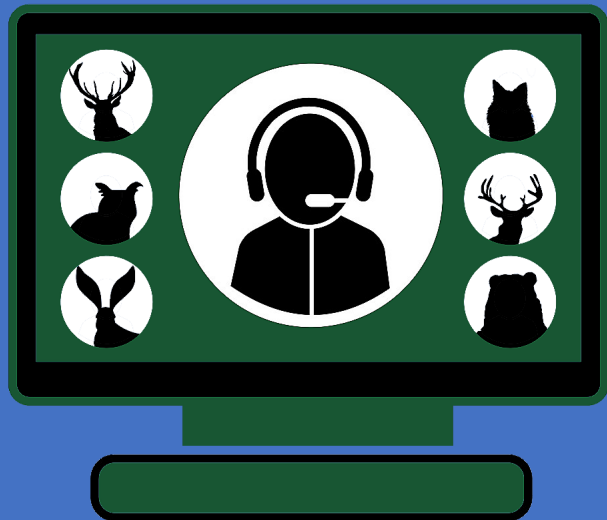


# Questions & Answers

Using the “Chat” Function, please  
type in your question

For More Information or to join MEIC go to: [www.meic.org](http://www.meic.org)

For More Information on the Smith, go to [www.saveoursmith.org](http://www.saveoursmith.org)



Join us on Thursday, April 22nd, at 4 pm  
for:

The Destructive Nature of Coal Mining in  
Montana: Past, Present, and Future