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**MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY**

<p>MONTANA ENVIRONMENTAL INFORMATION CENTER and CLARK FORK COALITION,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>STATE OF MONTANA; and the MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY,</p> <p style="text-align: right;">Defendant</p>	<p>Cause No. _____</p> <p style="text-align: center;">COMPLAINT</p>
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Comes now, Montana Environmental Information Center and Clark Fork Coalition, through counsel, and for its complaint and application for relief against the State of Montana (the "State") states and alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Montana Environmental Information Center ("MEIC") is a non-profit organization with over a half-century history of defending the public interest in protecting and restoring Montana's environment. MEIC has thousands of members across Montana and works to ensure that government and private entities engage in safe and lawful mining activity, thereby helping to provide cleaner air and water for all, as guaranteed by Montana's Constitution. The records sought in this action are requested in support of these efforts.
2. Founded in 1985, Plaintiff Clark Fork Coalition ("CFC") is the only conservation nonprofit organization with the sole mission of serving the people, fish, and wildlife of the Clark Fork watershed. The Coalition applies scientific, technical, legal, and community outreach expertise to improving and protecting water quality, restoring flow and function to degraded creeks and streams, and engaging citizens in river stewardship and clean water advocacy throughout the Clark Fork watershed. CFC has a 30+ year history of working to prevent damaging and irreversible impacts from mines proposed in the upper Blackfoot, including the defunct McDonald Gold Project proposed on the Lander's Fork. To accomplish its mission, CFC relies on the timely disclosure of public information pursuant to Article II, § 9, of the Montana Constitution.
3. Defendant Department of Environmental Quality ("DEQ") is a state agency subject to Montana's constitutional right to know and public records laws, as well as the right to a clean and healthful environment, and attendant constitutional duties.

4. Jurisdiction is proper in this Court.
5. Venue is also proper pursuant to § 25-2-126, MCA.

FACTS

6. This action challenges the failure of the State of Montana, by and through the DEQ, to provide public records to Plaintiffs in response to an information request, as required by Montana's fundamental constitutional right to examine public documents under Article II, § 9. The requested records were not provided in advance of a final decision by the DEQ on a mine exploration permit, nor the close of the public comment period, as required by Montana's fundamental constitutional right to participate under Article II, § 8.
7. The records in question are directly related to the DEQ's evaluation and issuance of Amendment No. 2 to mine exploration permit #00816 for the Columbia Gold Project in Lewis and Clark County, Montana. The Columbia Gold Project is a gold mining project located approximately 10 miles east of Lincoln, Montana. The project is being proposed by Sentinel Metals, an Australian Corporation, DBA Great Plains Mining, LLC ("GPM").
8. A long history of exploration activities has occurred at the site now referred to as the Columbia Gold Project. According to the draft environmental analysis issued by DEQ for the Columbia Gold Project, "exploration activities such as trenching and drilling were conducted [at the site] by Western Energy Company under Exploration License No. 00294 as late as the 1980's. At some point in time, the project was transferred to Canyon Resources Corporation, under Exploration License No. 00466. Seven-Up Pete Joint Venture, a joint venture comprising of CR Montana Corpora on and Phelps Dodge Mining Company, a division of Phelps Dodge Corporation, acquired the project and transferred the project to Exploration License No. 00497 in the early 1990's. Exploration License No. 00497 was transferred to CR Montana Corp on February 20, 2009. CR

Montana Corp conducted exploration activities at the site until approximately 2015. GPM [Great Plains Mining] acquired the Seven-Up Pete/Columbia Gold project in 2016 following bankruptcy proceedings and chose to transfer the incomplete project to Exploration License No. 00816 under GPM on October 26, 2016, after posting bond and assuming environmental liability for the project. The scope of activities performed by GPM under Exploration License No. 00816 has been referred to Amendment 1, or AMD1 of Exploration License No. 00816.”

9. On January 2, 2026, GPM applied to amend Exploration License No. 00816 to conduct additional exploration drilling at the site. After two deficiency notices, the DEQ deemed the application complete on March 9, 2026. On March 24, 2026, DEQ released a draft environmental assessment (“draft EA”) of the proposed amendment, and selected April 6 as the deadline for the public to submit comments. This comment period was extended by a week to April 13 after an extension request by the Plaintiffs, discussed further below. Plaintiff organizations also submitted timely comments on the draft EA on April 13, 2026.

10. On March 9, well before the public comment period opened, Plaintiff organizations submitted an information request to DEQ through the State of Montana Office of Public Information Requests (OPIR). The request was sent pursuant to Article II, § 9, of the Montana Constitution, which provides,

Section 9. Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

11. In its request to DEQ, Plaintiff organizations requested the following documents from January 1, 2021, to the present:

- All draft and final permits issued to the Columbia Gold Project (D.B.A. Sentinel Metals) that are administered by DEQ. This would include but not be limited to

any exploration permits under the Montana Metal Mine Reclamation Act or any discharge permits under the Montana Water Quality Act.

- All analyses of the Columbia Gold Project (D.B.A Sentinel Metals) under the Montana Environmental Policy Act, including but not limited to environmental assessments or checklist assessments.
 - All correspondence between DEQ and the Columbia Gold Project and/or Sentinel Metals, its agents, employees, contractors, and any and all other representatives.
 - All internal DEQ documents and correspondence relating to the Columbia Gold Project and/or Sentinel Metals.
12. OPIR acknowledged receipt of the information request on March 9, 2026. On March 30, 2026, OPIR invoiced Plaintiffs \$175 for the costs associated with processing the request, which was paid the same day.
 13. Additionally, the existing permit and amendment application was again requested by Plaintiff Organizations verbally during a meeting on March 17, 2026, with DEQ staff, as well as by follow up email to DEQ staff on March 18, 2026.
 14. Due to a tight timeline of 10 working days from the notice on March 24, 2026, to the deadline for public comments on April 6, 2026, Plaintiff Organizations requested a 30-day extension. In its request for an extension, Plaintiff Organizations noted that “Several of the undersigned organizations have a pending public records request with DEQ for all correspondence between the applicant and the agency, including GPM’s application materials for the requested amendment to Exploration License No. 00816. Without this information, it will be difficult to provide meaningful, substantive feedback on the Draft EA.” DEQ denied the 30-day request but extended the deadline by one week to April 13, 2026. In its response letter, DEQ argued that “By providing a draft EA that considers the project’s potential impacts, the public was adequately informed of the project through DEQ’s analysis of the specific details contained in the amendment application. See Administrative Rules of Montana (ARM) 17.4.609

(required contents of an EA); ARM 17.4.610 (public review of an EA). In its letter, CFC fails to identify any relevant authority under MEPA or other relevant body of law that requires DEQ to delay the conclusion of the public comment period until this public information request has been fulfilled.”

15. On June 5, 2026, DEQ issued a final EA and approved Amendment No. 2 to mine exploration permit #00816 for the Columbia Gold Project.
16. DEQ did not provide any of the documents in response to the information request in advance of the April 13, 2026, deadline for comments on the draft EA.
17. The DEQ issued the Final EA and its Approval to Proceed for the project on Friday, June 5, 2026.
18. In responding to public comment in its Final EA regarding the lack of public involvement in the environmental review of the draft, DEQ simply noted that it provided sufficient notice and an opportunity to be heard. Continuing, DEQ then stated that it “has appropriately considered which prior and currently approved permitted actions may cumulatively add to impacts of the proposed action.”
19. In other words, DEQ considered information from the underlying exploration license and now expects the public to trust that its cumulative impacts analysis was correct. DEQ’s response on this point undermines the core purpose of the MEPA process and is also contrary to the public’s right to know and participate. Simply put, an agency’s belief that it has complied with MEPA does not obviate its separate obligation to also comply with the right to know and right to participate.
20. On June 12, 2026, approximately 95 days from acknowledging receipt of the information request, the DEQ responded to the Plaintiffs’ records request. The DEQ’s response included numerous documents that would have been useful in preparing public comments on the draft EA, including Sentinel Metals’ application materials,

agency correspondence with Sentinel Metals, information about previous bonding and reclamation activities at the site, and other relevant materials.

21. Plaintiffs have been harmed by the State Defendants' refusal to timely honor a reasonable and fully paid for public information request for public documents. The State's refusal to provide the requested documents in advance of the comment deadline, so that Plaintiffs could meaningfully review and consider the information, has hampered Plaintiffs' work and advocacy. Plaintiffs have had to hire counsel to pursue this matter.

COUNT I – DECLARATORY JUDGMENT --VIOLATION OF RIGHT TO PARTICIPATE AND RIGHT TO KNOW

22. The preceding paragraphs are realleged as though set forth in full hereunder.
23. The documents requested by Plaintiffs, in particular the original Exploration License No. #00816 and AMD1, are public records subject to the right to know. Yet DEQ refused to provide any information responsive to the Plaintiffs request until after the public comment deadline had closed, despite receiving an OPIR request, a verbal request and an email request as set forth herein.
24. DEQ approved the amended exploration license on June 5, 2026. One week later, on June 12, 2026, the DEQ responded to the public records request.
25. Without providing any of the underlying permitting documents to Plaintiff organizations in advance of the comment deadline, the June 5, 2026, approval of the amended exploration license, the final decision of the agency closed the door on the ability for Plaintiff organizations to meaningfully participate in the public participation processes required under Montana's Constitution.
26. DEQ's failure to provide this information in a timely manner, despite payment for such information, harmed Plaintiff organizations by depriving them of information that would have been instructive and informative in the preparation of its comments

to the DEQ.

27. By not providing the information in a timely manner, Plaintiffs were not afforded a reasonably opportunity to participate in the conduct of the Columbia Gold Project MEPA process prior to the final decision of DEQ. When DEQ failed to provide the information in advance of the comment deadline, “it reduced what should have been a genuine interchange into a mere formality.” *Bryan v. Yellowstone Cty. Elem. Sch. Dist. No. 2*, 2002 MT 264, ¶ 46, 312 Mont. 257, 60 P.3d 381.
28. Pursuant to § 2-3-114 and § 2-6-1009, MCA, the State Defendants’ actions violate § 2-3-101 et seq., § 2-6-1001 et seq., and the Montana Constitution at Article II, §§ 8 and 9. “... at a minimum, the “reasonable opportunity” standard articulated in Article II, Section 8, and § 2-3-111, MCA, demands compliance with the right to know contained in Article II, Section 9.” *Bryan* at ¶ 44.
29. Based on these violations, Plaintiffs are entitled to a declaration that the State Defendants have violated the law as set forth above.
30. Plaintiffs are further entitled to a declaration that the decision approving Amendment No. 2 to mine exploration permit #00816 for the Columbia Gold Project is set aside and is therefore void for violating the rights guaranteed under the Article II, § 8; and §§ 2-3-101 et seq., MCA.

PRAYER FOR RELIEF

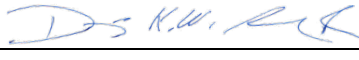
Wherefore, Plaintiffs request the following relief:

1. For Vacatur of the June 5, 2026, Final EA.
2. For Vacatur of approval of Amendment No. 2 to mine exploration permit #00816 for the Columbia Gold Project.
3. A declaration that DEQ violated Montana’s constitutional Right to Participate and Right to know, and their implementing statutes.

4. Attorney fees and costs pursuant to §§ 2-3-114, 2-3-221, and/or 2-6-1009(3), MCA
5. Any other relief the Court deems just and proper.

Dated this 24th day of June, 2026.

MORRISON, SHERWOOD, WILSON & DEOLA PLLP

By 

David K. W. Wilson
Attorney for Plaintiffs