

County to intervene in mine suit

By Brent Shrum

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Lincoln County will be intervening along with Revett Silver Co. on behalf of the U.S. Forest Service in a lawsuit filed by environmental groups opposing the Forest Service's approval of Revett's proposed Rock Creek Mine.

The county commissioners agreed to intervene in the suit after meeting Wednesday with K.D. Feedback, a Helena attorney specializing in environmental law and representing Revett on the issue.

"I believe that from a public perception standpoint it's helpful to the project to have the support of the local community," Feedback said.

Revett's planned copper and silver mine under the Cabinet Mountains near Noxon is on hold pending completion of a revised biological opinion from the U.S. Fish and Wildlife Service and resolution of the suit against the Forest Service. The biological opinion is being revised for a second time following a successful challenge last spring by environmental advocates who argued that the document does not fully account for impacts of the mine to grizzly bears. The same environmental groups subsequently filed suit against the Forest Service, holding in part that the agency's decision was fundamentally flawed because of its reliance on the rejected biological opinion.

The revised biological opinion is expected from the Fish and Wildlife Service "within a matter of weeks," Feedback told the commissioners.

"If it survives, it's going to be a monstrous step forward for the project," Feedback said. "They'll be able to start exploration activity."

Commissioner Marianne Roose noted that the county has intervened in environmental lawsuits before and that the commissioners testified in federal court in a suit involving old growth issues on the Kootenai National Forest. She asked Feedback what it would cost to the county to intervene in the suit; he said the cost would be "minimal to nonexistent" because a motion already written to seek intervenor status for Revett can simply be amended to add Lincoln County as a party. Feedback added that he planned to invite Sanders County to intervene in the suit as well.

Moving to intervene in the suit, Commissioner John Konzen noted that the county's intervention is justified because many workers at the mine are expected to come from Lincoln County and because a small portion of the ore body lies within Lincoln County.