

Judge voids F&W's OK of Montana mine

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Idaho group celebrates

COEUR d'ALENE -- The Rock Creek Mine proposed on a tributary of the Clark Fork River was blocked this week by a judge who found it might harm federally protected bears and fish.

In a decision issued in Helena, Mont., U.S. District Judge Donald Molloy said the U.S. Fish and Wildlife Service inadequately weighed the possible effects on grizzly bears and bull trout, both listed under the Endangered Species Act.

Revett Silver Co. proposed developing the Rock Creek mine on the edge of the Cabinet Mountains Wilderness Area in northwestern Montana.

The controversy surrounding the Rock Creek proposal included critics in the Sandpoint-based Rock Creek Alliance.

Mary Mitchell, director of the alliance, said North Idaho residents worry the Clark Fork River in Montana would be polluted by mining and harm Idaho's Lake Pend Oreille, which is fed by the river.

Mitchell said the decision is a strong injunction against the mine.

Because the judge rejected the FWS biological opinion, the U.S. Forest Service may have to withdraw its underlying decision to permit the mine, she said Wednesday.

"It's a very strongly worded opinion," she said. "I think it's more than just a delay. I don't think they can fix it. They can't proceed without a biological opinion."

Post Falls Mayor Clay Larkin has been trying to raise awareness about the Rock Creek Mine throughout the state.

He said the mine was proposed to discharge 3 million gallons of wastewater daily into the Clark Fork River, which would end up in Lake Pend Oreille.

Lake Pend Oreille is one of the biggest recharge sources for the Rathdrum Prairie Aquifer, which supplies drinking water for most people in Kootenai and Spokane counties.

"Some of that sediment is going to get in there," he said. "This just can't happen when we're doing everything we can to protect the aquifer."

In a full-page advertisement last year, in The Washington Post, New York's Tiffany jewelers demanded the federal government reject the mine and change the nation's mining law, which was written nearly 135 years ago.

A call seeking comment on the court decision was not returned by William Orchow, president of Revett, which is based in Spokane.

The Associated Press contributed to this report.