

Rock Creek still trying to dismantle mine decisions

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Group might join foes in appeal of ruling

SANDPOINT -- Opponents of a controversial mining project planned for the Cabinet Mountains Wilderness have prevailed in the latest legal skirmish, but the Rock Creek Alliance is reminding people the fight is far from over.

"There's a perception, at least on the part of some people in the public, that because we won this round with the Fish and Wildlife Service that the mine battle is over," said Mary Mitchell, executive director of the Rock Creek Alliance.

The Sandpoint-based environmental group sued Fish and Wildlife and won a favorable ruling from U.S. District Judge Donald Molloy in March, which has stalled progress on Revett Minerals' plan to develop a copper and silver mine in northwestern Montana.

Molloy ruled that a U.S. Fish and Wildlife Service biological opinion outlining ways of mitigating impacts to grizzly bear and bull trout was inadequate, forcing the agency to revisit the document. It's the second time the biological opinion has been remanded back to Fish and Wildlife.

"We've basically bought a significant delay," Mitchell said of the ruling's effect.

Fish and Wildlife is appealing Molloy's ruling and Revett has since joined in on that action, Mitchell said. Rock Creek Alliance might also join the matter to appeal a part of the ruling it did not prevail on.

Rock Creek is also focusing its efforts on dislodging the U.S. Forest Service's approval of the project. When the first biological opinion was pulled in 2002, the Forest Service withdrew its record of decision.

But the current record of decision remains in place, which has the Rock Creek Alliance unsettled.

"Our concern was that something might happen on the ground because Revett sent a notice to the state with a timetable that calls for starting work in July," said Mitchell.

Revett's notice to the Montana Department of Environmental Quality calls for work on access road upgrades to start in July. Portal site preparation and the installation of the water treatment plant were set for August.

The Forest Service, in an April 11 letter, told Rock Creek's legal counsel Revett is not permitted to proceed with any surface-disturbing activities this summer because the company has not met all the requirements listed in the record of decision.

Additionally, the Forest Service still has to meet federal Endangered Species Act requirements, Kootenai National Forest Supervisor Bob Castaneda said in the letter.

"We have at least some notice from the Forest Service that nothing's going to happen -- hopefully -- within the next few months," Mitchell said.