

# Montana court halts Rock Creek Mine

**Water concerns cited; Spokane firm will revise permit, proceed**

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A proposed copper and silver mine beneath the Cabinet Mountains Wilderness in northwestern Montana is again being blocked by a court decision.

The state water quality permit for the Rock Creek Mine would allow it to send too much arsenic into groundwater, violating the Montana Constitution's guarantee of a clean and healthful environment, a state judge ruled in a decision dated Friday. The permit must be rewritten before the mine can move forward, District Judge Jeffrey Sherlock said.

"Arsenic is a known carcinogen that causes skin, lung and urinary-tract cancers," Sherlock wrote. Citing information from the Montana Department of Environmental Quality, he said that "even the most mathematically challenged" can see the mine stands to increase arsenic in groundwater.

The ruling is not a major setback for the mine, Carson Rife, a vice president for Revett Minerals Inc. of Spokane, said Monday. Rife agreed that a revised permit is needed, and said work on changes already had begun as part of the permit's renewal.

The mining company has already applied for a new permit using more accurate baseline groundwater quality data, Rife said.

The discharged water from the mine would have arsenic levels five times lower than what is allowed by state and federal drinking water standards, Rife said.

The Clark Fork Coalition, one of the environmental groups that filed the court case, said the record offered to support the mine is unraveling.

"No matter how you look at this project, it's got problems," said the coalition's Tracy Stone-Manning. "Today we learned it would violate the clean water law. Previously we learned it would violate endangered species laws."

Last year, a federal judge ruled the agency had not adequately assessed the mine's potential effects on grizzly bears and bull trout, both federally protected species.

The proposed mine has drawn national attention, including opposition by jeweler Tiffany & Co. in a full-page Washington Post advertisement two years ago. Although the mine itself would be beneath the Cabinet Mountains Wilderness, the only surface disturbance would be outside the wilderness boundaries.

The company has mounted an aggressive public relations effort, trying to spread a message of environmental responsibility and economic development. Revett has announced it intends to spend \$18 million to improve grizzly bear protection in the vicinity of the mine.

If the mine receives the necessary permits – and barring additional lawsuits – work at the mine could begin by the end of the year, Rife said.