

SMITH RIVER DEFENDER

NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER

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What the Heck is Going On with the Smith River Mine?

The fight to protect the Smith River from an ill-conceived mining operation is still very much alive, even though it has moved into a more technical and legal phase of the campaign.

Court hearings and technical, written arguments by experts and attorneys have replaced public hearings, comment periods, and rallies. But the goal remains the same: to prevent Sandfire, an Australian mining corporation, from opening a mine on the banks of and underneath Sheep Creek, a critical headwaters tributary of the Smith River. MEIC has been fighting this mine for the better part of a decade now, and we are not about to back down.

If you recall, in the summer of 2020, MEIC and its partner organizations (American Rivers, Earthworks, Montana Trout Unlimited, and national Trout Unlimited, referred to here as the “coalition”) took the Montana Department of Environmental Quality (DEQ) to court for its issuance of the hardrock mining permit and the accompanying Environmental Impact Statement. There were (and are) a number of deficiencies and failures with the permit and environmental analysis that don’t provide the safeguards for the river and the environment that the law requires. For the past year,

the coalition, represented by the skillful attorneys at the nonprofit environmental law firm Earthjustice, have filed a series of legal briefs that have fully laid out our case.

The case is now more or less fully “briefed.” This past July, a judge held a hearing in White Sulphur Springs and accepted oral arguments from all the parties. We’ve “had our day in court,” and the next step is for the judge to issue an order in the case. There is no deadline for the judge, but such orders are typically issued within a year of the hearing (though it could take longer).

In addition, Sandfire is going through the water rights administrative process at the Montana Department of Natural Resources and Conservation (DNRC), seeking to use a large volume of water. The coalition is also involved in this process as intervenors. While the process is very technical, the gist is that the company is seeking approval to utilize previously allocated water for mitigation purposes by leaving it in the stream, as the operation is predicted to partially dewater the instream flows of Sheep Creek. This hearing process is also considering issues about how Sandfire utilizes and manages water

continued inside



What the Heck? (cont.)

within its mining operation (and how our water rights system regulates this water).

There could be a decision from the DNRC hearings examiner as early as this fall 2021. Of course, any ruling by DNRC is subject to appeal and review by Montana District Court and potentially the Montana Supreme Court. So there still is a long way to go.

Many MEIC members and Smith River supporters have asked why Sandfire has begun “mining” if there is ongoing litigation associated with its permits. Technically, the company hasn’t actually begun mining activity, but it has begun moving large amounts of dirt associated with the development and construction of surface facilities and roads necessary for a potential mine, including tailings storage facilities. The company cannot begin actual mining operations, including the construction of a “decline” (access tunnel) to the targeted ore body, until it posts the required bond with DEQ. As of this writing, the company has not done so. In order to proceed with mining, the company also needs to acquire the water rights through the process mentioned above.

MEIC will remain steadfast in protecting the Smith River from this irresponsible proposal to the end. With a lot of hard work, and some luck, this project will pack its bags and head back to Australia. Check www.saveoursmith.org and www.meic.org for the latest information.

The Smith is for another failed r



Tintina’s Plans for a 50-year Mini



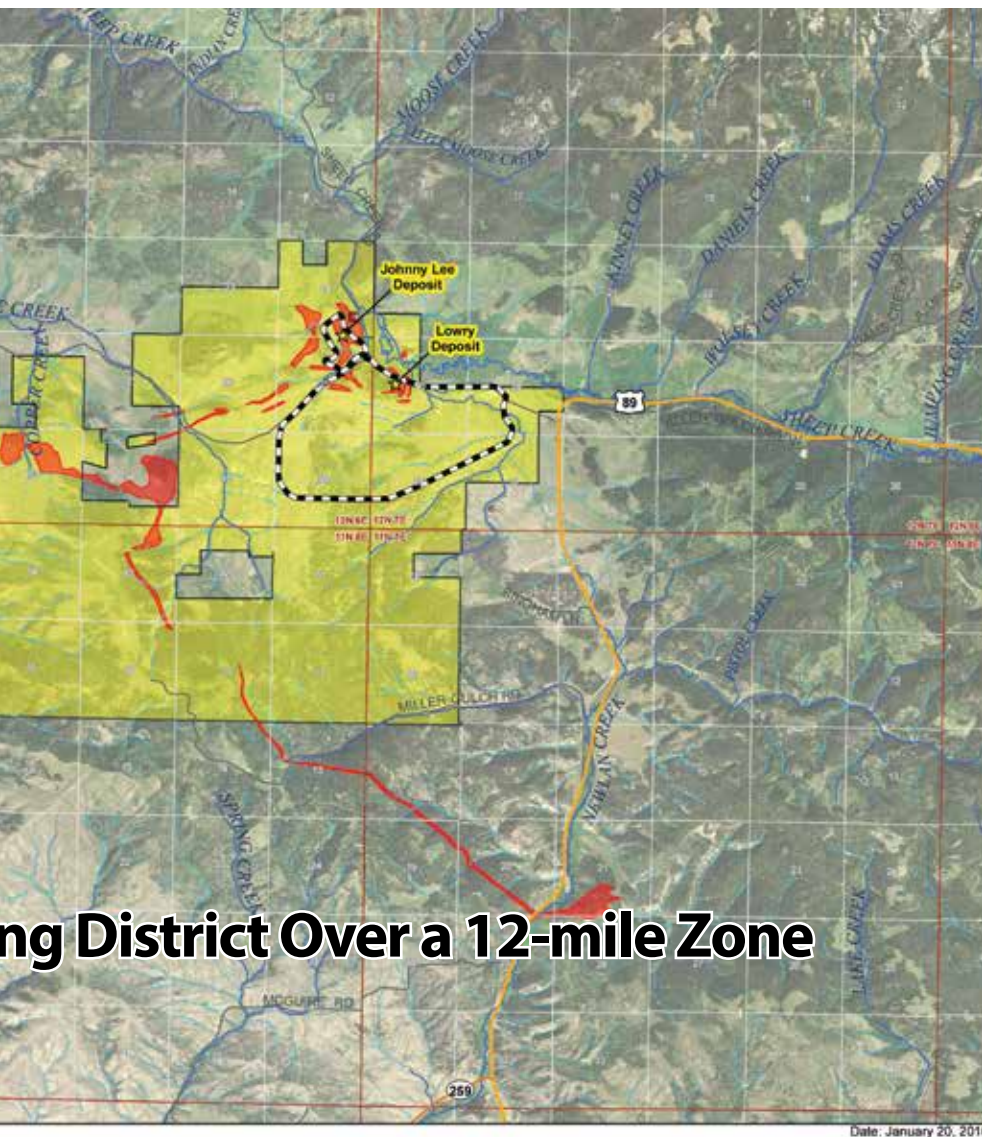
Weathered Sulphide Zone Exposures Identified by Tintina (Approximate)



Minerals Rights and/or Surface Rights Leased or Owned by Tintina (Approximate)

Australian mining corporation Sandfire has received a permit from the Montana Department of Environmental Quality (DEQ) to develop a massive copper mine on the Smith River’s most important tributary, Sheep Creek. The mine would extend below the water table, and would require pumping water continuously to keep it from being flooded. The mine is particularly concerning because it will dig through sulfide rock which, when exposed to air and water, reacts to form sulfuric

not a location mining experiment.



(ate)  Proposed Mine Permit Boundary (Approximate)

0 1 2 Miles
1:80,000
Aerial Imagery: 2013 NAIP, USDA



Could a Mineral Withdrawal Help the Smith?

While Sandfire has been advertising its proposed mine as having a relatively small footprint that is located entirely on private land, they have been extremely active in acquiring federal mining claims on Forest Service land directly adjacent to the proposed mine. The company has acquired at least 525 mining claims, totaling over 2,000 acres, under an antiquated federal law known as the 1872 Mining Law. The company has boasted to its potential investors the potential for the mine to expand onto these lands (as well as additional, adjacent private lands) and to create a block of land that could be mined for 50 years.

Unfortunately, the 1872 Mining Law does not provide effective environmental protections for public land impacted by mineral claims and mining. Often, the only way to protect these resources is through what is known as a “mineral withdrawal,” in which the federal government (either through a federal agency or the U.S. Congress) removes the lands from being available for mining. Such a withdrawal, which is being urged by mine opponents, could be an important step for protecting the Smith River and adjacent public lands from mining impacts.

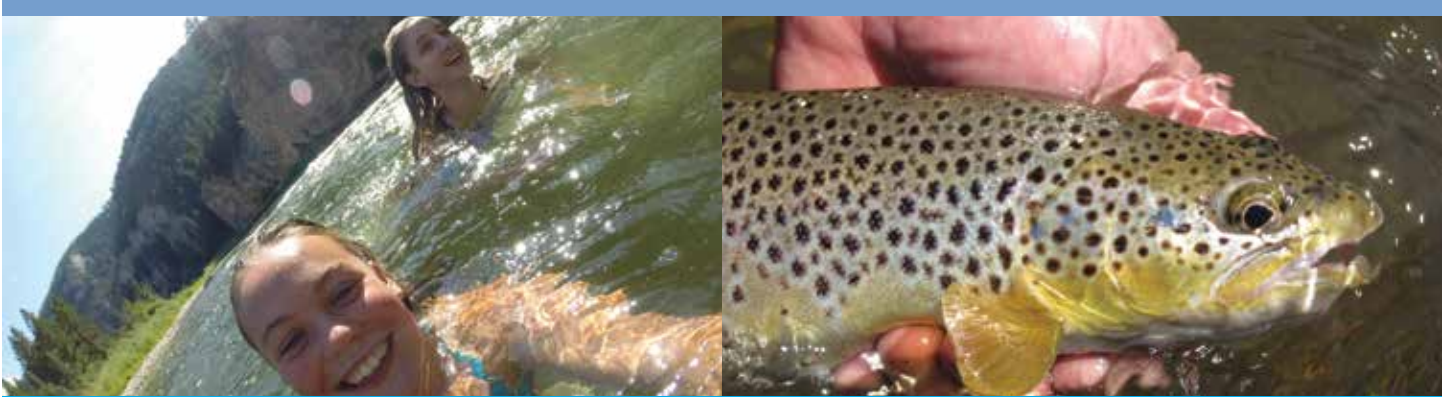
acid and produces acid mine drainage. Sandfire’s actual hopes are to develop a large-scale, landscape changing, “mining district” stretched over a 12-mile long zone. It has negotiated mineral leases with private landowners in the area and has acquired a number of U.S. Forest Service claims. If developed, Sandfire’s expanded proposal could turn a large portion of the Little Belt Mountains into an industrialized zone and irreparably harm the Smith River.



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Show your support for keeping the Smith River pristine and preventing a hardrock mine from being developed on its most important tributary. Send in your contribution today by visiting www.meic.org, and order a free bumper sticker in one of three colors by filling out the online form at www.SaveOurSmith.com.



*Guides at rest, Smith River.
Photo by Billy Pfeiffer.*