

SMITH RIVER DEFENDER

NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER

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ONE STEP CLOSER TO PROTECTING THE SMITH

After almost a decade of advocacy amongst our members, supporters, and partners, we've achieved an incredibly important milestone in the fight to protect the Smith River from a poorly planned hardrock mine. This past April, a Montana District Court Judge ruled that the permit issued by the Montana Department of Environmental Quality (DEQ) was "arbitrary, capricious and unlawful." This ruling will bear significantly on the viability of the Smith River mine, because without a permit, there can be no mining. Of course, the fight is not over. The judge's ruling is almost certainly going to be appealed, and Sandfire (the company proposing to mine in the Smith headwaters) can always re-apply to the DEQ for an amendment or another permit. However, it's worth celebrating this milestone, because the wind is now at our backs and the fight to permanently protect the Smith is one step closer to reality.

Broadly speaking, the judge ruled that the DEQ specifically failed to justify a number of aspects of the permit, including the management of the tailings storage facility, the review of the tailings storage facility, and alternative

storage techniques for the tailings. DEQ failed to adequately explain or address these failures.

This victory could not have been possible without you – our members and supporters.

Every time a public hearing was held, our members showed up (big time). Every

time a public comment period came around, our members

submitted important and valuable comments on

their opposition to the mine and love

for the Smith. Every time we

(MEIC and our partners) needed funds to fight

in the agencies, the courts, and the legislature,

our members wrote checks without hesitation.

Without a doubt, the public opposition to

this mine is steadfast and fierce, and the energy of

Montanans (and Americans) who love the Smith ultimately won the day.

In this campaign, MEIC was also joined by a number of other organizations that care

deeply about the Smith River, including our long-time partners Earthworks, Trout Unlimited

(Montana and National), and American Rivers. Each organization put up the time, effort, and

resources to get us to this point. River guides and their employees also deserve recognition for



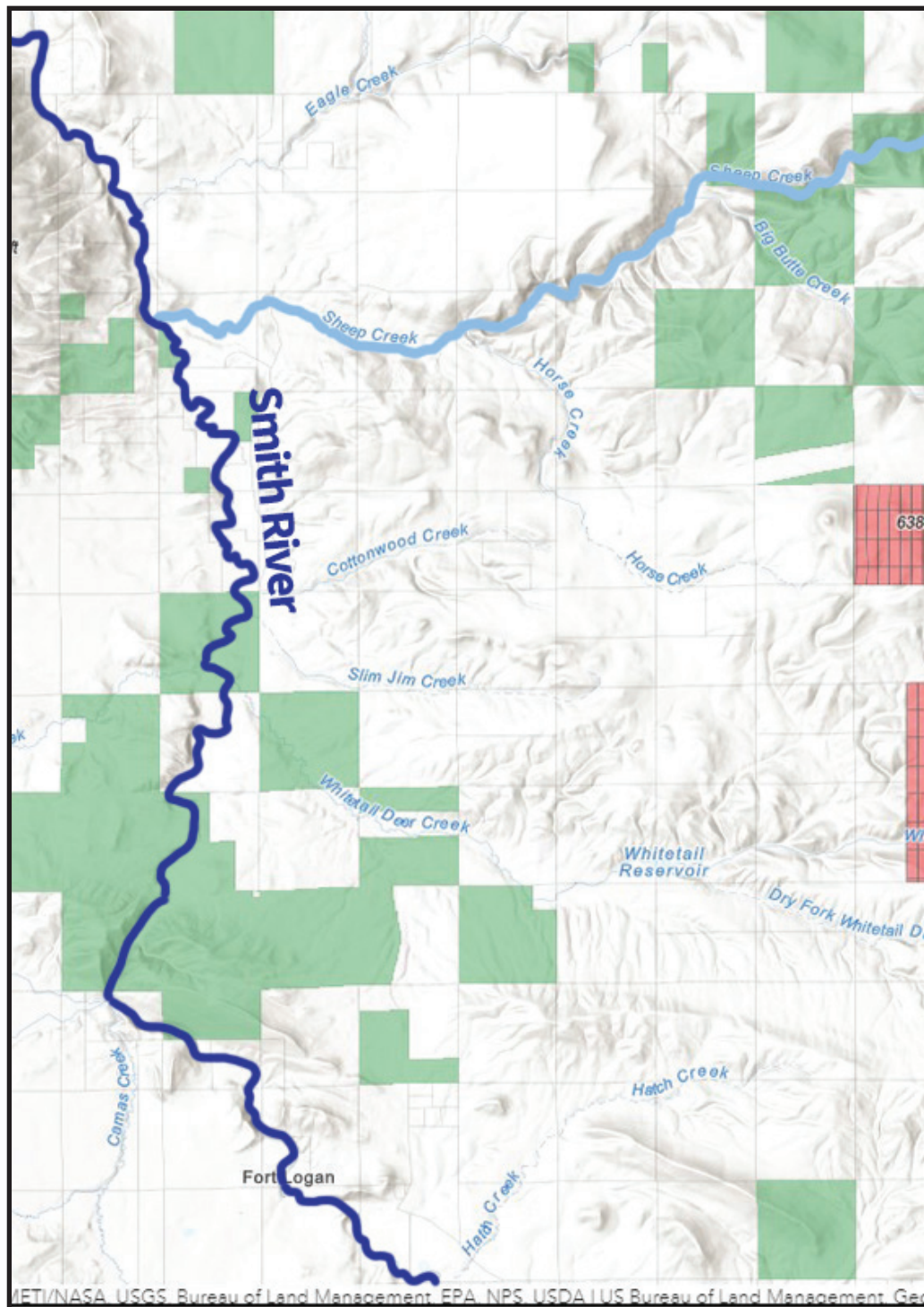
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ONE STEP (cont.)

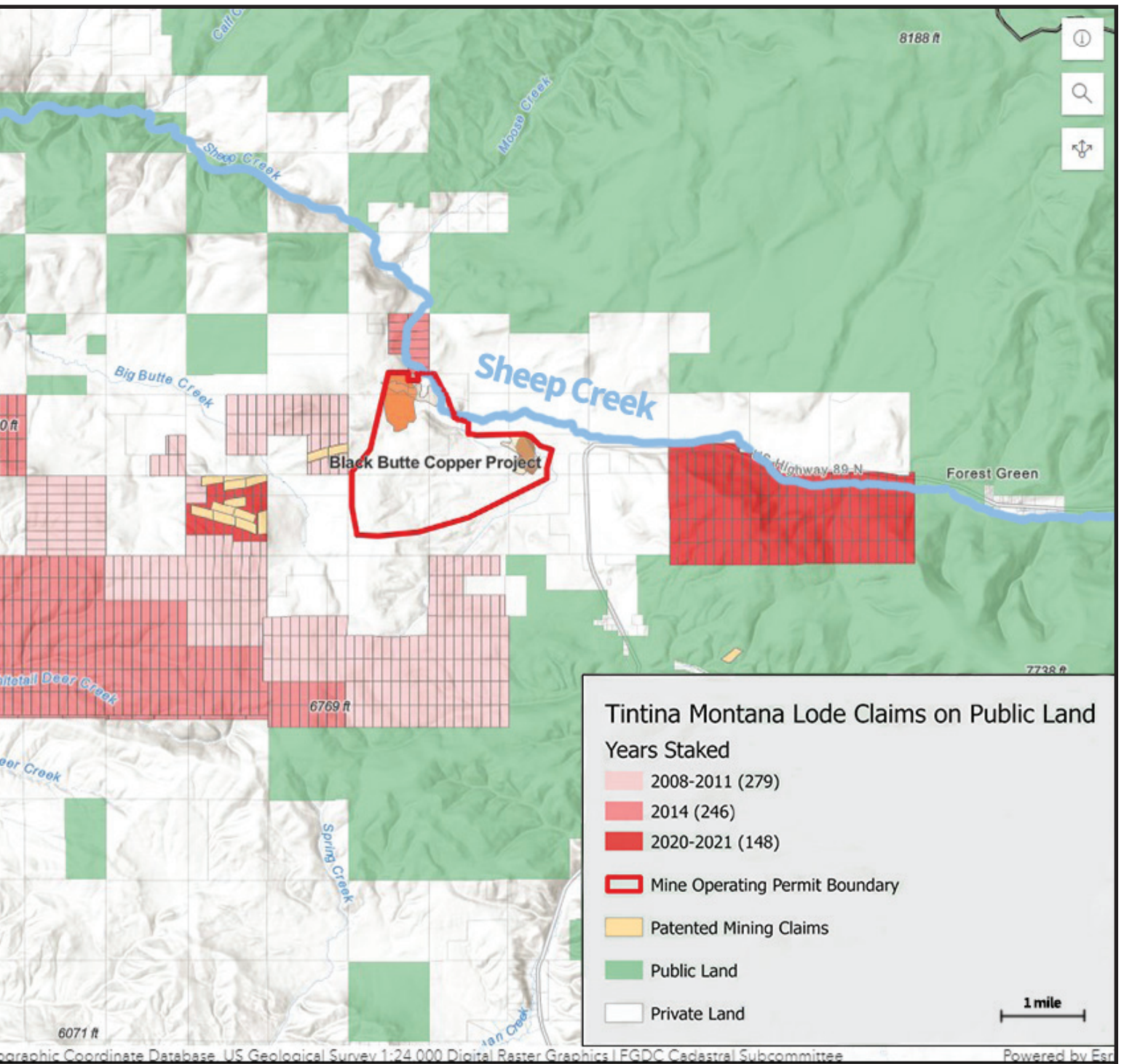
speaking up about the valuable place the Smith holds in their hearts and in their pocketbooks. Finally, Smith River landowners (you know who you are) spoke clearly and articulately about the Smith and the risks the mine posed to their private property and communities.

A special thanks must go to Earthjustice, and specifically to attorneys Jenny Harbine and Ben Scrimshaw, who worked tirelessly to advance our legal claims through the justice system and ultimately secured a strong order against the permitting of the mine. Their steadfast attention to detail, the facts, and the law, helped to build the case.

As mentioned, the fight is not over. Most immediately, the judge has requested briefs from all of the parties by late May on the "remedy," associated with her ruling (i.e. what the judge should do with the permit now that she has found it to be flawed). Additionally, once the district court proceedings wrap up, DEQ has already loudly proclaimed that it will appeal the ruling to the Montana Supreme Court, where another legal fight will have to take place. Should the Supreme Court uphold the district court order, Sandfire could potentially apply once again to the DEQ with an amended permit. Once again – MEIC and our partners are going to need your help. Mining fights are undoubtedly a marathon, not a sprint, and while we certainly should make time to celebrate, let's all get ready for the next round.



Sandfire's MASSIVE Expansion



While Sandfire has been selling Montanans – residents of Meagher County specifically – a relatively small underground mine with an operating life of 12-14 years, the company has meanwhile been acquiring mining claims and mineral rights in a very extensive area surrounding the project, both on public and private land. If the company were to establish a mine and begin the expansion process, one previous executive even boasted that the mine could result in a “50-year mining district” over thousands of additional acres.

In the past, we’ve noted that the mine has acquired private mineral rights less than a mile of the Smith River proper. It now appears that the company is interested in potentially expanding to the East of the proposed mine site as well. Such an expansion would seriously threaten the clean water, wildlife, and recreation opportunities of this area by turning it into an industrialized zone.

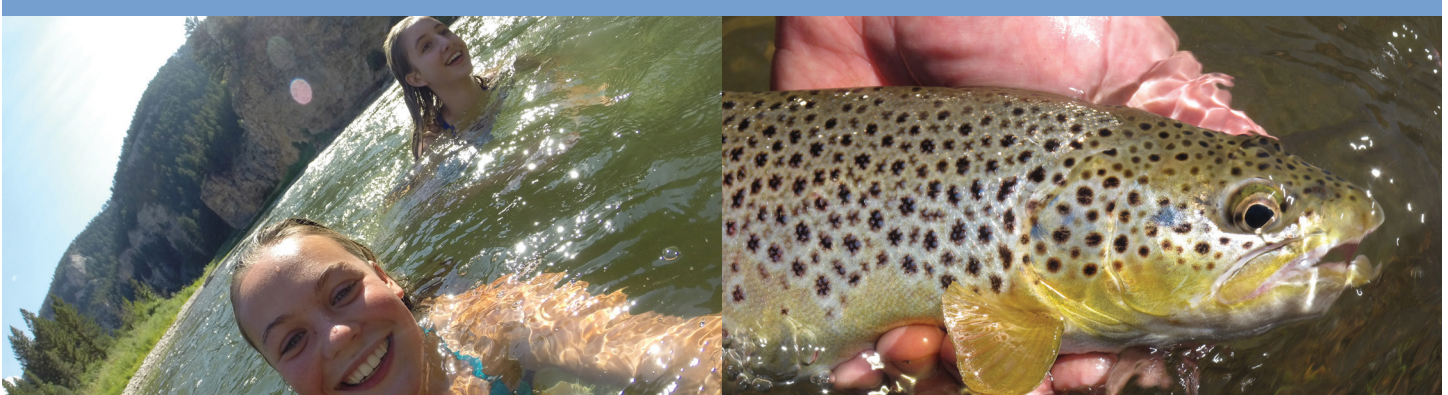
You can explore this map more on the Meagher County Stewardship Council's website: <https://meaghercountystewardshipcouncil.org/what-we-do>.



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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/donate, 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.