

THE LEADER IN ENERGY AND ENVIRONMENT NEWS

MINING**Mont. high court upholds permit for proposed silver project***Published: Thursday, February 18, 2021*

Hecla Mining Co.'s Rock Creek mine site in Montana. Hecla Mining

Montana officials conducted an appropriate review before granting a water permit for a proposed silver and copper mine that would run beneath a wilderness area near the Idaho border, the Montana Supreme Court ruled yesterday.

The 5-2 ruling reversed a lower court decision from 2019 that said officials had failed to adequately consider potential damage to nearby streams from Hecla Mining Co.'s proposed Rock Creek mine.

The mine beneath the Cabinet Mountains Wilderness near Noxon would employ about 300 people and cover almost 500 acres.

The state Department of Natural Resources and Conservation was sued by the Clark Fork Coalition, Earthworks and other environmental groups after granting the water permit in 2018.

A spokesperson for the natural resources department said in a statement that the decision was important for water users who rely on its interpretation of state law.

"The majority ruling confirms that the Department's analysis of water rights does not interfere with the fundamental right to a clean and healthful environment," spokesperson John Grassy said.

Opponents argued more review of the project was needed because water flowing into mining tunnels would deplete or completely drain multiple streams in violation of state water quality laws.

But a majority of justices said in a 75-page ruling that further review was not immediately required, in part because the state Department of Environmental Quality had not raised objections to the permit.

Attorney Katherine O'Brien with Earthjustice, who represented the environmentalists, expressed disappointment with the ruling. She said the mine also threatens populations of bull trout and other native fish, grizzly bears and lands that are sacred to the Ktunaxa Nation of Canada.

Hecla Mining Vice President Luke Russell said the Coeur d'Alene, Idaho-based company was pleased with the decision upholding the permit. Before mining can proceed, the company still needs to resolve a separate legal challenge over potential impacts to imperiled species that is pending before U.S. District Judge Donald Molloy in Missoula.

"We're doing everything we can to be ready and have agency approvals ready to move forward as soon as we can," Russell said.

The Cabinet Mountains Wilderness is protected under federal law, but mining is allowed on existing mining claims.

Plans for the Rock Creek mine date to the late 1980s. — *Matthew Brown, Associated Press*

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