



**The Cabinet Resource Group  
Protecting the Environment through  
Education and Action.**

## **Bad Actor Billboard**

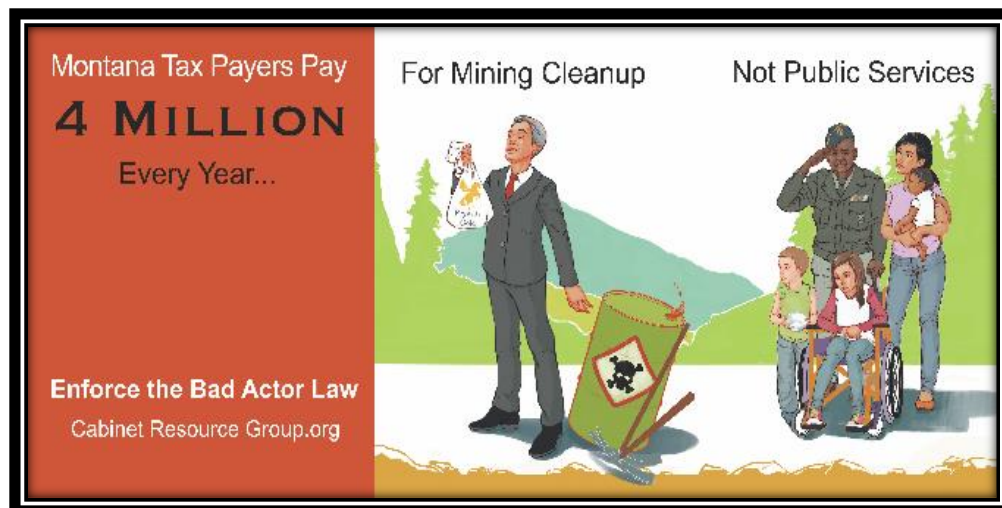
*By Cesar Hernandez*

If a picture is worth a thousand words, then the (11x23 ft.) billboard that Cabinet Resource Group ran in the State's capitol Helena for two months beginning on July 11, 2018 says a lot.

When MT government revenues fell short of projections by \$150 million dollars and state department budgets had to be cut because the Legislature refused to raise taxes, the heaviest burden of the shortfall (\$54 million) fell on the Dept. of Health & Human Services. This department is responsible for programs such as food stamps, suicide prevention and awareness, drug and alcohol counseling, the Montana Veterans Home and a host of other social services. At the same time that State

government and the Legislature couldn't and wouldn't find enough money to support needed human services, the MT Dept. of Environmental quality was spending \$4 million dollars per year on water quality monitoring and cleanup at three abandoned Pegasus Gold mines resulting from that company's bankruptcy in 1998. Having spent \$34 million taxpayer dollars to date and the prospect of having to do so in perpetuity because of the severity of the groundwater contamination and pollution, the incongruity of the situation required a response. The sense of urgency was heightened when 50 of the same legislators who refused to fund needed human services came to the defense of embattled HECLA Mining Company CEO Phil Baker who was the CFO (Chief Financial Officer) of Pegasus Mining when it went bankrupt in 1998. To their credit, MT Dept. of Environmental Quality designated Phil Baker a "Bad Actor" according to the auspices of the MT Metal Mining Act. And despite the denials by Baker and HECLA of his status at the time of the Pegasus debacle, in Bill Martin's words; "as CFO he wasn't just a janitor at the mining company."

***Many thanks to Jennifer Parham for her work on the design and artwork for the Bad Actor Bill billboard.***



# Mining Lessons from the Past

*By Duke Breitenbach*

I am spending the summer in Southwest Colorado's San Juan Mountains, a very heavily mined area from 1850-1920 ish. There are hundreds of mines, remains of mills and tailing piles in every gulch. Extensive reclamation work has been done at great public expense to try to contain the worst of the toxic contaminates. The most recent 'spill' was in 2016 at the Gold King mine where EPA and reclamation contractors breached the American Tunnel portal. The result is huge amounts of toxic material being flushed into Cement Creek, Animas River, Colorado river and into Lake Powell. Currently suspension ponds are filtering some of the toxic material, and that treated material is being transported over to the flood plain of the Animas River. Over a hundred years later, we are still dealing with the results of improper mining practices and mine owners just abandoning the sites.

This is only an example of one location. I lived in Hayden, Idaho for many years and enjoyed numerous excursions into the Cabinets. Mining the Cabinets seems to me to be another blunder that will have to be addressed for many years to come, if approved. Tunneling UNDER will result in massive piles of debris, perhaps contaminated. The Trail of the Coeur d' Alenes is an example of a capped train route to contain the contaminant of mining in the Silver Valley.

The Sunnyside mine was a major player in the San Juans. Many levels of tunnels were developed, notably one under a pristine alpine lake, Lake Emma. The entire lake collapsed into the tunnel structure on a Sunday morning. Fortunately, no one was in the mine. The following picture is the basin where Lake Emma used to be.

This is a vivid example of what can go wrong. I am not sure that any amount of bonding would be enough to RESTORE the Cabinet Mountain Wilderness.



*The Cabinet Wilderness lakes most in danger are Cliff, Copper and St Paul from the proposed Rock Creek mine. Rock Lake and Libby Lakes could be endangered by the proposed Montanore mine.*



Rock Peak from Upper Libby Lake  
Photo courtesy of Hannah Hernandez  
[www.hannahhernandez.rocks](http://www.hannahhernandez.rocks)

## Troy Mine Reclamation

*By Bill Martin*

The original reclamation plan for the Troy Mine required that 18 inches of topsoil be placed over the tailings pile at the end of mine operation. Topsoil removed from the tailings site was stockpiled below the tailings dike, alongside Lake Creek. When the dike began leaking early in the operation of the mine, ASARCO used some of it to construct “toe ponds” below the dike to capture the leaking water before it entered Lake Creek and from which it could be pumped back into the . impoundment. There is no accounting for another portion of the stockpiled topsoil.

HECLA successfully petitioned the state to lower the required depth from 18" to 8".

Though dubious, CRG did not challenge this as HECLA submitted research to support its request, and we had no science to refute it. Time will tell. If 8" proves to be insufficient, more can be added later.

This past spring, 148 acres were covered and seeded with native plants. Several thousand tree seedlings obtained from the nursery of the Confederated Salish and Kootenai tribes. On August 15<sup>th</sup> I was given a tour of the facility by Doug Stiles and Tim Lindsay of HECLA. In spite of the very dry weather, the plants are doing surprisingly well.

About 38 acres in cell 4 at the north end have been prepped and hopefully will be planted this fall. Another 120 acres still need more topsoil and will be planted next year. At the site of the former decant pond (now dry) there

are 9-1/2 acres still open. Sprinklers are in place to suppress dust.

Water from the mine is flowing into a new decant pond where it is sinking into the ground. The surface area is less than 1/4 acre. There seems to be more than adequate capacity to handle any increase. The toe ponds are surrounded by drainage cloth to keep silt out and allow Western toads to thrive in the ponds. There is a lane known as “Toad Alley” allowing the toads access to and from Lake Creek. Where piled soil has been removed, there are now depressions which will become wetlands.

At the mine site, the mill is disassembled and should be hauled away by the time you read this. Remaining buildings are scheduled to be gone by 2020.

To sum up, no major glitches have been encountered, and things seem to be going according to plan.

***HECLA had stopped all reclamation in early August in reaction to the Bad Actors Law. They have started up again on a reduced schedule. It appears that public response has caused them to rethink the reclamation position.***

## **The Truth About the Bad Actors Law**

***By Jim Nash***

When critics of the Mining Bad Actors Law attacks Montana’s enforcement of a state law that protects taxpayers from shouldering the clean-up bill for mining companies, it’s clearly time to impose an old-fashioned smell test. In weaving together their argument, they got many of their facts wrong.

I live in the community where Baker’s company proposes to mine. And as the retired owner of a sawmill and wood products company I know the challenges of creating jobs and making a livelihood in rural Montana. I also understand the obligations businesses and their leaders must take on when they seek the privilege of developing our state’s natural resources.

From my perspective, the bad actor law is common sense. It simply says that mining companies and their top executives don’t get another shot at our state’s natural resources if they walked out on their clean-up obligations in the past—unless they’re prepared to pay back the state for clean-up work the public had to do in the company’s place.

Given that the bad actor law was enacted by a Republican-controlled legislature, signed into law by a Republican governor, it’s far-fetched to suggest that the law is ridiculous and irresponsible.

The decision by the Montana Department of Environmental Quality to enforce the bad actor law against Baker is perfectly sensible. Before taking the helm at Hecla, Baker was a top executive at Pegasus Gold, which operated gold mines across Montana and reneged on its clean-up obligations.

There have been claims that Baker is being unfairly targeted because Pegasus filed for bankruptcy after Baker had departed. Not true. Pegasus filed for bankruptcy in January 1998 *while* Baker was serving as the top financial official.

It has been argued that Baker had no decision making and should not be held responsible. He was vice president and CFO of Pegasus and one of the five top officials. DEQ is holding him accountable because the law is clear.

The collapse of Pegasus on Baker’s watch left a sprawling mess of dangerous contamination

at multiple mines. Pollution from the Pegasus mines has contaminated drinking water, harmed agricultural lands, and caused lasting damage to fish and wildlife habitat and our public lands. Baker has since moved on, but those downstream of these Pegasus mines have been left to deal with the mess through no fault of their own.

It has been stated that DEQ used the mine's reclamation bond to clean up the sites, but the clean-up costs have far surpassed the bond. More than [\\$27 million in public funds](#) (state and federal) has been spent at just the Zortman Landusky mine, and the public will be burdened with \$1-2 million in costs every year, forever, to treat contaminated water at the site.

There have been cries of 600 jobs lost ignoring the fact that if Baker cared he would comply with the law by stepping down. Hecla would solve its legal problem under Montana's bad actor statute and only one job would be lost.

At the end of the day, Montana can ill afford to subsidize mining executives that can't be bothered to clean up after themselves. In fact, many Montanans are concerned about protecting the more than 71,000 jobs provided by Montana's [\\$7.1 billion outdoor recreation industry](#).

Inviting back the same mining executives whose companies have trashed our state's environment in the past would not serve the tens of thousands of Montanans who want those jobs for the long-term.

The State is right to enforce our laws and protect the many Montana businesses who operate responsibly and rely on a clean and healthy environment.

***This article was published as an op-ed in 10 regional and state newspapers. Hearings will begin in Helena on September 17, 2018.***

## CRG Intern

*By Ahnna Reid*

This summer, I was fortunate enough to be selected as the CRG's Wilderness Ranger Intern for the Cabinet Ranger District. Not only did I have one of the most enjoyable summers of my life, but I learned a lot about trails and wilderness, and gained valuable skills and knowledge for potential future careers. During my internship, I primarily worked with the Forest Service trails crew. I started this summer without any previous trail work experience and now I can confidently dig tread, and I have certifications to use cross-cut saws and a chainsaw. Improving trails on the Cabinet District has proved to be hard but very rewarding work.

Another part of my job was to act as a Wilderness Ranger. Every weekend, I would go out to a wilderness trail on the district and patrol. This would consist of working on the trail, monitoring the level of solitude in a particular area, and talking with hikers about wilderness stewardship and Leave No Trace. This internship has been an incredible opportunity. I was able to acquire new knowledge and skills, work outside all day every day, and learn more about wilderness stewardship. I was also very fortunate to meet so many wonderful people that are strong advocates for wilderness and public lands, all while earning college credit! I am so grateful to have had the chance to do this internship and I look forward to the doors it will open for me in the future for a career in natural resources.

***GRG has sponsored a trails intern for the past 3 years. We have received 2 grants totaling \$16,000 from Montana Fish, Wildlife and Parks for a total of 5 weeks of trail work done by the Montana Conservation Corps.***

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You can learn more about our mission and membership benefits at:  
**[www.CabinetResourceGroup.org](http://www.CabinetResourceGroup.org)**

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