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Cabinet Resource Group Newsletter

Protecting our natural resources through education and action

Summer/Fall 2013

CRG board meetings are held monthly. You're welcome to join us and share your input. Contact us at 847-2024 to join. Include your current email if you would like to receive notice of board meetings, **ACTION** alerts, and car pools. Your concerns, interest and energy are welcome!

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Kootenai River Endangered

The Kootenai River is a transboundary river encompassing more than 19,000 sq. miles in Montana, Idaho, and British Columbia and is the second largest tributary to the Columbia River (Figure 1). The Kootenai River is home to many fish species including bull trout, white sturgeon, kokanee, and red band rainbow, and provides recreational opportunities for fly fishing, rafting, and boating. As of April 2013, American Rivers listed the Kootenai River as one of the nation's 10 Most Endangered Rivers.

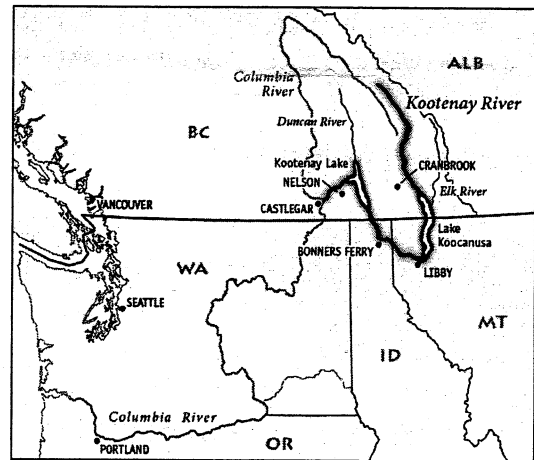
The threats to the Kootenai River are associated with coal mining of the East Kootenay Coal Fields in the Elk River Basin of Southeast British Columbia. The Elk River is a major tributary to the Kootenai River and currently there are five open-pit, mountain-top removal coal mines and two coal bed methane operations. These coal deposits have been developed since the mid-1970s; however there are continuously new proposals to expand these operations within the Elk River Basin as well as the North Fork of the Flathead River Basin.

Since 2009, research has been conducted on the Transboundary Flathead River pertaining to water quality and aquatic life to assess the potential impacts of open-pit coal mining and coal-bed methane development to the Transboundary Flathead River Basin (Hauer and Sexton 2013), with the objective of developing a comprehensive conservation plan. Hauer and Sexton developed a sampling design strategically directed toward a comparative analysis between the Elk River and the Flathead River, directly comparing surface water quality and response of aquatic life use among sites on the Elk River and its tributaries above and below the open-pit coal mines to similar sites around the proposed Cline Lodgepole Coal Mine on the Flathead River and its tributaries.

Hauer and Sexton found nitrate and total nitrogen concentrations were significantly elevated (1000X) at sites downstream of existing coal mining in the Elk Basin compared to what was observed among all Flathead Basin sites and samples from Elk Basin sites above coal mines. Sulfate

concentrations were also significantly elevated (40-50X) in Elk Basin sites below coal mining. Selenium concentrations were elevated to 7-10X above naturally occurring levels observed among Flathead Basin streams and river sites and Elk Basin sites above the coal mining. Additionally, they found significant impact to both the algae and macroinvertebrate communities in tributary streams below mining in the Elk River Basin.

For more information on the Transboundary Kootenai River Basin or the Transboundary Flathead River please check out the following websites: Kootenai River Network, Inc, kootenairivernet-work.org; and the Great Northern Landscape Conservation Cooperative, greatnorthernlcc.org/transboundary-flathead.



East Kootenay Coal Fields Reference: Hauer, F. Richard, and Sexton, Erin K., 2013, Transboundary Flathead River: Water Quality and Aquatic Life Use, Flathead Lake Biological Station, Univ. of Montana, Polson, MT.

http://crownmanagers.org/storage/HauerSexton2013_TransbdyFlatheadRiver_WQ-Aquatics.pdf

Inside...

**Water Rights Compact
Mining Claims Mystery
New Forest Plan
And a BUNCH more . . .**

Wrangling over Water Rights

The Confederated Salish and Kootenai Tribes of the Flathead Reservation is the only Montana tribe yet to have its water rights finally adjudicated and enshrined into law. In fact, much of western Montana's water rights are in limbo, waiting for the tribal rights to be clarified. Because of some rare treaty rights accorded the CSKT in 1855 and the subsequent federal divvying up of reservation land by homesteading to non-Indians in the early 20th century, these reservation water rights negotiations and irrigation project management are more complicated than the others have been. In addition, as one of the "Stevens Treaties," the Tribes maintained treaty rights to hunt and fish off of reservation land, so off-reservation stream flows are another part of the puzzle.

The Tribes have been negotiating with the State of Montana and irrigators for well over a decade with the aim of establishing and protecting water use rights and agreements for everything from irrigation systems and wells to instream flows for fisheries and Kerr Dam power production.

The negotiated settlement agreement was ready for confirmation by the legislature this year, but some members of the Flathead Irrigation District, along with Concerned Citizens of Western Montana and Western Montana Water Users Association, became convinced that their water rights and livelihoods were at risk if the plan went forward. The legislature voted to reject the agreement at least until they could look into it in depth, and assigned a Water Policy Interim Committee, including Senators Jennifer Fielder and Chas Vincent (chair) to assess it.

The two other affected Irrigation Districts, Jocko and Mis-

sion, feel the negotiated pact is fair and workable, and are considering cutting ties with the Flathead bunch by resigning from the Joint Board of Control, stating their reasons in a release you may wish to read at irrigatorsblog.wordpress.com. The Tribe has backed off, and may decide to just take it all to court.

Why should we care? Many reasons, but here are a couple. For one thing, whether you live on or off the reservation, the settlement of this issue is necessary for the rest of our water rights to finally get adjudicated and made into law. In addition, other states have claims on Montana water. Montana cannot adequately fight for its own water coming out of the western part of the state if we do not have our water rights quantified, which this proposed compact is intended to make possible. Litigation would be very expensive for the irrigators, the Tribe, and the State, and previous court decisions point to the potential for the Tribe to claim much more water and control than they agreed to with the proposed pact.

At a forum on this issue held at the Sanders County courthouse last summer, CSKT fisheries biologist Seth Makepeace and MT DNRC lawyer Melissa Hornbein agreed that the state had negotiated fiercely on behalf of non-tribal water users, both on-and-off-reservation. Both agreed that the compact, as proposed, protects irrigation and downstream water uses while providing a plan to improve the efficiency of the current irrigation system and protecting instream flows for bull trout.

For summaries and up to date information, visit the DNRC website dnrc.mt.gov/rwrcc/Compacts/CSKT.

Mysterious mining company buys claims

Excerpted from: **Mysterious company buys Libby mine claims** By RYAN MURRAY/Daily Inter Lake

The Montanore mine project near Libby faces what could be its largest obstacle yet after a mysterious company bought two controversial claims on top of the Libby Creek adit. That site is a critical access to possibly 230 million ounces of silver and nearly 2 billion pounds of copper.

Optima Inc., a private company founded June 14, bought the two remaining claims that have been slowing down the permitting process for Mines Management Corp. Previously, District Judge James B. Wheelis of Libby upheld the settlements of seven of nine claimants on top of the adit. Arnold Bakie and Walter Lindsey of Idaho were the two holdouts. (An adit is a mostly horizontal entrance into a mine.) Optima has no Web presence, no centralized phone number and no public business infrastructure yet. Heather Ennis, a public contact for the company, was using her last employer, Midas Gold Corp., as her contact information. Ennis said Optima had designs on the property on Libby Creek.

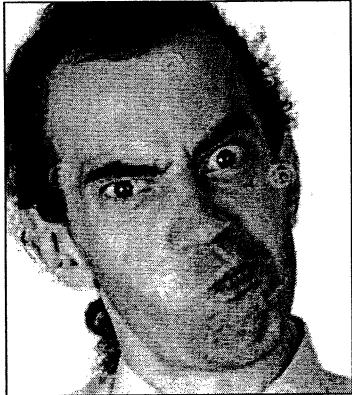
"We have some future plans to do some exploratory drilling in the decline," she said. "We don't plan to sit on it."

Ennis' involvement suggests that the new land transfers could be part of a long-running rivalry. She is a former Revett Minerals Inc. employee and her father, Frank Duval, founded Revett, the silver and copper mining company in Troy. It is a local competitor of Mines Management and the two Spokane-based companies have squared off several times over the years.

John Shanahan, president and chief executive officer of Revett, said firmly that Duval is not in cahoots with his company and that he has no idea what Optima's intentions are. Glen Dobbs, the chief executive officer of Mines Management, said the shadowy nature of Optima Inc. was a sign for possible alarm. "We believe the Optima group intends to disrupt work in the adit in an effort to delay development of the Montanore project," he said.

Wasn't true, still isn't

In the summer of 2012 a local group, Sanders Natural Resource Council, created a big hullabaloo by running ads and holding meetings claiming the Forest Service was going to make "public lands off limits" by closing all the roads, and resulting in the following: "No timber harvest, no mining, no firewood gathering, no snowmobiling, no ATVs.....EVER!" For good measure they threw in things like "no huckleberry picking." It was untrue then and has proven to be untrue ever since. People still cut firewood, fish, snowmobile, ride ATVs, pick huckleberries, hunt, fish, hike and drive on roads. Mining still occurs. Timber is harvested when there is a market. (One approved cut, supported by CRG, was begun and then abandoned because there wasn't a market for the timber.)



Not understanding the NEPA process, SNRC based their claims on a "what if" Alternative the Forest Service was required by the courts to analyze. The court agreed with the claimant that an analysis of alternatives relating to the recovery of the grizzly bear should include the analysis of at least one alternative that would be best for the bear. So the Forest Service had gone back to the drawing table and analyzed this extreme scenario, disclosing the potential effects on bear numbers as well as on human uses of the Forest.

They did not select that extreme scenario. But a lot of people were convinced by SNRC that this closure was imminent.

Shooting themselves in the foot: By misreading the Grizzly Bear Amendment proposed for the Kootenai and Lolo National Forest Plans and the Grizzly Recovery Plan, spokesmen for the group claimed, incorrectly, that if the grizzly population in the Cabinet-Yaak Ecosystem reaches the plan's goal of 100 bears, grizzlies would be more concentrated in the CYE than in Yellowstone. This is true only when they compare to Yellowstone's numbers the year the bear was listed as Threatened. They filed an appeal to stop implementation of the grizzly amendment, ironically joining their ideological opposite, Alliance for the Wild Rockies, in opposition to the Grizzly Amendment to the Forest Plan. They failed to understand that the plan amendment was actually conceived to be a better way to analyze and protect grizzly habitat while creating more flexibility for timber harvest and other management. SNRC is actively working against their professed interest of increasing timber harvest.

SNRC spokesman and State Senator Jennifer Fielder recently told the Sanders County Commissioners that they have discovered through their "analysis" that the entire Grizzly Recovery Plan is based on flawed science, and she apparently intends to take that on as well. One thing they have stated in the past is that grizzly bears should be considered part of the Canadian population, and not have ANY recovery goals for the CYE. They also want to see all roads open, and federal land turned over to the State of Montana.

Dredge mining – cumulative effects?

Massive amounts of dredging mining are occurring across Kootenai Forest, with apparently very little oversight. While one operation may have fairly minor impacts to a stream system, the cumulative effects of several along the same stream bed can be terribly destructive to fisheries spawning gravels and stream stability.

Many of these operations are well past the exploratory phase. It is time to insist on a more in-depth analysis to address cumulative effects of all the small scale suction dredging across the Kootenai National Forest. Right now, the operators are apparently just given the permit form and getting approved. The agencies are not looking at the cumulative effects of multiple operations on individual streams and

across the Forest.

For example, there are at least eight different operations in Libby Creek alone. What are the effects of that many dredge mining operations on stream stability, channel structure, sedimentation, and therefore, bull trout spawning gravels, etc.?

On the Vermilion River, a large multi-year project has been underway to try to stabilize banks and streambed erosion, created at least in part by dredge mining in the past. And yet, dredge operations continue to expand in that stream. CRG will be seeking further information on this issue, and welcomes input from members regarding specific streams of concern.

New Kootenai Forest Plan begins its final journey toward becoming policy

The new Kootenai Forest Plan, 15 years in the making, has been released as a final draft. A 60 day period for those who have submitted substantive comments to register any last minute objections ends November 26. The objection process is a new one, aimed at bringing objectors back to the table to try to address concerns through discussion, rather than law suits (an admirable goal).

The new plan makes the call on what areas will continue to be protected in a wild state so that they can still be considered for future Wilderness designation. Trout Creek is still protected as roadless, and much of the Scotchmans are, too. Conservationists are disappointed about a few areas. Gold Hill, a unique rolling lodge-pole Roadless area that harbors furbearers, moose, and elk northeast of Libby, is now planned to be designated to be open for snowmobiles in the winter. Ten Lakes lost its Wilderness recommendation, but is still protected for now as non-motorized. And the Forest Service is missing an opportunity to reflect reality and wilderness suitability by failing to protect the southeast corner of the Cabinets above the Vermilion River, and Cabinet Face East. This is wonderful existing wild country contiguous to the Cabinet Mountain Wilderness.

But in many ways, the new Forest Plan is very similar to the old one (for example, see p. 39 for summary numbers). We can appreciate the effort the Forest Service has done. The document shows they're listening and working to make good compromises.

If you made substantive comments on the earlier draft and wish to file an objection to "reserve your seat at the table," contact the Kootenai Forest at 406-293-6211.

CRG and FSWP together . . . on a Revett Board?

Communication (about) Rocks!

CRG board members accepted the invitation from Revett Minerals to serve on the Revett Environmental Stewardship Panel (RESP). FSPW joined in, too. The goal of the group is to share information and keep an open dialog regarding current events and any concerns that may arise.

At an RESP meeting Oct 23 at Big Horn Lodge, Revett gave a thorough update regarding their plans to drive a new access route into the ore body at Troy Mine, as the old tunnels are not safe. This process is expected to take a year or more. Several pillars of the room & pillar system failed in the area that was developed by Asarco, the previous owners of the mine, and cannot be salvaged. Some of the old "rooms" were as high as 80 feet tall, while current plans limit room heights to about 20'. There is some evidence of the shifting rock at the surface — a new surface collapse

has occurred on top of the mountain above the Troy Mine. MSHA has issued a K-order which limits the access by anyone to the majority of the mine, and now also the surface of Mount Vernon where the new subsidence is.

Revett is driving a whole new portal into beds way below the old workings, starting fresh. Let's see how they do. Mining is inherently a very dangerous business. All kinds of things can go wrong with all the rock over the top, but at least the new beds are far below the mountain top, and this may help ensure stability.

Remembering Our Roots . . .

RETROSPECTIVE: PART TWO

One of the things others have called CRG is a "watchdog group." Is this true? And are we other things? What are we? Part of our work over the past 37 years has been to hold people and agencies accountable for what they say they'll do and what the law requires, and helping ensure that if something is to be done, it should be done right. But do we have other goals? Guidelines for non-profits recommend revisiting the vision and mission for an organization every couple of years, so we thought a little introspection might be good for us.

Who Are We and Where Are We Going? ~ CRG from a Member's Point of View

By Kari Dameron

When I first joined CRG 12 years ago, I didn't really know much about the group. In fact, I was badgered by a dear friend to join because "we need young people." I was twenty-something and about the only thing I knew about the group was that they were concerned about the impacts of the proposed Rock Creek mine, they loved their communities and wilderness, and they had good beer at their meetings.

Since I've been a member, I have seen a lot of work done by CRG to hold agencies and corporations accountable - including such cases as permit requests, reclamation bonds, stream and ground-water monitoring, and wetlands protection.

We must be doing something right. I mean, the wilderness hasn't been drilled into and several up and coming advocacy groups have sought our guidance to help further their own interests.

Among the groups who have looked for support are Friends of Bull Lake, Headwaters Montana, and Friends of Scotchman Peak Wilderness. There may have been more before my time.

CRG was created as sort of a watchdog group. Bill Marten told me once that the Cabinet Resource Group started in the '70s when there were

"dam wars" on the Kootenai River. As years have rolled along with the waters on the Kootenai, we are still that watchdog group people count on. If there are any local issues concerning you or you would like to volunteer, stop by the next meeting.

In this way, CRG has taken on a big commitment to the next generation. We advocate for the extraordinary resources and places that make this neck of the woods so special. But in order to assure that protection is carried on for our descendents, we need to help ensure the next generation even knows about their beautiful backyard!

Thus, the creation of Cabinet Resource Conservation Education. This is an extension of CRG, working to offer fun ways for area youth and adults to learn the value of the natural world and its complex ecosystems, and how our activities can protect, enhance, or damage their future. So far this has included organizing volunteer trail improvement projects in the Cabinets, information booths at school events, and scholarships. In the future, we are interested in re-starting the outdoor education efforts of the past, potentially even hiring a coordinator. Anyone interested in assisting this effort please contact any CRG board member listed on page 1.

In the meantime, look to CRG for keeping an eye on things, and working together with folks from a wide range of interests to ensure clean water and responsible, community-based natural resource management.

**Celebrate
Wilderness Act's
50th anniversary
next summer
Big Deal, Big Party!**

Everyone from CRG to the Smithsonian will be celebrating the 50th anniversary of the Wilderness Act. Our event is July 11-13, 2014 at the Bull Lake Rod and Gun Club, and will include speakers, music, and merry-making. For more info or to volunteer to help, call Kim Matthew, 406-827-4320.

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Current Resident, or:

Coming Next Issue . . .

The U.S. House of Representatives passed H.R. 1526, the "Restoring Healthy Forests for Healthy Communities Act," September 20. This bill was co-sponsored by Montana's U.S. Representative Steve Daines. The bill is a radical change to National Forest Management. It is an attempt to force some national forests to do away with all environmental considerations on all lands except those specifi-

cally protected by congress (such as Wilderness). The rest of the lands would be turned into "Forest Reserve Revenue Areas" with the sole purpose to harvest an amount of timber pre-set by Congress, not by foresters and natural resource managers working together with the public.

Look to the next CRG Newsletter for a comparison of this bill with Tester's Forest Jobs and Recreation Act and Baucus' Rocky Mountain Front Heritage Act.

Your donations are tax deductible. CRG members receive our newsletter and special updates on natural resource issues. Members are invited to public forums, our annual membership meeting and monthly board meetings. If you care about the Cabinets, our natural resources, and the community of people who live here, we are just the grass roots group for you.

The CRG Newsletter is compiled, edited, and designed by CRG. All contents © 10/2013 CRG. If you would like to send a comment or have questions, contact a CRG board member listed on the front of this publication.