

HOUSE JOINT RESOLUTION NO. 43

INTRODUCED BY WINDY BOY, BALLANTYNE, BECKER, BERGREN, BIXBY, BRANAE, BUZZAS, CALLAHAN, CARNEY, P. CLARK, COONEY, CYR, DICKENSON, DOWELL, ELLINGSON, ELLIOTT, FACEY, FRANKLIN, GALLUS, GALVIN-HALCRO, GIBSON, GOLIE, GUTSCHE, HAINES, HANSEN, HARRIS, HEDGES, JACOBSON, JAYNE, JUNEAU, KITZENBERG, LAMBERT, LANGE, LENHART, LINDEEN, MATTHEWS, MUSGROVE, NEWMAN, PARKER, RASER, SMALL-EASTMAN, TESTER, TOOLE, WANZENRIED, WEISS

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE SURFACE WATER AND GROUND WATER IMPACTS OF THE ABANDONED ZORTMAN AND LANDUSKY MINE SITES ON THE MILK AND MISSOURI RIVER WATERSHEDS AND THE EFFECTIVENESS OF THE STATE RECLAMATION EFFORTS AT THE ZORTMAN AND LANDUSKY MINE SITES IN PROTECTING THE WATERSHEDS; AND REQUESTING THAT THE RESULTS OF THE STUDY BE REPORTED TO THE 59TH LEGISLATURE.

WHEREAS, Pegasus Gold Corporation (Pegasus), through its subsidiary, Zortman Mining Incorporated (ZMI) and its predecessors, owned and operated the Zortman mine and the Landusky mine located in the Little Rocky Mountains of Phillips County, Montana, from 1979 until ZMI entered Chapter 7 bankruptcy in 1998 and abandoned the site; and

WHEREAS, the State of Montana's Department of Environmental Quality (DEQ) is presently directing the land reclamation and water treatment activities and operating the water treatment plants at the mine sites; and

WHEREAS, in 2002, the Bureau of Land Management and the DEQ prepared a joint supplemental environmental impact statement to evaluate alternatives for the final reclamation of the Zortman and Landusky mine sites; and

WHEREAS, the effectiveness and sufficiency of the current and proposed reclamation are not universally acceptable, and the reclamation is admittedly underfunded; and

WHEREAS, water discharges from the mine sites require treatment efforts, possibly into perpetuity; and

WHEREAS, the Little Rocky Mountains are upland water recharge areas for several watersheds and tributaries that supply the Milk River and the Missouri River; and

WHEREAS, current reclamation plans for water treatment at the mine sites contemplate the complete

cessation of water treatment as soon as the year 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to review the reclamation efforts at the Zortman and Landusky mine sites to:

- (1) identify the impacts on surface water and ground water, including the recent degradation of Swift Gulch, attributable to past or present activities at the mine sites;
- (2) determine if there are identifiable downstream impacts on the Milk and Missouri River drainages attributable to past or present activities at the mine sites;
- (3) determine whether the surface water and ground water resources in the watersheds affected by the mine operations are being protected by the current or proposed state reclamation; and
- (4) determine the potential impacts to surface water and ground water resources if additional funding for water treatment and reclamation does not become available.

BE IT FURTHER RESOLVED, that the study be conducted by reviewing available research reports and by soliciting testimony and information from knowledgeable individuals, academic institutions, and the appropriate local, state, tribal, and federal agencies.

BE IT FURTHER RESOLVED, that, in particular, representatives of the Fort Belknap Reservation Environmental Department be included in the study and participate in developing findings and recommendations.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

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