

# A DECLARATION OF CONCERN

*by North Idaho's business community*

**W**e, the undersigned, are business owners in Bonner and Kootenai counties, located in the Panhandle of Idaho. We recognize the economic health and future of our communities and businesses are tied to the natural amenities of this area, especially Lake Pend Oreille. Lake Pend Oreille is the fifth deepest lake in the U.S. and Idaho's largest natural lake.

The proposed Rock Creek mine in northwestern Montana would create a discharge of pollutants containing heavy metals including arsenic, lead, zinc, mercury, copper, and others that would be discharged into the Clark Fork River, which flows 25 miles downstream before entering Idaho's Lake Pend Oreille. Lake Pend Oreille receives greater than 90% of its water from the Clark Fork River, and the water it most depends on would be impacted by mining contamination. This discharge would be perpetual, requiring monitoring for decades after the mine is closed and the mining company is gone.

The Rock Creek mine would store 100 million tons of mine tailings containing heavy metals next to the Clark Fork River. Unfortunately, the construction design chosen for the mine's tailings impoundment is considered one of the most risky, and is inherently unsafe. Furthermore, it has not been demonstrated to meet Montana's newly enacted seismic safety criteria for tailings dam designs. Recent catastrophic failures in Brazil and British Columbia, which sent a slurry of millions of cubic meters of tailings into downstream waters, highlight the severe consequences of impoundment failures. It is the conclusion of mining engineers who have reviewed the causes of the ever-increasing number of tailings impoundment breaches, that additional failures are inevitable because the mining industry consistently puts profit before safety considerations. Making matters worse, should the mine's tailings impoundment fail, cleanup costs for the Clark Fork River and Lake Pend Oreille would be borne by taxpayers if the company files for bankruptcy.

Over the years, the Rock Creek mine has been through multiple environmental reviews because of the severity of the impacts, the failure of the permitting agencies to conduct adequate analyses, and several court rulings that have found aspects of the mine in violation of state and federal laws. After 20 years, the mine plan is still plagued by fundamental flaws that present unacceptable risks to our lake, and yet the Forest Service recently issued a preliminary approval for the mine to proceed.

If constructed, the mine would need to be constantly monitored to detect water quality violations and ensure compliance with discharge permit limits. We are concerned that should regulatory agencies such as EPA be defunded, or provisions of the Clean Water Act weakened, there will be inadequate protections in place to protect our lake from even greater contamination.

**Given the inherent risks of the mine, and the perpetual pollution it would generate, we are concerned that Lake Pend Oreille will be damaged by the mine, perhaps irrevocably. We, therefore, believe it is in the best interests of our communities and businesses, that the mine not be constructed.**

