

1. Sen. Phillips – Options to protect Smith River Corridor.

Background: The Smith River State Park is a 59-mile stretch of river managed by the DFWP in central Montana. It is known for its scenery and fishing in a remote setting. Permits are required to float the river. In 2015, Montana State Parks received 8,096 applications to float the Smith River. A total of 1,175 permits were awarded.

Tintina Resources is in the exploration and proposal phases of the Black Butte Copper project about 20 miles north White Sulphur Springs. The area is in the Sheep Creek watershed, a tributary to the Smith River, which in turn is a tributary of the Missouri River. The Black Butte Copper property consists of approximately 12,000 acres of both long-term mining leases on private ranch lands and 100%-owned federal mining claims. The copper-cobalt-silver deposits at Black Butte Copper occur in extensive shale-hosted bedded sulphide zones.

Member objective: The EQC should study the relationship between the recreational use of the Smith River State Park and the proposed mine, and options to protect the river corridor.

One option for study would designate the river as an “outstanding resource water” under state law. The legislature recognized that some state waters “are of such environmental, ecological, or economic value that the state should, upon a showing of necessity, prohibit, to the greatest extent practicable, changes to the existing water quality of those waters. Outstanding resource waters must be afforded the greatest protection feasible under state law, after thorough examination.”

Another option to explore is federal designation of the river as part of the National Wild and Scenic Rivers System. The act, created by Congress in 1968 is intended to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The act aims to safeguard the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection. Rivers may be designated by Congress or, if certain requirements are met, the Secretary of the Interior. Each river is administered by either a federal or state agency. Designated segments need not include the entire river and may include tributaries.

The EQC should also examine designation of the Smith River as a National Monument. The Antiquities Act of 1906 authorizes the President to create national monuments on federal lands that contain historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest. The President is to reserve “the smallest area compatible with the proper care and management of the objects to be protected.” The act was designed to protect federal lands and resources quickly. Presidents have proclaimed about 130 monuments. Congress also has created monuments under its own authority.

Study Approach: Staff would provide background on the Smith River State Park, the mine proposal, and possible options for river protection as directed by the EQC.

Estimated Staff Time: For a one-meeting agenda item, it is estimated to take about .02 FTE (60 hours). For a more in-depth topic, time could approach .1 FTE (272 hours).

Estimated EQC meeting time: This could possibly be accomplished as an agenda item at two to four meetings.