

## I-186 The Hard Rock Mining Ballot Measure - Ballot Issue 14 - May 2018

I-186 is intended to ensure that new mines operating in Montana must prevent activities that would cause perpetual treatment of water from acid mine drainage or other contaminants such as arsenic, lead, or mercury.

- The ballot measure recently got approved for signature gathering (May 3). If it gets the 25,000 signatures required by law by June 22, it would appear on the November 2018 ballot for citizens to vote on. After this weekend, there should be about 16,000 signatures gathered (as of Friday, May 18, 13,941 signatures had been gathered).
- One of the big arguments in favor of this clean water ballot measure is that long-term water treatment is expensive, including for Montana taxpayers. There are currently more than 200 abandoned mines in the state polluting water. One of the most expensive mines for our state's taxpayers has been the Zortman Landusky mine in the Little Rockies (north central Montana). Due to a bankrupt mining company, the state has already paid about \$27.5 million on clean-up so far, with \$1-\$2 million required each year for water treatment--in perpetuity. Because of this long-term pollution, the tribal council from the Fort Belknap Indian Reservation has endorsed I-186.
- Montana Audubon's Board has endorsed this measure, as well as Montana Trout Unlimited, National Trout Unlimited, and many more organizations.
- PLEASE CONSIDER SIGNING AN I-186 PETITION so it qualifies for the November ballot!
- To find out more about the ballot measure: visit the website [yeson186.org](http://yeson186.org).
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[Courtesy of Janet Ellis, Senior Director of Policy, Montana Audubon; Summary May 22, 2018]

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### Further Details and Facts (Steve Regele, May 24, 2018)

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#### Montana Ballot Measure I 186 (Report Advertisement)

[https://ballotpedia.org/Montana\\_Requirements\\_for\\_Permits\\_and\\_Reclamation\\_Plans\\_of\\_New\\_Hard\\_Rock\\_Mines\\_Initiative\\_\(2018\)](https://ballotpedia.org/Montana_Requirements_for_Permits_and_Reclamation_Plans_of_New_Hard_Rock_Mines_Initiative_(2018))

#### Montana Requirements for Permits and Reclamation Plans of New Hard Rock Mines Initiative (2018)

The **Montana Requirements for Permits and Reclamation Plans of New Hard Rock Mines Initiative (#186)** may appear on the [ballot](#) in [Montana](#) as an [initiated state statute](#) on [November 6, 2018](#).

*This measure would require the Montana Department of Environmental Quality to deny permits for any new hard rock mines if the mine's reclamation plan does not "contain measures sufficient to prevent the pollution of water without the need for perpetual treatment." The measure describes "perpetual treatment" as including "activities necessary to treat acid mine drainage or perpetual leaching of contaminants, including arsenic, mercury and lead," but also states that the terms "perpetual treatment," "perpetual leaching," and "contaminants" are not fully defined within the proposed measure and would require the state Legislature or*

Department of Environmental Quality to further define them. The measure would become effective on November 6, 2018, and would not apply to permits that were approved before November 6, 2018. It is estimated that the measure's implementation would cost \$115,360 in the first fiscal year and up to \$118,767 by fiscal year 2021 due to increased staff for reviewing permits and "anticipated litigation."

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**Montana Ballot Measure I 186 full text:**

<http://sos.mt.gov/Portals/142/Elections/archives/2010s/2018/I-186.pdf?dt=1525543052589>

The Ballot proposes the following underlined changes to **Montana Code Annotated** 2017; TITLE 82. MINERALS, OIL, AND GAS; CHAPTER 4. RECLAMATION; Part 3. Metal Mine Reclamation: Reclamation Plan And Specific Reclamation Requirements, **82-4-336**:

(13)(a) The reclamation plan must contain measures sufficient to prevent the pollution of water without the need for perpetual treatment. (b) For purposes of this subsection (13), the term "perpetual treatment" includes activities necessary to treat acid mine drainage or perpetual leaching of contaminants, including arsenic, mercury and lead. (c) This subsection (13) applies except in the case of a proposed amendment to an operating permit or reclamation plan pursuant to which a mine has been permitted on or before November 6, 2018.

**“Section 2. Section 82-4-351, MCA, is amended to read:**

82-4-351. Reasons for denial of permit. ...

(3) The department shall deny an application for a permit or an application for an amendment to a permit unless the department finds, in writing and based on clear and convincing evidence, that the reclamation plan meets the requirements of 82-4-336(13). This subsection (3) applies except in the case of a proposed amendment to an operating permit or reclamation plan pursuant to which a mine has been permitted on or before November 6, 2018.”

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**Existing Language (May 24, 2018):**

**Montana Code Annotated** 2017; TITLE 82. MINERALS, OIL, AND GAS; CHAPTER 4. RECLAMATION; Part 3. Metal Mine Reclamation: Reclamation Plan And Specific Reclamation Requirements, **82-4-336**:

[http://leg.mt.gov/bills/mca/title\\_0820/chapter\\_0040/part\\_0030/section\\_0360/0820-0040-0030-0360.html](http://leg.mt.gov/bills/mca/title_0820/chapter_0040/part_0030/section_0360/0820-0040-0030-0360.html)

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**Additional Information:**

**Google Search:**

<https://search.yahoo.com/search?fr=mcafee&type=C211US0D20131204&p=montana+ballot+measure+i+186> :

1) [http://billingsgazette.com/lifestyles/recreation/controversial-environmental-initiative-gets-green-light-from-state/article\\_3556f94c-5d93-5ca9-843e-1eedc8f1b61.html](http://billingsgazette.com/lifestyles/recreation/controversial-environmental-initiative-gets-green-light-from-state/article_3556f94c-5d93-5ca9-843e-1eedc8f1b61.html)

Controversial environmental initiative gets green light from state, SUSAN DUNLAP [susan.dunlap@mtstandard.com](mailto:susan.dunlap@mtstandard.com) May 4, 2018

2) [http://mtstandard.com/news/government-and-politics/ballot-measure-threatening-montana-resources-golden-sunlight-fixed-but-confusion/article\\_b59b4444-d25c-5908-bfd1-00571ff0e27d.html](http://mtstandard.com/news/government-and-politics/ballot-measure-threatening-montana-resources-golden-sunlight-fixed-but-confusion/article_b59b4444-d25c-5908-bfd1-00571ff0e27d.html)

3) <https://www.hcn.org/issues/121/3860> "The rise and fall of a gold mining company - **High Country News 12/22/97**