

SUPREME COURT OF MONTANA

Montana Environmental Information Center v. Montana Department of Environmental Quality and Golden Sunlight Mines, Inc.; Jefferson County, Intervenor

2016 MT 9 (Mont. 2016) · No. DA 15-0208 · Decided January 12, 2016

SUMMARY

The Montana Supreme Court affirmed a district court judgment upholding the Montana Department of Environmental Quality’s approval of Golden Sunlight Mines’ North Area Pit expansion and selection of the Agency-Modified reclamation alternative. The Court held that the Montana Environmental Information Center was collaterally estopped from relitigating whether the Montana Constitution and the Montana Metal Mine Reclamation Act require full reclamation of lands disturbed by mining. The Court also affirmed that the agency’s decision satisfied the applicable statutory criteria.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Laurie McKinnon; Mike McGrath; Jim Rice; Patricia Cotter; Beth Baker
JURISDICTION	Montana
DECIDED	January 12, 2016
DOCKET	DA 15-0208
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from an order granting summary judgment to the Montana Department of Environmental Quality and Golden Sunlight Mines, Inc. Jefferson County was a defendant and intervenor.
STANDARD OF REVIEW	The Supreme Court reviewed summary judgment and the availability and preclusive effect of collateral estoppel de novo. It reviewed the non-contested-case agency decision under the same standard as the district court, asking whether the decision was arbitrary, capricious, unlawful, or unsupported by substantial evidence, and whether the agency made a reasoned decision based on relevant factors without a clear error of judgment.
PRECEDENTIAL VALUE	published precedential opinion

PARTIES

Montana Environmental Information Center v. Montana Department of Environmental Quality, Golden Sunlight Mines, Inc.

TOPICS

mining law

environmental law

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PRACTICE AREAS

environmental law

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QUESTIONS PRESENTED

1. Whether MEIC was precluded by collateral estoppel from relitigating whether Article IX, Section 2 of the Montana Constitution requires land disturbed by the taking of natural resources to be fully reclaimed to its previous condition.
2. Whether MEIC was precluded by collateral estoppel from relitigating whether the Montana Metal Mine Reclamation Act requires land disturbed by the taking of natural resources to be fully reclaimed to its previous condition.
3. Whether the DEQ made a reasoned decision, supported by the MMRA criteria and substantial evidence, in selecting the Agency-Modified reclamation alternative.

HOLDINGS

1. Collateral estoppel barred MEIC from relitigating whether Article IX, Section 2 of the Montana Constitution requires land disturbed by the taking of natural resources to be restored to its previous condition.
2. Collateral estoppel also barred MEIC from relitigating whether the Montana Metal Mine Reclamation Act requires land disturbed by mining to be fully reclaimed to its previous condition.
3. The DEQ made a reasoned decision in selecting the Agency-Modified Alternative, and its decision was not arbitrary, capricious, unlawful, or unsupported by substantial evidence.

KEY QUOTATIONS

“Issue preclusion (collateral estoppel) bars a party from relitigating an issue already decided in prior litigation.” (¶ 16)

“The DEQ’s decision was based on consideration of the relevant factors set forth in § 82-4-336(9)(b), MCA, of the MMRA, and was not arbitrary, capricious, unlawful, or unsupported by substantial evidence.” (¶ 36)

FACTUAL BACKGROUND

Golden Sunlight Mines proposed expanding its open-pit gold mine near Whitehall, Montana, to develop the approximately 49.4-acre North Area Pit. The DEQ evaluated four reclamation alternatives in an environmental impact statement and selected the Agency-Modified Alternative rather than the Backfill Alternative, primarily

because the selected alternative provided an underground sump and better assurance against groundwater and surface-water contamination if external dewatering wells failed. MEIC argued that the Montana Constitution and the Montana Metal Mine Reclamation Act required full reclamation to the land's previous condition and that the DEQ's selection was arbitrary and unsupported by the statutory criteria.

PROCEDURAL HISTORY

MEIC challenged the DEQ's approval of an expansion of Golden Sunlight Mines' gold mine and its selection of the Agency-Modified reclamation alternative for the North Area Pit. The Fifth Judicial District Court granted summary judgment to the appellees, holding that MEIC's constitutional and statutory full-reclamation arguments were barred by collateral estoppel and that the DEQ's decision was supported by the MMRA criteria. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Gibbs v. Altenhofen, 2014 MT 200, ¶ 8, 376 Mont. 61, 330 P.3d 458
- Dewey v. Stringer, 2014 MT 136, ¶ 6, 375 Mont. 176, 325 P.3d 1236
- Brilz v. Metropolitan General Insurance Co., 2012 MT 184, ¶¶ 13, 18, 366 Mont. 78, 285 P.3d 494
- Baltrusch v. Baltrusch, 2006 MT 51, ¶¶ 15, 25, 331 Mont. 281, 130 P.3d 1267
- McDaniel v. State, 2009 MT 159, ¶¶ 28, 33, 350 Mont. 422, 208 P.3d 817
- Omimex Canada, LTD v. State, 2015 MT 102, ¶ 13, 378 Mont. 490, 346 P.3d 1125
- Haines Pipeline Construction v. Montana Power Co., 265 Mont. 282, 288-89, 876 P.2d 632, 636-37 (1994)
- B&B Hardware, Inc. v. Hargis Industries, Inc., 135 S. Ct. 1293, 1308 (2015)
- United States v. Stauffer Chemical Co., 464 U.S. 165, 170, 172-74, 104 S. Ct. 575, 578-80 (1983)
- Pacific Power & Light Co. v. Montana Department of Revenue, 246 Mont. 398, 404-05, 804 P.2d 397, 401 (1991)
- AMTRAK v. Pennsylvania Public Utility Commission, 288 F.3d 519, 530 (3d Cir. 2002)
- Clark Fork Coalition v. Montana Department of Environmental Quality, 2008 MT 407, ¶ 21, 347 Mont. 197, 197 P.3d 482
- North Fork Preservation Association v. Department of State Lands, 238 Mont. 451, 465, 778 P.2d 862, 871 (1989)
- Friends of the Wild Swan v. Department of Natural Resources and Conservation, 2000 MT 209, ¶ 28, 301 Mont. 1, 6 P.3d 972