Residents say HB599 tramples on the Montana Constitution

By Darrell Ehrlick

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Governor's Office, inquiring about his support of the legislation. A spokesperson for Gianforte sent the Daily Montanan a statement claiming that the new law was intended only to affect "high-and-dry" operations—those in higher elevations that didn't come near water and groundwater contamination, at least half of the conversation focused on how portions of the legislation also violated the Montana Constitution.

“HB599 vs. Montana Constitution

In creating a new 16-member DEQ advisory council, the law essentially purges the DEQ of any influence by the public. The council is comprised of DEQ employees and industry representatives, not including environmentalists, according to Gibson, who added that the new law is "grossly inadequate." According to DEQ regulations, the public can comment on a permit through a public notice and the 30-day comment period, which the new law essentially eliminates.

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The DEQ was ignoring the public and the public wasn't getting any notice, Nilles said. While the DEQ is taking public comment on the permit application, it is not required to respond to public comment before issuing a permit. According to the DEQ, the public can still comment on the permit, but will not receive a notice.

"You don’t have to worry about a notice and you can’t verify the notice of the public is actually going to comment," Nilles said.

"What is left out of this rule is just as important as what is in it," said Montana Environmental Information Center director Bruce Nilles. "DEQ is trying to substantialize its role and rewrite the rules again, using the power it has to curb the law." While the DEQ and Gunderson have traded blame back and forth, both have previously acknowledged that Montana residents didn’t have sway over environmental issues.

"This doesn’t even taken into consideration the tribe or give the tribal community the chance to comment, but it is the original Salish land allotment grants," Dumontier said.

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