

# Neighbors unload on gravel pit project



Levi Thompson, second from right, listens as residents in the Farm to Market Road area raise concerns about Thompson Contracting Inc.'s proposed gravel pit on Hammer Cutoff Road. (Derrick Perkins/The Western News)

By **DERRICK PERKINS**

Daily Inter Lake | March 22, 2022 7:00 AM

Concerns about water rights, air quality and property values – interspersed with insults, catcalls and implied threats – dominated a March 15 public meeting on a proposed gravel pit along Farm to Market Road.

Opposition to the project has simmered in the neighborhood since letters went out announcing Thompson Contracting Inc.'s pursuit of an opencut mining permit from the state earlier this year. It boiled over during a two-and-a-half hour gathering in the Ponderosa Room at Libby City Hall that featured officials from various state agencies, many of them left trying to explain to residents that they lacked the authority to block the project from moving ahead.

That didn't sit well with neighbors, who said the project would destroy livelihoods and permanently mar the community south of Libby and White Haven.

"If the state does not step in and do something to protect these citizens, we — as citizens — might take it into our own hands," said resident Lonnie Fosgate. "I don't know. I've heard that comment from several people in the neighborhood."

Thompson Contracting is proposing construction of a gravel mine on a 14.4-acre site at the corner of Farm to Market Road and Hammer Cutoff Road. The firm's permit application includes requests for a concrete batch plant, wash plant and asphalt plant. The document indicates Thompson Contracting, which employs 42 workers, plans to dig down 2,560 feet and remove about 650,000 cubic yards of material over the site's lifetime.

"This is just a continuation step," said Vice President Levi Thompson last week. "Without a source of material for concrete and gravel, these businesses don't exist in the community."

Neighbors, though, encouraged Thompson to look elsewhere during Tuesday's meeting. Resident Mike Fantasia urged the firm to find suitable material on state or federal land, a process he acknowledged as difficult.

"It's a pain in the butt permitting on state and federal land — acquiring private land is easier," Fantasia said, speaking on behalf of many in the packed Ponderosa Room. "The ... proposal is a total inappropriate use for that piece of property."

Like others in attendance, Fantasia referenced buying property in the area with an eye to the future. Several other residents alluded to purchasing homes for use as short term rentals. With a gravel pit going in, they expected to see guests and tenants dry up and land value plummet.

"Folks that invested hundreds of thousands in vacation rentals — two of them are adjacent to the property — they're going to get hammered," Fantasia said. "No one is going to spend \$125 a night to stay in an AirBnB with a gravel pit behind them. It's going to destroy the value, it's going to take all that money that these folks invested and [flush] it down the drain."

During a question and answer session preceding public comment, neighbors also worried about an increase in traffic along the road, pointing out the many near misses at the nearby intersection of Hammer Cutoff and U.S. Highway 2. They wondered whether water use at the site would drain surrounding wells as well as affect water quality. Concerns about air quality, given the request for an asphalt plant, also were raised.

While the state brought out a bevy of officials to take questions, those in attendance noted that the queries raised fell outside of the scope of DEQ's permitting process. Fielding a question about the potential effect of increased traffic heading onto the highway from Hammer Cutoff, Bob Vosin of the Montana Department of Transportation acknowledged the intersection as needing an overhaul. But that was a separate conversation, he said.

"It's one of hundreds of substandard approaches in western Montana. We need to take a look at it through our highway safety improvement program," Vosin said. "As far as discussing it tonight, that is outside the purview of discussing this permit."

Officials directed questions about water quality to the Department of Natural Resources, which did not have a representative present.

Bo Wilkins, DEQ's air quality chief, said all equipment on site would need to meet the departments' standards.

"As far as the health studies and concerns, that portion is outside of our purview," he told the crowd. I would look at [the Department of Public Health and Human Services]."

In years past, state officials had more authority to request studies, said Colleen Owen of DEQ's opencut mining program. The Opencut Mining Act, which regulates the permit process, has undergone several revisions over the years, including during the past legislative session.

The most recent edits to the act, opposed by environmental groups, came in the form of House Bill 599. After it won approval in the Legislature, critics lobbied Gov. Greg Gianforte to veto the bill, according to the Daily Inter Lake.

"This bill would have dramatic impacts on the properties near any opencut operation — small or large," read a letter issued by nonprofit Montana Environmental Information Center.

"The large opencut mining operations are most troubling because of the massive impacts they can have on neighboring land owners, property values, water rights, water quality, dust and noise," it states. "HB 599 erases essential tools that the Montana Department of Environmental Quality uses to help protect our rights."

At last week's meeting, Owen described the Opencut Mining Act as a permitting process. While DEQ can ask applicants to correct deficiencies, the end goal is always issuing a permit.

"I guess the short answer is no," Owen said after being asked if the state denied permits.

"We call it denial through the use of the deficiency letter. We send deficiency letter after letter until the applicant decides to withdraw," she said, eliciting jeers. "The way it is written, we are required to issue a permit."

Count HB 599's sponsor, state Rep. Steve Gunderson (R-Libby), among those opposing Thompson's proposal. Speaking during the public comment period, Gunderson asked Thompson to rethink whether the mining operation would fit with the area.

"I'd like you to think of one thing, and it's not a question directly," Gunderson said. "What's the difference between rural and residential? That's the key here for an appropriate place to put a gravel pit."

County Commissioner Brent Teske (D-1) similarly lobbied Thompson to reconsider. He said he saw no support in the community for the undertaking.

"There are a lot of issues here," Teske said. "Would you consider rescinding this permit? Moving on to a different location? I think that's reasonable with what you've heard here tonight."

Following the meeting, Thompson said his project was less intrusive than described by its future neighbors.

"The primary operation of that pit is that it's going to have a front end loader with a berm around it," he said. "It's not what everybody has made it out to be."

DEQ is currently soliciting public comment on the project. While residents can weigh in on the proposal throughout the permitting process, officials asked that they submit their remarks prior to April 5, at which point the agency will decide whether to approve the document or send out a deficiency letter.

To submit comments, residents can email [deqopencut@mt.gov](mailto:deqopencut@mt.gov) with "Fire," the name of the site, in the subject line.