PROBLEMS WITH GRAVEL PIT LENIENCY ATTRACTS LEGISLATIVE ATTENTION

When conversations about a gravel pit come up near a community, it’s a common refrain: When people can learn to live with the problems, they'll learn to live with the gravel pit. That’s not necessarily true.

Recent conversations about Montana’s gravel pit laws have attracted a lot of attention, with DEQ administrator Sonja Nowakowski in the middle of it. The new gravel is a big concern for many landowners, with the latest debate being how to protect the environment.

In the past, decisions about gravel pits were based on the applicants’ good intentions and the promise of good jobs. It’s no surprise that some people think that’s no longer the case.

When a gravel permit is denied, it’s never easy for those affected. Some people have had to work out agreements in court to make the best of the situation. But those agreements are hard to come by if people can’t demonstrate they were harmed by a gravel pit.

They included dropping the number of public comments required to initiate a public meeting and making it more difficult for landowners to have an occupied dwelling.

Neither the DEQ nor the Attorney General's Office has been able to demonstrate the law was being enforced. The DEQ was recently convicted of violating the law.

Several people who were affected by the gravel pit were unable to return to their homes. They had to install cisterns where they had lived for the past 40 years. A 100-year-old spring with water rights went dry for the first time ever, said Osbourne.

During this timeframe of dewatering, 24 Shepherd neighbors’ water wells went dry, had sand and gravel in them, said Osbourne. The 24 neighbors whose water wells went dry were among 51% of landowners within a half-mile of the pit.

HB 599 not only increased the required number of public comments but eliminated the requirement of needing comments from landowners who live within a half-mile radius of the proposed pit. That’s an issue we can’t allow to happen, said Osbourne.

Jennifer Knoetgen has undergone a crash course in mining and property law. In early July, she was appointed by the governor to replace Montana state Sen. Reid Rehbein, who resigned from the Legislature to go into the mining business.

Rehbein has ignored the order, said Osbourne. "He’s not a very responsible person," Osbourne said.

Although the law was in place when Rehbein was appointed, the DEQ was under pressure to make a decision quickly. In July, Rehbein applied for the gravel pit, and the DEQ was supposed to review his application within 30 days.

Increasingly, people are coming to the conclusion that, in the real world, the DEQ was understaffed, understaffed, understaffed. Nobody has responsibility for the overall problems that these things are creating. And the DEQ is not doing the work that it’s supposed to be doing. It’s all a matter where the Legislature sets the policy. With this change in policy, with the new gravel law, the DEQ has a mandate to figure out what to do, said the Missoula County commissioner.

Anne Hedges, Montana Environmental Information Center executive director, told the Current that the DEQ was understaffed, understaffed, understaffed. Nobody has responsibility for the overall problems that these things are creating.

"It’s all a matter where the Legislature sets the policy. With this change in policy, with the new gravel law, the DEQ has a mandate to figure out what to do," Hedges said.

The neighbors were disappointed that they wouldn’t be heard, especially when they later learned of some discrepancies in the new process. Former Confederated Salish and Kootenai Tribe activist and spokesperson Larry Charlo, a professor of mining law, said the neighbors werePART DISCLOSURE

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