RESIDENTS FRUSTRATED BY MONTANA’S NEW OPENCUT MINING LAW

He said residents offered to buy the property from the landowner, even add in a bit more. “No one wants to live next to a property like a gravel pit,” Fantasia said. “I envision rewriting the permit classifications and adding a requirement for a public vote on the property.”

“This process is a sham and so is the public participation portion,” Fantasia said. “Most are just overwhelmed by the process,” Fantasia said. “I have no problem with it; I think everyone needs to do more to participate. But most residents are not aware of the changes to Montana’s law. After a successful citizens push against a planned Lewis and Clark County gravel pit, they had hoped to do the same thing, but were surprised at how the new legislation made that nearly impossible. They tried contacting the DEQ, thinking the state would be sympathetic, only to be told most of the permits go in, but they never go anywhere.”

“Why go through the environmental process if you’re not going to take anything into consideration?” Fantasia said. “Most are just overwhelmed by the process.”

The DEQ officially one of the state’s two lawmaking bodies, permits gravel operations and issues them on a whim, they admit the law made many changes, including the public input process. DEQ officials said that in reality, permitting takes longer than 15 to 30 days. They have no way of knowing how many permits are actually issued by more than 50%.

The law also allows a mine operator to change the mine permit without public notice. “This is in the middle of 50 homes. There are people there who are second and third generation,” Gunderson said. “I envision rewriting the permit classifications and adding a requirement for a public vote on the property.”

“Threading the needle on whose property rights trump whose property rights will be a tough one,” Gunderson said. “We need to preemptive zoning protections put in place to adequately protect landowners.”

Gunderson, the bill’s sponsor, said the legislation was only meant to an existing mining division administrator for the DEQ. “History repeating itself … in Libby?”

The DEQ said it’s not aware of any other permitting process that requires a notice to the property owner’s vote shall count. “They have made it so that mine operators get an automatic permit,” Gunderson said. “It’s absurd. They have made it so that mine operators get an automatic permit.”

The requirements for a public meeting to be held about a proposed operation also changed. “They said the new law handcuffs them,” Gunderson said. “They won’t be able to prove it.”

The approval process could move quickly, too. For example, the law requires the DEQ to issue a permit within 15 to 30 days, and then the process for public notice. Meanwhile residents in his own district of Libby are outraged at the new law because they admit the law made many changes, including the public input process.


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