

Friends of the Jocko



PO Box 712, Arlee MT 59821 • 406-404-6817
FriendsoftheJocko.org

Permitting Process Proposed Asphalt Pit & Gravel Pit Arlee, MT. 9-1-2022

- **How did this gravel pit and asphalt plant proposal begin?**
 - Riverside Contracting submitted an application for the Marvin Rehbein Pit (permit #3415) on land owned by the Rehbein Ranches, LLC. to the Montana Department of Environmental Quality (DEQ) on April 7, 2022.
 - The permit was pursuant to the Montana Opencut Mining Act, which was modified by the Montana Legislature's passing HB 599 in May of 2021.
 - Montana DEQ "deemed" the application ready for the next step on April 15th, 2022.
- **What happened next?**
 - Riverside Contracting was mandated to post public notice and send letters to all occupied residences within 1/2 mile of the permit's boundaries asking them if they wanted to request a public hearing, giving them 30 days to respond.
 - Riverside had many procedural errors and omissions in their public notification process, and a deficient permit hiding environmental, social and cultural impacts, resulting in the DEQ not receiving the 51% needed to call a public hearing.
- **What about commenting on the permit?**
 - State law allows the public to comment on an opencut permit application up until the time that the permit is signed.
 - Many comments have been sent to the Montana DEQ outlining problems with the permit, and objections to the project.
 - Comments can still be received on this proposed permit at: deqopencut@mt.gov
- **What does the state do with all this?**
 - The state is not required to respond to comments, or to address them in the permitting process.
 - The state takes the permit, and what comments it chooses, and analyzes them to see if the permit needs further work.
- **What about the deficiencies in the permit?**
 - Montana DEQ issued a Deficiency Notice to Riverside Contracting on August 17th, 2022.
 - The Deficiency Notice contained many requests for additional information, and addressing incomplete data on the permit application. Some public comments were addressed, many were not.
- **What's next?**
 - The State gives Riverside Contracting up to a year to rectify the Deficiency Notice, or till August 17th, 2023.
 - If Riverside does not satisfy the State's Deficiency Notice, the State could issue another one.
 - If the State determines that other issues arise during the permitting process or from additional comments, they could issue another Deficiency Notice.
 - If the State signs the permit, a 30-day Administrative period ensues where we can administratively challenge the permit.
 - If the 30-day administrative period ends without the State pulling the permit, we can take the issue to court.
- **What is Friends of the Jocko doing in this process?**
 - We are working to educate the public about this proposal, and how to become involved.
 - We incorporated as a MT State membership-based nonprofit on July 25th, 2022.
 - We have developed a membership of people close to the proposed site, and also members from the greater Jocko Valley community. We are developing a base of supporters from around Montana and the U.S.
 - We have engaged in an outreach program including website, social media, direct mail, public meetings and tabling at other events to educate the public, build our support base and to express **the need to receive donations**.
 - We have participated in the public part of the State amending its Administrative Rules for Opencut mining.
 - We have retained legal counsel, and are prepared to protect all our rights in the permitting process.
 - We have established standing as a Montana Nonprofit Corporation and as individual members to challenge the State in Court, if DEQ allows this permit to proceed.