

Arlee gravel mine permit delayed, again

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Daily Inter Lake | December 22, 2022 12:00 AM

A proposed open-pit mine, or gravel pit, in the Jocko Valley, near Arlee, is delayed once again due to insufficient information on the contractor's application to the Department of Environmental Quality (DEQ.) as the department explained in a deficiency letter from Nov. 2, 2022.

The proposed open-pit mine could occupy 157 acres, and has been controversial, as the permitting process for open-pit mines was changed to essentially assure the approval of the pits by the passage of House Bill 599 in 2021, according to Jennifer Knoetgen, co-founder of Friends of the Jocko.

Recently, new letters of opposition to the open pit-mine have been sent to the DEQ from the Ewam Garden of One Thousand Buddhas and the non-profit group Friends of the Jocko.

If approved, the operation would take place off of White Coyote Road near the Garden of One Thousand Buddhas. The open-pit mine would be accompanied by an asphalt plant, and Riverside contracting notified residents of the operation in the Spring 2022. Initially the contractor did not receive enough feedback to initiate a public hearing, which would have been residents' first chance to voice opposition to the operation. Some claim HB 599 made the hearing process harder to initiate.

Among other concerns, residents claim they may see an estimated 80,000 gravel truck loads over 20 years, and noise and air pollution, which taken together may lead to diminished property values. Proponents of the operation claim a local source of gravel is needed, and that the operation may stimulate the local economy.

Last April, Riverside Contracting, Inc., applied for a permit to remove up to one-million cubic yards of material, accompanied by an asphalt plant operating for up to 20 years, with the area eventually being reclaimed.

The initial application was found to be deficient by the Montana Department of Environmental Quality (DEQ), in part because landscape features such as Pellew Creek were missing from the application. The company filed an amended application on Sept. 21. The DEQ then responded with a second letter of deficiency on Nov. 2.

Some of the deficiencies that the DEQ found in Riverside's latest application could be attributed to forgetting to check boxes on the application, Knoetgen said.

The DEQ wrote in their letter of deficiency that public comment found elk, grizzly bear, sandhill cranes (waterfowl) and wolves have been observed in the area, but were not included in the application's materials.

The DEQ also noted that Riverside did not properly address irrigation ditches and associated easements along the perimeter of the proposed open-pit mine.

"I think one important thing that they will need to address is the easements that are related to the irrigation upgrades that are happening," Knoetgen said of the irrigation upgrades spurred by the Confederated Salish Kootenai Tribes' (CSKT) water compact. Part of the water rights settlement includes substantial improvements to the Flathead Indian Irrigation Project.

"The water compact is starting the process of all the major upgrades of the Arlee valley, and our particular corner is one of the first phases of those upgrades," she said.

Knoetgen added that she was not sure of the easements in place on the property. Ferguson and Coppes PLLC, a law firm hired by Friends of the Jocko stated that the irrigation ditches are operated by the Flathead Indian Irrigation Project, in a letter to the DEQ.

The CSKT wrote a letter to the DEQ in September asking that the DEQ initiate further stages of environmental review than it currently is. The DEQ is following the Montana Environmental Policy Act's (MEPA) guidelines, which state that an environment assessment must be conducted, but some are calling for further stages of review to be triggered.

"What we are hoping is, that when these minor deficiencies are settled, that the state will decide to undergo a MEPA analysis which will be a much more in-depth analysis of the site," Knoetgen said.

This sentiment was echoed by Fergusson and Coppes, who claimed that if Riverside's application were approved it would constitute an action by the state which would significantly impact the quality of the human environment, therefore triggering an Environmental Impact Statement, the furthest stage of MEPA.

Fergusson and Coppes also addressed Pellew Creek in their letter to the DEQ, although the creek was not a deficiency in the DEQ's second letter. The creek, which is not observable on the surface, may be active underground as well as above ground during certain years, according to the law firm.

As evidenced by the flooding of Yellowstone National Park, climate change presents unique challenges for forecasting hydrological processes in the future, and therefore a more in-depth analysis of Pellew Creek should be initiated, the law firm argued.

"Such events, which are certain to occur in the future, have the potential of impacting the permit area and conveying mine and asphalt waste from the proposed gravel mine to the Jocko River," Fergusson and Coppes wrote.

Ewam cites disruption of calm, peaceful environment

Another party which recently weighed in on the proposed open-pit mine is the Ewam Garden of One Thousand Buddhas, founded in 2000. The garden and spiritual site are located a half-mile away on White Coyote road.

Ewam welcomes thousands of religious and non-secular visitors who travel to the Jocko valley to take teaching both in a group setting and in solitude, the Garden of One Thousand Buddhas' president Khenpo Namchak wrote in a letter to the DEQ.

"A quiet, calm, peaceful environment is the most essential part of having this center for Peace here in the Jocko Valley," he wrote. "Between truck traffic, noise from the breaking of rocks, and constant vibration from the mining practices that will be the daily norm at the proposed gravel mine and asphalt plant, students and visitors alike will find it impossible to practice, rest, relax, and take teaching without disruption."

Andrew Ranck, a University of Montana doctorate student has been writing his thesis for applied anthropology, and using the Garden of One Thousand Buddhas as a study area for three years. Ranck has been studying the cultural impact of this location specifically. He said he's also been studying the CSKT's ancestral ties with the area.

Ranck said that he can not speak officially for the gardens, but on numerous occasions he has seen buses of 30 or more Tibetan people travel to the gardens, often from other states, in order to practice their culture and beliefs.

While Riverside contracting needs a cheap source of material, the area they have chosen is inappropriate, he said.

"It's such a large-scale pit," Ranck said. "It's not going to just impact the garden, but everyone that lives in the area."

The DEQ is still accepting comments on the site. Comments can be emailed to DEQOpencut@mt.gov, with the subject: "Public Comment for Riverside Contracting Inc - Marvin Rehbein- Opencut #3415."

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