

Arlee nonprofit files complaint against Montana DEQ over permit issued for gravel pit



Photo by: Kierra Sam/MTN News

The Friends of the Jocko have filed a lawsuit over a proposed gravel pit contracted in the Arlee area.



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By: [Kierra Sam](#)

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ARLEE — The Arlee-based non-profit corporation, [Friends of the Jocko](#), has filed a complaint against the Montana Department of Environmental Quality (DEQ) over the "legal validity" of the approval process of a proposed asphalt plant and gravel pit in Arlee.

The DEQ approved the permit for [Riverside Contracting's](#) open-cut mining permit for the Marvin Rehbein asphalt plant and gravel pit on April 3, 2023.

The 157.1 acres of land for the plant is located off US Highway 93 North on the east side of the intersection of White Coyote Road and near the Garden of One Thousand Buddhas.

The complaint against the DEQ was filed on June 2, 2023, according to a news release from the Friends of the Jocko. It says the soon-to-be asphalt plant and gravel pit will cause significant impacts to the environmental social and cultural values of the area.

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The complaint also challenges the following:

- The DEQ's failure to perform certain constitutional duties related to the environment and public participation
- That the Environmental Assessment is inadequate and fails to meet Montana Environmental Policy Act's "hard look" standard
- The Environmental Assessment disregards the significance of the CSKT's historical and cultural uniqueness and living relationship with the land
- The Environmental Assessment fails to adequately analyze the significant impacts to air & water quality, impacts on wildlife & fish or adverse impacts to threatened and endangered wildlife species

The complaint also mentions [Montana's Red Tape Relief Project](#). The nonprofit alleges the goal of this project "was to cut the public out of the process and alleviate the agency's mandate and ability to protect citizen and Tribal rights and the environment."

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The nonprofit's goal is to redirect the DEQ toward a more balanced and lawful approach resulting in the void of the Riverside Contracting permit.

"We expect that DEQ and other state agencies will continue to erode citizens' rights to a clean and healthful environment, public process, and individual dignity as they allow egregious industrial developments like this to move forward, unimpeded," the release states.

The challenge was filed by Friends of the Jocko's attorneys, Ferguson & Coppes, of Missoula Montana, according to the release.

- **RELATED:** [Arlee neighbors create GoFundMe for legal fees in continued fight against gravel pit](#)

Read the full news release below:

Friends of the Jocko -- a Montana nonprofit corporation based in Arlee Montana -- filed a lawsuit against the Montana Department of Environmental Quality (DEQ) over the "legal validity" of the approval process of a proposed asphalt plant and gravel pit in Arlee.

The Complaint challenges the legal validity of the Final EA issued on April 3rd and the permit issued on April 4th, 2023 for the Marvin Rehbein operation's permit was filed with the DEQ on April 4th, 2022 for a plan

The challenge was filed by Friends of the Jocko's attorneys, Ferguson & Coppes, of Missoula Montana, according to the release.

"This case revolves around the degradation of the DEQ's willingness to uphold citizen rights and the environment. The DEQ's actions are a clear violation of the Montana Environmental Policy Act (MEPA) and the Montana Environmental Quality Act (MEQA)."

Nothing is more emblematic of the current atmosphere in state government than the Legislature's failure to take action on the Red Tape Relief Project.

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