

OPINION

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GUEST VIEW

Gravel pit blues

Thanks to the Montana Legislature and the Montana Department of Environmental Quality (DEQ) we've got the gravel pit blues.

They are approving highly controversial open-cut gravel pits in sensitive locations throughout Montana including Arlee, Clearwater Junction, Gallatin Gateway and the Paradise Valley. All are very near to valuable waterways and fisheries including the Jocko, Clearwater, Gallatin and Yellowstone Rivers; could diminish bull trout and cut-throat trout; and would impact quality of life and property values.

This began with House Bill 599, which removed local authority to approve gravel pit mines. The sponsor, Rep. Gunderson was quoted in the Missoulian, "The legislation was only meant to affect gravel pit operations in "high and dry" areas — those that were far away from other landowners, higher up in elevation, and without water contact." The intent is not the reality.



**MIKE
BADER**

The Legislature not only weakened the rules; DEQ often ignores them. The law leaves public notification of local residents within 1/2 mile of the proposed pits up to the permittee rather than the state agency. Since the miners don't care what you think, they put no effort into informing or asking local homeowners for input. Requests for public meetings have been denied.

By the time many residents learn what is going on, the plan has been approved, the permit issued and recourse extremely limited and costly.

According to Larry Wilcox (Bozeman Chronicle Aug. 10) the proposed TMC-BLACK gravel pit in Gallatin Gateway is near the Gallatin River and shares a fence line with several homes that have water wells. The pit would be 40 feet deep and sits on a bench just 40 feet above the Gallatin River.

Just outside Arlee, the Rehbein Mine was granted a permit from DEQ without proper analysis and permitted to operate 24 hours per day, seven days a week. There was poor or non-existent outreach to residents and shoddy environmental analysis. Despite the fact the site is on the Flathead Indian Reservation, according to the Confederated Salish and Kootenai Tribes there was no meaningful consultation.

One trick is to issue a Dryland Opencut Mining Permit rather than a standard opencut permit which applies where there is potential for impacts to ground water, intermittent or perennial streams or where 10 or more occupied dwelling units are within 1/2 mile of the permit boundary. Dryland permits receive less scrutiny over shorter timeframes and do not require public meetings. Admitted impacts to native threatened species are brushed aside as "they will go somewhere else." DEQ applied the Dryland process to the LHC Gravel Pit adjacent to the Blackfoot-Clearwater Wildlife Management Area and only 1/4 mile from the Clearwater River despite Rep. Gunderson's claim his bill wasn't intended to apply to river-bottom areas.

People who have invested lifetimes in their property suddenly find its value has significantly declined because who wants to live next to a noisy 24/7 gravel pit with bad air, bright lights and big trucks coming and going at all times? Once the taxable values decline, so does the tax base for local communities.

In response, citizen organizations including the Friends of the Jocko and Protect the Clearwater have formed. A Montana judge recently enjoined the Clearwater gravel pit operation and found that DEQ assessments were done by unqualified people. The Arlee pit is also being challenged in court.

In their zeal to make it easier to mine, drill and log, the Montana Legislature and the governor are taking shortcuts that result in irreparable damages which leave Montana citizens, wildlife, fish, water and cultural values to pay the price.

Mike Bader was a leading author of the successful petition to list the bull trout as a threatened species and under supervision of legendary attorney Jack Tuholske he negotiated a Consent Decree with the U.S. Fish & Wildlife Service for Critical Habitat designations for bull trout.