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## Legislature asked to revisit open-cut mining permit laws

By JOHN S. ADAMS Tribune Capitol Bureau

HELENA — State Department of Environmental Quality and industry officials told the legislative Environmental Quality Council on Tuesday that something needs to be done in the 2009 legislative session to fix the state's open-cut mining law.

The discussion stemmed from recent state District Court rulings that forced the DEQ to issue open-cut mining permits to four Gallatin County gravel pits, even though the agency did not conduct the necessary environmental reviews.

Agency officials told the committee that the department doesn't have the staff or the resources to conduct the environmental analyses required by the Montana Environmental Policy Act in the time frame allotted by the state Open Cut Mining Act.

DEQ Director Richard Opper told the committee that his agency won't ask for additional resources in the coming budget process.

"We are cooperating with the governor's office, obviously, because we are going to be in somewhat of a belt-tightening mode in the next session," he said.

Opper said last week that the way to address the situation is for the Legislature to modify the statute requiring the DEQ to issue a permit within 30 days of the application.

Cary Hegreberg of the Montana Contractors Association told the council that his organization worked with the DEQ during the 2005 and 2007 legislative sessions to increase the permitting fees in order to help cover the costs of administering the open-cut mining program. Hegreberg said those efforts were thwarted by the counties, which own and operate approximately half of the state's gravel pits and didn't want to pay the increased fees.

"We knew we were heading for a train wreck," Hegreberg said Tuesday.

"We are going to be approaching the Legislature in 2009 with some proposed solutions," Hegreberg said. "We understand that there are a lot of public concerns out there about how these operations are permitted and how they are monitored, and we know we need to raise the bar in certain instances, and we intend to do that."

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