

1 HOUSE JOINT RESOLUTION NO. 41
2 INTRODUCED BY J. POMNICHOWSKI

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING A STUDY OF OPENCUT MINING, INCLUDING THE PERMITTING PROCESS,
6 ENVIRONMENTAL PROTECTION, AND RIGHTS OF NEARBY PROPERTY OWNERS.

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8 WHEREAS, there are more than 2,000 opencut operations in the state, most of them mining sand and
9 gravel; and

10 WHEREAS, gravel pits may range widely in size, effect on the environment, and proximity to residences
11 and other developments; and

12 WHEREAS, conflicts between gravel pits and residential and commercial development are becoming
13 more common and more contentious and have resulted in court cases, proposed legislation, and the formation
14 of local task forces to resolve issues of heavy industrial activity, including beeping trucks, dust clouds, big lights,
15 heavy truck traffic on county roads, hours of operation, and proximity to adjacent uses; and

16 WHEREAS, county governments may regulate some gravel pits through zoning, but most of the conflicts
17 take place in unzoned areas; and

18 WHEREAS, a district judge said some Montana citizens may have had their constitutional right to a clean
19 and healthful environment violated because an environmental analysis was not done on a proposed gravel pit;
20 and

21 WHEREAS, the effects of gravel mining, including noise, air quality impacts, and effects on water quality,
22 are primarily regulated by the department of environmental quality; and

23 WHEREAS, although the number of gravel permit applications has increased, the department of
24 environmental quality has had only three employees responsible for permitting about 100 new mines a year in
25 addition to processing amendments to existing operations, inspecting mines, and checking on reclamation; and

26 WHEREAS, the opencut mining program does not generate enough money through fees to fund the
27 services it provides.

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29 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
30 STATE OF MONTANA:

