

# OPENCUT MINING PUBLIC PARTICIPATION



In Montana, a permit is required to conduct opencut mining for extracting minerals such as sand, gravel, clay, scoria, soil and bentonite. The Montana Department of Environmental Quality's (DEQ) opencut mining program has new requirements for public participation when permitting an opencut site, based on laws passed in the 2021 legislature.

## How can I participate in the opencut permitting process?

You can participate in the process by submitting written public comment anytime throughout the application review process. Written public comment is the most effective public participation. DEQ reviews and considers all public comments. To submit comment, visit DEQ's website below.

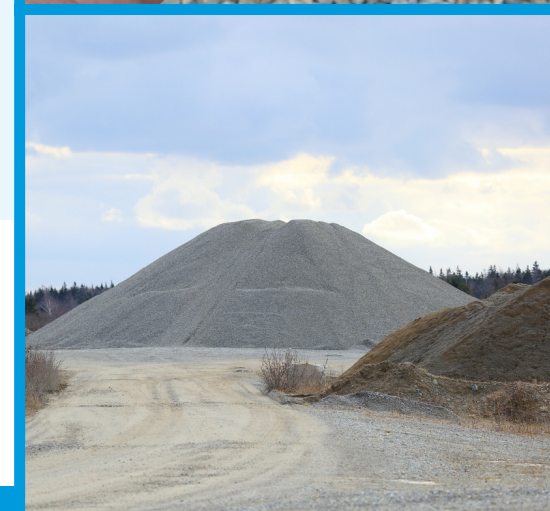
Public meetings are not held for every application. Public meetings are held depending on a number of factors as outlined in the 2021 legislation and shown below:

- **Standard Permit Applications:** A public meeting will be held by request of the applicant, or if 51 percent or 10—whichever is greater—of the real property owners with occupied dwelling units\* within a half-mile of the permit boundary request a public meeting.
- **Dryland Permit Applications:** Applications for sites that have fewer than 10 real property owners with occupied dwelling units\* within a half-mile of the permit boundary, do not have the opportunity for a public meeting, unless the applicant requests one. Written public comments are accepted.
- **Amendment Applications:** if an amendment application proposes an increase in the permitted acreage by 50 percent or more, the same public meeting requirements apply as described above for a standard permit.

### \*What is an occupied dwelling unit?

An occupied dwelling unit is a structure with permanent water and sewer facilities that is used as a home, residence, or sleeping place by at least one person who maintains a household that is lived in as a primary residence as defined in MCA 82-4-403 (7).

For a list of frequently asked questions, visit the DEQ website at the link below.



[DEQ.mt.gov/mining/programs/opencut](https://deq.mt.gov/mining/programs/opencut)

# HOW IS THE PUBLIC NOTIFIED OF AN OPENCUT APPLICATION?

The applicant is required to notify the public through the following ways:



A public notice will be published twice in a newspaper of general circulation in the location of the proposed operation



A notice will be mailed to property owners within a half-mile of the proposed permit boundary



Signage will be posted in two prominent locations at the proposed site

A complete application will be available to view on the DEQ website.

Written public comment is the most effective form of public participation. Comment can be submitted on the DEQ website.