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**Contact:** David Smith  
Montana Contractors Association  
[david@mtagc.org](mailto:david@mtagc.org)  
406.442.4162 (o)  
406.580.8131 (m)

## **Montana Supreme Court rules in favor of gravel operation** *Missoula County gravel pit cleared to move forward*

**HELENA, Mont. (August 21, 2024)** – The Montana Supreme Court on Tuesday ruled in favor of contractor and opencut pit permittee, LHC, regarding a gravel pit near Clearwater Junction in Missoula County.

“This is a win for contractors,” said Montana Contractors Association (MCA) Executive Director David Smith. “This ruling clearly tells environmental organizations that they must satisfy the Montana Environmental Policy Act (MEPA) process and MEPA specific preliminary injunction standards instead of seeking the more easily satisfied general preliminary injunction.”

LHC applied for the opencut permit in March of 2023. After a deficiency letter, and clarification from LHC, the Montana Department of Environmental Quality (DEQ) approved the dryland-rural opencut permit.

An environmental organization and neighbors used several legal tactics to prevent the opencut operation. Plaintiffs filed a petition with the Board of Environmental Review, another with the State District Court in Missoula, and separately sought a preliminary injunction from the State District Court.

The State District Court entered an injunction, pursuant to the generally applicable preliminary injunction provisions, prohibiting LHC from operating the gravel pit. LHC appealed the decision, and the MCA appeared as an amicus (friend of the court) arguing in support of LHC being allowed to move forward with the gravel pit.

Ultimately, the Supreme Court unanimously agreed with the arguments presented by LHC, DEQ, and the MCA that the issuance of an opencut permit was squarely within the Montana Environmental Policy Act, that MEPA is the exclusive remedy available, and the MEPA preliminary injunction requirements are different from the generally applicable requirements and must be followed when the issuance of an opencut permit is at issue.

“Everything that is built starts with gravel,” said Smith. “The more expensive it is to mine gravel, the more expensive it is to build schools, homes, roads and bridges. Contractors operate well within the environmental guidelines established by the State of Montana.”

*The Montana Contractors Association, a chapter of the Associated General Contractors of America (AGC), is a trade organization representing commercial, industrial and public works construction firms. Our Mission is simple: Working together, we advocate for quality contractors, people, and projects by providing value and opportunity for our members. Learn more at [www.mtagc.org](http://www.mtagc.org), or contact David Smith, Executive Director [david@mtagc.org](mailto:david@mtagc.org), or 406-442-4162.*

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