

**News for Immediate Release**  
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**Gateway Conservation Alliance Files Lawsuit Claiming Recent Changes to Opencut Mining Act Are Facially Unconstitutional**

Gallatin Gateway, Mont. – In a matter of statewide significance, Gateway Conservation Alliance (“GCA”) filed a new lawsuit this week challenging the issuance of TMC, Inc.’s Opencut Mining Permit #3462 for a new gravel pit located in Gallatin County, Montana (the “Black Pit”) and contesting parts of Montana’s Opencut Mining Law as facially unconstitutional.

More specifically, in its new lawsuit, GCA alleges that House Bill 599 (“HB 599”) allowed Montana’s Department of Environmental Quality (“DEQ”) to issue this and innumerable other Opencut Mine permits around the state without assessing critical human, environmental and wildlife factors.

Furthermore, GCA alleges through this lawsuit that HB 599 essentially eliminated DEQ’s duty and ability to review proposed opencut mining operations for environmental harms, including surface and groundwater quality, as well as removed public participation opportunities. The result has been to turn the Opencut Mining Act’s (“OMA”) permitting process into a meaningless form-filling exercise.

Montanans have a fundamental right to a clean and healthful environment as guaranteed by Article II, Section 3 of the Montana Constitution, which rests at the center of this new lawsuit. As a result, GCA alleges that HB 599 thereby violates the Legislature’s duty to provide for adequate remedies and administration to maintain and improve a clean and healthful environment under Article IX, Section 1 and Article II, Section 3 of the Montana Constitution and the public’s right of participation under Article II, Section VIII of the Montana Constitution.

Passage of HB 599 by the Legislature and signed into law by the Governor has rendered the OMA incapable of ensuring Montanans their constitutional rights to prevent environmental harms. HB 599 created arbitrary loopholes with which to avoid permitting altogether, removed essentially all substantive environmental considerations from DEQ’s decision-making, including the ability and authority to prevent harmful projects from occurring and minimized or erased opportunities for the public to give input or for DEQ to conduct a meaningful and rigorous permit review.

Tracie Gibbons for GCA stated. “While we certainly did not ask for this fight or want it forced upon us, we are proud to bring this case to hold our government accountable to our Constitution, which demands that our natural life support system be protected for present and future generations. We look forward to moving this critically important case forward both to defend our home and community in Gallatin Gateway, but more importantly, to protect communities around Montana and ensure our rights to a clean and healthy environment.”

Legal counsel for GCA and other groups around the state, Graham Coppes, said: “While we expected the mining companies to fight us, we did not expect our biggest opponent to be the State of Montana. What we have learned through this process is that the state – by and through the Department of Environmental Quality - is pouring endless hours, dollars, and legal resources into fighting against citizens, communities, clean water and air, all to increase the bottom line of a few private companies.” The State cannot plausibly contend that “cutting red tape” constitutes an interest of the “highest order” that cannot be “otherwise served” without gutting Montanans Constitutionally enshrined environmental protection against the potentially harmful consequences of these mining operations.”

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### About Gateway Conservation Alliance

Gateway Conservation Alliance is a 100% volunteer-led 501(c)(3) nonprofit based in Gallatin Gateway, Montana. Formed in 2024, GCA’s mission is to “protect and enhance what we know and love about Gallatin Gateway, Montana, by addressing critical issues that threaten the area's water quality, citizen health, traffic safety and wildlife. Through community engagement, conservation initiatives and advocacy, we strive to preserve ecological integrity, promote sustainable development and ensure the well-being of our environment and local residents for generations to come”. To learn more and donate to GCA please visit <https://gcamt.org>