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**MINUTES  
NOVEMBER 3, 2011**

Call to Order

The Board of Environmental Review's regularly scheduled meeting was called to order by Chairman Russell at 12:06 p.m., on Thursday, November 3, 2011, in Room 136/137 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana.

Attendance

Board Members Present via Telephone: Chairman Joseph Russell, Marvin Miller, Heidi Kaiser, Larry Mires, Robin Shropshire, and Larry Anderson

Board Members Absent: Joe Whalen

Board Attorney Present: Katherine Orr, Attorney General's Office, Department of Justice

Board Secretary Present: Joyce Wittenberg

Department Personnel Present: Tom Livers (Deputy Director); John North and Jim Madden – Legal; Jon Dilliard and Barb Kingery – Public Water Supply & Subdivisions Bureau;

Interested Persons Present: Todd Shea and Ron Shorter (Gardiner-Park Water District)

Interested Persons Present via Telephone: Karl Knuchel (Fort Yellowstone Subdivision); and Signe Lahren (Fort Yellowstone Subdivision and Jack McInerney)

I. In the matter of the request for hearing regarding the revocation of certificate of approval ES#34-93-C1-4 for the Fort Yellowstone Subdivision, Park County, BER 2009-20/22 SUB.

Ms. Orr reminded the Board that a proposed order granting summary judgment had been included with the September 23, 2011, Board meeting packet. She said the parties were urged to reach agreement because of exceptions filed to the language of the proposed order, and that parties were now in agreement on language. Ms. Orr provided the Board with the agreed language and said the purpose of the language was to clarify that this hearing did not address the propriety of what the district did when it disconnected the water main at the bottom of the slope.

Mr. Madden responded to a question regarding the significance of the language, to which Mr. Knuchel concurred.

Ms. Orr identified some clerical errors in the proposed order that would need to be corrected before the Board signed it.

Chairman Russell asked if all parties were in agreement on the changes. Mr. Shea and Ms. Lahren concurred.

Chairman Russell called for a motion to authorize him to sign the order as amended by Ms. Orr's comments. Mr. Anderson so MOVED. Mr. Miller SECONDED the motion. The motion CARRIED with a unanimous vote.

II. General Public Comment

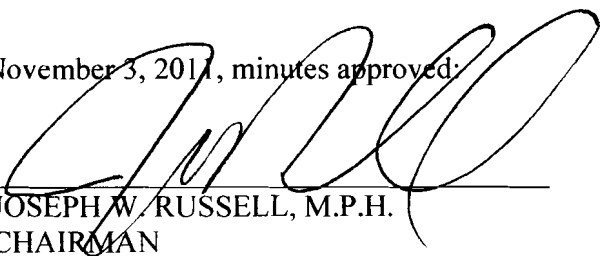
Chairman Russell asked if any member of the public wished to speak to the Board on matters pertaining to the Board. There was no response.

III. Adjournment

Chairman Russell called for a motion to adjourn. Mr. Mires so MOVED. Ms. Shropshire SECONDED the motion. The motion CARRIED with a unanimous vote.

The meeting adjourned at 12:22 p.m.

Board of Environmental Review November 3, 2011, minutes approved:

  
JOSEPH W. RUSSELL, M.P.H.  
CHAIRMAN  
BOARD OF ENVIRONMENTAL REVIEW

12/2/2011  
DATE