

MINUTES
Hearing
November 15, 2016

Call to Order

The Board of Environmental Review's Hearing in the matter of BER2016-03 SM, Appeal Amendment AM4, Western Energy Company, Rosebud Strip Mine Area B, Permit No. C1984003B, was called to order by Chairperson Miles at 10:00 a.m., on Tuesday November 15, 2016 in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana.

Attendance

Board Members Present: Chairperson Joan Miles, Dr. Robert Byron, Roy O'Connor, Chris Tweeten, Michele Reinhart Levine

Board Members Present by Phone:

Board Members Absent: Marietta Canty, Robin Shropshire

Board Attorney Present: Ben Reed, Attorney General's Office, Department of Justice

Board Liaison Present:

Board Secretary Present: Hillary Houle

Court Reporter Present: Laurie Crutcher, Crutcher Court Reporting

Department Personnel Present: Adam McMahon, Martin Van Oort, Chris Yde, Pete Schade, Melissa Sjolund – Coal & Open Cut Mining Bureau; Jen Lane MEPA Coordinator; Christopher Dorrington Air Energy Mining Division; Rebecca Convery, John North, Norman Mullen – Legal

Interested Persons Present: Daniel Leff, Michael Nicklin, Rusty Batie, Andy Forsythe, Wade Steere - Western Energy; John Martin – Crowell & Moring (Western Energy); Anne Hedges, Derf Johnson – Montana Environmental Information Center; Shiloh Hernandez, Laura King, Kelsey Condon Western Environmental Law Center; Emily Hinz – Fish Wildlife and Park; Frank Bartlett – Office of Surface Mining Reclamation and Enforcement; Mike Johnson – Local 400 Operating Engineers.

Oral Argument

I.

The Parties presented their arguments for and against the Petitioners' Motion for Summary Judgment and answered questions from the Board.

Chairperson Miles stated that the Board would take the matter up in December meeting.

II.

General Public Comment

Chairperson Miles opened the floor for public comment. None was heard.

V.

Adjournment

Mr. Tweeten MOVED to adjourn the meeting. Ms. Reinhart-Levine SECONDED. The motion CARRIED unanimously.

Chairperson Miles adjourned the meeting at 12:46 p.m.

Board of Environmental Review November 15, 2016 minutes approved:

Joan Miles
JOAN MILES
CHAIRMAN
BOARD OF ENVIRONMENTAL REVIEW

Dec 9, 2014
DATE