

Opencut Stakeholder Meeting

Thursday, October 30, 2025

Attendees:

- In Person
 - Whitney Bausch, Opencut Supervisor
 - Carly Russell, Opencut
 - Bailey Tasker, MEPA Coordinator
 - Eric Dahlgren, AEM Bureau Chief
 - Dan Walsh, AEM Division Administrator
 - Mike Newton, MP Permitting & Consulting
 - David Smith, Montana Contractors Association
 - Joe Smith, Knife River
 - Lloyd Omdahl, Toole County Road Department
 - Frank Tabish, LHC, Inc.
 - Representative of Fisher Sand & Gravel Co.
 - Wyo-Ben, Inc.
- Online
 - JJ Conner, Opencut
 - Elizabeth Smith, Opencut
 - Anne Spezia, Opencut
 - Bryan Allison, Opencut
 - Jessica Kutz, Opencut
 - Vent Wallace, Fisher Sand & Gravel Co.
 - Mike Smith, WGM Group, Inc.
 - Brandon Arenson, Century Construction
 - Brian Nickel, Knife River - Billings
 - Jordan Westenburg, WGM Group, Inc.
 - Rob
 - Chris

Agenda:

- **Introduction of Participants**
- **DEQ Update & Discussion**
 - Staffing –
 - Jessica Kutz, Scientist started in March
 - Kaylee Petro, Scientist started in August
 - Bailey Tasker, Scientist left in July
 - Madeline VerWey, Scientist left in July
 - Currently in the hiring process to hire two more Scientists
 - Permitting – 2025 permitting
 - Statutory Applications (Permits & Amendments)
 - 50 In Process
 - 66 Approved
 - Non-Statutory Applications (Assignments, Pre-Apps, RMBAs etc.)
 - 30 In Process
 - 46 Approved

- Referred Complaints
 - 3 In Process
 - 10 Processed
 - 2023 – 113 Total Applications
 - 2024 – 201 Total Applications
 - 2025 – 122 Total Applications approved as of October 29th
- Release Requests
 - 2025
 - 120 Received
 - 12 Pending
 - 2025
 - 105 Approved
 - 23 Disapproved
 - 2024 – 120 Days on Average to Process
 - 2025 – 70 Days on Average to Process
- Inspection Season
 - 2025 – 203 Sites inspected far by Opencut and Field Services & Technology Staff
 - Expiry Sites
 - No Reclamation Date (NRD) Sites
 - Release Request Sites
 - Pre-App Sites
 - Referred Complaint Sites
 - New Permits
 - New Amendments
- Annual Production Reports (APRs)
 - 477 APRs sent to Operators on January 6, 2025
 - 111 Administrative Deficiency Letters sent to Operators on March 18, 2025 for not submitting an APR
 - 37 Violation Letters sent to Operators on April 28, 2025 for not submitting an APR
 - 1 Operator referred to DEQ Enforcement for not submitting an APR
 - Same process will occur next year starting in early January.
- Currently Building the Online Application System (Tyler)
 - Optimistic about this happening.
 - No Timeline when this will be implemented yet
 - Operator Testing Coming
- With the new online system, there will be some application changes.
 - We are going to roll out these changes on the paper application in early 2026 to incorporate things that will be changed going forward into the Tyler system.
 - Updated form changes to streamline going into the online system.
 - JJ: Elizabeth Smith, Ashley Eichhorn and I are the DEQ team working on the new system
 - **Dryland** Application Changes
 - Adding:
 - Material Mined

- Processing Equipment
 - Noxious Weed List
 - Water Table Levels
 - Surface Water w/in 50 feet (specific to wetlands)
 - Existing disturbance and available soil
 - Salt
 - Highwall/backfill information
- **Standard**
 - Section C1 - More options for explaining how water levels were determined
 - Surface water within 50 feet
- Dryland Permit Application & MEPA (Bailey Tasker, MEPA Coordinator)
 - The EA for some Dryland Applications is changing to a “Programmatic EA”. This Programmatic EA will apply to Dryland Applications that meet the following criteria:
 - Applications that are up to 50 acres
 - Applications with a lifespan of 25 years or less
 - The Draft Programmatic EA document is still in development
 - Once the document is ready, it will go out for a 30 day public comment period
 - After the public comment period closes, any necessary changes will be incorporated into the document
 - The Programmatic EA document will be implemented in the Mining Bureau
- Public Participation
 - Standard Permit Applications – Opencut accepts public comments throughout the entire permitting process
 - Dryland Permit Applications – Opencut accepts public comments throughout the permitting process
 - This is a reminder that some of your sites get a lot of comments, some get almost none and most of them don’t get many.
 - Operators can request copies of the comments for an application.
 - Could we make it standard practice to send the Ops all the public comments that come in for their sites?
 - WB will have to think about the logistics of that.
 - JJ stated that it is being looked at for Tyler and asked for some grace and time to get this implemented.