

## Opencut Mining Stakeholder Meeting Minutes

April 17, 2024

**Opencut Mining:** Whitney Bausch – Section Supervisor, Bryan Allison - Scientist, Madeline VerWey - Scientist, Laura Hunn – Bond Specialist, Anne Spezia (Online) - Scientist, Ruby Hopkins - Scientist, Elizabeth Smith (Online) – Permit Specialist, Blayne Ehlke – Permit Specialist

**Stakeholders/Attendees:** Curtis Schomer, Trevor Taylor, Jim Murphy, Daniel Collins, Logan Triplet, Ross Holten, Joe Aline, Mike Newton, Frank Tabish, Guy Slaybaugh, Brandon Arnsten, Vent Wallace, Rob Kelzer, David Smith, Zach Winfield, Michael Bacon, Meghan Winter, Boe Gregson, Bryan Nickel, Carissa Schilling, Colton Dean, Jason Mohr, Joe Smith, Joe Sylvester, Julia Connelley, Ken Stoeber, Stacy Hill, Steven Coe, Mike Smith, Tom Stockert, Allen Ringling

### Introductions

Introduction of Participants

### DEQ Update and Discussion

- Staffing Update
  - Blayne Ehlke – Program Support Specialist (Started March 2024)
  - Madeline VerWey – Now a scientist
- Bonding 101
  - Recently brought up with Common Errors
    - Names must match, seal must be present, dates must match, agents name must match signature, fill out correct sections of forms, acreage and total bonded amount must match on all lines, new bond forms must be submitted
    - Basics of Opencut
      - Power of Attorney that must come with a Bond by law
      - Updated accompany every submission
    - Types of Bonds
      - 5 types
    - Made Changes to Forms – Highlighted Areas added to Bonds
      - Written bond amount must be listed
      - Site name and permit number
      - Acreage in numerical, bond amount written out
      - DEQ must be a co-owner on accounts (mainly CD bond)
      - Date must be 6 months out for expiration
      - Over \$100,000.00 must have bank letter
      - Pursuant Section must have correct math
    - Release Requests
      - Up to one year to release by law (365 days)
      - Must submit a release request
    - Replacements
      - Don't send in a new bond unless the first has been accepted

- Annual Production Reports
  - Most current forms
- Incomplete versus a Deficiency letter
  - Reviewing a bond for completeness in the beginning of the permit process versus completing a bond for deficiency
  - Needing a new bond for corrections on a change on bonded acreage
  - Possible change to the policy on bonded acreage and adding acreage
    - Problem on the amount of days that causes the operator to pause on operation
- Annual Production Reports
  - January 3: Sent out to 504 operators
  - March 15: Second notice 113 operators have not yet responded
  - Sending third notice

#### Proposed Changes to Applications

- Optional MEPA Questions
  - MEPA Guidance form
    - Proposed optional additional information on operation
    - Used to be in the forms
    - Single document with MEPA information examples
    - Anything on the Permit Application that is signed by the Operator will be held against the operator
    - Deficiencies on optional information specifically spill plans
      - Need a summary of spill plans
    - Hesitancy from operators on providing additional information due to the deficiencies
    - Workgroup on MEPA requirements
  - MEPA Questions
- Dryland Application: Add Section C1 from the Standard Application
  - Adding a characterization of water on a Dryland application
    - Don't touch any water
  - Changing the permit form to add additional information
  - Depth of ground water may be a point of contention in terms of time, detrimental cost wise for operators, how to determine a dryland permit

#### Update on Action Items from Last Meeting

- Hyperlinks to Permits on WMA – Done
- Simplifying bond releases in non-bonded areas – Done
- Guide to paying online – Done and posted in Permitting and Operator Assistance
- Guidance/template for public notice – In progress

#### Pending Bond Release Requests

- Materials submitted may require explanation
- List of releases are

### **Other Opencut Items**

- Stakeholder Input
  - The amount of pages required for permits, why are they so extensive, specifically EA documents
    - We have combined bureaus and gone through litigation and making them defensible
    - Not all EA documents are the same, and that is for a reason as other sites are not comparable
  - Update on the Online permitting process
    - Not specific updates, in the early stages of implementing a new process
  - Release Process in terms of Expiry sites, specifically the Phase II releases, Time line issues, landowner signing off on sites
    - New people throughout the bureau, time line issues in terms of Opencut
    - We are required to uphold our end in terms of the Opencut Mining Act
  - Phase I releases are causing violation letters to be sent out due to incorrect information
    - There are specific areas to allow for additional information that would explain any odd circumstances, need more information from the Operator in general, operators need to coordinate with field specialists more
  - More explanation on deficiencies that are sent out to operators

### **Planning for Next Meeting**

- Action Items
  - Dept to ground water
    - Not a specific time line
  - Optional MEPA
  - Public Notice
  - Update on online permitting
- Future meeting topics
  - Let us know
- Next meeting date
  - September or October
    - Date after general election