

**BOARD OF ENVIRONMENTAL REVIEW**

FEBRUARY 26, 2021

9:00 am

DEQ ZOOM CONFERENCE

-----

**NOTE:** Board members, the Board attorney, and secretary will be participating electronically. Interested persons, members of the public, and the media are welcome to attend via Zoom or telephonically. Members of the public and press also may join Board members with prior arrangement. Contact information for Board members is available on the Board's Website (<http://deg.mt.gov/DEQAdmin/ber/board>). The Board will make reasonable accommodations for persons with disabilities who wish to participate in this meeting. Please contact the Interim Board Secretary by e-mail at [jwittenberg@mt.gov](mailto:jwittenberg@mt.gov), no less than 24 hours prior to the meeting to advise her of the nature of the accommodation needed.

**9:00 AM**

**I. MEMBER ORIENTATION**

**A. ONBOARDING INFORMATION FOR INCOMING MEMBERS**

The Board has four newly appointed members.

1. How the agency interacts with the Board - Deputy Director George Mathieus
2. Legal duties and authority of the Board - Katherine Orr & Sarah Clerget
3. Administrative matters - Interim Board Secretary Joyce Wittenberg

**II. ACTION ITEMS**

**A. NEW CONTESTED CASES**

1. **In the matter of notice of contest and request for hearing by Talen Montana, LLC, regarding the selection of a remedy and setting of financial assurance for the Colstrip Steam Electric Station Units 1 & 2, BER 2020-07 MFSA/WQA.** The Board received the appeal December 17, 2020. The Board can decide to assign a hearings examiner for procedural issues in this case, hear the case itself, or assign a hearing examiner for the totality of the case.
2. **In the matter of the Notice of Appeal and request for hearing regarding DEQ's approval of Riverside Contracting, Inc.'s Opencut Mining Permit #3234 (Arrow Creek Site) by multiple appellants, BER 2020-08 OC.** The Board received the appeal December 23, 2020. The Board can decide to assign a hearings examiner for procedural issues in this case, hear the case itself, or assign a hearing examiner for the totality of the case.
3. **In the matter of the notice of appeal and request for hearing (by "Conservation Groups") regarding DEQ's issuance of a final Section 401 Water Quality Certification, #MT4011079 to Transcanada Keystone Pipeline LP for the Keystone XL Pipeline Project, BER 2021-01 WQ.** The Board received the appeal January 4, 2021. The Board can decide to assign a hearings examiner for procedural issues in this case, hear the case itself, or assign a hearing examiner for the totality of the case.

4. **In the matter of the Indigenous Environmental Network's and North Coast Rivers Alliance's appeal of the Montana Department of Environmental Quality's final determination to issue a 401 Water Quality Certification for the Keystone XL Pipeline, DEQ Application No. MT4011079, BER 2021-02 WQ.** The Board received the appeal February 1, 2021. The Board can decide to assign a hearings examiner for procedural issues in this case, hear the case itself, or assign a hearing examiner for the totality of the case.

### **III. GENERAL PUBLIC COMMENT**

Under this item, members of the public may comment on any public matter within the jurisdiction of the Board that is not otherwise on the agenda for the meeting. Individual contested case proceedings are not public matters on which the public may comment.

### **IV. ADJOURNMENT**