

**BOARD OF ENVIRONMENTAL REVIEW
March 20, 2026, 9:00 AM
SPECIAL MEETING
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. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this meeting. Please contact the Board Secretary by e-mail at deqbersecretary@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. ACTION ITEMS

- a. In the Matter Of: Appeal and Request for Hearing Regarding MDEQ's Decision on MAQP #5263-03, BER 2026-01 AQ**

On February 24, 2026, Chair Simpson issued a Notice of Informal Conference. On March 3, 2026, Angela Otero responded and indicated that she was unable to attend the March 5, 2026 conference. On March 11, 2026, Chair Simpson issued an Order Notifying Parties of the March 20, 2026, meeting.

- b. In the Matter of: The Notice of Appeal and Request for Hearing by Westmoreland Absaloka Mining LLC regarding Minor Revision 311 for Coal Surface Mine Permit C1985005, BER 2025-04 SM**

At the Board's February 20, 2026, meeting, it heard oral arguments on the DEQ's motion to dismiss. The Board voted that it did not have jurisdiction to hear Westmoreland's appeal and consequently, to grant the DEQ's motion to dismiss. The Board's meeting packet for the March 20, 2026, special meeting contains a draft final order for this matter entitled "Final Agency Action and Order of the Board of Environmental Review," which includes findings of fact and conclusions of law related to the DEQ's motion to dismiss. The Board will have the opportunity to discuss and modify the draft order at the March 20, 2026, special meeting. The Board will ultimately need to vote to approve the language in the proposed order as drafted or as may be amended at the meeting.

- c. **In the Matter of: Appeal and Request for Hearing by Valley Garden Land & Cattle LLC Regarding Issuance of Opencut Mining Permit #674, Amendment #3, BER 2022-04 OC.**

The Board will hear oral argument, discuss, and potentially vote on the following motions at its March 20, 2026, Special Meeting:

- 1) Valley Garden’s Motion to Limit the Scope of Hearing (Dkt. #s 37, 38, 49, 50, 51, 52, 71, and 113);**
- 2) The DEQ’s Motion for Summary Judgment (Dkt. #s 63, 64, 65, 125, 126, 129, and 131); and**
- 3) Valley Garden’s Motion for Summary Judgment (Dkt. #s 104, 105, 106, 127, 128, and 130.)**

II. 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.

III. ADJOURNMENT