



**BOARD OF ENVIRONMENTAL REVIEW
MEETING MINUTES
DECEMBER 20, 2024**

Call to Order

Chair Simpson called the meeting to order at 9:00 a.m.

Attendance

Board Members Present

Chair Dave Simpson; Vice Chair Stacy Aguirre; Board Members Julia Altemus, Amanda Knuteson, Jennifer Rankosky, Jon Reiten, and Joe Smith.

Roll was called and a quorum was present.

Board Attorney Present

Terisa Oomens

DEQ Personnel Present

Board Secretary: Sandy Moisey Scherer

Board Liaison: Deputy Director James Fehr

DEQ Communications: Mae Vader

DEQ Legal: Catherine Armstrong, Sarah Christopherson, Sam King, Jeremiah Langston, Kurt Moser, Abby Sherwood, and Kaitlin Whitfield

DEQ Air, Energy and Mining: Whitney Bausch, Eric Dahlgren, Ruby Hopkins, Carly Russell, Anne Spezia, Bailey Tasker, Madeline VerWey

DEQ Enforcement: Chad Anderson, Jackson Brooks, Anna Pieri

Other Parties Present

Laurie Crutcher, Crutcher Court Reporting

Elena Hagen – Montana DOJ Agency Legal Services Bureau

Mark Stermitz – Crowley Fleck

Graham Coppes – Ferguson & Coppes PLLC

Todd Briggs - Westmoreland

David Smith – MT Contractors Association

Frank Tabish – LHC MT

Jim Coefield

Alan Ringlien – A.M. Welles

Cale Fisher – Riverside Contracting

Rosalyn DiLillo Knock – Lindsay Thane – Schwabe

Ken Murphy –TMC-Belgrade

Larry Frankel

Lauren Cook

Val Lucas

I. ADMINISTRATIVE MATERIALS

A. Review and Approve Minutes

A.1. The Board will vote on adopting the August 23, 2024, Meeting Minutes.

Board member Smith moved to APPROVE the August 23, 2024, meeting minutes. Board member Rankosky SECONDED. The motion PASSED unanimously.

There was no board discussion or public comment.

A.2. Review and Approve the Proposed Board Meeting Schedule for 2025.

Board member Rankosky moved to APPROVE the Proposed Board Meeting Schedule for 2025. Board member Knuteson SECONDED. The motion PASSED unanimously.

II. BRIEFING ITEMS

a. Chair Simpson and Board Counsel Oomens offered clarification regarding cases.

The Board did not have any additional questions.

III. ACTION ITEMS

a. In the Matter of: Formal Appeal Challenging the Department of Environmental Quality's ("DEQ") Approval of Riverside Contracting's Opencut Mining Permit #3415 for the Marvin Rehbein Site near Arlee in Lake County, Montana, BER 2023-02 OC.

Chair Simpson gave a brief summary of the case. The Board will hear oral argument from the parties.

Sam King and Kaitlin Whitfield of DEQ, Mark Stermitz of Crowley Fleck, and Graham Coppes of Ferguson and Coppes presented oral argument before the Board. The Board members asked questions of the attorneys. Discussion ensued.

Vice Chair Aguirre moved to ADOPT the Proposed Findings of Fact and Conclusions of Law, and modify to include DEQ's exceptions. The motion died for lack of a second. Discussion ensued.

Vice Chair Aguirre motioned to ADOPT the Findings of Fact and Conclusions of Law. Board member Altemus SECONDED. Discussion ensued.

Vice Chair Aguirre motioned to ACCEPT for incorporation into the FOFCOL the exceptions filed by the Department of Environmental Quality. Board member Rankosky SECONDED.

The motion passed unanimously.

Chair Simpson asked for a vote to ADOPT the Findings of Fact and Conclusions of Law as proposed with the exceptions filed by the Department of Environmental Quality. The motion passed 6-1, with Board member Knuteson dissenting.

IV. GENERAL PUBLIC COMMENT

No public comment was given.

V. BOARD CHAIR UPDATE

a. **FY24 legal expenses memorandum and summary**

Chair Simpson discussed FY24 expenses with the Board. Board member Altemus asked if the Board could have a comparison for the last couple of years, as it would be helpful going forward. This would help to know if the Board has made improvements or is trending in the wrong direction. Chair Simpson asked if the Board Secretary would put together this information. The Board Secretary said she would look at the files and confer with Deputy Director Fehr, Board Liaison.

b. **General Board business, procedural matters, and questions from Board Members**

The Board discussed the meeting packet and deadlines. Also, Board members appreciated having case information disseminated ahead of time, so they have time for review.

The Board discussed there were three bills before the Legislature regarding the Board of Environmental Review. Board Counsel Oomens reminded Board members that the legislative bills could stop before getting to a hearing. She also reminded the Board that they need to be careful about whether they are acting on the Board's behalf or sharing their personal opinions on the matter. If something is said on the Board's behalf, it needs to be approved by the Board and discussed previously. If a Board member would like to appear in a personal capacity and express their own personal opinions, they have a right to do so, but should make sure it is clear that they are expressing their personal opinion.

VI. ADJOURNMENT

Board member Altemus MOVED to adjourn the Board Meeting; Board member Rankosky SECONDED. The motion PASSED unanimously. The meeting was adjourned at 11:37 A.M.

Board of Environmental Review December 20, 2024, minutes approved:

/s/ David Simpson
DAVID SIMPSON
CHAIR
BOARD OF ENVIRONMENTAL REVIEW

April 11, 2025
DATE