

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

IN THE MATTER OF: DECKER COAL ) CASE NO.  
COMPANY'S REQUEST FOR HEARING ) BER 2025-01 SM  
REGARDING PERMIT C1987001C )  
(WEST DECKER MINE) )

TRANSCRIPT OF PROCEEDINGS (VIA ZOOM)

April 11, 2025

12:46 p.m.

BEFORE CHAIRMAN DAVID SIMPSON,  
VICE CHAIR STACY AGUIRRE,  
BOARD MEMBERS JOSEPH SMITH,  
JENNIFER RANKOSKY,  
and AMANDA KNUTESON

PREPARED BY: LAURIE CRUTCHER, RPR

COURT REPORTER, NOTARY PUBLIC

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## A P P E A R A N C E S

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ENVIRONMENTAL QUALITY:

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1           WHEREUPON, the following proceedings were  
2 had:

3                           \* \* \* \* \*

4           CHAIR SIMPSON: I would like to observe  
5 the tradition of having lunch.

6           BOARD MEMBER RANKOSKY: I need to go to  
7 another meeting. I booked it out until one, but I  
8 didn't book it beyond that, so I would have to get  
9 out of here at one, thirteen minutes.

10          CHAIR SIMPSON: Any objection to  
11 continuing?

12          VICE CHAIR AGUIRRE: I'm with Jen.  
13 Taking a break is not the best course of action  
14 for me to be able to stay connected with the  
15 meeting because of other obligations. I'll try to  
16 -- I don't know how long this next part will go.

17          CHAIR SIMPSON: Well, I don't either.  
18 And so why don't we -- It's not 12:47. Let's at  
19 least have a preliminary consideration of West  
20 Decker, and get an idea of where we're going with  
21 it, and then take a break at one.

22          BOARD MEMBER RANKOSKY: Will you guys be  
23 able to continue if I leave?

24          CHAIR SIMPSON: I'm sorry?

25          VICE CHAIR AGUIRRE: Will we have a

1 quorum?

2 BOARD MEMBER RANKOSKY: Will you be able  
3 to continue if I leave?

4 CHAIR SIMPSON: If we lose two members,  
5 no.

6 BOARD MEMBER RANKOSKY: Okay.

7 VICE CHAIR AGUIRRE: You won't lose me  
8 unless it goes a couple more hours. Then I may  
9 have to step out.

10 CHAIR SIMPSON: I have an important  
11 appointment with my son and grandson to go fishing  
12 that involves a six hour drive this afternoon, so  
13 I'd like to get things over with as well. Let's  
14 have a little bit of discussion of West Decker  
15 because I'm not really sure where we stand on it.

16 At our last meeting we had tabled East  
17 Decker, but had taken no action on West Decker,  
18 and I guess in hindsight that was probably an  
19 oversight because West Decker is under the same  
20 time constraints as East Decker.

21 That being said, we have received  
22 briefing from the parties on West Decker, and the  
23 question then is what are the preferences of the  
24 parties as far as proceeding with oral argument on  
25 West Decker, or is that issue not at a point where

1     it can be considered by the Board? I'll ask <sup>5</sup>  
2     Decker first.

3 MS. MARQUIS: Thank you, Chairman  
4 Simpson. Thank you also for agreeing to take up  
5 the West Decker matter at this meeting.

6 Our view is that on February 28th Decker  
7 filed a response letter to DEQ's order. Decker  
8 has not received a response to that yet. Decker,  
9 as you are aware, Decker filed its reply brief  
10 early this morning. So our position is that it  
11 would be best if the Board reviewed the briefs,  
12 and we took this up at a later time. Decker would  
13 be fine with that. If it gets sent to a Hearing  
14 Examiner, the same thing. So that's Decker's  
15 position at this time.

16 CHAIR SIMPSON: Thank you. Mr. King.

17 MR. KING: Thank you, Board Chair. I'll  
18 second Ms. Marquis that we're comfortable with  
19 putting off the hearing. DEQ will agree not to  
20 take any further action on that West Decker order  
21 at least until the parties have had an opportunity  
22 to complete reviewing the briefs, and opportunity  
23 to argue before you. So if we need to reschedule  
24 at a later date, that's fine.

25 CHAIR SIMPSON: What's the position of

1 the parties? Can this wait until our next regular  
2 meeting, or will we need another special meeting  
3 to deal with it? Because the deadline will have  
4 passed next Tuesday.

5 MR. KING: Board Chair Simpson, can I  
6 consult with our folks, and then how about -- I  
7 guess my proposal is I'll reach out to Ms.  
8 Marquis, and then we can either request another  
9 special hearing if we're not in agreement, or if  
10 we think we can postpone it until the next  
11 regularly scheduled meeting.

12 My personal preference right now would  
13 be to just do it at the next regularly scheduled  
14 meeting, but I do recognize that's not until June.

15 CHAIR SIMPSON: Thank you. It sounds  
16 like we're in agreement then. We're not going to  
17 deal with this today. So any --

18 MR. KING: Actually so the deadline for  
19 West is for July, so we're not under the same sort  
20 of pressure here. And so DEQ is comfortable  
21 pushing that out until the next meeting, if that's  
22 amenable to Decker and the Board.

23 MS. MARQUIS: Decker is fine with that  
24 as well.

25 CHAIR SIMPSON: Well, in that case,

7  
1 we're ready for adjournment. Is there a motion?

2 MS. OOMENS: I'm sorry, Chair. Before  
3 we do that, can we just have a motion to hear  
4 Decker West at the next regular Board meeting,  
5 just so we clear up kind of the sequence of events  
6 here?

7 CHAIR SIMPSON: Is there a motion?

8 VICE CHAIR AGUIRRE: I'll make a motion  
9 that we move the matter regarding West Decker to  
10 our next regularly scheduled Board meeting.

11 CHAIR SIMPSON: Thank you. Is there a  
12 second?

13 BOARD MEMBER RANKOSKY: Second.

14 CHAIR SIMPSON: It's been moved and  
15 seconded to move West Decker to our next regularly  
16 scheduled Board meeting which will be in June.  
17 Discussion.

18 (No response)

19 CHAIR SIMPSON: All in favor, say aye.

20 (Response)

21 CHAIR SIMPSON: Opposed.

22 (No response)

23 CHAIR SIMPSON: Motion carries. Thank  
24 you, everyone. It's been a rather intense meeting  
25 at times, but well worth our time, I believe.

1 Thank you, everyone.

2 MS. MOISEY-SCHERER: Chair Simpson, this  
3 is Sandy. We didn't have a motion for  
4 adjournment.

5 CHAIR SIMPSON: Yes. I'll ask for it in  
6 a minute. Again, I just want to thank everybody,  
7 and have a good weekend. Is there a motion to  
8 adjourn?

9 BOARD MEMBER SMITH: So moved.

10 BOARD MEMBER RANKOSKY: Second.

11 CHAIR SIMPSON: It's been moved and  
12 seconded to adjourn. All in favor, say aye.

13 (Response)

14 CHAIR SIMPSON: We are adjourned. Thank  
15 you very much.

16 (The proceedings were concluded  
17 at 12:55 p.m. )

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## C E R T I F I C A T E

STATE OF MONTANA

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: SS.

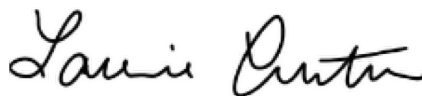
COUNTY OF LEWIS &amp; CLARK

)

I, LAURIE CRUTCHER, RPR, Court Reporter,  
Notary Public in and for the County of Lewis &  
Clark, State of Montana, do hereby certify:

That the proceedings were taken before me at  
the time and place herein named; that the  
proceedings were reported by me in shorthand and  
transcribed using computer-aided transcription,  
and that the foregoing - 8 - pages contain a true  
record of the proceedings to the best of my  
ability.

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my notarial seal this 30th day of  
April, 2025.



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LAURIE CRUTCHER, RPR

Court Reporter - Notary Public

My commission expires

March 9, 2028.

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