

Opencut Mining Shareholder Meeting Minutes

June 29, 2026

Opencut Mining: JJ Conner, Carly Russell, Josh Krieger, Connor Daugherty, Jessica Kutz, Laura Hunn, Lindsay Drinville

DEQ Mining Bureau Chief: Eric Dahlgren

Stakeholders: Cale Fisher – Riverside Contracting, Mike Newton – MP Permitting & Consulting, Ken Murphy – TMC, Inc., Carissa Shilling – BLM, JD Buck – MDT, Brian Nickel – Knife River, Joe Smith – Knife River, Eric Urban – Highland Environmental, Brian Thompson – BKBH, Selene Kepke – BKBH, Zack Winfield – DNRC, Richard Brown, Frank Tabish – LHC, Brandon Arnson – Century Companies, Pat Eller – Morris-Maierle, Rob Kelzer - Schellinger, Ryan Gentry – MT Department of Labor and Industry, Joe Sylvester – Wyo-Ben, Stacy Hill – Riverside Contracting

- Introductions & General Updates
 - Josh Krieger (started June 2026)
 - Connor Daugherty (started May 2026)
 - Lindsay Drinville (started June 2026)
 - E-Permitting System Update
 - Drone Efficiency Project for the State of Montana
 - Efforts started in 2024
 - Working with Lt. Governor on all state agencies drone usage
 - Legislative Audit Hearing held 6/24/2026 – three recommendations of which two were directed to DEQ Opencut:
 - E-permitting system
 - Publish more guidance documents/more training
 - We've performed 37 site inspections this season so far, since January 48 permits have been approved, and there are currently 40 pending applications.
- Ryan Gentry, Montana Department of Labor and Industry – MSHA Part 60 Rule Presentation and discussion
 - Changes to the permissible exposure limits from 100 micrograms down to 50 and action levels changed to 25 micrograms.
 - Increase awareness of the ruling – outreach and education
 - DLI reached out to DEQ to provide fliers about the MSHA Part 60 rule to its operators during site visits.

- Opencut 's Web mapping Application Tool Presentation
 - Google search for DEQ OpenCut, or <https://discover-mtdeq.hub.arcgis.com>
 - This tool contains the same layers DEQ uses to review operator application submittals and recommends operators use it before submitting.
- Release Requests
 - Phase 1 Release Requests
 - Eligible when site is sloped and graded to the postmining land use, soil and overburden is replaced, and site is seeded
 - For private operators only, unless required of government operators by Opencut in a violation letter
 - Provides operators the opportunity to reduce bond amount
 - Phase 2 Release Requests
 - Eligible when site meets Phase 1 Release requirements and vegetation has two seasons of growth
 - Common mistakes are:
 - Boxes left unchecked or fields left blank
 - Proposed permit boundaries not submitted for partial releases
 - No photos submitted
 - More photos are better than too few
 - If site is covered in snow, Release Request would be disapproved – need to see the ground/reclamation
 - Postmining land use is different than what is listed on the permit
 - Change of postmine land use form is available online
 - Submit with Phase 2 Release Request
 - Exceptions if Phase II Release Request is submitted with a Landowner Notarized Form for:
 - Landowners Stockpile
 - Internal Road
 - New scientists are being trained – Thank you for your patience and cooperation!
- DEQ Active Litigation
 - Making progress in each case.
 - Time in litigation being spent to ensure we are issuing legally defensible permits and EA's is high
 - AM Wells, Valley Garden (filed in 2022)
 - Protect the Clearwater vs DEQ (filed in 2023)

- Friends of the Jocko vs. DEQ (filed in 2023)
- Gateway Conservation Alliance vs. DEQ (filed in 2024)
- Gallatin County Community Coalition vs. DEQ (filed in 2023)
- Public Comments/Questions & Future Meetings
 - How do we get away from the Deficiency Letter process for simple deficiencies that the operator can address quickly?
 - DEQ is looking for complete applications. DEQ's role is to ensure that your application meets the requirements of the Opencut Mining Act & Rules within the statutory timeframes and cannot overlook application deficiencies.
 - Once it's implemented, the online permitting should also help reduce time spent on deficiencies.
 - Every time an application is resubmitted, the timelines and review process reset.
 - Opencut is willing to meet with operators to discuss options for improvement.
 - Bonds are statutorily required to be submitted with the application.
 - Depending on type of application, specific worksheets are required on new application forms
 - Soil & Overburden Quantity & Replacement Depth Calculation Worksheet
 - Worksheet required for applications with disturbance onsite, such as amendment applications or expiry re-permits, are required to quantify soil. It is recommended that the worksheet be used as it provides guidelines for what Opencut requires.
 - Soil cannot be sold or removed from the property until Phase I released.
 - If the amount of soil is not sufficient, the operator will need to quantify the deficit in the Reclamation Bond Spreadsheet or import soil.
 - Stakeholder Meetings
 - Reminders
 - DEQ cannot send multiple reminders for Stakeholder Meetings
 - Can send one reminder for the meeting/requests for topics, and an agenda
 - Please bring any topics and ideas to the meetings even if they are not on the agenda

- EA to EIS – how does DEQ meet statutory timeframes and conduct an EIS at the same time?
 - The statute reads that only the director can determine significance, so it is up to the director to make that decision if it were to hit the threshold for EIS.
 - In the meantime, DEQ will make meeting its statutory timelines the priority unless a lawsuit changes that directive.