

**MINUTES**  
**Opencut Stakeholders Group Meeting**  
**September 16, 2021 @ 1:00 PM**  
**Metcalf Building in Helena, Room 111**

**In Attendance:** JJ Conner – DEQ Opencut, Chris Cronin – DEQ Opencut, Moira Davin – DEQ PIO, Katie Garcin-Forba – Mining Field Services, Mike Newton – Fisher Sand and Gravel Co, David Smith – MCA, Sonja Nowakowski – DEQ AEMD, Lloyd Omdahl – Toole County, Jennifer Skartveit – DEQ Opencut, Dan Walsh – DEQ Mining

**Via Zoom or Telephone:** Bryan Allison – DEQ Opencut, John Ames, JD Black, Greg Davis - Hydrometrics, Cale Fisher – Riverside Contracting, Dan Freeland – DEQ Water, Anne Hedges – MEIC, Stacy Hill – Riverside Contracting, Lee McKenna – DEQ Legal, Brian Nickel – Knife River, Colleen Owen – DEQ Opencut, Carrissa Shilling – BLM, Elizabeth Smith – DEQ Opencut, Joe Smith – Knife River, Melody Smith – American Colloid Company, Marty Stebbins, Amy Steinmetz – DEQ Water, Kenley Stone – DEQ Opencut, Joe Sylvester – WYO-BEN, Dot Van Oss

**WELCOME AND INTRODUCTIONS** – Chris Cronin welcomed and thanked everyone for attending. Everyone attending in person introduced themselves. Moira read off the list that were in attendance via Zoom or on the phone.

**MEETING EXPECTATIONS** – Sonja Nowakowski set out the expectations and ground rules for how the meeting would be run.

**DEQ UPDATES** – Dan Walsh explained the changes within the Mining Bureau:

- The Hardrock Mining Bureau and The Coal and Opencut Mining Bureau were combined into one Mining Bureau.
- The Mining Bureau consists of four sections: Hardrock Section, Coal Section, Opencut Section, and the newly created Field Services and Technology Section.
- This new structure was put into place on July 1, 2021, however, things are still being fine-tuned.
- The previous Coal and Opencut Mining Bureau that was once housed in a separate building has moved into the Metcalf and are sitting together with Hardrock, as one Bureau.
  - This will offer the ability to leverage expertise across the Bureau, Division, and Agency much more efficiently.
- The new DEQ website launched on June 24, 2021 and offers more consistency across the agency.

**QUESTIONS/COMMENTS FROM STAKEHOLDERS**

**Mike Newton – How will this new Field Services and Technology Section be funded?**

Dan Walsh – No New staff will be added. Most of the workload and funding will transfer with the employees that are moved into the new section.

**Mike Newton – Is this going to be a funding across the board situation?**

Dan Walsh – Not at this time.

**Mike Smith – Can you talk a little more about the Field Services and Technology Section? Will employees be cross-trained amongst the sections?**

Dan Walsh – Employees will maintain about half of their current workload and focus the other half on their new duties. This will allow the ability to tap into specific skill sets and use them across the Mining Bureau.

**Mike Smith – Will the staff all be in Helena?**

Dan Walsh – With the bulk of the Mining Bureau already being in Helena, the majority will be in Helena. However, I do foresee some folks in field offices getting involved.

**2021 OPENCUT LEGISLATION UPDATE** – Chris Cronin talked about Legislative Changes:

- SB 284 passed during the most recent Legislative Session exempted Government Operators from Annual Production Fees, as well as Application Fees.
- HB 599, also passed during the 2021 Legislative Session created two new types of Opencut permit application: Rural and Standard.
- HB-599 provided an immediate effective date, so Opencut drafted forms and received input at the May 6, 2021, Stakeholder Meeting. HB-599 was signed into law on Friday, May 14, and these initial forms were available on the website the next Monday.
- Since that time, the Opencut section received further feedback on the forms and gained experience processing HB-599 applications. As a result, a September 13, 2021, rollout letter was emailed to all permitted operators and the Opencut Stakeholders. The letter indicated that:
  - **New** application forms with a **(09/21)** date in the footer are posted on the Opencut website: <https://deq.mt.gov/mining/assistance>
  - **After November 1, 2021, older forms will no longer be accepted.**
  - If you are unsure which application form to use, refer to the “**Which Permit do I Need**” found at [Mining Permitting and Operator Assistance | Montana DEQ \(mt.gov\)](https://deq.mt.gov/mining/assistance) under Opencut Mining Forms.
- If you are planning to prepare a permit or amendment application, please submit a **Pre-Application Meeting Request** early-on and we will be happy to provide guidance and advice during an on-site meeting or over the phone as best suits your needs (<https://deq.mt.gov/files/Land/OpenCut/Forms/2021-RequestforPre-ApplicationMeeting.docx>).
- A new EA template for the Rural Permit has been developed as part of a DEQ-wide effort to make EA’s more consistent, and we are working on a new EA template for the Standard Permit.
- We are currently revising both the FAQ’s and Public Participation documents to reflect current law changes. Please watch for them to rollout in the coming months.

**QUESTIONS/COMMENTS FROM STAKEHOLDERS**

**Anne Hedges – Will you differentiate between Standard and Rural Permits on your website, it currently appears as though they are just Permits?**

Chris Cronin – Let’s go look at the website. We will look into this further and see what we can do to make this easier for the Public.

**Anne Hedges – Trying to find where to leave Public Comments is very confusing on the new website. It appears there are several places to do so, but none of them are very easy to find.**

Chris Cronin – Thank you for your comment, we will look into that as well to see what we can do to make it easier for the public.

**Mike Davis – Can an existing Permit be amended into the new law?**

Chris Cronin – Please refer to the “Which Permit do I Need” flowchart for specific instances as each site varies.

**Mike Davis – If you are unable to amend into the new law and have to do a new Standard or Rural Permit, will you still look at the previous plan for things like soils?**

JJ Conner – If you have to do a new permit, we will still look at the previous specifications of the old permit if needed.

**MPDES UPDATE** – Dan Freeland provided an update on Permitting from the Water Division, specifically the Sand and Gravel Permit and the Stormwater Permit.

**QUESTIONS/COMMENTS FROM STAKEHOLDERS**

**Anne Hedges – There is currently no way to connect Opencut Permits with other needed Permits, example Water Permits. Is there any way to connect these various permits?**

Dan Freeland – Helped Anne navigate to where the Water Permits are located.

**Carrissa Shilling – Cross-pollination of permits is a good idea, maybe if they were linked by Operator.**

Katie Garcin-Forba – This is a big focus on the newly created Field Services and Technology Section. We would like to create a map where all permits could be geo-spatially related. Please remember this will take time, but is a goal moving forward.

**Cale Fisher – Technology Question, are we looking at e-permitting and/or accepting shape files in the future?**

JJ Conner – I will be giving a technology update here shortly.

**TECHNOLOGY UPDATES** – JJ Conner talked about Opencut Technology:

- FACTS system, which will be the new database for Opencut. This will allow for e-permitting. The first applications that will be developed are the Rural and Standard Permit Applications.
- BCT processing will be the next focus. This will allow operators to submit shape files, type coordinates, or create maps.
- UAV Update:
  - We are currently using UAV’s to inspect sites.
  - Encouraged Operators to use UAV’s and submit the data to us.

**REGULATORY REFORM UPDATE** – Sonja Nowakowski explained the purpose of Regulatory Reform and when the public could expect to see the opportunity to get involved.

**QUESTIONS FROM STAKEHOLDERS & ADDITIONAL PUBLIC COMMENT**

No questions and/or comments.

**PLANNING FOR NEXT MEETING** – Chris Cronin proposed a few dates. David Smith invited Opencut to be a part of the MCA Conference and hold our meeting there on January 13. This will be at Fairmont and there will be some sort of call-in or virtual option for attending.

**ADJOURNED**