

Opencut Mining Stakeholder Meeting Minutes

November 8, 2023

Moderator: Moira Davin

Opencut Mining: Whitney Bausch, JJ Conner, Madeline VerWey, Bailey Tasker, Anne Spezia, Ruby Hopkins, Bryan Allison (Online), Elizabeth Smith (Online)

DEQ: Chris Dorrington, Sonja Nowakowski, Dan Walsh, Mae Vader

Stakeholders: David Smith, Frank Tabish (LHC), Ken Murphy, Cale Fisher (Riverside Contracting), Lloyd Amdahl, Zack Winfield (DNRC), Daniel Call (WyoBen), Trevor Taylor (DNRC), Brandon Arnson (Century Construction), Brian Nickel (Knife River), Mike Newton (Fisher Sand & Gravel), Stacy Hill (Riverside Contracting), Carissa Schilling (BLM), Guy Slaybaugh, Joe Smith, Rob Koelzer (Schellinger Construction), S. Curran, Stephen Coe, Steve Wonnacott, Michelle Brown

Staffing Update - New Faces (Whitney Bausch):

- Madeline VerWey – Program Support Specialist (Started June 2023)
- Bailey Tasker – Scientist (Started May 2023)
- Anne Spezia - Scientist (Started January 2023)
- Ruby Hopkins - Scientist (Started June 2022)
- Whitney Bausch – Supervisor (Been with Opencut almost 2 years)
- Laura Hunn – New Program Support Specialist Starting back on November 20th
- 2 New Scientists to be hired (Job Listing Open Until November 22nd)

Updated Bond Forms (Madeline VerWey):

- Adding a new instruction page to each bond
- Email will go out when uploaded to the website.
- Download bond forms from the website to ensure most recent version.
 - Typical snags in the bond forms
 - Dates that are not matching
 - Signatures & Signature Locations (Operator & Notaries)
 - Letters of Credit & Surety Bonds over \$100,000 require a Bank Authorization letter.
 - JJ explained the bond calculation on the Reclamation Bond Spreadsheet.
 - Madeline explained the process of verifying notary republics.

Permitting Tools (JJ Conner):

- Website Review - Search for Opencut Permit Number, View the Opencut Permit Locations Using the Public Facing WMA (Web Mapping App), Opencut Forms, Guidelines (Map Guideline & Soil Guideline)
 - We will check to see if we can add a hyper link on the web map so the permit documents can be pulled up from there.
 - We will look to see if we can find the previous guideline for paying application fees online or we will recreate it and post it.
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Best Practices for Public Notice (Bailey Tasker):

- Operator's obligation to notify nearby landowners and others of a potential opencut operation

- Laws pertaining to Public Notice can be found on the Opencut website under:
 - Laws & Regulations
 - Administrative Rules of Montana (Dryland Applications)
 - Montana Code Annotated (Standard Applications)
- Requirements for Public Notice for Standard Permits and Amendments
 - Required for all applications that add 50% or more of the currently permitted area.
 - Requirements are (MCA 82-4-432(6)):
 - Publish notice at least twice in a local newspaper
 - Mail (by 1st class mail) the notice to the board of County Commissioners of the count in which the site is located
 - Mail the notice to all surface landowners within ½ mile of the boundary
 - Provide the list of landowners/addresses of those notified to the Department
 - Post notice in at least two prominent locations at the Opencut site (including near a public road if possible)
 - Must be finished within 15 days after the application is deemed complete.
- Requirements Public Notice for Dryland Opencut Mining Permits and Amendments
 - Required for all Dryland applications and must be done before the application is submitted
 - Requirements are (MCA 82-4-432(14)(a)(x) & ARM 17.24.228(2)):
 - Post notice in at least two prominent locations at the Opencut site
 - Mail the notice to surface landowners within ½ mile of the boundary
 - Publish notice at least twice in a local newspaper
- It is important to keep a record of public notice for your applications (although it is not) – Examples:
 - Newspaper Publication –
 - Keep a physical clipping and a copy of the online posting
 - Physical Mailing -
 - Keeping a copy of the stamped envelopes with the landowner addresses
 - Using postal tracking services and certified mail
 - Notice Posted at the site –
 - Taking time stamped photos
 - Whitney said we can talk to Air Quality about their public notice practices and see if that’s something Opencut can do as well.
 - Whitney explains the Opencut Mining Act specifically talks about the Operators obligation to notify surface landowners and not about water rights situation.
 - JJ explains the Opencut Act is very clear and states it is the Operators 100% responsibility to ensure they do correct notification using Cadastral of the Clerk and Recorder. DEQ wasn’t given the time or the authority to verify.

Permit Amendments to Change Reclamation Date (JJ Conner):

- JJ explained the difference between the Application to Change Reclamation Date and the Application for 5-Year Reclamation Only Amendment
 - Application to Change Reclamation Date
 - Application for 5-Year Reclamation Only Amendment is for Operators who need more time on their permit to complete reclamation. They can submit this application one time only on their permit and it gives them an additional 5 years to complete reclamation only.