

LQD Meeting

1

1 BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

2 STATE OF WYOMING

3 -----

4 IN RE: LQD MEETING

5 -----

6

7 TRANSCRIPT OF TELEPHONIC MEETING PROCEEDINGS

8

9

10 PURSUANT TO NOTICE duly given to all parties
11 in interest, this matter came on for telephonic meeting
12 on the 25th day of June, 2020, at the hour of
13 10:00 a.m., at 200 West 17th Street, Conference Room 211,
14 Cheyenne, Wyoming, before the Land Quality Advisory Board,
15 Chairman Jim Gampetro, presiding, with Mr. Gene Legerski,
16 advisory board member, and Mr. Phil Dinsmoor, advising
17 member, all present telephonically.

18 Mr. Kyle Wendtland, Land Quality Administrator;
19 Mr. Craig Hults, Senior Environmental Analyst;
20 Mr. Muthu Kuchanur, LQD Program Manager; Mr. Andrew
21 Kuhlmann, Wyoming Attorney General's Office; Chris Fare,
22 Melgaard Construction; and Jean Pierre Jutras, Jade-Ex
23 Corporation were also present.

24

25

1 P R O C E E D I N G S

2 (Meeting proceedings commenced
3 10:00 a.m., June 25, 2020.)

4 CHAIRMAN GAMPETRO: Okay. Then let's do
5 introductions. I'm Jim Gampetro, the chairman. And I'm a
6 public representative from Buffalo, Wyoming.

7 MR. JUTRAS: I guess I'll step next in
8 line. I'm Jean Pierre Jutras, also known as JP. I'm a
9 geologist working north of Jeffrey City in the Granite
10 Hills for a company called Jade-Ex Corporation, and we
11 explore for jade.

12 MR. WENDTLAND: And this is Kyle --

13 CHAIRMAN GAMPETRO: Thank you.

14 MR. WENDTLAND: Yeah. This is Kyle
15 Wendtland. I'm the administrator of the Land Quality
16 Division.

17 MR. HULTS: And Craig Hults. I'm with the
18 Land Quality Division here in Cheyenne.

19 MR. KUCHANUR: Muthu Kuchanur with the Land
20 Quality Division in Cheyenne.

21 MR. KUHLMANN: I'm Andrew Kuhlmann,
22 Attorney General's Office.

23 MR. FARE: Chris Fare, Melgaard
24 Construction in Gillette.

25 MR. DINSMOOR: This is Phil Dinsmoor. I'm

1 a -- I'm not sure what I am. A former industry
2 representative of the advisory board, currently serving in
3 an advisory nonvoting capacity for the Board.

4 CHAIRMAN GAMPETRO: Phil, we've all been
5 wondering what you are.

6 MR. DINSMOOR: Well, let's not come up with
7 any definitions today.

8 CHAIRMAN GAMPETRO: Okay.

9 MR. WENDTLAND: Phil, I wanted to know what
10 you're doing, but I don't think you'll probably tell us,
11 so...

12 MR. DINSMOOR: I've been spending a lot of
13 time outdoors.

14 MR. WENDTLAND: Good for you.

15 Then I think we have Gene Legerski on as well
16 today. Looks like he might be muted.

17 CHAIRMAN GAMPETRO: Phil, it's good you've
18 been outdoors, because here if you go outdoors the last
19 couple of weeks you might blow away. It's been pretty
20 breezy.

21 MR. DINSMOOR: Yeah, it was breezy up here
22 too. And now it's the millers have -- it's miller time up
23 here.

24 CHAIRMAN GAMPETRO: Yeah. We've got those
25 too. The most I've ever seen.

1 MR. DINSMOOR: Yeah.

2 CHAIRMAN GAMPETRO: Is that it for
3 introductions? Is there anybody else?

4 MR. WENDTLAND: I think Gene Legerski's on.
5 And we can't hear Gene at this point. I'm not sure why.

6 CHAIRMAN GAMPETRO: Kyle, could you kind of
7 introduce him?

8 MR. WENDTLAND: Yeah. Gene Legerski is our
9 board member from Rock Springs. And he is in a voting
10 capacity and is formally on the Board now.

11 CHAIRMAN GAMPETRO: All right. Well, the
12 meeting is open. Should we move to the presentation?
13 Whoever's going first, either Craig or Kyle.

14 MR. WENDTLAND: Sure. Sure, Jim. I can --
15 I can move forward with that. I said earlier kind of just
16 when we were chatting before the meeting was officially
17 open. Our intent was to craft a preliminary draft of these
18 rules, knowing we would get feedback from a lot of
19 different folks. We have heard even some initial things
20 from the BLM. And knowing there's some complexities to
21 them, we wanted to get it out to the public and get some
22 information from the public. And we're here today to
23 listen to that primarily so that we can really fine-tune
24 and craft a final rule package on this. Our intent would
25 be to have that rule package in probably towards the latter

1 part of September, I think. I happened to draw a sheep
2 permit this year, and donated it to disabled vet. So the
3 first two weeks of September I'm gone.

4 So I think with that, I would open it up, maybe,
5 to Craig to kind of walk through the rule revision, what we
6 did, kind of where we made the changes.

7 And then, Jim, it would be my recommendation to
8 you, as chairman, to open it up to the public and get what
9 information we can today, because that's going to be
10 extremely helpful for us in crafting a final rule.

11 CHAIRMAN GAMPETRO: Sounds good. We'll do
12 it that way.

13 MR. WENDTLAND: All right. Craig, you're
14 up.

15 MR. HULTS: All right. So today we're
16 looking at some proposed revisions to our Chapter 5 of the
17 noncoal rules. That's exploration by dozing. These
18 particular rules are going to be an exemption from the
19 normal exploration by dozing process. We're basing our
20 authority to do this under the Environmental Quality Act in
21 Section 35-11-401(e)(v), which allows us to have exemptions
22 for surface mining operations which the administrator
23 determines to be of an infrequent nature and in which
24 involves only minor surface disturbances.

25 So that's our basis for making these changes and

1 not requiring any statutory changes. And what I think I'll
2 do is just jump into the rule language. We've added a new
3 Section 1 to Chapter 5. And this Section 1 will describe
4 the exempt exploration activities. So in Section A, what
5 we're limiting it to would be activities of 3 acres or less
6 for the removal of gold, silver, jade, opal, agate, or
7 titanium. Those types of operations would be exempt from
8 the rest of the Chapter. And what we would require is a
9 limited hard mineral license, and that would be on the
10 forms provided by us.

11 In Section B, we've set a bond amount of \$2,500
12 per acre. And that would be required to be accepted by the
13 administrator prior to commencing any exploration
14 activities.

15 In Section C, this is our -- what we would
16 require as far as kind of application materials. We would
17 be asking for a description of the exploration and basic
18 reclamation plan for the proposed disturbance. Again, this
19 would be on forms provided by our division.

20 In Section D, we allow for the minerals
21 discovered during exploration activities to be processed
22 and sold at the discretion of the operator, including assay
23 material or material with an unknown market valuation.

24 In Section E, this is our reclamation section,
25 basically. All exploration activities would be reclaimed.

1 So to return the disturbance area to preexploration
2 conditions, and that would include standards for contouring
3 and grading to prevent erosion, replacement of the topsoil,
4 a native seed mixture to be established, and a timetable
5 for the completion of that reclamation.

6 And then, finally, in Section F, this is the term
7 of the license that we would be talking about. And that
8 has been set at three years with an option to renew.

9 And that was the basic additions to the chapter.
10 I did make some other minor revisions just to update the
11 section numbering. And a little bit of wording in the
12 heading of Section 2. But other than that, the extent of
13 it is mostly in Section 1.

14 MR. WENDTLAND: And then a little more
15 information for everyone too is, you know, we found that
16 these exploration by dozing really doesn't fit well for
17 these disturbances. And we wanted to look at something
18 that was similar to the limited mining operations for sand
19 and gravel and creating a bit of an exemption and more of a
20 notification. And simplifying this process, both for the
21 operators and for the agency, enabled to process this and
22 do it fairly quickly and timely with managing our
23 resources, which, as everyone knows, are not getting more.

24 So that's kind of our thoughts on this, and the
25 direction we're going, for just a little additional

1 background on why we're looking at those changes.

2 CHAIRMAN GAMPETRO: I have a quick
3 question. This is Jim.

4 Let's say on my 3 acres here, I -- I decide that
5 when I get done, I'm going to have a -- somewhat of a hole,
6 and I'm going to fill it with water and have a pond. I
7 recall that in other discussions, I wouldn't be allowed to
8 do that because it's not restoring it to the condition that
9 it was prior to the excavation. Would that apply here, or
10 am I misinterpreting what we have found in the past due to
11 federal regulations?

12 MR. WENDTLAND: Jim, you're correct. And
13 it's a little more involved than that. You really can't
14 impound water, especially if it's in a drainage where
15 there's existing water right. It would require a state
16 engineer's permit to do that. You have to get the actual
17 legal right to the water, would be the first issue.

18 And, secondly, most of it, because of that, the
19 property needs to drain properly so it's not restricting
20 that flow of water as you -- because you can't.

21 So there's a couple of reasons for that. I would
22 say that in this case, if somebody came in with that and it
23 was private surface, private mineral, they could obtain the
24 water right. They may -- they may be able to do that. But
25 those are the conditions that would have to be met for that

1 to happen.

2 CHAIRMAN GAMPETRO: Thank you.

3 MR. HULTS: With that, I would say I think
4 the next step would probably be to have JP go through his
5 comments and just kind of walk us through those questions
6 and comments, I guess.

7 MR. JUTRAS: Oh, my goodness. Nobody ever
8 told me I would have to do this. Our comments are very
9 specific. And just to give a little bit of background to
10 our particular conundrum to the group on the phone, I'm
11 just going to make one clarification here as to why we got
12 involved in this process with regards to sale of minerals
13 from trenching by dozing.

14 I'm a mineral exploration geologist. I've been
15 doing this for about 30 years in about 17 countries. And
16 we decided to get into jade exploration as opposed to the
17 rest of my career, which was always the metals, so copper,
18 gold, nick, silver, whatever.

19 The -- normally, when we do things like explore
20 for gold, what we'll do is we'll do some trenches and take
21 some samples of the rocks. Then we'll do some drilling.
22 We'll get some samples of the rocks. We send them to a
23 laboratory and get an assay and the lab will come back and
24 say it's got so much percent copper or so many grams per
25 ton gold. And we can plug that into a valuation

1 spreadsheet and get a number of about how much money the
2 rock is worth, and whether there is enough information to
3 sustain a mining plan and a mining operation. That's
4 pretty easy.

5 Now, because our focus is jade, and jade is not a
6 commodity for which there is an active market and traded,
7 published daily value, we have the conundrum of having to
8 trench to test as to whether jade is present. And if it is
9 present, then in order to get a value for the mineral and
10 then, therefore, support a mining plan, the only way to get
11 that value is to sell that mineral. And that is kind of
12 the short summary of why we're involved in -- in this
13 particular process here, because while we could get the
14 permit to go dozing, that only provided us with half of the
15 work that needed to be done. If there was a discovery, the
16 second half is put a valuation on the discovery. Even the
17 discussion, I guess, with DEQ since July of last year, we
18 felt that the process could change, so that we would
19 accomplish all the objectives required to -- to conduct our
20 exploration properly.

21 Then I guess it is the question of our -- our
22 comments. And, you know, in terms of -- Craig, I sent you
23 a list of comments and questions. We're absolutely tickled
24 pleased that the DEQ is considering moving forward with a
25 change of the rules. It's extremely helpful. Our --

1 really our participation is a long process to make sure we
2 understand what the new rules are so we can play by the
3 rules.

4 Sorry to take so long, everybody. I know a lot
5 of you don't know who we are, so I'm trying to make that a
6 little bit more clear.

7 MR. HULTS: JP, if you wanted, I'm happy to
8 kind of run through your individual comments and maybe you
9 can add some clarity to me just kind of outlining?

10 MR. JUTRAS: Absolutely. Please do that,
11 instead of me running through them. If you run through
12 them, you can ask me for clarifications.

13 MR. HULTS: Sure.

14 MR. JUTRAS: Okay.

15 MR. HULTS: Happy to do that.

16 So looking at -- and I believe all of our board
17 members received these comments as well. One of -- the
18 first comment you had was about possibly adding additional
19 minerals to the list. Such as jasper, the corundums, which
20 would be rubies and sapphires. I would guess we would be
21 open to expanding that list.

22 The second comment you had was how we would be
23 defining the 3 acres with our LMO operations. We include
24 the access roads for purposes of bonding, but those roads
25 are not included in the 15-acre limitation on LMOs. That's

1 certainly something we can discuss as well. I think that
2 would work well by bonding for any access roads. We would
3 certainly be open to that discussion.

4 The third comment -- and these are all in
5 relationship to the Section A. I should have stated that
6 first.

7 The third comment was the apparent inconsistency
8 with the BLM's regulations which allow for disturbances of
9 up to 5 acres under a notice of intent. Our feeling on
10 that one is that we would be required to be at least as
11 stringent as the federal regulations where, in this case,
12 we would be limiting it to 3 acres which would actually be
13 more stringent.

14 In Section B, Comment Number 4, you were asking
15 whether this would be applied retroactively to current
16 license holders, and whether the posted bond amounts will
17 be grandfathered. In speaking with Kyle this morning, I
18 believe it would be that it would not be grandfathered in.

19 MR. WENDTLAND: Yeah. I think in that
20 sense, my thought on it initially here is is if we're going
21 to move this way and we're going to provide sale of the
22 assay and everything else, we would want to transition to
23 the current proposed -- or the new bond, as -- I just think
24 it would be that way you're under the notification
25 requirements, and not -- and that gets you out of the

1 exploration by dozing requirements.

2 MR. JUTRAS: Understood.

3 MR. HULTS: In Section C, which was our
4 reclamation requirements, there's a comment in regard to
5 allowing for moving or adjusting target areas within the
6 defined disturbance area, based on the initial maps. I
7 think generally what we do with like LMOs, and things like
8 that, we're getting an annual report. Revisions can be
9 made based on that. So I think we would have that
10 flexibility, if need be, to adjust those boundaries.

11 MR. WENDTLAND: Maybe another way to state
12 that is is you have your -- your area of your notification
13 here. Your 3-acre perimeter. And then there's an area to
14 affect within that, and that can be the full extent of that
15 3 acres. It doesn't matter where you move in it, as long
16 as it's within the 3 acres.

17 MR. JUTRAS: Understood. All right.

18 And, you know, one of -- the reason I would just
19 like to put clarification here on the comment is I don't
20 want to pretend when we're exploration -- doing our
21 exploration geology, we don't know what we're doing,
22 because normally we should. However, the process of
23 exploration is about generating information and data. So
24 we always start with less information than -- than we will
25 be generating. And that's why, as we learn, the plan kind

1 of moves around because we learn more about the direction
2 of the rocks and the potential -- the potential of certain
3 rocks, so...

4 MR. WENDTLAND: And let me -- let me also
5 say there's nothing that would preclude you -- let's just
6 say in a theoretical example here, you start your trench,
7 and it takes off to the east instead of the west. And --

8 MR. JUTRAS: Yeah.

9 MR. WENDTLAND: And you had permitted your
10 3-acre disturbance to the west. There's nothing that would
11 cause you or preclude you from coming in and saying we need
12 to modify that boundary and move it east instead of west.

13 MR. JUTRAS: Perfect.

14 MR. WENDTLAND: We just need to know that's
15 where you're going to go. Okay?

16 MR. JUTRAS: Perfect. Yep.

17 MR. HULTS: Moving on to Section D. This
18 was our section on selling or assaying material to
19 determine the market value. The comment was that there are
20 applicable royalties, mineral lease requirements, excise
21 taxes, county taxes. The question was whether this would
22 be likely subject to those or exempt from the above
23 payments. The LQD's feeling would be that they would be
24 applicable.

25 MR. WENDTLAND: Yeah. My feeling on that

1 is, and based on the last legislative session, there was a
2 bill brought as a draft as a credit. You could get up to a
3 hundred-thousand-dollar credit in your exploration. That
4 bill died. So right now I'm just not sure there's -- in
5 order to change that, it would have to be at the
6 legislative level. I'm just not sure, based on that
7 reaction last year, that there would be a will for that to
8 occur.

9 MR. JUTRAS: Understood.

10 MR. HULTS: And then --

11 MR. DINSMOOR: Kyle -- this is Phil
12 Dinsmoor. I had a question on that question for Kyle.

13 All of that tax discussion falls outside of the
14 authority of the DEQ, does it not?

15 MR. WENDTLAND: That is correct. That's
16 why I was referencing the legislative bill last year. If
17 there was a desire to change the royalty structure or
18 severance or however -- whatever structure applies here,
19 that would have to come at the legislative level. That's
20 not within our purview.

21 MR. DINSMOOR: Okay. Thank you.

22 MR. HULTS: Then, finally, in Section E,
23 which was the reclamation standards, there was a question
24 of whether there will be a distinction made between areas
25 of minimal surface disturbance. For example, travel of

1 equipment to the work area, road building, minimal soil or
2 vegetation disturbance, and areas where topsoil removal and
3 excavations are conducted. I think basically we would be
4 looking at returning those disturbance areas to pre
5 exploration conditions. So if there was some minimal
6 disturbance, I think we'd still probably be looking like --
7 say, if you had a two-track out there, we'd still probably
8 want some seeding done over that.

9 MR. WENDTLAND: Probably have to rip it and
10 seed it and at least bring it back to a standard of
11 usability for the post -- post disturbance use.

12 CHAIRMAN GAMPETRO: This is Jim again. I
13 want to go back to my question before. Let's say that
14 we're reclaiming, and as a result of our explorations,
15 we've created a hill or a wall or something like that. No
16 water involved here now. Let's take the water out of it.
17 And I like that hill or wall. It's a nice place for
18 calving and keeping out of the wind and so on. Again, are
19 we going to be in a problem due to federal regulations
20 about leaving that change in the terrain?

21 MR. WENDTLAND: Jim, that's a great
22 question. And it requires two answers to that question.
23 First is if it's private land, private mineral, you would
24 have the choice, if the landowner decided to do that, as
25 with any noncoal operation, they could retain that feature.

1 Now, if it's federal land or federal mineral,
2 there's other requirements that apply, and you probably
3 would not be able to do that.

4 CHAIRMAN GAMPETRO: Thank you.

5 MR. HULTS: And that brings me through JP's
6 comments. I don't know if you had anything additional to
7 add to that.

8 MR. JUTRAS: No, I don't. Thanks for the
9 opportunity to go through those and have them on the table
10 and have the discussion.

11 MR. HULTS: Absolutely.

12 MR. WENDTLAND: We appreciate your input.

13 MR. HULTS: Then I guess I would ask if
14 Chris Fare has any comments or questions.

15 MR. FARE: Yeah. Thank you, Craig. This
16 is Chris Fare with Melgaard Construction. One, I just want
17 to take the opportunity to thank the agency on the effort
18 put forth to promote the continued development of minerals
19 in the state of Wyoming. Furthermore, to support the
20 economic -- economic benefit to the United States. I
21 really appreciate the Q&A provided by Mr. JP regarding
22 these items, and I do support -- we are in agreement with
23 the draft -- the draft language as is.

24 I do believe it would be beneficial to include
25 the things -- the other minerals, such as rubies and

1 jasper, I think -- whatever I wrote down there -- yeah,
2 sapphires.

3 You know, as prior to the start of the meeting,
4 JP and I were having an open discussion kind of around
5 that, is there's a lot of untapped potential, and I
6 wouldn't want to preclude something that may exist out
7 there. That's all I have.

8 MR. HULTS: Thank you, Chris. And that
9 might be something we can look at too, is including this as
10 maybe not an exhaustive list. And if there is a mineral
11 that would be potentially explored in a manner like this,
12 that they would be able to come in and express that
13 interest to the administrator. We do -- often do that with
14 our rules. That's not an exhaustive list. And if you can
15 provide a justification for that, I think we would be open
16 to that.

17 MR. WENDTLAND: I would add to that too.
18 If there are other mineral resources that the public
19 believes we should include, it would be great if we could
20 hear about those from you. You know, if there's other
21 things beyond these, it would be great.

22 CHAIRMAN GAMPETRO: Jim here again.

23 Probably no applicability here for what I'm about
24 to ask, but I'm going to ask it anyway. Given the small
25 areas we're talking about, would there be any applicability

1 to rare earth situations?

2 MR. WENDTLAND: I don't -- I've not heard
3 that, because of the -- usually the core drilling that has
4 to take place for that. So I've not had feedback from
5 that. Jim, we can look into that more. It's a good
6 question. We can have discussion with --

7 MR. JUTRAS: JP here. Just a --

8 MR. WENDTLAND: Yeah. Go ahead, JP.

9 MR. JUTRAS: Just a quick comment on that
10 one. And thanks, Jim, for bringing that up. Obviously
11 rare earths are a very important component of our high-tech
12 society, and it's very strategic mineral. We -- in our
13 work, it is not something that we are looking at. And we
14 haven't really looked at Wyoming as a potential source of
15 this material. However, what I can say from an industry
16 participant perspective is that if we were to look at an
17 area for rare earth as an exploration target, we would
18 definitely look at the regulations, and see if there are
19 regulations in place that encourages the work or
20 discourages the work.

21 The exploration is often done by drilling for
22 rare earths. It is not necessarily the most efficient way
23 to evaluate those deposits, but it is often the most
24 expeditious manner in which to do it because of the
25 permitting regulations.

1 So, you know, in a very forward-looking sense, it
2 might make sense to expand the list to rare earths under
3 this exemption, because I think it would be -- from an
4 industry perspective, I think it would be fantastic
5 incentive to actually go in and do that kind of work.
6 You're just lowering the regulatory cost and process to
7 incentivize people to go into your jurisdiction to perform
8 this kind of work. So it's very forward looking, but I
9 think there's a very good point to be made in terms of
10 considering expanding the list to encourage -- encourage
11 investment in that direction.

12 MR. WENDTLAND: That's really helpful, JP.
13 I appreciate that.

14 MR. JUTRAS: If we're looking at big
15 deposits, obviously at some point the disturbance is going
16 to be bigger. But at least you're giving that little
17 window of incentivization for somebody to be the startup,
18 to take the first risk, as the cost is lower. And that
19 just improve competitiveness from an international
20 perspective.

21 CHAIRMAN GAMPETRO: My thought -- this is
22 Jim again. My thought on that would be even just 3 acres
23 with a dozer, in terms of exploration, would probably give
24 you a better shot at what might be there than drilling.

25 MR. JUTRAS: Absolutely.

1 MR. WENDTLAND: Chris, do you guys even use
2 much dozing, or is most of it excavator?

3 MR. FARE: Yeah, Kyle. This is Chris.

4 Hey, we don't use much dozing. Primarily being
5 as the amount of disturbance it does create, in addition to
6 our -- our market is really targeting the sand and gravels
7 or other aggregates, in which -- with which time, trackhoe,
8 backhoe, core drill, those -- those tools seem to do a good
9 job. At the same time, I've been involved with some
10 discussions, as our interests are leading into other --
11 other areas in other states exactly of that use of the
12 dozer.

13 And I think exactly as Jim just said, when we
14 start to look at rare earths and what -- what may be
15 available, our interests may actually start to bring in --
16 you know, bring in a little D65, something that you can get
17 in there quickly and peel off the surface more
18 expeditiously than using a trackhoe and get more -- larger
19 samples, so to speak, especially if it's -- as -- as the
20 rules are moving to help support -- to support that more
21 directly per our interest, I think dozing would become an
22 option. But at present, we don't use a lot of dozing.

23 MR. WENDTLAND: Great. Thanks. That's
24 helpful. Appreciate it.

25 MR. FARE: Yes, sir.

1 MR. DINSMOOR: Mr. Chairman.

2 MR. WENDTLAND: Go ahead.

3 MR. DINSMOOR: Yeah, I had a question. I
4 wanted to go back to the -- to your two comments or
5 questions about water and basically highwalls or whatever.
6 The questions that you asked appeared to be -- or sounded
7 as though you were the surface owner, the private surface
8 owner. But what happens if the private surface owner is
9 not you, what happens if it's me, and what protections does
10 the DEQ have for the private surface owner who is not the
11 developer, and should that be somehow included in this rule
12 for clarification, because right now it doesn't really
13 address that, and I'm afraid it leaves a lot of questions
14 up in the air.

15 MR. WENDTLAND: Mr. Chairman, that's a
16 great question. And there is a process in place in noncoal
17 that we can get a signed notarized statement from the
18 landowner. Let's say in this case JP, for theoretical
19 purposes, is mining on your place up there at Devil's
20 Tower, Chair -- or Member Dinsmoor. And he gets done and
21 it's like I want to keep this. The operator then comes to
22 you and gets a signed statement and notarized statement
23 that says you want that feature, and you're accepting it
24 and you want to retain it. And then we'll sign off and say
25 that's fine. But we won't do that until we have that

1 signed document.

2 CHAIRMAN GAMPETRO: You got that, Phil?

3 MR. DINSMOOR: Yeah. Does that need to be
4 in the rule in any way?

5 MR. WENDTLAND: I don't think it really
6 needs to be in the rule. There's -- we already have a form
7 for that, and it's the -- the process is already in place.
8 And we've applied that in LMOs where the -- again, this is
9 patterning kind of after the LMO, which is also a
10 notification like this. So that same process is already in
11 place.

12 MR. DINSMOOR: So if I understand, then,
13 you're, depending on the operator, asking questions of the
14 agency in order to make it happen.

15 MR. WENDTLAND: Yeah. We go out there and
16 there's a highwall because we have to do a final
17 inspection, Mr. Chairman. And, you know, if there's this
18 highwall at the end, we're going to ask why is that still
19 there? And if they say the landowner wants it, we're going
20 to ask where's the paperwork, you know, if we don't have
21 it. We're not going to release your bond until we have
22 that.

23 CHAIRMAN GAMPETRO: You okay, Phil?

24 MR. DINSMOOR: Yep. Thank you for that.

25 MR. WENDTLAND: Just because --

1 Mr. Chairman. Just because it's a notification, when it
2 comes to the reclamation release of the bond, we still have
3 to do that final inspection, and we're going to hold that
4 bond until it passes that final inspection. That's our end
5 on it.

6 CHAIRMAN GAMPETRO: Thank you, Kyle. Makes
7 sense, Kyle.

8 MR. HULTS: Jim, Mr. Chairman, I would also
9 add our LMO notification form requires the signatures of
10 the operator and the surface owner if they're different.
11 That would be something we could look at too in developing
12 our notification forms.

13 CHAIRMAN GAMPETRO: Anything else on this?
14 Are we ready to move on to meeting dates?

15 MR. WENDTLAND: Sure. If you are,
16 Mr. Chairman.

17 CHAIRMAN GAMPETRO: Go for it.

18 MR. WENDTLAND: Mr. Chairman, we have quite
19 a few rule packages, and we want -- that's why we wanted to
20 get this draft out early and get some comment. You know,
21 as stated earlier, we sense this might have some
22 complications to it and things we need to work through.

23 We also have two other rule packages coming
24 forward from the legislative session. The one on the
25 disposal of the -- and repurposing of wind turbine blades

1 for use as backfill and final coal pits. And then we also
2 have some procedural stuff related to the revisions to
3 406(k) that we'll be looking at.

4 With that -- and then we had two chapters with
5 some revisions we received from the AG's Office as well.
6 So in order to get through this and try and spread it out a
7 little bit, just with working through the COVID issues and
8 remote working and then also everybody being respectful of
9 everyone else's time. I have a recommendation that we have
10 a meeting in August, in the first week of August, that we
11 can do remote, similar to this one, and we bring in the
12 repurposing of the wind turbine blade rules and take a
13 first run at those. And then by the September meeting, in
14 the latter part of September, even if you were not going to
15 re-up, Mr. Chairman, we'd squeeze those in before you --
16 before you headed out.

17 But I think in that latter part of September,
18 then, we can bring both the final package for these rules
19 and the final package for the turbine blade and repurposing
20 at the same time. And that would leave us with -- and
21 probably introduce at that time maybe some of the 406(k)
22 procedural things we're going to look at in December. But
23 I think that makes sense in order to help us get the
24 direction and get these packages together. I would leave
25 that up to you as chairman and the other board members

1 today to see if that's something you feel we can do or not
2 do.

3 CHAIRMAN GAMPETRO: Well, it sounds good to
4 me. I have no problem with it. Any other board members
5 that have comments on that?

6 BOARD MEMBER LEGERSKI: I should be good
7 any time, but that second week in August is busy. Other
8 than that I'm good.

9 MR. WENDTLAND: So the first week looks
10 good for you?

11 BOARD MEMBER LEGERSKI: Yeah. First week
12 outside of that Tuesday, Craig, is wide open right now.

13 MR. WENDTLAND: Okay. So maybe the 6th.

14 MR. DINSMOOR: Mr. Chair?

15 MR. WENDTLAND: Yeah, the 6th of August,
16 maybe, Gene, is that --

17 BOARD MEMBER LEGERSKI: Yeah. That would
18 work great.

19 CHAIRMAN GAMPETRO: Sounds good to me.

20 MR. DINSMOOR: Mr. Chairman, if I'm still
21 on the advisory -- an advisory to the advisory board,
22 either of those dates works for me.

23 MR. WENDTLAND: And then I think if we
24 look at September, maybe that week of the 21st, possibly,
25 or the -- the 28th or 29th or 30th?

1 CHAIRMAN GAMPETRO: Whatever works for
2 everybody else.

3 MR. WENDTLAND: I'll have Craig send out a
4 feeler and see what works in the end of that, so...

5 BOARD MEMBER LEGERSKI: This is Gene. That
6 first week, September 1st, I'm out of pocket. And then the
7 third and the fourth, I'll be in an Industrial Siding
8 hearing.

9 MR. WENDTLAND: Okay. I'll be -- if it
10 makes you feel any better, I'll be sheep hunting in Area
11 12, so...

12 BOARD MEMBER LEGERSKI: I'd rather be sheep
13 hunting rather than at an Industrial Siting hearing. How
14 about that?

15 MR. WENDTLAND: All right. Fair enough.

16 MR. KUHLMANN: Don't tell anybody, but I
17 agree.

18 CHAIRMAN GAMPETRO: I'm assuming, again,
19 these will all be electronically meetings.

20 MR. WENDTLAND: Yeah. Mr. Chairman, given
21 the circumstances, we've got some newer software and stuff,
22 and I think we can tool up a little more refined meeting
23 that we're going to try for the August one. And it should
24 run pretty smoothly. We ran it, actually, for an informal
25 hearing, so we're pretty confident in how that works. And

1 we'll bring this next meeting up on that system. And I
2 think that you'll see the rest of them through this year,
3 anyway, unless something changes. My intent is to hold
4 them remote.

5 CHAIRMAN GAMPETRO: Okay. Any other items
6 for discussion?

7 MR. HULTS: Jim, that was all we had.

8 CHAIRMAN GAMPETRO: Anybody else? Well,
9 hearing none, I don't know if we even -- can we have a vote
10 to adjourn with less than a quorum?

11 MR. KUHLMANN: Mr. Chairman, you don't need
12 a vote to adjourn.

13 CHAIRMAN GAMPETRO: All right. Well,
14 unless somebody else has got something, we're all done.

15 MR. WENDTLAND: Mr. Chairman, thank you.

16 MR. JUTRAS: JP here. Nothing further.

17 MR. HULTS: Well, thank you for everybody's
18 time and input. It's much appreciated.

19 CHAIRMAN GAMPETRO: Thank you all for your
20 participation and your additions to the discussion.

21 (Meeting proceedings concluded

22 10:44 a.m., June 25, 2020.)

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, KATHY J. KENDRICK, a Registered Professional Reporter, do hereby certify that I reported by machine shorthand the foregoing proceedings contained herein, constituting a full, true and correct transcript.

Dated this 20th day of July, 2020.


KATHY J. KENDRICK
Registered Professional Reporter

