

Recorded LQD Meeting

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BEFORE THE LAND QUALITY ADVISORY BOARD  
STATE OF WYOMING

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IN RE: LQD MEETING  
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TRANSCRIPT OF RECORDED MEETING PROCEEDINGS

PURSUANT TO NOTICE duly given to all parties  
in interest, this matter came on for meeting  
on the 9th day of December, 2021, at 200 West 17th Street,  
Conference Room 211, Cheyenne, Wyoming, before the Land  
Quality Advisory Board, Chairman Jim Gampetro presiding,  
with Mr. Gene Legerski and Ms. Natalia Macker, advisory  
board members, Mr. Jim Peters and Mr. Richard McCutcheon,  
Wyoming Attorney General's Office, all present by  
videoconference.

Mr. Matthew VanWormer, Wyoming Attorney  
General's Office, present by videoconference; Mr. Kyle  
Wendtland, Land Quality Administrator; Mr. Craig Hults,  
LQD Natural Resource Program Principal; and Mr. Muthu  
Kuchanur, LQD Program Manager, attending in person.

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A P P E A R A N C E S

Also Present: MS. LECIA CRAFT  
MR. MATT DILLON  
MR. JOHN CONRAD

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

2 (Recorded meeting proceedings  
3 commenced December 9, 2021.)

4 CHAIRMAN GAMPETRO: If everyone else would  
5 please introduce themselves, we can get going here.

6 MR. WENDTLAND: You have -- here in  
7 Cheyenne, Jim, you have Craig Hults with Land Quality,  
8 Muthu Kuchanur with Land Quality, and Kyle Wendtland as the  
9 administrator with Land Quality.

10 CHAIRMAN GAMPETRO: Well, I know Natalia is  
11 on, because I heard her.

12 BOARD MEMBER MACKER: Good morning.

13 CHAIRMAN GAMPETRO: Good morning. Would  
14 you like to introduce yourself.

15 BOARD MEMBER MACKER: Yes. Sorry. Yep.  
16 Natalia Macker. I am a public representative, and I live  
17 in Teton County.

18 BOARD MEMBER LEGERSKI: Mr. Chairman, this  
19 is Gene Legerski. I'm on also. I'm a political  
20 subdivision representative from Sweetwater County.

21 CHAIRMAN GAMPETRO: Is that it for  
22 introductions?

23 MR. WENDTLAND: I think so. We do have  
24 Matt VanWormer from our Attorney General's Office, in case  
25 there are questions related to these rule packages. We do

1 have him on as well. He represents the Land Quality  
2 Division through the AG's Office. And then it looks like  
3 we do have some public at large on as well.

4 MR. HULTS: Jim, if I might. We also have  
5 James Peters from the AG's Office, and Richard McCutcheon.  
6 They will be representing the board members.

7 We also have -- I can ask, Lecia Craft, if you  
8 want to introduce yourself.

9 MS. CRAFT: Good morning. I'm Lecia Craft  
10 with SWCA Environmental Consulting.

11 MR. HULTS: Thank you, Lecia.

12 And we have Matt Dillon.

13 MR. DILLON: Yeah. Good morning, Craig.  
14 Matt Dillon with Land Quality District 2 in Casper.

15 CHAIRMAN GAMPETRO: If that's it, I  
16 would --

17 MR. HULTS: Jim, I have one more. John  
18 Conrad.

19 MR. CONRAD: Good morning. John Conrad  
20 with Tata Chemicals.

21 CHAIRMAN GAMPETRO: Thank you, all. And  
22 welcome to the meeting.

23 I would appreciate if we could get a motion to  
24 approve the August 19th minutes and a second to that  
25 motion.

1 BOARD MEMBER MACKER: I would make that  
2 motion, Mr. Chairman.

3 CHAIRMAN GAMPETRO: Thank you, Natalia.

4 BOARD MEMBER LEGERSKI: This is Gene. I'll  
5 second that.

6 CHAIRMAN GAMPETRO: Been moved and  
7 seconded. All these in favor, please signify by saying  
8 aye.

9 BOARD MEMBER LEGERSKI: Aye.

10 BOARD MEMBER MACKER: Aye.

11 CHAIRMAN GAMPETRO: Any opposed? The  
12 motion passes.

13 I'm going to move this on. We're going to start  
14 with Coal 10. And I don't know if Kyle wants to start it  
15 or if Craig wants to start it, but it's --

16 MR. WENDTLAND: Sure.

17 CHAIRMAN GAMPETRO: Or if you want to refer  
18 it to the DA [sic], go ahead.

19 MR. WENDTLAND: Sure, Mr. Chairman. I'll  
20 go ahead and open this up. We have these rule packages and  
21 they're related to the statutory change from 406(k) to  
22 406(p) and (q), which separated Coal and Noncoal related  
23 largely to the requirement for an informal conference or  
24 administratively how we move forward with an appeal. As we  
25 go through those rule packages, the Attorney General's

1 Office also now is reviewing our rule packages for  
2 statutory compliance, cross-reference changes and basic  
3 statutory authority. And as a result of that, there are  
4 some grammatical changes, reference changes, some other  
5 items as far as statutory compatibility changes that have  
6 been requested to be added and are in these rule package  
7 changes.

8 Matt, would you like to speak to that, maybe a  
9 little more about that process, please?

10 MR. VANWORMER: Yeah. Sure thing. Thank  
11 you, Kyle.

12 Again, this is Matt VanWormer with the Attorney  
13 General's Office. I represent a few divisions at DEQ,  
14 including Land Quality. And I think you've covered it  
15 pretty much, Kyle. The overriding purpose of the Attorney  
16 General review is for statutory authority, but we really  
17 look for consistency of the rules with statute, other  
18 provisions in the Land Quality Coal and Noncoal rules,  
19 other DEQ divisions.

20 And for the chapters that the Board will see  
21 today, I think we have a number of, you know, small  
22 grammatical suggestions, some reordering, renumbering. I'm  
23 happy to answer questions as we go through, but Kyle  
24 covered the basics.

25 MR. WENDTLAND: Thanks, Matt.

1                   And then, Mr. Chairman, with that, I'm going to  
2 turn it over to Craig, and he's going to walk you through  
3 each of the rule packages. We do have Noncoal Chapter 7,  
4 Noncoal Chapter 9, Coal Chapter 10, and Coal Chapter 13.  
5 Craig's order might differ from that a little bit, but  
6 those are the four chapters that are in front of the Board  
7 today.

8                   MR. HULTS: Mr. Chairman, Board. So I'm  
9 going to go in the order that was on the agenda, so I'm  
10 going to start with Coal Chapter 10. And this is our Coal  
11 Exploration chapter.

12                   As Kyle noted, we did bring these through the  
13 Board in our previous meeting back in August. But at that  
14 time we hadn't had our Attorney General's review. Based on  
15 the comments we received, we thought it was a good idea to  
16 just bring them back through. There were some revisions to  
17 the rules that were presented to you initially. So we just  
18 wanted to cover those and make sure they had a chance to  
19 comment on them if they wanted to.

20                   Chapter 10, this chapter was actually last  
21 revised in 2011. So it's been 10 years. And this one  
22 actually isn't the worst one as far as the length of time  
23 since we've revised them. What I plan to do is just go  
24 through section by section, but if anybody has any  
25 questions or comments as I go along, please feel free to

1 interrupt or raise your hand.

2           And then my plan was that I'll go through each  
3 chapter, and I think it would probably be most amenable to  
4 just have one motion regarding all four chapters at the end  
5 of my presentation, if that works for the Board.

6           CHAIRMAN GAMPETRO: Sounds good to me.

7           MR. HULTS: All right. So I'm going to  
8 jump right into Chapter 10, Section 1. The first revision  
9 was in the header, and this was presented last time that we  
10 removed the Department and Land Quality Division to meet  
11 the Secretary of State's rules on rules. And then in  
12 Section 1, 1(a), we did some grammatical changes just to  
13 improve the readability.

14           In Section (b) -- it's kind of hard to see, but  
15 in the subsections of (b), we had periods instead of  
16 semicolons traditionally. Now we're using the semicolons  
17 instead of the periods.

18           In (b)(iii), some more grammatical changes in the  
19 same -- in (iv) and (v) as well. There was one section  
20 reference that was changed due to the reordering that  
21 follows.

22           And then in Section 2, again, in (a), we did some  
23 grammatical changes and added things like "of these rules"  
24 for consistency with our other chapters.

25           In (b), again, here we have the instance where we



1 were using the periods instead of the semicolons. In  
2 (b)(vi), we added the term "explaining" instead of "of,"  
3 just to improve the grammar.

4 And then in (xi), we removed "the location of"  
5 that was repeated quite frequently in that paragraph, and  
6 made a list so that we could remove some of that language.

7 In (xii), again, we just removed the period and  
8 with the semicolon and added the word "and" for the list.

9 In (xiii) of (b), this portion we added a  
10 reference to Chapter 17. Chapter 17 of the Coal rules is  
11 our chapter on areas unsuitable for mining. Because this  
12 section dealt with that topic, we didn't have that  
13 reference in there previously. Chapter 12 also deals with  
14 that, but in a more procedural sense, whereas Chapter 17  
15 lists the criteria things for unsuitability. So those  
16 references have been updated. And, again, grammatical  
17 changes to make it more readable.

18 And then finally in (c), one thing you'll see  
19 consistently through the chapter, some of the numerical  
20 references have been changed to the actual term. For  
21 instance, in this case, it was "thirty." And so we've  
22 updated that for consistency within our chapters.

23 And then, finally, in that (c), we removed the  
24 sentence about any person having an interest which is or  
25 may be adversely affected shall have the ability to file

1 objection -- or comments on the application. That section  
2 has been moved down. You'll see in what was previously  
3 subsection 3, we've removed that entirely. And the reason  
4 we removed that was because the language, page 4 in (d) --  
5 what we did is reference the process for filing objections.  
6 And then the informal conference process that's referenced  
7 in 35-11-406(p).

8           And then we reordered what was previously (e) --  
9 (c), and it's now (d). And this describes how the Director  
10 will approve or deny.

11           And then finally, in (e) -- new (e)(iv). Again,  
12 we have that same kind of clarification and reference to  
13 Chapter 17 again.

14           In subsection -- new subsection 3, it's hard to  
15 tell, but the 4 is stricken and is renumbered as 3 based on  
16 the removal of the previous 3. This subsection didn't have  
17 much change to it. In (e), again, we made a grammatical  
18 change to make it clear about the notice of intent to  
19 explore and the filing of a license, an exploration  
20 license, under Section 2 of this chapter.

21           In (f), again, you can see we made that change to  
22 "of these rules" for consistency, same with (g), (h), (i)  
23 and (j) and (k).

24           And that will take us to the new subsection 4.  
25 This deals with the additional requirements. Again, this

1 was revised for grammatical clarity. And we also made a  
2 reference to -- for drilling operations, the statutes that  
3 would be applicable would be 35-11-404. And then Chapter  
4 14 of the Coal rules deals with the abandonment of drilling  
5 operations. So those references have been updated.

6 In subsection 6, this revision was based on a  
7 comment from the Attorney General's Office. We removed (a)  
8 under the rationale that it isn't just trade secrets that  
9 can be held confidential under exploration operations. So  
10 we removed that reference.

11 And what was (b) is now just under the header of  
12 that, and that talks about a hearing and opportunity to be  
13 heard for both the person seeking the disclosure, the  
14 information, and opposing it. It would be the operator,  
15 presumably a public entity, which follows our statutory  
16 framework regarding confidentiality of materials.

17 Subsection 7, this was deleted. This talked  
18 about the approval of our state program and the  
19 applicability of this chapter. We've long since passed  
20 that day of the approval, so this is just to clean up the  
21 chapter again.

22 In new subsection 5, in (b), this section was  
23 again revised for grammatical changes, kind of reordering  
24 the sentence. And that should hopefully improve the  
25 readability.

1           Then in (ii), again, more grammatical  
2 corrections.

3           Then in, finally, (iii), again this is  
4 grammatical correction. And then, finally, the same for  
5 (iv), we had an "and/or" in there, and in this instance  
6 "or" by itself made more sense. And then we just removed  
7 the "as to."

8           And that brings me to the end of Chapter 10, and  
9 I would open it up for any questions or comments.

10           CHAIRMAN GAMPETRO: Go ahead, Craig.

11           MR. HULTS: All right. That will take me  
12 to Chapter 13 of our Coal rules. This one was last revised  
13 in 2002. So it's been 19 years since we touched this one.  
14 It's probably more revisions due to grammar and things like  
15 that and cleanup just because of the age of this chapter.  
16 Chapter 13 deals with Surface Coal Mining Permit Revisions.

17           In subsection 1, we retitled this to be Permit  
18 Revision Applications. In previous (a) and (b) and (c), we  
19 removed those. It was kind of a clunky lead-in to the  
20 chapter. And some of the description there was actually  
21 moved in previous (c). We had that reserved for some  
22 reason. We've removed that.

23           So we're starting at what was formerly (d). This  
24 is new (a). And this describes what's required in an  
25 application for a permit revision. And this speaks more

1 generally. That's why I said it kind of led in a little  
2 bit clunky as we were describing other types of revisions.

3 So in subsection (i) and (ii), there weren't any  
4 changes. In new (iii), we've added the distinction and the  
5 change and why the change is being sought.

6 A new (iv) was added. This talks about an  
7 outline or index describing the changes. We renumbered  
8 what was (iii) to (v). We renumbered sections -- previous  
9 (iv) to (vi).

10 We removed (A), which talked about a map, and  
11 we've actually moved that down. The rationale behind that  
12 was that generally we wouldn't need a map unless any new --  
13 newly proposed affected lands would be added to the  
14 operations. So we moved that into what was (B).

15 Under the new (A), in number -- (II), we added  
16 the term "Wyoming Statute." That just conforms to the  
17 Secretary of State's rules on rules, where the first  
18 instance of a statute being referenced, you spell it out,  
19 the full term Wyoming Statute.

20 And then in (III), we removed the final portion  
21 of that sentence and made it new (IV), just to split them  
22 apart. They were talking about two different things,  
23 really.

24 And in (B), we removed the term "significant."  
25 And this is talking about changes to the estimate for

1 reclamation. It would be hard to define -- it's not really  
2 giving good notice to the public as to when those changes  
3 would be required.

4           And then, finally, in (vii) and (viii), we've  
5 added those subsections from language that was previously  
6 in the chapter.

7           We have a new (B). And, again, this is due to  
8 the reordering of the previous subsections. Grammatical  
9 changes were made, again. We updated the reference to the  
10 CHIA, the Cumulative Hydrologic Impact Assessment.

11           Again, we removed (v). That information is in  
12 (viii) above.

13           And that takes us to subsection -- or Section 2.  
14 Again, here you'll see the change from numerical to the  
15 actual term. Other grammatical changes were made.

16           In (b), this was revised after noticing the way  
17 it read previously, it said "Notice and opportunity for a  
18 public hearing..." The way the statute reads now is that  
19 the public has -- or interested parties has the opportunity  
20 to submit objections. And based on that, under the Coal  
21 rules, there would be the informal conference process, and  
22 ultimately the Director makes a decision. And that, again,  
23 can be -- that decision can be appealed to the  
24 Environmental Quality Council ultimately. So we're just  
25 updating it to reflect the statutory language. We removed

1 in the final sentence the term "normally." Again, this is  
2 tough to define, so we're just giving a list of what are  
3 significant deviations.

4 And under (b) [sic] (i), again, grammatical  
5 changes and numerical to terms.

6 In (iii), (iv) and (v), again, that's grammatical  
7 changes.

8 We removed (vi) after discussions with the  
9 administrator and the Attorney General's Office. It was  
10 determined that generally we were -- in most incidences,  
11 there would never be a revision for cancellation or  
12 material reduction in liability insurance policy or a  
13 performance bond or even the guarantee on which the  
14 original permit was approved. We just couldn't come up  
15 with an instance where that would actually happen. So that  
16 was removed. And then we renumbered the following  
17 subsection and made a minor grammatical change.

18 In sub -- or in Section 3, this was restructured  
19 pretty heavily. Initially it was just a public hearing --  
20 or notice and opportunity for a public hearing. The way we  
21 have it structured now is it's the -- the decision-making  
22 process, public notice, and then opportunity to file  
23 objections based on the application.

24 So then in (a), this is a new subsection. We've  
25 added a reference to 406. And that describes how the

1 Director shall approve or deny a permit revision.

2 In (b) -- this describes nonsignificant revisions  
3 and gives the Director 30 days after it's determined to be  
4 complete to make his decision on that application.

5 And then we reordered it to have for significant  
6 permit revisions. This was how it was kind of formulated  
7 before, but only significant revisions would be under the  
8 public notice requirements. So a new (i), we describe the  
9 public notice requirements.

10 And then in new (ii), this is a reference to the  
11 revised statute, which, as Kyle noted, was split between  
12 Coal and Noncoal. So a person may file objections and  
13 request an informal conference under 35-11-406(p).

14 We removed the section header from 4 and made it  
15 the subsections below that into this list for subsection 3.  
16 In this case, we removed most of the language that was  
17 originally there and just made a reference back to the  
18 406(p), which deals with the informal conference when  
19 somebody requests one, the Director shall hold one, and  
20 then render a decision on the application.

21 And then we added a new (iv). In this case this  
22 deals with the applicant or the objector may appeal the  
23 Director's decision to the EQC under that statute. The  
24 previous language that we had that described this process  
25 was stricken from the remainder of that subsection.



1           And then in subsection -- new subsection 4, we  
2 revised the header for this section. And while we would  
3 like to think most of our permits are outstanding, that  
4 term seemed kind of out of place, so we added "existing  
5 permits."

6           We also removed the (a), because there isn't a  
7 (b) in this case. And then updated language to reflect the  
8 statutory language.

9           And then, finally, in subsection -- new sub -- or  
10 Section 5, this is Exceptions. And this talks about  
11 extending the permit boundaries. We cleaned up the  
12 language there with some grammatical changes.

13           And that takes me to the end of Chapter 13. If  
14 anyone has comments or questions, feel free. Not hearing  
15 any, I'm going to jump into the Noncoal chapters, then.

16           Our first one is Chapter 7. This deals with  
17 Noncoal Mine Permit and Research and Development Testing  
18 License Revisions.

19           Just looking at my printed copy, I notice I need  
20 to unbold the chapter and title of this, so I'll make that  
21 change to conform to the Secretary of State's rules on  
22 rules.

23           Again, this is similar to the previous chapter  
24 that we were just talking about. We reordered and got rid  
25 of some of the clunky language. Section 1 has now been

1 titled Permit and License Revision Applications.

2 In (a), we removed the initial sentence and  
3 created a new sentence that deals with when a permit or  
4 research and development license may be revised.

5 Kind of -- and then the final sentence in that  
6 section is that an operator must submit an application for  
7 any significant permit revisions that would require public  
8 notice under Section 2. That allowed us to remove previous  
9 (b), (c) and (d).

10 We have a new -- what was (E) is now (b). And  
11 this talks about the application for a permit revision or a  
12 license revision. Just says that each of those now should  
13 contain the following.

14 Again, similar to the last chapter we added the  
15 language of the description of the change and why it's  
16 being sought. And also an outline and index indicating the  
17 pages, maps, and tables have been changed or will be  
18 affected by the revision.

19 Made a grammatical change to new subsection (v).  
20 In many of these cases, (A), (B), and (C), the change here  
21 we kept repeating "research and development testing  
22 license." That language is already in the chapter header,  
23 so we're just referring to it as "license."

24 In (vi), again, this case it wasn't the license  
25 term. In this case it's a research and development testing

1 operation. We revised (B) to be new (A). This is for  
2 newly affected lands again. This one was somewhat ordered  
3 different than the previous chapters, so we didn't have to  
4 move the map language. We just reordered the numbering of  
5 this.

6 In new (II), again here's one of those Wyoming  
7 Statute references, the first instance. And we also  
8 removed the dates that were referenced for those. That's  
9 preferred by the Attorney General's Office, and moving  
10 forward we'll be removing that from other chapters as well.

11 We have a new (IV), and this is from the previous  
12 (III). We just moved the last sentence or last portion of  
13 that last sentence into its own subsection.

14 In (B), again, we removed that term  
15 "significant." And then similar to the last chapter, we  
16 added that (vii) about any additional information that's  
17 supports or justify the changes.

18 And in new (viii), again, the administrator may  
19 request other information as necessary. And similar to the  
20 other chapter, removed that as good faith compliance with  
21 the provisions of the act require, that was based on a  
22 comment from the Attorney General.

23 Moving to Section 2. This is a criteria for  
24 public notice requirements. Again, you'll see we removed  
25 the numerical term and inserted the word. We also revised

1 the language for grammatical clarity. And then added a  
2 sentence on the end of (a) that unless otherwise instructed  
3 an operator may begin implementing nonsignificant permit or  
4 license revision. After they received the determination  
5 that it is that type of revision.

6 In (b), this talks about our notice and  
7 opportunity. Again, we changed the language to allow for  
8 submitting written objections to the -- the revision.  
9 Previously it talked about the public hearing again. We  
10 added the instances of why those changes would need the  
11 opportunity for submitting those objections. That comes  
12 from the language that was previously below in (c). Again,  
13 this was revised for grammatical clarity and describes  
14 better how the process for submitting the written  
15 objections would be, and gives instances of when notice of  
16 opportunity is required.

17 In (i) of (c), again, numerical change. And in  
18 this case, it just only talked about the permit originally.  
19 We added the license reference. Similar in (ii). And then  
20 in (iii), again, this is places where we kept repeating the  
21 "research and development testing license" in every place  
22 with a more generic term "license."

23 And then the rest of this section, (iv) through  
24 (vi), these were all grammatical changes that were made.

25 Moving to Section 3. This is similar to the

1 previous chapter. Originally it was notice and opportunity  
2 for a public hearing. In this instance, the public hearing  
3 is actually an option following this. And it would be  
4 based on the final Director's decision. So that's why it's  
5 not for filing objections.

6 In this instance, the process under Noncoal is  
7 slightly different, so we created -- we removed the  
8 original (a) and (b), and created new (a) and (b). And,  
9 again, we talked about the -- the nonsignificant revisions.  
10 And this requires the Administrator to render a decision on  
11 the application within 30 days, and I think that should be  
12 Director.

13 MR. WENDTLAND: It should be. I just  
14 caught that.

15 MR. HULTS: So I will make that change, if  
16 we should move forward with these rules. It should read  
17 "...which do not require public notice, the Director shall  
18 render a decision on the application within thirty days  
19 after the Administrator determines the application is  
20 complete." So correct that to be Director.

21 And then in new (b), this talks about the process  
22 for significant revisions. And talks about the public  
23 notice in (i), and who the notice goes to.

24 And then in this instance, in (ii), interested  
25 parties may file objections. In this case it's under

1 406(q).

2 And then in (iii), the Director renders a  
3 decision on the application under that same statutory  
4 language.

5 And in finally new (iv), this is where the  
6 applicant or the objector may appeal a decision. And,  
7 again, that would go to the Environmental Quality Council  
8 based on the Director's decision.

9 And then what was previously Section 4, it's  
10 talked again about the decision-making process, which is  
11 covered now in (iii) and (iv) above. So this subsection  
12 was removed.

13 Previous Section 5 is renumbered to 4, due to  
14 that deletion. We made some pretty big grammatical changes  
15 here. And, again, this is for readability.

16 And that actually takes me to the end of that  
17 chapter. Anybody that has questions or comments on that  
18 one, please feel free to ask or comment.

19 Not hearing anything. I'll move to our final  
20 chapter, then. This is our Small Mine Chapter, Chapter 9.  
21 This one was last revised in 2013, so this is our most  
22 current one, actually, of the four.

23 Again, in the header of the chapter, that was  
24 removed. Somewhere along the line I got the great idea  
25 that more information was better, but that doesn't conform

1 to the Secretary of State, so that's been removed.

2 In subsection 1, again, this is an area we're  
3 changing numerical terms to the actual words. We made  
4 sub -- in (b) of 1, we made a reference to Chapter 2, but  
5 we've clarified that that's Noncoal chapter.

6 And then in (c), we were repeating the term  
7 "mines." We removed the multiple instances for grammatical  
8 clarity.

9 In (d), again, this was revised for grammatical  
10 clarity.

11 Moving to subsection -- or Section 2, we reworded  
12 the section header to be Application Requirements.  
13 Adjudication information has a different meaning, and this  
14 really does just apply to the application requirements.

15 The next change is all the way down near the  
16 bottom. Again, this was one of those numerical changes  
17 where we had one-half reference. We spelled that out. We  
18 made a couple of grammatical changes.

19 There's a couple of comments -- or commas in (ix)  
20 that were either removed or added.

21 In (B) of (ix), we removed the language "shall be  
22 located on a map." And that's just because we're -- we've  
23 already asked that they provide this information under the  
24 application materials so that that language is unnecessary.

25 In (D) of (ix), again, we made some grammatical

1 changes. We removed the term "wells," just so we weren't  
2 repeating it.

3 Here was an instance in (E) that we had a period  
4 instead of the semicolon in list.

5 Moving down to (xii). In this case, we had,  
6 again, some and/or issues. In this case "or" was  
7 applicable, again. And we had a reference to city  
8 regulations/ordinances. We've changed that to "existing  
9 city regulations or ordinances." And same for county  
10 zoning or planning, we made that same kind of correction.

11 In (xiv), this was a subsection that we had  
12 updated to conform to the new statutory fee amounts. This  
13 language was presented during the last advisory board  
14 meeting. I don't believe any changes were made since then.

15 (b), this was updated to reflect the new  
16 statutory references. The new (d) was added, and this  
17 talks about the notice and opportunity for parties to file  
18 objections on a proposed amendment to a small mine. And  
19 when it doesn't exceed twenty percent of the total permit  
20 acreages. And this language was actually pulled from the  
21 previous (xiv) above. It created its own subsection, so  
22 it's not really new language.

23 Then in Section 3, here, again, we made some  
24 corrections to the ordering. This is talking about  
25 Environmental Baseline Information. We removed the -- the



1 section header for (a), because there wasn't a (b) the way  
2 it was originally structured. So that's the lead-in now  
3 for this subsection.

4 And then the ones that follow, we reordered those  
5 as (a), (b), (c), et cetera. In new (c), again, we made in  
6 grammatical changes there. The same in new (e).

7 In (f), again, this was restructured and changed  
8 the grammar to this subsection to make it a lot more  
9 readable. That final sentence was removed -- or final  
10 couple of sentences, actually.

11 These sections were removed just because they're  
12 really unnecessary and described also in the permit  
13 application requirements.

14 We renumbered (vii) to be (g). And it takes us  
15 to -- and we made -- we had one reference that -- we stated  
16 it should be done. That's been updated to shall, which is  
17 consistent with our normal language in statute -- or  
18 regulations.

19 In Section 4, this one again was reordered  
20 somewhat. And, again, grammatical changes were made  
21 throughout the section. Yeah, this whole subsection all  
22 the way through (f), (g), again, very similar changes to  
23 the previous sections, all grammatical.

24 We did make one correction in (c), where they  
25 talked about the groundwater table. Generally, the way

1 it's referred to is the -- the water table, so we did that  
2 for consistency.

3 In subsection -- or Section 5, again, grammatical  
4 changes, and we didn't originally have a (b), so that is  
5 now just used as a lead-in to Section 5. And then it was  
6 reordered, again, as (a), (b), (c), (d), et cetera. (a)  
7 through (e) we made some grammatical changes.

8 We changed the language in new (i) under (e) to  
9 improve the readability. In (ii), made a small grammatical  
10 change from "insure" with an "I" to "ensure" with an "E,"  
11 added an "and" at the end of the sentence to keep the list  
12 going.

13 And then in (iii), this, again, was reordered and  
14 we took what was the previous (D) and just continued it on  
15 under that same sentence.

16 In new (g), again, we made a grammatical change  
17 to the beginning of the sentence. And in (f) -- or (h),  
18 I'm sorry, we had a reference to "buildings and  
19 structures." We've made that now "buildings or  
20 structures," just for grammatical change, again.

21 And then finally in the last (j), again, this is  
22 one of those numerical changes from "12" to the word  
23 "twelve."

24 Subsection -- or Section 6 -- keep getting hung  
25 up on that. Section 6 was reordered. Again, this one was

1 actually structured as a list within the paragraph itself,  
2 which isn't common within our chapters, so we split it out  
3 as we do normally with our lists under a section. So that  
4 just corrects a formatting and provides consistency with  
5 our other chapters.

6 And then finally in 7, again, this was  
7 grammatical changes. We removed reference to 401(j). That  
8 actually just talks about us -- the -- what can be changed  
9 regarding small mines. Actually, the -- the permits are  
10 actually held under the chapter instead of the statute.  
11 And then, finally, we made some numerical changes again.

12 And then, finally, we revised the (b) to more  
13 appropriately reference the statutes as these were updated  
14 in the revisions to 35-11-406, and updated the language to  
15 conform to how that process would work.

16 And that takes me to the end of Chapter 9. If  
17 anybody has any questions or comments, feel free.

18 MR. WENDTLAND: I think with that,  
19 Mr. Chairman, we'll turn it back to you.

20 CHAIRMAN GAMPETRO: Okay. I'm not hearing  
21 any objections or questions or anything, so I think we can  
22 move on.

23 MS. CRAFT: Mr. Chairman.

24 CHAIRMAN GAMPETRO: Yes. Go ahead.

25 MS. CRAFT: Can I provide a couple of quick

1 comments? I believe that yesterday the Wyoming Mining  
2 Association submitted some comments in regards to  
3 Chapter 7. Some of the operators are concerned that some  
4 of the changes that have been incorporated into that rule  
5 could potentially increase the permitting timelines. And  
6 it -- it applies mostly to nonsignificant revisions that  
7 they believe it could potentially increase the permitting  
8 timelines.

9 So if those comments haven't been provided to the  
10 Board, I would request that the Board review those and take  
11 those into consideration before you move to send them on to  
12 the EQC.

13 CHAIRMAN GAMPETRO: Yeah, this is Jim.  
14 Kyle, do we have those comments available to us?

15 MR. WENDTLAND: Mr. Chairman. We did not  
16 receive those comments to the best of my knowledge. I'll  
17 check with Craig here and see if we got anything late, by  
18 the close of the comment period. But I did not see  
19 anything yesterday when I left at 5:00, that we had  
20 received any comments.

21 MR. HULTS: Yeah, I haven't seen anything  
22 written. And also our SmartComment system, when those  
23 comments are received, I get a notification, and I haven't  
24 received any notification. I can check my email quick,  
25 but -- yeah, I don't see anything in my email box that we

1 received anything. And the comment period would have  
2 closed at 5:00 last night, so I don't know when they were  
3 submitted or in what format.

4 MS. CRAFT: Well, I believe they were  
5 submitted by Travis Deti prior to the 5:00 closing. And I  
6 would have assumed it would have gone through the online  
7 submittal.

8 CHAIRMAN GAMPETRO: Well, aside from those  
9 technicalities, I would request that if anything is sitting  
10 out there and we haven't seen it, if we could see it.

11 MR. WENDTLAND: Yeah. We just looked here,  
12 Jim -- Mr. Chairman. We just checked the system. We don't  
13 have them.

14 And I guess what I would ask is specifically,  
15 Ms. Craft, can you outline the specifics or the sections  
16 and specifically that there were concerns about? Do you  
17 have a copy of the comments that you could bring us to the  
18 exact references in Chapter 7?

19 MS. CRAFT: I do have a copy of the  
20 comments. I can forward them to you, if you would like.  
21 And I can briefly go through them; however, I haven't spent  
22 a lot of time on it, so I may not be the best person, but I  
23 can give you some general comments as to what they were  
24 looking at.

25 MR. WENDTLAND: Mr. Chairman, Ms. Craft, I

1 would recommend that you email those to Craig and I right  
2 now.

3 MS. CRAFT: Okay.

4 MR. WENDTLAND: And we will certainly get  
5 those to the Board or maybe we can even do a view or post  
6 here, Craig, and walk through those comments with the Board  
7 today, as well as with some guidance from Ms. Craft on the  
8 specific concerns.

9 So, Craig, you want to check your email, if she's  
10 emailed them, and see if we can view -- share screen.

11 MS. CRAFT: I haven't sent them yet. I got  
12 to find them here quick, Kyle. So give me a minute.

13 BOARD MEMBER MACKER: Mr. Chairman, while  
14 that is happening, would it be possible to take like a  
15 three-minute break?

16 CHAIRMAN GAMPETRO: Would it be possible to  
17 do what?

18 BOARD MEMBER MACKER: Just take like a  
19 three-minute break.

20 CHAIRMAN GAMPETRO: Sure.

21 BOARD MEMBER MACKER: Thank you.

22 CHAIRMAN GAMPETRO: We're doing a  
23 three-minute break.

24 MR. HULTS: All right.

25 MR. WENDTLAND: All right.

1 MS. CRAFT: I'll get those sent out to you.

2 MR. HULTS: Sounds good. I'll keep my eye  
3 open.

4 (A brief recess was held.)

5 BOARD MEMBER MACKER: Thank you. I'm back.

6 CHAIRMAN GAMPETRO: Thank you, Natalia.

7 Have we received the email?

8 MS. CRAFT: It's on its way, so it should  
9 be dropping in shortly.

10 MR. WENDTLAND: Yeah. Mr. Chairman, we  
11 just got them, and we're going to go ahead and do a share  
12 screen on them here, and we'll bring them up.

13 CHAIRMAN GAMPETRO: Thank you, Kyle.

14 MR. WENDTLAND: Okay. Mr. Chairman, I  
15 hope -- you should be able to see them now. Do you have a  
16 screen?

17 CHAIRMAN GAMPETRO: I don't have a screen.  
18 You would have to email them to me.

19 MR. WENDTLAND: Sure. We'll do that to  
20 you, but I mean as far as those that have video, do you --  
21 Natalia?

22 BOARD MEMBER MACKER: Yes, I can see it.

23 MR. WENDTLAND: Can you see it? Okay.

24 Let me -- hang on here.

25 Jim, I'm going to email you a copy here real

1 quick. Mr. Chairman, they should be on their way to you as  
2 far as a PDF file for them.

3 So what I would recommend, Mr. Chairman, is maybe  
4 we have Ms. Craft walk us through these comments.

5 CHAIRMAN GAMPETRO: Sounds like a plan.

6 MS. CRAFT: So a couple of concerns that I  
7 understand is by removing -- in Section 1 you removed (b)  
8 and (c), and have moved that around somewhat. And if you  
9 look at the (c) that's been removed, the last part of that  
10 says "If promptly filed by the operator, and unless  
11 notified by the Administrator to delay, the operator may  
12 initiate the proposed change." Based on the changes in the  
13 chapter now, I think there's some concern that for a  
14 nonsignificant revision, you'll be required to wait the 90  
15 days while it's determined to be complete. And then  
16 there's another 30-day period for it to be issued. So the  
17 opportunity for NSRs to be implemented immediately has gone  
18 away.

19 CHAIRMAN GAMPETRO: Any response to that,  
20 Kyle?

21 MR. WENDTLAND: I'm digesting what  
22 Ms. Craft had said there, Mr. Chairman.

23 Mr. VanWormer, do you have any comments to that.

24 MR. VANWORMER: Yeah. Mr. Chairman and  
25 Kyle, I think what Ms. Craft said is correct in part, that



1 with the changes there would no longer be immediate  
2 implementation by a noncoal operator. But part of the  
3 problem with this section was inconsistency between Section  
4 1(c) and (d), which allowed for that immediate  
5 implementation, and Section 2(a).

6           So if you look at Section 2(a), it gives the  
7 administrator 90 days to determine whether a revision  
8 application is significant or nonsignificant. And as the  
9 rules were currently worded, it essentially allowed the  
10 operator to presuppose that something was nonsignificant by  
11 using that NSR format. And it took the meaning out of this  
12 provision in Section 2(a) that allowed the Administrator to  
13 review the application and decide whether it proposed any  
14 significant alterations to the reclamation plan or the  
15 mining plan.

16           So I think the real driving force behind -- or  
17 the purpose for this revision was to actually make that  
18 review process meaningful in 2(a). I will note it doesn't  
19 require a 90-day period for processing. It just allows a  
20 90-day period. So if something came in an NSR format and  
21 the staff and administrator could quickly determine, hey,  
22 this doesn't look like a significant revision, that  
23 decision, that it is truly nonsignificant and wouldn't  
24 required public notice could go out well within a 30-day  
25 period. And at that point the operator could implement the

1 change instantaneously or upon review.

2 So it doesn't really envision a 90-day period for  
3 things that wouldn't require that. It just allows a 90-day  
4 period when it's needed. So I'll let you fill in the  
5 details on that, Kyle, but that's how I understand the  
6 reason for that particular revision.

7 MR. WENDTLAND: Thank you, Matt. That goes  
8 with my recollection of our discussions on this as we were  
9 working through these, and that it is more administratively  
10 correct with the statute and the requirements.

11 So that would be my response to that,  
12 Mr. Chairman.

13 CHAIRMAN GAMPETRO: Is everybody happy with  
14 that interpretation? Is everyone satisfied?

15 BOARD MEMBER LEGERSKI: I'm okay,  
16 Mr. Chairman.

17 MR. WENDTLAND: Mr. Chairman, I would  
18 suggest if we don't have more comment on that, moving to  
19 the next item in this letter from Ms. Craft and WMA.

20 Ms. Craft.

21 MS. CRAFT: The other thing in Section  
22 1(e)(iv)(C), any time that there is a change required in  
23 the bonding requirements, it would seem that -- I'm trying  
24 to remember where that's at. So previously, if there was a  
25 change required in the bond and it was fairly

1 insignificant, the revision could go ahead and be  
2 implemented. I think under the new rules it says any bond  
3 change, and it removes the word "significant." So the  
4 opportunity for minor revisions with the bond is being  
5 taken away to move forward with it by removing the word  
6 "significant" in that section I think is what they were  
7 trying to get at there.

8 MR. WENDTLAND: Okay.

9 CHAIRMAN GAMPETRO: I see the problem with  
10 the word "insignificant," because then who's the  
11 interpreter of what is significant and insignificant?

12 MR. WENDTLAND: Mr. Chairman, I would  
13 concur with that, and to Ms. Craft and WMA's comment here,  
14 that is the problem we have is what is significant or what  
15 is nonsignificant. And I think that when it comes down to  
16 it, the bond needs to be accurate in any form that we have,  
17 because that is the contract with the State. That's the  
18 liability issue.

19 I would ask Matt VanWormer if he has further  
20 comment on that.

21 MR. VANWORMER: Kyle, Mr. Chairman, I can  
22 just add either -- this is in the application requirement  
23 section, and it only requires an operator if they are  
24 proposing changes to the mining reclamation or research and  
25 development plans to indicate if those changes will be

1 accompanied by any increase or reduction in the bond  
2 amount. It doesn't really tip the scale one way or the  
3 other in terms of whether the revision is nonsignificant or  
4 significant.

5 I read the WMA concern to be that by removing  
6 "significant" potentially any bond change would push what  
7 otherwise would have been a nonsignificant revision into  
8 the full review for a significant revision, and that's not  
9 going to happen. This just requires a report from the  
10 operator whenever they're making a change, whether they  
11 expect an increase or a decrease in the volume amount. So  
12 it's more of just getting information and allowing the  
13 Division to process it inappropriately.

14 MR. WENDTLAND: Thank you, Matt.

15 I have no further comment on that, Mr. Chairman.

16 CHAIRMAN GAMPETRO: Any other comments on  
17 this issue or the previous one?

18 MS. CRAFT: One other thing that might be  
19 considered here is all of the bonds have contingency  
20 amounts included in them, so that if you've got an  
21 insignificant revision to the bond, that could be covered  
22 by a lot of the contingencies that are in the bonds, and  
23 there be any additional permitting required for -- minor  
24 revisions to the bond shouldn't be applicable in that the  
25 bond already has extra monies to make up for some of these

1 changes and unknowns.

2 MR. WENDTLAND: Mr. Chairman, I would  
3 simply -- Craig, did you have a comment?

4 MR. HULTS: Yeah, I just wanted to clarify  
5 a little bit on the comment itself and follow up with what  
6 Matt was saying -- Mr. VanWormer was saying.

7 (vi) is a portion of the application requirements  
8 for a permit revision. So the way (vi) reads is you need a  
9 detailed description of the proposed revised mining,  
10 reclamation, research and development testing operation,  
11 which shall also include -- in (b), we're talking about  
12 this, that's under this detailed descriptions. So we're  
13 asking for any changes in the estimated bond from the  
14 operator. So we're just getting an indication. We're not  
15 changing the bond at that point. It's running in tandem  
16 with the revision application. So it wouldn't be like part  
17 of the annual report process, or, you know, where you're  
18 just revising the bond. You're actually applying for the  
19 revision already.

20 MR. WENDTLAND: And Mr. Chairman, what I'd  
21 add to that is that's giving us a heads-up if it's, you  
22 know, a \$500 change versus a \$500,000 change. That also  
23 allows us to let our bonding group know and the operator  
24 that you need to start working on your bond as part of the  
25 application as it comes in the door. And I think in the

1 effort to expedite or move these types of permit actions,  
2 that would be important to know on the front end at the  
3 application stage. And that's really what this language  
4 does.

5 MS. CRAFT: Again, I go back to the word  
6 "significant." You know, some of the NSRs are -- are  
7 pretty simple, and having to make this additional estimate  
8 that hasn't been required in the past, because it was  
9 considered significant or insignificant, but, again, you go  
10 back to the same thing, what's significant or  
11 insignificant, would it be helpful to define that instead  
12 of making it all set up --

13 MR. WENDTLAND: Mr. Chairman and Ms. Craft,  
14 I would go back to the requirement of the statute on bond.  
15 And if we go that route, it will make it very certain that  
16 you will have to adjust regardless. I think the way that  
17 it's worded now provides the operator the option -- or not  
18 the option, but the opportunity to list that and know what  
19 needs to be done at the time of the application.

20 So, you know, if we go to defining this, it will  
21 be defined by statute, and the statute's going to say the  
22 bond needs to be accurate.

23 And I would also add for the Board and some  
24 history and perspective and to respond to Ms. Craft on  
25 this. We've also updated the Guidelines 12 and 12A

1 substantially. And that has resulted in significant  
2 reductions in bonds pretty much across all of the mining  
3 industry. It's been a true-up, and it's been a good true-  
4 up. It's been the right thing to do. But I would add that  
5 those contingencies and the flexibility that we had five or  
6 six years ago and what we have now, those bankruptcies with  
7 the coal industry and the revisions to these, that those  
8 extra funds may or may not be as substantial as they have  
9 been in the past.

10 So, again, I come back to what we've said, this  
11 is part of the application process. If it is a fair amount  
12 of money, the operator's going to know that coming in, and  
13 they're going to know they need to start working on their  
14 bond as part of the application right away. That would  
15 help expedite the process.

16 CHAIRMAN GAMPETRO: Any further comments on  
17 this?

18 MS. CRAFT: I don't think I have any more  
19 at this point, Mr. Chairman.

20 CHAIRMAN GAMPETRO: Thank you.

21 Are we ready to vote on accepting this?

22 MR. WENDTLAND: Mr. Chairman, I would  
23 ask -- the letter has one more page in it that's coming up  
24 here. We're scrolling down.

25 Ms. Craft, do you have any further or additional

1 items of concern here that we haven't addressed already?

2 CHAIRMAN GAMPETRO: I have my copy here,  
3 and only thing I can see that might be additional is the  
4 numbers at the Wyoming Mining Association recommends that  
5 there should also be reasonable time frames established in  
6 the rules for an operator to submit the required  
7 application for a permit.

8 MS. CRAFT: I believe what they were trying  
9 to get to there is in sub -- the new 4, which allows for  
10 Land Quality to require a permit revision after reviewing  
11 the report or an inspection. That section doesn't provide  
12 any time frames for the operator to respond to the request  
13 for revisions.

14 CHAIRMAN GAMPETRO: Kyle, is there anyplace  
15 else in the regulations that give a time frame?

16 MR. WENDTLAND: Mr. Chairman, I'm not aware  
17 that we have -- and I would ask Craig and Matt VanWormer  
18 this. I'm not aware where we've set a deadline for  
19 industry to respond to us. Usually we let the operator  
20 determine if it's a priority for them, they'll respond  
21 quickly. If it's not, we usually don't get a response  
22 quickly. But the only time frames we've ever imposed are  
23 on Land Quality in the rules and regs. We haven't required  
24 those response times other than what's required in SMCRA on  
25 the operator, if I'm understanding the question correctly.



1                   Mr. VanWormer, do you have any thoughts on this  
2 as well?

3                   MR. VANWORMER: Kyle and Mr. Chairman, I  
4 agree, there's no timeline imposed on operators under this  
5 wording in Section 4. What this section really does is  
6 allow the administrator to essentially order an operator to  
7 submit a revision when after annual report or annual  
8 inspection, something rises to the Division's attention  
9 that should have been submitted in the form of a revision.  
10 So it basically allows for a catch-up period to say, Hey,  
11 we notice you've got some new topsoil stockpiles or you're  
12 disturbing acreage that's not in your plan. You need to  
13 shore this up with a revision. You know, all that was  
14 changed here was just some wording to make it clear when  
15 that would occur. There's really no change in this  
16 provision. It had already had that same requirement with  
17 no time frame attached to it.

18                   Some of these recommendations came  
19 (unintelligible) was to use active language. It used to  
20 say the Administrator could require a change when there is  
21 or is intended to be conducted a revised mining reclamation  
22 or research and development operation. It just had some  
23 vague, confusing terminology in there about how it is  
24 intended to be conducted. So all they did is flipped the  
25 wording around to say when the Administrator finds that a

1 revision is necessary to account for some change on the  
2 ground, they can order the operator to submit a revision  
3 under the rules. But I don't read this as imposing any  
4 sort of deadline or creating a new requirement for  
5 operators.

6 MR. WENDTLAND: Craig, did you have any  
7 thoughts on that as well?

8 MR. HULTS: Yeah, again, I think if we do  
9 try and establish review timers or response time frames, if  
10 I'm not mistaken, we'd be exceeding our statutory authority  
11 at that point. That topic is not discussed in the statute  
12 at all.

13 And, again, I think what Kyle said is accurate --  
14 or Mr. Wendtland said is accurate, that based on the review  
15 of an annual report, if we feel that our review shows that  
16 a revision is necessary based on that review, the response  
17 time is going to be based on the operator's desire to get  
18 their permit into conformance with what we're requiring.

19 MR. WENDTLAND: So Mr. Chairman, I'm  
20 comfortable with the language as is. I'm not going to  
21 propose any change to that or try and impose some deadline  
22 on an operator. That would not be, I believe, the  
23 Division's interest.

24 CHAIRMAN GAMPETRO: Any other -- I'm sorry.  
25 Go ahead.

1 MR. WENDTLAND: Mr. Chairman, I have no  
2 further comment on that one item, then.

3 CHAIRMAN GAMPETRO: Any other comments on  
4 it?

5 I'm ready to --

6 MS. CRAFT: Mr. Chairman?

7 CHAIRMAN GAMPETRO: Go ahead.

8 MS. CRAFT: Going back to the first  
9 paragraph on that second page. I think the operators have  
10 concerns with the revised language in that it allows for  
11 the administrator to take up to 90 days to review a permit  
12 application for completeness. And then after that, they  
13 have another 30 days to either approve or deny the permit.

14 What we seem to be -- see happen, when there are  
15 time frames like this outlined, some of the individual  
16 personnel will use that as a way to take the maximum time  
17 that they can to review it. And in the past, an NSR didn't  
18 require that amount of time. So with the way these new  
19 rules are worded, the operators are concerned that getting  
20 an NSR approved will take additional time, and instead of  
21 being able to get something done fairly quickly, these  
22 rules could be used to drag it out and take the maximum  
23 time that they can for approval.

24 CHAIRMAN GAMPETRO: Any response to that?

25 MR. WENDTLAND: Mr. Chairman, that

1 certainly, I would say, is a -- a viewpoint, but I would  
2 offer that in the last six years, based on budget  
3 restrictions and things, we have lost nine FTE. And at  
4 this point in time, we track the metrics on a monthly basis  
5 as to how quickly on average we're turning documents out  
6 the door, because it is not in Land Quality's interest, nor  
7 the State of Wyoming's interest to delay on these types of  
8 actions. And we are turning those actions out the door  
9 faster, with less staff, than the Division ever has prior.

10 So I understand Ms. Craft's concern here, but I  
11 would also add that given the staffing and the workflow  
12 that is going through this division, I don't think that  
13 concern carries high valid -- it's not very valid. I don't  
14 know how else to put that, Mr. Chairman.

15 So I understand that. I certainly understand  
16 that concern, but there are some -- also some realities  
17 here too as to how many personnel and how quick things are  
18 going to move through this division.

19 CHAIRMAN GAMPETRO: Well, I'm getting to  
20 the point here where I'm going to call for a vote on  
21 whether we pass this along or not.

22 MR. WENDTLAND: Mr. Chairman, what I would  
23 suggest is if there's not anything contested on the other  
24 rule packages, that maybe you want to bundle those as a  
25 vote and separate this one as a single vote, just for the

1 record -- administrative record.

2 CHAIRMAN GAMPETRO: That would be fine, if  
3 I could get a proposal for such a vote.

4 MR. WENDTLAND: Craig, would you just kind  
5 of give a brief of the chapters that could be bundled and  
6 this one just for ease for the chairman.

7 MR. HULTS: Sure. Mr. Chairman, excluding  
8 the chapter we received comments on, this would include  
9 Noncoal Chapter 9, which is our Small Mine chapter, and  
10 then Coal Chapters 10 and 13, which deal with exploration  
11 and permit revisions respectively. And then the -- the --  
12 the outlier then would be our Noncoal Chapter 7 for Permit  
13 and License Revisions.

14 CHAIRMAN GAMPETRO: So if I could get a  
15 motion to approve 10 and -- what is it, 10 and 13 and 7? I  
16 got to go back to another page here to see what I'm talking  
17 about.

18 MR. HULTS: Mr. Chairman, it's Noncoal  
19 Chapter 9, Coal Chapter 10 and 13.

20 CHAIRMAN GAMPETRO: Okay. If we could have  
21 a motion to approve those or not, we could move on, and  
22 then we'll vote separately on the other one.

23 BOARD MEMBER LEGERSKI: So moved,  
24 Mr. Chairman.

25 CHAIRMAN GAMPETRO: Do I have a second?

1 BOARD MEMBER MACKER: Natalia will second.

2 CHAIRMAN GAMPETRO: All those in favor,  
3 please signify by saying aye.

4 BOARD MEMBER LEGERSKI: Aye.

5 BOARD MEMBER MACKER: Aye.

6 CHAIRMAN GAMPETRO: Any opposed?

7 Seeing none, the motion carries.

8 So now let's go to -- go back to another page.

9 MR. HULTS: Mr. Chairman, that is Noncoal  
10 Chapter 7.

11 CHAIRMAN GAMPETRO: Noncoal Chapter 7. Do  
12 we want to approve that or not and what -- I need a motion  
13 for that.

14 BOARD MEMBER LEGERSKI: Chairman, can we  
15 have discussion?

16 CHAIRMAN GAMPETRO: Yes. Go ahead.

17 BOARD MEMBER LEGERSKI: If we do not  
18 approve this and we send it back to address the questions  
19 of the mining association, does that put it off until our  
20 first quarter meeting in January or -- or first quarter  
21 meeting in 2022? Or what does that put it off to before we  
22 come to resolution on this?

23 CHAIRMAN GAMPETRO: Well, we can have  
24 another meeting as far as I'm concerned, but --

25 MR. WENDTLAND: Mr. Chairman.

1 CHAIRMAN GAMPETRO: -- at this point --

2 MR. WENDTLAND: Mr. Chairman, there's two  
3 paths here. The first path is you send that back and it  
4 would come up probably in the end of the first quarter  
5 meeting, which is -- or which the first quarter of '22,  
6 which would be the end of March, because we usually hold  
7 that meeting after session. And we do have a bill  
8 potentially on an assigned trust coming in this session  
9 that we may be addressing some items with as well in March.

10 So to Board Member Legerski's question, this  
11 would not come back until the end of March in the schedule.  
12 That's one path. The second path is is it moves through  
13 and these comments get addressed with the package that  
14 would go to the Environmental Quality Council, because the  
15 Environmental Quality Council also has to hear these rules  
16 and approve them before they would go to the governor for  
17 signature. So those are the two paths that we have.

18 CHAIRMAN GAMPETRO: Well, if I don't have a  
19 motion to approve this, I guess it's Path 2. I'm hearing  
20 no motions to approve.

21 MR. WENDTLAND: Mr. Chairman, we're happy  
22 to go whatever direction the Board desires here.

23 CHAIRMAN GAMPETRO: I'll open it up one  
24 more time. Do I hear any motions?

25 Well, seeing none, we're done with that. Let's

1 move on.

2 The next item is the election of chairman and  
3 vice chairman. Are there any motions there?

4 BOARD MEMBER LEGERSKI: Mr. Chairman.

5 CHAIRMAN GAMPETRO: Yes.

6 BOARD MEMBER LEGERSKI: I make a motion to  
7 continue having you as the chair of this Board. I think  
8 you do a great job. Your knowledge is well represented and  
9 you have a great history here. So if you wouldn't mind, I  
10 would put your name up for chair.

11 CHAIRMAN GAMPETRO: Thank you. I will  
12 accept that.

13 BOARD MEMBER MACKER: I will second that  
14 motion.

15 CHAIRMAN GAMPETRO: So what the motion  
16 would say is that we're keeping chair and vice chair; is  
17 that correct?

18 BOARD MEMBER LEGERSKI: Forgive me for my  
19 ignorance. Who is the vice chair?

20 CHAIRMAN GAMPETRO: I believe it's Natalia.  
21 Aren't you the vice chair?

22 MR. MARKEN: Uh-huh. Sorry.

23 BOARD MEMBER LEGERSKI: Then I make a --

24 CHAIRMAN GAMPETRO: You will accept?

25 BOARD MEMBER MACKER: I will accept.



1                   BOARD MEMBER LEGERSKI: And I will make a  
2 motion to have Jim Gampetro to be our chair, and Natalia  
3 Duncan-Macker be our vice chair.

4                   CHAIRMAN GAMPETRO: That's a better motion.  
5 You're outlining what we want.

6                   Call for a vote. All those in favor signify by  
7 saying aye.

8                   BOARD MEMBER LEGERSKI: Aye.

9                   BOARD MEMBER MACKER: Aye.

10                  CHAIRMAN GAMPETRO: Any opposed? Motion  
11 carries. And I thank you for your confidence.

12                  BOARD MEMBER MACKER: Mr. Chairman, while  
13 we're on this topic, and forgive me if I missed this update  
14 earlier, but we do have I think one vacant seat, and I'm  
15 just wondering if that's accurate still, and if we know  
16 when that seat might be filled.

17                  CHAIRMAN GAMPETRO: Yeah, I was told in a  
18 pre-meeting, where we just talked about what we were going  
19 to talk about, that we do have a vacancy.

20                  And you want to talk to that, Kyle?

21                  MR. WENDTLAND: Mr. Chairman, we do have a  
22 board vacancy for the industry representative. I believe  
23 there are a couple of applicants that are in consideration  
24 right now. I do not believe that the last I checked as of  
25 late yesterday, that there's been any formal paperwork

1 filed with the governor's office for appointment of that  
2 board member yet.

3 I am hopeful that that will take place. I know  
4 we're in the holiday season, but I would be hopeful that we  
5 would have that new board member in place by the time of  
6 our first meeting at the end of the first quarter in '22.

7 BOARD MEMBER MACKER: Thank you.

8 CHAIRMAN GAMPETRO: Does that answer your  
9 question, Natalia?

10 BOARD MEMBER MACKER: It does. And I know  
11 we're going to get to scheduling soon, and I was bringing  
12 it up partially because I will be on maternity leave. I'm  
13 having another baby due at the beginning of April, and  
14 so was just thinking about our second quarter meeting. I  
15 wanted to make sure we have a quorum.

16 CHAIRMAN GAMPETRO: Okay. Tentative  
17 meeting dates?

18 MR. WENDTLAND: So Mr. Chairman, we'll --  
19 I'll let Craig look at the calendar as well while we're  
20 going through this. Typically we hold the first meeting in  
21 Q1 of '22, toward that latter part of March. And that's  
22 usually following session. And for that reason, as we have  
23 some things come out of session that we need to address.

24 So we would be looking for in March -- and, by  
25 the way, congratulations, Natalia.

1 BOARD MEMBER MASTERSON: Thank you.

2 MR. WENDTLAND: (Unintelligible) if I  
3 didn't say that.

4 I would probably propose that we look somewhere  
5 in that week of the 21st of March, if possible.

6 CHAIRMAN GAMPETRO: How's that going to  
7 work for you, Natalia?

8 BOARD MEMBER MACKER: By the grace of God,  
9 I will not yet have had the baby. So I think that is --  
10 that's probably the last week I want to put anything on the  
11 calendar.

12 CHAIRMAN GAMPETRO: All righty.

13 MR. WENDTLAND: So Mr. Chairman, so maybe  
14 we ought to shoot for early in that week, like the 22nd.

15 CHAIRMAN GAMPETRO: It's good for me.

16 BOARD MEMBER LEGERSKI: That works for me.

17 BOARD MEMBER MACKER: Great.

18 MR. WENDTLAND: Then, Mr. Chairman, we  
19 usually hold the next Q2 -- or the Q2 meeting by about  
20 mid-June, mid- to late June. That way if we have action  
21 items, we have a little time to work on them and also get  
22 the publication notices out. So I would say we would like  
23 to look at either the week of the 13th or the 20th in June.

24 CHAIRMAN GAMPETRO: Whatever works for  
25 other people.

1                   BOARD MEMBER MACKER: I would say if you  
2 want to schedule it the week of the 20th, if I can join, I  
3 will. But that week, Thursday would be better for me. So  
4 the 23rd.

5                   MR. WENDTLAND: Okay. We can go with that  
6 tentatively, Mr. Chairman, if that works for everyone.

7                   BOARD MEMBER LEGERSKI: Thursday that week  
8 works better for me. If we could stay on Thursdays, that's  
9 usually a better time. It just happens to fit in March.

10                  BOARD MEMBER MACKER: Ditto.

11                  CHAIRMAN GAMPETRO: Sounds good to me.

12                  MR. WENDTLAND: Okay. Mr. Chairman, then  
13 we try and hold our Q3 one in August, towards the tail end  
14 of August, if we can, because that gives us a little more  
15 prep time to the December meeting. So I would propose  
16 maybe the week of the 22nd of August, and that's also  
17 before hunting season and that all kicks in for a lot of us  
18 too, in September, over that latter part. Usually pretty  
19 tough to get people together in September. So I would  
20 suggest maybe that 25th of August.

21                  BOARD MEMBER MACKER: Great.

22                  BOARD MEMBER LEGERSKI: That works.

23                  CHAIRMAN GAMPETRO: Fine with me.

24                  MR. WENDTLAND: And then we would go  
25 through our normal Q4 December meeting, trying to look in

1 that second week of December, if we could.

2 BOARD MEMBER MACKER: I think based off of  
3 some county meetings that sometimes happen on the even  
4 years, maybe the 15th would be better than the 8th for '22  
5 for me.

6 MR. WENDTLAND: Mr. Chairman, that's fine  
7 with us, as long as that works for Board Member Legerski  
8 and yourself.

9 CHAIRMAN GAMPETRO: Fine with me.

10 BOARD MEMBER LEGERSKI: That's far enough  
11 out that I only have one meeting scheduled on a Tuesday, so  
12 we're good enough.

13 MR. WENDTLAND: Can I get your schedule,  
14 Gene?

15 BOARD MEMBER LEGERSKI: I don't think you  
16 want the first three weeks -- or the first three months of  
17 that, but other than that, when we get a year out, I'm  
18 pretty good.

19 MR. WENDTLAND: Okay. Mr. Chairman, I  
20 think that takes care of tentative dates for right now.

21 CHAIRMAN GAMPETRO: Sounds good. How about  
22 other business?

23 MR. WENDTLAND: Mr. Chairman, the only  
24 other business I had on the agenda -- or on the plate was  
25 the vacancy, and we've already addressed that.

1                   And I would just -- I would just say on other  
2 business, we'll go ahead and accept these comments we got  
3 from WMA, and we'll pull that chapter back and have a  
4 sitdown with the Attorney General representative and with  
5 Mr. VanWormer, and we'll see what we can figure out for  
6 them.

7                   CHAIRMAN GAMPETRO: Sounds good. Any other  
8 business?

9                   BOARD MEMBER MACKER: Not from me,  
10 Mr. Chairman.

11                  BOARD MEMBER LEGERSKI: Me either,  
12 Mr. Chairman.

13                  CHAIRMAN GAMPETRO: Well, seeing no other  
14 business, I'm going to adjourn this meeting. It is  
15 adjourned.

16                  BOARD MEMBER MACKER: Thank you. Happy  
17 holidays, everyone.

18                  MR. WENDTLAND: Have a great holidays,  
19 everyone.

20                  CHAIRMAN GAMPETRO: Thank you, all. Thank  
21 you, all.

22                  MR. HULTS: Thank you.

23                  BOARD MEMBER LEGERSKI: Thank you, and stay  
24 safe.

25                  CHAIRMAN GAMPETRO: Thank you for all your

1 work, all of you. Thank you.

2 (Recorded meeting proceedings

3 concluded December 9, 2021.)

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C E R T I F I C A T E

I, Kathy J. Kendrick, a Registered Professional Reporter, do hereby certify that I transcribed the foregoing recorded meeting proceedings to the best of my ability.

Dated this 17th day of March, 2022.

  


KATHY J. KENDRICK  
Registered Professional Reporter