

**Hard Rock Mining Impact Board
Meeting Minutes
October 22, 2015
MT Department of Commerce, Helena, Mt**

Board Members Present

Chairman Mary Ellen Cremer, Vice-Chair Marianne Roose, Joe Michaletz and Donna von Nieda.

Montana Department of Commerce Staff Present

Jennifer Olson, Grants Bureau Chief, Ethan Stapp, CDD Program Manager, and Amy Peck, Administrative Assistant.

Public present:

Warren McCullough	Montana Department of Environmental Quality
Doug Mitchell	Montana Department of Commerce
Jim Hart	Madison County

Public present on conference call:

Maureen Davey	Stillwater County
Gerald Dell	Stillwater County
Dennis Shupak	Stillwater County
John Beaudry	Stillwater Mine Company

Welcome – Call to order

Chairman Cremer called to order the meeting of the Hard Rock Mining Impact Board at 9:17 a.m.

Roll call:

Mr. Stapp called the Roll for Board members. The following board members were present: Mary Ellen Cremer, Joe Michaletz, and Marianne Roose. (Donna von Nieda arrived within a half hour). Chairwoman Cremer expressed regret at the resignation of Dolores Plumage.

Opportunity for Public Comment

The following individuals provided comments:

- Deputy Director Doug Mitchell – Welcome to the Board. Thank you for your public service and while this board has not seen a flood of activity, it is important to be prepared so thank you for all you do.
- Warren McCullough – DEQ Bureau Chief, just here as a resource and to stay in touch with the Board and to say that increased activity is expected in the not too distant future.

Approval of Minutes (June 26, 2015)

Action by the Board: Ms. Roose made a motion to approve the June 26, 2015 Minutes. Mr. Michaletz seconded. Motion passed.

Approval of Minutes (September 16, 2015)

Action by the Board: Mr. Michaletz made a motion to approve the September 16, 2015 Minutes. Ms. Roose seconded. Motion passed.

Program Administration:

- Transfer of Impact Funds from Hard Rock Mining Impact Trust Account to relevant counties
 - Mr. Stapp – The Board will need to approve the transfer of funds.
 - Mr. Michaletz – Does the Board need to verify the amounts?

- Mr. Stapp – The percentages are provided by the Department of Revenue and verified by the Department of Commerce.

Action by the Board: Ms. Roose made a motion to approve the transfer of funds. Mr. Michaletz seconded. Motion passed.

➤ Approval for the Adjustment to the Stillwater County Section 4 of the Nye Expansion Project 1998 Hard Rock Mining Impact Plan Amendment.

- Chairwoman Cremer – Are there any comments on the adjustment?
- Mr. Stapp – A plan can be amended or adjusted. The parties submit a request to the Board for an adjustment which does not need Board approval as they are most likely relatively minor. The Board can give acknowledgement that the adjustment was received.
- Mr. Michaletz – I have no objection to the contents of the request.
- Ms. Olson – Be sure to give opportunity for public comment when a motion is made.
- Chairwoman Cremer – Is there any public comment?
- Mr. Beaudry – Stillwater Mining Company, thank you to the Board for considering the adjustment.

Action by the Board: Ms. Roose made a motion to accept the adjustment. Mr. Michaletz seconded. Motion passed.

➤ Review and edit of the Guide to the Implementation of the Hard Rock Mining Impact Act

- Chairwoman Cremer – this is just a general discussion of changes to the Guide. We will then set a date for the public comment period.
- Ms. Olson – the email address at DOCHRMI@mt.gov can be used to send public comments. Staff can then forward those to the Board. While at MACO, Harold Blattie commented that the Guide contains a flow chart that he feels is important to keep for continued future reference.
- Mr. Stapp – there are Appendices that the Board has not yet received which are quite large that may also need to be reviewed.
- Mr. Michaletz – how was the plan developed or how was the revision accomplished in 2008? From a mining company standpoint, the Guide seems generalized but deeply thorough and is somewhat overwhelming. As written, some points are useful. I have only been through the first 30 pages of Chapter 2. Has Stillwater Mining Company or any other company actually used this? Smaller communities and governments would have a difficult time fulfilling some of these resources.
- Ms. Roose – having been a County Commissioner we found it to be very workable. I do not want to change it for the sake of change. I am open to see if it can be improved. At this time I have no change to Chapter 3.
- Ms. von Nieda – (Chapter 4) from a school's perspective it has been used for years. There is always discussion regarding the percentages but as to substance, there was no feedback provided to me regarding changes to the Guide. It does not feel unworkable.
- Ms. Roose – we need to give commissioners and community representative adequate time to comment.
- Chairwoman Cremer – I am working on the second half of Chapter 2. The statutory references are stated repeatedly. My suggestion is to number them and then place them at the end of the chapter or the end of the document in order to make it more readable. The examples provided are unclear and too numerous. Since the Guide is online, hot links could be provided to the statutory citations. What happens if there is a connection to Tribal or Federal lines? I agree that we need to establish the timeline.
- John Beaudry – Stillwater Mining Company, in answer to Mr. Michaletz's question, the previous Administrative Officer for Hard Rock Mining Impact made changes to the 2008 version. She was quite thorough. It would be great to have it streamlined; to have the legal citations double verified as they may have changed. Very few will read the Guide cover to cover. Typically you will go to the section you need to have clarification about.

- Gerald Dell – Commissioner Stillwater County, the Guide was recently used for Absarokee School.
- Maureen Davey – Commissioner Stillwater County, the version we have says 'Draft'. Was it ever adopted?
- Ms. Olson – discussed that the program records appear to find that the former Administrative Officer that made the 2008 changes made only changes to administrative content, not substantive. The original Guide was written by a working group along with the Department of Commerce Attorney. We will check the previous minutes as to whether this 'Draft' was adopted.
- Discussion of time frame for public comment period length.

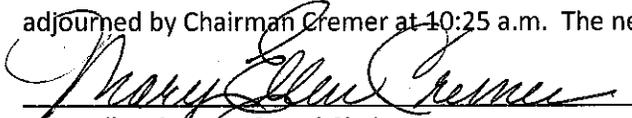
Action by the Board: Ms. Roose made a motion to set December 31, 2015 as the end date for the public comment period. Mr. Michaletz seconded. Motion passed.

Board Matters:

- Chairwoman Cremer – after the public comment period has ended, the Board should meet in order to discuss the potential changes. The first week in February could be a 'working' meeting with no official business conducted.
- Ms. von Nieda – I can offer to the county, the Superintendent of Schools, and the community to discuss with me any concerns they may have.
- Mr. Stapp – three chapters have yet to be assigned or reviewed since Ms. Plumage has resigned. Chapter One will happen after the other potential changes. The others may not need edits but could be looked at in February.
- Ms. Olson – the Appendices also need to be reviewed.
- Chairwoman Cremer – the public can comment on those also.
- Mr. McCullough – outreach to Tintina Mine would be good as they may be next to use the Guide. I can reach out to Nancy Schlepp and have her contact the Board if she has any suggestions.

Adjournment:

With no other business, Ms. von Nieda made a motion to adjourn. Mr. Michaletz seconded. The meeting was adjourned by Chairman Cremer at 10:25 a.m. The next meeting is scheduled for February 4, 2016 at 9:00 a.m.


 Mary Ellen Cremer, Board Chair

2/4/2016
 Date