

STATE OF MONTANA
DEPARTMENT OF COMMERCE
HARD ROCK MINING IMPACT BOARD MEETING
September 24, 2021 8:30am – Palladium Lodge-517 W 1st Avenue, Big Timber, MT

Register in advance for this meeting:

https://mt.gov.zoom.us/webinar/register/WN_VxIRMgGxTuOZxXpIaHok_g

After registering, you will receive a confirmation email containing information about joining the meeting.

Clint Rech, Harlowton – Financial Institution
Ray Sheldon, Huntley – Public at large
Mark Thompson, Butte – Mining Industry

Donna von Nieda, Nye – School District
Jerry Bennett, Libby – County Commissioner

Notice of Public Meeting

September 23, 2021:

8 a.m.-The Board will be taking a tour of the East Boulder Mine. Members of the public are invited to attend. **There is very limited space for this tour. Commerce staff must have participant numbers no later than September 17, 2021.**

Please contact Anita Proul at 406.841.2869 or anita.proul@mt.gov to be included in the mine tour.

5 p.m.-The Board may gather informally for heavy hors d'oeuvres and reception hosted by Sibanye Stillwater at The Iron Star Pizza Company-101 Bramble Street, Big Timber, MT. Members of the public are invited to attend. The Board may gather informally after the reception for dinner at the same location.

September 24, 2021: The Board will hold a meeting at 8:30 am, Friday, September 24, 2021, at the Palladium Lodge-517 W 1st Avenue, Big Timber, MT. For more information or to request reasonable accommodations for a disability, please contact Community Development Division staff at (406) 841-2770 or at DOCCDD@mt.gov before the meeting. Conference call information for this meeting is also available on the Hard Rock Mining Impact Board website (<http://comdev.mt.gov/Boards/HRMI/Meetings>).

Agenda:

Chair Statement

This will call the Hard Rock Mining Impact Board meeting for September 24, 2021 to order. The Zoom Application records the meetings electronically for official meeting minutes. Please help the public by identifying yourself when you speak, explain any acronyms that may be used in discussion and if you are referring to documents state the name of the document you are referring to, and as a final reminder the recording will not be edited, and no content will be cut.

1. Roll call
2. Housekeeping items
 - *Restroom locations*
 - *Zoom application reminders*
 - *Introduction of Commerce staff*
 - *Park City Schools Letter*

3. Opportunity for public comment on items not on the agenda, but within the Board's jurisdiction
4. Approval of Minutes
 - Approval of May 17, 2021 Meeting Minutes
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
 - Approval of July 7, 2021 Meeting Minutes
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
5. Power Point Presentation-Rachel Young
 - *Impact Plan Basics*
 - *Question and answer*
6. Sibanye-Stillwater Speakers
7. Department of Revenue Representative-Peggy Campbell
 - *Tax Based Sharing discussion*
 - *Question and answer*
8. Opportunity for public comment
9. Board Matters
 - *Suggestion of next meeting date and location*
10. Adjournment

PARK CITY SCHOOLS

DISTRICT #5 STILLWATER COUNTY
PO Box 278, 10 2ND AVE SW
PARK CITY, MT 59063
OFFICE 406-633-2350
FAX 406-633-2913

"HOME OF THE PANTHERS"

March 12, 2021

Stillwater County Commissioners
400 E 3rd Ave N
Columbus, MT 59019

Hard Rock Mining Impact Board
PO Box 200523
301 S Park Ave
Helena, MT 59620-0523

Subject: **Request for Required Allocation of Metalliferous Mines License Taxes**

Dear Commissioners and Mining Impact Board Members:

The Park City School District #5(PCSD5) is hereby requesting that Metalliferous Mines License Taxes be allocated to Park City Elementary School District and Park City High School District according to the requirements of the Hard Rock Mining Impact Act. The Hard Rock Mining Impact Act and the companion Property Tax Base Sharing Act require money be allocated for affected high school and elementary school districts within the county. The (1) inaccurate predictions of a Mining Impact Plan (even after the initial two years), or (2) the inability to meet requirements that allow for an Amendment to a Mining Impact Plan, or (3) the prescribed allocation of money in the approved Mining Impact Plan do not relieve the County, the Mining Impact Board, or the Mining Impact Plan from meeting the requirements of the Acts.

The Hard Rock Mining Impact Act in MCA 15-37-117(1)(e)(ii)(B) and (C) specifies that affected school districts receive allocated tax revenue. According to the definitions in MCA 90-6-402, PCSD is an "Affected local government unit" and PCSD5 has a long history of and currently has numerous "Mineral development employees" and "Mineral development students" within its jurisdiction. PCSD does understand that MCA 15-37-117(2) allows for a different allocation plan *similar* to sharing under Title 90, chapter 6, part 4. However, the

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DEPARTMENT OF COMMERCE
COMMUNITY DEVELOPMENT DIVISION

main purpose of Property Tax Base Sharing Act (MCA 90-6-401) is to equitably distribute tax revenues among affected local government units. It seems very reasonable for PCSD5 to conclude that an equitable allocation plan, after three decades of annual mine employee surveys documenting student and parent residency in PCSD5 (MCA 90-6-405), should include some allocation of the tax revenue to PCSD5.

Furthermore, MCA 90-6-405(c) and (d) require Employee Surveys (every year for the life of mine) of school residency. Why would a yearly school residency tally of employee's students be required well after the initial development period, if not to base revised allocations from? Also, the use of the word "initial" in MCA 90-6-405(2) provides additional evidence that Employee Surveys are intended to be used for documentation to revise the "initial" allocation.

* * *

Park City School District #5 looks forward to engaging with the County Commissioners and the Hard Rock Mining Impact Board regarding this issue in order to come to more equitable solution. However, PCSD5 also reserves the right to pursue alternate paths of remedy if necessary.

PCSD5 believes that no change to the Mine Impact Plan is required to mitigate this issue. This matter could be best resolved by creating a Stillwater County Mitigation Plan (or Addendum) that equitably distributes the applicable portion of the revenue already allocated to Stillwater County for schools under the approved Mine Impact Plan.

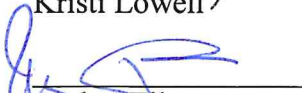
Thank you for your consideration in this very serious matter. Please contact Dan Grabowska, Superintendent, if you have any questions or concerns with this request.

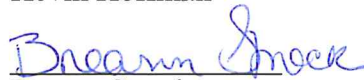
Sincerely,

Park City School District Board of Trustees:


Kristi Lowell


Kevin Hoffman


Amber Tilzey


Breann Streck

Hard Rock Mining Impact Board
Draft Meeting Minutes
May 17, 2021
Via Zoom Only

Roll Call of Board Members:

Clint Rech - Present

Donna von Nieda, Chair - Present

Ray Sheldon - Present

Jerry Bennett - Present

Mark Thompson, Vice-Chair - Present

Montana Department of Commerce Staff Present:

Becky Anseth, Interim Operations Manager

Rachel Young, Administrative Officer

Jessica Blumberg, Attorney

Anita Proul, Executive Assistant

Public Present:

No Public Present

Call Meeting to Order

1:33 Chair von Nieda called the meeting to order at 10:00 a.m.

2:02 Ms. Young called the roll for Board members.

Opportunity for Public Comment

3:32 Chair von Nieda asked for any public comments on items not on the agenda, but with the Board's jurisdiction.

Approval of Minutes

October 20, 2020 Hard Rock Mining Impact Board Meeting Minutes – page 2 of binder

4:04 Motion: Mr. Bennett – approve minutes

Second: Vice-Chair Thompson

Ms. Young called for a vote: all yes. Motion passed.

Hard Rock Mining Impact Trust Account Annual Payments

7:01 Presenter: Ms. Young

Opportunity for public comment

11:33 Chair von Nieda opened the meeting for any public comment.

Board Matters

Suggestion of next meeting date

22:04 Presenter: Ms. Young

Adjournment

34:21 Meeting adjourned at 2:43 p.m.

Hard Rock Mining Impact Board
Draft Meeting Minutes
July 7, 2021
Via Zoom Only

Roll Call of Board Members:

Clint Rech - Present

Donna von Nieda, Chair - Present

Ray Sheldon - Absent

Jerry Bennett - Present

Mark Thompson, Vice-Chair - Present

Montana Department of Commerce Staff Present:

Becky Anseth, Interim Operations Manager

Rachel Young, Administrative Officer

Jessica Blumberg, Attorney

Anita Proul, Executive Assistant

Public Present:

No Public Present

Call Meeting to Order

3:19 Chair von Nieda called the meeting to order at 2:05 p.m.

3:57 Ms. Young called the roll for Board members.

Opportunity for Public Comment

4:35 Chair von Nieda asked for any public comments on items not on the agenda, but with the Board's jurisdiction.

Approval of Minutes

May 17, 2021 Hard Rock Mining Impact Board Meeting Minutes – page 2 of binder

5:01 Presenter: Ms. Young

Hard Rock Mining Impact Trust Account Annual Payments

Staff Updates – page 3 of binder

6:43 Presenter: Ms. Young

Recent Impact Plan Discussion

Staff Updates

23:29 Presenter: Ms. Young

Opportunity for public comment

1:00:12 Chair von Nieda opened the meeting for any public comment.

Board Matters

Suggestion of next meeting date

50:15 Presenter: Ms. Young

Hard Rock Mining Impact Board
Draft Meeting Minutes
July 7, 2021
Via Zoom Only

Adjournment

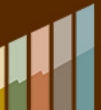
1:00:24 Meeting adjourned at 3:02 p.m.

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Hard Rock Mining Impact Plans

Reviewing the Basics



The Impact Plan Process Generally

Triggering Event

A large-scale mineral developer files an application for a permit as required by Montana Code Annotated (MCA)

Fulfilling the permit requirements and the board's review of the impact plan run concurrently

The Impact Plan is Submitted

Affected counties receive impact plan

The board receives impact plan



Notice of Impact Plan Submission

Affected counties must publish notice for the public

90-Day Review Period

Public hearing

Objections to impact plan

Hearing

Approval

Guaranty



Developer Payments

Payments to a local government unit
Payments to the board



Failure to Comply with Title 90, Chapter 6, Parts 3 and 4

Payments not made according to the impact plan requires board action



Statutorily Required Contents

Timetable for development

Estimated number of persons coming into the impacted area due to development

Increased capital and operating costs expected

Financial or other assistance from developer to meet increased need for services



Waiver of Impact Plan Requirement

A waiver of the impact plan requirement can be granted by the board only if there has been notice and opportunity for hearing to all affected local government units and the permittee.

The board must adopt criteria under which a waiver or a conditional waiver may be granted.

A waiver issued by the board may be revoked based on terms of the waiver.

The board must notify the board of land commissioners of any revoked waiver.



Additional Elements of Impact Plan

Tax Prepayment of Property Taxes

Impact Bonds

Impact Plan Amendments

