

STATE OF MONTANA
DEPARTMENT OF COMMERCE
HARD ROCK MINING IMPACT BOARD MEETING
October 20, 2020 2:00pm – Conference Call
Call in information: 1.877.273.4202 Access Code: 437383983

Keith Kelly, Helena – Financial Institution
John Rogers, Clancy – Public at large
Mark Thompson, Butte – Mining Industry

Donna von Nieda, Nye – School District
Jane Weber, Great Falls – County Commissioner

Notice of Public Meeting

The Board will be meeting at 2:00pm, Tuesday, October 20, 2020 via telephone conference. 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>).

Call in information: 1.877.273.4202

Access code: 437383983

Agenda:

1. Call to order
2. Roll call
3. Opportunity for public comment on items not on the agenda, but within the Board's jurisdiction
4. Approval of Minutes
 - a. Approval of October 10, 2019 Meeting Minutes
 - Opportunity for public comment*
 - Board discussion*
 - Board action (as applicable)*
 - b. Approval of October 30, 2019 Meeting Minutes
 - Opportunity for public comment*
 - Board discussion*
 - Board action (as applicable)*
5. Communications Reminders
 - Staff updates*
 - Opportunity for public comment*
 - Board discussion*
 - Board action (as applicable)*
6. Hard Rock Mining Impact Trust Account Annual Payments
 - Staff updates*
 - Opportunity for public comment*
 - Board discussion*
 - Board action (as applicable)*
7. Opportunity for public comment
8. Adjournment

Hard Rock Mining Impact Board
Draft Meeting Minutes
October 10, 2019
Helena, MT

Board Members Present

Chair Donna von Nieda, Vice-Chair Mark Thompson, Keith Kelly, John Rogers, and Jane Weber.

Montana Department of Commerce Staff Present

Jennifer Olson, Division Administrator; A.C. Rothenbuecher, Operations Manager; Amy Barnes, Attorney; and Anita Proul, Executive Assistant.

Public Present

| | |
|----------------------|------------------------------------|
| Nancy Schlepp | Tintina Montana / Sandfire America |
| William "Bill" Gowen | Helena Abstract and Title Co. |

Welcome – Call to order

Chair von Nieda called to order the meeting of the Hard Rock Mining Impact Board at 9:05 a.m.

Roll call

Ms. Rothenbuecher called the roll for board members. The following board members were present: Vice-Chair Mark Thompson, Keith Kelly, and John Rogers. On the phone via conference call was Chair Donna von Nieda and Jane Weber. Chair von Nieda asked if Vice-Chair Thompson would take over conducting the meeting. Vice-Chair Thompson agreed and Chair von Nieda seceded the meeting to Vice-Chair Thompson.

Opportunity for Public Comment

- No public comment provided. No public on the phone.

Approval of Minutes (November 15, 2018)

- Vice-Chair Thompson called for discussion from the Board regarding the minutes and any comments from the public. Vice-Chair Thompson confirmed that the previously requested public review had taken place. Ms. Rothenbuecher confirmed that the specific individuals had been contacted, one individual corrected the name of his company, and that the minutes were corrected accordingly.

Action by the Board: Mr. Kelly made a motion to approve the minutes. Ms. Weber seconded. Vice-Chair Thompson called for a vote - all were in favor of the motion, motion passed, and minutes were approved with the correction indicated.

Approval of Minutes (May 31, 2019)

- Vice-Chair Thompson called for discussion from the Board regarding the minutes and any comments from the public – no discussion or comments.

Action by the Board: Mr. Kelly made a motion to approve the minutes. Chair von Nieda seconded.

Hard Rock Mining Impact Board

Draft Meeting Minutes

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Helena, MT

Vice-Chair Thompson called for a vote - all were in favor of the motion, motion passed, and minutes were approved.

Sandfire Resources America, Black Butte Copper Project Draft Financial Guaranty

- Ms. Olson reminded the board that the mine cannot start any production activity without their review and approval of the financial guaranty and explained changing or accepting the financial guaranty.

Vice-Chair Thompson asked Ms. Schlepp to provide an update on the permitting on the Black Butte project

- Nancy Schlepp, Tintina Montana / Sandfire America – DEQ headed toward final EIS, weeks away, and expect a record of decision to follow shortly after that. Ms. Schlepp deferred to Bill Gowen from Helena Abstract and Title for any questions that the board might have on the Financial Guaranty.
- Ms. Barnes notified the Board that they could waive their attorney client privilege of the Escrow document with comments which could then be handed out to the public to follow along.

Action by the Board: Mr. Rogers made a motion to waive the attorney client privilege of the comments received from council. Ms. Weber seconded. Vice-Chair Thompson called for a vote - all were in favor of the motion, motion passed. Copies were passed out to the public present.

Board Discussion:

- Vice-Chair Thompson – concerned that the entity entering into the agreement is not present and has not seen the comments and if the board moves on any comments, the entities might find something objectionable. Also, no local government entities present, as well, to see comments. Suggested the following options - going through each comment with Ms. Barnes leading or postpone taking action until getting feedback from other parties that comments are acceptable to them.
- Chair von Nieda – something not commented on but would like board opinion on – at the end of the document there is a place for the Hard-Rock Mining Impact Board Chair to sign but understand that it is not a legal requirement for document. Would Board like that removed or kept?

Public Comments:

- William C Gowen, Vice-President Helena Abstract & Title Co:
 - On the Board signature – the Board is a party to the agreement in the first paragraph and I would suggest the board should be a signer on the agreement.
 - In the paragraph regarding how the payments are made – my escrow account is prohibited from ACH out, I cannot make an electronic transfer of funds, we can do it by wire transfer, certified check, or escrow trust check. The difference between an escrow trust check and certified check is pretty much moot in the state of Montana because we have to have funds to issue, suggest that changed to either wire transfer or certified funds.
 - Toward the end on the city and school districts signatures – once the request is made, the disbursements are made directly to the county, the county then distributes on to those other entities so I am not quite sure why they would be a party to it when the county would have control of that disbursement.
- Nancy Schlepp, Sandfire America – if you do take Mr. Gowen's advice, which I agree with, and take the city and school off of the signatures, you may also want to take them out of the first paragraph and they're also talked about in another section. Everything in here has been agreed

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and the disbursements are agreed who they go to, but it is the county that asked for the funds and distributes them, as I understand it.

Board Discussion:

Vice-Chair Thompson – Board signatory block, are we not legally required to sign?

- Ms. Barnes explained that removing the City of White Sulphur Springs, the school district, and the Board from the first paragraph allows the three signatory blocks to be deleted. Ms. Barnes also explained the legal reasons/responsibilities the three entities were included in the first paragraph and made a party to the agreement and given signatory blocks – If the entities are a party to the agreement they have the ability to file a contract claim/breach of contract claim on the contract. If the Board isn't a party to it, the Board's ability to enforce the agreement is more difficult.

Vice-Chair Thompson – Question to Mr. Gowen, would you be able to enter into an escrow agreement with the added city, school district, and the Board signing?

- Mr. Gowen – yes, I believe we could, I don't see any issues with it.

Action by the Board: Mr. Kelly made a motion to edit paragraph 7B to reflect no ACH. All payments will be made by wire transfer or certified funds, or electronic funds transfer. Chair von Nieda seconded.

Vice-Chair Thompson called for a vote - all were in favor of the motion, motion passed.

Public Comments: Vice-Chair Thompson called for public comment on the date in section 2 – Ms. Schlepp indicated possibly the first week in November. Also proposed a shorter time frame for review, if it could be done legally.

Action by the Board: Mr. Kelly made a motion, regarding section two on page one of the escrow agreement, to change the date to November 2019. Ms. Weber seconded. Vice-Chair Thompson called for a vote - all were in favor of the motion, motion passed.

Action by the Board: Mr. Rogers made a motion to post the proposed escrow agreement for public comment for two weeks. Chair von Nieda seconded. Vice-Chair Thompson called for a vote – all were in favor of the motion, motion passed.

Hard Rock Mining Impact Trust Account Annual Payments

- Ms. Rothenbuecher reviewed the memo to the MT Department of Revenue and distribution reports showing the breakout of the payments to be made to the impacted local governments and that no Board action was required.

Public Comments:

- Ms. Schlepp – If possible, would like a copy of documents. Also, our information is just going into you and we will be hiring someone to update it yearly, when is that information due to you? Ms. Schlepp clarified her question was more specific to yearly population statistics – when is that due to board?
- Ms. Olson – explained process of payments, uses, and disbursements. Typically meet twice a year – one to review payments in May and one in October. If you are wanting to report back to the board, May is suggested.

Action by the Board: No formal motion made, but the Board requested the minutes to reflect that they reviewed and accepted the reports.

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Opportunity for public comment

- No public comment provided.

Adjournment

Mr. Kelly made a motion adjourn. Ms. Weber seconded. Meeting adjourned by Vice-Chair Thompson at 10:13 a.m. The next meeting is scheduled for October 30th via teleconference.

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Hard Rock Mining Impact Board
Draft Meeting Minutes
October 30, 2019
Department of Commerce 301 South Park Ave, Helena, MT

Board Members Present

Chair Donna von Nieda, Vice-Chair Mark Thompson, Jane Weber, and John Rogers

Montana Department of Commerce Staff Present

Jennifer Olson, Division Administrator; A.C. Rothenbuecher, Operations Manager; Amy Barnes, Attorney; and Anita Proul, Executive Assistant.

Public Present by Phone

No public present by phone

Public Present

Nancy Schlepp Tintina Montana/Sandfire Resources America

Welcome – Call to order

Chair von Nieda called to order the Hard Rock Mining Impact Board at approximately 3:01 p.m.

Roll call

Ms. Rothenbuecher called the roll for board members. The following board members were present via phone: Chair von Nieda, Vice-chair Thompson, and Jane Weber; John Rogers present in person.

Opportunity for Public Comment on Items Not on the Agenda, but within the Board's Jurisdiction

- No public comments present or on phone

Sandfire Resources America, Black Butte Copper Project Draft Financial Guaranty

- Ms. Rothenbuecher explained the documents that were available for the meeting and the process of posting the financial guaranty, with changes, and that no public comment was provided by the deadline of Friday, October 25, 2019.
- Chair von Nieda asked for any public comment – none provided

Action by the Board:

- Vice-chair Thompson made a motion to accept the Financial Guaranty as amended by Commerce Counsel
- Jane Weber seconded but asked for clarification on Item #10 – all parties as being referenced in paragraph #2 and they are actually in the opening paragraph
- Chair von Nieda asked if the correction could be made and did the guaranty have to go out for public comment again or just be accepted?
- Ms. Barnes indicated that the correction could be made and that it was a small technical correction that did not have to go out for public comment again.
- Ms. Barnes further indicated that Vice-chair Thompson would either need to withdraw his initial motion or amend it to reference the correction to item #10.

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Draft Meeting Minutes
October 30, 2019

Department of Commerce 301 South Park Ave, Helena, MT

- Vice-chair Thompson made a motion to accept the financial guaranty as amended by Commerce Counsel including the corrections to item #10. Jane Weber seconded.
- Chair von Nieda asked for any further discussion from the board, none provided.
- Chair von Nieda asked Ms. Rothenbuecher to take a roll call vote and all members agreed and the motion passed unanimously.

Adjournment

Chair von Nieda entertained a motion to adjourn. Mr. Rogers made a motion to adjourn, Ms. Weber seconded, meeting adjourned at approximately 3:13 p.m.

DRAFT

Category Communications
Established December 2019
Updated September 2020

Tara Rice, Director



Communications Policy

The following policy guidelines apply to all Montana Department of Commerce employees; understanding that there may be exceptions if you serve an administratively attached agency that has authority to create its own policy on particular matters contained herein. If you serve at an administratively attached agency and are unsure if there are exceptions that apply to you, please consult your supervisor.

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Overview

Communication is essential to the strategic mission and vision of the Montana Department of Commerce. This policy is to ensure that communication from the Department is accurate, consistent, coordinated, effectively managed and responsive to the diverse needs of our constituents and stakeholders. This approach will help the Department provide timely, accurate, consistent and engaging information about our policies, programs, services and initiatives.

The Department's work is varied and touches every facet of the state's economy. From supporting the development of affordable homes and critical infrastructure, to marketing our state as a destination for visitors and filmmakers and supporting businesses on their path from innovation to international exporter, there is consistent public interest in our work.

External/Public Communications

The Department has a policy of providing public access to government operations through the media. The purpose of this policy is to ensure that information about the Department is communicated consistently and reported accurately in the media and to the public in general. As a government agency, the Department is responsive to requests for information from the media and the public and is required to proactively provide information in response to formal and informal requests.

Media Inquiries / Requests for Interviews / Information

In the case of media inquiries, the Director of Communications and Public Affairs is responsible for working with Department leadership (director, deputy, division administrators) to determine who will respond based upon the nature of the inquiry and the timeframe in which a response is necessary. If an employee is contacted by phone, e-mail, or approached in public by a member of the media, the employee is directed to immediately refer the inquiry to the Director of Communications and Public Affairs and to notify their supervisor. If a reporter calls, ask for the information they're seeking, contact information, and a deadline, and let the reporter know that a member of the communications team will respond promptly.

Every media request is important and deserves a timely response. The Department's ability to respond accurately, consistently, professionally, and in a timely manner is critical.

Policy Inquiries

Inquiries received by employees that concern policies of the current Administration shall be referred to the Division Administrator and Director of Communications and Public Affairs to coordinate with the Director's Office, Governor's Office and other relevant information sources to ensure proper response.

Controversial Situations

Employees should report significant incidents of negative or inaccurate publicity to their Division Administrator and the Director's Office, via e-mail or phone. The Director's Office and Division Administrator will determine the appropriate course of action.

Planned Media Events

Planned news events, such as news conferences, groundbreakings, ribbon cuttings, agency meetings, conferences, or award ceremonies are additional ways the Department interacts with the media. These types of media events can take a significant amount of time to plan and organize. For example, the Department hosts numerous conferences throughout the year that draw media attention.

These types of events often include a keynote speech by the Governor, First Lady, Lieutenant Governor, or the agency Director / Deputy Director or Division Administrator. Invitations to any of these individuals to appear at an event are issued through the Director's Office by contacting the Office of Communications. The office will then coordinate with the Governor's Office or internally with Department leadership. It is recommended these requests be made a minimum of two months prior to the scheduled event.

Once a member of the Governor's Office is scheduled for the event, the Director of Communications and Public Affairs will work with the Governor's communications staff and scheduler to confirm all the event details such as the event date, time and location, news releases, talking points, agendas, visuals, and speakers.

Public Speaking Engagements

Department staff are experts in their field, and as such are often asked to participate in panels, forums, public meeting, conferences, or other public speaking engagements. All public speaking engagement invitations must be approved by the appropriate Division Administrator and Director of Communications and Public Affairs, prior to the event.

The Office of Communications is a resource for public speaking engagements and staff are available to assist with background information, talking points, and presentation templates. The Office may request to see your presentation in advance.

Individuals who communicate at these public events on behalf of the Department will make every effort to ensure that the information they are providing is accurate, and, in instances of uncertainty, will refer the inquiry to the Director's Office and notify their supervisor immediately.

The Department's key messages, as outlined in the Department's [Message Frame](#), will form the foundation and be the starting point for all communication.

Policy Positions

Policy positions are developed by the Director's Office in coordination with division leadership and the governor's office. Staff may not take a policy position on behalf of the Department without prior approval from the supervisor, Division Administrator and Director's Office. This includes signing on to public letters, signing petitions, advocating for or against a policy proposal, or testifying for or against a policy proposal in an official capacity representing the Department.

See also the Department's [Legislative Engagement Policy](#).

General Public

Communication with the public in general will take place at all levels within the Department. Individuals who communicate to the public in general on behalf of the Department will make every effort to ensure that the information they are providing is accurate, and, in instances of uncertainty, will refer the inquiry to the Director of Communications and Public Affairs, and notify their supervisor immediately.

The Department's key messages, as outlined in the Department's [Message Frame](#), will form the foundation and be the starting point for all communication.

Press Releases and Guest Columns

Press releases and guest column requests are another tool available to help the Office of Communications identify and plan for upcoming events, news, and celebrations the public and our stakeholders would be interested in learning about. The communications team, under the guidance of Commerce leadership and the Governor's Office, will finalize all editorial decisions.

Press release and guest column requests must be submitted at least two weeks prior to the target send date. Note: the communications team will finalize a release date based on the suggested target.

If you include a draft, please be sure it includes a basic who, what, where, when and why.

[Request a press release or pitch a press release idea here.](#)

Public Service Announcements

All Public Service Announcements must be approved by the Director of Communications and Public Affairs before they are printed or broadcast. In addition, the Director's Office, per statute, is required to track PSA activity annually.

The Office of Communications is a resource to develop PSAs, from script development and voice over to editing and placement.

Print Media, Advertisements & Other Promotional Materials

Unless working directly with Montana's marketing agency of record, all Department of Commerce promotional materials and print advertisements must be approved by the Director of Communications and Public Affairs before they're submitted or put into circulation.

The Office of Communications is a resource to develop all promotional materials including items such as posters, banners, brochures, programs, flyers or special event materials. Printed material requests should be made at least 30 days prior to the date it is needed to allow for design, review and printing time.

The Office of Communications works directly with State Print & Mail for all printing needs.

Unless working directly with Montana's marketing agency of record, all printing, no matter the size or price, is required by *Montana Code Annotated 18-7-101* to go through State Print & Mail. This includes all promotional items, swag and clothing. [Request printed material here.](#)

Email Marketing via Gov Delivery

Electronic communication through vehicles such as e-mail, e-newsletters, surveys, the website and social media provide opportunities for interactive, two-way communication and greatly improve the response time for distribution of information and for receiving feedback.

The Department will strive to standardize the look, feel and operation of these vehicles to ensure ease of use, provide timely and accurate information, and convey consistent messaging in line with the strategic mission and vision of the Department.

For email marketing/e-newsletters/bulk email, the Department currently uses Gov Delivery, a cloud-based tool for mass communication (sending to 50+ contacts). Gov Delivery passes security measures established by State Information Technology Services Division, and is a platform designed specifically for the public sector.

All Gov Delivery emails are approved by the Office of Communications. Our communications team is here as a resource along the way.

To request a Gov Delivery account, training, or new template [click here.](#)

For more information about Gov Delivery, the process for creating e-blasts, and training resources [click here.](#)

Website Management

Commerce's network of websites and webpages is a valuable tool for partners, stakeholders and the general public. The Department manages more than 1,000 web pages. The Department will strive to standardize the look, feel and operation of these webpages to ensure ease of use, provide timely and

accurate information, and convey consistent messaging in line with the strategic mission and vision of the Department.

Routine content updates are managed within Department programs. Website redesigns, new page creation, or navigation changes are managed by the Office of Communications.

To request a website/page redesign or new pages, [click here](#).

Sponsorships, Partnerships and Advertising

The Department's participation in sponsorship opportunities, partnerships and advertising is important to the promotion of the Department of Commerce as an organization. Before undertaking relationships with other organizations through sponsorships, partnerships or advertising opportunities, the Division Administrator in consultation with the Director's Office, will evaluate each opportunity to ensure that the goals, standards and guidelines align with the Department's strategic mission and vision. In addition, each relationship will be assessed to ensure that there is no conflict of interest, that the relationship fits within the Department's strategic direction, and that value will be realized from the relationship.

The Department will, at all times, keep in mind the message that the relationship will be communicating to the Department's stakeholders. The Director's Office and appropriate Division Administrator will be consulted on any new initiatives and on questions that may arise in relation to existing relationships to provide advice and direction.

Social Media

To engage and inform a variety of stakeholders and members of the public, Department of Commerce programs may use social media platforms as part of their marketing and communications strategies.

The Department's social media policy, best practices, and legal considerations are [available here](#). All new social media channel requests must be approved by the Director of Communications and Public Affairs.

Award Letters

Signed by the Governor

All letters of support or award signed by the Governor are pre-approved by the Director and Director of Communications and Public Affairs. Program staff draft these letters and route them to the Director of Communications and Public Affairs to begin the approval process. Governor's support or award letters should be drafted on [Governor's Office letterhead](#) and follow the [format available here](#). In most cases, the approved letter(s) are mailed by the program that requested the letter(s). Letters of funding award are the most common letter requested.

Signed by the Director

All letters of support or award signed by the director are approved by the Director and Director of Communications and Public Affairs. Program staff draft these letters and route them to the Director of Communications and Public Affairs to begin the approval process. Letters of support are the most

common letter requested. Director's support or award letters should be drafted [on Commerce letterhead](#). In most cases, the approved letter(s) are mailed by the program that requested the letter(s).

Internal/Inter-Agency Communications

Email Signature

The Department has created a template for staff email signatures. The purpose of this guidance is to sustain and enhance perception of the agency by ensuring consistency of all outgoing email communications.

[Click here for instructions.](#)

Electronic Letterhead

The Department's electronic letterhead is available for official communication. The letterhead may not be altered for any purpose. [Click here for instructions.](#)

PowerPoint Template

The Department has five branded PowerPoint templates available for presentation use.

[Click here for instructions.](#)

Name Badges

The Department has one name badge template, and badges are ordered through Helena Stamp Works.

[Click here for instructions.](#)

Business Cards

There are business card templates available for agency staff. The templates were created to provide a quick and efficient way for new or current staff to print business cards. The templates reflect the Department's brand. The templates are on file with State Print and Mail Services.

[Instructions and templates are available here.](#)

Briefing Memos

Any briefing memos prepared by employees who have been designated by their Division Administrator or otherwise requested to do so will be reviewed by the Director's Office prior to submission to the Governor's Office.

[A briefing memo template is available here.](#)

Branding

For continuity and branding purposes, any new logos representing the department need to be approved by the Director of Communications and Public Affairs. Department of Commerce [logo usage guidelines can be found on the Intranet.](#)

Color Palette and Fonts

The brand standards have been thoughtfully developed based on the Montana target audience and the tone with which we should communicate the brand. Type and copy have been purposefully designed to not be loud or bold—as that is not representative of our brand. [Access Commerce's colors, fonts and how to use the Montana Brand on the Intranet.](#)

Public Records Requests

Office of Communications Involvement

All public records requests that involve members of the media must be sent to the Director of Communications and Public Affairs and the Legal Office (docPIR@mt.gov) for review and assignment.

Any nonroutine information requests that may involve complex issues, sensitive impacts on the state, or deal with controversy must also be submitted to the Director of Communications and Public Affairs and Legal Office for review.

The Department's [Public Records Request Policy is available here.](#)

Category: Human Resources
Revised: September 2020

Legislative Engagement

The following policy guidelines apply to all Montana Department of Commerce employees; understanding that there may be exceptions if you serve an administratively attached agency that has authority to create its own policy on particular matters contained herein. If you serve at an administratively attached agency and are unsure if there are exceptions that apply to you, please consult your supervisor.

Department of Commerce employees and board members may participate in the legislative process as representatives of the Department or of Boards attached to the Department under specific conditions and direction by the Department.

EMPLOYEE/CITIZEN: Department of Commerce employees have the right to advocate any personal position they have before the Legislature on any issue. Department employees choosing to participate in the legislative process as a citizen must take pre-approved annual leave or compensatory time to do so. It must be clear in their testimony they are not testifying as an employee of the Department of Commerce, but as an individual. At no time are employees allowed to testify or lobby on matters related to the Department of Commerce without prior authorization by the Director or designee.

POLICY: Policy positions are developed by the Director's Office in coordination with division leadership and the governor's office. Staff may not take a policy position on behalf of the Department without prior approval from the supervisor, Division Administrator and Director's Office. This includes signing on to public letters, signing petitions, advocating for or against a policy proposal, or testifying for or against a policy proposal in an official capacity representing the Department.

BOARD MEMBERS: Members of Boards that are administratively attached to the Department may testify on legislation in which the Board has requested the member to comment. For such testimony, the Board Member should identify themselves as a member of the Board and they are testifying at the request of the Board. Board members may testify on legislation as private citizens or in their other professional roles but it must be clear in their testimony they are not testifying as a Board Member.

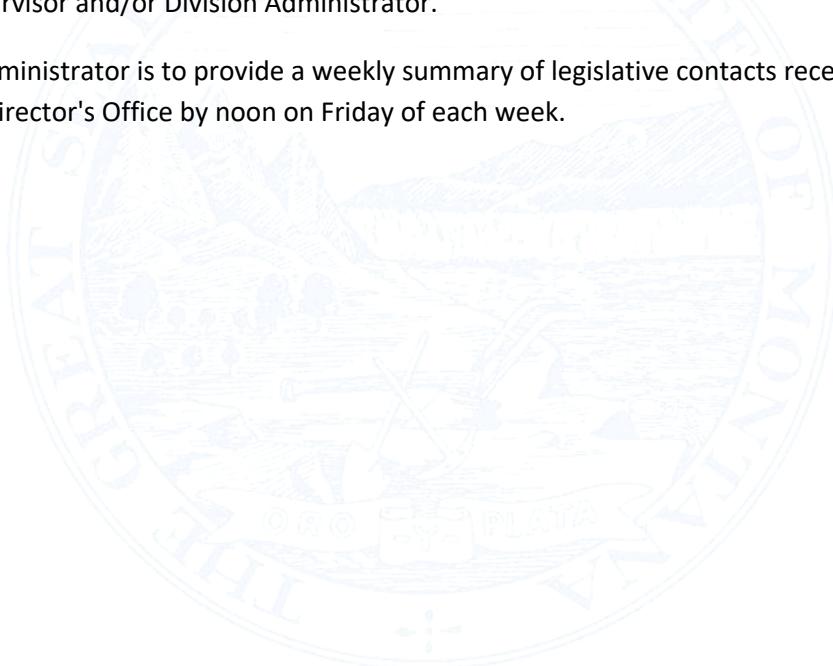
GENERAL LEGISLATION: Hundreds of bills are introduced independently of the executive branch each legislative session. If a bill is identified through Commerce's normal review process as having an impact on your program, the Division Administrator in concert with the Director's Office will determine when, if, and how the Department will address that legislation.

LEGISLATIVE REQUESTS: If an employee receives a legislative related request from a legislator, legislative staff member, or any member of the public that employee must notify their immediate

supervisor and Division Administrator as soon as possible and wait for further guidance before responding. The Division Administrator must notify the Director's Office as soon as possible by sending an email to DOC Legislature summarizing the request. A response will be crafted under the advisement of the Director's Office through the employee's supervisor and Division Administrator. Such a response should be supported by factual, documented, publicly accessible information. If the request cannot be fulfilled by publicly accessible information (e.g. Commerce's Database), the employee receiving the request must wait to respond and fulfill the request until the Director's Office has approved the response and the fulfillment of the request. If an employee receives a request to provide testimony or an informational presentation during a bill hearing, committee hearing, or interim committee meeting that employee must first receive approval to participate from the appropriate Division Administrator and Director's Office. Presentation materials may be asked to be reviewed in advance.

If an employee is interested in initiating contact with a legislator regarding official Department of Commerce business, that communication must be approved by the Director's Office through the employee's supervisor and/or Division Administrator.

Each Division Administrator is to provide a weekly summary of legislative contacts received by their Division to the Director's Office by noon on Friday of each week.



Department of Commerce

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|---|---|
| Name: Public Information Requests | |
| Category: Director's Office | |
| Director: Tara Rice | Signature  |
| Issuing Authority: Montana Code Annotated § 2-15-112(1)(b) | |
| First Issued: September 1, 2020 | Effective Date: September 1, 2020 |

PUBLIC INFORMATION REQUESTS

1. Purpose

The purpose of this policy is to ensure efficient and consistent responses to all public information requests.

2. Access to Public Information

Any information prepared, owned, used, or retained by the Department shall be made available to the public upon request.

Exceptions:

- a) Confidential information that is accorded confidential status or is prohibited from disclosure as provided by applicable law;
- b) Information constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of disclosure;
- c) Information related to judicial deliberations in adversarial proceedings;
- d) Information necessary to maintain the security and integrity of secure facilities or information systems owned or serving the state;
- e) Information designated as confidential by statute or through judicial decision, findings, or orders; or
- f) Information related to individual or public safety or the security of public facilities if release of the information jeopardizes the safety of the public or facility personnel.

Department of Commerce

3. Public Information Requests

The Department shall make the means of requesting public information accessible to all persons.

Upon receiving a request for public information, the Department shall respond in a timely manner to the requesting person.

The Department charges a fee for fulfilling public information requests. The fee is based on the actual cost of fulfilling the request and includes, in part, the staff time required to compile, gather, or examine the information.

Exception:

- a) Requests fulfilled in less than 30 minutes.

4. Requests to Alter or Customize Public Information

The Department may, at its discretion, agree to alter or customize public information pursuant to a request. The cost of altering or customizing the public information will be added to the fee for fulfilling the request.

Department of Commerce

Appendix A

General Internal Process

1. The Office of Legal Affairs manages and coordinates all public information requests.
 - a. Information shall not be compiled by staff until directed by Legal.
2. All requests must be made in writing by completing the form at <https://commerce.mt.gov/Contact/Legal> or emailing DOCpir@mt.gov.
 - a. Requests received by program staff should be forwarded to DOCpir@mt.gov.
3. Requests are processed in the order they are received.
4. Legal will perform an initial assessment of the substance and complexity of each request to determine next steps.
 - a. Requests Fulfilled in under 30 Minutes
 - i. Legal will instruct the appropriate staff to gather the requested information and fulfill the request. Note: depending on the nature of the request, the Director's Office may perform a final review of the compiled information before it is sent to the requesting party.
 - b. Requests requiring over 30 Minutes to Fulfill
 - i. Legal will work with appropriate staff to prepare an estimate of the cost of fulfilling the request.
 1. Estimates shall include:
 - a. An estimate of the time it will take to fulfill the request;
 - b. The estimated cost of fulfilling the request;
 - c. The estimated date the request will be fulfilled;
 - d. A statement that the fee must be paid in advance of the request being fulfilled; and
 - e. A statement that the actual cost may be greater than or less than the estimated cost, and if greater than, requesting party will be responsible for the additional amount, and if less than, the Department will return the difference.
 - ii. If an estimate is prepared and a fee is charged, no work will begin to fulfill the request until the fee has been received.
 - iii. Legal will instruct the appropriate staff to gather the requested information and fulfill the request. Note: depending on the nature of the request, the Director's Office may perform a final review of the compiled information before it is sent to the requesting party.
 - c. Requests that are potentially Denied
 - i. Any potential denial of a public information request must be approved by Chief Legal Counsel.

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Appendix B

Applicable Public Records Laws

2-6-1001. Purpose. The purpose of this chapter is to ensure efficient and effective management of public records and public information, in accordance with Article II, sections 8 through 10, of the Montana constitution, for the state of Montana and its political subdivisions.

2-6-1002. Definitions. As used in this chapter, the following definitions apply:

- (1) "Confidential information" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:
 - (a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;
 - (b) related to judicial deliberations in adversarial proceedings;
 - (c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and
 - (d) designated as confidential by statute or through judicial decisions, findings, or orders.
- (2) "Constitutional officer" means the governor, lieutenant governor, attorney general, secretary of state, superintendent of public instruction, or auditor, who are the constitutionally designated and elected officials of the executive branch of government.
- (3) "Constitutional officer record" means a public record prepared, owned, used, or retained by a constitutional officer.
- (4) "Essential record" means a public record immediately necessary to:
 - (a) respond to an emergency or disaster;
 - (b) begin recovery or reestablishment of operations during and after an emergency or disaster;
 - (c) protect the health, safety, and property of Montana citizens; or
 - (d) protect the assets, obligations, rights, history, and resources of a public agency, its employees and customers, and Montana citizens.
- (5) "Executive branch agency" means a department, board, commission, office, bureau, or other public authority of the executive branch of state government.
- (6) "Historic record" means a public record found by the state archivist to have permanent administrative or historic value to the state.
- (7) "Local government" means a city, town, county, consolidated city-county, special district, or school district or a subdivision of one of these entities.
- (8) "Local government records committee" means the committee provided for in 2-6-1201.
- (9) "Permanent record" means a public record designated for long-term or permanent retention.
- (10) "Public agency" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any

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agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) "Public information" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(12) "Public officer" means any person who has been elected or appointed as an officer of state or local government.

(13) "Public record" means public information that is:

(a) fixed in any medium and is retrievable in usable form for future reference; and

(b) designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee.

(14) "Records manager" means an individual designated by a public agency to be responsible for coordinating the efficient and effective management of the agency's public records and information.

(15) "State records committee" means the state records committee provided for in 2-6-1107.

2-6-1003. Access to public information — safety and security exceptions — Montana historical society exception. (1) Except as provided in subsections (2) and (3), every person has a right to examine and obtain a copy of any public information of this state.

(2) A public officer may withhold from public scrutiny information relating to individual or public safety or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities, and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information than is required to protect individual or public safety or the security of public facilities.

(3) The Montana historical society may honor restrictions imposed by private record donors as long as the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date the private record was received. Upon the expiration of the restriction, the private records must be made accessible to the public.

2-6-1006. Public information requests — fees. (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs

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directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

2-6-1009. Written notice of denial — civil action — costs to prevailing party in certain actions to enforce constitutional or statutory rights. (1) A public agency that denies an information request to release information or records shall provide a written explanation for the denial.

(2) If a person who makes an information request receives a denial from a public agency and believes that the denial violates the provisions of this chapter, the person may file a complaint pursuant to the Montana Rules of Civil Procedure in district court.

(3) A person alleging a deprivation of rights who prevails in an action brought in district court to enforce the person's rights under Article II, section 9, of the Montana constitution or under the provisions of Title 2, chapter 6, parts 10 through 12, may be awarded costs and reasonable attorney fees.

2-6-1017. Prohibition on dissemination or use of distribution lists — exceptions — penalties. (1) Except as provided in subsections (3) through (10), to protect the privacy of those who deal with state and local government:

(a) a public agency may not distribute or sell a distribution list without first securing the permission of those on the list; and

(b) a list of persons prepared by a public agency may not be used as a distribution list except by the public agency or another public agency without first securing the permission of those on the list.

(2) As used in this section, "distribution list" means any list of personal contact information collected by a public agency and used to facilitate unsolicited contact with individuals on the distribution list.

(3) This section does not prevent an individual from compiling a distribution list by examination of records that are otherwise open to public inspection.

(4) This section does not apply to the lists of:

(a) registered electors and the new voter lists provided for in 13-2-115;

(b) the names of employees governed by Title 39, chapter 31;

(c) persons holding driver's licenses or Montana identification cards provided for under 61-5-127;

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- (d) persons holding professional or occupational licenses governed by Title 37, chapters 1 through 4, 6 through 20, 22 through 29, 31, 34 through 36, 40, 47, 48, 50, 51, 53, 54, 60, 65 through 69, 72, and 73, and Title 50, chapters 39, 72, 74, and 76; or
 - (e) persons certified as claims examiners under 39-71-320.
- (5) This section does not prevent an agency from providing a list to persons providing prelicensing or continuing education courses subject to state law or subject to Title 33, chapter 17.
- (6) This section does not apply to the right of access by Montana law enforcement agencies.
- (7) This section does not apply to the secretary of state's electronic filing system developed pursuant to 2-15-404 and containing corporate and uniform commercial code information.
- (8) This section does not apply to the use by the public employees' retirement board of a list of board-administered retirement system participants to send materials on behalf of a retiree organization formed for board-administered retirement system participants and with tax-exempt status under section 501(c)(4) of the Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the list is not released to the organization.
- (9) This section does not apply to lists of individuals who sign attendance sheets or sign-in sheets at a hearing or meeting of a public agency.
- (10) This section does not apply to a public school providing lists of graduating students to representatives of the armed forces of the United States or to the national guard for the purposes of recruitment.
- (11) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor.

**MONTANA DEPARTMENT of COMMERCE
MONTANA HARD ROCK MINING IMPACT BOARD**

To: Montana Department of Revenue

Date: October 2020

Re: Hard Rock Mining Impact Trust Account Annual Payments

As required by sections 90-6-304, MCA and 90-6-331, MCA, the Hard Rock Mining Impact Board must pay the following amounts from the state special revenue fund #02049 to the respective County Treasurers. The below provides the following breakout of the payments to be made to the impacted local governments.

| <u>COUNTY</u> | <u>MINE</u> | <u>ALLOCATION</u> |
|----------------------|--------------------------|--------------------------|
| Broadwater | Mark Runkle Black Friday | \$ 2.12 |
| Granite | Potentate Mining | \$ 4.18 |
| Jefferson | Golden Sunlight | \$ 6,454.56 |
| Jefferson | Bear Creek Placer | \$ 181.74 |
| Meagher | Black Butte | \$ 74.66 |
| Silver Bow | MT. Resources | \$ 93,283.14 |
| Stillwater | Stillwater Nye Mining | \$ 103,799.33 |
| Sweet Grass | Stillwater E. Boulder | \$ 96,121.02 |
| Sweet Grass | Stillwater Nye Mining | <u>\$ 70,418.94</u> |
| | Total | \$ 370,339.69 |

The total amount of this payment is \$370,339.69. The responsibility center is #602003.

As required by section 90-6-331, MCA, each county must deposit the entire amount into the county hard-rock trust reserve account established as provided by 7-6-2225, MCA.

Sweet Grass County has two metal mines license tax paying mines and must maintain a separate hard-rock trust reserve account for each mine. On the advice for the warrant to Sweet Grass County, please note the amount attributable to each mine.

Jefferson County has two metal mines license tax paying mines and must maintain a separate hard-rock trust reserve account for each mine. On the advice for the warrant to Jefferson County, please note the amount attributable to each mine.

DocuSigned by:

Jennifer Olson

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10/14/2020

Montana Department of Revenue
 Business and Income Taxes Division
 MML Expanded Distribution Report

Run Date: August 25, 2020
 Filing Period: June 30, 2019

| County | Customer Name | Name of Mine | Qtr | School District | Gross Value | Merchantable Value | Taxable Value (Merc. - \$250,000 Exempt) | Tax Due | Tax Paid | General Fund 47.0% | Hard Rock Mine Impact 2.5% | H-R Min Rec Debt Serv Fund 8.5% | Rec & Dev Grants Spec Rev Acct 7.0% | County 35.0% |
|-----------------------|----------------------------------|-------------------------|------------|-----------------|-------------------------|-------------------------|--|-----------------------|-----------------------|-----------------------|----------------------------|---------------------------------|-------------------------------------|-----------------------|
| BROADWATER | MARK RUNKLE BLACK FRIDAY VENTURE | Black Friday | 06/30/2019 | | \$0.00 | \$0.00 | -\$250,000.00 | \$50.00 | \$50.00 | \$23.50 | \$1.25 | \$4.25 | \$3.50 | \$17.50 |
| County Totals: | | | | | | | | | | | | | | \$17.50 |
| GRANITE | POTENTATE MINING LLC | Eureka Gulch | 06/30/2019 | | \$0.00 | \$0.00 | -\$250,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| County Totals: | | | | | | | | | | | | | | \$0.00 |
| JEFFERSON | APOLLO GOLD | Montana Tunnels Mine | 06/30/2019 | 1 | \$0.00 | \$0.00 | -\$250,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| JEFFERSON | BEAR CREEK PLACER LLC | MITCHEL CREEK | 06/30/2019 | 27 | \$326,110.00 | \$319,588.00 | \$69,588.00 | \$6,759.50 | \$6,759.50 | \$3,176.97 | \$168.99 | \$574.56 | \$473.17 | \$2,365.83 |
| JEFFERSON | ELKHORN GOLDFIELDS INC | Elkhorn Goldfields | 06/30/2019 | | \$0.00 | \$0.00 | -\$250,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| JEFFERSON | GOLDEN SUNLIGHT MINES INC | Golden Sunlight | 06/30/2019 | | \$16,829,704.00 | \$16,771,427.00 | \$16,521,427.00 | \$264,399.58 | \$264,399.58 | \$124,267.80 | \$6,609.99 | \$22,473.96 | \$18,507.97 | \$92,539.85 |
| County Totals: | | | | | | | | | | | | | | \$94,905.68 |
| MADISON | MOEN BUILDERS INC | High Up | 06/30/2019 | 34 | \$0.00 | \$0.00 | -\$250,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| MADISON | MOEN BUILDERS INC | Strawberry | 06/30/2019 | 18 | \$0.00 | \$0.00 | -\$250,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| County Totals: | | | | | | | | | | | | | | \$0.00 |
| SILVER BOW | MONTANA RESOURCES, LLP | Continental Mine | 06/30/2019 | 1 | \$124,786,361.00 | \$109,817,011.00 | \$109,567,011.00 | \$2,082,321.04 | \$2,082,321.04 | \$978,690.89 | \$52,058.03 | \$176,997.29 | \$145,762.47 | \$728,812.36 |
| County Totals: | | | | | | | | | | | | | | \$728,812.36 |
| STILLWATER | STILLWATER MINING COMPANY | Stillwater (Still) | 06/30/2019 | varies | \$139,069,391.00 | \$128,394,499.00 | \$128,144,499.00 | \$2,053,554.00 | \$2,053,554.00 | \$965,170.38 | \$51,338.85 | \$174,552.09 | \$143,748.78 | \$718,743.90 |
| County Totals: | | | | | | | | | | | | | | \$718,743.90 |
| SWEET GRASS | STILLWATER MINING COMPANY | East Boulder | 06/30/2019 | varies | \$128,562,867.00 | \$118,694,451.00 | \$118,444,451.00 | \$1,898,411.00 | \$1,898,411.00 | \$892,253.17 | \$47,460.28 | \$161,364.94 | \$132,888.77 | \$664,443.85 |
| SWEET GRASS | STILLWATER MINING COMPANY | Stillwater (Sweetgrass) | 06/30/2019 | varies | \$99,512,512.00 | \$91,873,986.00 | \$91,623,986.00 | \$1,469,442.00 | \$1,469,442.00 | \$690,637.74 | \$36,736.05 | \$124,902.57 | \$102,860.94 | \$514,304.70 |
| County Totals: | | | | | | | | | | | | | | \$1,178,748.55 |
| Grand Totals: | | | | | \$509,086,945.00 | \$465,870,962.00 | \$462,870,962.00 | \$7,774,937.12 | \$7,774,937.12 | \$3,654,220.45 | \$194,373.43 | \$660,869.66 | \$544,245.60 | \$2,721,227.99 |

Montana Department of Revenue
 Business and Income Taxes Division
 MML Expanded Distribution Report

Run Date: August 25, 2020
 Filing Period: December 31, 2019

| County | Customer Name | Name of Mine | Qtr | School District | Gross Value | Merchantable Value | Taxable Value (Merc. - \$250,000 Exempt) | Tax Due | Tax Paid | General Fund 47.0% | Hard Rock Mine Impact 2.5% | H-R Min Rec Debt Serv Fund 8.5% | Rec & Dev Grants Spec Rev Acct 7.0% | County 35.0% |
|-----------------------|----------------------------------|-------------------------|------------|-----------------|-------------------------|-------------------------|---|-----------------------|-----------------------|-----------------------|-------------------------------|------------------------------------|--|-----------------------|
| BROADWATER | MARK RUNKLE BLACK FRIDAY VENTURE | Black Friday | 12/31/2019 | | \$0.00 | \$0.00 | -\$250,000.00 | \$50.00 | \$50.00 | \$23.50 | \$1.25 | \$4.25 | \$3.50 | \$17.50 |
| County Totals: | | | | | | | | | | | | | | \$17.50 |
| GRANITE | POTENTATE MINING LLC | Eureka Gulch | 12/31/2019 | | \$263,123.00 | \$262,325.00 | \$12,325.00 | \$197.20 | \$197.20 | \$92.68 | \$4.93 | \$16.76 | \$13.80 | \$69.02 |
| County Totals: | | | | | | | | | | | | | | \$69.02 |
| JEFFERSON | APOLLO GOLD | Montana Tunnels Mine | 12/31/2019 | 1 | \$0.00 | \$0.00 | -\$250,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| JEFFERSON | BEAR CREEK PLACER LLC | MITCHEL CREEK | 12/31/2019 | 27 | \$357,823.00 | \$350,666.00 | \$100,666.00 | \$1,822.00 | \$1,822.00 | \$856.34 | \$45.55 | \$154.87 | \$127.54 | \$637.70 |
| JEFFERSON | ELKHORN GOLDFIELDS INC | Elkhorn Goldfields | 12/31/2019 | | \$0.00 | \$0.00 | -\$250,000.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| JEFFERSON | GOLDEN SUNLIGHT MINES INC | Golden Sunlight | 12/31/2019 | | \$2,646,038.00 | \$2,523,336.00 | \$2,273,336.00 | \$40,373.38 | \$40,373.38 | \$18,975.49 | \$1,009.33 | \$3,431.74 | \$2,826.14 | \$14,130.68 |
| County Totals: | | | | | | | | | | | | | | \$14,768.38 |
| MEAGHER | GCC THREE FORKS LLC | Black Butte Iron Mine | 12/31/2019 | 2 | \$444,754.00 | \$444,754.00 | \$194,754.00 | \$3,525.00 | \$3,525.00 | \$1,656.75 | \$88.13 | \$299.63 | \$246.75 | \$1,233.75 |
| County Totals: | | | | | | | | | | | | | | \$1,233.75 |
| SILVER BOW | MONTANA RESOURCES, LLP | Continental Mine | 12/31/2019 | 1 | \$147,755,357.00 | \$128,306,210.00 | \$128,056,210.00 | \$2,322,342.40 | \$2,322,342.40 | \$1,091,500.93 | \$58,058.56 | \$197,399.10 | \$162,563.97 | \$812,819.84 |
| County Totals: | | | | | | | | | | | | | | \$812,819.84 |
| STILLWATER | STILLWATER MINING COMPANY | Stillwater (Still) | 12/31/2019 | varies | \$188,573,199.00 | \$178,027,586.00 | \$177,777,586.00 | \$2,847,666.00 | \$2,847,666.00 | \$1,338,403.02 | \$71,191.65 | \$242,051.61 | \$199,336.62 | \$996,683.10 |
| County Totals: | | | | | | | | | | | | | | \$996,683.10 |
| SWEET GRASS | STILLWATER MINING COMPANY | East Boulder | 12/31/2019 | varies | \$174,843,025.00 | \$165,060,681.00 | \$164,810,681.00 | \$2,640,252.00 | \$2,640,252.00 | \$1,240,918.44 | \$66,006.30 | \$224,421.42 | \$184,817.64 | \$924,088.20 |
| SWEET GRASS | STILLWATER MINING COMPANY | Stillwater (Sweetgrass) | 12/31/2019 | varies | \$122,765,325.00 | \$116,007,531.00 | \$115,757,531.00 | \$1,855,615.00 | \$1,855,615.00 | \$872,139.05 | \$46,390.38 | \$157,727.28 | \$129,893.05 | \$649,465.25 |
| County Totals: | | | | | | | | | | | | | | \$1,573,553.45 |
| Grand Totals: | | | | | \$637,648,644.00 | \$590,983,089.00 | \$588,233,089.00 | \$9,711,842.98 | \$9,711,842.98 | \$4,564,566.20 | \$242,796.07 | \$825,506.65 | \$679,829.01 | \$3,399,145.04 |