



LAND QUALITY ADVISORY BOARD MEETING
3rd Quarter Meeting Minutes



September 19, 2001
Quality 49'er Inn
Jackson, Wyoming

MEMBERS PRESENT: Marshall Gingery - Chairman
Chet Skilbred - Vice-Chairman
Rodney Proffitt
Jim Gampetro

STAFF PRESENT: Rick Chancellor Paige Smith
Roberta Hoy Sandra Garcia
Georgia Cash

PKG. 1P - RELEASE OF BONDS OR DEPOSITS FOR SURFACE COAL MINING OPERATIONS (continued from August 23, 2001 meeting)

PAIGE SMITH, LQD: I just want to explain why there were two handouts on the table when you came in and the board members will find a letter with an attachment.

The first large or thicker package is simply the changes that were approved at the last board meeting (8-23-01) for Section 1. The remainder of the package is the same as it was for the August 23rd meeting.

The second handout with a cover memo is addressed to the board members. I apologize that you really have not had a chance to read it. Let me paraphrase the cover memo. What we did when we got back and started working on Section 1, reviewing the comments that we received at the meeting on the 23rd, we got to thinking that maybe there's an alternate time line that might be a little bit more efficient and it would also address some of the concerns that the WMA and Scott Benson had brought up. That is what is in this thinner version with the cover memo to the board members. So, I thought the best thing to do would be maybe....let me go over Section 1 that shows the revisions that were approved at the board meeting so everyone could see them as they are projected. I'll stop there and maybe do a little comparison of the original time line that would've been proposed on August 23rd versus the one that we've got now so that people can see how we responded to comments and then, again, I understand that nobody has had a chance to look at it and we recognize that and we aren't expecting that everybody will be able to think on their feet automatically. We just wanted to propose this so that people would have an opportunity to take a look at it here. If the board is open to the idea of seeing it ad hoc and talking about it as we go through. What I'll do is show the differences between the one originally proposed and the latest version. Does that sound like an appropriate way to proceed?

BOARD MEMBER GINGERY: Anyone have any objections to that?

ROY LIEDTKE, JACOBS RANCH MINE: Is the thicker package the same as what was on the internet or website?

PAIGE SMITH, LQD: Yes, this is the one that's on the website. So, what I'm projecting right now is the same version that was on the web page. I thought it would be good to go over the changes that we made to this Section 1 in response to comments and approvals by the board last month.

We maintained the term application for the bond release application. We didn't make any changes until we came down to section (vi). In here, we changed it to *a summary description of the kind and appropriate date and complete history of reclamation work performed, including but not limited to* which was the original language. So this summary description has been added. Then we also added, *supported by appropriate attachments and/or references* at the end of that sentence. That has to do with the information submitted obviously needs to have either the attachments with it or references to those documents already in the LQD offices.

The second set of changes we made was the acknowledgment that it would be *a summary description of these results achieved including a clear summary presentation of all data collected* (section (vii)). Again, that was some language that was suggested at the meeting, I believe by Bob Green. We inserted that as approved. It also is supported by appropriate data attachments and/or references.

The last thing we did was make it clear who can sign the notarized statement (section viii). It's the applicant's authorized representative which the division has already acknowledged who the authorized representative is by who has signed all the forms etc. that are associated with the mine permit. This sort of follows the same logic. We changed the offensive word *requirements* to *activities*. Activities mimics the term in the federal rule. That is it for the changes we made to Section 1.

BOB GREEN, KENNECOTT ENERGY CO.: In the Statement of Reasons for these changes, there's a sentence that says, *to further ensure that the actual data collected and not simply the summary of data of data collected is included in an application where necessary, the phrase "supported by appropriated data attachments and/or references" has been included in this proposed rule.* That almost sounds like the expectation is still that we're going to be attaching all of the data to the application rather than referencing where it can be found.

PAIGE SMITH, LQD: I would say that part of that is, of course, I was writing it and my bias is for vegetation because there will be vegetation data that you'll have to submit with the application because we won't have it any where else necessarily. So, that's what I was thinking. You're probably thinking about hydrology?

BOB GREEN, KENNECOTT ENERGY CO.: No, I was just thinking that we might be referencing vegetation data that had been collected prior to that, an interim vegetation monitoring and submitted in annual reports. The point of the comments, back in August, was that we don't want to have to be attaching all that so that it's not phone book thick. So this phrase indicates you're just talking about any new data that has not yet been submitted?

PAIGE SMITH, LQD: That's what I had in mind after the discussions we had at the meeting. You know what might be helpful there is to say something to the effect of *data will be attached that has not been previously been submitted* or something like that.

BOB GREEN, KENNECOTT ENERGY CO.: That'd be great. In the final, if you wouldn't mind clarifying that so that ten years from now, we'll all remember.

PAIGE SMITH, LQD: Let me make that change.

BOARD MEMBER GINGERY: If they have submitted data but if there's some modification, that data would have to be resubmitted correct?

BOB GREEN, KENNECOTT ENERGY CO.: Yes, if we were modifying an analysis or something based on that data, we'd certainly submit that new analysis but if we're just referencing that we had indeed collected interim vegetation monitoring data which isn't going to change, I mean, if we're applying for a bond release in the year 2002 and we collected interim vegetation monitoring in 1998, the data set is still going to be the same. Our summary of it might be a bit different in that we might add that summarizing that data with some newer data and compile that and analyze that as a group, but the data set would still be the same.

PAIGE SMITH, LQD: What I'd like to suggest is right here where it says to *further insure that the actual data collected*....I was thinking I could put something after that to the effect of *not previously submitted* to make that clear.

BOB GREEN, KENNECOTT ENERGY CO.: That'd be great. That sure would help.

PAIGE SMITH, LQD: I've got that written here and I'll go ahead and do that. I think what I'll do is maybe put in parenthesis or something to make it stand out if I understand what your concern is. If that seems like a reasonable approach I'll just add that to the next iteration.

With that in mind, let me pull out the cover memo to this revised time line and just go through it quickly since I realize you haven't had time to read it. The synopsis is this revised approach is being presented in recognition of the comments made by Scott Benson and the Wyoming Mining Association regarding the original draft. First of all, the commenters asked that there not be a two-week completeness publication and therefore this revised time line has deleted that two-week completeness publication. This revised version does continue to include the requirement for the LQD to conduct a review to ensure technical adequacy of the application. However, I believe it was in probably both letters, the WMA and Scott Benson's letter. They were concerned that there wasn't any time frame associated with the reviews that might be necessary of this package that comes in. This revised time line places a 60 day turn around on the LQD for any revised information that should be submitted into our office based on LQD comments.

The other switch in this time line, and let me just flip over to the table that I attached to this. It's a little hard to see but it's the first page of the 5 page attachment. In the time line originally proposed in the August 23rd version, the applicant would not go to public notice until the application was deemed technically adequate and the field visit had been conducted. So, it could be a very extensive point at which a 4-week notice would have happened. This revised time line switches this in that the Administrator will, after the application is submitted, the Administrator will make a decision within 90-days of that date of submittal as to whether the application is technically adequate. Again, we have done away with 2-week completeness in this case. So, there will be no completeness declaration. We'll simply look at technical adequacy. Again, there'll be a 60 day turn around for any comment that should come in. As soon as the application is found to be technically adequate, the operator would then be ready for the 4 week notice. However, what we switched in this time line, is that the thing that is so important to bond release is that the bond

release inspection be done at the time of year when the object of the inspection is at its peak. Obviously, for area bond inspection, should that be necessary, that's not a big deal climate wise as long as there's not too much snow on the ground but when you're coming in for the vegetation inspection, we would like that vegetation to be at its peak. Consequently, what this time line proposes is that the public notice will be postponed until the time of year is appropriate for the inspection within 60 days from the first date of publication. Let's say probably the best thing to do is, in February, it's technically adequate but we don't want to send them to public notice in February because we can't get out in February or March to do the vegetation inspection. We would then hold off on public notice until let's say the beginning of April. Then, the Administrator would send a letter that would say, "Please initiate public notice within so many days." We are bound to go out and do that inspection within 60 days of the first date of publication. Then, after that has taken place, the operator will be notified within 30 days after the last date of public comment whether the application is approved or denied. It's almost time line, but I'm not so sure the words will help or not. Does that make sense? It will come up again when I talk about how the rules have been revised to accommodate this change.

The thing that was of so much importance to us was making sure that we didn't set ourselves up for failure by not allowing ourselves to go into the field at the proper time. The federal rules, what they do is, they dictate when the application can be submitted. They say it can only be submitted when it's an appropriate time to go in the field. We are saying the application can be submitted at any time but the public notice cannot occur until it's within 60 day reasonable time frame of getting out in the field to do the work. We're doing that primarily because we just don't think that with the number of applications that are conceivably going to start coming in, I don't think if we've set up a time that it could be submitted, I don't know that the staff could review them all. This way, we allow them to be submitted anytime. Granted, a lot of them will probably be submitted in the fall after the last sampling episode occurs in the summer but still it can occur later, it won't matter but then the public notice will have a regimen associated with it. I think that's the gist of it.

RICK CHANCELLOR, LQD: I think the federal rules also talk about the inspection occurring during the public notice period. That's why we changed our inspection time frame to more mimic the federal rules.

PAIGE SMITH, LQD: Right. The original proposal was rather protracted in terms of when we would get in the field and when the public notice would occur because we were allowing the opportunity for the public to see the notice and have the chance to comment before we even went into the field. Wait, I take that back, we did everything. We looked at the application so that it was technically adequate, went into the field and then went to public comment. In which case, the public would be able to see all of our records. Instead, we're doing with the federal rules do and they initiate public comment within 15 days of the application being submitted. So, they go out and do the inspection the same time the public is looking at the application. They do not have any lag time. We have adopted the same approach. While the public has an opportunity to view it and comment on it, we may have already done the inspection.

SCOTT BENSON, TRITON COAL CO.: I applaud the effort of setting a mandatory time like something gives us some certainty that it's going to finish. I like to try to follow the permit application process but I notice the permit application process calls for a 30 day technical review period, not a 60 day review period and I just wonder why LQD feels 60 days is necessary versus 30? From my experience of submitting whether the application is a bond release request is my personal opinion, it is going to take 60 days to review this. It's going to take about a week to review it and it's going to sit in somebody's in-box for five

weeks before they can look at it. If the problem is staffing....I mean....getting more time, that they don't need in my opinion, they don't need 60 days to review it. I personally feel that 2 weeks is adequate to review it. The rest of the time is for it to just sit in the in-box before they're forced to move it to the top to get it in during the 60 day review period. To me, 60 days is not necessary. They don't need 60 days to review it.

RICK CHANCELLOR, LQD: Mr. Chairman, in response to Scott's comment, he is correct that the actual review time to review the material is a week or a week and a half at the most is probably reasonable for actual reviewing the material. As alluded to, it's a staffing problem that we don't have the staff to take care of all paper work that comes in within that time frame. So yes, it sits in somebody's box for a month, 45 days, or whatever before they get their other stuff out of the box to get to that next item. The time line is based on what our experience is on processing revisions to permits. Again, the actual review time is very, very small. The time to get to that project is very, very large.

GUY PADGETT, OSM: There were two notifications, it looks to me, under the second scenario and one under the first scenario. Am I correct?

RICK CHANCELLOR, LQD: Reversed. Two on the first and one on the second.

ROY LIEDTKE, JACOBS RANCH MINE: Could DEQ give us a little bit better thought or opinion of what is a season conducive to allow the field inspection?

RICK CHANCELLOR, LQD: It will vary depending on the type of bond release you're doing. Our initial thought for vegetation, which is probably the most critical, is we're looking at late May or June until.....

PAIGE SMITH, LQD: Through July. It would kind of depend on the year.

RICK CHANCELLOR, LQD: Is it a wet year or a dry year? It depends on what the vegetation is doing at the time. If you have a real wet year, we can go later in the season so we don't want to put that in the rule because sometimes we may be able to go later because the moisture conditions. Otherwise, in the drought year, that window may actually get smaller because of the field conditions.

ROY LIEDTKE, JACOBS RANCH MINE: I guess my concern there is if you look....I mean, as far as vegetation, we have submitted two years of monitoring data that is required by the law to tell you what is out there for vegetation. In the field inspection, you shouldn't have to verify that two years of monitoring data. If you look at the state and federal regulations, it says *the purpose of the inspection is to determine the degree of difficulty to complete any remaining reclamation or the pollution of surface and subsurface waters as occurring, the probability of future occurrences such as pollution, the estimated costs of evading such pollution.....*that's the purpose of the inspection.

And on a dry year, we've grazed everything off anyway. You can look at it in November if there's no snow on the ground and this year it'll look exactly the same in November if there's no snow on the ground as it did at the end of June. It's going to be grazed off. There's nothing there. We don't need to look at vegetation in detail for bond release if you have data.

RICK CHANCELLOR, LQD: The inspection is there for a purpose and completion of reclamation of, I think the data can show a representative what's out there but because of random sampling you may miss ten acres of cheat grass that we may find that that area there is not suitable for bond release that your data may not have picked up. That's part of the inspection....to make sure that there's no big misses like that.

ROY LIEDTKE, JACOBS RANCH MINE: I guess my concern is that we've all of a sudden taken on a dry year which is quite typical in this country. We're down to like a two month window where we can do inspections for bond release which really limits us. That's not good.

RICK CHANCELLOR, LQD: The idea of having a window for inspections is in the federal rule. They had some concept that there are times of the year where you could not do an inspection because of whatever. If you have ten feet of snow on the ground you can't do an AOC inspection. I believe the concept is in the federal rule that certain types of bond releases can only be done at certain times of the year.

ROY LIEDTKE, JACOBS RANCH MINE: Again, the federal rule says upon receipt of the bond release application, the regulatory authority shall within 30 days or as soon or after weather conditions permit, conduct an inspection.

RICK CHANCELLOR, LQD: The federal rule also says that we can restrict when you actually submit the information. As Paige explained, in their process, they restrict up front when you can submit so it falls into that category, that window, of opportunity for inspection. So if you look at the whole federal program, they say, "You can't submit it in December" because it may not fit the time for inspection. We're saying that you can submit it at any time but we'll restrict when you go to that final public notice for the inspection. The federal program does have restrictions on when you do an inspection.

ROY LIEDTKE, JACOBS RANCH MINE: I guess to summarize my concern Mr. Chairman, I agree when there's a lot of snow on the ground, you can't do an inspection but I'm concerned about limiting it at the times when the vegetation is supposedly green and robust and growing because that can be a very.....this year, it was probably about a one month period.

BOARD MEMBER GINGERY: Let's see where Bob's issue is and then maybe we can discuss this, if you're is somewhat different.

BOB GREEN, KENNECOTT ENERGY CO.: Actually, it's not. My issue is very similar to Roy's and that is that I felt the same way and that is that I understand maybe the early cut off point of perhaps May or ground snow conditions. I agree with Roy, you ought to be able to do a reasonable stability and vegetation cover inspection all the way through November if you don't have the snow cover out there. Rick, I understand your concern about cheat grass but you're going to see cheat grass in November just like you would have in May and June because they're not taking it. As a matter of fact, you'd also see weeds better such as thistles later in the year such as August, September, and October standing there versus May. My point is the same as Roy's and that is, I understand the early cut-off point but I think that that back end should definitely be pushed back.

PAIGE SMITH, LQD: Can I speak from a vegetation perspective? And this was you know after talking to vegetation folks in house but a lot of what they'd like to see is to try to get the best view of the species

composition. They want to be able to identify the majority of the species that are out there and to see some of the minor species as well simply because from a diversity standpoint, that's probably one of the most important parts of the bond release inspection is ensuring the diversity is there as shown in the cover data but we all know that the cover, really, picks up a small part of what is actually out there. A walk through and proper identification of the species has helped to be very important. So that is why we don't want to go out there later when everything is "senest?". It can be very difficult to tell one species from another. Especially, I would hope they wouldn't graze it prior to that inspection.

BOB GREEN, KENNECOTT ENERGY CO.: Normally, I wouldn't be concerned about that but my concern is that staffing levels simply are not adequate enough to address a very narrow window with a great number of applications that might be received.

RICK CHANCELLOR, LQD: I don't think the staffing problem should be an excuse to take that away. That is not the solution to the staffing problem and say, "Well, let's open the window to an unacceptable time because their staffing can't handle it."

BOB GREEN, KENNECOTT ENERGY CO.: I guess I would take exception with the use of the word "unacceptable" because again, you'll have the vegetation data to indicate what that species diversity is as well as presents absence that many contractors do for us....string that interim veg. monitoring that is in essence a walk through to determine vegetation.

RICK CHANCELLOR, LQD: But if you look at all the stuff that's mentioned in the federal rule that talks about stability and all that stuff, you provide data on that stuff too. So, what you're saying is just rely on the data and that we don't need to go out into the field but we go out in the field even on sedimentation release even though you provide all the data to show it's okay, we still go out in the field to verify what you presented indicative of the area. We can't say, "The data shows this, therefore you don't need to be concerned with it" because that's not how the program has been set up.

BOB GREEN, KENNECOTT ENERGY CO.: I'm not saying that though Rick. What I'm saying is that, yes, you're going to want to have an inspector out there to take a look at the site but it does not necessarily have to be the peak vegetation production time for that inspection to be adequate.

RICK CHANCELLOR, LQD: Yeah, it doesn't have to be peak production time but I think it does have to be an identifiable species.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: I've been going through Section 519 of P.L. 9587, and I can't find where the federal rule says that they restrict the time frame. I understand that you can submit it on a federal level at any time and you still have that 60 day time period to where the whole package must be approved or denied.

GUY PADGETT, OSM: I think I can address that. It's 800.40(a).

LARRY KLEINMAN, BLACK BUTTE COAL CO.: Where it does give a time frame?

GUY PADGETT, OSM: If you wish, I could read it.

BOARD MEMBER GINGERY: I think Paige is pulling it up on the overhead.

PAIGE SMITH, LQD: Section 519 of SMCRA does not have that. It's coming out of the federal rule, 800.40(a) which says, *The permittee may file an application with the regulatory authority for the release of all or part of a performance bond. Applications may be filed only at times or during seasons authorized by the regulatory authority.*

LARRY KLEINMAN, BLACK BUTTE COAL CO.: Okay. The other question I have is that we have a 90 day period for review and then we've got the 60 day period. Am I correct then in assuming that if everything went just exactly right and there are no secondary comment periods that approval or denial could be made within 150 days?

RICK CHANCELLOR, LQD: The final approval and denial?

LARRY KLEINMAN, BLACK BUTTE COAL CO.: Yes.

RICK CHANCELLOR, LQD: So if you have 90 days plus another 60 for the public notice then we have 30 days after that to make a decision to publish our decision back to you. If the person reviewing said it's perfect, start public notice, that'd be 90 and 60 = 150. So.....

LARRY KLEINMAN, BLACK BUTTE COAL CO.: So it's assuming then that somewhere in that 150 day period or actually within that 60 day period that the timing is appropriate for an inspection, is that correct?

RICK CHANCELLOR, LQD: Yes. We're assuming that the time frame for the last 60 days, the 30 day public notice and 30 day public comment period is that time period in there is conducive to do the inspection.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: In other words if we go to....like you mentioned before....that we turn in an application in February and we go through several comment periods, we're probably looking at next year for the inspection.

RICK CHANCELLOR, LQD: I suppose if there's a lot of comments, it could drag out that long because you may not get all the comments satisfied until September. If it's a dry year you could be out of luck for doing an inspection at that time frame. So, yes, it could be possibly be extended that long.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: And then the last part....the only real time line that DEQ has for making a decision is only on the technical advocacy of the application. Otherwise it may be a year or whatever down the road.

RICK CHANCELLOR, LQD: Yeah, because once we do our reviews, 60 days after you resubmit, once that process is done, then it depends on when that ends up, that dictates the final step of how long that takes.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: I would rather follow the federal rule where there is a definite time frame where that decision is made to accept or reject the application. If it's rejected then we're notified as to what needs to happen to make it an acceptable application.

RICK CHANCELLOR, LQD: But the federal system really doesn't have built in to it the ability to respond to any concerns we have. If you follow the federal system, we say, "Okay, enter that time period." It's either good or not good. If you have not satisfied our thoughts on comments then it's rejected. Then you have to come back through and maybe do another year of vegetation study and resubmit it later, again.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: Another year of vegetation study?

RICK CHANCELLOR, LQD: If it's rejected for that reason. We didn't see in the federal program any way to clear up any discrepancies or clarifications we may have questions on. We go through that review and in that very short time period, we just say, "Here's your bond back or no." There's no telling you to fix part of it so we understand it or clarify your data or explain how you did things. There doesn't appear to be much of thatmuch time frame.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: This is leaving it open like you and I talked about before about having it being technically adequate and still not having an inspection yet.

RICK CHANCELLOR, LQD: If the time frame was such that you could not get out in the field, then it would be delayed until the next season that we could get out in the field.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: But the application would be deemed adequate as far as.....or could be deemed adequate technically because there is a time limit on that.

RICK CHANCELLOR, LQD: We would probably tell you that you would satisfy our review of the application, we would withhold telling you to go to public notice for technical adequacy until the proper season. So, we'll inform you that you have satisfied all of our questions within that 60 day time period but we won't tell you to go to public notice until later on when the season is right.

BOARD MEMBER GINGERY: We have a couple more questions. I think Scott is next.

SCOTT BENSON, TRITON COAL CO.: Mr. Gingery appropriately abolished me last time for reading the rules and regulations, instead of applying common sense which was appropriate. Given that, I'd like to try to apply some common sense to bond release and in particular the whole inspection process.

Land Quality has come out once a month for at least ten years and has seen the site, has driven through the reclamation and that's what they do. I think common sense tells us, the purpose of the bond release is for the public to be afforded that opportunity. For the landowners to be afforded that opportunity that haven't come out and looked at it. In some cases, this is private land that they own and this is their opportunity to come out and look at the reclamation and see if it needs their requirements for bond release, for managing the uses of the land and the bond is then given back. That's the whole purpose of bond release, again, is post mine land uses. The post mine land uses that we have in the Powder River Basin, the wildlife habitat and grazing land, I personally feel that most ranchers and the public....LQD would have you believe the purpose is to review a detailed statistically adequate, vegetation report. I mean, we're already certifying what we're submitting is true. We've got to certify that this is true information. This is real information. They can review that at their desk. They don't need to come out and look in the field and they aren't going to. When we run these ?transects? and production data, Stacy is a wonderful biologist but she couldn't come out in the field and say, "You said 2%, I think it's really 3.2." She's not going to do that. This is just

a general overview inspection. They're going to have to accept our data. It was real data that was collected and they could review that at their desk. When are we going to evaluate wildlife habitat? Most of our critical wildlife habitat that needs evaluated, should be looked at in the winter when there's snow cover. If you're going to look at grazing land, does it make any difference if you're looking at it when it's growing or not growing? It seems to me that there should be cows out there so people could see what they are using. I would suggest to do bond release inspections, the better time period, would be in the fall, early winter so again the rancher and the public can look to see if the cows have been really eating this stuff. Do they eat it or do they avoid some of it? This isn't about vegetation data. This is about post mine land uses. Wildlife habitat...is it there? Is wildlife using it? Most biologists think the winters are a more critical time to probably look and evaluate that and likewise with grazing it seems from a common sense perspective a better time to look at it is after the cows have grazed it, are still there or recently come off.

BOARD MEMBER GINGERY: Let me ask industry, in the past when you got these bond releases which haven't been too frequent have they? We're really moving into a.....

BOB GREEN, KENNECOTT ENERGY CO.: For final bond release?

BOARD MEMBER GINGERY: Yes.

SCOTT BENSON, TRITON COAL CO.: Larry is the only one that's gone through it.

BOARD MEMBER GINGERY: Larry, how did it go for you?

LARRY KLEINMAN, BLACK BUTTE COAL CO.: We were and still are in a real learning position, both DEQ and industry as to what should be there and what shouldn't. Scott is probably correct that the final inspection does not necessarily have to be made in July because that's not the important thing you're looking. The time frames are difficult to meet where you have 15 days to be deemed complete. In other words, as the first part of Chapter 15 and then you have another 60 days to approve or deny the whole application. That's difficult to meet. The completeness part isn't but the rest of it is because of the technical information that they have to review. That was a worry for both sides. The very first package of SMCRA release, we did meet that time frame.

BOARD MEMBER GINGERY: I want to go back to Paige here but do any board members have any comments? Yes, Jim?

BOARD MEMBER GAMPETRO: Although I'm not a rancher, I've spent an awful lot of time with personal friends of ours that are ranchers and I could see your comment on my one friends ranch. They don't over graze it. Their neighboring ranch, forget it. There's nothing there but dirt there right now. You wouldn't even be able to tell if there was anything there let alone how much of it or any statistical analysis. That's the problem that I see that if you have a situation where you have the rancher is not over grazing, I think what you're saying would work perfect. If you have a situation where they are over grazing which there's a lot of over grazing this year because there's no grass, I don't even know how you could determine if you guys had done what you were supposed to do. Some of this stuff looks like Saudi Arabia out there. That's the dilemma that I have. I think you have a very good point but it only applies to those situations where there is not over grazing. In a dry year, we all know what happens. There's a lot of over grazing both on public land and on private land.

BOARD MEMBER SKILBRED: Paige, I have a question. Do you envision, on the inspector that comes out, would be our normal inspector?

PAIGE SMITH, LQD: No, unless that inspector happens to be a vegetation person.

BOARD MEMBER SKILBRED: So, who would it be?

PAIGE SMITH, LQD: Well.....

RICK CHANCELLOR, LQD: Right now, what we try to do to develop consistency since this is a new area we're going into, we try to get some veg. people from all three districts to go out there as a team. That way, they all understand what everybody is doing so they can apply what they've learned in this process with Rosebud that they can use if in Big Horn in Sheridan, a different district. We use a team approach to do that just to get everybody on the same board across the state.

BOARD MEMBER SKILBRED: So, the people are primarily going to be a veg. person that looks at the vegetation? Is that all this inspection is about then?

RICK CHANCELLOR, LQD: We're probably most likely have a surface water hydrologists come out and look at land stability if that's an issue or whatever. Often times the permit coordinator for that permit will be out there just because they know the permit and can offer advise for the team.

BOARD MEMBER SKILBRED: And then, they're basically, obviously, you've already got all the quantitative data and the analysis has been done for years but for the last two years it's pretty extensive but they're really just going to view this area to see if there's any anomalies out there that were missed because of sampling. Is that what I understood? Or are they just out to walk around for a while?

RICK CHANCELLOR, LQD: Maybe all of that. In reality, they do a lot of walking around but they also look at what pieces do they see? We have not touched on diversity. Cover production that these rules....all the data provided right now had been uncovered in production of vegetation. In most cases of the state, especially in the Powder River Basin, that's not an issue. The issue is going to be diversity which we haven't really nailed down yet how that's going to be evaluated. So, for you to provide all the information on this much cover, this much production's out there is all fine and good but the real issue I think of reclamation anymore is going to be diversity. There you have to walk through and see what's out there.

BOARD MEMBER SKILBRED: I know from collecting vegetation data off coal mines for decades that diversity.....the point in time that you come out and you get a very narrow picture of what diversity is on that piece of ground.

RICK CHANCELLOR, LQD: Yeah and it can change over time too.

BOARD MEMBER SKILBRED: It changes continuously. I continuously walk reclamation from April through August and come across species all the time out there but from a diversity point of view if we're looking for what's supporting our post mining land use, you can probably walk out there as these guys have said, almost anytime and see those important species out there. Those species that are supporting what your post mining land use is going to be. I can calmly say I can go down the road at 45-miles an hour and

tell you what the most important species are out there without ever walking on that piece of ground because you can see them out there. I think these folks have a valid point. I think to narrow it to a pretty small range, you're going to limit.....I mean, you're going to see the most important species out there when you walk out there whether you walk out in July or August. The remnants of those species are going to be there. The ones you're not going to see are those really minor ones that come in out of that community based on whether....I mean, you can go out there in March and find some species that are out there that you won't find in May. They're very small and they contribute very little.....they contribute to the diversity but they don't really contribute a lot to the usage....the utility of that piece of ground. I would caution against limiting it too much.

RICK CHANCELLOR, LQD: One thing to keep in mind too is these rules do not spell out what those limitations are. The rules just recognize that there are times when limitations should be applied. So maybe we're putting the cart before the horse. The federal rule has that provision in it so we have it in our rule of what we're talking about here is what are we going to do about that limitation? Maybe this isn't a good forum for discussion. We maybe need to a whole other discussion on the time frames but the rule itself says that it will be limited. It doesn't spell out May 1st to August 1st or whatever.

GUY PADGETT, OSM: I hesitate to speak but I can't stand it. The whole concept of bond release on the federal side is that it's administrative and not technical and that is why there is no follow up. Secondly, the timing issue is tied more to the public's opportunity to inspect and view than it is for any further inspection or review by the regulatory authority when the regulatory authority is the Office of Surface Mining. As such, you'll find in the federal regulations, references to holding public hearings in the vicinity of the mine of allow the public the opportunity if they so wish to visit, arranging for the collection of data by the public and others on the mine. So the timing of that is tied to allow the public to see things. I think someone mentioned earlier that the inspector's been out there a lot but why does he need to go out any more and the answer is from the federal perspective and it's scheme, they don't. What has happened unfortunately, is that's it's been a melding of this administrative action of release with the technical part. In other words, the operator comes in for bond release with a bunch of technical information. That's not how it was envisioned to be. All these things you're talking about, all of these evaluations that Chet talks about, should've taken place long ago. It should've been documented long ago so that the bond release activity now simply is an administrative action. That's why there's 30 days. That's why there's no follow-up. That's why we say yea or nay and that's why it's set up at a period of time where the public or interested municipality can file whatever they need file and adjudicate it appropriately. What has happened, and this has happened everywhere, is the company comes in and says they want bond release and hands over a bunch of data. So we mix these things up and now we get into how are we going to handle this business is what we're talking about here when in fact if we did it the way the original model was envisioned, it wouldn't be an issue. We would've talked, Chet would've come in and said here's all my vegetation, here's all my stuff....he hasn't filed a bond release. The way we handle it at the Absaloka Mine is when the operator gets done with his grading, we say we're going to do a grading inspection. We're going to do an AOC inspection. We go out there together and we write up in our inspection report that is fine. We do this and build this record so that at the end of the hunt, it's all done. Then it's just an administrative function. I do hesitate to this because the state can adopt a different system. There really isn't anything that says they can't and there's nothing that I heard today which we would find particularly objectionable but the scheme as far as the federal is concerned was that the bond release would be more administrative than anything else.

BOARD MEMBER GAMPETRO: When you say the public, if it's a private land situation, the public is the ranch family that owns the land or whoever and if it's BLM then it's truly a public, public. Is that what we're talking about here?

GUY PADGETT, OSM: I'd have to go back and read it again but to my understanding, anyone that has an active interest in that land, it could be a landowner, it could be lessee, it could be an adjacent landowner, it could be the BLM.....

BOARD MEMBER GAMPETRO: But you're not going to get a whole bunch of people that have no interest in this land, no ownership, no leasing rights.

GUY PADGETT, OSM: No. Generally you don't. And there is also an obligation on the part of the company to notify I think municipalities....government agencies....or government entities but it generally is the interested public. It's only those that are interested in that parcel.

BOARD MEMBER GAMPETRO: I would think that there's two different situations here then. If it's a ranch situation, then what Scott was saying is probably true. The rancher is going to go out, he's going to look at it, he's gonna know what was there before, what was there in the spring, what was there in the summer. He's the public that's involved here. He's the guy grazing cattle on it. If it's a BLM situation, now you've got the public that maybe has the right to see this and what they think of it. All I'm saying here is if it's a dry year, the ranchers are going to know one way or the other whether the right stuff is there irrespective of what time of the year it is. Where as everybody else on that public land isn't. If they see it all grazed off it could go against you is all I'm saying. If you actually had people from the public going out there and seeing baron land and it's not your fault because it all got grazed off between June 1st and August whenever you have this inspection.

GUY PADGETT, OSM: But the regulatory authority at that juncture should have said that diversity was there, the productivity was there, here are the numbers, and that it was a dry year.

BOARD MEMBER GAMPETRO: Let it go.

GUY PADGETT, OSM: But that doesn't relieve the regulatory authority from the obligation of allowing the public the opportunity to file an objection to the bond release of asking for a hearing in the general vicinity of the area, of being allowed to go out and view it. You're not going to do that in January. I find that just extremely disingenuous. The idea behind the reason that we in the Office of Surface Mining want to control the timing in theory at least, was to say, "Okay, we'll do it in the spring, we'll do it in the fall." It wasn't so much to evaluate the technical issues out there but it was for a realistic, reasonable, hearing if one was expected or realistic, reasonable field visit by interested parties if one was asked for. The whole key here Mr. Chairman, I think, is that the technical decision should've already been made but what has happened unfortunately as we stumble our way to this process is we're kind of blending these together and it makes for this....you know, the state wants to have extra time and I agree if I was in the state's shoes, you could send me all this data now along with your bond release....I gotta have the time. Let's be serious but if you're going to send me the data before you come forward with the bond release, not a problem. I'll work it through. I'll examine it. I'll make the record. It's there. I think that's where this difficulty has come about.

BOARD MEMBER GINGERY: Thank you. Bob?

BOB GREEN, KENNECOTT ENERGY CO.: Just a point of clarification. There's been a fair amount of discussion about how a reclaimed area might be grazed into the ground and look like the desert. In 90-95% of the cases, we own that land. So, we're going to be the ones controlling it very carefully. Believe me, in a dry year, we're going to be very careful about not over utilizing it.

BOARD MEMBER GAMPETRO: When you say you own that land, are you speaking for everyone?

BOB GREEN, KENNECOTT ENERGY CO.: No, I'm saying for the industry. For the Powder River Basin, I'd say 90-95% of the land is owned by the mine that's mining there. That reclamation is going to be treated very carefully.

RICK CHANCELLOR, LQD: I think there's a difference between the Powder River Basin where most of the land is owned by companies to the other parts of the state in the Hanna Basin in the southwest where often times it's not owned by the company itself. So there's a little difference there.

BOB GREEN, KENNECOTT ENERGY CO.: And the reason I was bringing that clarification up is that would allow a later review without it being grazed down to the nubbin?.

BOARD MEMBER GINGERY: This really doesn't have anything to do with where we are here but by the companies owning the majority of that land or at least 95%, has there been instances where the companies have come back and then sold that land to individuals?

BOB GREEN, KENNECOTT ENERGY CO.: Oh, sure. I'm just speaking in generalities, in the end it's likely that the companies are going to sell that land back to the landowners in the region for equalization for grazing.....

BOARD MEMBER GINGERY: It doesn't have anything to do with what we were talking about. I was just curious. Roy, you had a question.

ROY LIEDTKE, JACOBS RANCH MINE: When I look at the regulations and it talks about inspection of the permit area for bond release, it doesn't even mention vegetation. It talks about these other things of what I just discussed pollution and that type of thing and the evaluation shall consider whether the operator has complied with his approved mining and reclamation plan. Again, this is stuff that all should happen over the course of time. Rick mentioned the concern about species diversity. The cover and production is pretty easy but species diversity is not. Cover and production are things that we have to specifically meet premining but diversity, the regulation never mentions diversity or anything about premining. It mentions that diversity must meet the postmining land use. That would go back to what Scott was saying so we need to be out there looking at post mining land use not at the individual plants.

MARION LOOMIS, WMA: I would assume that one of the primary concerns of the industry is that they would not be forced into a whole 'nother year of sitting on that land that we would submit an application in the fall of 2001 and because the inspectors weren't available in April or May to get out there and look, all of a sudden they can't get out there in 2002 so then they're looking at 2003. You're almost at 2 years

after you've submitted the bond release application so we need somehow in your regulation to make sure that that does not take place. I'm sure Rick is not gonna go along with if you don't get out there in April or May, you deem it all approved. You need to have some language in there I would think that would keep the administration and the agencies feet to the fire that they must complete it if it's been deemed complete, they've got to get out there in that year. Just because they couldn't get there that is should be postponed for another whole year.

BOARD MEMBER GINGERY: I think if I was listening close to Rick and Paige that they felt they had that 60 day window, they would have a team out there or maybe it was a 30 day window. I think Scott was next. We'll take a few more questions and then I'll bring it back to Paige and Rick to summarize where we are and see where the board wants to go. Scott?

SCOTT BENSON, TRITON COAL CO.: I really appreciate Mr. Padgett's help in interpreting the federal guidelines because that's been a concern of mine all along. The State of Wyoming are the ones going down this path that bond release is a technical review. OSM just sponsored a symposium in Gillette about three weeks ago about bond release and wildlife habitat. Unfortunately, none of the Land Quality folks in this room were at that meeting to hear what went on and at the end of that session, there was a round table discussion where the regulators from South Dakota, Montana, Wyoming, Colorado, and New Mexico, sat around the table and the title of the discussion was how to handle bond release in each state. Bob Giurgevich from Land Quality, who to my understanding, is now going to be doing bond release requests, went first and said it just like we have it here. Land Quality Department does not look at any wildlife habitat reconstruction or bond release details at all until the final bond release application is submitted. That's when we start our review. Every state after, went through and said the exact opposite. Every single one of them said they are looking at wildlife habitat, bond release issues throughout the ten year period and when they get a request that's just the last piece of information to release the bond but that's not when they start their review. They said that's when their review ends. That was across the board for every single state and then I met with several regulators afterwards and they were all very amazed and astonished at how Wyoming is approaching bond release.

BOARD MEMBER GINGERY: Okay. Thank you. Larry?

LARRY KLEINMAN, BLACK BUTTE COAL CO.: I want to go back to the time line portion Paige because I'm a little bit confused in Section 2(b) on page 5. It says *within 60 days of receipt of the request for receipt of the application, the Administrator shall determine if the application is complete and technically adequate* but then the last sentence says *the application will not be deemed complete and technically adequate until the times or seasons are appropriate for the inspection*. Okay, so we've got 60 days except where it doesn't fit with the inspection. Then on your little table with the time line there, right in the center where it says *decision on technical adequacy made within 90 days of application submittal*, where'd we get the other 30 days at?

PAIGE SMITH, LQD: I'm not sure I'm following your train of thought.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: Okay, Section 2(b) says 60 days to have a decision for.....

RICK CHANCELLOR, LQD: Paige, could it be that the proposed changes have not been incorporated yet.

PAIGE SMITH, LQD: Okay. You're looking at this version and let's switch over to the one with the cover memo to the board members. This version reflects this changing in time lines. My apologies for that confusion. This attachment after this little time line table, starts at Section 2. We weren't going to proposed any changes Section 1.

One thing I was going to interject about bond release which I think has caused a lot of this confusion for right or for wrong, is that the rules say that they can get their bond back in ten years and that they shall collect vegetation data the last two years of that bond release period. That would make it year 9 and 10. It's sort of been an assumption that when those two years are done then the application is submitted so that all that data.....the first years data may have been reviewed but I think there's been the impression that that second years data which has to be reviewed as well, is submitted with the application. As Guy has said, we have made our application process very technical just through the rules are worded and perhaps, I think Guy made a really good point, that if there's some way that the data submitted is not the application per say until it's been approved, then it becomes the application. Then again, the technical difficulties that might be associated with sampling methodologies, statistics, etc., would be taken care of but these rules do not.....you know...our rules would really have to be looked at how things are worded in Chapter 4. See, the federal rules say the same thing.

GUY PADGETT, OSM: But we can control. If somebody came forward in the federal program with a bunch of two year data and a bond release application under 800.40, we can file only at times or during periods authorized by the regulatory authority. So we can say this is not the right time. Give me your data, let me evaluate it and then submit. So we can control but I don't know whether the state can or not.

PAIGE SMITH, LQD: So, you're saying you would not call it the application?

GUY PADGETT, OSM: We'd tell them no. You can't submit it yet. You can give me the data and I'll evaluate it and then I'll let you submit it. I can control it. If Scott comes to me with an application for a final bond release with a whole bunch of data in it, I could say, "Sorry partner, I can't do this within the time frame I am not going to accept your application. Let me look at the data, I'm gonna review your data and when we sign off on that then give me your application for bond release."

PAIGE SMITH, LQD: I see. Does the Office of Surface Mining staff have a turn around time that they're.....

GUY PADGETT, OSM: Yes they do but you know, we're still struggling with final bond release. We've got this interim stuff down but we're still struggling.

RICK CHANCELLOR, LQD: Don't let Guy mislead you that they are perfect on that because they're in the same boat as we are almost.

GUY PADGETT, OSM: Yeah, we are.

RICK CHANCELLOR, LQD: Mr. Chairman? Maybe the question that needs to be discussed here is the concept that Guy put forth, what he feels the intention of the regulations were initially, is that all the technical stuff for bond release are done through the ten year period including the two year vegetation stuff, is done even before you come in for a bond release request. In reality, that means that you can't come in

for a bond release request until probably year 11 at the earliest because if you collect the two years of data the last two years, we review it that 10th year, we may not approve that until the 11th year, then after that you come in for final bond release. What I see happening in that is the working group and to my understanding the document is all done that spells out all the stuff that goes on through bond release. Call it the performance standards or whatever you want to call it. Basically we'd have a check list or a GIS system where we go through those major elements that you and are staff worked on and say, "Okay, have you done this part?" So then we'd check it off. Unless everything is checked off that list and you come in for a bond release and we say, "No" because you haven't satisfied these things yet. It's a radical shift of how we've been viewing bond release. So the question to the board and industry is do you think that concept would work? Or would it be a better concept than what we're talking about now?

SCOTT BENSON, TRITON COAL CO.: I do.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: I'd have to agree. It puts a little bit of a burden on all of us to keep better records to make sure that these things take place and that the approval letters come back and so forth and so on. So over time you have better record keeping but in the end, I think it's going to give everybody the time they need to review whatever piece of data it might be whether it's the groundwater hydrology or the vegetation or whatever and then the bond release application itself is just an administrative.....did you notify everybody? Has there been a public notice? All the items need to be checked off the list.

PAIGE SMITH, LQD: In agreement to that, one of the main reasons that we've come forward with this and trying to make sure that the application is technically adequate before it goes to publication, is we were trying to avoid having a less than adequate application go to public notice and waste the public's time, our time, and the industry's time. Whereas, if we were to reverse rolls here, if we change things and the application is somewhat pre approved before it's considered an application, so you ensure that the public is reviewing something that's worth reviewing. I think then, we would have to ensure that we have made a clear agreement what that application should have in it and what should go into the county court house and be on our shelf as the application because they'll be a lot of cross referencing so you want to make sure that we would approve that those cross-referenced things are okay. They do indeed buttress the whole point of bond release. Then, under the scenario under that is in the federal rule, it's strictly administrative and I don't even know what would constitute...why you would say no unless somebody didn't follow this procedure. I don't know when OSM would say no if all the kinks have been worked out, then it becomes the application. There's some beauty in changing the way on how we view the bond release application.

ROBERTA HOY, LQD: Is the data package submitted going to be treated as a revision or what?

RICK CHANCELLOR, LQD: I don't know. We already have what we call a bond release volume on the shelf that we're trying to put all the components of bond release into. We approve re- graded spoils. We approve AOC. We approve the release of sedimentation control. We're trying to put all that stuff into reclaimed volumes for that permit. Maybe we can call it the completion of or satisfaction of performance standards or something like that. We need to give it a name and track it somehow.

SCOTT BENSON, TRITON COAL CO.: I feel the rules and regulations specify that all monitoring data has to go into the annual reports. I don't think companies are restricted to submitting it beforehand. If they don't want to wait until the annual report, they could say, "Here's my last two years of data", I personally

think it needs to go into the annual report to close that chapter because a lot of times that data is going to extend beyond just what you're submitting the bond release in.

BOARD MEMBER GINGERY: Roberta, did you want to follow-up with your question?

ROBERTA HOY, LQD: I'm just trying to think through whether it would be workable and put it as part of the annual report because again, you're getting away from some of the tracking and time frame mechanisms that are in place. In other words, I'm just trying to see where we would put it in terms of the types of the documents that we have that would be the most workable for us and for industry.

BOARD MEMBER GINGERY: Before I move back to industry, do any board members have any comment or questions at this time?

BOARD MEMBER GAMPETRO: I wanted to ask Paige, do you need to take a look at your last two years being your time frame of collection, could you start that earlier?

PAIGE SMITH, LQD: Well, it's supposed to be the last two years of the bond release.

RICK CHANCELLOR, LQD: That's in the federal rules isn't it?

PAIGE SMITH, LQD: Right. To me we're in a corner here. We're backed against the wall. It's supposed to be the last two years and we're only supposed to hold it ten years. So that means that years 9 and 10, they're doing the data collection and then suddenly it's supposed to become administrative and to be able to do it in 60 days. There's certainly something odd there that we've been trying to make work but I'm not sure it's necessarily workable. I was going to ask Guy, what vehicle do deal with the paperwork associated with bond release monitoring?

GUY PADGETT, OSM: Again, where I'm responsible as a regulatory authority, we have 12 inspections a year or more and they're out there in the course of 10 years, 120 times or more with paperwork up to my knees and I'll just leave it with a rhetorical question. If we've been out there monitoring, doing our job, doing what we had to do for the last ten years, and now at the 10th year we say, "Oh, we don't like this, oh, we don't like that," it doesn't work. So, the answer is we do it through our inspections, and our inspection reports and we hold the inspectors responsible for getting whatever additional support they need but they're expected to make documentation and statements to the effect that it complies with the approved permit and if they need any technical support toward the end of the hunt on some issue, to get that done.

PAIGE SMITH, LQD: Where would you temporarily house the 1-years worth of vegetation data that comes in?

GUY PADGETT, OSM: Well, I don't know.

PAIGE SMITH, LQD: Okay because that was Robbie's point. What vehicle would you review it under? It's not really a revision to the permit. It puts us in a little bit of a limbo of where we review this and where do our review time frames come in.

RICK CHANCELLOR, LQD: I think it'd go into a separate document that follows with the permit showing satisfaction of the different performance standards in the regulations be it sedimentation control, top soil replacement depths, that's housed in a central volume so it's there consolidated. They can submit it any time. They can submit it in the annual report. If they submit it in the annual report, we need to pull out that information and put it in that volume somehow.

PAIGE SMITH, LQD: Would you then impose a 30 day turn around on your staff for reviewing the submittal and then sending comments?

RICK CHANCELLOR, LQD: I don't know if it'd be 30 days because if we get a revision to the permit, it's probably not going to be reviewed in 30 days. Sometimes it may be, sometimes not. So we follow a normal review process that we would for revisions as far as when we set our goal for getting it done.

BOARD MEMBER PROFFITT: I worked on this for about four hours, coming up with questions and so forth, and then the change of everything has really thrown me for a loop! I prepared for the wrong meeting! Maybe I ought to move to the room next door! I'm kind of at a loose. I'm still trying to grasp what's going on here but it seems now, given Guys comments earlier that we may be barking up the wrong tree with everything that we're trying to do here. We're putting a square peg in a round hole kind of thing. Maybe we ought to go back to the, I hate to say it Paige, but maybe we ought to go back to the drawing board here, and look at another approach to this thing. I like the administrative approach and I like the comments that have been made here today but as I said, my mind was still focused on what I had read, not what I'm hearing.

BOARD MEMBER GINGERY: I'm glad you said it because I had the same feeling.

GEORGIA CASH, LQD: I was still trying to figure out how.....having done one of these packages....I lead one of these packages so I've experienced it first hand. To make this workable, trackable, from a records stand point to fit into the whole system like the package we worked on, the public was interested in reviewing it so you had to insure that it was a document the public could track. The references were specific enough that our records person could assist that person reviewing the document in getting to that document. Okay, if you're referencing x number of year annual report or you're referencing Volume 47, page xyz, and if we take this shift which has pros and cons to either way you do it, you almost would have to acknowledge that if you go the administrative route for bond release that this last step required by the rules, you would have to process that as a revision on some form in order to fit it into the system.

RICK CHANCELLOR, LQD: Well, I would say no, if they submit the....you're talking about the vegetation data...the last two years?

GEORGIA CASH, LQD: Well, there's more to it than that.

RICK CHANCELLOR, LQD: I think all those things can be submitted at any time, we can review them and send back a letter saying it was reviewed, it's been inspected, and say it's okay, then they've satisfied this component of the regulations or if there's standards in the permit. That would then be documented in our bond release volume that sits on the shelf and we would check that off that that item has been reviewed and approved and done away with. We go through all of those. Then the vegetation data comes in, we go through that review it, go out in the field and verify that we feel it looks good. We put in the check

marks and send back a letter saying the vegetation portion has been satisfied. Then you come in for bond release, the application is just a very small application and just those few things mentioned in the current rules and maybe include a table saying these performance standards have been met on this date by a letter from the LQD. We verify that with our document on the shelf. So the public comes in in response to an administrative bond release, they say, "Well how do you know they did this?" We tell them to go to our bond release volume and it's all there documented that they did it, we reviewed it and we approved it.

ROBERTA HOY, LQD: The only concern.....a lot of the discussion evolves around time frames is that if we read it too open ended for us and the industry then we may wind up back where we're trying to avoid which is too many years past the ten year time. That's why in terms of trying to fit it into.....the revisions have the best....you know, if you submitted us something that there's a pretty structured way to go. So that's what I think we need to be sure and.....

RICK CHANCELLOR, LQD: Maybe what we could do is look at a rule that when a mine comes in to demonstrate they met a performance standard or permit commitment that the time frame specified in the revision chapter applies or something like that so there's a regulatory deadline for review of that material.

BOARD MEMBER GINGERY: Let's move back to industry again. I think Larry was first and then we'll go to Bob.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: Rick, you were talking about the subcommittee for the bond release, I don't think the work they've done up until now will be a problem of fitting this into that kind of a scheme because all of that information is there and as soon as this particular piece of information is done whether it's AOC or sediment control or whatever it is, it doesn't have to wait until the end to be submitted to you. It can go into your bond release volume and the information that is required is what's important and that information is in the document that we're working on. I don't see a big problem with having it work that way.

RICK CHANCELLOR, LQD: What I foresee happening, if you want to come in for Rosebud and add a piece of land, the first thing to do is to come to us and say, "Okay, I want to make sure I have satisfied all these components." You can either submit more information or make sure that we concur that you've checked off all those items. Once we've concurred on that, you and I will talk and then you come in for bond release. Or, if you come in before and we have no idea if all the checks are marked, we say, "Inappropriate because we don't have documentation that these things have been satisfied.

BOARD MEMBER GINGERY: Bob has a question and then we'll take a ten minute break.

BOB GREEN, KENNECOTT ENERGY CO.: Actually it wasn't a question. It was to try to tie all of this together. The bond release subcommittee does indeed have a checklist that is already developed as far as the requirements in the regulations and that's Appendix 2 which is being developed right now. That's a checklist table that exists. The concern that I see is that Land Quality Division is going to have to set a fairly rigid schedule themselves as far as going out and inspecting two years after backfill has been completed, going to check and make sure that it's stable three years afterwards, go and check another item, fourth year, fifth year, sixth year, so that those check marks are already done. It's not a matter of throwing it back to the operator and saying we don't have the check marks done, go back and try it again.

It should instead be a definite procedure where inspectors know that they have to submit a letter of approval or disapproval for whatever they've looked at, at a given time period. That way, it's very segmented and very structured.

RICK CHANCELLOR, LQD: But I think it's also incumbent upon the operator to say to the inspector that, "Hey I did this work and I want you to come out and inspect it and verify that I've done it according to plan." To just say, "I did it" and throw it into our hands....I think both have a responsibility to....as long as you inform us that you have completed an element and would like verification that it was done right in order to get a check mark.

GUY PADGETT, OSM: I know you want to have a break but I gotta interject one other comment that's right on line here. It's something called contemporaneous inspection. It's a two-edged sword. If we're going to use the inspection reports as a documentation of AOC being met, of stability, etc., then the operator cannot say to me, "Well, we're not done here. We're going to change our AOC." You can't say that. We've run into problems with that because that happens so many times. That's where the inspector has to have backing and where the operator and operators have to understand. If this is what this says in your permit, we're going to judge it on that basis and we're going to document it on that basis and that will be our legal basis for saying that this is done and if you don't like what's there, get in with a permit revision and you've got six months or you've got one year. If we're going to expect the inspectors to be the recordation, the official recordation, and I agree with you, they should be, that's a two-edged sword gentlemen. You need to understand that.

BOARD MEMBER GAMPETRO: Just a suggestion. This is a big change. It would seem to me that you would need to have some sort of transition process. That you wouldn't go from the way we're doing it now to this new way without something in between. I don't know what that is but it seems like a drastic change and perhaps as we go out on break, think about a way that we could come back with a transition plan of how you go from point A to point B.

RICK CHANCELLOR, LQD: It may not be that big a deal except for Rosebud. They're the only ones that I know of that are really active in bond release. I think they have plans to do some next year. They may be the only mine that's really impacted by the shift.

BOARD MEMBER GINGERY: You could enter into an administrative.....

RICK CHANCELLOR, LQD: We could set down with them and say, "Okay, what can we do to facilitate the switch over" if that's what's decided here today.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: I don't see any problem with that because we have one application in transition right now. We'll finish this one out and then start new with the next one that comes in.

BOB GREEN, KENNECOTT ENERGY CO.: I just had one last point I was going to make and that was Paige, you were outlining that being in a corner with the 9th and 10th year data. I can speak for our operations and I think most operations would agree, we've been having to delay for twenty years plus and I don't think that one extra year would be an issue with folks as long as there was a clear, understood, very structured system as to how it's going to happen.

BOARD MEMBER GINGERY: For my own clarification and then I do want to call a break is that I think back to the Navy on aircraft. If we twenty items to check off before an aircraft is authorized and if I failed one, I had to start over. This process is only the item that you were denied. We don't have to.....okay. So we'd only deal with the ones that were disapproved and we don't have to go back and do the others. Let's take a ten minute break.

It looks like everyone has returned from break and what I'd like is if Paige and Rick will summarize where we are and then we'll see if we can't bring this section to some conclusion.

RICK CHANCELLOR, LQD: Well, I think what we've talked about here is a dramatic shift in how we view bond release. I think it's workable. I think we need to find the mechanism to track it better and maybe have a formalized rule, some place in our rules that discuss that the performance standards, reclamation standards or permit commitments have to be met before you come in for final bond release. We need to set up the system that we track that so it will be put in a centralized location so if the public does come in and asked if a company has done something, we can go to that volume and not go through twenty years of inspection reports to try to pull out that one item that says it's okay. We need to develop a system, a mechanism, a record keeping process to formalize that into one area. I think where we're at now is that, I hate to say this but, not go forward with these changes to Chapter 15 but to take the document from the bond release work group which they have almost completed and is going through final review then we'll edit it with a formal editor to make it run smoother and use that as a vehicle saying that both sides have agreed that these are all the items that need to be looked at for bond release. If someone wants to come in for bond release, they better come to us and say, "I want to make sure that these things are done because we may have to reconstruct a lot of that information or maybe it's just easier to re do it. I think that's something that we could work with the mines themselves as they come in for bond release. I would say that we need to drop these rules. I do think we'll come back in with another rule at some point saying we want this rule that talks about the process that talks about the time frames for reviews so we have that in regulation. If it's not in regulation stating the deadline, often times that'll be pushed down to the bottom of the heap and not get done. I think we do need a rule that takes care of those two house keeping items and maybe in Chapter 15 and maybe someplace else, but most likely in Chapter 15. That rule says all performance standards, bond release standards and permit commitments must be met prior to applying for final bond release and review that material shall follow the review time periods spelled out in the revision chapter.....something like that.

PAIGE SMITH, LQD: I think that's what we all had talked about collectively. The other thing we had talked just amongst ourselves about whether the existing Chapter 15 could stay as is. I think we'll have to think about what we might want to add to it in regards to this records distribution, records submittal. The other thing I think we need to keep in mind is that we have to ensure that we always go to public notice whether we deny it or not. Currently, the public notice is hinging on a technical adequacy. To me, that'll go away.

RICK CHANCELLOR, LQD: Well, if you go with the existing Chapter 15, this is a non-issue because don't they automatically go to publication once we deem it complete and that's just a very administrative completeness.

PAIGE SMITH, LQD: That's right. I think we want to reword that. Look at it differently, we want to ensure and maybe after 15 days...but the thing is if you do a completeness than that sort of implies we're going to look at if further for further detail and given the federal system, there's no need.

RICK CHANCELLOR, LQD: Yeah, maybe we should just go with federal language.

PAIGE SMITH, LQD: Yeah, I think we may end up going the federal route. The seasons will still have to be dictated at some point in time.

BOARD MEMBER GINGERY: Let me see if I understand where we are. The work that we've done up to this date is going to have to be revised if we take this principal. This is an administrative procedure instead of a technical procedure. I think the two questions I would have is how long would that take the staff to make those changes? Can we wait until we meet on our quarterly basis or do we meet back in 30 days to get this going?

RICK CHANCELLOR, LQD: There's a proposal for a joint Water Quality Division/Land Quality Division board meeting to discuss a policy shift on in situ mining that the department would like both boards to meet and discuss with the public and the staff this shift in policy and if acceptable to adopt that. It's more of an open public process in this big policy shift. We're looking at November 14th as a possible date in Casper, Wyoming to be centrally located for all parties. We would not be prepared to have any revised language to you at that time. What we can do at that time is give you.....I think the idea is to have a joint meeting and then split it into separate meetings after the joint effort is done. Then, maybe we could have an updating of what we have done to give more thought to the process, record keeping and give an update to the board at that time. It would probably be at the earliest, early next year sometime before we could really do any rules and that may be an if depending on what else is on the agenda.

BOARD MEMBER GINGERY: Rodney, do you like that proposal or do you see a different direction we should take?

BOARD MEMBER PROFFITT: No, I like the proposal. I was thinking in terms of a triggering mechanism in chain of events that there must be end link in the chain and that the approval of that end link in the chain would be a triggering mechanism for the application and maybe make is so that you the application could be filed after 30 days from this last link in the chain. Something along that line.

I like what Guy had said before on the administrative....and I think in terms of legalism sometimes because it turns the burden of proof around. All of your technical stuff is done so that the burden then becomes the public to come in and try to over turn that in some way. You have all the data in there. Everything is in to accomplish the end and so the attack is always on the person who has been trying to off set all that data that's already in place. If you try to do the technical at the same time as you're doing the public notice, you confuse the burdens. That's what I was having trouble with, maybe my four hours actually did accomplish something because I was trying to figure out how it would work. Who would have the burden of doing this? Who's shifting this? How would you come out on a deal like that? So maybe this will actually work much better because then you know where everybody stands and who has to accomplish the ends on the showing. It's like a show-cause here, is what you'd be holding if somebody came in and raised objections. I kind of like that concept because you've got 10 years of data in place to do that and set it aside. I hope that we can accomplish this quickly because I understand that there is a further back log that's waiting for us in other areas and I hate seeing notices from 1991 that we're just now considering. I would appreciate expediting this as much as possible.

BOARD MEMBER GINGERY: Jim?

BOARD MEMBER GAMPETRO: I think Rick's idea to come back and say here are the easy things about this, here are the difficult things and present that update at the next meeting and then going on from there. I guess the only problem I had with the whole thing is if I go back to what Guy said, it's almost like an open and shut case the way that you proposed it. You got all the data lined up and even if the public comes in and doesn't like it, tough luck. I'm supposed to be a public representative here so what do we have public hearings to look into this for? If that's really what it's going to be?

RICK CHANCELLOR, LQD: I think there's a possibility that the public may have information that shows that maybe we errored some place along the road or didn't consider something.

BOARD MEMBER PROFFITT: I see it as oversight, really.

BOARD MEMBER GAMPETRO: So there is a chance if the public comes in and all the data is there that they could still have some input?

RICK CHANCELLOR, LQD: Right.

GUY PADGETT, OSM: If I may, at least from the federal perspective, after a notice is published and the intent to release the bond, any person with a valid legal interests, which may be adversely affected by the release of the bond or any head of the federal state or local jurisdiction may ask for a hearing. They have the ability to come and ask for a hearing. If written objections are filed and a hearing is requested, the regulatory....you know....so they do have the recourse of going to a hearing. In essence, it is a show-cause hearing. If the burden does shift to the public at that juncture presumably the regulatory agency has been the published representative for the past 10 years in watching over this permit. There was a permit early on that the public had an opportunity to comment on. The public does have participation all through the process.

BOARD MEMBER GINGERY: Chet?

BOARD MEMBER SKILBRED: Rick, would it be valid to assume that the bond task force committee that's working on that, would that paper be done prior to our next meeting then? I guess the way I understood you, you said that that was going to form probably a major basis for this procedure.

RICK CHANCELLOR, LQD: What's planned for that document is I believe it's currently out to members of the WMA and our staff for last chance review. Once we get those comments and maybe changing that document, we'd go to a professional editor and say, "Here's a document, go through it and maybe clean it up or make it smoother or workable." That process would probably take maybe six months or who knows to get that done. I think it would be in a format that if you want to see it, we could give you a copy to just see what's there. Bob, what do you think?

BOB GREEN, KENNECOTT ENERGY CO.: Yeah, that sounds like a real workable plan.

BOARD MEMBER SKILBRED: The reason I ask that is because that's probably going to become a very important part of this process, I'm assuming and really to fully understand what we're talking about here, we actually need to see that document in some form in order to evaluate this process.

RICK CHANCELLOR, LQD: We could probably send you a draft copy fairly soon.

BOARD MEMBER SKILBRED: Well, anytime, but at some point in time before we actually make a decision one way or the other on these processes. We ought see what's going to be the foundation for it.

BOARD MEMBER GINGERY: I had three things: the report or this comprehensive report that industry and the regulatory people are putting together, when do you think that will be prepared?

RICK CHANCELLOR, LQD: The final?

BOARD MEMBER GINGERY: Yes.

RICK CHANCELLOR, LQD: My guess would be six months. By the time you go through internal review for let's say 30 days and then the work group goes over comments and incorporates those or rejects them and then it is given to a technical editor. When that technical editor finishes their work, we're looking at a minimum of six months.

BOARD MEMBER GINGERY: And their work, whatever direction we go, if we go to this Administrative approach, that will not change their work.

RICK CHANCELLOR, LQD: Right. Our approach will not change their work but their work will be very important. Either way it shows everybody what's expected to be documented that you've achieved what the permit and regulations require.

BOARD MEMBER GINGERY: My suggestion to you Rick and to my other colleagues is that since we have that Water Quality meeting and I would assume that would take half a day. I don't want to be up against a time line. Could we meet one day and then the WQ meeting on the following day? Rodney is right, maybe there's two or three other issues that we could move onto but I think we'd need full day, possibly.

RICK CHANCELLOR, LQD: I don't know that it would take a full day to do what we need to do. To my understanding, the joint board effort would take 3 hours maybe at the most. I think Gary Beach would like to start about 8:30 in the morning. If we're done before noon, it's our feeling that we could probably be done by the end of the day with anything we'd have on our own agenda.

BOARD MEMBER GINGERY: Okay. I just caution that sometimes we get up against the time line and I think industry has been patient with us and we want to kind of wrap this up so I don't want to get there and say that we have extend this one more meeting or something.

RICK CHANCELLOR, LQD: I don't think we'll have any final rules to you in November. There's just not enough time to get those developed.

BOARD MEMBER GINGERY: Well, we could finish the discussion of it or.....

RICK CHANCELLOR, LQD: Right. What I would propose is to have us discuss internally and maybe with industry our thoughts on how this whole thing works and just give an update of our thinking process of what other things we thought good or bad.....

BOARD MEMBER GINGERY: This would give time for the board and industry, the public to look at this.

BOARD MEMBER PROFFITT: Could we get a report from the subcommittee itself? I'd like to see a draft before hand but then have them kind of give us a brief overview of what's going on.

RICK CHANCELLOR, LQD: Yeah.

LARRY KLEINMAN, BLACK BUTTE COAL CO.: That was the question I had. Would you want that draft before the meeting or if we just handed it to you at the meeting?

BOARD MEMBER GINGERY: It's always helpful if we can have it a few days before. I find myself trying to read something once I get there.

RICK CHANCELLOR, LQD: Generally, we try to have information to the board by a month in advance, sometimes three weeks.

BOARD MEMBER GINGERY: Even if we only had it a week ahead it gives us the chance to go through it. So, yes, we would like to have that as early as possible.

BOB GREEN, KENNECOTT ENERGY CO.: And if we got that to you say by the end of October, would that work?

BOARD MEMBER GINGERY: It would work for me. Looks like we'll be meeting in Casper on the 14th of November and a schedule will be coming out. If I understand what we're doing here, we're setting this aside. We'll have new information to look at on the 14th and then I guess the next step is our next meeting where possibly we could recommend this for approval, correct?

RICK CHANCELLOR, LQD: Well, let me discuss that a little bit. A comment was made that there's a lot of disapprovals that we need to work on and we may instead of bringing this....it depends on how much we need to do on this....we need to get that next disapproval package to the board to continue to show progress. We'll look at how this rule making effort fits into that but the higher priority will probably on the next disapproval package from OSM to try to take care of some of those old disapprovals. Right now in this chapter, to my knowledge, there's only one disapproval that we'll probably want to keep....

BOARD MEMBER GINGERY: Oh, I see the direction you're going on this.

RICK CHANCELLOR, LQD: So we get more bang for a buck if we can give you a big rule package that takes care of ten disapprovals as opposed to this one which may take care of only one. If we choose to do this shift, Chapter 15 is still workable the way it currently is so it's not critical that we fix it because it may be okay. We do want to formalize some things but we can do what we want to do without that formalization. I guess what I'm saying is that we may look at our priorities and say, "Instead of this in the first quarter of 2002, we may bring a different package that we already have listed on our sheet with OSM.."

BOARD MEMBER GINGERY: Oh, what you're saying is that you're looking at all the program and I was looking at Chapter 15.

RICK CHANCELLOR, LQD: Right. We may be able to do them both together but we don't know.

PAIGE SMITH, LQD: Let me just add to it. The next package that we hope to bring to you which we think could be the first quarter of 2002 is in situ rules for noncoal. It's a huge package. What we've had to do is pretty much adopt verbatim a lot of the EPA rules. It's a whole different spectrum of rules that you'll have to be dealing with and I don't know how much of that will come up in November. I'm not aware of what the topic is in November. To be honest, I don't know if I can have another coal package ready for that same meeting. I don't know if you want to have two packages at that meeting. Not to discount what Rick said but it may be the second quarter meeting that we bring another coal package that you haven't seen yet. I also would like to address, which I completely forgot all about, in the WMA letter from Bob Green, you had asked to know what all the disapprovals are. I wanted to let you know that I'm working on cleaning this up. This is a table put together by our attorney that worked for us a while back. It's called Howard's table. It has the listing by number of all the disapprovals. It also shows the ones that have been taken care of. It shows the ones in current packages. I'm just cleaning it up so it accurately reflects what's in an active package. We will somehow make this available to anyone.

BOB GREEN, KENNECOTT ENERGY CO.: That'd be great.

RICK CHANCELLOR, LQD: Marion also mentioned that he'd like to have the actual 732 letter.

PAIGE SMITH, LQD: Well, that might take me a little longer to dig up. In this table, Howard had done the research of where he thought the disapprovals originated but I don't have all of that in a nice concise way.

Marion, you would like to have the 732 letter that initiates the disapproval, I can do that for the active packages quite easily because I have had to dig through all of our records to find it myself. The ones that I haven't tackled yet, it would take me a little bit to do it but I have to do it anyway, so I can do that but do you want to see them.....

BOB GREEN, KENNECOTT ENERGY CO.: Is there something that would cross-reference to what OSM has in their files from that table?

PAIGE SMITH, LQD: Probably but I don't have.....

GUY PADGETT, OSM: I will ask Mr. Humphrey to send a copy onto you guys.

BOB GREEN, KENNECOTT ENERGY CO.: That'd be great.

PAIGE SMITH, LQD: The thing that makes this a little more difficult is that some of the letters were a twenty page letter. Most of those have been taken care of but there might be three of them in the middle of the letter that are in this table. I'm just suggesting that it might take a little bit of clean-up to give you something that's usable. I'd be glad to do that because like I said I have some of that already finished but there's probably about another 30 rules or a little more that we haven't tackled yet. I know the documentation is in our office but I haven't gathered it all because what makes it hard to come to a final package in a lot of cases is that there might have been three comment response letters of the original 732, we respond and then OSM responds back. I try to gather all of that because I want to see the complete

history. It's all sort of intermingled in other letters and so forth. I'm not trying to blow you off but I'm just saying I have some of that readily available. I hate to just throw letters at you and then you'd say, "Oh my gosh, look at all these disapprovals," when maybe only two of that letter are remaining unsatisfied.

GUY PADGETT, OSM: We have it by issue.

PAIGE SMITH, LQD: You do? But I don't know if your issue matches my issue. That's what Mark and I can get together.

GUY PADGETT, OSM: We have it by issue Marion and that is what I really think you want. It will cross reference what engendered it, what 732 letter engendered it. Keep in mind there's a torturous history. We may have approved a whole bunch of stuff and then we may disapproved and required amendments so you've got to go way back to find what engendered it. But we do have it by issue and we'll provide it to you.

MARION LOOMIS, WYOMING MINING ASSOCIATION: The reason we want to go through them....and we appreciate that....we don't mind if it's a stack that big then it's a stack that big and what we were going to do is try to identify them by issue and go through and see what we're going to be faced with coming up with these new ones and we kind to get to do some of our homework so we're not sitting here trying to flesh some of these things out at the meetings. We can split them out and we're going to try to do a little bit of work on them. So, I appreciate that and if we get a big stack, we get a big stack. That's okay.

BOARD MEMBER GINGERY: I don't know if this is really a board issue but maybe we'll...if I'm following between the parties here that maybe when we meet on November 14th we can get an update where you're on this. It sounds like a cooperative manner and everybody just wants the same score card and we want to know what is being taken care of and what isn't.

I think what I want to do here is to hear anything else that industry would like to speak out on today? Bob, do you have anything else?

BOB GREEN, KENNECOTT ENERGY CO.: No. I think we're headed in the right direction that will allow the bond release questions to be answered before the very end and that's going to be very helpful to the operators as well, I believe, as to the agency.

BOARD MEMBER GINGERY: Let me ask you or maybe it's a question for Marion. After one of these meetings, are you pretty good about telling the rest of industry where we are on these subjects?

BOB GREEN, KENNECOTT ENERGY CO.: Generally, at the next meeting I am. I briefly summarized where we were at the end of the last meeting and that was in the WMA report. We have a regulatory affairs committee meeting that's coming up October 2nd and I'll reiterate that summary at that point.

BOARD MEMBER GINGERY: Okay, because I think that's important that it isn't a delay, we changed direction and I don't want to feel that we're delaying something.

BOB GREEN, KENNECOTT ENERGY CO.: No. I'll definitely outline the positive aspects of it. I might also offer maybe a couple of hours during that meeting if Land Quality wants to send someone to talk

about the finer structure of what we're talking here about the check-off list during the ten year period time. We can sure talk about it during that regulatory affairs committee meeting October 2nd in Casper.

BOARD MEMBER GINGERY: That sounds good. Thank you for that. Marion?

MARION LOOMIS, WYOMING MINING ASSOCIATION: I want to thank you for consideration of the industry's concerns here and appreciate the opportunity to work with you and that open mindedness on heading down a different direction here. I think that's great. Thank you.

BOARD MEMBER GINGERY: It's been a good education. Larry?

LARRY KLEINMAN, BLACK BUTTE COAL CO.: I'm happy! I'm warm and fuzzy!

BOARD MEMBER GINGERY: When do we get to visit your mine though?

LARRY KLEINMAN, BLACK BUTTE COAL CO.: You can visit Rosebud anytime you want. You can come down to Black Butte anytime you want.

BOARD MEMBER GINGERY: Just out of curiosity, this approval process that you're going through, is that something at sometime that maybe we would like to tour just to have a better understanding or do you think the board would gain much out of it?

LARRY KLEINMAN, BLACK BUTTE COAL CO.: Oh, we'd be happy to come down and take a look especially at the area that we're working on the bond release package for.

BOARD MEMBER GINGERY: I'll leave that up to the board but I would appreciate the opportunity. Chet, do you think that would be a good idea to look at that since you have more experience than any of us?

BOARD MEMBER SKILBRED: Any time you walk on reclamation, it's a good idea.

BOARD MEMBER GINGERY: Rodney?

BOARD MEMBER PROFFITT: Yeah, that'd be real helpful.

BOARD MEMBER GINGERY: I believe we'll take you up on your invitation on that.

RICK CHANCELLOR, LQD: You could also maybe go to Glenrock Coal too since Chet did win an award. Did you ever go back to D.C. to get that award?

BOARD MEMBER SKILBRED: We were just getting ready to get on an airplane when the airplane decided not to fly. It's a good thing because we might still be there. Actually, I think they're rescheduling it in November.

BOARD MEMBER GINGERY: I tell you, our visits to the sites have really helped me understand your issues, the state issues and the federal issues. Roy?

ROY LIEDTKE, JACOBS RANCH MINE: I would just like to echo everybody. I think this change is good. I like the path we're going down. And also, if you happen to be in the Gillette area, you are welcome to visit the Jacobs Ranch Mine. We just recently received approval on a partial bond release request for 1,500 acres but we submitted that in October of 2000 and it took 11 months to get approval for partial bond release. So, final bond release is probably going to be longer so that's why I'm glad to see that we're going the way we're going because I think it's going to work a lot better.

BOARD MEMBER GINGERY: Let me ask you a question, the mines in the Powder River/Gillette area, how many trains leave per day?

ROY LIEDTKE, JACOBS RANCH MINE: Our mine is like seven or eight trains a day. I don't know what goes out in the Basin.

BOARD MEMBER SKILBRED: Isn't it 6,500 a year, Marion?

MARION LOOMIS, WYOMING MINING ASSOCIATION: I don't know. There's about 70 loaded trains a day.

PAIGE SMITH, LQD: Seems like we had some kind of a record in our office that I used to give a talk two years ago. I think it's 28,000 a year.

MARION LOOMIS, WYOMING MINING ASSOCIATION: Trains?

PAIGE SMITH, LQD: Trains a year leaving the Powder River Basin.

MARION LOOMIS, WYOMING MINING ASSOCIATION: Well, 70 x 300 would be 21,000.

BOARD MEMBER GINGERY: Well, the only reason I bring it up is I live in Teton County and I don't think we recognize the contribution that you're making. If you'd like to give me that information, I'd appreciate it from the Association.

Rick, I gather the board will be bringing this meeting to a close in a minute. Do you have any announcements?

RICK CHANCELLOR, LQD: Chet did send us a letter requesting reappointment. I need to do a cover letter to the governors office with a recommendation. I can't say how quickly the governor's office will move on that but I'd like to have that done before the next meeting so Chet will be there. So, I'll put a note in there that our next meeting is scheduled for November 14th.

BOARD MEMBER GINGERY: Okay. I've just been given some good propaganda. Thank you.

PAIGE SMITH, LQD: What are the numbers?

BOARD MEMBER SKILBRED: 25,852.

BOARD MEMBER GINGERY: I guess for the record even though our Administrator tells us that our meeting is going to be in Casper, I believe we need a motion designating location and time so I'd accept that type of motion.

BOARD MEMBER SKILBRED: So moved.

BOARD MEMBER PROFFITT: Well do we have a time?

RICK CHANCELLOR, LQD: Not an exact time. They're talking about 8:30 in the morning. If that's a little early for you guys, I'll see if I can push it back to 9:00. I think he wants to try to get done with the joint session before noon because they have other items on their agenda.

BOARD MEMBER GINGERY: Jim?

BOARD MEMBER GAMPETRO: That's fine.

BOARD MEMBER GINGERY: I do have a motion. Did I get a second?

BOARD MEMBER GAMPETRO: Second.

BOARD MEMBER GINGERY: All in favor of the next meeting being in Casper, Wyoming on November 14th.

BOARD MEMBERS: Aye.

BOARD MEMBER GINGERY: Okay, now we'll wait for your scheduling. Before closing, are there any other comments? I appreciate everyone's input today.