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BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION

DEQ LAND QUALITY DIVISION ADVISORY BOARD MEETING

INTRODUCTION TO DRAFT VEGETATION RULE PACKAGE 1-S

TRANSCRIPT OF PROCEEDINGS

10:30 A.M.

DECEMBER 11, 2006

PURSUANT TO PUBLIC NOTICE given to all parties in
interest, this matter came on for hearing in the
Pronghorn Room at the Game and Fish Regional Office,
3030 Energy Lane, Casper, Wyoming.

LQD STAFF IN ATTENDANCE:

RICHARD A. CHANCELLOR, ADMINISTRATOR
CRAIG HULTS

BOARD MEMBERS IN ATTENDANCE:

JAMES A. GAMPETRO, CHAIRMAN
ALAN LINFORD, VICE-CHAIRMAN
CARL R. DEMSHAR, JR.
ROBERT GREEN
JAMES PONTAROLO

* * *

Rebecca S. Doby
Registered Professional Reporter
2334 Main Street
Torrington, WY 82240
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1 PROCEEDINGS

2 * * *

3 MR. CHANCELLOR: Why don't we go around the
4 room and everyone tell who they are and what they
5 represent. Or who they represent.

6 MR. SIERZ: I'm Mike Sierz. I'm with the
7 U.S. Forest Service up in Douglas Ranger District.
8 And I'm the Minerals Program Manager down there.

9 MS. ACKERMANN: Laura Ackermann, Buckskin
10 Coal Mine.

11 MS. PAGE: Stacy Page, Land Quality in
12 Sheridan.

13 MR. BELDEN: Scott Belden with Powder River
14 Coal.

15 MR. MOXLEY: I'm Mark Moxley with Land
16 Quality Division in Lander.

17 MS. HAROIAN: Rose Haroian with Powder
18 River Coal.

19 MR. LINFORD: Alan Linford, Lincoln County
20 Commission.

21 MR. GREEN: Bob Green, with Rio Tinto
22 Energy America. I'm on the board.

23 MR. DEMSHAR: I'm Carl Demshar, on the
24 board, from Rock Springs, Wyoming.

25 CHAIRMAN GAMPETRO: Jim Gampetro, on the

1 board, from Buffalo, Wyoming.

2 MR. PONTROLO: Jim Pontrolo. I'm on the
3 board, representing the Ag Department.

4 MR. CHANCELLOR: Rick Chancellor, Land
5 Quality.

6 MS. SMITH: Melody Smith, Knight
7 Technologies.

8 MR. COLLINS: Dave Collins, Antelope Coal
9 Mine.

10 MR. BRUNDIN: Nick Brundin, Rio Tinto
11 Energy America.

12 MR. LIEDTKE: Roy Liedtke, for Cordero Rojo
13 Mine.

14 MR. HULTS: Craig Hults, Land Quality
15 Division out of Cheyenne.

16 MS. BILBROUGH: Carol Bilbrough, Land
17 Quality Division out of Cheyenne.

18 CHAIRMAN GAMPETRO: Thank you. There's a
19 new arrivee. We're doing introductions, so why don't
20 you just tell us who you are.

21 MR. BOEHMS: Yes. I'm Alan Boehms, with
22 Office of Surface Mining, here in Casper.

23 CHAIRMAN GAMPETRO: Okay. Thank you all.

24 We have minutes to approve. We would
25 entertain a motion for the approval of those. But

1 before we do that, I would like to just see one
2 correction. And it's not even a correction. It's just
3 an "inaudible". And Bob Green, from the last time, she
4 wasn't able to pick up the name of the entity you
5 represent.

6 MR. GREEN: It's Rio Tinto Energy America.

7 CHAIRMAN GAMPETRO: Any other -- first of
8 all, we need a motion as to whether or not we want to
9 approve these minutes.

10 MR. PONTROLO: So moved.

11 MR. GREEN: I'll second it.

12 CHAIRMAN GAMPETRO: Okay. Any discussion,
13 or any corrections or additions to the minutes?

14 Then let's have a vote. All those in favor
15 of approving the minutes, signify by saying "aye".

16 (Whereupon, all voting members said
17 "aye".)

18 CHAIRMAN GAMPETRO: Any opposed?

19 The minutes are approved.

20 I'm going to turn it over to the introduction
21 to the draft vegetation Rules Package 1-S. Rick?

22 MR. CHANCELLOR: This is a continuation of
23 our last meeting, where we gave a brief overview of
24 where we were and what we had accomplished in
25 drafting new rules. This presentation is very

1 similar, but a little more in depth compared to the
2 last one we did back in --

3 MS. BILBROUGH: July.

4 MR. CHANCELLOR: -- July, our last meeting.

5 We've tried to go into a little more detail
6 on some of the issues that we think will come before
7 the board. So it's -- again, some of the things are
8 very similar to what you saw before, some things are a
9 little more detailed.

10 So Carol, you can go ahead with the
11 presentation.

12 If there are any questions as we go along,
13 feel free to ask. There are several breaks in the
14 presentation, where we cover a certain section, but we
15 can also stop and take questions from the audience and
16 what have you.

17 MS. BILBROUGH: Welcome, everybody. Thanks
18 for coming.

19 As Rick was saying, the purpose of this
20 presentation is to give the advisory board some more
21 background information on the Coal Veg Rules
22 package and an update on where we are right now.

23 And I have divided the presentation into
24 three sections; sort of a description of the process
25 that we went through in the Division, some technical

1 information and background, and then finally an
2 overview of -- a very broad overview of how the rules
3 will change structurally, how we propose to change
4 them.

5 I have not gone into specific rule language
6 in particular or into the nuts and bolts of rule
7 changes. It's kind of an overview and background to
8 form a basis for the rules package when we start
9 looking at it.

10 I have got 50 odd slides, so I'll call for
11 breaks when I get to the end of each section and make
12 sure that everybody has asked the questions that they
13 need to ask. And the board or somebody can call for a
14 break when you guys need a break.

15 So, our goal, in this whole revision process,
16 is to bring the methods of Appendix A up to date.
17 Since the original approval in 1986, 20 years ago,
18 there haven't been any substantial revision to the
19 methods in Appendix A, with the exception of the
20 addition of a shrub standard.

21 In addition, Appendix A was originally
22 written as a guideline. And it was approved into the
23 rules with that same guideline language. And so there
24 were a lot of problems with rule versus guideline type
25 language that we needed to fix.

1 We also have the objective of improving the
2 clarity of the rules.

3 And finally, we had a lot of disapprovals
4 from the Office of Surface Mining with regard to these
5 rules, and one our big objectives was to resolve all of
6 those disapprovals.

7 So about three years ago a Coal Vegetation
8 Rules Revision group was convened to review and revise
9 the rules. And I will probably call this group
10 variously the Coal Veg Rules group, the Veg Rules
11 group. But this is the crowd I'm talking about when I
12 use that shorter term. And it included members from
13 the Land Quality Division, members from the Wyoming
14 Mining Association, from the Forest Service, Wyoming
15 Game & Fish, and then some environmental consultants
16 attended periodically.

17 According to my notes, this group met 17
18 times over about a two and a half year span. So we
19 were busy. We worked hard on this.

20 So we developed some working agreements for
21 proceeding with the revisions for the Coal Veg Rules
22 group. And our first agreement is that we were going
23 to tackle Appendix A and that it would be removed from
24 the coal rules, that we would go through Appendix A and
25 determine which portions would be deleted, which

1 portions would be moved in the rule chapters, and which
2 portions would be moved in the guidelines.

3 We agreed that there would be no revision to
4 the shrub standard and that there would be no changes
5 other than Appendix A insertions to other rule chapters
6 without mutual consent.

7 So we basically went through Appendix A
8 line-by-line, sentence-by-sentence, and determined
9 which parts of Appendix A go into the rules, which was
10 yellow, green was guidelines, and red was delete. So
11 at the end of the process we had a yellow, green, and
12 red Appendix A, with every single word in there
13 determined what its fate would be.

14 After we went through Appendix A line-by-line
15 we then went through the chapters and determined where
16 the language that would stay as a rule would go. And
17 so once we completed that process -- and it took 17
18 meetings and a couple of years to do that -- the Coal
19 Veg Rules group agreed that Land Quality would write
20 the draft rules. And we selected a review team to
21 review the draft rules, with two major goals. The
22 first was to ensure consistency with the agreements of
23 the large Veg Rules group. In other words, all the
24 determinations we made, all the revisions we agreed
25 upon, that -- all of that was incorporated into the

1 draft rules.

2 The second objective was to identify points
3 of disagreement between largely the Land Quality
4 Division and with the WMA. So where there were places
5 where we disagreed on how the rules should read.

6 And then finally, we agreed that after the
7 draft rules were finished, we would meet again to
8 verify the work of the review team and the authors, and
9 to finalize any disagreements that were remaining from
10 the review process.

11 The review team consisted of five members;
12 Bob Green and Rena Piper from the Wyoming Mining
13 Association, Bob Giurgevich and Mark Moxley from the
14 Land Quality Division, and Vern Stelter from Game &
15 Fish.

16 The review team met 11 times to review draft
17 rules, between April of '05 and February of '06.
18 Again, a very diligent, dedicated crowd.

19 And I also need to recognize Matt Grant and
20 Craig Hults, who attended these meetings with a similar
21 situation; the rules broadcast on a lightbox and they
22 would record all of the decisions that the review team
23 made and all of the revisions suggested by the review
24 teams. So they basically attended and took very
25 detailed notes.

1 The authors were all members of the Land
2 Quality Division. Stacy Page was the primary author of
3 Chapter 1, with some help from Craig Hults. And that's
4 the definitions chapter.

5 Chapter 2, the primary author was Rick
6 Chancellor. And Stacy Page helped out with that.

7 I was the primary author of Chapter 4, with
8 some help from Bob Giurgevich.

9 And Bob Giurgevich wrote Appendix 4-1.

10 This is a flow chart that Joan Corra, the
11 Director of DEQ, handed out at the last large group
12 meeting before we commenced our rule writing effort.
13 And it's an illustration of how we went about this
14 process of writing rules.

15 It starts out with Land Quality writing the
16 rules, submitting them to the review team. The review
17 team would evaluate the rules for clarity, points of
18 confusion and things like that, and give comments back
19 to the author to revise accordingly. And so that's
20 this line.

21 So the rules come down to the review team.
22 Issues or problems of clarity are resolved, suggestions
23 made. It goes back up to the author. If there are any
24 identified disagreements, the review team worked to
25 resolve those disagreements and then it was sent back

1 up to the writer again. And there were occasions when
2 we went through rules five times before we got done
3 with this whole process and got back down to here.

4 When all the rules had filtered down through
5 the review team, we had a LQD rule package and
6 alternative -- well, disagreements went down to the
7 Wyoming Mining Association, to be identified.

8 After we finished a draft rule package, we
9 came back together as the large Veg Rules group, and
10 over the course of three days, in two different
11 meetings, we reviewed, we put -- we met in this room.
12 We put some big, giant pieces of paper up and everybody
13 got to write down what sections they had disagreements
14 or issues with. And then we went through, we talked
15 about every single section and every single issue and
16 every single question. And Land Quality took notes,
17 and from those notes we will generate a final draft
18 that will be submitted to the advisory board.

19 We also -- so the -- our -- the purpose of
20 our meeting was to verify the agreements and the
21 disagreements. And we agreed that this was not the
22 point to start new things. This was to review
23 everything that we had already done.

24 And we also agreed that we wouldn't get into
25 an endless do loop of circulating this version back

1 around again.

2 So that was our opportunity to comment. And
3 then Land Quality is now working on that draft, based
4 on those comments.

5 So far so good? Okay.

6 So where are we right now? We reviewed -- as
7 I was just explaining, we reviewed the draft rule
8 revisions of Chapters 1, 2 and 4 this fall. And we
9 agreed that that was our last shot. And Land Quality
10 is working on the final draft completion, based on
11 comments from those meetings. And the WMA will provide
12 the Land Quality Division with their disagreements and
13 alternative language to be included in the rule
14 package.

15 So meanwhile, back at the ranch, we were
16 working on our rules. The Office of Surface Mining was
17 working on their rules.

18 So August of this year, the OSM published
19 their new rules. And one of those rules in particular
20 is of interest to this process that we're doing now.
21 And that's the rule that I have broadcast up here.
22 It's: Standards for success and statistically valid
23 sampling techniques for measuring success shall be
24 selected by the regulatory authority, described in
25 writing, and made available to the public. The

1 italicized writing in yellow is new rule language.

2 So what does this mean? First of all, we are
3 no longer required to promulgate rules to change our
4 methods and our statistics. It allows the regulatory
5 authority -- which is Land Quality -- to revise methods
6 and statistical procedures without the length
7 rule-making process and OSM approval. Given that it's
8 been 20 years since we did our last revision on these
9 rules, maybe it will make it a more dynamic guideline
10 or document than it is right now.

11 With that said, LQD must still determine and
12 publish acceptable methods. So even though we don't
13 have to make rules per se, we still have to determine
14 sampling methods and statistical procedures that are
15 acceptable, and publish those. And so based on this
16 new rule, at the last set of meetings when we were
17 doing our review, the Veg Rules group agreed to remove
18 applicable sections from the rule package and
19 incorporate them into a separate document.

20 The sections removed from the rules were
21 three sections from Chapter 4, all of them on sampling
22 or the nuts and bolts of what you need to submit to us,
23 sampling methods, and then an appendix, 4-3, which is
24 on Sample Adequacy Calculations and Statistical
25 Procedures for Revegetation Success Evaluation; a/k/a

1 statistical Methods. And all of these have been pulled
2 from the rule package to be incorporated into this
3 separate document.

4 Going to change gears now, so this would be a
5 good time to ask questions or make comments.

6 MR. LIEDTKE: I'm Roy Liedtke, from Cordero
7 Rojo Mine.

8 Just one comment, one question. On the
9 early-on slide, Carol, you mentioned the participants.
10 I think it would be worthy to note that on several of
11 the meetings of the Office of Surface Mining also
12 participated.

13 MS. BILBROUGH: That would be very worthy
14 of mention, yes.

15 MR. LIEDTKE: Now, maybe this will come up
16 later, but on the current status where you mentioned
17 the WMA will provide Land Quality with disagreements
18 and alternative language, hopefully by the end of the
19 day will we know what the schedule is for that? Or
20 will we have a schedule late out? When do we do
21 that?

22 MS. BILBROUGH: As soon as you can. We can
23 talk about it.

24 MR. LIEDTKE: Okay. Good. Thank you.

25 CHAIRMAN GAMPETRO: Anything else?

1 MS. BILBROUGH: I apologize for the
2 omission.

3 MR. CHANCELLOR: I think it's worthwhile
4 mentioning, too, that at one or two of these meetings
5 there were a couple of environmental group
6 representatives there. But I think they concluded
7 that the process was so in depth and so in detail
8 that it was beyond their capability to really devote
9 that much time to understanding the whole thing. So
10 they were not there at most of the meetings. Jason,
11 from the League of Conservation Voters, was probably
12 at three meetings, perhaps.

13 MS. BILBROUGH: Yes. But he did state at
14 the last meeting that he wasn't coming back because
15 because the process was not conducive for public
16 participation.

17 CHAIRMAN GAMPETRO: While we're at this
18 break, we've had a new arrival. Would you introduce
19 yourself?

20 MR. GRANT: Okay. I'm Matt Grant, from
21 Wyoming Mining Association.

22 CHAIRMAN GAMPETRO: Thank you.

23 MS. BILBROUGH: Now I'm going to shift
24 gears to more technical background information.

25 Land Quality has success standards which

1 apply to vegetation cover, biomass production, shrub
2 density, tree replacement, and species diversity and
3 composition. I'll go through each one of these
4 individually, but first I want to step back for a
5 minute and take a look at how we do that, how we go
6 about doing some of these comparisons. And one
7 question is: How do we evaluate these parameters? How
8 do we do these comparisons?

9 The Veg Rules group agreed on three different
10 types of comparisons. We call one Quantitative, where
11 you select data and you do a statistical analysis. And
12 there's some assessment of adequate sample size,
13 whether it's an independent formula or it's
14 incorporated into the statistical test itself. These
15 quantitative comparisons apply to cover, production,
16 and shrub density.

17 We also developed Semi-quantitative
18 comparisons. And those are a straight numeric
19 comparison without any statistical analysis associated.
20 So if you need to put one shrub or tree back, then you
21 put one tree back. If you need to put ten trees back,
22 you put ten trees back. And there is no plus or minus
23 or evaluation that incorporates any variance.

24 And the Quantitative or the Semi-Quantitative
25 comparison applies to species diversity and composition

1 standard and trees.

2 There is also -- in some cases we do
3 Qualitative comparisons, where we typically or often
4 use field observations but with no numeric or
5 statistical comparison.

6 CHAIRMAN GAMPETRO: May I ask a question?

7 MS. BILBROUGH: Yes.

8 CHAIRMAN GAMPETRO: What statistical
9 methodologies are used on the quantitative side? Are
10 you doing regression analysis? What are you doing?

11 MS. BILBROUGH: It's t-tests and
12 non-parametric versions of t-tests. So we have
13 one-sample and two-sample t-tests. And then the
14 non-parametric approach, which doesn't require --
15 doesn't have the same set of assumptions that a
16 parametric --

17 CHAIRMAN GAMPETRO: In classical, where you
18 have a confidence sample, and a sampling of at least
19 30 from the universe or whatever ...

20 MS. BILBROUGH: For -- it depends on how
21 the test is set up. But for a classical t-test, the
22 sample adequacy also has to be met, which is a
23 calculation that's based on the mean and the variance
24 around the mean. And you have to reach a certain
25 confidence level with that variance around the mean

1 before it's determined that you have an adequate
2 sample size.

3 CHAIRMAN GAMPETRO: Do you have a
4 pre-determined confidence level that you use? 95
5 percent?

6 MS. BILBROUGH: 90 percent.

7 CHAIRMAN GAMPETRO: 90 percent?

8 MS. BILBROUGH: Yes.

9 CHAIRMAN GAMPETRO: Okay.

10 MS. BILBROUGH: So the next question is:
11 What do we compare? We do Quantitative,
12 Semi-Quantitative, and Qualitative evaluations, but
13 how do we -- what sorts of -- how are we doing the
14 comparison?

15 We can do a comparison with reclamation
16 values, compared to some sort of native reference area.
17 There's a couple of different kinds. Right now the
18 point I'm trying to convey is that it's a reclamation
19 value of -- for cover production compared to a native
20 area of value; simultaneous comparison. And those
21 apply to cover and production.

22 We also have reclamation values compared to
23 some sort of technical standard. For cover and
24 production, a technical standard is based on five years
25 of data collected from native plant communities. For

1 shrub density, it's a set value that was determined by
2 a working committee. And there is some influence of
3 premine conditions on the shrub density standard. And
4 species diversity and composition is also a technical
5 standard. And those values are based on native and
6 reclaimed plant community information. And I'll go
7 into more detail on what the standards are. For now,
8 the point is that we have native reference areas and
9 technical standards as types of comparisons that we do.

10 So the next question is: When do we do these
11 comparisons? The minimum bonding period is ten years.
12 So no sooner than ten years can we release areas from
13 bond.

14 OSM regulations are clear that the
15 measurements for revegetation evaluation occur at the
16 end of the bonding period, regardless of reclamation
17 age. What this means is that you can't collect data
18 years nine and ten and go for bond release at year
19 twenty. The vegetation data has to be collected at the
20 end of the bonding period, even if you've waited twenty
21 or thirty years for the vegetation to mature. We can't
22 do these measurements in advance.

23 So for cover and production and species
24 diversity and composition, they are measured two years;
25 either the last two years of the bonding period or the

1 last two out of four years beginning no sooner than
2 year eight for a technical standard.

3 So you can start collecting data as soon as
4 year eight. You can't get bond release until year ten.
5 But you can't collect the data until you are getting
6 ready to go for bond release, even if it's year twenty.

7 MR. CHANCELLOR: I think at the last
8 meeting it was decided -- or at one of the last
9 meetings -- for the non-technical standard, the
10 evaluations -- it was agreed to also go two out of
11 four years.

12 MS. BILBROUGH: Did we?

13 MR. CHANCELLOR: Yeah.

14 MS. BILBROUGH: Okay. So it would be for
15 the last two out of four years for all cover and
16 production and species measurements. I didn't catch
17 that. Thank you.

18 MR. CHANCELLOR: Okay.

19 MS. BILBROUGH: And for shrub density, it
20 is only measured for one year. And it's measured the
21 last year of the bonding period.

22 There are three types of vegetation --

23 CHAIRMAN GAMPETRO: Quick question. On the
24 production, that is once the cover has been replaced,
25 how it reproduces itself over time?

1 MS. BILBROUGH: It's actually annual
2 biomass production.

3 CHAIRMAN GAMPETRO: Do you have something
4 to compare that to, then? What it was before, or
5 what it is in a similar area?

6 MS. BILBROUGH: Right. We compare it to a
7 native comparison or to a technical standard.

8 CHAIRMAN GAMPETRO: So you're not only
9 looking at what was put back, but whether it is
10 continuing to reproduce itself in a proper manner.

11 MR. CHANCELLOR: It's more how much it
12 produces, how much vegetation matter. We clip it,
13 dry it, and then weigh it.

14 MS. BILBROUGH: Actually, I will get to
15 that as we go.

16 CHAIRMAN GAMPETRO: Okay.

17 MS. BILBROUGH: I think that will -- your
18 question will be answered.

19 MR. CHANCELLOR: We've also had a new
20 person join us. Introduction, and where you're from.

21 MR. GIRARD: I'm Joe Girard, and I'm with
22 the Environmental Quality Council.

23 MS. BILBROUGH: We have three types of
24 vegetation information; three different circumstances
25 where we collect information.

1 The first one, first type is baseline, which
2 describes the premine native vegetation.

3 We also have interim monitoring, which
4 assesses the progress of reclaimed vegetation. The
5 requirement for monitoring is specified in the rules.
6 But the actual methods are permit specific. And we
7 proposed no changes to those requirements.

8 And then at the end of the bonding period you
9 have revegetation success verification, which evaluates
10 reclaimed vegetation for bond release.

11 So now I'll start talking about the
12 individual parameters that we look at.

13 Cover is defined in our rules as the percent
14 of the ground surface which is covered by the vertical
15 projection of objects on or above the ground surface.
16 And we have two different kinds of cover. One is
17 vegetation cover, which is the percent of ground
18 surface covered by live vascular plants. And we also
19 have total ground cover, which is vegetation plus
20 litter plus biological soil plus rock, combined
21 together for total ground cover.

22 And I don't know if you can see this slide
23 very well, but we have a section that you would call
24 rock, bare ground, some dead plant material that would
25 be considered litter, and a live plant that you would

1 actually consider vegetation. So we have those four
2 basic categories, plus cryptogamic or biological soil
3 crusts.

4 Cover standards are that the vegetation cover
5 is self-renewing and that vegetation cover and total
6 ground cover are at least equal to premine cover or a
7 technical standard based on cover.

8 To answer your question, Jim, we assume that
9 if the vegetation is there for ten to fifteen years --
10 we look for indications that the vegetation is
11 self-renewing. We look for seedlings, we look to see
12 that the seeding rows are no longer conspicuous. So
13 that's a qualitative evaluation. We don't actually
14 apply a standard specifically associated with
15 self-renewing.

16 CHAIRMAN GAMPETRO: How do you take into
17 account grazing and drought?

18 MS. BILBROUGH: Grazing -- at the time that
19 we do the evaluation, grazing is excluded during that
20 time period. If grazing has occurred on the
21 reclamation and the plants are still there and they
22 are still productive, then we conclude that the land
23 is withstanding grazing.

24 Drought -- you know, it affects cover and
25 production on both native -- on whatever you're doing a

1 comparison against, if you're doing a native
2 comparison. It will affect both. And so you will have
3 a relative change in both. And so -- you know, we
4 can't really make drought go away, unfortunately.

5 Does that answer your question?

6 MR. CHANCELLOR: One thing on the grazing
7 issue, grazing used to be a standard that we had to
8 show that the land can sustain grazing. But several
9 years ago we removed that from the standard.

10 So it's really difficult to quantify -- you
11 know, how much grazing took place. And we looked at
12 animal units for that purpose.

13 So we removed the standard, but we still
14 encourage grazing as a husbandry practice to manage the
15 reclamation and to take care of some of the litter
16 problems or just to -- it's a good practice to do. So
17 mines do still do grazing. But it's not mandatory.
18 It's done as a standard for reclamation success.

19 CHAIRMAN GAMPETRO: I guess I was more
20 considering that if you look at -- at least around
21 where we're at, in Buffalo -- if you look at the way
22 the land looks now compared to seven years ago,
23 before the drought, and then take into account some
24 of the grazing practices -- some were good and some
25 were bad -- it would be very difficult to achieve

1 premine standards where there was no mining. Okay?

2 Because of the deterioration of the cover.

3 MR. CHANCELLOR: We've found that
4 oftentimes, because the mine lands are -- has less
5 grazing pressure on them -- that the cover and
6 production on the reclaimed lands is significantly
7 higher than the native lands, because it's managed to
8 a higher degree. Because the mines watch it very,
9 very closely. They're able to do that rather than
10 ranchers with larger areas, who may not be able to.
11 So ...

12 CHAIRMAN GAMPETRO: All right. Thank you.

13 MR. BOEHMS: Also, keep in mind, if you're
14 comparing to a reference area -- you know, you would
15 prefer that they have the same kind of conditions.

16 MS. BILBROUGH: With technical standards
17 there is a problem with that approach. If you spend
18 five years collecting data and the five years were
19 all very wet and you're then in a drought, you might
20 have a hard time. It is a legitimate issue with that
21 approach.

22 MR. CHANCELLOR: Well, conversely, if the
23 five years of data were collected in drought years --
24 you know, with how long the drought's been going on
25 now, that it is a concern. But we do require five

1 years prior, to not hit drought every year.

2 MR. MOXLEY: I'm Mark Moxley, with Land
3 Quality.

4 We should point out, too, that the five years
5 of data that is used to develop a technical standard
6 are generally not five consecutive years. So you might
7 have a much larger time span. So you are collecting
8 data from -- hopefully -- drought years as well as wet
9 years, and averaging the data together.

10 CHAIRMAN GAMPETRO: Thank you.

11 MR. MOXLEY: Conceivably, if you collect
12 five years of consecutive data, that might all fall
13 under drought.

14 MR. SIERZ: Mike Sierz, with the Forest
15 Service.

16 What happens if after five -- you're
17 collecting your data and you're monitoring, and the
18 grazing has a detrimental effect on the reclamation.
19 And of course the Forest Service, we're interested in
20 getting to the mine release. I mean, what's a
21 threshold there that you determine -- somebody -- who
22 determines that the grazing is detrimental to the other
23 plants and to getting toward bond release?

24 MS. BILBROUGH: When we evaluate for bond
25 release, the animals are pulled off that year,

1 typically. And so our standard is simply production
2 and cover equal to or greater than the premine
3 conditions.

4 And so we set up these standards that say
5 vegetation cover is equal to or greater than native or
6 a technical standard.

7 So if grazing hammers the reclamation so hard
8 that cover and production are less than the standard or
9 premine native or the native comparison, then it would
10 not meet the requirements for bond release. That would
11 be how it would progress. It would take a lot of
12 grazing for that to happen.

13 MR. CHANCELLOR: During the bonding period,
14 it's the responsibility of the operator to watch the
15 grazing. And they make that determination. Usually
16 they're pretty careful as to what happens out there,
17 because they do not want to hit it so hard that it
18 damages it. So it's to their benefit to watch it
19 very closely and not let it get that far. Because
20 it's their responsibility.

21 MR. SIERZ: Okay. We were just wondering
22 what that threshold is, because -- you know, we want
23 to get the bond release, and we don't want to have
24 some excuse that says, oh, we grazed the last five
25 years and now we can't get to bond release for

1 another three or four years or something.

2 MR. CHANCELLOR: I think the mines share
3 your concern. They do not want to over graze it, so
4 it does not hamper them getting bond release.

5 MR. SIERZ: Okay.

6 MR. CHANCELLOR: The mines can answer. But
7 I think they watch it very closely, to avoid it.

8 MS. BILBROUGH: So just as a reminder, this
9 is a quantitative standard with a statistical
10 analysis associated.

11 And our proposed change is to remove the
12 total ground cover requirement, so that the remaining
13 requirement would be vegetation cover at least equal to
14 premine cover, the technical standard.

15 The reason we're removing total ground cover
16 is because that is a indicator, really, of erosional
17 stability, and is not a very significant indicator of
18 revegetation success. It's more used to determine if
19 the ground -- if the reclamation is erosionally stable.
20 And we do that kind of evaluation under another set of
21 success standards that don't involve revegetation
22 success.

23 That analysis does incorporate a -- does look
24 at vegetation cover. But it's a different set of
25 questions and a different set of standards. The way

1 cover measurements are typically collected on
2 reclamation is using what we call a -- using a
3 transect. So a 50-meter tape is run across the
4 landscape, and 50 or 100 points are collected along
5 that tape at uniform distances. And you use an optical
6 sighting device to look down and see what hit you are
7 getting for each one of those data points, whether it's
8 bare ground, rock, vegetation, if it's a plant, if it's
9 biological soil crust and litter.

10 And so the first hit might be to a plant, or
11 it might be to bare ground. And then sometimes you
12 will see a situation where there is a shrub and a
13 canopy over plants. And so there will be sometimes
14 first hit and second hit data. And this could be a
15 second hit on bare ground or it could be a hit on a
16 plant or it could be a second hit on litter.

17 And so now we'll shift into production, which
18 is an estimate of the total quantity of herbaceous
19 matter produced within a growing season.

20 So production is just a measurement of what
21 Grew that year. And the standard is: Annual
22 herbaceous production is at least equal to premine
23 production or a technical standard based on -- I should
24 say premine production of cover. And again, a
25 quantitative standard.

1 There are no proposed changes to the standard
2 per se, but there is a proposal to change how we
3 collected the samples from selecting at the individual
4 species level to collecting all eligible species
5 combined and reporting a single number.

6 The one thing about production is that it's
7 important to be consistent with what counts towards
8 production. Ineligible species, such annual grasses,
9 noxious weeds, and succulents are not clipped. Shrubs
10 used to be clipped, but because of potential damage to
11 the plants, we don't clip shrubs anymore. So for the
12 most part, perennial grasses and forbs -- which are a
13 broad-leaf plant -- are species that are clipped for
14 biomass.

15 Shrub density is the number of individual
16 shrubs per unit area, typically reported on a number of
17 shrubs per meter squared basis. And there are two
18 different types of standards or goals that are applied
19 to the shrub density.

20 For lands affected between May 3rd of '78 and
21 August 6th of '96, the shrub goal applies. The shrub
22 goal is one shrub per meter squared on at least 10
23 percent of the postmining landscape. No matter how
24 many shrubs you had premine, postmine, one shrub per
25 acre on at least 10 percent.

1 The shrub density goal is not a requirement
2 for bond release. If you do not attain this goal, it
3 will not keep you from getting bond release.

4 For lands affected after August 6, 1996, the
5 shrub standard applies. And the standard is mandatory
6 for bond release. If you don't attain the standard,
7 you aren't eligible for bond release. The shrub
8 density standard is an average density of one shrub per
9 meter squared on 20 percent of eligible lands -- and
10 I'll get to eligible lands in a minute -- and this is
11 true except where a lesser premine density indicated
12 that postmine you should have a lesser density. So if
13 your premine density is less than one shrub per meter
14 squared, you replace the premine density on your
15 postmine density on 20 percent of the lands.

16 Postmine shrub species composition is
17 determined, to some extent, by premine species
18 composition. There are four different options in the
19 shrub standard. Again, this is a quantitative
20 standard. And there is no proposed change to the
21 standard, but there is a proposed change to what lands
22 are eligible for the standard.

23 So the concept of eligible lands for the
24 shrub density standard. The current definition lists
25 what lands are not eligible for the shrub standard.

1 And these lands include cropland, pasture land, and
2 treated graze land.

3 The proposed definition flip-flops around and
4 lists the land uses that are eligible for the shrub
5 standard. And this includes grazing land and pasture
6 land with the full shrub density greater than one shrub
7 per meter squared.

8 This revision was initiated by Wyoming Game &
9 Fish, and I'm going to defer to Rick for a more
10 complete discussion.

11 MR. CHANCELLOR: It came about with a case
12 that went to the Environmental Quality Council on
13 pasture land. Because in the previous -- or the
14 current rule, pasture lands were exempt from the
15 shrub standard. There came about a discussion as to
16 what constitutes pasture land. And based on the
17 decision by the Environmental Quality Council, the
18 Game & Fish Department had concerns that a lot of
19 areas of shrub lands could be excluded in being replaced
20 on the mine reclamation.

21 The OSM or SMCRA federal law gives the Game
22 & Fish Department the authority to approve the shrub
23 stocking rate, as far as how many shrubs go back on the
24 reclamation. So they basically have veto power over
25 that part of the program. And they expressed concern

1 that, given the new interpretation of what was eligible
2 or was not eligible for shrub replacement, they
3 approached the WMA to work out a solution to their
4 concerns.

5 And so this was a -- was not originally part
6 of our vegetation group discussion. There was a slide
7 discussion between the WYA and Game & Fish, with our
8 assistance, and this is what they came up with to
9 change this definition slightly to address the
10 concerns.

11 MS. BILBROUGH: So to back up to the
12 standard for a minute with a little bit more
13 discussion, if we have -- premine, if you had three
14 shrubs per meter squared throughout the mine, for
15 example, or two shrubs per meter squared throughout
16 the mine, then postmine you would still only have one
17 shrub per meter squared on 20 percent of the land.
18 That's the maximum amount that you would have.

19 If you have less than one shrub per meter
20 squared, then your postmine shrub density would
21 reflect that premine shrub density. So you can have a
22 lot of shrubs premine and still be at that one shrub
23 per meter squared postmine.

24 The tree standard is a one-for-one
25 replacement. So if you have a tree, you've got to put

1 it back. And the requirements are that 80 percent of
2 the trees are planted for at least eight years. And in
3 addition, invading trees -- provided they are an
4 acceptable species -- are allowed to be counted.

5 What we've changed or added to this rule is
6 that all planted trees have to be in place for at least
7 two years, two growing seasons, before applying for
8 bond release.

9 So any invading tree can count, regardless of
10 its age. But any tree that is planted has to have been
11 in place for at least two growing seasons. And this is
12 a semi-quantitative standard, which means there's just
13 the number of replacement trees that -- if there were
14 a hundred trees premine, a hundred trees put back.

15 And the number and types of species and their
16 distribution in the postmining landscape are all
17 specified.

18 Species diversity and composition is
19 basically that diversity and composition are suitable
20 for the approved postmining land use. And species --
21 it's both the number of species per unit area and their
22 distribution across the landscape. So it's both the
23 species count and their relative abundance in the
24 landscape that is important in considering diversity.

25 If you have a corn field with 50 species, and

1 49 of those species would be an individual
2 representative of a weed species, or you have a native
3 area with 50 species where you see a huge amount of
4 diversity -- and if you are just doing a count, all you
5 would see is that those two are similar. Composition
6 comes into -- would play an important role.

7 And right now the standards are permit
8 specific. Each mine has its own set of diversity
9 standards. And the Veg Rules group developed technical
10 standards for species diversity and composition.

11 The elements of the new standard are -- and I
12 will get to what exactly a belt transect is in just a
13 minute. But it's average number of species per some
14 unit area. And the minimum frequency by growth form --
15 which would be shrub, warm season grass, cool season
16 grass -- for minimum frequency for each growth form
17 across these transects. So not only do you have a
18 minimum number of species per unit area, but you also
19 need to have different types of species distributed
20 across the reclamation.

21 The numeric standards are set by the
22 Administrator, by land use type. And these will be
23 included in the guideline.

24 The standard applies to grazing land, pasture
25 land, and fish and wildlife habitat.

1 It's a numeric comparison; no statistics.

2 And it's optional for lands disturbed before
3 the rules are passed, and required for lands disturbed
4 after these rules are passed.

5 This is a -- sort of a stereotypical
6 illustration of a belt transect. This particular
7 transect is 2 meters wide X 50 meters long. Each
8 individual point represents an individual species. And
9 in this particular transect, there are a total of 16
10 different species represented in the transect. The
11 different colors represent different growth forms. So,
12 in this belt transect there are 16 species and four
13 different growth forms.

14 When you look at a distribution of
15 randomly-placed transects across some unit area, then
16 what you see is -- in this particular case -- the white
17 dots are very common, very frequent. They are very
18 common within a belt transect. And so what that's
19 telling you is that there are many species of that
20 growth form within that belt transect. They are also
21 present in all of the belt transects. So they have a
22 frequency of a hundred percent. The red species -- the
23 red growth forms -- so each one of these dots is,
24 again, an individual species, representing different
25 growth forms. And the point of this diagram is to show

1 that some species are present in all belt transects
2 across the sample unit. And that would be the hundred
3 percent frequency. And then green and red are present
4 in a few of the belt transects. And then the pink is
5 only present in one, so it's much less common.

6 And so what the diversity standard is, is an
7 average of each one of these, average number of
8 species. And that is ten in this particular case. And
9 then we will set frequency numbers for how many of
10 these belt transects growth forms need to be present
11 in. That's how we've set up this diversity standard.

12 So in summary, there are five major
13 parameters that we look at; cover, production, species
14 diversity and composition, shrub density, and trees.

15 Cover, production, and shrub density are
16 quantitative comparisons. Species diversity and
17 composition and trees are semi-quantitative.

18 All these parameters can have a technical
19 standard applied to them. Cover and production you can
20 also use some sort of native reference area as a
21 concurrent comparison. Species diversity and
22 composition, shrub density, and trees only have to
23 technical standards.

24 Cover, production, and species diversity and
25 composition are sampled for two years. Shrub density

1 and trees are sampled for one year.

2 That's the end of the technical session. And
3 I declare a break even if nobody else does. It's
4 almost 11:00.

5 MR. CHANCELLOR: Should we have questions
6 on this section first?

7 MS. BILBROUGH: Sure. Most definitely.

8 MR. GREEN: Just one point of
9 clarification.

10 MS. BILBROUGH: Yes.

11 MR. GREEN: According to the publication,
12 you mentioned that in some cases there may be some
13 invading tree species that might not be acceptable.
14 Could you provide some examples of what those might
15 be?

16 MS. BILBROUGH: Tamarisks.

17 MR. GREEN: Okay.

18 MS. BILBROUGH: I think that the way the
19 rules read, you put back native species or species
20 that are approved by the Administrator.

21 So if the question is what about Russian
22 olives, I'm not sure what the answer is to that.

23 MR. GREEN: That's what I was wondering.

24 CHAIRMAN GAMPETRO: Is that not classified
25 as a noxious plant?

1 MR. PONTROLO: Yes.

2 MS. BILBROUGH: I think so. So I think the
3 answer would be no to Russian olives.

4 MR. LIEDTKE: No.

5 MS. BILBROUGH: It would be yes?

6 MR. LIEDTKE: I just looked at an example,
7 and several Russian olives were planted per the
8 approved permit.

9 MS. BILBROUGH: Before it was declared
10 noxious.

11 MR. LIEDTKE: Right. And they're in a dry
12 area, where they're not spreading out or anything.
13 Providing only cover.

14 MS. BILBROUGH: Well, if they were in the
15 approved mine plan, you could definitely count them.

16 MR. GREEN: Thanks for the clarification.

17 MS. BILBROUGH: I'm not sure I clarified
18 anything, but you're welcome anyway.

19 MR. SIERZ: I guess that we'd have to wait
20 until bonding's released, and then we go cut them
21 down. Right? The Forest Service -- we spend a lot
22 of money a year doing away with Russian olives along
23 drainages right now, so ...

24 MS. BILBROUGH: I think if they're in our
25 approved mine plan we would accept them. But if they

1 are an invading species we would not accept them.

2 MS. PAGE: We won't approve them anymore.

3 MS. BILBROUGH: No. We won't approve them
4 anymore, certainly.

5 So, back at five or ten after?

6 MR. CHANCELLOR: Why don't we make it ten
7 after.

8 (Whereupon, the proceedings were held in
9 recess, from 11:00 to 11:15 a.m.)

10 MS. BILBROUGH: This part's actually fairly
11 short, so we're going to be done pretty quickly here.
12 And then we can maybe open it up for discussion and
13 see if you guys have any more questions.

14 The components of the rule revision. Chapter
15 1 is Authorities and Definitions. And the revisions
16 include definitions inserted from Appendix A and new
17 definitions that we realized we needed to include as a
18 function of this rule process, keeping in mind that
19 it's been 20 years since we did this. And in addition,
20 there are five regulatory categories for bond release
21 standards.

22 Without getting into the nitty-gritty, it's
23 based on what law was in place at the time. So there
24 is post SMCRA and the Open Cut Land Reclamation Act and
25 the Environmental Quality Act.

1 And then once we promulgated our rules, each
2 one of those time periods had a different set of
3 standards associated with it, everywhere from no
4 standards to SMCRA to what we have now -- which is the
5 Surface and Mining Reclamation Act -- consistency with
6 those regulations. So those are the elements that are
7 in Chapter 1. Since we're kind of doing an overview, I
8 did not go into the specifics of what the definitions
9 are.

10 Chapter 2. This should look familiar; I
11 think Rick showed you this slide in July. The current
12 sections in Chapter 2 are a General Requirements
13 section and then a second section that's Application
14 Content Requirements for Surface Coal Mining
15 Operations.

16 Rick split this out into six sections; the
17 general requirements, and then sections 2 through 6
18 were previously in -- all included in Section 2. And
19 the two that we're concerned with, where the veg rules
20 have been inserted and revised, are the vegetation
21 baseline requirements, Section 3, and Section 6, the
22 reclamation plan.

23 Again, feel free to ask questions at any
24 time.

25 So the elements of a baseline study. You're

1 required to provide a map of the vegetation
2 communities. So a map of your proposed area by plant
3 community.

4 And provide information on percent cover, by
5 species, for each plant community.

6 Annual herbaceous production data by plant
7 community.

8 Identify reference area locations. So these
9 reference areas that you are using postmine for
10 reclamation success evaluation are identified at the
11 beginning of mining.

12 And shrub density sampling, so that you can
13 determine what the shrub standard will be postmine
14 that you have to plan for.

15 Tree counts and locations.

16 And a plant species inventory.

17 The text that's in yellow are areas where
18 baseline study requirements have changed as a function
19 of the new rule package.

20 And then there's plant community
21 descriptions.

22 The text on baseline requirements is moved
23 largely from Appendix A, with these changes: When the
24 Administrator determines that there is sufficient
25 information on a particular plant community from a

1 previous study -- so, for example, the Powder River
2 Basin. How many studies do we have on upland
3 grasslands, and will a new study provide more
4 information or are we simply redescribing the same
5 community that we know really well already.

6 Under the circumstance where we find that we
7 already have sufficient baseline information, we allow
8 a reduced sampling for cover -- so a smaller sample
9 size -- without a requirement for sample adequacy. So
10 by doing that, we're saying you don't have to sample
11 until the variance around your mean is small enough.

12 We've eliminated production sampling for that
13 community. And this -- so reduced sampling cover, no
14 production -- unless there will be a technical
15 standard. And then of course you have to sample fully,
16 for cover and production you have to sample adequacy.

17 The second change is, if the operator commits
18 to maximum shrubbery establishment, then reduced
19 sampling is allowed. Because you're committing to a
20 certain amount of shrub establishment. So we don't
21 make -- won't make them sample, won't make the operator
22 sample.

23 MS. SMITH: What's the definition of
24 maximum number?

25 MS. BILBROUGH: Option 2, which -- Stacy

1 knows these by heart.

2 MS. PAGE: It would be Option 2.

3 MS. BILBROUGH: And the reclamation plan
4 requirements -- I did not see any major revisions to
5 those when I looked through those. Some are moved
6 from Appendix A. And we also took some sections from
7 Chapter 4, which seemed to be more appropriately
8 located in Chapter 2. So that's all I'm going to say
9 about Chapter 2.

10 If you have any questions or comments? Okay.

11 Chapter 4. We currently have one section,
12 and that is called General Performance Standards, for
13 the revegetation. We split that into two sections.
14 The Section 1 is still General Revegetation Performance
15 Standards. And Section 2 is a new section, called
16 Revegetation Success Standards. So Section 1 is more
17 general standards and Section 2 is specific performance
18 standards where you would find cover, production,
19 species diversity. Those things.

20 Appendix 4-1 is the new Species Diversity
21 Standard that the rules group put together. And
22 Appendix 4-2 is the Shrub Standard Rule, moved from
23 Appendix A.

24 Section 1, General Performance Standards, has
25 two changes in it; the revision to the tree standard

1 that I explained earlier, where your trees have to be
2 planted for at least two years. And we inserted a new
3 section called Normal Husbandry Practices. And I
4 should make Bob Green talk about that, because he wrote
5 it. And did a very good job.

6 And I forgot to include you as an author. I
7 apologize.

8 MR. GREEN: Please. I've turned it over to
9 you.

10 MS. BILBROUGH: The normal husbandry
11 practices is an OSM disapproval. OSM rules require
12 that we specify practices that can be used after
13 seeding and establishment that will not reset the
14 bond clock.

15 And OSM has very specific rules about
16 interseeding versus augmented seeding, one being coming
17 into the reclamation and planting over what is pretty
18 successful reclamation to improve it, versus declaring
19 a failure and starting all over again. If you declare
20 it a failure and you start all over again -- which
21 would be augmented or reseeding -- your bond clock
22 starts again. And so OSM puts limits on husbandry
23 practices, so that if you do some kind of very large
24 manipulation, the bond clock will be reset.

25 And so some examples of the normal husbandry

1 practices we put into the rules were: Interseeding,
2 which is going in and interseeding on top of
3 reclamation that's growing; grazing; and weed control.
4 And we put limits -- again, following OSM requirements,
5 we put limiting on some of these practices. And one
6 example is interseeding, where we set -- you can't --
7 we put a time constraint on it. Because you can't
8 plant within six years of the end of the bond period.
9 So if you are going for bond release at ten years you
10 can't have interseeded within six years of ten years.
11 No later than year four, basically.

12 So that was a long and arduous process, to
13 figure out what was a normal husbandry practice and
14 what was not a normal husbandry -- you know, like is
15 putting up a fence a normal husbandry practice? Do we
16 have to put it in the rules? Or do we just sort of
17 consider that to be something you do? And so it took
18 us a while to put this rule together.

19 Rose?

20 MS. HAROIAN: Rose Haroian, with Powder
21 River Coal.

22 I've got a question.

23 MS. BILBROUGH: Sure.

24 MS. HAROIAN: Who determines whether
25 someone's interseeding or whether they're augmenting?

1 MS. BILBROUGH: It's a good question. I
2 think it could be a judgment call. Because you might
3 have some plants growing and still call it a failure.
4 And so I think it would be your call, to say, I'm
5 declaring this a failure and I'm starting over again.

6 We've had a situation where we had somebody,
7 a mine operator, who interseeded four years in a row.
8 And we said, okay, you guys, maybe this isn't working.
9 And we ended up calling it an augmented seeding and
10 resetting the bond clock for that.

11 So I don't think it's going to be black and
12 white. There isn't anything that says, if you have 3
13 percent cover and you interseed we're going to call it
14 augmented seeding, but you have 20 percent cover we'll
15 just call it interseeding. We don't have any call like
16 that.

17 MR. BOEHMS: Carol, do you look at -- do
18 you all look at the size of the area within the total
19 area being sought for bond release later?

20 MS. BILBROUGH: I don't think there's a
21 size limit to interseeding.

22 MR. BOEHMS: I'm just curious. I'm not
23 familiar with your rules on this.

24 MS. BILBROUGH: Well, they're brand new
25 rules, so ...

1 MR. BOEHMS: Yeah. That's one thing you
2 probably would consider, I would think.

3 MS. BILBROUGH: We have a size
4 limitation --

5 MR. BOEHMS: You know, 5 acres within a
6 thousand acres is pretty negligible, compared to less
7 than -- you know, compared to 5 acres within 10
8 acres.

9 MS. BILBROUGH: We have a size limitation
10 on things like major weed control or burning or
11 anything like that. I don't think we have a size
12 limit on interseeding.

13 MR. CHANCELLOR: Bob, did you have
14 something?

15 MR. GREEN: I was just going to suggest
16 that I believe that the new definitions in Chapter 1
17 may provide some guidance on augmented seeding,
18 interseeding. Not that they don't overlap, but they
19 do provide some guidance.

20 MS. BILBROUGH: We can whip those out if
21 you want to. Stacy's on it.

22 MR. SIERZ: Wait a second. So let's say
23 somebody has 50 acres out there ready to bond
24 release, and they go out and do something they're not
25 supposed to and -- on 10 acres. And does that -- can

1 we split those bond releases up? If they screw up 10
2 acres, can the other 40 acres be released? I mean,
3 there's mechanisms in there to do that. Right?

4 MS. BILBROUGH: I --

5 MR. SIERZ: I'm just saying -- you know,
6 over long term, is there -- I mean, if somebody goes
7 out there and starts coming back in their reclamation
8 and doing something then we've got to go another ten
9 years, so -- you know.

10 MR. CHANCELLOR: The ten years does not
11 necessarily restart the whole reclamation area.

12 MR. SIERZ: Okay.

13 MR. CHANCELLOR: It is possible to carve
14 out those areas that have been -- that had to be
15 reseeded.

16 MR. SIERZ: Okay.

17 MR. CHANCELLOR: So just because 10 acres
18 had to reseeded does not mean the whole hundred
19 thousand acres needs to restart the bond clock.

20 There is something in the rules that state
21 that we cannot release the bond if it results in a lot
22 of isolated, small pockets of unreleased lands. So
23 when you look at the bigger landscape, you don't want a
24 polka dot deal out there, where these little polka dots
25 are not released. But we can separate out those areas

1 you're talking about from the larger area. Yes, we
2 can.

3 MR. SIERZ: Okay.

4 MS. PAGE: Stacy Page. Chapter 1 does not
5 give out acreage.

6 MR. GREEN: No. Just that it would provide
7 some guidance as far as the differentiation between
8 the two terms.

9 MS. BILBROUGH: Augment seeding means
10 reseedling in response to unsuccessful revegetation in
11 terms of adequate germination or establishment or
12 permits. Augment seeding resets the applicable
13 liability period.

14 Interseeding is a secondary seeding into
15 established vegetation in order to improve composition,
16 diversity, or seasonality.

17 So that does provide some guidance on making
18 that call. Interseeding is done to enhance
19 revegetation rather than to augment revegetation that
20 is unsuccessful.

21 So --

22 CHAIRMAN GAMPETRO: That's pretty specific.

23 MS. BILBROUGH: -- it's a judgment call.

24 CHAIRMAN GAMPETRO: If you plant the same
25 seeds, that augmentation. If you plant different

1 seeds that's interseeding. That's what I'm hearing
2 you saying.

3 MR. CHANCELLOR: For example, if you plant
4 using the same seed mixture, that's probably
5 augmentation. But say you plant forbs or warm season
6 grasses, you got out and plant those, that's probably
7 interseeding. Because you've already established
8 cool season grasses.

9 CHAIRMAN GAMPETRO: I think that's what I
10 said, in less words.

11 MR. CHANCELLOR: Yes, you did say that.

12 MS. BILBROUGH: So for the most part -- I'm
13 sorry. Did you have a question? Okay.

14 For the most part, this first section is the
15 old section with little revision. The strike and
16 underline makes it look like there's a lot because we
17 struck a lot and moved it to the second section.

18 But normal husbandry practices, there's a big
19 change to this section.

20 Section 2, Revegetation Success Standards, is
21 significantly different than the current rules. The
22 previous rules did not separate out land uses very
23 much. They did a little bit. But here we set out to
24 explicitly set standards or put the standards in rules
25 by land use. Because each land use has a different set

1 of standards, for the most part.

2 The yellow standards -- postmining wetlands,
3 developed water resource, recreational, and fish and
4 wildlife habitat -- are completely new. We already had
5 grazing land, pasture land, cropland, forestry,
6 industrial, commercial, residential, and special
7 success standards in our rules to start with.

8 So I'm going to -- so basically, I have a
9 couple slides, each explaining these different land
10 uses, and with a very brief overview of what the
11 success standards are that are associated with these
12 land uses.

13 Chapter 4 has two new appendices. The first
14 one is the species diversity standard that you've heard
15 about already today. The current -- just as a
16 reminder, the current standards are permit specific.
17 And the new standard is technical, based on the average
18 species density and the presence and distribution of
19 growth forms across the reclamation. And by growth
20 forms I mean shrubs, perennial cool season grasses,
21 perennial warm season grasses, forbs, things like that.

22 The second appendix is Appendix 4-2, which is
23 the Shrub Standard Rule. It's been moved with no
24 revision from Appendix A.

25 So grazing land and pasture land are two

1 different land uses. But they have very similar --

2 MR. CHANCELLOR: Carol, these are not in
3 the handout.

4 MS. BILBROUGH: Oh, sorry. I did them in
5 the car on the way here, so they're not in the
6 handout. Rick was driving. So we can print these
7 out and -- or e-mail out copies of these.

8 Grazing land and pasture land have -- the
9 standards say cover, production, species diversity and
10 composition, and shrub density. And shrub density
11 applies to all grazing land areas. And pasture land
12 with the shrub density of greater than one shrub per
13 meter squared.

14 As I mentioned before, for cover and
15 production, these are quantitative standards, where you
16 do a statistical comparison. Species diversity is a
17 semi-quantitative numeric comparison.

18 Cropland has a pretty simple standard. Just
19 one. Production. You can compare the production on
20 your cropland to adjacent cropland or you can compare
21 to county data. Either way. We allowed for comparing
22 to adjacent because sometimes the county data does not
23 reflect local conditions. And again, this is meeting
24 the OSM standard. This is two-year standard. It has
25 to be the last two years of the bonding period.

1 Fish and Wildlife Habitat. The standards are
2 specific to the habitat type. And they are permit
3 specific. And it requires the approval of the
4 Administrator and Wyoming Game & Fish.

5 And in terms of what goes into the permit, it
6 includes cover requirements, tree and shrub stocking
7 requirements, species diversity and composition
8 requirements, and how you are going to go about doing
9 that evaluation. Is it going to be quantitative,
10 qualitative or semi-qualitative.

11 For example, if you were doing upland plover
12 habitat restoration, the cover requirements would be
13 very low, if at all. 5 percent, 10 percent. Shrub
14 and tree stocking requirements would be zero. But you
15 would have to put it in your permit: No shrubs or
16 trees. And whatever was appropriate for species
17 diversity and composition.

18 If, on the other hand, you were replacing the
19 sage grouse habitat, you would have shrub stocking
20 requirements.

21 So it's very specific to what kind of habitat
22 restoration you are talking about.

23 Postmining Wetlands was another good one. We
24 have two different kind of wetlands, postmining, in
25 terms of their category, not what they are.

1 Mitigation Wetlands are wetlands that replace
2 premining wetlands as regulated by the Army Corps of
3 Engineers.

4 Enhancement Wetlands are wetlands that are
5 replaced above and beyond any mitigation that is
6 required by the Army Corps of Engineers.

7 We ran into a bugaboo with this one, because
8 the Corps requires a five-year period before they will
9 evaluate for successful wetland mitigation. And of
10 course our bonding period is ten years. What we
11 figured is that more often than not they will coincide,
12 just because of the time it takes to get wetlands
13 established. But the rules addressed the situation
14 where mitigation occurs early, and earlier than you can
15 do bond release.

16 So success is determined by the Army Corps of
17 Engineers as early as year five. Land Quality does not
18 make a call on successful mitigation. That is
19 determined by the Corps of Engineers.

20 If the wetland has already been determined
21 successful when we get ready to move forward with bond
22 release, then the wetland is just included in the
23 surrounding vegetation and sampled as that land use;
24 probably grazing lands.

25 For Enhancement Wetlands, this is a ten-year

1 bond period. And success standards again are permit
2 specific, because we considered enhancement wetlands as
3 fish and wildlife habitat. And therefore, Game & Fish
4 and Land Quality will approve the mitigation plan and
5 it will be incorporated into the permit.

6 Industrial, Commercial, and Residential has
7 very minimal -- as you might expect -- revegetation
8 standards. It's required that the land be stabilized
9 and revegetated to control erosion unless they are
10 going to immediately start whatever the industrial or
11 commercial land use is. And, unlike our other land
12 uses, they can be released from bond as soon as the
13 area is ready for the approved postmine land use. So
14 this type of land use can be approved early, as I
15 understand it.

16 Developed Water Resource. We put it in
17 there, but there isn't any. So it just says there
18 aren't any. So that's a pretty easy one.

19 Recreational. Again, permit specific
20 performance standards. And in this case, there is no
21 specification what those performance standards would
22 be. You don't have to specify cover or shrub stocking
23 or anything like that.

24 In one case we had a motocross course as a
25 postmine land use. So that would have very specific

1 reclamation standards compared to a golf course
2 setting.

3 So again, those go into the permit and they
4 are very specific to whatever that recreational land
5 use would be.

6 Forestry. The standards are -- the standards
7 read that standards for reforestation or commercial
8 harvest are established with approval from forest
9 management agencies and Land Quality Division. And
10 these specify the quality and the quantity of trees.

11 I don't believe we have any forestry land use
12 postmining in Wyoming.

13 The understory cover has to be present to
14 achieve the postmining land use, and that is defined
15 however it needs to be in order to achieve that land
16 use.

17 And last, but not least, we have the Special
18 Success Standards. And these apply to areas that have
19 been either previously disturbed or disturbed a long
20 time ago.

21 The first category is areas previously
22 disturbed by mining and not reclaimed to SMCRA
23 standards. So you have an area that was mined,
24 reclaimed, and you go back in and disturb it again. So
25 typically there is no topsoil. There is nothing there

1 that would allow you to get successful reclamation to
2 the current standards.

3 So the requirements there are that it be
4 revegetated to a ground cover and productivity existing
5 before redisturbance -- so whatever it reclaimed itself
6 to or whatever those standards were -- and that it be
7 adequate to control erosion.

8 The second case is an area that was disturbed
9 before SMCRA was passed and continuously used. So it's
10 not a redisturbed area. It was disturbed a long time
11 ago and it's been used all along. And what this means
12 is that it was before we required topsoil to be
13 protected and things like that. So again, the
14 resources aren't there to necessarily get successful
15 reclamation that would meet our standards, current
16 standards.

17 And facilities are a good example; railroads,
18 haul road, things like that. Things in use for a long
19 time. And the requirement there is that they be
20 reclaimed to the performance standards that were in
21 effect at the time of the initial disturbance, and, at
22 a minimum, it be revegetated to control erosion. And
23 this is a perfect example of what would be a
24 qualitative assessment.

25 So that's all of the land uses. So the only

1 thing that's left is what's next?

2 One thing that happens -- needs to happen
3 fairly soon is that the Wyoming Mining Association
4 needs to provide Land Quality with their identified
5 disagreements.

6 And then in addition, and while that's
7 happening, we're working on completing the draft rules
8 based on all the comments we received during the
9 meeting, and assembling a package that will hopefully
10 be helpful to you guys in understanding everything.

11 And then in the presentation of the rule
12 package to the Advisory Board, I don't know if you guys
13 recall that you said, at your July meeting, that you
14 wanted to do this as a multi-day meeting rather than in
15 multiple meetings. You can take that back if you want
16 to.

17 And so I think probably there is some
18 discussion to be had, based on the contents of these
19 slide. And also, if you guys have any requests or
20 suggestions for the format or information that will
21 help you, feel free to give us that input so that we
22 can give you the package that will help you the best.

23 CHAIRMAN GAMPETRO: Comments or
24 suggestions?

25 MR. GREEN: Carol, you've done a great job

1 of presenting this in a very, very organized fashion.
2 And what I would suggest is that if you could format
3 the multi-day presentation as details along these
4 same categories. Because I think that would be very
5 helpful.

6 MS. BILBROUGH: Okay.

7 MR. GREEN: And make it even more
8 available.

9 MS. BILBROUGH: Okay.

10 CHAIRMAN GAMPETRO: I think it was
11 excellent, as well.

12 I would be one that would be for breaking it
13 into parts, having separate meetings, which I thought I
14 might have heard you suggest.

15 MS. BILBROUGH: Well, I wasn't going to
16 hold you to your decision in July.

17 CHAIRMAN GAMPETRO: Just in terms of being
18 able to review the package, I don't know if that's
19 feasible or wise. But it's a concept to think about.

20 Any other comments or suggestions?

21 MR. GREEN: Mr. Chairman, just based on the
22 experience that -- being part of putting this
23 together, I can tell you, there are pros and cons
24 both ways.

25 I would probably support the multi-day

1 meeting, only because it's hard to restart on the
2 basics of this.

3 CHAIRMAN GAMPETRO: And know where you left
4 off?

5 MR. GREEN: Exactly. There is time
6 involved. However, I certainly do understand that in
7 a multi-day process you can indeed reach a point of
8 -- of --

9 MS. BILBROUGH: Saturation?

10 MR. GREEN: Exactly. Saturation. Thank
11 you.

12 CHAIRMAN GAMPETRO: I think that's
13 something we have to decide, to see what comes out of
14 it?

15 Rick, what are your thoughts on that?

16 MR. CHANCELLOR: I agree with Bob. There
17 is pros and cons both ways.

18 The pro different days is that you can attack
19 it in chunks. The con of that is sometimes the
20 different parts are very related and it's hard to
21 totally separate your thought process on this part from
22 this part later on, because they have interconnected
23 quite a bit.

24 So that's why whichever way the Board feels
25 most comfortable. Because it's a very large rule

1 package. And very complex. A lot of changes. So it's
2 really up to the Board as far as what you feel most
3 comfortable with, what you can handle.

4 And we realize it's not going to be a real
5 easy task. We promise not to do this again.

6 MS. BILBROUGH: We could -- if you chose to
7 split it up, we could keep that in mind and structure
8 the presentation in such a way as to say, remember,
9 last time we talked about this and you had this
10 context here and it has this context, or something
11 like that. I think we could facilitate -- I'm not
12 advocating one way or the other. I'm Just saying I
13 think we could facilitate that if you chose that
14 option.

15 CHAIRMAN GAMPETRO: Perhaps when we're
16 further along you will have a better sense of whether
17 it's splittable or not.

18 MS. BILBROUGH: Right.

19 CHAIRMAN GAMPETRO: Any other comments or
20 suggestions?

21 MR. DEMSHAR: Mr. Chairman, the only
22 thing -- the only advantage I can think of, after
23 listening to all the pros and cons -- the underlying
24 advantage, to me, is timing. If you were to convene
25 us as a group on a multi-day session -- you know, we

1 can get through it, as opposed to trying to come back
2 for several successive meetings. It just basically
3 spreads it out. So there is an advantage, from a
4 timing sense, to a multi-day meeting. But for me,
5 personally, whatever we decide is fine.

6 MR. CHANCELLOR: Mr. Chairman, it may also
7 depend a lot on what approach -- on how much comment
8 we get on the rule package, of course. But the
9 length of time to go through the package will depend
10 somewhat on how detailed you want to go through the
11 package. Because there will be some sections that
12 there are no comments and you have no questions on
13 that could go quite quickly. If you go rule by rule,
14 it will take a very long time. So a lot depends on,
15 too, how you want to approach the changes. But that
16 is something geared toward the comments received from
17 the public, so we don't know exactly how that will
18 play out.

19 CHAIRMAN GAMPETRO: When will we know more
20 about that?

21 MR. CHANCELLOR: Well, they know comments
22 until the -- until probably the day of the meeting.
23 Because they usually publish it and say get your
24 comments in by such and such date. And they usually
25 get the comments on the last day. So they won't know

1 the scope of the concern from the public until the
2 very last part. So we won't know.

3 As part of the mining industry -- well, I
4 think we have, as a whole -- there may be individual
5 companies that have different concerns. But as a
6 whole, I think we've come to a resolution on almost all
7 aspects of the rule package, except for a small
8 handful.

9 MR. GREEN: A handful?

10 MR. CHANCELLOR: Yeah. But there may be
11 individual companies that have additional concerns
12 that we won't know until the comments come out. Then
13 the groups -- the general public, we don't know how
14 they feel about this package at all.

15 CHAIRMAN GAMPETRO: What's the timing look
16 like, in terms of when we will be ready to tackle it?

17 MR. CHANCELLOR: I'll ask that question to
18 Craig, because he's the primary author/editor of
19 putting the whole package together, Carol and Craig
20 both.

21 MR. HULTS: I think we had originally
22 agreed to try to get this in the first quarter.

23 MR. CHANCELLOR: That was the initial
24 thought, yes.

25 MR. HULTS: Okay. What I believe we have

1 left right now is, now that we've pulled out some of
2 the sections that aren't necessarily going into rule
3 at this point, we have those, we had moved forward
4 with the idea that they would be in the rules
5 initially. That's going to change some things down
6 the line as far as cross-references to chapters, that
7 sort of thing.

8 One thing that hasn't been mentioned at this
9 point is, anywhere that our chapter is referenced --
10 Chapter 1, Chapter 2, Chapter 4 -- they are all going to
11 have to be looked at, to make sure that there aren't
12 References that are off now. So those may get into the
13 mix here, as well.

14 Realistically, I think we're pretty close on
15 final language. It's just a matter of getting our
16 support documents together. And I think the first
17 quarter is still reasonable.

18 MS. BILBROUGH: March 31st.

19 MR. CHANCELLOR: Given that scenario, based
20 on Roy's earlier question, what time do you feel we
21 need to have the disagreements identified by and have
22 alternative language so it's put into the package
23 that comes before the Board?

24 MR. HULTS: Now, that's going to impact our
25 Statement of Reasons more than anything. And that's

1 going to be -- we're going to need that 30 days
2 advance notice to the Board. So we at least need it
3 before that.

4 MS. BILBROUGH: So we need it -- we need it
5 in January.

6 MR. HULTS: What I am saying is a minimum
7 of a 30-day window.

8 MS. BILBROUGH: Well, we need to
9 incorporate it and respond.

10 MR. HULTS: Exactly.

11 MS. BILBROUGH: And we also have all the
12 comments from the three-day review meetings that we
13 had with the large Veg Rules group. So we do have
14 some revisions that need to happen there, too.

15 CHAIRMAN GAMPETRO: Are we looking at
16 February, or March?

17 MR. CHANCELLOR: Probably March, at the
18 earliest.

19 MS. BILBROUGH: March 31st.

20 MR. CHANCELLOR: My guess would be March or
21 April, would be probably the two months we're looking
22 at.

23 CHAIRMAN GAMPETRO: How about if, when we
24 get down to that, we do schedule a two-day meeting?
25 If the number of comments and problems that people

1 see in this come in high, we'll use the two-day
2 meeting. And if it doesn't, maybe we can -- instead
3 of sectioning it off half and then half, have it set
4 up so that if there are no comments or problems there
5 is no need to go through all the things that
6 everybody has agreed upon.

7 Does that make sense?

8 MR. CHANCELLOR: Yes.

9 CHAIRMAN GAMPETRO: And so we could have a
10 two-day meeting scheduled, and if we're lucky we can
11 get it done in one. And if not, we'll do it in two.

12 MR. LINFORD: Sounds good to me.

13 CHAIRMAN GAMPETRO: Is there anything else
14 on this topic?

15 MR. CHANCELLOR: Roy, does that answer your
16 question?

17 MR. LIEDTKE: No. When do we need the
18 comments from WMA?

19 MR. HULTS: End of January at the latest.

20 MR. LIEDTKE: Okay.

21 CHAIRMAN GAMPETRO: Okay.

22 MR. LIEDTKE: One other question.

23 CHAIRMAN GAMPETRO: Go ahead, Roy.

24 MR. LIEDTKE: What's the format going to
25 be, then, at the next meeting when it's presented to

1 the Board? What's the format for showing the
2 disagreements between the WMA and Land Quality?

3 MR. CHANCELLOR: They will either be
4 side-by-side or top/bottom. They will be presented
5 at the same time during the discussion.

6 MR. LIEDTKE: Okay.

7 MR. CHANCELLOR: So we'll show both our
8 proposed language and their proposed language, with
9 the Statement of Reasons. They'll be at the same
10 time. It will not be a thing where we show ours
11 first and then later yours. They'll be at the same
12 time, so the discussion can be complete.

13 MS. BILBROUGH: And I would think someone
14 from the WMA would present their alternative
15 language.

16 MR. CHANCELLOR: Yeah. We'll show it on
17 the screen at the same time. But you may want to
18 have a spokesperson to lead off that discussion as to
19 why you would want your language. Even though the
20 Statement of Reasons will be there, you may want to
21 have somebody to discuss it.

22 MR. LIEDTKE: Okay.

23 CHAIRMAN GAMPETRO: That's pretty much how
24 we've always dealt with it, I believe.

25 MR. LIEDTKE: All right. Thank you. So we

1 need to provide an outline of our area of
2 disagreement and a Statement of Reasons for those
3 rules.

4 MR. CHANCELLOR: Alternative language --

5 MR. LIEDTKE: Right.

6 MR. CHANCELLOR: -- that you would suggest,
7 yes.

8 MR. LIEDTKE: Right. Thank you.

9 CHAIRMAN GAMPETRO: What we typically do is
10 put the alternate language up and then someone says,
11 here's why.

12 MR. LIEDTKE: Okay.

13 CHAIRMAN GAMPETRO: It's almost noon. We
14 can either keep going or not.

15 MR. CHANCELLOR: I think we're real close
16 to finishing up, so I would suggest to go ahead and
17 finish the meeting. Keep it going.

18 CHAIRMAN GAMPETRO: Proposed revision to
19 the blasting certification requirements. Let's go
20 for it.

21 MR. CHANCELLOR: Craig, can you help me
22 here?

23 MR. HULTS: Yeah. At the last Advisory
24 Board we went through and discussed that.

25 We are currently very close to having plugged

1 in all the comments. I believe you had asked to see it
2 after the comments were plugged in, just to make sure
3 anything -- or everything was addressed. That should
4 be coming out -- I'm getting married in a couple weeks,
5 so towards the end of December I should have that ready
6 to roll.

7 CHAIRMAN GAMPETRO: Sound like a personal
8 problem.

9 MR. HULTS: Yeah. No comment.

10 So yeah, towards the end of December I should
11 have that. And our next step then is to go to the EQC
12 following the fact that we have resolved any issues
13 that may have been left over. And that should be the
14 next step, will be going to the EQC, then.

15 CHAIRMAN GAMPETRO: Anything else for that?

16 MR. CHANCELLOR: No.

17 CHAIRMAN GAMPETRO: Preliminary primer on
18 vegetation rules package?

19 MR. CHANCELLOR: Yeah. We just went
20 through on that one. I think you are looking at last
21 month's agenda.

22 CHAIRMAN GAMPETRO: I am. How did I get
23 into that? It says December 11th.

24 MR. CHANCELLOR: Yeah. My December 11th
25 agenda shows two items on the agenda.

1 CHAIRMAN GAMPETRO: You're right. I went a
2 page too far.

3 Other items for discussion?

4 MR. CHANCELLOR: I have nothing.

5 MR. GREEN: Mr. Chairman, if I might ask.

6 CHAIRMAN GAMPETRO: Yes. Go ahead.

7 MR. GREEN: Rick, can you give us an
8 overview on the status of the self-bonding rules?
9 Has OSM replied to the package that was sent to them?

10 MR. CHANCELLOR: No, they have not.

11 MR. GREEN: Do we have any kind of a time
12 time from OSM?

13 MR. CHANCELLOR: We do not. It's in the
14 hands of the solicitor. To my understanding, OSM
15 claims they have little control over the timing of
16 the solicitor.

17 MR. HULTS: If I may, Rick?

18 MR. CHANCELLOR: Yes.

19 MR. HULTS: Howard --

20 MR. CHANCELLOR: Howard Stan?

21 MR. HULTS: He just called me from the
22 office, and had said that they recently gave it to a
23 new solicitor who will actually have time to work on
24 it. That was the last comment that I had received
25 about that. And that was a week ago, I think.

1 He called -- Howard's on top of it. I think
2 being that it is with the solicitor, like Rick said, he
3 feels there isn't much control on his end. But he was
4 kind enough to update me and tell me that it isn't just
5 languishing; it's out there and being worked on,
6 presumably.

7 MR. CHANCELLOR: Thank you.

8 MR. GREEN: Thank you.

9 CHAIRMAN GAMPETRO: Any other items we need
10 to address?

11 Location and date of the next Board meeting.
12 Anybody got any ideas?

13 MR. CHANCELLOR: It's probably best just to
14 talk about the location. Because the date would
15 depend on the finishing up of the rule package
16 itself. Probably, again, late March or early April
17 is the -- most likely the date will be. So wherever
18 the Board would like to meet.

19 CHAIRMAN GAMPETRO: Speak up. Buffalo
20 sounds good to me. Anyplace within 120 miles of here
21 is okay. But we could go someplace for the
22 convenience of some of the other people.

23 MR. LINFORD: Afton would be a good spot.
24 We're a long ways from anywhere, so whatever.

25 CHAIRMAN GAMPETRO: Casper again?

1 MR. CHANCELLOR: Casper is fine with me.

2 MR. LINFORD: That's fine.

3 MR. CHANCELLOR: When we do meet for the
4 multi-day meeting, do you want to start at ten
5 o'clock in the morning, or do you want to come down
6 the night before and start at eight o'clock sharp?
7 Any preference on that?

8 CHAIRMAN GAMPETRO: That makes it a
9 three-day for me.

10 MR. CHANCELLOR: Yeah.

11 CHAIRMAN GAMPETRO: Whatever you guys want.

12 MR. LINFORD: Ten o'clock is fine.

13 MR. GREEN: I might suggest a ten o'clock
14 start time would probably be a good one for the first
15 day, just to see what type of comments have been
16 received.

17 CHAIRMAN GAMPETRO: Fine with me.

18 MR. LINFORD: Then the second day we could
19 start when we want.

20 CHAIRMAN GAMPETRO: Like at 6:00 or
21 something.

22 MR. CHANCELLOR: That's on the record, you
23 know.

24 CHAIRMAN GAMPETRO: Yeah. Is that it?

25 MR. CHANCELLOR: That's it.

1 CHAIRMAN GAMPETRO: Okay. I'll entertain a
2 motion for adjournment.

3 MR. DEMSHAR: Motion.

4 MR. PONTROLO: Seconded.

5 CHAIRMAN GAMPETRO: All in favor.

6 (Whereupon, all voting members said
7 "aye".)

8 CHAIRMAN GAMPETRO: Meeting's adjourned.

9 (Whereupon, the meeting was adjourned,
10 at 12:05 p.m.)

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REPORTER'S CERTIFICATE

December 26, 2006

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