



**MINUTES OF THE
LAND RECLAMATION COMMISSION MEETING
EAST ELM STREET CONFERENCE CENTER
BENNETT SPRINGS & ROARING RIVER CONFERENCE ROOM
1730 E. ELM STREET
JEFFERSON CITY, MISSOURI
July 23, 2009**

Chairman, Jim DiPardo called the meeting to order at 10:15 a.m., at the Department of Natural Resources, Bennett Springs and Roaring River Conference Room, located at 1730 E. Elm Street, in Jefferson City, Missouri.

Commissioners Present: James DiPardo, Chairman; Dr. Gregory Haddock, Vice Chairman; Bill Duley (alternate for Joe Gillman), Phil Schroeder (alternate for Kevin Mohammadi), and Tim Ripperger (alternate for Bob Ziehmer), Col. John Riffle and Nick Matherly. Not present: Joe Gillman, Bob Ziehmer and Kevin Mohammadi.

Staff Present: Mike Larsen, Bill Zeaman, Chris Thiltgen, Larry Slechta, Mike Mueller, Joyce Luebbering, Amanda Weimer, Ron Dumey, Teresa Schubert, and Tina Stockman.

Others Present: Tim Duggan, Attorney General's Office; Mikel Carlson and Travis Doll Gredell Engineering; Jim Rolls, AECI, and Mark Templeton, Director of the Department of Natural Resources.

Approval of May 21, 2009 Meeting Minutes

Col. Riffle made a motion to approve the May 21, 2009 Meeting Minutes as written. Dr. Haddock seconded the motion. The motion was carried unanimously.

Election of Officers for the Commission

Dr. Haddock made a motion to strike the Election of Officers from the Agenda and place on the September Commission Meeting Agenda since three (3) of the full time Commissioners were not present. Col. Riffle seconded the motion. The motion was carried unanimously.

Chairman DiPardo welcomed Mike Larsen and stated it was an honor to have Mike as the new Staff Director of the Program. The Commission has worked with Mike in the past and looks forward to working with him in the future. Chairman DiPardo spoke for the rest of the Commission stating again it was an honor to have Mike as Staff Director of the Program. Mike Larsen thanked Mr. DiPardo for those kind words.

Mike Larsen introduced Mr. Mark Templeton, the Director of the Department of Natural Resources, to the Commissioners. Mike thanked him for taking the time to come to the Meeting and that we were very glad that he could be present. Mr. Templeton thanked Mike for the introduction and stated he wanted to visit with the Commission for a few moments. He stated

that he has been on the job since March 2nd, 2009 and has been learning about the incredible mission of this Department, the breath of the issues in which we work. Through the process of identifying Mike as the Program Director, he learned so much more about what this Commission and Program does. He stated it really impressed him because the Program and Commission looks out for the environmental issues of the State while also making sure that the resources are used productively, which is the dual mission of the Department. Critical to that, it is the Commission and its role in helping us understand and work through policy issues as well as specific incidents and opportunities and challenges for the Department. He thanked the Commission members for their service, which takes time, and they are not always easy issues to deal with. The citizen based process of the Commissions is really critical to how we administer programs and govern ourselves in the state of Missouri.

Mr. Templeton also stated how enthusiastic he was about Mike Larsen and how pleased he was to hear that the Commission has similar sentiments. He stated there were other people that they talked to about this position who were also strong candidates. It is a strong organization that Mike is stepping into as the leadership role. Mike has 18 years of experience with the Department of Natural Resources and 8 years prior to that with the Mining Industry, which is a total of 26 years of experience that he is bringing to this position. Mr. Templeton stated he believes this is truly invaluable, both in terms of the knowledge and understanding the nuances and engagement with stakeholders in the past and going forward. He stated he was very glad that the Commission was as pleased as he was when he interviewed Mike about this position to have him leading this Program.

Mr. Templeton thanked the Commission for their service and with their hands and Mike's support and guidance Missouri will continue to be moving forward in the land reclamation issues. Chairman DiPardo thanked Mr. Templeton and appreciated him taking the time to come and visit with the Commission. He stated it meant a lot to hear those words from Mr. Templeton. The Commission welcomed Mr. Templeton back to Missouri. Mr. Templeton thanked the Commission for those words and looks forward to working on issues with them in the coming months and years.

INDUSTRIAL MINERALS

Summary of Industrial Mineral Bond Release Requests Approved by the Acting Staff Director

The Acting Staff Director of the Land Reclamation Program has reviewed, evaluated, and approved the following Industrial Mineral bond release requests. This summary is being provided for the Commission's information:

Company	Permit #	Mine	Land Use	Acres Released	Amount Released
Hunt Midwest Mining, Inc.	0058	Clay County, Randolph Quarry Site 0079	Industrial	281	\$140,500.00
Hunt Midwest Mining-Green Quarries, Inc.	0102	Ray County, EE Quarry Site 0866	Agriculture/ Unaffected	31	\$15,500.00
River Cement dba	1025	Gasconade County,	Agriculture/	2	\$1,000.00

Buzzi Unicem, USA		Charles Price Pit #1, Site #2155	Water		
River Cement dba Buzzi Unicem, USA	1025	Gasconade County, Marvin Bohl #2, Site #2048	Agriculture/ Water	2	\$1,000.00

Staff presented the above request for bond releases to the Acting Staff Director. The Acting Staff Director approved the releases noted above following review of the requests along with photographs taken during the bond release inspections.

Confirmation of the approval has been sent to the company and bonding entities.

Travis Sand Gravel – Permit Revocation and Bond Forfeiture

Mr. Bill Zeaman reported that at the March 26, 2009, meeting of the Commission, Travis Sand and Gravel, was issued a Formal Complaint for failure to submit a permit renewal application where reclamation is not complete associated with Notice of Violation 0868-001. Travis Sand and Gravel operated an eight-acre open pit mine site in the floodplain of the Big Piney River in Pulaski County. We sent the Formal Complaint via certified mail and it was received by the company on April 1, 2009.

Unfortunately, the operator was unresponsive in either submitting a permit application or requesting a hearing. The complaint specified that failure to either abate the notice or request a hearing will result in the revocation of the mining permit and forfeiture of the \$8,000.00 bond associated with that permit. Since the operator is not responding to the Formal Complaint, it is now time to revoke the permit. Typically, we also request to refer this matter over to the Attorney General's Office for collection of the \$8,000.00 bond. We did attempt to work out a settlement agreement with the bank, meaning that instead of collecting the bond, the bank would complete the reclamation. During the settlement process, negotiations broke down and the bank submitted a check in the amount of the bond. The check is already deposited; however the commission still needs to sign an order on forfeiting the bond.

RECOMMENDATION:

Because of the unresponsive nature of the operator, staff recommends that the Missouri Land Reclamation Commission revoke the certificate to operate a surface mine and forfeit the bond associated with this permit.

Dr. Haddock asked if there was any representation from Travis Sand and Gravel present at the meeting. Mr. Zeaman stated that he had not seen any, the operator; Mr. Blevins is serving time in the federal penitentiary for a different charge.

Dr. Haddock made a motion that the Land Reclamation revokes the permit certificate to operate a surface land mine as well as to forfeit the bond that is associated with that project. Col. Riffle seconded the motion.

Chairman DiPardo asked for a roll call vote. The motion passed by roll call vote, with all 7 yes votes.

Phil Schroeder – yes
Bill Duley – yes
Tim Ripperger – yes
Col. Riffle – yes
Nick Matherly – yes
Dr. Haddock – yes
Jim DiPardo - yes

Mr. Zeaman announced that he has a certificate that needs to be signed by the Chairman and an Order that needs to be signed by the Commission.

Coal Bond Releases Approved by the Acting Staff Director

Acting Director Leanne Tippet Mosby evaluated and approved the following liability releases.

Mr. Mike Larsen clarified that these were released by the Acting Staff Director, Leanne Tippet Mosby, a month or two ago, while she was Acting Staff Director. Mr. Larsen presented this agenda item for Steve Femmer. Unfortunately, Steve wasn't feeling well and was not able to attend the meeting. Mr. Larsen reported that these bonds have been released. They are both concerning the Associated Electric Cooperative project near Huntsville in Randolph County. They are: Prairie Hill Mine Permit No. 1985-10, PP-09-01, Self Bond, Phase III Release for 11.5 Acres, at \$500.00 an acre for a total of \$5,750.00 and Prairie Hill Mine Permit No. 1990-02, PP-09-02, Self Bond, Phase III, for 32.3 acres at \$500.00 an acre for a total of \$16,150.00.

This represents a release from liability all the permitted acreage within Permit No. 1990-02 and all the permitted acreage within Permit No. 1985-10 except for ten acres which is part of the Solid Waste Area.

This is an informational summary that is being presented to the Commission. There is no request for Commission action.

Chairman DiPardo asked if there was anyone from the Company present. Mr. Jim Rolls, Associated Electric Cooperative, was present and thanked the Program for timely processing the application and especially the nice pictures they have taken. Mr. Rolls also stated that this demonstrates what they do up there. Anytime the Commissioners want to come up they are welcome.

PERMITS, CONTRACTS AND DESIGN

Coal Permitting Activities Update

Mr. Mike Mueller reported that this report covers coal permitting activities between May 1, 2009, the date of the last update, and the date this memo was prepared, July 8, 2009.

During this reporting period, Land Reclamation Program (LRP) received two (2) new coal permit actions that require review and approval. Both of these permit actions are currently under review by the LRP staff and are proceeding on schedule.

Abandoned Mined Lands Status Update

Abandoned Mine Land (AML) Reclamation Projects

WEST MONTROSE RECLAMATION PROJECT

A construction contract for the West Montrose Reclamation Project has been awarded to Hale Fencing and Bobcat Service, LLC, of Henley, Missouri, in the amount of \$735,615.00. As of the date of this memo, the contractor had been given authorization to proceed with the work and has mobilized much of their equipment onto the site. Additionally, clearing and grubbing of the area has begun. This project will reclaim approximately 70 acres of barren and eroding mine spoils located in the Germantown area, approximately two miles west of Montrose, Missouri.

HARRISBURG/THORNHILL

A professional services contract has been awarded to Gredell Engineering Resources, Inc., of Jefferson City, Missouri, in an amount not to exceed \$167,470.00 for completing design of the Harrisburg Reclamation Project. The scope of this contract includes completing design and engineering services, preparation of construction plans and specifications, and construction administration and inspection of the project. This project will consider the design and reclamation of approximately 115 acres associated with six (6) areas of abandoned mine lands located near Harrisburg, Missouri. The scope of work for this project includes excavating and burying coal waste, grading and recontouring the site to eliminate spoil piles and embankments, eliminating acid pit impoundments, mitigating acid mine seeps, and revegetating the site to reduce erosion. The estimated cost of construction is \$1.2 million. They have a very aggressive design schedule they expect this project to be awarded sometime around February or March of 2010.

DE SOTO SHAFTS PROJECT

A pre-construction meeting was held on July 6, 2009, to provide bidders an opportunity to view the project site prior to submitting bids. This project will close fifteen (15) vertical lead mine openings on private property located four miles southwest of De Soto, Missouri. Bids are due July 23, 2009, and the work is expected to be completed in the Fall of 2009.

HIGHLAND HIGHWALL RECLAMATION PROJECT

The AML staff has completed the initial site investigations and preliminary design of the Highland Highwall Reclamation Project, located near Calhoun, Missouri in Henry County. Following seven months of correspondence, the U.S. Army Corps of Engineers has determined that there are no jurisdictional waters within the project area. Staff will now proceed with the planning and detailed design of the project. Work at this site will address approximately 70 acres of pre-law coal mine land where reclamation was left incomplete by the mining company. Reclamation will eliminate an extremely dangerous highwall that is located immediately adjacent to a county gravel road. Additionally, dangerous piles and embankments will be graded and revegetated to control erosion.

Chairman DiPardo asked if 7 months of correspondence with the Corps of Engineers is normal. Mr. Mike Mueller stated that on this particular site, yes it did. He stated that LRP had submitted the original correspondence back in November and at various times the AML had prompted them to review AML's plan and scope. The AML staff never received a real clear answer on why it took so long, but it seems like recently that particular district, the Warsaw District is slow to get any response out of. Commissioner Phil Schroeder stated that he was not trying to defend the Corp in anyway, but there has been a lot of discussion about what is the definition of Waters of the US, this might have had something to do with it. Mr. Mueller agreed and more importantly it had to do with isolated waters in that determination. Ten years ago they could make the decision at the district level. It appears now; such decisions go all the way to Washington DC for concurrence of their decision. There is a substantial delay because of court rulings and issues regarding what are the definition of what are waters of the U.S. Mr. DiPardo asked if there is a free flowing stream going into this or is it just a quarry that filled up with water. Mr. Mueller stated that it was a coalmine that was excavated on a ridge top, but there is a continuous relatively substantial flow of water discharging from this pit on a regular basis. This was their concern. John Howland who was a consultant had proposed where the waters of the US starts, which is off site of their construction area. They just need more conclusive evidence in making their determination. Chairman DiPardo asked if they were going to try and plug the hole. Or will the water continue to flow out of it? For construction purposes, maybe 8, 9, or 10 acres of water is going to be eliminated. It has been determined that they are not jurisdictional waters and the plan is to proceed with backfilling a portion of the pit to eliminate the highwall.

BEE HOLLOW RECLAMATION PROJECT

The design of the Bee Hollow Abandoned Mine Land Reclamation Project, located within the Bee Hollow Conservation Area in Macon County, is nearly complete. The design drawings are 95% complete and the AML staff is currently working on the construction specifications and contract documents. The project will reclaim approximately eight (8) acres of AML lands. The project will eliminate an approximate one and one-half acre sandstone embankment and cover the surrounding coal waste with spoil. After final grading, approximately six (6) acres of reclaimed area will be revegetated with a mixture of warm-season grasses and forbs or cool-season grasses and legumes that are beneficial to wildlife.

SWIMMING HOLE SHAFT

On July 1, 2009, the AML staff investigated a sudden subsidence that swallowed a small swimming pool in Joplin. The residents of 318 N. Forest Ave. reported that a hole, approximately five (5) feet deep and twelve feet in diameter, developed beneath a small above-ground swimming pool after filling it with water. According to the DGLS inventory of mines, occurrences, and prospects for the State of Missouri (IMOP), the residence is believed to overlie the former underground mine workings of the Cora Lotta Mining Company. Based on the research and evidence of graded mine waste material found on-site it was decided to investigate this site through implementation of the drilling and grouting contract.

On July 1, 2009, Freddy Van's, Inc. conducted investigatory drilling and determined that the opening was associated with an old, abandoned septic tank. AML had the contractor excavate into the opening to expose the concrete tank structure and to verify that the feature was not a

mine shaft. Excavating deeper into the hole, it was found that the hole was relatively dry with no signs of septic water. AML had the contractor backfill the opening with the concrete fill and with a load of topsoil. Subsequently, another landowner read the article in the newspaper; ABC Supply had a shaft that had developed a week earlier from this reporting. It was a longer term subsidence which made staff reluctant to do a whole lot of investigation. Staff informed the landowner that at their own prerogative they could hire someone to come in and investigate. The landowner did hire Freddy Van's Inc., he went and bored three holes in the area and determined that it is a shaft. There is about 8 foot of fill at the near surface and then a void from that 8 foot fill down about 50 feet. The AML staff will be working on this project in the next month or so.

Commissioner Schroeder asked Mike Mueller if he would know how this residence is dealing with their septic right now. Mr. Mueller stated that they had piped into the city sewer. Commissioner DiPardo asked Mr. Mueller about the people that had hired Freddy Van's to drill and was determined that it was a shaft; does the State of Missouri reimburse these people? Mr. Mueller spoke with the new Staff Director and also the previous Acting Staff Director about this and because Joplin has had a substantial amount of undermining in that area and there are areas of subsiding all throughout that county. For staff to be able to investigate every little subsidence would exhaust the AML funds so much that they would not be able to get a lot of the coal work done, which the coal funding comes from a surcharge or tax on coal. Staff doesn't feel that it is appropriate to use the coal funds to investigate every subsidence feature in that area. Mr. Mueller stated he would like to see the ones that have a big gapping hole and it is an imminent danger than they address those first. If the landowner wants to do additional investigation and determination to find if it is a shaft and then if AML staff determines from their findings that it is a significant hazard, then they could address this with their funds. Dr. Haddock asked what is the cost to hire someone to investigate. Mr. Mueller said he wasn't exactly sure, but for staff they have a contract that charges about \$5,000.00. Then the AML staff receives an authorization from the Governor to spend money on extremely dangerous features.

WEST MONTROSE PROJECT AWARD

Location:

Mr. Larry Teson reported that the West Montrose Reclamation Project Award is part of the Germantown Problem Area and is located one-half mile north and one mile west of Montrose, Missouri, on County Road SW700 in Henry County. The project entails backfilling a dangerous highwall that is located next to a county road to reduce the safety threats to the landowners and nearby residents. In addition, numerous dangerous piles and embankments and spoil piles will be graded and seeded to prevent acid forming materials from entering nearby impoundments and streams and to eliminate the hazards associated with these features. A single residential trash dump will be cleaned up and the debris will be hauled off.

History:

Peabody Coal Company strip-mined over 2,400 acres in the immediate area between the Mid-1950's and the late-1980's. The Tebo Coal Bed and the Weir-Pittsburg Coal Bed located approximately ten feet below the Tebo were both mined in tandem. Approximately 1,700 acres are considered abandoned since they were mined prior to the 1977 SMCRA regulations. In

1987, nearly 700 acres of abandoned mine lands were partially graded, limed and revegetated as part of the original Germantown Project.

Project Design:

The reclamation of the West Montrose Reclamation Project will reclaim approximately sixty-three acres of barren to sparsely vegetated mine spoils to eliminate several dangerous piles and embankments, backfill 1,100 feet of dangerous highwall located adjacent to County Road SW700, removal of a residential trash dump, and eliminating several small acidic water bodies. Existing vegetation will be cleared and the subsequent brush piles will be burned on site. Excavated rocks will be stockpiled and/or windrowed at designated locations.

The 1,100 feet of highwall located along the county road will be reclaimed with earthen material obtained from the west side of the site. The highwall ranges from approximately 10 feet to 25 feet in height. The backslopes will be graded to an average four (4) percent slope. The arm of the pit to be backfilled averages three (3) to four (4) feet in depth depending upon localized seasonal rainfall. The main pit has a fairly healthy body of water and it is anticipated that reclamation process should improve the water quality substantially. Approximately five to six acres of water will remain after the project is completed.

The mine spoils will be graded to an average two (2) to three (3) percent slope. These spoils are extremely acidic and will require large quantities of lime to be applied and incorporated into the upper eighteen inches of spoil. Once the mine spoils are graded, limed and fertilized, they will be seeded to a temporary cover crop to add organic matter to the soil. This will allow any additional lime and fertilizer amendments to be added, as specific site conditions dictate. After a series of two consecutive cover crops, the site will be permanently seeded to a cool-season grass/legume mix, which will be utilized for pasture.

A quarter acre residential trash dump will be cleaned up and the debris will be hauled off to a permitted sanitary landfill. Col. Riffle asked where the single residential trash dump site was located. Mr. Teson showed him on the projector screen where it was located. He also stated that the land owner stated that it wasn't all of his; people came in at night and dumped things. Dr. Haddock asked if at some point it looks as if someone is operating an informal landfill, if they are covering it up. Mr. Teson explained that he doesn't know the whole history on it. He did explain that from what he could tell there were some old lumber and a television sitting out there, but it looked like the only thing that was covered with dirt was some aluminum possibly from an old shed. He also explained that it didn't look like a whole lot there, but they wanted to make a point that they weren't going to go back 200 feet looking for material, that is not part of the project. Dr. Haddock asked which impoundment has the high acidity in it. Mr. Teson explained by pointing it out in the pictures on the screen for the Commissioners.

Contract Award:

The contract for the West Montrose Reclamation Project was awarded on June 18, 2009, to Hale Fencing and Bobcat Services, LLC in Henley, Missouri, in the amount of \$735,615.00. Authorization to proceed was issued by the Office of Administration, Division of Facilities Management, Design and Construction on June 26, 2009. The Contract completion date is March 11, 2010.

OTHER BUSINESS

Comments from the Public

There were no comments.

CLOSED SESSION

Dr. Haddock made a motion that the Land Reclamation Commission meet in closed session on September 24, 2009 prior to an open meeting for the purpose of discussing personnel actions, legal actions, causes of actions or litigation as provided in Section 610.021 RSMo, 2003. Col. Riffle seconded the motion. Chairman DiPardo called for a roll call vote. The motion passed by roll call vote, with all 7 yes votes.

Phil Schroeder – yes

Bill Duley – yes

Tim Ripperger – yes

Col. Riffle – yes

Nick Matherly – yes

Dr. Haddock – yes

Jim DiPardo – yes

ADJOURNMENT OF MEETING

Dr. Haddock made a motion to adjourn the meeting. Col. Riffle seconded the motion. The motion carried unanimously.

The meeting adjourned at approximately 11:10 a.m.

Respectfully submitted,

Chairman