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**MINUTES OF THE
LAND RECLAMATION COMMISSION MEETING
NIGHTINGALE CREEK CONFERENCE ROOM
LEWIS AND CLARK STATE OFFICE BUILDING
1101 RIVERSIDE DRIVE
JEFFERSON CITY, MISSOURI
September 22, 2011**

Chairman Jim DiPardo called the meeting to order on September 22, 2011 at 10:04 a.m., at the Department of Natural Resources, Lewis and Clark State Office Building, Nightingale Creek Conference Room, located at 1101 Riverside Drive, in Jefferson City, Missouri.

Commissioners Present: Jim DiPardo, Chairman; Dr. Haddock, Vice Chairman; Joe Gillman, John Madras, Dr. Gertsch and Aaron Jeffries.

Staff Present: Mike Larsen, Bill Zeaman, Larry Slechta, Don Cripe, Ron Dumey, Teri Bibbs, Mike Mueller, Tucker Fredrickson, Larry Teson, Amanda Lowe, Gene Noe, Guy Frazier, Teresa Schubert and Tina Stockman.

Others Present: Don Willoh, Assistant Attorney General for Jenny Frazier, Assistant Attorney General; Steve Rudloff, Missouri Limestone Producers Association; Mike Carlson, Gredell Engineering; J.W. Strack, Owner of Strack Excavating; Brian McGovern, Attorney with McCarthy and Leonard; Adrienne Coppock, APAC; Alan Reinkemeyer, Acting Division Director, DEQ; Steve Feeler, Deputy Division Director; Mary Lou Rath, Public Citizen; Deanna Ridenhour, Public Citizen; Lorisa Smith, Division of Environmental Quality; Steve Jeffery, Attorney for Saxony High School; Jim Maevers, Attorney for Saxony High School; Chris Schwedtman, APAC Missouri and Kansas City; Michael Barrett, Department of Natural Resources; Perry Schneider, Leo Journagan Construction Company; A. Davenport, Lathrop & Gage; Brian Bernskoetter; Missouri Industry Council; Brett Geger, APAC; and Ann McReynolds, McReynolds Realty Advisors, LLC.

Approval of July 28, 2011 Commission Meeting Minutes

Agenda Item #2

Commissioner Haddock made a motion to approve the July 28, 2011 Meeting Minutes as written. Commissioner Gillman seconded the motion. The motion passed unanimously.

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INDUSTRIAL MINERALS

Strack Excavating LLC, Cape Girardeau – Permit Decision

Agenda Item #3

Mike Larsen reported that about a year ago, at a Land Reclamation Commission meeting, a hearing was granted to the Petitioners against Strack Excavating LLC, for a permit expansion of 4 acres at a Cape Girardeau site. A hearing was scheduled to be held in the month of August, prior to the hearing both parties reached into a Settlement Agreement to settle their differences. This matter was before the Land Reclamation Commission for their ruling on the Recommended Order submitted by the Commissioners Counselor, Jenny Frazier. There was no discussion among the Commissioners. Mr. McGovern stated that he was present if anyone had any questions. Chairman DiPardo read the Final Order approving Settlement to all who were present. A motion was made by Commissioner Madras that the Commission adopt this Order. Dr. Haddock seconded the motion. The motion passed unanimously. The Commissioners signed the Order.

Strack Excavating LLC, Fruitland – Permit Decision

Agenda Item #4

Mike Larsen reported that the hearing in reference to Strack Excavating LLC, Fruitland permit which was granted by the Commission on February 7th, 2011. The hearing was held for several days in July. As a result of that hearing, Mr. Bart Tichenor, Hearing Officer who was assigned to this hearing, prepared a Recommended Order for the Land Reclamation Commissions consideration. Mr. Bart Tichenor stated that he was the Hearing Officer assigned to this Hearing. He had prepared the Recommended Order and asked the Commissioners if they had any questions. The Commissioners had no questions. Mr. Tichenor stated he would stay at the meeting in case anyone else had any questions. Chairman DiPardo thanked Mr. Tichenor for coming. Mr. Jim Maevers, Chairman of the Board of Saxony Lutheran High School, thanked the Commission for having granted them the hearing to voice their opinion on how a quarry could affect them. Chairman DiPardo thanked him for his comments and for coming to the meeting. Mr. Steven Jeffries, Attorney for Saxony Lutheran High School, had a few brief comments he shared with the Commission and those present. Mr. DiPardo thanked Mr. Jeffries for his comments. Mr. Brian McGovern, Attorney for Strack Excavating LLC, had a few brief comments that he shared with the Commission and those present. Chairman DiPardo thanked Mr. McGovern for his comments. The Commissioners had some discussion. Assistant Attorney General, Laura Brown, stated she appreciated the opportunity to speak, and as Counsel to the Staff Director to the Commission they defer to whatever decision the Commission makes. A motion was made by Commissioner Gertsch that the Commission accept the Final Order as written. Dr. Haddock seconded the motion. Assistant Attorney General Don Willoh, summarized the Final Order. A roll call vote was taken.

Commissioner Madras: yes
Commissioner Gillman: yes
Commissioner Jeffries: yes
Commissioner Gertsch: yes
Commissioner Haddock: yes

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Chairman DiPardo: yes
The motion passed unanimously.

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

Agenda Item #5

Larry Slechta, Environmental Specialist III, reported on this Agenda Item to the Commissioners. There was no action required by the Commission. This Summary was provided for the Commission's information. The Commission thanked him for this report.

Update on J.M Burger, Inc., Formal Complaint #2724, Scott County Missouri

Agenda Item #6

Bill Zeaman, Chief of the Industrial Minerals Unit, He reported on this Agenda Item to the Commissioners and after giving some background information on J.M Burger, Inc. and giving an updated report on the improvements that Mr. Burger has made. Mr. Zeaman explained that the mail that was sent out to Mr. Burger was mistakenly accepted by someone else. Mr. Zeaman stated he would like to give a progression report at the November Commission meeting. The Commissioners had some questions which Mr. Zeaman answered.

PERMITS, CONTRACTS AND DESIGN

Coal Permitting Activities Update

Agenda Item #7

Mike Mueller, Contracts and Design Unit Chief, reported on this Agenda Item. There was no action required by the Commission. The Commission thanked him for this report.

Abandoned Mined Lands Status Update

Agenda Item #8

Mike Mueller, Contracts and Design Unit Chief, reported on this Agenda Item. There was no action required by the Commission. The Commission thanked him for this report.

Harrisburg/Thornhill Project

Larry Teson, Environmental Specialist III, reported on the Harrisburg/Thornhill Project which is now completed. The Harrisburg/Thornhill Reclamation Project is located in the Northwest corner of Boone County and in the Northeast corner of Howard County, near the town of Harrisburg, Missouri. The reclamation project, approximately seventy-five acres, all on private property was composed of four different abandoned coal mine sites, three in Boone County and one in Howard County. A total of eight different landowner's properties were affected in the reclamation project. Mr. Teson showed some pictures on the screen of the project to the Commissioners and those present. The Commissioners thanked him for the report and commented that this project was a job very well done. There was no action required by the Commission.

Commissioner Jeffries had to leave the meeting at this time.

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PROJECTS AND INSPECTION UNIT

Responsibility Release Requests – Coal Bond Forfeiture

Responsibility Release Request for Riedel, Partials on Permit #:1990-03 and Permit #:1987-02 Permit #:1990-03 for 108 acres and Permit #:1987-02 for 60 acres located in Monroe and Ralls Counties

Agenda #10

Agenda item #10 was covered before Agenda #9 by Gene Noe

Gene Noe, Environmental Engineer III, reported on this Agenda Item to the Commissioners. There are two areas located in the permitted sites of Riedel that are owned by Dennis Stuart, which have yet to receive responsibility release from the Land Reclamation Commission. These areas are designated as Permit #:1990-03 for 108 acres and Permit #:1987-02 for 60 acres and are located in Monroe and Ralls Counties, Missouri. It was the recommendation of the Land Reclamation Program that the 108 acres associated with Permit #:1990-03 and the 60 acres associated with Permit #:1987-02 received responsibility release from the Land Reclamation Commission. There were no questions by the Commissioners. Commissioner Gillman made a motion to accept Staff's recommendation on the Riedel properties and grant them responsibility release as requested. Commissioner Haddock seconded the motion. All 5 Commissioners agreed by saying yes. The motion passed unanimously.

Responsibility Release Request for Missouri Mining Pit 8A, Groteweil Property, Permit #:75-25-A3 for 13.11 acres, Permit #:1982-05 for 3.72 acres, and Permit #:1982-30 for 17.5 acres located in Putnam County

Agenda Item #9

Gene Noe, Environmental Engineer III, reported on this Agenda Item to the Commissioners. This is one land area located in the many permitted sites of Missouri Mining known as Pit 8A, which has yet to receive responsibility release from the Land Reclamation Commission. The permitted areas located on this property are designated as Permit #: 75-25-A3 for 13.11 acres, Permit #:1982-05 for 3.72 acres, and Permit #:1982-30 for 17.5 acres and are located in Putnam County, Missouri. It was the recommendation of the Land Reclamation Program that Permit #: 75-25-A3 for 13.11 acres, Permit #:1982-05 for 3.72 acres, and Permit #:1982-30 for 17.5 acres received responsibility release from the Land Reclamation Commission. Commissioner Gillman made a motion to accept Staff's recommendation and to provide the responsibility release related to the Groteweil Properties as requested. All 5 Commissioners agreed by saying yes. The motion passed unanimously.

Orders of Rulemaking, Coal Mining Valid Existing Rights

Agenda Item #11

Mike Larsen, Land Reclamation Program Staff Director, reported on this Agenda item. He stated that the following proposed rule amendments were published in the August 1, 2011 edition of the Missouri Register. The public comment period expired on August 31, 2011. The following is a listing of the rules being amended:

- 10 CSR 40-5.010 Prohibitions and Limitations on Mining in Certain Areas
- 10 CSR 40-5.020 State Designation of Areas as Unsuitable for Mining

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Mr. Larsen also stated that the program did not receive any comments during the public comment period. The Final Orders of Rulemaking were included in the Commissioners packet for their information and action. Mr. Larsen explained that it is the Staff's recommendation that the Land Reclamation Commission formally adopt the two Orders of Rulemaking so that the Program can move on to the next step in the Rulemaking process. There were no questions asked by the Commissioners. Dr. Haddock made a motion that the Commission accept the Staff's recommendation to adopt the two Orders of Rulemaking in order for Staff to proceed. Commissioner Gertz seconded the motion. The motion passed unanimously.

OTHER BUSINESS

Presentation by Ann McReynolds on Land Values & Mining

Agenda #12

Mr. Steve Rudloff, Manager of the Missouri Limestone Producers Association, introduced Ann McReynolds, Principal of McReynolds Realty Advisors, LLC, located in St. Louis, Missouri. Ms. McReynolds is a Certified General Real Estate Appraiser State of Missouri. She is an Associate Member of the Appraisal Institute, and she has owned her own appraiser company since 2001. She was compensated for her time by Missouri Limestone Producers Association in appreciation of taking the time to give the presentation. Her presentation topic was Land Values and Mining. There were some questions asked by the Commissioners and Assistant Attorney General, Don Willoh. Chairman DiPardo, Land Reclamation Commission and Steve Rudloff, Missouri Limestone Producers, thanked her for the presentation.

Comments from the Public

Agenda #13

There was none.

CLOSED SESSION

Commissioner Gertsch made a motion that the Land Reclamation Commission meet in Closed Session on November 17, 2011 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. Commissioner Haddock seconded the motion. The motion passed unanimously.

ADJOURNMENT OF MEETING

Commissioner Haddock made a motion to adjourn the meeting. Commissioner Madras seconded the motion. The motion passed unanimously.

The Meeting adjourned at 12:05 p.m.

Respectfully submitted,

Chairman