



**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
September 24, 2009**

Chairman, Jim DiPardo called the meeting to order at 10:03 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 (participated by conference phone) Bill Duley (alternate for Joe Gillman), Kevin Mohammadi, (alternate for Leanne Tippett Mosby), Bob Ziehmer, Col. John Riffle and Nick Matherly. Not present: Joe Gillman and Leanne Tippett Mosby.

Staff Present: Mike Larsen, Bill Zeaman, Chris Thiltgen, Teri Bibbs, Larry Slechta, Mike Mueller, Charles McGhee, Ron Dumey and Tina Stockman.

Others Present: Raymond Haight, Attorney General's Office; Mikel Carlson, Gredell Engineering; Kevin Rohner, Lafarge; Adam Troutwine, Hendren Andrae, LLC; Steve Rudloff, Missouri Limestone Producers Association and Jean Riffle.

Approval of July 23, 2009 Meeting Minutes

Col. Riffle made a motion to approve the July 23, 2009 Meeting Minutes as written. Dr. Haddock seconded the motion. The motion was carried unanimously.

Chairman DiPardo announced that there were 6 Commissioners present at the meeting and one Commissioner, Dr. Haddock, Maryville, participated by conference phone, due to a conflict in his schedule.

Election of Officers for the Commission

Col. Riffle made a motion to nominate Jim DiPardo as the Chairman of the Land Reclamation Commission. Mr. Mohammadi seconded the motion. The motion was carried unanimously. Chairman DiPardo thanked the Commissioners for re-electing him as Chairman of the Land Reclamation Commission and he expressed his appreciation to the Commissioners and Staff.

Col. Riffle made a motion to nominate Dr. Gregory Haddock as the Vice Chairman of the Land Reclamation Commission. Jim DiPardo seconded the motion. The motion was carried unanimously. Chairman DiPardo welcomed Dr. Haddock on board again and appreciated him being re-elected as Vice Chairman of the Land Reclamation Commission.

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
A.P Green Refractories, Inc.	0118	Franklin County, Wilson Heirs Pit #3 Site 0853	Wildlife/Water	3	\$1,500.00
Harbison-Walker Refractories	0146	Gasconade County, Dittman 2&2A Site 2194	Pasture/Water	8	\$4,000.00
Riverside Sand & Gravel	1012T	Newton County, Riverside Sand & Gravel Site, Site #2240	Water	2	\$1,000.00
Terry McAfee	0959	Holt County, Pit #1, Site #2110	Agriculture/ Water	10	\$9,000.00
Chiles Works, LLC	0780	Callaway County, Christian Site, Site #1993	Wildlife/Water	2	\$1,000.00
Hunt Midwest Mining Inc.	0058	Clay County, Randolph Quarry, Site #0079	Industrial	40	\$20,000.00
Hunt Midwest Mining-Green Quarries, Inc.	0102	Ray County, Richmond Quarry, Site #0128	Agriculture	73	\$36,500.00
Taylor Quarries, Inc.	0921	Dade County, Quarry #2, Site #2274	Wildlife/ Unaffected	14	\$7,000.00
Taylor Quarries, Inc.	0921	Dade County, Quarry # 3, Site #1999	Wildlife	4	\$2,000.00

Staff presented the above requests for bond release 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.

Larry Slechta reported that earlier this year, Non-Coal Inspection staff was charged to inventory Industrial Mineral Bond Forfeiture sites. During this inventory process we have found some sites that no longer have a reclamation responsibility due to either natural or landowner reclamation efforts.

Larry Slechta stated that staff brought four Industrial Mineral Bond Forfeiture sites before the commission in an effort to release the sites of any further reclamation responsibility. Staff did send a piece of certified mail to the registered landowner of the mine site, where a known landowner exists, and explained to that landowner of our intent to release the property. The landowner was given an opportunity for thirty days to submit comments, if they felt the forfeited mine site does not meet performance standard reclamation requirements. The thirty day timeframe for the landowner to submit comments has expired, therefore the sites are being recommended for release of any further reclamation responsibility. The commission will need to vote on each site being proposed for release or has an option to vote on all of the sites at one time.

Chairman DiPardo asked the Commissioners if they would like to vote on these four sites all at one time. The Commissioners had agreed to vote on the four sites all at one time.

Industrial Minerals Bond Forfeiture Release Request- Quality Stone Company
Agenda Item #5

Larry Slechta reported that the Land Reclamation Program staff has received and evaluated the following Industrial Minerals bond forfeiture release request. This permit for this site was revoked on May 30, 2002, after the operator failed to renew the permit or complete reclamation. The site was inspected on August 12, 2009 to determine the status of reclamation responsibility. The site has been naturally reclaimed to the post mine land use of pasture and water impoundments, as identified in the mine plan prepared by Quality Stone Company.

All current landowners of record have been notified that the site is to be recommended for complete and final release at this meeting of the Land Reclamation Commission. The land owners stated that they were satisfied with the reclamation and asked that no further reclamation be conducted at this site.

<u>Company</u>	<u>Mine</u>	<u>Permit #</u>	<u>Land Use</u>	<u>Release Acres</u>
Quality Stone Co.	Tregnago Quarry	0366	Pasture/Water	15

STAFF RECOMMENDATION:

It is the recommendation of the program's bond forfeiture staff that the Missouri Land Reclamation Commission concurs with this request and release the state from all further reclamation responsibility on the permit areas of the former mining site listed above.

Chairman DiPardo asked if the Commissioners had any questions. There were no questions. Chairman DiPardo also asked if anyone from the Quality Stone Company was present at the meeting. There was no one present. Dr. Haddock made the motion that Agenda items #5 - #8 be considered a block. Col. Riffle seconded the motion. The motion was carried unanimously.

Industrial Minerals Bond Forfeiture Release Request – Slate’s Construction Company
Agenda Item #6

Chris Thiltgen reported that the Land Reclamation Program staff has received and evaluated the following Industrial Minerals bond forfeiture release request. This permit for this site was revoked on March 21, 2002, after the operator failed to obtain a permit or complete reclamation. It was discovered that the company was mining, they were instructed to permit the operation, however they never completed the permit process. The site was inspected on May 27, 2009, to determine the status of reclamation responsibility. The mine plan calls for post mine land uses of 8 acres of wildlife, 11 acres of pasture and a 1 acre water impoundment. All twenty acres of this site have been naturally reclaimed to a post mine land use of wildlife. The site does not meet the requirements of the mine plan but is stable and causing no harm to the surrounding environment. There are no true highwalls at the site to pose any kind of safety issue.

<u>Company</u>	<u>Mine</u>	<u>Permit #</u>	<u>Land Use</u>	<u>Release Acres</u>
Slate’s Const. Company	Site #1	0743	Wildlife-8 Agriculture-11 Water -1	20

RECOMMENDATION:

The above request has been evaluated in the field for compliance with both State law and permit conditions. It is the recommendation of the staff that the Land Reclamation Commission approve this application as presented to release the State of Missouri, Department of Natural Resources, of reclamation responsibility. It is also recommended that the applicable bond amount be made available for reclamation of other sites where bond forfeiture has occurred and reclamation responsibility still exists. Chairman DiPardo asked if the Commissioners had any questions. There were no questions asked. Chairman DiPardo also asked if there was anyone from Slates Construction Company present at the meeting. There was no one from Slates Construction Company present.

Industrial Minerals Bond Forfeiture Release Request- Midwest Quarry - Agenda Item #7

Bill Zeaman reported for Joyce Luebbering, who was out of town, that the Land Reclamation Program staff has received and evaluated the following Industrial Minerals bond forfeiture release request. This permit for this site was revoked on July 28, 1988, after the operator failed to renew the permit or complete reclamation. A prior inspection on November 9, 2000, by Dennis Wardell, reads "one site is in the back yard of a residence and as observed from the road is filled with water and it appears to be used as a swimming pool. The second site was not visible from the road, but local residents indicated the pit had filled with water."

On June 23, 2009, efforts were made to locate the sites to determine the status of reclamation responsibility. Joyce Luebbering met with the Johnson County assessor to assist in locating the sites through past property owners. There were no matches between the names on file with the assessor when compared to the names listed in the Land Reclamation files for Midwest Quarry. Based on a hand drawn map from the Midwest Quarry file, Joyce Luebbering contacted the current landowners of that property, David and Connie Williams. Ms. Williams stated that land had not ever been mined to her knowledge. As there is no definite location information available for the sites forfeited, the sites cannot be inspected for review. This issue was discussed with

Acting Staff Director Leanne Tippet Mosby and the decision was made that because all other remedies to investigate the site were exhausted, the recommendation is to release these sites. They regret that there were no photos to show the commission as to the current status of these sites.

<u>Company</u>	<u>Mine</u>	<u>Permit #</u>	<u>Land Use</u>	<u>Release Acres</u>
Midwest Quarry	Powell Quarry	83-311	Water Impoundment	1
	Holden Quarry	83-311	Water Impoundment	2

RECOMMENDATION:

The above request was attempted to be evaluated for compliance with both State law and permit conditions. Past inspections and verification from past communication with landowners were used to make a determination for release of reclamation responsibility. It is the recommendation of the staff that the Land Reclamation Commission approve this action as presented to release the State of Missouri, Department of Natural Resources, of reclamation responsibility. It is also recommended that the applicable bond amount be made available for reclamation of other sites where bond forfeiture has occurred and reclamation responsibility still exists. Chairman DiPardo asked if the Commissioners had any questions. There were no questions asked.

Industrial Minerals Bond Forfeiture Release Request – Walnut Ridge Enterprises - Agenda Item #8

Bill Zeaman reported for Amanda Weimer, who was out of town, that the Land Reclamation Program staff has received and evaluated the following Industrial Minerals bond forfeiture release request. This permit for this site was revoked on January 24, 2002, after the operator failed to renew the permit or complete reclamation. The site was inspected on May 13, 2009, to determine the status of reclamation responsibility. The site has been naturally reclaimed to the post mine land use of wildlife, as identified in the mine plan prepared by Walnut Ridge Enterprises, Ltd. The pit was difficult to identify, as it is completely revegetated with trees and grasses. The site is within the floodplain of the Bourbeuse River, and it appears that the highflows of the river have effectively smoothed out the rim of the pit.

<u>Company</u>	<u>Mine</u>	<u>Permit #</u>	<u>Land Use</u>	<u>Release Acres</u>
Walnut Ridge Enterprises, Ltd.	Site #1	0481	Wildlife	1

RECOMMENDATION:

The above request has been evaluated in the field for compliance with both State law and permit conditions. It is the recommendation of the staff that the Land Reclamation Commission approve this application as presented to release the State of Missouri, Department of Natural Resources, of reclamation responsibility. It is also recommended that the applicable bond amount be made available for reclamation of other sites where bond forfeiture has occurred and reclamation responsibility still exists.

Chairman DiPardo asked if the Commissioners had any comments. There were no comments. Chairman DiPardo asked for a motion to have the four companies: Quality Stone, Slate’s

Construction, Midwest Quarry, and Walnut Ridge Enterprises, voted on to have all of those bond forfeitures released. Dr. Haddock stated he so moved. Col. Riffle seconded the motion. The motion was passed unanimously.

PERMITS, CONTRACTS AND DESIGN

Coal Permitting Activities Update

Mike Mueller reported that this report covered coal permitting activities between July 8, 2009, the date of the last update, and the date this memo was prepared, September 9, 2009.

During this reporting period, Land Reclamation Program received five (5) new coal permit actions that require review and approval. Mr. Mueller stated that to this date all 5 of these have been completed and that they are on or ahead of schedule.

Abandoned Mined Lands Status Update

Abandoned Mine Land (AML) Reclamation Projects

WEST MONTROSE RECLAMATION PROJECT

The West Montrose Reclamation Project (Henry County) is under construction. Our AML contractor, Hale Fencing and Bobcat Service, LLC, of Henley, Missouri, began mobilizing equipment to the project site in late June 2009. As this reporting period ended, 85% of the site had been completely cleared and grubbed and the grading and earthwork was more than 50% complete. Additionally, the contractor is hauling and stockpiling ag-lime on site in preparation of treating and neutralizing the graded acid spoils. Wet site conditions have hampered construction activities; however, the contractor remains ahead of the contract schedule. 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.

DE SOTO SHAFTS PROJECT

A construction contract in the amount of \$105,000.00 has been awarded to Jericho Demolition and Land Rehabilitation, LLC, of Henley, Missouri, for completing the DeSoto Shafts Reclamation Project. As of the date of this memo, the contractor had been given authorization to proceed with the work and five (5) of the fifteen (15) vertical lead mine openings were completed. One shaft was sealed by constructing a four-foot thick concrete plug over the opening. Additionally, three of the vertical mine shafts were sealed with approximate 12-foot thick polyurethane foam plugs. And the remaining completed feature consisted of a suspected shaft location that was excavated; however, no void was found and the area of excavation was backfilled to original grade. This project will close fifteen (15) vertical lead mine openings on private property located four miles southwest of De Soto. The construction completion date for this contract is December 21, 2009.

HARRISBURG/ THORNHILL

Gredell Engineering Resources, Inc., of Jefferson City, Missouri, is nearing completion of a draft design for the Harrisburg Reclamation Project. A contract, in an amount not to exceed \$167,470.00, was awarded to this consultant for completing design and construction oversight of

this project. The scope of the 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 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.

HIGHLAND HIGHWALL RECLAMATION PROJECT

The AML staff has completed the initial site investigations of the Highland Highwall Reclamation Project, located near Calhoun, Missouri, in Henry County. A proposed design plan is being developed in efforts to obtain concurrence from the landowner regarding the scope of work. The project 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.

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 1.5-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.

OTHER BUSINESS

September 2009 Missouri Department of Natural Resources Employee of the Month, Mr. Chris Thiltgen

Bill Zeaman stated that it was his pleasure to announce to the Missouri Land Reclamation Commission, the September 2009 Missouri Department of Natural Resources Employee of the Month, Mr. Christopher Thiltgen.

Chris was selected as the department's Employee of the Month for the innovation and timesaving techniques, which equates to overall efficiency for the Non-coal Unit. Chris provides a unique aspect for looking at better ways to solve problems for the department's Land Reclamation Program, Non-coal Unit. Chris has the ability to identify timesaving techniques that generally reduces the amount of time spent on a project by 75 percent, utilizing 21st century technology to its fullest potential while not reducing customer service by one iota. In fact, his efforts generally increase a better professional image of the Missouri Department of Natural Resources.

While most of us use desktop computers, Chris wanted to trade his desktop in for a laptop so that he could take it out and issue inspection reports in the field. The first step was to make an inspection report checklist that turned out to be a huge timesaver. In the first half of 2009 all 337 of the Non-coal inspection reports were issued on an average of two (2) days. Just for comparative purposes, in 2002 and 2004 it use to take seasoned inspectors over sixteen (16) days to issue an inspection report. This also means that this time saving improvement allows the inspector to get back out in the field faster to conduct additional inspections. Again for comparative purposes in 2006, the Non-coal Unit conducted only 100 inspections for the entire year.

Chris is also a loving father of his children and gets quite excited when he starts talking about his five year old who really loves to play baseball. The dedication, energy and excitement Chris delivers, helps us to be one of the most productive units in the department!

Chairman DiPardo congratulated Chris and asked if a parking space out front of the building comes with this award. Chris stated yes it does, which is great. Chairman DiPardo congratulated Chris again and told him he appreciated his service and work and that he is definitely an asset to this department.

Presentation of Quarry Impacts on Real Estate Values by Ann McReynolds, McReynolds Realty Advisors, LLC

Chairman DiPardo announced that this was cancelled.

Comments from the Public

There were no comments.

CLOSED SESSION

Col. Riffle made a motion that the Land Reclamation Commission meet in closed session on November 19, 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. Dr. Haddock seconded the motion. The motion was passed unanimously.

ADJOURNMENT OF MEETING

Col. Riffle made a motion to adjourn the meeting. Mr. Matherly seconded the motion. The motion carried unanimously.

The meeting adjourned at approximately 10:42 a.m.

Respectfully submitted,

Chairman