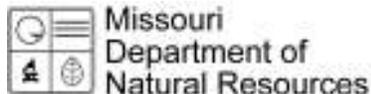


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**MINUTES OF THE
LAND RECLAMATION COMMISSION MEETING
NIGHTINGALE CREEK CONFERENCE ROOM
LEWIS AND CLARK STATE OFFICE BUILDING
1101 RIVERSIDE DRIVE
JEFFERSON CITY, MISSOURI
March 22, 2012**

Chairman Jim DiPardo called the meeting to order on March 22, 2012 at 10:00 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; Joe Gillman, Kevin Mohammadi present for John Madras, Dr. Gertsch, and Aaron Jeffries. Not present Dr. Haddock, Vice Chairman; and John Madras.

Staff Present: Bill Zeaman, Larry Slechta, Kurtis Cooper, Guy Frazier, Amanda Lowe, Mike Mueller, Joyce Luebbering, Teri Bibbs, Don Cripe, Tucker Fredrickson, Ron Dumey, Steve Femmer, Richard Harris, Jerry Wilkinson, and Tina Stockman.

Others Present: Jenny Frazier, Assistant Attorney General; Steve Rudloff, Missouri Limestone Producers Association; Van Beydler, Department of Natural Resources, Division of Environmental Quality Administration; Jerry Prewett, Department of Natural Resources, Division of Geological Land Survey; Larry and Francis Failor, Property Owners, Richard Martin, Property Owner; Chris Studards, Property Owners; Diane Tucker, Greg Edwards, Marc May, Chris Schwedtmann, and Eric Nelson, APAC; Michael Crabb, Hausch Blackwell LLP; Robert Davis, Property Owner; Marvin Davis, Property Owner; Thomas Smith, Property Owner; Dominique Clinton, Concerned Citizen; Phyllis Hasser and Matt Pilz, Vibra Tech; Mike Carlson, Gredell Engineering; Mike Giovanini, AECEI; PJ Myers, Pierce and Sue Powers, Powers Bluff, LLC.

Approval of January 26, 2012 Commission Meeting Minutes

Agenda Item #2

Commissioner Mohammadi made a motion to approve the January 22, 2012 Meeting Minutes and the February 7, 2012 Teleconference Call Meeting Minutes as written. Commissioner Gertsch seconded the motion. The motion passed unanimously.

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Land Reclamation Commission's adoption, denial, or change of the Administrative Hearing Commission's recommended Findings of Fact, Conclusions on Law, and Order regarding AFI permit revisions for the Fowler Land Company and Liest properties.

Agenda Item #3

Jenny Frazier, Deputy Chief Counsel, Agriculture & Environmental Division, Missouri Attorney General's Office gave a brief summary of this Agenda Item to the Commission. Ms. Frazier handed out a copy of the Criteria for Alternative Postmining Land Uses to the Commission. Commissioner Gillman addressed the filing by the Petitioner of late afternoon on March 21st, which was a motion to disqualify the Land Reclamation Commission from this proceeding. Commissioner Gillman made a motion that the Land Reclamation Commission over rule the Petitioners motion to disqualify the Land Reclamation Commission from this proceeding. Commissioner Jeffries seconded the motion. The motion passed unanimously. Commissioner Gillman made another motion based on the information that this Commission has been provided during these proceedings of the Administrative Hearing Commission, based on the information that was provided to us today by Ms. Frazier and also based on the 2008 Cole County Circuit Court Decision interpreting the Land Reclamation Commissions authority in this matter. I move that this Commission not accept the Administrative Hearing Commission's Recommended Decision and that the Land Reclamation Commission draft a new Decision that will be filed by March 30, 2012. Commissioner Mohammadi seconded the motion. The motion passed unanimously. Chairman DiPardo thanked the Staff for all of their service and work that they do for the State of Missouri.

INDUSTRIAL MINERALS

Commissioner Gertsch read and explained the procedure for those speaking and provided some clarification as to the hearing process in reference to the hearing requests that were listed on the Agenda for this meeting.

Hearing Request: APAC-Missouri, Inc. – Marshall Quarry, 63 Acres – Site Expansion, Saline County

Agenda Item #4

Joyce Luebbering, Environmental Specialist III, gave a brief introduction of this hearing request to the Commission. Ms. Luebbering passed out a copy of a letter that was sent to the Program last week in reference to this hearing request. Commissioner Jeffries made a motion to accept the Staff Director's recommendation to approve the site expansion application for 63 acres in Saline County. Commissioner Gertsch seconded the motion. The motion passed unanimously. Commissioner Gillman made a motion to deny the Petitioners request for a hearing in this case. Commissioner Gertsch seconded the motion. The motion passed unanimously.

Chairman DiPardo announced that there will be a five minute break before proceeding.

Chairman DiPardo called the meeting back to order at 11:45 a.m.

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Hearing Request: Powers Bluff, Billy's Gravel Bar, 4 acres, New Permit Application, Crawford County

Agenda Item #5

Joyce Luebbering, Environmental Specialist III, gave a brief introduction of this hearing request to the Commission. Ms. Luebbering passed out a copy of a letter that was sent to the Program last week in reference to this hearing request. Commissioner Gillman made a motion that the Commission tables the issue of the hearing request and the permit application for Powers Bluff, LLC's gravel operation in Crawford County until we can get a recommendation from the Commission's Legal Counsel for Staff on the Commission's authority in this matter. Commissioner Mohammadi seconded the motion. The motion carried unanimously.

Chairman DiPardo announced that due to pressed time, the Commission will skip agenda item numbers 6, 7, 8, and 9. The meeting proceeded with agenda item number 10.

Activities Report for CY2011, Required by the Land Reclamation Act

Agenda Item #6

Item skipped.

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

Agenda Item #7

Item skipped.

PERMITS, CONTRACTS AND DESIGN

Coal Permitting Activities Update

Agenda Item #8

Item skipped.

Abandoned Mined Lands Status Update

Agenda Item #9

Item skipped.

PROJECTS AND INSPECTION UNIT

Summary of Coal Bond Releases Approved by the Staff Director

Agenda Item #10

- Prairie Hill Mine Permit No. 1981-02, PP-11-002
- Prairie Hill Mine Permit No. 1984-24, PP-11-003
- Prairie Hill Mine Permit No. 1986-08, PP-11-004

Richard Harris, Environmental Specialist III, gave a brief summary of this agenda item to the Commission. There was no request for Commission action. Mr. Harris announced that there were two Representatives with AECl, along with a Representative from Gredell Engineering present at the meeting. Chairman DiPardo complimented them on their work and thanked them for coming to the meeting.

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Summary of Coal Bond Releases Approved by the Staff Director

Agenda Item #11

Item skipped.

OTHER BUSINESS

Comments from the Public

Agenda Item #12

Steve Rudloff, Missouri Limestone Producers Association, offered to invite an expert on blasting to present background information on this topic at a future Commission meeting.

Chairman DiPardo asked Ron Dumey, Acting Staff Director of the Land Reclamation Program if an on-site tour was still a possibility for the future. Mr. Dumey replied that it is in the process of being scheduled, Staff is checking into different metallic minerals sites that we may be able to tour in July.

CLOSED SESSION

Commissioner Jeffries made a motion that the Land Reclamation Commission meet in Closed Session on May 24, 2012 (the 22nd of May was mentioned at the meeting, but this was incorrect) 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 Mohammadi seconded the motion. The motion passed unanimously.

ADJOURNMENT OF MEETING

Commissioner Gillman made a motion to adjourn the meeting. Commissioner Jeffries seconded the motion. The motion passed unanimously.

The meeting adjourned at 12:50 p.m.

Respectfully submitted,

Chairman