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00:03

Alright, we're gonna get started again. I think where we left off, we were talking about a list of deficiencies for Mr. Bratan.



00:19

Judge, I guess specifically. I mean, the the permitting process itself, it's, to the extent that that the current operations, of course, the permit does not meet the performance standards as set forth in the law and regulations, what really what we're looking for, and actually have that clarification. That makes sense.



00:40

It does make sense. It does make sense. I'm not however prepared to cite to 38 14.1 24, specifically which performance standards we're discussing. But what I did do is try and create a concrete discrete list of items, I guess, that we'd like to see considered. In one of them, you know, I don't know where this fits into that, in particular, but testing for soil compaction prior to the RE spreading in sort of tied to that, I would say is, the other thing we'd request is some kind of requirement for forms or some kind of a deep rooting species to be included in the preliminary seed mix.



01:38

What I did so one other one, specifically, is a limit on the receding delay for these variances. I understand from the discussion we've had here that there wasn't the PSE is intent to say that they have, you know, an indefinite time period to do receding. But our concern is, that's how we read it. And we want to see a reasonable limit. If they're saying they want to reseed a year later or something, that's one thing, if they're saying they want to do it 10 years later, that's a big concern. And then the other is, it's related to the spread depths, and the soil types. I do understand how the PSC is doing these calculations. And I also understand that the projected re spread is not the same as the actual re spread at the end of mining. But the concern is that the coal is here specifically requires the same amounts to come back on the void property. And so there's a concern if they're not saving enough soil, are they going to have enough to do what

they're required to do there? Similarly, that same provision allows some commingling there's also a landowner preference statement that says no commingling and I think the PSC has to make a decision on which of those it's following but even the allowed commingling in the, the lease doesn't allow them, for example, to start mixing soil types on a topsoil pile. And so that, again, is something where we have a concern about it now, and how that's going to work when we get to the point of re spread and what we're doing now. Okay, the other thing I'd say is, Mr. Void, we have one issue we'd like to just address briefly, because it kind of came up earlier, but we want to make sure we have that on the record. And the other one I think I can address and you can follow up if you want, but I understand and appreciate the request from John to kind of given in probably for the mind to to give an idea of what the specific things are, we're requesting and this permit revision. The other thing is we're literally learning this in this informal conference. And we've learned a fair amount today. And my assumption is that the mind is going to be able to, you know almost daily communicate with the PSE and staff to discuss this and we would like similar opportunity to just have communications with PSE staff and input. For example, if the and I'm not trying to say the PSE is going to do anything one way or another, but let's just say the PSE was considering some kind of a time limit on the variance receding. We'd like to be able to have an input and talk about that. And if the PSE says we're looking at a 20 year time period, we'd probably say that's too long. So it's just things like that. We would appreciate it if we can have some ongoing discussions. And that's not to put the onus on the PSE to have those discussions with us. It's just a request that the PSE be open to those communications from us as well.

 05:14

And just to be clear, I don't mean communicating with the commissioners. If there's any concerns about ex parte, I mean with the staff. And sorry, if you want to address that first weekend, Mr. Boyd did have one other specific issue related to the permit you want to cover as well, I know, I'm kind of getting that order here. Okay, why don't you? Is there a better map that would show it?

 05:47

It's my recollection that somewhere in this revision, there was discussion about the landowner access road. So I don't know if that was in a review or if that was in a revision, but the question was posed to the mind by the PSE. If the landowner access road was being used for mining purposes, I do not know what the answer to that question was or what input was given there. What I do know is my access has been restricted on that road, because they're calling it an active mine area. Well, if it is only a landowner access road, I do not believe it should be considered an active mine area.

 07:02

Where's that road at?

 07:04

It would be to the west of the farmstead going from section 31 through section 36. I Don't

it would be to the west of the farmstead going from section 31 through section 30. I don't think it showed them this map at all. Your market?

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Say what you were gonna say. Okay, I think that's all we have to present. Okay. So she were you, did you have an opportunity? Oh,

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did you want to comment about that last issue raised or can just turn your mics on? Thank you.

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Jeremy, did you have a comment on

 08:16

that? Yeah, on that landowner access road. It's an M Show. It's not a PSC issue as far as if it's considered an act of mine area. And we do have equipment working in that area crossing that road, they don't run on the road, but they cross perpendicular to that road, as well as that landowner access road does cross our haul road, as well. So that's why it is considered a active mine area. Doesn't mean There's equipment running on the road lengthwise with it. But that's that's the viewpoint that MC has taken on it. And

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so just to follow up, and I'm not trying to argue with Mr. Roth, I agree with what he said. But we don't agree with the mind that the voids are subject to Anshar. They're not mind employees. But the mind has taken a position that they can't use that road without training. And so this question of whether that's designated as an active mining area is really important for them to be able to use their own access road and to the extent at the PSC doesn't consider a landowner road that is crossed by the mine at times to be an active mining area, that's very significant for the boys to be able to continue accessing their property.

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Again, this was addressed in 2019. Another one of the topics that has already been addressed and decided

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to clarify as well that they can use it with a with a with an escort that we'd ask for them at any point

perme.



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And just to respond to Mr. Man, this was not addressed in 2019 the price Our dispute with respect to the road was whether or not they got to put the road and move this to a different location. And he's right that that went up to the Supreme Court that was dealt with what we're talking about now is whether or not this continues to be an active mining area under revision 12.



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And even if it does, maybe we can alter something to make a different intersection for mind traffic to where it couldn't be considered a non active winery.



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Your Honor, I don't know if now's the appropriate time to address the other issues or some of them. I think we have some comments on those. With respect to soil compaction, if you follow the, you know, we do follow the current laws rigs as they exist, we'll continue to do so. And then on the Forbes, the seed mix, I'll let Mr. Aircraft address that by me a lot goes into these things, the planting the seed mixes everything associated with the mining the permits, they put a lot of time and effort into determining what is and isn't appropriate. And there is no reasoning behind that. And, you know, it's not just some slap together, but Mr. eckroth, can specifically address, you know, the Forbes request.



11:28

Yeah, part of that. And I understand what you're requesting on that. The problem with that is, is the reason we're going to that temporary native mix is for management purpose. So if we have any weeds with an initial seeding, if there's weeds, if there's brown grass, if there's other species that say broadleaf species, mainly weeds, if you put forbs. And then you can't spray, because if you spray a broadleaf herbicide, you're killing your forbs off. So it's limiting your management tool, which was the whole purpose of having that temporary seed mix in? If not, it would just go to the native, final native mix, kind of like we discussed earlier, if that makes sense.



12:13

Yeah, and we would just say that if you're going to spray, you're going to spray and kill everything there, whether you got forms in there or not. But if you're not certain you're going to spray, then it's possible those forms would be helping to compact.



12:34

In on the receiving I think that's something that the the reclamation step or the timing on receiving, Reclamation staff mentioned and the mind is going to be prepared to, you know, address, to the extent that the reclamation staff wants timeframes with respect to certain locations, that the mind will certainly comply with that. And then on the I mean, the other issue, the RE spread depth again, that's I'm not sure if they're fully kind of understanding what was kind of put together on that. But to the extent that, you know, they're trying to bring in the least terms of the lease, speak for themselves, don't think we're necessarily in agreement with their interpretation of the lease. But again, that's really not something that really becomes a part of the the PSCs proceedings. It's kind of beyond the scope. That's all I have. Mr. Chu, a promise.



13:55

Like, it's just a couple of your honor. The I guess to the extent I know, certainly access wasn't something that the promos notice to taxi discuss, but I'll take it under advisement. So consideration of what you provided, and the grandeur communication. Of course, as we move forward any deficiencies, you guys, aren't you receive that as well. Right. And I'm sure staff would, would probably echo that we'd be certainly open to that discussion. I mean, ultimately, the worksite work, but, you know, right. Communication on that. I guess regarding the the other issues of I mean, I think we weren't five Testimonium that actually going back and taking a look at the leases and commingling and mixing agreement. I guess I really don't have anything additional to add to that, for the most part at this time.



14:55

But Yeah, well, we'll probably follow up with some sort of recommendation lease as it relates to the for sure. On the the time period. I'm not sure whether it's through a deficiency letter, kind of that's one of the concerns that you have as well in having something concrete and communicate with you as well. Now moving forward, and ideally, we could have something in the revision that's agreeable everybody. Okay,



15:32

anything further, for conference today? Just my understanding the process for these procedures is there's a recommended decision made following this. And parties submit proposed findings proposed decision? That's correct. What was recommended decision?



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Yeah, it's a little bit unique, Your Honor, from the standpoint that the Commission ultimately approves it. I mean, you put the ALG through, of course, subsequently ology provides or recommended order. Subject to commission ultimate approval, the or the informal 30 days? Yes, sir.



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That's when the Commission needs to have the order signed by That's correct. So when does the recommended need to be to them?

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I knowing that this is an assumption that would be receiving yet, you know, days prior to that,

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I might just pull up the calendar real quick. Take a look. So the 12 falls on the on a weekend. So

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you know, ideally, we would have it by especially so to have a commission meeting on the 10th or recommended or from the LGA by the eighth or ninth November.

17:10

Okay. So a deadline for propose. 26. Okay, already. Yes, sir. So November 26, will be the deadline to submit proposed recommended findings.

17:47

And then just one final question I have as far as the photos and videos submitted by the voids, is that going to be on the docket?

17:58

Sure, and we could we could dock at that.

17:59

Okay. Then I'll reference it as docket numbers then. Sure. Okay.

18:08

You said November 26. I think October 26.

18:12

I'm sorry. You're okay. I even wrote down November. October 26. Thank you. All right. Anything else for today? It's rotten. Oh, Your Honor. Mr. Chu. All right. Well, no for the record, then it's 1:20pm. And that'll conclude our informal conference for today.



18:32

Thank you.