

**MAINE LAND USE PLANNING COMMISSION**  
Department of Agriculture, Conservation & Forestry  
22 State House Station - Augusta, Maine 04333-0022  
TEL (207) 287-2631 FAX (207) 287-7439

**MINUTES**

**REGULAR MONTHLY MEETING**

University of Maine at Farmington, Maine  
December 14, 2012

**COMMISSIONERS PRESENT**

Gwen Hilton, Chair	James May	Durward Humphrey	Mike Theriault
Robert Dunphy	Ernest Carle	Bill Gilmore	

**STAFF PRESENT**

Nicholas Livesay, Executive Director  
Sarah Giffen Carr, Senior Planner  
David Cherry, Rangeley Regional Office  
Hugh Coxe, Senior Planner  
Jean Flannery, Permitting and Compliance Manager  
William Galbraith, Permitting and Compliance  
Ellen Jackson, GIS Coordinator  
Samantha Horn Olsen, Planning Manager

**OTHERS PRESENT**

Amy Mills, Attorney General's Office See attached Sign in Sheets

*Note: Commission votes are recorded in the following order:  
number voting in favor of a motion – number voting against a motion – number abstaining – number absent*

**ADMINISTRATIVE MATTERS**

**Introductions**

Introductions were made by members of the Commission, its staff, and the audience.

**Minute Approvals**

October 5, 2012 and November 2, 2012; Commissioner Dunphy motioned to approve both minutes;  
Commissioner Carle seconded; Vote: 7-0-0-0 Unanimous

**DIRECTOR'S REPORT**

Nick Livesay provided the director's report, noting:

- Staff did not receive any requests for public hearing or requests to intervene in a public hearing associated with review of the request for certification of the Bowers Wind Power project; staff plans to have a draft certification determination for Commission review in January.
- The Department of Environmental Protection (DEP) will be holding a public hearing in conjunction with DEP's review of the permit application for the Bowers Wind Power project.
- On December 18, the DEP will be holding a public hearing on proposed revisions to Chapter 200 of the DEP's rules related to metallic mineral exploration and advanced exploration.

- He recently met with DEP Commissioner Aho to discuss coordinating the LUPC's certification review with the DEP's permitting of Site Law projects.
- The media has reported on likely curtailment and the LUPC and Department of Agriculture, Conservation and Forestry are unlikely to be exempt from this process.
- Grant funding from The Nature Conservancy to be used as part of the community-guided planning and zoning process has been received. The final installment of previously-pledged, separate grant funding being used to support the recreational lodging stakeholder sessions should be received shortly.
- There has been some interest in starting monthly Commission meetings at 9:00 a.m., as opposed to 9:30 a.m. After discussion of the pros and cons of changing the start time, **Commissioner May motioned to start meetings at 9:00; Commissioner Gilmore seconded; vote: 7-0-0 Unanimous.**
- Prior to joining the LUPC, he worked as a lawyer at Pier Atwood and represented a range of clients. As a result, there will be times when it will be inappropriate for him to participate in matters before the Commission. The first such matter is on the agenda for today's meeting and involves Mr. Kidder. Nick stated for the record that he has not and will not be involved in this enforcement matter. He also noted that a company represented by Pierce Atwood, Irving, is interested in mining issues. He stated in the interest of disclosure that although he previously worked at Pierce Atwood he did not work on mining matters for Irving or person or company, did not assist with the recent mining legislation, and did not gain any confidential information or any insight into Irving's plans or any other company's plans for mining. He has discussed this with the AG's office and, as a general matter, turns to the AG's office if there is any question about matters before the Commission and whether he should or should not work on a particular matter. He stated it is important to him that the Commission's work is respected. AAG Amy Mills noted that Nick had consulted with the AG's office with regard to both matters, that there were no conflicts, and that dialog with the AG's office is appropriate to avoid potential conflicts.

Prior to beginning the director's report, Nick Livesay handed out a copy of the anticipated calendar for upcoming LUPC meetings through April 5. He walked through the items listed on the anticipated calendar.

The Commissioners discussed identifying meeting locations for 2013 and the value of identifying locations at the start of the year, versus preserving flexibility to hold meetings in a particular area when there might be an agenda item of interest to that area. Nick indicated he would prepare a tentative schedule for Commission consideration at the January meeting.

## PERMITTING AND COMPLIANCE MATTERS

**Michael Kidder (EC 12-33)** – reconstruction of a bunkhouse / boat storage building without a permit and in violation of setback requirements; Lake Umbagog, Magalloway Plantation, Oxford County.

David Cherry presented for Commission ratification a staff proposed settlement agreement entered into with Michael Kidder for violations of the Commission's permit requirements and standards associated with the reconstruction of a boathouse/bunkhouse on Umbagog Lake in Magalloway Plantation. David reported that in 2003 Mr. Kidder reconstructed the boathouse/bunkhouse, relocating it from 0 feet from the shoreline of Umbagog Lake to approximately 5 feet from the shoreline. In 2008, while meeting with LUPC staff on another property regarding another matter, Mr. Kidder raised the subject of the reconstructed boathouse/bunkhouse and the possible need for a permit, and staff informed him that he should submit an after-the-fact application seeking to relocate the structure to a more conforming location. In 2010, Mr. Kidder submitted an application seeking permit approval to relocate the structure, and received Building Permit 14477, which approved the relocation of the camp to 41 feet from the shoreline. In 2011, Mr. Kidder contacted staff with information regarding the environmental impact of relocating the boathouse/bunkhouse and a request that staff inspect the property. In 2012, LUPC staff inspected the property and developed the proposed settlement agreement. The terms of the agreement require Mr. Kidder to pay a penalty of

\$7,000, to paint or stain the structure a dark green, and to retain the existing vegetation between the boathouse/bunkhouse and the lake and within 50 feet of the structure. The settlement allows the structure to remain in its current location, but it may not be expanded or changed in use, nor may it be connected to electrical power, water supply or sewage disposal system. In addition, the settlement agreement must be recorded and referenced in any instrument conveying the property. Staff decided to allow the boathouse/bunkhouse to remain in its current location due to the heavy vegetative screening surrounding the building, and due to the excessive removal of trees and damage to the thin soils that would occur as a result of attempting to relocate the building.

A Commission member asked whether or not the original building was a story and a half, and how the building materials were brought onto the property. Staff responded that the original boathouse/bunkhouse was only one story, and that materials were brought in by the usual manner across the lake. Another Commission member asked about how the penalty was calculated, to which staff responded that staff had placed the violations within the Compliance & Enforcement Response Policy's Penalty Matrix as a major deviation from the regulatory requirements and a moderate potential for harm. This placed the penalty range from \$2,100 to 4,200. However, staff increased the penalty amount beyond the base penalty range because the structure was being left in place. A Commissioner asked whether the new building was an improvement over the old one. Staff responded that the new building was more compliant than the old. Another Commissioner summarized the action before the board as one of staff addressing the problem in the best way to minimize environmental impacts. A Commissioner expressed concern that ordinary people should know about the LUPC rules, and that although he agreed with the staff proposal, he did not want to see further similar violations in the future. Mr. Kidder's agent, Tom Dubois of Main-Land Development Company, reported that Mr. Kidder self-reported the violation, and that Mr. Kidder was not aware of the LUPC requirements at the time he reconstructed the building. A Commissioner asked Mr. Dubois whether or not a contractor constructed the building and if so, why didn't the contractor know about obtaining permits. Mr. Dubois responded that he believed that the contractor was probably from New Hampshire and unaware of the LUPC and its requirements. A Commissioner commented that, even though he thought the staff had done a good job with the settlement agreement, higher penalties should be addressed at a future meeting and at some point the LUPC will have to tell someone that they have to relocate a building. Another Commissioner commented that higher penalties ought to be levied for newer cases. A Commissioner asked about whether or not Mr. Kidder owned the property prior to the boathouse/bunkhouse being constructed. Another Commissioner commented that Mr. Kidder, who is from Massachusetts, would need a permit to build there, and that in this day and age a permit is required no matter where you are from. Several Commissioners commented regarding the need to review the penalty matrix.

**Commissioner Carle moved to approve staff recommendations; seconded by Commissioner May.  
Vote: 7-0-0 Unanimous**

**Timothy Juszczak (EC 12-38)** – shoreland alteration without a permit, clearing, filling and grading in excess of standards, Brassua Lake, Tomhegan Township, Somerset County.

Bill Galbraith presented for Commission ratification a staff proposed settlement agreement entered into with Timothy Juszczak for violations of the Commission's permit requirements and standards associated with a shoreland alteration and vegetation clearing, filling and grading in excess of the Commission's standards. Bill reported that Mr. Juszczak had created a 21 foot by 16 foot rock-filled promontory below the normal high water mark of the Brassua Lake, cleared and filled a 15 foot by 45 foot area adjacent to the shoreline, and cleared a 25 foot by 53 foot area within 100 feet of the lake. The proposed settlement agreement required Mr. Juszczak to remove the rock promontory and stabilize the shoreline of the lake with rip rap, remove the fill from the shoreline area and stabilize with vegetation, replant the cleared area within 100 feet of the lake, and pay a civil penalty of \$3,600. Mr. Juszczak has already completed some of the requirements of the settlement, including removal of the promontory and

stabilization of the shoreline with rip rap, removal of the fill along the shoreline and stabilization with bark mulch, and has planted 20-25 trees in the cleared area within 100 feet of the lake.

Commissioner Theriault recused himself from the discussion and decision on the matter, as he had previously owned the property and had sold it to Mr. Juszczak. A Commissioner asked questions as to whether a contractor or the landowner had conducted the work. Staff answered that he was uncertain, but thought that the landowner had conducted the work himself. A Commissioner asked what happens if the respondent does not comply with the settlement agreement, to which staff answered that, after giving the respondent an opportunity to correct the deficiency, staff would contact the Attorney General's Office to seek guidance and assistance on how to proceed. A Commissioner stated that part of the penalty matrix should include an increase in the penalty amount if compliance was not achieved. Staff responded that the Commission has imposed stipulated penalties for noncompliance in certain settlement agreements where it has had reason to believe compliance might not be achieved.

**Commissioner Dunphy moved to approve staff recommendations; seconded by Commissioner Carle.  
Vote: 6-0-1-0 (Commissioner Theriault abstained)**

**Joseph & Theresa Hamill (EC 12-53) – installation of a concrete boat ramp and parking area without a permit; Schoodic Lake, Lake View Plantation, Piscataquis County.**

Bill Galbraith presented for Commission ratification a staff proposed settlement agreement entered into with Joseph and Theresa Hamill for violations associated with the installation of a concrete boat ramp without a permit and in excess of the Commission's standards, and filling and grading activities in excess of the Commission's standards. Bill reported that the Hamills installed a 12 foot by 20 foot poured concrete boat ramp in a location that extended 8 feet below the normal high water mark of Schoodic Lake in Lake View Plantation. The Hamills widened the existing pre-Commission boat launch at the site and left the earthen berms on each side of the ramp unstabilized. In addition, the Hamills installed a 25 foot by 52 foot graveled parking area within 15 feet of the shoreline of the lake. The proposed settlement agreement required that the Hamills remove the concrete boat ramp, stabilize the earthen berms with rip rap, remove the gravel fill from the parking area, stabilize all exposed soils with trees and herbaceous vegetation, and pay a civil penalty of \$2,500. The Hamills had already removed the concrete ramp, stabilized the earthen berms with rip rap, removed a portion of the gravel fill from parking area, and stabilized the site for overwintering.

A Commissioner asked whether or not the unauthorized ramp was a poured concrete ramp. Staff replied that it was. Another Commissioner asked if a local contractor was involved, and indicated that contractors should be aware of LUPC standards and requirements, that they should know the rules. There was a discussion regarding licensing of contractors and whether or not the statute requiring contractors who work in the shoreland zone to be licensed applied in the unorganized townships. A Commissioner indicated that the LUPC violations were also violations of US Army Corps of Engineers' requirements. Staff responded that for minor violations, the ACOE generally allows the state agency to take the lead, but that they are available for assistance in enforcing more significant violations. Staff also indicated that the Commission's Compliance and Enforcement Response Policy directs staff to hold the landowner responsible for violations on his/her land, but that staff can add contractors who are repeat offenders onto the settlement.

**Commissioner Dunphy moved to approve staff recommendations; seconded by Commissioner Humphrey.  
Vote: 7-0-0-0 Unanimous**

## **REZONING MATTERS**

**Staff Initiated Rezoning ZP 740** – petition to rezone a lot from D-CI to D-RS and a second lot from M-GN to D-CI to allow for the relocation of a commercial truck repair business; St. John Plantation, Aroostook County.

Jean Flannery stated that this was a staff petition to rezone properties located in Saint John Plantation in Aroostook County. The petition seeks to rezone 3.0 acres of Parcel 1 from (D-CI) Commercial Industrial Development Subdistrict to (D-RS) Residential Development Subdistrict and to rezone 2.86 acres of Parcel 2 from (M-GN) General Management Subdistrict to (D-CI) Commercial Industrial Development Subdistrict to allow for relocation of a commercial truck repair business and inspection station from Parcel 1 to Parcel 2. Parcel 1 is located between Route 161 and an old railroad bed, and is currently developed with a residential dwelling unit. Parcel 2 is located approximately 0.80 miles east of Parcel 1 by road and is situated on the south side of Route 161.

Parcel 1 is bordered by a (D-RS) Residential Development Subdistrict on the western and southern sides of the lot, which is densely developed with single family residences. Parcel 1 originally was zoned D-RS by the Commission in the 1970s based on the existing uses in the area but was rezoned in 2003 for operation of a truck repair business and inspection station. The rezoning of Parcel 1 to a (D-RS) Residential Development Subdistrict is more appropriate for the protection and management of existing uses and resources within the affected area. The current owners, Michael and Polly Beaulieu, reside on the property and they have submitted a letter indicating that they do not object to converting the subdistrict from D-CI back to D-RS, as they now intend to operate the truck repair business and inspection station at Parcel 2.

Parcel 2 is located within a mile of two existing (D-GN) General Development Subdistricts, which contain a church and a senior citizen housing complex; and a within a mile of a (D-CI) Commercial Industrial Development Subdistrict, which contains a land management office complex (formerly a lumber mill facility) and a municipal building. Parcel 2 is located approximately 0.70 miles from any (D-RS) Residential Development Subdistrict.

The rezoning of Parcel 2 to (D-CI) Commercial Industrial Development Subdistrict for the purpose of operating a commercial truck repair business and inspection station would have no undue adverse impact on existing uses or resources and would be a more appropriate location for the business than Parcel 1. Since the business has been in operation for nearly 10 years, additional services and resources in the area are not required. Jean concluded by noting that she hoped that the board would support this petition.

A member of the Commission asked if there was a requirement to notify the abutters of the properties. Jean responded that they had been notified and that no one had opposed the zoning changes. She also reported that there were town officials that had said that they supported the change.

**Commissioner Dunphy moved to accept the changes as recommended; seconded by Commissioner Humphrey. Vote: 7-0-0 Unanimous**

## **PLANNING MATTERS**

**Chapter 4, Rules of Practice** – potential rule revisions to address the certification process.

Nick Livesay presented proposed revisions to Chapter 4 of the LUPC's rules, Rules of Practice. He provided general background on why revisions to Chapter 4 are necessary to accommodate the new certification process and identified three primary purposes of the proposed revisions. He then discussed the organization of Chapter 4 and noted the sections within which most of the changes are proposed, specifically the existing Section 4.03 and the proposed Section 4.11. He then presented the draft revisions and answered Commissioner questions. Topics receiving discussion included:

- Organization of certifications. In response to a question from Commissioner Hilton, Nick explained that certification determinations will contain two parts, consideration of whether the proposed use is allowed in the subdistrict in which it is proposed to be located and whether the land use standards not considered by the DEP are satisfied. He explained how these two parts could be handled by the staff and Commission, respectively.
- Title, right or interest. Nick discussed the purpose of the title, right or interest (TRI) requirement and the goal of avoiding duplicative TRI review by the LUPC and the DEP. TRI is addressed in Section 4.11(1)(e) of the draft rule and Nick explained how this section is structured. Commissioner Hilton expressed an interest in simplifying the language in Section 4.11(1)(e). Nick said he would revise the section.
- Fees. Nick discussed fees and explained how special project fees might be collected in conjunction with certification review.
- Organization of proposed Section 4.11. Nick explained that, as drafted, subsection 4.11(1) contains new concepts and procedural requirements specific to certifications. All the other subsections within the proposed Section 4.11 carry forward existing concepts and principles from other parts of Chapter 4 that will be applied to certifications, as well.
- Process for requesting and issuing certifications. Nick explained that a person will be able to request certification by filing the necessary materials either with the DEP or the Commission. Certifications will be issued to the DEP for inclusion in its Site Law permitting decision. The DEP permitting decision will be final agency action that could be appealed to Superior Court. Nick also explained the Commission could attach terms and conditions to a certification approval and, as already discussed, that a certification determination could be issued in two parts. Part one could address whether the proposed use is allowed and part two could address whether the applicable land use standards are satisfied.
- Notice of intent to file. Nick explained how Section 4.11(4) is structured and the public notice requirements that a person requesting certification will have to satisfy. He noted how the requirements differ if the person elects to seek certification and a DEP Site Law permit at the same time, as opposed to requesting certification and then, at some future point, applying for a Site Law permit. Commissioners asked clarifying questions, which Nick answered.
- Appeals. Nick explained that if staff issued a certification determination, either that the proposed use is allowed or that the applicable land use standards are satisfied, an aggrieved person would have the right to appeal that determination to the Commission. The Commission's determination could then be appealed, but only as part of an appeal of a DEP Site Law permitting decision incorporating the certification determination.

## PLANNING / ZONING MATTERS

**Community Guided Planning and Zoning** – check-in with the Commission and discussion of the criteria for the selection of region(s).

Hugh Coxe presented an update regarding community-guided planning and zoning (CGPZ). Today is the deadline for receiving letters of interest and we are at the stage in the process where we will be selecting regions – most likely in January. Hugh reviewed the basic principles that the Commission articulated early in the process and the progress to date.

Themes that were developed during the process and should be considered when reviewing the letters of interest include:

- Region self-identifying according to thoughtful rationale such as county boundaries, land ownership patterns, bio-physical regions, etc. The letters should identify a logical region.
- Region that show a strong desire to engage in the process and demonstrates that it has the capacity should get priority
- Balancing the scope and depth of the process with the need to efficiently cover a large area.
- A simple and brief process would keep people engaged, but complex issues do not lend themselves to simple or quick solutions.

Principles that were distilled from the earlier process and should be considered when reviewing the letters of interest:

- Broad, deep and meaningful participation is important
- Provide support and incentive for local or regional efforts to form
- Provide framework within which to operate
- Regions have unique attributes that should be considered within a regulatory structure that is predictable, has a level of consistency, and is manageable.

Hugh reviewed the minimum requirements and optional submissions for the Letter of Interest, as described in the request for letters of interest. The request was sent to the LUPC's general mailing list and also was posted to our web site. Staff followed up by phone with organizations and individuals who may be particularly interested.

In assisting the Commission with the selection process, the staff will sort the letters geographically and summarize and evaluate them. When the Commission is making a selection, it is important to identify what's missing from the proposal that needs to be part of the workshop process so that the region can address it. This would be good to discuss during the selection process.

We will probably receive letters of interest identifying 3 to 5 regions, with letters from a range of interested participants, including governmental and non-governmental entities. Hugh reviewed the time frame going forward. What will come out of the facilitated workshops is a plan for how to go forward in each region. The overall timing of each effort will be a result of the plan and the Commission's input.

The RFP for facilitation services has been issued and responses will be due on December 20<sup>th</sup>. We will provide an update at the January meeting, but likely will not have made a selection by then. The facilitated workshop process most likely would get underway in the February time frame and Commissioners are encouraged to attend if possible.

Hugh provided a brief update regarding mapping. We attempted to work with a Google Earth mapping tool, but it did not work well for our purposes so we have switched our efforts to working on a web-based GIS application that will be an interactive product. In the meantime, we produced a static statewide map and have been producing custom maps for regions as needed.

Commissioner Carle: The property owner should have some special status in the process, regardless of whether they submitted a letter of interest. How can we involve them even if they are not up front in the process?

Answer: We have reached out to the MFPC and a couple of the large landowners. The indication we got is that they are interested in participating at some level. We will receive at least one letter from a property owner. We would like to see involvement of the landowners and they will be invited to the facilitated workshops. The role of property owners will be up to the regions – we are acting as facilitators to bring everyone together. We hope our outreach to property owners will encourage them to know that we hope they participate.

Commissioner Hilton: Is there an expectation that the regions will be doing their own future land use mapping as part of their efforts?

Answer: We will still produce the final zoning maps, but any interim mapping, for plans or analysis, will be largely done by regions. We will be happy to provide data and help as much as possible, but if they have detailed analysis they want to do, they will have to do a lot of that on their own. We could help produce static maps.

Commissioner Hilton asked if members of the audience would like to comment. Pat Strauch of the MFPC indicated that all of the member landowners expressed an interest in participating. He called around and they are offering to meet and offer support to enhance proposals, but the regions are trying to figure out how to go forward. They have significant planning and resource expertise that they can bring to the process. He would encourage the Commission to consider proposals that address a manageable segment of a region and not a very large area that might be difficult to accomplish.

### **PUBLIC HEARING: 2:00PM**

**Chapter 12 Mining Rezoning Rules** – resumption of public hearing on proposed rulemaking directed by Public Law 2011 Ch. 653.

At shortly past 2:00 p.m. the Commission resumed the public hearing on the proposed Chapter 12 rulemaking. Eighteen people signed in for the public hearing in Farmington and thirteen offered oral testimony. The public hearing previously had been commenced on December 11 in Presque Isle and was continued in Farmington.

### **PLANNING MATTERS (following close of public hearing)**

**Chapter 12 Mining Rezoning Rules** – Discussion of comments received during the public hearing on proposed rulemaking directed by Public Law 2011 Ch. 653.

The Commissioners will continue to review materials that will come in through the end of the comment period and they considered whether there is additional information that they would like staff to obtain on their behalf.

Commissioner Dunphy expressed an interest in understanding where the mining sites likely would be located and what the topography in those areas is like. Samantha responded that this is a statewide rule, but we may be able to provide information about where the most likely mining sites would be based on information developed during the legislative session. Commissioner Dunphy also expressed concerns about moving forward without knowing what the DEP permitting rules will be. Samantha and Nick responded that we have a legislative mandate to do this first step now, but we can go back and adjust if needed once the DEP rules are completed in 2014, and can make that a part of our 2014 rulemaking, as well. Also, we can comment on the DEP's draft rules to try to make sure they dovetail with the LUPC's rules without additional Commission rulemaking.

Commissioner Humphrey raised the concern that this rulemaking could leave a gap if for some reason the DEP does not take over permitting as scheduled. Samantha and Nick indicated that this rule would still allow the Commission to issue permits, including all of the current requirements, if DEP does not take over as scheduled – it would just be two steps instead of one. The intent of this effort is to separate the two processes – rezoning and permitting – but not to lose any of the pieces. Chapter 13 would still apply until the DEP takes over the permitting.

Commissioner Gilmore asked if mining could be a conditional use in certain zones, as is often done in the organized areas. Samantha responded that conditional uses are not necessary because the D-PD Subdistrict is customized for each mining operation. Another option would be to adopt new subdistricts that are for mining in

general, but that at this time the D-PD is the subdistrict that must be used. Nick explained that the D-PD process is like a conditional use approval, but even further along on the spectrum: allowed without a permit – allowed with a permit – special exception – D-PD.

Commissioner Dunphy stated that we need to pick out the pieces of our chapter that the Commission needs for rezoning and the DEP will go along with it.

Commissioner Theriault asked if the DEP regulates strip mining in the organized parts of the state already? Samantha responded that the DEP and the LUPC share the same rules currently and explained where the DEP is in the process of revising its rules. There has not been a strip mine permitted under those rules that we are aware of.

Commissioner Hilton proposed that we get more information, including having Bob Marvinney come in and show us on a map where some of the deposits are and talk to us about the relevant issues for rezoning mining areas. If there are other unbiased experts, that would be helpful as well. Would like to see pictures and learn about the technology. She would prefer a site visit to a mine, but realizes that may not be possible. Commissioner Dunphy agreed, particularly if it leads to specific rezoning criteria. Commissioner Hilton also requested that the staff make a written response to all of the comments to help the Commission with its thinking. Samantha responded that if we extend the rulemaking comment period and schedule a presentation, staff could work to narrow the issues in writing in advance of that presentation, and then respond to all of the comments at once after the comment period is closed.

The kinds of issues staff heard that Commissioners might want more information about are: groundwater, soils, and the most common rezoning issues with regard to mining in other places. In response to a question from Commissioner Humphrey, Nick reviewed the guidelines for how Commissioners can obtain information through staff so that it appears in the record for the rulemaking decision.

Commissioner Theriault indicated that even though he has done a lot of surface mining and blasting, he knows nothing about strip mining and thinks that the information that comes forward needs to be substantial, including the opportunity to ask questions and learn a substantial amount. Commissioner May concurred that a presentation would be best. The need to have unbiased, balanced information was discussed, and staff will see what it can do with internal state resources first, and then, if it needs to, it can look for experts who come from more than one perspective.

Cathy Johnson, of NRCM, requested that the presentation occur at a regular Commission meeting and that the comment period be reopened afterward in case the public wishes to comment again after the presentation.

## **OTHER MATTERS**

Commissioner Comments – None

## **ADJOURN**

The meeting adjourned at approximately 4:30pm.